

# 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 – Tuesday 10 March 2026

#### MEMBERS

Anasina Gray-Barberio – Chair

Michael Galea – Deputy Chair

Melina Bath

Georgie Crozier

Jacinta Ermacora

Sarah Mansfield

**WITNESSES**

Clare Leaney, Chief Executive Officer,

Joe Stroud, Deputy Chief Executive Officer, and

Tamara Kube, Special Projects and Deputy, Communications, National Survivors Foundation.

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

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 recorded, and you will be provided with a proof version of the transcript following the hearing. The transcripts will ultimately be made public and posted on the committee's website.

For the Hansard record can I please ask you to state your name and any organisation you are appearing on behalf of.

**Clare LEANEY:** Good morning. My name is Clare Leaney, Chief Executive Officer of National Survivors Foundation.

**Joe STROUD:** My name is Joe Stroud. I am the Deputy Chief Executive Officer at National Survivors Foundation and the Chair of National Survivors' Day.

**Tamara KUBE:** My name is Tamara Kube. I am Special Projects and Deputy of Communications at National Survivors Foundation.

**The CHAIR:** Thank you all. We are now going to go around the committee and introduce ourselves. My name is Anasina Gray-Barberio, MP for Northern Metro and Chair.

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

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

**Melina BATH:** Good morning. Melina Bath, Eastern Victoria Region.

**Georgie CROZIER:** Good morning and good to see you. Georgie Crozier, Member for Southern Metropolitan Region.

**Jacinta ERMACORA:** Jacinta Ermacora here, Member for Western Victoria Region, online from Warrnambool.

**The CHAIR:** I would now like to invite you to make an opening statement and ask if you could please keep it to a maximum of 8 to 10 minutes so that we have more time for discussion. Thank you very much.

**Clare LEANEY:** Thank you. Good morning, Chair and members of the committee. Thank you again for the opportunity to appear today on behalf of National Survivors Foundation. As founders of National Survivors' Day, National Survivors Foundation is a specialist advocacy and survivor support service working with individuals who have experienced abuse in settings across Australia. Our work is informed by over 30 years service provision to survivors, providing ongoing casework support and policy contributions following the Royal Commission into Institutional Responses to Child Sexual Abuse. Through this work we see how institutional systems can fail to detect risk, respond to early warning signs or prevent harm before it occurs.

Our submission to this inquiry identified several priority reform areas, including stronger screening processes, improved workforce identity monitoring, independent reporting pathways and enhanced safeguarding training

for educators and children. Since lodging that submission, further consultation with educators and safeguarding professionals has reinforced an important point: the risks present in early childhood education and care are often systemic rather than isolated. Early learning environments are settings where very young children spend significant time with adults outside of their families, yet safeguards within the childcare sector still rely heavily on reactive mechanisms responding to harm once concerns arise, rather than proactive systems that are designed to detect and prevent risk before it escalates. Several structural gaps contribute to this.

First, workforce screening systems remain limited. Mechanisms such as working with children checks are important safeguards, but they are fundamentally reactive. They identify individuals with known criminal histories but do not capture concerning conduct that has not resulted in a conviction or formal finding. Individuals may leave one service under concerning circumstances and yet continue to work elsewhere without those risks following them. Second, there are gaps in workforce traceability within services. Many centres rely on inconsistent identity logging systems, particularly for casual staff, students, contractors and volunteers. In environments where multiple adults may interact with children throughout the day, the ability to clearly track who is present and interacting with children is a critical safeguarding element. Third, professional training and workforce preparation are inconsistent across the sector. Safeguarding training often focuses primarily on mandatory reporting obligations rather than equipping educators to recognise grooming behaviours, boundary violations or patterns of concerning conduct. Oversight of student placements and variations in training provider standards can create additional vulnerabilities at the point of workforce entry.

The sector is also operating under significant workforce pressure, with staff shortages, high turnover and increasing casualisation meaning educators are often focused on maintaining ratio requirements rather than necessarily having the capacity to observe their colleagues, supervise student placements or identify areas of emerging risks. Child safety cannot be delivered effectively by a fatigued and under-resourced workforce. Technology is also introducing a new safeguarding challenge. Recording-capable devices, digital communication platforms and image sharing create privacy and safety risks that many childcare policies are simply not designed to address. When these issues are viewed collectively, they highlight a much broader challenge. Safeguarding in early childhood education and care cannot rely solely on individual vigilance. It requires systems that are deliberately designed to prevent harm.

International experience reinforces this point. The United Kingdom, for example, with the regulator Ofsted, has strengthened safeguarding oversight by focusing on inspections and on how safety operates in everyday practice rather than simply on whether sufficient policies exist. Inspections have grown to increasingly involve direct observation of staff practice, leadership accountability and the ability of educators to recognise and respond to concerning behaviours. Similarly, regulators such as the Care Inspectorate in Scotland and the Education Review Office in New Zealand emphasise leadership oversight, professional supervision and clear documentation of behavioural concerns. These approaches recognise that safeguarding risks often emerge through patterns of behaviour and therefore require systems capable of identifying early warning signs. These international lessons highlight the importance of visibility, accountability and early detection. The reforms proposed by National Survivors Foundation, including stronger workforce traceability, improved identity logging, enhanced oversight of training and placements and the development of a national safety register capturing substantiated concerns, are consistent with these international regulatory trends.

