

# **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**

Argiri Alisandratos, Acting Principal Commissioner,

Meena Singh, Commissioner, Aboriginal Children and Young People, and

Emily Sanders, Director, Regulation, Commission for Children and Young People.

**The CHAIR:** Good afternoon and welcome back. We will now resume the committee's public hearings for the Inquiry into the Early Childhood Education and Care Sector in Victoria.

I would like to begin this hearing by respectfully acknowledging the Aboriginal peoples, the traditional custodians of the lands which we are gathered on today, the Wurundjeri Woi Wurrung people, and pay my deep respects to their elders, ancestors and families. I particularly welcome elders and community members and you, Ms Meena Singh, who are here today to impart their knowledge also, as First Nations people. I welcome any member of the public in the gallery or watching live on the broadcast. I also would like to remind people in the room to be respectful of proceedings and to remain silent at all times.

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

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

**Argiri ALISANDRATOS:** Hello. Argiri Alisandratos. I am the Acting Principal Commissioner for the Commission for Children and Young People.

**Meena SINGH:** Hi. I am Meena Singh. I am the Commissioner for Aboriginal Children and Young People, and I am from the Commission for Children and Young People.

**Emily SANDERS:** Emily Sanders, Director of Regulation from the Commission for Children and Young People.

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

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

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

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

**Jacinta ERMACORA:** Jacinta Ermacora, Member for Western Victoria.

**Sarah MANSFIELD:** Sarah Mansfield, Member for Western Victoria.

**The CHAIR:** Thank you very much, members, I appreciate that. We would now like to invite you to make an opening statement, and if you could please contain it to 10 minutes, that would be really appreciated. Thank you.

**Argiri ALISANDRATOS:** Thank you, Chair. Can I also begin by acknowledging country that we are meeting on and pay my respects to elders past, present and emerging. Thank you for inviting the Commission for Children and Young People to make a submission and appear at today's hearing. We recognise the profoundly distressing circumstances that have given rise to this inquiry. Child abuse has a devastating impact

on children, their families and the broader community. Incidents of child abuse can also tear apart the organisations that they occur within, many of which have children's interests firmly at their core. Providing a safe, supportive and nurturing environment for children, that supports their education and development while caregivers work or study, is critical both for the children in early childhood education care as well as Victorian society more generally. We note that the very young age of children in the ECEC sector can make them vulnerable due to the developmental stage and, consequently, to their often-limited ability to understand, recall or disclose abuse, and we therefore welcome further work to reduce the risk of harm to children. We welcome the opportunity to contribute to improving systems vital to keeping children safe.

Today I am joined by Meena Singh, our Commissioner for Aboriginal Children and Young People, and Emily Sanders, our Director of Regulation. Our opening statement seeks to provide an overview of the commission's roles, draw out some key insights from the reportable conduct scheme about child abuse and harm in early childhood education and care, outline the shape of the child safety system and situate our regulatory functions within this, highlight our key messages for centring child safety and strengthening the systems to prevent child abuse in organisations. The commission is an independent, statutory body that promotes improvement in policies and practices for the rights, safety and wellbeing of children and young people in Victoria. Our functions include providing independent scrutiny and oversight of services for children and young people, particularly those in out-of-home care, child protection and youth justice systems; conducting individual and systemic inquiries into services provided to children and child death inquiries; advocating for best practice policy, program and service responses to meet the needs of children and young people; bringing the experiences of children and young people to government and the community; and supporting and regulating organisations that support children and young people to prevent abuse and ensure these organisations have child safe practices.

### Visual presentation.

**Argiri ALISANDRATOS:** The commission's functions and powers are set out in the *Commission for Children and Young People Act 2012*, and the *Child Wellbeing and Safety Act 2005*. As a regulator, we are currently responsible for administering the reportable conduct scheme and share responsibility for regulation of the child safety standards with five other regulators. The standards and the scheme are designed to complement each other by driving a culture of child safety and ensuring organisations properly investigate and respond to allegations of inappropriate or abusive conduct towards children. The diagram on the slide illustrates the relationship between the standards as a preventative framework and the scheme, which provides a system to independently oversee responses to allegations of suspected child abuse.

The standards and the reportable conduct scheme are part of the broader child safety system. As this simplified diagram illustrates, there are a range of bodies that currently play a role in promoting prevention, reporting and responses to child abuse in early childhood education and care. The quality assessment and regulatory division in the Department of Education is the standards regulator for early childhood education and care and another regulator for compliance against the national quality framework. The Victorian Institute of Teaching is responsible for teacher registration. The Department of Government Services is responsible for the working with children check, the Department of Families, Fairness and Housing is responsible for child protection matters and Victoria Police are responsible for investigating criminal matters.

We understand that the committee is particularly interested in insights from the scheme, following recommendations from the 2017 Royal Commission into Institutional Responses to Child Sexual Abuse. The scheme's central premise is that heads of organisations should conduct investigations into allegations of reportable conduct by their workers or volunteers, under the oversight of the commission. The commission independently monitors organisations' investigations and, where appropriate, makes recommendations to improve the responses of those organisations to allegations of reportable conduct. This can include providing guidance before, during and after an investigation.

