

TRANSCRIPT

INTEGRITY AND OVERSIGHT COMMITTEE

Performance of the Victorian Integrity Agencies 2021/22

Melbourne – Monday 14 August 2023

MEMBERS

Dr Tim Read – Chair

Hon Kim Wells – Deputy Chair

Ryan Batchelor

Jade Benham

Paul Mercurio

Rachel Payne

Jackson Taylor

Belinda Wilson

WITNESSES

Deborah Glass OBE, Ombudsman,

Megan Philpot, Deputy Ombudsman, and

Dr Marija Maher, Chief Operating Officer, Office of the Victorian Ombudsman.

The CHAIR: I declare open this public hearing for the Integrity and Oversight Committee's review of the performance of the Victorian integrity agencies in 2021/22.

I would like to welcome the public gallery and any members of the public watching the live broadcast. I also acknowledge my colleagues participating today. If we want to just go down the table in order and introduce ourselves.

Belinda WILSON: Hi, nice to see you all again. I am Belinda Wilson, the Member for Narre Warren North.

Paul MERCURIO: Paul Mercurio, the Member for Hastings.

Ryan BATCHELOR: Ryan Batchelor, Member for the Southern Metropolitan Region.

The CHAIR: Tim Read, Committee Chair and Member for Brunswick.

Kim WELLS: Kim Wells, Deputy Chair and Member for Rowville.

Jade BENHAM: Jade Benham, Member for Mildura.

The CHAIR: And on the screen –

Jackson TAYLOR: I am Jackson Taylor, the Member for Bayswater.

The CHAIR: Rachel Payne is absent today, but I am asking questions on her behalf.

On behalf of the Integrity and Oversight Committee I acknowledge First Nations peoples, the traditional owners of this land which has served as a significant meeting place of the First People of Victoria. I acknowledge and pay respect to the elders of First Nations in Victoria past and present and welcome any elders and members of communities who may visit or participate in the Committee's public hearing today.

For the witnesses, there are just some formal things I have to cover, so bear with me. Evidence taken by this committee is generally protected by parliamentary privilege. You are protected against any action for what you say here today, but if you repeat the same things elsewhere, including on social media, those comments will not be protected by this privilege. Any deliberately false evidence or misleading of the Committee may be considered a contempt of Parliament.

All evidence given today is being recorded by Hansard. You will be provided with a proof version of the transcript for you to check once available, and verified transcripts will be placed on the Committee's website. Broadcasting or recording of this hearing by anyone other than Hansard is not permitted.

Today I welcome from the Victorian Ombudsman Deborah Glass, Ombudsman; Megan Philpot, Deputy Ombudsman; and Marija Maher, Chief Operating Officer. I might open by offering Ms Glass an opportunity to make an introductory statement.

Deborah GLASS: Thank you, Chair, and can I also acknowledge we are meeting today on unceded land of the Aboriginal people.

As you understand, I have got my deputy here and my Chief Operating Officer, so let me introduce them both to you. I am mindful that while we are here today to discuss my 2021/22 annual report, the timing of this hearing means that another financial year has passed since then, so I am also mindful that it is entirely possible this will be the last public hearing where I address the Committee as Ombudsman. So while I will focus on my

2021/22 annual report, and of course have not yet completed my report on the year just gone, I will include some more recent insights.

You will appreciate the 2021/22 financial year continued to be dominated by COVID internally and externally. Internally, my physical office remained mostly closed, and we experienced the challenges felt by many, including increased staff recruitment and retention difficulties, which has an inevitable effect on performance, as well as an increase in challenging and, at times, sadly, threatening behaviour from those seeking our services. Despite this, the office continued to be both accessible and productive. We maintained and at one point increased our hours of service and carried out some major investigations, including into the closure of the State's borders and the joint investigation with IBAC, Operation Watts. The year in question saw a slight increase in jurisdictional complaints to nearly 19,000, with over 90 per cent finalised within 30 days. That number has remained relatively steady in the year just passed. Nearly 3,000 of those complaints engaged human rights issues, including the public health directions brought on by lockdowns and border closures. I commented in the report that the pandemic undoubtedly led to a change in people's perceptions of human rights as Victorians reacted to limitations on their freedoms. While we assessed all complaints on their merits, we did not investigate them all, recognising that a public health crisis involves a balancing of rights, but I have no doubt my decision not to investigate vaccine mandates or compulsory mask wearing caused some dissatisfaction among those who complained to us, also reflected in our survey results.

