

TRANSCRIPT

INTEGRITY AND OVERSIGHT COMMITTEE

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

Melbourne—Monday, 7 June 2021

(via videoconference)

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

Hon Robert Redlich AM QC, Commissioner,

Ms Marlo Baragwanath, Chief Executive Officer, and

Ms Christine Howlett, Executive Director, Prevention and Communication, Independent Broad-based Anti-corruption Commission.

The CHAIR: I will declare open the public hearing for the Inquiry into the Education and Prevention Functions of Victoria's Integrity Agencies. I would like to welcome any members of the public watching the live broadcast. I also acknowledge my colleagues participating today and those that are unable to, with apologies, in this session.

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.

All evidence given today is being recorded by Hansard. You will be provided with a proof version of the transcript for you to check as soon as available. Verified transcripts will be placed on the Committee's website. Broadcasting or recording of this hearing by anyone other than Hansard is not permitted. I would just ask those who are participating today if you are not speaking please mute your microphones, and also turn your mobile phones to silent if you could.

I welcome from IBAC Commissioner Robert Redlich, Ms Marlo Baragwanath and Ms Christine Howlett. We welcome your opening comments, which will be followed by questions from the Committee. So, Commissioner, I will hand it over to you to introduce yourself, your position and organisation, and introduce your team and then commence your opening address. Thank you very much.

Mr REDLICH: Thank you, Chair. I have with me today the CEO, Marlo Baragwanath, and the Executive Director, Prevention and Communication, Christine Howlett, who I should say has for a long time made a priority of the function of education and prevention.

As I have previously indicated to this Committee, and also to its predecessor, IBAC views the prevention and education function as critical to making significant inroads in further improving integrity standards across the public sector. That view I think is also reflected in the detailed submission which we made to this Inquiry in September 2020.

IBAC focuses on what I would describe as an evidence-based approach to informing our corruption prevention and education activities, and by that I mean we rely upon investigations, both public and private; the research we have done; the strategic intelligence that we are able to obtain; the large number of reviews that we do of investigations which we have referred to the public sector because we are unable to investigate those matters ourselves; and the audits that we undertake. We see our role as to inform, guide and influence the prevention and integrity efforts of institutions and agencies, who can then tailor the information and resources to their own circumstances. Now, critical to the work that we do in this area is collaboration with those agencies who have been the subject of investigation or review and our collaboration with the other integrity agencies—namely, the Ombudsman, the Auditor-General, the Victorian Public Sector Commissioner and the Local Government Inspectorate.

I will say something briefly about our police oversight role in this regard. Our prevention and education function with Victoria Police essentially requires us to constantly oversight Victoria Police's policies and practices. In that regard our prime source of oversight comes from our reviews, because as I have explained in the past to the Committee, the vast majority of complaints that we receive must be referred back to Victoria Police simply because IBAC does not have the resources to investigate those matters. What flows from those

reviews is often learnings about policies and practices engaged in by Victoria Police, which then result in consultation and collaboration for the purpose of improvement, where improvement is required. We partner with Victoria Police to contribute to their education and training programs not only by, as I said, reviewing policies and operational and workplace practices but in the presentation of addresses at training programs and in a variety of other ways.

Finally, in relation broadly to our role, we seek to improve continuously the accessibility of vulnerable and marginalised communities to IBAC's work and indeed we focus upon seeking to be sensitive to the needs of both victims and complainants.

Could I just at this moment then say something about the importance of exposing breaches of integrity standards in the public domain? Of course individual serious misconduct needs to be identified and exposed. But I agree with the observations that I heard from Dr Ping that to make effective change to integrity cultures one needs to focus upon the systems within institutions. So why is there a profound benefit in exposing the public learnings that come from identifying institutional failings in an institution?

First, those employees around the person who may have done the wrong thing will often have contributed to the environment which permitted that wrongdoing. They, and the public sector more generally, will then learn from that exposure because most public institutions have similar forms of hierarchy and ways of processing their work. Second, more often than not managerial or supervisory failings will also be exposed, and individuals occupying similar positions in other institutions will learn from these lessons. Third, the leaders of the institution will be required to institute new policies or better implement existing policies. Lessons will be learned by that institution and other institutions which have similar processes. Finally, to address the failings will often call for a change in the approach or the agenda of the institution. It may call for legislative change. Institutions are sometimes unreceptive to changing policies or practices. As Professor Haines said today, the benefits of public discussion and consultation flow from publicly exposing institutional failings. Those public discussions and consultation will often create a positive climate in which necessary reforms can be achieved that might not otherwise occur.

