

# TRANSCRIPT

## PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

### Inquiry into Budget Estimates 2018–19

Melbourne — 12 June 2018

#### Members

Mr Danny Pearson — Chair

Ms Sue Pennicuik

Mr David Morris — Deputy Chair

Ms Harriet Shing

Mr Steve Dimopoulos

Mr Tim Smith

Mr Danny O'Brien

Ms Vicki Ward

Ms Fiona Patten

#### Witnesses

Mr Martin Foley, Minister for Equality, and

Ms Rebecca Falkingham, Deputy Secretary, Social Policy Group, Department of Premier and Cabinet.

**The CHAIR** — I declare open the public hearings for the Public Accounts and Estimates Committee inquiry into the 2018–19 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; and Ms Rebecca Falkingham, Deputy Secretary, Social Policy Group, Department of Premier and Cabinet; and in the gallery Ms Jennifer Wolcott, Director of the Equality Branch, and David Burns, Acting Executive Director, Equality and Multicultural Affairs and Social Cohesion. Any witness who is called from the gallery during the hearing must clearly state their name, position and relevant department for the record.

All evidence is taken by this committee under the provisions of the Parliamentary Committees Act, attracts parliamentary privilege and is protected from judicial review. Any comments made outside the hearing, including on social media, are not afforded such privilege.

The committee does not require witnesses to be sworn, but questions must be answered fully, 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. You will be provided with proof versions of the transcript for verification as soon as available. Verified transcripts, any PowerPoint presentations and handouts will be placed on the committee's website as soon as possible.

Witness advisers may approach the table during the hearing to provide information to the witnesses if requested, by leave of myself. However, written communication to witnesses can only be provided via officers of the PAEC secretariat. Members of the public gallery cannot participate in the committee's proceedings in any way.

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.

### **Visual presentation.**

**Mr FOLEY** — Thank you, Chair and committee members. In brief, this new portfolio of equality will in this budget invest \$5.4 million in essentially two broad categories of activity. The first of those is in a Pride Events and Festivals Fund, which is a \$2 million four-year program which will, as its name implies, fund both pride events and festivals, most particularly the Midsumma Pride March which is held every January, sometimes February. This funding will help secure this growing and developing cultural and artistic festival while making sure that arrangements for much more grassroots and much more organic emerging support festivals across the state are also delivered. We will also through this budget allocate, largely through Health and Human Services but in consultation with the equality portfolio, moneys of some \$3.4 million over four years to our healthcare system, particularly two new gender clinics, skills development training for health care professionals and a peer support program.

Moving on — it is a bit unfair, I will grant you, given that there is no direct comparison — in terms of investment in the portfolio, in terms of portfolio funding, we have seen an allocation of \$32.6 million cumulative over the term of this portfolio in this term of government to the equality portfolio, the single largest part of that being \$15 million in foundation funding for Victoria's first Pride Centre, which is well on schedule.

Moving on to the next slide, which takes a whole-of-government view, because of course the equality portfolio being quite small, one of its main jobs is to make sure that it engages with the rest of government to provide opportunities for equality for LGBTI Victorians. In this regard we are able to draw some comparisons with the four years from 2011–16 and 16–19. Specifically there we can see the increase from \$5 million to \$28.4 million over that period of time. That largely, in terms of whistlestop tour, includes LGBTI family violence allocations; a substantial expansion of the Healthy Equal Youth grants program, expanded from the previous government; the investment for the Monash gender clinic; and investment for the Royal Children's Hospital gender clinic; together with support for the Safe Schools program and the multicultural LGBTI grants program, all of which come together in that 32 million figure.

