

## William and Lonsdale – Lives In The Law

### Ep 59. Deborah Glass OBE

**Voiceover** [00:00:07] This is William and Lonsdale, a podcast about the legal ecosystem and the fascinating people who make it tick. Today, to kick off the new Year, your host Michael Green, speaks with former Victorian ombudsman Deborah Glass OBE. After completing her law degree at Monash, Deborah headed straight overseas to begin decades working in many interesting and varied roles, none of which were in the law. She worked in the financial services sector in Europe with senior director of the Hong Kong Securities and Futures Commission and became the deputy chair of the Independent Police Complaints Commission in the UK. Deborah returned to Australia and became the Victorian Ombudsman in 2014. Over her ten years in the role led many significant investigations and reform efforts, including, of course, the unprecedented conflicts of interest the Covid 19 pandemic gave rise to over the years. Many of our guests have been in and out of the law throughout their careers, but perhaps more than any Deborah knew very early on, that although she would use her legal skills throughout her career, a life in the law would not be her path.

**Deborah Glass** [00:01:16] I've never been a planner, but I knew on the first day I started my articles and I took the first offer of articles I got, I. I cast my bread upon the waters, sent off thousands of applications, and did not give any thought as to the type of firm I wanted to work for, the type of law I might want to specialise in. None of that. I just needed to do articles and started this job. And I was standing there on the on the station platform and early in the morning, you know, to catch my train into work thinking, you know, what the hell am I doing? And when I was coming back that night, it was even more so. It was, what on earth have I got myself into? And I just knew on that first day I didn't want to be a lawyer.

**Michael Green** [00:02:24] Our guest this morning in lives in the law is Deborah Glass. In March of 2024, Deborah retired as Victoria's government ombudsman. After ten years in that role. Deborah, good morning.

**Deborah Glass** [00:02:37] Good morning, Michael.

**Michael Green** [00:02:38] Debris have had a, I can say, storeyed career, multifaceted career over 40 odd years, taking you from Melbourne to Switzerland, Luxembourg, Hong Kong, London back to Melbourne. So it's a big journey and where just had to go on the journey about how a Melbourne girl took that journey. But take us back to the start. Where were you born? How did you grow up? School, parents, etc.. Just set the scene for us.

**Deborah Glass** [00:03:01] I was born in Bega actually in New South Wales, so technically I'm a country girl, although I have very little memory of the time because I was only there for a few years when my father was the the local GP and a little tiny town called Cobargo.

**Michael Green** [00:03:14] What got you back to Melbourne? Where did you go to school?

**Deborah Glass** [00:03:16] Well, I went to school in Melbourne, so we my parents then went off to England for a couple of years and then came back to Melbourne. I grew up in Melbourne and I went to school in, in Melbourne. I went to a Jewish school here and you probably got to ask me why I did law. And actually the direct answer to, to my upbringing because I was a good student and I couldn't stand the sight of blood. And, you know, that's a kind of a Jewish joke, really, but it's true. If you're a good student and you're a nice

Jewish girl, I'm not sure that I really was, but that's probably how I was perceived at the time, you what you did, law or medicine.

**Michael Green** [00:03:53] And I think Jewish or otherwise, if you went to certain schools in Melbourne, i.e. the private schools, that's what you did, so it was law.

**Deborah Glass** [00:04:00] It was an expectation that that you. So it was a kind of sort of pre-programmed trick. So I was vaguely interested in law, but I knew very little about it. I just knew it was quite hard to get into and I could get into it. And, you know, and at first it was just this enormous relief to be finished with school and school days, and there was this tremendous sense of liberation. But I did make a conscious decision to choose Monash over Melbourne because of its social justice program. I'm talking about the 70s, you know, you know, Monash was the radical university, it was the upstart. It had poached all the best and brightest from, from Melbourne and, and that was attractive.

**Michael Green** [00:04:39] Some people may disagree with that.

**Deborah Glass** [00:04:40] I know, I know. But I thought I might as well be a little controversial. But I most people would agree. You know, Louis Waller - you know, wonderful, wonderful people.

**Michael Green** [00:04:49] Did you enjoy university?

**Deborah Glass** [00:04:51] I had a wonderful time there, but I didn't work very hard.

**Michael Green** [00:04:53] Hard enough to pass.

**Deborah Glass** [00:04:55] Enough to pass.

**Michael Green** [00:04:56] I read somewhere at the age of 17, I repeat 17. You're the editor of the student newspaper?

**Deborah Glass** [00:05:02] Yes. My first year it was it was one of those sort of odd things, you know, And I what I really wanted to be when I when I was a teenager was a journalist. You know, I had vague notions of saving the world, you know, hence the attraction to Monash and its social justice program. So when I first started at Monash in my first year, I volunteered at lots, I just did a couple of stints there and then extraordinarily I heard of halfway through that year there was there was one of those sort of political upheavals that happens in student politics when the last remaining bastions, I think of the anarchists who controlled, you know, vast chunks of Monash at the time who were editing the student paper were finally leave it out of position and needed to be replaced. So the, you know, those who had replaced the anarchists would have casting around for people who could take over the editor. And then I found myself in pole position as one of several people who was willing to do this.

**Michael Green** [00:06:00] I would have thought that editing a newspaper or even a student newspaper lot's wife was quite a onerous position. Not something you pick up as a kid straight out of school.

**Deborah Glass** [00:06:09] Jolly lucky to pass that year. Most people who took I'm not sure if, you know, you take a year off and you focus on the newspaper. And I was trying to finish my first year of law. So it is quite remarkable, actually, that I even completed I wasn't

the sole editor. You know, there were three of us, so it wasn't as onerous as it might have been. But yeah, it was interesting. And I put on the front cover of our first edition. There's a wonderful Ronald Searle cartoon. I don't know whether, you know, you or your listeners know this bit, but it's got a couple of monsters behind a door that has editor on it reading a letter to the editor which says, Sometimes I wonder if editors are human.

**Michael Green** [00:06:47] So you could laugh at yourself. You finish uni, most of us in finishing university in those years I was a kind of you and chronologically think we're going to go into practice, we're going to have a long career in the law. Living here in Melbourne and that's it. Did you have such a picture in your mind, considering the career you've have had?

**Deborah Glass** [00:07:08] No, I didn't. I've never been a planner, but I knew on the first day I started my articles and I simply image I just took articles with, you know, I took the first offer of articles I got. I, you know, I cast my bread upon the waters, sent off thousands of applications, did not give any thought as to the type of firm I wanted to work for, the type of law I might want to specialise in. None of that. I just needed to do articles and started this job and I have this vision. I still remember it, you know, because I went out and bought myself a suit. Did I never had one of these before it and it was a navy blue gabardine, terribly conservative skirt suit. And I think the skirt went down, you know, almost to my ankles. It was deeply unfashionable and very appropriate for a young lawyer at the time. And I was standing there on the station platform in early in the morning, you know, to catch my train into work thinking, you know, what the hell am I doing? And when I was coming back that night, it was even more so. It was, what on earth have I got myself into? And I just knew on that first day I didn't want to be a lawyer.

**Michael Green** [00:08:19] And so what did you do during your articles? I mean, you actually stayed at the firm for a couple of years after you finished your articles?

**Deborah Glass** [00:08:25] I didn't have I needed to earn some money. You might recall the days when articles was exceptionally badly paid. It was some time we paid about half that of the Tea Lady, and that was the time when there were two ladies. I mean, article clerks were we're very much cheap labour. But look, it was a it was a good firm. It was a I basically worked in a in a special litigation practice.

