

TRANSCRIPT

INTEGRITY AND OVERSIGHT COMMITTEE

Inquiry into the Education and Prevention Functions of Victoria's Integrity Agencies

Melbourne—Monday, 7 June 2021

(via videoconference)

MEMBERS

Mr Stephen McGhie—Chair

Mr Brad Rowswell—Deputy Chair

Mr Stuart Grimley

Mr Dustin Halse

Ms Harriet Shing

Mr Jackson Taylor

Hon Kim Wells

WITNESSES

Ms Deborah Glass OBE, Ombudsman,

Ms Megan Philpot, Deputy Ombudsman, and

Dr Marija Maher, Chief Operating Officer, Victorian Ombudsman.

The CHAIR: I declare open the public hearing for the Inquiry into the Education and Prevention Functions of Victoria's Integrity Agencies. I would like to welcome any members of the public watching the live broadcast and also acknowledge my colleagues participating today. I thank those who are an apology for this session.

I would like to begin this hearing by respectfully acknowledging the Aboriginal peoples, the traditional custodians of the various lands each of us is gathered on today and pay my respects to their ancestors, elders and families.

All evidence taken by this Committee is protected by parliamentary privilege. You are protected against any action for what you say here today, but if you repeat the same things anywhere else, including on social media, those comments will not be protected by this privilege. Any deliberately false evidence or misleading of the Committee may be considered a contempt of Parliament.

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I remind those that are on this Zoom broadcast to mute their microphones when not speaking, just to minimise any interference, and to switch their mobile phones to silent.

We welcome the Victorian Ombudsman, Ms Deborah Glass, and Ms Megan Philpot, Deputy Ombudsman, and Dr Marija Maher, Chief Operating Officer.

We welcome your opening comments for 5 to 10 minutes, Ms Glass, which will be followed by questions from the Committee. So I will hand it over to you to tell us your full name, position and organisation, and if you want to introduce the rest of your team. Thank you, Ms Glass.

Ms GLASS: Deborah Glass, Victorian Ombudsman. May I introduce Megan Philpot, Deputy Ombudsman, and Dr Marija Maher, my Chief Operating Officer.

Good afternoon and thank you for the opportunity to address you on this important subject. Education and prevention work is at the heart of an integrity agency's efforts to improve public administration and prevent misconduct. To that end, much of what my office does helps to fulfil that objective. So let me take you through some of the key initiatives, both direct and indirect, that allow me to deliver education and prevention. First, some background. You will appreciate that unlike IBAC, which has had this function since its inception, I have only had a legislated education function since 1 January 2020. Despite this, because I think education is so essential to the work of an ombudsman's office, I set up a very small education unit several years ago, which has been delivering core programs on good complaints handling and conflicts of interest since late 2016. These programs have been well received by over 2000 public officials.

While our longer term ambition is for the program to recover its costs, funding is and remains a limiting factor in my direct provision of education services. The COVID-19 impact has also been significant, with face-to-face training programs suspended and a small number of free webinars being developed to maintain some level of engagement. Education and prevention is also achieved through good practice guides. We have developed five to date and continue to update and improve them. For example, we will shortly be tabling a revised good complaints-handling guide for local councils, taking into account the new *Local Government Act* and developments since the guide was first issued in 2015.

My public reports also have an education and prevention purpose, some more directly than others. For example, my reports highlighting bad behaviour such as nepotism and conflicts of interest expose the importance of agencies dealing with these issues and I hope also act as a deterrent. And systemic investigations, such as my recent report into the Business Support Fund, go to the heart of improving public administration. We do not simply rely on media coverage of our reports. We now produce one-page summary learnings from our public reports aimed at the broad public sector on what not to do and what good practice looks like. I am going to test the technology today and see if I can show you a couple of examples of these new products.

Visual presentation.

Ms GLASS: So this is an example from the Business Support Fund. You can see it is a one-page document on how to roll out a successful grant scheme. It is targeted at public servants and it is intended to spread the learnings from that investigation.

There is another product I want to share with you. We also produce short videos—and let me just see if I can play it. It is only 60 seconds to give you an idea of that.

Video shown.

Ms GLASS: So thank you for that. I hope that gives you an idea of some of the things that we are doing not only to inform but to educate and prevent. In addition to these my staff and I present regularly to public sector organisations, and my regular talkback slot on ABC statewide radio keeps me in touch with issues affecting regional Victoria.

Turning to the future, in our formal education program our focus is first to recover lost ground after the suspension of classroom-style delivery, utilising online learning as practicable and to continue to offer high-quality programs on good complaints handling and conflicts of interest. We do not intend to expand our core offerings at this stage, but we do aim to reach many more people and to deliver them on a cost-neutral basis. A particular target of our education program promotion will be on local government, bearing in mind their new statutory requirement to have complaints-handling policies in place by the end of the year. My new complaints review function, when I have the funding to start it, will also assist in education and prevention. Good complaints handling is a vital element in good public administration, and I hope that offering this service to agencies will also lead to real improvement in preventing poor practices.

