

Responses to Questions on Notice or further information agreed to be supplied at the hearings

Witness	Jason Loos
Committee member	Nick McGowan
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Question

Nick McGOWAN: I am just trying to understand – in the reporting period, was it the view of the department that WorkCover was unsustainable or increasingly looking like it was unsustainable on the footing over the periods we were looking at? Did that become apparent to you and to others?

Jason LOOS: I think, looking at the trajectory of where the entity was going, that reform was needed in terms of the way mental injury, a number of physical injuries – the reality was the WorkSafe scheme was set up in the 1980s, when the type of injuries it was catering for were more physical injuries, broken arms and broken legs, and it was very fit for purpose at that time. It needed a bit of a strategic rethink, and the reason for setting up an IDC that involved the department of justice at the time, Treasury and DPC was we had to come at it from all different angles. I mean, it is a very important scheme and making sure it is sustainable – it was part of the journey and hence why the central agencies got heavily involved and steered that across government.

Nick McGOWAN: Can you tell me what the terms of the reference for the committee was and whether that committee continues its work – or did that work cease at some point in time?

Jason LOOS: There is still an IDC overseeing – government has obviously made some changes or is looking to make some changes to the way the scheme operates, and return to work is a key feature now of the WorkSafe scheme. So that committee is still in place and meets monthly to oversee, again, some of the activities that need to happen.

Nick McGOWAN: **And the original terms of reference – are you able to provide us a copy of those?**

Jason LOOS: The terms of reference? Yes, we have got terms of reference.

Nick McGOWAN: Okay, thank you. Take that on notice.

Answer

The Department of Premier and Cabinet (DPC) took responsibility for Chairing the WorkSafe Interdepartmental Steering Committee (IDC) in mid-2021 from the Department of Justice and Community Safety.

Please find attached (see Attachment A) the Terms of Reference (TOR) endorsed by the DPC Chaired IDC in June 2021. Sections of the TOR have been redacted as they are classified as Cabinet-in-Confidence.

Witness	Jason Loos
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Question

Jason LOOS: Yes, so WorkSafe has been on a journey over the last few years implementing various tweaks within their current legislative framework to improve the scheme's performance. Mental injury has been a challenge in the way it has, I guess, transpired over the last few years, and it does continue to be a significant challenge, but WorkSafe is focused on trying to keep individuals in the workplace as well as, you know, those who unfortunately have to join the scheme. A lot of it is focusing on the prevention and how you actually can keep them within the workplace without getting into the WorkSafe scheme. A lot of those policies and initiatives have been undertaken by WorkSafe – and you have seen scheme performance improvement in certain areas as a result of the work they are undertaking – but some of the other, I guess, bigger reforms, if they ultimately go through, that then will also help, I think, scheme performance.

Nick McGOWAN: I notice as part of the work that they did during that period there was a redesign that was taking place, and I think it was Taylor Fry who was commissioned to undertake some **high-level modelling for reform options and benefits. Are you able to provide us with any of the work that was done in that respect?**

Jason LOOS: I might have to take that one on notice, because that was important work that helped the cabinet deliberations that actually made the –

Nick McGOWAN: I am sure they did not do that. I am sure they relied on other documents.

Jeremi MOULE: Mr McGowan, if you go back even a couple of decades, schemes like WorkSafe went through a period of growing maturity where they codified physical injury – were able to categorise it – and then there were expected outcomes as a result of that. I think it is fair to say that all such schemes, particularly in the Australian context, are going through a process now – they have seen this surge in mental injury claims. They are now trying to work out how to define and categorise those in a way that they have for physical injury, because at the moment none of them really has a sophisticated response to that. That is part of the policy reform work that the entity needs to undertake.

Nick McGOWAN: Fantastic. **If we could have a copy of that report, that would be great. We will see how we go.**

Answer

The requested report is classified as Cabinet-in-Confidence and cannot be made publicly available.

