

# **T R A N S C R I P T**

## **I N T E G R I T Y   A N D   O V E R S I G H T   C O M M I T T E E**

### **P e r f o r m a n c e   o f   t h e   V i c t o r i a n   I n t e g r i t y   A g e n c i e s   2 0 2 3 / 2 4   a n d   2 0 2 4 / 2 5**

Melbourne – Monday 2 March 2026

#### **M E M B E R S**

Dr Tim Read – Chair

Hon Kim Wells – Deputy Chair

Ryan Batchelor

Jade Benham

Eden Foster

Paul Mercurio

Rachel Payne

Belinda Wilson

## WITNESSES

Victoria Elliott, Commissioner,

Alison Byrne, Chief Executive Officer, and

Anna Higgs, Executive Director, Corporate Services, Independent Broad-based Anti-corruption Commission.

**The CHAIR:** I declare open this public hearing for the Integrity and Oversight Committee's Inquiry into the Performance of the Victorian Integrity Agencies 2023–24 and 2024–25. I would like to welcome the public gallery and members of the public watching the live broadcast, and I would like to acknowledge my colleagues participating today: starting from my right, Paul Mercurio, Eden Foster, Belinda Wilson, Ryan Batchelor, me – Tim Read – Kim Wells, Jade Benham and Rachel Payne.

On behalf of the Integrity and Oversight Committee I acknowledge First Nations peoples, the traditional owners of this land, which has served as a significant meeting place of the First People of Victoria. I acknowledge and pay respect to the elders of First Nations in Victoria past and present and welcome any elders and members of communities who may visit or participate in the Committee's public hearing today.

To witnesses, before you give your evidence there are some formal matters to cover, so bear with me. Evidence taken by this Committee is generally protected by parliamentary privilege, and you are protected against any action for what you say here today. But if you repeat the same things elsewhere, 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 today is recorded by Hansard, and you will be provided with a proof version of the transcript to check once 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 welcome from the Independent Broad-based Anti-corruption Commission Commissioner [IBAC] Victoria Elliott, Chief Executive Officer Alison Byrne and Executive Director, Corporate Services, Anna Higgs to give evidence at this hearing. We welcome your brief opening comments, which will be followed by questions from us.

**Victoria ELLIOTT:** Thank you, Chair, and thank you for the opportunity to provide an opening statement as part of these public hearings. Before I begin, I too would like to first acknowledge the Wurundjeri Woi Wurrung people of the Kulin nation as the traditional custodians of the land on which we meet today and pay respect to their elders past and present.

I would like to use this time for an opening statement to speak to a very important matter. As Commissioner, I would like to sincerely apologise on behalf of IBAC to Dr Katerinskaja and their children for what they endured after they complained to IBAC. We apologise for the way that IBAC handled Dr Katerinskaja's complaints and for the way that IBAC publicly responded to criticisms that the Victorian Inspectorate [VI] made about IBAC's handling of those complaints. In October 2022, the then Victorian Inspectorate, now Integrity Oversight Victoria [IOV], tabled a special report in Parliament entitled *IBAC's Referral and Oversight of Emma's Complaints about Victoria Police's Response to Family Violence by a Police Officer*, or the Emma report, as I will refer to it. Dr Jana Katerinskaja has subsequently and courageously publicly identified herself as the person who was referred to as 'Emma' in that report.

Dr Katerinskaja was experiencing family violence perpetrated by their then partner, a serving Victoria Police officer. Dr Katerinskaja reported their former partner's abuse to Victoria Police. Dr Katerinskaja made a complaint to IBAC regarding Victoria Police's response, including that the initial investigation had been conducted by their then partner's police colleagues, and that confidential information, being their family violence safety and escape plan details, had been leaked within Victoria Police to colleagues and friends of their former partner. Two years after the initial complaint, and while it was still being dealt with, Dr Katerinskaja made a further complaint to IBAC about detrimental treatment that they were receiving from Victoria Police. In each case IBAC referred the complaint to Victoria Police to investigate on the basis that IBAC would review the investigation at completion.