Since the inception of the scheme on 1 July 2017, mandatory notifications from heads of organisations have increased year on year. Since the start of the scheme through to 30 June 2025 the commission has received 10,353 mandatory notifications from heads of organisations across all sectors. A quarter of these – 2615 – have been from the early childhood and education sector. For the period 1 July 2024 to 30 June 2025 the commission received 2232 notifications of reportable allegations from heads of organisations. This was an 18 per cent increase on the number of notifications received in 2023–24 and a 178 per cent increase on the number received

in 2017–18. The trend is similar for the early childhood education sector, where notifications have steadily increased since the sector came within scope of the scheme, rising from 265 in 2019–20 to 705 in 2024–25, which is a 166 per cent increase.

We believe this increase in reportable allegations is partly attributable to the growing sector, the growing awareness of organisations' obligations under the scheme. The growth also reflects an increased understanding in organisations of what is harmful to children; improved skills amongst staff and volunteers in identifying harmful conduct and knowing what to do in response; and the increasing confidence of victim-survivors and their parents and carers to report concerns about what constitutes acceptable and unacceptable behaviour with children, meaning departures from acceptable behaviour are easier to identify and address. We anticipate that demand on the scheme will continue to grow as the sector grows, the profile of the scheme is further raised and the understanding of what constitutes unacceptable behaviour improves among organisations, children and young people and the community. We would also expect that, as child abuse preventative measures mature and are strengthened, this trend should eventually start to change.

The ECEC sector came into scope for the scheme in 2019. Every day in our work we see instances of harm and abuse that children experience in Victorian organisations, including in the early childhood education and care sector. The scheme gives us important insights into the types of abuse and harm experienced and how early childhood education and care services respond. We collect and analyse reportable conduct scheme data and publish this yearly in our annual report. Since the start of the scheme there have been 4123 allegations from 2615 mandatory notifications notified to the commission in the early childhood education and care sector. Physical violence is the highest reported allegation type under the scheme for the whole early childhood education sector. Since the start of the scheme, it represents 61 per cent. In 2024–25 physical violence was the most common allegation type in all service types in the early childhood sector. A small proportion of allegations in the early childhood sector related to sexual misconduct and sexual offences in 2024–25 – 9 per cent and 3 per cent respectively. This has remained consistent since the start of the scheme.

Again, since the start of the scheme there have been a total of 887 substantiated incidents of misconduct or abuse of children in the early childhood education and care sector under the reportable conduct scheme. The most common form of abuse or misconduct experienced by children that we see under the scheme is physical violence, with 567 substantiated incidents since 2017. There have been only 11 incidents seen since 2017 of substantiated sexual offences under the scheme. A further 44 incidents involved substantiated sexual misconduct. Sexual offences and sexual misconduct had lower substantiation rates, of 14 per cent and 15 per cent respectively, when compared with all allegation types across the ECEC sector, sitting at 25 per cent. I note that we are dealing with low numbers, though, which is relevant to any analysis. This is also lower than any substantiated rate for sexual offence allegations across all sectors covered by the scheme, which was at 51 per cent in 2024–25 and 38 since the start of the scheme. For sexual misconduct allegations across all sectors covered by the scheme the substantiation rate was 48 per cent in 2024–25 and 36 per cent since the start of the scheme. Significant neglect of a child had the highest substantiation rate of all conduct types in early childhood education in 2024–25, with half of all the allegations found to be substantiated.

The data points to the need for ongoing attention to how to prevent children from being subjected to physical violence and neglect across the sector. Further, with low numbers of allegations being reported in relation to sexual offences or sexual misconduct involving children and the lower substantiation rates when allegations are raised, further consideration is needed about whether improved training and information is warranted to help workers in ECEC, parents and carers identify grooming-type behaviours. Codes of conduct across the ECEC sector are clear enough about what sort of worker behaviour is acceptable and unacceptable. It may be appropriate to look at how ECEC providers are monitoring the conduct of their workers with children given some of the challenges in substantiating allegations of sexual offences and sexual misconduct involving pre-verbal children.

The shape of the current system has iteratively evolved since the working with children check was introduced in 2005, building the regulatory system that we have today. The Victorian Parliament's 2013 inquiry into handling of child abuse by religious and non-government organisations, known as the *Betrayal of Trust* inquiry report, along with the 2017 Royal Commission into Institutional Responses to Child Sexual Abuse, highlighted that children and young people in a range of institutional settings were vulnerable to abuse. It is important to recognise and acknowledge that Victoria has progressed significant child safety reforms, including the introduction of mandatory child safe standards and the reportable conduct scheme as recommended in these

inquiries. As these reforms have been implemented over many years, it is critical to look at how the various parts are operating together and identify the gaps and opportunities to ensure they work more effectively and seamlessly. The reforms resulting from the rapid child safety review are significant and relevant to this inquiry. As part of these reforms, and subject to the passing of legislation, the administration of the scheme and the standards are to be transferred to the Social Services Regulator. The proposed transfer is part of the continuing evolution of Victoria's child safety systems that will see a shift from the initial establishment phase, where the commission set up the scheme and regulated the standards, to these systems being placed with a new agency that will also be charged with administering the working with children checks. The commission –

**The CHAIR:** Mr Alisandratos, sorry, we actually have gone over time, and we just want to give an opportunity to all the committee members to be able to ask their questions. Are you okay if we have got time at the end to come back to any additional comments you want to make?

