

# **T R A N S C R I P T**

## **SELECT COMMITTEE ON THE EARLY CHILDHOOD EDUCATION AND CARE SECTOR IN VICTORIA**

### **Inquiry into the Early Childhood Education and Care Sector in Victoria**

Melbourne – Monday 8 December 2025

#### **MEMBERS**

Anasina Gray-Barberio – Chair

Michael Galea – Deputy Chair

Melina Bath

Georgie Crozier

Jacinta Ermacora

Sarah Mansfield

**WITNESSES**

Tony Bates, Secretary,

Bronwen FitzGerald, Deputy Secretary, Early Childhood Education, and

Helen Quiney, Executive Director, Quality Assessment and Regulation Division, Department of Education.

**The CHAIR:** Good morning, and welcome back to the Select Committee on the Early Childhood Education and Care Sector in Victoria public hearing.

All evidence taken is protected by parliamentary privilege as provided by the *Constitution Act 1975* and provisions of the Legislative Council standing orders. Therefore the information you provide during the hearing is protected by law. You are protected against any action for what you say during this hearing, but if you go elsewhere and repeat the same things, those comments may not be protected by this privilege. Any deliberately false evidence or misleading of the committee may be considered a contempt of Parliament.

All evidence is being recorded. You will be provided with a proof version of the transcript following the hearing. Transcripts will ultimately be made public and posted on the committee's website.

For the Hansard record, can you please state your name and any organisation you are appearing on behalf of?

**Tony BATES:** I am Tony Bates. I am the Secretary of the Department of Education.

**Bronwen FITZGERALD:** Bronwen FitzGerald, Deputy Secretary, Early Childhood Education.

**Helen QUINEY:** Helen Quiney, Executive Director, Quality Assessment and Regulation Division.

**The CHAIR:** Thank you. Welcome. We are now going to introduce ourselves. My name is Anasina Gray-Barberio, the Chair and Member for Northern Metro Region.

**Michael GALEA:** Good morning. Michael Galea, Member for South-Eastern Metropolitan Region and Deputy Chair.

**Georgie CROZIER:** Good morning. Georgie Crozier, Member for Southern Metropolitan Region.

**Melina BATH:** Hello. Melina Bath, Eastern Victoria Region.

**The CHAIR:** We also have some colleagues online.

**Sarah MANSFIELD:** Sarah Mansfield, Western Victoria Region.

**The CHAIR:** Thank you, Dr Mansfield. We would now like to invite you, Mr Bates, and your team to make some opening statements. Thank you.

**Tony BATES:** Thank you, Chair. Can I begin by acknowledging the traditional owners of the land we are meeting on today, the Wurundjeri people of the Kulin nation, and I pay my respects to their elders past and present.

**Visual presentation.**

**Tony BATES:** Can I just start, committee members, by acknowledging the very distressing allegations that have been made this year, including the further charges announced by Victoria Police last week. My thoughts and those of my colleagues are with both the impacted children and their families. The effects of the alleged events on the children and their families are profound, and intensive specialist support is being provided to them. I also just want to reiterate that the ECEC sector is overwhelmingly staffed with people who are dedicated to working with and supporting our young people in their development, and we want to really recognise that fact. Those allegations have been traumatic for those working in the sector and the services and for the regulatory staff assisting Victoria Police with their inquiries. The department is putting every effort it can into implementing the recommendations of the Victorian government's independent rapid child safety

review. The government's response to the rapid review builds on the ongoing and longstanding work in Victoria to strengthen child safety, provide regulatory consistency, advocate nationally for systemwide improvements and lift the quality of programs and services in Victoria.

I will just now turn to an overview of the ECEC sector in Victoria. There are nearly 5100 early childhood education and care services operating across the state. Four types of ECEC services are regulated under the national law, and you can see there: long day care, standalone or sessional kindergartens, family day care and out-of-hours school care. In addition, occasional care services are regulated under the Victorian *Children's Services Act*. ECEC services are operated by a mix of profit and not-for-profit providers, and I know you were talking about that earlier with Ms White. In Victoria 54 per cent of the services in the sector are for-profit, and 46 per cent of the services are not-for-profit. Standalone kindergartens are almost exclusively not-for-profit, with over 99 per cent operated by not-for-profit providers and other organisations, such as local government authorities. Of the family day care services, 79 per cent are operated by for-profit providers and 21 per cent by not-for-profit providers.

The ECEC system has expanded very significantly in Victoria over the past decade. Fifty-eight per cent of the growth in services and 63 per cent of the growth in places has come from the for-profit long day care sector. Some of these services operate under complex business structures, and some do occasionally seek to evade limits on expansion through the use of mixed business names and different company models. This growth has made regulating the sector a more complex and difficult task, and that has led to some increase in risk in the sector.

It is important to acknowledge that the provision and oversight of ECEC services is a shared responsibility between the state and federal governments. The Commonwealth government is responsible for the majority of ECEC services funding, with 80 per cent of the service hours operating in Victoria that we regulate being funded through the Commonwealth's child care subsidy system. Importantly, I think some of the terms of reference for the committee are really looking to those areas of the Commonwealth child care subsidy policy, and this includes both the implementation and design of the Commonwealth child care subsidy, which has encouraged its very strong growth in the for-profit provision of services. The Victorian government funds all three-year-old kindergarten and almost all four-year-old kindergarten services in Victoria, and we also provide targeted supports to promote workforce, infrastructure supply, service quality, access and inclusion. The department is also responsible for regulating ECEC services, overseeing child safety and the quality of ECEC services in Victoria.

Responsibility and powers for regulating services are delegated to QARD, which administers and enforces law and regulations, including the national quality standards. Where safety risks have been identified, QARD's authorised officers take swift action, including through issuing emergency action notices or suspending service approval if required. When it comes to quality standards in Victoria, in 2024 96 per cent of Victorian services rated at an overall national quality framework rating of meeting national quality standards or above. That compares to a 91 per cent average across the country, so Victoria is significantly higher, and that Victorian rating is also dragging up the national average. So we do a lot better in quality standards in Victoria than most other states and jurisdictions. At the moment there is only one service in Victoria which has a rating of significant improvement required, and regulatory action is underway in relation to that service.

QARD also monitors and enforces compliance with the child safe standards in its role as the integrated sector regulator under the *Child Wellbeing and Safety Act*. Resourcing for the regulator is wholly provided by the Victorian government. In the past the Commonwealth government co-contributed to all states and territories' regulatory authorities, but that funding ceased in 2018, so all regulatory responsibility is now funded through Victoria. We continue to advocate to the Commonwealth, asking them to reinvest in the cost of regulation in the state and particularly in light of that very, very rapid growth, I mentioned, to the long day care sector.

Standards for quality and safety in the ECEC sector are set under the *Education and Care Services National Law Act*, generally known as the national law, which is a shared responsibility between the Commonwealth, state and territory governments. As members of the committee will know, Victoria is the host jurisdiction of the national law, meaning we draft and pass amendments, which has happened in the last few weeks, through the Victorian Parliament. However, any amendments to the national law require the agreement of all states and territories and the Commonwealth before they can be introduced.

I think Ms White mentioned earlier that it is a very, at times – I think she used the words – tortuous process to get approval for all territory and state cabinets before any changes can be made. The role of the state and territory regulatory authorities under the national law is to monitor compliance with the law, assess and rate the broader quality of services, investigate incidents and take enforcement action if any offences under the law are identified. These arrangements provide a consistent national approach to regulating ECEC services and set national standards under the national quality framework for quality and safety.

I will now turn to some of the aspects of the government's child safety rapid review, which was delivered in August. As I am sure committee members know, the rapid review made 22 recommendations. The Victorian government has accepted all recommendations and has committed an extra \$137 million funding over the forward estimates to implement the recommendations of the rapid review. At the national education ministers meeting, all ministers agreed to reforms which are now law following the passage through the Victorian Parliament of those changes – the national law. These include the paramountcy principle, a new obligation on corporate entities to make the safety, rights and best interests of children their first paramount consideration before the interests of shareholders; new powers for regulatory authorities allowing them to take compliance and enforcement action against a group of related companies or providers; making child safety training mandatory for all ECEC staff from February next year; introducing a new offence of inappropriate conduct; and new information-sharing powers between approved providers, regulatory authorities and recruitment agencies. The amendments also have tripled the maximum penalties for offences in the national law, and finally have banned the use of personal devices in early childcare centres, although Victoria had already implemented that ban earlier.