Finally, it is important to remember that very young children often cannot articulate abuse or inappropriate experience. They may not have the language to describe what has occurred, and they almost certainly will rely entirely on adults and institutions to recognise and respond to risks. For that reason the foundation's core message to this inquiry is quite simple: child safety in early childhood education and care must move beyond compliance-based systems and toward proactive, prevention-focused safeguarding frameworks supported by strong governance and consistent national safeguards. The lessons from the Royal Commission into Institutional Responses to Child Sexual Abuse and indeed our own Victorian parliamentary inquiry were very clear: harm within institutions rarely occurs because safeguards are entirely absent; it occurs when safeguards are fragmented, inconsistently applied or reliant on individuals rather than systems. This inquiry presents a further opportunity to strengthen those systems before harm occurs. Children in early learning environments deserve settings where safety is not assumed, it is deliberately designed, consistently monitored and actively protected. Thank you.

**The CHAIR:** Thank you very much, Ms Leaney. I appreciate you giving us a really good, comprehensive opening statement. I am now going to begin with the questions. I just want to start off: you noted models in

Scotland, the UK and New Zealand in terms of how their regulators or how their systems try and prevent harm for children in early childhood settings. How does Victoria rate amongst those models?

**Clare LEANEY:** Certainly I think there is a lot that can be learned from how those models take a more proactive approach, having visitation in childcare settings and potential observation of leadership and those sorts of things. I think that is an element that to a large extent may not have been considered yet.

**The CHAIR:** In the government's child safety review there were no recommendations specifically around prevention. What is your advice to us as the committee looking into this inquiry around how the government can take a more proactive approach centred on prevention and early intervention and not just compliance?

**Clare LEANEY:** Thank you. I think that is an excellent question, and it is at the heart of everything that we do at National Survivors Foundation. Identifying risks early and prevention of harm is something that is central to improving outcomes in future. I might throw to my colleague Joe Stroud.

**Joe STROUD:** Yes, I think that if we are to enjoy a confidence that I think all parents deserve when they send their children to an early childhood education centre, then the way we are preventing harm has to be the first and strongest pillar. It cannot be a reactive method. If you look at the submission that we have put forward to the inquiry, it is things such as strengthening screening processes for those individuals that are working within an early childhood education centre. That is not just extended to the educators themselves; that extends to everybody that is working in that environment, whether it be somebody coming in as a contractor or whether it be somebody that perhaps operates a kitchen. Even if your role does not specifically mandate that you are educating and working directly with children, we need to have an idea of what processes have been put in place prior to any individual stepping onsite and undertaking any sort of role as a PCBU. We need to improve the workforce identity logging. When we know that people are there, we need to know when they are there, why they are there, for which purpose and for how long they are there.

We know consistently in the work that we have done over the last 30 years that one of the hardest things when you are seeking justice after a harm has occurred is putting together that integral chain of evidence, that integral chain of command. The more that we can be doing as an organisation and as a state to ensure that those bodies have got the most up to date and pertinent information pertaining to who is actually onsite and who is there for what purposes, this can only assist us in those situations where unfortunately the worst-case scenario has occurred. We need independent reporting mechanisms. We need reporting mechanisms that are not just beyond that of your mandatory requirement to disclose anything that you may have seen. We need to ensure that there is a process involved for those other adults onsite that may have a feeling, that may have a suspicion, that may have seen something. We need ways that these reportings can occur which fall outside of the strict sense of the chain of command within the organisation with which they work.

**The CHAIR:** Can I just ask a question on that chain of command comment that you made. The sector is also facing a highly casualised workforce, with lots of agency workers coming through. That is the landscape of the sector at the moment. A result of this high-casualisation workforce is the lack of familiarity between educators and children and the families. Do you have any recommendations or suggestions for the committee to ensure that that level of training and understanding is across the board, that it is not just falling on the permanent full-time staff to carry that?

**Joe STROUD:** Yes, I think so, absolutely. I think given the great need for early childhood educators and workforce in this space, it is understandable that there is high casualisation. However, those minimum standards need to be able to be indicative of us putting first and foremost the care of the children that are in those organisations beyond that of simply filling the roles that need to occur for an organisation or for a venue to be functioning. So I think that with those reporting mechanisms, when we talk about the chain of command, when you do have a highly casualised workforce, sometimes it can even be an issue of who you report it to. Do you report it to your agency? Do you report it to the person that is the onsite manager? Do you take it to the owner of that particular organisation, if it is a privately run organisation? That in and of itself creates so many complexities about where that chain of command goes, but more importantly, where that chain of evidence goes. So you may have a responsibility to report, to mandatorily report, but where that report goes and how it is then actioned is arguably as important as the disclosure itself.

**The CHAIR:** Thank you. That is really helpful. Can I just ask about the medium- to long-term priorities that you mentioned in your submission rolling out national training modules for ECEC educators. Can you just explain or expand further on what that would even entail?

**Clare LEANEY:** I think that partly entails standardising the levels of training that are afforded to early childcare workers as well, standardising what reporting requirements are expected and ensuring that there is ongoing professional development that is available to people that is not necessarily undertaken on their own time but is part of their work, in a similar way to, I suppose, what we expect of solicitors and continuing professional development there.

**The CHAIR:** The early childcare sector, from what we have read in submissions, what we have heard from previous witnesses, is such a feminised, caring sector. It is also very undervalued, low paid, from what we have heard and what we have read. Providing quality care and ensuring safety is at the centre of it. You spoke about grooming, boundary setting. Is that content also included in these modules so that staff are able to, in terms of prevention, identify what is going on, what is a grooming behaviour, what is boundary setting? Can you speak more to that?