**Michael Green** [00:08:44] Litigation.

**Deborah Glass** [00:08:45] Commercial litigation. I did a lot of crash and bash, and I think what I learnt from that, which did stand me in good stead to some degree in later life, was that litigation had very little to do with the law and everything to do with the art of bluff and counter bluff. You know, the, you know that you steer people down. I didn't realise it at the time, but, you know, decades later when I was engaged and further out of bluff and counter bluff, I suspect that early training in litigation was quite good for me.

**Michael Green** [00:09:14] So after a couple of years working as a young solicitor, you accumulate enough money, I assume, to go travelling.

**Deborah Glass** [00:09:20] Yes. I mean, really, I'm talking about backpacking. So I, I worked, I think about three years after I finished my, my articles and I, I saved up enough to be able to leave the country on a one way ticket with a rucksack on my back, knowing that I could sponge off, you know, various relatives in Europe for accommodation. And that wasn't going to cost me a whole lot. So yeah, and I, I still had, I think, vague, you know,

saving the world type notions that I wanted to write. I still had these, you know, feelings about journalism, but I realised incredibly quickly that was never going to pay even for repairs to my rucksack. You know, you've just got to you've got to be practical. But I. I just wanted to leave, you know, I had no sense of no plan. I just knew I didn't want to be a lawyer in Australia. And I wondered about this later because there are times when I thought, you know, I could have decided to not be that kind of lawyer. I could have decided to, you know, to go into public law or, you know, some of the, you know, some of the specialisation of criminal law or anything. You know, there's so many options in the law. But somehow I didn't I just chose not to pursue any of them. I didn't even ask the questions about what else was out there. I just thought, no, not for me. I'm out of here.

**Michael Green** [00:10:37] Ten months travelling around Europe, I think I was about ten. You're in Switzerland and you've got a job with a large international corporation.

**Deborah Glass** [00:10:44] A bank, in fact, which is what you what you do in Switzerland. How does that happen? Well, that was pretty funny, actually. The secret here is that I have a Swiss passport, so, you know, that helps.

**Michael Green** [00:10:54] To see one of your parents. You?

**Deborah Glass** [00:10:55] My father? Yeah. My father's father was. Was born in Switzerland. And interest is. It's inherited down the male side of the family. Stopped with me, of course, because I had relatives there who I've never met, who very kindly put me up, you know, on my travels. And I just knew I didn't want to go back to Australia. And I had absolutely no idea what I was going to do next. And so it was something I fell into. I needed a job. And this leading international investment bank was looking for management trainees with people with several years experience in. I remember the advert at the time was finance, accounting, economics or law, and I thought, okay, I've got that bit, I'll go for it. And I went for it without any desire or expectation that I even want to do that. But it was, yeah. So if I look back on my career, there are some things I've done because I really would. He wanted to do them and other things I've done because I didn't like the alternative. And this was the letter.

**Michael Green** [00:11:57] And so what did you do? Working for an international bank, coming from Melbourne, doing commercial or crashing bash, which is a long way from an international race?

**Deborah Glass** [00:12:05] It sure is.

**Michael Green** [00:12:06] So what did you do with this large bank?

**Deborah Glass** [00:12:08] Well, I started as a trainee, so for a few months. And then at the time, you know, this was this was the the mid-eighties. And anybody who's familiar The Wolf of Wall Street, I mean, banking, investment banking was, you know, the place to be. And they trained you. So you know, this. I had a wonderful boss who just said, well, go find yourself courses for whatever you want to do. And I went off to New York and did the Series seven stockbroking course. I went to London and did many markets and foreign exchange. You know, I went I learnt about the financial markets and I and I found myself, you know, sort of quite by by chance working for this guy who was setting up an investment fund business in Luxembourg. And he said, All I could do is somebody with legal training to help me with my prospectuses. And I went from there to basically learning how to run the business.

**Michael Green** [00:12:58] Were you using the legal skills and the legal knowledge you had obtained?

**Deborah Glass** [00:13:02] Good question. Probably indirectly, I suspect I have used my analytical training as opposed to, you know, the pure legal training. In every job I've done. But it's only now in reflection that I realise how useful my legal training was for me, because I certainly felt that I'd left the law behind and I have no interest in going back to it.

**Michael Green** [00:13:24] But then analytical ability, which the law gives you, held you in very good stead.

**Deborah Glass** [00:13:28] It did, Yes. Yes. You know, not to mention the you know, the you know what I learned about the art of litigation staring people down.

**Michael Green** [00:13:36] So Switzerland, Luxembourg, I think the next stop is Hong Kong.

**Deborah Glass** [00:13:41] It was yes, the banking was fascinating, really was. I learnt an immense amount about the financial markets, you know, particularly the focus on on collective investments in a unit trusts. And I found it really interesting, but I realised and this is where values starts to kick in and you, you never leave those behind. And at some point, if your career strays too far from your values, it's going to pull you back. And that's what I found happened to me. I loved the work. It was fascinating. And it was and I was rapidly promoted in the job. I found myself, you know, going from a trainee position to basically running a business within four years. And I was working with some very smart people and I was learning a lot. And it was all terribly glamorous and exciting. You know, money was no object in those days. But I found and this is what happens when you get onto the kind of corporate track, you know, you have to you have to be obsessed with the corporate bottom line, and you've got to demonstrate you're obsessed with the corporate bottom line. And frankly, I didn't care about the corporate bottom line. I mean, I, I could talk the talk. I knew how to do a presentation on, you know, what you used to tongue in cheek call that, you know, the corporate hockey stick, which is the profit line you're going to demonstrate over the next five years of the business. But I didn't care about it. You know, I found the business fascinating, the nature of it. And I was working quite a lot with regulators. But I realised that was not the developing the bank's profits was not going to be my role in life.

**Michael Green** [00:15:16] So how did you wind up in Hong Kong?

**Deborah Glass** [00:15:18] The bank had sent me out to Hong Kong and quite a few other places around Southeast Asia around the time of the 1987 market crash, which, you know, listeners with, you know, long enough memories and and I'm grade school remember which was a hell of a time to be in financial services. I mean it was a it really was a shock that crash and I, I was in Hong Kong around the time the Hong Kong markets were closed by a later found to be who was formally found to be corrupt or just believed to be chair of the stock exchange who didn't want to lose any money. So he shut the exchange.

**Michael Green** [00:15:56] So that his shares wouldn't plummet.

**Deborah Glass** [00:15:58] Exactly. So it was a major scandal, of course, for Hong Kong, and it resulted in the Hong Kong government deciding they needed to bring in a proper

independent professional regulator for the financial markets to clean it up, because international investors, of course, were disappearing fast and they were keen to restore confidence in the market.

**Michael Green** [00:16:18] And so what job did you get?

**Deborah Glass** [00:16:20] Well, I am I so I knew this job, this new commission was being set up, you know, because when I was in Hong Kong.

**Michael Green** [00:16:27] This is the Hong Kong security.

**Deborah Glass** [00:16:29] Yeah. And I thought, this is for me. So, you know, when I mentioned earlier, there is some jobs you just want to go for. I knew I wanted that job. I knew that I would be really good for this commission and that it would be good for me.

**Michael Green** [00:16:42] Can I just stop you there? Can you enlighten us. You must have had a lot of experience in this. How old were you at the time?

