

## Questions taken on notice

Portfolio:	Attorney-General
Witness:	Ms Lynda Rogers
Committee member:	Mr Danny O'Brien
Page of transcript:	9

**Mr D O'BRIEN:** Thank you, Chair. Good morning, Attorney and officials. Can I go back to Ms Rogers, just the discussion we were having about IBAC: what is the name of the IBAC trust fund that you referred to?

**Ms ROGERS:** We can come back with further details on that, but it is a trust fund that they have access to and the Treasurer has approved. As part of the machinery-of-government change, it will be transferring to IBAC, and they will be able to draw down on that trust. I am happy to take on notice to provide further details.

The name of the Trust is the IBAC Trust Account.

Portfolio:	Attorney-General
Witness:	Ms Lynda Rogers
Committee member:	Mr Danny O'Brien
Page of transcript:	9

**Mr D O'BRIEN:** Okay. The IBAC annual report refers to it. It says:

... in 2020/21 IBAC plans to use an IBAC Trust fund ...

Are there other IBAC trust funds?

**Ms ROGERS:** That is the same trust fund that we are referring to.

**Mr D O'BRIEN:** Yes, but the fact that it says 'an IBAC trust fund', not 'the IBAC trust fund'—are there other IBAC trust funds, is the question.

**Ms FALKINGHAM:** No, there are not.

**Mr D O'BRIEN:** Okay. Can you tell me how much money is in the trust fund now—not what is being drawn down but the total fund?

**Ms ROGERS:** IBAC transferred to the Department of Parliamentary Services, so at the moment I do not have visibility of that full trust fund, but we are happy to take that on notice.

The current balance of the trust is \$7.36 million. It is anticipated that the balance of the IBAC trust will be exhausted at the conclusion of 2020-21 however an allowance has been made to carryover expenses in to 2021-22 if required.

Attorney-General QoN  
Attachment A

Portfolio:	Attorney-General
Witness:	Ms Lynda Rogers
Committee member:	Mr Danny O'Brien
Page of transcript:	9

**Mr D O'BRIEN:** *That would appear to be correct, Attorney, because it does say 'both of which are expected to be exhausted by 30 June', so we are running down the trust fund completely. When was the application made to the Treasurer, Ms Rogers?*

**Ms ROGERS:** *I will have to take that on notice and get you those details.*

**Mr D O'BRIEN:** *Okay. The second question was: when was the application made and when was it approved? So if you could come back to me on that, that would be good.*

IBAC formally requested access to the IBAC trust on 8 October 2020. The request was made to the Assistant Treasurer as he holds responsibility under the *Financial Management Act 1994* for approving the creation of trust funds.

Access to trust funds was approved by the Assistant Treasurer on 14 December 2020.

Portfolio:	Attorney-General
Witness:	Ms Rebecca Falkingham
Committee member:	Mr Danny O'Brien
Page of transcript:	11

**Mr D O'BRIEN:** *Okay. Can I go to the same budget paper—page 384, budget paper 3. I am just wondering if you can clarify what appears to be a discrepancy. It refers to the actual financial result for 2019–20 as \$16.2 million, but the Ombudsman's annual report shows \$19.3 million. I am just wondering what the discrepancy is. Potentially the budget figure for 2019–20 was also \$16.2 million, and I wonder whether there has just been an error made and the wrong figure transposed.*

**Ms FALKINGHAM:** *I will take that on notice for you.*

The actual output cost in the budget papers reflects expenses from appropriation revenue. Therefore, the difference between the 2019-20 actuals reflects other expenses from other funding sources reflected in the Ombudsman's annual report but not captured in the actual output costs in the budget papers. These costs include fee for service revenue, Treasurer's Advances, and Special Appropriations provided to the Ombudsman.

Attorney-General QoN  
Attachment A

Portfolio:	Attorney-General
Witness:	Ms Anna Faithfull
Committee member:	Mr David Limbrick
Page of transcript:	12-13

**Mr LIMBRICK:** Thank you, Chair, and thank you, Attorney-General and staff, for appearing today with your presentation. I would like to turn your attention please to budget paper 3, page 308. This contains some KPIs. If we look at the third KPI in this list, the information and advice provided by the Office of the Public Advocate, it appears during the pandemic they basically managed without a hitch, right? They had a slightly lower number of information and advice provided than last year, but pretty much within what they expected. However, if we compare that to the information and advice provided by the Victorian Equal Opportunity and Human Rights Commission, they had a significant drop—an approximately 25 per cent drop—and if we look at the explanation of that, it says: The ... outcome is lower than the 2019–20 target primarily due to the Commission’s enquiry telephone line service being unavailable to staff working remotely ... from home. I went and checked their media releases, and it was reported—I think they announced that—back in March that their inquiry line would be shut down. What is the reason for this? It seems quite astonishing to me that in the middle of a pandemic, when we have seen some of the biggest human rights suppression in Victorian history, the people charged with protecting and advocating for human rights have turned off the phones and gone home.

