

VERIFIED VERSION

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Inquiry into Budget Estimates 2016–17

Melbourne — 19 May 2016

Members

Mr Danny Pearson — Chair

Ms Sue Pennicuik

Mr David Morris — Deputy Chair

Ms Harriet Shing

Dr Rachel Carling-Jenkins

Mr Tim Smith

Mr Steve Dimopoulos

Ms Vicki Ward

Mr Danny O'Brien

Staff

Acting Executive Officer: Leah Brohm

Business Support Officer: Melanie Hondros

Witnesses

Mr Martin Foley, Minister for Equality, and

Ms Rebecca Falkingham, Deputy Secretary, Social Policy and Service Delivery Reform, Department of Premier and Cabinet.

The CHAIR — I declare open the public hearings for the Public Accounts and Estimates Committee inquiry into the 2016–17 budget estimates. All mobile telephones should now be turned to silent.

I would like to welcome the Minister for Equality, the Honourable Martin Foley, MP, and Ms Rebecca Falkingham, Deputy Secretary, Social Policy and Service Delivery Reform, from the Department of Premier and Cabinet.

All evidence is taken by the committee under the provisions of the Parliamentary Committees Act, attracts parliamentary privilege and is protected from judicial review. Comments made outside the hearing, including on social media, are not afforded such privilege. Witnesses will not be sworn but are requested to answer all questions succinctly, accurately and truthfully. Witnesses found to be giving false or misleading evidence may be in contempt of Parliament and subject to penalty.

Questions from the committee will be asked on a group basis, meaning that specific time has been allocated to members of the government, opposition and crossbench to ask a series of questions in a set amount of time before moving on to the next group. I will advise witnesses who will be asking questions at each segment.

All evidence given today is being recorded by Hansard, and you will be provided with proof versions of the transcript for verification as soon as available. Verified transcripts, presentations and handouts will be placed on the committee's website as soon as possible.

All written communication to witnesses must be provided via officers of the PAEC secretariat. Members of the public gallery cannot participate in the committee's proceedings in any way and cannot photograph, audio record or videorecord any part of these proceedings. Members of the media must remain focused only on the person speaking. Any filming and recording must cease immediately at the completion of the hearing.

I invite the witness to make a very brief opening statement of no more than 5 minutes. This will be followed by questions from the committee.

Visual presentation.

Mr FOLEY — Thank you, Chair, and in the 5 minutes allowed I will refer honourable members to the presentation which I hope you have before you and which appears on the screen. This is a new portfolio, in terms of outputs a relatively modest and small portfolio but a very strategically important one, whose role is to deliver the outcomes and programs as set out in the budget. It is also to act as an agent of change across all of government and community.

With that in mind, on the first page you have before you — laying the foundations for that is reflected in this particular budget we have before us. We have seen the funding of the appointment that occurred in the last financial year — and now for the full financial year — of Victoria's first gender and sexuality commissioner; that has taken place and continues to be supported. We have the establishment of and support for a whole-of-government and a series of sectors specific to the government LGBTI task force to advise government as to priorities and partnership opportunities with the community. Those particular groups that have been set up initially relate to the justice portfolio and the health and human services portfolio as particular areas where the need for a focus for including LGBTI communities and Victorians is particularly important.

We have also seen the first tranche of legislative moves in this area. We have seen the passing of the Adoption Amendment (Adoption by Same-Sex Couples) Act. We have seen the Relationships Amendment Bill, which I know Ms Pennicuk in particular can claim some parentage of in terms of her long-held and ultimately successful trials on that particular bill.

Ms PENNICUIK — Thank you, Minister.

Mr FOLEY — We have seen the bipartisan approach to the last bill passed by the former Parliament, the Sentencing Amendment (Historical Homosexual Convictions Expungement) Act, which will be marked by the apology by the Parliament in the next sitting week to mark the first delivery of those expungements. We are also seeing a range of measures around advocating for reform, and there is substantially more to come in that legislative area as we roll out our election commitments.

On the next slide, in this budget, whether it is in the hands of community, equality or infrastructure, there are small but modest investments there, reflecting a desire to sustain and build the capacity of LGBTI community organisations, to continue the processes of dealing with discrimination and stigma that too many of our LGBTI Victorians continue to be exposed to, whether it is via homophobia, biphobia or transphobia. I am particularly pleased that we were able to land a capital investment — but much more than just a capital investment — in developing Australia's first pride centre and Victoria's planned pride centre, which when brought together is an investment of \$21.5 million in the equality portfolio. That is not huge by any standard in terms of the rest of government, but a start in what is indeed the first full financial year of this particular portfolio.