**Joe STROUD:** Absolutely. That education is paramount. I think being able to rightly identify what common underpinning factors there are that lead to grooming, that lead to an opportunity for abuse to occur, has first and foremost got to be front and centre for every single educator, for every single person working in that environment. I think that minimum standard, as Clare suggested, is exactly what we need, because it is one thing to know that a report needs to be made, but how is that report made? What circumstances have led a person to undertake that report in the first place? What we have identified, quite rightly, across all forms of abuse is there are a series of underpinning factors. Generally there is a level of opportunism. There is a level of thinking that perhaps you can act with impunity because no-one is going to say something or see something. If we talk about being undervalued, it is safe to say that we talk as a society, as a community, about children being the most important tenet of our future, of what we are going to do as a society – and where we hope to end up – and achieve. If we cannot make the investments into keeping children safe, what we will see is another set of circumstances that potentially lead us down to having royal commissions, to having inquiries, to having a reactive response to abuse that has already occurred. By creating that minimum standard and raising the basement of expertise in these environments and in that setting what we can do is actually provide a greater sense of assurance and comfort to those people engaging in the community and in the early childhood education setting. We know that for so many parents, me included, child care is non-negotiable. It is required to be there so people can go to work so that they can put a roof over their head. Those parents need to have the comfort that the people they are entrusting their children with have been sufficiently vetted, that they have been sufficiently trained and that they will act in a model that is consistent with what our very expectations are as parents and professionals.

**The CHAIR:** Thank you very much, Mr Stroud. I have actually run out of time, but just very quickly – yes or no – were you engaged or consulted with by the government's child safety review?

**Joe STROUD:** No.

**The CHAIR:** Thank you. Mr Galea.

**Michael GALEA:** Thank you, Chair. Thanks very much for joining us today. Just to begin with, you talked about some of those international comparisons at the get-go with the ERO, with Ofsted. Given that we are in a federal jurisdiction in Australia and obviously we have the federal government responsibility but regulations are up to the states, are there inherent differences in the systems that either maybe cause a benefit in Australia or cause issues in Australia that we do not see in jurisdictions like the UK and New Zealand?

**Clare LEANEY:** Certainly I think that is why pushing for minimum standards is so important. It is very true that Victoria has led the way in this sector previously, and I can absolutely foresee this being something that is adopted further in terms of an Australian context. But I do think that could be a particular challenge. However, I am also conscious and very much supportive of the fact that a lot of accreditation bodies, particularly where they deliver services in Victoria, will have certain minimum standards that they need to address.

**Joe STROUD:** If I can perhaps supplement there, I think you have identified what is a really important factor, and that is we are a set of federalised states and territories. We know that as federated states that there

will always be the onus on the states or the territories to be deploying the actual running of these sorts of bodies. However, there is a role for the federal government more broadly to establish those minimum frameworks. Now, we know that one of the issues we see, particularly with working with children, is the lack of communication of offending in other jurisdictions then being transported into the relevant jurisdiction we are talking about. If a person has committed an offence in Queensland or they may not be eligible for a working with children check, that data not being shared and not having a national framework which allows an organisation to do their proper due diligence in identifying whether a person is of sufficient character to work in these environments is where it falls down. I think we need a framework federally that the states and the territories can then deploy locally.

**Michael GALEA:** That is a very well made point. Do you think there is any scope for better relationships between such a federal regulator and federal oversight and perhaps that we can go into the workers register, which is now in effect? Do you see that being a role that the federal workers register could undertake?

**Joe STROUD:** Yes, absolutely.

**Michael GALEA:** Perhaps with those two examples, we do have very high rates of immigration, not just from those two countries – but from those two countries. With those systems that you have identified, is there merit in cooperation between jurisdictions, between this federal body, Ofsted, the ERO and perhaps other relevant organisations, for the same reason?

**Joe STROUD:** Absolutely. I think that we should never be afraid to migrate the successes of other jurisdictions and replicate the good work that is being done. No one jurisdiction, no one government and no one territory will have all the answers. It is incumbent upon all of us to work together to create that tapestry. I think to go to that point, even more broadly in Australia your access to justice, your access to care and your access to affordable and safe child care should never, ever be dependent on your postcode and which number it starts with.

**Michael GALEA:** Yes. One of the key changes made recently to the national law, which I am sure you are aware of, is the implementation of mandatory child safety and child protection training. Is this something that you support, and are there any further steps that you would like to see made as part of this?

**Clare LEANEY:** I think in addition to that, on behalf of the National Survivors Foundation, one of the things that we would strongly support is minimum standards in terms of childcare education. Where that occurs through RTOs, what are some of the minimum modules we would like to see as part of that sector? I think child protection is an excellent starting point, as well as things such as identifying grooming behaviours more broadly. Indeed, in our observation, there tends to be a default to assume that a person is not engaging in nefarious behaviour. Even if the behaviour we are observing concerns us, there is the default assumption that perhaps we have wrongly observed something. Providing minimum standards about what concerning behaviour is, and then clearly giving people a path for how to raise those concerns, even if they do not necessarily rise to the threshold of criminal charges, is a strengthening point.

**Joe STROUD:** I think this education and that training cannot simply just be a pass/fail equation. It cannot be that you have either satisfied the components of the core subject or not. I think it has to be something that is not reduced simply to a box-ticking exercise. I think that if we sit it into an RTO or a training organisation where it is simply just a 'You've met the criteria' or 'You have not,' that does not provide much confidence for those people taking on board educators into the future. But what it also does is it imbues a sense of box-ticking diplomacy, which does not have a place. There is a vigilance. There should always be a dedication to ensuring that people are safe and that children are safe. This is not a set-and-forget paradigm; this is something that needs to be checked in daily, weekly. This needs to be led by the site manager having those conversations with the educators. I know for a fact that it is not an easy job. It is not an easy role when you have got X amount of children, you have got X amount of responsibilities and you are juggling all of these things. But at the end of the day, we cannot create an environment where we are checking in with child safety regularly and we are just saying, 'Well, we're compliant.' Compliance will never, ever be a substitute for best practice, nor should it be, and that goes from the education all the way to the deployment of those resources within a centre.

