

Anasina Gray-Barberio MLC  
Chair, Select Committee on the Early Childhood Education and Care Sector in Victoria

Via email: [earlyeducation@parliament.vic.gov.au](mailto:earlyeducation@parliament.vic.gov.au)

Dear Ms Gray-Barberio

### **Inquiry into the Early Childhood Education and Care Sector in Victoria**

Thank you for your 18 September 2025 letter inviting the Commission for Children and Young People (the Commission) to make a submission to the inquiry. The Commission's submission is attached (**Attachment 1**) to this correspondence for the Committee's consideration, and we welcome the opportunity to appear before the committee on Monday 8 December 2025.

We recognise the profoundly distressing circumstances that have given rise to this important work. Every child has the fundamental right to be safe. It is unacceptable that children experience harm or abuse in the settings they are entrusted to, and we welcome the renewed and concerted focus on improving systems vital to keeping children safe.

Providing a safe, supportive and nurturing environment for children that supports their education and development, while caregivers work or study is critical for both the children in Early Childhood Education and Care (ECEC) as well as Victorian society in general. We note that the very young age of children in the ECEC sector can make them vulnerable due to their developmental stage and consequently, to their often-limited ability to, understand, recall or disclose abuse and therefore welcome further work to reduce the risk of harm to these children.<sup>1</sup>

While this Parliamentary inquiry is focused on children and young people in ECEC, the Victorian Parliament's Inquiry into the Handling of Child Abuse by Religious and other Non-Government Organisations (known as the Betrayal of Trust Inquiry) report, along with the Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission), highlighted that children and young people in a range of institutional settings, have been, and continue to be, vulnerable to abuse. The implementation of Victoria's Child Safe Standards (the Standards) and Reportable Conduct Scheme (the Scheme) have been a significant advance in the safety of children across the state. The Commission however has clear evidence that despite these important advancements, children are still being abused in a range of Victorian service settings. There is a great deal more work for all of us to do to mature our approaches, build strong child safety cultures and evolve our regulatory tools to better protect children in Victorian organisations.

Evidence from previous inquiries is clear. Addressing institutional child abuse involves a multi-layered approach, with no one element alone keeping children safe. A coalition of ECEC providers, regulators and law enforcement working together with parents, carers and the community is needed to support a proper focus on safety for each individual child and young person.

<sup>1</sup> Commonwealth of Australia, the Royal Commission, Final Report: Volume 2, Nature and cause (2017), p 184

Key complementary regulatory tools in ECEC need to work together, including:

- early childhood teacher qualifications and registration – setting standards and enabling oversight of individual early childhood teachers
- the National Quality Framework (NQF) – setting standards for education and care and regulating ECEC providers and educators
- the Child Safe Standards (Standards) – requirements for ECEC providers to establish a safe environment for children and young people in order to prevent child abuse
- the Working with Children Check (WWCC) – excluding those with known safety risks from working with children.
- the Reportable Conduct Scheme (Scheme) – building capacity in ECEC providers to undertake child abuse investigations about their workers under oversight, and sharing information about abuse allegations to help other bodies to act
- criminal law – setting standards for criminal behaviour and facilitating punishment and community protection from individual offenders.

Critical to effectiveness is legislation that enables relevant regulators and other bodies to act; combined with adequate resourcing, robust information sharing systems, Government leadership, ECEC providers truly focused on the safety of children as their priority, guidance and information for parents and carers, empowerment of children and young people, and community-based prevention initiatives. Everyone has a role to play in keeping children safe.

[Redacted]

Yours sincerely

[Redacted]

Argiri Alisandratos  
**Acting Principal Commissioner**

1 December 2025

[Redacted]

Meena Singh  
**Commissioner for Aboriginal  
Children and Young People**

1 December 2025

# Attachment 1: Commission's submission

## The Commission

The Commission is an independent statutory body that promotes improvements in policies and practices affecting the safety and wellbeing of Victorian children and young people.