There is more work to be done in this in this area, though. Victoria has ongoing advocacy that has continued to call on the Commonwealth to do more in this space, and that has resulted in ACECQA, which is now conducting a rapid review assessment into current ratio requirements for supervision of children and will report to education ministers early next year. The Commonwealth's Starting Blocks website has been upgraded to improve transparency for parents by showing the date of the last regulatory visit and information on conditions that have been placed on centres, any compliance breaches and enforcement actions. As I think the committee will be aware, the Commonwealth is also leading a national trial of CCTV in up to 300 childcare services across the country, and the Commonwealth has announced they will also commence spot checks under the Family Assistance Law to look at the quality in a number of their long day care providers that they fund. Regulators will assess services more regularly, with greater frequency for those with lower ratings.

**The CHAIR:** So sorry to interrupt, Mr Bates. Because we are running behind schedule, are you comfortable for us to start asking questions?

**Tony BATES:** Yes.

**The CHAIR:** Then if we have got time at the end, please feel free to add any further comments to your evidence today. Is that okay?

**Tony BATES:** Yes, that is fine, Chair.

**The CHAIR:** Thank you so much; I appreciate your flexibility. We are now going have about 10 or so minutes for each committee member to ask their questions of you and your department. We will start with Ms Crozier. Over to you.

**Georgie CROZIER:** Thank you very much, Chair. Thank you all for being before us this morning and for your overview of the work the department is doing. On one of your slides, you spoke about 54 per cent being the for-profit sector. If that was taken out of the equation, what would that cost be to government to support this sector?

**Tony BATES:** I might ask Deputy Secretary FitzGerald to expand on that a bit, Ms Crozier, but I will say the for-profit sector is a very, very significant provider in Victoria. As I think I said, 80 per cent of the funded hours in Victoria are funded by the Commonwealth. Realistically, taking the for-profit sector out would make the sector unviable.

**Georgie CROZIER:** Thank you. That is really what I am trying to get to, so you have answered that question. Thank you very much. Ms White, in her presentation to us, spoke of the interests of the child being

paramount; I think everybody is of that view. The Ombudsman's report of September 2022 made a number of recommendations; the first recommendation was around the working with children check. Did anyone in the department read that report?

**Tony BATES:** Yes, we did.

**Georgie CROZIER:** Were you concerned that the government was not acting on that recommendation?

**Tony BATES:** The Department of Government Services has, until the end of this year, the operation and carriage of the working with children scheme. We support the recommendations that the Ombudsman made. But I can just ask Ms Quiney to talk about some of the steps we have taken while we are waiting for further improvements to the scheme to improve information sharing with the scheme, if that is helpful.

**Georgie CROZIER:** Yes, it will be. Thank you. So when this was handed down, you read the report; if you could just expand on what those concerns were in relation to the working with children check and for the sector.

**Helen QUINEY:** What I can say in relation to the working with children check is that there have been changes to legislation that enable the sharing of information and consideration of action under the national law by QARD to prohibit individuals from working in the ECE sector. What that enables is that each time QARD makes a decision to prohibit a person from working in the early childhood sector, that information can immediately be considered by the working with children check unit to then take action in relation to their working with children check. We have set that up as an automation to enable immediately upon a decision being made, and notification goes to DGS. But we have very active information sharing as well where there are unsubstantiated allegations too.

**Georgie CROZIER:** Okay. We are aware of the changes but that has only come in recent times, given the allegations and what has occurred in the sector. But this report was September 2022, three years ago, and nothing had been acted upon by government. So my question to you is: if you read the report at the time and were concerned about this recommendation, why was nothing done from your department to government or vice versa? What information did you give to the minister? Were you recommending to the minister that this needs to be looked at or to speak to her colleagues? What happened?

**Tony BATES:** Ms Crozier, the working with children check – as you will be aware, there is a legislative threshold before notifications or exclusions go to working with children. So there need to be charges in relation to particular offences, or –

**Georgie CROZIER:** But these recommendations were general, to strengthen the working with children check. You have just told the committee that you read the report at the time, in September 2022, yet three years later, we are now strengthening the working with children check; why did your department not speak to the minister and say 'You need to do something about this because of the risk to what you're responsible for, children in the early sector and right across the education sector'. Was there nothing done or nothing said?

**Tony BATES:** I provide advice to the minister, but I do not tell the minister to do particular things.

**Georgie CROZIER:** When did you provide the advice to the minister regarding strengthening the working with children check?

**Michael GALEA:** On a point of order, Chair, apologies, but advice from secretaries to ministers is confidential.

**Georgie CROZIER:** I am just asking when.

**Michael GALEA:** Which is confidential.

**Georgie CROZIER:** This is before an inquiry, and we have this important issue. I think that this is the crux of the problem.

**Michael GALEA:** I am not saying it is not important. I am saying it goes to the public sector code of conduct.

**The CHAIR:** I think Mr Bates can answer, in general terms.

**Tony BATES:** Again, Ms Crozier, we have been working with the Department of Government Services to progress the reforms as much as we can, but they have operational responsibility for the working with children check. As Ms Quiney was mentioning, we have taken a number of steps to try and improve information flows to working with children while we wait for further reforms to happen. But the bigger reforms, including legislative change that would be needed to implement some of the recommendations, are the responsibility of that department, which will move to the Social Services Regulator from 1 January.

**Georgie CROZIER:** But this report was September 2022, three years ago. Again, I say: if you read the report back then and nothing was done, why not?

**Tony BATES:** Again, that is a question I would have to ask my colleagues at the Department of Government Services.

**Georgie CROZIER:** Well, did anyone from your department speak to that department following this report?

**Tony BATES:** Again, I might just see if Deputy Secretary FitzGerald wants to talk about the inter-departmental –

**Georgie CROZIER:** No, no, that is my question. Did anyone from your department speak to the Department of Social Services regarding the strengthening of working with children checks following this report?

**Bronwen FITZGERALD:** I am afraid that this particular circumstance predates my role. However, I am confident that, as part of the implementation considerations after that report was released, there were a number of conversations occurring across departments about that report.

**Georgie CROZIER:** That is not answering the question. I appreciate that you were not in the role at the time, Ms FitzGerald. I would ask that we could have the information regarding when the department actually spoke to the Department of Social Services regarding strengthening the working with children checks, or even the Attorney's office. Given the responsibility or not, it is an important element, I think, for us to understand why nothing was acted upon in the three years. If you could provide the committee with that information, I am happy for you to take that on notice.

**Tony BATES:** Yes, we will take that on notice and check our records.

**Georgie CROZIER:** Thank you very much. That is all I have. Thank you, Chair.

**The CHAIR:** Thank you very much, Ms Crozier. Mr Bates, in your opening statement you spoke about how the department is now taking action and taking steps to move forward. But the reality is too many children and families have been harmed, especially this year, dealing with the unimaginable trauma of horrific allegations. Is it the case, Mr Bates, that the department acted too late?

**Tony BATES:** Chair, it is a complex question. The primary responsibility for keeping children safe in the services is with the providers. The department has a range of initiatives and the regulator has a range of actions in place to try and make sure that the quality standards are being met and complied with. We have a program of inspections of services, and I think something like 80 per cent or 84 per cent of inspections in the 2024 year were unannounced inspections. So the regulator does take all the steps we can to make sure that services are safe. We have done a lot of things in terms of encouraging staff and parents to make reports to the regulator if they see anything that they are unsure about, but the regulator cannot be in every service 24 hours a day, so this is why we have a licensing system. It is the obligation of the providers to make sure that they are providing safe care for their children, particularly to properly handle their recruitment and vetting processes of their staff correctly. So, within the national law, we were doing everything we could. As I said before, the number of instances is very, very small in the scheme of things, and most staff are doing outstandingly good work, but it is still unacceptable – the things that are alleged to have happened.