**Michael GALEA:** Thank you. I would like to switch to CCTV, which you have talked about previously and in your submission, and particularly your comments around how it cannot be used as a replacement for high-

quality staffing. We did hear evidence at a previous hearing that, I believe, in the UK that had become a trend in some places. How do we best utilise CCTV to ensure that it is not then being misused? Is it a matter of keeping or strengthening ratios, for example, of staff? Are there other things that we need to be mindful of with CCTV so it does not become an excuse for not doing proper, appropriate actions elsewhere?

**Clare LEANEY:** I think one of the approaches that we are strongly supportive of is a combined approach. You cannot rely exclusively on CCTV or, for example, artificial intelligence to monitor that CCTV. You will always require human interaction to identify those risks, to raise concerns prior to it becoming a threat of harm to children. In addition to that, I think there is a real concern around how CCTV is stored and then accessed as well. Who has access? Unfortunately we are all too aware these days of just how CCTV and digital images can be accessed and used more broadly on the internet, and those images stay forever, and children do not get a say.

**Joe STROUD:** CCTV will always be a passive protection. It is a protection, it is a passive one, but it is one that should be accessed after an incident occurs. I do not for a moment believe that we will ever have the resources to be monitoring CCTV in real time, nor should we be. I think as Clare has raised quite rightly, we do have significant concerns with it being used as once again a set and forget. I think that there needs to be an oversight body or agency that is able to go in and provide spot inspections of that particular footage, of that data, to ensure that it is not just being used as a passive recording in the background. But I think further than that, a passive protection will never be able to equip you with an interventionist prevention of harm, and that is where it is incumbent on training. It is incumbent on the people that are involved in these organisations. So if the worst thing has occurred or we need to review best practice, we can go back and look at that footage, but that footage is essentially a timestamp of what has occurred, not a prevention of what might occur.

**Michael GALEA:** If I may, Chair, just briefly, I would also assume that part of that oversight then is ensuring that the centre is actually doing the right thing with the data management of that CCTV.

**Joe STROUD:** Correct.

**Clare LEANEY:** Absolutely.

**Joe STROUD:** If I may, it is of great concern to us where the repository of that information is, how it is stored and how long it is stored for. If we are going to go as far as to ban recording devices from the individuals, suffice it to say that it poses a risk for who polices the police in this instance. Who is it that is actually referring to these materials? Who has got access to them? With that access, how is it being deployed? Is it in an open setting where it can be accessed by a third party externally? Is it a closed-circuit system? Where is that data stored? Because there will always be children that will require the appropriate care when they are there, whether that be changing, whether that be the administering of first aid, things of that nature. As you can appreciate, the capturing of that in itself is a very sensitive subject matter. That would not be the sort of thing that I would think any parent or any reasonable adult would like to see distributed further than that particular centre.

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

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

**Georgie CROZIER:** Thank you. Chair. Thank you very much, all of you, for your evidence and being before us this morning. Can I just go further from Mr Galea's question on that very issue. You talk about how and where this information can be captured. Have you got any recommendations to the committee about CCTV and all of those issues you have just raised, Mr Stroud?

**Joe STROUD:** I think so. For an organisation like ours, we use closed systems. So our systems, with all of our de-identified client information and data, given that these are sensitive individuals that have got matters before courts, that have previously had matters before courts or through redress bodies such as the National Redress Scheme or the Victorian Redress Scheme, we ensure that there is no viable way for an external third party to be able to access that. It is all closed systems, and I think for a start that needs to occur. I do not think we can be sitting in a world where somebody on the other side of the country, the other side of town or the other side of the world can find a way to access that material. I think that first and foremost is really important in terms of the raw storage of that data.

Then it comes to the next level of the concentric circle, so to speak, which is who has got access to it and for what purposes. All access to those materials needs to be logged. We need to know when a person has entered the system, why they have entered the system, how long they have been in the system. I think it is analogous to other large repositories such as Victoria Police, such as other organisations where you can access somebody's file. You need to show a legitimate purpose for being there, and then I think the files themselves and the data themselves need to be checked in by a recognised authority, but then also disposed of in a fashion that is consistent with best practice, whether that be after a certain time, whether that be a sunset period of – I am simply throwing out a number – say, seven years like tax records, for example, or something similar.

**Georgie CROZIER:** But is that up to the organisation to do all of that, or are you suggesting it comes into a centralised repository?

**Joe STROUD:** I think a centralised repository, once again, is fraught with danger because it just extends the accessibility and the pool of people that have access. I think the storing of the material should be incumbent on the organisation. It should be a part of their accreditation and it should be a part of their business model, but I think the policing of said disposal – the guidelines in place for how it is accessed, how it is destroyed and for which purposes it is used – should be overseen by a centralised body.

**Georgie CROZIER:** Thank you very much. You have referenced the royal commission into child abuse and the inquiry Betrayal of Trust. Both of those inquiries looked at the working with children check. In 2022 the Ombudsman recommended that the working with children check be strengthened here in Victoria. Were you aware of that finding from the Ombudsman?

**Clare LEANEY:** Yes, and I think this is one of the areas particularly where the Australian Childhood Foundation has continued to do a lot of advocacy work, advocating that even further strengthening can occur, potentially through embedding an education module, if you will, that would encourage people and enable people to identify grooming behaviours.

