



PARLIAMENT OF VICTORIA

Integrity and Oversight Committee

CHAIR'S STATEMENT: Harriet Shing MP

Performance of Victorian integrity agencies 2020/21: Focus on witness welfare

Issued: 16 May 2022

This Committee review, in accordance with s 7(1) of the *Parliamentary Committees Act 2003* (Vic), is about the general frameworks and systems of integrity agencies in relation to the management of witness welfare. It is part of the Committee's regular review and monitoring of the performance of the integrity agencies under that Act.

As is the case with all Parliamentary committees, the Integrity and Oversight Committee, in accordance with the Victorian Constitution and the doctrine of the separation of powers, acts independently. It is authorised to set the terms of its own inquiries, reviews and proceedings in accordance with parliamentary law and custom and the *Parliamentary Committees Act*. These are not set, nor should they be, by any external person, organisation or agency.

While this Committee oversees the integrity agencies, under s 7(2) of the *Parliamentary Committees Act 2003* (Vic) it is prohibited from investigating any matters being investigated by an agency (including reviewing any decision by an agency to investigate, not to investigate or discontinue to investigate a matter). Further, it is prohibited from reviewing any findings, recommendations, determinations or other decisions in relation to particular matters (including complaints to agencies and agency investigations). Consequently, the Committee has no power, and nor should it have any such power, to interfere with or overturn integrity agency determinations with respect to individual matters.

It is also important to note that under s 7(2) the Committee is prohibited from disclosing any information which may prejudice any criminal proceedings or criminal investigations; prejudice any investigation conducted by IBAC, the Victorian Inspectorate or the Victorian Ombudsman; or breach any secrecy or confidentiality provisions in any Act. That is why it is critical that the Committee, which is bound by s 7(2), not discuss individual matters that are before integrity agencies or currently subject to similar legal processes. It is also why confidentiality is so important with regard to these matters. Integrity agencies, like anyone else, can respond to any *public* evidence received by the Committee, which will be published on the Committee's website in due course. Confidential evidence, however, must, under the *Parliamentary Committees Act*, and as a matter of fundamental principle, *remain* confidential.

These provisions rightly protect the integrity and independence of Victoria's integrity agencies while subjecting them to necessary, but properly limited, oversight.

It would be entirely inappropriate if the Committee were to become, or seen to become, a platform for any person involved in an investigation to relitigate any aspect of that investigation.

As a Committee empowered to review integrity agency performance, we exist to oversight the processes and systems of integrity agencies, not to perform their duties or give rise to any perception that this can occur.

For the Integrity and Oversight Committee to consider any detailed representations about any unresolved matter that is now, or has been, before one of our integrity bodies or is the subject of legal inquiry or proceedings—be it in public or private—would be a serious breach of the Committee’s remit and, in some cases, the legislation governing the independence of the agencies themselves.

This Committee has an important role in oversight, but I remind Members, witnesses, and the media that we have no role in litigating specific matters and, on that basis, I will continue to ensure none are raised in the course of these hearings.