

VERIFIED VERSION

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Inquiry into Budget Estimates 2017–18

Melbourne — 31 May 2017

Members

Mr Danny Pearson — Chair

Mr David Morris — Deputy Chair

Mr Steve Dimopoulos

Ms Fiona Patten

Ms Sue Pennicuik

Ms Harriet Shing

Mr Tim Smith

Ms Louise Staley

Ms Vicki Ward

Witnesses

Mr Martin Foley, Minister for Equality,

Mr Tony Bates, Deputy Secretary, Governance Policy and Coordination Group, and

Ms Jennifer Wolcott, Director, Equality, Department of Premier and Cabinet.

The CHAIR — I declare open the public hearings for the Public Accounts and Estimates Committee inquiry into the 2017–18 budget estimates. All mobile telephones should now be turned to silent.

I would like to welcome the Minister for Equality, the Honourable Martin Foley, MP; Mr Tony Bates, Deputy Secretary, Governance Policy and Coordination Group, Department of Premier and Cabinet; and Ms Jennifer Wolcott, Director, Equality, Department of Premier and Cabinet.

All evidence is taken by the committee under the provisions of the Parliamentary Committees Act, attracts parliamentary privilege and is protected from judicial review. Comments made outside the hearing, including on social media, are not afforded such privilege. Witnesses will not be sworn but are requested to answer all questions succinctly, accurately and truthfully. Witnesses found to be giving false or misleading evidence may be in contempt of Parliament and subject to penalty. All evidence given today is being recorded by Hansard, and you will be provided with proof versions of the transcript for verification as soon as available. Verified transcripts, presentations and handouts will be placed on the committee's website as soon as possible.

All written communication to witnesses must be provided via officers of the PAEC secretariat. Members of the public gallery cannot participate in the committee's proceedings in any way and cannot photograph, audio record or videorecord any part of these proceedings.

Members of the media must remain focused only on the persons speaking. Any filming and recording must cease immediately at the completion of the hearing.

I invite the witness to make a very brief opening statement of no more than 5 minutes. This will be followed by questions from the committee.

Mr FOLEY — Thank you, Chair. I think I need to start with an apology. There seem to be some IT issues that have not seen the presentation provided in electronic form. I will certainly undertake to make sure that the hard copy as well as the electronic form is provided as a matter of urgency.

In short, the equality portfolio is a relatively small portfolio in terms of support from the Department of Premier and Cabinet, located in, obviously, the Department of Premier and Cabinet. Its role is increasingly one of being the agent of change across making sure that Victorians from an LGBTI background are considered part of the Victorian community in every respect.

This particular budget continues the investment programs that have previously been rolled out, together with acting through a small group to make sure that the rest of government has an ability to deliver on the government's agenda of making sure that LGBTI people are engaged and represented at all levels of government decisions, as well as dealing with particular expressions of disadvantage that they continue to disproportionately reflect.

This budget has a \$2 million new investment in the equality portfolio. That goes to continuing the rural and regional roadshow that the equality branch is delivering. It is about promoting the economic inclusion of LGBTI Victorians, particularly focusing on those LGBTI Victorians who are, again, disproportionately excluded from the job market, and dealing with the issues around that. It also picks up, again from a whole-of-government perspective, the delivery of those family violence royal commission recommendations that have a particular LGBTI lens, given that family violence does not discriminate in terms of the types of families that it visits itself upon.

In that regard there is \$5.28 million for LGBTI people, delivering the family violence royal commission's recommendations around LGBTI specialist family violence services, making sure that a number of services have the rainbow tick ready to make sure that as LGBTI families seek support from family violence services it is done in an appropriate way, and that there is both specialist LGBTI training for frontline family violence services workers together with the support that the royal commission talked about on the particular needs for research support through the family violence centre for excellence that has been established. There is also \$1.35 million as part of that for making sure that practitioners in the Magistrates Courts at two trial locations have arrangements in place to take account of the nuances of family violence through an LGBTI lens.

