

# TRANSCRIPT

## 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

Georgie Crozier

Michael Galea – Deputy Chair

Jacinta Ermacora

Melina Bath

Sarah Mansfield

**WITNESS**

Liana Buchanan.

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

I would firstly like to begin this hearing by respectfully acknowledging the Aboriginal peoples, the traditional custodians of the various lands we are gathered on today, and pay my respects to their ancestors, elders and families. I particularly welcome any elders or community members who are here today to impart their knowledge of this issue to the committee. I welcome any members of the public in the gallery or watching via the live broadcast. I remind those 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 is being recorded, and 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 the organisation you are appearing on behalf of?

**Liana BUCHANAN:** My name is Liana Buchanan. I am appearing in a personal capacity as the former commissioner for children and young people in Victoria.

**The CHAIR:** Thank you very much, Ms Buchanan. We will now introduce the committee. Good afternoon. My name is Anasina Gray-Barberio, Chair and Member for Northern Metro Region.

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

**Ryan BATCHELOR:** Ryan Batchelor from the Southern Metropolitan Region.

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

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

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

**The CHAIR:** Thank you. I would now like to hand it over to you, Ms Buchanan, to make an opening statement. Thank you.

**Liana BUCHANAN:** Thank you. I too would like to acknowledge the traditional owners, the Wurundjeri people of the Kulin nation, and pay my deep respects to elders past and present and acknowledge that we are on land that always was, always will be Aboriginal land.

I would also like to take a moment to acknowledge victim-survivors of child abuse, both those who remain children today and those who have grown up and are either young adults or much older adults, who still live with the impact of that abuse. Like some of you in this room, I have spoken to too many of those people.

As the committee knows, I am appearing at the invitation of the committee, so I do not have an extensive presentation. I really want to emphasise that I am no longer the Principal Commissioner for Children and Young People. I want to be very clear that I am now working in another organisation, the Independent Broad-based Anti-corruption Commission, and to be very clear that I am not speaking in my capacity as the Deputy Commissioner of IBAC. Indeed I will take great care when I am answering questions not to in any way stray into an area that may fall within the mandate or jurisdiction of IBAC. That has been very important to me when I have made the decision to appear today.

I also want to make sure that I pretend in no way to be an expert on the early childhood and education sector. The commission for children has at no stage been the primary child safe standards regulator for that sector. That said, as the committee, I think, knows, the Commission for Children and Young People has been throughout the life of the reportable conduct scheme the regulator for reportable conduct for early childhood education, as for all other sectors covered by the reportable conduct scheme. Indeed the commission was and still is responsible for regulating child safe standards in a number of other kinds of sectors, like sporting organisations, religious organisations and so on. To the extent those experiences, having been the principal commissioner for nine years and having been charged with setting up these schemes and administering them for their life up until March this year, mean there is anything useful that I have to share with the committee, I am of course happy to do that. I am happy to take questions.

**The CHAIR:** Thank you. I appreciate your presentation. Ms Buchanan, during your time as principal commissioner at CCYP, do you believe the commission was adequately funded and resourced to carry out its function required under the legislation, including the reportable conduct scheme and the child safe standards?

**Liana BUCHANAN:** It is a matter of fact that for the past four years the commission provided information to the relevant department to form the basis of budget bids. We did that – and I will talk about ‘we’ based on where I was at the time – because it was fairly clear to us, really from the beginning of both the reportable conduct scheme and the child safe standards, that resourcing was not enough, certainly not enough to deliver on the potential of those schemes. If I talk first of all about the reportable conduct scheme, and the committee may have had or be aware of some of this evidence, year on year we at the commission for children received more and more and more notifications to the point that I think, very broadly now, the number of notifications per annum is almost triple what they were in the first year. That growth has been fairly steady; it flattened slightly during COVID, as you might expect, but nonetheless continued to increase and then very sharply continued to rise since.

We had 12 to 13 people working in the reportable conduct team. From very early on, I could look at my counterpart in New South Wales, who was in the Ombudsman’s office at one point and then in the Office of the Children’s Guardian, and see that they had for their reportable conduct team over 40 staff – a small proportion, more in notifications, but only small. So it was fairly clear to us that more resourcing would be important, and indeed there is no question that as the notifications grew – which we took to be a good thing, as more people were understanding their obligations under the scheme – more people, both parents and young people, were becoming aware of what to report and how to report it. So we saw it as a positive, oddly, that notifications increased. We knew that without more resources, we would struggle to keep pace.