Our functions include:

- providing independent scrutiny and oversight of services for children and young people, particularly in the child protection and youth justice systems
- conducting individual and systemic inquiries into services provided to children and inquiries into services provided to children who have died and were involved with child protection in the 12 months before their death
- promoting the views and experiences of children and young people to increase the awareness of government and the community
- supporting and regulating organisations to prevent child abuse, respond appropriately to allegations of abuse and make sure these organisations have child-safe practices, including by administering Victoria's Reportable Conduct Scheme (Scheme) and acting as one of six co-regulators for the Child Safe Standards (Standards).

Our views in this submission are drawn from our role as the regulator for the Scheme, along with learnings gleaned as a co-regulator of other sectors, and our overarching education and data collection functions, for the Standards. The Commission is not the primary Standards regulator for the ECEC sector and does not have powers or oversight responsibilities for the provision of early childhood services, administration of the National Quality Framework (NQF) or service standards in early childhood. This is described in further detail below.

## About the Standards and Scheme

The Standards and the Scheme are critical components of Victoria's child safety systems. Victoria was the first jurisdiction to introduce both schemes to tackle child abuse in organisations and the Commission has been the regulator for the Scheme and the Standards since 2017. The Commission's objectives, functions and powers pertaining to the Standards and Scheme are outlined in the *Child Wellbeing and Safety Act 2005* (CWS Act).

## The Standards

The Standards are a compulsory framework that supports organisations to promote the safety of children by requiring them to implement policies to prevent, respond to and report allegations of child abuse and harm and to maintain a culture and environment that supports children's safety and wellbeing. There are up to 60,000 organisations within Victoria that must comply with the Standards.

Systemic and cultural issues that contribute to or facilitate the abuse of children still exist in many Victorian organisations and the Standards are crucial for addressing these issues. It is our view that the Standards, if properly implemented together with an appropriately designed regulatory system, provide a sound base to drive cultural change and embed a focus on child safety by placing children's rights and wellbeing at the top of an organisation's priorities.

The Standards are designed to prevent harm to children within institutions and therefore proper implementation, and enforcement, is critical to ensuring the safety of children. While the Commission is not the Standards regulator for organisations in the ECEC sector, we can provide some commentary on the implementation of the Standards within the sectors we oversee, and as a result of our role collecting and analysing Standards data across all sectors.

We see varying levels of commitment and resources allocated to the implementation of the Standards across sectors and types of organisations, and it's often that commitment that is the difference between an organisation that creates a child safe environment or not. Like other sectors, organisations in the ECEC sector vary in size, resourcing and structure. The Standards are designed to adapt to all types of organisations working with children.

### ***Establishment of the Standards***

In April 2013, the Victorian Government's Betrayal of Trust final report made a number of recommendations that have been acted on by Victorian Governments. A key recommendation was the establishment of mandatory Child Safe Standards.

Victoria was the first Australian jurisdiction to have legislated Standards with associated enforcement powers. The Standards commenced in Victoria in January 2016 and became fully operational on 1 January 2017. The ECEC sector has been required to comply with the Standards since January 2016.

### ***The review of the Standards***

The Victorian Government committed to reviewing the Standards in response to the Royal Commission. The review was completed in late 2019, recommended a number of changes to better align the Standards with the [National Principles for Child Safe Organisations](#)<sup>2</sup> and made other recommendations to strengthen administration of the Standards.<sup>3</sup> The Victorian Government adopted these recommendations.

Updated Standards were released by the Victorian Government in 2021 and applied from 1 July 2022.

Other legislative changes recommended by the review came into effect on 1 January 2023 and allocated types of organisations to six different co-regulators of the Standards, including the Commission. Legislation also provided all co-regulators with more effective regulatory tools and enforcement powers.