In terms of the rest of the budget and the role ongoing of the equality branch, one of the key areas of support that was in last year's budget, which is now progressing along, is Australia's first pride centre, which through

the support of Development Victoria, the community-led Victorian Pride Centre Ltd and, as it turned out, the City of Port Phillip, will see Australia's first pride centre developed in Fitzroy Street, St Kilda.

There is the continuing rollout of LGBTI community capacity grants, where we have seen the first allocation of those in last year's budget rolled out in March to 27 organisations and 11 individuals. We are starting to see some investment in some grassroots leadership and advocacy and, as I say, we have also seen the continued investment in the regional and rural LGBTI roadshow, so that Victorians who identify as LGBTI can continue to know that no matter where they are there is a role for them in Victoria, and that there is an opportunity for their particular needs, their service engagements and their recognition as an important part of Victoria. That is something they need to have reaffirmed.

I might leave my opening comments there, and again apologise for what appears to have been a technical difficulty, but we will get you the hard copies as a matter of urgency.

The CHAIR — Thank you, Minister. They have been delivered by the ever-efficient Melanie Hondros from the PAEC secretariat.

Mr DIMOPOULOS — The investments and your leadership — and the Premier's leadership — in this area give me continual pride, not only as a member of the LGBTI community but just as an ordinary decent Victorian. It gives me enormous pride and, as Ms Shing I think said when Minister Merlino was here, it saves lives — this investment.

At budget paper 3, page 102, there is a line item 'A LGBTI inclusive Victoria that celebrates diversity'. It is a bit of a catch-all. Could you let us know a bit more detail of what this investment is able to cater towards?

Mr FOLEY — Budget paper 3?

Mr DIMOPOULOS — Page 102. It is the very first line item under 'Engaged citizens' and says 'A LGBTI inclusive Victoria that celebrates diversity'.

Mr FOLEY — That million-dollar investment over each of the next two years is a significant part of the entire capacity building and service delivery aspect that I touched ever so briefly on in my opening comments, and that will have a number of components. The first of those will be what is happening literally as we speak: the continuation of the regional and rural roadshow as the outward engagement processes there. There will also be investment, as I have indicated, in capacity of leadership.

We have advisory processes that we are going through, which are multilevelled but come together at the whole-of-government LGBTI advisory committee which I co-chair. That engages formally with advisory groups in the Department of Health and Human Services, in the department of justice and in the Department of Education and Training. But informally, through a wide range of LGBTI stakeholder groups, we will have, post that consultation and certainly well and truly as soon as possible in the new financial year, the detailed program of how that will roll out across the two years. But I can assure you that the strong focus of the LGBTI roadshow, the jobs focus and the community capacity development focus will be right at the heart of that.

Mr DIMOPOULOS — Minister, just one more question before I hand over to Ms Shing. The Pride Centre has got a lot of publicity in the community, and it is something that people are very proud of. It is a bit of watershed moment for the community to have a resource that is entirely their own, if I can use that language. Budget paper 4, page 63, refers to the Pride Centre investment. I just want to get a sense — I think you announced that last year, from memory — of just where that investment is at.

Mr FOLEY — So \$15 million in capital was committed last year, and through those advisory forums that we have in place leaders of the LGBTI community have established a not-for-profit company, Victorian Pride Centre. That is chaired by eminent Victorian Jude Munro, AO, and has a widely representative expert-based board. In partnership with Development Victoria that group went through a process of seeking expressions of interest from partners, like government partners, as to where such a location would be built. The process saw the City of Port Phillip through its contribution of both land and in-kind support win that competitive process. As a result, both the Pride Centre board and government landed on the Fitzroy Street site, and the processes on rolling that out are now underway. I was particularly pleased to see that, despite the fact that sometimes this

policy space can engender a degree of partisanship, the Leader of the Opposition came out publicly and supported that location and that outcome as an area of investment.

We know that it is not just about a physical space; it is also about a series of services. The Pride Centre board, again in partnership with the state, will of course deliver through the state, through the City of Port Phillip, that built form. But it also needs the outreach programs and the virtual nature of an interactive space so that diverse Victorians who identify as LGBTI lifestyles and identities can have the opportunity to participate no matter where they are.