We have more ambitious plans with public engagement. Among other things, we intend to conduct regional outreach programs targeted at vulnerable communities, both independently and in partnership with community legal centres, and more broadly to expand community awareness of how the office can help to increase the use of social media channels. Some messages, especially on corruption prevention and maladministration, lend themselves to collaboration, and we continue to engage actively with both IBAC and VAGO on what we can do together. In the past five years we have conducted numerous joint education initiatives, including public sector seminars on corruption prevention and maladministration, with IBAC and the Local Government Inspectorate. To that end we aim to formalise a prevention and education community of practice with IBAC, involving other integrity agencies and entities with a role in this area as appropriate. This group will actively seek opportunities for joint initiatives and engagement whether in a particular sector or more broadly.

So we shall be seeking to educate and prevent maladministration through events, workshops, public reports and guidance materials, among others. There are inevitable limitations. We are a very small organisation seeking to reach out to over 6 million Victorians, and we will need to be targeted and creative in how we do that. While the public sector is smaller, we are still looking at educating over 300 000 people. Even with maximum collaboration, that is no small task. Parliament could assist in that challenge. Queensland, for example, has mandatory annual ethical decision-making and conflict of interest training in its equivalent of the *Public Administration Act*. A similar provision in Victoria would underline the importance of these issues and support the work we do to promote good practice. In the meantime, however, we have a busy year ahead on many fronts. I look forward to working with this Committee further, and I am happy to take your questions.

The CHAIR: Thank you, Ms Glass. I appreciate that presentation. I will open it up to the floor for Committee members for questions. Mr Grimley, I think you had your hand up.

Mr GRIMLEY: Thank you, Chair. And thank you, Ombudsman, for your presentation. I have a question just in relation to the best practice. Your submission on page 7 refers to a number of examples that you consider to be best practice—for example, joint presentations by the VO and IBAC and the Local Government Inspectorate. What does the VO determine constitutes best practice? And is it something that has been, I suppose, researched in other jurisdictions, interstate or international?

Ms GLASS: Well, I have to say, Mr Grimley, best practice—or rather, let me just say, good practice—evolves constantly and it is not static. There is good practice in good complaints handling, for example, where we developed a guide back in 2015. It has changed since then, so we are putting out an updated guide on good practice. It is a complex area, but I think the core of best practice is to be committed to continuous improvement and continuous learning because good practice, best practice, evolves all the time. So as an organisation my office is committed to that continuous improvement and learning, and what we want to do is inculcate that process in others to make sure that all the agencies we work with also share that commitment to continuous improvement and learning. I hope that answers your question.

Mr GRIMLEY: It does. Thank you. Thank you, Ombudsman. Thank you, Chair.

The CHAIR: Thanks, Mr Grimley. Thanks, Ms Glass. Mr Wells.

Mr WELLS: Thanks, Ombudsman, for your presentation. There are a few good people that came out of Gippsland, so I hope you are enjoying it down there. I am just interested in regard to your comments in your written submission on page 5 where you say:

Specifically, there has been no opportunity for the VO to commence a public awareness campaign about its education and prevention role. VO is also limited in its ability to educate agencies in how best to resolve their own complaints so there is no need for the VO's involvement in such matters ...

which to me makes perfect sense. If people are well educated, then they understand how to deal with a complaint. Is it an issue of overall funding or is it an issue of specific funding for public awareness?

Ms GLASS: I think there are many elements to this, Mr Wells. Obviously funding is always a limiting factor. Our ability to recover our costs is relatively limited. Developmental costs for education programs, for example, can be significant. But I think regardless of funding there is a reality check in terms of the number of people we are able to reach, and that is why for me having a multifaceted approach to education is the way forward. We know our formal programs will only go so far but our public reports will go further. Our appearing on radio programs, connecting in other ways, is also a way of educating and preventing. Every report I put out is a reminder, I think, to the public either of what good practice should look like or things that they should not be doing. I am not sure that directly answers your question, Mr Wells. Would you like me to elaborate further?

Mr WELLS: No, it is just that if there was a request to the Government, would it be for specific funding that you could use for a public awareness spend or would it be an increase to your overall budget?

Ms GLASS: These areas always form an element to my bids. They have for the last few years. They have in my most recent bid. So we look at what we can realistically achieve by way of promoting public awareness, and, yes, we seek to do that.

Mr WELLS: We heard from the VI that they have received dedicated funding for two years for a communications officer, starting this July. Do you have similar funding for the VO?

Ms GLASS: In my last funding bid I was looking to commence my new functions. One of those functions—this has been in effect now for nearly 18 months—is my broad education and engagement. So I have every intention of commencing that on 1 July. Overall I received for the first time a small increase in my funding and I received some ongoing funding, for which I am grateful. How I allocate that obviously is a matter for me, and I continue to be in discussions with the Treasurer about how this can be supplemented to allow me to commence work on my new—well, not so new—legislative functions, and I am overall reasonably confident that I will be able to do that.