**Deborah Glass** [00:16:48] I was still in my 20s.

**Michael Green** [00:16:49] I found that surprising.

**Deborah Glass** [00:16:51] Yeah. Yeah, it was, yeah. I was still in my 20s and and I just thought, yeah, this is for me, I want to do this. And it was, I mean, there was some funny moments around that because I admit that, you know, at the time I was living in Switzerland and I said I was only temporarily in Hong Kong. And while I was there, I met the people who were setting up this new commission, introduced myself and said, I'd really like to work here. And they said, Well, you know, that's great. We've got to set this up. It'll take some time. Here's the org chart. And I looked through the orchard and I looked at this position and I said, That's me. You know, there it was. You know, there was a senior manager at the Unit Trust Division which was responsible for regulating unit trusts in Hong Kong. And I just knew that I'd be perfect for that, right. You know, So I kept ringing this. I went back to Switzerland and I kept ringing this woman every month to say, How's my job going? Have you advertised it yet? And it became a bit of a standing joke, but in the end it was advertised. I applied and I got it.

**Michael Green** [00:17:54] Deborah, it's interesting. You've had a significant period working for a large bank. Obviously, it's a capitalist organisation driven by the profit motive. But then you see a job and you say it's the perfect job for you acting as a regulator. Why? What made you see this job and think that's me?

**Deborah Glass** [00:18:10] Well, no offence to the profit motive. I mean, you know, it is important. It plays a role in our society. But what I found was that it didn't align with my values. And I realised that for me, I needed to be somehow working in the public interest, that I'm a public sector person at heart. So while the business of financial markets was fascinating, what I wanted to do was help to control them. You know, I wanted to use this knowledge I had gained from the banking world and use it in practical ways so that small investors could be protected. For instance, you know, that they weren't going to be ripped off.

**Michael Green** [00:18:46] I want to go back a bit. Would you trace those values back to your parents?

**Deborah Glass** [00:18:49] Yes, my parents, my community? Yes. All of the above. Absolutely.

**Michael Green** [00:18:55] Yeah. And I guess that's most of us, and the apple and the tree.

**Deborah Glass** [00:18:57] Yeah. And, you know, social justice was something that when I grew up in a community of Holocaust survivors. So when we're talking about social justice and human rights, it's sort of in your DNA.

**Michael Green** [00:19:07] So you stay at in Hong Kong maybe eight years.

**Deborah Glass** [00:19:10] It was closer to ten. Yes. But it was I mean, it felt like a lot more than that, because if you if you work in the financial markets, you measure things in market cycles. And a normal market cycle is sort of 3 to 5 years. In Hong Kong, it was about every five minutes. You know, you really were. This was in the run up to the the handover back to China. And it was fascinating because there were investment. There were unique investment schemes that immigration schemes that you would only find in a place like Hong Kong where people would be pulling their money to invest in something that was going to get them a passport. So, you know, where else in the world does that kind of thing happen?

**Michael Green** [00:19:47] And I'm assuming Hong Kong was and I assume always had been and still is an extremely dynamic place, dynamic commercially.

**Deborah Glass** [00:19:54] Absolutely.

**Michael Green** [00:19:55] And you're therefore working to try to control that dynamism for the public good. Why did you leave it? Well, to go back to London, I should have said.

**Deborah Glass** [00:20:03] Well, it wasn't really more for personal reasons at this stage. I, I did love it. It's it can be quite exhausting, this kind of work. I could have stayed with it, but I was also ready to move on. I mean, living in a huge city of, you know, 7 million plus people, very little space, very polluted with all the problems that go with that. I was ready to do something else. And really for personal reasons, I just got married at this point. My then husband was lived in London and thought, well, why not give that a whirl.

**Michael Green** [00:20:40] Upon arriving in London? How did you find a job? Was it easy to find a job?

**Deborah Glass** [00:20:44] I had a job before I left because in the world of financial regulation, I was quite active in the sort of International Securities Commissions organisation. So I knew a lot of my peers in other regulatory bodies and I was asked by my peers in the UK who had just been appointed to this new Financial Services Authority. If I would come and sort of mind the fort for him in this transition period in the UK where all these self-regulatory bodies were being merged into a single regulator. So he asked me to come along essentially to hold the fort in this self-regulatory body called Investment Management Regulatory Organisation that regulated the fund managers in the UK.

**Michael Green** [00:21:27] The fund managers specifically, yes. And did that job Was that a long term job for you to just do that, holding the fort and then move on?

**Deborah Glass** [00:21:33] Well, the intention was what really was, you know, he said, look, you know, can you come along for six months and just hold the fort? Because it was all going to be merged into this new authority. It was never going to be a long term job. I loved regulation. I wanted to do that forever. And I thought, well, that'll be good. And it'll probably be quite a good intro to helping me get a job in the in the new regulator. Quite possibly. But I didn't I didn't reckon on, on my coming into, you know, endless conflict with the new regulator in that role. So which is what happened.

**Michael Green** [00:22:02] Endless conflict within the organisation you were working? The new one where you were.

**Deborah Glass** [00:22:08] No no the new one.

**Michael Green** [00:22:08] Going to take your place.

**Deborah Glass** [00:22:09] Yes. Essentially what I ended up doing for two and a half years and it was a pretty thankless job, was running this self-regulatory organisation which still had legal responsibilities, even though it had essentially transferred its assets over to the then new regulator. And I stayed because I was asked by the board who were sort of non-executive and this is a bit of a gender story actually. I will share with you the chairman of the board who was a, dare I say, quite a stuffy Scot. They were all gentlemen of the city. The the this board completely in non-executive gentlemen of the city board and they asked me if I would stay, you know, for a couple of years and keep looking. To the interests until there until we just clarified.

**Michael Green** [00:22:55] This is a statutory body.

**Deborah Glass** [00:22:56] Yes. But it wasn't continued to exist as a legal entity for another couple of years, which is a very unsatisfactory place for these directors to be because they they retained their directors responsibilities and they needed somebody on the ground to make sure that the work was being done. And that was tricky because the, you know, all the assets had been transferred, including the staff to the new new authority. So I knew it was not going to be a a pretty task. But I also knew that it needed to be done. And I decided that I would do it if they appointed me to the board as chief executive. And I and I had this moment thinking to myself, well, let's just see whether these gentlemen of the city let me join their club. I was I was very aware that that I had what you might describe as a triple disability, you know, because I was a I was I was a woman, I was an Australian and I was a Jew. And that all three of those things do do not go down well. And, you know, British establishment circles. And I thought, well, let's see whether these gentlemen of the city will let me join their club. And if they do, then I'm willing to help them out.

**Michael Green** [00:24:00] And did they?

**Deborah Glass** [00:24:01] They did.

**Michael Green** [00:24:02] And then you had another two years, rather, with that. Yes.

**Deborah Glass** [00:24:04] So I was appointed to the board and formally appointed as chief executive of MRO. And in that time, I battled for the interests of my board and earned the undying immunity of the new authority. So that was the end of my career in financial regulation.

**Michael Green** [00:24:20] So you didn't transfer across?

**Deborah Glass** [00:24:22] I did

**Michael Green** [00:24:28] You soon thereafter, though, are involved with bodies, plural, I think, who were handling complaints against the police in the UK.

**Deborah Glass** [00:24:36] Yes. Well, again, I go back to my career change. You know, this was a classic example of doing something because I had eliminated the things I didn't want to do. And it was just something else, you know, it was not something, you know. So this was I didn't want to go back into the private sector. You know, the obvious thing for me to do at the time was become an international compliance director for some leading fund management house. And if I you know, when I talk to Head-hunters, that was what they would say, wonderful. With your regulatory background and all the things you've done, perfect job for you, lots of money. And I'm thinking, I don't want to do that, you know, I'm not interested. So I did a lot of thinking about what mattered to me, and I realised that what mattered was staying in the public sector somehow. But regulation had now been gone for me. It had been closed off. So what is there? You know what's out there. And I. I saw an advertisement one day for something called the Police Complaints Authority. And I remember the salary was on the advert and I had one of those kind of Naomi Campbell moments. You know, I'm not suggesting for a moment there's a parallel there. But, you know, but she was saying, I don't get out of bed for that kind of money. And I had the same feeling, you know, terrible salary. You know, I'm not going to waste my time going for a job like that. But then you think about it. And that's what I did. And I thought, actually, what matters to me, it's not the money. It is the work and the kind of work I can do and the contribution I can make. And it sounds kind of interesting. And I had been I'd been doing some voluntary stuff in, you know, when I first moved to the UK. And one of the voluntary things I was doing was working as what's called a visitor, where you make unannounced visits to police stations to make sure people in custody are being treated properly. So I had a bit of an interest already in police community relations, and I thought, well, you know, I might just apply for this job, even though it is. The pay is appalling. Well, so it felt to me at the time.

