

TRANSCRIPT

INTEGRITY AND OVERSIGHT COMMITTEE

Performance of Victorian Integrity Agencies 2019/20

Melbourne—Monday, 15 March 2021

MEMBERS

Mr Steve 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 Integrity and Oversight Committee's inquiry into the annual reports of the Victorian Ombudsman. I would like to welcome any members of the public watching this live broadcast. I also acknowledge my colleagues participating today. 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 to pay my respect to their ancestors, elders and families.

For the witnesses, 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 the Parliament. All evidence given today is being recorded by Hansard. You will be provided with a proof version of the transcript for you to check as soon as it is available. Verified transcripts will be placed on the Committee's website. Broadcasting or recording of this hearing by anyone other than Hansard is not permitted. Please mute your microphones when not speaking to minimise interference and switch your mobile phones to silent. If you have technical difficulties, please disconnect and contact the Committee staff, and I believe you have the contact details.

Ms Glass, I will invite you to give an opening presentation of 5 to 10 minutes, which will be followed by questions from our Committee members, so I will hand over to you, and if you can introduce the rest of your team, that would be terrific. Thank you.

Ms GLASS: Thank you, Chair, and can I also acknowledge that wherever we are joining from today we are on Aboriginal land that has never been ceded. It is good to be here. I am only sorry that we are still unable to meet in person for the annual discussion on my annual report. Can I introduce my deputy, Megan Philpot, who joins me today, and my Chief Operating Officer, Marija Maher, who also joins from the office two doors down from me.

The last financial year was certainly an interesting one. I described it in my 2019/20 annual report as a 'tale of two parts'—an increasingly busy nine months with complaints rising to record levels and the excitement of preparing for new legislative functions followed by the wholly unexpected impact of COVID-19 in March 2020. So let me start with that.

Our physical office closed overnight, almost exactly a year ago to the day. We initially diverted our phones to voicemail while our staff adjusted to the challenges of remote working, which were considerable, particularly for those on the front line in their dealings with the public, and we became busier than ever, though more often with complaints where we could not help—for example, in the early period of the pandemic we saw multiple complaints as a result of cancelled travel. Some things did not change—prisons and local councils remained the most complained about agencies—but other agencies came into the frame, with initially hundreds but now over 1000 complaints about the Government's Business Support Fund, which is currently the subject of investigation.

I hope the case studies in the annual report give you a sense of the outcomes we achieve in ensuring fairness, and these are cases that are not high profile but which make a real difference to people, whether they are COVID-related, such as getting soap into public toilets, or not: getting a new washing machine in public housing or getting unfair fines and fees revoked.

Two major investigations referenced in my annual report were my *WorkSafe2* report, which subsequently featured on *Four Corners*, which highlighted the human cost of an unfair system for complex workers compensation claims. I was very pleased to see the Government's recent introduction of a Bill into Parliament to address one of the key recommendations in that report. The other was my OPCAT 2 report, picking up my important role considering human rights, suggesting ways the Government might approach the model for Victoria and exposing unacceptable practices leading to the solitary confinement of children and young people.

I also refer to my *Report on Recommendations*—the biannual update on what has happened to Ombudsman recommendations from the previous two years. It highlights both positive progress, such as the Government's response to my report on the child sex offender at Puffing Billy and the reform of State Trustees, and areas that are still needing work, such as the lack of progress in designating an inspection body for prisons and other closed environments.

My office's role in ensuring accountability within state and local government, and now publicly funded bodies, is undiminished, with matters referred by IBAC [Independent Broad-based Anti-corruption Commission] up 96 per cent in three years. The reports I table in Parliament represent only a fraction of the work of my office. A strong collaborative relationship with IBAC continues, culminating in our first joint investigation. I also note in my annual report that all too often we see the same themes, such as poor complaints handling or failure to manage conflicts of interest. Although my office is best known for its critical public reports, I prefer not to have to criticise, for agencies to learn from their and others' mistakes to avoid or reduce complaints and poor practices. Prior to COVID our small education team continued to deliver well-received courses to public sector agencies, and post-COVID we continue to offer short, good-practice webinars, with plans to offer all three of our programs online.

Most of the new functions and powers bestowed by Parliament, including the new education and outreach function, came into effect on 1 January 2020 and budget independence on 1 July. The other new functions include oversight of bodies which are publicly funded and reviewing organisations' complaints handling as well as the ability to carry out alternative methods of dispute resolution, such as conciliation—all important tools in the kit of the modern Ombudsman office and all, regrettably, subject to funding I have not yet received. In the meantime, we continue to focus on improving our efficiency, including sharpening our key performance indicators and improving our use of data, both to analyse and report.