### ***Current administration of the Standards***

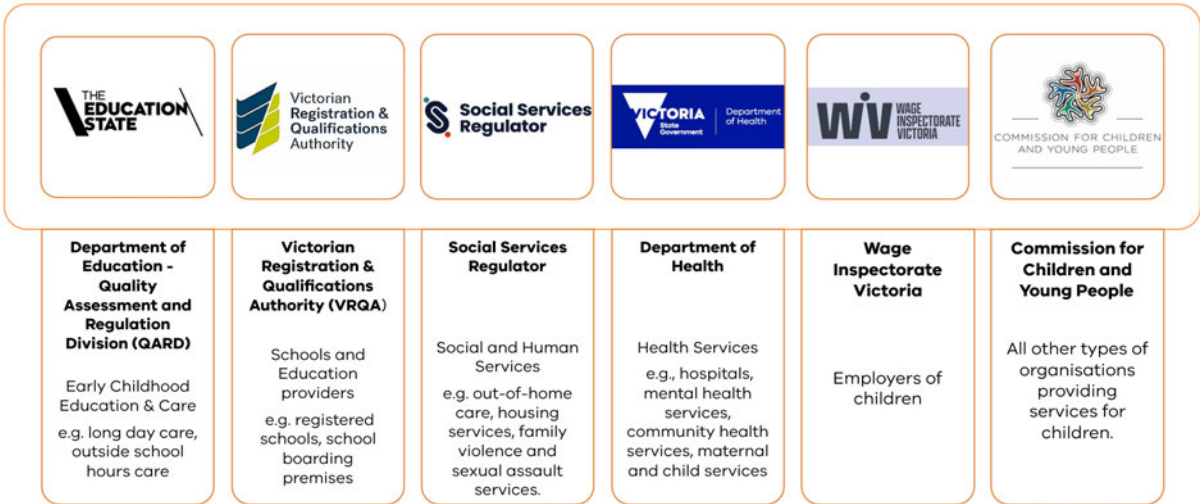
Currently, the Commission is one of six Standards co-regulators together with the Department of Health, Wage Inspectorate Victoria, the Department of Education's Quality Assessment and Regulation Division (QARD), the Victorian Registration and Qualifications Authority and the Social Services Regulator (SSR). Figure 1 below shows each Standards co-regulator and the sectors for which they are responsible.

---

<sup>2</sup> The National Principles put into practice recommendations from the Royal Commission to make organisations across the country safe for children and were endorsed by the Commonwealth and all state and territory governments in 2019.

<sup>3</sup> Department of Health and Human Services (DHHS), [Review of the Victorian Child Safe Standards](#), DHHS website, 2019.

Figure 1: Child Safe Standards regulators



The Commission’s functions under section 25 of the CWS Act are broader than those of other co-regulators and include:

- providing education information and advice on the Standards to any person or entity
- collecting, analysing and publishing information and data relating to the Standards, including the activities of other Standards regulators. This enables an overarching view of the operation of the Standards across sectors
- guiding and working collaboratively with other sector regulators in relation to the safety of children and compliance with the Standards.

The QARD is the Standards regulator for the ECEC sector<sup>4</sup> and the Commission, has included a summary of QARD’s regulatory action in relation to the Standards in its 2024-2025 Annual Report.<sup>5</sup>

For further information regarding the Standards, the Commission has developed an extensive suite of guidance and information which is available on our website.<sup>6</sup>

**Funding for the Standards**

Given the critical role that the Standards play in reducing the likelihood of abuse and harm to children, the Commission is of the view that adequate funding for Standards regulators is a high priority.

The administration of the Standards is split between six co-regulators, with the Commission not responsible for regulating the ECEC sector.

Whereas the Scheme requires the Commission to take certain action in respect of every notification received, legislation for the Standards provides the Commission with discretion to take a broad range of different approaches to lifting compliance with the Standards for the organisations it regulates. Following short term funding increases to the Commission to support implementation of changes to the Standards and enforcement powers, in 2023–24 the Commission received an increase in its ongoing funding to regulate the Standards.

