



Integrity and
Oversight Committee

Performance of the Victorian integrity agencies 2022/23

Report

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Member from 29 August 2024 to 18 February 2025

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About the Committee

The Integrity and Oversight Committee is a joint investigatory committee constituted under the *Parliamentary Committees Act 2003* (Vic).

Functions

7 Integrity and Oversight Committee

- (1) The functions of the Integrity and Oversight Committee are—
 - (a) to monitor and review the performance of the functions and exercise of the powers of the Information Commissioner; and
 - (b) to consider and investigate complaints concerning the Information Commissioner and the operation of the Office of the Victorian Information Commissioner; and
 - (c) to report to both Houses of Parliament on any matter requiring the attention of Parliament that relates to—
 - (i) the performance of the functions and the exercise of the powers of the Information Commissioner; or
 - (ii) any complaint concerning the Information Commissioner and the operation of the Office of the Victorian Information Commissioner; and
 - (d) to examine the annual report of the Information Commissioner and any other reports by the Information Commissioner and report to Parliament on any matters it thinks fit concerning those reports; and
 - (e) to inquire into matters concerning freedom of information referred to it by the Parliament and to report to Parliament on those matters; and
 - (f) to monitor and review the performance of the duties and functions of Integrity Oversight Victoria, other than those in respect of VAGO officers; and
 - (g) to report to both Houses of the Parliament on any matter connected with the performance of the duties and functions of Integrity Oversight Victoria, other than those in respect of VAGO officers, that require the attention of the Parliament; and
 - (h) to examine any reports made by Integrity Oversight Victoria to the Integrity and Oversight Committee or the Parliament other than reports in respect of VAGO officers; and
 - (i) to consider any proposed appointment of a Chief Integrity Inspector under section 18 of the *Integrity Oversight Victoria Act 2011* and to exercise a power of veto in accordance with that Act; and

- (ia) to receive and assess public interest disclosures about conduct by or in Integrity Oversight Victoria and engage an independent person to investigate any such disclosure that it has assessed to be a public interest complaint; and
- (j) to monitor and review the performance of the duties and functions of the IBAC; and
- (k) to report to both Houses of the Parliament on any matter connected with the performance of the duties and functions of the IBAC that require the attention of the Parliament; and
- (l) to examine any reports made by the IBAC to the Integrity and Oversight Committee or the Parliament; and
- (m) to consider any proposed appointment of a Commissioner under section 20 of the *Independent Broad-based Anti-corruption Commission Act 2011* and to exercise a power of veto in accordance with that Act; and
- (ma) to monitor and review the performance of the duties and functions of the Parliamentary Workplace Standards and Integrity Commission; and
- (mb) to report to both Houses of the Parliament on any matter connected with the performance of the duties and functions of the Parliamentary Workplace Standards and Integrity Commission that require the attention of the Parliament; and
- (mc) to examine—
 - (i) any reports made by the Parliamentary Workplace Standards and Integrity Commission to the Integrity and Oversight Committee; and
 - (ii) the Parliamentary Workplace Standards and Integrity Commission's annual reports to the Parliament; and
- (md) to consider any proposed appointment of a commissioner under section 52 of the *Parliamentary Workplace Standards and Integrity Act 2024* and make decisions under that section; and
- (n) to carry out any other function conferred on the Integrity and Oversight Committee by or under—
 - (i) the *Ombudsman Act 1973*; and
 - (ii) the *Independent Broad-based Anti-corruption Commission Act 2011*; and
 - (iii) the *Integrity Oversight Victoria Act 2011*; and
 - (iv) the *Public Interest Disclosures Act 2012*; and
 - (v) the *Parliamentary Workplace Standards and Integrity Act 2024*.

- (2) Despite anything to the contrary in subsection (1), the Integrity and Oversight Committee cannot—
- (a) reconsider a decision of the Information Commissioner or Public Access Deputy Commissioner in relation to a review of a particular matter; or
 - (b) reconsider any recommendations or decisions of the Information Commissioner or Public Access Deputy Commissioner in relation to a complaint under the *Freedom of Information Act 1982*; or
 - (c) reconsider any findings in relation to an investigation under the *Freedom of Information Act 1982*; or
 - (d) reconsider the making of a public interest determination under the *Privacy and Data Protection Act 2014*; or
 - (e) reconsider the approval of an information usage arrangement under the *Privacy and Data Protection Act 2014*; or
 - (f) reconsider a decision to serve a compliance notice under the *Privacy and Data Protection Act 2014*; or
 - (g) disclose any information relating to the performance of a duty or function or exercise of a power by the Ombudsman, Integrity Oversight Victoria, the IBAC or the Parliamentary Workplace Standards and Integrity Commission which may—
 - (i) prejudice any criminal proceedings or criminal investigations; or
 - (ii) prejudice an investigation being conducted by the Ombudsman, the IBAC or Integrity Oversight Victoria; or
 - (iii) contravene any secrecy or confidentiality provision in any relevant Act; or
 - (h) investigate a matter relating to the particular conduct the subject of—
 - (i) a particular complaint or notification made to the IBAC under the *Independent Broad-based Anti-corruption Commission Act 2011*; or
 - (ii) a particular disclosure determined by the IBAC under section 26 of the *Public Interest Disclosures Act 2012* to be a public interest complaint; or
 - (iii) any report made by Integrity Oversight Victoria; or
 - (iv) a particular referral within the meaning of the *Parliamentary Workplace Standards and Integrity Act 2024*; or
 - (i) review any decision by the IBAC under the *Independent Broad-based Anti-corruption Commission Act 2011* to investigate, not to investigate or to discontinue the investigation of a particular complaint or notification or a public interest complaint within the meaning of that Act; or

- (j) review any findings, recommendations, determinations or other decisions of the IBAC in relation to—
 - (i) a particular complaint or notification made to the IBAC under the *Independent Broad-based Anti-corruption Commission Act 2011*; or
 - (ii) a particular disclosure determined by the IBAC under section 26 of the *Public Interest Disclosures Act 2012* to be a public interest complaint; or
 - (iii) a particular investigation conducted by the IBAC under the *Independent Broad-based Anti-corruption Commission Act 2011*; or
 - (k) review any determination by the IBAC under section 26 of the *Public Interest Disclosures Act 2012*; or
 - (l) disclose or share any information that is likely to lead to the identification of a person who has made an assessable disclosure and is not information to which section 53(2)(a), (c) or (d) of the *Public Interest Disclosures Act 2012* applies; or
 - (m) review any decision to investigate, not to investigate, or to discontinue the investigation of a particular complaint made to Integrity Oversight Victoria in accordance with the *Integrity Oversight Victoria Act 2011*; or
 - (n) review any findings, recommendations, determinations or other decisions of Integrity Oversight Victoria in relation to a particular complaint made to, or investigation conducted by, Integrity Oversight Victoria in accordance with the *Integrity Oversight Victoria Act 2011*; or
 - (o) reconsider or review any decision of the Parliamentary Workplace Standards and Integrity Commission to investigate, not to investigate, or to discontinue the investigation of a particular referral in accordance with the *Parliamentary Workplace Standards and Integrity Act 2024*.
- (3) If a member of the Integrity and Oversight Committee has an interest that would conflict with the proper performance of a function of the Committee in respect of the Parliamentary Workplace Standards and Integrity Commission, the member must recuse themselves from the Committee while it is performing that function.

Note

See also Part 8 of the *Public Interest Disclosures Act 2012* and Part VB of the *Ombudsman Act 1973* which set out the functions of the Integrity and Oversight Committee under each of those Acts.

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Chair's foreword

I am pleased to present to the Parliament the Integrity and Oversight Committee's (IOC) report, *Performance of the Victorian integrity agencies 2022/23*.

The IOC regularly reviews and reports on the performance of the Independent Broad-based Anti-corruption Commission (IBAC), Integrity Oversight Victoria (IOV) (formerly named the Victorian Inspectorate), the Office of the Victorian Information Commissioner (OVIC) and the Victorian Ombudsman (VO). In its next review of the performance of the Victorian integrity agencies in 2023/24–2024/25, the IOC will also examine the newly established Parliamentary Workplace Standards and Integrity Commission.

In preparing this report on 2022/23, the Committee examined the agencies' annual reports, heard from them at public hearings and reviewed their responses to detailed questions on notice. The Committee thanks the agencies for their cooperation throughout the review process.

Victorians regularly complain to all four agencies, and there are times when the volume and complexity of complaints leads to delays in responding. This has been a key theme of the Committee's oversight since its establishment. The VO has performed well in this regard, clearing more than 90% of complaints within 30 days. OVIC's timeliness has improved and IOV has made significant progress in clearing a backlog of complaints. However, in 2022/23, IBAC did not meet any of its Budget Paper No. 3 timeliness targets for its assessments function, so the Committee has made recommendations aimed at better understanding the causes of delays and tracking the agency's progress in this area. Finally, to ensure the VO can use its complaint-handling resources more proportionately and efficiently, we have also recommended that the agency be given greater flexibility in how it handles public interest complaints (whistleblower complaints).

More broadly, to improve funding transparency and reinforce integrity agencies' institutional and practical independence from government, the Committee has recommended that the Victorian Government consider whether the way in which Victorian integrity agencies are funded can be improved, bearing in mind the recommendations of IBAC, the VO and the Victorian Auditor-General's Office in their 2022 joint paper: *Budget independence for Victoria's Independent Officers of Parliament*.

Oversight of Victoria Police is a key role of IBAC, and this appears to have been assisted by their Police Risk System, which uses data to assign a misconduct and corruption risk to each police station. While this development is encouraging, the performance of IBAC in its response to allegations of family violence made against police officers is concerning to the Committee. The Committee heard that too often these allegations are referred back to police officers who know the alleged perpetrator,

and that IBAC's oversight has failed to respond adequately to these conflicts of interest. This is particularly troubling given that police officers have more power and resources than other perpetrators of family violence, and can use this to protect themselves and further endanger victim-survivors.

The Committee explores IBAC's oversight of police-perpetrated family violence in detail in Chapter 6, and has recommended IBAC review how Victoria Police handles these complaints. Further, the Committee considers that IBAC itself needs to undertake further work to improve its capacity to protect the safety, health and welfare of victim-survivors. We have also recommended that IOV further consider IBAC's performance in this regard and report back to the Committee.

Finally, we have called for a legislative amendment to section 7 of the *Parliamentary Committees Act 2003* (Vic), which would require integrity agencies to report to Parliament on their responses to recommendations made by this Committee, and by independent performance auditors, within 6 months. The Committee considers that this would enhance oversight of the Victorian integrity system.

In closing, the Committee acknowledges the dedication and hard work of the former Ombudsman, Deborah Glass OBE, and the former Inspector, Eamonn Moran PSM KC, in leading, respectively, the VO and the Victorian Inspectorate.

I also thank my fellow Committee members—Deputy Chair Hon Kim Wells MP, Ryan Batchelor MP, Jade Benham MP, Eden Foster MP, Paul Mercurio MP, Rachel Payne MP, Dylan Wight MP and Belinda Wilson MP—for their contributions to this review.

Additionally, I acknowledge the Committee Secretariat for all their efforts in planning and conducting this review and preparing the report: Sean Coley, Committee Manager; Dr Stephen James, Senior Research Officer; Tom Hvala, Research Officer; Whitney Kapa, Research Assistant; Holly Brennan, Complaints and Research Assistant (until 31 December 2024); Emma Daniel, Complaints and Research Assistant (from 17 March 2025); and Maria Marasco and Bernadette Pendergast, Committee Administrative Officers.

I commend this report to the Parliament.

A handwritten signature in black ink that reads "Tim Read". The signature is fluid and cursive, with the first letters of "Tim" and "Read" being capitalized and prominent.

Dr Tim Read MP
Chair

Recommendations

2 Independent Broad-based Anti-corruption Commission

RECOMMENDATION 1: That the Victorian Government, in consultation with the Independent Broad-based Anti-corruption Commission (IBAC), review and, if necessary, revise the Budget Paper Number 3 quantitative and qualitative assessment targets to ensure their adequacy and fitness for purpose, taking into account the volume and complexity of complaints and notifications handled by IBAC.

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RECOMMENDATION 2: That the Independent Broad-based Anti-corruption Commission (IBAC) develop, use and consistently publicly report on key quantitative and qualitative performance indicators (including complexity indicators) for its assessment of complaints and notifications. This will allow for more precise tracking and evaluation of IBAC's performance across financial years, including its compliance with quality and timeliness standards in making assessments.

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RECOMMENDATION 3: That the Independent Broad-based Anti-corruption Commission (IBAC) review and report to the Committee on:

- the processes involved in the timely completion and reporting on investigations through special reports, identifying any improvements made or planned by IBAC
- whether legal reforms, if any, are necessary in this area.

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RECOMMENDATION 4: That, regarding the Independent Broad-based Anti-corruption Commission's (IBAC) 2024 People Matter Survey results, IBAC report to the Committee on the key themes identified in its Cultural Action Plans and Senior Leadership Cultural Action Plans, including an accounting of the actions that the agency intends to take and/or has taken in accordance with the Plans.

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4 Office of the Victorian Information Commissioner

RECOMMENDATION 5: That the Victorian Government, after consulting with relevant stakeholders, consider seeking amendment of the underpinning legislation to make the Information Security Incident Notification Scheme mandatory.

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RECOMMENDATION 6: That the Victorian Government, after consulting with relevant stakeholders, consider amending the legislation underpinning the Information Security Incident Notification Scheme so that it extends to public health service providers, local councils, courts, tribunals and universities.

58

RECOMMENDATION 7: That the Victorian Government, after consulting with relevant stakeholders, consider seeking amendment of the *Privacy and Data Protection Act 2014* (Vic) for the obligations within ss 88(2), 89(2) and 89(3) to apply to instances where contracted service providers have access to, or use of, ‘public sector data systems’.

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RECOMMENDATION 8: That the Victorian Government review the desirability and feasibility of directly funding the Office of the Victorian Information Commissioner through Parliament’s appropriation, similar to the funding arrangements for the Independent Broad-based Anti-corruption Commission, Integrity Oversight Victoria and the Victorian Ombudsman.

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5 Victorian Ombudsman

RECOMMENDATION 9: That the Victorian Government provide additional funding to the Victorian Ombudsman for the purpose of (1) developing a data-led and risk-based program of reviews of public sector bodies’ complaint handling and (2) assisting public bodies to more effectively and independently utilise complaints data in proactively addressing issues of community concern.

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RECOMMENDATION 10: That the Victorian Government seek amendment of the *Ombudsman Act 1973* (Vic) to grant the Victorian Ombudsman greater powers and flexibility to decide how it handles public interest complaints.

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RECOMMENDATION 11: That the Victorian Government consider whether any improvements are needed to the way in which Victorian integrity agencies, including the Victorian Ombudsman (VO), are funded, including any associated budgetary processes, bearing in mind recommendations in the Independent Broad-based Anti-corruption Commission, VO and Victorian Auditor-General’s Office’s 2022 joint paper, *Budget independence for Victoria’s Independent Officers of Parliament*.

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6 Oversight responses to police-perpetrated family violence

RECOMMENDATION 12: That the Independent Broad-based Anti-corruption Commission, as part of its police-oversight function, consider undertaking a systematic review of Victoria Police (including its Sexual Offences and Family Violence Unit) policies, processes and practices in assessing, handling and investigating complaints about police and, in particular, their capacity to effectively manage conflicts of interest and risks of police-perpetrated family violence.

101

RECOMMENDATION 13: That, taking into account Inner Melbourne Community Legal's evidence to the Committee's review, Integrity Oversight Victoria (IOV) consider, in its police oversight monitoring project, whether any other measures, in addition to the recommendations in *Emma's report*, are needed to improve how the Independent Broad-based Anti-corruption Commission handles police-perpetrated family violence matters. Further, that IOV report to the Committee on the processes and outcomes of its police oversight monitoring project.

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7 Conclusion

RECOMMENDATION 14: That the Victorian Government seek amendment of the *Parliamentary Committees Act 2003* (Vic) s 7, to require that the Independent Broad-based Anti-corruption Commission, Integrity Oversight Victoria, the Office of the Victorian Information Commissioner, the Parliamentary Workplace Standards and Integrity Commission and the Victorian Ombudsman, provide the Parliament of Victoria with their responses to Integrity and Oversight Committee (IOC) and independent performance auditor recommendations directed to them, within 6 months of the tabling of the IOC report within which they are contained.

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Acronyms and abbreviations

AI	artificial intelligence
BP3	Victorian Budget Paper No. 3
CALD	culturally and linguistically diverse
CLC	community legal centre
CMS	Case Management System
CSP	contracted service provider
EAP	employee assistance program
FOI	Freedom of Information
FTE	full-time equivalent
HPPs	Health Privacy Principles
IBAC	Independent Broad-based Anti-corruption Commission
ICT	Information and Communication Technology
IMCL	Inner Melbourne Community Legal Centre
IOC	Integrity and Oversight Committee, Parliament of Victoria
IOV	Integrity Oversight Victoria
IP	Internet Protocol
IPPs	Information Privacy Principles
ISP	internet service provider
KPI	key performance indicator
MP	Member of Parliament
OVIC	Office of the Victorian Information Commissioner
PAEC	Public Accounts and Estimates Committee, Parliament of Victoria
PEAC	Prevention and Education Advisory Committee
PIC	public interest complaint
PID	public interest disclosure
PMS	People Matter Survey
PPFV	police-perpetrated family violence
PSC	Professional Standards Command, Victoria Police
PTE	part-time equivalent
PWSIC	Parliamentary Workplace Standards and Integrity Commission
SOFVU	Sexual Offences and Family Violence Unit, Victoria Police
VAGO	Victorian Auditor-General's Office
VCAT	Victorian Civil and Administrative Tribunal

Acronyms and abbreviations

VO	Victorian Ombudsman
VPDSS	Victorian Protective Data Security Standards
VPS	Victorian public sector
VPSC	Victorian Public Sector Commission

Chapter 1

Introduction

1.1 Overview of Victoria's integrity system

Victoria's integrity system is comprised of a number of bodies that perform distinctive roles in maintaining trust and confidence in public administration. Together, they help protect and advance the integrity of the Victorian public sector.

The Independent Broad-based Anti-corruption Commission (IBAC) is responsible for identifying, exposing and preventing corrupt conduct in the Victorian public sector. Its functions include overseeing Victoria Police, as well as receiving, assessing and investigating disclosures about improper conduct by a public officer or public body (known formally as public interest disclosures (PIDs) and informally as whistleblower complaints).

Integrity Oversight Victoria (IOV)—formerly named the Victorian Inspectorate (VI)—oversees a number of key integrity agencies, including IBAC, the Office of the Victorian Information Commissioner (OVIC), the Parliamentary Workplace Standards and Integrity Commission (PWSIC) and the Victorian Ombudsman (VO). It does this through, among other measures, monitoring their compliance with the law, use of coercive powers and compliance with procedural fairness requirements. Note that, for consistency, the abbreviation IOV will be used throughout this report.¹

OVIC oversees Victoria's freedom of information (FOI), information privacy, and information security regimes. It aims to facilitate greater access to information while safeguarding privacy and data in appropriate circumstances.

The PWSIC promotes and upholds parliamentary standards by receiving, managing and resolving allegations about parliamentary misconduct involving current and former Members of Parliament (MPs), government ministers and Parliamentary Secretaries.²

The VO investigates and resolves complaints about the administrative actions of Victorian government agencies, including local councils. It is also empowered to enquire into any administrative action that is incompatible with the *Charter of Human Rights and Responsibilities Act 2006* (Vic).

1 Except when citing sources authored by the Victorian Inspectorate (VI) or when necessary to avoid ambiguity or misunderstanding.

2 *Parliamentary Workplace Standards and Integrity Act 2024* (Vic) ('PWSI Act 2024 (Vic)') s 4.

These integrity agencies are not subject to the direction or control of the executive government and are directly accountable to the Parliament of Victoria through the Integrity and Oversight Committee (IOC).

1.2 IOC

The IOC is a joint investigatory committee of the 60th Parliament of Victoria established under the *Parliamentary Committees Act 2003* (Vic) ('*PC Act 2003* (Vic)'). The IOC is responsible for monitoring and reviewing the performance of the duties and functions of some of Victoria's leading integrity agencies. The IOC performs this oversight role through, among other actions:

- monitoring and reviewing the performance of the duties and functions of IBAC, IOV, OVIC, the PWSIC and the VO
- examining the agencies' reports, including annual reports
- reporting to both Houses of Parliament on any matter requiring the attention of Parliament.³

As noted, the Committee monitors and reviews the agencies' performance of their duties and functions. These duties, functions and responsibilities relate to public information, education and prevention; complaint handling, investigations and reviews of public sector body investigations; and inquiries into public sector bodies (including any consequent recommendations).

In addition to examining agency reports, the Committee exercises oversight by monitoring information about the performance of agencies it has received from complainants, information in the public domain, and information provided by integrity agencies (for example, through correspondence, briefings, submissions and appearances at Committee hearings). Further, the Committee has power to inquire into matters that have been referred to it by the Parliament of Victoria or which have been self-referred by the Committee under the *PC Act 2003* (Vic).⁴

With regard to its own investigatory power, the Committee may, in the circumstances prescribed in the *PC Act 2003* (Vic), investigate complaints about the Information Commissioner and the operation of OVIC.⁵ However, it cannot investigate complaints about IBAC, the IOV or the VO. While the Committee cannot investigate these kinds of complaints, it can monitor and review them, and seek further information from the integrity agency concerned, where the Committee considers that a complaint has identified a systemic issue that bears on the performance of the agency (for example, its professionalism and timeliness).⁶ The *PC Act 2003* (Vic) expressly prohibits the

³ *Parliamentary Committees Act 2003* (Vic) ('*PC Act 2003* (Vic)') s 7(1); *Ombudsman Act 1973* (Vic) ('*VO Act 1973* (Vic)') s 26H(1).

⁴ *PC Act 2003* (Vic) s 33(1), (3).

⁵ *PC Act 2003* (Vic) s 7(1)(b).

⁶ *PC Act 2003* (Vic) s 7(1); Integrity and Oversight Committee (IOC), *Integrity and Oversight Committee*, <<https://new.parliament.vic.gov.au/get-involved/committees/integrity-and-oversight-committee>> accessed 8 October 2023; IOC, *IOC complaint fact sheet*, <https://www.parliament.vic.gov.au/images/stories/committees/IOC/IOC_Complaint_Fact_Sheet.pdf> accessed 8 October 2023.

Committee, however, from reconsidering the decisions, findings or recommendations made by IBAC, IOV, OVIC, the PWSIC and the VO.⁷

The IOC is authorised to engage an independent investigator to investigate public interest complaints (PICs) about IOV.⁸

Under the governing legislation, the budgets of IBAC, IOV and the VO ‘for each financial year ... [are] to be determined in consultation with the Parliamentary Committee [the IOC] concurrently with ... [their] annual plan[s] ...’⁹ Before the beginning of each financial year, each of these agencies must ‘prepare’ and ‘submit’ ‘a draft annual plan describing’ their ‘proposed work program for that financial year’ for the IOC’s ‘consideration’.¹⁰

Further, the IOC is required to recommend to Parliament the appointment of an independent person to conduct a performance audit of IBAC, IOV and the VO at least once every four years.¹¹ The independent performance audit must ‘determine’ whether these agencies are achieving their ‘objectives effectively, economically and efficiently and in compliance’ with their governing legislation.¹² The inaugural reports of the independent performance auditor on the performance of IBAC and the VI were tabled in 2022 and the inaugural report on the VO in 2024.¹³

1.2.1 A note on the PWSIC

The *Parliamentary Workplace Standards and Integrity Act 2024* (Vic) (*PWSI Act 2024* (Vic)) came into operation on 31 December 2024, as did the PWSIC, with a Chair Commissioner and one additional Sessional Commissioner.¹⁴ Under the *PWSI Act 2024* (Vic), the following bodies are established:

- (a) a statutory Parliamentary Workplace Standards and Integrity Commission to receive, manage and resolve allegations of parliamentary misconduct, including serious parliamentary misconduct, by current and former Members of Parliament, Ministers and Parliamentary Secretaries; and

⁷ *PC Act 2003* (Vic) s 7(2); *VO Act 1973* (Vic) s 26H(2).

⁸ *PC Act 2003* (Vic) s 7(1)(ia); *Public Interest Disclosures Act 2012* (Vic) s 56A(1)(d).

⁹ *Independent Broad-based Anti-corruption Commission Act 2011* (Vic) (*IBAC Act 2011* (Vic)) s 167. There are provisions to the same effect with regard to Integrity Oversight Victoria (IOV) and the Victorian Ombudsman (VO): *Integrity Oversight Victoria Act 2011* (Vic) (*IOV Act 2011* (Vic)) s 90A; *VO Act 1973* (Vic) s 24A.

¹⁰ *IBAC Act 2011* (Vic) s 168(1); *IOV Act 2011* (Vic) s 90B(1); *VO Act 1973* (Vic) s 24B(1).

¹¹ *IBAC Act 2011* (Vic) s 170; *IOV Act 2011* (Vic) s 90D; *VO Act 1973* (Vic) s 24D.

¹² *IBAC Act 2011* (Vic) s 170(4); *IOV Act 2011* (Vic) s 90D(4); *VO Act 1973* (Vic) s 24D(4).

¹³ See Parliament of Victoria, IOC, *The independent performance audits of the Independent Broad-based Anti-corruption Commission and the Victorian Inspectorate*, Melbourne, October 2022; O'Connor Marsden, *Performance audit of the Victorian Ombudsman: report to the Integrity and Oversight Committee*, Melbourne, 18 June 2024, in Parliament of Victoria, IOC, *The independent performance audit of the Victorian Ombudsman*, Melbourne, July 2024, Appendix A (hereinafter, *Performance audit of the Victorian Ombudsman*, Melbourne, 2024).

¹⁴ *PWSI Act 2024* (Vic) s 2(2), since not proclaimed beforehand. See also Premier of Victoria, *Commissioners appointed to oversee parliamentary behaviour*, 23 December 2024, <<https://www.premier.vic.gov.au/commissioners-appointed-oversee-parliamentary-behaviour>> accessed 25 February 2025.

- (b) a statutory Parliamentary Integrity Adviser to provide confidential advice to current and former Members of Parliament, Ministers and Parliamentary Secretaries on their integrity and ethical obligations; and
- (c) a Parliamentary Ethics Committee as a joint committee of the Parliament.¹⁵

Core functions of the PWSIC include ‘receiving and dealing with referrals about parliamentary misconduct’, investigating PICs referred to it by IBAC, ‘facilitating early and confidential resolution of referrals ... where appropriate’ and ‘making findings’ and ‘recommending sanctions’.¹⁶

A key element in this new parliamentary accountability system is that any person or body may refer to the PWSIC an allegation that a current or former MP, minister or Parliamentary Secretary has engaged in parliamentary misconduct, which can be made anonymously.¹⁷

Parliamentary misconduct for a current MP includes any of the following:

- an infringement of the Members Code of Conduct¹⁸
- a ‘wilful, repeated or deliberate contravention’ of the register of interest provisions under pt 4 the *Members of Parliament (Standards) Act 1978* (Vic)¹⁹
- ‘wilful, repeated or deliberate misuse’ of work-related parliamentary allowances or the Electorate Office and Communications Budget²⁰
- ‘inappropriate parliamentary workplace behaviour’.²¹

As noted above, the PWSIC is an additional body over which the IOC exercises oversight. The IOC monitors and reviews the PWSIC’s performance of its duties and functions.²² The IOC is also authorised ‘to report to both Houses of Parliament on any matter connected with the performance of the duties and functions’ of the PWSIC.²³ Further, the IOC is authorised to ‘examine any reports made’ by the PWSIC to the Committee,²⁴ as well as its annual reports.²⁵

The Committee will examine and report on the performance of the PWSIC in its next performance report, into the performance of the Victorian integrity agencies in 2023/24–2024/25.

¹⁵ *PWSI Act 2024* (Vic) s 4.

¹⁶ *PWSI Act 2024* (Vic) s 45.

¹⁷ *PWSI Act 2024* (Vic) s 8.

¹⁸ *PWSI Act 2024* (Vic) s 3 (definition of ‘parliamentary misconduct’).

¹⁹ *PWSI Act 2024* (Vic) s 3 (definition of ‘parliamentary misconduct’).

²⁰ *PWSI Act 2024* (Vic) s 3 (definition of ‘parliamentary misconduct’).

²¹ *PWSI Act 2024* (Vic) s 3 (definition of ‘parliamentary misconduct’). Notably, under s 3, ‘inappropriate parliamentary workplace behaviour means any of the following behaviour in a parliamentary workplace—(a) bullying; (b) sexual harassment or any other form of harassment; (c) discrimination; (d) victimisation; (e) occupational violence or aggression ...’

²² *PC Act 2003* (Vic) s 7(1)(ma).

²³ *PC Act 2003* (Vic) s 7(1)(mb).

²⁴ *PC Act 2003* (Vic) s 7(1)(mc)(i).

²⁵ *PC Act 2003* (Vic) s 7(1)(mc)(ii).

1.3 Performance of the integrity agencies: an overview

In conducting its review of the integrity agencies in 2022/23, the Committee's research and analysis was complemented by the agencies' testimony at public hearings on 11 and 25 November 2024, as well as their written responses to detailed questions on notice sent in advance of, and following, those public hearings.

In addition, at a public hearing on 25 November 2024, the Committee heard from Inner Melbourne Community Legal Centre (IMCL), and a victim-survivor with extensive experience as a complainant about police-perpetrated family violence (PPFV), and received detailed written responses to follow-up questions on notice.

The Committee thanks the agencies for their cooperation, assistance and other contributions throughout this review, and, in a similar spirit, IMCL and victim-survivors, for their important perspectives and evidence.

1.3.1 IBAC

As part of its monitoring and review of the performance of IBAC, the Committee examined the agency's exercise of its complaint-handling, investigative, review, audit and preventive functions, as well as selected aspects of its governance, workplace systems and culture, and accountability.

In 2022/23, IBAC importantly continued to increase the number of reviews (192) it undertook as part of its police-oversight function, reviewing more than 50% of all police-related complaints referred for investigation to Victoria Police.²⁶ These reviews led in some cases to IBAC calling for further action by Victoria Police and, in others, to recommendations for improvements to the force's capacity to prevent, detect and investigate police misconduct and corruption.

IBAC's Police Risk System, rolled out in 2021/22, uses a wide range of data to assign a serious misconduct and police corruption risk rating to each Victoria Police station. This includes, but is not limited to, matters such as the level of complaints, as well as the kinds of allegations raised in complaints and their relevance to IBAC's Strategic Focus Areas.²⁷ In the year under review, the System appears to be working well and having positive impacts on IBAC's police-related assessments, investigations, review and prevention work.²⁸

While these police-oversight developments are encouraging, the picture with regard to oversight responses to PPFV is concerning. On the basis of evidence received during this review, and IOV's important special report on this issue,²⁹ the Committee considers

²⁶ See Section 2.2.2 in Chapter 2 of this report.

²⁷ IBAC, Response to Integrity and Oversight Committee questions on notice, 23 December 2024, p. 6. See also Section 2.2.3 in Chapter 2 of this report.

²⁸ See Section 2.2.3 in Chapter 2 of this report.

²⁹ VI, *Special report: IBAC's referral and oversight of Emma's complaints about Victoria Police's response to family violence by a police officer*, Melbourne, October 2022.

that data collection and analysis, complaint handling, oversight and investigation need to improve significantly, and has made recommendations to that end. In particular, IBAC needs to undertake significant reforms and work to ensure it handles and refers complaints about PPFV in a complainant-centred and trauma-informed way—one which safeguards the safety, health and welfare of victim-survivor complainants.

In 2022/23, IBAC did not meet any of its Budget Paper No. 3 timeliness performance targets³⁰ for its assessments function in relation to complaints and notifications from public sector bodies, including Victoria Police.³¹ Unfortunately, this continues a long-term trend. The Committee has recommended that the Victorian Government, in consultation with IBAC, review and, if necessary, revise the Budget Paper Number 3 quantitative and qualitative assessment targets to ensure their adequacy and fitness for purpose, taking into account the volume and complexity of complaints and notifications handled by IBAC. Further, the Committee has recommended that IBAC develop, use and consistently report on key quantitative and qualitative performance indicators (including complexity indicators) for its assessment of complaints and notifications. This will allow for more precise tracking and evaluation of IBAC's performance across financial years, including its compliance with quality and timeliness standards in making assessments.³²

In this review, the Committee has continued to monitor IBAC's workplace systems and culture.³³ IBAC has made excellent progress in reducing the incidence of workplace discrimination and sexual harassment. It is concerning, however, that the significant progress IBAC made in 2021/22 with respect to workplace bullying, in particular, has stalled. In the Committee's view, this demonstrates the need for IBAC to undertake further work to enhance psychological safety, entrench a speak-up culture and improve channels for reporting improper workplace conduct.³⁴ The Committee is nevertheless encouraged by IBAC's commitment to better understand, and constructively respond to, issues raised by its staff through the Victorian Public Sector Commission's (VPSC) People Matter Surveys (PMS). This commitment is reflected, for example, in IBAC's use of the external Stopline system for anonymous reporting of negative workplace behaviour and its implementation of plans to improve its workplace culture.³⁵

Finally, the Committee is pleased that IBAC has implemented, or taken great strides in implementing, the majority of the recommendations made to the agency by the Committee and independent performance auditor.³⁶

³⁰ Department of Treasury and Finance (Victoria), *Victorian Budget 2022/23: service delivery* (Budget Paper No. 3), Melbourne, May 2022, p. 383.

