

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Inquiry into the 2021–22 and 2022–23 Financial and Performance Outcomes

Melbourne – Thursday 23 November 2023

MEMBERS

Sarah Connolly – Chair

Nicholas McGowan – Deputy Chair

Michael Galea

Mathew Hilakari

Lauren Kathage

Bev McArthur

Danny O’Brien

Ellen Sandell

Meng Heang Tak

WITNESSES

Jeremi Moule, Secretary,

Joshua Puls, Deputy Secretary, Cabinet, Legal and Governance,

Matt O'Connor, Deputy Secretary, Industrial Relations Victoria,

Dr Emma Cassar, Deputy Secretary, Social Policy and Intergovernmental Relations,

Jason Loos, Deputy Secretary, Economic Policy and State Productivity, and

Terry Garwood, Deputy Secretary, First Peoples–State Relations, Department of Premier and Cabinet.

The CHAIR: I declare open this hearing of the Public Accounts and Estimates Committee. I ask that mobile telephones now be turned to silent.

I would like to begin by acknowledging the traditional owners of the land on which we are having this meeting. We pay our respects to them, their elders past, present and future and elders from other communities who may be joining us today.

On behalf of the Parliament the committee is conducting this Inquiry into the 2021–22 and 2022–23 Financial and Performance Outcomes. Its aim is to assess what the government achieved in both years compared to what the government planned to achieve.

All evidence taken by the committee is protected by parliamentary privilege. Comments repeated outside this hearing may not be protected by this privilege.

Witnesses will be provided with a proof version of the transcript to check, and verified transcripts, presentations and handouts will be placed on the committee's website.

As Chair I expect that committee members will be respectful towards witnesses, the Victorian community joining the hearing via the live stream today and other committee members.

I welcome the Secretary of the Department of Premier and Cabinet as well as other officers and officials here today. Secretary, I am going to invite you to make an opening statement or presentation of no more than 10 minutes, and this will be followed by questions from the committee.

Jeremi MOULE: Thank you, Chair, and good morning, committee members. I also would like to acknowledge the traditional owners of the lands on which we are gathering and pay my respects to elders past, present and emerging. Thank you all for the opportunity to present today and to take your questions throughout the session.

Visual presentation.

Jeremi MOULE: It is a privilege to lead the Victorian public sector as the Secretary of the Department of Premier and Cabinet. With me today are Emma Cassar, the Deputy Secretary of Social Policy and Intergovernmental Relations; Jason Loos, Deputy Secretary, Economic Policy and State Productivity; Terry Garwood, Deputy Secretary, First Peoples–State Relations; Matt O'Connor, Deputy Secretary, Industrial Relations Victoria; and Josh Puls, Deputy Secretary, Cabinet, Legal and Governance.

I am proud of what DPC has achieved in the past two years, particularly on landmark social and economic initiatives, such as mental health, housing and the pioneering steps towards self-determination for First Peoples in Victoria. DPC plays a pivotal role as leaders of government policy and performance. As a central agency, our leadership improves the effectiveness of the public sector and promotes collaboration across government departments to drive performance and improve outcomes. At DPC we strive for a state which has strong policy outcomes, that promotes excellence in public administration and that works towards self-determination for First Peoples in Victoria. The work we do upholds the core public sector values of the *Public Administration Act 2004*.

DPC has rapidly and successfully adapted in response to a series of major changes, including a machinery-of-government change at the start of the year. With this, my first achievement to note is the DPC staff and executives who helped establish, and many who became part of, a new department this year, the Department of Government Services. As at June 2023 DPC delivered outcomes in support of the portfolios that you see listed on the slide, and it is worth noting that at the time of the end of the financial year 2022–23, Ms Jennifer Barton was acting deputy secretary of cabinet, legal and governance, and Ms Elly Patira was deputy secretary for First Peoples–State Relations. DPC also engages with eight external agencies, including but not limited to the office of the Governor, the Victorian Electoral Commissioner, the Victorian Independent Remuneration Tribunal and the Victorian Public Sector Commission.

Moving to the First Peoples–State Relations group, DPC is the driving force behind the Victorian government’s commitment to the advancement of outcomes and services for First Nations Victorians. In the past two years DPC has taken important steps towards self-determination. The landmark \$155 million stolen generations repatriations package was set up in March 2022 in partnership with the Department of Justice and Community Safety. The package has delivered case management and family history investigations for families of members of the stolen generations.

In 2022–23 DPC made significant progress in our journey towards treaty. Working with the First Nations Assembly of Victoria, DPC delivered all the institutional elements required under the *Advancing the Treaty Process with Aboriginal Victorians Act*. This included the treaty negotiation framework; the self-determination fund of \$65 million over three years as an independent financial resource to support First Peoples to achieve equal standing with the state in treaty negotiations; the Treaty Authority that will oversee and facilitate treaty negotiations to ensure a fair, effective and culturally strong treaty process; the leadership of the treaty interdepartmental committee to ensure a government-wide approach to treaty negotiations and to communicate the state’s position; and the preparation of the treaty annual report.

DPC has also been leading the whole-of-government response to the Yoorrook Justice Commission, the first ever truth-telling inquiry into the historical and ongoing systemic injustices committed against Aboriginal Victorians since colonisation. This includes leading on updates to the letters patent on time lines, reform issues and the appointment of a new commissioner, coordinating the state’s response to 26 notices to produce, coordinating the drafting of two whole-of-government submissions to the commission and coordinating legal representation for the state’s response to the recommendations of the commission.

In 2022–23 DPC delivered its sixth round of the Aboriginal community infrastructure program fund, putting more than \$11 million in the hands of Aboriginal organisations to build or upgrade community infrastructure. DPC continued to maintain Victoria’s world-class Aboriginal cultural heritage system, which is established under the *Aboriginal Heritage Act*. In 2022–23, under the Act, DPC recorded 835 new places on the heritage register, made decisions on 53 cultural heritage management plans, issued seven cultural heritage permits and made 70 decisions on preliminary Aboriginal heritage tests.

Turning to economic policy and state productivity, DPC’s economic policy and state productivity group has been working with partners across government to support the delivery of major industry, transport and infrastructure projects. In 2020–21 DPC established and began operating Breakthrough Victoria to administer a \$2 billion fund to support ideas and technologies to help solve globally significant problems, create industries of the future, improve health and wellbeing, and deliver prosperity and sustainable returns for Victoria. DPC has played a key role in supporting the Victorian government’s housing statement, which was developed throughout 2022–23 and launched in September 2023.

Turning to Industrial Relations Victoria, IRV continues to champion positive public sector industrial relations through timely and strategic advice to the government. IRV helped to deliver better support for on-demand workers, or gig workers, in Victoria through the commencement of the gig worker support service and the *Fair Conduct and Accountability Standards* introduced in May 2023, assisting workers and businesses to understand their entitlements and advocating for improved federal laws to protect gig workers. Both were a response to the *Report of the Inquiry into the Victorian On-Demand Workforce*. 2022–23 also saw continued support for the women in construction strategy and the building equity policy. As part of the machinery-of-government changes announced in October 2023, IRV will move from DPC to DTF in February 2024, and we will be very sad to see Mr O’Connor change departments.

Nex slide, please. Social policy and intergovernmental relations – in 2021–22 DPC’s social policy group finalised the family violence implementation monitor program, which since 2016 had held the government and its agencies to account for implementing family violence reform following the royal commission. Also in 2022 the social recovery framework was endorsed by the Victorian Secretaries’ Board. It acts as a guide for the whole of the Victorian government to address the enduring social impacts of the COVID-19 pandemic. The framework has enabled government to rebuild social, community and economic participation and wellbeing, including increasing social connectedness; ensure all Victorians could access the supports and services they need and are responsive to the impacts of COVID-19; and the improved delivery of services and strengthening community safety. It also recognised that the COVID-19 pandemic has both created opportunity through social disruption and exacerbated existing disadvantage and that social recovery must become embedded as an ongoing priority for all government departments. In August 2022 DPC established the mentally healthy workplaces Premier’s advisory group, co-chaired by the Premier, the secretary of Victorian Trades Hall Council and the chief executive of the Victorian Chamber of Commerce and Industry, and it includes 13 member organisations representing employers, employees, unions and industry associations.

Next slide, please. DPC plays a pivotal role in providing Victorian public service wide advice and support to robust public administration. DPC supported the establishment of the electoral review expert panel, which is reviewing the operation of the 2018 electoral and political donations reforms, as well as other matters related to Victoria’s political finance regime. We also executed our responsibilities in ensuring public sector adherence to the caretaker conventions prior to the 2022 state election. And I always like to take the opportunity to promote the significant work of the cabinet office in regard to its support for cabinet and committee operations and support for good decision-making.

Briefly, the 2023 People Matter survey results – some of the highlights appear on the slide before you. This was conducted in May and June of 2023. It is an independent employee opinion survey run each year by the Victorian Public Sector Commission. Our completion rate at DPC this year was 91 per cent, which was a result that we were extremely proud of and gives us an excellent picture of how people are experiencing their workplace. Some of the highlights included strong engagement with staff and satisfaction, positive staff feedback on the quality of our service delivery and a high percentage of staff saying their work was meaningful and enriching. While our results were pleasing, our board of management has identified priority action areas for 2023–24 that we are in the process of implementing.

Next slide, please. This final slide just highlights output performance results. DPC is an output-driven department, and we pride ourselves on being accountable for achieving high results across all our disciplines. In 2022–23 89.5 per cent of department performance targets were reached, within a 5 per cent variance. Chair, that concludes my opening presentation. We look forward to taking questions from the committee. Thank you.

The CHAIR: Thank you very much, Secretary. The first 21 minutes go to the Deputy Chair.

Nick McGOWAN: Thank you. Thank you, Mr Moule, for that presentation. I will start off a little bit differently today and thank you for your personal involvement and oversight with me and others, because I think often we gloss over the things we do well. And I have got to say, in terms of the caretaker conventions at the last election, I think I speak for both sides on the opposition side – Danny, I look at you, having not discussed anything previous –

Danny O’BRIEN: I am not quite ready to endorse yet.

Nick McGOWAN: No, do not endorse yet. But I do think it was one of the smoother election periods and there were far fewer issues than the one before, with the issues around schools and access and all these other things. I am not sure about the Greens – they might have some other feedback as well – but I do think it was critically important, as you and I discussed at the time. So thank you for the effort you put in and your staff as well. Hopefully at some point we will avail you of the blue books and we will put them to good use sooner rather than later, but nonetheless thank you for your efforts on that front.

Jeremi MOULE: Thank you. I appreciate that. And I think the team did do a thorough job in reviewing the previous election period. We had feedback from all sides of politics. We made some judgements about those, and in the guidance that we issued as early as we could in the election year we felt that they landed well and

that all sides of politics understood what was expected of them, and the team did a good job at monitoring them. So thank you. I appreciate the engagement that we had at that time in your previous role.

Nick McGOWAN: Likewise. Thank you. Down to business – WorkCover. Now, there have been obviously no dividends for some time, and I know back in December 2020 an interdepartmental committee was established chaired by DPC. I am not sure whether this is a question for you, Mr Moule, or for –

Jeremi MOULE: Mr Loos it will likely be.

Nick McGOWAN: Oh, next to you. Okay. There we go. My question is: did DPC initiate this establishment of the committee, or was that a direction of the cabinet or PPO?

Jeremi MOULE: Mr Loos.

Jason LOOS: The committee was established through DPC at the time, and then it transferred to DTF.

Nick McGOWAN: My question was more about: who was the initiator of that? Was that a DPC initiation? Who directed that – cabinet?

Jason LOOS: It was a Premier and Cabinet decision at the time. It was not me in this role, it was my predecessor, and I sat on the committee because I was at Department of Treasury and Finance at the time. And then when there was a change in responsibility and Minister Pearson took over for the whole WorkSafe oversight, I in the Treasury and Finance role took over as chair of that committee. And then subsequently, as I came to Department of Premier and Cabinet, that stayed in the Department of Treasury and Finance.

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.

Jeremi MOULE: Mr McGowan, if I could add –

Nick McGOWAN: Yes.

Jeremi MOULE: One of its primary functions is to make sure that the central agencies and the line department that oversees the entity have a good understanding of each other's position so that we are collectively in the best position possible to provide advice to government, initially on reform and then ultimately – depending on the shape that those reforms take, depending on passage through Parliament and

other decisions the government has foreshadowed it needs to make – around the implementation of those once that becomes an implementation agenda.

Nick McGOWAN: I guess one of the challenges was perhaps for you – or you in particular, Secretary – the difference between the public sector and what sort of claims you were encountering and continue to encounter versus the private sector and how you can address those from a departmental point of view. But I am not sure. Was that looked at by the department?

Jeremi MOULE: Yes, certainly the public and private sector responsibilities of the entity of WorkSafe itself are part of the entire regime. Although we are part of it as employers and workplaces, the nature of the advice that we need to provide to government around reform of the scheme covers both the public sector as well as private sector reform. Is that the question?

Nick McGOWAN: Yes. During the years in question were there any changes that were introduced that you are aware of as a result of the work of the committee that actually did improve or start to fix the scheme?

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. 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.

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.

Nick McGOWAN: Without causing too much controversy.

Bev McARTHUR: And while you are on about it, Mr Secretary, what about the portrait of the King?

Nick McGOWAN: I am less worried about that, I have to say.

Bev McARTHUR: No, well, never mind about you.

The CHAIR: You must be on unfriendly terms with your federal MPs.

Joshua PULS: I understand that anyone who asks for a portrait of the King – I understand anecdotally that my colleagues at Government House, for instance, have received requests from community organisations wanting to update their portraits, and that Government House, Canberra, has been provided with a portrait, and anyone can go to them and get a digital –

Bev McARTHUR: So we go to the state Governor, or the –

Joshua PULS: Either. I think – yes, exactly.

Bev McARTHUR: Either. Great. Thank you.

Danny O'BRIEN: They have not actually got them yet, though, so you might want to follow that up. We are still waiting for a portrait of the King. Anyway.

Bev McARTHUR: Yes, well, what has happened to the portrait?

Joshua PULS: My understanding is what is provided is a digital file that people can then produce and frame themselves, but I think there are not, as might have happened in days gone by, framed portraits being shipped around the country. I think they provide the digital copy and people can then get one that suits their premises.

Bev McARTHUR: Okay. Thank you very much.

Nick McGOWAN: Just back on the WorkCover work that was done in DPC over the period that we are looking at, do you know whether the PPO attended any of the meetings that were convened during that period?

Jason LOOS: No.

Nick McGOWAN: Not at all? Not a representative?

Jason LOOS: Not on the IDC that was chaired by Tim Ada and then me, now Kate O'Sullivan, no.

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?

Jeremi MOULE: We have department liaison officers, as all departments do. They are department staff who do the administrative movement of mainly briefs and other things between departments.

Nick McGOWAN: It is called DLO still, though, right?

Jeremi MOULE: DLOs, yes.

Nick McGOWAN: Aside from the DLOs, is it customary to have one DLO per minister, or can it vary, depending on the minister?