**Argiri ALISANDRATOS:** Absolutely.

**The CHAIR:** Thank you. I appreciate your flexibility. I will just put my timer on. I will start first. Mr Alisandratos – I hope I have pronounced that correctly – how long have you been in the role as Acting Principal Commissioner?

**Argiri ALISANDRATOS:** I have been in the role for six weeks.

**The CHAIR:** This is a role that has been vacant for the last nine months, and there have been you and obviously Ms Singh that have been acting principal commissioners. What have you found in the last six weeks since you have been in there in terms of, I guess, improvements but also the legislative changes, where the reportable conduct scheme is now going to be moving out of CCYP? How is that going to affect CCYP and its functions?

**Argiri ALISANDRATOS:** My observation to begin with is that the commission is made up of very dedicated, committed people who are absolutely focused on child safety across the mandate of responsibility that they have. I would also say that the people at the commission are very proud of the work that they do and also recognise that there is always room for improvement. Quality improvement is something that is fundamentally built into the commission's core. There are changes being proposed and of course the commission recognises those changes. In my opening statement I talked about the iterative process of change and the strengthening of our systems of safety. The commission recognises that this is an important time. It wants to absolutely make that contribution in terms of the work that it has done over the years and the intelligence that it holds, and it is working closely with the SSR to ensure that when it is time to transition those functions across, that information and that intelligence are transitioned in the most fulsome way. We have got a group of staff who are absolutely committed to sharing that intelligence, and of course we recognise that a number of the team will move across into the SSR.

**The CHAIR:** With the transition that is coming up, with the reportable conduct scheme moving to SSR, what is going to become of CCYP? Is it just going to be an advocacy organisation? What are the implications or consequences of these changes happening?

**Argiri ALISANDRATOS:** The commission will retain clear responsibility for monitoring, oversight and advocacy in relation to children in child protection, out-of-home care and the youth justice system. It is currently part of the commission's mandate of responsibilities. It will continue to have a very strong focus on those systems of support and ensure that children are advocated for in those systems, and that is what the commission will be focused on going forward, post the transfer.

**The CHAIR:** Thank you, I appreciate that. Does that mean it will no longer have any regulatory powers once the reportable conduct scheme moves out?

**Argiri ALISANDRATOS:** That is right. Once those powers are transferred to the SSR, it will no longer be a regulatory body; it will be an oversight and systems monitoring body and an advocacy body for vulnerable children.

**The CHAIR:** Thank you. I appreciate you clarifying that for the committee. Now I just want to ask you and the whole panel some questions. How does the commission determine whether to initiate its own independent investigation into a reportable conduct matter, and to what extent is the decision discretionary?

**Argiri ALISANDRATOS:** Thank you. I might ask Emily to give you a response to that, but it is obviously something that the commission turns its mind actively to in terms of there being a process for own-motion investigations and a legislative requirement for that to occur. But there are some criteria that we also need to consider in undertaking that. Emily.

**Emily SANDERS:** We absolutely understand the public would want the commission to undertake more investigations than we currently do. We know that when a child or young person experiences harm or abuse in an institution there is a loss of confidence in that institution. We really heard that loud and clear from the royal commission. Following the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse, the reportable conduct scheme's central premise is that heads of organisations ought to undertake investigations into allegations in relation to their workers and volunteers and that these would be oversighted by the commission.

The child safe standards also require that organisations have complaints processes, so there is a linkage point there in relation to child safe standard 7. There are limited circumstances where an own-motion investigation by the commission can occur, and those are set out in the *Child Wellbeing and Safety Act* under section 16O. There are two sorts of investigations into allegations that can happen. One requires the principal commissioner to believe on reasonable grounds that reportable conduct may have been committed and also that it is in the public interest to conduct an investigation. There is an alternate investigation type where an organisation advises the commission that it is unable or unwilling to investigate the reportable allegation.

**The CHAIR:** Just on that, Ms Sanders, you said in your opening statement that heads of organisations should be investigating. But is there not a conflict of interest here when you are actually investigating your own staff member? How does the commission maintain some kind of integrity and oversight on that?

**Emily SANDERS:** What I would say is that we see a great number of organisations conducting very competent investigations into their workers and volunteers. Many organisations have those functions even prior to the reportable conduct scheme – if you think about, say, employees, there are misconduct processes. What we have seen since the reportable conduct scheme came into operation is that those organisations are then developing reportable conduct scheme investigation processes as well. Absolutely there are occasions where we might have concerns about it being an actual conflict of interest. Situations may arise, for example, where you have got an allegation about the head of the organisation themselves. Part of our oversight is to explore with the organisations how they are managing any conflicts of interest, and we can provide advice and guidance in order to support those organisations to put in place measures to ensure that there is a robust independent investigation.