**Georgie CROZIER:** The government did not take up that recommendation, and three years later they finally acted. Do you think that was potentially a failing, in terms of why we are having this inquiry now, given what has happened here in Victoria, from government?

**Clare LEANEY:** I think this is a broader systemic issue and one that we are increasingly seeing, unfortunately, with respect to inquiries such as the royal commission and the Victorian parliamentary inquiry. This is an ongoing issue of systems where gaps have not been sufficiently addressed. That might also be through sports bodies, for example, and other community organisations, but in particular in the childcare sector, and that is occurring, unfortunately, around Australia at the moment.

**Georgie CROZIER:** I accept that. But given the government's role, they have a role to actually strengthen working with children checks, given the inquiries that we have had and the evidence before those inquiries and the Ombudsman, who came out and said there is a problem here – they made that recommendation. Now we are looking at it. You talked about, I think it was, that there were limitations; there was no national framework around working with children checks. I take it that is your recommendation to this committee: that there needs to be some standardised form around that.

**Joe STROUD:** Absolutely, and suffice it to say I do not think we have ever had an inquiry because everything has gone right. There have been a lot of things that have gone right, but there certainly have been those, as Clare said, fragmented roles of responsibility. I think this extends beyond the jurisdiction of Victoria. But quite rightly, as you have identified, recommendations have been made in the past at both a state and federal level for how we can strengthen. I think, unfortunately, we find ourselves in a world where we react after it makes the tabloids and after it makes the headlines, and from that point we are constantly playing chase up. If we get nothing else from this inquiry, I hope what it is is a proactive approach towards prevention so that we do not find ourselves repeating this exercise in five years. I understand the incredible work that you did personally in chairing the Victorian inquiry in the first instance prior to the royal commission. One thing that I think needs to be heard loud and clear by all lawmakers, by all legislators and by the society more broadly of Australia and Victoria is that we can never unfurl the 'mission accomplished' banner in this space. No inquiry will come up with all the answers. All we can do is get the recommendations, hope that political expediency is

never a substitute for practical outcomes and ensure that we are forever vigilant. What works today may not work in the future as technologies evolve and as education evolves, but it would be remiss of us not to try.

**Georgie CROZIER:** Thank you, and I appreciate that. I suppose the point is that even through the inquiry processes there is an obligation for governments to respond, and the point was the government did not respond to the Ombudsman's recommendation regarding working with children checks. As you say, it is an ongoing process, and we need to be exceptionally vigilant in this regard. Looking at that, as you say, and keeping watch of what is happening around timeframes – and your submission talks about a number of areas – have you got timeframes around the phased implementation of the recommendations? What do you mean by that – as you say, it is all very well, but it has got to be implemented properly – and how that timed implementation looks?

**Clare LEANEY:** Absolutely it does, and I think this is an area where there is both a need for a certain swiftness, but not so swift that we do not hear good ideas from other sectors and take the opportunity to learn of international successes and also observe where there is room for improvement in international sectors. I certainly know that that was a strength of both inquiries referenced earlier. I also am acutely aware that this is not something that can simply occur in isolation in Victoria but does need a much broader national approach to this.

**Georgie CROZIER:** Should it be overseen nationally? Should they be the drivers here?

**Clare LEANEY:** That is certainly something that I think could be advocated for strongly in certain contexts, particularly around establishing minimum standards in terms of childcare education and the delivery of childcare education by RTOs, as well as things like working with children checks and mandatory reporting standards being more consistently strengthened nationwide.

**Joe STROUD:** I think what we would like to see is the commitment federally for a timeframe for which it should be completed and rolled out, and then I think obviously each jurisdiction as they come into their own election cycles – obviously we will always have a calendar of elections as they come up – would then set their own timelines with a firm date of when these things will be rolled out, when they will be legislated. As we have seen previously with federal common law and where the states and territories have to step in, we need timelines. We need something where we can provide this confidence, because to have a national framework we need every jurisdiction to obviously sign on, to come on board and to take that responsibility very seriously. What we would like to see is the federal government providing a timeline for when they think that framework should be up and running and then the respective states and territories to legislate within that timeline.

**Georgie CROZIER:** Thank you very much.

**The CHAIR:** Thank you. Dr Mansfield.

**Sarah MANSFIELD:** Thank you, and thank you for your submission and for appearing today. I am interested in exploring a bit more the idea about having independent reporting pathways and some of the evidence that suggests that there is not necessarily a culture of speaking up. There is I guess training to be able to identify problematic behaviours, which you have touched on, but it seems like there are also concerns about educators and staff feeling they have the pathways and the permission to raise those concerns and that they will be taken seriously. Can you expand a bit more on what the factors are that create that sort of culture in the early learning setting?

**Clare LEANEY:** Absolutely, and I would say that that is not something that is unique to early childcare settings. It is an observation that we have made across organisational and institutional contexts more broadly. There tends to be that default assumption that the behaviour that we are observing that may be concerning us does not necessarily meet the threshold for raising a formal notification, and as you identify, changing that cultural practice and that cultural deference, almost, is something that should be an absolute priority.

**Joe STROUD:** Yes, I think that we need to be able to destigmatise these conversations as far as is possible and is practicable. I can understand that when you do have a high casualisation of a workforce, agency workers, smaller organisations that may be intimately familiar with each other in terms of friends, in terms of pre-existing relationships, that it should never be put in the too-hard basket to do the right thing. There will be organisations out there that are trying to do good, but how do we then equip them with the abilities and the permission, almost, to do good well? If the worst thing that comes out of it is that you raise a concern or you

flag a concern and it is found that there is no basis to it or no substance to it, that is a far better outcome than simply not saying anything or doing anything and, absent of that intervention, the worst sort of abuse taking place.