Jeremi MOULE: Yes, it can vary, and it largely varies on the size and demand of the portfolio. Some are very heavy in a briefing context and very heavy in a correspondence context, so there is a judgement there, but it tends to be one or two for a portfolio.

Nick McGOWAN: DLOs are not paid for by your department, are they? Are they still paid for by the relative department?

Jeremi MOULE: They are department employees, yes.

Nick McGOWAN: Of yours, or the department of transport, department of justice et cetera?

Jeremi MOULE: Of the relevant department for the minister – the department that houses the minister. The minister's primary portfolios are attached to a department. They might hold multiple, but the portfolio from which their salary is drawn, which is the technical distinction, is attached to a department, and the department then provides the DLO into that office.

Nick McGOWAN: Not your budget?

Jeremi MOULE: Not mine, no. We do for the Premier's office. We do for the line ministers that are attached to DPC as well.

Nick McGOWAN: Okay. Is it possible to get us a list of just how many staff were employed by PPO – ministerial staff under your salaries, DPC salaries?

Jeremi MOULE: How many DLOs?

Nick McGOWAN: No, ministerial advisors and the like, so ministerial staff, essentially – PPO staff and ministerial.

Jeremi MOULE: That question I can answer.

Nick McGOWAN: There you go. Even better.

Danny O'BRIEN: We ask it every year, so I would hope so.

Jeremi MOULE: Do you?

Nick McGOWAN: The perennial question.

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.

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.

Nick McGOWAN: Thank you. That would be great.

Danny O'BRIEN: Secretary, can I just clarify: was that all ministerial, including PPO?

Jeremi MOULE: Yes, that is correct.

Danny O'BRIEN: Have you got the PPO-only figures as well?

Jeremi MOULE: Yes, I do. So for 2021–22, the total salary and on-costs for the Premier's office was \$15.3 million, which is 87 FTE, so that leaves a balance in that year of 203 staff across ministerial offices.

Danny O'BRIEN: And in 2023?

Jeremi MOULE: And in 2023 total expenditure was \$15.3 million for 79 FTE. So that is a balance of 198 staff across other departments, and between those two years, for completeness, the Leader of the Opposition's office had 18 and 19 staff, respectively.

Danny O'BRIEN: Sorry, Secretary, I do not think those figures add up. You said at the end of 2023 there were 296 across –

Nick McGOWAN: But they are not FTE figures, are they? It did not sound like the first figures you gave were FTE, the 308 and the 296. They were just staff. That is why, I think.

Jeremi MOULE: The numbers are FTE numbers.

Danny O'BRIEN: They are all FTE numbers?

Jeremi MOULE: No, those numbers do not add up. So there is probably a distinction between FTE in that count.

Nick McGOWAN: I think the first numbers sound like they are just staffing, not for FTE necessarily, but if we can just get clarity on that.

Jeremi MOULE: Yes, I will clarify that.

Danny O'BRIEN: Thank you.

Nick McGOWAN: If you could also provide just how many DLOs per portfolio, that would be awesome, for the same periods.

Jeremi MOULE: Yes.

Nick McGOWAN: Does the Premier still have an orderly, or does that not exist anymore?

Jeremi MOULE: Have a –

Nick McGOWAN: An orderly.

Jeremi MOULE: An orderly?

Nick McGOWAN: Somebody from the department that works for the Premier, like a welcome person – that sort of stuff.

Jeremi MOULE: I have never known a Premier to have an orderly.

Danny O'BRIEN: Oh, yes.

Jeremi MOULE: Oh, right. Okay.

Danny O'BRIEN: Obviously not.

Jeremi MOULE: Not that I am aware of.

Nick McGOWAN: Not that you are aware of – they are so silent and efficient. 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.

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.

Nick McGOWAN: If it is easier to just submit the whole folder, I can take it later and find it myself.

Jeremi MOULE: It does get FOIed.

Nick McGOWAN: It does?

Jeremi MOULE: I am happy to provide that to you; I will just need to take it on notice.

Nick McGOWAN: The folder, that is, or –

Jeremi MOULE: The answer to that question.

Nick McGOWAN: Thank you very much. Are the Facebook and other social media pages of the former Premier still supported by DPC?

Jeremi MOULE: No. The relationship between DPC and the Premier's Facebook page is the fact that the Premier's office does not have a credit card. In order to pay Meta for Facebook or Instagram, for example, they need a credit card, so they use the department's, and then the cost of that is journalled from the Premier's office budget to the department to repay those costs. That is the relationship. We do not make decisions about what gets purchased.

Nick McGOWAN: If only local members could do the same thing.

Danny O'BRIEN: I think the question, though, was about the former Premier. Is there still any connection with his social media accounts?

Jeremi MOULE: My answer is the same. We do not know what the money is spent on or on which account specifically. We just undertake a journal. We use our credit card to pay a bill, and then the funds are journalled.

Danny O'BRIEN: Righto.

Jeremi MOULE: To be clear, I am not aware that that is occurring.

Nick McGOWAN: Ongoing bills that you know of.

Jeremi MOULE: No.

The CHAIR: Thank you, Secretary. We will go to Ms Kathage.

Lauren KATHAGE: Thank you, Chair. Thank you, Secretary and officials. Tomorrow morning the Walk Against Family Violence will start here, on the steps of Parliament. You mentioned your role in terms of family violence in your presentation. Your questionnaire response says that DPC is responsible for monitoring and reporting to Parliament on how effective the government has been in its family violence reforms. What have the outcomes been of that work?

Jeremi MOULE: I will ask Ms Cassar to respond to that question. Thank you.

Emma CASSAR: Thank you. And thank you for your question. The family violence implementation monitor was established in 2017 under the *Family Violence Reform Implementation Monitor Act 2016*. Its core function was to monitor and review implementation of the family violence reforms by the Victorian government's departments and agencies. Ms Shuard was appointed as the final family violence implementation monitor in August 2019 to undertake the monitoring functions required. This included producing two annual reports to Parliament and seven topic-based monitoring reports. The family violence reform implementation monitor, on the implementation of the recommendations from the Royal Commission into Family Violence, concluded on 31 December 2022, but Ms Shuard's appointment was extended to 31 May 2023 to enable her to undertake an independent legislative review of family violence information sharing and risk management. The review is now complete and was tabled on 17 August 2023, and on 28 January this year government announced the implementation of the final recommendation – so all recommendations completed.

Lauren KATHAGE: Thank you. That is quite clear around the system that was put in place to monitor and report, and you have mentioned that the final recommendation was implemented. Are you able to talk to some of the outcomes of that implementation or the outcomes that have been achieved through implementing the recommendations?

Emma CASSAR: Some of the common findings in all the reports and those outcomes include the management of data; monitoring, particularly of the outcomes; effective responses to intersectionality and priority communities; and children and young people, who are seen as victim-survivors in their own right, which is really important. A lot of the recommendations focused on workforce expansion and retention, high-level strategies and guidance to translate into good practice and improved service coordination. So the management of this has now moved across to DFFH, who will continue to lead that work.

Lauren KATHAGE: Did the reports talk to outcomes for women and children?

Emma CASSAR: My understanding is that the two reports that Ms Shuard tabled did, but I would have to double-check and come back to you on that one.

Jeremi MOULE: In addition to Ms Cassar's answer, if I could share an anecdote that was provided directly to me and that I shared with my Victorian Secretaries Board colleagues only a month or so ago. A person who I know attended court as a support person for a woman who had been subject to domestic violence about 12 years ago and described to me how difficult a process that was, including outside the courtroom – the woman was sitting in a hallway directly across from the perpetrator before they headed into the courtroom. Earlier this year the same person needed to attend court as a support person for another woman. She did so in one of the newer court facilities in Victoria and certainly under new arrangements that have been in place since the family violence royal commission. She described a really different process and was in tears in describing to me how well supported the woman was through that process and what great care was taken to care for that person to make sure that she was never in a position where she was in line of sight of the perpetrator or needed to be near that person. She could not believe the difference in just over a decade in terms of that really difficult experience for someone that had been a victim of family violence – a significant change.

Lauren KATHAGE: Thank you. I think standing up the Orange Doors was part of the implementation of the recommendations. I visited the local one for me in Epping and it was fantastic. Has there been any consideration given to or does DPC have any role in considering how that hub model can be leveraged to increase appropriate support for people in other circumstances?

Emma CASSAR: I think that would probably be a matter for DFFH. We have transitioned it over, given that DPC's role was very much around the implementation monitor. But I think it would be fantastic to see that elaborated on to continue that great work to make Victoria a safer place.

Lauren KATHAGE: Thank you. In speaking about your role this morning, Secretary, I think you briefly touched on international engagement. Does DPC have a strategic role for international engagement across Victoria?

Jeremi MOULE: Yes, thank you. We play both a strategic and quite operational role at the same time. We lead in terms of the development of international country strategies specifically, and we do that in collaboration with other relevant departments. We also coordinate international travel by ministers, and we support the office of the Governor in travel undertaken by the Governor as well. Mr Loos might add to my answer. He is responsible for the international area.

Jason LOOS: Thank you, Secretary. We certainly play a coordination role in terms of international engagement. With international markets opening up again as we come out of COVID, it is a really important time for that strategic role to be played. Markets are open and businesses do want to come to Victoria, so how we actually position ourselves in a global market is really important. Some of the key types of things that we do are coordinate the international dignitary meetings, as the Secretary said, and all the overseas travel. We advise the Premier on priorities for overseas travel and where we think the Governor should travel as well, so we are involved in a lot of those strategic discussions.

We lead the development of the whole-of-government international agreements with priority partners. We manage the Victorian government's central model of compliance on the Commonwealth's foreign relations Act. We coordinate the whole-of-government input into treaties such as FTAs with the UK and Europe. We work with the Victorian government agencies to support delegations, activities and exchanges, and there are a lot of those.

We are quite lucky in DPC because we get to see all the government policies across the whole sector. So having an ability to, I guess, coordinate and focus on whoever the incoming delegation might be and make sure we really sell Victoria in the best way possible is very important. We have had the Big Build, and the housing statement has been released. In world news we are attracting big investors and companies, so it is how we actually play that role. It is quite important to just sometimes go and visit the heads of corporations and companies – just that gesture of going there and meeting face to face and having a strategic discussion on what the pipeline might be or what the next big policy agenda is. They do business sometimes differently to how we

do it here and being able to adjust and understand the different ways different communities and sectors do business across international waters is really important – adjusting our approach to that.

Lauren KATHAGE: You spoke about priority partners. Who are our priority partners?

Jason LOOS: We do a lot of work. We have heads of post placed around all of Europe, Asia and the US, and we strategically partner with various societies. For example, we have got a partnership with the Asia Society, and today there is a significant Australia–India dialogue: we have got 50 businesspeople from India attending Victoria, sharing approaches. So we have strategic partnerships with key international folk and sectors as well. I did joke that it is very funny that we have got 50 Indian businesspeople and we have just won the World Cup in India – that was good.

Lauren KATHAGE: Great timing.

Jason LOOS: Yes.

Lauren KATHAGE: Secretary, DPC’s vision that is recorded has changed from what was in the 2022–23 budget papers. It is now recorded as:

To be recognised and respected leaders in whole of government policy and performance

Why did the department’s vision change?

Jeremi MOULE: You are referring to the presentation slides – is that what you are asking?

Lauren KATHAGE: Yes.

Jeremi MOULE: Okay. I think here what you are seeing is that the heading on that slide is no more than that: it is a heading that paraphrases the mission and strategic objectives that are below that. I am not sure if we can bring that slide back up; it might just assist. We might not be able to do that. On the first slide here it has a statement. It is more a heading of that slide, to be fair, so that is not in the budget papers. The mission and strategic objectives that appear below that – so supporting the people of Victoria by ‘helping the government achieve its strategic objectives’, ‘providing leadership to the public sector to improve its effectiveness’ and ‘promoting collaboration across government to drive performance and improve outcomes’ – are all listed on page 311 of BP3 from 2022–23. It is not so much a change; it is a bit of a paraphrase in the heading of that slide.

Lauren KATHAGE: Okay. Great.

Jeremi MOULE: Sorry if that is confusing.

Lauren KATHAGE: No, no, all good. I guess a vision is one thing but acting towards it is another. So what actions is DPC taking to actually reach that vision or operationalise that vision, if you will?

Jeremi MOULE: As I said, I think at the end of the presentation, it is really pleasing that in 2022–23 the achievement of our output performance measures was at 89.5 per cent within the 5 per cent plus or minus variance. I think that demonstrates that for those things that appear in the budget papers and in other places, where we say we are going to be accountable for doing these things and these are the standards to which we will achieve them, it is a pretty good measure to be able to say that at that rate we are achieving those. There are only six performance measures that were not achieved. There are some reasons for those, and they are set out in the questionnaire as well. So in terms of overall performance and the achievement by the department, it is a record that I am proud of during the reporting period.

Lauren KATHAGE: Thank you. Now, you mentioned the caretaker period in your presentation and our Deputy Chair had some comments on that I guess from his perspective. In terms of the VPS themselves as a group, what steps did you take to make sure that they understood and followed the caretaker conventions?

Jeremi MOULE: In the election year, as I mentioned, we had done a reasonable amount of work in the previous year to make sure that we understood where there were issues and concerns and complexities raised during the previous caretaker period. We then undertook some engagement to update the caretaker convention guidelines and made an effort to publish those as early as possible in the year, and my recollection is that we

did that in about March or April. The guidelines make very clear, as you get to the caretaker period, what the expectations are of departments and public sector agencies in terms of a fair engagement with political parties during the election period. They also set out that from 1 July in the election year non-government members can request meetings with ministers and with department heads in support of policy preparation in particular leading into the election. Again, those processes went smoothly, but neither me nor the public sector commissioner, who are the two points of contact to receive any complaints or concerns, had any raised with us. I am not sure whether people may have experienced any frustration but certainly there were no complaints. There had been, four years earlier: there had been some issues around attendance at state-owned locations for activities during the election period.

There is a fairly comprehensive communications plan, as you might expect, for making sure that departments and agencies are well aware of what is expected of them, what the rules of engagement are, the support that they are and are not able to provide members of Parliament and indeed candidates that are standing in the upcoming election. We did do a review of the things that we had put in place. I think there were really only some very minor things we might have done a little earlier and certainly one of the things we are mindful of is that some of the smaller entities – so not core departments but some of the smaller entities that exist within government – do not really have the innate understanding of some of those processes. We probably just need to do a little bit of earlier engagement work with some of those – not that there were any problems, but we identified that as a bit of a gap. We send out material and expect people to understand it, but in fact some areas that are not as engaged in the day-to-day of government operations probably do not have the same depth of understanding as a core department, for example.

Lauren KATHAGE: Thank you. In the past there have been crises or situations that have occurred during the caretaker period. In the lead-up to the last election, what crisis support did the government provide?

