

TRANSCRIPT

INTEGRITY AND OVERSIGHT COMMITTEE

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

Melbourne—Monday, 24 May 2021

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

Nevena Spirovska, Co-convener (*in person*), and

Sean Mulcahy, Policy Adviser (*via videoconference*), Victorian Pride Lobby.

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

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 would like to welcome Nevena Spirovska and Sean Mulcahy. Sean is online. We welcome your opening comments for around 5 to 10 minutes, which will be followed by questions from the Committee. I would just ask that you provide your full name, position and organisation. Thank you, Nevena.

Nevena SPIROVSKA: Thank you very much. My name is Nevena Spirovska, Co-convener of the Victorian Pride Lobby—pronouns she/her—and I am joined today by our Policy Adviser, Sean Mulcahy, who is all the way in Ballarat.

The Victorian Pride Lobby welcomes the opportunity to speak with you today and thanks the Committee for the invitation. The Lobby is a community-based advocacy group that works towards equality, social justice and advancing the human rights of lesbian, gay, queer, bisexual and same-sex attracted Victorians. We work constructively, cooperatively and respectfully with the transgender, intersex and asexual community organisations, who are in support of our mission statement and vision.

The submission we put forth in August 2020 addresses a number of ways in which Victoria's integrity agencies can integrate LGBTIQ+ issues into their educative programs and engage with the LGBTIQ+ organisations to raise community awareness of their functions. We commend the agencies on the good work they have done since that time and look forward to seeing this continued work into the future. In our submission we also suggested that Victoria's integrity agencies work together on education and prevention initiatives by actively reaching out to the newly appointed commissioner for LGBTIQ+ communities as well as LGBTIQ+ organisations like ours to forge stronger connections with the community. The lobby has and will continue to play a strong role in connecting Victoria's integrity agencies to the LGBTIQ+ community and, indeed, any of our integrity agencies.

To speak further to this, I will pass to our Policy Adviser, Sean. Thank you, Sean.

Sean MULCAHY: Thank you. As Nevena mentioned, we are keen to play a strong role in connecting Victoria's integrity agencies to our LGBTIQ+ community and have met with all our integrity agencies to discuss the recommendations in our submission to you. Since 2016 the Victorian Ombudsman has marched in the Midsumma Pride March, and in 2019 the Ombudsman held a stall at the Midsumma Carnival for the first time in order to provide information about the Ombudsman to the LGBTIQ+ community. The Ombudsman's engagement with, and understanding of, the LGBTIQ+ community should act as an example to our integrity agencies.

Since June 2020 we have had constructive meetings with the IBAC wherein the Commission made a number of commitments: to provide clearer information to the community on the Commission; to invite the Commissioner for LGBTIQ Communities to address staff regarding the lived experiences of our communities; to explore options to tap into the broader Victorian Public Service's engagement with the LGBTIQA+ community—for example, through the VPS Pride Network; to consider joining the Midsumma Pride March, noting of course the need to go beyond mere symbolism; and, finally, to consult with the Lobby as part of the Commission's work on engaging with stakeholders, particularly vulnerable community members, something that we are working together on right now.

We have also met with the Office of the [Victorian] Information Commissioner, and they have developed a fact sheet on LGBTIQ privacy issues, particularly in relation to sensitive information concerning sexual preferences and practices. And for the first time they have participated in the Midsumma Carnival, which is an LGBTIQA+ community event, in order to create awareness of the Commissioner's complaints function amongst the LGBTIQA+ community, and we are grateful that they have engaged with an organisation like ours.

We also note that the Victorian Inspector, Eamonn Moran, has experience in engaging with the LGBTIQA+ community, having conducted the review of same-sex adoption laws, and we have met with his office about providing education to the LGBTIQA+ community on the Inspectorate's functions.

Finally, we implore Victoria's integrity agencies to work together on education and prevention initiatives and to actively reach out to LGBTIQA+ organisations like ours to forge stronger connections with our community. Thank you again for the opportunity to speak to you today.

The CHAIR: Thanks, Sean. Thanks, Nevena. Was there anything else you would like to add?

Nevena SPIROVSKA: Nothing further.

The CHAIR: Committee members, would anyone like to ask a question?

Mr ROWSWELL: I am happy to kick off, Chair.

The CHAIR: Sure, Mr Rowswell.

Mr ROWSWELL: Thank you, Chair. Thanks, Nev, thanks, Sean, for the opportunity for you to present today. Thank you for also taking the initiative to independently reach out ahead of this public inquiry today and to have a conversation with I suppose a number of Committee members, including me, and to then formalise your views in a submission and to present today as well. You have identified in your submission that the gold standard—I hesitate to use that phrase in our current environment—in terms of understanding the needs and perhaps aspirations of your community is the Victorian Ombudsman, and that is outstanding. What do the other integrity agencies need to be doing better and what do they need to do to reach that gold standard?