The Emma report was highly critical of IBAC's handling of both Dr Katerinskaja's complaints. IBAC adopted a highly adversarial approach in publicly responding to the report. This was inappropriate and insensitive. As an organisation, we have since reflected on these matters and wish to express our deep regret. We now accept that IBAC should have referred Dr Katerinskaja's complaint to Victoria Police with explicit instructions addressing conflicts of interest and actively monitored the investigation in real time. Further, IBAC's public response to the Emma report was inappropriate and insensitive, particularly given we accepted each of the Inspectorate's recommendations. Our response did not acknowledge our failures and the true meaning of the report. Dr Katerinskaja came to us as a victim of family violence in the hope of safely raising concerns with an organisation they believed understood the risks their family faced but was treated in a way that heightened Dr Katerinskaja and their family's pain, fear and distress. Based on a review of our files, we now acknowledge that in contesting the Inspectorate's findings, IBAC made multiple inaccurate, inappropriate or misleading assertions about our interactions with Dr Katerinskaja.

There were other flaws in our response to the Emma report, not least failing to take account of the welfare of Dr Katerinskaja and their family, questioning the Inspectorate's agenda and urgency when Dr Katerinskaja's wellbeing was central to its approach and focusing on our resource constraints rather than reflecting on prioritising the available resources. We acknowledge that our response left Dr Katerinskaja feeling attacked and silenced by us, and we deeply regret the lack of insight and compassion we showed. So too, that Dr Katerinskaja's distress was further compounded by the subsequently issued IBAC media release, which has been removed from our website. IBAC has made many internal changes since receiving Dr Katerinskaja's initial complaint, but there is more to do, and we are committed to improving our handling of police misconduct complaints and particularly, police-perpetrated family violence matters.

We would like to take this opportunity to sincerely thank Dr Katerinskaja for their valuable contributions to the enhancement of IBAC's policies and processes. Dr Katerinskaja has been instrumental in guiding our ongoing learning and development. We deeply appreciate their commitment to this important work and recognise that their contributions will have a lasting, positive effect on future community members who rely on access to IBAC. We greatly respect Dr Katerinskaja's expertise and lived experience, and we would like to continue to engage with them as part of our future stakeholder consultations. We apologise again to Dr Katerinskaja and their family and note that a copy of this statement will be made publicly available on the IBAC website.

Thank you, Chair, for allowing IBAC to make that statement. We are now happy to take any questions from the Committee on IBAC's performance over the 2023–24 and 2024–25 financial years.

**The CHAIR:** Thank you. I will start. I would like to go to 2024 when IBAC dismissed a referral from the Premier to investigate corruption allegations on Big Build projects that had been outsourced to the private sector on the grounds that you lacked jurisdiction and powers to investigate that complaint. I wonder if you would like to step out for us what additional powers you would need, to have carried out that investigation.

**Victoria ELLIOTT:** I will not talk in specifics about that particular notification. I will talk generally in relation to what I said in the last hearing before this inquiry into our legislation [Inquiry into the legislative framework for the Independent Broad-based Anti-corruption Commission]. IBAC is seeking legislative reform in relation to the definition of 'corrupt conduct', clarity in relation to the definitions of 'public officer' and 'public bodies' and follow-the-dollar powers in relation to matters such as Big Build. We consider that these amendments will enable us to be able to follow the money as we see it go in a subcontractor relationship. IBAC's current jurisdiction only allows us to investigate matters where there is a link to a public officer.

**The CHAIR:** Could you explain how changing the definition of 'corrupt conduct' would assist in matters of this nature?

**Victoria ELLIOTT:** Sorry, I probably blurred two issues. Follow-the-dollar and [the definitions of] public officer, public body will probably be more beneficial in relation to Big Build, but generally speaking, corrupt conduct will enable us to have a broader jurisdiction for us to be able to actually have a greater look at the bigger picture, emerging trends, corruption risks and the broader picture. At the moment we can only investigate where there is a link to an indictable offence, so it is an extremely high bar. If we brought that down to actually only be an offence, as with the New South Wales model, then we could actually look at broader conduct that would potentially fall within that, which may include Big Build matters but also a range of other matters too.

**The CHAIR:** I think we learned in the last inquiry that IBAC does not as a rule make findings of corrupt conduct, partly because of fear of implying that people may be guilty of a relevant offence. Or have I got that wrong?