**Michael Green** [00:26:33] And that application was successful.

**Deborah Glass** [00:26:34] As it turned out. Yes. But the funny thing is that when I first applied, I was very ambivalent about whether I even wanted to do it. But it was this incredibly long and arduous process. And by the end of it, by the time I was, I was asked to come for a final round interview. I decided I wanted it and I got it.

**Michael Green** [00:26:54] Is this authority? Have you got a staff of 100 people, a thousand people, or are you a stand alone personal?

**Deborah Glass** [00:27:00] Well, you know, good question, because what again, I found myself unexpectedly in in in an environment where the authority was being replaced and it was only going to be in existence for a few years and then it was going to be replaced by this Independent Police Complaints Commission.

**Michael Green** [00:27:17] Again, statutory.

**Deborah Glass** [00:27:19] Absolutely. And powerful. So the authority I joined was part of a kind of push for reform. But but it in itself was being replaced by because it had been

criticised for not having the powers strong enough to deal with the police. So this new commission for the very first time and in the UK was going to have actual real police powers and it was going to have the power to investigate independently itself rather than simply supervise a police investigation. So basically it was set up because of the lack of predominately black and minority ethnic community confidence in the police investigating themselves for such things as deaths following police contact.

**Michael Green** [00:27:57] Did you see much of this following police contact? Was that a common sense?

**Deborah Glass** [00:28:04] Oh yes - I lived and breathed it for 13 years. It's gruelling.

**Michael Green** [00:28:10] Do you have the training? Did you and did your staff have the training necessary to carry out this function?

**Deborah Glass** [00:28:15] When I started in the in my very first role, I would say my training was very little common sense. But I remember the first time I was I was called out when a young black man died in Brixton police station, and I was called at middle of the night to go out there and supervise a team of police officers who were carrying out the investigation. I'm thinking to myself, I have no idea what I'm doing, but I'm going to make it up. And I did. And it worked. And look, a lot of this is common sense. And probably the training I had had in my early days was helpful, although I may not have recognised at the time. But what I did do is go back to the office, you know, the next Monday and go, Right, we need, we need formal investigations, training and we got it. So there was there was a lot of on the job training as well as, you know, both formal and informal.

**Michael Green** [00:29:09] So initially you're supervising police who are investigating police. Yep, highly unsatisfactory in my view. Then because it was considered unsatisfactory by minority groups. They formed the Independent Police Complaints Commission. And you become the commissioner of that.

**Deborah Glass** [00:29:24] Yes.

**Michael Green** [00:29:25] Yes.

**Deborah Glass** [00:29:25] And so I got so. Again, I we I had to apply. There was no transfer into that role. And many of my colleagues did not get get jobs in the new commission, which was a matter of some deep disquiet because, you know, we thought we'd been promised them when we when we agreed to take on this, you know, the carcass of this organisation in the in the in the first place. It was, it was complicated.

**Michael Green** [00:29:50] You must have been frustrated then and even now, I suspect in this, all of this working out, working with politicians and having political issues, always intervening and possibly sidetracking it.

**Deborah Glass** [00:30:02] I tried to avoid working with politicians. Some of them were unavoidable, but for the most part I worked a lot with senior police, and when I was appointed to the commission, I'd had three really solid years of investigations behind me. So I by this point, I knew my stuff and I knew how to investigate and I knew how to lead investigations and I knew how to tell the police what to do, which was helpful because if you, you know, my experience of of managing police, they'll find you. But very quickly, if you don't know what you're talking about.

**Michael Green** [00:30:40] Do you know, I read similarly you said, and this may be an exaggeration, maybe I misread it, that this period of your working life with the Police Complaints Authority and Independent Complaints Commission was entirely thankless.

**Deborah Glass** [00:30:51] It wasn't entirely thankless. And I was I was very devoted to it. And I am very proud of a lot of what I achieved during it. But there is something inherently thankless in the work of to take a, you know, a sadly common example dealing with fatal shootings and deaths in custody. Because if you're dealing with, for example, the death of a young black man, the only sort of justice that that man's family can imagine is a prosecution for murder, for the police officer is fired a shot. That's their view of justice from the police standpoint. Their view of justice is not even investigating it at all because they're doing their job. You know, they say, so where does that sit? You know, where is the truth? And what you're trying to do in those in that kind of role is is walk a very, very difficult line. It's not about what happened, you know, what happened. Why did it happen? You know, was it reasonable, proportionate, justifiable. You know what What was it you know, what were the facts? And often they're very murky and you'll never get to the answer. And you find yourself in the middle of this abuse from all sides.

**Michael Green** [00:32:06] Entirely thankless. One of the very, very high profile investigations and reports you were involved in was the Hillsborough laws to do with the Hillsborough disaster, which was a crowd at a soccer match involving the Liverpool Football Club, where 97 I think people are crushed to death because of overcrowding there. Everyone was standing and it was a standing area, I seem to remember. Yes. And people were crushed to death. It happened in 1989. You do a report or you're involved in the setting up of the report and it's released in 2012.

**Deborah Glass** [00:32:43] Absolutely appalling. Tragedy was a if ever there was a blot on the justice landscape and there have been many in the United Kingdom, this was a really serious, serious blot.

**Michael Green** [00:32:55] So sorry. Can I just clarify why was it a blot?

**Deborah Glass** [00:32:58] There had been a series of inquiries, multiple inquiries into the Hillsborough disaster that started immediately, you know, as if they didn't there was no 23 year wait for an investigation. The initial inquest verdict to accidental death. You know, the coroner limited the evidence that he was prepared to hear for there were judicial inquiries that for one reason or another, never really got to the to the heart of it or got to the truth. And the the families of the victims and the survivors were they kept on lobbying for justice. So if there was one one word that still stands out for me about my experience of Hillsborough, it is the fight for justice, the pursuit for justice. So for 23 years there was this. Every successive new British government was lobbied for another inquiry, another, you know, another something that was new that might deliver justice. And for the report that was delivered in 2012, which was the year before the end of my term, was not an investigation. It wasn't an inquiry. It was actually a narrative. It was a collection of documents that was published to really quite explosive effect towards the end of that year. And what it revealed was the culpability of particularly of police and the appalling nature of the the cover up that happened after the deaths.

**Michael Green** [00:34:21] Why was there a need for a cover up? Because it looked to be an accident and too many. Or maybe there was lack of occupational health and safety regulations.

**Deborah Glass** [00:34:29] It wasn't an accident. It was it was the result of absolutely appalling policing, appalling operational decisions, appalling communication. You know, quite likely that lives would have been saved if if things had been done differently.

**Michael Green** [00:34:45] Can I just take you back to the start of the start of maybe the Hillsborough investigation? You did. Or narrative. Can I get you to read what you said in a public meeting to the survivors and the. I think you'll remember it. Yeah, I'll get you to read that first. And this is you speaking to a room or a theatre full of people whose loved ones have died at Hillsborough.