I am happy to talk more about my funding in a private session, bearing in mind I have made a bid that is cabinet-in-confidence but also acknowledging this Committee's important role in reviewing my funding. In the meantime, let me also acknowledge the Committee's equally important role in reviewing my annual plan.

Turning briefly to future work, while sustainable funding is needed and my plans are necessarily modest, I am still keen to increase my office's engagement with the public and the public sector as anticipated in the new legislation. I would particularly like to broaden our contact with communities across regional Victoria and those who most need our services, usually those who have heard of us the least. I will continue to investigate the issues raised by Victorians individually and systemically as best I can in the public interest, to focus on human rights and to continue to educate and investigate to improve accountability. Once again, I welcome this hearing, and I welcome your questions.

The CHAIR: Thank you, Ms Glass, for that presentation. Look, I might start with a question. I was just wondering, in regard to the difficulty of COVID last year and your staff working remotely, how that worked for your agency and how you kept the staff morale and resilience going, but also I suppose the second part to that question is whether you would continue in some shape, way or form having some of your staff work remotely?

Ms GLASS: Thank you, Chair. Well, to take the first part of that question, it was undoubtedly a tough year for everybody in Victoria, and my office was no exception. In some ways we had fewer technological challenges in that all of my staff had laptops when the lockdown was announced, and we were able to shift to remote working overnight in ways that I think other offices were unable to do quite so efficiently.

So the initial issues were much more about connectivity, which was an early challenge, but also perhaps the more human side of remote working. For example, my office runs a call centre, so we deal with the public. So the reason for initially diverting the phones was to deal with the challenge of ensuring that staff could actually take what can be very, very difficult and challenging phone calls from the public from their own homes. So how do you deal with the OH&S issues around that, for instance?

So the initial diversion was very much dealing more with those sorts of issues than necessarily the technological ones. But it was undoubtedly a challenge, particularly as the homeschooling period was hugely difficult for my staff because people had to take leave to deal with their children and there was the impact that that then had on their colleagues, who then had an increased workload as a result. We know for example from our People Matter survey results from last year that the stress and pressure of the workload was significant and

[Zoom dropout] issues that I have raised in relation to my funding, about which I have no doubt we will discuss in another session.

To take your second question, I have always been a big fan of flexible working wherever it is possible within the confines of the business that I am responsible for. And I think what we see with COVID is that that will accelerate and that there are many positive things that we can take from last year in addition to the suffering that we all went through. And I would like to see those good things continue. But as it is, we are in a current hybrid state in the very beginning of a return to the office, where very gradually staff are coming in two days a week and working remotely three days.

The CHAIR: Thank you for that. Are there any other members that wish to ask a question? Ms Shing?

Ms SHING: Thanks very much, Chair. Thank you, Ombudsman, for that presentation and the discussion that you just had with the Chair around staff and OH&S flexibilities in the course of the remote and working-from-home arrangements. I am interested to understand a little bit more about why the phone system was down for two months. You referred to often very difficult calls from the public and the way in which there were adjustments that needed to be made to change the way that work was done. I am just wanting to reconcile the two-month period of the calls not coming through to staff on the one hand with what adjustments were necessary to be made for staff during that period of March to May last year.

Ms GLASS: Well let me clarify initially that we diverted phones to voicemail rather than stopping dealing with the phones altogether. So for one thing the prisoner line was a significant concern, and what we were able to do was respond within 24 hours to all the messages that were—

Ms SHING: Right. That is a very helpful clarification.

Ms GLASS: So if people had no choice but to contact us by phone, we were dealing with them. What we saw as a result was a significant fall in the number of complaints, which was a great concern to me. It was a difficult juggling act around staff connectivity, staff welfare and the service we provide to the public, and we had to get that right. And I think if we cast our minds back to this time last year, I do not think any of us thought it was going to last that long. I recall when we first discussed diverting the phones, we thought it might be a couple of weeks. So I think, you know, part of the challenge we had was [Zoom dropout]

Ms SHING: I am having difficulty hearing you, Ombudsman. I am not sure whether others in the Committee are also experiencing these challenges.

Ms GLASS: I do not know whether my deputy or my COO would like to add anything to that response.

Ms SHING: Just before you do get that addition to your response—

The CHAIR: Go ahead, Ms Shing.

Ms SHING: Sorry, I think we have cut out. I lost a little bit of what you just said, Ombudsman, just in relation to the OH&S challenges, the phones not necessarily being anticipated, or COVID not necessarily being anticipated to go on as long as it did. I suspect we lost you for up to about 90 seconds in the last part of your answer to that question.

