

Queensland Protection Bill Commission 2026

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18 September 2026

Mr Nigel Hutton
Chair
Education, Arts and Communities Committee
Queensland Parliament

By email: eacc@parliament.qld.gov.au

Dear Chair,

Inquiry into the Queensland Protection Commission Bill 2026

The Office of the Information Commissioner (**OIC**) welcomes the opportunity to make a submission to the Education, Arts and Communities Committee's inquiry into the *Queensland Protection Commission Bill 2026* (**Bill**).

OIC is an independent statutory body that reports to the Queensland Parliament. The Information Commissioner is an Officer of Parliament and is charged with functions under the [Right to Information Act 2009](#) (**RTI Act**) and the [Information Privacy Act 2009](#) (**IP Act**).

The RTI Act promotes openness, accountability and transparency by facilitating greater access to government-held information. It supports the administrative release of government-held information as a matter of course. Formal applications for government-held information under the RTI Act should be made as a last resort only.

The IP Act provides safeguards for the handling of personal information in the public sector environment. It sets out the Queensland Privacy Principles (**QPPs**) which govern the collection, management, use and disclosure of personal information by Queensland public sector agencies. The IP Act is intended to operate subject to the provisions of other Acts regulating personal information.

Overview

The Bill establishes the role of the Queensland Protection Commissioner (**Commissioner**), with responsibility for child and vulnerable person safeguarding and child protection oversight functions. A new statutory authority, the Queensland Protection Commission, supports the delivery of functions by the Commissioner. The Bill repeals the *Family and Child Commission Act 2014* (**FCC Act**), with the Queensland Protection Commission replacing the current Queensland Family and Child Commission.

The Bill transfers responsibility for the administration of the Reportable Conduct Scheme and the Child Safe Standards framework under the *Child Safe Organisations Act 2024* (**CSO Act**), the working with children check scheme under the *Working with Children*

Check Act 2000 (WWCC Act) and the disability worker screening scheme under part 5 of the *Disability Services Act 2006 (DS Act)* to the Queensland Protection Commission.

The Bill enables information sharing between these co-located functions and more broadly with entities and individuals involved with safeguarding children and vulnerable persons.¹ It is noted that the child safeguarding intelligence hub is currently being designed and developed by government.²

The Bill continues the existing Child Death Register and Child Death Review Board, with some changes.

OIC notes that the Queensland Protection Commission will be responsible for handling highly sensitive information about individuals, including children and vulnerable persons. OIC's key considerations outlined below are aimed at providing stronger privacy safeguards, greater clarity in terms of information categorisation, and more consistency with the QPPs.

Privacy by design

A privacy by design approach is recommended for all new or changed systems which involve handling personal information. This ensures good privacy practices are embedded into the design specifications from the outset.³

Undertaking a [Privacy impact assessment \(PIA\)](#) aligns with this approach and involves identifying privacy impacts, assessing compliance with the QPPs, developing mitigating measures and formulating a privacy risk management plan.⁴ It is recommended that PIAs are published where appropriate.

Key considerations

OIC submits that a comprehensive PIA be undertaken prior to the commencement of the Queensland Protection Commission which addresses all the different ways in which personal information will be handled.

Categories of information

Personal and sensitive information

The IP Act defines 'personal information' as information or an opinion about an identified individual or an individual who is reasonably identifiable from the information or opinion,

¹ The need for enhanced information sharing was outlined in the Child Death Review Board report: [In Plain Sight: Review into System Responses to Child Sexual Abuse](#).

² [Explanatory Notes](#) – page 8.

³ [Privacy by design | OAIC](#)

⁴ Where sensitive information is collected, it is considered a reasonable step to conduct a formal, structured and documented risk assessment. See [Bunnings Group Limited and Privacy Commissioner \(Guidance and Appeals Panel\) \[2026\] ARTA 130 \(4 February 2026\)](#) at para 226.

whether the information or opinion is true or not, and whether the information or opinion is recorded in a material form or not.⁵

‘Sensitive information’ is a subset of ‘personal information’ and attracts a higher level of protection under the QPPs. It is defined in Schedule 5 of the IP Act and includes an individual’s racial or ethnic origin, religious beliefs or affiliations, sexual orientation or practices, criminal record and health information. ‘Health information’ is also defined in Schedule 5 and includes an individual’s health and/or disability at any time.

Bill – Information categorisation

OIC notes that the Bill refers to the following categories of information:

- (a) Personal information: this is defined by reference to section 12 of the IP Act and is referred to once in the context of considerations when tabling reports in the Legislative Assembly.⁶
- (b) Health information: this is not defined and is referred to once in the context of a genuine researcher.⁷
- (c) Confidential information: is defined as including ‘information about a person’s affairs but does not include: (a) information already publicly disclosed unless further disclosure of the information is prohibited by law; or (b) statistical or other information that could not reasonably be expected to result in the identification of the person to whom the information relates.’⁸ It is referenced multiple times throughout the Bill.