I believe in our submission we adverted to the corruption prevention strategy which IBAC engages in, and if the Committee is interested, Ms Howlett will be able to talk to the Committee about the new strategy which was developed in 2020 and commenced at the beginning of 2021 following a review of the previous strategy, which was five years old. Perhaps now is not the opportune moment to discuss that strategy in detail, but the fundamental learning that has come from our first five years is that collaboration not only with the institution that has been involved in particular failings but more generally with the public sector and with the other integrity bodies is the key to a more effective prevention strategy. I thank you for the opportunity, Mr Chair, to make a few opening remarks.

The CHAIR: Thank you, Commissioner. I appreciate those opening remarks and address to the Committee. I will open it up to the Committee for any questions. Mr Rowswell.

Mr ROWSWELL: Thank you, Chair. Thank you, Commissioner, and to your team as well. We heard evidence from the Victorian Inspector that he has received some dedicated funding for a communications officer commencing on 1 July this year for the period of a couple of years—I think out to 2023. How do you, within your funding envelope, undertake your education and communication work? Is there dedicated funding for it, as is being provided, for example, to the Victorian Inspector, in addition to what you are already receiving, or are you expected to delve into existing resources to produce the goods?

Mr REDLICH: Thank you for that question. I will comment generally, and then if I may I will ask Ms Baragwanath to address that question in more detail. We are grateful for additional funding which the Government has provided in the current new budget, but I hasten to say it falls, regrettably, a long way short of that which is really needed for IBAC to discharge its functions as effectively as it should.

What IBAC has learned, I indicated, is that collaboration is the key to effective prevention, and if Ms Baragwanath can, I would ask her to give you some indication of precisely how the additional funding might be allocated. Thank you.

Ms BARAGWANATH: Thank you, Commissioner. Thank you, Mr Rowswell. So IBAC secured additional funding of \$20 million over four years as part of the 2021/22 State Government Budget package, in addition to the \$5 million over four years previously announced for IBAC to assume the new compliance

functions arising from the Lawyer X Royal Commission. The new funding includes a boost to our complaints handling and investigative capacity for 12 months. Importantly, though, in the context of this IOC inquiry, additional funding has been provided to support the rollout of IBAC's proposed new prevention strategy, including new fixed-term staff positions and funding for key prevention initiatives, including a new website, a client relationship management system and to create more accessible resources. So while we welcome that additional funding that has been provided, we look forward to continuing discussions with Government.

As to our business-as-usual prevention and education functions, staff at IBAC do work collaboratively, as the Commissioner has outlined, to establish and embed a whole-of-organisation approach to preventing corruption and police misconduct. We draw on the diverse skills and expertise of staff across our divisions to support that integration between the prevention and the exposure activities. So whilst I am at pains to point out that prevention and education is the responsibility of everyone at IBAC, we do have a Prevention and Communication division that coordinates IBAC's prevention and education activities, and it consist[s] of four teams: strategic intelligence, prevention policy and research, engagement and communications. So there is a BAU [business-as-usual] function and then we have received some additional funding for our prevention strategy.

Mr ROWSWELL: Thank you, Ms Baragwanath, for that comprehensive answer. Chair.

The CHAIR: Thanks, Mr Rowswell. Thanks, Ms Baragwanath. Mr Wells.

Mr WELLS: Thanks, Chair. Commissioner, I am just wondering: have you done any work on what IBAC would consider to be a realistic number of public servants who actually understand or police officers who actually understand what is corrupt activity and what is misconduct? The reason I ask is I want to know the emphasis that you are putting on the education or public awareness of what is actually misconduct and corrupt activity.

Mr REDLICH: Mr Wells, you are drawing a distinction between corrupt conduct and misconduct for the purpose of that question?

Mr WELLS: Yes.

Mr REDLICH: Yes. Well, I will comment first, and then I might ask Ms Howlett to add something by way of detail. Much of the work that we do in the prevention area flows from all of the learnings that come from a particular investigation or review, which is not of course then confined to the initial allegation of corrupt conduct but any other failings that might fall short of criminal corruption but might be described as misconduct or, in the case of Victoria Police, given the definition of misconduct, misconduct in the police setting. And so, for example, the area that often engages our attention is failures to properly apply conflict of interest principles, which where they are not properly applied can of course provide the environment in which misconduct can occur. So our view becomes a very broad one because, as is so often the case, corrupt conduct is really the end product of a system or environment which encourages or permits that conduct to occur, and so it is necessary to look at the entirety of the environment that has produced the corruption or misconduct. Ms Howlett, is there something you could add to that?