**Sarah MANSFIELD:** Do you feel that staff are aware and educators are aware of clear pathways to report those concerns?

**Clare LEANEY:** I think there is always a gap in that, and even if the result of making that sort of report is that further education is undertaken in that particular setting across staff, that is always, as Joe said, an area of improvement that can prevent further and worse harms occurring, rather than necessarily adopting that sort of deference that I referenced earlier and waiting until something makes the front page of the paper.

**Sarah MANSFIELD:** You have suggested having an independent reporting pathway. Why is that important in these sorts of settings?

**Clare LEANEY:** I think if history has taught us anything, it is that internalised reporting mechanisms are rarely adopted and practised with the rigorousness that they need to be.

**Joe STROUD:** I think a person needs to be able to raise these concerns with a level of impunity where they do not think it will necessarily come back on their employment status and does not feel like they are going to lose their job for coming out and saying the right thing. Now, we have not always had a great history of protecting whistleblowers across the board, so by removing the organisation from the chain of command when it comes to these initial reports and investigations, what we are essentially doing is we are equipping those individuals that may see something to say something. I think it is worth noting that if a person does see something and chooses not to act and chooses not to report that conduct because they are at fear of their professional status or their professional standing, that person graduates from being a bystander to being, unfortunately, an enabler. Whether they are doing it on purpose or not, they have now become complicit and have contributed to the sort of fertile environment where abuse can occur, if it has in fact occurred.

**Sarah MANSFIELD:** Previously we had QARD as the regulator. Do you think they filled that role of being an independent body where those complaints could be made adequately?

**Clare LEANEY:** Again, I think there is always room for improvement. That might be training people from the time they are students studying to enter the workforce to really open up and explore those pathways of reporting. Also giving people a clear message that reporting is actually something that plays a crucial role in child safety moving forward is a vital part of how we proceed.

**Joe STROUD:** Yes. Particularly when we are talking about it in the early childhood space, more often than not we are speaking on behalf of people that do not have agency. We are speaking on behalf of people that may not be equipped with the vernacular, let alone the ability to speak yet. That is why it has to be incumbent on the adults that are in those spaces, the professionals, to be using their voices to ensure that those that are in their care are being cared for and that their potential harmful experiences are being articulated. If there is the suspicion that that sort of activity is occurring, then once again, if the worst-case scenario is that somebody said something and it turns out that there was perhaps no substance to it, that is still a far better outcome than the alternative.

**Sarah MANSFIELD:** Do you have confidence that VECRA, the newly established regulator, will be able to perform that function?

**Joe STROUD:** Regulations are only as good as the people that act upon them. They can sit in space. But they can become a box-ticking exercise. This is why I specifically use the term 'agency'. It needs to be those professionals acting in accordance with those regulations. It is very easy to set a tick box and say that you are compliant. Compliance is not the same as being proactive.

**Sarah MANSFIELD:** You have talked about some of the factors that contribute to it within the broader culture, the lack of reporting. But we have heard that some centres, particularly corporate multisite centres, will use financial incentives for centre directors, perhaps their executive, so that if they get certain enrolment numbers or other things they get a personal bonus. In light of some of the safety concerns that have been brought to public attention in the last year or two, they have also incorporated the NQF standards or other

things in that metric to provide financial incentives and give bonuses to individual directors. Do you think that is the right way to approach this and build a culture of speaking up?

**Joe STROUD:** One would hope that the incentive to keep children safe in that setting is not a pecuniary one. One would hope that it would be incumbent on the human being there and the professional in question to do it because it is simply the right thing to do. If a monetary figure extends that culture to doing it, perhaps there is a necessary evil there, but I do not think it should ever be an underpinning factor.

**Sarah MANSFIELD:** Is there a risk something like that could turn into a box-ticking exercise or actually discourage reporting so that person can get a better score?

**Joe STROUD:** Of course it would. If you leverage a lack of reporting as being a KPI for why you are doing a good job, then you have failed to understand the problem at hand here, and that is that, first and foremost, keeping children safe is the core goal. Safe children can then be educated. I understand that it is a business model in many instances, but if you are profiting off the back of a situation where somebody not reporting is rewarded versus somebody that is reporting, then it is safe to extrapolate that the harm then is to the poor child without agency.

**Sarah MANSFIELD:** Thank you.

**The CHAIR:** Thank you. Ms Bath.

**Melina BATH:** Thanks, Chair. Thank you so much for the work you do. This is work where sometimes it feels like you are in the woods and you have been working your way through to get to the sunshine and bring the rest of us into the sunshine as well, so I really appreciate that. I want to go back to a topic I raised with Ms Leaney just before about parents and children. Sometimes this is in the disability sector, but it can equally be I think in the abuse sector, because I think that they can be linked. If a parent is bouncing through a system, goes to one care centre and then leaves, then another and another – sometimes by their own volition, sometimes by a suggestion – in your experience has there been an assessment of that, an opportunity for the parent to provide feedback, whether it is to the regulator, the government, the education department?

**Clare LEANEY:** Very often I think we see those sorts of voices – parents, caregivers, other concerned people – can be minimised and pushed aside in organisational contexts, and that is largely a reflection of that model of deference that I referenced earlier, wherein we assume that what we are observing that is causing us concern does not actually meet a threshold, and rather than proactively approach and have a null result, for example, we choose to say nothing.