**The CHAIR:** I understand everybody has a role to play here, but so does the department. Did you see any warning signs, and was any advice shared with the minister at any point during the unannounced visits? In the roles and functions of the regulator, were there any warning signs at all?

**Tony BATES:** I might ask Deputy Secretary FitzGerald to go first. I will say the regulator gets thousands of reports every year.

**The CHAIR:** Yes, we did hear Ms White say that, but part of the recommendations from the rapid review was the strengthening of the regulator and the lack of resources within the regulator, which is a concern because it means that you cannot respond effectively to the high volume of reports coming in within your periphery. So my question, again, is: were there any warning signs at all?

**Helen QUINEY:** If I could just say, Ms Gray-Barberio, in relation to our presence across the sector, in terms of the regulatory presence, there is a really high frequency of visits. There were 4729 visits in 2024.

**The CHAIR:** And how many this year, in 2025?

**Helen QUINEY:** In 2025 – I do not have that number to hand, but –

**The CHAIR:** Do you mind taking that on notice?

**Helen QUINEY:** Happy to. We are tracking really well against our target number of visits.

**The CHAIR:** What is the target number?

**Helen QUINEY:** It is 4000, and we are on track to exceed –

**The CHAIR:** You do not know if you are close to reaching that 4000 this year?

**Helen QUINEY:** We will exceed that target this year in terms of the number of regulatory visits, and that is ahead of many of the additional resources that will be provided coming on board. So we do have a really significant presence in services and really close monitoring, and we do also react in a really rapid way to notifications. We have got really well-established systems in terms of receiving notifications and prioritising them and making sure that we respond effectively and investigate where those –

**The CHAIR:** What is the turnaround time for that, Ms Quiney?

**Helen QUINEY:** The speed of that will ultimately depend on what is notified, the seriousness of the allegations, what we know and other intelligence about the service. When we receive a notification – which could be anything from a gas leak, a car accident outside a service or a person leaving a service – there are all sorts of things that are notified to us, and there are also child safety matters that are notified to us. All of those are prioritised based on the level of risk. There is a really good level of regional knowledge within our authorised officer workforce about the nature of the service, their ability to manage and their previous compliance level, as well as their quality rating. Then that informs the way in which we respond and also what we need to do in terms of investigating. We will investigate where it is required, but we will not wait for that investigation to ensure that the service is taking steps to manage any imminent risk. For example, if we are notified of inappropriate conduct by a person in that service, we will do an investigation into the service for breaches under the national law, but we will also immediately consider what the risk associated with that person or that issue in the service is, what steps the service is taking to respond to that and what measures are in place to make sure that any further risk of those things happening is managed.

**The CHAIR:** Speaking about risks and investigating, has there been an increase in providers reporting incidents to QARD since June of this year?

**Helen QUINEY:** There has been an increase.

**The CHAIR:** Can you give a percentage, maybe, for the committee?

**Helen QUINEY:** I do not have those figures with me. We can have a look at what we can provide, but there has been an increase, particularly I think with parents having a greater level of awareness of the risk in services

and awareness of notification to the regulator. We really welcome those because the more information that we have, the more quickly we can respond and prioritise action accordingly.

**The CHAIR:** How many incidents of abuse were made to QARD in the past year, and how many of those have resulted in enforcement actions?

**Helen QUINEY:** I do not have those specific figures with me, but I can take that on notice.

**The CHAIR:** I would like for you to take that on notice, because I think it would be really helpful for the committee to understand ways that we can recommend improvements to the new regulator, learning from the shortcomings of QARD, to strengthen their functions and powers. For the clarity of the committee, how many enforcement actions can a provider get before it is escalated to another level?

**Helen QUINEY:** We do not have a number threshold, because we need to think about all of the intelligence that we have about the service, and certainly if there are a high number of compliance matters, we will take action and we will take steps to suspend or cancel. But like I said earlier, that will depend on the nature of the service, the level of compliance, the nature of the breaches and what the compliance actions relate to.

**The CHAIR:** Just on that note, the breaches, what happens if a provider is a repeat offender? How have you, as the regulator, responded to repeat offenders, obviously breaching compliance and so on?

**Helen QUINEY:** We have got a suite of regulatory tools. Where it is an imminent risk, we will issue an emergency action notice to require action straight away or immediately suspend a service. We then also have the ability to take steps to cancel a provider, and we will consider whether or not they have been responsive to those emergency or quick actions. Also we have powers to do that via showing cause or immediately where the risk is really great. Then if they do accumulate, if that is the case, we will take action against that provider.

**The CHAIR:** That is good. I just want to –

**Tony BATES:** Chair, I have just got the answer to one of your earlier questions if that is helpful to the committee.

**The CHAIR:** Yes. Which question was that? Sorry.

**Tony BATES:** It was the number of inspections this year.

**The CHAIR:** Yes, please.

**Tony BATES:** The target was 4000, and for 2024 the regulator did 4729 inspections. That was last year, and this year, up until the end of September, 3768 inspections had been done.

**The CHAIR:** Great. Thank you very much. I appreciate that.

**Michael GALEA:** What number was that again, sorry?

**Tony BATES:** 3768, so we are probably tracking to high 4000s, almost 5000, by the end of the year. I think Ms FitzGerald just wanted to mention something as well, if that is okay, Chair?

**The CHAIR:** I will just come back to you, sorry, before I forget. Mr Bates, I just wanted to come back to you. You mentioned earlier players – in for-profit – trying to evade rules by using different business names. What did you mean by that? And who specifically were you referring to?

**Tony BATES:** Again, I might just ask Ms Quiney to talk a little bit about that, but there are limits on how quickly companies can grow and how quickly they can open new services.

**The CHAIR:** Are you implying that there are bad faith actors out there that are trying to exploit the system by coming up with new ABNs to be able to get access to wealth and the government subsidies? Is that what you are saying?



**Tony BATES:** Yes. We have these complex corporate structures where it is not always obvious that a new provider is actually part of a subsidiary of a parent company. I might just ask Helen to talk a bit more about that.

**The CHAIR:** Helen, do you know of any specifically that you can speak to for the committee?

**Helen QUINEY:** Thanks, Secretary. There are some matters that I will not talk about because they are active and ongoing matters, but most recently, and this is on our website, we have taken specific action in relation to Genius Learning, and that is part of the company Vertical 4 Pty Ltd. That does require us to look across ASIC records and a range of other things. We have got a really sophisticated team who can do data analysis and look closely at ASIC records and other intelligence and information to consider that.

**The CHAIR:** How common is this becoming? Is this quite a concerning trend that your team is discovering?

**Helen QUINEY:** No. In terms of frequency it is not something that we see every day, but it is something that we need to monitor really closely and we really collaborate a lot with our regulatory authorities in other jurisdictions and with the Commonwealth on, noting that the Commonwealth considers similar information in the context of decisions about the child care subsidy. Also, some of the larger providers operate across multiple jurisdictions, so the provider approval might be held in another jurisdiction where they have the ability to approve or cancel the provider approval, and then we in Victoria will have the ability to impose various compliance measures that might limit growth or other things in Victoria specifically.

**The CHAIR:** When you are saying you are able to communicate with other jurisdictions, is that through information database sharing or are you manually having to check?

**Helen QUINEY:** We meet very regularly with all of it, so I am always talking to my counterparts in other jurisdictions. We meet regularly, and we have focused collective work where we share information. Our information is held centrally on the national quality agenda IT system, but also we really come together to cut through and share the information that we have, which is really effective because by bringing together the information from other jurisdictions, we can get better insights.

**The CHAIR:** Great. Just one quick one before I hand over to Mr Galea. What is the process for handling breaches that do not result in formal action or are unsubstantiated? Are they formally recorded by the department or by the regulator?

