

T R A N S C R I P T

SELECT COMMITTEE ON THE EARLY CHILDHOOD EDUCATION AND CARE SECTOR IN VICTORIA

Inquiry into the Early Childhood Education and Care Sector in Victoria

Melbourne – Monday 3 August 2026

MEMBERS

Anasina Gray-Barberio – Chair

Michael Galea – Deputy Chair

Melina Bath

Georgie Crozier

Jacinta Ermacora

Sarah Mansfield

WITNESS

Liana Buchanan.

The CHAIR: Good afternoon. I declare open the committee's final public hearing for the Inquiry into the Early Childhood Education and Care Sector in Victoria. Please ensure that mobile phones have been switched to silent and that background noise is minimised.

I would like to begin this final 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 also welcome any members of the public in the gallery or watching 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 any organisation you are appearing on behalf of.

Liana BUCHANAN: Yes. My name is Liana Buchanan, and I think I am here in my personal capacity, but as the former principal commissioner for children and young people in Victoria.

The CHAIR: Thank you, Ms Buchanan. We will go around and introduce ourselves again. My name is Anasina Gray-Barberio, Chair and a Member for Northern Metro. We will start with our online colleagues and then we will move to our in-person colleagues to make it a bit smoother.

Jacinta ERMACORA: Hello, Liana and everyone. It is Jacinta Ermacora here, Member for Western Victoria Region.

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

Georgie CROZIER: Good afternoon again, Ms Buchanan. Thank you for coming in. Georgie Crozier, Member for Southern Metro.

The CHAIR: Fantastic. Thank you, everyone. Ms Buchanan, thank you once again for reappearing at our inquiry. I would like to offer you the opportunity to make any opening statements you would like, and then we can get underway.

Liana BUCHANAN: Thank you, Chair. I think I am comfortable moving straight into questions if you are comfortable. I provided to the committee some written responses that I had previously provided to the journalist in respect of the story that I think has prompted me to be requested back here again. So other than revisiting that, which I am sure we can do as I respond to questions, I am happy just to move into questions, I think.

The CHAIR: That is no problem at all. I might begin our inquiry this afternoon. I think the report that you are referring to is an ABC article dated June of this year. I just want to refer you back to when you first appeared at our hearing back in December – 8 December 2025. You told us that you exercised the – sorry, let me just go back again and give context for those that are following along online. My colleague asked you a question back at the first hearing when you came before us, and the question was around:

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?

Now, your response to that was that you exercised your discretion as the former principal commissioner of CCYP only for low-level conduct and only in circumstances where there were no sexual elements to the conduct whatsoever. Is this still your evidence today, Ms Buchanan?

Liana BUCHANAN: I certainly would maintain that evidence, but perhaps by way of explaining that further, given the material that was aired in the story that you have referred to – and as you might imagine, I have gone back and I have thought about what was in my mind when I gave that evidence. I feel very clear that I gave evidence that day based on what I knew of my practice over what was almost seven years making decisions in relation to the reportable conduct scheme, and that it was absolutely my practice, and what I had in mind when I said those words was that if there was a reportable conduct finding where there was any suggestion of sexual intention or motivation, where there was any sexual or physical contact with a child, where there was any prospect or risk of sexual harm to the child from that conduct, then I absolutely would not have exercised my discretion and would indeed have made sure that that was referred. So in terms of the cases and the data that I understand the ABC journalist obtained and that formed the basis for that story, what I now understand is that there were some cases that were caught by the definition of ‘sexual misconduct’ – caught within that very broad definition – that were not referred. I have had the benefit of being briefed on those cases since I was first approached by the reporter and again just in this last weekend past. I am absolutely confident that, taking into account those cases, those features that I just described apply to those cases, so none of those cases involved any suggestion of sexual intention or motivation. None involved any physical or sexual contact with a child and none gave rise to any suggestion of sexual harm or risk of sexual harm to a child.

So I do appreciate the chance to elaborate on the evidence that I gave. As you might imagine, when I was giving evidence, I had left the role of principal commissioner some eight months prior. I did not have access to information, to data, to records. I was very much giving evidence based on what I knew my approach was throughout my time as principal commissioner. And so, did I have these particular cases in mind? No, not necessarily. But do I still absolutely maintain the fact that those did not contain sexual elements in the context that I have described in a way that poses harm to a child? Yes. I maintain that position.