**Deborah Glass** [00:35:09] I'm not going to pretend that I know what it's like 23 years later to still be in the pain you're in. But I want you to know that I can hear your pain and your grief. I'm not going to make you promises I can't keep. I can't promise that this or that police officer is going to go to jail and it's not going to be quick. It's not going to be easy. But I ask you to judge me on what we do not and what we say or what others will say about us.

**Michael Green** [00:35:34] I'm sure that an impact on the people because you didn't there was no glossing over.

**Deborah Glass** [00:35:39] What I was really conscious of. And I what I did with the with Hillsborough is that after this narrative was released in 2012 is that I launched a fresh investigation which was turned out to be the largest criminal misconduct investigation into policing in, I imagine, in the history of Western Europe. I've never actually added them all up, but I would be very surprised if it were not. But I knew at the time that it was going to be the toughest call was going to be persuading the people affected the victims and the families that we were going to deliver some sort of justice. And this is where the whole concept of justice becomes, you know, pretty slippery, actually. You know, the people don't want the same thing. They have different ideas of justice for for some of the families. All they wanted was that terrible inquest verdict to be overturned, to be, you know, the accidental death verdict, because it wasn't accidental. It was it was negligent. It was appalling. It was some cases deliberate. And there were lies that were told who they wanted. Vindication. Some families wanted police in prison and everything in between. And what I was conscious of 23 years later was that some of these things were just never going to be possible. Because what you know as an investigator is that the passage of time is very damaging to investigation. You know, evidence disappears. People can't remember. People die. All of these things had happened. And the ability, you know, right at the start, you know, that the chances of there being successful prosecutions at the end of this are going to be very, very, very slim indeed, as indeed was proved to be the case. But what really mattered was that people were heard and vindicated after decades of lies and abuse.

**Voiceover** [00:37:37] William and Lonsdale is brought to you by Green's list, one of the leading multi-disciplinary barristers lists in Australia. Greens list believe in promoting conversation around the ideas and issues that shape not only our legal system but our wider community.

**Michael Green** [00:37:57] So, Deborah, we're now in the year of 2014 and you return to Melbourne and you take up the role of Victorian Government ombudsman. Did you come back to take up that role? Or was that coincidental?

**Deborah Glass** [00:38:09] It was coincidental. I mean, I was planning to come back anyway. I was looking for a job in Melbourne and certainly coincidentally the the ten year term of the previous ombudsman came to an end at precisely the moment that my my term in the UK also expired. So I applied for it.

**Michael Green** [00:38:28] Can you educate us a bit please, on the Ombudsman what the role is, what power the Ombudsman has, where the Ombudsman sits in our framework of government.

**Deborah Glass** [00:38:37] Funnily enough, I didn't know any of these things when I applied for the job and I didn't read the Ombudsman Act. So I was pleasantly surprised to discover what wonderful powers the Ombudsman had. You know, the powers of a standing Royal commission effectively. It is a very powerful role. It's a you know, it is one of the pillars of the integrity framework in the state, along with the Auditor-General and the Ibac Commissioner, and it has a number of functions. But really the key function that most people will be aware of is dealing with complaints about government, government services, state and local government. And there are over a thousand state and local government entities that you can complain about.

**Michael Green** [00:39:14] And so if I'm unhappy with something my local council is doing or not doing, I can make a complaint to the office of the Ombudsman.

**Deborah Glass** [00:39:21] Certainly can. And thousands of people do that.

**Michael Green** [00:39:25] Can I just will want to take up two things from that. One, I guess maybe the second one we'll get to is how do you decide what you look into? But two, are you only able to look into are you bound by complaints that are made to you or can you initiate investigations yourself?

**Deborah Glass** [00:39:40] You can. And that's one of the lovely things about the role and it's many powers is in own motion an initiation powers. So as long as it's a matter in jurisdiction, if it looks troubling, it may be something you know you've read about in the news or a pattern of complaints that seem to suggest that something is fundamentally wrong with public administration or just wrong. And maybe you've missed a good idea you've had in the past. You know, it's they're all open to the ombudsman to decide to investigate.

**Michael Green** [00:40:09] So how do you decide what to investigate? Well, you've got limited resources.

**Deborah Glass** [00:40:13] So loosely in that that's always the limiting factor. But it's it's I used to describe this very much as an art rather than a science, because you do need to want to make sure that you stay as relevant as possible to the public and that you're acting in the public interest as much as possible. So and there are so many potential agencies and issues that you could turn over. So I found myself being very driven by patterns of complaints or topical issues. So, for example, there were a lot of complaints about workers compensation claims, particularly complex area, because, you know, there's a whole series of channels for dealing with litigation involving worker's comp. And one of the things the ombudsman does not do is replace the channels, You know, so you if if you can go to a court or tribunal to get your matter resolved, generally the ombudsman does not get involved, you know, so the ombudsman can can can look at these complaints and go, well, we're not going to look into the substance of this matter because, you know, you've got all

these rights that, you know, conciliation and so on. But but you can and at one point in my first couple of years decided it was we were getting a lot of complaints about complex worker's comp matters and decided to dig in a bit deeper to have a look at those. And that resulted in two major reports that I ended up tabling in Parliament. I'm not sure whether you saw a Four Corners program some time in 2020 called Immoral and Unethical, which were words are used about the worker's compensation system with strong language. They were deserved, I'm sorry to say, because what what we found in that was a really massive systemic failures of the systems that should have been in place to protect workers. And it resulted in some significant reform.

**Michael Green** [00:42:00] Eventually, there was going to be my question. You said your table reports in parliament. Over your ten years, what was the history of your reports being acted on?

**Deborah Glass** [00:42:08] Pretty good. 96% implementation rate.

**Michael Green** [00:42:12] That's better than pretty good.

**Deborah Glass** [00:42:13] Yeah, very good. Yes, but but what I what was important to me was not only to have government say, you know, yes, we're going to tick the box and say, well, we'll do that. But to follow up and that was what was compelling about the workers compensation matter, because I did one investigation where I was very, very critical of the way the system worked and its failures. There was a lot of pushback at the time from from WorkSafe and from the agents, and there was a bit of a narrative that we just found a few bad apples and this was it really wasn't that bad. So I made some probably less radical recommendations than I would have otherwise. But what I found was that complaints kept continuing and. That said to me that was not good enough. So I launched a second investigation on the back of those continued complaints and hit the much more powerful recommendations that were made a couple of years later that were in fact taken up and did result in actual legislative change.

**Michael Green** [00:43:15] I liked a couple of words that you used to describe how you make decisions about what to investigate. One was that you triage things and the other you talked about a boiling pot. Yes.

**Deborah Glass** [00:43:28] Well, every ombudsman knows the art of triage because you get you know, when you're dealing with, you know, potentially tens of thousands of complaints a year, and they will range from you, including the trivial and the vexatious, you know, through to matters that are really, really serious as well as all the other stuff that comes in, including the whistleblower matters that get referred from Ibac, all of which consumes vast amounts of resources. So somehow in the middle of that, you've got to work out what you look at and what you don't. And there are many ways of tools at your disposal to help you do that. I developed a rather it called us a rather tongue in cheek way of looking at issues where things might be simmering away and these might be bubbling away in the boiling pot because we're actively investigating them, you know, like workers comp them or they might be simmering. So there's a pattern of complaints. We're not quite sure where that's going. It might go somewhere or it might not. So I might have to ask somebody in the office to look at those patterns of complaints just to see whether there is something in there that is worth a greater level of attention.

**Michael Green** [00:44:31] So you were the head chef in the kitchen?

**Deborah Glass** [00:44:34] Absolutely. But I wasn't there. You know, it was a busy kitchen. And, you know, and there's lots of there are lots of ingredients getting getting dropped into the pot on a regular basis.

