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Information sharing guideline

Child Safe Organisations Act 2024

Queensland Family & Child Commission
Child Safe Organisations

Queensland Government

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This document is intended as a guide only. It is important that you and your organisation ensure compliance with all applicable laws and obligations, including those under the *Child Safe Organisations Act 2024* (the CSO Act) and any other relevant requirements specific to your organisation or sector.

This guideline has been produced by the Queensland Family and Child Commission (the Commission) under section 108 of the CSO Act.

The case studies in this document are entirely hypothetical and have been developed for illustrative purposes only. The scenarios do not describe actual events, individuals, organisations or investigations. Any resemblance to real persons, entities or circumstances is purely coincidental.

1. Introduction

The *Child Safe Organisations Act 2024* (Qld) establishes a preventative, risk based and intelligence-led system for safeguarding children in organisational settings.

A central feature of this system is recognising that protecting children from harm is a shared responsibility. It relies not only on the actions of individual organisations, but also on the effective and timely flow of information across systems, by reporting entities, sector regulators, government departments, the Queensland Police Service (QPS), and relevant oversight bodies.

It is intended that information sharing sits at the core of this system. By enabling earlier identification of risk, supporting coordinated action across sectors, and strengthening system level oversight, information sharing plays a critical role in preventing harm before it escalates and ensuring concerns are responded to appropriately and effectively.

Information shared under the CSO Act supports the Commission to identify risks to children, patterns of concerning behaviour, and emerging systemic issues that may affect child safety and wellbeing. Information sharing also enables the Commission to monitor compliance with the CSO Act, oversee the quality and effectiveness of investigations, and promote continuous improvement in child safe practices across sectors. Effective information sharing is a foundational element of a connected and responsive child safeguarding system that supports the safety and wellbeing of children.

This guideline is designed to provide clarity and practical direction on how information can be appropriately shared under the CSO Act. It outlines both the legislative basis for sharing relevant information and the expectations placed on parties in doing so, supporting consistent, lawful, and effective practices. This guideline sets clear expectations so that all organisations understand their responsibilities in an integrated safeguarding network that prioritises timely information flow, accountability, and the protection of children at risk.

1.1 Purpose

The guideline supports child safe entities, reporting entities and sector regulators to understand their powers, responsibilities, and expectations for discretionary information sharing under Chapter 4 of the CSO Act in relation to the Child Safe Standards (CSS) and Universal Principle (UP), and the Reportable Conduct Scheme (RCS). It is intended to support these entities to understand what information may be requested, used and shared under the CSO Act.

The primary purpose is to promote lawful, timely, consistent and effective information sharing that strengthens child safeguarding, supports risk-based decision making, and protects children from harm by promoting their safety, wellbeing and best interests. Guidance is provided to assist decision makers and practitioners to give practical effect to the CSO Act by enabling proactive, timely and appropriate information sharing practices.

Organisations or entities subject to the CSO Act can use this guideline to understand:

- what information can lawfully be shared
- who within a reporting entity can share information
- what organisations you can share information with
- in what circumstances information should be shared
- the limitations on sharing information
- the role of the Commission in facilitating the sharing of information.

The guideline complements, and does not replace, obligations that apply to entities under the CSO Act or any other law. It should be read alongside:

- the *Child Safe Organisations Act 2024* (Qld)
- the *Guide to Queensland's Reportable Conduct Scheme*
- the *Human Rights Act 2019* (Qld)
- the *Information Privacy Act 2009*(Qld)
- the *Working With Children Check Act 2000* (Qld)
- the *Child Safe Organisations Regulation 2025* (Qld), *the Child Safe Organisations (Sector Regulators and Other Matters) Amendment Regulation 2026* (Qld) or any other relevant subordinate legislation
- the *Criminal Code 1899* (Qld)
- the *Public Records Act 2023* (Qld)
- *Queensland State Archive Source Records Retention and Disposal Schedule*
- any other legislation or regulatory requirements relevant to the entity's functions or sector.

Unless otherwise indicated, all legislative references in this document are to the *Child Safe Organisations Act 2024*.

If there is any inconsistency between this guideline and the CSO Act or any other legislation applying to the Commission, CSS or RCS entities, the statutory provisions will take precedence.

Key terms used throughout these guidelines are defined in the glossary at Appendix 1. The following abbreviations are used throughout this guideline:

CSO Act	*Child Safe Organisations Act 2024*	**QPS**	Queensland Police Service
RCS	Reportable Conduct Scheme	**BCS**	Blue Card Services
CSS	Child Safe Standards	**QWSS**	Queensland Worker Screening Services
UP	Universal Principle	**Commission**	Queensland Family and Child Commission
DWS	Disability Worker Screening	**QPP**	Queensland Privacy Principles

1.2 Scope

This guideline applies to the following prescribed CSS and RCS entities that are authorised to disclose and exchange information for the purposes of the Child Safe Organisations system:

- organisations subject to the CSS (child safe entities listed in Schedule 1 of the CSO Act)
- organisations subject to the RCS (reporting entities listed in Schedule 2 of the CSO Act)
- sector regulators for child safe entities and reporting entities
- public sector entities including Queensland government departments
- Queensland and interstate police services
- statutory and oversight bodies (including the Inspector of Detention Services, the Queensland Ombudsman, the Crime and Corruption Commission, the Public Sector Commission, the Office of the Public Guardian, and the Office of the Director of Child Protection Litigation).

These bodies are collectively referred to as 'entities' throughout this guideline.

Information sharing supports oversight, regulatory action, investigations, risk management and broader system level safeguarding functions. The scope of information covered by this guideline includes information directly about or relevant to:

- risks to individual children or groups of children
- the conduct of workers
- reportable allegations and reportable convictions
- preventing, identifying, assessing or managing harm
- patterns of concerning behaviour or emerging systemic risks.

This guideline applies to a wide range of information, regardless of whether it is complete, substantiated or subject to ongoing assessment or investigation. Information which appears inconclusive or is only considered in isolation may become more significant when considered alongside other information held by the same or different entities, and that effective safeguarding often depends on the ability to identify cumulative patterns of concern.

This guideline also recognises that information sharing occurs within a broader legal and regulatory environment. While Chapter 4 of the CSO Act provides lawful authority to share information for child safeguarding purposes, entities must continue to act consistently with applicable obligations relating to privacy, confidentiality, record keeping and human rights. This document is intended to assist entities to understand how those obligations interact in practice, including circumstances where information may be shared without consent, while still requiring proportionality, security and respect for individual rights.

This guideline applies only to information sharing authorised under the CSO Act, substantially Chapter 4. It does not override obligations under the CSO Act or any other applicable law, including privacy, confidentiality, recordkeeping and human rights, or obligations arising under the *Criminal Code 1899*, or requirements to report suspected criminal offences or cooperate with the Queensland Police Service or other law enforcement agencies.

2. Principles for information sharing

Information sharing is authorised under Chapter 4 of the CSO Act. The underlying principle of information sharing powers is set out in section 47, which provides that information should be disclosed:

- in a timely way
- regardless of whether the information has been requested
- to the extent appropriate, having regard to the effect of the information on protecting a child or children from harm and promoting their safety, wellbeing and best interests
- in a way that ensures the identity of the child is protected as far as practicable.

By expressly prioritising the safety of children, the CSO Act makes clear that legal, contractual, or professional confidentiality obligations should not operate as a barrier to necessary safeguarding action or effective regulatory oversight that is enabled through the information sharing framework. Entities should ensure that the safety, wellbeing and best interests of children remain at the centre of all decisions relating to the collection, use and disclosure of information. While consideration must be given to the legislative requirements, limitations and framework of what does not need to be shared, these considerations should not distract from the overarching objective of protecting children from harm.

The following principles should inform all decisions by entities when collecting, using or disclosing information for child safeguarding purposes.

2.1 Child-focus

The rights and privileges of individuals are important. All people working in child-related roles have a right to privacy of their personal information. This includes information collected prior to the commencement of the CSO Act.

Individuals accused of misconduct must also be afforded procedural fairness. This includes the right to be told the allegations against them and to provide their version of events (or not to, if that is their choice).

As important as these rights are, the CSO Act makes clear that protecting children from harm is paramount. Children have a right to safety and victims of harm have a right to see action taken to address allegations, address risks and promote accountability, consistent with the powers and responsibilities of relevant entities and authorities. The safety, wellbeing and best interests of children should remain the central consideration in all information sharing decisions.

Entities should share information with another entity where doing so protects or strengthens the rights of a child or children, even if sharing the information may impact the privacy rights of the individual(s) to whom the information relates.

In determining whether information should be shared, entities must have regard to the paramount importance of child safety and wellbeing. Where another law, policy or framework authorises or requires the sharing, reporting or disclosure of information for safeguarding purposes, entities should not refrain from doing so merely because information sharing has not been requested or facilitated under the CSO Act.

A key aspect of maintaining a child-focused approach to information sharing under the CSO Act is protecting a child's identity as far as practicable (section 47(2)).

2.2 Proactivity

Effective safeguarding requires proactive information sharing. Entities should not wait for requests, as others may be unaware the information exists or why it matters. It is not necessary to wait for completed investigations or substantiated findings before sharing information where it may assist in identifying, managing or reducing risk to children. Where information may reasonably assist another entity, a regulator or safeguarding agency to assess or manage risk, proactive disclosure is appropriate, including where information may appear incomplete or inconclusive when considered in isolation, but which may be critical when combined with information held elsewhere.

Decisions about proactive information disclosure should be impact focused. That is, the potential safeguarding effect of the information should be the primary consideration when considering whether it is appropriate to disclose to another entity. The greater the impact the information may have on the protection, safety, wellbeing and best interests of children, the more impetus there is for disclosure.

Entities should consider the development of a standardised impact assessment to help them consider whether the information they hold is of potential benefit to other entities. Alternatively, entities may consider other organisations which may routinely benefit from information they hold and develop information sharing arrangements to facilitate proactive disclosure (see section 4).

While information should be shared proactively to protect children from harm, statutory limitations still apply. Information must not be shared for employment screening, reference checking, or the general circulation of concerns.

2.3 Timeliness

Reporting entities, and sometimes sector regulators and the Commission itself, are responsible for the investigation of reportable conduct. Other entities may, knowingly or unknowingly, hold information which is directly relevant to these investigations. Delays in sharing information can also affect the risk environment in an organisation.

Information disclosed promptly may mitigate risk, whereas withholding information (inadvertently or otherwise) may increase the risk of harm to children for whom the receiving entity is responsible.

Timeliness is central to effective safeguarding and is recognised as a key underlying principle in the CSO Act (section 47(1)). Delays in sharing relevant information may weaken safeguarding responses, undermine interim risk controls, or increase the likelihood of harm to children. This may include by allowing continued access to children or limiting the effectiveness of parallel investigations and regulatory responses.