Witness	Jeremi Moule
Committee member	Jason Loos
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Question

Nick McGOWAN:The Victorian government IT dashboard is designed to provide status updates on IT projects and the like across government. I understand that previously DPC committed a secretary to providing a quarterly update on the dashboard, and that was I think in response to a previous VAGO report. **Do you know whether they are still doing that – whether they are providing those updates on the dashboard?**

Jeremi MOULE: I will either need to take that on notice, or it is actually now a matter for the Department of Government Services. So what was previously Digital Victoria that was part of DPC was moved to the Department of Government Services in the machinery-of-government changes on 1 January.

Nick McGOWAN: This year – 1 January?

Jeremi MOULE: 1 January this year, post election. So that component that was previously part of DPC is now with that department.

Nick McGOWAN: Okay. **Does anyone here have an answer to that or not necessarily – they are gone?**

Jeremi MOULE: No, I am probably the most likely to have known the answer and I do not. So I am happy to either take it on notice, or –

Nick McGOWAN: Okay. If you do not mind, because I notice that the email address still refers to the DPC site, but they might not have updated it. I think their site has not been updated for some time, but maybe that is because it is no longer under your purview.

Jeremi MOULE: I will check for you.

Nick McGOWAN: Thank you. Take that as a compliment.

Jeremi MOULE: I appreciate that.

Nick McGOWAN: Under the Financial Management Act, agencies are required, I believe, to report quarterly on their ICT projects. Do you know if that was still occurring in the reporting period, certainly up until you had it?

Jeremi MOULE: Yes, it was.

Answer

The IT Dashboard makes it easy to see all Victorian Government IT and digital projects underway, including high-level information on how these projects are tracking.

The information provided on the Dashboard is accessible for the general public, industry and all government departments and agencies.

The Department of Government Services (DGS) is now responsible for publication of the IT Dashboard.

Departments and agencies are still required to provide regular reports on in-scope projects to DGS. DGS will update the IT Dashboard shortly to reflect achievements and progress made in 2022–2023.

Witness	Jeremi Moule
Committee member	Nick McGowan
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Question

Nick McGOWAN: It was. Okay, thank you. I am going to throw in my own little bugbear question here, and that is about flags. I do not know who can change this rule, whether it is the Parliament or you, Secretary, but in my electorate office I have Aboriginal flags, and that is great; I have Victorian flags – they are a little bit harder to get rid of, in the nicest, loveliest possible way; but can we also have Australian flags? Considering that it took the states to come together to form the Federation, I would not have thought it would be too much of a stretch to ask **if the electorate offices could also receive Aussie flags**, God forbid. But I am happy for you to take that on notice as well.

Jeremi MOULE: And strangely, I think we are actually responsible for that.

Nick McGOWAN: I think you might be.

Jeremi MOULE: We are, in our protocol area. I will need to take that on notice, but if there is a shortage of Australian flags, I feel like we need to address that.

Answer

The Commonwealth Government has a flag distribution program, whereby the Australian Flag, Aboriginal Flag and Torres Strait Islander Flag are available to constituents and eligible organisations through the electorate office of a local Senator or Member of the House of Representatives.

Witness	Jeremi Moule
Committee member	Nick McGowan
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Question

Nick McGOWAN: Okay. Mr Secretary, do you know how many staff were employed in the Premier's office and ministerial offices **with salaries paid for by DPC** in the reporting period – so 2021–22, 22–23?

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Jeremi MOULE: We have got this one ready to go. I should just, in fullness to the answer to your first question, during the reporting period – and I will take this on notice to get you the detail – we did engage some additional administrative support to the office of the Premier. I think it was one FTE, because of the really significant surge during COVID of incoming correspondence and follow-ups from phone calls, where a message would be taken and someone needed to then activate a response to that. So I will take that on notice, but in addition to DLOs, we did do that during the reporting period.

Over the two financial years, 2021–22 and 2022–23, at 30 June 2022 the actual expenditure on ministerial staff across all offices was \$53.5 million for 308 staff, and at 30 June 2023 actual expenditure on ministerial staff was \$50.8 million for 296 staff across all offices. Both of those figures exclude any redundancy payments that might have been made as staff came and went from offices. That is fairly standard practice. But that is the breakdown of total costs and total FTE across the Premier and ministerial offices.