The CHAIR: Thank you for that. Now, just in relation to the data, this ABC article noted that you, the commissioner at the time, did not refer 10 substantiated findings of sexual misconduct to the working with children check unit. Now that you have just elaborated and clarified to the committee that you have had a briefing, do you still stand by that decision not to refer that on to the working with children unit?

Liana BUCHANAN: I absolutely accept that I made decisions that were in line with the legislation – were in line with the provisions of the legislation that provided me with discretion. I still think that I made those decisions based on my best information at the time, and indeed my best information now, about what might pose some risk of sexual harm to children. And I would note, and I have had it confirmed, that notwithstanding the Social Services Regulator now has all of those matters that you have referred to, the sexual misconduct matters, so that they can be reassessed, the individuals – and there are five; I can come back to explaining the five as opposed to 10 – those five individuals can be reassessed, and I have had confirmation that no exclusions have been issued in respect of those individuals.

The CHAIR: Okay. Thank you. Just going back to your appearance on 8 December last year, you said the discretion was exercised only when there were no sexual elements to the conduct whatsoever. Were you referring to the ordinary meaning of that phrase or to the statutory definition of ‘sexual misconduct’ under the reportable conduct scheme?

Liana BUCHANAN: It is an interesting question because there is no statutory definition. I can only say what I have already explained. When I said that on any matters that involved sexual elements I would have referred and would not have exercised my discretion not to refer, I was very much talking about what type of conduct might potentially pose risk of sexual harm to a child. So again – and I have to say I took a fairly broad approach to understanding what kind of conduct might pose sexual harm to children – by that I mean conduct where there was no suggestion of sexual intention or motivation, no physical or sexual contact with a child and no actual and no risk of sexual harm to children arising from that.

If it helps the committee, I have been briefed on the general nature of those matters, and I am happy to try and describe that at a high level. I think it is fair to say the commission for children operated under particular secrecy provisions. The Social Services Regulator will have their own concerns around releasing detail,

particularly detail that might identify individuals, and I will do my absolute best to have regard to that, but it may help the committee and it may stop you needing to ask the question if I share at least a high-level description of the cases that I have been made aware of that sit in those 10 allegations. Is that helpful, Chair?

The CHAIR: Sure, that is helpful, but I just want to make something clear, Ms Buchanan: the reportable conduct scheme's prime, prominent role is child protection, and the fact is that we have allegations here of 10 findings that were not referred to be investigated further and that perhaps did constitute sexual misconduct. In your summons you said that the legislative definition of 'sexual misconduct' is very broad, but you have also just told us that there is no definition of 'sexual misconduct'. So if you would not mind, please perhaps clarify if the legislative definition is there but is broad or if you just interpreted it the best you knew how at the time.

Liana BUCHANAN: I am sorry, Chair, I thought you referred to the legislative definition of 'sexual' not 'sexual misconduct'.

The CHAIR: No, 'sexual misconduct', because that is what you wrote in your summons to the committee – that the legislative definition of 'sexual misconduct' is very broad.

Liana BUCHANAN: You are right; that is what I wrote, and that is true. I must have misheard you. I thought you referenced only the statutory definition of 'sexual'. Yes, the statutory definition of 'sexual misconduct' is very broad. It includes behaviour, physical contact, speech or other communication of a sexual nature; inappropriate touching; grooming behaviour and voyeurism. It is a very vast range of conduct. I have to say, as the commissioner – when I was commissioner – I and we as an organisation took great care to make sure that that broad definition was understood. Our guidance, I should say, did make it clear that a one-off incident that occurred as the result of an innocent mistake or poor judgement would not usually amount to sexual misconduct. But I will be frank: my biggest concern when we were establishing and administering the reportable conduct scheme, particularly in relation to sexual misconduct, was how poorly understood sexual misconduct was, how poorly understood grooming behaviour was and how poorly understood the risks of sexual abuse against children were. I was very concerned about how frequently we would receive findings from organisations where they had investigated patterns of behaviour – overly personal and intimate behaviour and crossing of personal boundaries and so on. They had as organisations established and found proven a series of facts, but for various reasons, some of which we could only guess at, those organisations were not prepared to substantiate findings of sexual misconduct and name them as sexual misconduct.

