

TRANSCRIPT

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Budget estimates 2019–20 (Equality)

Melbourne—Thursday, 13 June 2019

Members

Mr Philip Dalidakis—Chair

Mr Richard Riordan—Deputy Chair

Mr Sam Hibbins

Mr Gary Maas

Mr Danny O'Brien

Ms Pauline Richards

Mr Tim Richardson

Ms Ingrid Stitt

Ms Bridget Vallence

WITNESSES

Mr Martin Foley, Minister for Equality,

Ms Brigid Monagle, Deputy Secretary, Fairer Victoria,

Mr John Batho, Assistant Executive Director, Fairer Victoria, and

Ms Rachel Cowling, Acting Director, Equality Branch, Department of Premier and Cabinet.

The CHAIR: I declare open this hearing of the Public Accounts and Estimates Committee. On behalf of the Parliament, the committee is conducting this inquiry into the 2019–20 Budget Estimates. Its aim is to scrutinise public administration and finance to improve outcomes for the Victorian community. The committee will now begin consideration of the portfolio of equality. I welcome the Minister for Equality, the Honourable Martin Foley, and officers from the department. Thank you again for appearing before the committee today.

All evidence given is protected by the Parliamentary Committees Act. This means that it attracts parliamentary privilege and is protected from judicial review. Witnesses found to be giving false or misleading evidence may be in contempt of Parliament and subject to penalty.

Minister, I invite you to make a brief opening statement or presentation of no more than 5 minutes, followed by enlightened questions from the committee. Over to you, Minister.

Visual presentation.

Mr FOLEY: Thank you, Chair, and I thank the committee for the opportunity for this presentation from me and officials from the Department of Premier and Cabinet just to give a brief outline of what the key goals for the equality portfolio are—this being the first of, I am sure, four fantastic engagements we will have with this committee on the portfolio.

The key goals are pretty straightforward. We want to make sure that lesbian, gay, bisexual, trans and gender diverse, intersex and queer, LGBTIQ, Victorians have the right to equality, fairness and full inclusion. Therefore the portfolio sets itself two high-level goals: to remove discrimination from Victorian law, services and society and promote inclusion, and to celebrate diversity.

The next slide is all about—given that this is the first of such, but not the only now, dedicated LGBTIQ equality portfolios in the commonwealth—how we have been going in terms of seeking to measure that. Since the portfolio was formed in December 2014, the investments over the first four years of the Andrews government equated to some \$32.6 million worth of investment. That has been particularly reflected in a few key programs. There is a \$15 million capital contribution for the Victorian Pride Centre and there has been, through a variety of grants and programs, clinical, non-clinical and community-based settings and projects, a further \$17.1 million worth of investment, and there has been a specific half-a-million-dollar commitment for the national marriage equality debate, which coincided with the first term of the Andrews government in this regard.

With respect to the budget that is now before us for scrutiny, in the 19–20 year we will have invested some \$10.65 million in the equality portfolio. Very briefly, this will attach \$200 000 for the planning for the Melbourne Pride event in 2021, which is the 40th anniversary of the decriminalisation of homosexuality in Victoria. It will have a similar amount to boost over the period of the forward estimates Victoria's Pride events and festivals with a dedicated focus on regional and rural events. It will provide \$250 000 to support victim survivors of so-called conversion therapy, which is the subject of particular attention in the current looming financial year as well—in a legislative and other senses.

There is delivery of \$3 million for our election commitments around homelessness with a dedicated LGBTIQ lens. There is \$2.5 million for family counselling services, given the particular strains that LGBTIQ Victorians face there—and their families. There is half a million dollars to increase mental health support with a dedicated focus, and there is a particular election commitment of \$800 000 over four years to support Joy FM's relocation

to the—moving along—Victorian Pride Centre and a \$3.2 million contribution for the operation of the equality branch and to resource and support the work that it does, both in its own right and as a facilitator across the wider government.

If I can have the next slide, very briefly, on a bit of a whistlestop tour, that reflects some of the cumulative investment from our first term—multicultural grants, family violence grants, the specific investment in expansion and diversity of the gender clinics at both Monash and the Royal Children's Hospital, the continuation of the HEY grants system, our very proud consolidation of the Safe Schools program, the capital for the Victorian Pride Centre and, as I said, the breakdown of the portfolio's grants programs, community engagement, other factors and so on.