<sup>4</sup> Child Wellbeing and Safety Act 2005 (Vic), Schedule 1, items 9 & 10  
<sup>5</sup> Commission for Children and Young People Annual Report 2024–25, page 128  
<sup>6</sup> <https://ccyp.vic.gov.au/resources/child-safe-standards/#TOC-3>

## The Scheme

The Scheme covers approximately 12,000 organisations that exercise care, supervision or authority over children and the Commission is responsible for administering, overseeing and monitoring the Scheme.

Organisations must notify the Commission about any allegations of reportable conduct by their workers or volunteers and then investigate these allegations.

Reportable conduct consists of:

- physical violence (against, with or in the presence of, a child)
- sexual offences (against, with or in the presence of, a child)
- sexual misconduct (against, with or in the presence of, a child)
- behaviour that causes significant emotional or psychological harm
- significant neglect.

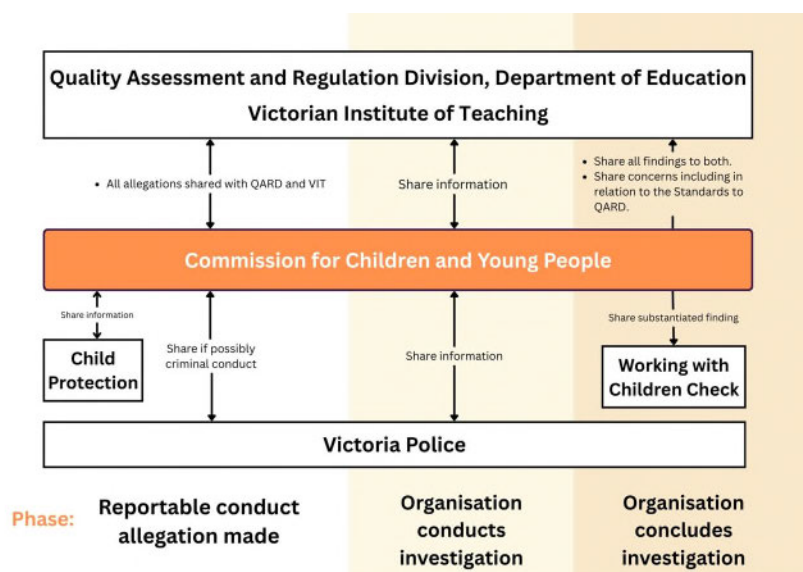
Following recommendations from the Royal Commission, the Scheme's central premise is that heads of organisations should conduct investigations into allegations of reportable conduct by their workers or volunteers under the oversight of the Commission. The Commission observes there have been increasing numbers of high-quality investigations conducted by organisations subject to the Scheme since it first commenced in 2017.

The Commission independently monitors organisations' investigations and, where appropriate, makes recommendations to improve the responses of those organisations to allegations of reportable conduct. This can include providing guidance before, during and after an investigation. We may:

- request information and updates from the organisation to oversee their investigation
- support and provide advice to organisations to assist them to identify reportable conduct and to report and investigate reportable allegations
- share information with other regulators, the Department of Government Services (DGS) for the purposes of a Working with Children Check (WWCC), child protection and law enforcement bodies to help them take action to promote children's safety.

Figure 2 below provides a simplified illustration of the ways the Commission shares information with relevant bodies during different phases of a Reportable Conduct Scheme matter.

**Figure 2: Information sharing with regulators, child protection and law enforcement bodies**





The CWS Act does not provide the Commission with the following in respect of the Scheme:

- the ability to give directions to the head of an organisation about the conduct of their investigation into reportable allegations or their findings following an investigation
- a role to act as a point of appeal for subjects of allegation, alleged victims or parents and carers
- the ability to substitute findings where the Commission believes the head of the organisation has reached the incorrect finding on the evidence.