Jeremi MOULE: Well, in fact people will recall we had a fairly significant emergency immediately before the last election, which were the flooding events in key areas of Victoria. That meant that we did activate some arrangements there and had discussions with the government of the day around things that they would be able to do during caretaker, things they could not and should not do during caretaker and what decisions they should make to put things in place that would ensure that communities had the responses and support that they needed during the caretaker period and then the government of the day come December would then be in a position to make decisions about the response ongoing.

One of the key things was that, unless it was absolutely necessary, decisions that the government prior to the election made expired at some time in December, with the intent that then the government of the day would then be briefed by the public service and would then make its own decisions about the ongoing nature of some of those. Some of those things would have been apparent to communities, others not so much. They were more technical matters being dealt with on our side so that we would not be giving people the impression that things were going to come to an end. But overall that process worked well, and I think that regardless of the outcome of the election the incoming government would have been well placed to receive both an assessment of the current circumstances relating to the floods and also a series of decisions that we had documented for them that were pending or imminent or needed to be made in order to support communities. And then, although it was not at that time predicted or deemed to be as high risk a fire season as this year, which has a higher risk associated with it, we also had things in readiness to brief an incoming government on decisions that it might need to make in terms of high-risk weather season – fire particularly – and readiness ahead of that period. We are always mindful of those things. In December, January, or actually the end of spring, with floods and storm events, and then leading into the summer fire period in particular, we are always very mindful that when the election falls it is a bit of a tricky time. We need to make sure that the government of the day acts appropriately and makes the decisions that we need to have made so that things can be in place but also that we do not bind incoming government in terms of the way that it would want to respond to things or the preparations that it might want to put in place.

Lauren KATHAGE: Thank you. As part of the 2022–23 budget your department received funding to establish the electoral review expert panel. Can you explain what the purpose of that panel is and how it is different or similar to the inquiry that is currently being undertaken by the Electoral Matters Committee?

Jeremi MOULE: Thank you. I will ask Mr Puls to respond to that question.

Joshua PULS: Yes, sure. I will just turn to my notes. The key difference, if I can just go to that part first, is that with the Electoral Matters Committee, my understanding is after every election it conducts a systematic review of the election and how it was conducted and any issues that arose and makes recommendations as part of its ordinary business and the ordinary conduct of parliamentary business, whereas the expert panel was set up for a specific purpose under the *Electoral Act* as part of the reforms that were made in 2018. The panel is due to provide its report tomorrow. That panel is chaired by Elizabeth Williams, a former senior electoral official, and also has David Feeney and Helen Kroger on it, so it is the three of them.

Nick McGOWAN: Isn't David the chair?

Joshua PULS: No, Elizabeth Williams is the chair. Their main report is due to be provided to the Premier by tomorrow, as I said, and as required by the *Electoral Act* the panel needs to make recommendations in relation to whether there should be a cap on political expenditure; the impact of the 2018 amendments on third-party campaigners, small community groups and not-for-profit entities; the operation of the disclosure scheme; the effectiveness of the 2018 amendments relating to electronic assisted voting; and contemporary trends and issues in electoral funding. The main report will also consider recommendations relating to political finance at a state and local government level made in IBAC's special report on corruption risks associated with donations and lobbying. That report was released in October 2022. I should add the panel will also produce a supplementary report by February 2024 to consider amendments to require major political parties to fulfil minimum requirements of party administration to qualify for public funding such as party memberships being paid by traceable means.

Lauren KATHAGE: Thank you.

The CHAIR: Thank you, Ms Kathage. We will now go to Mr O'Brien.

Danny O'BRIEN: Thank you, Chair. Good morning, Secretary and team. Can I go to Victorian Aboriginal Heritage Council matters. For the periods in question, can you provide us with the average cost of and waiting time for a heritage assessment by land councils across Victoria?

Jeremi MOULE: I will ask Mr Garwood to see whether he has that information at hand.

Terry GARWOOD: Yes, I think I do. Thank you for the question. I have just got to lay my hands on it.

Jeremi MOULE: Mr O'Brien, while Mr Garwood collects his notes, I am able to clarify the staffing issue that we discussed earlier, so if you want me to go to that I am happy to.

Danny O'BRIEN: Okay. Yes, if you want to do that now.

Jeremi MOULE: The numbers I gave do add up. At 30 June 2023 the FTE numbers were 79 for the Premier's office, 198 for other ministerial offices and 19 for the Leader of the Opposition. That is the number, that was the gap, so that takes you to 296. It is the same then for the 2021–22 period, where there were 290 across the Premier and ministers and 18 for the Leader of the Opposition.

Danny O'BRIEN: Okay. Thank you.

Terry GARWOOD: You were talking about cultural heritage management plans.

Danny O'BRIEN: Well, yes, heritage assessments, which I guess is largely CHMPs.

Terry GARWOOD: Yes. I will just go to the issue of assessments undertaken within the statutory time frames. The Act specifies when a cultural heritage management plan is required. This is generally for significant land use activities proposed in areas where Aboriginal cultural heritage is more likely to be present. From 1 July 2021 to 30 June 2022 a total of 610 cultural heritage management plans were approved. Registered Aboriginal parties – that is, traditional Aboriginal owners – approved 479 of those, that is, 79 per cent of them. 131 – in other words 21 per cent – were approved by my own department, DPC, in locations where there is no registered Aboriginal party. And during that period 96.9 per cent of CHMPs were evaluated by DPC within the statutory time frame.

Danny O'BRIEN: What is the statutory time frame?

Terry GARWOOD: Sorry, I cannot answer that offhand, but I will get back to you on that – take it on notice.

Danny O'BRIEN: Okay. So the question originally was: what is the average cost of and waiting time for a heritage assessment? Do you keep that data?

Terry GARWOOD: We do keep that data. I will take it on notice for you and get the information, yes.

Danny O'BRIEN: If you would not mind – for all the land councils in Victoria and for DPC as well, if you would not mind.

Terry GARWOOD: Yes.

Danny O'BRIEN: What are the accountability mechanisms for that? Obviously, as you said, there is a statutory time frame under the Act.

Terry GARWOOD: Yes, there is a statutory time frame under the Act, and I will take that on notice as to what the details are.

Danny O'BRIEN: What about the cost? Is that just open to the market, or how does that work?

Terry GARWOOD: Well, funding is provided to the Aboriginal heritage council, for its –

Danny O'BRIEN: No, I mean the cost of a developer or whoever it might be seeking the cultural heritage assessment.

Terry GARWOOD: The developers are responsible for preparation of their own cultural heritage management plans where they are required.

Danny O'BRIEN: Yes. But what I mean is they then have got to pay someone.

Bev McARTHUR: The costs charged by them.

Danny O'BRIEN: Yes, the costs charged by the person doing the assessment. Is there any restriction or guidance on what those costs are limited to?

Terry GARWOOD: I understand the question. I will take it on notice as to whether there is some guidance provided on the actual costs that are charged.

Danny O'BRIEN: Okay. Does the department have data on what people are charged for all those assessments that you listed?

Terry GARWOOD: We would have information about cultural heritage management plans; I have just provided the information about them. So I will provide whatever data we have in relation to the costs that are charged.

Danny O'BRIEN: Okay. That would be excellent. Thank you. In October last year the government signed a recognition and settlement agreement between the state and the Barengi Gadjin Land Council – I am not sure if I am getting that right. The agreement was released in heavily redacted format. Will you be able to release the full agreement to the committee and the public?

Terry GARWOOD: Thank you for the question. The recognition and settlement agreements are effectively commercial-in-confidence agreements between the government and traditional owner parties. In saying that, though, where a traditional owner corporation is happy to provide all of the information, then it is provided. For example, you can look on the department's website and you can see the recognition and settlement agreement details in relation to those that have been agreed to already. In relation to Barengi Gadjin, they have asked that the information about the total settlement amount is not provided, so we have respected that. The wishes of that particular traditional owner corporation are not to provide it. But the information has been provided about the other two recognition and settlement agreements, because those parties have been happy to have them released.

Danny O'BRIEN: Can I ask then: with respect to the local government engagement strategy, which is schedule 6 of that particular agreement, there are a number of sections establishing 'preferential' contracting, procurement, sourcing and employment for local First Nations people. But you would be aware, of course, that the *Local Government Act* explicitly requires councils to deliver value for money for ratepayers in relation to procurement and contracting. Which has precedence, the *Local Government Act* or, in this case, the settlement agreement?

Terry GARWOOD: Thanks for the question, Mr O'Brien. This is I think a misunderstanding about the nature of those local employment engagement strategies or the local government engagement strategy. I mean, those are the aspirations of the traditional owner corporation. They are not a requirement on local government; they are the aspirations of the traditional owner corporation. Traditional owner corporation members are local community members. They participate in the local community. They want to be good members of the community and they recognise and appreciate that local government are important and key stakeholders and an important and key partner to work with, so they have got aspirations about working with local government.

Danny O'BRIEN: Can I clarify, though, because if I am reading this right, schedule 6, 'Proposed actions (Table A)', in D 'Business support', says:

- 28) Establish a preferential contracting and procurement process under which council agrees to preferentially source goods and services from BGLC or other ...

et cetera, et cetera.

Terry GARWOOD: That is the aspiration of Barengi Gadjin.

Danny O'BRIEN: So it does not require councils to do it?

Terry GARWOOD: No, it does not require the council to do it at all.

Danny O'BRIEN: Well, why is it listed as a proposed action then?

Terry GARWOOD: Because it is a proposed action. It is an aspiration of Barengi Gadjin that they would want to get more Aboriginal people employed in local government. If I asked how many Aboriginal people were employed in local government, you might be interested to know: not very many. The aspiration of Barengi Gadjin is to have more Aboriginal people employed in local government. It is an important key partner, and they are seeking to do that through that agreement. But in any event –

Danny O'BRIEN: So in answer to my question, the *Local Government Act* still takes precedence.

Terry GARWOOD: Yes, the *Local Government Act* still takes precedence, to answer your 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.

Danny O'BRIEN: Thank you. Specifically again, noting your comment that it is an aspirational document, it directs councils to develop a framework for traditional owners to be involved in the management of council-controlled lands and waters. Does that include all council properties – so football grounds, lakes, reserves, libraries, childcare centres, parks?

Terry GARWOOD: It would include whatever a local council would want to include.

Danny O'BRIEN: Right, okay. Section 6 of the strategy also calls for Barengi Gadjin involvement in all planning permit applications and planning scheme amendments that 'affect' local First Nations people. What is the definition of 'affect'?

Terry GARWOOD: Well, I would just put a layman's term to that: to be engaged; to be engaged in conversation. It is about an impact of planning permit applications. But again, Mr O'Brien, it is an aspiration that the traditional owner corporation Barengi Gadjin are seeking. They want to be engaged as a partner with local government. These are local Aboriginal people who have got rights under the *Traditional Owner Settlement Act*. They see local government as an important partner to work with. They are members of the local community; they want to be builders of economic prosperity and social cohesion in the community. To do that, you engage, and they want to be involved in that.

Jeremi MOULE: Mr O'Brien, I would put to you that lots of community groups, business groups, sporting groups and others would put in documents to councils aspirations for how they might wish to be engaged in decision-making within councils.

Danny O'BRIEN: Yes, but those community groups, Secretary, do not have the backing of a state government agreement.

Jeremi MOULE: Some do. Some business groups receive government funding, and some sporting groups likewise.

Danny O'BRIEN: It is not a settlement agreement under an Act of Parliament. It presumably binds the state at least, if not local government, on this. You actually sort of highlighted where I was going to go to. What is the effect of this from a local government perspective if the agreement simply says, 'These are the aspirations?' What is the state's role in that then? We have signed off on an agreement that we agree with these aspirations. Does that mean the state then says to local government, 'You must do this?'

Terry GARWOOD: It does not mean that.

Danny O'BRIEN: Does it result, though, in the state saying, 'Well, you don't have to do this, but jeez, you better have a look at what your grants are going to be next year, because you haven't actually signed up to any of these aspirations?'

Terry GARWOOD: Mr O'Brien, I mean, these are aspirations of Barengi Gadjin. They want to have a good relationship with local councils in their traditional owner settlement area. The state has entered into an agreement, and you are right to point out that we would seek to support and assist in the delivery of that agreement. I have been involved in Local Government Victoria previously in another life and discussions, with involvement from DPC, about how government can support in the delivery of the elements of these agreements. But the fundamentals of this are that under the *Traditional Owner Settlement Act* traditional owners have settled their claims for native title through the TOSA, as we call it, and as part of those settlements and negotiations a range of agreements have been entered into to support and assist the sustainability and functions and operations for traditional owners.

Danny O'BRIEN: But I guess what I am getting at is – and this is the nub of the question – if it just represents the aspirations of the traditional owners and what they want to do with local government and

obviously various other parts of the agreement as well, what actual force does it have by the state signing up to it?

Terry GARWOOD: In relation to the local government element, there is no legally binding force with it.

Danny O'BRIEN: Right.

Terry GARWOOD: I mean, I will just be clear about that.

Danny O'BRIEN: Okay.

Terry GARWOOD: But it is clear to us in the state what the aspiration of the Barengi Gadjin are, and in that sense, in terms of their own interest in self-determination and their future in the local community and how they want to build their economic prosperity, support social cohesion and be fully functioning respected members of the local regional community, that is an aspiration that they have got to engage with local government.

Danny O'BRIEN: Okay. Can I move on. In September, you would be aware, the Bunurong land council was put into administration.

Terry GARWOOD: Yes.

Danny O'BRIEN: In the period in question – in 2021–22, 2022–23 – was the department aware of the risks, that Bunurong could be put into administration due to some issues there?

Terry GARWOOD: Firstly, we were aware of the fact that the Bunurong land council has been put into administration by ORIC, or the registrar of Aboriginal corporations. We are certainly aware of that. I might say, though, that it can continue to function and deliver its important cultural heritage functions whilst it is under administration.

Danny O'BRIEN: It can?

Terry GARWOOD: Sorry?

Danny O'BRIEN: It can, did you say?

Terry GARWOOD: It can. It can continue its important functions whilst it is under administration. I am not able to advise whether we were aware of the financial issues. We are certainly aware now, obviously, and working to make sure that Bunurong continues its important services and make sure that ORIC is able to do the investigation appropriately, and at some point it will move out of administration and return to Aboriginal community control.

Danny O'BRIEN: Does administration affect its status as a RAP in any way?

Terry GARWOOD: No, it does not affect its status as a RAP.

Danny O'BRIEN: So it stays under state law as a RAP.

Terry GARWOOD: It stays the same.

Danny O'BRIEN: You mentioned cultural heritage applications. I understand – I think they might have said on their website – that they cannot do anything until April. I believe this affects a very large proportion of permit applications around the state, like a third. Is there any assistance the government is providing to clear the backlog?

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.

Danny O'BRIEN: I was also going to ask the average cost of waiting times of heritage assessments, but I think you have taken that on notice for every one, so we will presumably get that as well.

Terry GARWOOD: Yes.

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.

Danny O'BRIEN: What are the department's responsibilities with respect to a land council and issues of administration and issues of alleged fraud and mismanagement?