³¹ See Section 2.2.1 in Chapter 2 of this report.

³² See Section 2.2.1 in Chapter 2 of this report.

³³ See Section 2.3 in Chapter 2 of this report.

³⁴ See Section 2.3.2 in Chapter 2 of this report.

³⁵ See Section 2.3.2 in Chapter 2 of this report.

³⁶ See Section 2.4.2 in Chapter 2 of this report.

1.3.2 IOV

IOV had a positive year in 2022/23, making significant progress, in particular, in improving the effectiveness, efficiency and timeliness of its complaints handling through policy, process, resourcing and technological measures. The allocation of extra staff resourcing (including legally qualified staff) to complaint handling, as well as a restructuring and streamlining of the responsible team, has helped IOV work more efficiently through its backlog of complaints (especially complex complaints). In addition, IOV has continued to improve its workplace culture and support its frontline staff who regularly face challenging complainant behaviour.³⁷

IOV is also to be commended for its leadership in implementing a secure platform to receive and handle anonymous complaints, and communicate securely and effectively with anonymous complainants,³⁸ which the Committee had identified as best practice in its education and prevention report.³⁹ IOV's new, anonymous complaints platform not only encourages the reporting of allegations about improper conduct but better protects the safety, health, welfare and work lives of such reporters (particularly whistleblowers at high risk of workplace reprisals).⁴⁰

IOV has also made great progress in implementing a wide range of recommendations made to it in the Committee's education and prevention report, review reports, and independent performance auditor's report.⁴¹ The Committee also appreciates the way in which IOV regularly keeps it informed of the agency's progress in implementing recommendations.

Finally, the Committee thanks Eamonn Moran PSM KC for his dedicated and diligent public service as Inspector of the VI from 2017 until January 2025, acknowledging, especially, his leadership on the management of witness welfare and oversight of integrity agency complaint handling.

1.3.3 OVIC

In 2024, OVIC was naturally a focus of attention for the Committee as it undertook its inquiry into the operation of the *Freedom of Information Act 1982* (Vic), the most in-depth and wideranging review of the Act since its introduction.⁴² The IOC appreciated OVIC's cooperation, expert perspectives and invaluable evidence, which contributed to the Committee's development of 101 recommendations, including to replace the current Act with a best practice, third-generation Right to Information Act.

³⁷ See Section 3.2.1 in Chapter 3 of this report.

³⁸ See Section 3.2.2 in Chapter 3 of this report.

³⁹ Parliament of Victoria, IOC, *Inquiry into the education and prevention functions of Victoria's integrity agencies*, Melbourne, April 2022, pp. 95–107.

⁴⁰ See Parliament of Victoria, IBAC Committee, *Improving Victoria's whistleblowing regime: a review of the Protected Disclosure Act 2012* (Vic), Melbourne, June 2017, pp. 10–14, 115–123.

⁴¹ See Section 3.3.2 in Chapter 3 of this report.

⁴² Parliament of Victoria, IOC, *The operation of the Freedom of Information Act 1982* (Vic), Melbourne, September 2024.

Like other Victorian integrity agencies, OVIC has often found the timely completion of complaint handling and reviews challenging. Even so, the Committee commends OVIC for making progress on this issue in 2022/23, both in relation to its own operations and those of the agencies it oversees.⁴³

OVIC has also responded swiftly and skilfully to the dynamic environment of information production, storage, management, use and distribution. In particular, the Committee commends OVIC's research, leadership and guidance in the public sector in relation to the impact and regulation of artificial intelligence⁴⁴ and, separately, outsourcing.⁴⁵

The Committee also acknowledges the progress made in oversight of Victoria Police's acquittal of historic law enforcement information security and privacy recommendations,⁴⁶ and looks forward to the agency's delivery, in 2025, of its evaluation and assessment framework for its education and prevention program.⁴⁷ Responding in part to a recommendation in the Committee's 2022 education and prevention report, OVIC explained that the framework is 'intended as a more rigorous evidence base of the effectiveness of OVIC's educational initiatives ... [which] will inform future educational programs and identify new or preferred educational methodologies'.⁴⁸

1.3.4 VO

As in previous years, complaint handling was a core aspect of the VO's work in 2022/23. The agency received more than 18,000 jurisdictional complaints and closed more than 90% of complaints within 30 days.⁴⁹ The Committee encourages the VO to take a 'data-led' approach to its efforts to build the capacity and effectiveness of complaint handling in the public sector it oversees.⁵⁰ Moreover, lessons learnt through rigorous data gathering and analysis in relation to complaints the VO receives will enhance its *own* complaint handling.⁵¹

The VO also tabled 9 reports in Parliament, a 33% increase on 2021/22,⁵² covering issues such as corrupt conduct involving public officers, complaint handling in the social housing sector, and the use of contractors at the local-government level.

⁴³ See Section 4.2 in Chapter 4 of this report.

⁴⁴ See Section 4.3.5 in Chapter 4 of this report.

⁴⁵ See Section 4.3.4 in Chapter 4 of this report.

⁴⁶ See Section 4.3.6 in Chapter 4 of this report.

⁴⁷ See Section 4.6 in Chapter 4 of this report.

⁴⁸ OVIC, Response to Integrity and Oversight Committee questions on notice, 14 January 2025, p. 6. See also Parliament of Victoria, IOC, *Inquiry into the education and prevention functions of Victoria's integrity agencies*, Melbourne, April 2022, pp. 167–168 (including Recommendation 13).

⁴⁹ VO, *2023 annual report*, Melbourne, 2023, pp. 18–19.

⁵⁰ O'Connor Marsden, *Performance audit of the Victorian Ombudsman*, Melbourne, 2024, p. 23. See also Section 5.2.1 in Chapter 5 of this Committee report.

⁵¹ See Section 5.2.1 in Chapter 5 of this report. See also Parliament of Victoria, IOC, *Performance of the Victorian integrity agencies 2020/21: focus on witness welfare*, Melbourne, October 2022, pp. 168–170 (including Recommendation 13); Parliament of Victoria, IOC, *Performance of the Victorian integrity agencies 2021/22*, Melbourne, November 2023, pp. 140–141.

⁵² VO, *2023 annual report*, Melbourne, 2023, pp. 4, 52.

The VO also performed well with respect to its engagement and education, workplace wellbeing, and accountability measures, as further explored in Chapter 5.

In March 2024, Deborah Glass OBE's ten-year term as Ombudsman came to an end, with Marlo Baragwanath appointed to the position. The Committee thanks Ms Glass for her dedicated public service and important contributions to improvements in the Victorian public sector over a long period.

The Committee also commends the VO and the independent auditor, O'Connor Marsden Pty Ltd, on the completion of the inaugural performance audit of the VO. O'Connor Marsden reviewed the VO's performance during a three-year period ending 30 June 2023 with reference to the Committee's audit specification, the Australian Standard for Assurance Engagement 3500 Performance Engagements (ASAE 3500) and the Australian Standard for Assurance Engagement (ASAE 3100).⁵³

Positively, the audit concluded that, during the relevant period, the VO achieved the objects of the *Ombudsman Act 1973* (Vic) with regard to each performance measure and is, in many respects, a leading organisation in Victoria.⁵⁴ The Committee looks forward to constructively engaging with the VO as it uses the audit to better understand how to further improve the agency's performance and impact.

1.4 Report structure

The report is comprised of seven chapters. This chapter has given an overview of Victoria's integrity system; the role, functions, jurisdiction and responsibilities of the IOC; and the performance of the integrity agencies in 2022/23.

The remaining chapters evaluate the performance of the integrity agencies in greater depth, with a focus on complaint handling, investigations, reviews and other forms of oversight; public information, engagement, education and prevention; governance and workplace; and accountability.

Chapter 2 examines the performance of IBAC

Chapter 3 examines the performance of IOV.

Chapter 4 examines the performance of OVIC.

Chapter 5 examines the performance of the VO.

Chapter 6 examines oversight responses (focusing on IBAC and IOV) to PPFV.

Chapter 7 concludes the report with brief reflections on the agencies' performance and the Committee's recommendations for improvements.

⁵³ See Section 5.1 in Chapter 5 of this report; Parliament of Victoria, IOC, *Appointment of a person to conduct the independent performance audit of the Victorian Ombudsman*, Melbourne, November 2023; O'Connor Marsden, *Performance audit of the Victorian Ombudsman*, Melbourne, 2024, pp. 10–11.

⁵⁴ O'Connor Marsden, *Performance audit of the Victorian Ombudsman*, Melbourne, 2024, p. 6; Section 5.5.2 in Chapter 5 of this report.

Chapter 2

Independent Broad-based Anti-corruption Commission

2.1 Introduction

The Independent Broad-based Anti-corruption Commission (IBAC) is the principal anticorruption and police oversight body in Victoria. IBAC's jurisdiction encompasses the Victorian public sector, including public service departments, government agencies and local councils; Victoria Police; the Parliament of Victoria; and the judiciary.¹

IBAC is primarily responsible for exposing, investigating and preventing public sector corruption and police personnel misconduct and, through education, improving the capacity of the Victorian public sector to prevent corruption and misconduct. IBAC's functions include receiving, handling, assessing and investigating public complaints and agency notifications about alleged corruption and police personnel misconduct, and it prioritises the investigation of 'serious' and 'systemic' corrupt conduct.² Further, IBAC produces reports and makes recommendations as part of its investigative, audit, research and intelligence activities. It also performs a range of functions under the *Public Interest Disclosures Act 2012* (Vic) ('PID Act 2012 (Vic)'), including assessing and investigating public interest disclosures (PIDs, also known as 'whistleblower complaints'), producing guidelines and reviewing public sector procedures.³

In exercising these functions, IBAC is authorised to use a range of investigative powers, including coercive and covert powers such as physical and electronic surveillance and the summoning and questioning of witnesses in public and private examinations.⁴

IBAC is oversighted by Integrity Oversight Victoria (IOV) and the Integrity and Oversight Committee (IOC). IOV focuses on IBAC's compliance with applicable legislation, in particular the lawful use of its coercive powers, while the IOC monitors and reviews its overall performance.⁵

As part of the Committee's regular review and monitoring of Victoria's integrity agencies, this chapter reviews selected areas of IBAC's performance of its

¹ Independent Broad-based Anti-corruption Commission (IBAC), *Who we investigate*, <<https://www.ibac.vic.gov.au/investigating-corruption/who-we-investigate>> accessed 4 January 2025.

² *Independent Broad-based Anti-corruption Commission Act 2011* (Vic) ('IBAC Act 2011 (Vic)') s 15(1A).

³ *IBAC Act 2011* (Vic), especially ss 8, 15; *Public Interest Disclosures Act 2012* (Vic) ('PID Act 2012 (Vic)'), especially s 55; IBAC, *Annual report 2021/22*, Melbourne, 2022, especially pp. 4, 54–55.

⁴ *IBAC Act 2011* (Vic), especially pts 3, 4, 6; *Surveillance Devices Act 1999* (Vic), especially pt 4; *Telecommunications (Interception and Access) Act 1979* (Cth), especially chs 1–4.

⁵ *Integrity Oversight Victoria Act 2011* (Vic) ('IOV Act 2011 (Vic)'), especially s 11; *Parliamentary Committees Act 2003* (Vic) ('PC Act 2003 (Vic)'), especially s 7(1); IBAC, *Annual report 2021/22*, Melbourne, 2022, especially pp. 54–56.

complaint-handling, investigative, review, audit, educative and preventive functions in 2022/23. The chapter also examines selected areas of IBAC's performance with respect to its governance, workplace systems and culture, and the discharge of its accountabilities. Note that the oversight of police-perpetrated family violence, which includes IBAC's performance in this area, is examined in Chapter 6.

2.2 Complaint handling, investigations, reviews and audits

2.2.1 Complaint handling—IBAC's performance reporting for its assessments function

Since 2020/21, the Committee has expressed concern that IBAC's public performance reporting on its assessments function does not demonstrate the stated impact of the improvements that the agency has made in this area—how it has increased productivity⁶ and efficiency⁷ with respect to the volume and complexity of its complaints workload.⁸

In its review of IBAC's 2021/22 performance, the Committee canvassed the significant work the agency had done to improve the productivity and efficiency of its assessments function. This included, but was not limited to, the introduction of a PID Framework⁹ and Quality Assurance Framework;¹⁰ a successful triaging and allocation pilot project; the appointment of a Triage Coordinator; the establishment of an Engagement and Early Resolution team within its Legal, Assessment & Review and Compliance division; and increasing the size of the Assessment & Review team as well as the number of assessment officer positions within that team.¹¹ However, these improvements were not well-reflected in IBAC's performance reporting for 2021/22, noting that it did not meet any of its Victorian Budget Paper No. 3 (BP3) targets for its assessment function and that the average number of days to complete an assessment increased from 2020/21.¹²

Noting this, the Committee called on IBAC to find more effective ways of demonstrating its productivity to the public, through data collection, analysis and

6 Relating to the 'timeliness' of IBAC's assessment of complaints, disclosures and notifications.

7 Relating to the 'quality' of IBAC's assessments of complaints, disclosures and notifications.

8 Parliament of Victoria, Integrity and Oversight Committee (IOC), *Performance of the Victorian integrity agencies 2021/22*, Melbourne, November 2023, pp. 14–18.

9 'IBAC measures the implementation of the PID framework through a number of public interest disclosure events taking place throughout the year ... [, seeking] feedback from participants. IBAC also measures public interest disclosure matters through its Quality Assurance [F]ramework.' (IBAC, Response to Integrity and Oversight Committee questions on notice, 17 January 2025, p. 3).

10 'IBAC's Quality Assurance Framework involves monthly audits of a sample of assessments, and, in relation to the PID Act, measures whether the assessment ... complies with legislative mandates in the IBAC and PID Act ... was made by the appropriate IBAC delegate ... has a documented evidence base and clear reasoning ... is overall consistent with legislation and IBAC's policies and procedures ... In addition, any trends that arise in the course of quality auditing, in relation to PID or any other aspects of assessments, are documented, as are actions to remediate those issues. This allows IBAC to monitor the success ... [of] its continuous improvement efforts.' (IBAC, Response to Integrity and Oversight Committee questions on notice, 17 January 2025, pp. 3–4).

11 Parliament of Victoria, IOC, *Performance of the Victorian integrity agencies 2021/22*, Melbourne, November 2023, pp. 14–16.

12 Ibid., pp. 14, 16.

reporting.¹³ Disappointingly, IBAC's performance reporting on its assessments function in 2022/23 and 2023/24 did not reflect material improvements in the agency's productivity or efficiency in this area.

Consistent with longer-term trends, IBAC reported that it did not meet any of its BP3 'timeliness' performance targets for its assessments function in 2022/23 and only met one of these targets in 2023/24, as set out in Tables 2.1 and 2.2, below.¹⁴

Table 2.1 IBAC's performance against 2022/23 BP3 targets for its assessments function

Performance measures	2022/23 target (%)	2022/23 actual (%)	Result
PID complaints and notifications assessed within 30 days	70	65	X
Complaints or notifications about public sector corruption assessed by IBAC within 45 days	85	55	X
Complaints or notifications about police conduct assessed by IBAC within 45 days	85	48	X

Source: Adapted from IBAC, *Annual report 2022/23*, Melbourne, 2023, pp. 30, 42; Department of Treasury and Finance (Victoria), *Victorian Budget 2022/23: service delivery* (Budget Paper No. 3), Melbourne, May 2022, p. 383.

Table 2.2 IBAC's performance against 2023/24 BP3 targets for its assessments function

Performance measures	2023/24 target (%)	2023/24 actual (%)	Result
PIDs and PID notifications about the public sector assessed within 30 days	70	65	X
PIDs and PID notifications about the police assessed within 30 days	70	72	✓
Complaints and notifications about the public sector assessed within 45 days	60	58	X
Complaints and notifications about police misconduct assessed within 45 days	60	48	X

Source: Adapted from IBAC, *Annual report 2023/24*, Melbourne, 2024, pp. 15–16; Department of Treasury and Finance (Victoria), *Victorian Budget 2023/24: service delivery* (Budget Paper No. 3), Melbourne, May 2023, pp. 363–364.

IBAC has long argued that its inability to meet BP3 'timeliness' performance targets for its assessments function is due to the increasing volume and complexity of complaints, disclosures and notifications it receives.¹⁵ Having previously reported on how the work it has done has, or will, improve the productivity and efficiency of its assessments function, the Committee considers that IBAC's public performance reporting no longer adequately explains its ongoing failure to meet its BP3 performance targets.

¹³ Ibid., p. 18.

¹⁴ IBAC, *Annual report 2022/23*, Melbourne, 2023, pp. 30, 42; IBAC, *Annual report 2023/24*, Melbourne, 2024, pp. 15–16.

¹⁵ Parliament of Victoria, IOC, *Performance of the Victorian integrity agencies 2021/22*, Melbourne, November 2023, p. 16.

Table 2.3, below, sets out the data that IBAC currently reports on with respect to the volume and complexity of its complaints workload.

Table 2.3 IBAC's performance reporting for complaints, disclosures and notifications received and assessed under the *IBAC Act 2011* (Vic) and *PID Act 2012* (Vic) in 2022/23 and 2023/24

Performance reporting under the <i>IBAC Act 2011</i> (Vic)	2021/22	2022/23	Difference	2023/24	Difference
Total complaints and notifications received (public sector and police)	3,728	3,558	↓ 5%	3,155	↓ 11%
Complaints from the general public	3,148	2,733	↓ 13%	2,511	↓ 8%
Notifications (including mandatory notifications) from departments and agencies	580	825	↑ 42%	644	↓ 22%
Complaints and notifications assessed as PIDs	389	506	↑ 30%	508	↑ < 1%
Total allegations assessed	5,646	Not reported	N/A	Not reported	N/A
Allegations dismissed	3,765	Not reported	N/A	Not reported	N/A
Allegations investigated by IBAC	38	Not reported	N/A	Not reported	N/A
Allegations referred to another entity	1,502	Not reported	N/A	Not reported	N/A
Allegations resulting in other outcomes (returned, withdrawn, no further action and deferred)	295	Not reported	N/A	Not reported	N/A
Total complaints and notifications assessed	3,414	3,501	↑ 3%	3,295	↓ 6%
Complaints assessed	2,814	2,704	↓ 4%	2,624	↓ 3%
Notifications assessed	600	797	↑ 33%	671	↓ 16%
Complaints and notifications assessed as warranting investigation or further action	837	718	↓ 14%	737	↑ 3%
Performance reporting under the <i>PID Act 2012</i> (Vic)	2021/22	2022/23	Difference	2023/24	Difference
Total disclosures and notifications received	389	455	↑ 17%	959	↑ 111%
Allegations assessed as public interest complaints (PICs)	745	743	↓ < 1%	483	↓ 35%
Allegations assessed as non-PICs	4,899	5,774	↑ 18%	2,878	↓ 50%
PICs investigated	28	29	↑ 4%	14	↓ 52%
PICs referred to another investigating entity	636	667	↑ 5%	430	↓ 36%
PICs dismissed by IBAC	52	45	↓ 14%	2	↓ 96%

Source: IBAC, *Annual report 2021/22*, Melbourne, 2022, pp. 14, 39, 71; IBAC, *Annual report 2022/23*, Melbourne, 2023, pp. 31, 43, 113 (Table 31); IBAC, *Annual report 2023/24*, Melbourne, 2024, pp. 35, 37, 117 (Table 32).

The Committee notes that since 2021/22 the overall number of complaints and notifications received and assessed by IBAC under the *IBAC Act 2011* (Vic) has fallen (see Table 2.3, above). It also appears that, while the overall number of disclosures and notifications received under the *PID Act 2012* (Vic) increased substantially, the number of allegations contained within them fell significantly in 2023/24 (see Table 2.3, above).

The Committee is therefore concerned that:

- there did not appear to be any BP3 or KPI¹⁶ ‘quality’, as opposed to timeliness, performance targets relating to IBAC’s assessments function in 2022/23¹⁷
- in IBAC’s 2022/23 and 2023/24 annual reports, it did not report on useful ‘complexity’ indicators used in its previous performance reporting—such as the number of allegations received and assessed—making point-in-time comparisons difficult
- while IBAC reported that ‘medium’ and ‘high’ complexity complaints and notifications increased by 15% in 2023/24 from 2022/23, it did not produce data to support this, data demonstrating its timeliness (or timeliness improvements) in finalising the assessment of these kinds of complaints, or data showing the impact that these kind of complaints have on the overall timeliness of its assessments function¹⁸
- while, in 2023, IBAC told the Committee that it had started collecting data on average allocation times when the Quality Assurance Framework was introduced in 2022/23, and provided data to the Committee on the average number of days taken to complete an assessment in 2021/22, IBAC did not report on these indicators in its 2022/23 or 2023/24 performance reporting.¹⁹
- IBAC recognises that the median number of days taken to complete an assessment is an important performance indicator with respect to productivity. At the Committee’s public hearing with IBAC for this review, the Commissioner stated:

[IBAC] ... recently piloted a dedicated team to improve the efficiency of our assessment and investigation of single-incident police complaints from community members at a higher risk of experiencing police misconduct. Pleasingly, over the six-month pilot period the median number of days to assess complaints significantly decreased ... We plan to build on the success of the pilot with the establishment of an ongoing team to continue this work.²⁰

In the absence of clear data and effective data-points, it is difficult for either the Committee, or indeed the broader public, to properly understand how IBAC is improving the productivity and efficiency of its assessments function and whether IBAC’s actions in this area are having their intended impact.

¹⁶ Key Performance Indicator.

¹⁷ IBAC, *Annual report 2022/23*, Melbourne, 2023, p. 17.

¹⁸ IBAC, *Annual report 2023/24*, Melbourne, 2024, p. 33.

¹⁹ Parliament of Victoria, IOC, *Performance of the Victorian integrity agencies 2021/22*, Melbourne, November 2023, p. 16.

²⁰ Victoria Elliott, Commissioner, IBAC, public hearing, Melbourne, 11 November 2024, *Transcript of evidence*, p. 11.

Consequently, as part of its 2022/23 annual performance review, the Committee was interested to know how, since 2021/22, IBAC has improved the ways it demonstrates its productivity to the public, particularly with respect to its assessments function.²¹

In response, IBAC informed the Committee that it has improved its efficiency since 2021/22 by appointing Enquiry and Intake Officers to communicate with complainants; appointing a Complaints Coordinator; introducing a 'complaints policy' that can be explained verbally, via phone; training assessments staff on trauma-informed and family-violence-informed practice; making its complaint form more user-friendly (including by providing clearer information about IBAC's complaints process); conducting more detailed assessments of complaints, disclosures and notifications; and ensuring that correspondence with complainants uses plain language.²²

IBAC has also suggested that a 'quality' performance target be included for its assessments function in the 2025/26 BP3: 'Average rating of sampled complaint or notification assessments that conform with quality standards ...'²³

Respectfully, with the exception of the proposed new BP3 target, the Committee considers that IBAC simply described the further work it has done in an effort to improve the efficiency of its assessments function, rather than explaining how this work has improved its efficiency and how it has demonstrated these efficiency improvements to the public in its performance reporting.

The Committee reiterates that IBAC's BP3 and reported KPI performance targets do not adequately capture the nature and complexity of its assessments function or the impact of the agency's stated improvements on the productivity and efficiency of its assessments function. IBAC needs to find better ways of demonstrating the value of these improvements in its public performance reporting that can be tracked over time.

RECOMMENDATION 1: That the Victorian Government, in consultation with the Independent Broad-based Anti-corruption Commission (IBAC), review and, if necessary, revise the Budget Paper Number 3 quantitative and qualitative assessment targets to ensure their adequacy and fitness for purpose, taking into account the volume and complexity of complaints and notifications handled by IBAC.

RECOMMENDATION 2: That the Independent Broad-based Anti-corruption Commission (IBAC) develop, use and consistently publicly report on key quantitative and qualitative performance indicators (including complexity indicators) for its assessment of complaints and notifications. This will allow for more precise tracking and evaluation of IBAC's performance across financial years, including its compliance with quality and timeliness standards in making assessments.

²¹ Dr Tim Read MP, Chair, Integrity and Oversight Committee, to Victoria Elliott, Commissioner, IBAC, correspondence, 25 November 2024, p. 2.

²² IBAC, Response to Integrity and Oversight Committee questions on notice, 23 December 2024, pp. 3–4.

²³ Ibid., p. 4.

2.2.2 Reviews and audits—IBAC’s oversight of Victoria Police’s handling of referred complaints

As the Commissioner explained at the Committee’s public hearing with IBAC for this review, IBAC’s reviews of Victoria Police’s handling of referred complaints are an important part of its police-oversight work, enabling IBAC to ‘look at whether those investigations were conducted thoroughly, fairly, impartially’ and to consider ‘whether they were evidence-based, the outcomes were reasonable and met community expectations’.²⁴ Importantly, IBAC can direct Victoria Police to take further action in relation to an investigation, give ‘lessons learned’ feedback on issues it has identified during a review and make recommendations for improvements.²⁵ Consequently, these reviews can improve Victoria Police’s capacity to prevent, detect and investigate police misconduct and corruption.

In 2021/22, IBAC reviewed over 60% (258) of Victoria Police’s investigation of all complaints it had referred to that organisation in the reporting period. This was, since IBAC’s establishment, the most reviews IBAC had ever conducted in a single reporting period.²⁶

Consistent with IBAC’s strong performance in 2021/22, IBAC reviewed 192 and 231 Victoria Police investigations in 2022/23 and 2023/24 respectively.²⁷ In 2022/23, IBAC reviewed over 50% of Victoria Police’s investigations of all referred complaints,²⁸ and its reviews resulted in 23 recommendations to Victoria Police and 40 ‘further action’ requests, including requests to re-investigate matters.²⁹

At the Committee’s request, IBAC provided information about the kinds of factors it takes into consideration when deciding whether to monitor an ongoing Victoria Police investigation of a referred complaint or to review a completed Victoria Police investigation of a referred complaint.³⁰

When making decisions about which investigations to review, IBAC has regard to, among other factors, complaints about matters connected with IBAC’s Strategic Focus Areas for its police oversight function, the seriousness of the matters raised (including whether they are systemic or of public interest), the seniority of the complaint subject(s), the risk rating assigned by the Police Risk System to the particular police

²⁴ Victoria Elliott, Commissioner, IBAC, public hearing, Melbourne, 11 November 2024, *Transcript of evidence*, p. 11.

²⁵ Ibid.

²⁶ Victoria Elliott, Commissioner, IBAC, public hearing, Melbourne, 11 November 2024, *Transcript of evidence*, p. 11; Parliament of Victoria, IOC, *Performance of the Victorian integrity agencies 2021/22*, Melbourne, November 2023, p. 30.

²⁷ Parliament of Victoria, IOC, *Performance of the Victorian integrity agencies 2021/22*, Melbourne, November 2023, pp. 30–31; IBAC, Response to Integrity and Oversight Committee questions on notice, 23 December 2024, p. 4; IBAC, *Annual report 2023/24*, Melbourne, 2024, p. 10.

²⁸ Victoria Elliott, Commissioner, IBAC, public hearing, Melbourne, 11 November 2024, *Transcript of evidence*, p. 11.

²⁹ IBAC, *Annual report 2022/23*, Melbourne, 2023, p. 34.

³⁰ Dr Tim Read MP, Chair, Integrity and Oversight Committee, to Victoria Elliott, Commissioner, IBAC, correspondence, 25 November 2024, p. 2; IBAC, Response to Integrity and Oversight Committee questions on notice, 23 December 2024, pp. 4–5.

station or unit involved, and complainant vulnerability.³¹ In 2022/23, for example, IBAC reviewed Victoria Police's investigation of 42 'serious police incidents'³² involving 'fatal shootings, suicide attempts in custody and arrests resulting in hospitalisation'.³³

IBAC's decisions to actively monitor a Victoria Police investigation are also guided by these factors. However, IBAC also considers other factors, such as the objective seriousness of the conduct complained about (including any 'aggravating circumstances' that increase its seriousness), whether it involves the commission or potential commission of a serious criminal offence, and whether the conduct is currently occurring. Victoria Police investigations of complaints relating to conduct involving vulnerable complainants, witnesses or victims, or that has breached a complainant's human rights or impacted their health, safety or welfare, are also more likely to be selected for active monitoring by IBAC, as are investigations where a conflict of interest will probably arise.³⁴

The Committee is pleased that IBAC has systematic processes in place to guide its decision-making with respect to active monitoring and reviews of Victoria Police investigations.

2.2.3 Reviews and audits—IBAC's police work risk identification model

In its review of IBAC's 2021/22 performance, the Committee noted that IBAC had rolled out its internal police work area risk identification model to assist in identifying police stations especially vulnerable to corruption. IBAC informed the Committee that the model would be used to inform its prevention work and operational decision-making with respect to its police-oversight function.³⁵

The Committee was therefore interested to know how the model has informed and improved IBAC's exercise of its police-oversight function.³⁶

IBAC explained that the model, known as the Police Risk System, uses a wide range of data to assign a serious misconduct and corruption risk rating to each Victoria Police station. This includes, but is not limited to, matters such as the level of complaints, as well as the kinds of allegations raised in complaints and their relevance to IBAC's Strategic Focus Areas.³⁷

The Police Risk System informs decision-making with respect to IBAC's assessment of police-related complaints and allocation of resources to preliminary inquiries, investigations and reviews. The System also informs the development of new Strategic

³¹ IBAC, Response to Integrity and Oversight Committee questions on notice, 23 December 2024, pp. 4–5.

³² Ibid., p. 4.

³³ IBAC, *Annual report 2022/23*, Melbourne, 2023, p. 34.

³⁴ IBAC, Response to Integrity and Oversight Committee questions on notice, 23 December 2024, p. 5.

³⁵ Parliament of Victoria, IOC, *Performance of the Victorian integrity agencies 2021/22*, Melbourne, November 2023, pp. 11–12.

³⁶ Dr Tim Read MP, Chair, Integrity and Oversight Committee, to Victoria Elliott, Commissioner, IBAC, correspondence, 25 November 2024, p. 2.

³⁷ IBAC, Response to Integrity and Oversight Committee questions on notice, 23 December 2024, p. 6.

Focus Areas for IBAC's police oversight function, and is used to identify police units that would benefit from targeted engagement with IBAC.³⁸

The Committee commends IBAC on the development and roll-out of the Police Risk System, which appears to be working well and yielding positive results for the agency's police-related assessments, investigations, review and prevention functions. The Committee considers that, for the benefit of the public, it will be important for IBAC to find ways of reporting on the ongoing impact and benefits of the Police Risk System in its annual reports, particularly with respect to its impact on IBAC's corruption prevention and education work. This will improve public trust in IBAC's police-oversight role.

2.2.4 IBAC's new police-oversight function under the *Human Source Management Act 2023* (Vic)

The *Human Source Management Act 2023* (Vic) ('*HSM Act 2023* (Vic)') was a result of the findings and recommendations of the *Royal Commission into the Management of Police Informants* (known informally as the 'Lawyer X' Royal Commission).³⁹

IBAC's new police oversight function under the *HSM Act 2023* (Vic) commenced on 30 September 2024.⁴⁰ IBAC's functions under the Act include monitoring Victoria Police's compliance with the human source management framework, reviewing its reports with respect to registrations under the Act and contraventions of the Act, and reporting and making recommendations on matters connected with Victoria Police's management of human sources.⁴¹

IBAC is in the process of obtaining additional funding to enable it to perform its new police oversight function under the *HSM Act 2023* (Vic). IBAC's External Oversight Unit, which will be primarily responsible for performing IBAC's role under the Act, has completed significant preparatory work, including engaging with Victoria Police, developing policies and procedures, and mapping requirements for the mandatory inspections required to be conducted under the Act. IBAC has also recruited additional Compliance Officers to the Unit, with the first inspection scheduled for early 2025.⁴²

The Committee looks forward to hearing more about IBAC's work in this area and to IBAC publishing, when appropriate, information for the public about this important aspect of its police-oversight role on its website and in its annual reports.

³⁸ Ibid., pp. 6–7.

³⁹ Hon Margaret McMurdo AC, Commissioner, *Royal Commission into the Management of Police Informants: final report—summary and recommendations*, Melbourne, November 2020, p. 41 (Recommendation 8: 'That the Victorian Government, within two years, implements legislation for Victoria Police's registration, use and management of human sources, to provide a clear framework for police to obtain and use information from human sources and to ensure they are used in an ethical and justifiable manner:').

⁴⁰ *Human Source Management Act 2023* (Vic) ('*HSM Act 2023* (Vic)') s 2; IBAC, Response to Integrity and Oversight Committee questions on notice, 23 December 2024, p. 7.

⁴¹ *HSM Act 2023* (Vic) s 65(1).