In terms of other arrangements, I will point to the legislative reform program that the government has largely successfully steered through the Parliament, which involves repealing section 19A of the Crimes Act, which abolished the specific offence of intentionally infecting another person and defined a serious disease solely as HIV. We are glad that that particularly homophobic piece of law was consigned to the waste bin of history. There have also been changes to the Sentencing Act initiated by the former government but finalised in terms of arrangements and delivery to the Department of Justice and Regulation under this government a process of expunging historical convictions for homosexual activity. Indeed that was supplemented by a bipartisan apology to those people by the Parliament, who should never have been convicted of such an offence but sadly were. We also amended the Adoption Act to make sure that adoption by same-sex couples was able to be delivered regardless of one's sexuality or gender identity.

There are also finally amendments to the relationship amendments act together with the Health Complaints Act, and most recently through the amendment to the Births, Deaths and Marriages Act and the Access to Justice omnibus bill that gave fruition to those adults to provide for them to alter the record of their sex identification in the Victorian birth registration without a requirement to be unmarried, repealing the trans forced divorce provisions, as they were previously known, to give effect to that one missing piece of the puzzle of the marriage equality legislation at the federal level.

So in terms of a near final proposition in terms of, as I indicated, the Pride Centre being the single largest contribution over this period of time, the \$15 million for design and construction continues afoot. Last year and then earlier this year there were a series of announcements about the Pride Centre based on support from the City of Port Phillip, who kicked in the land. That process has now seen a design concluded earlier this year, now with planning provisions being expedited by the City of Port Phillip for the centre to be located on Fitzroy Street.

The Pride Centre itself will be developed for the LGBTI community through an independent not-for-profit company limited by guarantee called the Victorian Pride Centre Limited, which is being chaired by Jude Munro, AO. Whilst the design has been announced, we are also working closely with the City of Port Phillip and with the Pride Centre board to deliver that planning outcome and the range of quite necessary partnerships to land that centre. I was particularly pleased that the commonwealth came on board with granting charity status to the Pride Centre so as to assist them in their philanthropic works, and I thank the federal government for that.

Nearly finally, the LGBTI Community Grants Program, which commenced in 16–17, have been very successful in building capacity and leadership right around the state, and we have seen over 18 organisations share organisation development grants and indeed partner with Leadership Victoria to establish a groundbreaking LGBTI leadership capacity development plan that has already been well and truly oversubscribed. As we speak, the rural and regional LGBTI roadshow I think is in Ballarat, and it has —

**Ms SHING** — The Leader of The Nationals is in fact on the photograph there on that slide, Minister.

**Mr FOLEY** — Yes, the Leader of The Nationals. Can I say The Nationals have been fantastic supporters of this program. More so —

**Ms SHING** — On the ground perhaps, Minister.

**Mr FOLEY** — The Liberals have also been supportive, but the Nats have gone out of their way to support this program in their own communities, and I commend them for that. That has visited more than 23 towns, hosted over 220 engagement activities and seen over 2500 direct attendees of LGBTI people, and we have now started to see a return of LGBTI and diverse Victorians from the city to their communities at home, feeling more engaged and welcomed. I can point to a number of successful examples of that. The fact that we now have, for instance, at the Minus-18 formal something like a third of the place filled with kids from the regions is a real outstanding example of how this program has been successful.

Whilst it is early days after a small toe in the water for the equality portfolio, Chair, I think in the time that we have had available to us we have made a substantial contribution to making Victoria a better LGBTI inclusive community.

**The CHAIR** — Thank you, Minister. We will have government questions until 4.31 p.m. Ms Shing?

**Ms SHING** — Why not? I will take the opportunity, including as the ambassador for the Safe Schools program. Minister, I would like to talk about health for our LGBTIQ Victorians and the issue in particular of gender dysphoria and funding that is associated with increasing pride and a sense of comfort in one's own skin, whether through community festivals, through medical care and services, through mental health services and facilities or through the work that has gone into the funding that you have outlined and referred to at page 3 of your presentation. What are the barriers that have been reduced for individuals and parents who often have to travel large distances to access services for healthcare supports for gender dysphoria, and how do we assist in meeting the growing number of referrals that exist in this particular area? The budget paper reference is budget paper 3, page 102.