Answer

In the 2021–22 and 2022–23 financial years until November 2022 DPC employed one VPS 3 to provide administrative support to the Premier's office to respond to the high volume of correspondence and communications about the COVID-19 pandemic, in addition to the standard allocation of Department Liaison Officers.

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Committee member	Jeremi Moule
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Question

Nick McGOWAN: Any golden handshakes during those periods?

Jeremi MOULE: What you mean by that?

Nick McGOWAN: Golden handshake – somebody resigns at a future period, and they are simply paid out rather than asked to work their notice period.

Jeremi MOULE: Not that I am aware of. The redundancy provisions for ministerial staff as well as staff in the office of the Leader of the Opposition are codified and applied in a standard manner. I am not aware of any deviations from that.

Nick McGOWAN: Do you know **how many redundancies there were in both of those periods?**

Jeremi MOULE: I can take that on notice. We could provide that.

Answer

There was a total of 10 redundancies of ministerial staff in the 2021–22 financial year and 85 redundancies of ministerial staff in the 2022–23 financial year.

Witness	Jeremi Moule
Committee member	Nick McGowan
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Question

Nick McGOWAN:**Do you know how many WorkCover claims were made by staff in the Premier's office or ministerial offices in the same periods, 2021–22 and 2022–23?**

Jeremi MOULE: I will have to take that on notice. I am not even sure that we would know, but I will take it on notice, yes.

Answer

In the 2021–22 financial year, there was one accepted WorkCover claim for the Premier's office, and no claims were made for ministerial offices. In 2022–23, no WorkCover claims were received for either the Premier's office or ministerial offices.

Witness	Jeremi Moule
Committee member	Nick McGowan
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Question

Nick McGOWAN: Okay. Thank you for both of those. Do you know the **total government expenditure on advertising content development for the Premier's Facebook and other social media in 2021–22, 2022–23?**

Jeremi MOULE: In relation to the Premier's Facebook, we do not have any visibility of content production, other than to say it is often re-use of existing material, so we recognise some of it because it is existing government material. Departments do not make any material specifically for the Premier – or for the now former Premier's office during that period. But I do have the advertising cost figures.

Nick McGOWAN: Yes, please. We are happy if you would just like to –

Jeremi MOULE: I can take that on notice.

Answer

The department is not aware of any expenditure on advertising content development for the Premier's Facebook page.

Witness	Terry Garwood
Committee member	Danny O'Brien
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Question

Danny O'BRIEN: Okay. In developing the local government engagement strategy, was the department directed by government not to engage with local councils about it?

Terry GARWOOD: No, certainly not.

Danny O'BRIEN: Were they involved in the negotiations?

Terry GARWOOD: No. Well, what occurred with the negotiations is the land justice unit that is within DPC was formerly within the Department of Justice and Community Safety. They are very skilled and experienced in this space. They have been operating the Traditional Owner Settlement Act since 2010. This legislation has been around for a very long time – 13 years – and they have negotiated a number of recognition and settlement agreements, and all of them have some involvement of aspirations with local government.

Danny O'BRIEN: The question, though, is: was local government involved in the negotiations?

Terry GARWOOD: To the extent that there were matters to do with that local government engagement element, the department did engage with a number of councils up there in relation to the details that are in there. I know there have been discussions and things said in the media about that engagement, but as I said earlier, the land justice unit are quite experienced in the importance of engaging with local government. They did engage with local government in this case. I cannot talk for how every part of what each council is aware or not aware of that engagement. But there certainly was engagement.

Danny O'BRIEN: **Could you provide a list of the councils that were engaged on this particular aspect?**

Terry GARWOOD: Yes, I can do that.

Answer

The Land Justice Unit in DPC wrote to the following councils in February 2018 about the Traditional Owner Settlement Act negotiations that commenced the previous year: Mildura Rural City Council; West Wimmera Shire Council; Northern Grampians Shire Council; Southern Grampians Shire Council; Buloke Shire Council; Hindmarsh Shire Council; Pyrenees Shire Council; Yarriambiak Shire Council; Horsham Rural City Council; and Ararat Rural City Council. The Land Justice Unit and the Barengi Gadjin Land Council held a workshop with those councils about the Local Government Engagement Strategy in June 2023.