Consistent with the purposes for which information may be shared set out in section 49(2), entities should put in place procedures to identify, process and share relevant information without undue delay. This includes both information which is already held by the entity, and new information.

2.4 Collaboration

Information sharing under the CSO Act has several purposes. One of the most critical is empowering safeguarding agencies to effectively fulfil their functions. All sector regulators have a safeguarding role, either in regulating the activities of organisations directly or regulating the professionals who work within that sector. Entities should exchange information with a view to supporting each other's safeguarding functions, by breaking down information silos, and overcoming any cultural barriers to information sharing.

Other entities are recognised as critical to safeguarding alongside sector regulators. Amongst these are Blue Card Services (BCS) and the QPS, which are respectively responsible for screening individuals to engage in child-related employment and for investigating allegations of criminal conduct. It is expected that entities will share information with organisations that should be aware of concerns and have the power to take action – this includes BCS and QPS where it may impact a person's working with children clearance or where they may have engaged in criminal behaviour. Collaboration with these agencies is essential to lessening or preventing a serious risk or threat to the life, health and safety of a child or class of children and therefore ensuring that children are protected and harmful behaviour by perpetrators is dealt with.

The information sharing provisions under the CSO Act are intended to complement, and not replace, any existing reporting, notification, referral, disclosure or cooperation obligations that may arise under other legislation, regulatory frameworks, policies or professional standards. Nothing in this guideline should be interpreted as limiting, delaying or discouraging an entity from making a report, referral or notification that is otherwise required or authorised by law.

3. Information sharing framework

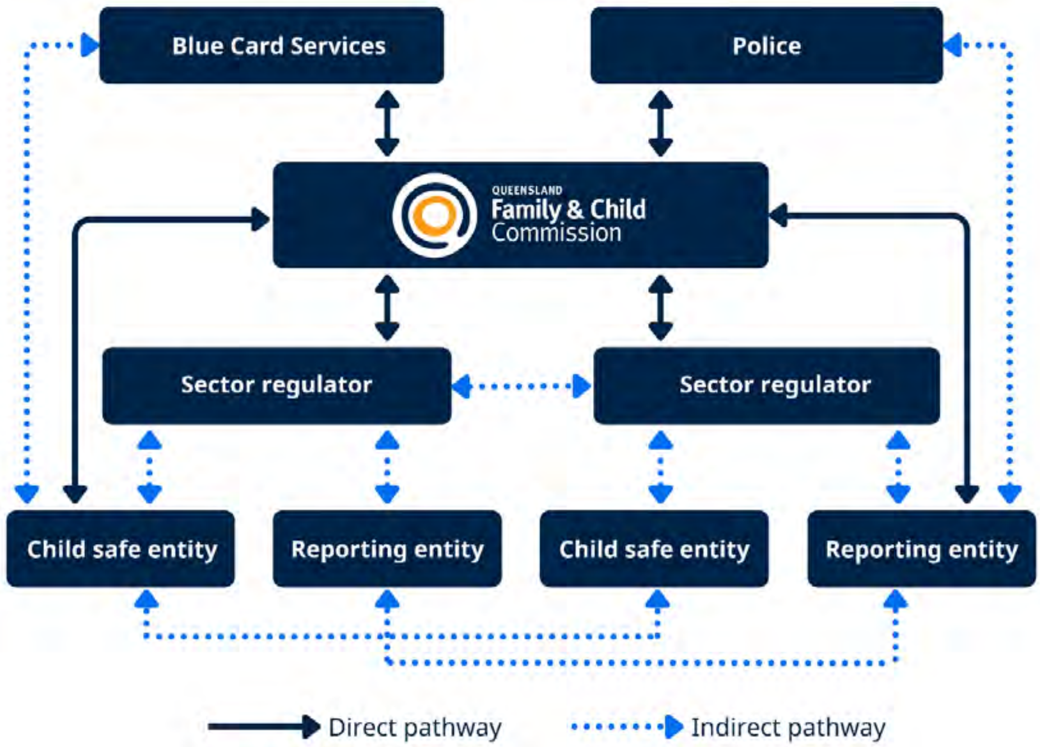
Chapter 4 of the CSO Act provides a framework for discretionary information sharing in support of both the Child Safe Standards and Reportable Conduct Scheme. Effective information sharing is fundamental to child safeguarding, particularly where multiple sectors, organisations, and regulators may be involved. Information sharing should support early identification prevention and coordinated responses across organisations and regulators engaged in child related work.

The legislative framework underpinning this guideline can be understood in practice as operating under two information sharing pathways to strengthen the safety of children: a **direct pathway** and an **indirect pathway**.

The direct pathway establishes structured, formal information flows directly between entities and the Commission, while the indirect pathway promotes a proactive, sector-wide culture of sharing information, that does not necessarily involve the Commission, to immediately mitigate and eliminate risks to children. Together, these pathways support a comprehensive, multi-directional information sharing model that improves prevention, early intervention, and system-wide child safeguarding outcomes.

The information sharing pathways are designed to strengthen the flow of information across the system, improve visibility of risks to children, and support timely and coordinated action by those with regulatory or employer responsibilities. These pathways are not intended to replace or interrupt existing information flows; rather, they are designed to supplement, enhance and strengthen them. The overarching goal is to build a robust, centralised intelligence database and to empower entities to share relevant information more effectively with each other to prevent harm to children.

The diagram below articulates the information sharing framework. *Note: this diagram does not identify existing information flows between entities – it is only a representation of the information sharing framework enabled by the CSO Act.*



3.1 Role of the Commission

The Commission plays a central oversight, coordination and system stewardship role within the information sharing framework established under the CSO Act. Through both the direct and indirect information sharing pathways, the Commission supports the effective operation of the Child Safe Standards and the Reportable Conduct Scheme by promoting timely, lawful and child-centred information sharing practices.

The Commission's role includes receiving and analysing safeguarding information, supporting compliance with the CSO Act, identifying systemic risks and emerging issues, promoting consistent information sharing practices across sectors, and facilitating coordinated responses to risks to children. The Commission also maintains an important intelligence and oversight function to support the prevention of harm to children at both an individual and systemic level. This function is supported by entities sharing relevant safeguarding information with the Commission, and where appropriate, directly with other entities and regulators in accordance with the information sharing provisions of the CSO Act. Through these information flows, the Commission and other sector regulators are better able to identify risks, monitor patterns of behaviour, and take timely action to protect children.

The Commission may communicate and share information with other sector regulators and professional registration bodies where doing so assists those entities to perform their safeguarding, regulatory or disciplinary functions. This recognises that not all individuals who may pose a risk to children are engaged in regulated employment or require a working with children clearance, and that effective safeguarding may require information to be shared with agencies responsible for regulating professional conduct, employment suitability or other child-related activities.

Through both the direct and indirect information sharing pathways, the Commission supports a coordinated approach to safeguarding by ensuring relevant information is communicated to the agencies best placed to assess and respond to risks to children, while maintaining appropriate oversight of information shared under the CSO Act.

Direct pathway

Under the direct pathway, the Commission performs a central coordination, oversight and intelligence function in relation to information relevant to reportable conduct and risks to children. The Commission receives, analyses and shares timely information from and to entities and sector regulators to support its monitoring and safeguarding functions under the CSO Act.

The direct pathway illustrates information disclosure where information may be shared directly with the Commission. It does not create additional reporting obligations and operates alongside any mandatory notification and reporting requirements under the Reportable Conduct Scheme.

A key component of the direct pathway is the ability for reporting entities and other regulators to proactively share information directly with the Commission, where they are authorised to under the CSO Act (sections 48 and 49). This may include information about safeguarding concerns, patterns of behaviour, emerging risks, disciplinary action, systemic issues, or other information relevant to the Commission's oversight and monitoring functions. These discretionary information flows support the Commission to develop a broader understanding of risks to children, identify connections or patterns across organisations and sectors, and consider whether further regulatory engagement, monitoring or information sharing may be necessary to support child safety.

Information may be shared with the Commission where it is relevant to the Commission's statutory functions, including monitoring and enforcing compliance with the Reportable Conduct Scheme, identifying and minimising risks to children, or informing regulatory and safeguarding responses.

The Commission may, where appropriate and authorised, share information to ensure that information about allegations, potential criminal conduct, or risks posed by individuals can be acted upon by agencies with enforcement, screening or regulatory powers. These information flows are important to ensuring risks to children are identified and responded to beyond the boundaries of a single organisation or regulatory system.

The direct pathway supports the Commission to:

- maintain a comprehensive and current understanding of risks to children
- strengthen oversight of the Reportable Conduct Scheme
- identify patterns, emerging risks and systemic safeguarding issues
- support coordinated regulatory responses and evidence-based decision-making
- inform education, intelligence development, oversight and systemic safeguarding responses.

Under section 56 of the CSO Act, the Commission has broader disclosure powers than other prescribed entities to support its oversight, monitoring and safeguarding functions. Unlike prescribed entities under sections 48 and 49, whose information sharing powers are limited to certain relevant information, the Commission may disclose confidential information where reasonably necessary to prevent or minimise harm, or to improve the performance of a function or service intended to prevent or minimise harm and if the public interest in preventing or minimising the risk of harm outweighs the need to protect the privacy of any person. These broader powers recognise the Commission's unique regulatory and oversight role and support its ability to identify, assess and respond to safeguarding risks at both an individual and systemic level.

Sector regulators also play an important role in the operation of the direct pathway by sharing information obtained through their regulatory oversight and compliance activities. This may include information about disciplinary actions, investigations, or systemic risks relevant to reportable conduct or child safeguarding. Information sharing arrangements, memoranda of understanding or other operational agreements may support these exchanges where appropriate, particularly where there are complex legislative, operational or data-sharing considerations.

The direct pathway therefore operates as a centralised information sharing model, with the Commission acting as a central hub for receiving, analysing and, where appropriate, redistributing safeguarding information to support child protection and regulatory responses.

Indirect pathway

Under the indirect pathway, the Commission performs a facilitative and oversight role within a broader information sharing environment that enables organisations, sector regulators and other authorised entities to share information directly with one another.

The indirect pathway illustrates circumstances where information may be shared directly between authorised entities under Chapter 4 of the CSO Act, without the Commission acting as the intermediary. It does not require all information to be shared with the Commission before being disclosed to another authorised entity.

Safeguarding the wellbeing and best interests of children requires that regulators, and generally those with power to protect children in their care or remit of authority, have the information necessary to make informed and timely decisions. The indirect pathway recognises that organisations and regulators with direct responsibility for children's safety are often best placed to assess risk and take immediate protective action. The framework therefore does not require the Commission to act as the central conduit for all information sharing.