**Mr FOLEY** — Thank you, Ms Shing. We know, in funding initially the children's hospital and now Monash Health for the gender clinics, the demand for these services, and essentially Victoria has become the de facto national centre for this service. To take as but one snapshot, 16 years ago less than five kids were on the children's hospital dysphoria list. Now there are over 400 and growing, and that reflects a preparedness of families to recognise trans issues in their kids and a preparedness of health agencies to also recognise and deliver support services.

Both the Monash and the children's hospital are statewide services, but as a result of increasing demand we know that these multidisciplinary clinics need to expand their reach and response to expanded demand, particularly in regional and rural Victoria, where barriers to access to services, like they are to all sorts of health services, continue to be availability and ability to engage in your own community with those services.

This funding will deliver support for critical services and is in addition to the Royal Children's Hospital and Monash, but what it will also do is it will enable services to look at, when it comes to regional and rural Victorians, an expression of interest process. We know this because already we have been more than pleasantly surprised by those services who have sought to express interest in wanting to partner and deliver these services. We will go through a process whereby at least one of these new services will be in a regional centre, and we hope to have more to say about that once a proper expression of interest and partnership arrangement has gone through. That will be in addition to the existing services at both the children's hospital and the Monash clinic.

**Ms SHING** — Minister, just on the issue of the LGBTIQ cohort being overly represented in areas of mental health, access to services, the need for specific services tailored in the family violence space and the Healthy Equal Youth grants — budget paper 3, page 102 — how does the \$5.4 million investment that is part of that 28.4 million total investment over the term assist the capacity of not-for-profit, volunteer-led organisations across the state to demonstrate equality and to demonstrate in practical terms that matter for Victorians that equality in our state is not negotiable?

**Mr FOLEY** — Essentially by seeking to fund capacity building and leadership development within the LGBTI community itself, what we have seen is a raft of organisations emerge as a result of some of the initial HEY grant funding. I concede and I support the notion that that was kicked off by the former government but now expanded to a new level. That has managed to, in partnership with other civic and health organisations, allow people to express their identity freely and in a supportive manner in their our communities, increasingly so with the view that what that has seen is the need to build the capacity of those organisations through small-scale leverage grants which will lever off much better, wider capacity arrangements. For instance, the regional and rural roadshow has identified many of those groups which have been subsequently able to put together applications to develop those and then, what is more, come together in metropolitan Melbourne but a few short months ago to grow their practice.

**Ms SHING** — Thank you, Minister, for all that you do and all of the department and your staff have done. I appreciate it enormously.

**Mr MORRIS** — Minister, the DPC output summary on page 299 of BP3 shows LGBTI equality policy and programs are budgeted to receive 19.5 million in 2018–19, which is up almost fivefold on the previous year. I am just trying to unpack what is involved in that. We know that there is a new measure included on page 311, the output detail. I think there is 500 000 on page 102 allocated to pride events and festivals —

**Mr FOLEY** — I am struggling to hear you, David, sorry.

**Mr MORRIS** — And a further 1.7 for supporting LGBTI Victorians in the healthcare system, so what is the rest of the money for?

**Mr FOLEY** — I just missed that again, so where are we at?

**Mr MORRIS** — The acoustics in this room are fantastic.

**The CHAIR** — Perhaps refer to the budget paper reference.

**Mr MORRIS** — \$19.5 million in the output summary for DPC, up almost 500 per cent. I can see where some of the money is, but can you tell me what the rest is for?

**Mr FOLEY** — In terms of the whole-of-government arrangements? If I am understanding the question correctly, as we indicated —

**Mr MORRIS** — You have got a 473.5 per cent increase in funding in this program. I am asking you what the money is going to be used for.