Nevena SPIROVSKA: Sean, would you like to field this one?

Sean MULCAHY: I will. Thank you again for the opportunity to see you, Mr Rowswell. I think from our experience the Ombudsman, since coming to the role in 2014, clearly set out that they had a personal commitment towards engaging with our diverse community and also ensuring that the diversity of the Ombudsman's workforce was respected as well too—and remembering that this role is a role for all Victorians, and that includes our community. The Ombudsman has proactively engaged with our community through participating in the Pride March and through attending our community events, like Midsumma Carnival, and this is something we would like to see other integrity agencies follow suit with.

What we have found is that when we have met with the other integrity agencies since making our submission, they have taken a number of positive steps. I would like to particularly flag the Office of the Victorian Information Commissioner's recent fact sheet on privacy issues for the LGBTIQ community. I think tailored information that speaks to our community and clearly addresses our rights and how complaints can be made to each of the integrity agencies is really valuable because I think we have to remember historically our community's relationship with the state has been quite complicated. We have many of us in the past faced criminalisation, and based on that there is a reluctance to engage with state agencies. So it is really important that integrity agencies actively reach out to our community, participate in community events and provide that

tailored information on our rights and how we can go about making complaints to them, knowing that we will be respected when we do so.

Mr ROWSWELL: And can you give me an example of what that tailored information looks like, specific to your community?

Sean MULCAHY: In the case of the Office of the Victorian Information Commissioner, they have particular jurisdiction over privacy issues, and one of the items of sensitive information under the *Privacy and Data Protection Act* is I think what is called 'sexual preferences' or 'sexual practices'. That of course has a lot of relevance to us, because, for example, if a state government agency is collecting data on people's sexual orientation, there are going to be particular protocols they will have to put in place for both data collection and data storage. It is really important the community knows exactly what kind of information is protected, what they should expect when they are being asked for that information from state agencies and what they can expect in terms of the data collection. The fact sheet that the Office has developed clearly sets that out with a lot of great examples, and it is quite clearly headlined that this is for LGBTIQ people. I think that is probably an excellent example of what other integrity agencies could be doing in this space. It is quite different because they have got specific laws that relate to our community, but I think for each of the integrity agencies there will be common issues that arise from our community that could be actively addressed through some fact sheets, webinars or tailored information.

Nevena SPIROVSKA: And, Mr Rowsell, also I might just add, further to Sean's first point, there is also a need to consistently engage with the community, and this looks like not coming to us in a time of crisis, because often if that has happened it can be too late and the community's sentiment could be one of distrust. So another reason why the Victorian Ombudsman relationship—let us call it the 'rainbow standard' for the time being—is set so high is their proactive communication, their consistent communication with the community and their commitment to working past symbolism, which is being involved meaningfully with the community and seeking out our opinion by reaching out to organisations like ours to not just talk about crisis situations but talk about how we can work together to make their work and our work as meaningful as possible.

Mr ROWSWELL: I like 'rainbow standard', Nev—well done. Just further to that, I was interested, Sean, to hear your evidence: that there were Victorian government agencies that actually collected data on the sexual preference of people. Is that true? Why would a Victorian government agency need that? If this appears to be an absolutely ignorant question, forgive me, but I just find that, prima facie, an odd data point to collect.

Sean MULCAHY: It is a good question. In the vast majority of cases there should never be a need to collect that information. One example might be: under the *Gender Equality Act* there is a requirement to collect data on gender, but the Act also requires agencies to think through the impacts of a person's sexual orientation on their experience of gender inequality. In that regard, agencies might be collecting information on employees' sexual orientation. Now, of course that information should always be non-compulsory. People should not have to provide it if they do not want to. But if they do want to, so that the agency can better understand how gender inequality is compounded by people's sexual orientation, then there has to be very strict protocols around how that is collected and also how it is stored. That is one example of where a Victorian government agency may be collecting information on people's sexual orientation. Until our engagement with the Office of the Victorian Information Commissioner, there was not really terribly clear guidance to agencies or to our community about their rights in relation to data collection and storage.

Mr ROWSWELL: Thank you both, and thank you again for your substantive submission—the time and consideration you have taken to submit that on behalf of the Victorian Pride Lobby and the broader community. Thank you.

Nevena SPIROVSKA: Thank you very much.

The CHAIR: Thanks, Mr Rowsell. Any other questions?

Mr TAYLOR: Yes, Chair, if I could have a question.

The CHAIR: Yes, Mr Taylor.

Mr TAYLOR: G'day, Sean, and g'day as well to Nevena. Look, I was just going to ask, the Victorian Pride Lobby has previously written to the Committee about its concerns that IBAC was not doing enough to

address the specific needs of LGBTIQ+ persons. Since then the lobby has met with IBAC to discuss these issues, and you have indicated that IBAC has made a number of commitments to improve its engagement with the LGBTIQ+ community. Could you please provide the Committee with an update on how IBAC's engagement in this area is progressing?