**Helen QUINEY:** Yes, that is correct. That is recorded on our system.

**The CHAIR:** Thank you. Over to you, Mr Galea.

**Michael GALEA:** Thank you. Chair. Thanks for joining us, all. Secretary, just to start with, you mentioned that DGS formerly had responsibility for the working with children check scheme. That is obviously now going to be part of the SSR. In terms of ministerial portfolios, when were the various different functions of the working with children checks coalesced into the Minister for Children's responsibilities?

**Tony BATES:** In terms of working with children, that will only happen from 1 January –

**Michael GALEA:** 1 January – next year?

**Tony BATES:** when that legislation that recently passed the Parliament goes through.

**Michael GALEA:** Thank you. Ms Quiney and Secretary, thank you for that data in relation to checks that have been undertaken last year and this year. If my not so much back-of-envelope but back-of-briefing-paper checks are accurate, that means it was 18 per cent above target for last year and, allowing for seasonal variation, there are probably similar results, if not slightly more, this year as well. We heard from Ms White in the previous session that, while she did not have the data, she estimated that unannounced site visits to ECECs would occur roughly every three to four years. Can you provide some more insight into that? Is that accurate? Is it more or is it less frequent?

**Helen QUINEY:** It is much more frequent than that. We have the data, which is great. Ninety-seven per cent of services have been visited at least once between 18-24 months by an authorised officer from QARD, and that can include for an assessment and rating visit or for an unannounced compliance visit as well.

**Michael GALEA:** Thank you. And is that unannounced visits you are referring to there or total?

**Helen QUINEY:** That is total. Ninety-seven per cent of services have had a visit. In terms of compliance visits as a subset of that, 84 per cent of those are unannounced.

**Michael GALEA:** Okay. So that is the vast majority – 84 per cent unannounced.

**Helen QUINEY:** Yes.

**Michael GALEA:** That is very good to know. Thank you. Secretary, the rapid review and indeed Ms White in her appearance as well spoke to the incredible growth that we have seen in the sector as a whole, but in particular the disproportionate increase in the for-profit sector. Are there any variances that you have seen between reports and incidents – maybe this is more for you, Ms Quiney – in the for-profit sector as opposed to the not-for-profit sector? And can you talk to me about some of the trends that you have seen?

**Helen QUINEY:** Thanks. I am happy to respond to that one. In terms of assessment and rating, that really goes to the quality measured against the national quality standard. What we know is that for-profit services are less likely to exceed the national quality standard relative to not-for-profits. So 9.7 per cent of for-profit services exceed the national quality standard, whereas 42.8 per cent of not-for-profits exceed the national quality standard. It is probably worth noting that a lot of those not-for-profits in that cohort that I mentioned are kindergarten services, who are often more likely to be exceeding the national quality standard. Ninety-nine per cent of kindergarten services are ‘meeting’ and above, so that really goes to the quality of those standalone kindergarten services. Then if you take the lower end of the scale for performance against the national quality standard, 4.5 per cent of for-profits are rated ‘working towards’ and 2.7 per cent of not-for-profits are rated ‘working towards’. So there is a higher representation of for-profit services in the ‘working towards’, which is towards the bottom of the scale relative to not-for-profits.

**Michael GALEA:** Thank you. That is quite a disparity, especially in terms of exceeding the standard. I was not quite expecting it to be quite that stark – 9.7 per cent for-profit exceeding, 42 per cent not-for-profit. Granted, that includes kinders.

**Helen QUINEY:** Yes.

**Michael GALEA:** Okay. Thank you for that. In terms of the ratings of centres, are there any trends that you have seen there across the sector, and again, between profit and not-for-profit sectors?

**Helen QUINEY:** I think I have covered most of the ratings in terms of not-for-profit versus for-profit. I can say that in Victoria we have a higher number of exceeding services relative to nationally. So 25 per cent of Victorian services are exceeding relative to 20 per cent of services nationally that are rated as exceeding. And 96 per cent of services in Victoria are meeting or exceeding the national standard. The national average is 91 per cent. What that tells us is that in Victoria, from a quality perspective, Victorian services have better ratings than in other jurisdictions.

**Michael GALEA:** Thank you.

**Tony BATES:** Mr Galea, I think Ms Quiney just misspoke. So that 97 per cent of services that have had at least one visit – I think that is within the last 18 months. I think she might have said 12 months.

**Helen QUINEY:** Yes, correct.

**The CHAIR:** So not 12 months – 18 months.

**Michael GALEA:** Thank you.

**Melina BATH:** Do you have the 12-month figure?

**Tony BATES:** So 97 per cent of services have had at least one inspection visit in the last 18 months.

**The CHAIR:** Eighteen months, not 12 months.

**Tony BATES:** Yes. And I think Ms White said she thought it was happening every three or four years. So it is actually 97 per cent of –

**Michael GALEA:** It is at least double that.

**Tony BATES:** Yes. Of course, as Ms Quiney said, some services are getting inspected more frequently than that. So if the team go out and they see things that they are not happy with, they can come back within three months or six months. So the frequency of visits is related to the quality of the service.

**Michael GALEA:** There is a risk-based approach then effectively is what you are saying.

**Tony BATES:** Yes, exactly.

**Michael GALEA:** So a service that has consistently met or exceeds the standard every time you visit, you are not going to visit as much as somewhere where you are seeing those issues, because you are going to be on the lookout for other issues to arise.

**Tony BATES:** Exactly.

**Michael GALEA:** It is good to know, obviously, that is not a box-checking exercise, because that is the last thing you would want. If you were saying, 'Great, we've done all these site visits,' but there is no targeting behind that –

**Tony BATES:** Mr Galea, just following on from the question you were asking, the investment the government has announced means that we are aiming to get that frequency of visits down to once a year. We are averaging 97 per cent, but about every 18 months at least a service gets a visit. With the extra authorised officers the government has funded in the regulator, that aim will be to get that visit frequency down to once a year, with, as you noted, the vast majority of them being unannounced, so it is not like they can put all the stuff away and clean things up. The authorised officers will just turn up and then walk into the service and see what is happening on the ground.

**Bronwen FITZGERALD:** Mr Galea, if I may, the Secretary has just referred to the compliance visits moving to once every 12 months. What education ministers nationally have also agreed is that assessment and rating visits will also shift to being once every three years. So a combination: a service will have unannounced visits once every 12 months and an assessment and rating visit once every three years.

**Michael GALEA:** On top of that.

**Bronwen FITZGERALD:** On average it will be more frequent than once a year.

**Michael GALEA:** How often are the assessment ratings currently? Are they currently three years?

**Bronwen FITZGERALD:** It is approximately four years.

**Michael GALEA:** Approximately four.

**Bronwen FITZGERALD:** But as Ms Quiney said, it is based on risk.

**Michael GALEA:** For the assessment ratings as well?

**Bronwen FITZGERALD:** The services that have lower ratings will be seen more frequently.

**Michael GALEA:** I see. Even for their assessment ratings they will also be seen more frequently?

**Bronwen FITZGERALD:** That is right.

**Michael GALEA:** Thank you. That is very helpful. In relation to the funding for regulatory activities, can you talk to me about the historic trends on this? We saw the federal government withdraw from this space around seven years ago. What impact did that have on Victoria and by consequence other states as well? And how have funding patterns shifted in that time?

**Bronwen FITZGERALD:** I can speak to the historical QARD budget. In terms of the budget position for QARD over the past eight years or so, the budget increased by 38 per cent from the 2017–18 financial year through to the 2024–25 financial year, so that is the increase. That is in advance of the \$137 million investment that the Secretary referred to in his presentation, so that will increase the budget further. It is worth acknowledging, I think, in that period of time that the 2021 budget invested \$46.5 million to maintain existing regulatory operations and address growth and risk in the sector. That was in part in response to the cessation of Commonwealth funding in 2018. Obviously the cessation of that funding created a risk for the regulator, and the state government responded. That was part of that \$46 million investment in 2021.

