

Turning Risk Awareness into Child Safety Action



Cecelia Irvine-So

Practice Leader



Tal Shmerling

Special Counsel



Agenda

1

Setting the scene

2

ECAC reforms – what does it mean in practice?

3

A new regulator overseeing the RCS – what is changing?

4

How to handle abusive deepfake incidents

5

Case studies



Child safety in the news...

**Testing urged for 1,200 after south-west Melbourne
childcare worker charged with sexual assaults**

**Police investigate after Gold Coast high school students
expelled for 'offensive' online content about female peers**

**Police investigate fake nude photos of students at
a Melbourne high school**

By Allanah Sciberras, Eleanor Wilson | 4:21pm Feb 21, 2025

**Sydney high school senior investigated by
police over deepfake pornographic images of
female students**

**Australian school students most bullied
among comparable English-speaking
countries, report finds**

One in six students say they have been made fun of by peers
as experts warn classroom disorder is leading to poorer
school outcomes

**'It's a shambles': Parents shocked by
violent school assault**

A 15-year-old boy may face court after an ambulance
and police were called for an incident involving three
students at a northern suburbs high school.



Rapid Child Safety Review

On 2 July 2025, the Victorian Government commissioned an independent Rapid Child Safety Review in response to allegations of child sexual abuse in early childhood, education and care (ECEC) settings.



ECEC reforms

Introducing VECRA!

- A recommendation from the Rapid Child Safety Review
- Established on 1 Jan 2026, VECRA will double the number of compliance checks, and has strong enforcement powers
- Oversees the Victorian Early Childhood Worker Register
- Is the integrated sector regulator of the CSS for ELCs
- It has already charged a provider with 13 offences
- VECRA will:
 - scrutinise supervision practices
 - examine staffing decisions
 - focus on whether policies are actively followed





ECEC reforms

Changes to the WWCC system

- Now overseen by the Social Services Regulator (together with the Reportable Conduct Scheme)
- Changes to the WWCC system:
 - expanded criteria for assessing WWCC suitability
 - powers to immediately re-assess, refuse, suspend or revoke WWCCs during investigations
 - anyone excluded from working with children in another State faces automatic exclusion from working with children in Victoria
 - mandatory child safety training for all WWCC applicants
- More changes will likely come...



A new regulator overseeing and RCS – relevant to both ELCs and schools

Social Services Regulator

- From Monday 23 February 2026, administration of the Reportable Conduct Scheme will move from CCYP to the Social Services Regulator
- The initial impact will be minimal
- Key question – will the Social Services Regulator take a different approach from CCYP
- SSR is one of six regulators overseeing the CSSs, but is not responsible for schools or ELCs





How ECEC
used to be
regulated in
Victoria
(old news
since
Monday 23
Feb 2026!)

Who	QARD Quality Assessment and Regulation Division	WORKING WITH CHILDREN CHECK VICTORIA	 COMMISSION FOR CHILDREN AND YOUNG PEOPLE
Where it sat	VICTORIA State Government Education and Training	VICTORIA State Government Justice and Community Safety	INDEPENDENT STATUTORY BODY
What it did	- Regulated early childhood services in Victoria against National Law, National Regulations and NQS - Regulated Child Safe Standards for early childhood	Administered Working with Children’s Checks	- Regulated the Child Safe Standards - Administered the Reportable Conduct Scheme