**The CHAIR:** Great. Thank you. Ms Singh, this is my final question, because I am just about to run out of time here. You went on the ABC, and you were questioned earlier on this year about matters relating to allegations of an early childhood educator that came into the periphery of the commission because of their misconduct with regard to physical aggression with children. The commissioner decided not to refer those powers on to the working with children check to ensure that there could possibly be a review. The final decision rested with not referring that early childcare educator to the working with children check to have their check reviewed. Just for the understanding of the committee, what kind of risk assessment frameworks does the principal or acting principal commissioner take into account when they make those decisions to refer or not to refer to the working with children check?

**Meena SINGH:** Certainly. I might just lift up a level and talk about what we can and cannot refer. When a reportable conduct allegation is substantiated that is when we have a trigger effectively to be able to refer to the working with children check service. But we also have discretion under the legislation where – I just want to get the exact words – the reportable conduct behaviour is better dealt with through training and workplace supports. We make those decisions based on the information that is available to us at the time, so information that we will have received from the organisation as part of their conduct of the investigation, how they have responded to an investigation, what measures they have put in place in response, how the individual might have responded to the allegations and how responsive they were to getting feedback and to having that input into

what is happening for them. We look at what measures are in place, with the information that we have available at the time, to see whether or not that is an appropriate response. Then we will determine whether or not to exercise that discretion.

**The CHAIR:** Great. Thank you. I am going to hand over to Ms Ermacora online. Thank you.

**Jacinta ERMACORA:** Hi. Thank you very much for coming along. My first question is – we have had the rapid review, and we also have the social services regulation Bill in Parliament, which provides a range of changes to ensure enhanced sharing of information between regulators, and that includes bringing the reportable conduct scheme and the working with children's check in under the SSR, as we call it – can you tell me what you see as the benefits that you think this will provide in supporting improved risk management for child safety?

**Argiri ALISANDRATOS:** Yes. I will kick it off, and then I will hand to my colleagues. I think there are a number of benefits. I think having those functions sitting in the same organisation means that we can much more easily transfer information – relevant critical information. It means that decision-making can be more robust because of having those functions in the same place. It means that the intelligence can be accumulated and inform decision-making in a way that perhaps in our current arrangements has been a bit more fragmented. So there is a benefit in bringing some of those elements together in one organisation. I might hand to Meena and Emily – if they want to add some further comments.

**Meena SINGH:** Yes. I think we have heard a little bit about just the mechanisms you need to put in place to be able to share between organisations – things like being a child information sharing organisation or being a regulator and being able to share with other regulators. Obviously bringing those functions into one space means they are able to be shared within an organisation. If I can just use an analogy: for the commission right now we have got those regulation functions, but we were established in 2012 as an oversight and monitoring body. For us in terms of sharing information within the organisation we have provisions where we can do that. We can share intel about something that might come out of oversight and monitoring, say, of a child in out-of-home care – that we can utilise and check if something has been raised in the reportable conduct scheme. From a very pragmatic perspective it allows that information to be shared much more quickly within an organisation, and I guess without individual organisations having to consider frameworks and walls they have to go through and what permissions they have got to be able to share important information.

**Jacinta ERMACORA:** I suppose you are also possibly saying that there is a wider breadth of issues that can be taken into account as well, not just the pre-existing list through the separate organisations?

**Emily SANDERS:** Perhaps if I might answer. What the legislation – which creates the transfer from the commission over to the Social Services Regulator, bringing over the reportable conduct scheme – also does is it removes some of the barriers to sharing information that have been in the legislation. What that means is in practice some of the ways in which information could not be shared in the past to support a working with children check reassessment will be removed when those provisions commence, but further, the way in which the working with children check system is triggered to conduct a reassessment of someone is also changed. What that means is that where the information is held – whether it is by the commission, the Social Services Regulator or indeed child protection or Victoria Police; there is a whole range of bodies that gather information that are relevant to whether somebody ought to work with children – shifts monumentally. It then becomes all able to be received by the SSR and then also taken into account under the working with children check scheme. That legislation really just shifts the foundations, if you like, of those different schemes that are to operate together in addition to placing them within one body.

**Jacinta ERMACORA:** Yes – thanks. With the primacy of the welfare of the child combined with the changes associated with being able to immediately suspend an individual's working with children check as soon as a regulator becomes aware of an issue or even an unsubstantiated issue, how does that strengthen the framework and the responsiveness, and how does that compare from before to what we have now got under the SSR?