Nevena SPIROVSKA: Certainly. So we have met consistently with IBAC since our initial meeting, I believe in August of last year, and that also included the then Commissioner for Gender and Sexuality, Ro Allen—commending Ro for being involved in that. We have met quarterly since that time, and there were a number of items that stemmed from that. This was mainly in response to the Hares & Hyenas incident, as this was a very high profile one with our community. Since that time we have not met with IBAC in this year, noting that there have been some changeovers in the role, but we look forward to working with them in the future.

Mr TAYLOR: Sure. Do you have any idea when that next meeting will be, perhaps?

Nevena SPIROVSKA: Not at this time.

Mr TAYLOR: Sure, no worries. I look forward to being kept updated. I am sure that will be possible at some point. Thank you very much.

Nevena SPIROVSKA: Thanks, Jackson.

The CHAIR: Thanks, Mr Taylor. Any other questions? Mr Grimley.

Mr GRIMLEY: Thanks, Chair, and thanks, Nev and Sean, for your submission today. I just wanted to ask—and it is probably more directed towards Sean—a policy question, and that is: In relation to other jurisdictions either nationally or internationally, are you able to supply information to the Committee just in relation to LGBTIQ+-specific educational programs that are seen to be the rainbow standard, I suppose?

Sean MULCAHY: Thank you, Mr Grimley, for that question. I must say that nothing immediately springs to mind. The Ombudsman, for example, has a network of ombudsmen throughout different state and territory jurisdictions, and, indeed, there are international connections as well. We would be happy to take that question on notice and provide you some examples of what other integrity agencies, both interstate and internationally, are doing in LGBTIQ+ community engagement—very happy to come back to you on that one.

Mr GRIMLEY: That would be great. Thank you, Sean. That is fine. Thanks, Chair.

The CHAIR: Thanks, Mr Grimley. Any other questions? If there are not, I have a question. I notice in your submission you made recommendations about the other agencies getting involved with your community, similar to how the Ombudsman has—and I know you went to answer that a bit earlier. I was just wondering, have some of those other agencies participated in any events to be able, as you have suggested, to create greater awareness, and if they have not, is there a particular reason why they have not taken up that recommendation that you have provided?

Nevena SPIROVSKA: Sean, would you like to field this one?

Sean MULCAHY: Yes, more than happy to. Thank you for the question. Since making our submission we have had the opportunity to meet with both the Office of the Victorian Information Commissioner and the Victorian Inspectorate. The Office of the Victorian Information Commissioner, for the first time this year, participated in the Midsumma Carnival, which is a community event, and provided information to our communities on their complaints function. The office of the Victorian Inspectorate—we had a very constructive meeting with them. As you would probably well know, people do not make complaints directly to the VI, but if there is a complaint made about another integrity agency it will escalate upwards.

One of the things we talked with the Inspector about is the reticence of our community to engage with complaints mechanisms, given the historical, I will say, persecution on the part of the State towards our communities. The Inspector acknowledged the need to provide clearer information to our community on their role within the integrity framework within the State and also expressed interest in engaging at LGBTIQ+ community events, so that is something we are very keen to follow up with the Inspector in the future. I also flagged that the Office of the Victorian Information Commissioner has developed a very practical fact sheet for our community.

I will just lastly say that since our meetings with IBAC we are constructively working with them on a strategy to assist with the Commissioner's engagement with stakeholders, particularly vulnerable community members. We worked with them and with our partner organisation, Transgender Victoria, towards the end of last year, and we are very keen to continue that work. We do think that the Commission needs to better consider the needs of vulnerable people that are engaging with the Commission, including LGBTIQ+ Victorians, and provide clearer and more accessible information on the Commission's jurisdiction, its functions and its processes, particularly as it relates to police misconduct, given recent events that Nevena alluded to.

The CHAIR: Thank you, Sean. Just a follow-up question. Do the agencies collectively get together and share their thoughts and ideas on this particular outcome, so that if the Ombudsman is leading the pack, do you think that there is a sharing of views and values and things like that between the agencies?

Nevena SPIROVSKA: I am not aware of there being a formalised mechanism, but that would be certainly something we would encourage, especially when it comes to sharing resources, sharing knowledge and also events, just highlighting the role again of the Commissioner for LGBTIQ+ communities as well as the great role the Victorian Pride Network plays in being able to support public service employees to not only act as allies but to support members from our community.

The CHAIR: Thank you. I will ask for the last time: Are there any other questions of any Committee members? No further questions. All right, then, thank you for presenting to the Committee today and answering the questions that you have answered. And thank you again for your submission and the time that you put into that and also the time that you put in today. I thank you, Nevena and Sean. We appreciate it, being online. I know, being in Ballarat, it is a fair way to travel down. I come down every day.

Witnesses withdrew.