Ms SHING — I might take us from discussion about the Pride Centre and the way in which that will provide services, access, face-to-face contact and a physical presence in the location in metropolitan Melbourne to the regional roadshow and the way in which that has touched every corner of the state, with many miles and many people engaged in conversations about a more inclusive Victoria that celebrates diversity. In the first instance, thank you for your tireless work and for the work of your department and others to be strong allies in this space. It means an awful lot, particularly for those in rural and regional communities and often very remote communities as well. How many forums and discussions has the roadshow had, and what sorts of numbers are we talking about in relation to participation in the programs, discussions and forums that have been undertaken as part of that roadshow?

Mr FOLEY — There was an initial budget in last year's budget but an ongoing investment in this year's. As of today, I am pretty sure the roadshow is in Warrnambool, but it might be in Portland, down in that part of Victoria. We have seen the roadshow visit 14 locations. There was a pilot program in November that went along the Murray to three locations to establish a community engagement model, and that has been built on since. It has subsequently visited Ballarat, Stawell, Horsham, Bairnsdale, Morwell, Wonthaggi, Geelong, Benalla, Wodonga, Wangaratta and Warrnambool. It is either on the way to or at Portland. Then it will be in Hamilton and Colac, and later in June it will be in Bendigo, Charlton, Donald and Kerang.

What it does is people go up and do some work beforehand with local government, state service providers, police, education and health agencies to get a feel for what are the particular nuanced local issues, and they vary from community to community. But invariably they are always underpinned by issues about LGBTI Victorians feeling isolated in the regions, feeling that services are not attuned to their particular needs and, depending on which parts of the LGBTI community you are engaging with, what those issues might be — school, aged care, government services, private sector services — and the outcomes have been different in different communities.

As recently as this week, I was aware that, for instance, the Wangaratta outcomes had a focus on making sure that families that were unaware of opportunities for family recognition are now being able to achieve that. In the north of the state I was aware of engagement with health agencies. That will vary, but essentially it is to make sure that that agent of change happens whereby the roadshow is both delivering services that LGBTI Victorians need in the regions but making sure that the wider community is attuned to the needs of LGBTI Victorians.

Ms SHING — So the roadshow itself, if I have heard correctly, is as much about the ally community and the broader community as it is about LGBTI Victorians who live in those areas.

Mr FOLEY — In some instances the majority so, but first and foremost it is about recognising and empowering LGBTI Victorians in the regions — that they are not alone and that Victoria has a place for them, just like for every other Victorian.

Ms SHING — So that sounds to me as though it also takes on the approach of acceptance rather than tolerance.

Mr FOLEY — It does indeed. You tolerate a stubbed toe or a cold; you embrace and accept diversity.

Ms SHING — Yes, excellent. Thank you very much, and thank you very much for the ongoing work that you do. Again, it is greatly appreciated.

Ms STALEY — Minister, I refer to the LGBTI equality policy and programs output on page 299 of BP3 and also to the Pride Centre. Firstly, will you confirm that the government has authorised the release of the \$15 million for the Pride Centre at a cabinet meeting this month?

Mr FOLEY — What was the question?

Ms STALEY — Has the money for the pride centre been released by cabinet?

Mr FOLEY — Cabinet considerations are a matter of, necessarily, in-confidence undertakings, so certainly in terms of the \$15 million in capital, that was, as I indicated, a key part of how the state levered off substantial extra benefits through the pride centre process. That \$15 million has now seen it multiply in a number of areas. The pride centre board and the equality branch have been able to use that capital investment in such a way so as to, firstly, attract the equivalent of \$15 million of value of land in the City of Port Phillip — \$12 million, pardon me — and a number of other non-government active participants in this space, such as the Victorian AIDS Council, who are engaged in discussions with the board and government about how they may be able to bring some substantial capital in partnership, together with a range of other philanthropic and non-government supporters. But I can assure you and, through the committee, the Victorian community that that \$15 million is in play, is real and is delivered in full as per our budget commitment.

Ms STALEY — Thank you, Minister, for your answer. I understand a business case has been prepared prior to the authorisation of that funding, and I ask: will you release the business case given your government's much-stated commitment to the release of business cases?