If I turn to child safe standards and I look at the situation there, for the first initial years we had a team of five staff to enforce and regulate and assess compliance with the standards; that increased slightly. Again, there is a similar story: we made budget bids; we were successful in getting some budget to meet some new child safe standards powers that we had starting in 2023. Unfortunately, as will be the tale of regulators perhaps everywhere, we received, from memory, about a third of what we thought we needed to keep even kind of close to keeping pace with other regulators in other jurisdictions. We did modelling at the time, but if we were to have a proactive approach like WorkSafe or like the EPA, the Environment Protection Authority, would we need to be able to go into organisations and inspect them and assess what they are doing? So we came up with some calculations. As I say, we were successful; we were very pleased and grateful to get some additional funding for child safe standards. My view at the time was, absolutely, more would have enabled us to do the job more thoroughly.

**The CHAIR:** Thank you. Having 12 to 13 people to work in the reportable conduct scheme – compared to New South Wales, which had 40 people, as you said – seems severely under-resourced to be able to meet the need as notifications were rising. That modelling that you just spoke about: what was the trajectory of that modelling? What would you have needed in terms of resources to be able to meet the trajectory of growing need and reportable conduct?

**Liana BUCHANAN:** What I can talk to is what we sought, and I was probably, in hindsight, excessively cautious, understanding governments have difficult kinds of fiscal challenges. So, as I say, on four occasions, I think this is what we sought on each of those four occasions: 22 FTE for reportable conduct alone.

**The CHAIR:** I will keep moving along because time is getting away from me. We had CCYP here earlier this afternoon. We had the Acting Principal Commissioner. Perhaps you can offer a view, if you would like to: do you believe there is a conflict of interest with the current Acting Principal Commissioner for Children and Young People, given he holds a substantive role with DFFH, the department that oversees working with most vulnerable children?

**Liana BUCHANAN:** You will understand I will be careful in what I say.

**The CHAIR:** Of course.

**Liana BUCHANAN:** I will say this. I will go back to why the Commission for Children and Young People was established. There was an inquiry in 2012 called protecting Victoria's vulnerable children. It had three eminent experts running that inquiry. It found at the time that there was insufficient independent scrutiny and external oversight of systems for vulnerable children. It made that finding based on a view that the existing child safety commissioner, also my predecessor, Bernie Geary was appointed not as an independent officer but appointed directly by government, and it made that view based on the fact that his staff were staff of the same department that ran child protection and out-of-home care. I would say in 2025, or at least as at March, when I finished the role, the need for independent scrutiny and oversight to make sure that our systems are doing what children need is as strong as ever. The role of principal commissioner is one that requires strength and persistence and some resilience, because often to do one's job one is required to make challenging conclusions and to share evidence and findings that frankly make government and departments uncomfortable.

**The CHAIR:** I think independence is a really key word here, because since you left in March of this year this role has not been filled. There have been two acting principal commissioners. At a time when the landscape is at crisis point, with so many children and families harmed, the delay in appointing a principal commissioner, in your view, places an additional risk on children and young people in Victoria. Would you agree or not agree with that assessment?

**Liana BUCHANAN:** I cannot speak to why the delay has occurred.

**The CHAIR:** But do you agree that it has put children at risk?

**Liana BUCHANAN:** As you would imagine, I think it is unfortunate. I think it is unfortunate for the commission. I cannot in all honesty say whether it has put children at risk because of course I do not know what has been happening within the commission. There have, as you said, been two acting principal commissioners absolutely stepping into the role, so that is probably not something I can speak to.

**The CHAIR:** Thank you, Ms Buchanan. My time is up. Mr Galea.

**Michael GALEA:** Thank you, Chair. Good afternoon, Ms Buchanan. Thank you so much for joining us today. Just to follow on from the Chair's questioning there, when you concluded your term earlier this year, was that because the term had concluded or because you departed?

**Liana BUCHANAN:** I had one year left on my second term. As I said previously, I had been in the role for nine years. An opportunity had come up in another area of oversight that I am passionate about, and I was fortunate enough to get the opportunity to move.

**Michael GALEA:** Sure. Congratulations on that. But that is the reason why you left at the time that you did – it was not about the term ending and that work not being done?