On slide 4, given the remaining time, what we have got there is really very much what the \$10.65 million investment in the coming budget provides—a lot of these are overwhelmingly election commitments—the Pride 2021, the Pride events and festivals, a dedicated program to support victims of so-called conversion therapy and, as I say, the homelessness counselling, mental health, Joy FM and the equality branch's operation. That is a very quick whistlestop tour of the portfolio's history and its objectives in the coming period, Chair.

The CHAIR: Thank you very much, Minister. Minister, equality is something that is very near and dear to my heart. Obviously I come from a family background where both my parents would have been considered part of minorities when they came to this country—my mother as a refugee and my father as an immigrant in the mid-60s—and of course for much of my time in the last Parliament I spent a lot of time talking about gender equity as well. So I am keen to better understand this: if you turn to budget paper 3, page 92, could you explain how initiatives outlined in table 1.17 continue to ensure that in Victoria equality is not negotiable.

Mr FOLEY: Thank you, Chair. Your family story, like that of many Victorians, reflects the diversity of our great state, and if anything what this portfolio seeks to do is facilitate and grow the notion that, as former vice-president Joe Biden put it in the US, LGBTIQ rights are the great unfinished business of Western communities at the moment. We would like to think that we are helping to shape that direction when it comes to a Victorian and indeed an Australian response. Our mission is to make sure that, as the Premier likes to put it, equality is not negotiable when it comes to LGBTIQ Victorians. The budget paper reference that you point to sets out where the 19–20 budget will go, and I will give a little bit more detail from the presentation I have given and which the committee now has, really just to further fill in a few gaps.

The \$3 million for assisting homelessness providers is all about making sure that we tackle the root causes of homelessness through the LGBTIQ lens, particularly for young people. LGBTIQ young people are disproportionately overrepresented in disengagement from families and therefore overrepresented in homelessness and other services, and this money will go towards—in a market testing sense—how we can get back proposals that lever off this money for the best possible outcome there. Two and a half million dollars over four years is also provided to boost family counselling for LGBTIQ Victorians, including rainbow families and some of the pressures that they have been under, particularly in the run-up to and post the marriage equality postal indicative survey and some of the unreasonable pressures that they have been under, and we have dedicated an additional \$500 000 to increase the community-specific Switchboard Victoria service, which specialises in, amongst other things, mental health support to LGBTIQ Victorians.

There is also \$250 000 for survivors of so-called conversion therapy, which the committee will recall was the subject of a Health Complaints Commissioner's report, and the adoption of the recommendations of that report by the Andrews government earlier in the year talks not just to a legislative ban on so-called conversion therapy but also to working with survivors and others to make sure that the legislative ban is backed up by support for survivors as well as seeking to engage in educative and other processes. And as I indicated, there is delivery of the election commitments around Joy FM's relocation to the Victorian Pride Centre when it comes online over the course of this term.

There is also \$3.2 million for the Equality branch, and the Equality branch rolls out—in terms of per person—quite a lot. I think the Equality branch constitutes 11 people in DPC, and the community grants program, the leadership program, the Combatting Homophobia initiative, the Pride Events and Festivals Fund and particularly the quite demanding rollout of those programs in regional and rural Victoria has meant that there is a lot to do there. We know that this budget is indeed, when you take into account the programmatic side of

things, by far a record year of support for support services, reflecting the need that there is that overrepresentation of LGBTIQ people in, particularly, youth homelessness and poorer mental health outcomes. But the goal is to address those whilst celebrating and marking the fact that the LGBTIQ Victorian community is remarkably resilient, creative and everywhere, and that is why there is a particularly strong focus on building the regional and rural work that flowed from the first term of the government's activity in the space.

We look forward to the opportunity of engaging with not just LGBTIQ Victorians but also their growing number of allies and friends to both celebrate and address the disproportionate discrimination, stigma and harm that they continue to endure.

The CHAIR: When is the pride centre due to be completed?

Mr FOLEY: Well, the demolition work has ended and now, coming out of the big hole in Fitzroy Street, the basement work has started, and my understanding is that it will be—I will get some advice—I think it is late 20, early 21?

Ms COWLING: October 2020.

Mr FOLEY: So I would be so bold as to say—

The CHAIR: Twenty–twenty-one.