**Victoria ELLIOTT:** No. As we outlined in our submission – and I note the recommendations that this Committee has made – IBAC makes findings of fact in its Special Report. Unlike other jurisdictions that have an extra provision in their Act which will say that any findings of corrupt conduct do not equate to a finding of commission of a criminal offence, IBAC is prohibited from making any statement that somebody has committed or is suspected of committing a criminal offence. As the definition of ‘corrupt conduct’ includes an indictable offence, we cannot then make a finding of corrupt conduct, because that connects to an offence. Therefore our Special Reports only make findings of fact. So we detail out the behaviour but we cannot say, ‘Therefore so-and-so engaged in corrupt conduct,’ because by saying that it would equate to ‘an offence had been committed’.

**The CHAIR:** So just briefly, removing the requirement that conduct constitutes a relevant offence would then enable you to make findings of corrupt conduct, where appropriate?

**Victoria ELLIOTT:** I still think you would also need, as the ICAC Act [*Independent Commission Against Corruption Act 1988* (NSW)] has and as we put in our submission, a provision that indicates that any finding of corrupt conduct does not in any way make a finding that a person has committed a criminal offence.

**The CHAIR:** Great. Thank you very much. Let us go to the Deputy Chair.

**Kim WELLS:** Thanks. Commissioner, at the IOC hearing on 22 September [2025], so almost six months ago, you were specifically asked whether you responded to the Premier’s IBAC referral letter of July 2024. Why did you give the Committee the run-around and not provide the Committee with an appropriate response, given that you had written to the Premier nearly a year earlier?

**Victoria ELLIOTT:** As you know, it is IBAC’s practice that it does not comment in relation to complaints or investigations that are before IBAC. In this instance –

**Kim WELLS:** But you had actually written the letter a year before, so it is actually a fact of an action that you had taken.

**Victoria ELLIOTT:** IBAC made the decision this year to provide greater detail. We never generally provide information, and we do not do that for a variety of reasons. However, in light of the fact that the details of both notifications were in the public domain, the full notifications were in the public domain, as well as considerable other information, as well as there was confusion which we saw about IBAC’s jurisdiction, we considered it was in the public interest to educate what our role was, and to that end we provided a very short response as to the status of those referrals.

**Kim WELLS:** So why didn’t you do that on 22 September when we specifically asked you that very question?

**Victoria ELLIOTT:** Because it is generally our practice not to answer. It was not the same situation as it is now when there is significant information, including that both notifications in their entirety were in the public domain, as well as other significant information, coupled with confusion as to what IBAC’s jurisdiction was. We considered therefore we needed to provide clarity as to what IBAC’s jurisdiction was and what the status was of those referrals. All we did provide was that that assessment had been considered and dismissed and the other one is under assessment now.

**Kim WELLS:** So was it then a matter of public importance that you release your press release on 16 February [2026] when the Premier came out and said that she had referred the matter to IBAC? Is that your definition of why it became a matter of public importance?

**Victoria ELLIOTT:** It was a decision based on all the information that was then in the public domain, both –

**Kim WELLS:** Including what the Premier had said, that she had referred it to you?

**Victoria ELLIOTT:** Including both notifications being in their entirety in the public domain and all the questions that were being asked that indicated that people were confused or uncertain in relation to what IBAC's jurisdiction was. We considered it was appropriate to educate the public as to IBAC's role.

**Kim WELLS:** So the Premier was actually misleading the Victorian public when she said she had referred it to the IBAC Commissioner, when all along you had already written back a year prior saying that you did not have the powers to investigate.

**Victoria ELLIOTT:** I cannot comment on that. IBAC has released its comment.

**Kim WELLS:** In the interest of transparency, can you provide the Committee with a copy of your response letter to the Premier?

**Victoria ELLIOTT:** When IBAC receives a complaint or notification, it goes through its process of assessing it under the Act [*Independent Broad-based Anti-corruption Commission Act 2011* (Vic) (IBAC Act)], which is to investigate, dismiss or refer. Under the Act we provide the notifying body or complainant with our decision, and that is what we have done. If you have any further questions, I suggest you direct them to the Premier.

**Kim WELLS:** Well, you wrote the letter, so as a matter of transparency, wouldn't it be better for all of us to understand what your response was back to the Premier when you wrote back in October 2024?

**Victoria ELLIOTT:** We have provided a response that we have dismissed the notification on the grounds that it was outside of our jurisdiction.

