



Select Committee on the Early Childhood Education and Care Sector in Victoria

Hearing Date: 8 December 2025

Question[s] taken on notice

Directed to: Ombudsman Victoria

Received date: 16 January 2026

1. Michael GALEA, pp. 43-44

Question Asked:

As you know, the SSR will be taking on a number of functions, including the reportable conduct scheme that is currently administered by the CCYP, as are the child safe standards. Do you have any information on how many complaints you have dealt with for the CCYP in relation to those two schemes?

Marlo BARAGWANATH: No, not off the top of my head. We could take that on notice, though, Mr Galea.

Response: See response attached below

2. Sarah MANSFIELD, p. 48

Question Asked:

You have undertaken a number of investigations over the past decade. The one – I think it has been referenced – in 2015 into the Department of Education; and there was the one that you mentioned before that, although it was focused, identified some systemic issues. I guess from the different investigations you have undertaken around childhood sexual abuse and the department's response to it, are there any broader learnings or insights from those that would be helpful for the committee?

Marlo BARAGWANATH: Dr Mansfield, I think that might be something we need to take on notice,

Response: See response attached below

3. Sarah MANSFIELD, p. 48

Question Asked:

Are you able to provide any more detail about what the complaints were or the handling of those issues – like, what are the issues that are being complained about?

Marlo BARAGWANATH: We will have to take that on notice

Response: See response attached below

4. Melina BATH, p. 50

Question Asked:

... in the 2022 report to government, you said that you followed up with the justice department in March 2023 and, from my scribble, October 2023. In July 2023 you sent a response request for an update review to the Attorney-General, and then again in July 2024. I would actually like to ask who that was – and you may need to do some research, because the justice department is a big department – and what was the response? It could be in terms of date, person, response date and any other consideration that you had in further follow-up or any other commentary. I know you mentioned it, and I think somebody else asked here if this is normal. I think it is our responsibility as an inquiry actually to tease that out, because if it is not normal, then this is a concern for, at the end of the day, parents and children, and I am sure you are concerned about that.

Marlo BARAGWANATH: We will have to take it on notice in terms of who exactly we spoke to –

Response: See response attached below

5. Melina BATH, pp. 50-51

Question Asked:

Marlo BARAGWANATH: just in terms of who in the department we had various discussions with. In relation to whether it is unusual for a recommendation to remain outstanding for this long, again, we will have to probably analyse some of our data about recommendations. I think, as Andrew said, recommendations for legislative reform can take a bit longer than some others that are just about policy or procedure, so we would have to do that analysis and come back to you on that.

Response: See response attached below

Victorian Ombudsman response to Questions on Notice from the Select Committee on the Early Childhood Education and Care Sector in Victoria

1. Michael GALEA, pp. 43-44

Question Asked:

As you know, the SSR will be taking on a number of functions, including the reportable conduct scheme that is currently administered by the CCYP, as are the child safe standards. Do you have any information on how many complaints you have dealt with for the CCYP in relation to those two schemes?

Response:

Since 2020-21 the VO has received 25 complaints about the Commission for Children and Young People, 8 of which related to the reportable conduct scheme, and 3 of which related to the Child Safe Standards.

To put this in context, complaints about CCYP account for only 0.0255% of jurisdictional complaints received by the VO since 2020-21.

2. Sarah MANSFIELD, p. 48

Question Asked:

You have undertaken a number of investigations over the past decade. The one – I think it has been referenced – in 2015 into the Department of Education; and there was the one that you mentioned before that, although it was focused, identified some systemic issues. I guess from the different investigations you have undertaken around childhood sexual abuse and the department's response to it, are there any broader learnings or insights from those that would be helpful for the committee?