In limited circumstances, the Commission itself may conduct own motion investigations into allegations of child abuse or child-related misconduct. These investigations can only be undertaken where the Principal Commissioner believes on reasonable grounds that reportable conduct may have been committed and it is in the public interest, or an organisation is unwilling or unable to investigate. Given the Scheme's focus on organisations conducting investigations into the conduct of their workers and volunteers, the limited circumstances under which own motion investigations can proceed, and the resources required to undertake them, the Commission rarely undertakes these types of investigations. Between 1 July 2017 when the Scheme began and 30 June 2025 there were 7,477 notifications from organisations involving 21,462 reportable allegations finalised following an investigation. During this period, the Commission completed 18 own motion investigations into reportable allegations.

One of the important elements of the Scheme that contributes to children's safety is that the Commission must refer substantiated allegations of reportable conduct to DGS for the purposes of a WWCC reassessment.<sup>7</sup> The CWS Act also provides the Commission with the discretion to not refer substantiated allegations under prescribed circumstances, including where the reportable conduct would be better addressed through training or supervision.<sup>8</sup> The Commission's process is that these decisions are only able to be made by the Principal Commissioner. The volume of substantiated allegations that the Commission has not referred for WWCC reassessment is small. Of the 6,515 substantiated findings made between 1 July 2017 and 30 June 2025, 259 allegations (4 per cent) were not referred. Substantiated findings are still shared with QARD, and if the educator is a registered teacher they will also be shared with the VIT. In exercising this discretion, the Commission considers matters such as the type of allegation, its severity, whether there have been any prior allegations under the Scheme, along with the employer organisation's proposed risk mitigation actions. For example, the Commission could be advised by an organisation that they have made a substantiated finding that their worker has used lower-level reckless physical force against a child which had the ability to cause injury but did not, that they have provided further training to the worker and given them a warning. Given the Commission has not itself conducted the investigation, the Commission would base its decision on the evidence and information provided by the organisation.

The Commission has published detailed guidance and information relating to the Scheme on its website including to support organisations to undertake investigations.<sup>9</sup>

### **Volume of notifications**

Since the inception of the Scheme on 1 July 2017, mandatory notifications from heads of organisations have increased year on year. Since the start of the Scheme through to 30 June 2025, the Commission has received 10,353 mandatory notifications from heads of organisations. For the period 1 July 2024 to 30 June 2025, the Commission received 2,232 notifications of reportable allegations from heads of organisations. This was an 18 per cent increase on the number of notifications received in 2023–24, and a 178 per cent increase on

<sup>7</sup> *Child Wellbeing and Safety Act 2005 (Vic)*, section 16ZD(1)

<sup>8</sup> *Child Wellbeing and Safety Act 2005 (Vic)*, section 16ZD(2)

<sup>9</sup> <https://ccyp.vic.gov.au/reportable-conduct-scheme/>

the number received in 2017–18. Despite this increase, as at 30 June 2025 the Commission had received no additional base funding for the Scheme since it began in 2017.

The nature of the Scheme means that any regulator administering the framework will be required to be responsive to incoming allegations and as such, funding should be reviewed and increased as demand on the Scheme rises. The Commission has repeatedly advocated for increased funding to manage increased demand on the Scheme. However, ongoing funding provided to the Commission to administer the Scheme was not changed. The Commission noted in its 15 November 2022 submission to the Government's Reportable Conduct Scheme Review<sup>10</sup> that the Commission was under-resourced to administer the Scheme. In the 2023-24 Commission Annual Report, the Commission noted further changes it had made due to under-resourcing and commented that "we will focus our limited resources on the cases of most obvious and serious risk to children but are concerned that resource limitations are now impacting our ability to run the Scheme in a way that maximises child safety."<sup>11</sup>

The Government's Rapid Child Safety Review (Rapid Review) highlighted the importance of effective funding for ECEC regulators.<sup>12</sup> The Commission supports this and takes the position that in order to effectively regulate, a regulator requires both fit-for-purpose legislation and adequate funding to enforce it.