**Kim WELLS:** And we are not going to get a copy of that letter?

**Victoria ELLIOTT:** You are not. You can go to the Premier if you like, but we have written to the Premier, as we have done in accordance with our Act. Thank you.

**The CHAIR:** All right. Thank you. I think we will go now to Mr Mercurio.

**Paul MERCURIO:** Thank you, Chair. Commissioner, in your apology you stated that you understood that mistakes were made in Dr Katerinskaja's case and report. What is IBAC doing to truly understand the mistakes that were made and then take that knowledge and ensure that this kind of thing does not happen again?

**Victoria ELLIOTT:** Certainly. We have undertaken an engagement process with Dr Katerinskaja. We have listened and learned through that process. We have reflected upon that. Through their expertise, and through learning through that, we have changed a number of processes and procedures. Since receiving their complaints, and to now, how we receive and how we handle complaints in relation to police-perpetrated family violence has significantly changed. We have now embedded processes and procedures that deal with it.

**Alison BYRNE:** If I may, just on that point, one of the things that we have done is introduced a trauma-informed response to complaints. We have made sure that we have trained our people to understand what that means, whether it is in complaints assessment or in the further investigation process. We have a Witness Liaison Team, which is a team of two people that engages with our staff, with our investigators and with our prevention staff so that they can help them to monitor and to manage risks with complainants as well, again putting complainant or witness wellbeing and needs at the centre of what we do. We definitely have improved, but we definitely have a way to go, as the Commissioner said, in terms of our policies and procedures but also in our training for all our people who touch complainants and witnesses along the way.

**Victoria ELLIOTT:** I might just add that those complaints are flagged in our system when they come in. They are treated as a priority. They are assessed for risk. If they are referred, conditions can be placed upon them, or we might undertake active monitoring. There are a number of procedures in place.

**Paul MERCURIO:** I just wonder and am concerned if you have left anyone behind, inasmuch as Dr Katerinskaja came to you in 2018. Are there other women that are in the same position that have not had the courage, the confidence, the intelligence and the drive that Dr Katerinskaja did to be able to continue to prosecute her case? Are there other women, do you think, that have been left behind? And are you actively looking for them to assist them?

**Victoria ELLIOTT:** We always review and reflect on our processes and procedures and how we have acted. If there is anybody that feels left behind, please come forward.

**Paul MERCURIO:** But are you actually going back historically to look at cases that you may have missed? I am just concerned that there are people that do not know how to speak up and they may have been forgotten. What are you doing if that is the case?

**Alison BYRNE:** There are different avenues as to how we can address what you are suggesting. In terms of whether a complaint has been dealt with, dismissed, referred or investigated, there is an element of finality to that process. However, several of the things that we are doing in the prevention space but also in terms of our education space are to engage with advocacy groups and engage with victim-survivors to get the message out there that we are improving and to be able to hear from their direct experience. So in that way we hope to hear more, learn more and then obviously incorporate that into what we are doing.

**Paul MERCURIO:** I think that is good. The word ‘hope’ is good, but sometimes I want something a bit more solid. I would also just say: what are you doing to make sure that people who come forward to IBAC with issues, particularly women but men as well, feel safe and are safe?

**Victoria ELLIOTT:** Now?

**Paul MERCURIO:** Yes.

**Victoria ELLIOTT:** What I am saying is now, when we have complaints that come through the system, as I said, they are flagged automatically as a matter of priority, they are assessed and they are looked at in relation to what the risks are. Are there family violence risks? Are there welfare risks? Are there conflict-of-interest risks? If a matter is to be referred, they can be referred with conditions, such as in relation to if there are conflicts of interest, how they can be managed and how the complainant’s welfare can be supported. They can be actively monitored. We can actively monitor Victoria Police’s investigation to ensure that it is undertaken safely and appropriately. If there are serious concerns that Victoria Police cannot undertake its investigation in a way that it could manage its conflicts of interest, then we will undertake that investigation.

**Paul MERCURIO:** Thank you.

**The CHAIR:** Thank you. Let us go straight to Eden Foster.

**Eden FOSTER:** Thank you, Chair. Thank you, Commissioner. You mentioned before about reflecting and reviewing the processes as well, just in your response to Paul’s question. That self-reflection – what does that look like so that you know that perhaps you are not putting another woman through a similar situation?