**Liana BUCHANAN:** No. Not at all.

**Michael GALEA:** Thank you. I think you have already covered this off, but I understand that you have put some clear mechanisms in place for yourself to ensure that the comments that you are making today are not interfering in any way with your current role.

**Liana BUCHANAN:** Indeed. That is very important to me and, as you would imagine, for the organisation I currently work with.

**Michael GALEA:** I can absolutely imagine. Yes. Thank you. The social services regulator Bill that is currently before the Parliament in a number of ways acquits the recommendations of the rapid review. I know that you have been very outspoken about some of these measures as well in the past, but I would be very keen to hear your perspective on whether you support the measures in this Bill and the related legislation in response to the rapid review, and if so, for what reason you support them.

**Liana BUCHANAN:** In terms of the measures that I support – and some of this is in the legislation you referred to; some of it has been in other legislation – as principal commissioner I made recommendations and we as an organisation made recommendations to enable the CCYP to share a broader range of information about risks to children or about persons who may pose risks to children with the working with children check unit for those purposes. We made recommendations to enable individuals' working with children checks to be withdrawn, reassessed or suspended for a far broader range of reasons. Those measures I am, as you would expect, entirely supportive of.

I am also supportive of anything that enables information to be shared readily and without impediment and used effectively. To that end, I understand the rationale for having the working with children check, for example, positioned in the same organisation as the reportable conduct scheme. I note that for the early childhood education sector, child safe standards will still be regulated by another independent entity, so the one place as the single recipient and holder of information will still need some information sharing between entities. I am on record before speaking to, for example, the Tasmanian Commission of Inquiry into responses to child sexual abuse. I am on record saying that I see value in the organisation that does this work being an organisation that has specialist knowledge of children, that is framed and has its basis in children's rights. Of course I will hope that continues in the move to the social services regulator.

**Michael GALEA:** Thank you very much. In terms of the working with children checks specifically, one of the changes is the ability for the regulator, which will now be the assessor, to immediately suspend someone's check if they believe there is a very significant reason to do so that warrants that being done. This is a conscious reweighting, going from the tension between natural justice and child safety. Is that a step that you support, or do you support a measure that would actually stop them from being able to implement that check as fast as they can?

**Liana BUCHANAN:** It is a measure that I support. What I would say we have seen from the terrible, terrible circumstances disclosed this year and from the rapid review and from the changes that have followed, is we are seeing not just government but certainly government and others orient differently to further prioritise children's safety. Absolutely, natural justice is important. Procedural fairness is important. Checks and balances for everyone are important. But as the former children's commissioner, having seen what I have seen and the extent of harm that is done to children and the measures needed to prevent that harm, it is a step I support.

**Michael GALEA:** Without going into specifics, to stop the worst of the worst type of offending, is it the case that you just have to make it simply as watertight as possible?

**Liana BUCHANAN:** The provision that you have talked to me about, whereby the working with children check unit will be able to suspend when presented with information of significant concern, notwithstanding there has been no disciplinary or criminal finding; I have to say there were occasions in the commission for children where we absolutely wanted to share information with working with children check. We were not permitted to do so by law, and had we done so, that unit could not have acted on it. So I do think this measure is important because there will be some circumstances where actually different bodies, or maybe all within one body, have some knowledge about a person who may pose significant concern and risk to children, and absolutely, the regulator should be able to act on that.

**Michael GALEA:** So without requiring you to give case information, as the former Principal Commissioner for Children and Young People in this state, you can clearly identify examples in your mind of where the previous restriction on that information sharing has stopped that information getting through, which could have made a difference. Is that what you are saying?

**Liana BUCHANAN:** I can absolutely recall occasions where, as the holder of information for reportable conduct, we wanted to share information with the working with children check unit. We were either impeded from doing it or we knew if we had shared that information, it could not have been acted on.

**Michael GALEA:** Thank you. Were there circumstances in which, as the manager of the reportable conduct scheme, you were aware that the commission chose to use its discretion not to refer allegations which had been substantiated to the worker screening unit?