The Strategy is a commitment to engage with councils. It does not commit or bind councils to any actions. Engagement with those councils is ongoing. DPC looks forward to mutually beneficial outcomes arising from the engagement over coming months for Western Victorian communities and Barengi Gadjin Land Council community.

Witness	Terry Garwood
Committee member	Danny O'Brien
Page/s of transcript	18–19

Question

Terry GARWOOD: Yes, we have significantly increased our funding in relation to support for processing those applications, and we recognise it is a challenge, particularly for Wurundjeri and Bunurong because of the extent of development in Melbourne – it goes without saying. We are focused on trying to support and assist them in every way possible, so additional funding has been provided to both of them.

Danny O'BRIEN: **Can I ask how much?**

Terry GARWOOD: I will take that on notice and provide you with the details.

Answer

The 2022–2023 Victorian Budget provided funding of \$131,000 per annum for an additional officer for each of the three Registered Aboriginal Parties with the highest development pressures — Wurundjeri, Bunurong and Wadawurrung.

Witness	Terry Garwood
Committee member	Danny O'Brien
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Question

Danny O'BRIEN: In May the Age reported that PKF integrity, a forensic accounting firm, had been appointed to look into some issues of alleged mismanagement at Bunurong land council back in 2022. **Did the department receive any briefings on this matter from Bunurong or PKF through 2022?**

Terry GARWOOD: Not that I am aware of, but I will have to take that on notice as well. That is well before my time.

Danny O'BRIEN: Okay.

Jeremi MOULE: Not that I am aware of either, Mr O'Brien. We will take it on notice. I have got longer tenure than Mr Garwood and I do not recall that.

Answer

The department received no briefings from the Bunurong Land Council Aboriginal Corporation or from the forensic accounting firm. The Bunurong Land Council Aboriginal Corporation is incorporated under Commonwealth law.

Witness	Terry Garwood
Committee member	Danny O'Brien
Page/s of transcript	19–20

Question

Danny O'BRIEN: Okay. In 2015 the Federal Court banned a number of former executives of the Bunurong land council from running an Aboriginal corporation for seven years. That seven years obviously now has expired. **Is the department aware of any of those people currently running or otherwise employed by an Aboriginal corporation or public sector body?**

Terry GARWOOD: I am not aware, but now you have made me aware I shall make a point of finding out as to whether that has occurred or not. But I am not aware.

.....

Jeremi MOULE: No. I was going to seek to clarify one of your earlier questions in relation to those that had been prohibited from employment for a period of seven years. You are now asking whether they are employed, because they are legally able to be.

Danny O'BRIEN: Absolutely.

Jeremi MOULE: Is that the question?

Danny O'BRIEN: Yes.

Jeremi MOULE: Okay.

Danny O'BRIEN: I am interested to know. But I guess there is nothing stopping them under that judgement, of course.

Jeremi MOULE: Yes. Thank you.

Answer

No. The department notes that the disqualifications from that 2015 ruling have expired. It notes that none of the persons the subject of that Federal Court ruling appear in the latest membership list for the Bunurong Land Council Aboriginal Corporation, according to the Register of Indigenous Corporations under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth).

Witness	Terry Garwood
Committee member	Danny O'Brien
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Question

Danny O'BRIEN: If you could come back to me if you find anything, that would be good. A quick question: **in 2021–22 or 2022–23 did the department conduct any polling or consultations with the general Victorian population with respect to attitudes to treaty in Victoria?**

Terry GARWOOD: Sorry, what period are you talking about?

Danny O'BRIEN: In the period that we are looking at.

Terry GARWOOD: No, not that I am aware of.

Danny O'BRIEN: None at all?

Terry GARWOOD: Not that I am aware of.

Danny O'BRIEN: And no public research?

Terry GARWOOD: Not that I am aware of.

Danny O'BRIEN: Okay. Would you be able to check when you say, 'Not that I am of'? And Secretary, have you got anything further to add?