Within this pathway, the Commission:

- supports understanding of information sharing powers, obligations and practices under the CSO Act
- promotes timely, proactive and child-centred information sharing between prescribed entities
- supports consistent approaches to safeguarding information management across sectors
- receives relevant information from regulators and oversight bodies where appropriate to support its monitoring and oversight functions.

Where entities share information directly with one another, they should ensure the disclosure is authorised under the relevant provisions of the CSO Act and is reasonably connected to the purpose for which the information-sharing power is being exercised.

Under the indirect pathway, the Commission will ideally be made aware of instances where entities have shared information with one another. It is likely that the Commission will be made aware of this indirect pathway of information sharing between entities through initial, interim and final reports by entities investigating reportable conduct matters or by other arrangements between the Commission and relevant entities. This assists the Commission to understand where risks have been managed to avoid unnecessary duplication.

Relationship to reportable conduct notifications

The discretionary information sharing opportunities available under both the direct and indirect pathways complement, not replace, an entity's mandatory reporting obligations under the Reportable Conduct Scheme. While the framework supports proactive and timely sharing of relevant safeguarding information to assist organisations and regulators to identify and respond to risks to children, these discretionary information sharing powers do not remove or diminish the requirement for reporting entities to notify the Commission of reportable allegations or reportable convictions in accordance with Chapter 3 of the CSO Act.

Organisations should not rely on informal, operational or discretionary information sharing as a substitute for formal notification obligations to the Commission under the Reportable Conduct Scheme. Similarly, organisations should not rely on information or indirect information sharing as a substitute for reporting potential criminal matters to QPS. All reports of suspected criminal conduct must be reported to police through formal reporting pathways.

4. Who can share information?

Section 48 of the CSO Act lists the prescribed CSS entities that may disclose confidential information to another CSS prescribed entity in relation to the Child Safe Standards and Universal Principle and for associated purposes.

Section 49 of the CSO Act lists the prescribed RCS entities between which a disclosure of relevant information may be made, in relation to reportable conduct and for associated purposes.

Prescribed CSS entities (section 48)	The Commission A sector regulator for a child safe entity A child safe entity A public sector entity under section 8 of the *Public Sector Act 2022* (including government departments, but not the police service) The Inspector of Detention Services The Office of the Ombudsman Another entity prescribed by regulation
Prescribed RCS entities (section 49)	The Commission A sector regulator for a reporting entity A reporting entity if a worker of the entity is or has been the subject of a reportable allegation or reportable conviction (see further detail below) A government department The Crime and Corruption Commission The Office of the Director of Child Protection Litigation The Inspector of Detention Services The Office of the Ombudsman The Queensland Police Service A police service of another state or the Commonwealth (for example, the Australian Federal Police) The Office of the Public Guardian The Public Sector Commission An entity responsible for a reportable conduct scheme in another state or territory (for example, the NSW Office of the Children's Guardian) Another entity prescribed by regulation

4.1 Information sharing about workers between reporting entities

Under section 49(1)(c) of the CSO Act relevant information may only be disclosed to the head of a reporting entity if a worker of the entity is or has been the subject of a reportable allegation or reportable conviction.

The CSO Act defines a worker as an individual who performs work of any kind for the entity, and includes:

- an employee or volunteer of the entity
- an approved carer, and a member of an approved carer's household, under the *Child Protection Act 1999*
- a contractor, subcontractor or consultant
- an individual supplied by a provider of labour hire services
- an executive officer of the entity, or another person who is concerned with, or takes part in, the entity's management, other than a councillor of a local government
- a trainee or person undertaking work experience for the entity
- if the entity is a religious body—a minister of religion, religious leader or officer of the religious body
- if the entity is a sole trader—the individual operating as sole trader
- an honorary officer for the purposes of the *Child Protection Act 1999*.

Whereas the Reportable Conduct Scheme specifically mandates reporting of reportable conduct in relation to both current and former workers, the information sharing provisions under section 49 of the CSO Act apply only in relation to current workers.

Information cannot be disclosed to a reporting entity about reportable conduct engaged in by a worker who **does not currently perform work** for that entity. This limitation applies to balance individual rights to privacy and procedural fairness with the paramount concern of relevant RCS entities to protect children from harm.

In addition, the screening of prospective employees is not a permitted purpose to disclose information under the CSO Act. However, where it is known that a person who is the subject of a reportable allegation or reportable conviction has commenced work, or is otherwise performing work, for another reporting entity, section 49 supports the disclosure of relevant information to the head of that reporting entity to assist them to identify, assess and respond to risks to children.

The head of a reporting entity may learn about a reportable allegation or conviction when the worker has since left the organisation. If the head of the reporting entity is aware that the person is now working at another reporting entity, they may advise the head of that entity about their concerns. This helps both entities to fulfil their obligations to keep children safe, and to investigate reportable conduct.

If an entity holds concern about a person who is seeking to gain employment at another reporting entity, because of reports or findings of reportable conduct about that worker which presents a serious risk to children at the other entity, the appropriate course of action is to notify the sector regulator for that entity, or the Commission. As the person subject to the allegation is not yet a worker of the other reporting entity, information about the allegation cannot be disclosed to that reporting entity.

Workers of a reporting entity may identify information that may need to be shared, but disclosures must be made by the head of the reporting entity in accordance with the CSO Act. Before disclosure, the head of entity should identify and document the relevant statutory authority for disclosure, the type of information, the authorised recipient, the permitted purpose, the minimum information necessary, and any restrictions on use or further disclosure.

Where the head of a reporting entity has any doubt about their ability to share information with another reporting entity – either due to gaps in information about the subject worker or the other entity – they should seek guidance from, or share relevant information directly with, the Commission or the relevant sector regulator.

5. What information can be shared?

Individuals working within an entity should consider disclosing information, in accordance with the policies of their organisation, when they believe the information is relevant to the purposes for disclosure set out in sections 48 and 49 of the CSO Act.

Not all information is so sensitive that entities must carefully assess whether it falls within the scope of the CSO Act's information sharing provisions. If the information is not confidential information, personal information, or otherwise privileged or sensitive to the interests of an individual or an organisation, entities should consider providing it upon request or proactively.

Examples of this kind of information include statistical information, copies of policies or procedures, or information that is already in the public domain.

If the above exceptions do not apply, confidential information about an individual may nevertheless be disclosed where the disclosure is reasonably necessary for the administration of, or compliance with, the CSS. Similarly, relevant information may be disclosed for a particular purpose in relation to the Reportable Conduct Scheme.

Where information that is proactively shared is incomplete, not yet substantiated or still under assessment, the disclosure should identify this clearly and not present information as a finding or established fact.

5.1 Information sharing for the Child Safe Standards

The CSO Act authorises prescribed CSS entities in section 48, including the Commission, to disclose confidential information in relation to the Child Safe Standards and Universal Principle and for associated purposes. Confidential information includes information about a person's affairs. These entities may share confidential information with another prescribed CSS entity under section 48 for the following purposes:

Responding to concerns about a failure to comply with the CSS and UP	This includes situations where there are concerns that an organisation has not properly implemented or complied with the Child Safe Standards or the Universal Principle.
Supporting the Commission's functions in relation the CSS and UP	This involves providing information that helps the Commission carry out its roles and powers related to child safeguarding requirements.
Supporting the Commission's functions in relation to the Reportable Conduct Scheme	This includes sharing information about how a reporting entity is meeting its obligations to assist the Commission in its oversight and enforcement activities

This section enables information sharing between CSS entities and to the Commission that assists the Commission to identify systemic issues, target capacity building activities, and support compliance.

Confidential information about individuals and organisations may be shared where appropriate to identify and manage risks to children, respond appropriately to allegations or concerns, and fulfil statutory safeguarding obligations under the CSO Act.

Sharing confidential information between prescribed CSS entities supports a coordinated and system wide approach to the protection and safeguarding of children by reducing the risk that critical information remains siloed within individual prescribed entities. This encourages consistency, accountability, and trust across sectors engaged in child related work.

Where prescribed CSS entities share information with each other, there is an expectation that the Commission is informed where that information is material to understanding risks, emerging patterns, or systemic issues affecting children's safety. This ensures the Commission maintains visibility of significant safeguarding developments across the sector and can support a consistent, system-level understanding of risk, without needing to act as an intermediary in every instance of information exchange between entities. This information may also inform the Commission's broader regulatory, education, and capability-building activities, including the identification of emerging risk themes, the development of guidance materials, and targeted engagement with sectors or entities to strengthen implementation of the CSS.

Case study 1 – Sharing for the Child Safe Standards

Situation

Through its existing regulatory activities, a sector regulator identifies recurring concerns across several funded community service organisations that provide services to children. During audits and compliance activities, the sector regulator observes common issues relating to inadequate supervision of children, inconsistent recording and escalation of child safety concerns, and limited staff understanding of child-focused complaint handling processes.

While the concerns do not involve allegations of abuse, reportable conduct, or immediate risks requiring regulatory intervention, the sector regulator assesses that the identified practices may increase risks to children's safety and wellbeing. The sector regulator also identifies that the issues appear to be occurring across multiple organisations, suggesting broader challenges in understanding and implementing the Child Safe Standards.

Action

Recognising that the information may assist the Commission in performing its functions under the CSO Act, the sector regulator shares information with the Commission about the relevant entities and the non-compliance themes relevant to the Child Safe Standards, under section 48 of the CSO Act. The sector regulator highlights areas where prescribed child safe entities may benefit from additional guidance, education and capacity-building support. The sector regulator begins to take steps to build capacity within the sector in response to identified areas of concern.

Outcome

The information provided enables the Commission to develop a broader understanding of emerging Child Safe Standards implementation issues across the sector. The information assists the Commission to inform its education, engagement and capacity-building activities, including the development of guidance materials, training resources, sector communications and targeted engagement with prescribed child safe entities. The information provided prompts collaboration between the Commission and the sector regulator to jointly build capacity across the sector.

Information identifying non-compliant entities provides the Commission with valuable intelligence, enabling it to monitor those entities and take targeted compliance action as further concerns arise.

5.2 Information sharing for the Reportable Conduct Scheme

Section 49 of the CSO Act enables the sharing of relevant information between prescribed entities in relation to the Reportable Conduct Scheme. Relevant information in relation to the RCS means information about:

- the progress of a reportable conduct investigation
- findings and reasons for findings of a reportable conduct investigation
- action to be taken in response to findings
- other information about a reportable allegation or reportable conviction which would help the receiving entity to comply with the Reportable Conduct Scheme.

Relevant information may include information that an investigation is being undertaken by the entity, or an action taken by an entity following the conclusion of its investigation (for example, a change in internal processes within the entity or suspension or termination of a worker's employment).