**Michael Green** [00:44:43] Yeah. You were ombudsman during Covid, which is very fresh in all of our minds. And I think that led to several reports about the way the government and government departments were handling the Covid issues. Could you take us down that track a little bit about, I mean, public housing? Of course, we all remember seeing the housing commission buildings, particularly up in and in my mind's eye where people were locked down. Border closures affected a lot of us, I think did my wife and I on occasion. Can you take us through that and how? I mean, can I say and I said this to you off air, I was prepared to cut the government. A famous lecture encouraged. I thought, they're acting and there's no precedent. They don't know exactly what to do, and therefore, they need to be conservative in their decision making to try and protect us, the public. But some of your reports may be says that wasn't the case.

**Deborah Glass** [00:45:28] Well, let's talk about human rights, because one of the one of the we haven't we haven't talked about this yet, but actually the ombudsman is Victoria's human rights investigator, among other things. And if there's one thing that really came to the fore for all of us during Covid, it was human rights in ways that I don't think any of us had ever thought about before. So those of us who work in associated with a law familiar with these things know about the Human Rights Act, for example, know that there is a human right to humane treatment when you're deprived of liberty. Now, I don't know about you, but I always thought that involved prisons and, you know, things like prisons. None of us ever thought that it would happen to all of us, but every single one of us was deprived of our liberty by the state during Covid. So that cast a whole new perspective, I think, on human rights and the nature of the balancing act that is human rights in ways that I certainly hadn't thought of before, and I suspect most Victorians also hadn't. So let's talk about lockdowns. You know, the you know, I agree. You know, you and I like you. I would cut the government plenty of slack. We got complaints about lockdowns generally. We got complaints about vaccine mandates. I did not choose to investigate those because on balance, it didn't seem like a bad idea. And the fact is that, you know that human rights are not absolute. We also have a right to life, you know, and and and if this particular balancing act is going to make other people sick, then, you know, sorry, but you can't you're not free to congregate. But what happened in the public housing towers was for me, it crossed the line. And I, I didn't know that when I started the investigation, all I knew was that this was an issue that needed to be looked at. And when I saw the images of the people in the public housing towers who were locked down without any warning, I knew we had to look into that. And we did. And what I found in that investigation, you know, through evidence given by the acting chief health officer on the day, was that she hadn't advised that these towers had to be locked down without any warning whatsoever. We all had notice of lockdowns, every single one of us. If we think back on, I've lost track of how many lockdowns there were. But every time we were locked down, we were told it was going to happen some hours later. So we all had time to, you know, nip into the. Chemist and we'll get our supplies or whatever it is we felt we needed. That did not happen to the 3000 residents of the public housing towers. And essentially it felt like it was a security. It was dealt with as a security matter rather than a public health one.

**Michael Green** [00:48:14] And you tabled a report stating that. Was there anything that could be done about it or was it all too late?

**Deborah Glass** [00:48:20] Well, the what I concluded in that report was that the human rights of those 3000 people had been breached by the not by the lockdown in itself, but by the immediacy of the lockdown, the fact that they had no notice of it then. And for many of them, I mean, many of these came from refugee backgrounds. And the first they knew was there were police surrounding their homes and they couldn't get out. I mean, it was positively traumatising for so many people. You know, it was, among other things, profoundly insensitive. But I reckon one of the few recommendations I made that was not accepted by the government was that they apologise to the 3000 people in the towers. The response I got was a pretty flat no, but I made several other recommendations there that were even if they weren't accepted, people did things very differently a year later. And what was fascinating about that experience, that lockdown that I was critical of was in July of 2020, almost exactly a year later, there was another outbreak of Covid in the towers, and things were done very differently. It was treated as a public health emergency, not as a security alert. So, you know, sometimes it's what they do, not what they say that matters.

**Michael Green** [00:49:36] Yeah, and that's encouraging. Also, issues arose about grants, financial grants, where people were adversely affected. Yes.

**Deborah Glass** [00:49:43] I mean, this is a really interesting example of where governments actually can do a better job as a result of the ombudsman and did so. And people remember the you know, when of course, when when the lockdowns hit and small businesses were particularly badly affected by it, that the government brought in a series of grants to small businesses, which was welcomed. We began getting complaints very quickly about people whose grant applications were being turned down and they were being turned down for really silly reasons, like a typo in an application form, or they admitted they'd missed something, you know, got the wrong number on something. And it so technically it was a it was like, you know, you've made a mistake. Sorry, we're not looking at it. Go away. And these for some were people who didn't use computers before and were having to, you know, fill out application forms, were very unsure what they were doing, and it was just not fair. So we began looking into these complaints and looking into the measures that the department had put into place for these grants. And again, you've got to cut them some slack because they had to to bring in this this grant system incredibly quickly, you know, in the space of a week or so. And they made a lot of mistakes, but they were also willing to learn. So full credit to the department and the government for that. You know, they actually did change their practices. They did go back and revisit a whole bunch of decisions. And I'm really proud to say that one of the outcomes of that of that investigation was something over \$40 million got paid out to small business owners whose grants initially had been refused.

**Michael Green** [00:51:15] And that's a happy ending.

**Deborah Glass** [00:51:16] It's not that uncommon in my world. You know, you do get the occasional happy ending. But what I was particularly pleased about in there, and this is where it was, it stood in contrast to the public housing towers, is that this was a case where I found that I was actively able to work with the government to achieve an outcome, because the whole point is, you know, you bring in a grants program to help people who need help and they weren't getting it. You're missing your basic policy objective, guys. So it was getting that message across, which took a little effort but finally landed meant that the outcome was a happy one all round.

**Michael Green** [00:51:54] I'd like to get back to the point of your relationship with government. I think that's interesting. Before I do, it's still under the umbrella of Covid.

Border closures were high profile. And I mean, once we were in Canberra with seeing a one of our sons and his family and we were told they were closing the border at midnight that night to get back to Victoria, how did you become involved in the border closure issue?

**Deborah Glass** [00:52:17] Again, so many complaints and what I expected when I took on the investigation into it wasn't into the border closures, it was into the decision making around who could come back and who couldn't be. The people were complaining about about not getting exemptions. It was one of those times where I expected to find a system overwhelmed by demand. And actually what we found in this in this case was some really sad examples of just really downright poor decision making by officials. And that massive amounts of effort were being put into keeping people out of the state and helping coming up with safe ways of getting them home.

**Michael Green** [00:52:55] And what was the outcome to.

**Deborah Glass** [00:52:56] Well, one of the again well, aside from my being very critical when you're dealing with these very real time problems, what very often happens in my experience and certainly happened in this case, is that when the ombudsman announces that it's investigating something, things change very quickly after that announcement. So during the investigation process is change. So within days of my announcing that I was going to investigate the decision making around exemptions not being granted, the rules changed and a whole lot of people who'd complained to us were able to get back into Victoria. So that's good. I mean, you know, I was very happy to put out a report at the end and say, Well, I'm glad to see they did the right thing eventually.

**Michael Green** [00:53:36] And didn't you call that the nudge of the Ombudsman's?

**Deborah Glass** [00:53:39] I do call it the nature of the Ombudsman's elbow. And it's, you know, again, you know, you talk about powers and, you know, yes, it's wonderful to have all of these royal commission powers. But really the, I think the most, you know, the most impactful power the ombudsman has is the persuasive powers that go with the role, that go with tabling a report and Parliament.

**Michael Green** [00:53:57] Hearing how your report and these actions evolve coming out of Covid, the grants, the border closures and the high rise flats apartments. Do we as a community have enough awareness of the Ombudsman and what the Ombudsman is there to do and what the Ombudsman can do for us?