**Liana BUCHANAN:** Again, as the committee will know, the legislation as it currently stands gives the commission the discretion not to refer substantiated allegations if persuaded – and this might not be the right word – that supervision and training was appropriate or if there is an element that gave broader discretion. In my time as principal commissioner there absolutely were occasions where that was exercised. I was very clear that I would exercise it where there was only one substantiated finding, not in a case where there had been multiple or even two. I was very clear that I would do it only for low-level conduct, and in most of the circumstances I can think of it would have been physical violence akin to rough handling. It would only have been in circumstances where there were no sexual elements to the conduct whatsoever and only in circumstances where I was confident, based on the information we had been given by the organisation, that they were taking steps or had taken steps to provide training and supervision.

**Michael GALEA:** I appreciate those stringent parameters. With the benefit of hindsight, would you still apply that measure, or would you refer all cases?

**Liana BUCHANAN:** I think that is difficult to answer. I think the reality is what the scheme is moving to is a different scheme that will enable the working with children check unit both to access all information and, importantly, to act on all information, and in the context that we are in and what we have seen, I think that is the right measure.

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

**The CHAIR:** Thank you, Mr Galea. Ms Bath.

**Melina BATH:** Thank you, Chair. Thank you very much, Liana, for your time and expertise and passion and care for our young people and children in both this setting but also for children in out-of-home care. I know you have spoken very much on that.

I am just want to wind back to funds, and let me walk back through history a tiny bit. The CCYP is an independent organisation, a statutory body. It was set up in 2012-ish as a response –

**Liana BUCHANAN:** Legislation in 2012, yes.

**Melina BATH:** to the Betrayal of Trust. My good colleague here was the chair. At the time, 2012-ish, there were about – I have just looked it up – 5.6 million Victorians. There are now around 7 million Victorians. Can you talk about, in your time – now your past time – the increase in CCYP budget?

**Liana BUCHANAN:** I can, and I will talk only in general terms, because please bear in mind that I have not had access to any internal materials. Probably what is important to note is that when I commenced the commission did not have the reportable conduct scheme – it did not exist at that point – and also did not have the child safe standards. From memory, when I commenced there were about 27 FTE – perhaps provision for some more; there may have been some vacancies. I should acknowledge a couple of things. I want to acknowledge that, absolutely, the commission received funding to establish the reportable conduct scheme and child safe standards. This next point is not about funding, but I do want to acknowledge that Victoria on the back of the Betrayal of Trust inquiry was the first and for a long time the only jurisdiction to have both the reportable conduct scheme and child safe standards. That is not insignificant. That said, we at the commission for children received some additional base funding to set up the two schemes. Our experience was that after that, as demand grew and as the depth of work involved in both child safe standards and reportable conduct became obvious to us, it was clear that –

**Melina BATH:** It was insufficient.

**Liana BUCHANAN:** additional funding was needed or at least would better equip us to deliver on what the legislation is intended to achieve.

**Melina BATH:** Okay. To a point that it is at least less than half of what New South Wales gets at the current time.

**Liana BUCHANAN:** Indeed.

**Melina BATH:** Thank you. Devil's advocate here: if you have got a system and you have got oversight but the oversight does not extend far enough, then the system is not working.

**Liana BUCHANAN:** I would say I have been very clear and very open about the efforts that we made and the cases that we made at the commission for children to increase funding for our regulatory schemes. I am still incredibly proud of these two schemes and what they have achieved. There is no doubt in my mind that because of child safe standards there are organisations that have done incredible efforts and have in place measures to prevent abuse to children that would not have happened otherwise. Similarly, I am absolutely confident and know that because of the reportable conduct scheme the commission for children improved organisations' approaches to investigating child abuse and improved their capacity to do that. I am equally confident that there are significant numbers of individuals who have been prevented from working with children because of the reportable conduct scheme. So I think as a state we should be cognisant of the efforts made. Certainly when I was the children's commissioner of course I wanted more focus. Of course I wanted more investment. Of course I wanted and still would like to see more investment in prevention.

**Melina BATH:** Thank you very much. I do appreciate that. On four occasions you asked for additional resources, to the tune of – I wrote down 30, but I could be wrong.

**Liana BUCHANAN:** No. The funding that we sought for staff for reportable conduct was in the vicinity of 22.

**Melina BATH:** We are writing recommendations, ex-commissioner. If that was achieved, what could that do – noting that it has now moved to a different space, SSR. What would you recommend for us – more funding for CCYP plus those additional resources to go into SSR, or does SSR have capacity now? I am asking three questions at once. And then is the deed done, and government can walk away saying, 'Well done, we've solved it'? What are some vulnerabilities about this process now that will occur?