Ms GLASS: Oh dear. We should have just gone down to Spring Street and done this in person in a suitably COVID-safe way. I am sorry about that. What I was describing was the balancing act between ensuring the welfare of staff and the service we provide to the public—incredibly important; both of them, incredibly important—and to be able to do it in a way that respected staff welfare and provided the service that we need to provide. What I was reflecting is that when we first diverted the phones to voicemail we thought this might be something we would have to do for a couple of weeks. If we had known how long this was going to be, really is my point, I think we may well have been in a different place. But I think we got to where we needed to go probably as quickly as we could. And, in the meantime, online complaints went up about 73 per cent, I think—I do not recall the exact number, but it was significant. We promoted our online service, we changed our service provider—so there was an enormous amount that was going on to ensure that the service we provided to the public was as little affected as we could possibly make it. It was not possible not to be affected, but it was something that I was keen to ensure we were able to minimise the impact of as much as possible.

Ms SHING: Thank you. Just one follow-up, if I may. In your evidence today you said that you are a big fan of flexibility, which presupposes that there had already been flexible working practices in place before the period of one year ago hit and things needed to change across the board. Was the flexibility that was introduced across the workplace by necessity a scaling up of what you were already doing for some staff, during the relevant period? Or was there a wholesale reworking of that for the relevant period?

Ms GLASS: Well, the short answer is that everybody went home overnight and did not come back into the office, and it is only this week that people are beginning to return, so it was you might call it forced flexible working. But there was no ability to provide an office environment for large periods of the last year, so we had to be—

Ms SHING: Sorry, just to refine my question a little bit, I am looking to understand: if you already had flexible working practices for some staff, how did you then work to amplify them across the organisation? And was it simply a question of scaling up those flexible practices as they already existed to some, or indeed the same, extent across the organisation? Or did you have to rejig the whole thing, putting scale to one side?

Ms GLASS: Marija, would you like to take that question, provide some further detail?

Dr MAHER: Thank you, Ombudsman. Prior to COVID our flexible work policy was very much on an almost needs basis, be that to meet the individual requirements of a staff member and/or their team. As a result of COVID, like many other workplaces, the feedback that we received from staff in the last People Matter survey was that the flexibility that was enforced on them by COVID is now something that is quite welcomed. The process we are undertaking right now is to find out what is the right balance between staff working from home and being required to be in the office, notwithstanding that some roles lend themselves more naturally to really being in the office for all kinds of different reasons than other roles. So we are evaluating all those things like no doubt are many other workplaces.

Ms SHING: Excellent. If we could just get a breakdown of all the flexible working arrangements that existed before things changed in about, what, March this time last year and after, when you then moved to an entirely remote working arrangement, that would be excellent, just for the purposes of understanding that.

Dr MAHER: We will take that on notice.

Ms SHING: Fantastic. Thank you very much for that.

Ms GLASS: We could happily provide you with a percentage of staff who were already on flexible working arrangements.

Ms SHING: Great, thank you very much for that. I appreciate it. Thanks, Chair.

The CHAIR: Thank you, Ms Shing. Any other questions of the Ombudsman?

Mr ROWSWELL: Yes, Chair, I have a question, if I may.

The CHAIR: Yes, Mr Rowswell.

Mr ROWSWELL: Thanks, Chair. Thanks, Ombudsman, and to your team as well. Your annual budget is \$17.198 million, but you sought an ongoing annual budget of \$25.14 million, representing a \$7.942 million addition each year or \$31.768 million over four years. But you have instead been allocated \$700 000 each year for the next four years or a \$2.8 million increase. You will receive approximately \$28.97 million less in additional funding over those four years than what you have requested, according to my mathematics, so I am keen to understand what impact this funding shortfall will have on your organisation.

Ms GLASS: If I may—

The CHAIR: Just before you go on, Ombudsman, Ms Shing, you had your hand up.

Ms SHING: Yes, I might just raise a point of order. I am concerned in fact that this question has been specifically the subject of a ruling from the Chair at the outset of this meeting. My apologies for the background canine support cheer squad that I have. But, Chair, if we can just get a reiteration of that ruling, and also by

reference to, Ombudsman, your comments earlier that you are very happy to address these sorts of questions in a private meeting, which we will have the opportunity to do later.

Mr ROWSWELL: Just on the point of order raised by Ms Shing, if I may, Chair.

The CHAIR: Sure, go ahead.