So because of my concern about how poorly understood sexual misconduct and the breadth of sexual misconduct and sexual harm and grooming behaviours in particular were, we paid particular attention to that. Indeed, I think in part as a result of that attention and the work that the commission did at my direction with organisations, what was initially a very low rate of only 21 per cent of sexual misconduct investigations resulting in a substantiated finding increased by the time I left to a 48 per cent substantiation result. I suppose I am trying to kind of describe my experience as someone who was very alert to the extent of sexual harm and sexual abuse and grooming conduct in our community. I was very alert to how many people, notwithstanding inquiries and royal commissions, still underestimated the prevalence of it and how many people were loath to identify sexual misconduct and sexual abusive behaviour and grooming as such, and so we put a range of effort into it. I have to say, as someone who played the role that I did for nine years and was charged with establishing the reportable conduct scheme, I am very clear about its purpose – its primary purpose being to protect children – which is why I can absolutely say that if I had had any concern that the cases that we are talking about here today raised the prospect of or the risk of sexual harm to children, or represented some form of potential sexual harm to children, then I would not have exercised my discretion as I did.

The CHAIR: Thank you very much, Ms Buchanan, for that. My time has expired, so I am now going to pass over to our Deputy Chair, Mr Galea. Thank you.

Michael GALEA: Thank you, Chair. Thank you for joining us, Ms Buchanan. I do want to start on the same line: the definition of 'sexual misconduct'. Do you accept that there is a definition of 'sexual misconduct' in the *Child Wellbeing and Safety Act*?

Liana BUCHANAN: Yes, absolutely. Sorry, it is entirely possible I misheard the Chair previously; I thought she was asking only about the statutory definition of 'sexual'.

Michael GALEA: I see. Is that the definition which you would have applied to these cases?

Liana BUCHANAN: I will answer that in two ways. That definition is the definition that the organisations, and I am assuming all of these are cases where the organisations did the investigation and reached the finding – when the organisation was assessing whether conduct might constitute sexual misconduct, they would have had regard to this definition, and then I, as commissioner, would have assessed their finding against that definition. Clearly, I have applied other judgements as to whether these cases involved sexual elements in terms of: did they involve – I am going to sound repetitive; my apologies – any suggestion of sexual intention or motivation? Did they involve any sexual contact or physical contact with a child? Did they involve any risk of sexual harm to a child? Those were the assessments that I had in mind when I was making decisions about referral. I will ask the committee to remember that we are talking about 10 allegations here that relate to six individuals and incidents, one of whom had died by the time of my decision.

Michael GALEA: If I can gather from the word suggestion there, are you saying that you applied a more stringent application of the definition than in the *Child Wellbeing and Safety Act*?

Liana BUCHANAN: I applied not a different definition, a different assessment, because by definition if all matters were intended to go to the worker screening unit, then I would not have been provided with any discretion.

Michael GALEA: Again to the point, that does not align with if there was a sexual element. You have previously told this committee that in those situations you would not have applied that discretion whatsoever. That is not quite the case – if you wish to clarify that.

Liana BUCHANAN: We can continue to kind of have a technical discussion or debate –

Michael GALEA: Just if you wish to clarify the remarks you previously gave.

Liana BUCHANAN: Yes, very happy to. What I referred to in December and what I will still say was the case is that in my practice as commissioner for children, if there was a sexual element involved in conduct where there was a substantiated finding, by which I mean was there any prospect or risk of sexual harm to a child, was there any suggestion of sexual motivation or intention on the part of the individual or was there any physical or sexual contact – were any of those elements present, then I absolutely would not have exercised my discretion.

Michael GALEA: And just to clarify, that is a different test than the definition that is in the Act?

Liana BUCHANAN: Indeed.

Michael GALEA: Thank you. The rapid review on page 45 says:

What can look like a minor incident when viewed in isolation can reveal a very different risk profile when considered in the context of other information.

Given this is what the rapid review found and given that context, do you believe that in hindsight you would have applied the same discretion to these cases? Do you think there is any scope for providing that discretion when there may well be other factors which may vary the –

Liana BUCHANAN: I think that is an almost impossible question to answer, because the legislation has been changed so that all substantiated findings now go to those making decisions about working with children. That is entirely fitting that the scheme, as it is initially set up, should be evolved and that it should be changed as understanding of different risk factors progresses. All I can say is when I was making my decisions – and I have to say, I think I was probably seen as someone who made fairly conservative decisions in terms of prioritising children's safety – I was doing that consistent with the legislative scheme, with absolutely an eye to prioritising children's safety and, I think, in a way that the scheme not only enabled but was intended. And that is not to say that the developments in the legislation both to make sure that all of the matters get to the working with children decision-makers but also the changes that enable the working with children check decision-makers to act on a far broader range of information – I absolutely support those, and I think those are good developments.