Ms HOWLETT: Thanks, Commissioner, and thanks, Mr Wells. It is a great question. We have at IBAC undertaken regular perception surveys, over the years, of public sector and police perceptions of corruption and misconduct. We are soon going to be publishing our latest reports that focus on State government and local government. There has been a shift over time in the Victorian public sector in terms of awareness of corruption and awareness of IBAC. But I would not say, Mr Wells, that there is a magic figure in terms of what proportion we would like to see have that sort of awareness. I guess I would say there still is a long way to go. And the other really critical aspect of that as well is our public interest disclosure scheme and the need for everyone to have awareness of the protections available under that scheme in order to instil confidence to report suspected improper conduct. So I hope that goes some way to answering your question.

Mr WELLS: Just to follow up, Ms Howlett, in regard to the reporting of corruption and reporting of misconduct, I know some years ago—the last four or five years—there seemed to be a block in the system of people, public servants, being able to report that. Has there been improvement in that area from the IBAC viewpoint?

Ms HOWLETT: Well, we have got new public interest disclosure legislation, and I might actually hand to Ms Baragwanath to talk to that. Thank you.

Mr REDLICH: Well, perhaps while Ms Baragwanath is coming back online we should make reference to the fact, Mr Wells, that there has been an increasing number of complaints over the last 12 months, and notifications, which is encouraging because it really means that within the institutions which encompass the public sector one can have some confidence that there is a continuing, growing understanding of the importance of identifying breaches of integrity and reporting them when they occur. So although that is a very broad yardstick, it is a significant one in the scheme of things. Ms Baragwanath, are you back online now?

Ms BARAGWANATH: I am. Thank you, Commissioner. Apologies for that. Mr Wells, there has been a significant amount of work done in relation to implementing ways of raising awareness about the PID [public interest disclosure] scheme since it came online in January 2020, including encouraging reporting of public sector corruption and police misconduct. We have recognised that it does take courage to speak up and make a disclosure about improper conduct, so we do talk a lot about the protections that are available to public servants under the PID scheme and have provided information for public sector agencies on what they can do to respond quickly and appropriately to a report of misconduct or corruption. For example, we developed guidelines for PID—public interest disclosure—welfare management that talk about what agencies can do to create the right workplace culture that encourages reporting and where disclosures are valued and taken seriously. So that emphasises the importance of those internal procedures, educating staff about what they can report, the different channels to make a report—and it can be done anonymously and confidentially—and the importance of key roles within agencies to take and manage reports. So with all of that work that has been done, it has resulted, as the Commissioner said, in the increase in complaints that we have received. So in my time at IBAC I am not aware that we have had any blockages or prevention of people reporting.

Mr WELLS: Thanks.

The CHAIR: Thanks, Mr Wells. Thanks, Ms Baragwanath, Ms Howlett and Commissioner. Any other questions from the Committee members? I just have one if there are no others. Just in regard to partnering with Victoria Police and, I suppose, contributing to possibly the contents of their courses, how well do you think Victoria Police are addressing their programs in regard to education and training since your involvement and the partnering of them?

Mr REDLICH: Well, dealing with the matter superficially, in terms of how they respond to IBAC's proposals that there be training programs or additions to existing training programs, the response has invariably been positive. The more difficult question, one that I think was asked of the Ombudsman in the previous session, is: How do you evaluate how successful these programs are? And there is no quantitative way of doing so. But what I would draw upon is the attitude which one is able to discern from the respective organisation. And I think simply as a matter of experience of the human condition, if you have an agency which is demonstrating all of the hallmarks of being willing to be insightful and self-analytical about the issues within its organisation, then you are moving a long way down the path towards improving the integrity standards within an organisation. And while I think police command would be the first to acknowledge that there is still a very considerable way for them to go in achieving the ultimate objective of ideal integrity standards, they are supportive of all of the initiatives that we are advancing to them as necessary to take them along that path.

The CHAIR: Thank you, Commissioner. I will put in one last call for a final question, if that is okay, if there are any other questions from Committee members. No? Okay. Alright, well, on that basis, I really appreciate your time today, Commissioner, Ms Baragwanath and Ms Howlett. We appreciate your time and your addresses today and the responses to the questions from the Committee members. We thank you for your submission. There may be some further questions on notice. If there are, we will get those questions to you as soon as we can. On that basis then, I declare this public hearing closed. Thank you for your time.

Mr REDLICH: Thank you, Mr Chair.

Witnesses withdrew.