Mr ROWSWELL: I understand that this has been addressed previously. My understanding was that there was not a ruling specifically made by you as Chair; there was direction offered but not a ruling given. If that is not the case, please share. I would seek your clarification on that matter firstly. Secondly, I note that in the responses that previous witnesses have been giving to questions asked by Committee members the period which they have been referring to in their answers is not just the period of 2019–20 but beyond that as well. Once again I reiterate my concern that I believe that these matters, which I have an ongoing interest in, are in the public interest, and to cover them off in a private hearing—Chair, you and I both know—means that they are considered committee-in-confidence and they are not therefore disclosed in public. I do not think that is good for our Committee, for democracy or for the oversight of the integrity agencies, which is a responsibility I take seriously.

The CHAIR: Thanks, Mr Rowswell. As you would be aware, in our discussions at a previous hearing with one of the other agencies—and just for your information, Ombudsman, this issue was raised about proposed Budget bids outside these annual reports of 2019/20—my direction was that we should stick to the time frames of what these public hearings are about. Yes, there may have been some questions, but they were directly related to things like COVID, which went through the year of 2020. So on the issues of any budgetary questions I would direct that they are in this public hearing with reference to the reports of the 2019–20 year and not subsequent to that. As the Ombudsman indicated earlier; she was prepared to discuss budget, Budget bids or budget issues in private meetings, and I think that is where they are best dealt with at this stage. So I would say that we stick to the time frames of what we are here for in regard to these public hearings, the 2019/20 year.

So I do not know, Ombudsman, whether you wish to respond in any way, but if you would restrict it to the 2019/20 reports.

Ms GLASS: Well, I think I can answer the question in a way that does not offend either of the concerns that have been raised, because I have been very public and I was indeed very public in my annual report about issues connected to my funding. But I would simply say that the numbers you are quoting, Mr Rowswell, have been supplanted by a further bid, which I am happy to discuss in a private session. The reason I do not think it is appropriate for me to discuss them in this session is because that bid is cabinet-in-confidence.

The CHAIR: Thank you, Ms Glass. Any other questions of the Ombudsman or her team members?

Mr HALSE: Chair, if I may just quickly.

The CHAIR: Yes, Mr Halse.

Mr HALSE: Thank you. Ombudsman, I just want to reference one of your introductory remarks where you said that it is often the most vulnerable within our community that find it most challenging to access the services that you provide. During this period that we have all lived through, this COVID period, are there any learnings or new operations that you have employed that you would like to highlight to the Committee to seek to reach out and promote your services to specific cohorts of vulnerable Victorians?

Ms GLASS: That is a really good question, Mr Halse. I think one of the things that we are all adjusting to is how we take the learnings of the last year, the positive learnings, and make them part of our day-to-day activity. Some of the many challenges we saw—for example, the reliance on the internet. Now, not everybody has the internet, not everybody has good connectivity, not everybody can fill out a form initially when they are applying to a grant fund, for example, so I think there are lessons both internally for organisations and externally for departments who are looking at how they do their work and what they rely on.

Am I still audible? I am just wondering whether I am—

The CHAIR: We can still hear you.

Ms GLASS: There are some little flashes that suggest that the connectivity is intermittent here, so please somebody raise a hand if I am freezing before you.

Did that answer your question? I could go on at some length on this subject because one of the other issues for me that was highlighted is the impact on human rights. That is something that was reflected not in the year under review but certainly during the pandemic, the investigation into the public housing towers.

Mr HALSE: Through you, Chair, thank you, Ombudsman. I note that is a theme that you brought up I believe in the last public hearing that you had—the accessibility of the services that you provide to the Victorian community. Obviously there are a whole range of novel techniques and ways which people and organisations are employing to reach out to people during this time that will not just be for the interim but will continue into the future. I would be interested to find out more from your office about some of those techniques that you are employing, but as a framework to have it is good to hear that that is something that is front and centre. Thank you very much.

Ms GLASS: If I can just add, one of the references that I think I may have made last year, I do not recall now, was partnering with community legal centres to engage with some of the most vulnerable. Now, of course the initial plan for that engagement had to go on hold as a result of COVID, but what we are doing is going back to that thinking, ‘How can we do these things in ways that work for all of us and provide our services at a much broader level?’

Mr HALSE: Thank you.

The CHAIR: Thank you, Mr Halse and Ombudsman. I am just looking at the time here. Unless there are any very short questions, I think probably what we will do, Ombudsman, is provide some further questions on notice to you in writing and seek those responses. But I just want to thank you and your team members—Ms Philpot and Dr Maher—for your presentation today and for answering the questions of our Committee members. We really appreciate that. As I say, we will put some further questions on notice to you and some follow-ups to what was already asked today by some of the members that were seeking that further information. We really appreciate your time. Thank you for presenting today. We will catch up shortly.

Witnesses withdrew.