



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

**Hearing Date:** 8 December 2025

**Question[s] taken on notice**

**Directed to:** Commission for Children and Young

People **Received date:** 9 January 2026

## 1. Michael GALEA, pp. 59-60

### Question Asked:

Acting Principal Commissioner, how much does it cost the commission to refer a substantiated matter of reportable conduct to the worker screening unit?

**Argiri ALISANDRATOS:** How much does it –

**Michael GALEA:** How much does it cost to refer it to the worker screening unit?

**Argiri ALISANDRATOS:** I do not believe there is a cost associated, except if we are talking about the mechanism for actually referring.

**Michael GALEA:** So it is quite a minimal load in terms of the actual referral to the worker screening unit?

**Argiri ALISANDRATOS:** Yes. Emily?

**Emily SANDERS:** We will have to take that on notice in terms of being able to cost that up.

### Response:

The Commission for Children and Young People (the Commission) has not previously estimated the cost for sending a notification to the Secretary to the Department of Government Services (DGS) about a substantiated finding that a worker or volunteer has committed reportable conduct for the purposes of a Working with Children Check (WWCC).

The process involves:

- preparing a summary of the matter including information about the subject of allegation, the organisation that has undertaken the investigation, a summary of the reportable allegations, information about other referrals the Commission has made such as to Victoria Police and a summary of the reasons for the findings
- de-identifying information where necessary
- review by a senior Commission staff member for accuracy, and approval of the notification by a manager or executive
- sending the notification to DGS and recording it in the Commission's database.

Given the range and levels of complexity contained in each matter, the time to prepare and refer findings can vary greatly. It is therefore difficult to quantify this process and provide a robust, reliable figure.

The Commission cautions against relying on any estimate for this process as it may not provide a fulsome picture of resourcing required to effectively manage a substantiated finding. Further, an estimate of this process would not account for resourcing of critical personnel, infrastructure, systems and tools required to support deeper analysis to address broader organisational, sector and systems issues.

## 2. **Michael GALEA, p. 60**

### **Question Asked:**

I see from the annual report that there was an approximately 7.5 per cent increase in the FTE staff allocation for the CCYP in the past financial year. Was that increase primarily to do with the reportable conduct scheme and the child safe standards, noting the percentage increases that you outlined in the presentation?

**Emily SANDERS:** Sorry, I did not quite catch the figure there. My apologies.

**Michael GALEA:** I note that there was an increase to the cases under the reportable conduct scheme in the last financial year of 18 per cent and a full-time equivalent staff increase as well of 7.5 per cent. Was that increase to the staffing predominantly due to the reportable conduct scheme?

**Emily SANDERS:** We might need to take that on notice in terms of the actual breakdown.

### **Response:**

As the Commission's 2024–25 Annual Report states, the overall FTE increased from 81 at 30 June 2024 to 87 at 30 June 2025. These figures are point-in-time snapshots.

The six additional FTE at 30 June 2025 is made up of:

- vacancies of roles from existing Commission funding
- one FTE from additional short-term funding for administering the reportable conduct scheme.

The Government provided the Commission with the additional short-term funding in recognition of additional mandatory information sharing requirements that were legislated upon commencement of the Social Services Regulator. This funded a 12 month, fixed term front-line Senior Case Manager role in the Regulatory Advisory Team, the team responsible for administering the reportable conduct scheme at the Commission. This funding (and the role) has now ceased.

As previously noted, as at 30 June 2025 the Commission had not received any additional ongoing funding to support the administration of the Reportable Conduct Scheme since its commencement.

We are pleased to see that in response to the Rapid Child Safety Review the Victorian Government has now allocated additional funding for the administration of the Reportable Conduct Scheme at the level of 21 FTE from 1 January 2026.

### **Additional Questions**

#### **3. The CHAIR**

In August 2020, the Goodstart Early Learning notified the CCYP of substantiated allegations of sexual misconduct by a childcare worker in the Geelong region. The individual was accused of engaging in inappropriate behaviour, including kissing toddlers and grooming. He was able to keep his Working With Children Check. Could the Commission outline the actions it took following this notification, including any consideration regarding the individual's Working With Children Check status?