Mr FOLEY — In terms of whether it would be the initial PwC precursor that underpinned that process or this particular business case done by Development Victoria, they are all subject to all the normal processes via which government releases such documents.

Ms STALEY — So is there a business case?

Mr FOLEY — So I just confirmed that whether it was the initial work done by PwC that benchmarked facilities across the globe, let alone the particular high-quality work that Development Victoria did in both the business case and the development schedule, that program has gone through all the normal budgetary and regulatory arrangements, has been the subject of all the normal considerations that Victorian taxpayers would expect us to deliver and will be dealt with in all the normal arrangements.

Ms STALEY — Minister, are you going to release the business case? I am asking you if you are going to release the business case.

Mr FOLEY — All the normal arrangements that all investments are subject to, this will be no different to any of those.

Ms STALEY — That is not an answer, Chair.

The CHAIR — The minister is responsive to the member's question.

Ms STALEY — Minister, really. Would you like to advise organisations in the sector who may like to support the pride centre to put their donated funds into the pride centre if the secret business case will not be released?

Mr FOLEY — Firstly, it is not a question of what I would advise anyone, whether it be people who identify as LGBTI Victorians, the wider philanthropic community or indeed other partners who might see opportunities for a really important investment to lever off the already almost \$30 million in value that will flow from the centre. That process will be led by the community. It will be up to Development Victoria in partnership with the pride centre board to deliver those messages, because it is the community's project partnering with government. It would be disingenuous of me to advise LGBTI Victorians or indeed the rest of the Victorian community as to how they should support this project. My role is to make sure that the \$15 million of capital together with the governance arrangements delivers on the policy outcome. That \$15 million, the work that has been done in the business case, the business case itself, the governance and partnership arrangements with the pride centre and now with the City of Port Phillip, and I am hopeful with a range of non-government philanthropic organisations, we will see Australia's first pride centre delivered in full as we would expect.

Ms STALEY — So they should invest without seeing the business case. Minister, I have a copy of the draft constitution for the Pride Centre prepared by Hall and Wilcox lawyers, and this shows that it is intended, as you say, that the Pride Centre will be a public company limited by guarantee. Minister, I draw your attention to clause 1.1, which is definitions, and it defines the commissioner as being the Victorian Gender and Sexuality Commissioner, and then clause 7.4 says that observers, where the Commissioner will attend meetings — —

Ms SHING — Sorry, no. Point of order.

The CHAIR — Point of order, Ms Staley.

Ms SHING — There is capacity to refer to parole evidence and other materials, but referring to a draft document that nobody else has seen — —

Ms STALEY — I have every right to refer to this. I can refer to it. Do not worry. You do not have a point of order.

Ms SHING — I am actually concerned — —

Ms STALEY — So the commissioner — —

The CHAIR — Order! There is a point of order, Ms Staley.

Mr T. SMITH — This is a waste of time.

Ms SHING — No, I am not wasting time. Again, you are referring to a draft document that nobody else around this committee table, at least from this side, has actually seen.

Ms STALEY — It is not a court.

Ms SHING — Yet you are quoting from a document that we do not have and which is a draft document, and you just finished talking about secret business cases. It is a little bit — —

Members interjecting.

The CHAIR — Order! Hang on, there is a point of order before the Chair. I am the Chair. I am happy for the member to continue quoting from this document; however, I would advise the member that given the fact that the minister may not have seen this document the minister may not be able to answer her question. I would again reinforce Ms Shing's point, which is it is a draft document.

Ms STALEY — I thank you for your guidance. Clause 7.4 says that the commissioner as defined will attend meetings, and clause 17.1 creates the role of a dispute resolution panel where the commissioner may refuse to permit a disagreement to be referred to the resolution panel. And I ask: given that the centre is intended to be independent, how is it consistent with the extraordinary powers of the equality commissioner as laid out in this draft constitution?

Ms SHING — On a point of order, Chair, this is speculative based on a draft document. If it is a draft document, then there cannot actually be a response given to something that is not yet settled.

Members interjecting.