Michael GALEA: Thank you. You have actually gone to where I was going to go next, which was the new legislation. In light of the 10 – there was one suspect who is deceased, so we can say nine – cases there that we

are talking about today, does that justify the legislative changes that have taken the discretionary power from the CCYP?

Liana BUCHANAN: I do not think these particular cases justify or warrant the legislative changes. I maintain and would point again to the fact that these cases, given that they have been provided to the Social Services Regulator so that the individuals can be reassessed – the five surviving individuals can be reassessed – have not resulted in any different action or exclusion. That suggests to me that there was indeed no indication of harm, sexual or otherwise, to children, as a result of these cases.

Michael GALEA: But you do support the SSR having those functions to deal with these cases now.

Liana BUCHANAN: I absolutely support the working with children check decision-maker having access to as much information as they can and as they need to make good, well-informed decisions about risks to children. Absolutely I do.

Michael GALEA: Thank you. With these discretionary powers that you had the right to exercise, were they always solely exercised by you, or did you at any time delegate these powers to another individual within the CCYP?

Liana BUCHANAN: Bear in mind we are talking about 10 allegations here I think, based on what I have seen reported – again, in the life of the scheme – of 255 allegations that were not referred. That is in the context of well over 6000 substantiated allegations that were referred. I took the view that the discretion not to refer a substantiated finding was a significant decision, and I retained that decision-making capacity. I did not delegate that.

Michael GALEA: So every single one of those discretionary decisions made was made by you and not delegated?

Liana BUCHANAN: Indeed. To the best of my understanding. Some of them may have been made after I finished as principal commissioner, so we should bear that in mind –

Michael GALEA: Understandable, yes.

Liana BUCHANAN: and there was probably one occasion in my nine years where I had an acting principal commissioner appointed. Other than that, I did not.

Michael GALEA: Are you aware of any alleged cases of sexual misconduct or sexual offences which had a discretionary decision applied during that time?

Liana BUCHANAN: No.

Michael GALEA: Thank you.

Liana BUCHANAN: Again, to be absolutely accurate and transparent, I think certainly in the period that I was principal commissioner – notwithstanding there was I think a period of one month in those nine years when somebody acted as principal commissioner – I cannot remember, but I would have been briefed on any decisions not to refer that would have been made in that time. I cannot hand on heart say what they were, but I am comfortable that, in the main, whilst I was in the role of principal commissioner, those decisions were made by me.

Michael GALEA: Thank you, Ms Buchanan. Ms Crozier.

Georgie CROZIER: Thank you, Deputy Chair. Thank you, Ms Buchanan. A lot of the questions I was going to ask have been asked, and you have explained a lot of your findings in your answers to us. So thank you very much. Can I just get some clarity, given these instances that were reported and the allegations. I am aware that the CCYP has an information sheet on sexual misconduct under the reportable conduct scheme, and it states:

The Child Wellbeing and Safety Act (2005) states that ‘sexual misconduct, committed against, with or in the presence of, a child’ is a type of reportable conduct.

It goes to three dot points that state:

- amounts to misconduct
- is of a sexual nature, and
- occurred against, with or in the presence of, a child.

I am just trying to understand: with these 10 allegations, and without going into the details, can you describe to the committee what they were about then, why they did not meet those points that I have just read out in relation to the legislation, why you did not refer them and why you felt it was necessary not to refer?

Liana BUCHANAN: Yes, of course. The first thing that I would say is that with these cases – and I will come back to them again – there are five cases, because one case, one incident and one individual can give rise to multiple allegations, and I am discounting here the other sexual misconduct allegation that involved an individual who had died by the time the investigation was done and the decision was made. I would say it is arguable that all of these meet that statutory definition of ‘sexual misconduct’. If they absolutely could not have met the statutory definition, then I think it would have been appropriate for us as the commission to challenge the organisation about the finding. Again I will go to the legislation, the purpose of the legislation and the purpose of the scheme. If you look at that definition:

sexual misconduct includes behaviour, physical contact or speech or other communication of a sexual nature ...

et cetera. It covers, as I said in my written comments, for example, an adult making a crude joke in the presence of children and other circumstances. The five cases that I have been briefed on – and I should be clear that I have had to rely on being given a verbal briefing about these; I do not have a detailed recollection of them – fall into two categories. Three of those five involve adults in organisations using inappropriate language – perhaps, for example, in the context of referencing what should be covered in sex education, in front of children – all in group settings, with no one-on-one language or engagement with children. Those are three of the five. The other two probably do have to be slightly more detailed to convey the nature of the cases. They both involve cases in early childhood education and care. They both involve photographs. One involved a worker taking a photograph on the class iPad in order to show her colleague that she had not been properly cleaning a child’s nappy area. The other involved a childcare worker sending photos of children playing to families and not realising until it was brought to her attention that one of the children in the photograph had taken their nappy off.