Information shared under section 49 may include sensitive personal information that would ordinarily be subject to confidentiality or privacy restrictions. However, certain types of information are **not** permitted to be disclosed. This includes:

- evidentiary information about an offence (for example, a witness statement, an indictment, summary of circumstances prepared by a police officer, a record of an interview, or expert report)
- recordings or transcripts made under the *Evidence Act 1977*
- the identity of a notifier under the *Child Protection Act 1999*
- the identity of a detention centre employee making a report under the *Youth Justice Act 1992*.

Reasons for sharing

Once information has been identified as ‘relevant information’ a discloser must consider whether the purpose of disclosure is permitted. The head of a prescribed RCS entity may share relevant information with the head of another prescribed RCS entity for the following reasons (section 49 (2)(a)-(g)):

Keep children safe	To reduce or prevent a serious risk to the life, health, or safety of a child or children
Support police investigations	If the receiving organisation is a police service, the information can be shared to assist a criminal investigation.
Support the Commission	If the receiving organisation is the Commission, information can be shared to help it carry out its Reportable Conduct Scheme functions.
Investigate allegations or convictions	To help another organisation investigate a reportable allegation or a reportable conviction involving a worker.
Take appropriate action following findings	To help a reporting entity or sector regulator take action if it has been found that a worker engaged in reportable conduct.
Support child safeguarding functions under other laws	For example, providing information about reportable conduct in a childcare centre to the early education and care regulator to support their enforcement of the *Education and Care Services National Law (Queensland) 2011* for early education.
Support the Reportable Conduct Scheme overall	For any other purpose necessary to ensure the Reportable Conduct Scheme operates effectively, if prescribed by regulation.

Entities must ensure that information sharing under section 49 is:

- for an authorised purpose and limited to what is reasonably required to support the functions of the CSO Act
- proportionate, having regard to the sensitivity of the information and the level of risk to children
- timely, particularly where delay may increase risk or undermine effective oversight
- subject to appropriate safeguards for the secure storage transmission and access to information.

Heads of reporting entities should have regard to the specific limitation which applies to them for disclosing information under section 49 of the CSO Act (see section 4.1 above). The head of a reporting entity may only share information with another reporting entity, if the person subject of the allegation is a worker of the entity. This may include circumstances when a worker has moved on from one entity to another, when a worker is a former worker of an entity, or where a worker performs duties across multiple reporting entities.

This limitation highlights the key function of reporting entities in information sharing: to share critical information with each other about an individual so they can manage the risks to children in their organisation.

Section 49 operates despite other laws that would otherwise restrict the disclosure of information, including confidentiality provisions, to the extent of any inconsistency. However, prescribed RCS entities must continue to have regard to applicable privacy principles and ensure that information is handled appropriately and disclosed only to prescribed entities and for purposes authorised under the CSO Act.

Clear records should be kept of decisions to share information, including the legislative basis for disclosure under section 49, the purpose of the disclosure, and a description of the information shared, to ensure a chain of custody can be established.

Case study 2 – Sharing for the Reportable Conduct Scheme via the direct pathway

Situation

A Queensland Government department is responsible for delivering supported accommodation services for young people experiencing or at risk of homelessness. They became aware of allegations that a support worker employed by a contracted non-government service provider had engaged in repeated intimidating and inappropriate behaviour towards young people in a residential facility.

The Queensland Government department informed the contracted service provider of the allegation to enable the provider to conduct an investigation (section 49(2)(d)). The contracted service provider, as the reporting entity responsible for the worker, notified the Commission and commenced a reportable conduct investigation. Interim risk management measures were implemented, including removing the worker from all direct contact with young people, preserving shift records and incident reports, and reviewing supervision arrangements within the service.

At the same time, the Queensland Government department, in its role as a sector regulator, commenced its own oversight and compliance activities in relation to the service delivery contract. The department obtained additional relevant information through monitoring activities, document reviews, and engagement with service staff. This included concerns about repeated informal complaints not being formally escalated within the service provider, inconsistent recording of incidents involving the worker, and indications that similar behavioural concerns may have been raised at other sites where the worker had previously been engaged.

Action

Under section 49 of the CSO Act, the department shared relevant information directly with the Commission to support the Commission's functions under the Reportable Conduct Scheme. This included information about patterns of concerns identified across service sites, details of prior complaints and escalation practices, and contextual information about service oversight and staffing arrangements that may have contributed to delays in identifying risk.

The Commission recorded this information alongside the reportable conduct notifications and investigative material provided by the contracted service provider. The Commission also continued separate engagement with the provider regarding the progress of its investigation, the interim safeguards put in place, and emerging risk assessments. The Commission requested the head of the service provider to provide information about the systems they have in place for someone to report an allegation and how these allegations are investigated and responded to (under section 30).

Outcome

The additional information shared directly by the department provided the Commission with a broader understanding of the nature and potential extent of the alleged conduct, including indicators that the behaviour may not have been isolated to a single incident or site. It also highlighted possible systemic issues in complaint escalation and incident management within the service environment.

Following receipt of the information from the department under section 49, the Commission requested more information from the service provider (under section 30), increased its level of oversight of the matter and engaged more directly with the contracted service provider to quality assure the adequacy of its investigation and risk controls. This included closer monitoring of investigative progress, seeking further detail about systemic issues identified in the service, and providing more active guidance on expectations for safeguarding actions and risk mitigation. The Commission provided ongoing capacity building support to the entity to improve compliance with CSO obligations.

The direct sharing of relevant information between the department and the Commission enabled a more complete and timely understanding of risk without requiring the Commission to act as an intermediary between entities. This supported a more responsive and coordinated regulatory response by the Commission, while allowing both entities to continue exercising their respective statutory responsibilities.

Case study 3 – Sharing for the Reportable Conduct Scheme via the indirect pathway

Situation

A private school received complaints from parents and students that a senior teacher had engaged in repeated conduct towards children that was demeaning and inappropriate. The school assessed the allegations as constituting emotional or psychological harm and commenced a reportable conduct investigation.

While the investigation was underway, the teacher obtained a volunteer role with a church-operated children's ministry run by another reporting entity under the CSO Act. The teacher did not disclose the ongoing investigation, and the church was unaware of the concerns.

The school became aware of the teacher's involvement with the church and considered whether information should be shared. The school determined that information about the allegations, the ongoing investigation, and the risk assessments undertaken may assist the church to assess and manage risks to children participating in its programs.

Action

The school's head of entity shared relevant information with the church's head of entity under s 49(2)(a) of the CSO Act, as the disclosure was considered necessary to lessen or prevent a serious risk to the safety of children. Both entities recorded the disclosure and the reasons for sharing the information. Upon receiving the information, the church undertook a risk assessment and implemented interim safeguards, including increased supervision and restrictions on the teacher's contact with children.

The school also advised the Commission of the disclosure as part of its reportable conduct investigation reporting obligations.

Several weeks later, the church identified conduct consistent with the concerns raised by the school, including intimidating interactions and emotionally degrading comments directed towards children participating in ministry activities. The church reported the matter to the Commission as a reportable allegation and commenced its own investigation. The church also shared relevant information about its investigation with the school.

The Commission, detecting a pattern of behaviour across multiple workplace settings, shared the information with Blue Card Services to prompt an eligibility assessment.

Outcome

Information from another entity about similar conduct by the same individual significantly changed both organisations' assessment of risk. Conduct that may initially have appeared isolated was instead understood to represent a pattern of behaviour occurring across multiple child-related settings.

The information sharing enabled both entities to strengthen their safeguarding responses, including reassessing risks, reviewing the scope of their investigations, and implementing additional protective measures for children.

This case study demonstrates how child safety risks can arise when a worker moves between organisations while concerns about their conduct are still being assessed. It highlights the value of proactive information sharing between reporting entities to support timely risk assessment and child-focused decision-making.

The ongoing exchange of information enabled the broader safeguarding system to develop a more complete understanding of the risks posed to children and to take coordinated action. It also ensured that the Commission was informed of relevant safeguarding concerns across both settings without needing to act as an intermediary for information sharing.

6. Concurrent and complex investigations

6.1 Criminal investigations

Frequently, the conduct of a worker which leads to a reportable allegation being raised will also be subject to other enquiries or investigations by sector regulators, police, or other entities. It is important that the criminal justice process is respected, as reportable conduct may overlap with criminal conduct.

Reporting to police

Under section 46 of the CSO Act, heads of reporting entities, sector regulators, and the Commission are obliged to notify police if a reportable allegation they are investigating, or propose to investigate, may involve criminal conduct.

This obligation does not require certainty that an offence has occurred and applies regardless of how the information comes to the attention of the entity, including through complaints, disclosures, incident reports, mandatory reports, or internal monitoring systems.

The police must be notified at the earliest possible juncture to ensure that a criminal investigation or court process is not compromised by investigatory action undertaken by the entity. Reporting entities must not delay reporting to police to undertake, commence, continue, or complete internal investigations or other misconduct, employment, or disciplinary processes. An internal assessment or investigation must not operate as a precondition to reporting where the alleged conduct may involve criminal offending.

When making a report under section 46, entities should provide all information relevant to the suspected criminal conduct which is available at the time of the report. This includes details of the allegation, the persons involved, and any known immediate or ongoing risks to children. Allegations that may engage section 46 include, but are not limited to, allegations of physical violence, sexual offences, including grooming, and serious neglect or ill treatment.

The Commission will advise police of reportable conduct matters which are suspected to involve criminal conduct as they are received (direct pathway), but reporting entities and sector regulators with an investigatory role should expect to interact directly with the police and follow police instructions irrespective of what has been reported to the Commission (indirect pathway). Information sharing with both the police and the Commission will be ongoing throughout these processes, and entities should be aware that the Commission and the police may also share information with each other, and with other key regulators as needed to keep children safe. Information regarding police involvement (or lack therefore) in a reportable conduct matter is expected to be reported to the Commission by a reporting entity through the interim and final reports. Communication with the police, advice provided and any other information relevant to a reportable conduct investigation should be shared with the Commission when providing these mandatory reports.

A police investigation does not automatically remove or suspend a reporting entity's obligations under the Reportable Conduct Scheme. Unless directed otherwise by the police, organisations remain responsible for conducting an investigation as soon as practicable and complying with their obligations under the CSO Act, including maintaining appropriate risk management arrangements, keeping the Commission informed of significant developments, and progressing internal processes to the extent appropriate and possible. Reporting to the police and complying with police instructions relating to a reportable conduct investigation does not override an organisation's obligation to comply with a request by an authorised officer of the Commission to supply information or documents under section 91 of the CSO Act.

Entities should recognise that criminal investigations, reportable conduct investigations, disciplinary processes, and sector regulator enquiries may occur concurrently, but serve different purposes and apply different evidentiary standards.