#### **Response:**

We recognise the public's interest in understanding the details of specific cases. The Commission is however unable to disclose information about individual matters under the Reportable Conduct Scheme due to statutory confidentiality obligations making it a criminal offence to do so.

In general terms, the Commission refers substantiated allegations of reportable conduct to the agency that administers the Working with Children Check (WWCC). This enables the agency to reassess whether that person should retain their WWCC clearance under the *Worker Screening Act 2020*. Under the *Worker Screening Act 2020*, the Commission is not the agency that determines whether a person should retain their WWCC clearance. The two agencies that have had this role since 2020 are the Department of Justice and Community Safety and the Department of Government Services.

In 2020, the Commission was not routinely advised by the agency WWCC about action it had taken in regard to a person's WWCC following the Commission notifying it of substantiated findings under the Reportable Conduct Scheme.

In the Commission's 2019 and 2023 reviews of the administration of the *Working with Children Act 2005* and the *Worker Screening Act 2020*, the Commission recommended the Victorian Government amend laws to enable the agency administering the WWCC to share information with the

Commission on the outcomes of all WWCC assessments. The Department of Government Services subsequently developed a process to enable this information to be shared with the Commission and work to implement this change had commenced when the Government announced legislative changes to information sharing in its response to the Rapid Child Safety Review.

The *Social Services Regulation Amendment (Child Safety, Complaints and Worker Regulation) Act 2025* has recently been passed and will make changes to both the Reportable Conduct Scheme and the WWCC that will alter the way information can be shared between these two schemes and how WWCC can respond to those who present a known risk to children.

#### 4. The CHAIR

Following that notification, the individual continued to work in childcare settings.

Could the Commission advise whether any review was undertaken of its processes relating to this case, and whether any factors within the Commission's remit may have influenced the continuation of that person's Working With Children Check?

**Response:**

Once the Commission refers substantiated reportable conduct to the agency that administers the Working with Children Check (WWCC), that agency reassesses whether that person should retain their WWCC clearance under the *Worker Screening Act 2020*. Under the *Worker Screening Act 2020*, the Commission is not the agency that determines whether a person should retain their WWCC clearance. The two agencies that have had this role since 2020 are the Department of Justice and Community Safety and the Department of Government Services.

The Commission has previously raised two key concerns about the Victorian WWCC system:

- the statutory limitation on the Commission's powers to share information with the agency administering the WWCC
- lack of a broad ability for the agency administering the WWCC to take action to reassess a person's ability to retain their WWCC clearance when they receive information that they may pose an unacceptable risk to children.

This has been informed by its experience administering the Reportable Conduct Scheme and conducting reviews of the administration of the *Working with Children Act 2005* and the *Worker Screening Act 2020*,

The Victorian Ombudsman's report (September 2022) *Investigation into a former youth worker's unauthorised access to private information about children* highlighted the legislative constraints that undermine the effectiveness of the WWCC scheme. These included:

- Under the *Worker Screening Act 2020*, Victoria's screening authority is generally prevented from using police and child protection intelligence about matters that do not result in criminal charges or disciplinary findings, even where potentially indicative of serious child-safety concerns limitations on the type of information that can be considered when assessing an application for clearance to work with children
- Working with Children Check Victoria should be generally empowered to revoke a person's clearance following reassessment if reasonably satisfied they pose an unjustifiable risk to the safety of children, regardless of whether criminal charges are issued.

Informed by its experience administering the Reportable Conduct Scheme, the Commission's submission to the Reportable Conduct Scheme Review in November 2022 recommended that:

- the *Child Wellbeing and Safety Act 2005* be amended to allow for broad information sharing powers between the Commission and WWCC Victoria.
- the *Worker Screening Act 2020* be reviewed to ensure WWCC Victoria is empowered to act on a broader range of information for child safety purposes than under current law.

We are pleased to note that *Social Services Regulation Amendment (Child Safety, Complaints and Worker Regulation) Act 2025* amends information sharing provisions to increase the information that can be shared from the Reportable Conduct Scheme to WWCC, and that the agency administering the WWCC will be able to act on a broader range of information to consider if a person should retain their WWCC clearance.