I did investigate the Department of Health's decision-making when the State's borders were closed in July 2021, which was the subject of more than a hundred complaints. While the closure itself may have been a one-in-a-hundred-year event, our investigation found a sadly common problem: unreasonable decisions, overly narrow exercise of discretion and not giving reasons for decisions or rights of review.

But there is much more to the work of the office than our formal investigations. We resolved over 5,000 complaints without a formal investigation, with outcomes including apologies, fee waivers, refunds or simply contact to resolve the problem. I also reported for the first time on our new conciliation powers. These came into effect in 2020 and began to be used in 2021. Conciliation is voluntary for both parties, and much of the first year was spent raising awareness among agencies to encourage participation. I am happy to report this has borne fruit. Conciliation is now a very effective tool in the Ombudsman's toolkit and is increasingly being used to resolve longstanding and previously intractable complaints, to the mutual benefit of complainants and agencies. It is proving particularly effective with local councils and public housing complaints, where there is an ongoing relationship between the parties.

Public engagement also ramped up during the year under review, despite the continued constraints imposed by COVID. In addition to organising and participating in numerous well-attended webinars, we have been building relationships with Community Legal Centres and others who advocate for disadvantaged communities. That work has accelerated significantly as restrictions have eased in the past year.

Within my whistleblower jurisdiction, our strong collaborative relationship with IBAC continued. In 2021/22, my office finalised 105 public interest complaints involving 218 allegations. The vast majority of these were finalised without the need for a formal investigation, using our new enquiry powers. That number has increased somewhat in the year just gone. Operation Watts was the first-ever joint investigation between an ombudsman and anti-corruption commission anywhere in Australia. Implementation of its recommendations, which IBAC and I continue to monitor, should make a lasting difference to the parliamentary integrity framework.

It would be a missed opportunity if I did not provide this committee with a short wish list of reforms I believe would help the performance of my office. An area of significant inefficiency is the requirement in my legislation to notify all uses of coercive power to the Victorian Inspectorate [VI]. Real-time oversight is disproportionate and burdensome. The routine provision of information invariably creates the need in the recipient to review it regardless of its importance or otherwise. To give you an idea of the impost, although to my knowledge no-one complained about any of my office's uses of coercive power last year, they resulted in 185 routine notifications, a requirement from the VI to report monthly, multiple requests for information from the VI and considerable resources from my office spent responding, all of this resulting in negligible useful suggestions for improvement. My office is simply unable to respond to such volume without significant delays and diversion of resources from my core work. In my view, an integrity system should provide for meaningful oversight of the use of coercive powers, but the current framework does not do so effectively, or in the case of

the VI's own use of powers, at all. Removing the requirement for routine notifications would save significant resources in both agencies without compromising oversight, which could be meaningfully carried out through targeted inquiries or thematic audits.

In relation to my own statutory functions, I welcomed recent reforms which provided for conciliation, complaints review, education and engagement functions. Some reforms are, however, still needed in my investigations work. I am unable to access documents relating to the deliberations of ministers or any material marked Cabinet-in-confidence. As an officer of the Parliament who may receive referrals from Parliament and IBAC in relation to the conduct of ministers, an Ombudsman should be able to access such documents in those circumstances.

On another subject, my budget continues to be supported by the Treasurer's commitment to make up the shortfall in annual allocation. While that is welcome, I continue to advocate for decisions about funding to be entirely removed from political processes. But I recognise that will, along with all the other matters I have raised over the years, be a matter for the next Ombudsman. I wish them the very best of luck in this hugely important role, and I hope the Committee will bring its independence to bear in the selection process. I welcome your questions.