Managing police engagement and parallel processes

The communication channel with the police is two-way – once a reporting entity discloses to police that they believe reportable conduct may involve criminal conduct, police may provide instructions to suspend an investigation or to not commence pending a criminal investigation. It is important for organisations to ensure accurate contact details are provided to the police to allow police to provide instructions to the appropriate representative where necessary. Following notification to the police, entities must take care not to compromise any police investigation. This may include:

- avoiding interviews with witnesses, children or the subject employee
- limiting information sharing to those who need to know for safety, legal, or reporting purposes
- preserving all relevant records, documents, CCTV footage, emails, and other evidence without alteration.

Where the police commence an investigation, police may provide directions regarding the timing or scope of internal investigative activity, including requests that some or all internal processes be paused. Reporting entities should comply with these directions and document any changes or delays to internal processes.

Entities should await advice from the police before undertaking investigative activities relating to a criminal reportable conduct matter. Reporting entities should still manage and mitigate any risks to the safety, wellbeing and best interests of children while awaiting police advice (as per section 46(5)). Where a reporting entity considers that immediate action may be necessary, for example to preserve potential evidence, they should seek guidance from the police Reportable Conduct Unit or assigned investigator (if one has already been allocated). This ensures that any steps taken do not prejudice a potential or ongoing police investigation while still addressing immediate risks to children.

While internal investigative steps may need to be delayed or modified, entities are responsible for assessing and managing ongoing risks to children within their organisation. Employment, placement, or other risk management actions must continue to be taken on a precautionary basis where necessary to protect children.

Sharing of information between entities should be considered on a case-by-case basis based on all known facts. If it is in the best interests of a child and the child's safety, reporting entities should consider sharing information regardless of the police involvement in the matter. Entities should still take into consideration whether the sharing of information could negatively impact a police investigation and if there is any uncertainty, advice should be sought via the police Reportable Conduct Unit, or the assigned investigator (if known).

Entities should also be aware that criminal investigations and proceedings may continue for extended periods of time. During these periods, reporting entities should regularly review interim safeguarding arrangements to ensure they remain appropriate and proportionate to the identified risks. Entities should continue to provide relevant updates to the Commission and maintain appropriate communication with affected parties, while taking care not to compromise police processes or procedural fairness obligations.

6.2 Worker screening

The Commission and Queensland Worker Screening Services (QWSS), which includes both Blue Card Services (BCS) and Disability Worker Screening (DWS), actively share information about reportable conduct where workers are engaged in child-related or disability employment. Reporting entities should be aware that action may be taken in respect of a worker's working with children authority or disability worker screening clearance because of information provided to the Commission.

Organisations should also report critical information about their workers to BCS or DWS as required for their screening and compliance functions. These agencies conduct risk assessment and screening activities on a continuous basis, and a reportable conduct matter may trigger an eligibility reassessment. These agencies can prevent an individual accused of causing or being at risk of harm to children from engaging in further concerning behaviour, and they may require different information than the Commission. They can also provide more immediate and up-to-date advice about the obligations of workers and employers in relation to child-related and disability employment.

Reporting entities should not assume that notifying the Commission satisfies their obligations to BCS or DWS, or vice versa. These processes operate alongside one another and serve different statutory purposes. Where a matter involves a worker engaged in child-related or disability service work, organisations should independently consider whether separate notifications or updates are required to QWSS under the relevant legislation.

Organisations should also be aware that the threshold for information relevant to worker screening functions may differ from the threshold for reportable conduct findings. Information that may appear preliminary, untested, or insufficient to support a final reportable conduct finding may still be relevant to QWSS risk assessment processes. As a result, organisations should take care to provide timely and accurate information, including relevant contextual information and updates as investigations progress.

Information that may be shared as relevant information under the CSO Act is not necessarily the same as information that must be shared as part of the screening and compliance functions of BCS or DWS. It is important that organisations recognise and consider their obligations and where multiple points of information sharing are required, or may be permitted, in relevant circumstances.

6.3 Concurrent sector regulator investigations

Many reporting entities sit within well-established sectors with their own reporting obligations and investigatory systems. The Reportable Conduct Scheme does not change these existing reporting or investigatory obligations, even where there is overlap with reportable conduct. Unless they are explicitly advised, reporting entities should not assume their reporting obligations under one system are discharged by a report made to the other.

Reporting entities should actively communicate with their sector regulator and make sure they are aware of reportable conduct matters reported to the Commission, where these also fall within the scope of another regulation system. Reporting entities should also be aware that other regulators may request information from them in relation to a reportable conduct matter and should respond to such requests, having regard to this guideline and the CSO Act.

6.4 Complex investigations

Reporting entities may encounter reportable conduct matters that are complex and difficult to investigate due to factors such as scale, geographic dispersion, involvement of multiple reporting entities, competing statutory roles, or fragmented information holdings. These complexities can create challenges in ensuring that relevant information is identified, appropriately shared, and assessed in a timely and consistent manner.

Where a matter is complex, reporting entities should ensure there is clear internal coordination and oversight of their reportable conduct investigation. Depending on the size and structure of the organisation, this may involve escalation to senior management, legal teams, child safeguarding units, human resources, integrity or compliance areas, or another area responsible for overseeing reportable conduct matters. Smaller organisations should ensure that responsibility for coordinating the investigation and information sharing is clearly allocated to an appropriate decision-maker.

Reporting entities should proactively engage with other relevant organisations, regulators, or agencies involved in the matter to clarify roles and responsibilities, coordinate investigative activity where appropriate, and support lawful and timely information sharing. This may include liaising with police, sector regulators, contracting entities, funding bodies, or other reporting entities involved in the same matter. Information sharing in these circumstances is still subject to the same limitations established under the CSO Act.

Where required, the Commission may engage with reporting entities in complex matters to clarify obligations under the CSO Act, monitor the progress of investigations, and provide guidance about the operation of the Reportable Conduct Scheme. Reporting entities remain responsible for managing their own investigations, coordinating with other relevant entities or regulators, and ensuring appropriate information sharing and safeguarding actions occur throughout the process.

Some common scenarios in which complex reportable conduct investigations may arise, and practical considerations for how they could be managed by reporting entities are outlined below.

Multi-site investigations

These arise where the alleged conduct involves individuals, witnesses, or affected children across multiple physical locations, program areas, or service streams within the same organisation. Complexity often arises where each site holds partial information (for example, incident reports, supervision records, or staff knowledge), or where local practices differ in how concerns are recorded and escalated.

What you could do in practice:

- Appoint a single investigation coordinator responsible for consolidating all information across sites.
- Require immediate internal escalation of all relevant information from local managers to the central investigation lead.
- Standardise information requests so each site provides consistent categories of material (for example, incident logs, rosters, communications, supervision records).
- Maintain a central investigation record to avoid fragmented or duplicated information holdings.
- Ensure management or another appropriate oversight area is engaged early and monitors the investigation and information sharing.
- Identify and comply with any additional reporting obligations in other jurisdictions where the organisation operates (for example, state-based child protection, education, or notification requirements for interstate reportable conduct schemes), and ensure these are met in parallel with obligations under the CSO Act.
- Where cross-jurisdictional reporting is required, coordinate timing and content of notifications to avoid gaps, duplication, or inconsistent reporting across regulatory systems.

Multi-entity investigations

These occur where relevant information is held by, or the worker who is subject to concerns is engaged with, more than one reporting entity (for example, multiple employers, volunteer organisations, or service providers). Information may also be held by external organisations not initially aware of the concern.

What you could do in practice:

- Identify early whether the individual is associated with other reporting entities.
- Initiate direct contact between heads of entities to enable lawful and proportionate information sharing under the CSO Act.
- Clearly define what information is being shared and why it is necessary for risk assessment or child safety purposes.
- Document all disclosures, including what was shared, under what authority, and the purpose of sharing.
- Establish agreed points of contact in each organisation to avoid inconsistent or duplicated communication channels.
- Where appropriate, agree on ongoing information exchange to manage emerging risk (for example, updates on employment status or risk controls).

Dual-role entities (service provider and regulator/oversight body)

These arise where an entity has both operational responsibilities for providing services to children as well as regulatory, licensing, or oversight functions within a sector as a sector regulator. Complexity arises from the need to separate regulatory decision-making from employment or service delivery investigations.

What you could do in practice:

- Clearly separate information pathways between regulatory and operational functions.
- Restrict access to investigation information to personnel involved in the specific function being exercised.
- Document the purpose for which information is accessed or shared internally (regulatory vs operational).
- Ensure decisions about information sharing externally are made by the appropriate delegated authority, with clear legal basis recorded.
- Avoid cross-use of information without explicit authority or documented justification.
- Seek early advice from relevant leadership or the Commission where role separation is unclear or where dual functions may affect impartiality or procedural fairness.

Investigations involving former workers

These arise where allegations or relevant information about a former worker come to light after the person has ceased employment or engagement with the reporting entity. Complexity may arise where access to records, witnesses, supervision information, or employment oversight is reduced, or where the former worker is now engaged by another organisation or operating across different sectors or jurisdictions

What you could do in practice:

- Preserve and consolidate all relevant employment, incident, supervision, and investigation records as early as possible.
- Identify what information is held internally across different business areas (for example, human resources, safeguarding, operations, complaints, or local service records) and ensure it is brought together for assessment.
- Share relevant information with the Commission and other entities as authorised under the CSO Act where reasonably necessary to lessen or prevent a serious risk or threat to the safety of children.

- Consider whether the former worker may currently be engaged in child-related work with another organisation and whether lawful information sharing with regulators or screening bodies is required or appropriate.
- Maintain clear records of what information has been shared, with whom, for what purpose, and under what authority.
- Where another organisation now employs or engages the former worker, establish appropriate communication pathways to support ongoing safeguarding and risk management actions.
- Engage early with the Commission where there is uncertainty about information sharing obligations, investigative scope, or ongoing safeguarding responsibilities involving former workers.
- Consider whether information held by other organisations, regulators, police, or worker screening bodies may assist in understanding patterns of behaviour or assessing ongoing risks to children.

Case study 4 – Concurrent investigations under section 46

Situation

A religious body that provides youth activities, mentoring programs and recreational services in which adults regularly interact with children receives a complaint that a youth group leader has physically handled a child in a way that caused pain and distress during a weekend activity program. The child reports being forcefully grabbed and restrained, and a parent provides photographs showing visible bruising. Based on the information provided, the head of entity forms a reasonable belief that the conduct may constitute a criminal offence, including assault.

Action

In accordance with section 46 of the CSO Act, the matter is reported to the police as soon as reasonably practicable, without first undertaking an internal investigation that could risk contaminating evidence or interfering with potential witness accounts. The initial report includes all available information at that time, including the nature of the allegation, the identities of the individuals involved, the immediate safeguarding concerns (noting the leader continues to have contact with children across multiple church-run programs), and the immediate steps taken to ensure child safety, including standing the leader down from all duties involving children.