**Liana BUCHANAN:** Clearly the Social Services Regulator, not I, should talk about how well they are resourced. But it is my understanding that the rapid review made some recommendations with respect to resourcing the reportable conduct scheme, and from memory, the government response indicated that some of that would be forthcoming. I do not know that that has been made public or even decided. All I can say is I was pleased to see that, because the reality of what happened at the Commission for Children and Young People was we made the best decisions we could to adjust our work in a way that we hoped, based on the expertise we had formed, had least impact on children. We made decisions about the types of cases where we would provide less guidance and less supervision as the organisations were investigating. We made decisions about which types of cases we might have a lighter touch look at at the end. Of course with any matters that involved sexual misconduct, sexual offences, we did not take a lighter touch, predominantly because we knew from our work from very early on that sexual misconduct, sexual behaviours and grooming behaviours are not well understood and are not well tackled by organisations. We knew that those not only are clearly high-risk behaviours but also we knew that they are not well treated. For all these reasons we made adjustments. If the commission or, in future, the Social Services Regulator is properly resourced, it will be able to, I would hope, put more time into working with organisations and perhaps taking on more own-motion investigations. In situations where there is a concern about whether the organisation can properly investigate, there might be capacity to step in and do more as the regulator, rather than leaving it to the organisation. But certainly in some ways I think additional funding would allow the scheme to run with the rigour, focus on detail and absolute focus on children that we were better able to consistently do at the commission at the very beginning before the numbers grew.

**Melina BATH:** Have I got 30 seconds, or am I out?

**The CHAIR:** Eight seconds.

**Melina BATH:** Oh, goody. Oversight, monitoring and advocacy is now the revised role of CCYP. With that in mind, noting that monitoring is so very important and advocacy again is hugely important, what needs to be tweaked? What recommendation could we make for government about CCYP to, if I can be brutal, give them more teeth so that they can achieve better outcomes for vulnerable children?

**Liana BUCHANAN:** I think, as you said, monitoring is critically important. Oversight is critically important. I think that includes monitoring and oversight of all of the systems that impact children, including vulnerable children. I think ensuring that the Commission for Children and Young People, from its position of expertise – a position clearly based in children and young people's rights – continues to have a role to monitor how effectively these systems work, including child safety systems, would be beneficial to the system.

**The CHAIR:** Thank you, Ms Bath. Thank you, Ms Buchanan. Over to you, Dr Mansfield.

**Sarah MANSFIELD:** Thank you for appearing today and for providing all of that really helpful information that you have so far. In an ABC article on 10 April this year you said that your office at the time, CCYP, was hamstrung by laws that prevented you from informing the working with children check unit about certain allegations and that you had lobbied the government to change the law since 2019. Are you able to provide a bit more information about those comments? Who did you advocate to – which department or ministers?

**Liana BUCHANAN:** Yes, and from memory I think the journalist at that time – I must have given the interview in March, notwithstanding it ran in April. I think primarily there was reference there to material that is in the public domain that is in the Commission for Children and Young People's submission to the 2022 reportable conduct scheme review, and they relate to aspects of the working with children check and the commission's ability to share information with that unit that I have already been asked about and that has already been alluded to. It is certainly the case that the Commission for Children and Young People had written directly to government, and from memory it would have been to the Attorney-General as the minister responsible for the working with children check legislation. Now, I have not had any opportunity to look back at those letters. If I said in March that those communications started in 2019, I will rely on that. As I say, there was direct communication both with departments and also certainly on one, perhaps two occasions, to the relevant minister. And also as I say, by 2022 we made those recommendations public and on the public record in the submission to the reportable conduct scheme review.

**Sarah MANSFIELD:** Thank you. In those comments you were referencing laws that were preventing you from informing the working with children check unit of allegations. But were there any other roadblocks to you doing that?

**Liana BUCHANAN:** The main impediment was the combination of the legislation that exists for the reportable conduct scheme and the *Commission for Children and Young People Act*. Together those pieces of legislation meant that we were only able to share with the working with children check unit substantiated findings. Any information about an allegation that was still being investigated, notwithstanding the degree of concern, and any information about unsubstantiated findings, we were unable to share those. As I have said already, alongside that the working with children check unit would have been unable to act on any of that information unless the unit already had a substantiated finding of a disciplinary outcome or a criminal charge. So those were the two kinds of issues that were the real roadblocks. And again, nothing that I am talking about is any different than the then Ombudsman referenced in again I think a September 2022 report about a particular individual who engaged with and ultimately sexually assaulted young people, who had been a youth worker.