**Emily SANDERS:** If I might, the ability to, shall we say, stand someone down, for want of better words, or temporarily suspend their ability to work with children whilst matters are being looked into is certainly a feature, for example, of the New South Wales working with children check system, and my understanding of

the legislation that is before Parliament at the moment is that a similar way of thinking about temporarily removing someone's check whilst things are looked into is also what is designed. Together with that is the broader ability to share information to really trigger that temporary suspension – that is what I understand the impact of that to be. Your question was: how does that improve safety? Obviously it is a tool for the working with children check and, in this case, the Social Services Regulator to be able to take action whilst things are clarified. Certainly from our role in oversighting investigations, that will be an improvement. There is obviously a limit to risk mitigation that can happen. Obviously an organisation can temporarily suspend someone, but that does not stop them working with children in other organisations or in other settings. So that is a real shift in the landscape again to create greater protections for children and young people.

**Jacinta ERMACORA:** Excellent. I have got time for one more, I think. The rapid review also discussed how appropriate recruitment practices are essential, basically, that no-one should be able to work in the early childhood service unless their credentials are verified. Do you agree that the employee verification at this level is also critical as one of the protective factors to keeping children safe?

**Argiri ALISANDRATOS:** Yes, absolutely. That is a critical part of the process. What I would also say is the child safe standards are an important foundation for how we ensure organisations have a very clear view about the recruitment, the culture that they lead within their organisations and the focus on child safety. And it is fundamentally important that we continue to support a culture that is absolutely driven with child safety being the paramount consideration, and of course the recruitment practices go to that very issue. The requirement about the right processes that are required by organisations, the attention to detail that they need to undertake and the credentialing, as you quite rightly say, are absolutely fundamental. So continued focus on child safety standards are really important, and those matters that you have just outlined go to that very core issue of some of the child safety standards that we have got in the scheme.

**The CHAIR:** We are actually at time, so thank you for that. Thank you, Ms Ermacora.

**Jacinta ERMACORA:** Thank you.

**The CHAIR:** Over to you, Ms Crozier. Thank you.

**Georgie CROZIER:** Thank you very much, Chair. Thank you again for that oversight and the discussion with the committee. I want to go back to some of the points you have made. You spoke of the evolution of the child safety system and mentioned the Betrayal of Trust inquiry, which I chaired at the time so I am very familiar with the work we did and the recommendations we made. I tabled that in November 2013, 12 years ago, and since then a significant amount of work has been undertaken by various reviews and other inquiries, very important work, to strengthen those aspects around child safety. You have spoken about that and the importance of it. Again, I want to go back to the Ombudsman's work equally in terms of what they have done and their self-referrals, like you do self-referrals, including that self-referral they did on a youth justice worker. They tabled their report in September 2022, and given what they found and the evidence that was presented, what they thought needed to be done very clearly were improvements to the working with children check, but they were ignored by government.

You have also said in your submission that there is a lot to be done – obviously I am paraphrasing – but you also take this very seriously. You say that you have repeatedly advocated for increased funding to manage the increased demand on the scheme – the reportable conduct scheme – since 2022. With all of these things going on, you have been calling for more funding for greater protection. The Ombudsman did a report into a case that highlights the gaps and put in recommendations to government which were ignored until recently. Have you got concerns around the failures around what has been not done by government and where we are at, given now we are playing catch-up and given the enormous loads of work that you have – you have given us all those figures – and the obvious increase in demand? Does the commission have a view on that?

**Argiri ALISANDRATOS:** I think what we would say, Ms Crozier, is that the commission's responsibilities are outlined both in legislation and in the powers that are vested in the commission. Obviously through legislation we undertake both the reportable conduct scheme and the child safe standards. That is what our staff are focused on, delivering the best outcomes we possibly can within the resources allocated to the commission. Of course matters of resourcing are for government, and the commission has been on the record outlining both the demand that we have seen over the years and obviously our capacity to supply to that demand. We are



having to make very, very challenging decisions about how we manage that. But ultimately what we undertake is from the vantage point that we have, and we view those issues in the best possible way so that we manage the resources in the most effective and efficient way.

**Georgie CROZIER:** I understand you have got to manage and you have got to prioritise, but is child safety being compromised because of any funding shortfalls?

**Argiri ALISANDRATOS:** What I would say is that we always take the approach of risk being fundamental to the decision-making process. We are always endeavouring to make sound decisions based on the risk that we see in the work that comes to the commission. We have a number of ways that we manage the allocation of resources to any of those functions that we are responsible for. Of course it is challenging; there is no doubt about that. It is always challenging to try and make a scheme like this work in the best possible way. But our staff are absolutely committed to doing that in the best possible way, with a focus on child safety.

**Georgie CROZIER:** I think it was in your contribution that despite the numbers there is a bit of an approach to manage that appropriately so not everybody is captured in that net and labelled as X, Y or Z that is putting a child at risk; there has to be some sort of approach that you can work through what is really significant and what may be not. Do you think that is strong enough in terms of organisations becoming more and more risk-averse – sorry, they are not becoming risk-averse, they are actually becoming the opposite; they do not want to be caught up in being seen to be doing the wrong thing and putting children at risk, considering these high-profile cases. But do you think there is a risk of people getting caught up in that and then, you know, the physical violence – is that on the continuum of what that physical violence looks like?