Outcome

Following the report, police contact the religious body requesting that it preserve all relevant records, including incident reports, attendance records for the youth program, volunteer rosters, supervision logs, and any available CCTV or digital communications relating to the activity. The organisation confirms in writing that all relevant materials have been preserved and provides the police with additional contextual information, including prior informal complaints about the leader's conduct in supervising children. The police also request that no further internal interviews be conducted with the child or witnesses at that stage to avoid affecting the integrity of evidence gathering.

The religious body pauses their planned internal fact-finding interviews and instead focuses on risk management and child safety measures, including strengthening supervision arrangements across all youth programs and ensuring the leader has no unsupervised contact with children. These actions are documented, including the rationale for each decision and the communications received from the police.

As the matter progresses, the police provide updates confirming they will take the lead on interviewing witnesses and obtaining statements and advises the organisation on how to appropriately manage internal information and ongoing risk mitigation where it relates to or may impact the police investigation. The religious body maintains regular contact with the police, providing updates on any new safeguarding concerns that arise and receiving guidance on handling sensitive information during the investigation. The police also share relevant information with the Commission regarding the nature of the allegation and the individuals involved, supporting broader oversight of risks to children across the Reportable Conduct Scheme.

7. Protection from liability and override of other laws

7.1 What does the CSO Act protect?

Section 59 of the CSO Act provides immunity from civil, criminal, and administrative liability for a person who, acting in good faith and without negligence gives information to another person under Chapter 4 of the CSO Act or in relation to a reportable allegation or reportable conviction. These protections apply to actions taken under, and in connection with, the information sharing framework established by the CSO Act. This includes, but is not limited to:

- action taken under section 46, which requires the head of a reporting entity to report certain matters to the police
- action taken under section 48, which permits the disclosure of confidential information in relation to the Child Safe Standards and Universal Principle and associated purposes
- action taken under section 49, which permits the disclosure of relevant information for the purposes of administering the CSO Act and the Reportable Conduct Scheme, and associated purposes
- giving information in relation to a reportable allegation or reportable conviction to the Commission, a sector regulator, a CSS entity or an RCS entity.

The protections extend to individuals and entities involved in reportable conduct processes, including employees, volunteers and officers of a reporting entity, and the entity itself, where those actions are taken in accordance with the CSO Act.

7.2 What does this mean?

Acting in good faith under the CSO Act

For the purposes of section 59, a person acts in good faith when they act honestly, without malice, and for a purpose connected with the proper administration of the CSO Act. In practical terms, this requires that, at the time the information is reported, used, or disclosed, the person has a genuine and reasonable belief that the information is relevant to child safety, a reportable allegation or reportable conviction, or the performance of functions under the CSO Act. It also requires that the person does not act with intent to mislead, cause harm, or obtain an improper advantage, and that reasonable steps are taken, having regard to the circumstances, to ensure the accuracy of the information at that time.

Section 59 operates on the basis of the person's state of knowledge and conduct at the time the information is given. Accordingly, the protection from civil, criminal, and administrative liability applies even if the information later proves to be incorrect, provided the person acted in good faith and without negligence when making the report or disclosure.

The protections in section 59 do not apply where information is knowingly false, provided recklessly without regard to its accuracy, or disclosed for a purpose unrelated to the functions or objectives of the CSO Act. In such circumstances, the requirement to act in good faith and/or without negligence is not met and the statutory protection does not apply.

Relationship with mandatory reporting and information sharing powers

The protections in section 59 of the CSO Act support both mandatory reporting and discretionary information sharing. These protections are intended to ensure that concerns about civil, criminal or administrative liability do not discourage compliance with the reporting and disclosure obligations imposed by the CSO Act.

Where a report is made to the police in accordance with section 46, section 59 operates to protect the person from liability provided the report is made in good faith and without negligence. Similarly, where information is disclosed under section 49, liability protection applies if the disclosure is made in good faith and without negligence.

Staff and volunteers should be informed through training and guidance that reporting and information sharing undertaken in good faith and in accordance with the CSO Act are protected, including protection from breaches of confidentiality, professional standards, or defamation claims.

Entities should ensure decision making is supported by clear escalation pathways, appropriate documentation practices, and access to legal or specialist advice where required. Records should demonstrate the basis for reporting or information sharing decisions, including the information available at the time and how actions were taken consistently with the CSO Act.

7.3 Interaction with other laws that may conflict with Chapter 4

Section 55 clarifies the interaction between the information sharing provisions of Chapter 4 of the CSO Act and other laws. It provides that disclosures made in accordance with the chapter are lawful, even where they might otherwise conflict with confidentiality, secrecy, or privacy provisions in other legislation.

This provision gives entities confidence to share information for authorised child safety purposes without fear of breaching other statutory obligations.

At the same time, the provision reinforces that disclosures must remain within the scope of what Chapter 4 permits and be consistent with the underlying principle in section 47. The specific exceptions to permitted disclosures are outlined below.

8. Limitations on disclosure

8.1 What does the CSO Act limit?

There are several important limitations on information sharing under the CSO Act to ensure that it remains targeted, proportionate and connected to child safeguarding.

The sharing of information under the CSO Act is limited to the purposes permitted in section 48 (CSS) or section 49 (RCS), and to the prescribed entities named in those sections of the CSO Act (see above at sections 4 and 5).

With some specific exceptions (see below), disclosing information within the limits set by the CSO Act overrides any other law which may prohibit or restrict disclosure (section 55(3)). This includes rules established to protect the privacy and confidentiality of individuals. When deciding about whether to disclose information, entities should consider that any limitations which would normally apply do not prevent them from sharing information that may protect the wellbeing of children or reduce risks to them.

The CSO Act applies some general and specific prohibitions on the disclosure of information. These include:

- disclosure of the identity of a child (section 47(2))
- disclosure of the identity of a notifier under section 186A of the *Child Protection Act 1999*
- disclosure of the identity of a detention centre employee under section 300 of the *Youth Justice Act 1992* (the identity of an employee making a report under section 268).

Under sections 56 and 57 of the CSO Act, information obtained by a person under the CSO Act or provided to another person may not be used or disclosed to someone else except for a permitted use. A permitted use includes:

- the performance of the person's functions under the CSO Act
- a purpose authorised or required under another law
- a purpose with the written consent of the person to whom the information relates
- for lessening or preventing a serious threat to a person's life, health or safety.

Section 50 of the CSO Act provides a specific pathway for information sharing with children who are the subject of conduct that forms the basis for a reportable conduct investigation and their parents or guardians. It enables a Commissioner or the head of a sector regulator or reporting entity to disclose certain information to the child, or parent of the child, so long as it would not put the safety or wellbeing of the child or any person at risk or prejudice a proceeding or investigation. This information includes:

- the progress of an investigation
- its findings
- the reasons for those findings
- any action taken in response to the findings.

8.2 What does this mean?

The information sharing framework established under the CSO Act is intended to support timely, preventative and proportionate sharing of information to protect children from harm. However, the CSO Act does not create a general or unrestricted power to disclose information. Information sharing under the CSO Act is subject to clear legal limits about what information may be shared, when information may be shared, who it may be shared with, and the purpose for which it may be shared - these limits must be observed.

These safeguards are intended to ensure that information sharing remains focused on legitimate child safety objectives, respects privacy and confidentiality where required, and supports the principle that effective safeguarding depends on sharing the right information with the right people for the right purpose.

Further limits arise from common law duties of confidentiality, contractual obligations under employment or service arrangements, and professional standards or codes of conduct. While these obligations do not prevent disclosure where clear statutory authority exists, they reinforce the need for careful consideration of necessity, relevance and proportionality.

Sector specific legislative frameworks may also place specific restrictions on the sharing of certain types of information. These requirements must be considered alongside the CSO Act when deciding whether and how information can be lawfully disclosed.

Purpose of sharing

There is a need for a clear and direct connection between the information disclosed and the protection of a child or children from harm or risk of harm, the assessment, monitoring or management of child safety risks, or the support of coordinated safeguarding, regulatory or oversight functions. Information that is unrelated to these purposes, or that is shared for reasons such as curiosity, administrative convenience, speculative concern or unrelated organisational interests, is not authorised under the CSO Act.

Who is authorised to share

Information may only be shared by authorised individuals or entities under the CSO Act and only with authorised recipients. Even where a child safety concern exists, information must not be disclosed to individuals or organisations who are not lawfully allowed to receive the information. This ensures that sensitive information remains within appropriate professional and statutory boundaries. The CSO Act also requires proportionality. Even where disclosure is lawful, only the minimum amount of information necessary to achieve the child safety purpose should be shared.

Identity of a child

The confidentiality requirements of the CSO Act means that when disclosing information under Chapter 4 (sections 48 or 49), the identity of a child, or information which could be used to identify them, should be protected as far as practicable. When considering the permitted purposes of disclosure (discussed below), entities should consider whether identifying a child involved is critical to accomplishing the purpose.

Entities should ask the question, '*if the identity of a child were withheld, would the purpose of the disclosure still be accomplished?'* If yes, then the information which identifies the child should be withheld where possible.

Disclosure to parents and children

As noted above, section 50 of the CSO Act provides a specific pathway for information sharing with children who are the subject of conduct that forms the basis for a reportable conduct investigation and their parents or guardians.

The disclosure to affected parents and children supports targeted, child-focused disclosure, ensuring that children and families are appropriately informed about matters that directly concern them, while recognising the need to consider the child's safety, wellbeing and individual circumstances in determining what is shared and how.

The provision is discretionary and confined in scope. The use of may disclose; in the CSO Act's provisions make clear that information sharing is not automatic and does not create a right to receive information. Disclosure is limited to the categories expressly set out in the CSO Act and does not extend to evidentiary material, third-party information or internal deliberations. It is also restricted to the child and their parent or guardian, reinforcing that it is a controlled disclosure mechanism.

Importantly, any disclosure to children or parents must be carefully balanced against overriding safety, wellbeing and integrity considerations. Information must not be shared where doing so would place any person's safety or wellbeing at risk or prejudice an investigation or proceeding. In practice, this requires a trauma-informed and risk-based approach, ensuring that disclosures are made in a way that is sensitive to the child's experience, age and needs, and that avoids causing further harm. Decisions about whether, when and how to share information should prioritise the child's wellbeing while maintaining the integrity of the investigative process.

Consent

The CSO Act does not require the consent of a child, parent, worker, or any other person before information can be lawfully shared for a permitted purpose. Information may be shared without consent where the disclosure is reasonably necessary for the purpose of protecting children from harm and ensuring the safety, wellbeing and best interests of children and otherwise authorised under the CSO Act. This includes circumstances where:

- there are concerns about harm or risk of harm to children
- information is required to support safeguarding, oversight, regulatory or investigatory functions
- obtaining consent may prejudice an investigation or proceeding
- obtaining consent may place a child or another person at risk
- consent is refused but disclosure remains necessary and authorised under the CSO Act.