**Victoria ELLIOTT:** Again, when I talk about how we have changed, how we assess all our complaints, how Alison has talked to how we now undertake our trauma-informed approach and how we engage with stakeholders, we have undergone a two-year engagement process on this issue. We have discussed the lessons learned amongst the people involved in relation to that. We have applied those learnings across how we deal generally with complainants and how we prioritise family violence issues within. Does that –

**Eden FOSTER:** I guess it is more after the fact, after a complaint has been made and you have gone through that process and that self-reflection as a Commission, what specifically would you be looking for to ensure that you have been keeping the welfare of individuals first and foremost?

**Victoria ELLIOTT:** That is what we do when we undertake investigations now. If the matter is referred, if we undertake active monitoring or if it is referred and we do the review, we do that now. We also apply those learnings now, whether we do it through the focused police complaints team. We have learned those lessons more broadly. When we deal with other particular complainants that have other needs, we now apply those learnings across that and how we take learnings from other stakeholder engagements.

**Alison BYRNE:** And we have the witness engagement plan for all witnesses in our matters. Again, our Witness Liaison Team is instrumental in creating a plan for witnesses where we are able to understand their unique needs and risks involved in it. Our Witness Liaison Team do not provide counselling services – they are not able to do that – but we can align with medical and counselling services for witnesses even or support a

witness in finding services for them when they are engaging with IBAC. Whether that is a witness, a complainant or even a person of interest, we ensure that we have that plan in place for everybody.

**Eden FOSTER:** So referrals are made where you perhaps see that –

**Alison BYRNE:** We assist in the referral process.

**Eden FOSTER:** Okay. Since I have got a little bit more time, Chair, I might ask another question. How were the Treasurer's Advances received by IBAC in 2023, 2024 and 2025 spent on a financial year basis? What activities were they spent on, and why did IBAC not anticipate the need for these funds during the regular budget cycle?

**Anna HIGGS:** For 2023–24 and 2024–25, IBAC fully utilised our budget and therefore required Treasurer's Advances, and we went through the normal government process to access those for cost pressures beyond IBAC's control. For 2023–24, the Treasurer's Advance covered 2022–23 carryover items, so they were for initiatives which were within 2022–23 that we had not yet completed, and the Treasurer approved that funding to be carried over for 2023–24. In addition, the funding was for covering the COVID debt levy, which came in that particular year. So that was for a total of \$1.177 million in 2023–24. For 2024–25, the funding was a total of \$3.947 million, which covered both capital and operating funding for cost pressures beyond IBAC's control. For the operating in particular it covered wage increases, so the gap between enterprise agreement and what we were actually funded for. It also covered our Witness Liaison Team, which we have been discussing today. So we have made decisions since the base review for which our funding was received in terms of meeting certain expectations but also really delivering critical services for Victorians, particularly those vulnerable Victorians.

**Kim WELLS:** Sorry, can I just clarify something, Chair?

**The CHAIR:** Yes.

**Kim WELLS:** Just to clarify, part of the Treasurer's Advance was to cover pay increases inside IBAC?

**Anna HIGGS:** Not pay increases inside IBAC. It was to cover VPS enterprise agreement increases.

**Kim WELLS:** Isn't that a pay increase?

**Anna HIGGS:** It is a statutory increase under the enterprise agreement for which you do not receive funding aligned with that.

**Kim WELLS:** So that was factored in as part of your budget?

**Anna HIGGS:** We budgeted for certain wage increases and then the funding came through. We were unable to meet that so went through the normal Treasurer's Advances process and we received funding to cover that gap.

**The CHAIR:** All right. Thank you. Let us go straight to Belinda Wilson.

**Belinda WILSON:** Thank you, and thanks for being here. The first thing I want to say is thank you for that apology. It takes a grand organisation to admit when they have made a mistake and to apologise. I know that this Committee has held that case very close to us, and the situation of Jana and the Emma report and the findings of that. I will speak for me personally: I am very, very pleased to hear that apology today. I guess I have some questions around where that apology has come from and what led you there and how you got to be delivering that apology today. I have heard what you said in answer to both Paul and Eden in terms of some of the changes you are making. Also, with what Paul said, we have been very blessed to have the incredible woman of Jana before us and hear her story and all the errors and mistakes that were made along the way. However, she is one of many, many women that have suffered family violence from someone in the police force. As Paul said, many of them have been left behind and do not perhaps have the knowledge of the jurisdiction of law to be able to bring those all forward as she did. She was like a freight train: she did not stop. What changes are we making to make sure those women are not left behind moving forward, who do not have those amazing skills at their fingertips?