**Michael GALEA:** So a significant jump, a 38 per cent increase, you said, in response between –

**Bronwen FITZGERALD:** Yes. That is prior to the \$137 million investment. If we factor that in, it will be a much higher percentage.

**Michael GALEA:** Much higher.

**Bronwen FITZGERALD:** But that is prior to this year's investments, yes.

**Michael GALEA:** Thank you – and in part due to the response of the Commonwealth withdrawing from its responsibilities in that space. Prior to them abdicating that role, how much of the funding was funded by the Commonwealth, as a rough proportion? Was it the entire amount? Was it a percentage?

**Bronwen FITZGERALD:** We will take this on notice for specifics, but my understanding is that it would have represented at least 10 to 20 per cent of the regulatory budget. It was funded through a national partnership agreement. It was for all states and territories, so Victoria's share did vary over time a little, but it was a significant percentage of the regulator's budget. The absence of that funding increased the risk for the regulator at that time.

**Michael GALEA:** Thank you. So if the federal government were to do its job and do the role that it should be in funding this again – indeed it is the major funder of childhood services, but it does not fund the regulation at the moment. If it were to come back to the table and do that, what sort of difference would that make to the resourcing that you could provide now in the SSR but in terms of regulation in this space?

**Bronwen FITZGERALD:** I will speak generally, and then Ms Quiney might want to say a bit more. The vast majority of the regulator's resourcing is in people power. Most of their resourcing is for authorised officers, who are the officers out in services doing visits and inspections, as well as the authorised officers who sit centrally and do the more complex investigatory and enforcement work. A significant additional investment would lead to a significant increase in capacity of that authorised officer workforce and the capacity of the regulator to be able to undertake more visits and undertake more compliance action and enforcement action. But Ms Quiney might want to speak further on that point.

**Helen QUINEY:** Thanks, Ms FitzGerald. I agree with everything that you have said. I think also that additional investment would increase our capacity for monitoring and to be proactively considering risks, breadcrumbs, like Ms White said earlier in this hearing. It would increase our capacity to take regulatory activity and reduce our investigation time as well.

**Michael GALEA:** Thank you very much. In a similar vein, the rapid review, as I am sure you are aware, recommended a rethink of the ECEC sector. It is probably a bit of a big question to ask with the timer going off, so I will come back to it if I get the time. Thank you.

**The CHAIR:** Thank you, Mr Galea. I am going to invite Ms Bath to ask questions.

**Melina BATH:** Thank you. I am very, very pleased. Thank you for being here. Just going back, and correct me if I am wrong, in round figures there were 4000 alleged complaints this year in 2025. Is that correct?

**Tony BATES:** No, 4000 inspection visits was the 4000 I was referring to.

**Melina BATH:** Good. That is all right. Can you –

**Bronwen FITZGERALD:** Sorry, Ms Bath, but that is the target.

**Melina BATH:** Yes.

**Bronwen FITZGERALD:** The achieved level was higher than the target. It was more than 4700 for the last financial year.

**Melina BATH:** And you said 97 per cent over 18 months?

**Tony BATES:** Yes.

**Melina BATH:** Sure. Can you just identify how many alleged complaints there were in 2025?

**Helen QUINEY:** I do not have those figures with me, so I would have to take that on notice, Ms Bath.

**Melina BATH:** Okay. I am happy for you to take them on notice. I am also interested, in terms of when the Ombudsman's report came out, the year before that, if you could find how many alleged complaints there were in the department and how many cases there were since the 2022 Ombudsman's report. Could you provide any more granular detail around the complaints about individuals where there were multiple unsubstantiated allegations of a reportable nature, so sexual misconduct or sexual offences misconduct or the like? Could we have some detail, because it is important to understand the prevalence of this? I mean, there is a difference between doing a check and finding that somebody, as Ms White may have said, may have some sanitary issues – it is still an issue – as opposed to a very high-level serious child threat that is occurring. Could we get some more granular detail about that, if we start even from 2020 and go through until 2025, with the alleged allegations, complaints and the like, but then also that finer granular detail? That is my first request on notice.

**Tony BATES:** Ms Bath, I have some of that data here. It is probably not in a format that is particularly useful to the committee, so we will take it on notice. But we can see over the last four years there has been a steady increase in the number of notifications.

**Melina BATH:** Yes.

**Tony BATES:** Again, I will just remind the committee that, under the national law, there is a statutory obligation on providers to notify the regulator when all sorts of things happen, so I think the vast majority of notifications actually come from the services themselves.

**Melina BATH:** Yes.

**Tony BATES:** Again, I will just give you some very high-level numbers. We are seeing things like, between 2020 and 2023, there was probably a 33 per cent increase in notifications – that is in long day care services. Maybe there was a sort of 40 per cent increase – I am just trying to do some maths in my head – in the kindergartens. But again, we can take that on notice. I will just say I know it is going to sound slightly strange, but we are happy with more notifications –

**Melina BATH:** Yes.

**Tony BATES:** because notifications give us an indication of where we should be focusing regulatory activity.

**Melina BATH:** Yes.

**Tony BATES:** As I said, the providers are required by law to notify, but we have mechanisms where parents can notify directly to the regulator, and staff can also notify if they are seeing things that they are concerned about. Particularly notifications from staff and parents we welcome, as that helps us to direct the regulatory activity.

**Bronwen FITZGERALD:** Ms Bath, if I may, there is good evidence from ACECQA nationally that services with higher levels of quality and safety report more often.

**Melina BATH:** More often as well.

**Bronwen FITZGERALD:** And what we want to see is that positive reporting culture, because what it reflects is the thing that experts, including Ms White, have told us, which is that if you have a strong child-safe culture in a service, that is the best protective factor. That leads to a reporting culture which then gives the regulator, as well as the provider, better line of sight to the cultures and practices in their service.

**Melina BATH:** Thank you. So with this increasing notification, accepted by the department and QARD, and noting the Ombudsman's report saying 'red flag, red flag' that you have read, what processes or protocols did the department put in place to make those assessments more valid, to drill down, to see what these risks are? Because it is okay that we have got more happening, there is a higher influence, but unless there is something done about them – so, I guess, what protocols did you initiate since 2022, separate to the minister? You have still got the department. you have still got your own responsibilities, but what discussions or protocols were put in place to deal with these?

**Tony BATES:** I might ask Ms Quiney to talk through the sort of – we have a tiered response system, Ms Bath, and a lot of it will go to –

I mean, if there are particularly serious incidents, then the regulator can take enforcement action or issue emergency action notices or other things. But for stuff that are sort of below that threshold, there is a process where the regulator will work with services to have a mandatory quality improvement plan, so there can be a sequence of steps where we are talking about the issues that we have seen, we require the service provider to have a quality improvement plan, and then there is a following up of actions against that plan.

**Melina BATH:** I guess what I would like you to focus on are those really dangerous things that are happening, the alleged sexual misconduct and the like, because that impacts children physically and mentally for a long time. Separate to the government and all the new legislation, what was the department doing or what were you missing? What should we have been advising government for you to have been able to activate more action?

**Tony BATES:** It is just worth remembering that Victoria has had the reportable conduct scheme in place since 2017, so we follow the legal requirements there very closely and report those instances to the commissioner for children and young people. So maybe, Helen, you could talk a bit about that.

**Melina BATH:** Who we are speaking to later, which will be good.

**Helen QUINEY:** Thanks, Secretary. In 2023, QARD became the integrated sector regulator for the child safe standards, which means that in addition to monitoring for compliance under the national law, we also monitor the 11 child safe standards in the *Child Wellbeing and Safety Act*. That has broadened our regulatory focus to really focus in on child safety matters within services. That includes recruitment practices for services and ensuring that child safe behaviours are appropriate and that everybody in services at all levels understands the child safety obligations. That was a significant shift in our regulatory approach in 2023, and all of our authorised officers do check for those. We also have done targeted visits against the child safe standards, and that includes in particular looking at recruitment but also supervision practices and other things that are really critical for the behaviours that you described earlier. Then the other key component of that is when we receive a notification that alleges matters relating to child abuse or child safety, we also ensure that the service knows that they must report that under the reportable conduct scheme and they must conduct an investigation in accordance with the reportable conduct scheme and work closely with the CCYP on that. CCYP also monitor our data in terms of those types of notifications and report annually on data in terms of child safety issues that arise in early childhood services, so that also makes sure that we have a very specific focus on child safety matters in services.