Although consent is not generally required, there may be circumstances where it is appropriate, practicable or beneficial to seek a person's knowledge or agreement before sharing information, particularly where doing so supports transparency, participation, trust, or child-focused practice and does not create additional risks. Decisions about whether to seek consent should be informed by the circumstances of the matter, including the child's safety, wellbeing and best interests, the purpose of the disclosure, and the potential impact of seeking consent on safeguarding or investigatory processes.

The existence of consent does not create an unrestricted ability to disclose information beyond what is authorised under the CSO Act. All disclosures must still comply with the limits established by the CSO Act, including requirements relating to purpose, confidentiality and authorised recipients.

8.3 Powers of the Commission

Under section 56 of the CSO Act, the Commission may disclose confidential information where the disclosure is reasonably necessary to prevent or minimise the risk of harm to anyone, or to improve the performance of a function or service to prevent or minimise the risk of harm to anyone and when the public interest in preventing or minimising the risk of harm outweighs the need to protect the privacy of a person. There remains a general obligation under the CSO Act to protect privacy and confidentiality. Information received by the Commission in relation to the Child Safe Standards or the Reportable Conduct Scheme must not be stored or further disclosed to anyone else except for a permitted use.

Permitted uses for the disclosure of confidential information under section 56(5) include:

- the performance of the person’s functions under or in relation to the CSS or RCS
- a purpose permitted by the CSO Act (such as under sections 48 or 49)
- a purpose authorised or required under another law
- complying with a lawful process requiring the production of documents or giving of evidence before a court or tribunal
- with the written consent of the person to whom the information relates
- to lessen or prevent a serious threat to a person’s life, health or safety.

These clauses and powers are intended to balance appropriate privacy protections for information obtained through administration of the CSO Act with the objective and purpose of the information sharing framework.

In practice, the Commission will exercise these disclosure powers in a targeted and proportionate way to support its safeguarding, oversight and regulatory functions under the CSO Act. This may include sharing relevant information with prescribed entities, regulators or other agencies where reasonably necessary to identify, assess or respond to risks to children or to improve safeguarding systems and practices.

9. Operationalising information sharing

9.1 Delegation of responsibilities and functions

For the Child Safe Standards, as section 48 does not specify that the information sharing authority applies to the head of a prescribed CSS entity, confidential information may be disclosed between prescribed CSS entities in accordance with that organisation’s documented authorisations – this may be a policy or procedure.

For information sharing in connection with the Reportable Conduct Scheme under section 49, while the CSO Act (section 107) permits the head of a reporting entity to delegate Reportable Conduct Scheme functions under Chapter 3 of the CSO Act, the information sharing that is discussed in these guidelines that fall under Chapter 4 of the CSO Act are non-delegable, and must remain with the head of the entity.

This means the head of a reporting entity is the only individual that is enabled by law to share relevant information for the purposes of the Reportable Conduct Scheme.

Entities may be subject to other legislation that enables a delegation of functions beyond those enabled by the CSO Act. For example, under the *Public Sector Act 2022*, Queensland Government agencies can delegate chief executive functions under another Act (such as the CSO Act) to an appropriately qualified person. Similarly, the Police Commissioner may delegate powers under any Act (including the CSO Act) to certain listed individuals.

Organisations should ensure any delegations are clearly documented and that delegated responsibilities, decision-making authority and reporting lines are understood within the organisation.

Consideration should also be given to limiting access to confidential information to what is reasonably necessary for the delegated function, and ensuring delegated officers are appropriately trained in privacy, confidentiality, safeguarding and information handling obligations.

9.2 Information sharing agreements

Information sharing agreements provide a formal mechanism through which the Commission can establish clear, structured and fit-for-purpose information exchange with entities and other oversight bodies. They support the effective operation of the CSS and RCS by facilitating consistent, timely and transparent information flows.

While formalised information sharing agreements may assist organisations to operationalise information sharing practices, they are **not** required for information to be shared where the CSO Act otherwise authorises or requires disclosure. Organisations should not delay necessary safeguarding information sharing on the basis that a formal agreement is not in place. Information sharing arrangements cannot and do not create authority to disclose information beyond the CSO Act.

This guideline is intended to support a shared understanding of the legislative information sharing framework, including the purpose, scope and operation of information sharing powers under the CSO Act. In many cases, the guidance provided in this guideline may operate as a practical foundation for information sharing between organisations by clarifying legislative authority, roles, expectations and information handling practices, without the need for a separate formal agreement.

Formal information sharing agreements may still be useful where:

- information sharing occurs regularly or on an ongoing basis
- multiple agencies are involved
- there are complex safeguarding or jurisdictional considerations
- roles and responsibilities require clarification
- organisations wish to establish consistent operational processes for sharing information.

There is nothing in the CSO Act that prevents or limits reporting entities from entering into information sharing arrangements with each other.

9.3 Record keeping and information security

Clear and consistent record keeping is an important part of lawful and effective information sharing. Maintaining accurate records helps organisations demonstrate that information sharing decisions were made appropriately, supports transparency and accountability, and assists organisations to meet their obligations under the CSO Act and other applicable privacy and confidentiality laws. Good record keeping also supports continuity of safeguarding responses, enables oversight and review of decision-making, and assists organisations to identify and respond to ongoing or emerging risks to children.

Entities which store and utilise sensitive information related to the Child Safe Standards and especially the Reportable Conduct Scheme must do so in a way which is mindful of the risks to the security of that information. Entities should ensure appropriate information security measures are in place to protect information from misuse, loss, unauthorised access, modification or disclosure. This includes implementing secure storage systems, limiting access to authorised personnel with a legitimate safeguarding role, using secure methods for information sharing, and maintaining appropriate retention and disposal practices. Organisations should also ensure staff understand their confidentiality and information handling obligations, and that processes are regularly reviewed to respond to evolving safeguarding, privacy and cyber security risks.

Appropriate records should be kept of information sharing decisions, including the purpose of the disclosure, the information shared, who it was shared with, the provision of the CSO Act or other law relied upon in making the decision for disclosure, and any considerations about urgency, proportionality or risk.

In practice, organisations can:

- establish clear systems and processes for recording information sharing decisions
- maintain clear and contemporaneous records of disclosures and related decision-making
- document the purpose of the disclosure, the information shared, who it was shared with, and the lawful basis relied upon
- record key considerations relevant to the decision, including urgency, proportionality, safeguarding risk or privacy considerations
- ensure records are stored securely and retained in accordance with legislative and organisational requirements.

10. Interaction with other laws

10.1 *Information Privacy Act 2009*

Application of the Queensland Privacy Principles

The *Information Privacy Act 2009* (IP Act) establishes the Queensland Privacy Principles (QPPs), set out in schedule 3 to that Act. The QPPs regulate how Queensland public sector agencies collect, use, store, and disclose personal information.

While information sharing for child safeguarding purposes may be authorised or required under other legislation, including under the CSO Act, the IP Act continues to operate as the baseline framework governing the lawful handling of personal information unless a specific legislative provision modifies or displaces its operation. Decisions to share information in child safeguarding contexts must consider both the legislative authority that permits or requires the disclosure under the CSO Act and the relevant QPPs.

In relation to the Child Safe Standards and Reportable Conduct Scheme, the most relevant QPPs are:

QPP 3	Applies to collection of solicited information
QPP 5	Addresses notification and transparency, in the collection of personal information and
QPP 6	Applies to the use and disclosure of personal information
QPP 11	Relates to steps that agencies must take in information security and retention in relation to the collection of personal information.

Where a provision of the IP Act is inconsistent with a specific provision of the CSO Act that specifically authorises or requires disclosure, the more specific provision of the CSO Act applies.

Consistent with the QPPs, when information is lawfully shared under the CSO Act, agencies should keep clear records of what was shared and why. This includes noting the legal authority used, the purpose of the sharing, who the information was shared with, and any key risk or urgency considerations. Keeping good records helps show that information has been shared responsibly, lawfully and in line with safeguarding obligations.

The QPPs apply to Queensland public sector agencies – other reporting entities should consider their own applicable privacy obligations, including any Commonwealth requirements.

QPP 3: Collection of personal information	
What this means	QPP 3 relates to the collection of solicited personal information and requires that information be collected only where it is necessary for, or directly related to, the agency's functions or activities. This includes functions such as safeguarding children, identifying and managing risk, coordinating responses across agencies, and complying with statutory obligations under legislation. QPP 3 also requires that personal information be collected by lawful and fair means. Agencies must only collect personal information, including sensitive information, that they need. Sensitive information is a sub-set of personal information and includes racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual preferences or practices, or criminal record.
Practical considerations Organisations should:	Avoid collecting excessive or unrelated personal information. Ensure staff understand what types of information may appropriately be sought during safeguarding processes. Consider whether information can be obtained in a less intrusive way where appropriate. Ensure children, families, staff and volunteers are treated respectfully during information collection processes. Ensure information collection practices align with organisational policies, legislative obligations and procedural fairness requirements. Ensure collection processes support timely risk assessment and safeguarding responses. Maintain appropriate records of information collected and how it was obtained.

QPP 5: Notification of the collection of personal information	
What this means	QPP 5 generally requires agencies to notify individuals about the collection of their personal information and the purposes for which it may be used or disclosed, unless an exception applies. Collection notices are important because they establish the lawful basis for later use or disclosure of information under QPP 6, and as authorised by legislation.
Practical considerations Organisations should:	Provide clear and accessible collection notices when collecting personal information. Explain why the information is being collected and how it may be used for safeguarding, risk assessment, oversight or reportable conduct purposes. Advise individuals that information may be disclosed to the commission or other entities where authorised or required under the CSO Act. Ensure collection notices reflect relevant legislative information sharing obligations and organisational practices. Review and update privacy statements, complaint forms, intake documents, employment materials and safeguarding procedures regularly. Ensure collection notices are easy to understand and appropriate for the intended audience, including children and young people where relevant.