**Argiri ALISANDRATOS:** I might get Emily to just give you a sense about the themes that we have seen.

**Georgie CROZIER:** Yes. Thank you. I am just trying to work out that range and how you manage that range, because I think it is important to understand that you are not overstepping and you are not underdoing it either. And now my time has run out, but –

**Emily SANDERS:** I will try and answer this briefly for you. The reportable conduct scheme covers five categories of conduct, and it is a very, very broad range of conduct. We tend to talk about child abuse and child-related harm because of that breadth. For example, physical violence can cover matters that are only capable of causing harm as opposed to actually causing harm, apprehended violence – so it is a very broad range of conduct that sits within there. Now, all of it is risky and potentially puts children at risk of harm. What flows from that being identified is another matter. I think the distinction between identifying the conduct and what has happened, and then somebody else making the decision about what to do about that person – that is really the system that has operated, where those two are separated out.

So the way I like to think about the reportable conduct scheme is it is popping up the things that someone needs to have a look at. Now, whether that person needs greater education and guidance so that they can work out different ways to behave when they are perhaps frustrated with the child, whether they are trying to support a child and they are not equipped with the training and tools to do that or whether that person is genuinely abusing children is something that needs to be teased out through a process of having a look at the behaviour, having it investigated and having someone try to think through what we do about this person who has had substantiated conduct.

**Georgie CROZIER:** Thank you for that.

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

**Michael GALEA:** Thank you, Chair. Thanks all for joining us today. 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. I can perhaps explain to you a little bit about what is involved in referral if that would assist.

**Michael GALEA:** Sure, thank you.

**Emily SANDERS:** When a matter is concluded, we prepare a summary of the matter, a referral document, which provides critical information to the working with children check to enable them to consider what action they may wish to take further. That involves summarising the reasons for findings, thinking through the information that we share. We may need to de-identify information because it is related to a child's identity, for example. So there is a little bit involved in trying to think through – as we do when we share information with anyone, we are trying to think through what is necessary for them but also how we are best acting to protect children and young people.

**Michael GALEA:** Thank you very much. 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.

**Argiri ALISANDRATOS:** Yes. We might just take that away and give you the most accurate information.

**Michael GALEA:** Thank you. I realise it is a knotty one on the spot. In the presentation as well sexual misconduct and sexual offences 44 and 11 respectively substantiated, and based on the percentages I would take a similar amount of complaints. What is the distinction between misconduct and offences?

**Emily SANDERS:** Sexual offences are defined under the *Child Wellbeing and Safety Act* to be a group of sexual offences that exist in the *Crimes Act*, and they are listed I think in the *Sentencing Act*, so they are a set group. Sexual misconduct covers a much broader group of behaviour that may be either potentially risky or potentially harmful to children and young people. For example, it picks up something called grooming behaviours, which is broader than the grooming offence that sits under the *Crimes Act*. So it picks up sub-criminal engagement and some of that precursor behaviour, if you like, that could lead to offending later on. That is broadly the difference.

**Michael GALEA:** Sure. Thank you. We have spoken a lot about mandatory child safety training today and the changes to this under the national law. Does the CCYP view these changes as being critical for ensuring child safety, the mandatory training element?

**Meena SINGH:** Absolutely. The proactive work is so important. We talk about child safe standards and the reportable conduct scheme as two sides of the one coin. The child safe standards are all about creating an organisation that is child safe from top to bottom, so recruitment, training, oversight – every aspect is supporting child safety and also involving children and their families in that process. Training that supports that general ethos, as well as being specifically focused on types of offending or types of misbehaviour or wrong behaviours in an organisation, is particularly important. I think it is critically important because there are a lot of myths out there around harm against children and abuse of children, and I think there is a lot of myth busting that needs to happen to have us as a community understand what it is that we need to look out for and act on to keep children and young people safe, and that has to start in the organisations themselves.

**Michael GALEA:** Thank you. With the early childhood centres, we had some data this morning from the department that showed a bit of a difference between the for-profit and not-for-profit sectors in terms of the

numbers that are exceeding the national standards and the numbers that are working towards them. From your observations, do you see any difference in, for example, the staff profile and the amount of staff working in these two different types of centres that might go some way towards explaining this? Is there any other feedback you can give?

**Meena SINGH:** We see a lot of things across a whole range of different organisations. I think when we see organisations that have child safety as part of their core ethos, as their number one factor, that is when we see child safe organisations. I think when we see organisations that might be focused on other issues or might not have the skill sets or the drive to be able to ensure children's safety, that is what we see. But I do not know that we could comment specifically on early years as a sector.

**Emily SANDERS:** I would agree. I think we see for-profit examples of really good child safe practices and responses to allegations of abuse, and we see the reverse. The way that the royal commission recommended the child safe standards is that the implementation of them is tailored to fit the structures and the type of organisation that you are. We have absolutely seen that play out in the way that some organisations do a really good job of that prevention exercise.