⁴² IBAC, Response to Integrity and Oversight Committee questions on notice, 23 December 2024, p. 7.

2.2.5 Timely release of IBAC reports related to completed investigations

An important part of IBAC's oversight, investigative, research and preventive work is the production and tabling of special reports (for reports tabled in 2022/23, see Table 2.4, below).

Table 2.4 IBAC special reports tabled in Parliament, 2022/23

Title	Date tabled
<i>Operation Watts: Investigation into allegations of misuse of electorate office and ministerial office staff and resources for branch stacking and other party-related activities (joint investigation with the VO)</i>	July 2022
<i>Police misconduct issues and risks associated with Victoria Police's Critical Incident Response Team: special report</i>	October 2022
<i>Special report on corruption risks associated with donations and lobbying</i>	October 2022
<i>Operation Clara: special report</i>	February 2023
<i>Operation Daintree: special report</i>	April 2023

Source: Devised from IBAC, *Annual report 2022/23*, Melbourne, 2023, pp. 8, 23, 38; IBAC, *Resource centre*, <<https://www.ibac.vic.gov.au/resource-centre>> accessed 18 March 2023.

Noting the IBAC Commissioner's statement during the public hearing with the Committee on 11 November 2024 that '[t]here is no legal action delaying IBAC's reports at present',⁴³ the Committee sought to better understand the factors contributing to the time it takes for investigations to be completed and, when appropriate, publicly reported on in tabled special reports.⁴⁴ Specifically, the Committee asked IBAC 'what factors might hold up IBAC's public release of reports related to completed investigations by the agency' and whether, in the agency's view, 'any legal reforms' were necessary.⁴⁵

IBAC responded that it

always seeks to complete investigations and publish special reports as efficiently as possible. The time it takes us to do this may be impacted by several factors, including the size and complexity of both the investigation and the natural justice process. It is also impacted by the complexity of legal issues arising in the course of an investigation.

If IBAC intends to include in a special report an adverse comment or opinion about any person, IBAC must first provide the person a reasonable opportunity to respond and IBAC must fairly set out each element of the person's response in the report.⁴⁶

⁴³ Victoria Elliott, Commissioner, IBAC, public hearing, Melbourne, 11 November 2024, *Transcript of evidence*, p. 14.

⁴⁴ Dr Tim Read MP, Chair, Integrity and Oversight Committee, to Victoria Elliott, Commissioner, IBAC, correspondence, 25 November 2024, p. 3.

⁴⁵ Ibid.

⁴⁶ IBAC, Response to Integrity and Oversight Committee questions on notice, 17 January 2025, p. 6.

IBAC explained that the time taken to complete these requirements will vary depending on ‘the complexity and size of the response’ and how many people are making these responses.⁴⁷

Recognising the importance of both the natural justice process protections and of how ‘delays can adversely affect witnesses and the positive impact of special reports themselves’, IBAC has made a number of enhancements to its operations ‘to help streamline the investigation and reporting process’.⁴⁸ These include the introduction of the Investigations Framework and External Communication and Reporting Framework.⁴⁹

RECOMMENDATION 3: That the Independent Broad-based Anti-corruption Commission (IBAC) review and report to the Committee on:

- the processes involved in the timely completion and reporting on investigations through special reports, identifying any improvements made or planned by IBAC
- whether legal reforms, if any, are necessary in this area.

2.3 Governance and workplace

2.3.1 External review of OH&S

IBAC engaged workplace risk assessment and risk management consultancy firm Risk Strategies to conduct a review of the agency’s implementation of its Health, Safety and Wellbeing Strategy 2021–23 (‘Strategy’).⁵⁰ In accordance with its previous acceptance of Recommendation 1 in the IOC’s *Inquiry into the performance of Victorian integrity agencies 2019/20* report, IBAC reported to the Committee on the outcome of the review.⁵¹

IBAC informed the Committee that the review was completed in May 2023, by which time 70% of the Strategy had been implemented. The Strategy was assessed against the Victorian Public Sector Commission’s (VPSC) *Leading the Way* framework for Occupational Health and Safety (OH&S) management in the Victorian public sector, and International Standard ISO 45001, which specifies the requirements of a best practice OH&S management system.⁵²

⁴⁷ Ibid.

⁴⁸ Ibid.

⁴⁹ IBAC, Response to Integrity and Oversight Committee questions on notice, 17 January 2025, p. 6. See also IBAC, *Annual report 2023/24*, Melbourne, 2024, pp. 6, 13, 21, 38; IBAC, *Annual plan 2024/25*, Melbourne, 2024, pp. 6–7.

⁵⁰ IBAC, Response to Integrity and Oversight Committee questions on notice, 1 June 2023, p. 5.

⁵¹ See Parliament of Victoria, IOC, *Inquiry into the performance of Victorian integrity agencies 2019/20*, Melbourne, November 2021, p. 32; Hon Robert Redlich AM KC, Commissioner, IBAC, to Hon Jill Hennessy MP, Chair, Integrity and Oversight Committee, correspondence, 17 February 2022; Parliament of Victoria, IOC, *Performance of the Victorian integrity agencies 2020/21: focus on witness welfare*, Melbourne, October 2022, pp. 81–82; IBAC, Response to Integrity and Oversight Committee questions on notice, 23 December 2024, pp. 9–10.

⁵² IBAC, Response to Integrity and Oversight Committee questions on notice, 23 December 2024, p. 9.

IBAC reported that the Strategy received a score of 60% against the VPSC framework, which places it in the lower range of the 'Consolidation' maturity level rating.⁵³ This is the second-highest maturity rating, and means, among other things, that senior management is engaged in OH&S leadership and that the agency has clear OH&S 'management systems and practices' that are reviewed regularly to ensure their effectiveness.⁵⁴

In response to the findings and recommendations of the Risk Strategies review, IBAC:

- has implemented risk registers and assessments to ensure that the effectiveness of risk-control strategies are reviewed regularly
- has updated its employee performance reviews to include an objective relating to the Health, Safety and Wellbeing Strategy
- has implemented a quarterly workplace inspection and reporting requirement for all designated work groups to the Health, Safety and Wellbeing Strategy Manager
- is in the process of conducting a training needs analysis, including identifying the 'mandatory risk-based training obligations'⁵⁵ for all roles.⁵⁶

IBAC informed the Committee that its Health, Safety and Wellbeing Strategy 2025–28 is in development and will include a 'mental health framework' and 'accessibility action plan'.⁵⁷

2.3.2 Workplace culture

IBAC's 2024 People Matter Survey (PMS) results, which will be published on the VPSC's website in 2025, indicate that IBAC has continued its excellent progress in reducing workplace discrimination and sexual harassment. However, the significant progress that IBAC had made with respect to workplace violence or aggression in 2022 has stalled and workplace bullying remains high.⁵⁸ There are also indications that employee engagement may be waning, given that only 73% of IBAC's staff completed

⁵³ Ibid.

⁵⁴ Victorian Public Sector Commission (VPSC), *Leading the way: improving health and safety in government workplaces*, Version 1.0, Melbourne, May 2019, p. 12.

⁵⁵ IBAC, Response to Integrity and Oversight Committee questions on notice, 23 December 2024, p. 10.

⁵⁶ Ibid., pp. 9–10.

⁵⁷ Ibid., p. 10.

⁵⁸ In 2024, 2.4% of survey respondents reported that they had experienced workplace discrimination, lower than IBAC's comparator group and the broader Victorian public sector, while 3.7% of 2023 survey respondents had. IBAC has made significant progress in this area since its 2019 high of 11%. In 2024, 3.3% of survey respondents reported that they had experienced workplace sexual harassment, marginally higher than the IBAC's comparator group but lower than the broader Victorian public sector, while 4.9% of 2023 survey respondents had. IBAC has made significant progress in this area since its 2019 high of 13%. On the other hand, in 2024, 16% of survey respondents had experienced workplace bullying (higher than its 2019 high of 14%) and 8.5% of survey respondents had experienced workplace violence or aggression (lower than its 2020 high of 15%). The incidence of workplace bullying in 2024 was almost double the rate of IBAC's comparator group (8.9%) and significantly higher than the broader Victorian public sector (11.2%), while the incidence of violence or aggression was higher than IBAC's comparator group, but lower than the broader Victorian public sector (10%)—VPSC, *Independent Broad-based Anti-corruption Commission 2024 People Matter Survey results report*, Melbourne, 2024 ('IBAC 2024 PMS results'), p. 23; Parliament of Victoria, IOC, *Performance of the Victorian integrity agencies 2021/22*, Melbourne, November 2023, pp. 54–55.

the PMS in 2024 compared with 89% in 2023 and that IBAC's employee engagement score was lower than its comparator group and the broader Victorian public sector.⁵⁹

In 2024, 16% of all survey respondents (34 people) had experienced workplace bullying at IBAC within the preceding 12 months.⁶⁰ The incidence of bullying is now higher than it was in 2019—when 14% of respondents had experienced workplace bullying—in which year the Committee first expressed concerns about the agency's workplace culture.⁶¹ However, the number of IBAC staff impacted by bullying is now likely to be greater than it was in 2019 given that IBAC's workforce had expanded from 195 people in 2019/20 to 270 people in 2023/24.⁶²

Workplace bullying due to withholding essential job-related information, assigning impossible tasks, or intimidatory and/or threatening behaviour, increased significantly in 2024. The incidence of these kinds of bullying was higher than in IBAC's comparator group and across the broader Victorian public sector.⁶³ Worryingly, though unsurprising given the kinds of bullying reported, 59% of the 34 respondents who reported experiencing bullying in the 2024 survey nominated their manager or supervisor as the perpetrator and 29% of these respondents reported that the perpetrator held a senior or executive leadership position within IBAC.⁶⁴

In its *Performance of the Victorian integrity agencies 2021/22* report, the Committee suggested that IBAC had further work to do to encourage a speak-up culture with respect to workplace bullying.⁶⁵ IBAC's 2024 PMS results indicate that the agency is making progress in this area. Significantly more 2024 survey respondents who had experienced bullying reported it to IBAC's Human Resources (HR) department and the agency's peer support officers and external Employee Assistance Program (EAP) provider than in 2023.⁶⁶ IBAC's 2024 results also indicated that survey respondents were more likely to tell the perpetrator that their conduct was unacceptable, and not to have made a formal complaint because they had made the bullying stop, than they were in 2023.⁶⁷

⁵⁹ VPSC, 'IBAC 2024 PMS results', pp. 7, 9.

⁶⁰ Ibid., pp. 23–24.

⁶¹ Parliament of Victoria, IOC, *Performance of the Victorian integrity agencies 2021/22*, Melbourne, November 2023, p. 54; VPSC, *Benchmark results report: People Matter Survey 2019—Independent Broad-based Anti-corruption Commission*, Melbourne, 2019, p. 9 ('IBAC 2019 PMS results'); Parliament of Victoria, IOC, *Inquiry into the performance of Victorian integrity agencies 2019/20*, Melbourne, November 2021, pp. 28–32.

⁶² IBAC, *Annual report 2019/20*, Melbourne, 2020, p. 82; IBAC, *Annual report 2023/24*, Melbourne, 2024, p. 106.

⁶³ In 2024, 44% of survey respondents who reported experiencing workplace bullying reported that essential information had been withheld from them, while 33% of 2023 respondents had. This was significantly higher than the results for IBAC's comparator group (36%) and the broader Victorian public sector (33%). In 2024, the incidence of respondents reporting having been bullied by being assigned impossible tasks was 12%, an increase from 0% in 2023, though on a par with IBAC's comparator group and the broader Victorian public sector. Finally, bullying by intimidatory and/or threatening behaviour increased from 27% in 2023 to 38% in 2024, significantly higher than IBAC's comparator group (23%) and the broader Victorian public sector (28%)—VPSC, 'IBAC 2024 PMS results', p. 24.

⁶⁴ VPSC, 'IBAC 2024 PMS results', p. 27.

⁶⁵ Parliament of Victoria, IOC, *Performance of the Victorian integrity agencies 2021/22*, Melbourne, November 2023, pp. 55–56.

⁶⁶ In 2024, 50% of survey respondents who reported experiencing workplace bullying told Human Resources (HR) and 18% told IBAC's peer support officers or the Employee Assistance Program (EAP), while, in 2023, only 21% and 6% respondents had. This was higher than IBAC's comparator group and the broader Victorian public sector—VPSC, 'IBAC 2024 PMS results', p. 25.

⁶⁷ VPSC, 'IBAC 2024 PMS results', pp. 25–26.

The Committee also notes that IBAC introduced the Stopline reporting system in response to its 2022 PMS results, which, as IBAC explained, is an ‘external independent reporting service’ that allows its staff and contractors to complain anonymously and report negative workplace behaviour.⁶⁸

However, formal complaints about workplace bullying at IBAC remain low, with only 12% (4 people) of 2024 survey respondents who experienced bullying making a formal complaint.⁶⁹ While a significant proportion of respondents who experienced bullying in 2024, 27% (8 people), reported that the bullying was not sufficiently serious to warrant a formal complaint, far greater numbers did not complain because they did not think it would make a difference, believed that there would be negative consequences for their career, or did not feel safe to make a complaint. IBAC performed significantly worse in these categories in 2024 than in 2023.⁷⁰ Troublingly, there was also a 10% increase in the incidence of respondents not complaining because they were advised not to.⁷¹

Finally, it is telling that the PMS question where the greatest decline between IBAC’s 2023 and 2024 results was observed was, ‘My organisation takes steps to eliminate bullying, harassment and discrimination’, with only 65% of 2024 respondents agreeing with this statement.⁷²

Positively, the percentage of 2024 survey respondents that reported experiencing workplace violence or aggression (8.5%, 18 people) is significantly lower than IBAC’s 2020 high (15%),⁷³ was only marginally higher than its comparator group, and was lower than the broader Victorian public sector.⁷⁴ However, the 2024 results represent a significant increase from 2022, during which year 10 respondents reported experiencing violence or aggression.⁷⁵ The 2024 survey respondents also reported higher rates of threats of violence and stalking than in 2023.⁷⁶

The Committee notes that the PMS category of workplace ‘violence or aggression’ is *not* confined to the behaviour of colleagues, and includes the behaviour of members of the public affecting IBAC officers in connection with the performance of their duties. However, of the survey respondents that reported experiencing workplace violence or

⁶⁸ IBAC, Response to Integrity and Oversight Committee questions on notice, 23 December 2024, p. 2.

⁶⁹ VPSC, ‘IBAC 2024 PMS results’, p. 25.

⁷⁰ In 2024, regarding the 30 survey respondents who reported experiencing workplace bullying but did not submit a formal complaint, 57% (17 people) reported that they did not consider it would make any difference (compared with 39% in 2023), 53% (16 people) were concerned about negative career consequences (compared with 46% in 2023), while 27% (8 people) did not feel safe to make a complaint (compared with 14% in 2023)—VPSC, ‘IBAC 2024 PMS results’, p. 26.

⁷¹ In 2024, regarding survey respondents who reported experiencing workplace bullying, 10% (3 people) reported that they did not make a formal complaint because they were advised not to, compared with 0% in 2023—VPSC, ‘IBAC 2024 PMS results’, p. 26.

⁷² VPSC, ‘IBAC 2024 PMS results’, p. 42.

⁷³ VPSC, ‘IBAC 2024 PMS results’, pp. 7, 23, 31; Parliament of Victoria, IOC, *Performance of the Victorian integrity agencies 2021/22*, Melbourne, November 2023, p. 55.

⁷⁴ VPSC, ‘IBAC 2024 PMS results’, p. 23.

⁷⁵ Parliament of Victoria, IOC, *Performance of the Victorian integrity agencies 2021/22*, Melbourne, November 2023, p. 55.

⁷⁶ In 2024, regarding survey respondents who reported experiencing workplace violence or aggression, 33% (6 people) reported that the behaviour involved threats of violence (compared with 28% in 2023), while 6% (2 people) reported that the behaviour involved stalking (compared with 0% in 2023)—VPSC, ‘IBAC 2024 PMS results’, p. 31.

aggression at IBAC in 2024, 67% (12) reported that it was perpetrated from *within* the agency.⁷⁷

The work IBAC has done to date to foster a speak-up culture appears to be taking effect. While, in 2022, none of the respondents who reported experiencing workplace violence or aggression made a formal complaint, 28% of the 2023 respondents and 22% (4 people) of the 2024 respondents made a formal incident report.⁷⁸

The Committee, however, considers that IBAC has further work to do to encourage a speak-up culture with respect to workplace violence and aggression, including by fostering greater trust in its complaints processes and procedures. Only 11% (2 people) of the 18 respondents who reported experiencing violence or aggression in IBAC's 2024 PMS notified HR, while only 6% (1 person) notified IBAC's peer support officers or EAP.⁷⁹ Further, far greater numbers of the 2024 respondents indicated that they did not make a formal incident report because they did not think it would make a difference, feared negative career consequences, did not feel safe to make a complaint or were advised not to—at higher rates than within IBAC's comparator group or across the broader Victorian public sector.⁸⁰ A significant portion of these respondents were also deterred by the perceived difficulty of IBAC's complaints process.⁸¹

The Committee is pleased that IBAC is taking action to understand and address the issues raised in its 2024 PMS results.

IBAC informed the Committee that its 2024 PMS results have been presented to staff.⁸² Further, divisional heads have created action plans to address key themes that staff in each division want to see addressed over the next year, as well as Cultural Action Plans listing the actions that will be taken to address each theme. A progress update will be provided to staff quarterly. Finally, IBAC's executive is developing a Senior Leadership Cultural Action Plan to address the key themes they have decided the agency needs to take action on. The work required to action each theme will be completed by 'dedicated working groups' established for this purpose.⁸³

The Committee will monitor the success of the actions that IBAC is taking in response to its 2024 PMS results to ensure that they bring about measurable improvements

⁷⁷ VPSC, 'IBAC 2024 PMS results', p. 35.

⁷⁸ Parliament of Victoria, IOC, *Performance of the Victorian integrity agencies 2021/22*, Melbourne, November 2023, p. 55; VPSC, *Independent Broad-based Anti-corruption Commission 2023 People Matter Survey results*, Melbourne, 2023, p. 36 (VPSC, 'IBAC 2023 PMS results'); VPSC, 'IBAC 2024 PMS results', p. 32.

⁷⁹ VPSC, 'IBAC 2024 PMS results', p. 32.

⁸⁰ In 2024, regarding the 14 survey respondents who reported experiencing workplace violence or aggression but did not submit a formal incident report, 64% (9 people) reported that they did not consider it would make any difference (compared with 23% in 2023), 64% (9 people) were concerned about negative career consequences (compared with 46% in 2023), 21% (3 people) did not feel safe to make a complaint (compared with 8% in 2023), while 21% (3 people) were advised not to (compared with 0% in 2023)—VPSC, 'IBAC 2024 PMS results', p. 33.

⁸¹ In 2024, regarding the 14 survey respondents who reported experiencing workplace violence or aggression but did not submit a formal incident report, 29% (4 people) reported that they thought IBAC's complaints process would be difficult or embarrassing (compared with 22% in 2023)—VPSC, 'IBAC 2024 PMS results', p. 33.

⁸² IBAC, Response to Integrity and Oversight Committee questions on notice, 23 December 2024, p. 1.

⁸³ Ibid., p. 2.

in its future PMS results. To that end, the Committee looks forward to IBAC reporting to it on the key themes identified in the Cultural Action Plans and Senior Leadership Cultural Action Plans created to address the agency's 2024 PMS results, including an accounting of the actions that the agency intends to take, and/or has taken, in accordance with the Plans.

IBAC recognises the importance of workplace culture in preventing misconduct and corruption.⁸⁴ Given its pivotal role in the Victorian integrity system, the public rightly expects IBAC to be a leader with respect to its own workplace culture.

RECOMMENDATION 4: That, regarding the Independent Broad-based Anti-corruption Commission's (IBAC) 2024 People Matter Survey results, IBAC report to the Committee on the key themes identified in its Cultural Action Plans and Senior Leadership Cultural Action Plans, including an accounting of the actions that the agency intends to take and/or has taken in accordance with the Plans.

2.3.3 Employee turnover and vacancy rate

Following the findings of the 2022 inaugural independent performance audit of IBAC with respect to its recruitment and retention of staff, the Committee expressed concern about the agency's high staff turnover rate.⁸⁵

Pleasingly, the significant changes that IBAC has made to its recruitment processes since the audit appear to be taking effect. IBAC reported that its staff turnover rate for the whole organisation (exits from the organisation) was 13% for the 2023/24 reporting period, down from 26.7% in 2021/22 and 20% in 2022/23.⁸⁶ IBAC also reported that its current vacancy rate of 10% (approximately 27 positions) has remained stable over recent years and that a number of hard-to-fill positions have been successfully filled.⁸⁷ The Committee commends IBAC on these improvements.

Notwithstanding these improvements, there are clear indications that IBAC has further work to do to with respect to staff retention. IBAC's 2024 PMS results reflect that 17.5% (37 people) of survey respondents were planning to leave the agency within six months—a significant increase from the 11.4% (28 people) of respondents that indicated this in 2023—and much higher than IBAC's comparator group (9.2%) and the broader Victorian public sector (7%).⁸⁸ Further, only 18% of survey respondents indicated that they were planning to stay at the agency for over 5 years, much lower

⁸⁴ Alison Byrne, CEO, IBAC, *The importance of building a good organisational culture (IBAC Insights, Issue 41, October 2024)*, 17 October 2024, <<https://www.ibac.vic.gov.au/the-importance-of-building-a-good-organisational-culture>> accessed 7 January 2025.

⁸⁵ Parliament of Victoria, IOC, *Performance of the Victorian integrity agencies 2021/22*, Melbourne, November 2023, pp. 56–58.

⁸⁶ IBAC, Response to Integrity and Oversight Committee questions on notice, 1 June 2023, p. 6; IBAC, Response to Integrity and Oversight Committee questions on notice, 23 December 2024, p. 3.

⁸⁷ IBAC, Response to Integrity and Oversight Committee questions on notice, 23 December 2024, p. 3; IBAC, *Annual report 2023/24*, Melbourne, 2024, p. 106.

⁸⁸ VPSC, 'IBAC 2024 PMS results', pp. 7, 12; VPSC, 'IBAC 2023 PMS results', pp. 8, 17.

than IBAC's comparator group (30%) and the broader Victorian public sector (42%).⁸⁹ Finally, survey respondents reported relatively low levels of satisfaction with IBAC's prioritisation of learning and development, career development and opportunities for career progression at the agency, and the fairness of the agency's promotion processes.⁹⁰

The Committee is reassured that IBAC is taking staff retention very seriously and looks forward to hearing about its continued improvements in this area. As the Chief Executive Officer explained at the Committee's public hearing with IBAC for this review:

[H]aving capable and experienced staff is paramount to IBAC achieving its purpose. Having the right people in the right jobs, letting them do it is really important and keeping them is really important.⁹¹

2.4 Accountability

2.4.1 Complaints to the IOC about IBAC

The IOC is expressly prohibited, under s 7(2) of the *Parliamentary Committees Act 2003* ('*PC Act 2003* (Vic)'), from investigating or reviewing any investigation of any complaint made to IBAC. The IOC is further prohibited from reviewing any decision by IBAC to investigate, not investigate or discontinue investigating any complaint. In addition, the IOC is not authorised to 'review any findings, recommendations, determinations or other decisions' of IBAC in relation to a complaint.

The IOC receives complaints about IBAC as part of its broad performance-monitoring function under s 7(1) of the *PC Act 2003* (Vic). The Committee's role in relation to such complaints is to consider whether any aspects of IBAC's handling of a matter raise issues that have broader implications for the performance of the agency's duties and functions at a systemic (that is, agency-wide) level.

In 2022/23, the IOC received 7 complaints about IBAC, 4 of which were within the Committee's jurisdiction, and finalised 6. For details, see Table 2.5, below. The complaints related to IBAC's dismissal of complaints, delay in finalising its assessment of complaints and responding to correspondence, and legislative-reform issues related to IBAC's complaint-handling function.

⁸⁹ VPSC, 'IBAC 2024 PMS results', p. 17.

⁹⁰ In 2024, 42% of IBAC's People Matter Survey (PMS) respondents were satisfied with opportunities for career progression within IBAC, 51% of respondents were satisfied that learning and development was prioritised by the agency, 53% of respondents agreed that IBAC's promotion processes were fair, and 52% of respondents were satisfied with their career development at IBAC—VPSC, 'IBAC 2024 PMS results', p. 40.

⁹¹ Alison Byrne, Chief Executive Officer, IBAC, public hearing, Melbourne, 11 November 2024, *Transcript of evidence*, p. 18.

Table 2.5 Complaints about IBAC received and finalised by the IOC in 2022/23

Within jurisdiction	4
Complaints received and finalised in 2022/23	6
Complaints received in 2022/23 and finalised in 2023/24	1
Closed after assessment, without enquiries	4
Closed, following enquiries	3
Systemic performance issues identified	0

Source: Devised from IOC complaints data.

2.4.2 IBAC’s response to IOC report recommendations

2019/20 performance review report

The Committee’s report on its review of IBAC’s 2019/20 performance, published in November 2021, made one recommendation to the agency.⁹² At the request of the Committee, IBAC provided an update on the implementation status of the recommendation that the agency had accepted but not implemented in 2021/22, as detailed in Table 2.6, below.⁹³

Table 2.6 Implementation status of outstanding recommendation (2019/20 performance review report) accepted by IBAC

No.:	Description	Implementation progress
1	Review OH&S strategies, policies and practices, focusing on bullying, sexual harassment and occupational violence and discrimination, and report to the IOC on the methodologies, process and outcomes of the review.	Fully implemented

Source: Adapted from Parliament of Victoria, IOC, *Inquiry into the performance of Victorian integrity agencies 2019/20*, Melbourne, November 2021, p. 32; IBAC, Response to Integrity and Oversight Committee questions on notice, 23 December 2024, pp. 9–10.

⁹² Parliament of Victoria, IOC, *Inquiry into the performance of Victorian integrity agencies 2019/20*, Melbourne, November 2021, p. 32.

⁹³ Dr Tim Read MP, Chair, Integrity and Oversight Committee, to Victoria Elliott, Commissioner, IBAC, correspondence, 25 November 2024, pp. 3, 4; Parliament of Victoria, IOC, *Performance of the Victorian integrity agencies 2020/21: focus on witness welfare*, Melbourne, October 2022, pp. 81–82; IBAC, Response to Integrity and Oversight Committee questions on notice, 23 December 2024, p. 11–12.

Education and prevention functions report

The Committee's *Inquiry into the education and prevention functions of Victoria's integrity agencies* report, published in April 2022, made 11 recommendations to IBAC.⁹⁴ IBAC accepted all recommendations except Recommendation 5, which it accepted 'in principle'.⁹⁵

At the request of the Committee, IBAC provided an update on the implementation status of the recommendations that the agency had accepted but not fully implemented in 2021/22, as detailed in Table 2.7, below.⁹⁶

Table 2.7 Implementation status of outstanding IOC recommendations (education and prevention functions report) accepted by IBAC

No.:	Description	Implementation progress
1	Establish a community education and stakeholder engagement program for vulnerable complainants focusing on police oversight and police-related complaints	Fully implemented through IBAC's Focus Communities Strategy 2021–23
2	Develop tailored resources to support the community education and stakeholder engagement program	Fully implemented through IBAC's Focus Communities Strategy 2021–23
4	Publish clear and consistent information on how IBAC protects the anonymity of anonymous disclosers	Fully implemented
5	Provide PID Coordinators with technical information and guidance on the handling of PIDs made by anonymous disclosers	Considered, not implemented. IBAC considers that—since there are PID Coordinators 'within almost every public sector department and agency ... each with their own IT systems and applications for the collection of reports'—that it is 'not practical for IBAC to advise PID Coordinators how to receive and store reports of wrongdoing'.
6	Consider implementing secure dropbox technology to facilitate communication with anonymous disclosers	Not implemented. IBAC is looking to enhance complainant experience by improving its online complaint form and complainants' capacity 'to provide documents to support their complaint or notification'. IBAC has not expressed a view on whether it might consider implementing secure dropbox technology to facilitate anonymous communications, including reporting.

No.:	Description	Implementation progress
13	Develop systematic, comprehensive and evidence-based frameworks for measuring the quality and impact of IBAC's prevention and education initiatives	Partially implemented. IBAC has developed 'an organisational integrity maturity (OIM) framework to enable public sector agencies to understand and measure their integrity maturity'. After consulting with the Prevention and Education Advisory Committee (PEAC), IBAC has developed:
14	Collaborate with OVIC, the VO and the VI on large-scale data collection projects to support the measurement framework	<ul style="list-style-type: none"> • 'new output measures'—number of police-misconduct and public-sector corruption-prevention initiatives and 'average satisfaction' with them; and • 'new outcome measures'—percentage of police and public sector staff intending to apply, in their own organisations, lessons learnt at IBAC education sessions on corruption and misconduct prevention; formal IBAC recommendations and 'requests' accepted by Victoria Police; and formal IBAC recommendations accepted by public sector agencies. <p>Additionally, IBAC has introduced new measures regarding 'confidence' in the agency's police-misconduct and public-sector and local-government 'information and education'.</p>
15	Include, in IBAC's annual reports, a dedicated section on the measurement of the quality and impact of its prevention and education initiatives	Fully implemented. As IBAC refines the measurement of its corruption prevention and education initiatives over time, the reporting on measurement in its annual reports will be expanded.
16	Include, in IBAC's annual reports, an account of the recommendations it has made	Fully implemented

Source: Adapted from Parliament of Victoria, IOC, *Inquiry into the education and prevention functions of Victoria's integrity agencies*, Melbourne, April 2022, pp. 90, 105, 107, 168; IBAC, Response to Integrity and Oversight Committee questions on notice, 23 December 2024, pp. 10–11; IBAC, Response to Integrity and Oversight Committee questions on notice, 17 January 2025, pp. 8–9; IBAC, *Annual plan 2024/25*, Melbourne, 2024, p. 11.

2020/21 performance review report

The Committee's report on its review of IBAC's 2020/21 performance, published in October 2022, made three recommendations to the agency.⁹⁷ IBAC accepted all recommendations except Recommendation 6, which it accepted 'in principle'.⁹⁸

At the request of the Committee, IBAC provided an update on the implementation status of the recommendations that the agency had accepted but not fully implemented in 2021/22, as detailed in Table 2.8, below.⁹⁹

⁹⁷ Parliament of Victoria, IOC, *Performance of the Victorian integrity agencies 2020/21: focus on witness welfare*, Melbourne, October 2022, pp. 79–81.

⁹⁸ Parliament of Victoria, IOC, *Performance of the Victorian integrity agencies 2021/22*, Melbourne, November 2023, pp. 22–23, 24 (quotation), 25–26.

⁹⁹ Dr Tim Read MP, Chair, Integrity and Oversight Committee, to Victoria Elliott, Commissioner, IBAC, correspondence, 25 November 2024, pp. 3, 5; IBAC, Response to Integrity and Oversight Committee questions on notice, 23 December 2024, p. 11–12.