QPP 6: Lawful use and disclosure of personal information	
What this means	QPP 6 generally requires organisations to only use or disclose personal information for the purpose for which it was originally collected, unless a lawful exception applies. In child safeguarding and reportable conduct contexts, the most relevant exceptions are found in QPP 6.1 and QPP 6.2 which allow use or disclosure where: • the individual has consented • the disclosure is required or authorised under an Australian law, Court or Tribunal • the disclosure is necessary to lessen or prevent a serious threat to the life, health, or safety of an individual or the public • it is reasonably necessary for or directly connected with enforcement related activities carried out by a law enforcement body. Enforcement related activities are not limited to criminal investigations or prosecutions. They may include compliance, intelligence gathering, risk assessment, investigation and other activities undertaken by an enforcement body in performing its statutory functions. Accordingly, QPP 6.2 may support the disclosure of information to the Commission, the Queensland Police Service and other entities with an enforcement function where reasonably necessary to assist those agencies to assess, investigate or respond to risks within the scope of their enforcement powers, including compliance with the Child Safe Standards and the Reportable Conduct Scheme.
Practical considerations Organisations should:	Identify whether the disclosure is authorised or required under the CSO Act or another law. Ensure the information shared is relevant and proportionate to the safeguarding purpose. Limit access to people with a legitimate safeguarding or oversight role. Document the legislative basis for disclosure where appropriate. Ensure staff understand that consent is not always required where legislation authorises sharing. Avoid relying on privacy concerns to delay or prevent lawful safeguarding disclosures.

QPP 11: Security of personal information	
What this means	QPP 11 requires agencies to take reasonable steps to protect personal information the agency collects from misuse, interference, loss, unauthorised access, modification or disclosure. It also requires agencies to destroy or de-identify personal information once it is no longer required for a lawful purpose. This is particularly important in child safety information sharing, where information may include sensitive material such as safeguarding intelligence, unsubstantiated concerns or professional observations used to inform risk assessment. Agencies must ensure that information is shared securely, that access is limited to authorised persons with a legitimate safeguarding role and retention and disposal of personal information is compliant with legislative and organisational obligations.
Practical considerations Organisations should:	Store safeguarding and reportable conduct information securely, including both physical and electronic records. Limit access to personal information to authorised personnel with a legitimate safeguarding, investigative or oversight role.

	Implement role-based access controls and confidentiality measures for sensitive information. Use secure methods when sharing information between agencies or entities. Maintain clear records of when information is accessed, shared, retained or disposed of. Ensure staff are trained in privacy, confidentiality and secure information handling obligations. Regularly review information security practices, storage arrangements and access permissions. Ensure safeguarding information is retained in accordance with legislative, regulatory and organisational requirements. Respond promptly to unauthorised access, data breaches or inappropriate disclosures involving safeguarding information.

10.2 *Human Rights Act 2019*

The *Human Rights Act 2019* (HR Act) protects specific human rights for all people in Queensland, and requires public entities to act and make decisions in a way that is compatible with human rights and to give proper consideration to relevant human rights when making decisions. Public entities include state and local governments as well as bodies providing public functions on behalf of the government or another public entity.

Nothing in the CSO Act or this guideline displaces the obligations of all public entities under the HR Act.

How should you consider these obligations?

When considering whether information should be shared under the CSO Act, decision makers should consider whether the proposed sharing may affect the rights of a child, family member, employee, volunteer, or any other person whose information may be disclosed. This includes considering both the potential benefits of sharing information to support child safety and wellbeing, and any potential impacts on individual rights. This consideration should be made and documented through a human rights impact assessment.

A human rights impact assessment should be proportionate to the nature and sensitivity of the information involved. Decision-makers must consider the purpose of the information sharing, whether the sharing is necessary to achieve that purpose, and whether the scope of information shared is reasonable and proportionate in the circumstances.

Relevant human rights under the HR Act may include the right to privacy and reputation, cultural rights, protection of families and children, recognition and equality before the law, and the right to a fair hearing, particularly where information is under investigation and may contribute to regulatory, disciplinary, or employment related decisions. Particular consideration should also be given to the distinct cultural rights of Aboriginal peoples and Torres Strait Islander peoples when sharing information relating to Aboriginal or Torres Strait Islander children, families, and communities.

The protection of children from harm and the promotion of child safety and wellbeing are significant public interests. In many circumstances, these objectives may justify limitations on certain rights where the limitation is lawful, reasonable, and demonstrably justified. However, information sharing should always be limited to what is reasonably necessary to achieve the relevant purpose and justifiable under the CSO Act.

Prescribed CSS and RCS entities who are also public entities under the HR Act should ensure that consideration of human rights is embedded in their information sharing policies, procedures, staff training, and governance and oversight processes. Decision makers should also keep appropriate records of the considerations relevant to significant information sharing decisions, particularly where the disclosure of information may adversely affect an individual's rights or interests.

10.3 *Evidence Act 1977* (Qld)

Information obtained from police or the public prosecutor

The Commission may obtain certain evidentiary information from police or from the Director of Public Prosecutions (DPP) which is not available to other entities. These fall under the definition of 'relevant record or transcript' in section 52(9) of the CSO Act and include:

- recordings of evidence provided by a special witness or affected child under the *Evidence Act 1977* (the Evidence Act) for the prosecution of offences
- a statement or transcript of a police interview with a child or a person with an impairment of the mind under section 93A of the Evidence Act
- a recording of a statement made by a complainant to a domestic violence offence under the Evidence Act.

Other entities seeking information under section 52 to assist them in investigating a reportable allegation or conviction may apply for access to evidentiary material (for example, a police summary of allegations or court brief), but only the Commission may apply to access these more sensitive documents listed above.

Irrespective of what information is obtained from the police or the DPP and by whom, strict limitations apply to the disclosure of such information under Chapter 4 of the CSO Act. Section 49 does not apply to 'evidentiary material' or a 'relevant record or transcript' obtained under section 52.

This means that, of the information which might be obtained through section 52, only the following categories of information may be disclosed to another prescribed RCS entity under section 49, and only if the thresholds for disclosure are met:

- a written statement briefly describing the circumstances of a charge or conviction for the offence (section 52(2)(a))
- a written summary of the reasons why the charge was not proceeded with (section 52(2)(d)).

The Commission is not permitted to disclose the sensitive information it obtains via section 52 as the Evidence Act prohibits the further disclosure or use of these documents except by judicial order. Reporting entities and sector regulators cannot request this information from the Commission.

Responding to court and tribunal processes

Information received or shared under the CSO Act and according to this guideline is to be kept confidential. However, under certain circumstances, there may be a requirement to produce documents or information for a court or tribunal process. This may occur, for example, during the discovery phase for a civil claim, or as a result of a subpoena during a criminal prosecution.

In these circumstances, confidential information *may* be disclosed, even if it was provided by another entity, for the permitted purposes of complying with a lawful process requiring the production of documents or giving of evidence before a court or tribunal (section 56(5)(e)).

Entities should always seek independent legal advice before disclosing confidential information related to the Child Safe Standards or the Reportable Conduct Scheme.

10.4 *Right to Information Act 2009* (Qld)

The *Right to Information Act 2009* (RTI Act) provides individuals with a right to access (with limitations) government held information and documents, and a right to amend or correct their personal information which is contained in these documents.

As the CSO Act does not limit any power or obligation under another Act or law to give information (section 55(1)), information held by the Commission, a reporting entity, sector regulator or another prescribed RCS entity to whom the RTI Act applies may be subject to a request for information under the RTI Act.

The RTI Act is explicit that it overrides any other law which prohibits the disclosure of information (section 6).

The CSO Act's confidentiality provisions and the general and specific prohibitions on the disclosure of information (discussed under section 8) will not apply to prevent a request for information under the RTI Act.

How should you consider these obligations?

Such requests must be assessed under the provisions of the RTI Act, and may still be refused if exemptions apply. For example, information the disclosure of which is prohibited under section 186A of the *Child Protection Act 1999* is also similarly restricted under the RTI Act.

Entities subject to the scope of the RTI Act should consider carefully whether any exemptions apply prior to releasing that information.

It is recommended that entities seek independent legal advice or consult with the Office of the Information Commissioner if they are unsure about their obligations.

10.5 Public Interest Disclosure Act 2010

A public interest disclosure (PID) is a protected complaint about a serious wrongdoing in the public sector which is recognised by the *Public Interest Disclosure Act 2010* (PID Act) – the term whistleblowing is often used. For an allegation to be considered a PID, it must be:

- an appropriate disclosure, based on an honest and reasonable belief or objective evidence showing wrongdoing
- of public interest information about a type of serious wrongdoing or danger covered by the PID Act
- made to a proper authority, being a person or entity with the power and responsibility to deal with the wrongdoing.

Under the PID Act it is an offence to disclose 'confidential information' connected to a PID without a lawful reason. Under the PID Act, confidential information includes identifying information about the discloser(s), alleged wrongdoer(s), and witnesses involved in the process, and details about the PID (the subject matter).

How should you consider these obligations?

In the instance of a notification of reportable conduct which may also constitute a PID under the PID Act, the Commission would expect that workers and heads of reporting entities follow the requirements of both Acts, in particular as the proper authority to receive a PID may vary depending on the content of the disclosure.

Just as complaints and allegations received by public sector entities would be assessed to determine whether it could be PID, processes should be in place to assess whether the same complaint may also be a reportable allegation.

Appendix 1 – Glossary

Term	Definition
Child safe entity	An entity that provides services specifically for children or facilities that are specifically for use by children who are under the supervision of the entity and are mentioned in Schedule 1 of the CSO Act or prescribed by regulation. A child safe entity is required to comply with the Child Safe Standards and Universal Principle.
Reporting entity	An entity that cares for, supervises or exercises authority over children and is mentioned in Schedule 2 of the CSO Act or prescribed by regulation. A reporting entity is required to comply with the Reportable Conduct Scheme.
Prescribed CSS entity	An entity listed in section 48 of the CSO Act that may disclose confidential information (defined below) to another prescribed CSS entity for a permitted purpose.
Prescribed RCS entity	An entity listed in section 49 of the CSO Act that may disclose relevant information (defined below) to another prescribed RCS entity for a permitted purpose.
Sector regulator	A department or other entity other than the Commission that is responsible for regulating a reporting entity and is prescribed by regulation as a sector regulator for the reporting entity.
Head of reporting entity	The head of a reporting entity may be a specific role designated for the reporting entity, or prescribed at law. The person with the highest authority for the reporting entity's service delivery and responsible for compliance with the Reportable Conduct Scheme. This is usually the CEO, principal officer or equivalent, or a person approved by the Commission if no such role exists. This person must ensure the required systems and reporting obligations are met.
Relevant information	Relevant information means information about the progress of an investigation of a reportable allegation or reportable conviction, the findings and reasons for the findings of an investigation, any action that is to be taken in response to the findings, and any other information about a reportable allegation that would assist a prescribed RCS entity to comply with the Reportable Conduct Scheme. However, relevant information excludes evidentiary material or a relevant record or transcript, which is subject to disclosure requirements.
Confidential information	Confidential information means information about a person's affairs but does not include information that is already publicly disclosed unless further disclosure if prohibited by law, or statistical or other information that could not reasonably be expected to result in the identification of the person to whom the information relates.
Worker	A person who performs work of any kind for a reporting entity. This includes employees, volunteers, contractors, subcontractors, consultants, labour-hire workers, trainees, work experience students (including children younger than 18) and religious leaders.