Terry GARWOOD: Well, I mean, obviously we take our responsibilities as a funding agency very seriously. Any Aboriginal organisation that is funded by us has to comply with funding conditions, and those are monitored by the department. It is disappointing that there appears to have been financial mismanagement at Bunurong. We are in contact with ORIC in relation to the organisation being put into – I think 'special administration' is the term. We will work to support ORIC in their examination of all of the accounting records and make sure that we get to the bottom of what has occurred there. But in the meantime, the organisation must continue to comply with our funding conditions. At some point we will get a final report from ORIC, and then we will be able to see more clearly where we go from there.

Danny O'BRIEN: So in terms of funding, there has been no funding withheld. Indeed you have actually added additional funding to help them with the cultural heritage assessments.

Terry GARWOOD: There was no funding withheld. Whilst it is under special administration the financial controls are even stronger than they would be as an organisation operating in its own right.

Danny O'BRIEN: You mentioned there was no threat to them as a RAP, but is the department aware of the heritage council holding a review of Bunurong's status as a registered Aboriginal party?

Terry GARWOOD: I will just have a quick look, Mr O'Brien. I do not think that my briefing provides me with any advice about that. What I could say – I mean, you are correct to point out that the heritage council is responsible for decisions around registered Aboriginal party status. To the extent that there are any issues about the functioning and operations of undertaking the responsibilities of being a RAP, I would expect the heritage council would be aware, and the staff that support the heritage council are DPC staff so they would be well aware of the issue of Bunurong's operations and functions. To the extent that there are any issues that may impact on their capacity to carry out the responsibilities of a RAP, then that is something I expect the Aboriginal heritage council would take an interest in.

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.

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. 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.

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.

Danny O'BRIEN: Okay. On the Yoorrook Justice Commission – I am going to run out of time, but I will quickly start with this one – did the department or the minister provide any advice to the commission on final recommendations outside the public submissions and public hearings that we know about?

Terry GARWOOD: Well, I mean, the Yoorrook Justice Commission is a royal commission under letters patent. It undertakes its role in accordance with those letters patent. It is its responsibility to form its own recommendations; it is not the responsibility of this department to guide it as to what its recommendations would or would not be.

Danny O'BRIEN: But that was not the question. The question was: did you provide any advice?

Terry GARWOOD: We have a formal relationship with the royal commission – we appeared before it; we work with it quite closely – but in terms of formal advice about what recommendations be provided, no, that is a matter for them.

Danny O'BRIEN: Thank you.

The CHAIR: Thank you, Mr Garwood. We are going to go straight to Mr Tak.

Meng Heang TAK: Thank you, Chair. Secretary, COVID-19 was a difficult time for all of us, and I understand that throughout the reporting years the department provided significant support to the government

and other departments, including the department of health. Could you elaborate for the committee on the sorts of actions the department took to support both the government and other departments?

Jeremi MOULE: Yes, thank you. I will ask Ms Cassar to supplement my answer, but just for broader context, DPC played its conventional policy leadership and coordination roles and obviously as the primary source of public service advice to the Premier of the day in relation to COVID-19 matters. We were also participants, I personally and others represented here, on the various governance arrangements that were in place in response to COVID-19, extending even further back into the 2019–20 year and then obviously into the years that are subject to this hearing. We provided briefings to the Premier on decisions that were required by government. We engaged with the department of health to make sure that some of the enduring settings or underlying settings were in place but also what our future responses to further waves of COVID-19 could and might be. Again, that falls more into the conventional role that my department plays in supporting the Premier of the day. But in terms of some more specific things, I might ask Ms Cassar to respond. Thank you.

Meng Heang TAK: Yes, please.

Emma CASSAR: Thank you for the question. As for all departments, a core focus of DPC during the pandemic period was on facilitating a coordinated whole-of-government response to this unprecedented public health emergency. DPC provided advice and coordination of strategic government responses to the COVID-19 pandemic at both the state and national levels. This included supporting COVID-19 management across the departments and agencies. Across 2021–22 DPC continued to provide advice on the government's investment and responses needed to respond to the pandemic, including supporting significant investments in the workforce, hospital base and primary care, critical infrastructure and equipment. DPC also worked closely with the department of health to support the recovery of the Victorian health system – for example, the Victorian government's COVID catch-up plan to address non-urgent surgery that had been deferred due to the pandemic.

Moving to 2022–23, DPC continued to work closely with the department of health in supporting the Victorian health system to remain prepared and support their functions in demand, including COVID-19 demand across the state. We continued to play a role in providing advice and coordinating strategic responses in the third year of the pandemic, working with departments to clarify the roles and responsibilities in moving towards enduring response settings. Support was also undertaken to the department of health to establish a review panel to undertake a legislative review of the pandemic management framework. DPC has continued to provide advice to government and work closely with the department of health on responses needed to support the recovery of the system from the significant disruption by the pandemic.

Meng Heang TAK: Thank you. Given the necessary precautions that were taken to stop the spread of COVID-19 throughout the pandemic, how was the department able to continue supporting government and cabinet in decision-making during the pandemic?

Jeremi MOULE: Thank you for the question. I think if we reach back just a few months, or the months prior to this reporting period, obviously every workplace underwent a fairly significant and sudden change to the way that they operated, and the department's activities and obviously our support for cabinet and its committees did likewise. So going into this reporting period we already had in place arrangements for cabinet and committee meetings to be conducted remotely. We had accelerated a journey that we were already on towards more paperless provision of material to cabinet ministers for their consideration. Thankfully we had done some groundwork there, so that transition – the necessary transition – when people were not in the office and able to necessarily receive their bundles of papers, meant that the electronic system for doing that, supporting the operations of cabinet and committees, was well established. Then, depending on what the prevailing COVID-19 settings were for the entire community, as other workplaces did, we held cabinet in a larger room than we usually did, we had air filters, ministers were a little further apart from each other than they would have been otherwise – all of those things that, again, were very conventional in many areas. But the cabinet office, which Mr Puls leads, in my opinion did a remarkable job at being able to pivot quickly, because cabinet decisions are always important, but they are particularly important during a time of emergency when community is looking to government for leadership and support. The department responded well. I think that the government of the day would have felt well supported and was certainly able to transact its necessary business in a very orderly fashion even if what we would have described as being unconventional three or years ago is in fact the way the business is done now.

I should also say that, as an opportunity to take opportunity out of such significant disruption, we do now have some significantly more efficient cabinet and particularly committee processes, whereby some of those are still conducted remotely. It means that ministers and their officials do not need to be traipsing across town to get to specific rooms to have meetings. When it is appropriate, they are held face to face. Certainly the learnings and the opportunities out of the COVID-19 response have meant that we have been able to do some things more efficiently in support of the operation of the government.

Meng Heang TAK: Thank you. You talked about unconventional workplaces. I am interested in flexible work arrangements. I wanted to ask about one of the initiatives that stems from the post-pandemic period. Like you said, remote work and flexible working arrangements were key to the workplace continuing to operate. As part of the 2021–22 budget, the VPS workplace hub was initiated. What did the initiative involve, and what were the outcomes of that trial?

Jeremi MOULE: Thank you, Mr Tak. Even prior to COVID the Victorian public service had what was then called the all roles flex policy, which was in support of flexible working arrangements, although I would say the application of that and the take-up of that was very patchy. In fact some managers adopted it well; others were very reticent to put flexible working arrangements in place. We then had a fairly significant disruption to workplaces, and of course we were all working remotely for a period of time.

During COVID one of the decisions that the government supported was an initiative to undertake a trial of several suburban hubs, where rather than the need for someone who might live in an outer suburban area to travel all the way to the CBD in order to undertake their office-based duties, they might be able to attend an office that was closer to where they lived. There was a pretty strong take-up of that. The evaluations that we ran throughout that trial had positive reflections. I think people appreciated the convenience of that but also for those that were concerned about the prevailing COVID conditions, even though they might have been able to attend the office, they felt more comfortable in a smaller office environment or in a location where they needed to undertake less travel, particularly travel on public transport. The trial was conducted and concluded in line with the funding that was provided to it. The evaluation is now under active consideration by government.

What I would say, though, is that the implementation of what is the current flexible work policy, which was adopted by government in February of 2022, in some ways has perhaps got ahead of the notion of suburban hubs. While will absolutely consider the outcomes of that review in the context of future planning of the government accommodation footprint, the flexible work arrangements that are in place at the moment for VPS staff mean that they are able to, obviously, work from a core office. They are able to work from home. They are able to work from another existing government office without the need, necessarily, for us to have the hubs in place that were part of the trial. But as I said, they will absolutely assist us in informing future settings, particularly around the accommodation footprint for the public service and in particular in a greater Melbourne context.

Meng Heang TAK: Thank you very much. Secretary, through you, moving on to the royal commission into mental health. How did the department's social policy team support the implementation of the recommendations of the Royal Commission into Victoria's Mental Health System, and can we get an update on where we are at up to this stage, please?

Jeremi MOULE: Thank you, Mr Tak. I will ask Dr Cassar to respond to that question. Thank you.

Emma CASSAR: Thank you very much. This is a good example of the role of DPC, particularly our social policy and intergovernmental relations group, in supporting landmark social policy reform through a whole-of-government lens to promote the successful implementation. In partnership with the Department of Health, DPC played a key role in supporting the implementation of recommendations from the royal commission, striving towards a reformed and integrated mental health and wellbeing system with community at its core. DPC has continued to support a coordinated government response to the royal commission and has played its role by facilitating government-wide decision-making to improve mental health and wellbeing, including the mental health and wellbeing cabinet committee, a mental health and wellbeing secretaries board committee, a suicide prevention and response Victorian secretaries board committee and an intergovernmental committee on mental health and wellbeing. The key achievements in 2021–22 included introducing the new Mental Health and Wellbeing Bill into Victorian Parliament, releasing the mental health and wellbeing workforce strategy 2021–24 and Victoria signing the National Mental Health and Suicide Prevention Agreement. The key achievements

in the 2022–23 year included supporting the introduction of the new *Mental Health and Wellbeing Act 2022* and delivering six mental health and wellbeing locals, with planning underway for more locals across Victoria. Work has begun on more than 90 per cent of the royal commission's recommendations to lay the foundations for Victoria's future mental health system.

Meng Heang TAK: Thank you very much, and my supplementary question: I understand that one of the recommendations that came from the royal commission was around progressing work to support mentally healthy workplaces in Victoria. Secretary, through you, can you describe how the department has supported the Premier to implement these recommendations?

Jeremi MOULE: Yes, thank you. I will defer to Dr Cassar again. I think I referred briefly to a couple of the committee mechanisms that we put in place, one of which is chaired by the Premier and co-chaired by the Trades Hall Council and the chamber of commerce, and then there is an interdepartmental version of that as well that is focused on healthy workplaces. Dr Cassar?

Meng Heang TAK: Thank you.

Emma CASSAR: Thank you. To provide some background for the committee, recommendation 16 of the Royal Commission into Victoria's Mental Health System called for the Victorian government to lead the work to support establishing mentally healthy workplaces. To be led by the Premier, the recommendation called for action to foster the commitment of employers to create mentally healthy workplaces, including by developing resources to assist employers and employees across Victorian businesses to promote mental health in the workplace, to address workplace barriers to good mental health, to promote inclusive workplaces that are free from stigma and discrimination and to support people experiencing mental illness at work. The royal commission recommended DPC lead the recommendation and act as a secretariat for the mentally healthy workplaces advisory group. The Premier's leadership in the project helped elevate mental health and wellbeing from a human resources issue to really a key leadership matter.

As recommended by the royal commission, DPC established the mentally healthy workplaces advisory group in 2022 to advise on the delivery of, firstly, a Victorian mentally healthy workplaces framework to create a common language to shape the way mental health is spoken about in the workplace, and secondly, accessible resources and tools for both employers and employees to provide a central source of both workplace health and safety information. The advisory group, as the Secretary mentioned, is co-chaired by the CEO of the Victorian Chamber of Commerce and Industry and the secretary of the Victorian Trades Hall. The advisory group comprises senior membership from industry, unions and the Department of Health mental health and wellbeing promotion office. The advisory group has met four times thus far and has a final meeting in December this year. DPC also established a mentally healthy workplace consultative committee to support the work of the advisory group and be the sort of arms and legs of that. The consultative committee has provided guidance and advice to the advisory group from the perspective of employees and workplaces, including people with lived experience of psychological distress or mental harm. The consultative committee has met four times since March 2023.

Meng Heang TAK: Thank you. I am interested in the industrial relations priorities. The 2021–22 budget, pages 102 and 105 of budget paper 3, provided funding for a project establishment team to support implementing the response to the inquiry into the Victorian on-demand workforce. The budget paper referred to standards to encourage fair conduct and accountability by platform businesses. Secretary, through you, can you tell me about these standards?

Jeremi MOULE : Thank you. Mr Tak. I will ask Mr O'Connor to respond to that question.

Matt O'CONNOR: Thanks for the question. Mr Tak. As you point out, the successive budgets have provided funding to implement the recommendations of the inquiry, which was chaired by Natalie James, who is now currently the Secretary of the Commonwealth Department of Employment and Workplace Relations. The government accepted all of the recommendations of that inquiry in full or in part, and two of those significant recommendations among those were the establishment of the gig workers support service to provide advice and assistance to gig workers, and indeed platforms, and also to establish what are currently voluntary standards for the industry. I am pleased to report that both of those recommendations were acquitted during this year. The gig workers support service was established and up and running in May 2023 and has been since, and

also the voluntary standards were promulgated and are now being promoted across the industry for take-up by platforms and to assist workers to achieve fairer and safer working conditions.

Meng Heang TAK: Thank you. On-demand worker support, in that same budget paper, on page 105, and in the 2022–23 budget paper 3, page 104, I note that funding was provided to establish support services to assist on-demand workers in Victoria. Can you tell me what support services are in place?

Matt O’CONNOR: Yes, I can. As you point out, the support service is aimed at workers who are not employees, so there is a distinction obviously between those who are, effectively, in a looser sense, independent contractors and those who are common-law employees. Obviously common-law employees receive assistance through Commonwealth institutions and the *Fair Work Act*, so the support service is very much targeted at those who, generally speaking, would fall into the category of non-common-law employee. Having said that, the line is blurry, so often workers need some advice about on what side of the line they might fall. The service does not provide formal legal advice, but it certainly steers them in the right direction for assistance in relation to those matters. The service also provides referral services to various other bodies, including, for example, WorkSafe if the query relates to a work health and safety matter. It could also refer queries to the Fair Work Ombudsman or the Commonwealth if the worker is more likely to be classified as an employee. Through the program we have also provided funding grants to community legal centres, and in some cases the service might refer workers to those services if they have a legal query which requires further investigation. That would be the summary of some of the key areas where those services would be provided. The other thing I should add is that the service also has responsibility for promoting the voluntary standards that I spoke about before, and there is work going on in relation to that activity.

Meng Heang TAK: Perhaps just a quick one. Can you tell me about the public sector unit’s involvement with enterprise bargaining in the public sector, if you have the information?