Ms STALEY — Minister, do you believe that the pride centre will be independent — —

The CHAIR — Order! Ms Staley, are you rephrasing your question in light of — —

Ms STALEY — I will. Minister, do you believe the pride centre will be independent given that your commissioner will have a right of veto over dispute resolution?

Ms SHING — Will the commissioner have a right of veto? This is a draft document.

Ms STALEY — Ms Shing, you have made your point.

Mr FOLEY — To take the question in the context which it is set, I have not seen the document to which Ms Staley refers, draft or otherwise. In that regard, in terms of the specifics, I am not able to respond. But in terms of the generalities, I am here to say that the role that the Victorian government has created of the first Gender and Sexuality Commissioner in Australia is one that I am particularly proud of. The leadership role that the Commissioner has taken in facilitating the development of the pride centre model — I stress facilitating — has been one of her most particular achievements. I would like to think that the independent not-for-profit

company that is the Victorian pride centre is able to manage its own affairs in an appropriate way, and that if it is looking to government as a partner in how it goes about that, I am happy in how that would occur.

Ms PATTEN — Thank you, Chair, and thank you, Minister. I just draw your attention to again page 311. You chair the LGBTI Taskforce. I am interested in whether there has been any funding within this budget that will go directly to aged-care facilities, because certainly we know there has been considerable concern amongst our LGBTI community around entering into facilities for fear of discrimination and homophobic treatment.

Mr FOLEY — For the record, I co-chair the whole of government committee with Brenda Appleton, the leading figure in Transgender Victoria. I do what I am told when it comes to how that committee works because Brenda is doing a fantastic job.

In terms of your particular question, there is no direct funding to aged-care providers. What there is is a program more through the DHHS outputs and the support there through the Department of Health and Human Services LGBTI advisory group around making sure that our aged-care providers are, for want of a better phrase, LGBTI friendly. The funding for such services overwhelmingly comes from the commonwealth, particularly post the 2013 regulatory assistance. Indeed, amongst the activities that then Minister Butler in the commonwealth ensured was that such services needed to be gender and sexuality blind when it came to service delivery and in particular LGBTI-specific friendly.

We are working with a range of organisations including specialist groups in this area such as that led by Dr Catherine Barrett and others to make sure that those agencies that are in this space can get the accreditation and essentially a rainbow tick for the delivery of their services.

Ms PATTEN — So it is looking at the general, not the specific. Looking at the community grants of \$900 000 — I think it was in your presentation — how are we going to measure the success of those?

Mr FOLEY — Each of the funding arrangements that has been entered into with both organisations and individuals varies depending on the needs, the aspirations and the applications. In some, when we have funded individuals, it is very straightforward. For instance, with the leadership development for the Australian Institute of Company Directors course: we funded people to do that course. The output is pretty simple — you do the course.

In other spaces such as the support for Rainbow Families, we have \$130 000 for the support that they offer the growing number of diverse families as reproductive technology continues to roll out across the community at increasing levels. We are seeing the challenges that that makes for support, for navigating your way through not just the health system but also the education and family support systems. Those measures vary depending on what the organisation is.

Ms PATTEN — Right, so we will not see measures in the budget papers around those sorts of grants.

Mr FOLEY — Not in terms of outputs, capacities and deliveries but in terms of individual programs. The program that parents of gender-diverse families got was different from that of particular individuals doing their Australian Institute of Company Directors course.

Ms PATTEN — Yes, sure. Rainbow Families Victoria — with the grants you have given them, have you seen any measurements for them and how the government will —

Mr FOLEY — All of the agreements have outputs directly. I am not into the level of individual signed agreements between the department and the agencies.

Ms PATTEN — Maybe you can provide on notice just as an example of the type of —

The CHAIR — I would like to thank the witnesses for their attendance; the Minister for Equality, the honourable Martin Foley, MP; Mr Bates and Ms Wolcott. The committee will follow up on any questions taken on notice in writing. I believe Ms Pennicuik may also have some questions on notice she has provided the secretariat. The response to answering the questions in full should be provided in writing within 10 working days of the committee's request.

Witnesses withdrew.