Key considerations

OIC submits the Bill should explicitly categorise and define the information the Queensland Protection Commission will be handling. The definitions should align with the IP Act, where relevant, to promote consistency, reduce administrative burden when interpreting and applying legislation, and strengthen privacy protections. Further, the definition of ‘confidential information’ should explicitly state that it includes ‘personal information’ to reduce ambiguity.

This approach would align with Victoria’s Social Services Regulator legislation, the [Social Services Regulation Act 2021](#) (a similar entity with co-located functions⁹). Part 8 (Information collection, use and disclosure) of this Act categorises and defines information including: confidential information, health information, personal information,

⁵ Section 12 of the IP Act.

⁶ Clause 57 of Bill.

⁷ Clause 33 of Bill.

⁸ Schedule 1 Dictionary of Bill.

⁹ As stated in the Explanatory Notes, the move to co-locate functions within one entity is consistent with the NSW Office of the Children’s Guardian under the *Children’s Guardian Act 2019* (NSW) and Victoria’s Social Services Regulator under the *Social Services Regulation Act 2021* (Vic) (p14).

sensitive information and protected information. Confidential information explicitly includes personal, sensitive and health information; personal and sensitive information is defined by reference to the *Privacy and Data Protection Act 2014* (Vic).

Similarly, the [Victims Commissioner and Sexual Violence Review Board Act 2024 \(Qld\)](#) categorises and defines information including personal information, confidential information and protected information. Confidential information means ‘personal information about a person or other information of a confidential nature.’ Personal information is defined by reference to section 12 of the IP Act.¹⁰

Queensland Privacy Principles

The Queensland Protection Commission will need to comply with the QPPs set out in the IP Act (unless an exception applies) including the following:¹¹

- (a) open and transparent management of personal information (QPP 1)
- (b) collection of personal and sensitive information (QPP 3)
- (c) notification of the collection of personal information (QPP 5)
- (d) use and disclosure of personal and sensitive information (QPP 6)
- (e) quality of personal information (QPP 10)
- (f) security of personal information (QPP 11).

Key considerations

At this stage, it is not immediately evident how the Queensland Protection Commission will comply with the QPPs, however it will be imperative that a clearly expressed privacy policy about the management of personal information is developed. Such a policy should contain details of the kinds of personal information the Commission will collect and hold, and the purposes for which it collects, holds, uses and discloses that information.¹²

OIC notes that, in Victoria, the Social Services Regulator’s privacy policy ([Social Services Regulator privacy | vic.gov.au](#)), *Social Services Regulation Act* and *Privacy and Data Protection Act* all align in terms of categories of information making it easy to understand and apply. This highlights the benefits of consistent use and meaning of key terminology.

Information sharing

Commissioner’s function

The Bill provides that the Commissioner will have the function to ‘exchange information under this Act and other Acts that is relevant to the proactive identification of, and

¹⁰ Schedule 2 Dictionary.

¹¹ Non-government agencies engaged to provide services through a service arrangement (contracted service providers) will also be bound by privacy principle requirements. See section 35 of the IP Act.

¹² See QPP 1.4 for privacy policy requirements.

protection from, threats to the safety and wellbeing of children, young people and other vulnerable persons.¹³

Co-located functions

The Bill enables an authorising environment where information can be shared between the co-located functions which may be relevant to whether a person poses a risk to the safety of children or a person with disability.

Existing confidentiality requirements restricting the further sharing of information under the CSO Act, WWCC Act and part 5 of the DS Act will continue to apply, to ensure confidential information is not unlawfully disclosed outside of the QPC.

Confidentiality provisions

The Bill includes provisions where the commissioner may decide to disclose confidential information to a person in certain circumstances.¹⁴

Key considerations

OIC notes that consent is the primary means by which an agency authorises the disclosure of personal information for another purpose under QPP 6, with authorisation under a law as another option.

The authorisation for information sharing provisions in the Bill will merely be one aspect of compliance with the QPPs. For example, the Commissioner will still need to conduct risk assessments and take reasonable steps under QPP 1, notify individuals about the collection of personal information under QPP 5, explicitly identify primary and secondary purposes under QPP 6 (and communicate these to individuals in the privacy policy), ensure the quality of the information under QPP 10, and take steps to protect the information under QPP 11.

OIC submits that greater clarity is required in relation to information sharing. This could be achieved through the development of guidelines, principles or a framework. It is noted that the Social Services Regulator has guiding principles for sharing information, which are published on their website ([Social Services Regulator privacy | vic.gov.au](https://www.ssr.vic.gov.au/privacy)). This includes obtaining consent from an individual or legal guardian prior to sharing personal, sensitive and health information where practicable (item h).