The CHAIR: Thank you, Ms Glass. I might start by asking you to just expand briefly on the problem you raised where you are unable to access documents regarding the deliberations of ministers or cabinet in confidence [material]. I can understand why a government would be reluctant for you to access those. What about other jurisdictions? Do ombudsmen in other parts of the world have access to that sort of information?

Deborah GLASS: It is a reasonably common restriction, I understand. What is not common, however, is the provision in my Act where I investigate referrals from Parliament. That is, to my understanding, unique among ombudsmen in Australia, and that is where it becomes particularly pertinent. Would you like to add something to that?

The CHAIR: I think Ms Philpot –

Megan PHILPOT: Can I also say public interest complaint referrals from IBAC whereby we are able to investigate ministers and members of parliament. So it is not just a referral from the Parliament but also a referral from IBAC into the conduct of ministers.

The CHAIR: So does that mean that if you get a referral from IBAC, you cannot investigate it adequately – is that what you are saying?

Megan PHILPOT: Well, it begs the question – if we are asked to investigate the conduct of a minister and we are not able to access ministerial deliberations, it is quite likely we are not able to investigate properly.

The CHAIR: Yes, all right. Thank you. And the other question I was going to ask you to briefly touch on was the queries from the [Victorian] Inspectorate that come back when you notify. I think you said you made 185 routine notifications.

Deborah GLASS: Yes.

The CHAIR: It is not the routine notifications themselves that is the burden, it is the queries that they generate in response and responding to those queries – am I right in understanding that?

Deborah GLASS: Indeed, but my point is that it creates – when you provide information to an agency, then it sets up an expectation in that agency that they will look at that information, and looking at that information they will then respond to that information even if nobody has raised any concerns about it. What we have found is that, increasingly, as the Inspectorate has more resources to look into these notifications, more questions are being asked, setting up a need for us to either have significant delays, divert resources or seek more resources ourselves to respond to that sort of routine request.

The CHAIR: I presume not all of these uses of coercive powers are the same. Could there be a system whereby you set a threshold where a particular type of circumstance would generate a notification but more routine ones would not?

Deborah GLASS: Well, I mean, these are obviously matters for Parliament. My very strong view is that it would be a very sensible reform for the system to remove a requirement for routine notifications on the basis that the Inspectorate can always ask for information. I mean, if somebody makes a complaint, they will get the information. If they carry out a thematic audit into my office's use of coercive powers, they can ask for whatever information they choose, and we will provide it. My point really is that it is not necessary.

The CHAIR: Yes. Okay, great. Look, thank you very much. In the interests of time, we might move on to Mr Taylor online.

Jackson TAYLOR: Thank you, Chair. Thank you, Ombudsman. My first question is: What is your reflection on the complexity that COVID-19 created for public servants in acquitting their responsibilities, and what lessons, if any, might there be for sustained emergency management response in the future?

Deborah GLASS: Well, thank you for that question, Mr Taylor. In fact I issued a report on that very subject, because we carried out a series of complaints reviews of four agencies that were involved in the emergency response, and I tabled that in Parliament – remind me when that was, Megan –

Megan PHILPOT: This year.

Deborah GLASS: It was earlier this year.

Megan PHILPOT: May, I think.

Deborah GLASS: There certainly are lessons. What we found is that some agencies did it very well, some did it less well and others learned along the way. An example I think that illustrates that is the Business Support Fund, which I investigated in the first year of COVID, where the report was pretty critical of the Department's decision-making around the grants program, which they had, you know, to be fair, stood up in a very short time, and we found from that that the Department learned. The successive grants programs were much better; you know, they had learned the lessons I think from the early ones. They embraced the recommendations that we made in that report, and we saw considerable improvement. But I think it is also fair to the public sector to reflect that there are some agencies that did it very well from the start, and we included examples of those in that report.

Jackson TAYLOR: Thank you, Ombudsman. And just my second question: In 2021/22, it was reported that 44 per cent of Victorians were extremely aware or very aware of the Victorian Ombudsman's role before making a complaint. What is the VO doing to increase Victorians' awareness of the agency as well as accurate understanding of its jurisdiction, particularly with regard to its complaints?