Table 2.8 Implementation status of outstanding IOC recommendations (2020/21 performance review report) accepted by IBAC

No.:	Description	Implementation progress
5	<p>Update policies and procedures to provide guidance on decision-making regarding confidentiality-notice variation requests and complaints about reputational harm or damage in connection with IBAC's public examinations</p> <hr/> <p>Consider developing an application form for persons wanting to disclose a specified matter in a confidentiality notice to a third party</p> <hr/> <p>Capture data relating to confidentiality-notice variation requests and complaints received about reputational harm or damage in connection with IBAC's public hearings</p>	<p>Implementation underway and expected to be completed during February 2025.</p> <p>IBAC has:</p> <ul style="list-style-type: none"> • 'updated its Confidentiality Notice procedural guidance', including 'detailed processes for requests for disclosure variation'. This includes a new application form for applicants seeking permission to make a disclosure to a third party and the appropriate recording and assessment of these requests • introduced an enhanced template to record variation requests and to capture 'decision considerations and activity' • implemented 'a new witness welfare policy' supported by 'a small team of witness liaison officers', together with updated information on summonses and correspondence 'sent to witnesses in relation to draft special reports' • implemented 'updated procedural requirements' re processes for 'recording and responding to applications for a public examination to be held in private' or witness-raised concerns that a 'public examination will cause unreasonable damage to that person's reputation, safety or wellbeing'—applicable systems updates to be 'implemented in February 2025' • 'implemented a register to track the exercise of its coercive powers'. <p>'Systems updates ... to capture data relating to complaints received regarding reputational harm or damage in connection with IBAC's public examinations'—to be 'implemented in February 2025'. In the interim, 'this data is being captured in a manual process'.</p>
6	<p>Explore the feasibility of:</p> <p>IBAC's EAP, with consent, making proactive contact with summons and confidentiality notice recipients</p> <p>IBAC's EAP, with consent, conducting hearing welfare evaluations and assessments for recipients of summonses to attend a public examination</p> <p>IBAC's EAP establishing an informed-consent process and secure information-sharing platform to ensure the results of hearing welfare evaluations and assessments inform IBAC's operational risk assessments for public examinations</p> <p>IBAC's EAP offering public hearing examinees proactive periodic mental wellbeing check-in calls during an investigation</p>	<p>Considered, not implemented. IBAC considers that witnesses are appropriately supported through its new Witness Liaison Team, which was established after the recommendation was made. In this connection, the team assists with developing witness communication plans; proactively engages with witnesses during key events; and provides information about, and referrals to, external welfare support services, including IBAC's EAP. IBAC's EAP also provides on-site witness support services, for example, at private examinations.</p>

No.:	Description	Implementation progress
7	Update policies and procedures to provide guidance on decision-making regarding requests under s 117(3A)(a) of the <i>IBAC Act 2011</i> (Vic)	Implementation well underway, for completion in 2025. In consultation with the VI, IBAC has developed a draft 'Guide for witnesses appearing in IBAC public examinations' that will be finalised and published on IBAC's website in 2025. The Guide will include, among other matters, guidance on what factors the Commissioner must consider when making a decision to hold a public examination and why such a decision may be made; decision-making regarding requests under s 117(3A)(a) of the <i>IBAC Act 2011</i> (Vic); and what may constitute 'unreasonable damage to a person's reputation, safety or wellbeing'.
	Consider developing an application form for persons wanting to exercise their rights under s 117(3A)(a) of the <i>IBAC Act 2011</i> (Vic)	Considered, not implemented. IBAC considers that requiring witnesses to make an application would be 'unreasonably restrictive'. ¹⁰⁰ Witnesses can make a s 117(3A)(a) request before and during an examination. A request can be made verbally.
	Capture data relating to requests received and own motion determinations made under s 117(3A) of the <i>IBAC Act 2011</i> (Vic)	Fully implemented

Source: Adapted from Parliament of Victoria, IOC, *Performance of the Victorian integrity agencies 2020/21: focus on witness welfare*, Melbourne, October 2022, pp. 79–81; Parliament of Victoria, IOC, *Performance of the Victorian integrity agencies 2021/22*, Melbourne, November 2023, pp. 22–27; IBAC, Response to Integrity and Oversight Committee questions on notice, 23 December 2024, pp. 6, 11–12; IBAC, Response to Integrity and Oversight Committee questions on notice, 17 January 2025, p. 9.

Independent performance auditor's 2022 audit report

The inaugural independent performance audit of IBAC was conducted in 2022 in accordance with ss 170–170A of the *IBAC Act 2011* (Vic). In its report on the audit, the independent performance auditor made 38 recommendations to IBAC.¹⁰¹ IBAC accepted all but one of the auditor's recommendations.¹⁰²

At the request of the Committee, IBAC provided an update on the implementation status of the 23 recommendations that the agency had accepted but not fully implemented in 2021/22, as detailed in Table 2.9, below.¹⁰³

¹⁰⁰ IBAC, Response to Integrity and Oversight Committee questions on notice, 23 December 2024, p. 12.

¹⁰¹ Parliament of Victoria, IOC, *The independent performance audits of the Independent Broad-based Anti-corruption Commission and the Victorian Inspectorate*, Melbourne, October 2022, Appendix C (audit of IBAC), pp. 10–23.

¹⁰² IBAC, Response to Integrity and Oversight Committee questions on notice, 30 June 2023, pp. 1–4.

¹⁰³ Dr Tim Read MP, Chair, Integrity and Oversight Committee, to Victoria Elliott, Commissioner, IBAC, correspondence, 25 November 2024, pp. 3, 5–7; IBAC, Response to Integrity and Oversight Committee questions on notice, 23 December 2024, pp. 12–16.

Table 2.9 Implementation status of outstanding recommendations (2022 audit report) accepted by IBAC

No.:	Description	Implementation progress
1.1.1	Implement the Balanced Scorecard and recommendations of the IOC's <i>Inquiry into the education and prevention functions of Victoria's integrity agencies</i> report	Fully implemented
1.1.3	Develop and implement a process to capture verbal complaints	Fully implemented
1.1.5	Track completion of key phases of an investigation (e.g., investigative activities; report writing; preparation of brief of evidence, court proceedings, etc.)	Fully implemented
1.1.6	Implement the Investigations Framework and underlying performance metrics	Fully implemented
1.1.8	Develop standardised reporting for the exercise of coercive powers, status of assessments and operations, and productivity of IBAC's assessment's function	Fully implemented
1.3.2	Implement the Intelligence Framework	Implementation well underway, for completion by June 2025. IBAC's implementation activities in 2024 included the development and roll-out of new policies, procedures and templates; staff training and development; and the establishment of internal oversight mechanisms
1.4.2	Improved reporting on performance against BP3 measures in annual reports	Fully implemented
2.1.1	Implement recording and reporting capability with respect to the exercise of investigative powers	Fully implemented
2.2.1	Update policies and procedures identified in IBAC's risk and assurance report to reflect current organisational processes	Fully implemented
2.2.2	Implement the Investigations Framework	Fully implemented
2.3.1	Identify and record shared risks (Governance and Risk Management frameworks)	Fully implemented
2.3.2	Identify and develop/implement an approach to managing State significant risks as required by the Victorian Government Risk Management Framework	Fully implemented
2.3.3	Develop a centralised register for recommendations directed to the IBAC and track and report on implementation progress	Fully implemented
2.5.2	Implement processes to ensure IBAC employees are aware of and acknowledge their security obligations and complete the annual Change of Circumstance declaration	Fully implemented

No.:	Description	Implementation progress
3.1.1	Conduct a costs versus benefits analysis of time-attribution for Operations on a task/activity basis and time-attribution for other non-corporate areas such as Legal	Partially implemented: <ul style="list-style-type: none"> • 'Time attribution for IBAC Operations is fully implemented'. • 'Time attribution for other non-corporate areas' being further considered by IBAC, which includes 'a cost-benefit analysis ... to assess whether' IBAC's 'new human resources system can cost efficiently, and effectively ... capture time attribution tasks in the new system for all business areas'.
3.3.2	Implement a resource planning system	Fully implemented: <p>'Whilst a suitable singular human resource system to achieve the recommendation has not been identified, IBAC has implemented a new human resource system in October 2024, effectively capturing staff leave, start and end dates of temporary or fixed term staff and further relevant human resourcing features. IBAC also effectively captures operational effort through time attribution on a task/activity basis (see recommendation 3.1.1)'. IBAC has also enhanced its 'operational governance and reporting, and aggregates these [,] providing effective oversight of operational capacity and the impacts of anticipated workload'.</p>
3.3.3	Enforce standard naming convention for TRIM documents	Fully implemented
3.6.1	Measure public trust and confidence in IBAC's prevention initiatives through biannual surveys, the results of which should be published	Fully implemented
4.3.1	Finalise guidance for IBAC staff on making a PID to the VI	Fully implemented
4.5.1	Implement the recommendations of the report by mwah (a workplace culture consulting company)	Outstanding recommendations fully implemented through IBAC's People Strategy 2023–26. IBAC's activities under the Strategy have included improving the agency's recruiting and performance processes, implementing a leadership development program, and developing a new Workplace Health and Safety Plan for roll-out in 2025
4.5.2	Address issues in IBAC's 2022 PMS results not covered by the mwah report and recommendations	Fully implemented. IBAC's assessment of the 2022 PMS results informed the development of its People Strategy 2023–26.
4.5.3	Implement IBAC's People Strategy 2022 and collect relevant data to assess its effectiveness	Fully implemented. IBAC has measured the success of the People Strategy 2019–2022 through its PMS results. Over the past three years, IBAC's employee engagement has increased year-on-year and employee confidence in the fairness of IBAC's recruiting and promotion processes has also improved.

No.:	Description	Implementation progress
4.6.1	Conduct a training needs analysis for Victorian public sector employees	Partially implemented with respect to the training needs analysis that was conducted of IBAC's Investigations Unit in 2023/24. IBAC will decide whether to conduct a training needs analysis for the broader organisation when it has reviewed the success of its People Strategy 2023–26.

Source: Adapted from Parliament of Victoria, IOC, *Performance of the Victorian integrity agencies 2021/22*, Melbourne, November 2023, pp. 61–65; IBAC, Response to Integrity and Oversight Committee questions on notice, 23 December 2024, pp. 12–16; IBAC, Response to Integrity and Oversight Committee questions on notice, 17 January 2025, pp. 9–11.

2021/22 performance review report

The Committee's report on its review of IBAC's 2021/22 performance, published in November 2023, made three recommendations to the agency.¹⁰⁴ As part of its 2022/23 annual performance review, the Committee asked IBAC about its acceptance of these recommendations.¹⁰⁵ IBAC's response is summarised in Table 2.10, below.¹⁰⁶

Table 2.10 Acceptance status of outstanding IOC recommendations (2021/22 performance review report)

No.:	Description	Acceptance status
1	That the Victorian Inspectorate be invited to join the Prevention and Education Advisory Committee (PEAC)	Considered, not accepted. PEAC Members do not consider it appropriate for the VI to join PEAC given their view that the VI does 'not perform a key prevention or education function'. ¹⁰⁷
2	That IBAC seek legal advice on whether its practice of providing embargoed copies of its special reports to media outlets in advance of tabling accords with the privileges of Parliament.	Fully implemented. IBAC sought legal advice on this issue, which supported that IBAC's practice accords with the privileges of Parliament.
3	That IBAC develop a policy identifying the basis upon which embargoed copies of special reports are provided to media outlets in advance of tabling to guide decision-making on such matters.	Recommendation accepted 'in principle' but not implemented. IBAC's account: 'The decision to provide pre-released embargoed copies of special reports to media is made by the Commissioner on a case-by-case basis. While IBAC does not consider the development of a specific policy on embargoed copies of special reports necessary, IBAC will make explicit amendments to its Media Policy to reflect this position.'

Source: Adapted from Parliament of Victoria, IOC, *Performance of the Victorian integrity agencies 2021/22*, Melbourne, November 2023, pp. 44, 53; IBAC, Response to Integrity and Oversight Committee questions on notice, 23 December 2024, p. 16; IBAC, Response to Integrity and Oversight Committee questions on notice, 17 January 2025, p. 11; Victoria Elliott, Commissioner, IBAC, correspondence, 3 March 2025.

¹⁰⁴ Parliament of Victoria, IOC, *Performance of the Victorian integrity agencies 2021/22*, Melbourne, November 2023, pp. 44, 53.
¹⁰⁵ Dr Tim Read MP, Chair, Integrity and Oversight Committee, to Victoria Elliott, Commissioner, IBAC, correspondence, 25 November 2024, pp. 3, 7.
¹⁰⁶ IBAC, Response to Integrity and Oversight Committee questions on notice, 23 December 2024, p. 16.
¹⁰⁷ Ibid.

2.5 Conclusion

In 2022/23, IBAC continued its strong 2021/22 performance with respect to police-related reviews, reviewing 192 Victoria Police investigations of referred complaints, over 50% of all matters referred. This important work resulted in IBAC requesting further action to be taken in some matters and making recommendations in others, improving Victoria Police's capacity to prevent, detect and investigate police misconduct and corruption. IBAC's Police Risk System, introduced in 2021/22, appears to be working well and having positive impacts on IBAC's police-related assessments, investigations, review and prevention work. For the benefit of the public, it will be important for IBAC to find suitable ways of reporting on the ongoing impact and benefits of the Police Risk System, particularly with respect to its corruption-prevention and education function.

IBAC did not meet any of its 2022/23 BP3 performance targets for its assessments function, which is demonstrative of a long-term trend. The Committee considers that IBAC's public performance reporting does not adequately capture the complexity of its assessments function or the impact of its stated improvements in this area. Consequently, the Committee has recommended that IBAC find more effective ways of demonstrating, in its public performance reporting, the stated impact of improvements to the productivity and efficiency of its assessments function, including more meaningful data-points.

IBAC has continued its excellent progress in reducing the incidence of workplace discrimination and sexual harassment. Troublingly, however, the significant progress IBAC made in 2021/22 with respect to workplace bullying and violence, has stalled. Moreover, the rate of workplace bullying reported by respondents to IBAC's 2024 PMS was higher than it was when the Committee first expressed concerns about the agency's workplace culture in its review of IBAC's 2019/20 performance, and formal complaints about bullying remain low.

The Committee is pleased that IBAC is taking action to understand and address the issues raised in its 2024 PMS results and that it has utilised the services of the external Stopline reporting system to facilitate anonymous reporting of negative workplace behaviour by staff. The Committee will monitor the success of the actions that IBAC is taking and, to that end, has recommended that the agency report to it on the key themes identified in its Cultural Action Plans and Senior Leadership Cultural Action Plans, including an accounting of the actions that the agency intends to take and/or has taken in accordance with the Plans.

Importantly, IBAC has implemented, or made significant progress in implementing, the majority of outstanding recommendations of the IOC and the independent performance auditor. The Committee particularly commends the work that IBAC has done to significantly reduce its high employee turnover rate.

Chapter 3

Integrity Oversight Victoria

3.1 Introduction

3

Integrity Oversight Victoria (IOV) has extensive oversight functions and powers in relation to Victorian integrity bodies, including the Independent Broad-based Anti-corruption (IBAC), the Office of the Victorian Information Commissioner (OVIC), the Parliamentary Workplace Standards and Integrity Commission (PWSIC) and the Victorian Ombudsman (VO).¹ This includes specific jurisdiction, under particular conditions, to receive, assess and investigate complaints and public interest disclosures (PIDs) about the conduct of these bodies and officers; to monitor compliance with legislative and record-keeping requirements; and to review certain policies and procedures.² IOV can also initiate investigations and inquiries into these bodies on its own motion, make private and public recommendations, and table reports in the Parliament of Victoria.³

In exercising its oversight functions, IOV gives particular attention to integrity bodies' use of coercive and covert powers, the summoning and questioning of persons during investigations, the conduct of undercover ('controlled') operations, the interception of telecommunications, and the deployment of surveillance devices.⁴

The Integrity and Oversight Committee (IOC) monitors and reviews the performance of IOV, except with respect to officers of the Victorian Auditor-General's Office (VAGO).⁵

In what follows, the IOC reviews the performance of IOV in the following areas: complaint handling (including the receipt and handling of anonymous complaints), and accountability with a focus on IOV responses to IOC recommendations. Note that IOV's role in oversight responses to police-perpetrated family violence is examined in Chapter 6.

¹ *Integrity Oversight Victoria Act 2011* (Vic) ('IOV Act 2011 (Vic)'), especially ss 1, 5, 11–14.

² *IOV Act 2011* (Vic); *Public Interest Disclosures Act 2012* (Vic) ('PID Act 2012 (Vic)'); Victorian Inspectorate (VI), *Annual report 2018–19*, Melbourne, 2019, pp. 5–8, 10, 14–27; *Public Interest Monitor Act 2011* (Vic); VI, Response to Integrity and Oversight Committee questions on notice, 16 January 2020, especially pp. 5, 13–27.

³ *IOV Act 2011* (Vic); VI, *Annual report 2018–19*, Melbourne, 2019, pp. 5–27.

⁴ VI, *Annual report 2018–19*, Melbourne, 2019, pp. 5–10, 14–27; *IOV Act 2011* (Vic).

⁵ *Parliamentary Committees Act 2003* (Vic) ('PC Act 2003 (Vic)') s 7(1). The Victorian Parliament's Public Accounts and Estimates Committee (PAEC) reviews the performance of IOV with respect to Victorian Auditor-General's Office (VAGO) officers: *PC Act 2003* (Vic) s 14(1)(ab)–(ad); VI, *Annual report 2018–19*, Melbourne, 2019, p. 14.

3.2 Complaint handling

3.2.1 IOV's timeliness in finalising complaints

In the Committee's *Performance of the Victorian integrity agencies 2021/22* report, the Committee noted that IOV's delay in finalising complaints was a significant ongoing issue for the agency, despite the promising progress it had made in improving the timeliness of its complaints function.⁶

In 2023/24, the IOC received a cluster of complaints relating to IOV's delay in updating complainants on the progress of their complaint in accordance with its Service Charter, as well as its delay in finalising the assessment of complaints. Consequently, the Committee made enquiries with IOV to determine the nature and extent of the issue.⁷

The Committee was informed that IOV experienced critical staffing shortages in its complaints team for part of 2023/24. However, the Committee is pleased to report that, since April 2024, IOV's complaints team has been 'fully staffed', comprising a Manager Complaints, four Victorian public sector (VPS) Grade 5 Senior Complaints Officers (three FTE,⁸ one PTE⁹), an Enquiries Officer and a PTE Integrity Project Officer.¹⁰ With the exception of the fixed-term Integrity Project Officer position, the team members are employed in permanent ongoing roles.¹¹

IOV additionally seconded two external lawyers on a part-time basis during the period 6 May to 30 June 2024, to work on clearing the backlog of complex complaints.¹²

At the request of the Committee, IOV provided comprehensive information about the significant action it had taken to address, and prevent a recurrence of, the issues it faced in 2023/24 with respect to the recruitment and retention of suitably qualified complaint-handling staff. IOV informed the Committee that it had:

- updated its complaint-handling position descriptions to target a stronger pool of candidates when job vacancies arise
- restructured its complaints team by:
 - refining complaint-handling positions by assigning them more specific roles
 - recruiting VPS Grade 5 (rather than VPS Grade 4) complaint-handlers for Senior Complaints Officer positions, to ensure that they have the requisite skills and

⁶ Parliament of Victoria, Integrity and Oversight Committee (IOC), *Performance of the Victorian integrity agencies 2021/22*, Melbourne, November 2023, pp. 94–101.

⁷ Dr Tim Read MP, Chair, Integrity and Oversight Committee, to Eamonn Moran PSM KC, Inspector, VI, correspondence, 29 April 2024.

⁸ Full-time equivalent.

⁹ Part-time equivalent.

¹⁰ Eamonn Moran PSM KC, Inspector, VI, to Dr Tim Read MP, Chair, Integrity and Oversight Committee, correspondence, 3 May 2024, p. 2.

¹¹ Ibid., p. 2.

¹² Ibid., p. 3.

- experience to assess complex complaints, communicate with complainants about the VI's complex jurisdiction and complaint outcome decisions, and deal with challenging complainant behaviour
- identifying and assigning less complex tasks (including fielding of enquiries) to the Enquiries Officer to alleviate workload pressure on the Senior Complaint Officers and improve their job satisfaction
 - creating an Integrity Project Officer position on a trial basis to provide support to the Senior Complaints Officers
 - increasing 'autonomy and decision-making' across complaint handling positions
- introduced additional training and support for its complaints team to build team resilience and confidence, including counselling and workshops with IOV'S Employee Assistance Program provider in dealing with challenging complainant behaviour
 - made improvements to its Case Management System (CMS) to improve efficiency
 - introduced additional career development opportunities for staff, including formal learning and development opportunities and exposure to decision-making forum discussions
 - made improvements to its complaint form to streamline the initial review, allocation and assessment process
 - reviewed and updated its complaints policies and procedures and developed and implemented a comprehensive quality review process to streamline complaint-handling
 - explored ways to improve efficiency and flexible working conditions through its Information and Communication Technology (ICT) Strategy
 - identified ways to streamline its Complaints Handling Framework to improve efficiency, for example, delegating more decision-making to the complaints team.¹³
 - IOV also provided an overview of the quality-control mechanisms which it put in place to ensure effective monitoring of compliance with its Service Charter, particularly the requirement that complainants be updated on the progress of their complaint every four weeks.¹⁴

IOV informed the Committee that the Manager Complaints and the Senior Complaints Officer with carriage of a complaint are jointly responsible for monitoring compliance with the Service Charter. IOV's CMS automatically generates complainant progress update actions to remind complaint handlers of the requirement to update

¹³ Dr Tim Read MP, Chair, Integrity and Oversight Committee, to Eamonn Moran PSM KC, Inspector, VI, correspondence, 29 April 2024, pp. 1-2; Eamonn Moran PSM KC, Inspector, VI, to Dr Tim Read MP, Chair, Integrity and Oversight Committee, correspondence, 3 May 2024, pp. 2-5.

¹⁴ Eamonn Moran PSM KC, Inspector, VI, to Dr Tim Read MP, Chair, Integrity and Oversight Committee, correspondence, 3 May 2024, p. 6.

complainants every four weeks. IOV additionally undertook work to improve the reporting capability of its CMS and implemented its quality-assurance framework for its complaints function in 2024.¹⁵

The improvements that IOV has made appear to be yielding positive results with respect to the productivity of its complaints function. In 2023/24, IOV reported that it met or exceeded the two Budget Paper no. 3 (BP3) performance targets related to the timeliness of its assessment of complaints, as detailed in Table 3.1, below.

Table 3.1 IOV performance against BP3 measures, 2023/24

Performance measure (timeliness)	Target	Performance	Result
Acknowledge receipt of new complaints within 5 business days	95%	84%	Not met
Proportion of low complexity complaints completed within 2 months	75%	75%	Met
Proportion of medium complexity complaints completed within 5 months	75%	87%	Exceeded

Source: Adapted from VI, *Annual report 2023/24*, Melbourne, October 2024, p. 21 (Table 1).

Further, since 2021/22, IOV has made significant progress in clearing the backlog of complaints that it was struggling with, as set out in Table 3.2, below.

Table 3.2 IOV’s complaints closure rate: 2021/22–2023/24

Description	2021/22	2022/23	Difference	2023/24	Difference
Complaints received	116	119	↑ 3%	119	N/A
Complaints finalised	90	136	↑ 51%	142	↑ 4%

Source: VI, *Annual report 2021/22*, Melbourne, December 2022, pp. 22, 25, 28–30; VI, *Annual report 2022/23*, Melbourne, October 2023, pp. 4, 7, 28–31; VI, *Annual report 2023/24*, Melbourne, October 2024, pp. 4, 7, 35, 38–39, 41.

The Committee notes that IOV substantially increased its annual complaint closure rate in 2022/23 and 2023/24 while also achieving significant reductions in the backlog of complaints. IOV also reported that it is confident that in 2024/25 it will be able to finalise most of the complaints it carried over from 2023/24.¹⁶ The Committee commends IOV on its work to improve its efficiency in this area.

3.2.2 IOV’s receipt and handling of anonymous complaints

In its corruption prevention report, the IOC emphasised the importance, especially from a safety viewpoint,¹⁷ of having a secure channel for anonymous complaints, without an

¹⁵ Ibid.

¹⁶ VI, *Annual report 2023/24*, Melbourne, October 2024, p. 38.

¹⁷ Parliament of Victoria, IOC, *Inquiry into the education and prevention functions of Victoria’s integrity agencies*, Melbourne, April 2022, pp. 95–101; Parliament of Victoria, Independent Broad-based Anti-corruption Commission Committee (IBAC Committee), *Improving Victoria’s whistleblowing regime: a review of the Protected Disclosure Act 2012 (Vic)*, Melbourne, June 2017, pp. 10–15 (on the risk of harm to whistleblowers), 115–118, 132–135.

integrity agency knowing complainants' identities.¹⁸ Further, the Committee stressed the importance of effective communication between the agency and complainant throughout the process from receipt to outcome, including any investigation, while maintaining anonymity.¹⁹

The Committee based its views on leading research and international best practice.²⁰ During the Committee's 2022 education and prevention inquiry, Dr Suelette Dreyfus and Dr Chris Culnane explained, in the whistleblower context, the challenges in, and requirements for, devising an effective anonymous reporting and communication channel:

Anonymous disclosure presents both a technical and perception challenge. The technical challenge is in providing a platform or methodology for true anonymous disclosure, which crucially, is not dependent on any receiving parties keeping their identity confidential, *but rather their identity was never able to be determined*, unless volunteered.

Associated with this technical challenge is an educational one, unless the discloser reasonably believes that their anonymity is guaranteed, they may consider the channel to not be anonymous, and could be discouraged from making a report.

A two-step approach is required, first a technically robust anonymous, secure disclosure channel must be established, and second, sufficient education and promotion of that channel must be provided to assure potential whistleblowers that it is a safe channel to use. The second part should not come before the first, since if anonymity is not guaranteed any future breach would undermine the legitimacy of the process as a whole.²¹

The Committee commends IOV for leading the way in Victoria, in developing and rolling out, in conjunction with software development company Elker,²² a secure platform through which complainants can make anonymous complaints and communicate with IOV without their identities being known, unless they choose to reveal them.²³

¹⁸ Parliament of Victoria, IOC, *Inquiry into the education and prevention functions of Victoria's integrity agencies*, Melbourne, April 2022, pp. 101–107.

¹⁹ Ibid., pp. 104–106.

²⁰ Parliament of Victoria, IOC, *Inquiry into the education and prevention functions of Victoria's integrity agencies*, Melbourne, April 2022, pp. 101–107; Dr Suelette Dreyfus and Dr Chris Culnane, *Submission 42*, 30 September 2020, to Parliament of Victoria, IOC, *Inquiry into the Education and Prevention Functions of Victoria's Integrity Agencies*, Melbourne, 2022; Naomi Colvin, Veronika Nad, Chris Culnane, Bruno Galizzi and Suelette Dreyfus, *Expanding anonymous tipping technology in Europe*, Blueprint for Free Speech, 2021; GlobalLeaks, *About us*, <<https://www.globalleaks.org/about>> accessed 19 February 2025; Hermes Center, *About us*, <<https://hermescenter.org/chi-siamo>> accessed 19 February 2025; SecureDrop, *Overview*, <<https://securedrop.org>> accessed 19 February 2025; Freedom of the Press Foundation, *About us*, <<https://freedom.press/about>> accessed 19 February 2025; Agencia Valenciana Antifrau, <<https://www.antifrauvc.es/en/inicio-en>> accessed 19 February 2025; Oficina Antifrau de Catalunya, *About us*, <<https://antifrau.cat/en/the-director.html>> accessed 19 February 2025.

²¹ Quoted, with emphasis added, in Parliament of Victoria, IOC, *Inquiry into the education and prevention functions of Victoria's integrity agencies*, Melbourne, April 2022, p. 102.

²² 'Elker is a small software development company based in Sydney that specialises in providing secure reporting platforms with anonymous functionality ...' (VI, Response to Integrity and Oversight Committee questions on notice, 19 December 2024, p. 4). See also Elker, *About us*, <<https://elker.com/about>> accessed 19 February 2025.

²³ VI, Response to Integrity and Oversight Committee questions on notice, 19 December 2024, p. 4.

Before selecting Elker, IOV carried out a security-risk and privacy-impact assessment, reassured by the following security and privacy features of the Elker platform:

- all systems are stored in Amazon Web Services (AWS) (in Sydney) meaning that data stays within Australia
- the AWS and Microsoft 365 cloud services utilised by Elker are ISO27001 compliant [which is the international information security management standard]
- encryption is used for all data including data in transit (including the chat functionality) and at rest
- back-end access to the platform is controlled through multi-factor authentication
- routine penetration testing is undertaken on the platform.²⁴

Further, IOV has informed the Committee that the Elker platform has high-quality ‘functionality’, usability and flexibility, which align with best practice:

- the ability for the complainant to decide whether they wish to be identified or anonymous. A complainant who initially opts to be anonymous can decide to be identified at any stage during the complaint process
- the ability of complainants to determine whether or not they wish to receive updates on the status of their complaint. Complainants can choose how to log back into the platform to receive updates. The log in options include:
 - by email address (this is not shared with ... [IOV])
 - by phone number (this is not shared with ... [IOV])
 - by a password of their choosing
 - by using a PIN randomly generated by the Elker platform
- the platform can be accessed either via a web browser or via the Elker mobile app.²⁵

For further details on the secure nature of communication, data retention and removal, see Box 3.1, below.

²⁴ Ibid.

²⁵ VI, Response to Integrity and Oversight Committee questions on notice, 19 December 2024, p. 4.

Box 3.1 Secure communication through IOV's Elker platform

Where a complainant chooses to be anonymous, they are still able to opt in to receive updates on the status of their complaint. The complainant is assigned a randomised code name for internal reference purposes. They are able to use the 2-way chat functionality to send messages to, and receive messages from, a member of ... [IOV's] complaints team. Documents can also be shared anonymously.

When completing the Complaints Form or the Public Interest Disclosure Form, there are inbuilt prompts to remind users to consider how they are responding to a question where they have elected to be anonymous to reduce the risk of them accidentally identifying themselves.

The Elker platform is not used as a document repository, relevant documents and information are taken from Elker and stored in our existing Case Management System stored on our [IOV's] air-gapped system.

Those who make an anonymous complaint or Public Interest Disclosure are advised once their matter is closed, of how long it will remain on Elker before being managed in accordance with established retention periods and are actively encouraged to download their documents if they wish to retain access to them. Once an anonymous complaint or disclosure has been removed from Elker, the individual is unable to request the information or documents from ... [IOV] as it is not possible to verify their identity.

Source: VI, Response to Integrity and Oversight Committee questions on notice, 19 December 2024, pp. 4–5.

The Committee was pleased to hear from Alison Lister, Director, Integrity Operations and Policy, IOV, that the new platform is working well and has enhanced complaint handling by the agency:

[In June 2024] ... we did introduce a new online complaint platform that allows us to communicate with anonymous complainants. The situation was previously that somebody could still send us an anonymous complaint, but we had no way of going back to them to get clarity around something that they had said, to request more information and things like that. Now what we have is a platform that is two-way encrypted, so people can remain anonymous but we can actually ask them questions—so we can communicate with them and even give them the outcome of their complaint ... It is really a significant improvement for us, and we are certainly seeing that complainants are taking up that opportunity and they are speaking with our staff through that function.²⁶

²⁶ Alison Lister, Director, Integrity Operations and Policy, IOV, public hearing, Melbourne, 25 November 2024, *Transcript of evidence*, pp. 14–15; VI, Response to Integrity and Oversight Committee questions on notice, 19 December 2024, p. 4.

3.3 Accountability

3.3.1 Complaints to the IOC about IOV

The IOC is expressly prohibited, under s 7(2) of the *Parliamentary Committees Act 2003* ('*PC Act 2003* (Vic)'), from investigating or reviewing any investigation of any complaint made to IOV. The IOC is further prohibited from reviewing any decision by IOV to investigate, not investigate or discontinue investigating any complaint. In addition, the IOC is not authorised to 'review any findings, recommendations, determinations or other decisions' of IOV in relation to a complaint.

The IOC receives complaints about IOV as part of its broad performance-monitoring function under s 7(1) of the *PC Act 2003* (Vic). The Committee's role in relation to such complaints is to consider whether any aspects of IOV's handling of a matter raise performance issues that have broader implications for the performance of the agency's duties and functions at a systemic (that is, agency-wide) level.

In 2022/23, the IOC received 10 complaints about IOV, 8 of which were within the Committee's jurisdiction, and finalised 12. For details, see Table 3.3, below. Complaints related to IOV's dismissal of complaints, delay in finalising its assessment of complaints and responding to correspondence, and legislative-reform issues related to IOV's complaint-handling function.

Table 3.3 Complaints about IOV received and finalised by the IOC in 2022/23

Within jurisdiction	8
Complaints received in 2021/22 and finalised in 2022/23	2
Complaints received and finalised in 2022/23	10
Closed after assessment, without enquiries	4
Closed, following enquiries	8
Systemic performance issues identified	0

Source: Devised from IOC complaints data.

3.3.2 IOV responses to IOC report recommendations

Education and prevention functions report

The Committee's *Inquiry into the education and prevention functions of Victoria's integrity agencies* report, published in April 2022, made 5 recommendations to IOV.²⁷

²⁷ Parliament of Victoria, IOC, *Inquiry into the education and prevention functions of Victoria's integrity agencies*, Melbourne, April 2022, pp. 119–120, 168.

In its 2021/22 annual report, IOV indicated its acceptance of two recommendations, but did not advise whether it accepted the remainder.²⁸

As part of its 2022/23 annual performance review, the Committee asked IOV to provide an acceptance and implementation status update on the recommendations.²⁹ IOV's response is summarised in Table 3.4, below.³⁰

Table 3.4 Acceptance and implementation status of outstanding IOC recommendations (education and prevention report)

No.:	Description	Implementation progress
9	Increase engagement with vulnerable and diverse complainants	Fully implemented. IOV is in the process of implementing the recommendations of a digital consultant it contracted to conduct website user research on effective engagement with vulnerable and diverse communities. These improvements will be launched on IOV's website from February 2025 onwards.
10	Develop and publish on its website tailored information for vulnerable and diverse complainants and lawyers representing clients involved in integrity agency investigations	Fully implemented. IOV's updated website will include improvements targeted at vulnerable and diverse complainants and IOV now uses inclusive language in its external communications. In 2023/24, IOV published videos explaining, among other matters, its complaints process, and presented to members of the Victorian Bar on the rights and obligations of examinees summonsed to a coercive examination by an integrity agency.
13	Develop systematic, comprehensive and evidence-based frameworks for measuring the quality and impact of IOV's prevention and education initiatives	Not accepted due to the nature of IOV's functions and limited funding and resources. IOV's view is that while it delivers a small number of education activities annually, it does not have an express education and prevention function and is not funded to deliver education programs. A new BP3 performance target was introduced in 2022/23: educational activities delivered and material or tools produced.
14	Collaborate with IBAC, OVIC and the VO on large-scale data-collection projects to support the measurement framework	This recommendation has been implemented by IBAC, OVIC and the VO through the establishment of the Prevention Education Advisory Committee (PEAC). IOV has not been invited to join PEAC.
15	Include, in IOV's annual reports, a dedicated section on the measurement of the quality and impact of its prevention and education initiatives	Not accepted due to the nature of IOV's functions and limited funding and resources.