**Michael GALEA:** Thank you. Thank you, Chair.

**The CHAIR:** Thank you, Mr Galea. I would like to invite Dr Mansfield to ask her questions.

**Sarah MANSFIELD:** Thank you. And thank you for appearing today. I am just following on from a few threads from some of my colleagues in their questioning earlier. Does the commission operate any sort of mechanism similar to a strike system where when individuals who have perhaps had multiple substantiated allegations, a substantiated report gets elevated in severity or urgency because there is another substantiated reportable conduct incident that has been flagged before? So are there several strikes against your name and that escalates the urgency of the investigation?

**Emily SANDERS:** Is it relevant to us in the various sorts of decisions we make under the reportable conduct scheme whether there has been previous allegations as well as previous substantiation of allegations? The answer is yes. That helps us consider what we might need to do and the attention that we might need to pay to that matter. We have no powers to require an organisation to take any particular action when they are investigating. We can oversight. We provide advice and guidance. We are not able to direct them, for example, to conduct their investigation in a more expeditious fashion, but that does influence the level of oversight that we might place on that investigation. We also look at things like the seriousness of the allegation and what we know about the organisation and about the robustness of their systems in terms of their ability to manage risk or conduct an investigation. So there is a range of things that we consider in addition to that. We obviously do not have any power to take any action against individual, what we call, subjects of allegation. If we are concerned about a particular matter, we will look to what information we can share with our colleague regulators and colleague bodies about the matter so that they might be able to take action if that is warranted.

**Sarah MANSFIELD:** You referred to it changing the nature of your – that you would apply additional oversight to that particular issue if there were multiple substantiated allegations. Can you just explain a little bit more what that actually looks like, what does more oversight actually look like.

**Emily SANDERS:** Sure. The process, if you like, for reportable conduct scheme allegations is they are notified to the commission, and then we have a look at the information we have got at that point in time. We will allocate an oversight level, which then guides how often and how much involvement the commission will have whilst an organisation is investigating. Then once the investigation is complete, we will then also undertake an assessment at that point in time to work out how deep we are going to go into having a look at the findings and the evidence that have been produced as a result of the investigation. There are a range of factors in each of those points that help us make that challenging decision about how much time we going to spend and how many resources we are going to spend with that particular case.

**Argiri ALISANDRATOS:** I wonder whether, to assist, on the child safety front, Emily, it might be useful to talk about what oversight we do in organisations where we see patterns or themes from a child safety standards perspective.

**Emily SANDERS:** From a child safe standards perspective, so in terms of risk management?

**Argiri ALISANDRATOS:** Yes.

**Emily SANDERS:** I guess the other aspect of that is around the questioning that we would have of an organisation in terms of their risk management. When a matter comes to the commission, we are having a look at what else we know about the matter. We also ask the organisation around what they have done to manage risks, and that is another way that we are trying to make sure that there is something in place to manage risks whilst the matter is being investigated.

**Sarah MANSFIELD:** Thank you. Does the commission have any concerns about how QARD has conducted its investigations into alleged abuse or misconduct in early childhood settings?

**Argiri ALISANDRATOS:** Sorry. I missed that first bit.

**Sarah MANSFIELD:** Does the commission have any concerns about how QARD has conducted its investigations?

**Emily SANDERS:** We oversight organisations doing the investigations, not QARD, so to some extent we do not have a detailed understanding of the investigations that QARD undertakes itself. In terms of our engagement with QARD we share a lot of information with QARD. There is quite a lot of collaboration, working alongside each other to share information and also help each other understand the actions that we might be taking in relation to that. But as I said, we do not really get a chance to see in depth about the actual investigations they themselves are undertaking.

**Sarah MANSFIELD:** Thank you. The CCYP previously, in 2022, warned that ongoing underfunding of the reportable conduct scheme would mean – and this is a quote – that ‘children will be abused’. Can you confirm who the CCYP notified about this risk and what the response was?

**Meena SINGH:** We undertake – I might be getting my bits mixed up. I am thinking of the working with children review.

**Emily SANDERS:** I will perhaps start.

**Meena SINGH:** You go, and then I will jump in.

**Sarah MANSFIELD:** I am also very happy – if you need time to gather the right information, that is also okay.

**Emily SANDERS:** Thank you. We have provided information about the operation of the reportable conduct scheme in a range of places. In our annual report I think for the last several years we have spoken about the challenges posed by our funding levels and what we are doing to manage our operations to be able to target our efforts to undertake our work. We have spoken about being able to focus on the most obvious and serious risks to children, and that is one of the ways we have sought to do the best with what we have got and make the most difference for children, which underlies our ethos. In our submission to the government’s reportable conduct scheme review we provided a submission which outlined, as well, the challenges that we were facing and some of the concerns about the operation of the scheme that we observed. So consistently over a number of years we have had an open dialogue around some of the challenges we are facing and also some of the opportunities to support the scheme to deliver as intended by the royal commission and the Betrayal of Trust inquiry.