Mr WELLS: I guess it is a balancing act in your role as to how much you spend on the preventative public awareness to better educate and balancing that against the number of investigations that you have to do rather than cutting back the number of investigations due to the lack of funding.

Ms GLASS: Absolutely. Formal education and prevention, hiring people to go out and engage, even if I am granted everything I could possibly want, will only ever be a very small number of people as an adjunct to my investigation and inquiry and complaints-handling work. So it is important, but I will always need to be, I think, creative and targeted in how we get out there and promote our services to over 6 million people.

Mr WELLS: Okay. Thanks.

The CHAIR: Thanks, Mr Wells. Thanks, Ms Glass. Any other questions from Committee members?

Mr HALSE: Yes, Chair.

The CHAIR: Yes, Mr Halse.

Mr HALSE: Thank you, Ombudsman. You referenced creative ways in which you are engaging. What are some of the best examples today of the creative ways in which you are engaging that have reaped success?

Ms GLASS: Well, I have not been able to do very much of this, Mr Halse, so far, because it has been so limited. But I continue some of our thoughts for the next year, which you will find in my plan. So, for example, we are seeking to engage with community legal centres not only locally but ideally I would like to do this across Victoria. They already have considerable outreach, and they also connect with some of the most disadvantaged people in our community.

One of the things that every ombudsman is aware of is that the people who need your services the most tend to be the ones who are least likely to have heard of you. And I do not think it is necessarily effective to spend huge amounts of money on direct media promotional campaigns; that is not where I am going. But I see targeted outreach through third parties—community legal centres, financial counsellors, disability advocates. You know, these are people in the community who already have connections with many members of the public who could benefit from the services of my office. So what we are seeking to do is enhance that and see how that works. I mean, I am very enthusiastic about the prospect, and I look forward to reporting back to this Committee about its success.

Mr ROWSWELL: I might just take the Deputy Chair's privilege and pose a question, if I may. While I firstly commend you and your office for the work that you undertook to, I guess, take seriously your educational responsibilities prior to it being formally legislated—I think that is an important part of your presentation—Ombudsman, I am keen to understand how you measure success. So it is one thing to offer a program or offer a fact sheet. How is the success of that activity in your view best measured? Is it through, for example, fewer complaints or fewer instances of alleged corrupt behaviour or activity?

Ms GLASS: It is a very good question, Mr Rowswell, to which there is no easy answer. There are elements to this that we can test. So at a broad level we can measure community awareness, and we do. We have done it in the past and we intend to do that again. So we can measure, you know, whether people have heard of us and whether they know what we do and how we can help them.

With the public sector, how you measure—and you may wish to put this question to IBAC as well—a public sector that has more integrity and less corruption is a particularly difficult matter, I think, to consider in any kind of quantitative way. I mean, how do you measure the corruption that does not happen? How do you measure your ability to avoid? And all too often the corruption—you do not know whether it is because the corruption has not happened or the maladministration has not happened or you have not been able to find it. Nobody has come to you, so it may be the success of your whistleblower regime.

So I think there is no easy answer, if I may, to that question. But there are elements that we know we can test, and integrity agencies such as us and IBAC will also work together to look at the level of corruption in the public sector, the level of maladministration. There is research that can be done. But how you measure, say, the preventative effect of a report on nepotism I think is really hard to say. I mean, how many people did not go out and engage their friends and relations as result of that report? Well, impossible to really assess.

Mr ROWSWELL: Ombudsman, I knew it was a difficult question when I asked it, and I thought it would be difficult to measure, but I am grateful for your insights nonetheless. Thank you, Chair.

The CHAIR: Thanks, Deputy Chair, for taking over. And yes, I did drop in and out, so I apologise for that. I did catch some of those responses from the Ombudsman. I just have a brief question in regard to compulsory training in ethics and conflicts of interest. I was just wondering, if it was to occur in Victoria, who might conduct that sort of training, Ms Glass.

Ms GLASS: Well, we could certainly do it. IBAC could do it. The Queensland Ombudsman does deliver training in Queensland. People are not obliged to go to the Ombudsman, of course, for their training, but it certainly provides a ready market for integrity training, which encourages the production of those courses. So I think it would underline the importance of ethical training across the public sector.

Mr ROWSWELL: Are you online, Chair?

The CHAIR: Are there any other questions from the Committee members? I do not know if you can hear me.

Ms GLASS: I can certainly hear you, Chair.

The CHAIR: Maybe the Committee cannot hear me. Are there any other questions from Committee members? I am sorry about the interference here.

Ms GLASS: I am glad it is not me for once.

The CHAIR: I think it is that wind we were talking about earlier. If there are no other questions from the committee, Ombudsman, I appreciate your presentation today and your team's [Zoom dropout] and the submission that you have provided to this Committee [Zoom dropout] put to you at a later date, and we will do that as soon as we possibly can. On that basis, I think we will finish up there. Again, I thank you for your time and your effort and your presentation, and I declare this public hearing closed.

Witnesses withdrew.