Deborah GLASS: Well, aside from our public reports, which I think do something about increasing awareness, I might invite my COO [Chief Operating Officer] to answer that.

Marija MAHER: Thank you. Thank you, Ombudsman. In the 2021/22 financial year, we had 63 complainants lodge a complaint with our office where they have never complained before, so we do know that some of our efforts, particularly in the social media domain, to increase the level of awareness of the public of our jurisdiction, are working. Having said that, we are in the space where there are lots of organisations that have the word 'ombudsman', both industry and parliamentary ombudsmen. That creates a huge amount of confusion for the public. For example, we are continuing to see a sustained increase in the number of non-jurisdictional complaints that are coming to our office. These are complaints that really should be directed to the Telecommunications Industry Ombudsman or the Water and Energy Ombudsman, et cetera, et cetera. But, because of the "catchphrase" and because of the community sentiment surveys, we do know that our office is the one that is best known by the public.

Jackson TAYLOR: Thank you very much. And just one quick follow-up: Does the VO utilise any paid advertising on digital or social media to build awareness, or all organic?

Marija MAHER: No, we do not. It is all organic.

Jackson TAYLOR: Would it be something that you are able to explore – paid – or is that not possible?

Marija MAHER: We are extremely careful how we use public funds, to be really honest with you – so in the past that has always been the criteria that we would apply when it comes to any expenditure. We continue to have ambitious aims in growing our social media followers, because we do know that that works, but that is really done through the impact of our work as opposed to pursuing paid ads.

Jackson TAYLOR: Understood. Thanks. That is all, Chair.

The CHAIR: Thank you, Mr Taylor. Let us cross to Mrs Benham.

Jade BENHAM: Thank you, Chair. This might be one for all three of you, but with regard to those who might have made perhaps premature complaints regarding local councils or have not gone through the right process, how effective has your advice been to go back to local councils, and does the complaint then come back around? Or how are you finding that – the Ombudsman dealing with local council complaints?

Deborah GLASS: If I could just make a few points in relation to that – I am not sure local councils are any different from anybody else in that regard. It is not a fixed requirement in my legislation that somebody must go to the council – or the agency – before they complain to the Ombudsman, but it is generally a good idea. One of the things that we do is encourage people to go to the agency to give them a chance to fix it. So if you have got a complaint about your local council, give them a chance to fix it; if you are not satisfied, come back to us. But having said that, it is not a hard-and-fast rule, and if we think that there are circumstances that suggest that we should be dealing with it – if they are particularly vulnerable, if something is particularly time-sensitive, if we have a sense that they are completely frustrated – then we will deal with it. We have a discretion to do so. It is not something that I would say we could separate out from local councils in that regard. Did you want to add something to that, Megan?

Megan PHILPOT: Yes, I might add to what the Ombudsman has just said insofar as apart from approaching matters on a case-by-case basis, local government recently was mandated to have a complaints-handling policy, et cetera, and the Ombudsman released a good complaints-handling guide for councils tailored towards the new legislation. We keep in touch with councils regularly about take-up of the complaints-handling guide. So we like to think that if we are going to receive a premature complaint and we are going to send a member of the public back to council, they have got a complaints-handling policy in place and the member of the public will be offered an internal review. That is not the case all the time, but we like to think that we are moving in that direction.

Jade BENHAM: And that has come from the *Local Government Act 2020*?

Megan PHILPOT: That is right.

Deborah GLASS: And I would just reflect that in the 9½ years of my term, if there is one group of agencies that we have worked really hard with to do the work better, it is local councils and good complaints handling, and I think we are seeing some real progress there.

Jade BENHAM: Terrific. Ombudsman, with your wealth of knowledge and experience, you are widely respected in a number of fields. You touched on some of the recommendations moving forward after your term has concluded. We touched on the coercive powers that the Chair has already touched on, but the budget – removing it from political processes – is interesting. Can you expand on that a little bit and how that might work?