Source: Adapted from Parliament of Victoria, IOC, *Inquiry into the education and prevention functions of Victoria's integrity agencies*, Melbourne, April 2022, pp. 119–120, 168; Department of Treasury and Finance (Victoria), *Victorian Budget 2022/23: service delivery* (Budget Paper No. 3), Melbourne, May 2022, p. 380; VI, Response to Integrity and Oversight Committee questions on notice, 19 December 2024, pp. 21–24.

²⁸ VI, *Annual report 2021/22*, Melbourne, November 2022, p. 26.

²⁹ Dr Tim Read MP, Chair, Integrity and Oversight Committee, to Eamonn Moran PSM KC, Inspector, VI, correspondence, 2 December 2024.

³⁰ VI, Response to Integrity and Oversight Committee questions on notice, 19 December 2024, pp. 21–24.

2020/21 integrity agency performance review report

The Committee's report on its review of IBAC's 2020/21 performance, published in October 2022, made two recommendations to the agency, which were accepted by IOV.³¹ The report also recommended that the Victorian Government consult with IOV on five additional recommendations that were directed to Government, three of which IOV was engaging with IBAC on in 2023/24.³²

In 2024/25, IOV updated the Committee on the implementation status of the recommendations that had not been fully implemented in 2021/22.³³ At the request of the Committee during the current review, IOV provided a further update on the implementation status of the outstanding recommendations.³⁴ These updates are detailed in Table 3.5, below.

Table 3.5 Implementation status of outstanding recommendations (2020/21 performance review report) accepted by IOV

No.:	Description	Implementation progress
2	That the Victorian Government consult with IOV on requiring IBAC to develop procedural guidelines on the holding of public examinations and to provide, in its written reports to IOV on such examinations, information about its compliance with the guidelines	Implementation well underway, for completion in 2025. Following IOV's engagement with IBAC on the matter in April 2023, IBAC informed IOV in December 2024 that it had developed a draft 'Guide for witnesses appearing in IBAC public examinations' that includes, among other matters, guidance on what factors the Commissioner must consider when making a decision to hold a public examination and why such a decision may be made; decision-making regarding requests under s 117(3A)(a) of the <i>IBAC Act 2011</i> (Vic); and what may constitute 'unreasonable damage to a person's reputation, safety or wellbeing'. IOV will engage with IBAC on the draft Guide to ensure that the impact of public examinations on examinees has been appropriately considered.
3	That the Victorian Government consult with IOV on requiring IOV to develop procedural guidelines on its reviews of IBAC's written reports on public examinations	
4	That the Victorian Government consult with IOV on requiring IBAC to include in its special reports on investigations involving public examinations, information setting out the IBAC Commissioner's decision to hold the public examination(s) that reflects its consideration of the criteria for holding public examinations in the <i>IBAC Act 2011</i> (Vic).	

³¹ Parliament of Victoria, IOC, *Performance of the Victorian integrity agencies 2020/21: focus on witness welfare*, Melbourne, October 2022, pp. 138, 141; Parliament of Victoria, IOC, *Performance of the Victorian integrity agencies 2021/22*, Melbourne, November 2023, pp. 105–107.

³² Parliament of Victoria, IOC, *Performance of the Victorian integrity agencies 2020/21: focus on witness welfare*, Melbourne, October 2022, pp. 74, 76–77, 148; Parliament of Victoria, IOC, *Performance of the Victorian integrity agencies 2021/22*, Melbourne, November 2023, pp. 106–107.

³³ Eamonn Moran PSM KC, Inspector, VI, to Dr Tim Read MP, Chair, Integrity and Oversight Committee, correspondence, 12 August 2024, pp. 7–8.

³⁴ VI, Response to Integrity and Oversight Committee questions on notice, 19 December 2024, pp. 25–27.

No.:	Description	Implementation progress
8	Develop capacity in its CMS to run automated reports to identify, record and analyse welfare risks affecting complainants and witnesses	Fully implemented. IOV has introduced a register to record witness welfare incidents and its CMS now has capability to run welfare risk reports for complainants and witnesses that aligns with its Complaints Handling Framework and Witness Welfare Guidelines. Future CMS capability, currently in development, will include additional witness welfare fields to ensure that IOV staff can easily access such information.

Source: Adapted from Parliament of Victoria, IOC, *Performance of the Victorian integrity agencies 2020/21: focus on witness welfare*, Melbourne, October 2022, pp. 76–77, 138; Eamonn Moran PSM KC, Inspector, VI, to Dr Tim Read MP, Chair, Integrity and Oversight Committee, correspondence, 12 August 2024, pp. 7–8; VI, Response to Integrity and Oversight Committee questions on notice, 19 December 2024, pp. 25–27.

Independent performance auditor’s 2022 audit report

The inaugural independent performance audit of IOV (then known as the Victorian Inspectorate) was conducted in 2022 in accordance with ss 90D–90E of the *VI Act 2011* (Vic) (now renamed *IOV Act 2011* (Vic)). In its report on the audit, the independent performance auditor made 14 recommendations to IOV.³⁵ IOV accepted 13 of the auditor’s recommendations and committed to taking a further recommendation into consideration ‘for incorporation into [its] planning’.³⁶

In 2024/25, IOV updated the Committee on the implementation progress and status of the recommendations that had not been fully implemented in 2021/22.³⁷ At the request of the Committee during the current review, IOV provided a further update on the implementation status of the outstanding recommendations, as detailed in Table 3.6, below.³⁸

³⁵ Parliament of Victoria, IOC, *The independent performance audits of the Independent Broad-based Anti-corruption Commission and the Victorian Inspectorate*, Melbourne, October 2022, Appendix D (audit of the VI), pp. 13–15.

³⁶ Ibid.

³⁷ Eamonn Moran PSM KC, Inspector, VI, to Dr Tim Read MP, Chair, Integrity and Oversight Committee, correspondence, 12 August 2024, pp. 5–6.

³⁸ Dr Tim Read MP, Chair, Integrity and Oversight Committee, to Eamonn Moran PSM KC, Inspector, VI, correspondence, 2 December 2024, pp. 5, 7; VI, Response to Integrity and Oversight Committee questions on notice, 19 December 2024, pp. 28–29.

Table 3.6 Implementation status of outstanding recommendations (2022 audit report) accepted by IOV

No.:	Description	Implementation progress
6.2	Finalise draft investigation guideline to provide a single source of truth for undertaking investigations and ensuring consistency in the conduct of investigations.	Fully implemented through IOV's Investigations Manual, which was finalised in 2024.
10.7	Continue the development of IOV's Stakeholder Engagement Strategy.	Fully implemented through IOV's External Communications & Engagement Strategy, which was finalised 2024.
	Develop a stakeholder survey with the agencies that IOV oversees to enable deeper and consistent feedback.	Implementation well underway, for completion in 2025. IOV is in the process of finalising draft Memoranda of Understanding with IBAC and the VO. IOV is exploring whether it is possible to collect anonymous stakeholder feedback by way of survey given IOV's complex jurisdiction.
11.3	Measure the costs of IOV's activities using the costing model developed in its 2020/21 Base Review.	Implementation well underway, for completion in 2024/25. A function-based costing model is in development and, once finalised, will be reviewed and updated biannually.
12.5.1	Develop a formal strategic workforce plan	Fully implemented
12.6	Improve staff learning and development opportunities.	Fully implemented through IOV's Learning & Development Program, which was finalised in 2024.

Source: Adapted from Parliament of Victoria, IOC, *The independent performance audits of the Independent broad-based Anti-corruption Commission and the Victorian Inspectorate*, Melbourne, October 2022, Appendix D (audit of the VI), pp. 14–15; Eamonn Moran PSM KC, Inspector, VI, to Dr Tim Read MP, Chair, Integrity and Oversight Committee, correspondence, 12 August 2024, pp. 5–6; VI, Response to Integrity and Oversight Committee questions on notice, 19 December 2024, pp. 28–29.

3.4 Conclusion

IOV had a productive year in 2022/23, making important progress, in particular, in improving the effectiveness, efficiency and timeliness of its complaint handling through policy, process, resourcing and technological improvements. In this context, the Committee commends IOV for its leadership in implementing a platform allowing for the secure receipt and handling of anonymous complaints, and communication with complainants. This not only encourages the reporting of any alleged improper conduct in the Victorian public sector but helps safeguard the health, welfare and work lives of such reporters (including whistleblowers).

IOV has also made great progress in implementing the wide range of recommendations made to it from the Committee's inquiry and review reports as well as those in the independent auditor's performance report on the agency.

Finally, the Committee takes this opportunity to thank Eamonn Moran PSM KC for his diligent service as Inspector of the VI from 2017 until January 2025. The Committee, notes, in particular, the agency's important contributions in this period to witness welfare and oversight of the handling of police-related complaints. The Committee

welcomes the appointment of former CEO Cathy Cato as Acting Chief Integrity Inspector, and looks forward to further constructive engagement with IOV in enhancing integrity in the Victorian public sector.

Chapter 4

Office of the Victorian Information Commissioner

4.1 Introduction

The Office of the Victorian Information Commissioner (OVIC) oversees the ‘collection, use and disclosure of information’¹ by the Victorian government in three important domains: Freedom of Information (FOI), privacy and information security.

OVIC is the regulator for the *Freedom of Information Act 1982* (Vic) (*‘FOI Act 1982 (Vic)’*) and the *Privacy and Data Protection Act 2014* (Vic) (*‘PDP Act 2014 (Vic)’*). Public access to Victorian government information is governed by processes outlined in the *FOI Act 1982* (Vic), while privacy and information security is governed by the *PDP Act 2014* (Vic).

The main functions of OVIC under the *FOI Act 1982* (Vic) include disseminating knowledge of the *FOI Act 1982* (Vic) to the public and agencies; reviewing agency decisions; complaint handling; ensuring compliance with Professional Standards; and providing advice, education and guidance on the Professional Standards. The main information privacy activities include disseminating knowledge of the Information Privacy Principles, complaint handling, conducting audits, research and producing guidelines. The main activities of information security include development of the Victorian Protective Data Security Framework (VPDSF), issuing data security standards, ensuring compliance with those standards, research and producing guidelines. The oversight of law enforcement information security and privacy is also an important subset of activities.²

Last year, the Committee had the important and timely opportunity to comprehensively review the *FOI Act 1982* (Vic).³ The Committee’s Inquiry into the Operation of the *FOI Act 1982* (Vic) (FOI Inquiry) received 69 written submissions from a wide range of stakeholders including Victorian and interstate integrity agencies, civil society organisations and individuals.⁴ The Committee thanks OVIC, in particular, for its invaluable contribution to the inquiry.

¹ Office of the Victorian Information Commissioner (OVIC), *Annual report 2022–23*, Melbourne, 2023, p. 8.

² Ibid., p. 8.

³ Parliament of Victoria, Integrity and Oversight Committee (IOC), *The operation of the Freedom of Information Act 1982 (Vic)*, September 2024 (FOI Inquiry).

⁴ Ibid., pp. 6–7.

While Victoria was the first State after the Commonwealth to create FOI legislation it has since fallen behind legal developments in some other Australian jurisdictions.⁵ The Committee found that the *FOI Act 1982* (Vic) was no longer fit for purpose,⁶ recommending that the current pull-system Act, reliant on formal requests, be replaced with a push-system Right to Information Act.⁷ The proposed Right to Information Act would comply with international standards and best practice principles, which favour maximum disclosure of information (for example, through proactive release) and be subject only to limited, narrowly drawn exceptions.⁸ The Committee made 101 recommendations setting out the requirements for a new push right-to-information system for Victoria.⁹

OVIC has also recognised that Victoria is currently ‘on the cusp of a major change in information governance’ in addressing data breaches and anticipating the challenges and opportunities that come with Generative AI [artificial intelligence].¹⁰ OVIC has, for example, published an audit report on information-security risks on outsourcing arrangements with third-party providers.¹¹ While not part of the year under review, OVIC has also recently developed guidance on the ‘proper use’ of ChatGPT¹² and Microsoft Copilot in the Victorian public sector,¹³ leading regulation in these areas in Australia.¹⁴

Keeping in mind the Committee’s recent extensive oversight work in relation to OVIC during the FOI inquiry, this chapter will provide a brief overview of FOI requests and privacy complaints before focusing on key issues identified in the following areas: regulatory action plan, information privacy and information security incidents, artificial intelligence (AI), outsourcing, Victoria Police law enforcement, education, and funding.

⁵ Ibid., pp. 3, 7–8.

⁶ Ibid., p. 47.

⁷ *FOI Inquiry*, pp. 45–50. The ‘pull’ model is ‘based on information principally being extracted from government and the public sector through individual, formal requests’ while the ‘push’ model is where ‘government and the public sector regularly push information out to the public proactively and informally, with formal requests for information under the Act generally a last resort’ (*FOI Inquiry*, p. 35).

⁸ Ibid., pp. 50–55.

⁹ Ibid., pp. xv–xxxiv.

¹⁰ OVIC, *Annual report 2022–23*, Melbourne, 2023, p. 1.

¹¹ OVIC, *Standard 8 of the Victorian Protective Data Security Standards Melbourne: audit of information security in third-party arrangements under section 8D(2)(b) of the Privacy and Data Protection Act 2014* (Vic), Melbourne, 2022—note that, here, “[t]hird-parties” refers to any organisation that deals with public sector information for, or on behalf of, the VPS [Victorian public sector] organisation, for example, contracted service providers’ (p. 8).

¹² Sean Morrison, Information Commissioner, OVIC, public hearing, Melbourne, 25 November 2024, *Transcript of evidence*, pp. 4–5; OVIC, *Use of personal information with ChatGPT*, Melbourne, February 2024.

¹³ Sean Morrison, Information Commissioner, OVIC, public hearing, Melbourne, 25 November 2024, *Transcript of evidence*, pp. 4–5; OVIC, *Use of Microsoft 365 Copilot in the Victorian public sector*, Melbourne, n.d.

¹⁴ Sean Morrison, Information Commissioner, OVIC, public hearing, Melbourne, 25 November 2024, *Transcript of evidence*, pp. 4–5.

4.2 FOI timeliness

In 2022/23, a record 48,117 FOI requests were made to Victorian government agencies and ministers, the highest number in Australia and a 9.4% increase from 2021/22.¹⁵ During the FOI Inquiry, the Committee discussed the structural factors increasing delays, including OVIC's evidence on this issue.¹⁶ OVIC, for instance, noted that 'the time and costs of responding to formal FOI requests are a significant and increasing burden', and that 'pull' systems within Australia tended to have higher rates of applications than 'push' ones.¹⁷

OVIC also observed that there was an increasing number of FOI requests received, and decreasing timeliness in making decisions. Further, OVIC observed that, anecdotally, agencies were having difficulty recruiting staff to handle the technical nature of FOI requests.¹⁸ In addition, the 'provisions of Part II are difficult, if not impossible, for agencies to comply with, given its age and overly technical language' as well as exemptions being 'confusing and overly technical to apply'.¹⁹

Given this background, and the issues identified through the FOI Inquiry, the Committee considers that the timeliness of processing FOI requests of government would be effectively addressed by implementation of recommendations made in the report of that inquiry.²⁰

Nevertheless, in the interim, it is important to discuss how OVIC sought to address the timeliness issue in the 2022/23 period. While OVIC previously acknowledged 'the impacts of ... [the pandemic] on agencies' operating environments',²¹ in its *Impediments to timely FOI and information release: twelve months on* report, it followed up on an earlier report investigating timeliness, focusing on how agencies implemented recommendations on timeliness, and encouraging agencies to process FOI requests in a timelier way.²²

¹⁵ OVIC, *Annual report 2022–23*, Melbourne, 2023, pp. 59, 108; OVIC, *Submission 55*, 15 January 2024, to the Parliament of Victoria, IOC, Inquiry into the Operation of the *Freedom of Information Act 1982* (Vic), 2024, p. 32 (hereinafter, *OVIC Submission 55 to FOI Inquiry*).

¹⁶ *FOI Inquiry*, pp. 31–35; *OVIC Submission 55 to FOI Inquiry*, pp. 35–45.

¹⁷ *OVIC Submission 55 to FOI Inquiry*, p. 31. OVIC noted that, '[b]ased on currently available data, in 2021–22, application rates per 1,000 people in jurisdictions with "pull" models of access were 7.6 in Western Australia, 6.6 in Victoria, 6.5 in the Northern Territory and 5.5 in South Australia. Whereas, during the same period, application rates in jurisdictions with "push" based legislation were 1.4 nationally, 2.6 in Tasmania, 2.7 in New South Wales, and 3.5 in Queensland' (*OVIC Submission 55 to FOI Inquiry*, p. 32).

¹⁸ *OVIC Submission 55 to FOI Inquiry*, p. 33.

¹⁹ *Ibid.*, pp. 49, 122, respectively.

²⁰ While all the recommendations in the *FOI Inquiry* contribute to improving timeliness, see, in particular, recommendations 52 to 101 on efficiency (pp. 223–231).

²¹ OVIC, *Annual report 2022–23*, Melbourne, 2023, pp. 101–102; OVIC, *The state of Freedom of Information in Victoria: a special look at FOI in Victoria from 2019 to 2021*, Melbourne, 2022.

²² OVIC, *Annual report 2022–23*, Melbourne, 2023, p. 22; OVIC, *Impediments to timely FOI and information release: twelve months on*, Melbourne, 2022.

When complaints for delays are received, OVIC highlighted that key measures in their process include asking for an explanation from the relevant agency for the delay, and monitoring the agency until it makes its decision.²³ In relation to timeliness, OVIC made adverse findings, ‘arising from complaints and reviews’, against a number of agencies, which lead to discussion with them and the development of ‘Continuous Improvement Plans’.²⁴

More broadly, OVIC noted that there are several ways in which they work to support agencies to improve the timeliness of their processing FOI requests:

- the publication of guidance, such as the comprehensive FOI Guidelines that step agencies through decision making under the FOI Act, practice notes and published review decisions
- FOI training sessions and eLearning modules, OVIC’s ASKFOI agency information service, and regular stakeholder engagement, including through the Public Access Agency Reference Group
- OVIC’s promotion of access to government information outside the FOI Act with its proactive and informal release policy template and guidance
- advocacy for legislative change to the FOI Act, emphasising the proactive release of information.²⁵

While outside the 2022/23 period, OVIC notes that, in 2025, extra training and guidance on proactive and informal release is planned, as well as a comprehensive review of OVIC’s internal freedom of information processes.²⁶ OVIC also, importantly, aims to improve its own timeliness and efficiency through:

- streamlining its internal processes, where possible, including further refining its recommendation and correspondence templates
- focusing on prompt initial assessment of new applications to ensure necessary prioritisation and identify opportunities for informal resolution
- seeking tailored submissions from agencies on points in dispute only, to reduce [the] time impost both on agencies and on OVIC
- exploring technology and automation options, budget permitting, that may reduce the burden of manual administrative tasks
- undertaking ongoing stakeholder engagement and training, including around adherence to the Professional Standards, and in particular, response timeframes to OVIC and the quality of initial decision letters
- skills development for OVIC staff.²⁷

²³ OVIC, Response to Integrity and Oversight Committee questions on notice, 14 January 2025, p. 14.

²⁴ Ibid., pp. 14–15.

²⁵ Ibid., p. 14.

²⁶ Ibid., pp. 3–4, 15.

²⁷ Ibid., p. 15.

The Committee commends the work OVIC is undertaking in this area and emphasises the importance of reducing delays.

4.3 Operation of the *PDP Act 2014* (Vic)

4.3.1 Privacy complaints

The Committee notes that OVIC has continued to increase the proportion of privacy complaints it resolves without referral to the Victorian Civil and Administrative Tribunal (VCAT), highlighting a '10% increase in the number of complaints successfully resolved compared to 2021–22'.²⁸ This appears to be part of an overall trend of improvement over the last few years aligning with OVIC's more proactive role in this area and the refinement of its procedures.²⁹ As stated in OVIC's annual report, the current approach includes 'utilising a range of alternative dispute resolution techniques and internal processes', including by 'narrowing the scope of complaints from the outset', using informal resolution techniques, managing expectations, 'providing preliminary views' and gathering relevant information about privacy complaints.³⁰

4.3.2 Information security, privacy and the Information Security Incident Notification Scheme

Due to the growing significance of information-management and security issues on the public and private sector in the past few years, the Committee was keen to examine information privacy and information security incidents.

Under the Information Security Incident Notification Scheme, agencies are to notify OVIC of 'incidents that have an adverse impact on the confidentiality, integrity, or availability of public sector information with a business impact level of 2 (limited) or higher'.³¹ OVIC has reported that '[a]lthough there was another rise in [incident] notifications received (670 in 2022–23, up from 633 in 2021–22 and 373 in 2020–21), the percentages for information format, security attributes affected, and type of information compromised are similar'.³² Thus, the kinds of incidents occurring appear to be of similar nature to the preceding year.

²⁸ OVIC, *Annual report 2022–23*, Melbourne, 2023, p. 37.

²⁹ Rachel Dixon, Privacy and Data Protection Deputy Commissioner, OVIC, public hearing, Melbourne, 31 July 2023, *Transcript of evidence*, pp. 6–7.

³⁰ OVIC, *Annual report 2022–23*, Melbourne, 2023, p. 37.

³¹ OVIC, Response to Integrity and Oversight Committee questions on notice, 14 January 2025, p. 7 (relying on Standard 9, Victorian Protective Data Security Standards, Version 2.0).

³² OVIC, *Annual report 2022–23*, Melbourne, 2023, p. 52.

In the context of addressing information privacy and information security incidents,³³ the Committee notes that OVIC relies on a risk-based framework to undertake regulatory action. As OVIC puts it, such a framework is required as they ‘are not on the ground in those organisations’.³⁴ In other words, OVIC is not in the position to manage the information security practices of every agency they oversight. Rather, OVIC ‘considers the seriousness and impact of any potential contravention’ of the *PDP Act 2014* (Vic).³⁵

Positively, however, OVIC has stated that many agencies are seeking its guidance on information security.³⁶ In this regard, OVIC also emphasised the usefulness of their ‘co-regulation’ strategy (described in further detail in Section 4.5, below), in which OVIC’s expertise and guidance is needed to ‘lift the literacy of information security’ within an agency.³⁷

OVIC has, relatedly, undertaken a series of initiatives aimed at better understanding the causes and impacts of agency incidents in Victoria:

- OVIC’s Information Security Incident Notification Scheme
- running the Victorian Information Security Network, Victorian Privacy Network and Privacy Roundtable, which encourage agencies to share insights with OVIC and one another
- publishing risk statements based on security incident insights reports
- other stakeholder engagement activities and relationships that allow OVIC to understand the causes of agencies’ incidents
- OVIC’s regulatory action, which provides comprehensive insights into the causes of incidents that have led to the regulatory action.³⁸

While the Committee notes, as OVIC has stated, that agency adherence to the Victorian Protective Data Security Standards (VPDSS) is the key way to ensure information security, and these standards are mandatory, other important elements are not, including the Information Security Incident Notification Scheme—a scheme which OVIC considers can be improved in a number of ways.³⁹

There are three main issues with the Scheme. First, OVIC suggests that the Information Security Incident Notification Scheme should be mandatory for agencies to comply with, ‘apply to all incidents involving public sector information that meet a certain

³³ In this context, OVIC notes that a ‘serious incident may occur which does not constitute a data breach. An incident refers to a compromise of either confidentiality, integrity or availability of information whereas a data breach is an incident that results in the confirmed disclosure—not just potential exposure—of data’ (OVIC, Response to Integrity and Oversight Committee questions on notice, 14 January 2025, p. 7).

³⁴ Sean Morrison, Information Commissioner, OVIC, public hearing, Melbourne, 25 November 2024, *Transcript of evidence*, p. 3.

³⁵ OVIC, *Annual report 2022–23*, Melbourne, 2023, p. 19.

³⁶ Sean Morrison, Information Commissioner, OVIC, public hearing, Melbourne, 25 November 2024, *Transcript of evidence*, p. 3.

³⁷ Ibid.

³⁸ OVIC, Response to Integrity and Oversight Committee questions on notice, 14 January 2025, p. 7.

³⁹ Ibid, p. 7.

threshold’ and require notification to individuals impacted by the breach or incident.⁴⁰ Victoria is currently behind other jurisdictions in not having this character.⁴¹ In this context, OVIC noted the significant advantages of a mandatory notification scheme in better protecting the Victorian public:

According to a 2017 study by the Office of the Australian Information Commissioner, 95% of Australians believe that if a government agency loses their personal information, they should be told about it. Individuals are empowered to take remedial action to protect their personal information, and in extreme cases, their safety. For example, individuals may move house if subject to domestic violence, change passwords, cancel credit cards, and update identity documents.⁴²

While the Committee supports consideration of this legislative change for the reasons set out by OVIC, it nevertheless notes the importance of further work being undertaken to better understand the potential ramifications of a mandatory regime. For example, the Committee notes that data-breach notification is a complex topic. In this regard, the Committee also appreciates that the ‘fragmentation’ of health governance between federal and State governments complicates the notification breaches in this domain.⁴³ Further, how a mandatory regime will affect third party arrangements is also of concern and analysed in Section 4.3.4 below.

Second, OVIC suggests that the VPDSS should also apply to a number of agencies including ‘local councils, universities, courts and tribunals, and public health service providers’, which are not currently regulated.⁴⁴ Such a move would contribute to regulatory certainty by ‘assuring the Victorian community that a regulator has oversight of these sectors’.⁴⁵ This is especially important given alarming ‘evidence ... that threat actors are increasingly targeting these sectors, with data breaches, cyber-attacks, and ransomware attacks now considered an expectation rather than a mere possibility’.⁴⁶

While the Committee supports consideration of this legislative change, it will be prudent to undertake further consultation and information-gathering with respect to each of these sectors, since each has unique needs, requirements and concerns. For example, the Committee notes again that the health sector is a complex regulatory area.⁴⁷ The Committee recommends that the Government consider legislative reform to include these agencies within the VPDSS regime.

⁴⁰ Ibid, pp. 7–8.

⁴¹ Ibid., p. 8 (see comparison with New South Wales, Queensland, Western Australia and the Commonwealth).

⁴² Ibid.

⁴³ Megan Pricor, ‘Mandatory data breach notification laws and Australian health data privacy: fragments and fault lines’, *Monash University Law Review*, vol. 47, no. 2, 2021, pp. 25, 33–34.

⁴⁴ OVIC, Response to Integrity and Oversight Committee questions on notice, 14 January 2025, p. 9.

⁴⁵ Ibid., p. 9.

⁴⁶ Ibid.

⁴⁷ Megan Pricor, ‘Mandatory data breach notification laws and Australian health data privacy: fragments and fault lines’, *Monash University Law Review*, vol. 47, no. 2, 2021, pp. 25, 33–34.

Third, OVIC affirmed their strong support of the ‘Health Privacy Principles (HPPs) under the *Health Records Act 2001* and the [Information Privacy Principles (IPPs) under the *PDP Act 2014* (Vic)] ... [being] consolidated, under the regulation of OVIC’.⁴⁸ As OVIC explains, ‘[f]rom the perspective of understanding the causes and impacts of incidents, and agencies being able to respond appropriately, it is logical to have a single regulator’.⁴⁹

These issues were raised during the Committee’s FOI Inquiry. It was noted, in this regard, that public health organisations encountered difficulties in interacting with the HPPs and IPPs concurrently⁵⁰ and that the obligations were similar under both.⁵¹ It was also emphasised that the Health Complaints Commissioner, which oversees the HPPs, supports consolidation and oversight by OVIC.⁵² While the Committee received conflicting evidence from public health sector stakeholders on whether the legislation should be streamlined, after weighing many factors, it decided, on balance, in favour of consolidating of the HPPs and IPPs into the *PDP Act 2014* (Vic) under the regulation of OVIC.⁵³

RECOMMENDATION 5: That the Victorian Government, after consulting with relevant stakeholders, consider seeking amendment of the underpinning legislation to make the Information Security Incident Notification Scheme mandatory.

RECOMMENDATION 6: That the Victorian Government, after consulting with relevant stakeholders, consider amending the legislation underpinning the Information Security Incident Notification Scheme so that it extends to public health service providers, local councils, courts, tribunals and universities.

The Committee also reiterates Recommendation 96 in its FOI Inquiry report.⁵⁴

4.3.3 Privacy and the use of cookies

Prompted in part by a recent VCAT decision, the Committee was interested to find out more about OVIC’s use of cookies.⁵⁵ In the VCAT case in question, the tribunal found that the Internet Protocol (IP) addresses recorded in OVIC’s server logs are not personal information as they did not identify the complainant but only ‘the device owned by, or ISP [internet service provider] licensed to, his corporation’.⁵⁶ Thus, the

⁴⁸ OVIC, Response to Integrity and Oversight Committee questions on notice, 14 January 2025, p. 9.

⁴⁹ Ibid.

⁵⁰ *FOI Inquiry*, pp. 212–213.

⁵¹ Ibid., p. 213.

⁵² Ibid., p. 212.

⁵³ Ibid., pp. 213–216.

⁵⁴ Ibid., p. 231.

⁵⁵ *Ellis v Office of the Victorian Information Commissioner* [2024] VCAT 809.

⁵⁶ Ibid., [65]. Thus the *PDP Act 2014* (Vic) was not breached because the information was not ‘about an individual’ ([66]).

security of personal information and privacy are not undermined through the recording of IP addresses in this way.

When asked about OVIC's internal process, OVIC responded that they utilised the program Matomo, affirming that the agency de-identified Internet Protocol addresses so that when users enter the OVIC website they can opt out of cookies.⁵⁷

OVIC also emphasised that, in any event, any problems arising in this area would be difficult to remedy through Victorian legislation since much of this domain lies outside OVIC's jurisdiction (for example, many commercial entities are regulated on a federal level by the *Privacy Act 1988* (Cth)).⁵⁸

4.3.4 Information security, privacy and outsourcing

Noting the growing issues arising out of outsourcing or the use of third parties, the Committee was interested in learning about OVIC's views and actions on the issue. Note that OVIC uses the term 'contracted service provider' (CSP) for third parties in this context, which will be adopted in the following discussion.⁵⁹

OVIC explained that there are a number of challenges in regulating information and data in the context of CSPs. They noted, for example, that, where a document is not in the physical possession of the agency but created for the purpose of the contract, there is a legal requirement to prove 'constructive possession' of a contracted service provider, which is a 'complex task, open to interpretation by an agency or third party'.⁶⁰ Instead, OVIC's view is that an outsourcing contract should always stipulate that an agency has a right to access information created for the contract purposes, and that the documents created by the third party are subject to the *FOI Act 1982* (Vic).⁶¹

Despite the obligation on the agency to ensure that a CSP does not contravene the VPDSS,⁶² 'anecdotal evidence suggests that agencies don't necessarily understand that they are accountable for third party arrangements and that, even when they are aware, they do not always conduct assurance processes to validate the controls in those arrangements'.⁶³ Notably, in their 2024 Protective Data Security Plan submissions, 33% of agencies cited 'the management of third parties as a challenge', especially with regard to guaranteeing best practice measures from those third parties.⁶⁴ Accordingly, 'OVIC has been liaising with VPS agencies on how they

⁵⁷ Rachel Dixon, Privacy and Data Protection Deputy Commissioner, OVIC, public hearing, Melbourne, 25 November 2024, *Transcript of evidence*, p. 2.

⁵⁸ *Ibid.*, pp. 2–3.

⁵⁹ OVIC, Response to Integrity and Oversight Committee questions on notice, 14 January 2025, p. 10. A 'contracted service provider means a person or body who provides services under a State contract' (*PDP Act 2014* (Vic) s 3 (definition of 'contracted service provider')).

⁶⁰ OVIC, Response to Integrity and Oversight Committee questions on notice, 14 January 2025, p. 10. See also '*EC3*' and *Department of Jobs, Precincts and Regions* (Freedom of Information) [2022] VICmr 47 (27 June 2022).

⁶¹ OVIC, Response to Integrity and Oversight Committee questions on notice, 14 January 2025, p. 10.

⁶² *PDP Act 2014* (Vic), s 88(2).

⁶³ OVIC, Response to Integrity and Oversight Committee questions on notice, 14 January 2025, p. 11.

⁶⁴ *Ibid.*

can uphold their obligations under the VPDSS [Victorian Protective Data Security Standards], particularly in ensuring that third parties are able to implement best practice information security measures'.⁶⁵

In terms of oversight, OVIC has gained 'insights' from four audits conducted in 2022, as well as through information obtained from OVIC's incident notification scheme.⁶⁶ OVIC has also conducted preliminary inquiries under its Regulatory Action Policy in relation to CSPs, including a 'a cyber-attack on a CSP to a department' and 'a council's use of a CSP's AI services to monitor swimming pool users'.⁶⁷ In addition, OVIC has conducted investigations where the importance of oversight was reiterated and the kinds of 'due diligence', monitoring and information-gathering steps that an agency should undertake were described.⁶⁸

The Committee has examined OVIC's recommendations in relation to the regulation of CSPs.