Mr FOLEY: The later half of 20, if not the first part of 21. Given the decision to dig holes in, as it happens, my electorate—

The CHAIR: Our electorate, Minister.

Mr FOLEY: Our electorate and lots of people's electorate, we see many challenges in that regard with contamination, being close to the sea and other things.

The CHAIR: With the Pride Centre—obviously you spoke of Joy FM's relocation—what other groups will be locating themselves in this centre?

Mr FOLEY: The centre will be run at arm's length from government by the Victorian Pride Centre—I think it is a company limited by guarantee. It is charged with the task of tenancing, delivering and others, and they have a range of MOUs and understandings with quite a range of groups—the Australian Gay and Lesbian Archives, Minus18, Thorne Harbour Health—and there are extensive discussions underway with a range of others—

The CHAIR: Minister, I might ask that you take that on notice, given that it is at arm's length from both you and your portfolio, but I do look forward to being able to support the organisations that move in. In the meantime I do need to move on to Ms Vallence.

Ms VALLENCE: Thank you, Minister and officials, for appearing. I might pick up on what the Chair was talking about there with reference to the Victorian Pride Centre—and obviously the budget paper reference is budget paper 3, page 310. We understand and looking also at your presentation you referred to around the \$15 million capital. In your presentation slides it appears to have been expensed by the 18–19 period, the \$15 million. I understand in last year's budget estimates you mentioned that there was an aggregate of \$2.2 million that was paid to the design company, I believe. I am just wanting to know whether all the money has been paid to the Victorian Pride Centre. Has all that \$15 million been paid?

Mr FOLEY: You are quite right. The capital component was a couple of budgets ago, and the work that the government, in partnership with the Victorian Pride Centre organisation, is delivering is not delivered all in one component. Like all sensible construction and other arrangements it is done on a progressive basis. Contracts have been signed and delivered with the demolition organisations, the design organisations and others, and as work progresses, subject to the satisfactory delivery of work and all the normal measures, further contributions will be made.

Ms VALLENCE: May I ask, Minister, then how much of the 15—was it 15 or 15-point-something—million dollars has been handed over, paid, and what is remaining?

Mr FOLEY: With the Chair's indulgence I will just get some advice in terms of—there we go. Before I could even ask, \$8 million of that amount has been paid to date.

Ms VALLENCE: With the Pride Centre expected to be constructed—because I think also in here you say it is under construction—but it sounds like we are just at the demolition and footing stage—

Mr FOLEY: We are past demolition, and we are now starting to come up from the hole rather than out.

Ms VALLENCE: Good, good.

The CHAIR: So to speak.

Mr FOLEY: So to speak.

Ms VALLENCE: We look forward to that, and that is obviously around the October 2020 time frame—

Mr FOLEY: I would just take a raincheck, if I can, on these things.

Ms VALLENCE: or thereabouts. I will not hold you to that.

Mr FOLEY: Late 20, early 21.

Ms VALLENCE: It is an exciting project. What do you foresee as the milestones going forward and the payments through to the—

Mr FOLEY: As I understand the arrangement, the remaining money that is held in trust will be subject to a number of what are the commercial arrangements in place with the provider, who is—

Mr BATHO: Hansen Yuncken.

Mr FOLEY: Hansen Yuncken, who are delivering the project. As those milestones are met around construction—

Ms VALLENCE: Could you perhaps provide us with the milestones—the remaining milestones?

Mr FOLEY: Like most of these things, I am happy to assist, but as I understand it from the advice the department has got from the Victorian Pride Centre, that goes to areas around construction milestones around completion of the financing model, the design model, the early works and then the progressive rollout of a series of key opportunities all the way through to transfer, fit-out and final delivery.

Ms VALLENCE: At each year is there an annual report, or is there some way that we have not been able to find so far? Is there some annual report that we can turn to over time?

Mr FOLEY: Yes, as I understand it, the Victorian Pride Centre, as an extremely transparent organisation, regularly updates on its website the arrangements that it has entered into, let alone the work that the department has in place through opportunities such as this. But as the project, with the assistance of government, is being led by the Victorian Pride Centre, it is my understanding that they regularly update not only their board but the wider LGBTIQ Victorians and the many philanthropic and corporate backers of the project as well as the wider Victorian community through their website.