**Melina BATH:** Thank you. From the CCYP there are multiple reports that the system is not working over time; I am just taking that from those reports. Also, anecdotally in our electorates we hear the fact that safe standards is an ideal, it is a policy, but that does not mean it is always enacted. Clearly there are kind people, as we have heard, and then there are creepy people. Creepy people are not going to put their hand up and say, 'I'm

not adhering to child safe standards.’ Sometimes their oversight of the provider, to the best of their intentions, actually does not come to fruition. Unfortunately we need tragedies, like we saw earlier on this year, to bring it to the focus of government. That was a statement; you can respond to that if you like.

But my other question is, and I am conscious of time: government departments can take advice from advisory bodies – not government stakeholders, but the sector – and there are a wealth of people out in the sector, private providers who, in my experience from speaking with them, have felt frustrated. They said they have got some suggestions for government about training in TAFEs and sector training that people are not listening to. They have got 30 years experience, and they are knocking on government’s door and feel like they are not getting heard. Would you recommend, or would you be opposed to recommending, a proper stakeholder advisory body that comes from across the sector, not just government entities?

**Tony BATES:** Ms Bath, I might ask Deputy Secretary Fitzgerald to talk about that. We have, I think, a body of the type you are talking about already. I met with them and presented to them earlier this year.

**Melina BATH:** You can take it on notice: who is on that and could it be expanded? A lot of these providers are family-owned providers. Are they on there and what representation do they have, so that there is a broad spectrum and across the state representation on this?

**Bronwen FITZGERALD:** That advisory body has very broad membership, and it includes the peak bodies that represent the type of providers you just described – ACA, ELAA and It Takes A Village, which was previously referred to as CCC Victoria. There is a range of peak bodies that represent different types of providers on that group, as well as workforce representatives, sector experts and parent representatives, so it is quite a broad committee. But we can take that on notice and give you the full representation.

**Melina BATH:** Thank you; I appreciate that. Can you also provide some context on what they have been saying, that advisory body, whether it is recommendations to you? Clearly there has been an issue. We do not want to get to the same state that we have been in with these shocking allegations and conduct. So what is that peak body – as long as it is a broad representation of people; and I am also talking about the regions – saying? Can you share that with this committee? What recommendations have they been discussing with you, whether they are formal or informal?

**Bronwen FITZGERALD:** We can take that on notice and provide it back. I will make a broader comment about sector engagement in other critical exercises. That advisory group belongs to the Victorian government, but there are other advisory groups worth acknowledging as well. The first is that for the national law reforms that have just been passed by the Victorian Parliament there was a deep and intensive regulatory impact statement process nationally, which had feedback from all of the groups you described, including regional and rural splits, different provider types and so forth. In addition there is, I understand, nationally an equivalent group that informs the Commonwealth government and gives advice to Parliament there –

**Melina BATH:** My time is out, but just on that, what is minister-only information and what is actually visible to the public? And if it is visible to this committee, we would appreciate it, because we need to understand what they are saying. We are hearing a lot from government and the sector, sure; we need to understand what is being said out there about this very critical issue.

**Bronwen FITZGERALD:** The report on the regulatory impact statement process has been made public. It is long and it is detailed, and it presents that information publicly. We will also take on notice anything for the Victorian setting. Ms Quiney might also want to say a little bit about the advisory approach that the independent regulator will be taking from the start of next year, because obviously for the regulators it is important to have that sector, parent and expert feedback coming in to inform their guidance and their activity.

**The CHAIR:** We have actually run out of time, but I am happy for you to present that when you are taking it on notice. If you want to make a statement, I am happy to accept that.

**Bronwen FITZGERALD:** Thank you.

**The CHAIR:** Thank you. Thank you, Ms Bath. I am going to hand over to Dr Mansfield.

**Sarah MANSFIELD:** Thank you, and thank you for appearing today. Following on from Ms Bath's questions, what is the process for a centre that has been on what is effectively a watchlist or in that stage of requiring additional monitoring or being on some sort of improvement plan? How does a centre go from there to enforcement action?

**Helen QUINEY:** Thank you, Ms Mansfield. I am happy to respond to that question. As you indicated, we have really clear and public-facing guidance about what additional monitoring means, which ensures that we provide additional regulatory activities and monitoring. That is not just in-person in the service but also looking at data and other sources of regulatory intelligence to monitor compliance and improvement. One of the key aims of additional monitoring is to see that improvement and progress and to ensure that those noncompliances are addressed so that that service can increase its quality and improve. Our authorised officers work very closely with that service during the time to be very clear about what is required to be improved to ensure that action is taken.

That continues for a period of time, with the opportunity and clear and direct instruction. Where those clear and direct compliance requirements are not addressed through further assessment by our authorised officers, then there are a range of options. Ultimately whether or not we take further action is based on what we see in the service, what we know about compliance with that level of a national quality standard and whether or not changes have been made, whether that is to leadership or management structures, to ensure that those things are addressed to give them an opportunity to improve where those changes have been made. That will inform whether we take further enforcement action.

I outlined earlier that there are a range of options that we can take. That can include suspension of a service approval or cancellation of a service approval or even cancellation of a provider approval. But ultimately regulatory discretion is really needed because if we had a single number that warranted further action, then that would not allow for changes in management structure or really significant improvements that take time to embed. Having said that, where there are risks to child safety, we will not hesitate to act and to step in and take action so that those risks are managed.

**Sarah MANSFIELD:** Thank you. You said that you can be in that requiring improvement process for some time. I know you said there is no number on it, but is there a limit to how long you can stay in that process?

**Helen QUINEY:** Yes. If in the context of additional monitoring improvement does not occur, then there are a number of options that might include a further assessment and rating process that might then result in the service being rated to a lower rating, for example, if the improved quality improvement has not occurred. So if that service is, for example, re-rated and that results in a service being rated 'significant improvement required', that will always result in further action, including suspension or cancellation if that is needed.

**Sarah MANSFIELD:** Okay. Can you give us a sense of how long this could potentially continue for? Could a service be in that sort of phase for years?

**Helen QUINEY:** If a service is requiring significant improvement or is assessed in that way, then that certainly will not be the case – we will take action straightaway. If there are child safety risks, then we will take action straightaway. If the issues relate to leadership or other areas of quality, then we may provide more time for improvement against those areas. But we will always take action where there are child safety risks or where there is significant improvement required.

**Sarah MANSFIELD:** Do you have data that you could provide on how many of the providers are currently in those different stages: the ones that are under review, the ones that have received suspensions or some other enforcement action in the last few years?

**Helen QUINEY:** We can provide data on those things. I will say that, for administrative law reasons, where there is a review underway, then we need to ensure that we are not breaching those particular requirements.

**Sarah MANSFIELD:** Sure. Even if you provide just the number of centres without necessarily identifying them, I think that would be helpful for the committee. Thank you.

**Tony BATES:** Dr Mansfield, I might just mention the Commonwealth have made some policy announcements in this regard, and they are not using the national law but they are using the child care subsidy



policy framework. I might just check if Deputy Secretary FitzGerald can remind me, but the Commonwealth have announced that they will put time limits on how long services can stay in that working towards phase. And if they are in that phase for too long, then the Commonwealth will look at reducing or limiting their child care subsidy eligibility. So it is an important step forward, which I think we welcome, but it is outside the national law but in Commonwealth legislation.