**Victoria ELLIOTT:** Since the IOV report, or VI report, and IBAC accepted those recommendations, it started making changes from then on. This apology came as a result of an engagement process that IBAC has undergone with Jana – myself and a number of people within IBAC have gone through in relation to an engagement process with Dr Katerinskaja. This is an apology that has come out as a result of that. It is an organisational response in relation to those learnings, an acknowledgement and apology as a result of that. We have looked at holistically, as a result of this Emma report, how we do things. The changes that we have made – we appreciate that there is more to do, we know there is more to do. We greatly appreciate Dr Katerinskaja’s dedication and commitment through this, because it is through this that they have greatly inputted into this, that enables us to move in the direction that we have and means that we are a better agency than we were then to ensure that we will provide the necessary support and access to community members.

**Belinda WILSON:** Thank you.

**The CHAIR:** All right. Ryan Batchelor.

**Ryan BATCHELOR:** Thanks, Chair. It is good to see you all again. It is a pretty significant step to take today to come and make that apology, and I want to thank you for it and the process that led up to it. I am not sure that we see too many organisations actually reflecting on their own past practice and making an assessment as to whether they have got it right or not, so I think it is pretty significant today. I was trying to just take notes as you read out the statement because I did not have a copy in front of me. You said there was something that was going to be put on the website.

**Victoria ELLIOTT:** It will be on the website.

**Ryan BATCHELOR:** Do you have a document you can table for the Committee? Do you have a copy of that you can provide to the Committee?

**Victoria ELLIOTT:** Today?

**Ryan BATCHELOR:** Yes.

**Alison BYRNE:** We can do that afterwards. Yes, definitely.

**Ryan BATCHELOR:** Just so we are clear. One of the things that appeared from the statement – and as I said, I was trying to take notes – was it reflected on IBAC’s response that it made to the then VI’s report. Part of what you seem to think you got wrong was that response. Given that just from a parliamentary point of view our job is to oversight your organisation to the Parliament as your principal accountability mechanism, how will IBAC be updating the Parliament on its reflections on the VI report, particularly when there is a response from IBAC in that report that is tabled in the Parliament?

**Victoria ELLIOTT:** The apology that is being made public refers to some flaws that are in IBAC’s response. I do not know how – we would probably have to reflect on that after to how we do that because there is the private aspect in relation to this that we have gone through –

**Ryan BATCHELOR:** Sure.

**Victoria ELLIOTT:** and also the response itself is in its entirety still there. There are aspects that we are apologising for and correcting.

**Ryan BATCHELOR:** I suppose where I am coming from is there is a document sitting on the table in the Parliament’s archives that you say is flawed.

**Victoria ELLIOTT:** Yes.

**Ryan BATCHELOR:** I would be interested if IBAC is going to take some mechanisms to report to the Parliament rather than just publicly, and it may be through this Committee as the appropriate mechanism. I do not know; we are in uncharted territory –

**Victoria ELLIOTT:** Yes.

**Ryan BATCHELOR:** as to how we make sure that your reflections on what those flawed elements of that past response were get transmitted back to the Parliament where the original report was.

**Victoria ELLIOTT:** I think it is something that we can reflect upon. At the end of the day, it was IBAC's response to the then Victorian Inspectorate, which was then tabled –

**Ryan BATCHELOR:** That is right.

**Victoria ELLIOTT:** in the Victorian Inspectorate's report. So whether the apology went alongside that report might be an efficient way of doing it.

**Ryan BATCHELOR:** I think we would all benefit from – you were just reflecting on that. So we close the loop a little bit.

**Victoria ELLIOTT:** It could be, because we are going to put the apology on our website, that you could put the apology where the report sits.

**Ryan BATCHELOR:** Big thing to do. How has the apology gone down within IBAC? You are trying to drive organisational change within the organisation. How has the organisation itself taken this? And then for anyone else, how has it been received?