**Deborah Glass** [00:54:14] I'm sure not. I mean, you know, the Ombudsman's office is it punches well above its weight. I mean, considering the, you know, the ombudsman has a staff of, you know, not more, much more than 100 people dealing with in a potentially tens of thousands of complaints a year, you know, and the whistleblower matters and all the other stuff that that forms part of of its many functions. People generally have heard about the ombudsman in the context of high profile matters, and not everybody knows that you can go to the ombudsman about your local council, you know, the departments and agencies, you know so many and also you know how to make a good complaint. I mean, you know, you've got to give the you counsel a chance to pick up your burden, for example, before you complain to the ombudsman. If you do, have you been missed? It happens all the time. It's just yes. You know, we go from corruption to business. You know, that's the nature of the role, is that it covers such a vast spectrum. But Mr. Bins are important. But, you know, again, you know, what do you want to get out of your complaint?

You don't want an investigation. You want your been to be collected. Right. So, you know, so a lot of this is about how do you work with with agencies, how do you work with councils to get them to do a better job?

**Michael Green** [00:55:21] That takes me on to this issue of your relationship with the government and with councils, etc.. How do I see you and I see you as the opposition or do they see it as a collaborative arrangement? How do they say it?

**Deborah Glass** [00:55:32] Well, it depends. I mean, I have certainly, you know, in the ten years I was in the role, there was certainly some ministers and departmental secretaries who were wonderful to work with and who really wanted to learn the lessons, who accepted that things had gone wrong, who wanted to get it to go better. Because fundamentally, when you were in the business of improving public administration, you'd think we we would all want the same thing. You know, whether we're, you know, whether you're a government minister or a departmental secretary, the ombudsman, we want to do a better job. So that sometimes was the response. And sometimes you'd get you'd be welcomed with open arms with your reform suggestions, and you'd even work with agencies to come up with a good set of reforms that was going to be operationally sound. But it doesn't always happen.

**Michael Green** [00:56:16] So because some of us being human, we're defensive to criticism. Yes. And put aside our role as a government minister or whatever. But we're just human beings. And so when we get criticised, we tend to put up the barriers and try to deny it, maybe.

**Deborah Glass** [00:56:29] Well, what I'm what I do try in the role to not do was simply make blanket criticisms. You know, I always tried to be as constructive as possible because fundamentally you want people to do a better job, you know? It's not about landing on people. And in my first year in the role, I, you know, I went around and met all the secretaries and ministers and said, look, you know, this is you know, I'm here. I'm here to help you. That's that's the message I wanted to get across. But some things just happen in serendipitous ways. And there's no doubt that, you know, that history played a part in my relations with with the government. There are things that I did not expect that came to the fore. And cases like the the public housing towers, where I was very critical and I believe rightly so, which provoked a deeply defensive response. It sets up the appearance of of conflict, even if you don't want it to.

**Michael Green** [00:57:27] What about the Red Shirts investigation or narrative?

**Deborah Glass** [00:57:31] What I want to make clear, it was an early referral, although it took some time to get off the ground.

**Michael Green** [00:57:36] The referral by.

**Deborah Glass** [00:57:37] Whom? From Parliament? Yeah. This is one of the interesting features of the Ombudsman role in Victoria is that Parliament, either House of Parliament or a Committee of Parliament, not an individual MP, can refer any matter to the Ombudsman that's in the Ombudsman Act and the the previous Ombudsman had dealt with several such referrals. Not, not not many. It's not not a common occurrence. But, but there've been a few and I received the first of these in my second year on the job and it was the redshirts matter that was referred by the Legislative Council, which of course the government did not control. It was a motion brought by the Greens, as I recall, and

supported by the Opposition, and it was asking me to investigate, in effect, alleged abuses of misuse of public funds prior to the 2014 election by the Labour Party for campaigning purposes. So what was being alleged is it was called Redshirts because the campaigners wore red shirts and they were being paid out of public funds to some degree as electoral officers, which was not what the money was, therefore. So that was a investigation that I certainly hadn't asked for, wasn't expecting and found out about while I was on a tram.

**Michael Green** [00:58:51] Very Melbourne.

**Deborah Glass** [00:58:52] Night, very Melbourne as I was on my way back from. So I think I think I read it on Twitter. So I get back to the office and a referral comes in that night from the president of the council and I think I'm going to have a look at this. So I read the debate in Hansard from the previous day and I could see that there was a very feisty debate about the Ombudsman's jurisdiction where the government was arguing very strongly that the Ombudsman meant that the Government had no, you know, objection to being investigated, but it would be discourteous to send this to the Ombudsman because she would not have the jurisdiction to do this because she could not investigate members of Parliament, whereas the, the Greens and others who had who were bringing this motion argued that indeed the Ombudsman did have jurisdiction. So I looked at this debate and thought, do I? I don't I feel I did a bit of research into into the Ombudsman's archives and realised that the previous ombudsman had been similarly challenged some years before about his jurisdiction to investigate government ministers. It had been questioned and he had asserted jurisdiction and it wasn't challenged. So he had in fact investigated previously. I'm thinking to myself, well, if he's asserted jurisdiction, how would it look if I didn't know? It was a bit of an agenda point of view because I was very conscious of being the first woman to do the job, and I thought it would not it would not be a good look for the office to simply bowed to the government telling me I had no jurisdiction, didn't it wasn't right. So I did think there's no point in getting another legal opinion. One of the lovely things about having been trained as a lawyer is that you don't feel beholden to people's legal opinions, whereas non-lawyers feel that they have to get an opinion. I have to have to follow it. I just thought it's an opinion that we all have opinions that we can, you know, you can get an opinion from whichever way you wish to go. So I thought, I'm not going to waste any public money on getting another opinion because there was a fair opinions on the file from the previous Ombudsman's work. So I thought, well, I'll, I'll just I'll write off to the minister and the council and say, you know, I've read the debate and I can see this questions about jurisdiction, about, you know, I can see this have been done previously and I'll get on with it because it says ombudsman must investigate. There's no other provision that requires that you must investigate something, no choice. So I was going to get on with it. And the response I got from that was a an opinion of the solicitor general telling me that I had no jurisdiction. And I was I have to say, I was rather peeved by that because if this had been provided to me or even referenced in the debate, I probably would have just let it go. But it hadn't been provided to me.

**Michael Green** [01:01:27] And they had this opinion.

**Deborah Glass** [01:01:29] They'd had it for months and that had it for months, hadn't given it to me. I just I actually felt somewhat bullied by that and I thought, I'm not going to give in to to that kind of behaviour. But I also felt that I probably had no jurisdiction, so I didn't want to waste public money starting an investigation because as soon as I was going to exercise some sort of power, it would be challenged. So I thought, you know, what's the best way of dealing with this? Well, right. I I'm an independent officer of the Victorian Parliament. I am going to go to the court and ask the court to tell me about my

jurisdiction, because I have you know, I can do that under my act. And I confidently expected the Supreme Court to tell me I had no jurisdiction and they didn't.

**Michael Green** [01:02:08] So you went to a judge alone and the Supreme Court?

**Deborah Glass** [01:02:12] So I initially applied to to a judge alone. And I did this quite openly. I invited the government, the counsel, whoever wanted to, to join the proceedings. And it's one of those lovely legal proceedings where you brief counsel to say to the judge, well, you. The Ombudsman is neutral, Your Honour. If I can assist the court in any way. Because, of course, the government joined to argue that I had no jurisdiction and the Council, the present council joined to argue that I did and they could fight it out between them.