**Joe STROUD:** I think also when we have commoditised these places, it is exceptionally competitive to get your child into early child care. More often than not you can either be bound by your location, which means you do not have any choice as to where your child is going, or you can be bound by the availability. Once you have got a situation where, as Dr Mansfield suggested, an organisation is receiving bonuses for enrolment, the person leaving providing an exit interview or a statement will never then be as important as filling the space that has just been created. In that environment I do not know that organisations necessarily listen to the outgoing feedback.

**Melina BATH:** But it could go to a higher authority – i.e., the regulator. So I guess my question is: are you potentially for or against, I will say, an exit survey of parents? Is that something that you would consider reasonable?

**Clare LEANEY:** Yes.

**Melina BATH:** Yes, sure. I noted witnesses have talked about inconsistent application of child safety standards. I know you said ‘policy’ is a word but that it needs to be an action. I am interested – either private, community or not-for-profit – if you look at the whole sector, really making that assessment. How can that message get across about the acceptability or lack of acceptability of that standard? I guess that is a very broad question, but what do we need to understand to provide that feedback to government?

**Clare LEANEY:** Absolutely. I think this is something that could potentially become a part of how we educate early childcare workers around those standards and then standardising the training of said workers within the sector.

**Melina BATH:** Yes. And going back to the regulator, the newly formed regulator, and the visitation process of that – and I know you said regulation is only as good as the professionals that are there, because we are going to make an assumption that the regulators know what they need to know – what needs to happen upstream for them in relation to their professional capacity?

**Clare LEANEY:** Absolutely, and that is where something like a mandatory child protection unit could be introduced to training sectors. That could cover things such as your childcare safety standards, that could cover things such as how to make reports, what grooming behaviours consist of – all of those sorts of fundamental elements that would encourage and strengthen people’s ability to report, to understand what behaviours are behaviours of concern, and in doing so we create a stronger protection for children.

**Joe STROUD:** I think also part of the informing of those regulators is by working with those in the space. You make the point about sometimes feeling like you are in the woods. There are many bodies such as ours but also investigative bodies that have got a level of expertise in this space, and I think the more you can do to co-design what those regulations should look like and what that education should be helps us – many of us in this space feel like we already have the Rosetta Stone for how this can work. It is about bringing us all to the table, similar to inquiries like today, and ensuring that we are working to get those regulations right.

**Melina BATH:** Yes. Based on the Chair’s question – the yes/no question ‘Were you involved in the rapid review?’ – were you available? Why do you think then there was a barrier? Were you seen not to be of use, or was it too rapid to expand? You have just made the argument there that you have the knowledge, the lived experience, the professional experience. Wouldn’t you think government would say, ‘Let’s flick an invitation to National Survivors Foundation for a conversation’?

**Joe STROUD:** It is hard to speculate as to how they arrived at the people they invited and why. We certainly were available. We will continue to make ourselves available into the future for anything that we can do to assist these sorts of responses and these inquiries.

**Melina BATH:** I am not trying to do an aha moment; I just think it makes sense.

**Joe STROUD:** No, it is a fair question and one that I wish we had a better understanding of so we could answer better for you.

**Melina BATH:** So a recommendation to government: when there are reviews, key stakeholders, including those with lived and professional experience in survivors of abuse, should be a worn path.

**Clare LEANEY:** Yes.

**Melina BATH:** Thank you.

**Joe STROUD:** There are a lot of us that work in this space, so I can appreciate that sometimes you are just trying to get a response out there. But we do work with the Victorian government, with the federal government, with other jurisdictions –

**Melina BATH:** Collaborate.

**Joe STROUD:** and collaborate. Suffice to say that I think that as an organisation we are known to –

**Melina BATH:** You have a proven track record –

**Joe STROUD:** Correct.

**Melina BATH:** from 12 years ago as well. I asked this question of the former presenter in terms of advocacy in legal action. Parents are exhausted. They are concerned that something has happened. They feel that something has happened. This could be in early child care; it also could be in special developmental schools,

which I am familiar with. What does your advocacy look like if there is a court case coming? Because I know there is a lot of money spent on sometimes covering bases by systems. So what do you do?

**Clare LEANEY:** We provide direct survivor-facing services, so that would be our casework service arm, and obviously, as you would have seen from our submission, we also provide a lot of recommendations and guidance in this space. But in that particular context our work is perhaps more familiar with people who have reached the age of 18 and are able to make those legal assessments for themselves. However, what I will say is that there is an increasing demand on services, particularly when parents are simply unable to access the information that they need – something has happened at their childcare setting – and they are grappling for answers.

**Joe STROUD:** Yes, that is right. For a survivor we provide what we call wraparound care. We provide a wraparound care, which allows us to assess an individual, to assess whether there is a redress scheme that is perhaps the most appropriate body for them to seek redress or to engage in the civil litigation process or through the criminal process. What we do then is we ensure that a person is sufficiently fortified to undertake those sorts of proceedings. As you can appreciate, they can go for two, 2½ years, so that means on referring and warm referrals to other organisations that may provide counselling, drug and alcohol support and things of that nature. But what we do find is that there is a primary survivor and more often than not there are many secondary survivors. If you find yourself as the parent to a child that has been abused, as you can appreciate, there is a significant trauma that is placed upon that individual, both as a parent but also as a protector – the feelings of shame, the feelings of guilt, the feelings of ‘What could I have done?’ Unfortunately, what we do not currently have is a sophisticated model for any organisation such as ours or in the space to support those people. It is very easy to find funding resources to look after a primary survivor. Extending that care and that support to a survivor’s network of secondary survivors is a much harder proposition, and we are not formally funded to do that at the moment. But what we do is we find that through our donations, through philanthropic efforts that are made, we can then provide that support to those secondary survivors.