Ms VALLENCE: Specifically with respect to the progress of spending the taxpayers dollars or the grant money or whatever it is referred—

Mr FOLEY: There are different levels of Victorian public money. There is obviously the \$15.5 million from government. There is also—

Ms VALLENCE: I guess what I am trying to get to is with that amount, with that \$15 million-plus, where can we see the tracking of that expenditure so far? Would it be through the Victorian Pride—

Mr FOLEY: Through both the activities of the Pride Centre itself and its reporting, and of course our—

Ms VALLENCE: So its reporting goes to that granular level relating to the \$15 million—

Mr FOLEY: In terms of a granular level of where they are up to in terms of projects my understanding is that there are monthly updates to the Department of Premier and Cabinet by a combination of both the Pride Centre board and—

Ms VALLENCE: Is that publicly available?

Mr FOLEY: I am not sure. I would have to take a raincheck.

Ms VALLENCE: For the benefit of the committee could we get a—

Mr FOLEY: Some of those are subject to commercial-in-confidence arrangements with the builder.

Ms VALLENCE: Well, this is the public accounts committee, so is that something that can be made available to the committee on notice?

Mr FOLEY: Anything that is entitled to be made public will of course be made available to the committee.

Ms VALLENCE: Thank you. That would be great. I will move on. In terms of budget paper 3, page 310 again, the LGBTI grants program, and a total output cost—we have \$1 million for LGBTI grants and the same figure for events and festivals. In relation to the grants funding, could you please list which organisations have been funded and the dollar amount per year each of these organisations has received?

Mr FOLEY: I will do my best.

Ms VALLENCE: And the same question for events and festivals.

Mr FOLEY: I will do my best in terms of the different organisations that are funded with the timely help of my helpful officials. There is quite a number, and I am happy to share those with you.

Ms VALLENCE: We can take them on notice, but if you have them. You have them?

Mr FOLEY: I have them and, as you said, I am more than happy to—whether it is the 38 recipients from 16–17, which were announced in April, comprising 27 organisations and 11 individuals—

The CHAIR: Minister, sorry to interrupt, but unfortunately we have to move on to Mr Hibbins's time.

Ms VALLENCE: So can we grab that on notice? Thank you.

Mr HIBBINS: Thank you, Minister and team, for appearing. Minister, it probably will not surprise you what I am going to ask you about. There are obviously some outstanding commitments at a federal level in terms of protection for LGBTI students and teachers at faith-based schools. Can I ask: from a state-level equality portfolio level, what support will you providing those students and teachers that are still at risk from discrimination?

Mr FOLEY: I would refer you to some comments I made in the Parliament last week on this very issue, and I am happy to expand on those. As we know, in terms of the pecking order of laws, what the commonwealth decide in this space, subject to what it says, might well override what the states and territories say. It is unclear yet what the commonwealth are likely to say. They have referred the issue of students only to the Australian Law Reform Commission to remove discrimination in federal laws against students, but not staff and teachers. I did note some comments by the federal Attorney-General recently where he indicated that that would be a response that he looks forward to in early next year, and at the same time there is a yet-to-be-seen bill that he is working on around religious freedom. He would expect that to be presented to the commonwealth Parliament

upon its return. Our commitment, as the Premier made clear prior to the election and which I reiterated in the Parliament, would be, working with the Attorney-General and the Department of Premier and Cabinet, that Victoria will seek to fill the gaps, should there be any, that might arise, particularly when it comes to staff and teachers so as to make sure that they are not subject to, in our view, unlawful discrimination. We will have to wait and see what the commonwealth says because the federal Attorney-General did seem to indicate that there would be a range of exemptions from whatever legislative tool he seeks to bring forward.

Mr HIBBINS: So what was the time line for their legislation? It was next year, was it, did you say?

Mr FOLEY: No, the Australian Law Reform Commission work would be—they would seek a report by early next year, April next year, and the federal Attorney-General has indicated that he intends to bring a bill around religious freedom to an early sitting of the new Parliament federally.

The CHAIR: Thank you, Minister. Just like that, the equality time, sadly, has come to an end, so thank you to you and the officials for appearing before the committee today.

The committee will follow up on any questions taken on notice in writing, and responses will be required within 10 working days of the committee's request.

Minister, please don't go anywhere because we are back on deck in 5½ minutes; we will resume at 6.10 p.m. I declare this hearing adjourned.

Witnesses withdrew.