Matt O’CONNOR: I can. Thanks for the question, Mr Tak. We have had, for many years, as Mr O’Brien well knows because he asks me about it at most PAEC hearings – he is not here unfortunately – the responsibility of overseeing public sector enterprise bargaining across the Victorian government. There are approximately 160 enterprise agreements that we oversee. And I think my time is up.

The CHAIR: Thank you.

Meng Heang TAK: Thank you. Thank you, Chair.

The CHAIR: It is. Just briefly, we are going to take a very short break for morning tea, with the hearing continuing at 11:15 am.

The committee will now resume its consideration of the Department of Premier and Cabinet, and we will go to Mrs McArthur for the next 21 minutes.

Bev McARTHUR: Thank you, Chair. I will go to Mr Garwood. Mr Garwood, what gives the Barengi Gadjin Land Council the right to demand that all the financial aspects of that agreement are redacted, given it is taxpayers money?

Jeremi MOULE: Mrs McArthur, I might answer that question before going to some of the detail from Mr Garwood. It is a commercial agreement, not unlike other commercial agreements that government enters into. The parties that enter into that commercial agreement have some rights around confidentiality of that information. In that sense, it is conventional and standard. It is unique in the type of agreement that it is, but the government enters into commercial-in-confidence agreements with entities very regularly.

Bev McARTHUR: But this agreement has incredible impacts on local communities, let alone the taxpayers that are funding this operation. Also, in the agreement it says:

In relation to any land owned in fee simple by the Corporation, and upon the reasonable request of the Corporation, the State will provide a letter of support in relation to any application by the Corporation for any of the following:

- (a) an exemption from local government rates ...

Why should this organisation get an exemption from local government rates?

Terry GARWOOD: There are many arrangements where organisations can seek exemptions from local government rates. You should and would know that. It is a standard responsibility for councils to consider exemptions from rates, and there are lots of provisions for that to occur.

Jeremi MOULE: Particularly for community and church organisations.

Bev McARTHUR: Are you going to compensate the local governments that have to give them exemptions from rates?

Terry GARWOOD: Every time there is an exemption made to rates, and councils do this on a regular basis for whatever reason – hardship, charitable bodies, et cetera et cetera –

Bev McARTHUR: But you are funding these organisations as well as them getting exemption from rates, which therefore have to be picked up, that balance, by the ratepayers of the 10 councils involved. I also would like to say the councils were not consulted in any way. They found out about the agreement latterly. But let us move on.

Jeremi MOULE: Mrs McArthur, the government funds many organisations that are also then recipients of rate waivers, particularly those religious organisations that provide community services, through funding that largely moves through DFFH. Funding is provided to those organisations, and they are supported by rate exemptions from councils as well.

Bev McARTHUR: Can I also go to Mr Garwood to ask about the Yorta Yorta corporation being placed into special administration. I understand Monica Morgan was perhaps sacked from the corporation. The whole board have stepped down. What is the background to all that?

Lauren KATHAGE: Is that relevant to this?

Bev McARTHUR: Yes, because obviously the operations of the corporation were part of the financial period we are looking at.

Terry GARWOOD: Perhaps I will just explain –

Lauren Kathage interjected.

The CHAIR: Is there a point of order, Ms Kathage?

Lauren KATHAGE: Excuse me. Apologies, Chair. Chair, on a point of order, we are here to examine government outcomes for the previous two financial years, and I do not see how this is relevant to government work towards its outcomes relating to the budget.

The CHAIR: Mr O'Brien on the point of order.

Danny O'BRIEN: On the point of order, Chair, this is the same situation as the questions just asked about the Bunurong Land Council, where there is a long lead-up to these issues, and they are all relevant to government spending, as the witness has indicated with respect to Bunurong.

Bev McARTHUR: Absolutely no different.

The CHAIR: Mrs McArthur, I will rule on the point of order. There is no point of order. It is relevant to the inquiry at hand. Mrs McArthur, please proceed.

Terry GARWOOD: Thank you for the question. Many Aboriginal organisations, including traditional owner corporations, are registered under the relevant Commonwealth legislation. ORIC is the office of the registrar. It is responsible for monitoring their compliance with the registration under the Act. Where ORIC receives information in relation to allegations of non-compliance, they then investigate, and as part of that, depending on the seriousness of the allegations, they may place an organisation into special administration, as it is called, to enable them to continue with their investigations. And depending on the outcome of the investigations, then there is a decision made as to what needs to occur, whether it is referring matters to the police for charges to be laid or whether it is other governance changes to be made.

In relation to the Yorta Yorta Aboriginal nations corporation, all I can say is what is on the public record, in the sense that ORIC has placed them into special administration. There have been internal governance issues at the Yorta Yorta Aboriginal nations corporation, and as part of those governance issues ORIC has stepped in to place them under special administration.

Bev McARTHUR: Thank you. How will this affect the very controversial protection of flood plain marshes in the Barmah National Park and the Barmah forest Ramsar plan that is underway?

Terry GARWOOD: Placing them into administration does not have any impact on their cultural heritage responsibilities, as I indicated earlier for Bunurong. They can continue to meet their cultural heritage responsibilities.

Bev McARTHUR: Okay. Can you also tell us what the time line will be for a government response to the Yoorrook Justice Commission?

Terry GARWOOD: By that I think you are referring to the second interim report that was received towards the end of June this year. The report is under very active consideration by the government at the moment, and we can expect a government response to that in due course. It is being considered. I am not in a position to provide you with an absolute deadline; that is a matter for government.

Bev McARTHUR: Okay. Can you tell me what consequences are going to emerge from the fact that these agreements will affect easements on private property?

Jeremi MOULE: Could you clarify that question?

Terry GARWOOD: Yes, I am not sure what –

Jeremi MOULE: Are you referring to Yoorrook still or to –

Bev McARTHUR: No. We are going back to the land council agreements. So part of the agreements that the government negotiated with, for instance, Barengi Gadjin Land Council –

Terry GARWOOD: If you could just be more specific, sorry.

Bev McARTHUR: relates to public land, and there is public land in the manner of easements on private property. How will that agreement affect the thousands of easements that exist over private property, especially farming land?

Terry GARWOOD: I understand where the question is going. Easements are an important entitlement that people have into relation to whether it is water entitlements, pipes, powerlines et cetera et cetera. I cannot imagine a circumstance where those easements are to be changed in any way, because they are an entitlement that people have in relation to access to a whole lot of utilities et cetera.

Bev McARTHUR: Mr Garwood, I know you said that these are aspirational agreements, but as Mr Albanese said in relation to the Voice, woe betide any government that did not listen to the Voice. Now, we are in a situation where local councils who have spoken to me feel quite under threat with the fact that they basically are going to have to negotiate these outcomes that have been put in place by the government without their consultation.

Terry GARWOOD: I think local government is well able to conduct itself in a way that is respectful to all communities, including the local traditional owners. Frankly, I cannot see a circumstance where local government is fearful, as you put it, because –

Bev McARTHUR: They are very susceptible to your grants.

Terry GARWOOD: local Aboriginal communities are an integral part of rural local communities. Engagement with local councils is an important responsibility for local traditional owners. They are simply asking to have the capacity to engage, and they have put some aspirations down –

Bev McARTHUR: Legislated and funded by government.

Terry GARWOOD: in an agreement with the state government, and the aspirations, we think, are very reasonable, but they are not obligatory on local government.

The CHAIR: Mrs McArthur, I will ask you to remain respectful towards the witness, Mr Garwood. He is genuinely trying to answer your questions.

Bev McARTHUR: Thank you, Chair. Secretary, perhaps you can tell us how many staff are still being paid in the Office of the Commonwealth Games?

Jeremi MOULE: I think that is a question best directed to the department where those staff are employed.

Bev McARTHUR: But aren't you responsible overall for all these?

Jeremi MOULE: I think the secretary of that department is responsible for the employment of staff within his department. But I can tell you that the Office of the Commonwealth Games was – I am not sure if I will get the right terminology – a division or a team of public servants within the department. The organising committee was a company and was dealt with separately when the decision was made to conclude the hosting of the Commonwealth Games matters. The staff that were working in the department, so VPS staff, were immediately diverted to other tasks – namely, the implementation of the \$2 billion regional fund – and then more broadly those staff and all staff within that department are currently subject to a fairly broad ranging restructure within the organisation. Those staff have the opportunity to participate in that in terms of applying for available jobs, as other staff do that are subject to restructure. They are all regular public servants gainfully employed, and I think there is a significant distinction between them and their employment conditions and those that were employed in the company that was the organising committee, which had a CEO and a board. The conditions that they were working in meant that they were not Victorian public servants; they were sector workers but not Victorian public servants.

Bev McARTHUR: Okay. Maybe this is a question for you, Mr Secretary. The department's website states, and I am going to the DPC annual report here, that Industrial Relations Victoria:

... oversees ... enterprise bargaining ... across the Victorian public sector.

Which public sector EBAs that Industrial Relations Victoria has oversight of are currently under dispute or have expired?

Matt O'CONNOR: To answer that question – thanks for the question, Mrs McArthur – the government tends to broadly, as I think I have addressed the committee before, break up –

Danny O'BRIEN: Numerous times, Mr O'Connor.

Matt O'CONNOR: Numerous times, and I have mentioned it to you before, Mr O'Brien. We break up agreements into majors and minors, mainly for determining what sorts of governance should exist over those agreements. Perhaps if I could mention initially some of the major agreements that are currently under negotiation and have either passed their expiry date or are coming very close to that. The first one would be the Victoria Police agreement. It is well progressed in terms of negotiations. That agreement expires, I think, at the end of this month, but as I said, negotiations are continuing in relation to that. We are somewhat progressed in relation to negotiations for the agreement covering the Victorian public service. That agreement expires at the end of March next year. Another of the significant agreements is the Ambulance Victoria agreement, and again, negotiations are well progressed under that agreement. I have not got the precise date in my head, but I think that expires early next year, and in the rail sector we are currently also negotiating the V/Line agreement, which is obviously significant. The final one under that category would be Fire Rescue Victoria, and that agreement is subject to Fair Work Commission proceedings, so the union applied for an intractable bargaining order, which is a new provision under the *Fair Work Act* that came into effect midway through this year, and that was granted and now there is a process for effectively programming an arbitration. There is a preliminary hearing in the commission starting on 18 December, so I imagine that all things being equal the arbitration of what is called a workplace determination will occur sometime next year.

Danny O'BRIEN: Has that agreement expired?

Matt O'CONNOR: Yes, the FRV agreement has well and truly expired.

Danny O'BRIEN: When an agreement expires, it just rolls over till you have got a new one, largely?

Matt O'CONNOR: When the agreement expires, the agreement effectively continues in operation until it is replaced by a new agreement, or a workplace determination, in this case.

Bev McARTHUR: Continuing on this, what is the current base annual percentage wage increase that the government is offering in relation to EBAs across the Victorian public sector?

Matt O'CONNOR: The new wages policy, which came into effect in April this year, Mrs McArthur, provides for effectively what we call pillar 1, pillar 2 and pillar 3 outcomes. Pillar 1 is the base wage increase, and that is now 3 per cent, but it also includes a 0.5 per cent one-off payment based on total agreement cost.

Bev McARTHUR: Based on what?

Matt O'CONNOR: Based on the total cost of the agreement across the particular employer that it covers. So that is pillar 1.

Bev McARTHUR: That is pillar 1.

Matt O'CONNOR: Pillar 3 allows for additional allowances, not wage increases, which deal with government priorities or strategic issues, including things like gender equity and service delivery. They have to be part of a funded strategy or met through cost offsets under the agreement.

Bev McARTHUR: So what is the total increase going to be when you add all these things up? It starts with 3 per cent of pillar 1, you add all these add-ons – what is the increase?

Matt O'CONNOR: Well, you are asking me to make a forecast, unfortunately, which I do not think I could make, but that will depend upon each of the negotiations and how they –

Bev McARTHUR: So pillar 2?

Matt O'CONNOR: Pillar 2 is the best practice employment commitment, which is not a cost item. It is really where we look for workplace reform that might occur into the future, for example, or other initiatives around cooperative workplaces and workplace flexibility, which might not necessarily be a change to the agreement itself, although it could be, but often an agreement is accompanied by a separate document, which is a best practice employment commitment.

Bev McARTHUR: Does productivity come into the equation?

Matt O'CONNOR: Indeed, yes.

Danny O'BRIEN: In 2?

Matt O'CONNOR: Well, in all – well, sorry, in 2 and 3, there will be productivity elements among them.

Danny O'BRIEN: And what is 3?

Matt O'CONNOR: Three was, I think I just outlined it, but it was the allowances beyond the 3 per cent base increase. Pillar 3 provides for additional allowances in return for things like service delivery and indeed for productivity and those sorts of items.

Danny O'BRIEN: Okay.

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.

Bev McARTHUR: Thank you so much. Given the sick pay guarantee was an initiative during COVID, will the program cease after the pilot program concludes?

Matt O’CONNOR: I missed the start of that question, sorry.

Bev McARTHUR: Sorry, Mr O’Connor. Given the sick pay guarantee was an initiative during COVID, will the program cease after the pilot program concludes?

Matt O’CONNOR: That is a decision that is still to be made. Obviously it is a pilot, so it will be evaluated like any other pilot. I think that is as much as I can say about that. It was not totally linked to COVID. It was attempting to deal with an issue where casuals were turning up to work when they probably should not have been, because they were ill, but given that they were not entitled to any other compensation for that period, they made the choice to attend work. While obviously it took on a lot more significance during COVID, it was a reform that probably preceded that as well.

Bev McARTHUR: Do you advise government on this? Would you be advising that it should be another tax on business, for example?

Matt O’CONNOR: It is not actually our responsibility, the guarantee. We do assist the department that is responsible for it, which is DJSIR.

Bev McARTHUR: Can you tell us how many people signed up to it?

Matt O’CONNOR: These are probably questions that do go directly to the secretary of DJSIR, who are responsible for the program.

Danny O’BRIEN: We have got too many questions for them this afternoon, sorry – just being honest.

Bev McARTHUR: Okay. We will go to family violence reform now. If 24 months is the average waiting time, what are the longest waiting times being experienced by family violence victims?

Jeremi MOULE: Mrs MacArthur, that is quite an operational question. I think it would be best directed towards DFFH. We, DPC, are not responsible for the oversight or leadership of the system.

Bev McARTHUR: So what are you responsible for?

Jeremi MOULE: Policy advice to the Premier, primarily. The family violence monitor was attached to DPC as a whole-of-government monitoring of the implementation of the recommendations from the royal commission, which is the aspect that we have alluded to previously. We do not run the system and therefore would not have access to that data.

Bev McARTHUR: Okay. Given that you are an advisory operation, would you be suggesting that two years would be too long for women and families to be waiting?

Jeremi MOULE: If that is the data – and I presume you are referring to an anecdote or information that you have in front of you – our role would be to advise the Premier on matters of reform for the system that might improve it, whether they are waiting times or other aspects of the system. So as those items come before government for consideration, our department would be responsible for advising the Premier on those aspects.