**Bronwen FITZGERALD:** That is right. Thank you, Secretary. The legislation in question is the legislation that is referred to as the family assistance law, which is the legislation that governs the use of their funding lever, that child care subsidy. The Commonwealth have identified the services who are on notice, and they have taken steps to coordinate that activity with the state and territory regulatory authorities, which we welcome, and we understand that there will be future tranches of this work to come. So we encourage that continued coordination with the Commonwealth, because obviously, as Ms White said, the coordination of the exercise of those regulatory powers is important for coherence for the sector.

If okay, I will say one other thing, which is that something that is outside the regulatory authority's remit is support to services to improve. You might have noticed that the rapid review recommendation 21.2 recommends that the Victorian government advocate to the Commonwealth government to fund a child care quality improvement program which is specifically designed to give services direct support to improve their quality over time, because obviously the regulatory authority needs to assess that improvement but should not be assisting the activity that they are then assessing. So there is a function needed for support for Commonwealth-funded services, and that is why recommendation 21.2 is there we believe.

That recommendation is based on a Victorian program which we call KQIP, or kindergarten quality improvement program, which is a program of intensive support that goes to services that are considered to be operating at an acceptable level of safety but where we want to see their quality work increase. It is quite an intensive program. It works with services for up to two years in duration and is targeted not just at the individual practice of the educators and teachers in the room but also at the leadership practice in the service as well, because obviously if you want to see a significant quality shift in the service, you need everyone in the hierarchy to be lifting in that direction. We have seen very positive results from that program, and as a result of that, the rapid review was interested in that program being a model for Commonwealth activity nationwide.

**Sarah MANSFIELD:** Thank you for that. Just to change tack a bit, are you aware of any providers requiring educators to sign non-disclosure agreements after an incident occurs at an early learning centre?

**Helen QUINEY:** I am happy to respond to that one. Thanks, Ms Mansfield. I am not aware of that, but that is something that we would take very seriously. I should say, we do have the ability to receive anonymous complaints and processes for investigating complaints anonymously, which provides people with an opportunity to notify us of things where they may feel uncomfortable or intimidated or worried about disclosing those things. That provides us with an important set of regulatory intelligence to take action.

**Bronwen FITZGERALD:** And just as an addition to that and in response to a comment that Ms Bath made earlier, the regulatory authority also would take a keen interest in any approved provider not reporting serious incidents in their service. That would be a potential area of enforcement action against the approved provider.

**Sarah MANSFIELD:** Okay. You said that people can make either anonymous complaints or they can raise a concern with the regulator, but what sort of evidence do you require, particularly from families, if they are bringing some sort of complaint or concern that they would like to see investigated? We have heard reports of, for example, a family having to provide a forensic psychologist report, which they could not afford to go and get. From what we have heard, there was not felt to be sufficient basis to pursue an investigation. What are the requirements you have for people who are making these sorts of complaints?

**Helen QUINEY:** Thanks, Dr Mansfield. I am happy to respond to that one.

I cannot comment on specific cases, but we do have really clear processes, and also we work very closely in circumstances where Victoria Police are involved to obtain evidence that might be needed. In our investigations we will take witness statements from witnesses. That will include the families of those children if they heard particular information from their child and from staff within services. We are really cognisant of the impact of an investigation on a child because, like providers, the best interests of the child are paramount. We will think very carefully about our approach to interviewing a child who has experienced anything negative in a service.

In doing so we will often, if available, take information from Victoria Police and others to avoid needing to re-interview a child as well.

**Sarah MANSFIELD:** I think my question is going to be if there is some sort of threshold for an investigation, or is there certain information that a family would have to provide for you to then pursue an investigation?

**Helen QUINEY:** We will investigate where we have identified a breach of the national law, and those investigations will gather evidence from a range of sources. Ultimately I think what your question might be going to, Ms Mansfield, is whether or not we are able to substantiate an allegation. There is an evidentiary threshold that is required to substantiate an allegation and then to be able to take further action. Our investigators are very experienced in considering all of the information and evidence available to them to consider whether or not an allegation can be substantiated.

**Sarah MANSFIELD:** Yes. Okay. You said you will pursue an investigation if you have identified a breach, but in a lot of these instances – and I think what has come through with what we have seen play out publicly with some very horrific incidents – you are dealing with children who are very young, often babies, potentially non-verbal or with limited communication skills, and families who might have concerns, and the ability to pull together evidence may be quite limited in those situations. I guess I am trying to understand how that is taken into account when you are getting reports of concerns and requests for an investigation.

**The CHAIR:** I will just get you to answer that briefly. I am sorry, we have gone over time. But please answer.

**Helen QUINEY:** Absolutely. Thanks, Ms Mansfield. Almost all of our investigations are in settings where children have limited ability to communicate or provide witness statements, but we do use a range of sources of evidence, and that will depend on the service and the setting. That will include statements from other educators, information from the provider and CCTV footage also when it is available. So there are a range of things that we can take into account when we investigate.

**Sarah MANSFIELD:** Thank you.

**The CHAIR:** Thank you. I will now hand it over to Ms Ermacora. Thank you.

**Jacinta ERMACORA:** Hello. You have mentioned a bit about the role of the Commonwealth, but I just wanted to get a bit more of a picture around the changes in the national law. Obviously the ability to close down has been well aired in the media, but there is more to it than that. So I am interested in how each of the elements of the new national law changes supports child safety.

**Tony BATES:** I might ask Deputy Secretary FitzGerald to talk about that, but thanks, Ms Ermacora, for the question. One thing I do want to highlight is that we do have the Victorian early childhood register operational, and that is one of the things in the national law – that there will be a national register. But the Commonwealth system does not commence until February next year and it will not be fully operational probably until April. I did just want to let the committee know that we have activated a Victorian system that is operational before the Commonwealth one, so we now have names, addresses, qualifications, working with children and employment history on over 70,000 staff working in the early childhood sector in Victoria. We had that information previously for kindergarten staff because we are the primary funder, but we have been able to very quickly – using some superior Victorian technology – get that collection going. We can now see staff that are working through labour hire or recruitment firms – they call them CRTs in school contexts. So we have now got a very comprehensive visibility of the workforce in the sector and where they are working. So that is one of the one of the steps we have taken, and the national law reforms will allow that capability to become a national capability next year. But I might just ask Deputy Secretary FitzGerald to talk about a few of the other things in those national law reforms.

**Bronwen FITZGERALD:** Happy to, Secretary – thank you. And thanks for the questions; there is quite a lot in the national law reforms. I will run through the top tier of that, and then we can dig down into any of the detail, if you wish. Starting with the legislative side of things: the most significant signal in that legislation is the paramountcy principle, that new statutory duty that the safety, rights and best interests of children are the paramount consideration for approved providers and people working in the service, so not just the teachers and educators on the floor but also management, staff, volunteers and students. It is very clear in the drafting of the

national law that it displaces directors-general duties in sections 180 to 186 of the *Corporations Act*. So for those circumstances where there might be a tension between child safety and profit, the law is now very clear that that paramountcy principle takes first billing.

Some other elements of the national law changes are new powers for regulatory authorities to take compliance and enforcement action against a group of related approved providers; this relates to some of these complex corporate structures that we were discussing previously. There now need to also be new notification requirements to state and territory regulatory authorities when 50 per cent ownership or voting rights for an approved provider are transferred to another entity so that the regulatory authorities can better track the patterns of ownership as they evolve over time in the sector. For worker conduct, we have got new regulatory tools to impose mandatory training on approved providers, and that training will be for all ECEC staff working with children, including staff, volunteers and students. The foundational-level training will be released on 27 February 2026, we are advised, with advanced-level training to occur later next year. That advanced-level training is for people who are in more direct contact with children day to day, and the first foundational-level training is for everyone who is involved in the services and providers.