Deborah GLASS: I am very happy to. There was a document put out by me, the IBAC Commissioner and the Auditor-General last year – in fact it was just before the election – where we collectively put our views to Parliament and to the world at large about the importance of integrity agency funding sitting outside of political processes, because all three of us felt very strongly that regardless of any individual issues we may have had with our budgets, and whether or not they had been solved, the fundamental problem was one that had not been solved: that when your funding is at the mercy of the government of the day, then that is just a bad principle. What we explored there – and I have to say, this is an issue that has gone back decades – I am not suggesting for a moment that there is anything new about it – what we suggested collectively, is that there should be an independent tribunal that determines the funding of integrity agencies. And I really welcome responses by those who have the capacity to change policy there – to think about that for the long term.

Jade BENHAM: Yes. That might lead into my next question, which is: In May last year, you did ask for submissions into the politicisation of the public service. To my knowledge that report has not been released yet.

Deborah GLASS: It has not been released yet, and it will be.

Jade BENHAM: Any idea on time lines of when we can –

Deborah GLASS: Well, it will certainly be before the end of my term, and I expect before the end of the year. The investigation is well-advanced. When it is a referral from Parliament, which it is, my legislation requires me to investigate and report forthwith, and that is what I am doing.

Jade BENHAM: So there is nothing – no insights?

The CHAIR: Time is up, I am afraid, Mrs Benham.

Jade BENHAM: Thank you, Chair.

The CHAIR: In fact we have to move now to Mr Mercurio.

Paul MERCURIO: Thank you. Ombudsman, you spoke in your opening remarks about the conciliation powers, and your face lit up. I think obviously you feel they have been terrific. I am just wondering if you could talk a little bit more about that process that you have established and why it has been so successful and what the benefits are that you are seeing from that process?

Deborah GLASS: Thank you. I genuinely am excited by conciliation, because it is a really important tool in an ombudsman's toolkit. If you think for a moment, for many, many years, decades in fact, what an ombudsman would do was either resolve complaints or investigate them, but there was not a kind of mandated or established process for bringing people together. Take the example of somebody who lives in public housing and who has an endless series of problems with their landlord, who happens to be the Office of Housing. They may make dozens, hundreds possibly, of complaints which may go nowhere, which may take up an enormous amount of effort on the part of the Ombudsman's office or the Office of Housing or wherever, and what conciliation can do is bring those parties together and allow a senior person in the agency to realise from the complainant what they are dealing with and to have the will to resolve it, and that is what we are seeing. I do not know, Megan, if you want to, but there have been quite a few really powerful examples that we have seen with conciliation – housing, local councils.

Megan PHILPOT: I think that is part of it too, where the agency invariably brings in a senior decision-maker rather than maybe someone who is at the front line, and it is not often that the senior leaders or management will see the experience of a member of the public who has been trying to get their black mould removed for I do not know how many years. And it is proving very successful. Complainants find they are being heard, and I think it is a bit of a meeting of minds, I might say. But it is in a very controlled environment as well, and a confidential one at that. It can also assist in future relations as well – there might have been a very combative relationship, but having a conciliation, we find, is a great investment for the future in the relationship.

Paul MERCURIO: It makes sense, doesn't it?

Megan PHILPOT: Yes.

Paul MERCURIO: Congratulations. What are the opportunities for the Ombudsman in embracing new technologies, and how do you think this could improve the experience of complainants and agencies?

Deborah GLASS: Let me invite my COO to answer that one.

Marija MAHER: Great question. Thank you. We have for the last few years tried to implement a complainants portal that would really enable a complainant, once they have lodged their complaint, to both follow up on the progress of their complaint but also to be able to add further detail to their complaint. COVID has significantly had an impact on it, both in our own internal capacity but also when it comes to vendors, with supply chain issues that we have had. The vendor that we use for our case management system has a couple of

years in a row now had significant challenges of their own in being able to meet us halfway in enabling that technology.