**Sarah MANSFIELD:** Thank you for that response. There has been, again, public reporting that alleged perpetrator Mr Brown had come to the commission's attention following some complaints about aggressive behaviour in early childhood settings but was not referred to the working with children check for review. Were those issues with the laws one of the reasons why that did not occur?

**Liana BUCHANAN:** As you would imagine, I am not going to speak about specific cases. I will say – and I know media reporting has made references to multiple findings – it is my understanding there was only one substantiated finding, and certainly in terms of substantiated findings of reportable conduct there was clear legislative power to share that with the working with children check. We have already talked about the framework that I as principal commissioner applied when I was exercising that discretion.

**Sarah MANSFIELD:** Okay. Did anyone express any concerns with the decision that was made or did they recommend escalation to reporting that to the working with children check commission?

**Liana BUCHANAN:** Again I want to be careful, because there are – as I am sure the current and previous acting principal commissioners have been equally careful – legislative provisions that prevent them from talking about specific cases, sometimes, certainly in my experience, to deep frustration, because often it was the case that significant misinformation could be clarified. So I really do not want to or feel able to talk about specific circumstances, unfortunately.

**Sarah MANSFIELD:** Can you explain to the committee the conduct of own-motion investigations into allegations of child abuse or child-related misconduct? You know, what is the basis for those and how do they take place?

**Liana BUCHANAN:** Certainly. Again, as the committee will understand and in line with the royal commission's recommendations, the scheme is very much oriented to getting organisations to conduct investigations, but making sure that they do that with rigour and in a way that is unimpacted by some of the myths and stereotypes associated with child abuse, in a way that is prioritising children's safety and not organisational profit or reputation and so on. So, as the committee I am sure knows, the vast majority of investigations are conducted by organisations with as much oversight and supervision from the commission as the commission is able to provide. And again, the commission applies a risk-based approach to assess which types of matters and which types of organisations warrant closer supervision.

I cannot speak to the commission's decisions now, but in terms of cases where it could have been the case that it was an organisation where the conflicts of interest could not be managed by the organisation conducting the investigation itself, that might have been about who the allegations related to or about the connections between the head of the organisation and the subjects of allegation. On other occasions an organisation might simply have been unable to investigate. Remember, the reportable conduct scheme covers a broad range of organisations, some very small, volunteer based, so there may also have been some circumstances where the organisation simply did not have capacity to conduct the investigation in a way that the commission felt would be adequate. So those are the types of situations where the commission will step in, and the principal commissioner generally will make a decision to conduct an own-motion investigation. Most of those in the past have been conducted through the engagement of expert investigators or experts with investigative capacity, who then work with the commission and staff from the commission to conduct those investigations, provide the report and all of the evidence obtained through that investigation ultimately to the principal commissioner, and the principal commissioner makes the decision as to whether the allegations are substantiated or not.

**The CHAIR:** Thank you, Dr Mansfield. Your time has expired. Over to you, Ms Crozier.

**Georgie CROZIER:** Mr Batchelor?

**The CHAIR:** You and then Mr Batchelor.

**Georgie CROZIER:** Okay. Thank you. Thank you very much, Ms Buchanan, for being before us. It has been most enlightening and terrific to have you here in your former role. Over that time, in your nine years, I note that you did a lot of those own-motion investigations into some serious issues that you were concerned about, and I think the information we have is that you tabled 11 major systemic inquiries and finalised over 320 child death inquiries in your time. So they are significant numbers we are talking about, and very important to you, around child safety and protecting children most vulnerable. I just want to go back to some of those areas, because when the former Ombudsman did a report into a former youth worker around concerns and the exploitation and alleged offending that went on, which was found to be what had gone on, the recommendation was to strengthen the working with children check. That was, as we know, handed down in September of 2022, but nothing was done. I note that the commission is concerned about the ambiguity in the act around the reportable conduct scheme, and I think you sort of alluded to it yourself, when it goes into the social services regulator. You said, I think – and I am paraphrasing – 'I hope it continues.' So, given we have seen the failure in government to act on the warnings from the Ombudsman from 2022 to strengthen the working with children check, and we had that confirmed this morning – four times they followed up, and four times they were ignored by government – if it has come in here, what do you see as the risks that things might fall through the gaps again?