**Mr FOLEY** — In terms of the community development side of things?

**Mr MORRIS** — The whole lot.

**Mr FOLEY** — The whole lot. It is a combination of both the ongoing programs, some of which were established in previous budgets obviously and now the additional ones. In terms of the equality output initiatives, a whistlestop tour would be the establishment of the portfolio itself. The Combatting Homophobia programs, which date from 16–17, are ongoing. The LGBTI grants programs — again from 16–17 — which have been expanding —

**Mr MORRIS** — Can you attach some figures to those as you go?

**Mr FOLEY** — I can. Cumulatively, over the forward projections, the first of those would be 3.2 million. The second of those, Combatting Homophobia, would be 2.5 million. The LGBTI grants program would be 4 million. The equality initiative — that is, an inclusive Victoria that celebrates the diversity side of things — this most recent of initiatives would be 2 million, the Pride Events and Festivals Fund would be 2 million. The expanding of the healthcare system in capacity would be, again in this most recent budget, a \$3.4 million allocation. And as I indicated, a \$15 million capital and planning design allocation from 16–17 for the Pride Centre.

**Mr MORRIS** — That 15 million for the Pride Centre is in that 19.5. Is that correct?

**Mr FOLEY** — No, that is in the total arrangement. We are talking about outputs, so you are quite right. Some of the 15 million would be for capital arrangements. In terms of the 15 million, the earlier ones and the first six line items I described would be the main contributions to that figure.

**Mr MORRIS** — They effectively add those bits and pieces to the 19.5?

**Mr FOLEY** — I am hoping that that is the case.

**Mr MORRIS** — All right. Okay, sticking with that subject of the Pride Centre, BP4, page 72, indicates that the Pride Centre no longer appears as a capital project as funding was transferred to an output which was subsequently provided as a grant to the Pride Centre to deliver the project. Was that figure the 15 million?

**Mr FOLEY** — Yes. It is the 15 million.

**Mr MORRIS** — Okay. When did it occur?

**Mr FOLEY** — When did that occur? Following the establishment of the Pride Centre, as I indicated in my presentation, as a company limited by guarantee, I will just get some advice —

We might have to take that particular date on notice, but I am advised that that process has occurred.

**Mr MORRIS** — Has occurred. Okay, if you could provide that date on notice, I would appreciate it. Can I just ask you about accountability in terms of the Pride Centre itself? I am wondering whether, for example, they are required to publish an audited annual report.

**Mr FOLEY** — As a company limited by guarantee they are obliged under corporate law to be accountable for a whole range of different measures.

**Mr MORRIS** — So should that appear on their website?

**Mr FOLEY** — I might get some advice, not being a corporate lawyer myself.

**Mr MORRIS** — That makes two of us.

**Mr FOLEY** — I would imagine that the board, under the leadership of Jude Munro, AO, and having a fairly wide-ranging group, have been assiduous in accountability and transparency, but I might ask the deputy secretary to perhaps elaborate.

**Ms FALKINGHAM** — I have just found the detail that we need. The funding agreement between the state and the independent Pride Centre was signed, detailing the key milestones. The initial payment of 1.5 million was made to the VPC in September 2017. A further 750 000 payment was made in May 2018. This payment corresponds with their current milestones for the completion of a costed schematic design for the centre. The remaining funds we release when the final design and approvals and funding are in place. We obviously go through a fairly detailed milestone and release stage of the process.

**Mr FOLEY** — In terms of annual reports, I might have to take that question on notice. We will get back to you on that one through the committee secretariat.

**Mr MORRIS** — Okay. Can I just ask you, in terms of pride event funding, what is the distribution strategy for pride event funding? I mean, it is obviously Midsumma as a significant event, but how is funding allocated to other events around the state?

**Mr FOLEY** — It is early days, but just reflecting on the Midsumma Festival, all festivals now have quite serious extra costs associated with community safety, not to mention traffic management and other issues that go with it, given the peculiarity of how the Pride March has to get across Beaconsfield Parade on a busy Sunday afternoon.

**Mr MORRIS** — In terms of other events, I am just wondering what sort of processes you have put in place to ensure that the funding has the most impact effectively.