When I go back to what I meant when I gave evidence, what I still have in mind that I applied when I was making decisions about was: is this person showing any indication that they are intending to harm or that they are a possible risk of sexual harm to children? Again I go back to: was there any – and please believe me, there were many – innocuous-looking conduct which had some suggestion or some potential of sexual motivation or intention? I absolutely would have made sure that those were referred. In these cases it was my view, again in line with the approach that I took, that none of these cases involved sexual intention or motivation or any suggestion of that by the individual involved in the conduct, no physical or sexual contact with any children involved and no risk or prospect of sexual harm to the children arising from that conduct. All I can do, by way of trying to clarify and explain what I absolutely can appreciate looked anomalous, is explain the approach that I took and the extent to which I felt at the time, and still feel, that that was guided by the purpose of the scheme, protecting children, but also was in line with the fact that the legislation provided some discretion – I exercised it, I feel, fairly rarely – not to refer to working with children checks.

Georgie CROZIER: In that same information sheet it talks about the accepted standards, and it says:

Importantly, a ‘one off’ incident that occurs as the result of an innocent mistake or poor judgement will not usually amount to misconduct.

Are you saying that you think some of these incidents were just that – it was poor judgement and an innocent mistake, because in your view there was no intent around sexual misconduct?

Liana BUCHANAN: It was certainly my view. Again I want to be careful because I used to make sure that we took issue with organisations who thought that to find sexual misconduct they needed to find some sexual motivation. As the committee members I am sure will know from your previous work on Betrayal of Trust, proving sexual intention or motivation is not easy. I was not just looking for actual sexual intention or motivation; I was looking at: is there any possible suggestion here of sexual intention or motivation? Absolutely that was one of the factors that I would then look at when looking at: is this something that, as the

legislation suggests, should be better addressed by supervision and training or indeed should be considered by a working with children check? When I was briefed on these matters, indeed they were all cases, as I was briefed by the Social Services Regulator, where the individuals had made an error and where they either responded with immediate and significant remorse and/or were open to direction and guidance and to the receipt of that supervision and training. Yes, they absolutely all fall into the category where there were errors in judgement – there was poor conduct. There was an element of it either where some of the commentary that was inappropriate was about sex, was sexual in nature and/or in the case of the photos where some of the body parts of the children were their bottoms or their genitals. There was a departure from what was expected in those organisations by the nature of the commentary or the taking of photos, which I presume in both circumstances were not allowed. They would have been against the rules and policy, but the conduct in these cases was either accidental and/or an error of judgement.

Georgie CROZIER: Thank you very much. Thank you, Deputy Chair.

Michael GALEA: Ms Ermacora.

Jacinta ERMACORA: Thank you, Deputy Chair. There is a lot of discussion in this about sexual intention and not a lot about abuse of power and the risk that a child might be at. I think we all know that the definition of ‘sexual assault’ is fundamentally an abuse of power, an application of power inappropriately and illegally by one person over another person. The emphasis on sexual intent seems to me to miss out a bit in the discussion.

Liana BUCHANAN: I am happy to respond to that. I agree wholeheartedly that sexual abuse in general, including of children, is at its heart about abuse of power. Yes, I have talked about sexual intention or motivation as being one of the factors that I would be watching for, if you like, in conduct, but I think I also mentioned looking for any prospect, any potential risk of harm in conduct. For example, as I mentioned before, grooming behaviour is absolutely very clearly caught by the reportable conduct scheme – the definition of ‘sexual misconduct’ includes grooming behaviours that are not caught by the criminal law. That has been an incredibly important part of the scheme.

When I was looking at conduct and making that assessment about not only if there is any suggestion of sexual intention, has there been any physical contact with a child, and then finally, has there been any risk or even the prospect of sexual harm to a child, I was particularly looking at, in the dynamics of what has happened, what the conduct proven entails: has there been any indication here that we are looking at a pattern where abuse of power is in play, where power is being misused, where professional boundaries are being transgressed, whether it is through contact out of school or through favouritism or through gift giving, where some of that power is being used in a way that we know, unfortunately, can lay the groundwork for sexual abuse? All I can describe is all of that and much more sits in that reference that I have been making to my question when I was looking at these and other cases: is there not only sexual intention motivation but also is there any actual or is there any prospect or risk of sexual harm from the conduct that I am looking at?