Very briefly, as set out in the presentation in slightly more detail, there is the \$4 million for LGBTI grants around organisational and community leadership, about sustaining and developing the capacity of the sector right around the state.

Jumping to the next one, which is investment in equality, the tackling of homophobia, biphobia and transphobia to make sure that regardless of anyone's sexuality or gender identity they have a role dealing with the future of this state, and that we combat the disproportionately bad effects that LGBTI Victorians have on any number of measures, some of which we have set out there, and make sure that that opportunity is available to Victorians right across the state.

Jumping to the investing in infrastructure slide, which is slightly more detail on the \$15 million commitment to establish Australia's first pride centre, which will act as that showcase not just for a vibrant and confident community but increasingly an opportunity for wider conversations based on the PwC report.

I will just end with two of many comments from the stakeholder groups about support for our budget. In the time allotted to us, we are very supportive of this budget and we look forward to this portfolio being an important building block for future reform in this important area.

The CHAIR — Thank you, Minister. Ms Ward until 12.46 p.m.

Ms WARD — Thank you, Minister, welcome. Minister, I have recently been going around to a number of my schools talking to kids about issues that are important to them, and we had a lot of conversation around the issues affecting LGBTI kids, and in particular Safe Schools came up as well. This government is investing and ensuring that the Safe Schools Coalition can continue and give kids the support that they need, but what I would also like to know, if I can get you to go to budget paper 3, page 103, which talks about the LGBTI grants program, is: can you please explain how these grants programs are going to continue the work that we are doing in schools to help LGBTI kids and the general LGBTI community?

Mr FOLEY — Yes, I can assist you in that. Set out in BP3, page 103, is that modest but I think significant grants program. This was brought home to me as an urgent area in the week before Christmas in 2014, after being elected. We informally gathered a range of LGBTI community-based groups from right across the state together in the city and went through their priorities. And overwhelmingly, the burnout rate, the amount of work that community-based organisations took on and the amount of unsustainable work that they were giving themselves with no support were an enduring, common feature of their reports, to the point where now, 16 or 17 months later, some of those groups have fallen over, and the good work that they have been doing is lost to the wider community. So what they were saying then has simply grown in importance.

That is why we have got a \$4 million investment in this grants program — to strengthen the sustainability of LGBTI community groups, to develop their governance and leadership skills and to develop their role. Just like any other community-based organisation in the state, they have a role to be part of the rich, diverse fabric that is Victorian society.

These grants will offer that support not just for those organisations but for their contribution to make sure that LGBTI Victorians, wherever they are in the state, can live free from discrimination. We want to make sure that those grants — that the criteria for those and the process for rolling them out — are being developed in a co-designed manner with the sector through the consultative frameworks that we have in place, that I referred to earlier, but that equally it has a focus on increasing the scope and the reach of those community-based services, improving the quality and the responsiveness of those services, making sure that the advice and the information that they can bring to communities is improved, particularly — —

Mr DIMOPOULOS — Minister, I might just take you, because we are running out of time, to another budget initiative, in relation to the pride centre, at BP3, page 107. In doing so, I just want to say — and I have said it in the chamber — in many areas of politics, but particularly in this one, you and the Premier have got enormous cut-through in the community. When I get approached both by gay and lesbian Victorians and by just the general community the cut-through is incredible about the leadership nationally that you are showing, so thank you very much. With the pride centre, could you let us know in the next 2 minutes the impact it would have, you are envisaging, on the LGBTI community and what governance arrangements, if any, will be in place?

Mr FOLEY — We hope it will be a substantial opportunity to make sure that, just like every other community group rightly looks to having a place where they are secure, safe and able to come together to support one another, but also to extend their community's message to the wider Victorian community, the pride centre will play that role for LGBTI Victorians. Getting the governance right will be critical. This needs to be a process that we work out, and the PwC feasibility report that is now online that sits behind this piece of work makes that point — that governance is one of the key arrangements that needs to be landed in a co-designed manner with the sector so that the whole community, the whole LGBTI community, has a stake in its future and that it is not seen as the purview of one or another group, and that is a key role for government.