**Ms HENNESSY:** Well, I might invite Ms Faithfull, whose remit of responsibility sits under the—we have got too many acronyms in this world—the VEOHRC. I do not want to steal Ms Faithfull’s thunder, but I think saying that ‘turn off the phones and go home’ is not correct in terms of their activity. And then perhaps talking about the important work that OPA did, the OPA was very critical during the COVID-19 era for a whole range of other reasons. But perhaps, Anna, you could address Mr Limbrick’s concerns about how the commission was operating during that time?

**Ms FAITHFULL:** Thank you, Mr Limbrick, for your question. So certainly one of the issues that VEOHRC had to manage in moving very quickly to a work-from-home environment was that the technology that supports their phone line was not able to initially facilitate it. So if someone rang into VEOHRC, the technology was not able to transfer that phone call from VEOHRC’s central location to the person being at home—so the staff member who would normally take the inquiry. We worked very closely, the department CIO, with VEOHRC to enable that technology to be put in place so that the phone calls could go directly to the person who was working from home. So what I can do and take on notice is inquire further of VEOHRC about once that technology fix had been made, recognising that there were a range of technology fixes that had to be undertaken across the justice system for all justice partners. So I am conscious that it was one of many and did take a little time to get back online, but I can take on notice and inquire for you once it was online what they saw in terms of the continuation of inquiries. But I am certain that inquiries were then responded to and continued to be responded to throughout the rest of the COVID pandemic in 2020.

The Commission’s enquiry phone service was set to route to a recorded announcement on 23 March 2020 due to an inability for the technology platform to function remotely. The Enquiry Service remained active and available to help via email. The Department of Justice and Community Safety have over 50 public facing and internal contact centres and reception functions that required a new technical solution for remote working to be developed, tested and implemented, the department’s Technology Solutions group worked with their IT and telecommunications partners to complete this work as a critical priority.

Attorney-General QoN  
Attachment A

The phone service became operational on 28 May 2020. During this period callers received a recorded message explaining that although the office and enquiry phone line were temporarily closed they would be redirected to contact an Information Officer by email at enquiries@veohrc.vic.gov.au or by accessing the live webchat service via the Commission's website. During this period Information officers were provided with mobile phones so they could call individuals directly if and when they accepted this offer.

Portfolio:	Attorney-General
Witness:	Ms Anna Faithfull
Committee member:	Mr David Limbrick
Page of transcript:	13

**Mr LIMBRICK:** So when did the inquiry line come back online?

**Ms FAITHFULL:** I would have to take that on notice. I can give you the accurate time.

The phone service came back online on 28 May 2020.

Portfolio:	Attorney-General
Witness:	Ms Anna Faithfull
Committee member:	Mr David Limbrick
Page of transcript:	13

**Mr LIMBRICK:** Because these figures are saying it was 8300-odd in the 2018–19 financial year, down to 6650 in the 2019–20 financial year, but the pandemic part of that is only a few months so that would be a very significant number. Do we know how many calls came in that were missed to that inquiry line? Is that tracked?

**Ms FAITHFULL:** I understand it is tracked, so hopefully I will be able to get that from VEOHRC for you.

**Mr LIMBRICK:** So you can take that on notice?

**Ms FAITHFULL:** Yes.

382 phone calls were unable to be received between 23 March and 28 May. The Commission is unable to track how many of these callers utilised the email and webchat functions to access the enquiry service during this period. The Commission continued to provide an active enquiry service during this period and responded to 876 enquiries via email, live webchat, letter, in person during community education sessions, its online community reporting tool, letter and phone calls made by its Information Officers to individuals who had requested call backs.

Attorney-General QoN  
Attachment A

Portfolio:	Attorney-General
Witness:	Ms Anna Faithfull
Committee member:	Mr David Limbrick
Page of transcript:	13 & 14

**Mr LIMBRICK:** All right. That would be good to know—how many calls were actually missed. Another related question as well: similarly, the ‘Education and consultancy sessions’—so this is another KPI on the same page, page 308—that again was down significantly, and the explanation was given that face-to-face education delivery was ceased. Why couldn’t they move to Zoom sessions like everyone else did? I do not get why that was down so much.