Response:

The Committee may draw broader insights from the following three Ombudsman investigations that considered allegations of child sexual abuse:

- Support when children are sexually abused at school: The Department of Education's response to abuse in a Victorian primary school (13 Feb 2025) (**the DoE case**)
- Investigation into a former youth worker's unauthorised access to private information about children (14 Sep 2022) (**the Youth Worker case**)
- Investigation into child sex offender Robert Whitehead's involvement with Puffing Billy and other railway bodies (25 Jun 2018) (**the Puffing Billy case**)

Lessons may include:

Focused on fair

First, institutions can fail children twice. Across the cases, harm was compounded by inadequate, fragmented, or defensive responses after concerns emerged. Whether through reputation-protective decision-making (Puffing Billy), fragmented and inconsistent communication (Youth Worker), or poorly coordinated follow-up and support (DoE), institutional responses became a second source of harm.

Second, early responses are important and require specialists. The DoE case shows how early mishandling of concerns can shut down disclosure and exacerbate harm. The broader lesson is that first responses cannot solely rely on generalists exercising judgement under pressure and the importance of clear escalation pathways and immediate access to specialist expertise.

Third, governance can affect child safety. The Puffing Billy case demonstrates that weak governance and unmanaged conflicts of interest create environments where child safety is less of a priority than protecting the organisation.

Fourth, robust information management is a child-safety control. The Youth Worker case highlights how failures in access controls and information management can enable ongoing risk, while Puffing Billy shows how poor recordkeeping undermines accountability and redress.

Fifth, support, transparency, and accountability can't be assumed. All three cases show that support for victims does not occur automatically, that learning is not embedded without deliberate review, and that trust is not rebuilt without transparency. Apology, transparent reporting, independent scrutiny, and system learning are essential components of prevention and recovery.

Finally, an overarching theme in much of the Ombudsman's work is about keeping people at the centre of decision-making – remembering that behind every action and decision (or inaction and indecision) is a person.

This is particularly important when we think about laws, policies and public services that impact children – from health to education and even criminal justice – every child in Victoria has the right to such protection, as is in their best interest and is needed by them by reason of being a child.

3. Sarah MANSFIELD, p. 48

Question Asked:

Sarah MANSFIELD: Okay. Thank you. Have you received any complaints about the former regulator, QARD?

Marlo BARAGWANATH: Yes, in the three-year period from 1 July 2022 to 30 June 2025 we had about 16, which is on average about five complaints per year, so not a lot. They typically relate to handling of complaints and notifications about various early childcare services.

Sarah MANSFIELD: Are you able to provide any more detail about what the complaints were or the handling of those issues – like, what are the issues that are being complained about?

Response:

Complaints about QARD are typically made by parents and carers about its handling of complaints and notifications relating to ECEC services. Complainants typically raise concerns about processes (e.g. perceived delays), outcomes, and communication with educators, parents, and carers.

4. Melinda BATH, p. 50

Question Asked:

... in the 2022 report to government, you said that you followed up with the justice department in March 2023 and, from my scribble, October 2023. In July 2023 you sent a response request for an update review to the Attorney-General, and then again in July 2024. I would actually like to ask who that was – and you may need to do some research, because the justice department is a big department – and what was the response? It could be in terms of date, person, response date and any other consideration that you had in further follow-up or any other commentary. I know you mentioned it, and I think somebody else asked here if this is normal. I think it is our responsibility as an inquiry actually to tease that out, because if it is not normal, then this is a concern for, at the end of the day, parents and children, and I am sure you are concerned about that.

Response:

On **13 July 2022**, the then Ombudsman wrote to the then Acting Secretary to the Department of Justice and Community Safety (DJCS) (Dr Peta McCammon) to consult on the proposed recommendation to amend the Worker Screening Act.

On **26 July 2022**, the then Secretary to DJCS (Rebecca Falkingham) responded:

The safety of children is of paramount importance and DJCS is committed to ensuring the protections offered by the Working with Children check scheme continue to meet community expectations.