Bev McARTHUR: According to the questionnaire, the average waiting time for public rental housing for clients who have received priority access has blown out to 17 months in the 24 months of 2021–22 and 2022–23.

Jeremi MOULE: Mrs McArthur, is that our –

The CHAIR: Excuse me, Secretary. There is a point of order. Mr Galea.

Michael GALEA: I was actually going to ask: is that the DPC questionnaire or the DFFH questionnaire?

The CHAIR: Mrs McArthur, you will have an opportunity with DFFH – I believe it is tomorrow – to ask a similar question.

Bev McARTHUR: Given you are an advisory institution to the government on these matters, you must know that the waiting time has blown out. So how would you be advising government in these matters?

Jeremi MOULE: The department and the minister responsible for this or other service areas are also responsible for bringing to government reform opportunities for improvement, on which we would advise.

Bev McARTHUR: Thank you.

The CHAIR: Thank you, Secretary. We will now go to Mr Hilakari.

Mathew HILAKARI: Thank you, Secretary and deputy secretaries, for your attendance here today. I might take us to the Equal Workplaces Advisory Council. I will refer to budget paper 3, page 104, of 2022–23. This provides funding for workplace gender pay equity initiatives as well as the Equal Workplaces Advisory Council. I am just hoping you can outline some of the work that they have been doing to date and over the specific period.

Jeremi MOULE: Thanks, Mr Hilakari. I will ask Mr O'Connor to respond to that question.

Matt O'CONNOR: Thanks for the question, Mr Hilakari. Yes, you have identified the funding that has been provided to the Equal Workplaces Advisory Council, which is a council made up of industry representatives, unions, employers and also government. It has been in place now for some time. It received a million dollars over two years in the 2022–23 budget to continue some of the initiatives that it has been involved in over those years. It is probably worth noting that in July 2021 the government launched a broader inquiry into economic equity for Victorian women, to which EWAC – which is the acronym, if I can use that – made a submission. That inquiry made a number of recommendations around workplace equity for women, some of which have been taken up through the EWAC programs.

Some of the key areas where EWAC has been busy are in relation to equal pay and pay equity. It has done work around providing small businesses with educational and foundational material to assist them in working out whether they have a pay equity issue and how they might go about fixing it. That has been a particularly useful and I think well-appreciated reform for those businesses, who often do not have that sort of broader expertise like some of the larger firms do. I note that in August 2023 the Workplace Gender Equality Agency reported that the gender pay gap was 13 per cent based on ordinary weekly earnings across all sectors, and it widens to around 30 per cent when the pay gap is measured on total earnings. And really just to finish off the answer, Mr Hilakari, EWAC has also just been refreshing its work plan in relation to that funding and is looking at further initiatives.

Mathew HILAKARI: You mentioned the assistance to small businesses. Are large businesses engaged in these processes as well?

Matt O'CONNOR: Yes, they are, to an extent. As I said, they probably have access to other assistance through larger associations and their own in-house expertise, but they certainly are able to access the support and assistance.

Mathew HILAKARI: So they have signed up to the pledge and those sorts of things?

Matt O'CONNOR: Those sorts of things, that it is right. And obviously EWAC has on it the major employer organisations, so in that sense they are well and truly engaged.

Mathew HILAKARI: Yes, fantastic. I mean, we have got a long way to go, clearly, on that. I might actually take us to women in construction, which is on page 93 in the 2022–23 budget paper 3. The women in construction program promotes more women into construction and particularly on the tools. I did note with the department of treasury that one of the really big growth areas of employment was women in full-time work –

that has been a real driver of some of the success in employment in Victoria, particularly pulling down those levels of unemployment across the state to really significant lows. But when it comes to construction, for a long time it has been really sticky in some of those really low percentages of women on the tools in particular, but I am happy for you to just take us through some of the work that they do and then maybe if we are starting to see some of those early results across the whole construction sector.

Matt O'CONNOR: Indeed. Thanks for the question, Mr Hilakari. This is an area that we have paid particular focus on now for the last few years. The issue itself was first funded in the 2018–19 budget, so we have had successive budget funding since then. It is probably worth dividing up into two categories here: there is the broader agenda around increasing the participation of women in construction, which is very important, as you have identified; then there is specific work that is done under the *Building Equality Policy* to encourage the employment of women on government-funded major projects.

Mathew HILAKARI: Yes, great.

Matt O'CONNOR: Those two things in a sense overlap, but they are separate pieces of work. In relation to the broader work that is going on, the three really key themes around this are attraction, so making the construction industry more attractive to young women and indeed women generally; recruitment, so getting to that stage where the proper processes are put in place to recruit women; and then of course retention once they are in there, which is probably just as big an issue as the first two, which is making sure that construction workplaces are safe and friendly and inclusive. We have not had huge buckets of money to do this, but that is probably appropriate in the sense that industry really needs to drive this, so we are almost a seed funder, if you like, trying to get these practices up and going. The money has been spent on various things – excellent research through RMIT. There is funding for Incolink, which is an employer–employee body, to work on job matching and support services for women. Master Builders Victoria were funded \$94,000 to introduce a gender equality employer of choice platform. There was some money – \$44,000 – which funded the Building Respect Together Summit in March 2023, and also another \$6000 for Master Builders to subsidise 60 people to participate in inclusive leadership training. Those are just some examples. MBV contributed \$70,000 to that themselves. They are some of the aspects.

In relation to the building equality policy, which is the work on Victorian government projects, specific targets have been set for contractors to meet, which is that there be 3 per cent of women in each trade position – which does not sound like a lot, but when you are starting from a very low base, it is still a stretch – 7 per cent in non-trade positions and 35 per cent for each management, supervisory and specialist position. Action 2 among those targets is for at least 4 per cent of the labour hours to be performed by women in apprenticeships –

Mathew HILAKARI: And that is important to have the hours, not just the positions?

Matt O'CONNOR: That is right, exactly. Then also action 3 requires suppliers to develop like what government agencies are required to do under the legislation, which is gender equality action plans, and they now incorporate a code that has been developed by industry called the *Respect Code*, which I would encourage people to have a look at. It is on the website. That deals again with making sure that workplaces are safe and are friendly and accessible to women. They are just some examples.

Mathew HILAKARI: Okay, thank you. I hope that over time we increase and increase our ambition as we meet those targets.

Matt O'CONNOR: That is the idea, yes.

Mathew HILAKARI: I just want to take us to the wage inspectorate, and of course, as we all know here, the Commonwealth is largely responsible for industrial relations powers over employers and employees, but there is a role for state government to play. I am just wondering if you could go through some of the role the department has to play in providing advice to the government, particularly in the efforts around fair and productive wages and working conditions for Victorians.

Matt O'CONNOR: Yes. It is probably worth pointing out that Wage Inspectorate Victoria has responsibility for a range of areas and has done now for some time. It became a statutory authority for the first time in July 2021, but prior to that had been part of the department, whether that be IRV or under its various names going back. Its longer term responsibilities have been over child employment and long service leave, and

more recently owner-drivers and independent contractors in that space, and also more recently still, the wage theft laws. As you point out, we are in an interesting position in terms of regulation around IR matters with the Commonwealth. People will obviously be aware that the Commonwealth has a Bill in Parliament at the moment, with the shorthand title being ‘the loopholes Bill’. That picks up a range of matters that the Victorian government has been regulating now for the last few years, and a couple of –

Mathew HILAKARI: So they are essentially taking up the gap that we have been filling in the absence of the Commonwealth being in this space?

Matt O’CONNOR: Yes, in a sense. I mean, if you look at some of the key areas that the bill covers, gig workers is an area obviously that Victoria did the early work on, or some of the early work. Wage theft is another one in that Bill. Separately, and not in this Bill, there is also work going on around labour hire harmonisation, so again, something that Victoria was at the forefront of a few years ago in establishing a licensing scheme. We are now working with other states for a harmonised approach, which will be considered in an upcoming Commonwealth–state workplace relations ministers meeting. So in a sense some of the reforms that we have been developing, particularly around gig workers and wage theft, we will need to review in light of where the Commonwealth legislation lands, and obviously that is part of a Senate process that runs into next year.

Mathew HILAKARI: So we will need to look at those and maybe come up with some more advice and potentially some tweaking down the line if there are gaps that are left by that, but I guess it is fair to say there was a strong and long period of gaps being left, particularly around wage theft. It might be appropriate to refer me to someone else, but do we have any sense of how the wage inspectorate has gone on prosecuting wage theft?

Matt O’CONNOR: In terms of the details for that, you might have to direct specific questions to the commissioner himself, but what I can say is that there have been a number of investigations into matters. There has been one prosecution lodged, but that is now stayed as a result of the High Court proceedings. So the defendant in that prosecution sought to challenge the constitutionality of the wage theft laws in the High Court, and that matter is now listed for hearing next month.

Mathew HILAKARI: Great. Thank you so much. I might just move to the treaty Act now. Secretary – and I am sure Mr Garwood will be involved in some of this conversation in a moment – of course the Victorian government has made it clear that we are committed to negotiating the treaty with Victoria’s traditional owners, and we made that clear in 2018 and of course through the treaty Act in 2022, through the Treaty Authority Act, and subsequently both of those have been followed by elections of course. How is the Department of Premier and Cabinet supporting the state progressing treaty to implement the requirements of those Acts?

Jeremi MOULE: Yes, thank you for your question. I will defer to Mr Garwood, but just to emphasise the point that you have just made, from our perspective these are not matters of policy other than on implementation because they are in fact law within Victoria, so we are moving through with that implementation. But on those matters I will just ask Mr Garwood to address your question. Thank you.

Terry GARWOOD: Thank you, Secretary. Thank you for the question. The treaty Act sets out what we colloquially call the building blocks for progressing treaty – and to be specific, there is the treaty negotiation framework, there is the Treaty Authority, there is the Self-Determination Fund and there is the dispute resolution framework – but they are all at a high level in the legislation.

What we have done over the last few years is to enter into very detailed negotiations with the representative body, which is the First Peoples’ Assembly, to, if you like, bring to life those inputs that are in the advancing the treaty Act for Aboriginal Victorians 2018 as well as the *Treaty Authority and Other Elements Act 2022*. So we have been in detailed negotiations with the First Peoples’ Assembly in every single one of those four building blocks, because each of them requires a very detailed agreement to support and deliver. So, for example, the Treaty Authority requires a treaty authority agreement to actually put it into place. The Self-Determination Fund requires a self-determination fund agreement.

What we have been focused on since the legislation has been passed has been negotiating details in accordance with the government’s commitments to self-determination with the First Peoples’ Assembly, and I might say those negotiations have been very positive and productive but intense to reach agreement, and that is what has

occurred with what I would call, if you like, the first chamber of the First Peoples' Assembly. The second chamber, if you like, of the First Peoples' Assembly were only elected earlier this year. I went down to San Remo this week to meet with all of the members in their full chamber meeting. They are now in the process of working through meeting the requirements of the treaty negotiation framework that I just spoke about, because we are moving to statewide treaty negotiations next year. So that is a way of explaining that whilst we have had the two pieces of legislation in place, we have gone through a very steady, focused and detailed process with the First Peoples' Assembly in accordance with self-determination to strike agreements on all of the building blocks.

Now that that has been done, we have one final piece of the jigsaw, if I can put it that way, which is the Treaty Authority members to be appointed. That is to be announced very shortly. The Treaty Authority is, again in colloquial terms, the umpire for treaty negotiations. Once the Treaty Authority is in place, stood up and functioning, we will be in a position to commence statewide treaty negotiations next year. We are really pleased with the progress that has been made, but I cannot pretend that it has been simple and straightforward. The First Peoples' Assembly have their own legal advice. They have their own view about these matters, and there have been detailed negotiations to reach the agreements that I have just outlined in all of those four building blocks. I have been involved in previous roles and had some interface with those negotiations. They have been really positive and productive, but they have been intense and focused. Now that we have reached agreement on all of the elements, the state is now poised at that point to be able to enter into treaty negotiations once the Treaty Authority is stood up and functioning.

Mathew HILAKARI: Could you just outline a little bit more on that second chamber, which you met with recently, and how that works. I think we all know a lot about the First Peoples' Assembly of Victoria. They are in their second term now, and from my memory of it we saw a really increased participation by Aboriginal people in the vote, which is a great endorsement of the processes that we are undertaking in Victoria. But I am interested in that second chamber element.

Terry GARWOOD: Yes. I know all of the members of the First Peoples' Assembly, both the first chamber and the second chamber. It is a big deal to put your hand up to be elected, as you would know. It is a step forward to be in this process in a leadership way. We have seen the return of some of the members from what I would call the first chamber. They have been re-elected in the individual representative positions, and then of course we have got the allocated seats for the registered Aboriginal parties representing traditional owners. We have now got in the second chamber some from the first chamber and some new members, and as I said, they are very actively getting themselves ready for what I would call treaty negotiations next year. They are doing the requirements under the treaty negotiation framework. They need to get themselves ready to engage with the Treaty Authority to meet what are called minimum standards under the treaty negotiation framework. They are doing the preparatory work for all of that at the moment very actively and in a very focused way.

They are meeting with all of the Aboriginal community organisations around the state. They are meeting with all of the Aboriginal partnership forums. As well, the First Peoples' Assembly organisers are extremely active in community engagement and meetings. I know this because I see all of their social media and texts that come out inviting people to come to community forums right across the whole state. They are extremely active, and that has helped to build their support and recognition as a democratically elected First Nations body. They have been very successful at that, as you have alluded to. I am really looking forward to participating in the process, supporting the government to work through its policy commitment and, importantly, to deliver on the legislation that has been passed by the Victorian Parliament, both the advancing the treaty Act and of course the Treaty Authority Act as well.

Mathew HILAKARI: I do really wish them so much success. I certainly have a great deal of pride in standing on the land of the longest continuing culture that the world has ever seen. When I speak of my community, one of the suburbs is the most multicultural community in the country, and when we talk about these things, there is just a huge amount of pride in that. Having been endorsed now for two elections, these processes, by the Victorian people, I think it is a really important thing to reflect on those endorsements as well. I wish them and you and the department the very best in pursuing treaty. Thank you.

Terry GARWOOD: Thank you.

The CHAIR: Thank you, Mr Hilakari. We will now go to Ms Sandell.

Ellen SANDELL: Thank you, Chair. Good morning, everybody. I would also like to ask about preparation for treaty negotiations. Has the department done any analysis of public land, including land being prepared for sale, in relation to its suitability for treaty negotiations?

Terry GARWOOD: I am sorry, Ms Sandell. I did not quite get the start of your question.

Ellen SANDELL: No problem. I can repeat it. Has the department done any analysis of public land in relation to its suitability for treaty negotiations, in particular land being currently prepared for sale?

Terry GARWOOD: In relation to treaty preparations, no, I can say that we have not focused on that issue. But in the traditional owner settlement agreements that we strike with traditional owner representatives there is always an element of potential handover of land or joint management of national parks or reserves et cetera. Those are often elements that are part of an agreement under recognition and settlement agreements.