**Ms FAITHFULL:** Yes. Thank you for the question, Mr Limbrick. So, they did move to Zoom sessions once they were able to kind of transition all staff to home—so that included giving all staff the technology to be at home and ensuring that people had safe work environments in their home environment. And VEOHRC did move to doing more education sessions virtually, but I think they also went through a period where they had to—

For the organisations that would normally participate in those education sessions, there was a drop-off to some extent as those organisations were also dealing with their COVID response. So again I can take on notice much more detailed data on education sessions by month and particularly as to whom—and also essentially cancellations or deferrals, which might also better illustrate for you the impacts that COVID had on that service from VEOHRC.

**Mr LIMBRICK:** Thank you. Another related question, though: during that period where they were not doing any education sessions and they were not answering the phones—we do not know yet what sort of time frame that is—what were they doing instead of those activities that they would normally do?

**Ms FAITHFULL:** I do believe that in terms of inquiries, investigations and education sessions there was still a level of activity going on, but I think the other core role that they have played during the COVID pandemic is supporting agencies across government in monitoring and ensuring that human rights have been complied with. So they were, for instance, extensively involved in regular briefings and discussions—I know with our department particularly, my colleague the commissioner for corrections and youth justice—around the activities that were taking place in those facilities and institutions in response to COVID-19, so I can speak to certainly my own experience that they were very actively engaged and very busy on that work. But I can certainly again take that on notice and get further articulation from VEOHRC around how they were using that time in that sort of lee period where the technology was being ramped up.

During this period, the Commission continued to provide information, enquiries, education and dispute resolution services to the public by phone, video, email, letter, live webchat, and via its online community reporting tool.

#### [Enquiries service](#)

The Commission continued to provide an active enquiry service during this period and responded to 876 enquiries via email, live webchat, letter, in person during community education sessions, its online community reporting tool, letter and phone calls made by its Information Officers to individuals who had requested call backs.

#### [Education & Community engagement](#)

During this period the Commission rapidly transformed its education work to an online service that could be delivered via Zoom. The Commission delivered public education, engagement and information services particularly to those communities experiencing racism during COVID-19. The Commission focussed on community education for rights holders, particularly advocates, such as union advocates and disability advocates. The Commission also held public webinars on relevant laws and its dispute resolution service.

The Commission promoted and saw an increase in the use of its E-Learning modules on the Victorian Charter by public authorities. The Commission also focused efforts on developing and launching essential online resources for the public, including its online sexual harassment support and response tool, its flexible work planning tool, Sexual Harassment Guidelines and EO Contact Officer resources.

The Commission initiated multiple community roundtable discussions to provide information to the public about the Charter of Human Rights and Responsibilities, the Equal Opportunity Act, the Racial and Religious Tolerance Act.

#### Dispute Resolution service

The Commission's dispute resolution service continued to resolve individual complaints of harassment, discrimination, vilification and victimisation under the Equal Opportunity Act. Although the Commission was unable to conduct face to face conciliations at the Commission's offices, it was able to provide dispute resolution services remotely by phone and shuttle negotiations. The Commission upskilled its staff for conciliations to be run via Zoom, which has been very successful.

#### Information service

The Commission established a dedicated information hub on its website to provide information to the public on emerging issues arising from the COVID-19 pandemic and the Government's public health response. Information provided included outlining six key human rights principles to guide and assessing the Government response to monitor its compliance with the Charter, and a summary of the human rights impacts of the COVID-19 Omnibus (Emergency Measures) Act 2020 – particularly in relation to prisons and the justice system.

The Commission ran multiple targeted information campaigns online as part of exercising its function to provide information to the public around human rights. In particular, these campaigns focussed on issues related to rising incidents of racism, and making flexible work arrangements from the perspective of both employers and employees. Members of the public were encouraged to contact the Commission via email/online chat for further support if needed.

The Commission also directly supported agencies across government by monitoring the impact of COVID-19 response measures on human rights and providing information and advice accordingly. For example, the Commissioner and senior staff were involved in regular briefings and discussions with the Department of Justice and Community Safety, Corrections

Attorney-General QoN  
Attachment A

Victoria, IBAC and Victoria Police, among others, in relation to activities relating to those departments and agencies.