We do know of other ombudsmen, both parliamentary ombudsmen and industry ombudsmen, who are seeking to go away from the standard industry case management system that pretty much most ombudsman offices in Australia are using, and that is bearing some really interesting fruit in terms of self-service that it would enable a complainant to use. Our budget does not entertain that ability for us just as yet, but we are certainly curious to see how the implementation of other new systems works elsewhere, and perhaps that is something for us to consider in years to come.

Paul MERCURIO: Thank you. Just one last one, very quickly: In 9½ years, greatest achievement and greatest disappointment?

Deborah GLASS: I might take that on notice, Mr Mercurio.

Paul MERCURIO: So many great achievements.

Deborah GLASS: I would have to reflect on that one, but I would be very happy to give you my thoughts.

Paul MERCURIO: I would be keen to know.

Marija MAHER: Perhaps in the 10-year report.

Deborah GLASS: I will be tabling a report before the end of my term, and I will be making those reflections.

Paul MERCURIO: I will read it.

The CHAIR: Thank you, Mr Mercurio. We will pass now to Mr Wells.

Kim WELLS: Thanks, Chair. Ombudsman, it must be at times a juggling act when it comes to setting your budget and applying for funding. An example that Jade gave you was that you are investigating the politicisation of the public service. So, on one hand, you are investigating the Government, but on the other hand you are seeking funding to make sure that you are able to investigate properly all the issues that you are given. So how do you manage the situation currently if you are saying that the politicisation of the public service report is going to be out this year?

Deborah GLASS: I have always been very clear with parliamentary referrals that I regard them as in addition to my ongoing work and they are charged out separately, so I do not regard the cost of the parliamentary referral as impacting on my core business. And that has been the case with every parliamentary referral.

Marija MAHER: Each parliamentary referral is effectively billed to Parliament separately, simply because of the independence of the office and the discretion in how the budget is utilised. So, as an example, in the financial year 2021/22 through the Treasurer's Advance we have requested approximately, just over \$500,000 towards the current parliamentary referral [since the public hearing, the VO has clarified that this comment was in relation to Operation Watts, not the current parliamentary referral which is the politicisation of the public sector investigation]. Similarly, in this financial year, once the current investigation is completed, we will be making a request for a Treasurer's Advance. We only request funding for direct costs associated with a parliamentary referral. We do not have any add-on costs other than direct costs. All of that is subject to audit, both by our own internal auditors, by VAGO as part of the external audit, and by the Department of Treasury and Finance should they ever choose to conduct an audit.

Kim WELLS: Okay, so –

Deborah GLASS: But it is exactly to your point, Mr Wells, that I am not going to ask the Government for the money. I am just going to send the bill.

Kim WELLS: Okay. So the cost of the politicisation of the public service – the direct costs to date are \$500,000, or is that's the total bill?

Marija MAHER: No, the cost in the financial year 2021/22, which this public hearing is about, was just over \$500,000 [since the public hearing, the VO has clarified that this related to the Operation Watts investigation, *not* the politicisation of the public service investigation]. We will be making, the cost for the 22/23 financial year will be reflected in our annual report and then, as the Ombudsman has alluded to, we anticipate to table that report in this financial year, therefore there will be a third Treasurer's Advance that we will be requesting because it will kind of go over effectively three financial years [since the public hearing, the VO has clarified that the politicisation of the public service investigation commenced in the 2022/23 financial year and that this comment related to that investigation. The VO has also clarified that the VO will be seeking a second *not* a third Treasurer's Advance in relation to that investigation, and that it will run over two *not* three financial years].

Kim WELLS: Wow, okay. Continuing on with the budget, Ombudsman, you mentioned the issue with the VI and the routine notifications, and I get the idea that if you were able to simplify it, it would save a lot of money. But is the other solution to comply with what the VI is requesting and to seek an increase in budget to be able to fulfil what the VI is requesting?

Deborah GLASS: Look, at the end of the day, Mr Wells, these must be matters for Parliament. I would say that there is minimal public interest in routine notifications, but clearly you can create an industry out of this. You could put massive resources into it. If that, ultimately, is what the Government and Parliament want me to do, well, we can do that, but I would simply say, where is the public interest? And I think you can make a broad parallel with the work of my office. One of the things that we seek to do is to ensure good administrative decision-making. So if an agency was required to notify every decision to my office, where would we be? I would feel the need to review those decisions even if nobody complained about them, and do work with those agencies. Agencies just would not wear that.