Mr DIMOPOULOS — It is a diverse community, so — —

Mr FOLEY — Indeed it is very diverse, and we want to make sure that, whether it is regional and rural, whether it is gender, whether it is sexuality, whether it is identity, all those different streams that are reflected in the community have a seat at the table about defining the appropriate governance framework for what could be a real opportunity not just for Victorians but for Australian and indeed international — —

Mr DIMOPOULOS — Minister, I forgot to thank you, and I forgot to mention when I was talking about the pride centre and introduced it that I want to also commend Ro Allen for her role with you and the Premier in relation to this initiative.

Ms SHING — Minister, I will just take the last question with the remaining minutes that we have and, if I may, thank you on behalf of so many of the people from my community, the LGBTI community, for the work that has gone into not just the bottom-line dollars that have come forward in this and the previous budget but the engagement that is resulting in very real policy changes. It is a privilege to be a Safe Schools ambassador. It is a privilege to be a co-chair of the justice task force.

I would like to take you to the \$2 million to combat homophobia, biphobia and transphobia as they relate to the significant adverse effects on LGBTI health and wellbeing. Can you talk us through this whole-of-government initiative in terms of how that will improve outcomes over time, with the remaining time that we have left? And we have approximately 3 minutes, Minister, which is not nearly enough time, but it is a good place to start.

Mr FOLEY — We do not come from a blank page in combating homophobia, transphobia and biphobia in this space, but what we do need is a dedicated amount of funding to reflect that, and that is the next step in these spaces. The reality of people being discriminated against and living with stigma in their lives — and that includes poorer health outcomes, reduced abilities to engage in their own community, sometimes avoiding or delaying the opportunities to seek care through fear of discrimination — is that those same people reflect high levels of discrimination in their lives, sadly starting at school.

As the figures that beyondblue released in 2011 in this space show, at school is where the bullying and harassment starts, and sadly — this is the most disturbing of many disturbing measures in this space that beyondblue highlighted — the first, and it is not uncommon in fact, is that when people in this space as young people resolve their gender identity or their same-sex-attracted identity in difficult circumstances, we see attempted suicide rates start to happen at an enormous level at 16 years of age. Against that background, the need to make sure that it is not the gender identity or the same-sex-attracted factors that cause that disproportionate problem. It is the discrimination and stigma that cause those outcomes.

Ms SHING — Entrenched self-loathing.

Mr FOLEY — Dealing with the homophobia, transphobia or biphobia is part of the solution to dealing with that and to resolving a plethora of bad outcomes, but that one in particular is a challenge for us all.

Ms SHING — That is part of ongoing engagement and consultation with the community, Minister?

Mr FOLEY — Absolutely. The member for Macedon co-chairs the health and human services LGBTI working group in this space and we are confident that in consultation with them, again in a co-designed manner, we can bring forward a really important plan to give effect to those very worthwhile goals.

Ms SHING — This is intergenerational change, is it not? I mean, we are at a starting point now as far as the momentum around these sorts of policy initiatives, but it is not going to happen overnight. Is that a fair comment?

Mr FOLEY — Cultural change and social change is a slow process, particularly if it is in important, deeply embedded — sadly — homophobic, transphobic and biphobic areas, but there is change afoot.

Ms SHING — Thanks, Minister.

The CHAIR — Order! The Deputy Chair until 12.55 p.m.

Mr MORRIS — The reference is BP3, page 107. The asset initiative for the pride centre, Minister, is the item I am referring to. I note the comments in your presentation and also in the budget papers about co-location, but I am interested in the government's arrangements and I am just wondering what checks and balances will be in place to ensure that the organisations that come together to utilise the centre are able to retain their individuality, their unique history and of course the independence of their governance as well?

Mr FOLEY — They are all extremely good questions, Deputy Chair, and they are reflected in some detail in the PwC feasibility study, *The Victorian Pride Centre*, which is now, with suitable commercial figures redacted from it, up online. It particularly goes to those issues that you have addressed. I am more than happy to either provide a copy of the report —

Mr MORRIS — That would be helpful.