I agree with you, and I am sorry if our discussion on sexual intention has misled you. Again, I come back to: the risks connected with sexual abuse and sexual misconduct are incredibly broad. I still think, to the extent that I can have a view, not being in the relevant role anymore, they are largely misunderstood and underestimated by many, many, many people in the community, including many people who run organisations involving children. I tried to bring that understanding to my role, to the way that I and the commission then administered the reportable conduct scheme to try to take an informed but a cautious view about what conduct might potentially pose risks to children, either actual harm or potential risks in the future.

Jacinta ERMACORA: Thank you. Can you be absolutely clear that you are saying that you acted consistently and according to the Act or that you adapted the Act to do a better assessment in your view?

Liana BUCHANAN: The Act has a very broad definition of ‘sexual misconduct’, as we have talked about. I think it is possible some of these cases, with a different decision-maker in the organisation, may have fallen outside the definition, but they were all appropriately caught by the definition of ‘sexual misconduct’. As the decision-maker, as to whether I should exercise my discretion whether to refer a matter to the worker screening unit or not, I was not guided by the definition of ‘sexual misconduct’ – the legislation did not require me to. I was only making that decision for matters that came within scope of that broad definition. The test that the legislation required me to apply when considering that discretion was a test as to whether the conduct was more

appropriately or, I think, was suited – I cannot remember the exact words – to being addressed through supervision and training. What I have shared with you are some of the additional considerations in light of the objectives of the Act and the need to protect children from sexual harm that I, as a decision-maker, applied. So yes, they are different to the broad definition of ‘sexual misconduct’, but I clearly was not bound by that definition of ‘sexual misconduct’ because the legislation also gave me a discretion not to refer those matters.

Jacinta ERMACORA: [Zoom dropout] There we go; I am back again. I just lost the last bit. Can you hear me?

Liana BUCHANAN: Yes, I can hear you, and I am trying to remember the last point that I made. I am happy to go back or for you to ask further questions. I think I was making the point that the legislature appears not to have been expecting me or the commissioner to apply the definition of ‘sexual misconduct’ in making those discretionary decisions about whether to refer to the worker screening unit, because otherwise the discretion would not have been provided.

Michael GALEA: I think we have lost you again, Jacinta.

The CHAIR: Okay. Jacinta is frozen on my screen too, unfortunately, and we are approaching 2 more minutes before our session is up. Ms Buchanan, I just have one final question for you. Just in response to Ms Crozier’s question earlier to give the committee an indication of what types of cases you were briefed on from the Social Services Regulator, some of them seem to be very much on the cusp – they could have been referred on for further investigation. When you say you were taking in your practice, what approach were you taking – a risk-based, a trauma-informed? What was actually guiding your ultimate decision-making there not to refer these cases on?

Liana BUCHANAN: I would say I was taking an approach that was informed by my understanding of risk to children, my understanding of the breadth and nature of patterns of behaviour that involve sexual abuse or can precede or lead to sexual abuse. And I would say that the approach that I took was absolutely based on my understanding about the need to protect children first and foremost. Again, I remind the committee I was operating a legislative scheme that had been prepared, drafted, established for me to administer that allowed in certain cases matters not to be referred to the working with children check unit, then the worker screening unit.

So I say again: it is my view that my approach to that discretionary power was cautious and conservative in terms of risk to children. It is also the case that the scheme, the understanding of the benefit of working with children check decision-makers having access to the broadest possible range of information, has evolved since the scheme was established and since I was administering the scheme. I think, like every development, that improves our understanding of risks to children’s safety and what we collectively, including our regulators, can do. Clearly, I think that is a positive development.

The CHAIR: Thank you very much, Ms Buchanan. Mr Galea, Ms Crozier, do you have any final –

Georgie CROZIER: No, thank you. That was very thorough. Thank you very, very much.

Michael GALEA: None from me. Thank you, Chair.

The CHAIR: Thank you. Ms Buchanan, any final statements before we finish up our session today?

Liana BUCHANAN: No, I do not think so. Thank you.

The CHAIR: Thank you so much for coming again. We really appreciate your contribution and clarification as well. It is really helpful for us. You will receive a copy of the transcript in about a week’s time before it is published on the website. The committee will now finish our hearing. Thank you again, Ms Buchanan.

Committee adjourned.