**Victoria ELLIOTT:** This is an organisational response; I need to say that. It is very important to note that this is very important for us to acknowledge and apologise, and that is what it is. It is an organisational response. It has been obviously published here today, and it is published across our organisation today. It is a document that the executive and the organisation is standing behind and is put up as IBAC's response as a result of its reflections and learnings, and we are standing behind it as an organisation.

**Ryan BATCHELOR:** Thanks.

**The CHAIR:** Thank you very much. Let us go now to Jade Benham.

**Jade BENHAM:** Thank you. Chair. Commissioner, on 22 September last year, at that hearing that has been referred to earlier, you told the Committee that IBAC did not have follow-the-money powers; you have also said that earlier today. Had you written to the Premier or the Victorian Government prior to that hearing, or post the 22 September hearing, seeking required follow-the-money powers?

**Victoria ELLIOTT:** We responded to this Parliamentary Inquiry, which was into the legislative Act, [Inquiry into the legislative framework for the Independent Broad-based Anti-corruption Commission] and we understand that you have now tabled your report, and –

**Jade BENHAM:** So you have not written to the Premier to specifically request follow-the-money powers so you could investigate corruption on Big Build sites. Would that be correct?

**Victoria ELLIOTT:** I cannot really engage in discussions in relation to, as an aside –

**Jade BENHAM:** I do not need a discussion, Commissioner. I just need a yes or a no. In the public interest, yes or no: have you specifically written to the government to request the powers you need to investigate the biggest scandal in Victorian history?

**Victoria ELLIOTT:** We engage with government in relation to legislative reform, and when I made this submission to Parliament I also provided a copy to the government.

**Jade BENHAM:** But you have not specifically written a letter to say these are needed?

**Victoria ELLIOTT:** I think I did. I would have to check that actually. By making this submission to the Parliamentary Committee, I am also making that submission that this is what I need.

**Jade BENHAM:** So you consider that action to be satisfactory?

**Victoria ELLIOTT:** Well, I am telling the government at the same time. They knew that I made this submission. I told them at the same time.

**Jade BENHAM:** But given the letter and the referral of October 2024, when you said in that letter that you did not have the powers, would it not have been appropriate then to write to the Premier to specifically seek legislative change so that IBAC does have jurisdiction over this kind of corruption?

**Alison BYRNE:** If I can, we have engaged in conversations with the Department in relation to our legislation. I cannot speak to people who have sat here before us. I would not like to speculate on requests from times gone by. But in relation to the period of time both Victoria and I have been in this seat, we have had discussions with the Department of Justice and Community Safety and also discussion in relation to various aspects of the legislative framework, whether it is the IBAC Act or the PID Act [*Public Interest Disclosures Act 2012* (Vic)]. The issue that we face, as do other independent bodies, is that we are not in charge of the policy position, so –

**Jade BENHAM:** Correct, Ms Byrne. However, if those discussions have been had, is there documentation of that, or have you written to specifically request legislative reform so that you do have jurisdiction? It is a pretty important issue, one would think.

**Alison BYRNE:** It is important, and we recognise that, and we have engaged in discussions.

**Jade BENHAM:** Is it documented?

**Alison BYRNE:** I cannot say whether we have written to the Premier, but there are representations and documentation around last year's inquiry into the IBAC framework.

**Jade BENHAM:** What about documentation or discussion when it was first referred in October 2024?

**Alison BYRNE:** We would have to take that on notice.

**Jade BENHAM:** Are you able to provide any documentation that may infer that you have made a formal request to the government for follow-the-money powers? Because, to be quite honest, at this point, it looks as if there has been no further action taken and a very lacklustre approach to, again, the biggest corruption scandal in Victorian history.

**Victoria ELLIOTT:** Can I just say IBAC has its jurisdiction, and I just want to assure that we undertake – we have our jurisdiction. IBAC investigates and exposes corrupt conduct and police misconduct. We have our mandate and we take our mandate very seriously, and we look at every complaint –

**Jade BENHAM:** I am sorry to cut you off, Commissioner, but clearly the Premier did not understand. When she said she had referred allegations of corrupt conduct on Big Build sites to IBAC, she obviously thought you had jurisdiction to investigate. You then informed her that you did not.