The current state of regulation for ECAC in Victoria

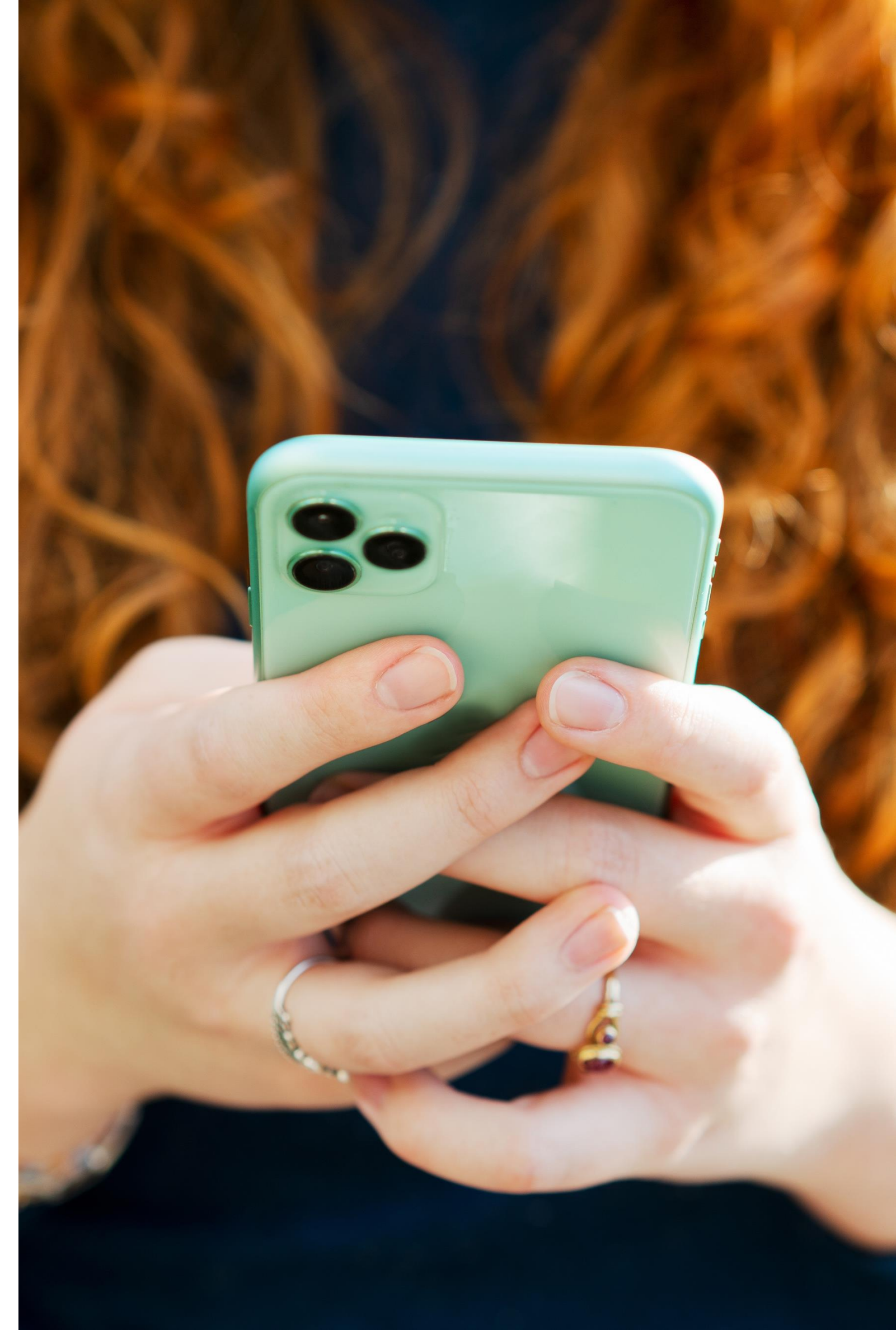
Who	Victoria Early Childhood Education Regulation Authority (VECRA)	 Social Services Regulator
Where it sits	INDEPENDENT REGULATORY AUTHORITY	INDEPENDENT STATUTORY BODY
What it does	- Regulates early childhood services in Victoria against National Law, National Regulations and NQS - Is the integrated sector regulator of the Child Safe Standards for early childhood services	- Administers the Working with Children’s Checks Scheme - Administers the Reportable Conduct Scheme



ECEC reforms

Ban on the use of personal devices in ELCs

- The general “rule” is that staff and volunteers cannot use personal devices when working directly with children, but can when on a break and away from children.
- There are limited exceptions to this, where use of a personal device is for an essential purpose (i.e. emergency, health or family need)
- Images or videos of children may only be taken using service-issued devices
- Strict controls must be in place for the storage and retention of images and videos.
- Service-issued devices must be properly configured in accordance with child safety and cyber security policies