**Melina BATH:** I have got loads more questions, but I think my time is up, so thank you very much on that.

**The CHAIR:** Thank you. Ms Ermacora.

**Jacinta ERMACORA:** Thank you. And thank you very much for your contribution; I really appreciated listening to your perspective. It is one that is of interest to me. Your submission speaks to the need to raise complaints regarding the sector, similar to recommendation 22 of the rapid review, which spoke to the need to give workers the confidence to raise concerns. We know that what is not talked about is not identified as a problem, and what is not identified as a problem is not measured and therefore you cannot fix it. You have spoken in quite a bit more in detail than other organisations about what trained staff might look for. From my perspective, there are three elements to the whole scenario. They are vulnerability, whether it is non-verbal, developmentally non-verbal, young, or already being abused – all of these definitions of vulnerability to abuse are evidence-based; time alone – opportunity, which I think, Joe, you mentioned, and that can be that breach of trust, so other opportunities for time alone; and then the third thing in my mind is establishment of the abuse dynamic, and that can be providing cake when it is against the rules – ‘Don’t tell anybody else that I’m giving you cake. If you do, you’ll get in trouble with your parents or the carers.’ Once that is tested by the abuser, then they can go on to more sinister activities. Do you feel confident that those kinds of daily conversations – not necessarily numbers two and three, but certainly number one around vulnerability – are happening in an informed way amongst trained staff? Have they had the opportunity to be trained in that detail?

**Clare LEANEY:** I think there is a real gap there that we can absolutely address and should continue to address as part of continuing professional development, particularly for this sector – identifying patterns of grooming, identifying patterns of vulnerability and where gaps might occur in otherwise well-intentioned systems.

**Joe STROUD:** Yes, I think vulnerability is a key factor, and it will always be a key factor when abuse flourishes or takes place. I think that has got to do with what we would consider to be the significant power imbalance between the abuser and the victim-survivor. To go further to your points one, two and three: yes, there will always be the testing of the waters of trust. You have got to remember that when a perpetrator does that through opportunism, they are not just testing the resolve of the person they seek to abuse, they are also

testing the resolve of the people around them, to see who will identify it, who will call it out, who will suggest that perhaps that is not just an act of kindness but perhaps it is underpinning something more sinister.

**Jacinta ERMACORA:** Yes. And choose their day when that staff member is not on.

**Joe STROUD:** Correct. There is a level of sophistication and opportunism here that requires the utmost vigilance from professionals in this space, because the one thing we know is that the perpetrators in these environments are incredibly savvy and sophisticated in identifying where and when they can offend and in watching which environment will give them the best opportunity to act with that impunity.

**Jacinta ERMACORA:** So, just to generalise, the conversations in, for instance, a childcare centre around vulnerability, a conversation about vulnerability would also be relevant in terms of the dynamic between children who are playing together and quite harmless kinds of definitions of monitoring their dynamics. Would you say that centres that have a good emotional intelligence and a good ability to describe their own dynamic and how it works and what they do in different situations are sort of bolstered against abuse of that?

**Clare LEANEY:** Yes, to a certain extent. But I think an additional element to that is people who are coming into the centre as well and being aware of how visitors or parents and caregivers might traverse that setting. In particular you might note one of the areas we have raised in our submission is other electronic means of recording, whether that is smart glasses or things of that nature. All of these things we have an awareness of; we do not necessarily respond to them within those care settings.

**Joe STROUD:** I think part of that education not just of the educators themselves but also of the people in their care is identifying those boundaries, identifying agency, identifying the common lexicon, if you will, for those that may be non-verbal or otherwise vulnerable, to be able to check in with those vulnerabilities and check in with that particular younger cohort. I think that is obviously an education that should or hopefully can also be extended to families, to parents, so that that conversation may happen after pick-up or may happen in the morning, in the car on the way et cetera.

**Jacinta ERMACORA:** I was going to go to that actually. Recommendation 18 of the Victoria's *Rapid Child Safety Review* speaks to the need for parents to be supported to raise and report concerns. You can have very healthy children drawing pictures of rain or using the colour black. It is hard to pick. In my observation constant communication between parents and carers and child around their care experiences is probably the best way. But what encourages that amongst parents, based on what this recommendation suggests?

**Clare LEANEY:** I think we take a slightly broader approach and potentially identify programs such as the positive parenting program, more commonly referred to as Triple P parenting, and to embed these sorts of conversations, how to have them, what safety looks like at an age and developmentally appropriate stage within those sorts of programs is essential.

**Joe STROUD:** But I also think an open dialogue between the organisation to which you send your child and you is inherently needed as well. I think that you can have nights that you specialise on – you invite the parents in, you have a round table. It does not just need to be a drop and pick up. There can be ways in which the community can work together and the organisation and the participants can work together to ensure that the conversation is being had. I think that in our experience the destigmatisation of the conversation is the first step, and the moment you feel that you are comfortable or you are in a setting that is responsive or receptive to those sorts of conversations being had is the first point, because you may have a suspicion, you may feel something, but if you do not feel that you are empowered or equipped to come forward and have that conversation, therein lies the first hurdle.

**Jacinta ERMACORA:** Thank you very much. Thank you, Chair.

**The CHAIR:** Thank you, Ms Ermacora. Thank you all. That brings our session to a close. It has been really comprehensive and beneficial for us to hear your perspectives on this hearing. I want to let you know that you will receive a copy of the transcript for review a week before it is published on the website.

We are now going to take a short break to reset for our next witness and be back at about 11:25.

**Witnesses withdrew.**