**Liana BUCHANAN:** Do you mean if the functions are transferred?

**Georgie CROZIER:** Yes.

**Liana BUCHANAN:** I have already said, I think, that while the Social Services Regulator will have the benefit of having both the working with children check function and the reportable conduct scheme – so we will have that benefit with the intelligence gathering and analytical capacity, which is fantastic – in terms of gaps in the system, there will still need to be really strong information sharing between the Social Services Regulator and other child safe regulators, whether it is the early childhood regulator, whether it is the schools regulator or whether it is Wage Inspectorate Victoria. There is still going to be, there has to be, really good, proactive child-focused information sharing to make sure that all of the entities – there will still be multiple entities involved – still need to be able to work together. That is a set of gaps that I am not for a second anticipating will be a problem, but people will need to have an eye to that.

**Georgie CROZIER:** Can you explain to the committee what that information sharing looks like? How does that actually practically apply? Is it a matter of having IT systems in place where it is referred, or is it picking up the phone and making sure? How does it actually practically work?

**Liana BUCHANAN:** I think ideally it is both of those things. I think there is some data and information that ideally would be shared in an automated way, but with human behaviour, risks that humans pose and risks to children, there will always need to be a degree of expertise, judgement and professionalism applied. What I would hope for anybody who is charged with regulating harms to children is that they will take that proactive approach to working together, to collaborating really closely and to sharing information, hopefully supported by legislative frameworks that enable that, to make sure that all of the information, say, that the working with children check unit need they receive or might receive, even though information might come from an assessment of a school and a child safe standards context. That work of information sharing is still going to need to be a part of the system.

**Georgie CROZIER:** Yes. Those automated systems, are those systems set up now, or do they need to be redefined and set up from scratch?

**Liana BUCHANAN:** I think there are some. We are talking about a very big change. Again, I should not speak on behalf of the working with children check unit and those who have been running that for many years, but they will have an entirely different level of information to work with and an entirely different number and range of factors they can legitimately take into account in making their decisions. Yes, absolutely, that will need to be supported by systems and, for what it is worth, a really sound understanding about organisational risks to children and individuals' risks to children. There is a whole body of knowledge. We have been fortunate, as you know, to have the Betrayal of Trust inquiry and the Royal Commission into Institutional Responses to Child Sexual Abuse. There is a vast body of knowledge, and thankfully, that has continued to build since. Good risk-based assessment about harms to children and what information needs to be communicated, how, when and with what urgency are all going to be really important.

**Georgie CROZIER:** I think the committee has heard that evolution of child safety is happening and has been happening over the last 12 or so years. Given those systems, in terms of timing and understanding how, it can be very complicated. As you say, there is a human element, and there is picking up the phone and speaking to other agencies. That will continue to happen?

**Liana BUCHANAN:** I cannot say whether it will.

**Georgie CROZIER:** You would hope it to.

**Liana BUCHANAN:** For these steps to be as effective as they need to be, I think it will have to. The other part, I have to say, that will need to happen is the prevention work. The child safe standards work requires organisations to have not just the policies and the procedures to keep children safe but the practices, the culture, the focus, the training and the awareness raising. If we do not attend to that, yes, we will get some gains from stronger working with children check capacity and a good reportable conduct scheme, but the real work to prevent harm to children is not necessarily there. It is in the work about how you make sure organisations do not attract predators and absolutely have the knowledge and the understanding to pick when somebody is a predator, when someone is behaving in an unusual way with children and when they are more commonly going on their own with children than other staff. That all has to be part of the DNA of an organisation from top down, and that is the child safe standards work that has not necessarily had as much focus in the discussion this year. I hope it does in the future. Similarly, I hope it gets the focus and the investment in the future.

**Georgie CROZIER:** I am sure we all hope for that too. That is all I have. Thank you, Chair. Thank you very much. That was fantastic.

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

**Ryan BATCHELOR:** Thanks, Chair. And Ms Buchanan, thanks for coming. It is great to talk to you again. Information sharing has been a topic for the better part of a decade. You mentioned that the preclusion on you as the CCYP in some cases on sharing information with the working with children check scheme was because it was not permitted by law. Was that barrier because the working with children check unit and department of justice were not an information-sharing entity under the information-sharing provisions of the *Child Wellbeing and Safety Act*, or were there other provisions that precluded you from doing that?