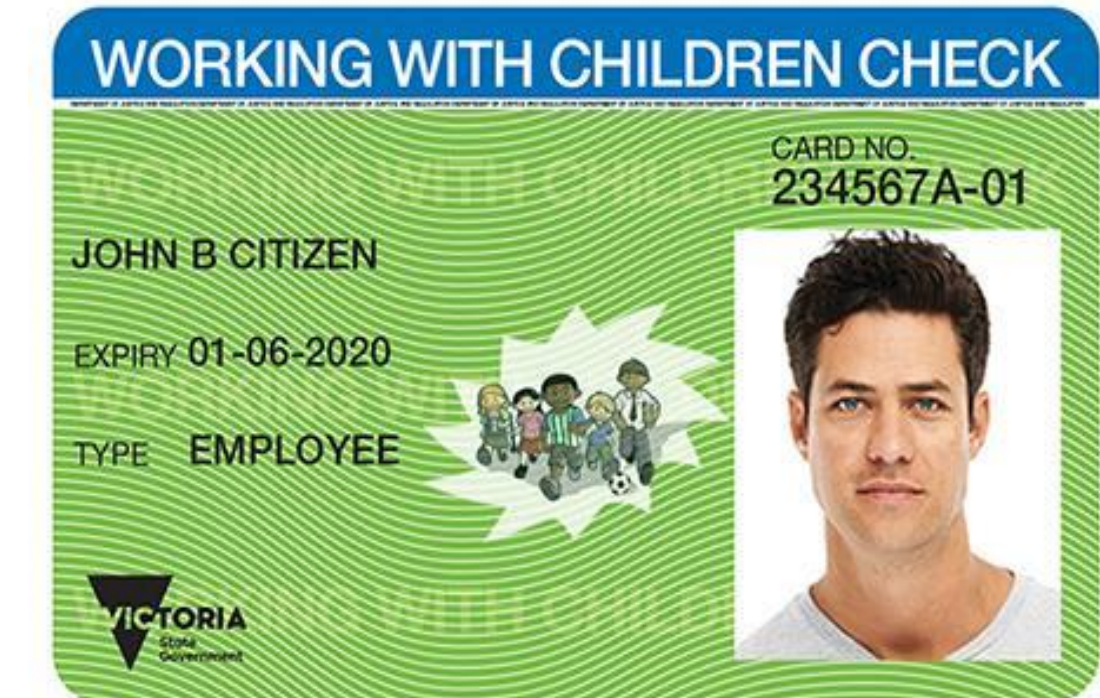
ECEC C'th reforms

Commonwealth reforms

- Ability to remove CCS funding from childcare providers who fail to meet the National Quality Standards
- Spot-checks of childcare centres
- Mandatory child protection and safety training
- A trial of CCTV in early childcare centres has been rolled out



“Banned in one, banned in all” – In Principle Commitment





What do the recent reforms mean for schools with ELCs?

- Stay vigilant: There was strong criticism in the Rapid Child Care Review and in media coverage about the practices of ‘for profit’ ELC providers – but don’t the same risks that exist in ‘for profit’ ELCs also exist in NFPs and ELCs in schools? We should not let this create a false sense of comfort for ELCs in schools
- A VECRA compliance check is coming, so be prepared!
- Stay across new reforms that are likely to come over the next 12 months





Will the reforms work in practice?





What you can do now: Areas of focus

**Policies & practices
around all forms of
image capture**

**Child safety
framework and
practices**

**Ensure Boards are
modelling child safe
practices**

**‘Speak Out’ &
Child Safe
culture across all
stakeholders**

**Ratios and active
supervision**

**Facility risk
assessments**



Image-based abuse and deepfakes

How should schools handle abusive deepfake incidents?

Layers of legislation:

- *Crimes Act 1958 (Vic)*
- *Online Safety Act 2021 (Cth)*
- *Criminal Code 1995 (Cth)*

Definitions of intimate image includes deep fakes

Respond immediately

Engage with legal advisers and regulators, as required

Provide emotional and psychological support for victims.