I would like to thank you for consulting DJCS on the draft report and the proposed recommendation and for providing DJCS with an opportunity to respond. Given the complexity of the recommendation, and noting our earlier correspondence on previous drafts, DJCS is carefully analysing options, and will not provide a further response at this stage.

On **14 September 2022**, the investigation report together with its recommendations was tabled in Parliament.

On **8 March 2023**, then Secretary to DJCS (Kate Houghton PSM) wrote to the then Ombudsman to provide an update on the Department's implementation of a number of recommendations. This was part of a routine update process that occurs with DJCS. In relation to the recommendation to amend the Worker Screening Act, the Secretary advised:

This recommendation is currently under consideration. DJCS confirms that the Worker Screening Act remains in the portfolio, but the functions of worker screening moved to the new Department of Government Services on 1 January 2023. Given the policy and legislation function will remain with the Attorney-General, it is envisaged that DJCS will continue to be responsible for this recommendation.

On **27 July 2023**, the then Ombudsman sought a formal response from the then Attorney General (The Hon. Jaclyn Symes) on the recommendations to amend the Worker Screening Act 2020.

On **5 September 2023**, VO staff wrote to the Executive Director, Integrity and Reviews at DJCS seeking an update on recommendations including the recommendation relating to amendments to the Worker Screening Act 2020.

On **31 October 2023**, then Secretary to DJCS (Kate Houghton PSM) wrote to the then Ombudsman, again as part of a routine update. In relation to the recommendation to amend the Worker Screening Act, the Secretary advised:

Given the complexities of your recommendations regarding the Working with Children (WWC) check, including implications for the Department of Government Services and the close interaction of the WWC check with the reportable conduct scheme, which is currently under review, the recommendations remain under consideration at this time.

On **11 December 2023**, VO staff wrote to the Executive Director, Integrity and Reviews at DJCS seeking another update on recommendations including the recommendation relating to amendments to the Worker Screening Act 2020.

On **3 July 2024**, then Secretary to DJCS (Kate Houghton PSM) wrote to the then Ombudsman, again as part of a routine update. In relation to the recommendation to amend the Worker Screening Act, the Secretary advised:

VO's recommendations regarding the Working with Children Check are under consideration. In light of the outcomes of the review of the Reportable Conduct Scheme and related work at a national level, DJCS will work closely with the Department of Government Services and the Department of Families, Fairness and Housing to further consider these recommendations.

On **10 September 2024**, VO staff wrote to the Executive Director, Integrity and Reviews at DJCS seeking another update on recommendations.

In response, on **26 November 2024**, then Secretary to DJCS (Kate Houghton PSM) wrote to the Ombudsman and advised in relation to the recommendation to amend the Worker Screening Act:

Victorian Ombudsman recommendations regarding the Working with Children Check are under consideration.

DJCS is working closely with the Department of Government Services on the outcome of the review of the Reportable Conduct Scheme and will consider these recommendations further in consultation with the Department of Families, Fairness and Housing.

On **10 February 2025**, VO officers met with DJCS officers, including the Executive Director, Integrity and Reviews to discuss progress toward implementation of a number of recommendations. In relation to the recommendation to amend the Worker Screening Act. VO officers were advised that DJCS continued to work with the Department of Government Services on the reportable conduct scheme and the associated legislative project.

On **1 July 2025**, media reports about charges against Joshua Dale Brown for child abuse offences first appeared.

5. Melina BATH, pp. 50-51

Question Asked:

Marlo BARAGWANATH: ...In relation to whether it is unusual for a recommendation to remain outstanding for this long, again, we will have to probably analyse some of our data about recommendations. I think, as Andrew said, recommendations for legislative reform can take a bit longer than some others that are just about policy or procedure, so we would have to do that analysis and come back to you on that.

Response:

It is not unusual for recommendations to remain open for several years, particularly those that require legislative reform to implement.

Of the 122 accepted recommendations made over the last 5 years (2020-21 to 2024-25), 34 remain in progress, and 12 are yet to commence implementation.