**Liana BUCHANAN:** There were other provisions. There is a very broadly cast provision in the *Commission for Children and Young People Act* that prevents information that is obtained through the performance of the commission's functions from being shared, except in a couple of circumstances. That applies also to information obtained through the reportable conduct scheme. So where the reportable conduct scheme expressly allowed for information to be shared, such as a substantiated finding, that was permissible, otherwise there are very strict limits. That said, the commission took the view for quite some considerable time, perhaps from the beginning of child safety and welfare information sharing, that the working with children check unit and other regulators should be information-sharing entities.

**Ryan BATCHELOR:** So in those circumstances, for matters that arose in the course of the reportable conduct scheme other than the working with children check, did you find that the child information sharing scheme adequately enabled the sharing of that information with other entities? In those cases did you share that information with those entities, and how did that part of the system work?

**Liana BUCHANAN:** Where other organisations were information-sharing entities for that scheme, yes, we shared that information proactively. Yes, we obtained information from some of those entities in a way that was previously difficult.

**Ryan BATCHELOR:** And just for the benefit of the committee, what sort of entities would those have been?

**Liana BUCHANAN:** It could be anything from child protection, from health services or centres, certain child and family organisations, so a pretty broad range of organisations that may have some role with respect to children or child and families.

**Ryan BATCHELOR:** Any sort of childcare or early learning centres?

**Liana BUCHANAN:** Certainly if an individual was employed by a childcare centre, then under the existing reportable conduct provisions the commission could and did share information with those organisations, including early childhood.

**Ryan BATCHELOR:** Including early childhood. Okay. I appreciate you are no longer in the CCYP role, so you are not across all of the detail that is in the current legislation – we are not expecting you to be. Do you think that the changes that have recently been made, particularly on the information-sharing side of the law, will help overcome the problem that you had with the provisions in the reportable conduct scheme that did not allow the sharing of information, for example, to the working with children check?

**Liana BUCHANAN:** As you say, I have not done a full analysis of all of the circumstances in which the commission in my time may have wanted to share information and could not, but certainly in terms of the ability to share with the working with children check unit for the purposes of that scheme and then that scheme being able to act on the information, my understanding is, yes, these measures are clear.

**Ryan BATCHELOR:** And when the changes to part 6A of the *Child Wellbeing and Safety Act*, the information-sharing provisions, came into effect, what sorts of programs, what sorts of activities, were put in place to try and support the behavioural shifts that act often as a big barrier to organisations and individuals sharing information, even when the law may permit them to do so?

**Liana BUCHANAN:** Ideally someone from the Department of Education should speak to that, because that department led on that work. But my observation as principal commissioner throughout that time is there was a substantial body of work to raise awareness in different organisations about the changes that meant that they could share and indeed should think about sharing information that was relevant to children's wellbeing and safety. From my recollection, reviews of that scheme and of the efforts made to train, raise awareness, achieve culture and practice shift, I think the reviews have found there has been some gain. Of course with a practice shift that stops prioritising adults' privacy and starts prioritising children's safety, which was at the core of that scheme, there is clearly – certainly as of when I left, and I suspect still – a lot of work still to do.

**Ryan BATCHELOR:** So we can change the law quickly, but fair to say that changing behaviour amongst practitioners takes a little more time and effort.

**Liana BUCHANAN:** I think that is right, and particularly what you are describing is across such a broad range of different sectors. So the child information sharing changes absolutely affected schools, early childhood, child protection, child and family services, family violence, homelessness. They also affected a lot of different organisations, like drug and alcohol services, that may not have seen considerations for children's wellbeing as their primary purpose. So in that context the effort around getting organisations to think differently and still attend to their adult clients of course and their needs and their rights, but also think about information sharing for child safety when appropriate, was a significant body of work that was conducted within government. I was very supportive all the way along and continue to be.

**Ryan BATCHELOR:** Thanks, Chair.

**The CHAIR:** Thank you, Mr Batchelor. Well, that brings our session to a close, Ms Buchanan. On behalf of the committee we would like to say our sincere thanks for your appearance before the committee and sharing your insights as the former principal commissioner. You will receive a copy of the transcript within a week for review before it is published on the website. We are now going to conclude our first hearing of the early childhood education and care inquiry. Thank you.

**Committee adjourned.**