Kim WELLS: In regard to 2021/22, I think you received 92 allegations of conflict of interest within public organisations. Did you receive enough budget funding to be able to fulfil that investigation properly?

Deborah GLASS: Broadly, yes. We have requested in some form or another, either through direct allocation or through Treasurer's advance, the funding we need to do the work of the office.

Kim WELLS: Okay.

The CHAIR: Thanks, Mr Wells.

Kim WELLS: I am only halfway through.

The CHAIR: Perfectly timed. We have to cross to Ms Wilson now.

Belinda WILSON: Thank you. Thanks so much, and 9½, nearly 10 years, of service is pretty incredible, so congratulations on that. Just back on Mr Wells's questions, I just want to clarify: When you have asked for more funding, have you been allocated that funding by the Government?

Deborah GLASS: We have provided requests to support the minimum necessary for me to do my job. There is an allocation, and you will see in the forward estimates it is not enough. On top of that, we request a Treasurer's advance, and to date we have received it, but my point has been that that is a year-on-year uncertain way of having funding, and it would be far better for the system as a whole to bring that whole process outside of the political.

Belinda WILSON: Sure, but it has never been denied, at this point in time?

Deborah GLASS: We are talking about the last few years?

Belinda WILSON: Yes.

Deborah GLASS: The requests have not been denied; that is correct.

Belinda WILSON: Great. A couple of other questions: we touched on council stuff, and I know that you have had a decrease in council complaints. What do you think has led to that?

Marija MAHER: It was a slight decrease.

Deborah GLASS: I do not think it was a material decrease. I think it is –

Megan PHILPOT: No, it is not a material decrease at all.

Belinda WILSON: So it was not anything in particular that you have done that you felt led to that?

Deborah GLASS: I think there has been a decrease in the number of complaints about the way councils deal with complaints, which I would like to think has something to do with the work of my office in helping councils do it better.

Belinda WILSON: Yes. I think you discussed that earlier, and that system seems to be working.

Megan PHILPOT: I think councils have become more sophisticated in their approach to complaint handling too, particularly once the *Local Government Act* amendments came in about mandated policies, et cetera, in relation to complaint handling.

Belinda WILSON: And our offices get them too.

Deborah GLASS: You are welcome to send them to us.

Belinda WILSON: Yes. I try not to do that straightaway and try and be the liaison, but sometimes that is the case. Also, what challenges have you faced with your outreach programs for regional, vulnerable and CALD communities and younger people?

Deborah GLASS: Well, where to begin? I mean, COVID was an enormous challenge. First of all, when the function first appeared in my Act, initially there was no funding for it, and then when there was some funding for it, COVID hit, which made it essentially impossible. So we tried to do – I mean, I cannot remember how many seminars and webinars I did for Community Legal Centres online, but it is incredibly difficult and relatively ineffective, so you really need to be able to get out and do these things. So we have begun to do much more of it, and I think we are reaping the rewards of that in the last year, but certainly in the year under review it was very challenging. And the reality is we are talking about millions of Victorians, and, as we know, the most vulnerable people in the State are usually the ones who need the services the most and are least likely to have heard of the office. So the strategy has been to work through third parties – Community Legal Centres, financial counsellors, advocates – so that they can use their outreach, really, to allow us to provide that service.

Belinda WILSON: That is it from me. Thank you.

The CHAIR: All right. Thanks, Ms Wilson. I am just going to ask a question submitted on behalf of Rachel Payne, who could not be with us today. We are a little short of time, so if it needs a longer answer, we could possibly take it on notice. Her question is: in terms of the engagement with public organisations – and this comes from page 8 of the report – to ensure systemic change from Victorian Ombudsman investigations, inquiries, alternative dispute resolution and complaints reviews, can the VO provide more detail as to how this approach was received and if this will remain an ongoing strategy of the VO? So it is about engagement with public organisations to ensure systemic change.