Mr FOLEY — or indeed a link to it. But rest assured when it comes to those precise issues that the honourable member has hit on, to make sure that it is both a co-location space with the notion that the space would be more than the sum of its parts but whilst reflecting that those parts equally have unique identities, unique histories and different parts of a very diverse community — that is, LGBTI Victorians — with different issues, different health issues, different lifestyle issues, different identity issues and different aged issues — and the needs of increasingly aged LGBTI Victorians are reflected in our aged-care system as is reflected, interestingly enough, in the family violence royal commission, which identified this as an area of a need to make sure that accredited providers have the Australian standards-approved accreditation rainbow tick — all the way through to what are the issues for young people, particularly in that area of gender dysphoria and the mental and social issues that go with that.

Across all of that rich vein of diversity, the idea of the pride centre is to make sure that we are big enough and mature enough as a community to make sure that there is a place for all Victorians in it, including those Victorians who have been historically excluded. LGBTI Victorians are amongst one of those last groups that the great Victorian-Australian equality program has yet to resolve those issues with, and I look forward to the pride centre not just to deliver on the issues that the honourable member has referred to but to be a contribution to landing the fact that we are in a place when there is a place for all of us here in Victoria.

Mr MORRIS — Thanks for that comprehensive answer, and I look forward to the information. Obviously you have me at a disadvantage, because I have not read the report that you referred to, but can I infer from your response that there will be no compulsion in terms of involvement and the manner of involvement?

Mr FOLEY — There are many communities that you could try to compel, but the diverse LGBTI Victorian organisational community is not one of them.

Mr MORRIS — I thought that might be the case.

Ms SHING — No conversion therapy going on here, Minister.

Mr FOLEY — They are fierce advocates for their independence and for their unique contributions to Victoria's diversity and I can assure you there will be no compelling. What we have, however, seen is a huge interest amongst the diverse range of LGBTI Victorian organisations to be part of this model. On current indications I do not think we will have a shortage of takers.

Mr MORRIS — Again, this information may be in the report, but if I could ask: is it the intention that the centre will include health-testing and screening services and, again, that sensitivity about the unique and individual approach?

Mr FOLEY — Indeed. A key part of the report talks about its importance. Because of the disproportionate unfortunate measures, bad measures, of health outcomes for LGBTI Victorians, it will need to have, amongst a range of focuses, a health focus. Having said that, there is a range of different health focuses across LGBTI communities, HIV/AIDS being one, and gender dysphoria, mental health and a whole range of other aspects. A key part of the plan, and the feasibility study says one of its most important contributions, will be that wide-ranging health offering as part of a wide range of services.

Mr MORRIS — On an entirely different subject, budget paper 3, page 299, is the output for LGBTI equality. I am asking about the position which Rowena Allen occupied as the first gender and sexuality commissioner. I am just wondering whether it is the intention of the government to provide a statutory underpinning for the position?

Mr FOLEY — That is a very good question, Deputy Chair.

Mr D. O'BRIEN — Going to cabinet this week, is it?

Mr FOLEY — No, it is not, but it would be very remiss of me to — —

I am not allowed to talk about what is going to cabinet, but I can assure you it is not going to cabinet next week. The role of the commissioner is new; it is evolving. I think both sides of the chamber have had confidence in Rowena Allen for a whole range of skills that she has brought to training, to regional and rural development, to Indigenous issues, and both sides of the chamber have had confidence in her in this particular LGBTI policy space. It is an emerging role. We have yet to land on a determination as to whether it will be underpinned by a statutory position. I can see arguments as to why it would and I can see arguments, says he, cast across a barbed wire fence, as to why it would not. It is early days. I would like to think that as a result of the consultation processes and the co-design processes that we have in place that would like to emerge. She has been appointed for a two-year period, as I understand it, and as part of the review of that position, in about another 18 months that particular issue is one that we will have to address. I look forward to exploring that further with the commissioner, the community and others.

Mr MORRIS — In the context of that further exploration, do you have a view on whether the role should be one of an independent officer of the Parliament?

Mr FOLEY — No, I do not have a view. I would have thought, like many of the commissioner roles — there is a diversity of them for all sorts of good reasons.

Mr MORRIS — Absolutely.

Mr FOLEY — I think in terms of the programmatic and policy position, the nature of this role, it is probably better located in the instruments of government as opposed to a kind of oversight/accountability/scrutiny role that tends to traditionally sit within the statutory officers of the Parliament. Having said that, I have not really given it extensive consideration, but given that you have put me on the spot, I would think that, like most commissioners' roles in that policy and practice-change area, it is probably best to have it in the arms of the government. The reason we put it in DPC was because it has got that whole-of-government change-agent role currently, and being at the centre of government brings that weight to it.