Jeremi MOULE: No.

....

Danny O'BRIEN: Okay. **So as far as you are aware, no research or polling of the community has been done?**

Terry GARWOOD: I will check on that and take it on notice. I am almost certain that the answer is no, but I just want to check.

Answer

The department has not identified the commissioning of any polling of Victorians with respect to attitudes to Treaty in Victoria in the 2021–22 or 2022–23 periods.

Witness	Matt O'Connor
Committee member	Bev McArthur
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Question

Bev McARTHUR: IRV provides specialised industrial relations advice to government. **How many briefings, formal or informal, did DPC or IRV provide to the Premier's and ministerial offices in relation to EBA negotiations and disputes across the Victorian public sector?**

Matt O'CONNOR: Well, firstly, I think I will have to take that on notice.

Bev McARTHUR: That is fine.

Matt O'CONNOR: Can you give me a period for that, please?

Bev McARTHUR: For these two financial periods.

Matt O'CONNOR: For the two financial years we are talking about? Yes, I will take that on notice if I can.

Answer

IRV prepared 22 briefs (through the department's electronic briefing system) about public sector enterprise bargaining agreements during the period of 1 July 2021 and 30 June 2023.

Witness	Jeremi Moule
Committee member	Ellen Sandell
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Question

Ellen SANDELL: Okay. Related to the electoral system, so I am not sure who this is best directed to, **how much did it cost in those two budget years to move from multimember wards to single-member wards for local council elections?**

Jeremi MOULE: That has not been fully implemented yet. The government will at some stage –

Ellen SANDELL: It has in some areas.

Jeremi MOULE: The government will need to, most likely early next year, gazette final arrangements for ward structures for councils across the state. But that is very much a partial implementation in terms of cost. Is that the specific –

Ellen SANDELL: Yes.

Jeremi MOULE: I think we will need to take that on notice. I do not recall that being in the pack, no.

Answer

VEC costs in 2021–2022 and 2022–2023

The table below outlines the costs incurred by the Victorian Electoral Commission (VEC) in the 2021–22 and 2022–23 financial years to support the transition from a multi-member ward structure to a single councillor ward structure as provided by the VEC. These relate to the costs of necessary by-elections necessarily incurred as a result of the transition to a single councillor ward structure.

Council	Amount invoiced to Council	VEC net cost amount	VEC incurred total cost
Cardinia Shire Council — Westernport Ward	\$ 71,602	\$ 13,533	\$ 85,135
Maroondah City Council — Wonga Ward	\$ 76,746	\$ 12,740	\$ 89,486
Yarra Ranges Shire Council — Streeton Ward	\$ 90,780	\$ 15,614	\$ 106,394
Mornington Peninsula Shire Council — Watson Ward	\$ 122,475	\$ 19,718	\$ 142,193
	\$ 361,603	\$ 61,605	\$ 423,208

The VEC has advised that costs to councils in a by-election include costs associated with:

- Communications campaign costs: Statutory advertisements, reminder advertisements, multi-language ballot pack leaflets and translating and interpreting services.
- Election office operational costs: Accommodation, computer equipment, furniture, equipment, stationery and general postage, forms, manuals, telephone costs, couriers and logistics, motor vehicles and staffing.
- Printing of ballot material: Envelopes, candidates' statements, and ballot papers.

Other agencies

Local Government Victoria, in the Department of Government Services, has advised that it did not have any expenditure in the 2021–22 and 2022–23 financial years to support the transition of councils from a multi-member ward structure to a single councillor ward structure.