First, OVIC has, once again, reiterated its view that a mandatory incident notification scheme is necessary.⁶⁹

Second, as stated above, the *PDP Act 2014* (Vic) should apply to 'health services, courts and tribunals, higher education organisations and local councils', and therefore to CSPs hired within these areas.⁷⁰

Third, OVIC recommends that ss 88(2), 89(2) and 89(3) of the *Privacy and Data Protection Act 2014* (Vic) include 'public sector data systems'.⁷¹ Under s 88(1) of the *PDP Act*, an agency must ensure that a CSP is not acting or engaging in a practice 'that contravenes a protective data security standard' in relation to *both* public sector data or the 'public sector data systems' held by that agency.

Notably, under s 88(2), an agency must ensure that a CSP is not acting or engaging in a practice 'that contravenes a protective data security standard' when the CSP holds, uses, manages, discloses or transfers the public sector data on behalf of the agency. Further, under s 89(2), an agency must include assessment of the CSP in their security-risk profile assessment, and, under s 89 (3), address compliance of the CSP in their protective data security plan.

Under the present law, such obligations only apply to the public sector data the CSP 'collects, holds, uses, manages, discloses, or transfers' but not when they have 'access to or use of a public sector data system'.⁷² Since there are circumstances in which CSPs

⁶⁵ Ibid.

⁶⁶ Ibid., p. 11.

⁶⁷ Ibid., p. 12.

⁶⁸ Ibid.

⁶⁹ Ibid.

⁷⁰ Ibid., pp. 12–13.

⁷¹ OVIC, Response to Integrity and Oversight Committee questions on notice, 14 January 2025, p. 13.

⁷² *PDP Act 2014* (Vic), ss 88(2), 89(2), 89(3); OVIC, Response to Integrity and Oversight Committee questions on notice, 14 January 2025, p. 13.

have access to, or use of, a public sector data system (for example, 'outsourcing for ICT provisions and support'), OVIC recommends that the relevant provisions be amended to encompass those instances.⁷³

While the Committee supports consideration of these issues, it recognises the complexity of this area. For example, at the hearing it was explained that in relation to outsourcing, some commercial entities will be governed by the Commonwealth jurisdiction.⁷⁴ Further, the Committee notes the importance of consultation with the relevant industries in this area. Thus, the Committee supports consideration of OVIC's recommendations, provided there is adequate consultation with the relevant stakeholders and examination of any issues arising out of federal or State governance⁷⁵ arrangements for third parties.

RECOMMENDATION 7: That the Victorian Government, after consulting with relevant stakeholders, consider seeking amendment of the *Privacy and Data Protection Act 2014* (Vic) for the obligations within ss 88(2), 89(2) and 89(3) to apply to instances where contracted service providers have access to, or use of, 'public sector data systems'.

4.3.5 Information security, privacy and AI

With the growing potential and challenges of AI developments, the Committee notes the importance of regulatory analysis and oversight to reduce risk associated with them. The Committee was therefore eager to ask OVIC about developments in the area and what regulatory actions it had taken in response to them.

OVIC informed the Committee that it has researched and developed guidance for agencies on a number of AI and privacy topics. It has produced, for example, guidance on ChatGPT, which has been relied upon within the public sector.⁷⁶ OVIC has also produced guidance on Microsoft Copilot.⁷⁷ It is commendable that OVIC was the first regulator to produce such guidance, influencing others and being incorporated into the materials of legal firms.⁷⁸

⁷³ OVIC, Response to Integrity and Oversight Committee questions on notice, 14 January 2025, p. 13.

⁷⁴ Rachel Dixon, Privacy and Data Protection Deputy Commissioner, OVIC, public hearing, Melbourne, 25 November 2024, *Transcript of evidence*, p. 2.

⁷⁵ There are also the privacy and information security laws of other States that may apply in the circumstance (OVIC, *Outsourcing in the Victorian public sector: a guide to outsourcing arrangements*, OVIC, Melbourne, 2025, p. 11).

⁷⁶ Sean Morrison, Information Commissioner, OVIC, public hearing, Melbourne, 25 November 2024, *Transcript of evidence*, pp. 4–5; OVIC, *Use of personal information with ChatGPT*, Melbourne, February 2024.

⁷⁷ Sean Morrison, Information Commissioner, OVIC, public hearing, Melbourne, 25 November 2024, *Transcript of evidence*, pp. 4–5; OVIC, *Use of Microsoft 365 Copilot in the Victorian public sector*, Melbourne, n.d.

⁷⁸ Sean Morrison, Information Commissioner, OVIC, public hearing, Melbourne, 25 November 2024, *Transcript of evidence*, pp. 4–5.

The Committee notes that OVIC emphasises caution in the use of AI. As Deputy Commissioner Dixon noted:

[G]eneral-purpose tools that you are seeing that are coming to market, like Copilot, exist in a range of things. Because context is absolutely critical to understanding the risk that AI poses in general circumstances, those general-purpose tools, we would say, are not sufficiently reliable to be trusted.⁷⁹

Further, OVIC's internal policy stipulates that AI is not to be used, subject to the Information Commissioner's discretion on policy research or special-use cases.⁸⁰ For example, it does not deploy Microsoft Copilot. OVIC does, however, use a cybersecurity tool that is 'algorithmic',⁸¹ which is necessary to detect phishing.⁸² At the time of writing, after conducting consultation in this dynamic area, OVIC was also updating their AI guidance.⁸³

In addition, OVIC notes that there are areas in which any use of AI involves an unacceptably high risk to privacy, such as in the area of child protection, which was the subject of an OVIC investigation into the Department of Families, Fairness and Housing.⁸⁴

4.3.6 Information security, privacy and Victorian law enforcement

The maintenance of Victoria Police information security and privacy is an important topic due to the sensitive nature of the information being held and the potentially serious consequences of incidents. The Committee has monitored this issue since its first report, entitled *Inquiry into the performance of Victorian integrity agencies 2017/18–2018/19*.⁸⁵

The Committee notes that since the establishment of the Commissioner for Law Enforcement Data Security in 2005 (now defunct), 'there have been 271 recommendations made to Victoria Police' and that '[w]hilst progress has been slow, approximately 94% of recommendations have been closed', according to OVIC.⁸⁶

Victoria Police has now submitted responses to OVIC for 15 of the 16 outstanding recommendations, which OVIC is currently assessing. The Committee commends OVIC for aiming to resolve the remaining recommendations.⁸⁷

⁷⁹ Rachel Dixon, Privacy and Data Protection Deputy Commissioner, OVIC, public hearing, Melbourne, 25 November 2024, *Transcript of evidence*, p. 5.

⁸⁰ Sean Morrison, Information Commissioner, OVIC, public hearing, Melbourne, 25 November 2024, *Transcript of evidence*, p. 5.

⁸¹ Rachel Dixon, Privacy and Data Protection Deputy Commissioner, OVIC, public hearing, Melbourne, 25 November 2024, *Transcript of evidence*, p. 5.

⁸² 'Phishing is a type of scam. It involves scammers sending communication (usually email but may also be a phone call or SMS) disguised as being from a trusted sender in order to steal confidential information or to make it unavailable' (OVIC, *Phishing attacks and how to protect against them*, Melbourne, December 2020, p. 1).

⁸³ Sean Morrison, Information Commissioner, OVIC, public hearing, Melbourne, 25 November 2024, *Transcript of evidence*, p. 5.

⁸⁴ Ibid.

⁸⁵ Parliament of Victoria, IOC, *Inquiry into the performance of Victorian integrity agencies 2017/18–2018/19*, December 2020, pp. 65–68.

⁸⁶ OVIC, Response to Integrity and Oversight Committee questions on notice, 14 January 2025, p. 13.

⁸⁷ Ibid.

4.4 Regulatory Action Policy

The Committee noted in its *Performance of the Victorian integrity agencies 2021/22* report (November 2023) that OVIC had announced a new regulatory policy for 2022–25, reflecting ‘OVIC’s increasing maturity as a regulator’.⁸⁸

In this regard, the Committee acknowledges that OVIC has made significant improvements to its Regulatory Action Policy that:

- enable OVIC to communicate its regulatory actions more clearly, particularly in specifying that OVIC will publish reports of its regulatory action except where there are compelling reasons not to
- reflect that OVIC’s approach to regulatory action takes account of the published regulatory priorities
- consolidate privacy, freedom of information and information security into a single set of factors OVIC considers when deciding whether to undertake regulatory action
- amend the guiding principles to include a principle that ensures all regulatory action is effective and targeted, and make the principle of proportionality more prominent
- clarify the actions OVIC takes when following up recommendations made during regulatory action.⁸⁹

OVIC has also told the Committee that there has been greater use of preliminary inquiries as a regulatory tool and that further amendments will be made to the Regulatory Action Policy in 2025.⁹⁰ The Committee is keen to follow the progress of the Regulatory Action Policy in the coming years.

4.5 Co-regulation

During the public hearings, the Committee noted OVIC’s reference to ‘co-regulation’, which it described as follows:⁹¹

A co-regulatory model ... means that regulated agencies are empowered to proactively implement information handling practices, policies and procedures based on the requirements of the FOI Act and the ... PDP Act ... and OVIC’s expectations of best practice.⁹²

OVIC further explained that ‘[d]ifferent agencies have different needs and uses for the information they collect and hold. A co-regulatory model ... provides regulated entities with flexible solutions to often industry-specific problems’.⁹³

⁸⁸ Parliament of Victoria, IOC, *Performance of the Victorian integrity agencies 2021/22*, November 2023, p. 83.

⁸⁹ OVIC, Response to Integrity and Oversight Committee questions on notice, 14 January 2025, p. 2.

⁹⁰ Ibid.

⁹¹ Sean Morrison, Information Commissioner, OVIC, public hearing, Melbourne, 25 November 2024, *Transcript of evidence*, pp. 2, 3, 7.

⁹² OVIC, Response to Integrity and Oversight Committee questions on notice, 14 January 2025, pp. 4–5.

⁹³ Ibid., p. 5.

As OVIC states, while the strategy has always been used by OVIC, its consultation with agencies is increasing. Notably, OVIC's Policy team was involved in 13 more consultations with organisations in 2023/24 than in 2022/23.⁹⁴ There are also many examples of informal consultations, which include 'following up on new policies and programs, legislated reporting obligations, and preliminary inquiries'.⁹⁵

This appears to be a positive development, as OVIC has observed:

This increase in agency-initiated consultations is reflective of how a co-regulatory approach can drive positive change in information management practice and culture. Organisations see value in consulting with OVIC, as it helps them to improve their practices.⁹⁶

While strictly lying outside the period covered by this Committee report, it is notable that in 2024–27, the strategy will include:

- updating internal processes and existing guidance materials that reflect recent shifts in technology and information management
- convening events with stakeholders ...
- identifying trends in international privacy, freedom of information and information security practice through participation in inter-agency practice groups
- developing policy options for legislative reform.⁹⁷

4.6 Evaluation and assessment framework

The Committee notes the importance of its 2022 Inquiry into the Education and Prevention Functions of Victoria's Integrity Agencies which, amongst other goals, aimed to determine 'how integrity agencies can help prevent corruption and other misconduct and enhance the capacity, willingness and expertise of public sector organisations to identify and prevent corruption',⁹⁸ and noted how education to the public and agencies promotes 'transparency and accountability' with respect to OVIC's operations.⁹⁹ The Committee looks forward to OVIC's delivery of their framework in late 2025.¹⁰⁰

OVIC notes that '[t]he framework will aim to understand how OVIC is providing its stakeholders with the skills they need to meet their obligations' and include 'a more rigorous evidence base' to establish the effectiveness of OVIC's educational

⁹⁴ Ibid., p. 6.

⁹⁵ Ibid.

⁹⁶ Ibid.

⁹⁷ Ibid., p. 5.

⁹⁸ Parliament of Victoria, IOC, *Inquiry into the education and prevention functions of Victoria's integrity agencies*, April 2022, p. 43.

⁹⁹ Ibid., p. 34.

¹⁰⁰ OVIC, Response to Integrity and Oversight Committee questions on notice, 14 January 2025, p. 6.

programs.¹⁰¹ They also note that '[i]t will inform future educational programs and identify new or preferred educational methodologies' as well as underpin the co-regulatory approach by encouraging 'public sector employees at all levels to understand their roles in cultivating safe information practices'.¹⁰²

4.7 Funding and independence

The Committee asked OVIC for its reflections on the funding of the agency, following issues raised at last year's performance review.¹⁰³ Currently, while OVIC considers that it can 'effectively perform its functions with its current resourcing', it has nevertheless emphasised that 'it would be extremely difficult for OVIC to continue to effectively oversight the Victorian public sector with further reductions to its staffing profile and resourcing'.¹⁰⁴

In relation to a mechanism of independent funding, the Committee notes OVIC's ongoing position: 'a strong view that OVIC should perform its functions independently of government'.¹⁰⁵ In accordance with this view, the agency considers that

- OVIC should be solely accountable to the Committee through provision of an annual report
- OVIC should not be required to report to a government department on its performance
- OVIC should receive its annual funding through an independent funding model, rather than through a government department, similar to other integrity agencies
- If funded through the parliament, OVIC should submit budget bids for additional funding directly to the Treasurer via the Department of Treasury and Finance (subject to endorsement by the Committee).¹⁰⁶

The Committee notes that—unlike the Independent Broad-based Anti-corruption Commission (IBAC), the Victorian Ombudsman (VO) and Integrity Oversight Victoria (IOV)—OVIC 'does not receive its funding directly through the Parliament'.¹⁰⁷

According to OVIC, '[a] more independent funding model, such as receiving its budget directly from the Victorian Parliament or through an independent tribunal, would provide for greater transparency'.¹⁰⁸ In OVIC's view, it would more clearly signal that 'integrity agencies are not subject to government direction or coercion'.¹⁰⁹

¹⁰¹ Ibid.

¹⁰² Ibid.

¹⁰³ Parliament of Victoria, IOC, *Performance of the Victorian integrity agencies 2021/22*, November 2023, pp. 90–91.

¹⁰⁴ OVIC, Response to Integrity and Oversight Committee questions on notice, 14 January 2025, p. 16.

¹⁰⁵ Ibid.

¹⁰⁶ Ibid.

¹⁰⁷ OVIC, Response to Integrity and Oversight Committee questions on notice, 14 January 2025, p. 17.

¹⁰⁸ Ibid.

¹⁰⁹ Ibid.

The Committee has previously considered it ‘valuable for the Government to review whether the agency should be given budgetary independence, similar to IBAC, the VO, and the ... [IOV]’,¹¹⁰ emphasising that, ‘[in] any such review, it will be important for the Government to consider the concerns expressed by IBAC, the VO and [Victorian Auditor-General’s Office] about their current funding arrangements, noting that they have jointly called for their funding to be decided by an independent tribunal rather than Parliament’.¹¹¹

Recently, the Charter of Independence for NSW integrity Agencies has been introduced in New South Wales (NSW), which could be an alternative model for consideration.¹¹² The Committee recommends that, as part of any Government review of the appropriateness of funding model for OVIC, the relative benefits and detriments of the NSW model be considered.

RECOMMENDATION 8: That the Victorian Government review the desirability and feasibility of directly funding the Office of the Victorian Information Commissioner through Parliament’s appropriation, similar to the funding arrangements for the Independent Broad-based Anti-corruption Commission, Integrity Oversight Victoria and the Victorian Ombudsman.

The Committee also reiterates Recommendation 82 in its FOI Inquiry report.¹¹³

4.8 Accountability: complaints about OVIC handled by the IOC

The Committee can receive complaints about OVIC as part of its performance-monitoring function under s 7 of the *Parliamentary Committees Act 2003* (Vic). In such instances, the Committee will consider whether they raise systemic issues about the agency.

In 2022/23, the IOC received 5 complaints about OVIC, 5 of which were in the Committee’s jurisdiction, and finalised 9. For details, see Table 4.1, below. Complaints were related to OVIC’s dismissal of complaints and delay in finalising its assessment of complaints.

¹¹⁰ Parliament of Victoria, IOC, *FOI Inquiry*, September 2024, pp. 198–200.

¹¹¹ *Ibid*, p. 200.

¹¹² NSW Treasury, New South Wales Government, *TD24-12 Charter of Independence for NSW integrity Agencies*, Sydney, 6 August 2024.

¹¹³ *FOI Inquiry*, p. 229.

Table 4.1 Complaints about OVIC received and finalised by the IOC in 2022/23

Within jurisdiction	5
Complaints received in 2021/22 and finalised in 2022/23	4
Complaints received and finalised in 2022/23	5
Closed after assessment, without enquiries	4
Closed, following enquiries	5
Systemic performance issues identified	0

Source: Devised from IOC complaints data.

4.9 Conclusion

The Committee commends the research and regulatory work of OVIC. This work has provided much-needed guidance to government agencies in several areas, including on information security, outsourcing and AI. The Committee is also looking forward to seeing the remaining Victorian law enforcement information security and privacy recommendations and the evaluation and assessment framework implemented. Noting the significant structural factors that contribute to timeliness issues in the FOI domain, the Committee reiterates the importance of implementing the recommendations of the FOI Inquiry. However, the Committee is encouraged, in the interim, by OVIC's continued conscientious efforts to reduce FOI delays.

Chapter 5

Victorian Ombudsman

5.1 Introduction

The Victorian Ombudsman (VO) is one of Victoria's key integrity bodies. Its jurisdiction, work and decision-making powers are largely found in the *Ombudsman Act 1973* (Vic) ('VO Act 1973 (Vic)').¹ The VO oversees Victoria's government departments and administrative officers, prisons, statutory bodies (for example, the Transport Accident Commission), local government authorities (including councils) and publicly funded bodies.²

In terms of the VO's functions and powers, its day-to-day work involves receiving and resolving complaints regarding the decisions and actions of these entities.³ It conducts investigations, handles 'whistleblower' complaints under the *Public Interest Disclosures Act 2012* (Vic) ('PID Act 2012 (Vic)'), identifies 'systemic problems in public administration', reviews public organisations' complaint handling, and provides education and training to both the Victorian public sector and broader Victorian community.⁴

The VO's overarching goal is to '[e]nsure fairness for Victorians in their dealings with the public sector and improve public administration'.⁵ It strives to achieve this goal, contained in its 'Strategic Framework 2020–24', by:

- 'Ensuring fairness through independent and impartial complaint resolution and encouraging fair and reasonable decision making within the public sector'
- 'Enhancing accountability by independently investigating serious matters and reporting on improper conduct and poor administration'
- 'Protecting human rights by investigating whether an action or decision is incompatible with human rights and making it easier for people to complain'
- 'Supporting innovation and continuous improvement methods to assist public organisations to learn from complaints and investigations and by investigating systemic issues and identifying solutions'.⁶

1 See Victorian Ombudsman (VO), *Legislation and policies*, Melbourne, <<https://www.ombudsman.vic.gov.au/about-us/annual-reports-and-policies/legislation>> accessed 8 February 2025. Other relevant Acts include the *Public Interest Disclosures Act 2012* (Vic) ('PID Act 2012 (Vic)'), *Charter of Human Rights and Responsibilities Act 2006* (Vic), *Privacy and Data Protection Act 2014* (Vic), *Independent Broad-based Anti-corruption Commission Act 2011* (Vic), *Integrity Oversight Victoria Act 2011* (Vic) and the *Constitution Act 1975* (Vic) (VO, *Legislation and policies*, Melbourne, <<https://www.ombudsman.vic.gov.au/about-us/annual-reports-and-policies/legislation>> accessed 8 February 2025).

2 VO, *2023 annual report*, Melbourne, 2023, p. 13.

3 Ibid., p. 12.

4 Ibid.

5 Ibid., p. 15.

6 Ibid.

Under s 26H of the *VO Act 1973* (Vic), the Integrity and Oversight Committee is responsible for monitoring and reviewing the VO's performance of its duties and functions, including reporting to Parliament on any matter connected with its performance.⁷

As part of its review and monitoring of the VO's performance, the Committee refers to the findings and recommendations arising from the inaugural independent performance audit of the VO. The *VO Act 1973* (Vic) requires that an independent performance auditor be appointed at least once every four years to conduct a performance audit of the VO.⁸ After the Committee recommended the appointment of O'Connor Marsden Pty Ltd (Independent Auditor) to Parliament on 30 November 2023,⁹ the Independent Auditor reviewed the VO's performance during a three-year period ending 30 June 2023 with reference to the Committee's audit specification, the Australian Standard for Assurance Engagement 3500 Performance Engagements (ASAE 3500) and the Australian Standard for Assurance Engagement (ASAE 3100).¹⁰

Drawing on the results of this performance audit, as well as other review mechanisms such as the VO's annual plan, this chapter evaluates the VO's performance with respect to the following: complaint handling and investigations, engagement and education, governance, workplace and funding, and accountability.

5.2 Complaint handling and investigations

5.2.1 Complaints—numbers and trends

Complaint handling is a 'vital' aspect of the VO's workload and service provided to the community.¹¹ In 2022/23, the VO received 17,510 phone complaints and 5,757 web form complaints.¹² Of these, the VO received 18,403 jurisdictional complaints—a slight decrease of 2.6% from the 2021/22 period (18,889),¹³ likely because of a decrease in COVID-19-related complaints.¹⁴ Impressively, the VO closed 93.5% of complaints within 30 days,¹⁵ demonstrating the VO's effectiveness in early complaint resolution and its commitment to resolving complaints in a timely manner.¹⁶

⁷ *Ombudsman Act 1973* (Vic) ('VO Act 1973 (Vic)') s 26H. See also *Parliamentary Committees Act 2003* (Vic) ('PC Act 2003 (Vic)') ss 7(1)–(2).

⁸ *VO Act 1973* (Vic) ss 24D–24E.

⁹ See Parliament of Victoria, Integrity and Oversight Committee (IOC), *Appointment of a person to conduct the independent performance audit of the Victorian Ombudsman*, Melbourne, November 2023.

¹⁰ For more information on the audit approach and methodology, see O'Connor Marsden, *Performance audit of the Victorian Ombudsman: report to the Integrity and Oversight Committee*, Melbourne, 18 June 2024, in Parliament of Victoria, IOC, *The independent performance audit of the Victorian Ombudsman*, Melbourne, July 2024, Appendix A (hereinafter, *Performance audit of the Victorian Ombudsman*, Melbourne, 2024), pp. 10–11.

¹¹ VO, Response to Integrity and Oversight Committee questions on notice, 19 December 2024, p. 1.

¹² VO, *2023 annual report*, Melbourne, 2023, p. 4.

¹³ *Ibid.*, p. 19.

¹⁴ *Ibid.*

¹⁵ VO, *2023 annual report*, Melbourne, 2023, pp 18–19; Marlo Baragwanath, Ombudsman, VO, public hearing, Melbourne, 11 November 2024, *Transcript of evidence*, p. 1.

¹⁶ VO, *2023 annual report*, Melbourne, 2023, p. 19.

Complementing the Independent Broad-based Anti-corruption Commission (IBAC), especially within IBAC's police oversight function, and the Victorian Equal Opportunity and Human Rights Commission, the VO is the key organisation in Victoria responsible for determining whether the actions and decisions of public authorities are compatible with human rights.¹⁷ In the period under review, the VO received 2,722 complaints about human rights.¹⁸ This figure is a decrease of 7.3% from the preceding year.¹⁹

In 2022/23, the three portfolios or agencies in 2022/23 which received the most complaints were corrections (4,250 total), local government (3,607 total) and the Department of Families, Fairness and Housing (1,667 total).²⁰ The Ombudsman has explained that the volume of complaints about Corrections is

attributable in part to staff shortages in corrections reducing out-of-cell hours, and prisoner complaints about health care were also up by over 26 per cent, which no doubt led to the commencement of an own-motion investigation into healthcare provision for Aboriginal people in Victorian prisons, which was tabled in Parliament early this year.²¹

The commonest issue of complaint, with 2,626 complaints, concerned delay, no response or withholding of information regarding correspondence, communication and records.²² Following this category, decision-making (specifically, the wrong decision) and buildings and facilities (quality, condition, maintenance and repair) were next—respectively, 1,689 and 1,119 complaints.²³ The number of complaints about some portfolios and agencies rose dramatically compared with the previous period—see, for example, complaints about Department of Education (91.4% increase, 266 total); Department of Transport—Roads (60.9% increase, 333 total); and the Department of Families, Fairness and Housing (52.5% increase, 1,667 total).²⁴

Importantly, the VO supports organisations to better understand the causes and trends of these complaints. For instance, the VO engaged with the Department of Transport—Roads in identifying that the increase in complaints was due to an increase in vehicle-damage claims linked to flooding and wild-weather road infrastructure issues.²⁵ With the VO's assistance, complaints about the Department of Transport—Roads fell after it allocated more resources to its claim-handling area.²⁶

The Committee is confident in the VO's understanding of the factors that influence the number of complaints it receives. The Ombudsman has, for instance, acknowledged the

¹⁷ Victorian Government, *Good practice guide: managing complaints involving human rights*, Melbourne, May 2017, pp. 6–7.

¹⁸ VO, *2023 annual report*, Melbourne, 2023, pp. 5, 70; Marlo Baragwanath, Ombudsman, VO, public hearing, Melbourne, 11 November 2024, *Transcript of evidence*, p. 2.

¹⁹ VO, *2023 annual report*, Melbourne, 2023, pp. 5, 70.

²⁰ *Ibid.*, p. 22.

²¹ Marlo Baragwanath, Ombudsman, VO, public hearing, Melbourne, 11 November 2024, *Transcript of evidence*, p. 2. See also VO, *Investigation into healthcare provision for Aboriginal people in Victorian prisons*, Melbourne, March 2024.

²² VO, *2023 annual report*, Melbourne, 2023, p. 21.

²³ *Ibid.*

²⁴ *Ibid.*, p. 22.

²⁵ *Ibid.*, p. 23.

²⁶ *Ibid.*

‘increasing complexity of some of the complaints that ... [the VO] get in the door and people who might be complaining about multiple agencies or multiple issues with an agency’.²⁷ The VO also understands the role of preventive measures, demonstrated by its commitment to ‘educating the public service’, including local councils, to ‘better handle’ complaints and empowering ‘the community to make more effective complaints’.²⁸

When prompted to describe how the agency thinks complaint handling may impact its future workload, the VO highlighted three factors that may influence the number of complaints it receives. For instance, helping public bodies to improve their complaint-handling processes will likely decrease the number of complaints to the VO.²⁹ Similarly, improving the public’s awareness of the VO’s functions and its ‘digital offerings’ will help individuals better ‘navigate the complaints system themselves’, likely decreasing the number of complaints received by the VO.³⁰ Conversely, increasing the awareness of the VO’s role in marginalised communities is expected to increase the number of complaints, as individuals and community groups better understand how the VO can assist them.³¹

Notwithstanding the VO’s understanding of these trends, the Independent Auditor identified that

[w]hile VO has done significant work in this area, there is room for improvement for VO to assist in building capability across its jurisdiction in improving administration and handling complaints. While VO uses the data to discuss trends with entities, it does not provide them with statistics they can use to draw insights on areas where complaints are not reducing and are of similar types.³²

The Committee has a longstanding interest in the VO improving how it uses data to enhance its understanding of, and handling of, complaints the VO receives.³³ In other words, data collection and analysis are not only relevant to how the bodies that VO oversees perform (which has tended to be the VO’s focus), but how the VO itself performs in exercising its complaint-handling functions. As such, the Committee supports the Independent Auditor’s recommendation that, as a means of better understanding how complaints handling can be improved in Victoria, the VO should prioritise a ‘data-led approach to develop a targeted and risk-based plan, focused on building capability across entities within its jurisdiction to achieve improved quality in complaint handling’.³⁴

²⁷ Marlo Baragwanath, Ombudsman, VO, public hearing, Melbourne, 11 November 2024, *Transcript of evidence*, p. 3.

²⁸ Respectively, Marlo Baragwanath, Ombudsman, VO, public hearing, Melbourne, 11 November 2024, *Transcript of evidence*, p. 3; Andrew Adason, Deputy Ombudsman, Prevention, VO, public hearing, Melbourne, 11 November 2024, *Transcript of evidence*, p. 3.

²⁹ VO, Response to Integrity and Oversight Committee questions on notice, 19 December 2024, p. 1.

³⁰ *Ibid.*

³¹ *Ibid.*

³² O’Connor Marsden, *Performance audit of the Victorian Ombudsman*, Melbourne, 2024, p. 23.

³³ Parliament of Victoria, IOC, *Performance of the Victorian integrity agencies 2020/21: focus on witness welfare*, Melbourne, October 2022, pp. 168–170 (Recommendation 13); Parliament of Victoria, IOC, *Performance of the Victorian integrity agencies 2021/22*, Melbourne, November 2023, pp. 140–141.

³⁴ O’Connor Marsden, *Performance audit of the Victorian Ombudsman*, Melbourne, 2024, p. 23.

5.2.2 Early resolution

The VO's proactive approach to resolving complaints is vital given the volume of complaints it receives. Its Early Resolution Team is responsible for assessing, prioritising and resolving complaints, determining whether the VO has a role to play and what practical solutions might be available.³⁵ This team is fundamental to the VO's responsiveness and effectiveness as a leading complaint-handling body:

To give you a bit of a sense of the volume of work, they answered 28,618 phone calls and spent nearly 3500 hours speaking with Victorians about their complaints, providing advice and outcomes. Reconnecting the parties and facilitating communication was the most common remedy achieved, which aligns with the most complained-about issue we received, which relates to poor or delayed communication.³⁶

The VO also introduced a webchat function, allowing complainants to self-navigate or speak with a VO officer.³⁷ It was used by 424 individuals during the relevant period.³⁸ As stated in its annual plan, the VO effectively promoted its alternative dispute resolution function, including by engaging with stakeholders on 'open days' for State government and local governments/councils, as well as engaging with community legal centres and respondent departments and agencies.³⁹ Such approaches will become increasingly important for the VO if its role in marginalised communities, as mentioned above, is expected to increase the number of complaints it receives.

5.2.3 Case management

The VO's approach to effective complaint case management is particularly important and therefore of interest to the Committee. The VO is widely regarded as a leader in this respect. It has, for instance, embraced technological advancements and created process and system efficiencies by automating aspects of its case management system, including automating its correspondence with public sector bodies subject to complaints and refining its correspondence templates.⁴⁰ Importantly, the VO ensures points of automation are 'subject to oversight by VO officers to check for errors, allow customisation and to reflect complainant communication preferences'.⁴¹

The next challenge for the VO is to update its complaints case management system. As the VO has highlighted, this challenge is significant:

We know [the VO's case management system] ... is getting towards end of life, and we need to have a road map. We want to be wary of losing that customisation we have because our basic system with complaints is that when you call the person you speak

³⁵ VO, *2023 annual report*, Melbourne, 2023, p. 20.

³⁶ Marlo Baragwanath, Ombudsman, VO, public hearing, Melbourne, 11 November 2024, *Transcript of evidence*, p. 2.

³⁷ VO, Response to Integrity and Oversight Committee questions on notice, 19 December 2024, p. 2.

³⁸ VO, *2023 annual report*, Melbourne, 2023, p. 5.

³⁹ *Ibid.*, p. 9.

⁴⁰ VO, Response to Integrity and Oversight Committee questions on notice, 19 December 2024, pp. 2–3.

⁴¹ *Ibid.*, p. 3.

to on the phone is the person who will take your complaint right through and resolve it, and having really good workflows in our systems is what enables that to happen pretty effectively.⁴²

The Committee is confident in the VO's ability to develop and implement a new case management system that is fit for purpose. To that end, the Committee notes there is scope to further improve the accessibility of the VO's complaint-handling systems. As noted by the Independent Auditor:

Results of the most recent (2022–23) independent survey of complainants show that compared to participants without a disability, those who identified as having a disability were significantly more likely to have made multiple attempts to contact VO to lodge their initial complaint (36% vs 23%). Similarly, a higher percentage (26% vs 19%) found the ease of having their complaint considered as 'difficult' or 'very difficult' ...⁴³

The Independent Auditor therefore recommended that the VO 'obtains feedback from people with a disability who have lodged a complaint, to continue to improve accessibility and responsiveness of the complaint handling systems'.⁴⁴ To date, while the VO has noted it will 'continue to work to improve accessibility for all who approach' it, it has only agreed to this recommendation 'in principle'.⁴⁵ The Committee expects that the VO will implement this recommendation fully, and ensure that, in designing a new case management system, its broader complaint-handling systems are accessible and responsive to everyone, particularly those with greater or distinctive accessibility needs.

5.2.4 Improving public sector complaint handling

The VO can review an authority's approach to complaint handling, including its practices and processes.⁴⁶ These reviews 'allow the Ombudsman to work with authorities to ... improve how they handle complaints from the public'.⁴⁷ They have had a positive impact:

Of the public bodies that have been subject to a Complaint System Review, there has been a discernible improvement in their complaints handling performance. For example, after a Review, complaints about complaint handling by the Legal Services Board and Commission reduced by ≈19% (FY21/22 to FY23/24).⁴⁸

⁴² Dan Nicholson, Deputy Ombudsman, Operations, VO, public hearing, Melbourne, 11 November 2024, *Transcript of evidence*, p. 8.