Child Death Register

The Child Death Register provisions from the repealed FCC Act are integrated into Part 3 of the Bill.

¹³ Clause 7(1)(f) of Bill.

¹⁴ Clause 79(4) of Bill.

Commissioner requests for information

The Bill provides that the Commissioner may request information (which includes 'confidential information') from a public sector agency if it is necessary for the performance of their functions.¹⁵

A public entity must comply with such request unless the entity reasonably considers the disclosure of the information would, for example, prejudice the investigation of a contravention of the law.¹⁶ In complying with a request, the public entity and Commissioner must ensure:

- the information given to the Commissioner relates to the Commissioner's functions under this part; and
- to the extent possible, the privacy of any person to who the information relates is protected from unjustified intrusion.¹⁷

The Commissioner and a public entity may enter into an arrangement to facilitate the provision of information, for example, by way of a Memorandum of Understanding under which the entity gives the Commissioner access to a database periodically to extract information.¹⁸

Accessing information in Child Death Register

The Bill provides that a person may access information in the Child Death Register for research purposes only and with the Commissioner's consent. The Commissioner must not give access to confidential information unless the Commissioner reasonably believes it is necessary for the research to be effective and the opportunity for increased knowledge that may result from the research outweighs the need to protect the privacy of any living or dead person.¹⁹ The person must comply with any condition imposed on the consent unless the person has a reasonable excuse (maximum penalty – 100 penalty units).²⁰

Key considerations

In relation to the Commissioner's request for information from a public entity, OIC submits consent should be obtained, where possible, from the parent or legal guardian for the disclosure of information from the public entity to the Commissioner.

OIC supports formalised information sharing arrangements and should detail the purpose of the information sharing, outline compliance with the QPPs, set out a process to be

¹⁵ Clause 32 of Bill.

¹⁶ Clause 32(3) of Bill.

¹⁷ Clause 32(4) of Bill.

¹⁸ Clause 32(6) of Bill.

¹⁹ Clause 33 of Bill.

²⁰ Clause 33(4)–33(6) of Bill.

followed for sharing information under the arrangement (for example, authorised roles to request and receive the information) and specify applicable legislation.

In terms of accessing information in the Child Death Register, OIC submits that the collection, use and disclosure of personal information by researchers should be consistent with the QPPs noting there are explicit provisions relating to research (which refer to consent and de-identification).

Child Death Review Board

The Child Death Review Board provisions from the repealed FCC Act are integrated into Part 4 of the Bill.

Commissioner requesting information

The Bill provides that the Chairperson may request information (which includes confidential information) from an entity if it is necessary for the performance of the board's functions. The entity must comply with such request unless certain circumstances apply, for example, it would prejudice the investigation of a contravention of the law. In complying with a request, the entity and Chairperson must ensure:

- the information given to the Chairperson relates to the Board's functions under this part; and
- to the extent possible, the privacy of any person to whom the information relates is protected from unjustified intrusion.

The Chairperson and an entity may enter into an arrangement to facilitate the provision of information under this clause.²¹

Information sharing arrangements

The Chairperson may enter into an arrangement with entities about sharing or exchanging information.²²

Interaction with other laws

Clause 65(4) of the Bill provides that information may be given under this division despite any other law that would otherwise prohibit or restrict the giving of the information.

Key considerations

OIC submits consent should be obtained from the parent or legal guardian, where possible, for the disclosure of personal information to the Child Death Review Board.

²¹ Clause 61 of Bill.

²² Clause 64 of Bill.

Finally, further consideration should be given to the effect of clause 65(4) to ensure sufficient privacy protections can prevail.

Right to information

While this submission focuses on privacy and information sharing aspects raised in the Bill, the new Queensland Protection Commission will be subject to the RTI Act. As such, the Commission will need to meet access to information requirements under the RTI Act, including establishing information management practices that facilitate proactive disclosure and administrative access to documents held by the agency.

As similarly raised by OIC in its submission to the Child Safety Commission of Inquiry, OIC submits that consideration be given to ensuring that persons seeking access to their personal information held by the Queensland Protection Commission, including information entwined with the personal information of others, be facilitated to the greatest possible extent.²³ This will ensure the important role of the Commission in protecting children and vulnerable persons does not unreasonably inhibit their right to access information that concerns their personal lives, wellbeing and interaction with the Commission and other related agencies and entities.

Thank you for the opportunity to make a submission. We trust our comments will assist the Committee in its work in reviewing the Bill. Should you require further information, please contact us at policy@oic.qld.gov.au or on 07 3234 7373.

Yours sincerely

A handwritten signature in black ink, consisting of a large, stylized 'J' followed by a series of loops and a long horizontal stroke.

Joanne Kummrow
Information Commissioner

²³ [OIC submission - 19 Dec 2025](#)