### **Reportable conduct in ECEC**

The ECEC sector came within the scope of the Scheme on 1 January 2019,<sup>13</sup> and the Commission has seen a steady increase in notifications from the sector (rising from 265 in 2019-20 to 705 in 2024-25).<sup>14</sup>

The Commission's Annual Report for 2024–25 has recently been tabled in Parliament and contains information that the inquiry may find useful, including a section focused on the ECEC sector's engagement with the Scheme.<sup>15</sup>

Some key points to note within the annual report are that total notifications of alleged abuse or harm of children under the Scheme increased 18 per cent year-on-year to 2,232, and 178 per cent since the Scheme commenced in 2017. Within that total, notifications in the early childhood education sector climbed 32 per cent and there was also a 25 per cent increase in the education sector.

### **Changes to the regulatory environment proposed by Government**

Over the past decade or more, Victoria has implemented wide-ranging changes to laws, policies and procedures aimed at reducing the risk of child abuse and harm for children in organisations.

The two aforementioned inquiries into the abuse of children in organisations, the Betrayal of Trust inquiry and the Royal Commission, have shown the devastating extent of harm done to children when organisations do not have the right culture, systems, processes and understanding to prevent abuse. They have also provided us with in-depth research and

<sup>10</sup> <https://ccyp.vic.gov.au/assets/Submissions/Reportable-Conduct-Scheme-Review-CCYP-Public-Submission.pdf>

<sup>11</sup> Commission for Children and Young People *Annual Report 2023–24*, page 99.

<sup>12</sup> State of Victoria, Department of Premier and Cabinet, Weatherill, Jay & White, Pam, *Rapid Child Safety Review*, 15 August 2025, Recommendation 13

<sup>13</sup> *Child Wellbeing and Safety Act 2005 (Vic)*, Schedule 5, items 3 & 4.

<sup>14</sup> While early childhood education providers were required to comply with the Scheme from 1 January 2019, some were covered in 2017–18. This was due to other functions within the organisation being covered, meaning the organisation as a whole was required to comply, including where early childhood education services are provided.

<sup>15</sup> Commission for Children and Young People *Annual Report 2024–25*, page 106



evidence-based ways to promote child safety in organisations. As a result of these inquiries the Standards and Scheme were both established and updated.

The Victorian Government has recently announced further changes to the regulatory environment, including the Commission's role.

Following the Rapid Review, the administration of the Scheme and the Standards are being transferred to the SSR.

The transfer is part of the continuing evolution of Victoria's child safety systems that will see a shift from the initial establishment phase where the Commission set up the Scheme and regulated the Standards, to these systems being placed with a new agency that will also be charged with administering the WWCC.

The Commission continues to support this transition in every way we can. We share hope that the Government's reforms deliver real benefits for children and young people and that their voices continue to be at the centre of action to prevent and respond to child abuse and harm.

The Commission is currently in the process of working with Government to ensure the smooth and effective transition of these functions.

We also note as part of its' response to the Rapid Review, the Government is also progressing other changes to bolster child safety outcomes and reform the WWCC framework. These include improved information sharing abilities and improved regulatory powers for child safety regulators.

The Commission has long publicly advocated for improvements to the WWCC framework and the Scheme<sup>16</sup>, and it is heartening to see that some of our suggestions have now been picked up in Rapid Review with the Government's commitment to implement changes including:

- the removal of information sharing limitations in the Scheme that have prevented the Commission from sharing information
- better enabling the WWCC system to act on the basis of risks to children and young people.

We hope that the Government will also act to implement further changes recommended by the Commission to improve the Scheme.<sup>17</sup>

We will continue to monitor the implementation of any changes to Victoria's child safety framework and engage with government with a view to driving the highest safety outcomes possible for Victorian children.

---

<sup>16</sup> <https://ccyp.vic.gov.au/assets/Submissions/Reportable-Conduct-Scheme-Review-CCYP-Public-Submission.pdf>

<sup>17</sup> <https://ccyp.vic.gov.au/assets/Submissions/Reportable-Conduct-Scheme-Review-CCYP-Public-Submission.pdf>