**Michael Green** [01:02:41] And but so a judge alone rules in your favour.

**Deborah Glass** [01:02:45] The government then appealed to.

**Michael Green** [01:02:47] The Court of Appeal who wanted.

**Deborah Glass** [01:02:49] Upheld.

**Michael Green** [01:02:50] The good guys are winning.

**Deborah Glass** [01:02:52] I remain neutral.

**Michael Green** [01:02:55] No good and bad guys.

**Deborah Glass** [01:02:56] I remain neutral throughout this. But the attorney then sought leave to appeal to the High Court and it was refused. So ultimately it was confirmed that the Ombudsman had jurisdiction to investigate members of Parliament on a referral from Parliament itself.

**Michael Green** [01:03:10] Sounds important to me, although I guess it might mean that there'll be very few referrals in the future.

**Deborah Glass** [01:03:15] Well, there, there actually were quite a number after that time, so it started quite at quite a trend of referrals and I believe there have been some since my departure.

**Michael Green** [01:03:23] So there are some very important.

**Deborah Glass** [01:03:25] It is an important provision. Yes. That's good. Yes.

**Voiceover** [01:03:31] Lives in the Law is proudly sponsored by Citi Maps, illustrated their recent publication. The Melbourne Map is a celebration of our wonderful city. This stunning, hand-drawn illustration which took more than three years to create, is available as an art, print, jigsaw puzzle and calendar. The perfect acquisition for your home office or corporate gifting.

**Michael Green** [01:04:00] Now, tell us about your favourite complainer. There was a man who was your favourite complainer, which is sort of words often don't go together.

**Deborah Glass** [01:04:07] No, no. Well, this is again, this is. This was an early piece of work by the office. And one of the things I wanted to do when I started this, you know, I did not walk into this role expecting to that I was going to be having big fights with the government. In fact, I wanted to be collaborative, you know. My expectation was that we'd be working together to, you know, to achieve improvement in public administration for the greater good. You might say I was a little naive, but you've got to be a bit quixotic in a role like this. And otherwise, why would you do it? Well, you know what? What was important always been important for me is fairness. You know, the complexities of justice, you know, which is much more complex than the law. The pure, you know, black and white law would allow. So, you know, fairly early on and if you sort of go back for a moment, one of the things that I, you know, developed quite early on was this vision of fairness for the office, and it must be outed. Well, why does the ombudsman, you know, what do you do? Why does the ombudsman exist? And it's fundamentally about the imbalance of power between the individual and state governments have this enormous power over people's lives. So what do you do when you're confronted by this overwhelming, you know, power of the state that can make all of these incredibly important decisions about you? Well, there's an ombudsman there that can help you. There's a powerful body, and that's why the ombudsman has powers that can help you to somehow redress that imbalance. So this was this imbalance of power was really was exemplified for me by a case that came in quite early on in my term from a resident, an aged care home. You know, he was a man who's well into his 90s. His name was Alan the Right. And I you know, I can say this because his report the I table this report in parliament and he was resident along with about 40 others in an aged care home that had gone bankrupt. And when it went bankrupt, it took with him the bonds that the residents have paid to the tune of some millions of dollars. It was not a government facility, but it was regulated supposedly by the Department of Health. So when it went bankrupt, Alan Lorraine was convinced that something had gone wrong. And he, you know, was an intellectually active man in his 90s who was pretty active on a typewriter. And he wrote letters to everybody under the sun to complain about this, you know, this injustice that had occurred to these people who had lost their life savings effectively. And he finally complained to the ombudsman. And as we do, you know, trying to look into these things in this case, a couple of my staff went to look at the files in the Department of Health and they came back and said, it's appalling. So I launched a formal investigation. And I met Alan the Rea. And, you know, I'm meeting him. It is he was challenging, you know, what can you do about this plight? You know, he was determined. So did the investigation, did it really quickly because it was actually quite obvious, you know, what had gone wrong. And during the investigation, wrote to the minister to say that I was minded to recommend that the government make an ex-gratia payment to these people because of all of the failings of the department and knowing that governments do not make ex-gratia payments lightly, I was putting them on notice. So I finished the investigation and I made a formal recommendation. I referred to my contact with the earlier contact with the minister and said, I'm making a full recommendation that they make this payment by the end of June. And this was April.

**Michael Green** [01:07:14] And this is a public document, public documents tabled in Parliament.

**Deborah Glass** [01:07:17] Absolutely. And I met so I met the families twice during, you know, at the beginning of the investigation with Down the road. And again, on the day that I tabled the report. And it was there were lots of tears. It was incredibly moving, you know, because people people felt, well, I think they felt validated by, you know, and Alan, the rain was was so right because he just knew instantly. I think he'd been an accountant, you know, he knew that something had gone wrong there and you know, this that they could

not themselves be blamed for what had happened. And I remember being, you know, having these questions being shot at me from the audience saying, you know, can the government bury your report? You know, do they have to do what you recommend? And I and I said, well, first of all, they can't bury the report because I table them in parliament. They go on the website, they cannot be buried, but they don't have to do what I recommend. The Ombudsman's powers are persuasive. I cannot enforce my recommendations, but what I can do and I will do is monitor them. And that's what I did when there was some hesitation on the part of government as to whether there should be this compensation. I know what you said compensation ex-gratia scheme. I made it very clear that whether they accepted my recommendations and that was entirely a matter for the Minister, but I intended to make it public and the result of that was that everybody entitled to it got paid and, you know, the government paid out. I think it was about something that to the tune of \$4 million to these very elderly people who had lost everything. And yes. And Alan, the rain got an aim for his efforts, which I was also very, very pleased about.

**Michael Green** [01:08:51] But you remain impartial, of course, Deborah. But also another win for the good guys.

**Deborah Glass** [01:08:55] It did feel a bit that way, I have to say.

**Michael Green** [01:09:02] Ever. It's been an enlightening and thoroughly interesting conversation this morning where we're drawing to a conclusion at of the close of it. When you look back, you've had a diverse and interesting career, starting from Biggar and taking you back here to Melbourne with a lot of stops on the way. Any conclusions you've drawn, any lessons you'd pass on to us, we'll pass on to other people following you in the law. Well, sorry, not so much in the law, but the people following who've got a law degree. You've got a legal qualification and are thinking about a career.

**Deborah Glass** [01:09:33] Don't plan to plan too much. Be open to opportunities. Take some risks as as my own journey makes pretty clear. None of those things were. I could never have planned any of them. And sometimes they're just milestones along the way that you encounter and think, that looks like a good idea. And sometimes you'll find something that, you know that really inspires you. But trust your your values. Take risks.

**Michael Green** [01:10:02] Trust your values and take risks. Sounds like very good advice to me. You're too young, Denver, to have finished your working career now. What is in the future for you?

**Deborah Glass** [01:10:12] Yes, that's always a difficult one. I am. I was honest. The question quite a lot in my last week on the role and I said then and I am sad to repeat this now, but when you take on a job like Ombudsman, you've got to be prepared for it to be your last big job. Because if you do it well, and I hope I did, you're not likely to get another.

**Michael Green** [01:10:29] Not from government anyway.

**Deborah Glass** [01:10:30] And what else is there? You know, when you've spent pretty much your life working in the public interest and you've done what I think is the best job in the state, everything else, you know, just looks a little bit pallid. But look, I'm sure there is something out there. I intend to not spend all of my time in the garden. I'll be doing plenty of that. I do grow vegetables, but I'm. I'm open to opportunities.

**Michael Green** [01:10:52] Which is your advice to those coming along?

**Deborah Glass** [01:10:55] Absolutely.

**Michael Green** [01:10:55] Deborah, thank you very much. Been a wonderful morning listening to your life in the law.

**Deborah Glass** [01:11:00] My pleasure.