**The CHAIR:** That is time, Dr Mansfield. Thank you. Now, I would like to hand it over to Ms Bath. Thank you.

**Melina BATH:** Thank you. The child safe standards have been around for almost a decade, as has the reportable conduct scheme. I am interested to understand the move now – and you have endorsed this move – to the SSR. In your reports and various commentary, there have been gaps and there have been breaches. There have been gaps in the system that, sadly, predators or alleged predators can infiltrate and do harm. Can you respond to my assertion that there could be a tendency to move it into the SSR, and government could say, ‘Job’s done. We’ve got the heat off us. We’ll walk away.’ It will all function, but ‘There we go. It’s done.’? I am interested to see what changes need to happen for you, as the CCYP, to be more comfortable that there will be greater protection for children.

**Meena SINGH:** When the recommendations and the findings of the rapid child safety review came out, one of the things we said then was, ‘This is the start and there absolutely needs to be constant, ongoing vigilance.’ We made a number of recommendations in our submission for the review of the reportable conduct scheme, and some of those have been captured in the rapid child safety review and those recommendations and subsequent legislation. But there are absolutely more to go. And it is not just about the regulatory side of things, it is about bolstering child safe standards and how we go about better educating the public, how we better educate and inform parents, carers, families and also children and young people themselves around what child safe standards rights they have and also how those families can go about advocating within organisations for those rights to be upheld. The more people that know what rights they have, the more people that know what complaints they can raise and what systems they can use, the more that we will see those systems being used.

When we look at the trends I think with the reporting of allegations to the reportable conduct scheme, we are seeing those go up. We are seeing a greater awareness of what is reportable conduct and a greater comfort with making those reports and allegations. So I think when we collectively have that awareness as a community about how and where children and young people can be harmed and hurt, that is when we will see a greater overall improvement. But we absolutely need as much in the capacity building and education side as we need in the regulatory side. All the parts need to be working together.

**Argiri ALISANDRATOS:** Ms Bath, we would say, to add to Meena’s points, this is a great start, but it needs continued vigilance, and it requires a multilayered approach. Importantly, there is no one element alone that can keep children safe. It really needs a coalition of early childhood education care providers, regulators, law enforcement and working together with parents, carers and the community to support a proper focus on safety and for each individual child and young person to feel that safety. And unless you bring all of that together, which is what is being demonstrated here, unless you have the early childhood teacher qualifications and registration process maintaining standards; the national quality framework setting the standards for education and care – the child safe standards being a key requirement; the working with children check, excluding those with known safety issues; and the reportable conduct scheme building capacity in early childhood providers to undertake child abuse investigations, and then the criminal law wrapping around that and making sure that it kicks in when that is required – you have got to bring all those elements together if you truly want to have a robust mechanism and prevent some of those people from ever entering these systems and ensure safety for children.

**Melina BATH:** It is music to all of our ears. The actual vision is one thing; the actual lived reality on the day-by-day grind of all of those different aspects is the challenge, and I think it is there before us as a society. Just a side note, I just want to flag what you were discussing earlier about the rising reportable numbers that we have seen over time, and you have mentioned a couple of times there the growing awareness and expressing of that notice. Is it just that, or can you separate out the notice and the reports from awareness? Are there more predators out there and more misbehaviour and potentially criminal behaviour out there, or is it both?

**Argiri ALISANDRATOS:** I think you need both. You absolutely need –

**Melina BATH:** You see both or both is the experience?

**Argiri ALISANDRATOS:** Maybe you should take that one, Emily.

**Emily SANDERS:** I do not know that we can conclude that there is an increase in harm. That is not the analysis that we have provided. We have not been in a position to undertake that analysis, so we make no comment about whether there is rising harm. What we can say is that there are rising allegations. We understand that patterns are changing too. Just a very simple example is around the use of, say, social media to be a part of grooming. That is something that has very much increased over time – that informal engagement and that grooming of parents and carers that happen, for example, as part of a perpetrator making their way into people’s lives in order to abuse. That is different now than it was 10 years ago. As society shifts, that aspect of it shifts as well. I would suggest that there will be a continuing increase in allegations over time as well. What we see as child safe standards work within organisations to shift cultures, as parents are better informed about what this looks like and as child safe environments are created where workers feel more able to speak up, is that means more allegations come through the door. So you have got a range of factors operating.

**Melina BATH:** My time is up, and I do have some questions that I will put on notice, but the danger or the positive plus the negative can be the draw on resources to follow up all those, because it is only going to work if there is the ability to follow up on these high-risk cases or more serious cases. Thank you very much, Chair.

**The CHAIR:** No worries. Thank you, Ms Bath. Thank you all for appearing before us today and offering your insights. We have really appreciated it. I also note that we do have some questions on notice that we are hoping you can answer for us through the committee and some of the questions from Mr Galea that you are also going to be taking on notice as well. I also want to let you know that you will be receiving a copy of the transcript to have a look over in about a week's time before we publish it on the website.

We are now going to take a short break to reset for our next witness. Thank you very much.

**Witnesses withdrew.**