Ellen SANDELL: So when the government is preparing land for sale, is there a consideration that this may be part of future treaty negotiations and therefore, I guess, some consideration of that as the land is prepared for sale?

Terry GARWOOD: It is certainly something that is on our radar as an issue, because I am sure that when treaty negotiations commence, that will be an issue that there will be a conversation about. We are in what I would call the treaty preparedness preparation stage. We know that we are going to be involved in negotiations, and that will be one of the elements. Frankly, though, at the moment our focus has been on standing up all of the elements that are in the treaty Act, including the Treaty Authority. That has been our real focus up to now. We will move our focus into this particular area as well – and you can count on that; we will – but it has not been an area of focus up to this point.

Ellen SANDELL: Thank you. Have the assembly or any traditional owner bodies requested that the government put a pause on public land sales ahead of treaty negotiations starting?

Terry GARWOOD: I am not aware of the First Peoples' Assembly requesting a pause. To be frank I think that there have been some First Peoples groups who have spoken about it, talked about it, but I am not aware of a formal proposal that has been put to it, because it is a matter that will be covered in the treaty process. Treaty is really sort of an unknown to us. We really do not know, because we are expecting to hear from the representative body and the traditional owners, and we make the point, as the former Premier said, that everything is on the table for the negotiations and discussions.

Ellen SANDELL: I guess everything that has not already been sold. Thank you. I will move on. The self-determination fund, I understand, is \$65 million. Is that correct?

Terry GARWOOD: That is right.

Ellen SANDELL: Could you explain how the \$65 million was arrived on? I ask because we have had representations from some traditional owners who mentioned that more than that is needed to ensure that promise that traditional owner groups are in that equal negotiating position with government.

Terry GARWOOD: Thank you for the question. Just to be specific, the \$65 million is an initial payment by the Victorian government. The self-determination fund, as it is outlined in the advancing the treaty Act, is for two purposes. One is, as you have indicated, to enable traditional owners' representative bodies to be able to be with, I would say, more equal standing to be able to participate in treaty negotiations. On the one hand, government has significant resources; this is a way of trying to even it up in some way. The second part of the self-determination fund is that it is to be available to build future economic prosperity for First Nations people. That is why, in a sense, it is broadly indicated as an initial payment into the fund, and we have a self-determination fund agreement with the First Peoples' Assembly about the use of the funds and all the accountability and requirements that you would expect.

Ellen SANDELL: So future amounts to that fund – that is just a matter for future decisions of government. Is that correct?

Terry GARWOOD: Yes. I mean, I would characterise it as a good-faith initial investment by the Victorian government. I do not think –

Bev McARTHUR: Aspirational.

Terry GARWOOD: Thank you. I think that it is a recognition that it is a starting point, because government has got significant resources for treaty negotiations, traditional owner corporations do not, and this is a way to enable them to have some more capacity to negotiate with the government. It is also a recognition that by any measure Aboriginal people still remain disadvantaged, and Closing the Gap demonstrates that. So it is an initial investment by the Victorian government to enable those negotiations to take place on a better footing and to enable the building of economic prosperity over time.

Ellen SANDELL: Yes, understood. Have there been any representations from the First Peoples' Assembly that more money is required?

Terry GARWOOD: I think the answer to that is yes.

Ellen SANDELL: Okay. But that is a matter for future governments? Okay. I understand DPC has undertaken its enforcement and compliance responsibilities, including, as I understand it, this year 109 investigations into reports of non-compliance with the *Aboriginal Heritage Act* across Victoria and two prosecutions for harming Aboriginal cultural heritage. Of the 107 other investigations that did not result in prosecutions, could you give us any information about the outcomes of those – whether there was no action taken or improvement notices, stop-work notices or fines, for example?

Terry GARWOOD: I think perhaps the simplest way to approach that would be to look in the back of the annual report, which lists all of the outcomes from all of the investigations.

Ellen SANDELL: I have not read it word for word, I do admit.

Terry GARWOOD: All of the –

Jeremi MOULE: We could read it to you, but you might want more questions. It is a public document.

Ellen SANDELL: The outcomes of each of those –

Terry GARWOOD: I mean, on page 149 – sorry, I will not read it all through for you, but compliance with the *Aboriginal Heritage Act*, every single activity by performance, of officers, of powers and functions and duties, under the *Aboriginal Heritage Act* – all of the details are listed there. You can read it at your leisure.

Ellen SANDELL: Okay. Thank you.

Terry GARWOOD: And just while you are talking to that point as well, I think there was – because it is related to the earlier point that was made on the question that was asked about the time it takes to do cultural heritage management plans; I just have got some additional information on that. There is a statutory time frame, which is 30 days for CHMPs. We have 30 days to respond to them, and that time frame is met on all occasions with all CHMPs. The numbers of CHMPs: we have got 2021–22, 607 CHMPs; 2022–23, 542 CHMPs. The costs are market driven. We do not, to answer the earlier questions, have any specific information on the cost, but this is an area of quite significant market activity by a whole lot of providers, so it is quite a competitive space from people that are archaeologists and cultural heritage advisers of one form or another, so it is quite an active space. For all of those CHMPs, they are all responded to within 30 days.

Ellen SANDELL: Thank you. So just a follow-up question on public land sales, where is the government up to in its negotiations with native title holders on the compensation payments for government land sales?

Terry GARWOOD: You will have to be just a bit more specific.

Ellen SANDELL: My understanding is there has been a bit of an impasse for a few years with at least one traditional owner group – I believe Gunnai/Kurnai – around public land sales?

Danny O'BRIEN: Yes, this is where native title exists.

Terry GARWOOD: Yes, you are right to point – I mean, this is a very active and dynamic space when it comes to negotiations with traditional owner parties that have got recognition and a settlement. There have been

issues in relation to processes to sell land et cetera. What I can say is that we are in very active negotiations with those groups. We appreciate the need to move through those negotiations. We have done that in good faith, and the government will have more to say about that issue in the next little while, because for each of those groups, there are varying issues.

Ellen SANDELL: But still at an impasse currently?

Terry GARWOOD: We are still in negotiations. I would not characterise that as a bad thing. I would characterise that as what you would expect.

Danny O'BRIEN: Can I ask –

Ellen SANDELL: Yes.

Danny O'BRIEN: Sorry, can I take a second of your time? A classic example – the old Sale police station closed in 2015. It is still sitting there unused, unsold. It is actually a hazard for graffiti and violence and other things going on, but I understand it is being held up by that issue – because it is surplus to requirements, it needs to be sold. So it is, like, eight years now.

Terry GARWOOD: I mean, this is in the area of land use activity agreements in particular. What I can say, Mr O'Brien, is we are in very active negotiations. We appreciate the issue, but on the other side of the coin it is for negotiations – the traditional owner representatives have rights. We respect those rights, and we are trying to negotiate our way through to an outcome, and we are looking to bring those issues to a conclusion in the near future. But even in saying that, there will be negotiations.

Danny O'BRIEN: Okay. Sorry, Ellen. Thank you.

Ellen SANDELL: Thank you. That is all right. I will move on to another topic. Thank you. I am not sure if this one is to the Secretary or to Mr Loos. As per your presentation, DPC has a role in supporting the delivery of the housing statement and the Big Housing Build. The housing statement was obviously something that was a long time in the making – months in the making you would hope. What role did DPC play in the preparation of this, and was there any role in consulting with key government agencies? Specifically, I am wondering if Homes Victoria was consulted prior to the release of the housing statement.

Jeremi MOULE: I might give an overview and then I think it will be Mr Loos that can fill in some further detail. So yes, it was a many months task from the point when the then Premier indicated that a housing statement would be released later on in this year. So the DPC led a whole-of-government process. It did involve Homes Victoria and other relevant entities, departments and agencies in bringing forward to government advice and options for inclusion in the housing statement. Mr Loos, would you like to add to that?

Jason LOOS: Thanks.

Ellen SANDELL: And I am wondering about Homes Victoria's role specifically – whether they were actually involved in the development of it or whether it was just that they were just consulted, and how long it was before it was announced that they were aware of it.

Jason LOOS: Thanks for the question. As the Secretary said, DPC played a very significant coordinating role, and it did involve all departments and agencies, including Homes Victoria, Development Victoria –

Jeremi MOULE: From the outset.

Jason LOOS: Yes, right from the outset. So part of the role that DPC was playing in providing I guess policy initiatives and advice back through to the Premier was trying to coordinate the options and all the different pros and cons of the different options that were coming through from various departments and agencies, including Homes Victoria, to facilitate what became the final statement that was released back in September. And now we are still playing a role of just ensuring that now that we are in the delivery, the initiatives are sitting more with the ministers and their departments, where they have specific oversight of their particular areas.

Ellen SANDELL: I understand that, yes. So how early I guess were Homes Victoria brought into that process? What month?

Jason LOOS: What month specifically? Right from the outset. So we actually set up an IDC again that DPC chaired, the Secretary chaired, and Homes Victoria were part of that.

Ellen SANDELL: They were a part of that – okay, thank you. This is one perhaps for the Secretary; it might be for Mr Loos as well. Did DPC provide any analysis, advice or support related to the decisions that led the Treasurer to travelling to Japan to offer in-principle support for the HESC coal-to-hydrogen project?

Jeremi MOULE: No. He would have been supported by the department of – was it DJSIR or Treasury?

Ellen SANDELL: Invest Victoria?

Jason LOOS: It would have been DJSIR.

Jeremi MOULE: So it would have been DJSIR, Invest Victoria, yes.

Ellen SANDELL: So there was no advice or support provided by DPC to that process?

Jeremi MOULE: We may have, in a transactional sense, helped to facilitate the international travel as part of it. There was an earlier question about the role that we play in international travel.

Ellen SANDELL: That is why I am asking you.

Jeremi MOULE: So it was less on the policy advice, if I could make that distinction, and more just on the practical implementation of overseas travel by a minister.

Ellen SANDELL: But I assume you were aware of the in-principle support the Treasurer was going to provide for that project.

Jeremi MOULE: We were aware of his itinerary.

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.

Ellen SANDELL: Okay. Thank you. If you could take that on notice, that would be great. Thank you. I asked back in June about the department's contracts with PwC, but at that time it really was a breaking issue that was still unfolding. Now you have had a bit more time to look into it, are you, Secretary, 100 per cent confident in the assurances given by PwC in relation to DPC's contracts with them?

Jeremi MOULE: Yes, I am. I personally met with the then leadership of the Victorian government component of PwC and generally across the whole of government we talked about the processes that individual departments and agencies were going through with PwC and then more specifically in relation to what were a very small number – I cannot recall the exact number, but a very small number – by value and actual engagements that we had with PwC. My engagement has also extended to discussions with them about what was ultimately the sale, if you would call it that, of their government business from PwC to Scyne consulting,

as it is known now. That was important because it was necessary to transition some in-flight work that could not just all of a sudden stop, so we needed to make sure that those arrangements were sound.

Ellen SANDELL: I heard from Government Services yesterday that the government is now considering penalties or stricter rules around engagements with consultants off the back of this scandal with PwC. Could you talk me through any change to your ongoing engagement with this company, the new company and the way that you deal with consultants in general?

Jeremi MOULE: I just spoke to the engagement that I had with them in relation to the DPC-specific contracts. The work that DGS would have been speaking to you about yesterday had its genesis in DPC because it was with us up until the department was formed at the start of the year. One of the things that we quickly moved to do was to have a look at the standard engagement arrangements for consultants, not just PwC but obviously prompted by the issues related to PwC, and it was evident even early on that there were certainly opportunities to strengthen contractual arrangements and in particular consider what implications there might be for a supplier if they engaged in poor behaviour or behaviour that was contrary to the public interest or contrary to the terms of the contract. Those such things were not spelt out in the standard contract very strongly, so there was an opportunity to do that. I am not as close to where that has got to other than to say we were mindful to make sure that we paid attention to the process that was playing out in the Commonwealth, that much deeper understanding of the complexity of the issue at hand, to see where they landed in terms of the recommendations they were making and then they would be implemented. So DGS does now have carriage of that, but that is the genesis of the work within DPC.

Ellen SANDELL: I appreciate that DPC's contracts were relatively small, but two contracts from these two years that are of particular concern – I imagine would be of concern to you as well, having a role across all of government – were two DTF contracts: one about asking for advice on tax reform and one which was over \$1 million asking for advice on regulatory reform for business. Do you have any comments about those, given that they predated these new rules? And obviously tax reform and regulatory reform are two areas that would present a very real conflict of interest in terms of the clients that PwC have that would benefit from that advice.

Jeremi MOULE: Yes. Ms Sandell, the reason that I am aware of those is because of their significance in terms of the subject matter and conversations I had with the secretary of DTF, and he was going through a process of making sure that he on behalf of his department was assured that the right things were in place, so it is a matter –

Ellen SANDELL: But they were just verbal assurances at the time, is that correct? There was nothing further than just verbal assurances?

Jeremi MOULE: I do not know specifically in relation to those two contracts what Mr Martine sought from PwC other than they were on a list of ones that were assessed by government to be of specific interest because of the nature of their content. That is probably the only reason I am aware of them specifically, and I had spoken to Mr Martine about them. But I am not aware that –

Ellen SANDELL: Would it concern you that all that was sought were verbal assurances, given the size and the subject nature of those contracts?

Jeremi MOULE: I do not know whether verbal assurance or written assurance was given. That would be a question that would need to go to Mr Martine.

Ellen SANDELL: Okay. Thank you. I would like to ask about integrity. One of DPC's departmental objectives includes protecting integrity. There has been a suggestion that publishing ministerial diaries would be one way to improve transparency integrity. Is there any barrier to this being done as far as you are aware? Could DPC facilitate the opening of ministerial diaries should it be a decision of government?

Jeremi MOULE: That was the point that I was going to go to. Should that be a decision of government, then we would work to facilitate that.

Ellen SANDELL: But there would be no particular barriers that you could envisage?

Jeremi MOULE: Without government having made the decision and knowing what that would look like, no, I would not think so.

Ellen SANDELL: Thank you.

The CHAIR: Thank you, Secretary. We will now go to Mr Galea.

Michael GALEA: Thank you, Chair. Thank you, Secretary and officials, for joining us. Following on from some of the questions from Mr Hilakari and Ms Sandell, I do have some further questions on treaty as well. I might address them to you, Mr Garwood. Firstly, we know extensively not just here but around the world there is very much lived experience of this, but in Australia we of course have the *Uluru Statement from the Heart*. One of the foundational principles of what they said to us was the process and the importance of truth-telling to any sort of treaty process, which is why I note it is such an important thing that we have had the Yoorrook Justice Commission, which has been supported by government, I believe, through your area over this period that we are looking at today in budget outcomes. Can you provide an update for us on how the Yoorrook Justice Commission has progressed, specifically with regard to the support that has been provided by government over this two-year period?