⁴³ O'Connor Marsden, *Performance audit of the Victorian Ombudsman*, Melbourne, 2024, p. 30.

⁴⁴ Ibid., p. 31.

⁴⁵ Ibid., p. 51.

⁴⁶ VO, *2023 annual report*, Melbourne, 2023, p. 44.

⁴⁷ Ibid.

⁴⁸ VO, Response to Integrity and Oversight Committee questions on notice, 19 December 2024, p. 2.

Common areas of improvement include improving training for complaint handlers and centralising responsibility for complaint management.⁴⁹ The VO has highlighted the benefits to Victorian public sector bodies if the value of complaints is properly realised.⁵⁰

[It] will help you improve your service, it will help whatever satisfaction ratings you have, it will ensure that you do not have people running off to complain to your minister or writing letters to the paper and all of that sort of stuff. It is trying to get them to understand their own data, their own trends and the way that they are dealing with people and whether they are understanding those sorts of things.⁵¹

The Committee recognises that improving the efficiency and effectiveness of complaint handling in the Victorian public sector is vital, particularly in terms of supporting the VO to promote innovative and continuous improvement methods. This proactive approach is also beneficial in reducing the administrative burden for both the VO and the broader Victorian public sector.

Currently, the VO has 1.2 FTE staff who conduct up to three reviews per year.⁵² The Committee is supportive of the VO's objective of

[increasing] its capacity to deliver a data-led and risk-based program of Reviews into the future and empower public bodies with analytics to learn from their complaints data and proactively address issues of community concern without requiring our involvement.⁵³

RECOMMENDATION 9: That the Victorian Government provide additional funding to the Victorian Ombudsman for the purpose of (1) developing a data-led and risk-based program of reviews of public sector bodies' complaint handling and (2) assisting public bodies to more effectively and independently utilise complaints data in proactively addressing issues of community concern.

5.2.5 Public interest complaints

Victoria's public interest disclosure (PID) ('whistleblower' protection) scheme allows individuals to report improper conduct in the Victorian public sector.⁵⁴ The scheme is 'an important part of Victoria's integrity landscape and helps safeguard against corruption and other ... [forms] of improper conduct'.⁵⁵ People may make a report regarding public organisations, public officers or third parties 'whose conduct adversely affects the honest performance of a public organisation's or public officer's

⁴⁹ Ibid.

⁵⁰ Marlo Baragwanath, Ombudsman, VO, public hearing, Melbourne, 11 November 2024, *Transcript of evidence*, p. 7.

⁵¹ Ibid.

⁵² VO, Response to Integrity and Oversight Committee questions on notice, 19 December 2024, p. 2.

⁵³ Ibid.

⁵⁴ VO, *2023 annual report*, Melbourne, 2023, p. 66.

⁵⁵ VO, Response to Integrity and Oversight Committee questions on notice, 19 December 2024, p. 5.

official functions, or who intends to adversely affect their effective performance to obtain a benefit'.⁵⁶ The VO has explained its role in Victoria's PID scheme as follows:

We have a role in assessing, enquiring into, and investigating public interest disclosures and complaints. We must refer disclosures to the Independent Broad-based Anti-corruption Commission [IBAC] if we decide they may be a public interest disclosure. IBAC then assesses the disclosure and determines if it is 'a public interest complaint'. IBAC often refers those complaints back to us, and we decide if they warrant investigation.⁵⁷

In 2022/23, the VO finalised 191 public interest complaint (PIC) allegations.⁵⁸ It received 120 PICs from IBAC, involving 266 allegations—an increase of 13.2% on the previous period.⁵⁹ These allegations mostly concerned improper conduct by public officers such as:

- nepotistic recruitment
- misuse of confidential information
- manipulation of procurement processes to benefit a public servant or their personal connections
- allegations of excessive use of force to restrain prisoners
- misuse of financial delegations such as credit cards or invoicing processes ...⁶⁰

While the VO recognises the importance of the PID scheme to Victoria's integrity system and the special status of PIDs in protecting whistleblowers, the agency has highlighted inefficiencies with the current scheme, which have increased its complaint-handling workload:

[U]nder the ... [VO Act 1973 (Vic)] we have limited discretion about the investigation of public interest complaints, compared with other complaints we receive. This can result in significant delay in the assessment and investigation of these matters and diverts a disproportionate amount of resources to low-level Public Interest Complaints which often have scant detail and limited systemic implications.⁶¹

Further, the Ombudsman has noted:

[It] is clear that it is extremely complex both for whistleblowers and the [Victorian public sector] ... While the intention is to protect the confidentiality of those involved, it gives the agencies little discretion, and the restriction on communicating outcomes leads to significant frustration. I think that consideration needs to be given to whether the Act could be amended to better achieve its aims.⁶²

⁵⁶ VO, *2023 annual report*, Melbourne, 2023, p. 66.

⁵⁷ Ibid.

⁵⁸ Ibid., p. 68.

⁵⁹ Ibid., p. 67.

⁶⁰ Ibid., p. 66.

⁶¹ VO, Response to Integrity and Oversight Committee questions on notice, 19 December 2024, p. 5.

⁶² Marlo Baragwanath, Ombudsman, VO, public hearing, Melbourne, 11 November 2024, *Transcript of evidence*, p. 2.

The VO has previously expressed these concerns.⁶³ As part of this year's review by the Committee of the VO's performance, the agency, in response to a question on notice, has proposed three changes to the *VO Act 1973* (Vic) directed at enhancing the VO's ability to handle public interest complaints:

1. Give VO the power to refer public interest complaints to other public bodies for investigation, and to then oversee and review the referred investigation conducted by the agency. The Ombudsman could then determine if further investigation was necessary or warranted and make recommendations at their conclusion. This would enable a local council or government department to investigate an allegation of improper conduct where it is best placed to do so, with proper oversight by the VO.
2. Give the VO the power to conciliate public interest complaints, in the same way that we can conciliate other complaints under section 13G of the Ombudsman Act. We conciliated 52 complaints last year, with over 90% resolved.
3. Give the VO a discretion to not investigate public interest complaints if investigating the complaint is unnecessary or unjustifiable, having regard to all the circumstances of the case. The VO already has this discretion in respect of ordinary complaints and procedural fairness processes would continue to apply.⁶⁴

The Committee recognises that, as both the integrity system and agency have matured, an amendment to the *VO Act 1973* (Vic) is warranted: to give the VO a discretion to carefully identify which PICs it should investigate, and thus to use its complaint-handling resources proportionately and efficiently. The Committee is confident in the VO's ability to exercise this discretion conscientiously and fairly within the Victorian PID scheme, and thus endorses the VO's proposed reforms.

RECOMMENDATION 10: That the Victorian Government seek amendment of the *Ombudsman Act 1973* (Vic) to grant the Victorian Ombudsman greater powers and flexibility to decide how it handles public interest complaints.

5.2.6 Investigations

The VO's investigations are another key aspect of its work and fundamental to maintaining and improving Victoria's integrity system. The VO can investigate public organisations or decisions regarding a complaint or on its own motion.⁶⁵ Own motion investigations 'enable ... [the agency] to respond to issues of significant public interest or community concern where there may be systemic factors that ... [the VO] can address through ... [its] remedial recommendations'.⁶⁶ The agency can also look into

⁶³ Parliament of Victoria, IOC, *Performance of the Victorian integrity agencies 2020/21: focus on witness welfare*, Melbourne, October 2022, pp. 172–174; Parliament of Victoria, IOC, *Performance of the Victorian integrity agencies 2021/22*, Melbourne, November 2023, pp. 139–140; Marlo Baragwanath, Ombudsman, VO, public hearing, Melbourne, 11 November 2024, *Transcript of evidence*, pp. 2, 9; Dan Nicholson, Deputy Ombudsman, Operations, VO, public hearing, Melbourne, 11 November 2024, *Transcript of evidence*, pp. 6, 9.

⁶⁴ VO, Response to Integrity and Oversight Committee questions on notice, 19 December 2024, p. 5.

⁶⁵ VO, *2023 annual report*, Melbourne, 2023, p. 52.

⁶⁶ VO, Response to Integrity and Oversight Committee questions on notice, 19 December 2024, p. 1.

PICs and ‘any matter’ referred by the Victorian Parliament.⁶⁷ During an investigation, the Ombudsman can exercise the powers of a Royal Commission, including compelling individuals to attend interviews or produce documents.⁶⁸ The VO can also inspect an organisation’s premises and take statutory declarations.⁶⁹

In 2022/23, the Ombudsman tabled nine reports,⁷⁰ which is a 33% increase on the previous period.⁷¹ Reports addressed issues such as corrupt conduct involving public officers, complaint handling in Victoria’s social housing sector, use of contractors at the local government level, and more effective complaint handling (see Table 5.1, below).

Table 5.1 VO reports tabled in Parliament 2022/23

Title	Date tabled
Investigation into complaint handling in the Victorian social housing sector	July 2022
Operation Watts, a joint investigation into allegations of serious corrupt conduct involving Victorian public officers, including Members of Parliament	July 2022
Investigation of a matter referred from the Legislative Council on 9 February 2022 Part 1	July 2022
Investigation into a former youth worker’s unauthorised access to private information about children	September 2022
Ombudsman’s recommendations—fourth report	September 2022
Good practice guide: complaint handling in a crisis	February 2023
Glen Eira Council’s approach to contractor work	April 2023
Complaint handling casebook: resolving issues informally	May 2023
WorkSafe 3: investigation into Victorian self-insurers’ claims management and WorkSafe oversight	June 2023

Source: VO, 2023 annual report, Melbourne, 2023, p. 52.

The Committee endorses the VO’s focus on outcomes and working collaboratively to ensure its recommendations serve the public interest.⁷² In this regard, the Committee acknowledges the VO’s successful completion of its first joint investigation, known as Operation Watts, with IBAC.⁷³ The Victorian Government accepted each of the investigation’s 21 recommendations, leading to the passage of the *Parliamentary Workplace Standards and Integrity Act 2024* (Vic) and creation of the Parliamentary Workplace Standards and Integrity Commission.⁷⁴ Further changes to the *PID Act 2012* (Vic) and *Parliamentary Administration Act 2005* (Vic) are also under consideration.⁷⁵

67 VO, 2023 annual report, Melbourne, 2023, p. 52.
68 Ibid.
69 Ibid.
70 Ibid.
71 Ibid., p. 4.
72 Ibid., p. 52.
73 Independent Broad-based Anti-corruption Commission (IBAC) and VO, *Operation Watts: investigation into allegations of misuse of electorate office and ministerial office staff and resources for branch stacking and other party-related activities*, Melbourne, July 2022.
74 VO, Response to Integrity and Oversight Committee questions on notice, 19 December 2024, p. 4.
75 Ibid.

The VO's investigation into complaint handling in Victoria's public and social housing sector signifies an important step in improving living standards for a large number of Victorians. The investigation found that Victoria's social housing complaint system is complex and that the experience of renters depends on whether they are in public or community housing.⁷⁶ The report made 17 recommendations, including for the establishment of a social housing ombudsman 'to improve renter satisfaction and confidence'.⁷⁷ The Ombudsman has indicated that she intends to ensure the investigation's findings remain central to the VO's work:

The investigation that we conducted included recommendations aimed at enhancing the capacity of housing providers to manage complaints effectively, which, particularly in light of the housing and cost-of-living crisis, we will probably remain focused on and continue to get complaints in relation to that.⁷⁸

During the Committee's review of the performance of Victoria's integrity agencies in 2021/22, the Ombudsman explained the impact of parliamentary referrals on the VO's investigations and broader workload. For context, the VO has previously explained:

The Ombudsman must investigate all Parliamentary referrals, and how it does so is at the Ombudsman's discretion. As Parliamentary referrals are additional to business-as-usual work, each Parliamentary referral is allocated a project code within the office's finance system to ensure costs can be separately recorded and reported. VO only claims direct staff costs and external expertise (specialist legal advice, for example) involved in a Parliamentary referral investigation.⁷⁹

The requirement for the VO to investigate any referral from Parliament creates a tension in terms of balancing its resourcing and staffing commitments and ensuring it performs its complaint-handling and investigation functions effectively and efficiently. In respect of staffing, for example, in order to meet the additional demands of a referral the agency must recruit additional staff to 'backfill' the positions of investigators who are required to work on parliamentary referrals.⁸⁰ As the Ombudsman noted,

[the] issue with that, though, is that it is very hard to recruit quickly—it is very hard to recruit people of the sufficient quality that we are looking for given the sensitivity of our investigations. It is not like that happens quickly or readily. It does tend to put a lot of strain on us in terms of keeping all the balls in the air at once and keeping going with all the other investigations.⁸¹

⁷⁶ VO, *2023 annual report*, Melbourne, 2023, p. 56.

⁷⁷ Ibid.

⁷⁸ Marlo Baragwanath, Ombudsman, VO, public hearing, Melbourne, 11 November 2024, *Transcript of evidence*, p. 2.

⁷⁹ VO, Response to Integrity and Oversight Committee questions on notice, 14 September 2023, p. 5.

⁸⁰ Marlo Baragwanath, Ombudsman, VO, public hearing, Melbourne, 11 November 2024, *Transcript of evidence*, p. 5.

⁸¹ Ibid.

In other words, it is difficult for the VO to quickly recruit investigators who are sufficiently skilled to undertake this complex investigative work effectively, efficiently and in a timely manner.⁸² Parliamentary referrals also have an impact on the VO's capacity to conduct own motion investigations which, in the agency's words, 'are an incredibly important function of an Ombudsman'.⁸³

The VO has highlighted that its capacity to conduct own motion investigations is also impeded by PICs:

We would like to undertake more own-motion investigations, based on intelligence from our complaints and engagement activities, but are hampered by ... a lack of discretion in the way that we must deal with public interest complaints—given the need to consider every matter, significant investigative resources are dedicated to this work ...⁸⁴

The Committee supports the VO's suggestion, as discussed above, to introduce discretionary powers that would enable it to decide how it investigates PICs, particularly if introducing discretionary powers ensures that the VO can, in the future, conduct more independent investigations in the public interest.

5.3 Engagement and education

In 2022/23, the VO conducted 63 educational workshops—comprising 46 online and 17 in-person sessions—to 1,000 participants on issues including good complaint handling, conflicts of interest and dealing with complex behaviour,⁸⁵ which was an increase of 66% on the previous financial year.⁸⁶ Commendably, the VO engaged with 85 organisations, receiving a 96% satisfaction rating.⁸⁷ Beyond its workshops, the VO conducted its first roadshow since COVID-19, visiting Warrnambool in March 2022 as part of the Warrnambool Show.⁸⁸

More broadly, the VO has prioritised building relationships with community legal centres (CLCs), peak organisations working with Indigenous communities, and culturally and linguistically diverse (CALD) communities.⁸⁹ The agency's work with CLCs has been central to improving its outreach, establishing working relationships with three regional CLCs (in addition to two in inner Melbourne), as well as creating a dedicated VO phone service for referrals and holding complaint clinics for CLC clients.⁹⁰

⁸² VO, Response to Integrity and Oversight Committee questions on notice, 19 December 2024, p. 4.

⁸³ VO, Response to Integrity and Oversight Committee questions on notice, 19 December 2024, p. 4; Dan Nicholson, Deputy Ombudsman, Operations, VO, public hearing, Melbourne, 11 November 2024, *Transcript of evidence*, p. 6.

⁸⁴ VO, Response to Integrity and Oversight Committee questions on notice, 19 December 2024, p. 1.

⁸⁵ VO, *2023 annual report*, Melbourne, 2023, pp. 5, 80; Marlo Baragwanath, Ombudsman, VO, public hearing, Melbourne, 11 November 2024, *Transcript of evidence*, p. 3.

⁸⁶ VO, *2023 annual report*, Melbourne, 2023, pp. 5, 80.

⁸⁷ *Ibid.*, p. 80.

⁸⁸ *Ibid.*, p. 74.

⁸⁹ *Ibid.*

⁹⁰ *Ibid.*, p. 8.

The Committee recognises the VO's commitment to meaningful engagement with the Victorian public sector and broader Victorian public. These achievements notwithstanding, the Independent Auditor identified some areas for improvement for the VO to consider as part of its enhancement of the exercise of its educative functions. For instance, in terms of providing 'Information and education promoting fair decision-making and prevention of improper conduct',⁹¹ the Independent Auditor identified various improvement opportunities for the VO:

- Stakeholder feedback indicates there are varying levels of awareness of VO's good practice guides and investigation reports published on its website. In addition, not all entities within VO's jurisdiction are aware of its portfolio-level work.
- VO would benefit from evaluating the usefulness of this information in promoting fair decision-making and prevention of improper conduct.
- VO has not developed an education and training plan to deliver the program. The plan would identify its target audiences, training focus, location, and mode of delivery. It would also include key performance indicators to measure the outcomes of the training program. VO could also consider a review of its promotional approaches to help improve awareness of its education and training programs.⁹²

In light of this, the Independent Auditor made three recommendations directed at improving how the VO promotes and measures the impact of its education and training offerings, and introducing an education and training plan that uses pre-existing data to better identify the needs of the agencies it works with. The Committee endorses these recommendations and invites the VO to prioritise the Independent Auditor's recommendations in respect of its education and training program.

5.4 Governance, workplace and funding

5.4.1 Governance

Corporate governance and planning was a key aspect of the performance audit. Pleasingly, the VO performed well in this regard, meeting 7, and partially meeting 2, of the 9 indicators of performance.⁹³ Positive aspects of the VO's approach to governance included complying with its statutory-reporting obligations and, in particular, developing a framework to improve employees' understanding of, and commitment to, statutory compliance.⁹⁴ The Independent Auditor similarly found that the VO's strategic planning processes are 'robust and responsive' to its external environment.⁹⁵ For

⁹¹ O'Connor Marsden, *Performance audit of the Victorian Ombudsman*, Melbourne, 2024, p. 25.

⁹² Ibid., p. 27 (bullet point symbols added). On the measurement of the quality and impact of the VO's education and prevention programs, see also Parliament of Victoria, IOC, *Inquiry into the education and prevention functions of Victoria's integrity agencies*, Melbourne, April 2022, pp. 166–168 (including Recommendations 13 and 14).

⁹³ O'Connor Marsden, *Performance audit of the Victorian Ombudsman*, Melbourne, 2024, p. 33.

⁹⁴ Ibid., p. 34.

⁹⁵ Ibid., p. 36.

example, the VO assesses actions taken during the previous year and updates them based on any changes in its operating environment.⁹⁶

In its evaluation, the Independent Auditor made four recommendations regarding the two performance indicators that the VO only partially met. These concerned the agency's Audit and Risk Management Committee and enterprise risk management framework.⁹⁷ The Committee is pleased that the VO swiftly agreed to implementing three of these recommendations, deferring its commitment to prioritising its compliance activities based on risk until after the finalisation of its strategic plan.⁹⁸

5.4.2 Workplace

The VO's performance in respect of workplace culture for the 2022/23 period was very strong. The VO engaged an Employee Assistance Program provider to provide regular health and wellbeing sessions and arranged for a psychologist to be available on-site for staff, whether for private discussions or roundtable sessions.⁹⁹ The VO also developed its diversity, equity and inclusion plan.¹⁰⁰ For the relevant period, the Independent Auditor found that the VO

promotes, reinforces, and champions integrity in its dealings with the public sector, the community, and internally with its staff. It does this in several ways including through awareness training, (for example mission and vision statements, strategies, policies and practices, and training), and communications (for example, newsletters, presentations, and all staff meetings).¹⁰¹

The agency's approach to staff wellbeing is reflected in its People Matter Survey (PMS) results. The survey, organised by the Victorian Public Sector Commission, is the largest and most accurate evaluation of staff satisfaction and wellbeing in the Victorian public sector. Building on previous survey results, for the VO during 2022/23,

a significant emphasis was placed on continuing to build trust and demonstrating the office's proactive approach in translating staff feedback from the previous year's survey into meaningful actions. Notably, the initiatives identified from the 2021–22 survey have steered the office's focus, leading to the prioritisation of essential programs such as Diversity and Inclusion, Capability development, Mental health and wellbeing.¹⁰²

⁹⁶ Ibid.

⁹⁷ Ibid., pp. 34–35.

⁹⁸ Ibid., p. 9 and Appendix 1.

⁹⁹ VO, *2023 annual report*, Melbourne, 2023, p. 10; Marlo Baragwanath, Ombudsman, VO, public hearing, Melbourne, 11 November 2024, *Transcript of evidence*, p. 8.

¹⁰⁰ VO, *2023 annual report*, Melbourne, 2023, p. 10.

¹⁰¹ O'Connor Marsden, *Performance audit of the Victorian Ombudsman*, Melbourne, 2024, p. 45.

¹⁰² VO, *2023 annual report*, Melbourne, 2023, p. 88.

Positive results from the most recent survey for the VO include:

- 82% of staff selected 'satisfied' when asked, 'Considering everything, how satisfied are you with your current job'¹⁰³
- 79% of staff agreed with the statement 'I am proud to tell others I work for my organisation'.¹⁰⁴
- 77% of staff agreed with the statement 'My organisation motivates me to help achieve its objectives'.¹⁰⁵

However, the PMS results indicate that work-related stress continues to be an issue for the VO. In response to the question, 'How would you rate your current level of work-related stress?', 29% of staff said 'Moderate', 21% said 'High', 7% said 'Very high' and 1% said 'Severe'.¹⁰⁶ While the Ombudsman informed the Committee that these results are an overall decrease of 12% of stress experienced by staff compared with the previous year,¹⁰⁷ these more recent figures are still concerning. The VO has explained these results as follows:

Our office, particularly the frontline staff, continue to grapple with demanding situations, challenging complainant behaviour and increasingly complex complaints, which have a tangible impact on their overall wellbeing. It is clear that often by the time people reach our office trying to seek a resolution they are extremely frustrated, which poses a significant risk to the welfare of our people.¹⁰⁸

The Committee understands that, in addition to offering support to staff, the VO also implements measures and training—such as through an active occupational health and safety committee and vicarious trauma training—to help ensure the psychological safety and wellbeing of staff.¹⁰⁹ As a result of the performance audit, the Independent Auditor made four recommendations relating to the following performance measures:

- 'Effective systems for ensuring the probity, integrity, and suitability of staff ...'
- 'Strategies ... to promote staff well-being, safety, and resilience, and related measures to assess their success ...'
- 'Effective staff retention, succession, and transition planning ... , including a comprehensive staff training program, on-the-job learning, rotation and professional development, and leadership opportunities ...'¹¹⁰

¹⁰³ Victorian Public Sector Commission, *Office of the Ombudsman Victoria 2023 people matter survey results report*, p. 14 <<https://vpssc.vic.gov.au/wp-content/uploads/2024/05/Office-of-the-Ombudsman-Victoria-Organisation-results-2023.pdf>> (accessed 2 February 2025).

¹⁰⁴ Ibid., p. 11.

¹⁰⁵ Ibid.

¹⁰⁶ Ibid., p. 15.

¹⁰⁷ Marlo Baragwanath, Ombudsman, VO, public hearing, Melbourne, 11 November 2024, *Transcript of evidence*, p. 2.

¹⁰⁸ Ibid.

¹⁰⁹ Ibid, p. 8.

¹¹⁰ O'Connor Marsden, *Performance audit of the Victorian Ombudsman*, Melbourne, 2024, pp. 44–49.

At the time of writing, the VO has either agreed to these recommendations or agreed ‘in principle’, noting that additional subject matter expertise and strategic planning may be required.¹¹¹ Given the recent PMS results on VO staff stress levels, and the importance of psychological safety and health and wellbeing in the workplace, the Committee welcomes the VO’s commitment to implementing these recommendations in their entirety after considering further its strategic direction and subject matter expertise.

In the meantime, despite the large volume and increasing complexity of complaints the VO receives, both in terms of the complaints themselves but also complainant profiles,¹¹² the Committee remains confident in the agency’s ability to actively explore different strategies to support staff with its complaint-handling and other challenging streams of work.¹¹³

5.4.3 Funding

During the Committee’s review of the VO’s 2022/23 performance, the Ombudsman reiterated two key concerns regarding the agency’s funding—namely, the adequacy of the VO’s funding and the need for greater budget transparency. Currently, the executive branch of government, namely the Department of Treasury and Finance, and specifically the Treasurer, is responsible for deciding the funding of Victoria’s ‘Independent Officers’, such as the Ombudsman and IBAC Commissioner.¹¹⁴ This funding structure presents a potential conflict of interest if the VO, which is responsible for overseeing the government of the day, is simultaneously funded by it. As such, in the joint view of IBAC, the Victorian Auditor-General’s Office (VAGO) and the VO, ‘[d]ecisions about funding are not transparent and there are no formal mechanisms for ... Independent Officers to question or challenge the decisions made’.¹¹⁵ These concerns have been raised by IBAC, the VO and VAGO in their 2022 joint paper entitled *Budget independence for Victoria’s Independent Officers of Parliament*.¹¹⁶

When asked by the Committee whether she thought the VO is adequately funded, the Ombudsman noted:

We have picked up a number of functions over the last few years—particularly conciliation, the prevention and education function and complaints-handling reviews—with very little in the way of additional funding. We have had to rely on Treasurer’s advances to top up our funding ... [s]ince budgetary independence in 2019.

¹¹¹ Ibid., p. 9.

¹¹² Marlo Baragwanath, Ombudsman, VO, public hearing, Melbourne, 11 November 2024, *Transcript of evidence*, pp. 2–3, 9; Mr Dan Nicholson, Deputy Ombudsman, Operations, VO, public hearing, Melbourne, 11 November 2024, *Transcript of evidence*, p. 9.

¹¹³ VO, *2023 annual report*, Melbourne, 2023, p. 89.

¹¹⁴ IBAC, VO and Victorian Auditor-General’s Office, *Budget independence for Victoria’s Independent Officers of Parliament*, Melbourne, 18 October 2022, p. 6.

¹¹⁵ Ibid, p. 9.

¹¹⁶ Ibid.

The Treasurer has always given that commitment that we will not go without, but it makes it very difficult to plan going forward and to adequately perform functions such as prevention, which I consider vital. It makes it very difficult—particularly, as I said, when I am going to still have 18,000 complaints coming through the door whether I like it or not, and we will have to deal with those whilst also trying to improve administration to potentially decrease those over time. So no, I do not think we are adequately funded.¹¹⁷

The Committee and VO also discussed whether the budget process can be more transparent, particularly in terms of involving the Committee in the VO's budget bids—whether by way of the draft annual plan review process or by implementing a charter of independence for Victoria's integrity bodies (similar to the approach in New South Wales).¹¹⁸ With respect to involvement of the Committee in these processes, the Ombudsman explained:

I think it is more just around the transparency, that everyone knows what the Budget bids were, what we think is the funding that we need, and our oversight committee understands what Budget bids we are putting in, because to date you have not had line of sight over those Budget bids so that we are all operating on the same page.¹¹⁹

The Ombudsman highlighted that improving the current budget framework will remain a priority for the VO in the future:

The Ombudsman, IBAC and VAGO ... have been advocating since 2022 for a more independent and transparent process for our respective budgets, and I will continue to advocate for that during my tenure in the role.¹²⁰

While the Committee acknowledges that the VO's current approach of relying on Treasurer's advances to ensure it is adequately funded creates an uncertain operating environment (and that there may be structural improvements that can be made to the budget process for the VO and more broadly), the Committee nevertheless encourages the VO to take the approach put forward by the Independent Auditor:

... VO needs to select and fund an optimal mix of initiatives (using intelligence-led and risk-based tools) that return the most value in terms of the intended outcomes of the Act. To do this, VO needs to articulate the outcomes it will achieve from its currently funded activities, including business-as-usual activities, versus the funding it needs to build organisational capability and set itself up for the future. For example, it is taking actions to strengthen its capability in the use of coercive powers in investigations. It needs to cost these initiatives and ensure it has the appropriate organisation structure and funding according to its planning timelines to achieve the intended outcomes.¹²¹

¹¹⁷ Marlo Baragwanath, Ombudsman, VO, public hearing, Melbourne, 11 November 2024, *Transcript of evidence*, p. 5.

¹¹⁸ *Ibid.*, p. 4.

¹¹⁹ *Ibid.*, p. 5.

¹²⁰ *Ibid.*, p. 3.

¹²¹ O'Connor Marsden, *Performance audit of the Victorian Ombudsman*, Melbourne, 2024, p. 6. IBAC also raised this issue: IBAC, Response to Integrity and Oversight Committee questions on notice, 23 December 2024, p. 1; IBAC, Response to Integrity and Oversight Committee questions on notice, 17 January 2025, p. 6; Victoria Elliott, Commissioner, IBAC, public hearing, Melbourne, 11 November 2024, *Transcript of evidence*, p. 18.

RECOMMENDATION 11: That the Victorian Government consider whether any improvements are needed to the way in which Victorian integrity agencies, including the Victorian Ombudsman (VO), are funded, including any associated budgetary processes, bearing in mind recommendations in the Independent Broad-based Anti-corruption Commission, VO and Victorian Auditor-General's Office's 2022 joint paper, *Budget independence for Victoria's Independent Officers of Parliament*.

5.5 Accountability

5.5.1 Performance against Victorian Budget performance measures

The VO met seven of its nine 2022/23 Victorian Budget Paper No. 3 (BP3) performance measures. It met its targets for:

- Number of jurisdictional cases opened
- Jurisdictional cases selected for enquiry/investigation
- Education and training participants
- Jurisdictional cases that lead to an agreed improvement
- Public sector education program satisfaction rate
- Complaints closed within 30 days
- Total cost output.¹²²

It did not meet its targets in respect of:

- Complaint service satisfaction
- Investigations closed within 12 months.¹²³

Overall, the above results indicate that the VO is performing extremely well in most aspects of its activities. Regarding complaint service satisfaction, however, the VO's result of 54% fell short of the 60% target.¹²⁴ The agency has explained:

The 2022–23 expected outcome is lower than the 2022–23 target due to the fact that individuals lodging complaints online seem to express less satisfaction compared to those who use the phone channel, resulting in an overall satisfaction rating below the target. The Victorian Ombudsman is committed to continually improving its online complaint procedures to better meet the needs and expectations of online complainants.¹²⁵

¹²² VO, *2023 annual report*, Melbourne, 2023, pp. 96–97.

¹²³ Ibid., p. 96.

¹²⁴ Ibid.

¹²⁵ Ibid.

The Committee notes, however, that this year's result is only a slight decrease on the previous year (56%),¹²⁶ which was attributed to the number of complaints the VO receives that are not within its jurisdiction.¹²⁷ While these results are, still, objectively good, they present an opportunity, as recommended by the Independent Auditor, for the VO to re-evaluate how the agency 'measures and reports on the outcomes achieved from of its activities', which may improve the quality of its complaints handling.¹²⁸

While the VO narrowly missed its target regarding timeliness for closing investigations, completing 75% (as opposed to 80%) of investigations within 12 months,¹²⁹ the agency has noted that '[p]roject management principles continue to be developed supporting the complexity and capacity of the investigations ... [it] conduct[s]'.¹³⁰ It has further explained:

Our policies and procedures are regularly updated to reflect good practice and to ensure we are keeping people at the centre of our decision-making. Given our significant powers, we take care to ensure our processes support the welfare of people we engage with. Being flexible, thoughtful and responsive to individual needs and exercising our coercive powers responsibly and with restraint are underpinning principles in our operations.¹³¹

The Committee understands that the 12-month benchmark for completing a VO investigation may not reflect an individual investigation's complexity or size, which may require more than 12 months—or, conversely, its simplicity.¹³² Noting this consideration, the Committee is nevertheless eager to review the efficacy of the VO's approach to conducting investigations, particularly with the agency's introduction of a new case management system in the near future.

¹²⁶ VO, *2022 annual report*, Melbourne, 2022, p. 82.

¹²⁷ Ibid.

¹²⁸ O'Connor Marsden, *Performance audit of the Victorian Ombudsman*, Melbourne, 2024, p. 23.

¹²⁹ VO, *2023 annual report*, Melbourne, 2023, p. 96.

¹³⁰ Ibid.

¹³¹ Ibid., p. 52.

¹³² Marlo Baragwanath, Ombudsman, VO, public hearing, Melbourne, 11 November 2024, *Transcript of evidence*, p. 6.