**Victoria ELLIOTT:** I think you would need to take that question to the Premier. It is quite clear what IBAC's jurisdiction is, and IBAC considers every complaint it has within its jurisdiction. At the moment we have got 45 preliminary inquiries, operations and investigations underway in relation to corrupt conduct and police misconduct. We take every allegation in relation to corrupt conduct of public sector officers and public sector bodies very seriously, but we only have the jurisdiction that we have that is set by government.

**Jade BENHAM:** But you do not care enough to request legislative change so you can actually follow through.

**Victoria ELLIOTT:** Excuse me, if government wants to change the legislation, it is a matter for government. It is a matter for government what our legislation is.

**Kim WELLS:** No, you would have requested it; that is the point.

**The CHAIR:** Order! Time has expired and we need to go to Rachel Payne.

**Kim WELLS:** Are you happy not to have follow-the-money powers?

**The CHAIR:** Sorry, Deputy Chair; time has expired and we need to go to Rachel Payne. Thank you.

**Rachel PAYNE:** Thank you for presenting before us today. I am going to ask a question around the definition of 'corrupt conduct' and what that might mean going forward. The last time the definition of 'corrupt

conduct' was expanded in 2016, it was done in a way that allowed reconsideration of decisions to address those not previously captured under the old definition of 'corrupt conduct' and for IBAC to consider allegations about corruption that occurred between the time of IBAC's establishment and the passage of the 2016 Bill. Should we again expand the definition of 'corrupt conduct'? Are there any issues with including a similar allowance, particularly given this could be a broader expansion?

**Victoria ELLIOTT:** You are talking about making the new definition retrospective?

**Rachel PAYNE:** Exactly.

**Victoria ELLIOTT:** Well, obviously just off the top of my head, expanding the definition of 'corrupt conduct', which is something that we would advocate for, as we did to this Committee – and we support your recommendations – would require resources to do if you were to make that retrospective, aside from whatever legal issues there are in relation to making that retrospective, because there would also be significant resource implications for that as well.

**Rachel PAYNE:** Okay. That makes sense. The reason I raised that was because it was not part of the recommendations that we did make into the adequacy of IBAC's legislative framework around retrospectivity, so thank you for clarifying.

**Victoria ELLIOTT:** It is a significant time period.

**Rachel PAYNE:** It is, yes. Just to follow on, the Inquiry's report into the adequacy of IBAC's legislative framework recommended that we seek to broaden the definition of 'corrupt conduct' to remove the requirement that conduct constitute a relevant offence and include matters involving a serious disciplinary offence, misconduct worthy of termination or other relevant offences or instances considered in breach of public trust in the public officer by reason of their appointment as a public officer. Can you please outline the safeguards that would be needed for this broadened definition?

**Victoria ELLIOTT:** Can I clarify what you mean by 'safeguards'?

**Rachel PAYNE:** What I am making reference to, and I am particularly reflecting on in New South Wales the provision around – sorry, I will find it. There is that provision around the limitation of the nature of corrupt conduct. So I am just wanting to clarify: if we did move forward with reforms, what safeguards would need to be in place, and would it be reflective of what those safeguards are in New South Wales?

**Victoria ELLIOTT:** The New South Wales model was one that we put up as a model that we would advocate for. So that is one. But in relation to generally, once your jurisdiction is set, you then operate within your jurisdiction. Whatever powers you have can still only operate within the powers that you have – for example, your coercive powers would obviously still be enabled to be used in relation to your jurisdiction. But I want to make it very clear that if the definition of 'corrupt conduct' was expanded and it did not involve a serious offence, for example, then you would not be able to use a telephone intercept or a surveillance device. The safeguards are already in place in relation to all the particular investigative tools. They already have their own thresholds set under other legislation, so those safeguards are already there.

**Rachel PAYNE:** Thank you. Thank you, Chair.

**The CHAIR:** Terrific. Thank you very much for answering all of our questions. If there is anything further that you want to add by means of clarification – particularly, for example, for Ryan Batchelor's query about the document – we are happy to take any of that on notice.

**Victoria ELLIOTT:** Yes. Thank you.

**The CHAIR:** Thank you very much once again for appearing before the Committee and answering our questions. We will suspend the hearing now while we head for our next witnesses.

**Witnesses withdrew.**