Terry GARWOOD: Thank you for the question. I am really pleased to receive a question on something as important as the Yoorrook Justice Commission. It is a world-leading initiative in relation to truth-telling, and the Victorian government is very actively involved in assisting and supporting the work of the commission. By that I mean that they have had particular lines of inquiry already. For example, they have had a child protection line of inquiry, they have had a criminal justice line of inquiry. The Attorney-General and the Minister for Children and the Chief Commissioner of Police appeared before the commission to give evidence, to give evidence fulsomely and in detail and to subject themselves to that process of truth-telling as to what has occurred in accordance with the commission's letters patent. As well as the appearance of ministers that I have outlined, we have also had senior public servants and officials who have appeared before the commission. That, by the way, will continue to be an activity by the government.

The next line of inquiry is around what is called land injustice. Health, housing and education will be another line of inquiry, and there is a third one after that as well. They will be running concurrent lines of inquiry next year, and again relevant ministers will be appearing before the commission to support and assist its work by formally giving evidence and statements to the commission in response to the letters patent. Similarly, senior public servants will also be appearing.

Apart from that, we also have the notices to produce. We have many notices to produce large amounts of both historical and current information that we are providing to the commission through their notices-to-produce process. My department has also been very actively involved with other departments in briefing and supporting ministers to prepare themselves for what is a unique royal commission and to go there with the intention of supporting and assisting the work of the commission, and we can expect to hear more about that as the process continues next year. As well, we have the second interim report, which we received earlier this year, which I mentioned earlier in my information to the committee. It is under very active consideration. We can expect another interim report at the end of next year, and then there will be some additional work before the commission finishes up under the current time frame by mid-2025.

Michael GALEA: Thank you, sir. You mentioned those two aspects which have already been looked at, including child protection and criminal justice, for which we have received the interim report, and those three further lines of inquiry the commission will be looking at next year following that interim report. Then from that point on the commission will be leading into the treaty process as well. Can you talk me through how that process will work and how explicitly this report will guide that process?

Terry GARWOOD: The way I characterise it is that treaty and truth-telling are the flip side of the same coin, really. They are effectively integrally connected, and the government appreciates that. As the Aboriginal community often talk about, there can be no treaty without truth, in simple terms. We are cognisant that the recommendations of the Yoorrook Justice Commission are connected to and will feed into the treaty process. On the one hand we have got the second interim report dealing with those two lines of inquiry: criminal justice and child protection. We are actively considering how that may connect into the treaty process, given what has been said to us by the First Peoples' Assembly.

It is worth remembering that it was the voice of the First Peoples' Assembly that recommended to government that we should establish a Yoorrook Justice Commission with the unique, world-leading terms of reference through the letters patent. We are really so actively involved with them. But they are a royal commission. They do not have the word 'royal' in the name, but they are a royal commission. They were established in the *Inquiries Act*. They have all the powers of a royal commission. They are a royal commission. So it is a matter for them to establish their recommendations, and they are going through the work, which is so important. They have been very actively engaged with Aboriginal communities across the state – elders, young people, Aboriginal organisations, anyone who wants to appear. They have had a whole process of welcoming people to come and talk to the commission to assist them in the recommendations, and those recommendations will help shape and assist the treaty process.

Michael GALEA: Thank you for that. As you have so well outlined, this is such an enormous undertaking, the details of which I appreciate you providing as well. Whilst we are on the journey to that, though, of course that is not the only thing that we are doing in this space, as I understand. There are a number of projects that will continue to further enrich the self-determination of our state's Indigenous peoples. I note that page 34 of the FPO questionnaire by the department references the construction of the Munarra Centre for Regional Excellence in Shepparton, which is another big part of what the department is doing for Indigenous people in Victoria. Can you please update us on the status of this project?

Terry GARWOOD: Yes, I can. The Munarra Centre for Regional Excellence is a major capital infrastructure project that the Victorian government is doing in collaboration with the Shepparton Aboriginal community. It is the construction of Australia's first Indigenous-led, pathways-based university in its own right. It will provide a fit-for-purpose safe space for Aboriginal community controlled and led organisations and their partners to deliver culturally responsive education, employment, health and wellbeing initiatives. The Victorian government is investing \$30.278 million into the Munarra Centre for Regional Excellence – \$23 million has been invested through the 2018–19 state budget, and an additional investment of \$7.278 million was confirmed in August 2022 to finalise the delivery of the project.

I just happened to be in Shepparton last week for some sorry business and took the opportunity to go and have a look at the construction of the building. It is well underway in its construction and the contract for the delivery was awarded to a company called TVN On-Country, which is a 70 per cent Aboriginal-owned business who have a focus on providing training, employment and economic opportunities for First Nations people. We are really pleased with the development and looking forward to it opening. There has been some work associated with getting the project in the right scope et cetera to bring it within budget. That has all occurred now. But I make the point that it is a project for the whole community. Yes, it is an Aboriginal initiative, but the way Paul Briggs and other senior Aboriginal leaders talk about what they are doing is: you know, economic prosperity that seeks to benefit all the community. When Aboriginal people are prospering, the whole community is prospering, and that is the particular focus of the Munarra Centre for Regional Excellence.

I am really pleased that the University of Melbourne are investing an additional \$6.65 million to support their involvement as a tenant in the Munarra Centre for Regional Excellence. It is a ripper. It is a fantastic development. I cannot wait to see it open and functioning in the Goulburn Valley and making all sorts of connections to the broader community in all sorts of ways. The Kaiela Institute and the Rumbalara Football Netball Club are all connected and involved, and the vision of Paul Briggs and others about prosperity that benefits the whole of the Goulburn Valley is such a strong vision. It might even be aspirational. So I am looking forward to seeing its opening.

Michael GALEA: Very exciting indeed. Thank you. The questionnaire also, over pages 3 and 4, talks about the various measures being put in place to strengthen Aboriginal cultural heritage. Can you please talk us through what that looks like and what the department has done in that space over this two-year period?

Terry GARWOOD: Yes. There is so much work that is underway in the cultural and heritage space. Simply I will just characterise it as the department together with Aboriginal communities responsible for the *Aboriginal Heritage Act 2006*. That legislation has been around for a long time. Its longevity has been through changes of government and amendments to the legislation involving all sides of the Parliament along the way, but it in itself is a groundbreaking piece of legislation in relation to putting Aboriginal cultural heritage responsibility in particular in the hands of Aboriginal people but with our support and assistance in DPC and obviously with the Aboriginal heritage council, which is an all-Aboriginal board made up of Aboriginal

traditional owners – 11 members – who carry out their responsibilities very seriously. In the 2022–23 budget there was funding for the operation of what I will call Victoria’s Aboriginal cultural heritage system. This was \$18.9 million to maintain service delivery, improve functionality of the Victorian Aboriginal Heritage Register, invest in enforcement and compliance capacity and fulfil DPC’s statutory functions.

While I am on that, I should answer that earlier question. There is additional funding for one additional position of heritage officer funded in Wathaurong, Bunurong and Wurundjeri to take up the additional workload. The question was asked earlier. So an additional resource has been placed in each of those three organisations because of the extent of the development occurring in Melbourne and in Geelong in particular.

As well, there have been \$13.5 million invested in 11 registered Aboriginal parties so that they are adequately resourced to fulfil their statutory obligations; another \$3.3 million in 2022–23 to support what is called strategic assessment and protection of cultural heritage across the state; and grants of up to \$750,000 over two years to three registered Aboriginal parties to complete strategic Aboriginal heritage assessment pilot projects. We are trying to come to grips with the way in which we can frame and structure the heritage assessment work, and those pilot projects are part of that. As well, the 2021–22 budget provided \$3.4 million over two years to employ an Aboriginal heritage officer with each of the registered Aboriginal parties, and I just mentioned an additional one has been given to each of those three, Wathaurong, Bunurong and Wurundjeri. That probably covers it.

Michael GALEA: Thank you. I am assuming as part of that too that is providing for the upskilling of Indigenous people themselves to fill a lot or even all of those roles. Is that right?

Terry GARWOOD: Yes. This is actually a really significant success story. The department has partnered with La Trobe University, I think since 2011, to fund – and I think I will get the name right – a certificate IV in Aboriginal cultural heritage management. We fund I think 15 positions every year, and then there are another six full fee paying positions. We have been doing that every year since 2011, and that is enabling us to make sure that we have got Aboriginal people that have the required skills to undertake the responsibilities under the *Aboriginal Heritage Act* and to fulfil their responsibilities more generally in relation to traditional owners. If you think about 15 Aboriginal people coming out of a certificate IV every year since 2011, and I know that because I have been in and seen the photos in our office of the graduates wearing their graduation gowns, and there will be another round of graduates later this year, in December – another 15 plus another six who are fee paying – coming out as graduates with a certificate IV in Aboriginal heritage management, that is about upskilling and the knowledge and capacity of Aboriginal people to fulfil really important responsibilities under the *Aboriginal Heritage Act*.

Michael GALEA: Really critical, as you say, that we have that continuation and the knowledge passing through, but also of course indirectly from that, with so many people coming through that program, I would imagine too the broader community having that better understanding as well. In a similar vein, in terms of these projects that we are looking at, can you talk to me about the traditional owner nation-building package as well and how that relates to what we have been talking about?

Terry GARWOOD: Yes. I will just see if I can pull up my notes. The traditional owner nation-building package is, in a sense, focused on upskilling the capacity of traditional owners but in particular to support and assist work in preparation for treaty. This package has been going since 2019. In the 2021–22 state budget \$11.124 million was invested in the package over two years. As well, there is what is called the strong roots for our futures program which, until I came to this job more recently, I was not particularly familiar with, but it has been a fantastic program which has been particularly allocated to supporting traditional owners to connect to the treaty process. As well, traditional owners that are not registered Aboriginal parties – we have got registered Aboriginal party status for around about 75 per cent of the state, but there is about 25 per cent of the state that is not covered by registered Aboriginal parties. I think I am right in saying that, in rough terms. But there are traditional owners for those areas, they have just not got RAP status. So we are connecting with those people through that particular program as well. In 2022–23, \$5.562 million was allocated into that particular program in terms of the traditional owner nation-building package. Engagement officers were funded in 10 formally recognised traditional owner groups. A range of funding was provided to the Federation of Victorian Traditional Owner Corporations in a variety of ways. I will not go into all the details here but very significant support for what is called traditional owner nation-building.

Michael GALEA: Thank you. In terms of Victoria's responsibilities under the Closing the Gap national agreement – I understand that also falls within DPC – can you talk me through the partnership forums and what has been happening in that space over the two-year period which we are looking at today?

Terry GARWOOD: Thank you for the question. The partnership forum is called, in language, Ngaweeyan Maar-oo, and it is the Victorian government's partner in the delivery of our work under the national agreement on Closing the Gap. I might say, just for all members' information, that all Aboriginal affairs, Indigenous affairs and treaty responsibility ministers will be in Melbourne tonight because there is the Joint Council on Closing the Gap here tomorrow in Melbourne. So, if you like, we are hosting, in an aspirational way, that particular gathering and looking forward to the conversations that will take place.

In terms of the original question about Ngaweeyan Maar-oo, there is fantastic representation on that council. It is co-chaired by Mick Graham and Lisa Briggs. Mick is the CEO of the Victorian Aboriginal Health Service. Lisa is from Aboriginal Housing Victoria. We have got representatives from all of the Aboriginal community controlled sectors, and we have got representatives from every Aboriginal governance forum from across the state. Too many to name but just some big ones to pick out: the Aboriginal Children's Forum is involved; the Aboriginal Justice Forum is involved – some of you may have gone along to some of their meetings; and the Victorian Aboriginal Health and Wellbeing Partnership Forum is involved. All of the major partnership forums are involved with Ngaweeyan Maar-oo, which gives us the confidence that we have got the right partners working with us in terms of Closing the Gap. Closing the Gap work aims to deliver the national agreement which goes until 2031, so it is not an overnight fix. It is work that we are doing, and the work is co-produced and co-worked up with Ngaweeyan Maar-oo. In terms of the national agreement as well, tomorrow with all of the Aboriginal affairs ministers it will be here, including Minister Burney. I should also mention that the Coalition of Peaks will also be here, so all of the Coalition of Peaks nationally will be represented tomorrow at the joint council meeting with all ministers, because Closing the Gap is a joint effort between communities and government, and there is much work still to be done. We have achieved some good outcomes in some of the 19 targets under Closing the Gap, but frankly we have still got more work to do in a number of those areas. I will not have time to go through all of those now. That will be a conversation that will be occurring tomorrow, but our partnership work with Ngaweeyan Maar-oo is very strong, it is very focused and we are looking forward to that moving forward over the next few years.

Michael GALEA: Thank you. Great to hear that about Ngaweeyan Maar-oo in particular, so thank you, and particularly relevant to my next question, which is to your comment that there is that national meeting here in Victoria tomorrow that everyone will be here for tonight, which I am sure will be an outstanding opportunity to really get some progress made. In terms of where Victoria sits, though, obviously by definition the national agreement is a nationwide agreement. Where does Victoria sit in comparison with other state and territory jurisdictions in Australia when it comes to closing the gap?

Terry GARWOOD: Look, to be frank, we are all at different stages. I am very focused on looking at what the targets are and what we are achieving. We look at what the national achievement figures are and what Victoria is achieving, and the results are mixed. The results are mixed, to be frank, which is why you have got an agreement that is going to 2031. In some spaces, if I talk on the positive space: healthy birth weights – we are on track. The national target is not on track, but Victoria is on track, just to give you one example. Early childhood education enrolment – national target on track, Victoria on track. Then early childhood development levels – nationally not on track, Victoria not on track. So we have got mixed results. Appropriate housing – not on track nationally, we have what is called 'reached a threshold', which means we have just got there, for Victoria.

The results, as I say, are quite mixed, but I am pleased with the focus on working with Aboriginal communities to close the gap. Ngaweeyan Maar-oo are fantastic partners to work with. They hold us to account. They are not just there for the sake of it. They want us to make sure we keep our focus on delivering on the targets. Victoria had a lot to do with focusing on the national agreement. We made a major contribution, if I do not mind saying so myself, to the agreement that was established, and we are really just focused on continuing to – what I say is go after those results where we are lagging behind. In simple terms I say if we are here, what does it take us to get here with the targets that are in the national agreement, and what are we going to do each year to get there? That is the focus that we have got at the moment. Minister Hutchins, who has returned to the portfolio, is extremely focused on delivering on our national commitment agreement and also improving our results,

because frankly there are areas where we can do much better. Our out-of-home placement results need to significantly improve. I am being diplomatic there: significantly improve.

Michael GALEA: Thank you, Mr Garwood.

The CHAIR: Thank you, Mr Garwood. I can certainly hear your passion for your portfolio. Thank you very much for sharing that with us here today.

Secretary and officials, our time together has come to an end. Thank you very much for taking the time out of your day to appear before the committee today. It is very much appreciated. The committee will follow up on any questions taken on notice in writing, and responses are required within five working days of the committee's request.

The committee is now going to break for lunch before returning at 1:30 pm to consider the Department of Jobs, Skills, Industry and Regions.

Witnesses withdrew.