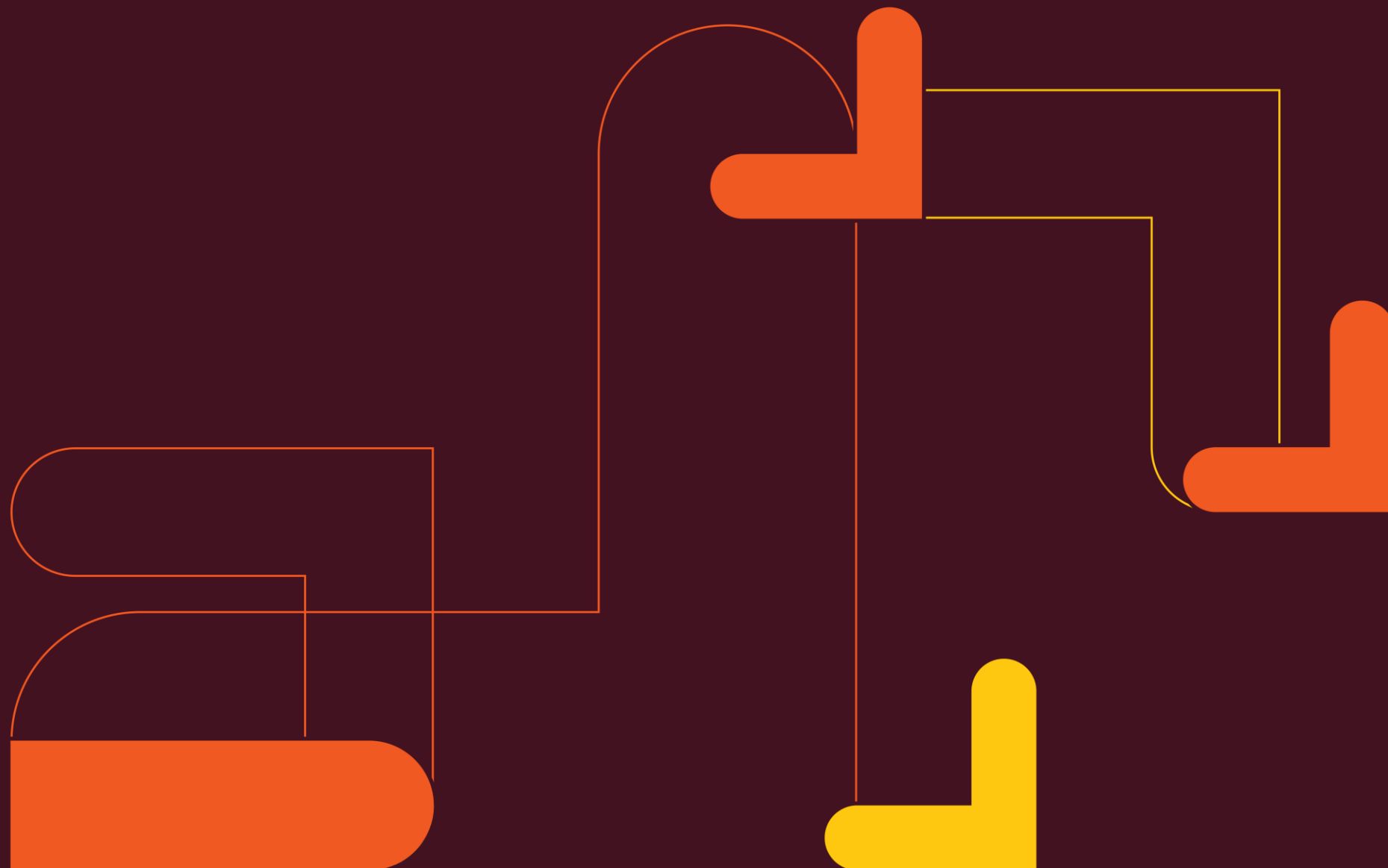
Prioritise agency and empowerment of the victim/survivor

Consider public communication and steps to maintain trust

Long-term prevention and follow-up



Case studies





Case study #1 – reportable conduct where the principal and parent have different views

- Tayla is the mother of Luca, a Grade 1 student at the school. Luca has Oppositional Defiance Disorder.
- Tayla has called the Principal saying Luca's Grade 1 teacher, Anna, has mistreated Luca. She alleges Anna would not let Luca go to the bathroom, and this led to Luca wetting his pants. She claims Anna screamed at Luca and told him he was stupid and a lost cause.
- You call Anna into your office. She says she didn't stop Luca from going to the toilet. She was in the middle of dealing with an urgent incident and told Luca she would help him as soon as possible. Luca wetting his pants was an unfortunate accident. She says she has never screamed at Luca and would never say such words. She admits she raised her voice to tell Luca to lower a chair he was waving at another student in a dangerous way. Other educators in the room verify Anna's account.
- The principal does not have a reasonable belief reportable conduct may have occurred. Tayla is adamant this must be reported.

What are the issues here?

Is this a reportable allegation?

Does this need to be reported to the Social Services Regulator?



Case study #2 – abusive deepfake incident

- Gemma is in Year 12.
- A few days ago, Gemma received a message from a friend saying her ex-boyfriend, Ben, showed photos of Gemma naked at a party.
- Gemma and Ben were dating for 3 months and recently broke up.
- Gemma is confused because she has never taken any intimate photos of herself. She is worried it might be a deepfake photo that has been shared around.
- Another student, Jacob, has indicated that he has screenshots of the text messages Ben has sent but is nervous about sharing them because he is friends with Ben.
- When Gemma asks Ben whether this occurred, Ben denies it. Gemma does not know how to deal with the situation

What are the issues here?

Could the conduct constitute an offence?

What are your options to respond?

How would you deal with Jacob?



Questions?



Cecelia Irvine-So

Practice Leader

cirvine-so@moores.com.au
03 9843 2121



Tal Shmerling

Special Counsel

tshmerling@moores.com.au
03 9843 2120