WorkSafe Steering Committee

Terms of Reference

Context

1. WorkSafe is Victoria's health and safety regulator and workplace injury insurer. Its duties, functions and powers are specified in several acts of the Victorian Parliament; primarily the *Occupational Health and Safety Act 2004* and the *Workplace Injury Rehabilitation and Compensation Act 2013*.
2. WorkSafe administers the WorkCover scheme, which is facing a number of challenges. Continuing growth in the volume, complexity and duration of claims (particularly those relating to mental injury); a growing gap between revenues and claims liabilities; and the impacts of the COVID-19 pandemic have had a material impact on WorkSafe's financial position.
3. The WorkCover scheme has been the subject of a number of reviews, including:
 - Victorian Ombudsman (Ombudsman) investigations into WorkSafe's management of complex workers' compensation claims (2016 and 2019)
 - Financial Sustainability Review (Finity Report) (December 2020)
 - Review of the WorkCover Premium Model (Taylor Fry Report) (March 2021)
 - Independent Review of WorkSafe's management of complex workers compensation claims (April 2021)
 - Financial sustainability review of the State's insurance agencies (ongoing).
4. In May 2021, the Expenditure Review Committee (ERC) endorsed a [REDACTED].
5. ERC also agreed to [REDACTED]
 - [REDACTED]
 - [REDACTED]
6. [REDACTED]

Functions

1. The Steering Committee will coordinate and oversee the development of reform options and monitor the implementation of initiatives and reforms being undertaken by WorkSafe to inform decisions of Cabinet. The Steering Committee will support agencies to provide consistent and consolidated advice to relevant Ministers, including the Premier, Treasurer, Assistant Treasurer and Minister for Workplace Safety, including through Cabinet Committees.
2. The Steering Committee will:
 - coordinate and oversee an assessment of WorkSafe's performance against interstate schemes including:
 - comparison of eligibility assessments;
 - benefits; and
 - compensation changes to incentivise workers to return to the workforce sooner.
 - coordinate and oversee the development of reform options to improve WorkSafe's performance to address sustainability challenges, giving consideration to findings and recommendations of recent investigations and reviews. No reform options should be discounted. Potential areas for reform include:
 - injury prevention initiatives to reduce claims, particularly mental injury claims;
 - implementation of early and ongoing assessment of claims complexity and improving the management of complex claims to drive down long-tail claims;
 - improving recovery and return to work rates;
 - address the growth of mental health claims, including in the public sector; and
 - coordinate and oversee the development of a comprehensive workplan which sets out scheme redesign options and supporting high-level analysis, including reforms to eligibility, payments and benefits.
 - support the development and approval of performance measures to monitor the delivery of initiatives (including those already underway) and reform options approved by Government; and
 - monitor the delivery of initiatives and reforms to support WorkSafe's financial sustainability against the approved performance measures through a quarterly report provided to the Steering Committee by WorkSafe;
3. The above workstreams will support the development of a submission to [REDACTED]
[REDACTED]
[REDACTED].
4. The Steering Committee will also support the development of a report back to [REDACTED]
[REDACTED]

Governance

Steering Committee

5. The Steering Committee will comprise the following members:

- Chief Executive Officer, WorkSafe
- Deputy Secretary, Economic Policy and State Productivity, DPC
- Deputy Secretary, Commercial Division, DTF
- Deputy Secretary, Service Delivery Reform, Coordination and Workplace Safety, DJCS

And the following attendees:

- Executive Director, Economic Strategy Branch, DPC
- Executive Director, Financial Assets and Liabilities, DTF
- Executive Director, Workplace Safety Reform, DJCS
- Chief Financial Officer, WorkSafe
- Executive Director, External Affairs, WorkSafe

6. The Deputy Secretary, Economic Policy and State Productivity, DPC, will chair the Steering Committee.
7. Other officers of the members' organisations may attend the meeting to support relevant discussions.
8. The Steering Committee will meet every three weeks or as agreed.
9. DPC will provide Secretariat support for the Steering Committee.
10. The Steering Committee will be supported by a Working Group.

Working Group

11. The Working Group will be chaired by DPC and comprise members from the departments represented on the Steering Committee.
12. The Working Group will meet weekly or as agreed.

Guiding Principles

- All reform options are in scope, [REDACTED].
- All members of the Steering Committee and Working Group will actively and promptly share relevant information across the entire group to facilitate timely and informed discussions at meetings.
- Members will use the Steering Committee and Working Group forums to ensure that advice being provided by Departments and agencies to their respective Ministers is, as far as is practicable, consistent and based on the shared facts and inputs developed by the Steering Committee.