**Mr FOLEY** — I will certainly share what we understand for the application and selection criteria for the organisational grants component of it. Applications go through a two-stage process: first the expression of interest and then eligible applicants are invited to submit a full application. They are then reviewed by an independent expert panel of peer LGBTI community members and others, depending on the nature of the applications, who then make recommendations to the minister, in this case myself. Those grant recipients are evaluated through six-monthly and acquittal reports, and the program evaluation is then conducted at the end of the four-year program by an external evaluator, which is pretty much a standard community development grant process.

**Mr MORRIS** — Are those guidelines public or is that just sort of the internal document?

**Mr FOLEY** — We understand that they are public but we will again clarify that. I am pretty sure they are public.

**Mr MORRIS** — If you are comfortable to, could you provide those on notice as well?

**Mr FOLEY** — Absolutely, because they are shared with all the applicants. I am pretty sure it is an online application process.

**Ms PATTEN** — Minister, I have just got a couple of questions. The first one is actually around, in your presentation, the law reform that has been introduced within the equality portfolio, and it is quite substantial. I

take note that during the same-sex marriage postal survey that was done the federal government actually introduced some legislation around vilification on the grounds of sexuality, and I note under Victorian law we do not have that same vilification legislation — we have certainly got it for race and religion. I am wondering, looking at supporting the LGBTI community in Victorian health care and in the festivals, is there a way to direct some funding to law reform in regard to the vilification of people on the grounds of their sexuality?

**Mr FOLEY** — The Equal Opportunity Act does seriously impact on that issue, and one of the grounds that not so much vilification but discrimination is clearly touched on is sexuality. In terms of our wider legislative reform, whilst we have been quite successful, there were a couple of provisions, or one in particular, that we were unsuccessful in and suffered a narrow loss in the Legislative Council around the Equal Opportunity legislation when it comes to inherent requirements about discrimination in employment. In terms of vilification, it is not an issue that we went to the election in 2014 on. In terms of the government's position, we do not have a policy position on extending vilification arrangements to sexuality and gender identity. We would be very keen to work with the Commonwealth, given that clearly as a state we are picked up by that, and we would be very keen to make sure that no LGBTI Victorian is vilified for being who they are. Really that is at the core of what our policy program is designed to achieve.

**Ms PATTEN** — Fantastic. In the time I have got left, just turning to budget paper 3, page 311, and the performance measures for the engagement of the LGBTI community. I note that the actual number is considerably smaller than your projected output performance measures going forward. You note that the increased output for this year was due to the commissioner's —

**Mr FOLEY** — Roadshow.

**Ms PATTEN** — roadshows and dedication. Does that mean that we are not going to see the same amount of engagement from the commissioner in the coming 12 months? I would be surprised — you have to lock her in a cupboard, or a closet as it may be.

**Mr FOLEY** — In terms of specifics of the Commissioner, as we speak they are out on the rural and regional roadshow on their way —

**Ms PATTEN** — Yes. It is rare to go anywhere and not see the commissioner.

**Mr FOLEY** — Exactly. In terms of our target and actuals, we are quite keen to see the actuals continue to outstrip the targets.

**Ms PATTEN** — Well, seeing as they nearly tripled it this year, you just seem very modest, and I see this in lots of the output measures from every department it seems.

**Mr FOLEY** — I might ask the deputy secretary to expand, but pretty much underpromise and overachieve is the philosophical approach in this portfolio.

**Ms PATTEN** — Where is the challenge in that?

**Ms FALKINGHAM** — Our hope is we absolutely maintain those levels. One of the benefits of the program so far has been empowering communities and building capacity to run their own programs as well, so you will see a lot of follow-up events that have happened after the commissioner has been out on the roadshow. We have got a whole list of upcoming events as well. So our hope is we do maintain that level based on the community's own developing program schedule.

**Ms PATTEN** — But the idea is to outperform?

**Ms FALKINGHAM** — Absolutely, as always.

**The CHAIR** — I would like to thank the witnesses for their attendance. The committee will follow up on any questions taken notice in writing. A written response should be provided within 10 business days of that request.

**Witnesses withdrew.**