Deborah GLASS: Well, those would be our learnings. I mean, there are various examples I could give. We do not have them in the report, do we? But we could probably provide those separately.

The CHAIR: Maybe this would be one that you could take on notice on behalf of Ms Payne, and we could move straight on to Mr Batchelor.

Ryan BATCHELOR: Thanks, Chair. Final hearing, final set of questions. I am interested in your reflections on the overseer and the overseen, which is the sort of tension that exists. You talked about it a bit in your introduction, but what do you think has been the most effective approach to agencies that you have had to go back to time and time again for oversight investigations? What would be your reflections to them on how they should react to you?

Deborah GLASS: I think that is a good question, Mr Batchelor. And I can tell you that when I came into the role one of the things I was really keen to do was establish a collaborative way of working with agencies without compromising my independence, because I think that is a tension that always exists between the overseer and the overseen. It is an important tension. What I have always been mindful of is that if you want to achieve improvements in public administration, and that is a key purpose of my office, you have got to take people with you. You cannot just land on them, because they might pay lip service to your recommendations, they might tick the box to make you go away, but nothing is going to change. If you really want to achieve

those improvements, if we are investigating a systemic issue that we feel really requires systemic change, then you have actually got to convince them of the need for change and to make sure that it will ultimately be reflected in their agency. That is my approach. I can think of numerous examples where that has happened.

Ryan BATCHELOR: In your time, where do you think it is has fallen down, and what do you think some of the factors have been in having a productive relationship fall down?

Deborah GLASS: Highly defensive senior management. Sometimes people are prepared to acknowledge failings and are prepared to do something about it and sometimes they are just not.

Ryan BATCHELOR: Do you think that that is the biggest lesson we have got to learn?

Deborah GLASS: It is certainly one of them. Again, this may be one of the matters that I will be reflecting on in my final term, but I am certainly on record as talking about the difference between tick-box recommendations and those recommendations that are wholeheartedly taken on board by a CEO or a Secretary that really result in change. The Business Support Fund was an example of how that works. There were a lot of things that went wrong. It was acknowledged they went wrong and things then began to go right.

Ryan BATCHELOR: One last question: a bit of a theme of mine in the last hearings was just on information security practices. Obviously a letter where you articulated some of the concerns you articulated a bit earlier here found its way into the newspapers. We had a bit of a conversation with the Deputy Information Commissioner just about information security practices in the integrity agencies. Any other sort of concerns you think you would have or we might have about information security generally in your organisation, or reflections on the sort of data security, information security framework under which you operate?

Deborah GLASS: We take that incredibly seriously, and I am not aware that it has been an issue in my office. My COO is responsible for that and is on the case.

Marija MAHER: I think that the introduction of the VPDSS, the Victorian Data Protective Standards, has been really good. I think it has raised a good degree of deliberate consciousness about how we go about data security. That has automatically empowered various audit and risk committees, boards, regardless of what different governance arrangements might look like. Our approach has always been that, with data security, we should never be complacent and assume it will not happen. We have a high degree of confidence in our staff, in the integrity of our staff, and we have all kinds of checks and balances to ensure that there is no data leakage from our office. But we also are not foolish enough to think that there could not be a breach, so we have our internal audit, which is a third-party independent auditor, who does regular internal audits into our data security. Then on top of that, as part of our VPDSS attestation every year, we do our own self-attestation just to make sure that we are constantly vigilant and never for once take anything for granted.

Ryan BATCHELOR: Great.

The CHAIR: All right. I think we are out of time, so it falls to me to thank the three of you – Ms Philpot, Ombudsman Deborah Glass and Dr Marija Maher – for presenting to the Committee and answering our questions, and to thank particularly the Ombudsman for what will be a decade of extraordinary service to the community.

Deborah GLASS: Thank you, Chair.

The CHAIR: Thank you. I declare this part of the hearing closed. We will be back shortly with the next witnesses.

Witnesses withdrew.