Mr MORRIS — Thank you for the candour of your response. Just in the remaining few seconds, perhaps on notice, Ms Falkingham, can you advise me how many staff are employed in the equality section of DPC?

Mr FOLEY — Five.

Mr MORRIS — Okay, and the cost and if there is a specific budget for the office, and if so, what it is?

Mr FOLEY — Well, five, but I will take the other two points on notice and through the normal processes of the committee respond.

Ms PENNICUIK — Welcome back again, Minister.

Mr FOLEY — Thank you. The pleasure is mine.

Ms PENNICUIK — I am looking forward to asking just a couple of questions about this very important portfolio, which you know I have had a very long interest and engagement in, and still do have are very strong interest in. I do congratulate the establishment of the pride centre and the other initiatives in this budget. I was going to ask some questions that the Deputy Chair just asked about the commissioner, so I was very interested in your responses there.

My questions that I want to ask about are about the grants program; it goes for \$4 million over four years. I was reading the very broad-brush description on page 104 of budget paper 3 as to what those grants are about. There is a little bit more detail in your presentation, where you point out there will be two programs: organisational and community leadership. I wonder if you could flesh that out just a little bit more — like what sort of amounts would be available, what organisations will be eligible, how would they apply, what would they be able to use the funding for et cetera?

Mr FOLEY — Thank you. In the limited time available to me — if I run out, I will undertake to provide more information to the honourable member — there is \$4 million for the LGBTI grants program around sustainability of those organisations, governance, leadership skills. This breaks down to \$1 million per annum over each of the next four. It will provide support to those organisations. As we indicated, to live free from discrimination and stigma is the goal. It will have a focus on supporting organisations to improve the scope and reach of their services, to improve the quality and responsiveness of their service provision, particularly when it comes to advice and information directly to LGBTI community members, and it will assist organisations that have to date been purely voluntary to build the organisation capacity and sustainability around their volunteer base and if they choose to go beyond that. It will increase the provision of relevant, responsive, timely support to the demands that we are putting on them to participate in the increasing number of forums that government —

Ms PENNICUIK — That is a good point.

Mr FOLEY — and business is actually seeking support from LGBTI community representatives in place, including, can I say, Victoria Police, who have done a fantastic job in supporting, whether it is the antiviolence project or a range of other measures through their GLLOs project, to make sure that they are seen as partnering with Victorians who have perhaps traditionally not been so close to Victoria Police. In all of those areas we are placing increasing demands on community organisations, and I think it is therefore incumbent on us to assist them in that area.

In terms of how the submissions will be opened, how the grants will be allocated, how the leadership programs will be developed, given that I have got less than a minute I can indicate that the grants program are likely to open in July of this year. I can indicate that the programs for the guidelines of those are being developed through the consultative arrangements we have in place, largely through the whole-of-government program, and that there will be an arms length from government panel process to assess those applications, but the panel composition is yet to be determined.

In terms of the leadership program that we seek to also support from that, we want to make sure that we are identifying potential and future LGBTI leaders, particularly amongst our increasing number of younger Victorian leaders in this space to do the professional development programs that we know that they seek and that we have the skills that you would expect any organisation at community level to be assisted in developing: financial management, governance, strategic planning. We are looking to partnering with the Australian Institute of Company Directors and Leadership Victoria, each of which have expressed very strong support interest and support for us in this space.

Ms PENNICUIK — Just briefly, Minister, as I think we have got about 30 seconds left, I was wondering given the 1 million over four years, what sort of amounts will the grants be around? Will it be fixed amounts or bids?

Mr FOLEY — I cannot give you an answer to that because that will be an outcome of the co-design process in consultation with the community. I would not be surprised if, like all of these programs, they are oversubscribed. What do you do? Do you cut them into small pieces or do you strategically put them for the — —

The CHAIR — Order! I would like to thank the witnesses for their attendance: the Minister for Equality, the Honourable Martin Foley, MP, and Ms Rebecca Falkingham. The committee will follow up on any questions taken on notice in writing. A written response should be provided within 14 calendar days of that request.

Witnesses withdrew.