

Telephone: 07 3900 6000
Reference: TF25/1628 – D25/16262

The Honourable David Thomas
Reviewer
Queensland Civil and Administrative Tribunal Act
Statutory Review 2025–26

Via email: gcatactreview@justice.qld.gov.au

Dear Mr Thomas,

The Queensland Family and Child Commission (the Commission) welcomes the opportunity to contribute to the review of the *Queensland Civil and Administrative Tribunal Act 2009* (QCAT Act).

The Commission is responsible for the implementation and administration of the *Child Safe Organisations Act 2024* (CSO Act). As the Commission progresses operationalisation of the CSO Act, I wish to highlight several critical considerations for the review, particularly in relation to the tribunal's jurisdiction of matters impacting on the safety of children.

On 1 October 2025, the CSO Act came into effect with relevant child-related services and entities required to comply with the Child Safe Standards. Following recent updates, the Reportable Conduct Scheme will commence for all relevant entities on 1 July 2026. These reforms represent a major shift in Queensland's child safeguarding landscape, requiring robust, timely, and informed decision-making across multiple sectors.

Recent reforms in New South Wales identified that the NSW Civil and Administrative Tribunal struggled to consistently apply safeguarding frameworks without dedicated expertise. The Office of the Children's Guardian is now responsible for Working with Children Check reviews, in recognition of their application of safeguarding expertise in decision-making and reviews.¹ Similarly, reforms were passed in Victoria to change the review jurisdiction of Working with Children Checks from the Victorian Civil and Administrative Tribunal, to the Victorian Social Services Regulator (VSSR). The VSSR are

¹ New South Wales Government – Department of Premier and Cabinet. (2025) *Working with Children Check reforms keep kids safe – Ministerial media release*. [Working With Children Check reforms keep kids safe | NSW Government](#)

also responsible for the regulatory schemes related to Child Safe Standards and the Reportable Conduct Scheme.²

In Queensland, QCAT remains the decision-maker for external review of decisions under the CSO Act. The below submission outlines key considerations for the tribunal as a decision-maker for the CSO scheme.

Safeguarding expertise in tribunal decision-making

The administrative review of decisions relating to reportable conduct and blue card matters are inherently complex and require child safeguarding expertise to ensure the safety and wellbeing of children are at the centre of any risk assessment. It is imperative the review consider mechanisms to ensure that QCAT members presiding over these matters have appropriate safeguarding knowledge and experience. In *Background Paper 4: QCAT decision makers*, the required qualifications for members of the tribunal are outlined, along with any requirements for decision-makers in particular matters. Notably, child protection matters require a minimum of one legally qualified member, but there is no requirement for child safeguarding expertise.

The QCAT Act review terms of reference include consideration of whether QCAT remains the most appropriate forum for various jurisdictions. I **recommend** the review specifically examines whether child safeguarding-related decisions are best suited to QCAT's current structure, or whether alternative or specialised pathways should be considered.

External review of Child Safe Organisations decisions

Section 98 of the CSO Act provides the following decisions as being reviewable:

- a decision by the commission to give a compliance notice to a child safe entity;
- a decision by the commission to publish details of non-compliance by a child safe entity; and
- a finding by the commission that a worker has engaged in reportable conduct on an investigation conducted on the commission's own initiative.

The implementation of the Reportable Conduct Scheme will require timely and procedurally sound decisions to protect children and uphold public confidence. Delays or procedural barriers in tribunal processes can undermine safeguarding outcomes. I **support** the review's focus on procedural efficiency and encourage reforms that prioritise child safeguarding in tribunal operations.

Interface with education and care providers

QCAT additionally exercises jurisdiction under enabling Acts, such as the *Education and Care Services Act 2013*, the *Education and Care Services National Law (Queensland) Act 2011*, and the *Education (Queensland College of Teachers) Act 2005*. These Acts empower

² Russell Kennedy. (2025). *Incoming 'Overhaul' of Child Safety – Changes to the Victorian Working with Children Check Scheme Commence*. [Incoming 'Overhaul' of Child Safety – Changes to the Victorian Working with Children Check Scheme Commence | Russell Kennedy](#)

QCAT to review decisions about licensing, compliance, and disciplinary matters involving early childhood education and care providers.

The CSO Act explicitly includes these providers within the scope of the Reportable Conduct Scheme. Allegations investigated under the scheme may influence:

- Blue Card decisions, which QCAT reviews under the *Working with Children (Risk Management and Screening) Act 2020*;
- teacher, health practitioner and other professional disciplinary matters;
- service approvals and compliance actions, under the *National Law (Queensland) Act 2011*.

Findings from Reportable Conduct Scheme investigations could influence these proceedings and QCAT's review role, requiring members to interpret complex safeguarding information and assess risk to children and young people. Again, this reinforces the need for safeguarding expertise in the review of matters that impact the safety of children.

As the Commission steps into our new regulatory role, we are committed to working collaboratively with QCAT, the Department of Justice, and other stakeholders to ensure that Queensland's tribunal system is equipped to prioritise the safety and wellbeing of children. I welcome further engagement with your team as the review progresses.

If you would like to discuss this matter further, please don't hesitate to contact me directly on 0427 621 626 or via email at principal.commissioner@qfcc.qld.gov.au.

Yours sincerely

Luke Twyford

Principal Commissioner

Queensland Family and Child Commission

November 2025