The Secretary mentioned earlier the inappropriate conduct offence – that new offence of inappropriate conduct while providing education and care to children gives regulatory authorities another very powerful lever to take action against individuals where their conduct is of concern and particularly in circumstances where their conduct is of concern but does not meet a criminal threshold, which is very important for some of the circumstances that you have been inquiring about. Information-sharing powers with approved providers – enabling prohibition notice and enforceable undertaking information to be shared by regulatory authorities with an individual's current approved provider, so it is a proactive information-sharing power. As the Secretary mentioned, there is also an increase in offences and penalties, so maximum penalties have been tripled for offences in the national law, and the penalty within the national regulations has also been increased. The offences under the national law that may be subject to penalty infringement notices have also been expanded, and, crucially for the operation of the regulatory authorities, there is an extended limitation period enabling regulatory authorities to commence proceedings against either individuals or approved providers over a longer timeframe. So for some historical matters that are reported some distance of time after the actual alleged offending occurred, regulatory authorities now have that capacity to go back in time and conduct an investigation. As the Secretary said, also those powers for the national early childhood worker register are now enshrined in law, and as he said, the implementation of that work is progressing rapidly and will be underway early next year.

**Jacinta ERMACORA:** Thank you – fantastic. The Victorian version of the national register that you mentioned at the start: will that merge into the national model in February?

**Bronwen FITZGERALD:** I can continue on this topic if you like. At this stage the commitment that we have made is that the Victorian register will be coherent with or coordinated with the national register. We have heard clear messages that we need to make sure that the amount and depth and rigour of information in the national register is at least as good as the Victorian register before we conduct a process to merge or combine them in some way. So we understand that the national register begins testing this month and then is open in February of next year, and as the Secretary says, it is developing in its completeness between February and April. At that point we will consider the best forward approach for the coordination and combination of the two register pieces of activity.

**Jacinta ERMACORA:** I am assuming from what you are saying that the higher standard in the Victorian model – you are not going to let that be compromised by the national approach. I assume that the issues there relate to the different jurisdictions and potentially not just perhaps the judicial and regulatory machinery but also the different priorities that each state or territory might have that impact that national model.

**Bronwen FITZGERALD:** Certainly part of the government's response to the rapid review recommendation about the national register was that we would commit to working with the national register but not if it compromises the quality of the kind of tracking and register work that we do here, and that work needs to evolve over the course of next year. I will maybe throw to Ms Quiney to say a little bit more about the way the different regulatory authorities will work with the national register and the way that that action will be coordinated and consistent. The register will be hosted on the IT system that Ms Quiney mentioned, the national quality agenda IT system, or NQAITS. That system is used by all regulatory authorities, and it is

hosted by ACECQA. ACECQA will happily also have the leadership role for coordinating and supporting regulatory authorities to have consistent practice about how they conduct their work and how they use their powers and how they share information. I will throw to Ms Quiney to say a little bit more about how we will maintain consistency, about the use of the register and the NQAIT system more broadly.

**Helen QUINEY:** Thanks, Ms FitzGerald. Ms Ermacora, ACECQA do really support each of the regulatory authorities to be taking consistent practice and ensuring that we do apply consistent standards across each jurisdiction, noting that there are many providers who work across many jurisdictions in Australia. And as we progress towards the national register in February, we will be working closely with other jurisdictions to ensure that we are applying consistent approaches and requirements in terms of providers putting information on the national register and consistently updating that. That will also enable us to have nationally consistent communications and engagement across the sector in terms of that information. But importantly, the other key thing that the national quality agenda IT system does is it enables us to track information across other jurisdictions, including in relation to individuals who are moving between jurisdictions looking for the gaps.

**Jacinta ERMACORA:** Yes, which is what I was going to ask about next, so go on.

**Helen QUINEY:** Yes. And that is incredibly useful because it means that where we may not have enough information within Victoria to get a threat to a threshold, we can gather information from other jurisdictions that might help us to get to a necessary threshold to take action against an individual or a provider.

**Jacinta ERMACORA:** Very good. Thank you. How much time have I got left?

**The CHAIR:** You have got 30 seconds, Ms Ermacora.

**Jacinta ERMACORA:** Well, just a quick question about the integrity of the national approach, just ensuring that that will actually practically work in terms of practitioners that might be moving about the country.

**Tony BATES:** I might just quickly say, Ms Ermacora, on that announcement from education ministers and the Commonwealth that there will be a standard national child safety training package, that will be rolled out from February next year, we think that is a really important step. That will give a consistency of training across the country. And then, as Ms Quiney said, that ability to more readily share information with other jurisdictions using IT systems rather than relying on meetings and particularly to track people that are working across borders, I think, will also very significantly improve the regulator's ability, as Ms White said, to follow the breadcrumbs. As I said, the Victorian register now means we have got a full picture of all the workers in the sector and we can see if people are changing services, we can see if people are working three days here and two days there and we can see if they are moving around through labour hire. If we can get that same visibility nationally, I think that is a very significant uplift to try and address some of that very small number of people that might pose risks to the safety of our children.

**Bronwen FITZGERALD:** And on your question around consistency, it is worth noting that the national register powers are enabled in national law. So it will be consistently applied across the country and led by ACECQA as the national agency.

**Jacinta ERMACORA:** Fantastic. Thank you very much for the opportunity to ask.

**The CHAIR:** Thank you, Ms Ermacora. We are coming to the end of our session, but I am just going to ask a very quick question. Grooming – this is something that came up in the submissions made to this inquiry, and I just want to get your perspective on this as the regulator. Grooming behaviour is something that is very difficult to spot or identify if you do not have appropriate training to look out for these sorts of traits being exhibited by predators coming into the system. How can regulators, in your mind, effectively identify grooming before a child is harmed if they are not receiving specific training? And is that training extended to authorised officers?

**Helen QUINEY:** Thanks, Ms Gray-Barberio. The new national child safety training will be much more comprehensive than the existing training. There will be child protection training and then child safety training, and both of those will really get into identifying grooming behaviours and understanding what they look like and how to detect those and what to do if you identify those, because some of them can seem innocuous on their own – so identifying that pattern of behaviours. Already Victoria's PROTECT module really does help – I

have done it, and our authorised officers are all very much across it – to identify and understand what grooming behaviours are and how to take action. But the additional training is going to go a long way in terms of ensuring that everybody at every level understands that – that all educators working on the floor can spot those grooming behaviours, because that is really where those behaviours are more likely to occur.

Then the other recommendation in the rapid child safety review is about ensuring that families understand child safety and understand what grooming behaviours are, because often grooming behaviours not only occur with a child but also in relation to a family as well. So as families increase their awareness and visibility of what grooming behaviours are and how to call those out, we really hope that we will receive more notifications relating to that that we can then act quickly in relation to, but also services, if they become aware of those things, can respond.

I think really there are many pieces of the puzzle. There is the regulatory authority, there are people working in services, and then there are families who really are quite well placed to identify grooming behaviours when they occur. That child safety training is being developed by Australian Centre for Child Protection and developed with wide consultation across the sector but also with experts in terms of ensuring that its content really does go to the types of behaviours that occur in these cases and to build awareness of those behaviours and ensure that they are acted upon straightaway.

**The CHAIR:** Thank you. Just quickly – to Mr Galea.

**Michael GALEA:** Thank you, Chair. I have just a brief question as well. The reportable conduct scheme will also be part of the SSR from next year. Currently that is been administered by the CCYP. Can you give any commentary on how it is performed, that role?

**Helen QUINEY:** In relation to the CCYP's performance of the reportable conduct scheme?

**Michael GALEA:** Yes.

**Helen QUINEY:** Thank you, Mr Galea, for the question. We work very closely with the CCYP and with other regulators, including the existing Social Services Regulator, across all levels to share information and understand how that is occurring. By consolidating that information together into the Social Services Regulator I think that will streamline that work. We do already have good practices in place to make sure that we are all aware of the reportable conduct scheme and how to respond, and also within the Victorian regulatory authority we receive information about reportable conduct investigations that are conducted by providers so that we can use that to inform the action that we take as well.

**Michael GALEA:** Thank you.

**The CHAIR:** Great. Thank you, Mr Galea. Thank you very much, Mr Bates, Ms FitzGerald and Ms Quiney, for presenting to the committee today. We really appreciate the time. You will receive a copy of the transcript in about a week's time before it is published on the website.

We are now going to take a short break to reset for the next witness.

**Witnesses withdrew.**