Figure 5.1 VO Output statement 2022/23

Our Performance

Table 9: Output statement 2022-23

Performance measures	Unit of measure	2022-23 actual	2022-23 target	Performance Variation (%)	Result (a)
Quantity					
Number of jurisdictional cases opened	number	18,405	14,000	31	✓
The 2022-23 outcome is higher than the 22-23 target because this output is contingent on approaches to the office by members of the public, which is an external factor beyond the control of the Victorian Ombudsman. This leads to a variance between the target and the outcome.					
Jurisdictional cases selected for enquiry/investigation	per cent	29	20	45	✓
The 2022-23 outcome is higher than the 2022-23 target because where possible the Victorian Ombudsman has introduced 'batching' as a method, to efficiently deal with enquiries into a number of complaints about a systemic issue. The performance measure target has been reviewed and adjusted for 2023-24. The target has been increased in line with actual performance. This target is subject to the number of jurisdictional approaches to the office and is reliant on the level of complexity of cases which could impact the final target.					
Education and training participants	number	1,000	490	104	✓
The 2022-23 outcome is higher than the 22-23 target because there has been a more stable operating environment with a reduced impact of COVID-19. This has led to an increase in education programs due to participants' preparedness to attend face to face or online training. The performance measure target has been reviewed and adjusted for 2023-24. The target has been increased to reflect the education and prevention functions of the organisation more accurately. However, the Victorian Ombudsman is cognisant of budgetary constraints across the Victorian Public Sector which may impact future departmental training participant numbers.					
Quality					
Jurisdictional cases that lead to an agreed improvement	per cent	80	35	128	✓
The 2022-23 outcome is higher than the 2022-23 target. The performance measure target has been reviewed and adjusted for 2023-24. The target has been increased based on the last three years actual average. This target is subject to the number of jurisdictional approaches to the office and jurisdictional cases enquiry/investigation selected. It is also reliant on the level of complexity of cases which could impact the final target.					
Public sector education program satisfaction rate	per cent	96	85	11	✓
The 2022-23 outcome is higher than the 2022-23 target. The performance measure target has been reviewed and adjusted for 2023-24. The target has been increased to better align with previous years outputs. This measure is reliant on face to face and virtual engagement. Hybrid working arrangements may impact overall satisfaction.					
Complaint service satisfaction	per cent	54	60	11	■
The 2022-23 expected outcome is lower than the 2022-23 target due to the fact that individuals lodging complaints online seem to express less satisfaction compared to those who use the phone channel, resulting in an overall satisfaction rating below the target. The Victorian Ombudsman is committed to continually improving its online complaint procedures to better meet the needs and expectations of online complainants.					
Timeliness					
Complaints closed within 30 days	per cent	96	85	11.5	✓
The 2022-23 outcome is higher than the 2022-23 target because the Victorian Ombudsman has been prioritising resourcing to its early resolutions team to ensure timely closure of complaints. The performance measure target has been reviewed and adjusted for 2023-24. The target has been increased in line with actual performance. This target is subject to the number of jurisdictional approaches to the office and is reliant on the level of complexity of cases which could impact the final target.					
Investigations closed within 12 mths	per cent	75	80	5	■
The 2022-23 expected outcome is lower than the 2022-23 target. Project management principles continue to be developed supporting the complexity and capacity of the investigations we conduct.					
Cost					
Total cost output	\$ million	\$21.200	\$21.330	0.6	✓
This excludes: <ul style="list-style-type: none"> • Parliamentary Referral expense reimbursement • Special Appropriation • ATNAB (Addition to net asset base) funding 					

Note: ✓ Performance target achieved or exceeded.
 ■ Performance target not achieved - exceeds 5 per cent variance.

Source: VO, 2023 annual report, Melbourne, 2023, pp. 96-97.

5.5.2 Independent performance audit

The inaugural performance audit of the VO, conducted by O’Connor Marsden, was a significant achievement for the Committee, the auditor and, most notably, the agency itself. The audit concluded that the ‘VO achieved the objectives of the Act in the areas of the performance indicators the ... [Committee] identified for the period under review (July 2020 to June 2023) in all material respects’.¹³³ Most importantly, in the Independent Auditor’s opinion, the VO has ‘a strong culture of integrity and ethics throughout the organisation’.¹³⁴

The Committee is grateful for O’Connor Marsden’s work and endorses the Independent Auditor’s assessment regarding the VO’s performance in respect of the 22 performance indicators. As expected, while the VO has performed well, there are select areas of improvement for the organisation and the newly appointed Ombudsman to address in the short and long term. In this regard, the Committee is particularly interested, for example, in learning how the VO will action the Independent Auditor’s recommendations it has agreed to in principle.

5.5.3 Complaints and disclosures about the VO received by the IOC

The Committee can receive complaints about the VO as part of its performance-monitoring function under s 26H(1) of the *VO Act 1973* (Vic). In such instances, the Committee will consider whether the alleged actions or inaction raise broader, that is, ‘systemic’, performance issues. During the period under review, the Committee received five complaints regarding the VO, resulting in the identification of nil systemic performance issues. These complaints are summarised in the following table.

Table 5.2 Complaints about the VO received and finalised by the IOC in 2022/23

Within jurisdiction	5
Complaints received in 2021/22 and finalised in 2022/23	1
Complaints received and finalised in 2022/23	5
Complaints received in 2022/23 and finalised in 2023/24	1
Closed after assessment, without enquiries	4
Closed, following enquiries	3
Systemic performance issues identified	0

Source: Devised from IOC complaints data.

¹³³ O’Connor Marsden, *Performance audit of the Victorian Ombudsman*, Melbourne, 2024, p. 6.

¹³⁴ Ibid.

5.6 Conclusion

The Committee would like to acknowledge the commitment and dedication of the immediate past Ombudsman, Deborah Glass OBE. Under her leadership, from 2014 to 2024, the VO tabled 99 reports in Parliament and put forward over 600 recommendations directed at improving administrative, government and integrity frameworks in Victoria.¹³⁵ The average acceptance rate of these recommendations of 95% signifies the quality of the VO's work under the leadership of Deborah Glass,¹³⁶ and the Committee is appreciative of her service.

The Committee is pleased to welcome Marlo Baragwanath to the role of Ombudsman. Notably, the newly appointed Ombudsman has expressed to the Committee her acute awareness of the VO's vital role in Victoria's integrity system:

It is a unique mandate to act as a fair and independent bridge between the public and the public institutions that serve them. Of the integrity agencies, the Ombudsman is the most community-facing, dealing with people in all their complexity day in and day out.¹³⁷

In this spirit, the Committee looks forward in the coming years to engaging with the Ombudsman to continue to enhance integrity in the Victorian public sector.

¹³⁵ Marlo Baragwanath, Ombudsman, VO, public hearing, Melbourne, 11 November 2024, *Transcript of evidence*, p. 1.

¹³⁶ VO, *2023 annual report*, Melbourne, 2023, p. 6.

¹³⁷ Marlo Baragwanath, Ombudsman, VO, public hearing, Melbourne, 11 November 2024, *Transcript of evidence*, p. 1.

Chapter 6

Oversight responses to police-perpetrated family violence

Content warning

This chapter refers to instances and issues of family violence.

If you have concerns about your safety or that of someone else, please contact the police in your State or Territory or call Triple Zero (000) for emergency help.

If you have experienced violence or sexual assault and need immediate or ongoing help, contact 1800RESPECT (1800 737 732) to talk to a counsellor from the national sexual assault and domestic violence hotline. For confidential support and information, contact the Safe Steps 24/7 family violence response line on 1800 015 188, <<https://safesteps.org.au>>.

6

6.1 Introduction

Integrity Oversight Victoria's (IOV) *Special Report: IBAC's referral and oversight of Emma's complaints about Victoria Police's response to family violence by a police officer (Emma's report)*, tabled in 2022,¹ raised concerning systemic issues in relation to police-perpetrated family violence (PPFV).

With evidence received from Inner Melbourne Community Legal (IMCL) during this performance review,² as well as the Independent Broad-based Anti-corruption Commission (IBAC) and IOV, it is important and timely to revisit the key concerns raised in *Emma's report*.

While all family violence is of concern, given the Integrity and Oversight Committee's (IOC) role in monitoring the performance of IBAC, which oversees Victoria Police,

¹ Victorian Inspectorate (VI), *Special report: IBAC's referral and oversight of Emma's complaints about Victoria Police's response to family violence by a police officer*, Melbourne, October 2022 (*Emma's report*).

² Inner Melbourne Community Legal (IMCL), public hearing, Melbourne, 25 November 2024, *Transcript of evidence*, p. 18; IMCL, Response to Integrity and Oversight Committee questions on notice, 23 December 2024.

it has a heightened interest in family violence involving members of Victoria Police.³ In particular, the Committee is interested in IBAC's performance as the key police oversight body, especially its handling and referral of complaints about police and the management of potential conflicts of interest. For example, in 2018, the parliamentary IBAC Committee previously considered the issues relating to IBAC's reliance on referrals of complaints about police back to Victoria Police for investigation, noting then that IBAC only investigated about 2% of police complaints.⁴

It should be noted, as briefly referred to above, that one of the Committee's key functions under the *Parliamentary Committees Act 2003* (Vic) ('*PC Act 2003* (Vic)') is 'to monitor and review the performance of the duties and functions' of IBAC and IOV,⁵ whereas one of IBAC's key functions is to directly oversight *Victoria Police*—with a focus on police misconduct, 'ethical and professional standards' and human rights.⁶ Given these respective functions and jurisdictions, the following analysis—while necessarily attending to issues relevant to Victoria Police's handling of complaints about PPFV—concentrates on the performance of IBAC, as the direct oversight body for police, and the performance of IOV in overseeing IBAC. In doing so, the Committee identifies matters that both IBAC and IOV should address to improve oversight responses to PPFV in Victoria.

6.2 Emma's report by IOV

Despite being at family-violence risk, at a public hearing with the Committee during this review Dr Jana Katerinskaja revealed herself as the victim-survivor given the pseudonym 'Emma' by IOV in *Emma's report*, as she 'felt that it was important to do so here to add some weight to some of the points that we would like to make'.⁷ For the purposes of referring to the IOV report, the name 'Emma' will be used.

While it is important to keep in mind the breadth of narratives from victim-survivors, the Committee believes it prudent to describe the particular facts of her matter, as summarised in *Emma's report*, as it illustrates specific and system issues concerning IBAC's oversight of Victoria Police.

3 Royal Commission into Family Violence, *Royal Commission into Family Violence: summary and recommendations*, Victorian Government Printer, Melbourne, March 2016; IBAC, *Predatory behaviour by Victoria Police officers against vulnerable persons: intelligence report 2*, Melbourne, December 2015; Victorian Equal Opportunity and Human Rights Commission, *Independent review into sex discrimination and sexual harassment, including predatory behaviour, in Victoria Police: Phase 3 audit and review*, Melbourne, August 2019; Briony Anderson, Clare Farmer and Danielle Tyson, 'Police-perpetrated domestic and family violence: a scoping review of Australian and international scholarship', *International Journal for Crime, Justice and Social Democracy*, 2024, doi: 10.5204/ijcsd.3582.

4 Parliament of Victoria, IBAC Committee, *Inquiry into the external oversight of police corruption and misconduct in Victoria*, Melbourne, September 2018, p. xviii.

5 *PC Act 2003* (Vic) s 7(1)(f) (Integrity and Oversight Committee (IOC) oversight of IOV), (j) (IOC oversight of IBAC). This is consistent with the prohibitions relating to the IOC set out in s 7(2) of the Act, which maintain the independence of the integrity agencies in performing their decision-making, investigative and related functions.

6 *Independent Broad-based Anti-corruption Commission Act 2011* (Vic) ('*IBAC Act 2011* (Vic)') ss 8 (objects of Act), 15(2)(b) ('... to identify, expose and investigate police personnel misconduct ...'); 15(3)(b)(i) ('... to receive police personnel conduct complaints and notifications ...'), (ii) ('... to ensure that the highest ethical and professional standards are maintained by police officers and protective services officers ...'), (iii) ('... to ensure that police officers and protective services officers have regard to the human rights set out in the *Charter of Human Rights and Responsibilities Act 2006* [(Vic)] ...').

7 Dr Jana Katerinskaja, public hearing, Melbourne, 25 November 2024, *Transcript of evidence*, p. 18.

The summary of the events at the centre of *Emma's report* is as follows. After suffering a serious violent act by her then partner, a Victoria Police officer, Emma made a complaint to IBAC about Victoria Police.⁸ Notably, '[t]he family violence both pre-dated and continued after this incident'.⁹

Her complaints to IBAC about Victoria Police included 'serious allegations', outlined in *Emma's report*, such as that 'police members suggested that she allow the perpetrator back into her home, and that she should be "more supportive" of the perpetrator', 'the perpetrator's boss sat in on a meeting between Emma and a family violence worker' and 'that the offending continued throughout the time the perpetrator retained weapons access'.¹⁰

In addition, as summarised by IOV:

The complaint alleged instances where the perpetrator's colleagues had disclosed confidential information to him or his friends which resulted in high levels of risk, and indeed aggressive confrontations between the perpetrator and Emma. One example of information disclosed was the escape plan disclosure—Emma's plan for leaving the relationship to escape the family violence.¹¹

Emma unequivocally stated that systemic issues were involved. As IOV puts it:

In relation to 'desired outcomes', Emma explicitly sought a process change at Victoria Police to ensure that police spouses who are the victims of family violence have their matters handled by a family violence unit that is not in the division where the perpetrator works and is not staffed by the perpetrator's colleagues.¹²

IBAC categorised the matter as involving 'potential police misconduct' rather than corruption, overlooking consideration of 'the systemic issues she had raised' and referred the matter back to Victoria Police, Professional Standards Command (PSC) for investigation.¹³ Referrals to PSC for complaints against police is current standard practice.¹⁴ No 'recorded analysis' was provided as to why it was more appropriate, as provided for under s 73 of the *IBAC Act 2011* (Vic), that police investigate this matter.¹⁵

PSC allocated the investigation to a police member 'in the same division as the members who were to be investigated', where her matter was treated 'as an individual privacy matter'.¹⁶

⁸ VI, *Emma's report*, pp. 9–10.

⁹ Ibid, p. 17.

¹⁰ Ibid.

¹¹ Ibid., p. 18.

¹² Ibid.

¹³ Ibid., pp. 9, 18.

¹⁴ Parliament of Victoria, IBAC Committee, *Inquiry into the external oversight of police corruption and misconduct in Victoria*, Melbourne, September 2018, p. xviii: 'IBAC investigates around 2% of the allegations that it determines warrant investigation, referring the remainder back to police, while Professional Standards Command (PSC), Victoria Police, investigates approximately 10% of the complaints it receives, referring the rest to regions, departments or commands'.

¹⁵ VI, *Emma's report*, Melbourne, October 2022, pp. 9, 18.

¹⁶ Ibid.

Emma again notified of her concern over potential bias of the Victorian police investigating her matter but was ‘told ... to raise her concern with PSC’.¹⁷ Emma was at risk again when Victoria Police sent its outcome letter to her residential address instead of the address she had given to IBAC. Disturbingly, ‘[t]he letter had been opened when Emma found it’.¹⁸

While IBAC had identified the matter for review, after the PSC took four months to send the investigation report to IBAC,¹⁹ IBAC itself took seven months to begin a review and, once again, ‘overlooked’ the alleged systemic issues and conflicts of interest.²⁰

After reporting in the media, IBAC reconsidered its draft review two years later, prompting Victoria Police to re-investigate, which led to further delays and a lost opportunity, due to expiry under the statute of limitations, to pursue the possible summary charge of leaking information.²¹

A second complaint about police was made to IBAC, but, despite identifying conflicts of interest, the agency again referred the complaint to Victoria Police.²² At the time of writing, the second complaint has not been finalised.²³

The Committee finds the articulation of the issues and recommendations by IOV useful to recount here.

IOV noted six main issues:

- IBAC’s referral to Victoria Police was not supported by any written reasons and analysis, and IBAC ‘ought to have a process for escalating issues of conflicts of interest or bias allegations’, including ‘recorded analysis’ on whether to withdraw the referral and itself investigate the complaint²⁴
- there was no ‘written assessment’ of ‘welfare risks’²⁵
- IBAC’s handling of complaints included ‘communication’ and ‘contact’ issues, delays, refusal to provide reasons, complaint ‘fragmentation’ and ‘lack of rigour’, amongst other factors²⁶
- there was a failure to ‘consider’ corrupt conduct and detrimental action in complaints about Victoria Police²⁷

¹⁷ Ibid.

¹⁸ Ibid., p. 19.

¹⁹ VI, *Emma’s report*, p. 19—Integrity Oversight Victoria (IOV) notes that ‘[the] PSC [Professional Standards Command] investigation report described the allegations as two instances of leaked information. While the PSC investigation found that there were indeed disclosures of Emma’s confidential information, both allegations were determined to be “unfounded”. Unfounded is defined as “the available evidence clearly establishes that there are no grounds for the complaint whatsoever”’.

²⁰ Ibid., pp. 10, 20.

²¹ Ibid., p. 10.

²² Ibid.

²³ VI, Response to Integrity and Oversight Committee questions on notice, 19 December 2024, p. 9.

²⁴ VI, *Emma’s report*, pp. 9, 25, 29; *IBAC Act 2011* (Vic) s 79 (withdrawal of referred complaint or notification).

²⁵ Ibid., p. 30.

²⁶ Ibid., pp. 30–37.

²⁷ Ibid., pp. 37–38.

- there was a ‘lack of focus’ by IBAC on ‘systemic issues’²⁸
- there were failures in IBAC’s dealings with the IOV, including failure to notify IOV about the complaint.²⁹

As a result of these findings, IOV made four recommendations.

First, that IBAC amend its formal process for ‘better’ recording and documenting referrals under s 73 of the *Independent Broad-based Anti-corruption Act 2011 (Vic)* (*‘IBAC Act 2011 (Vic)’*), including identifying the factors they should consider in making referrals.

Second, ‘[g]iven the frequency of referrals’, that IBAC develop a policy to support the first recommendation. Such a policy should include the following considerations:

- whether allegations ‘may constitute a pattern or system of detrimental action and/or corrupt conduct’
- ‘whether to refer matters to Victoria Police’
- whether there are risks ‘in referring a matter to Victoria Police’, such as a conflict of interest, ‘risks to health and safety’, ‘and matters which may require prioritisation’ (such as family-violence risks).³⁰

Third, that IBAC develop policies or guidelines on circumstances or factors under which it should consider withdrawing a referral under s 79 of the *IBAC Act 2011 (Vic)*.

Fourth, that IBAC develop guidance to ensure it notifies IOV ‘at the earliest opportunity of any complaint or notification involving IBAC or an IBAC officer’ (‘in line with s 71’ of the *IBAC Act 2011 (Vic)*).³¹

It is with these concerns and recommendations in mind that the Committee wishes to review the effectiveness of oversight responses to PPFV.

6.3 Inner Melbourne Community Legal’s evidence

IMCL is ‘an independent community legal centre’ that ‘assist[s] clients who experience, or are at risk of, chronic or acute legal crises’.³² It prioritises the provision of legal services to people experiencing family distress and violence, to ensure such individuals and families ‘have access to safer and more secure outcomes through holistic service provision’.³³

²⁸ Ibid., p. 39.

²⁹ Ibid., p. 40.

³⁰ Ibid., p. 42.

³¹ Ibid.

³² IMCL, *2023–24 annual report*, Melbourne, 2024, p. 2.

³³ Ibid.

Recognising IMCL's expertise regarding family violence and, in particular PPFV, at its meeting on 28 October, the Committee resolved to invite IMCL to its hearing on 25 November 2024 as part of its review of the performance of Victoria's integrity agencies in 2022/23.

During the Committee's public hearings for the performance of the integrity agencies in 2022/23, and in its response to the Committee's questions on notice, IMCL highlighted various issues regarding PPFV, a number of which are explored in the next section. They include the reliability of data regarding PPFV, problems with the status quo, determining who is best placed to handle instances of PPFV, and IBAC's implementation of the recommendations in *Emma's report*.

6.3.1 Reliability of data regarding PPFV

During the inquiry, the Committee heard that one of the key limitations in understanding the issue of PPFV is a 'lack of publicly available data' on it.³⁴ More specifically, there is neither publicly available data or reporting on the number and scale of PPFV complaints—whether received by Victoria Police's PSC or IBAC—nor the number of complaints investigated or the outcomes of any investigations.³⁵ Instead, data is collected by survivors, journalists, community stakeholders and organisations, and, sporadically, by IBAC (as part of its case studies and reports regarding Victoria Police).³⁶

Without public and accurate PPFV reporting from Victoria Police, 'there is not a clear picture of the prevalence and the scale of this harm in the community'.³⁷ Thus, regrettably the onus is on victim-survivors and other stakeholders to advocate for access to information about PPFV in Victoria.³⁸ This concern was raised by Beyond Survival in its submission to the Legislative Assembly Legal and Social Issues Committee's recent Inquiry into Capturing Data on Family Violence Perpetrators in Victoria.³⁹ As explained by IMCL,

[t]he prevalence of police-perpetration is under-researched and under-studied in Victoria. Victoria Police do not publicly report on the information they hold about perpetration by their officers and other staff, including the number of reports, active investigations against officers and the outcomes of these.⁴⁰

³⁴ IMCL, Response to Integrity and Oversight Committee questions on notice, 23 December 2024, p. 1.

³⁵ Ibid., p. 20.

³⁶ Ibid., p. 2.

³⁷ Lauren Caulfield, Coordinator, Beyond Survival: Policing Family Violence Project, public hearing, Melbourne, 25 November 2024, *Transcript of evidence*, p. 18.

³⁸ Ibid., p. 24.

³⁹ Flat Out, Police Accountability Project and Beyond Survival, *Submission 38*, submission to the Parliament of Victoria, Legislative Assembly Legal and Social Issues Committee, Inquiry into Capturing Data on Family Violence Perpetrators in Victoria. Note that, at the time of writing, the report on this inquiry has not yet been tabled.

⁴⁰ IMCL, Response to Integrity and Oversight Committee questions on notice, 23 December 2024, p. 1.

Further, there are large disparities in how (if at all) that PPFV data is reported:

We know that there are huge disparities around how family violence is policed when the perpetrator of the family violence is themselves a police officer. That shows up in things like huge disparities in charge rates, in conviction rates, how those people perpetrating are being treated by the courts.⁴¹

IMCL has therefore suggested that, in order to ‘build a more accurate picture’, both Victoria Police and IBAC should provide data on the number of complaints regarding PPFV, their ‘categorisation’ and outcomes.⁴² In addition, IMCL has suggested that, as a means of accurately determining ‘rates’ and the ‘scale’ of PPFV and ‘discrepancies’ between the prevalence and assessment of PPFV as compared with non-police members, Victoria Police should ‘publicly report on’:

- The number of reports about officers perpetrating family violence
- The number of officers investigated and the outcomes of these investigations, including disciplinary action
- The number of intervention orders issued
- The number of intervention order breach reports concerning Victoria Police officers and employees
- Charges and their outcomes
- The number of officers who had weapons removed
- The number of officers and employees on paid leave while being investigated for use of family violence.⁴³

During the public hearing, the Committee also heard about stakeholders’ experiences of ‘obfuscation’, in the form of excessive wait times, when seeking access to PPFV data through Victoria’s Freedom of Information (FOI) framework:⁴⁴ ‘All of my clients have at least a one-and-a-half to two-year wait time as well’.⁴⁵ IMCL highlighted that data obtained through FOI applications do not ‘represent the full scale of the violence’,⁴⁶ noting the difficulty of obtaining data via FOI applications, whether because of delay or improper redaction.⁴⁷

⁴¹ Lauren Caulfield, Coordinator, Beyond Survival: Policing Family Violence Project, public hearing, Melbourne, 25 November 2024, *Transcript of evidence*, p. 19.

⁴² IMCL, Response to Integrity and Oversight Committee questions on notice, 23 December 2024, p. 20.

⁴³ Ibid.

⁴⁴ Dr Jana Katerinskaja and Nimet Gurleyen, Senior Lawyer, IMCL, public hearing, Melbourne, 25 November 2024, *Transcript of evidence*, p. 23. Victoria’s FOI framework was recently considered by the Committee—see Parliament of Victoria, IOC, *The operation of the Freedom of Information Act 1982 (Vic)*, Melbourne, September 2024.

⁴⁵ Nimet Gurleyen, Senior Lawyer, IMCL, public hearing, Melbourne, 25 November 2024, *Transcript of evidence*, p. 23.

⁴⁶ IMCL, Response to Integrity and Oversight Committee questions on notice, 23 December 2024, p. 2.

⁴⁷ Dr Jana Katerinskaja, public hearing, Melbourne, 25 November 2024, *Transcript of evidence*, p. 23.

The limited data on PPFV that *is* available demonstrates that there is cause for significant concern. At the time of writing, the most recent available data on PPFV, as contained in IBAC's report *Perceptions of corruption 2024: Victoria Police*, indicates:

- 25% of Victoria Police members consider PPFV to be 'high risk';⁴⁸
- 8% of Victoria Police members had observed PPFV;⁴⁹ and
- 18% of Victoria Police members suspected PPFV.⁵⁰

Representatives from IMCL have highlighted necessary improvements to the collection of data about PPFV:

[W]hat could be done better, from our perspective, is really identifying police perpetrators as a very core cohort of that gap in perpetrator data. We know that at the moment Victoria Police are not publicly reporting on the data that they already have about police perpetration. We are interested absolutely in numbers, but we know that the data will underestimate the problem because of the risks and barriers for victim-survivors in reporting to police, but actually we really need to know what police already know, what the charge rates are, what the conviction rates are, what the outcomes are and how many matters are going to intervention order or to disciplinary proceedings to even start getting a picture of the scale of the harm and the typology of the way that that violence is perpetrated.⁵¹

The Committee is concerned that, without accurate and publicly available data regarding PPFV, the issues examined below are unlikely to be fully addressed. Considering the Legislative Assembly Legal and Social Issues Committee's inquiry into data on perpetrators of family violence,⁵² as well as the Committee's recent report on Victoria's FOI framework,⁵³ the Committee urges the Government to consider how data on PPFV can be best collected and made publicly available.

6.3.2 Problems with the status quo

Currently, PPFV that is referred to Victoria Police is first considered by its Sexual Offences and Family Violence Unit (SOFVU). However, because of resourcing and the need to limit how many cases it considers, SOFVU 'triages' most PPFV matters,

⁴⁸ IBAC, *Perceptions of corruption 2024: Victoria Police*, 2024, <<https://www.ibac.vic.gov.au/perceptions-corruption-2024-victoria-police>> accessed 21 February 2025.

⁴⁹ Ibid.

⁵⁰ Ibid.

⁵¹ Lauren Caulfield, Coordinator, Beyond Survival: Policing Family Violence Project, public hearing, Melbourne, 25 November 2024, *Transcript of evidence*, p. 22.

⁵² Parliament of Victoria, Legislative Assembly Legal and Social Issues Committee, *Inquiry into Capturing Data on Family Violence Perpetrators in Victoria*.

⁵³ Parliament of Victoria, Integrity and Oversight Committee, *The operation of the Freedom of Information Act 1982 (Vic)*, Melbourne, September 2024.

referring them back to non-SOFVU Victoria Police members for consideration.⁵⁴ In IMCL's words,

how it operates is that the Sexual Offences and Family Violence Unit that was established applies an assessment to the family violence, and effectively they are triaging it. And they say if it hits a particular risk threshold, then it will be retained by SOFVU and investigated, and if it falls short of that threshold, then it will not be held or investigated by SOFVU.⁵⁵

This presents three serious issues. First, SOFVU is the most appropriate unit to deal with the intrinsic level of risk involved in PPFV. IMCL agrees with the view that

[t]he current policy and practice approach by police takes a position of 'triaging' police family violence on the basis of risk, where SOFVU will investigate family violence deemed to be high risk. It is our position that given the power differentials, access, knowledge, training and institutional connections when the abuser is a police officer, as well as the risk and barriers facing victim-survivors, all family violence by police should be understood as high risk.⁵⁶

Second, particularly for victim-survivors from rural or regional areas, it is difficult to determine the risk involved at the point of triage due to issues regarding 'inaccurate' or incomplete information about the victim-survivor's experience of PPFV.⁵⁷ IMCL noted, for example, that

[high]-risk victim-survivors in active family violence circumstances rarely disclose the extent of the abuse to which they have been subjected upon first report. These victim-survivors often only disclose more serious offending when they feel safer or feel that they can trust the person they are disclosing to, usually subsequent to their initial police interactions.⁵⁸

As such, for victim-survivors in rural or regional areas, their first contact is more likely to be with a 'general duties member of Victoria Police' and, as a result, their disclosure of PPFV will be made to a police officer who knows, and is a colleague of, the perpetrator of PPFV.⁵⁹ SOFVU is, thus, less likely to triage information correctly

⁵⁴ IMCL, Response to Integrity and Oversight Committee questions on notice, 23 December 2024, pp. 3–4; Dr Jana Katerinskaja, public hearing, Melbourne, 25 November 2024, *Transcript of evidence*, p. 19.

⁵⁵ Lauren Caulfield, Coordinator, Beyond Survival: Policing Family Violence Project, public hearing, Melbourne, 25 November 2024, *Transcript of evidence*, p. 20.

⁵⁶ Flat Out, Police Accountability Project and Beyond Survival, *Submission 38*, submission to the Parliament of Victoria, Legislative Assembly Legal and Social Issues Committee, Inquiry into Capturing Data on Family Violence Perpetrators in Victoria, p. 9 (quoted text); IMCL, Response to Integrity and Oversight Committee questions on notice, 23 December 2024, p. 1. IMCL describes the following risk: 'Police perpetrator[s] can and do exploit their systemic knowledge of police and court processes to evade accountability, engage in family violence in ways that are ... [hard] to prove in court, control the narrative with investigators, and get in first with allegations or make cross allegations (thereby increasing victim-survivor mis-identification risk)' ...—IMCL, Response to Integrity and Oversight Committee questions on notice, 23 December 2024, p. 6.

⁵⁷ IMCL, Response to Integrity and Oversight Committee questions on notice, 23 December 2024, p. 4.

⁵⁸ Ibid.

⁵⁹ Ibid.

because a victim-survivor may experience some ‘reticence’ and refrain from providing a complete or accurate account of the PPFV.⁶⁰

In addition, IMCL suggests that, while SOFVU has oversight over such matters, this approach is unduly reliant on the accuracy of the information provided by the investigating Victoria Police members.⁶¹ As IMCL has noted, they know of ‘several instances’ in which information ‘provided back from the regions can be wildly inaccurate, and understate both risk and ongoing offending (particularly in regional areas or where the perpetrator is well known and liked in the region)’.⁶²

Third, the investigation of PPFV by fellow Victoria Police members gives rise to a potential conflict of interest, which often materialises. In its response to the Committee’s questions on notice, IMCL explained:

Local/divisional members have an insurmountable conflict of interest (whether actual or perceived) when managing or investigating DFV [domestic and family violence] matters involving a colleague they know or are connected to.⁶³

This conflict of interest, when realised, can heighten the risk of significant harm for victim-survivors.⁶⁴

Victim-survivors therefore face a ‘catch-22’ dilemma, in which they can pursue an allegation of PPFV in one of two unpromising ways:

1. A pathway directly to police—a pathway that victim-survivors of police-perpetrated violence frequently feel precluded from taking or approach with trepidation due to risk and safety issues, and the inherent conflict of interest in making a complaint to the same institution that employs the perpetrator (and on occasion to police officers who work with the perpetrator), and may have already demonstrated inaction or bias—or;
2. To complain to IBAC. In the latter instance, the vast majority of complaints are returned by IBAC to Victoria Police, and so regardless of pathway, it’s largely a case of police investigating other police when complaints are made, and the overwhelming majority of these complaints are returned found ‘unsubstantiated’.⁶⁵

Given the problems identified with Victoria Police’s management of complaints about PPFV identified in this section, and the lack of confidence in the system expressed by IMCL, the Committee recommends that IBAC consider a systematic review of the performance of Victoria Police, including SOFVU, in this area.

⁶⁰ Ibid.

⁶¹ Ibid., pp. 3–4.

⁶² Ibid., pp. 3–4, 6.

⁶³ Ibid., p. 5 (see also the examples IMCL has listed on pp. 5–6).

⁶⁴ These harms include, for instance, refusing to take reports of family violence involving a member, ‘weaponising child protection’ (that is, threatening to report victim-survivors to child protection authorities), or persuading other members ‘not to believe the victim-survivor and accusing her of being the protagonist’: IMCL, Response to Integrity and Oversight Committee questions on notice, 23 December 2024, pp. 5–6.

⁶⁵ IMCL, Response to Integrity and Oversight Committee questions on notice, 23 December 2024, p. 19.

RECOMMENDATION 12: That the Independent Broad-based Anti-corruption Commission, as part of its police-oversight function, consider undertaking a systematic review of Victoria Police (including its Sexual Offences and Family Violence Unit) policies, processes and practices in assessing, handling and investigating complaints about police and, in particular, their capacity to effectively manage conflicts of interest and risks of police-perpetrated family violence.

6.3.3 Determining who is best placed to handle complaints about PPFV

In its responses to the Committee's questions on notice, and during the hearing on the performance of Victoria's integrity agencies, IMCL put forward a clear opinion that with respect to Victoria Police SOFVU should handle all PPFV matters:

Victim-survivor concerns about the above member behavioural issues, as well as the impacts of these behaviours on victim-survivor confidence in the system and future reporting decisions, could be addressed if SOFVU were to directly manage all police perpetrated family violence matters.⁶⁶

This would mean, specifically, that SOFVU triaging thresholds would change so that all PPFV matters are handled by SOFVU and not regionally delegated.⁶⁷ This position was put forward on the basis that, in short, IBAC is ill-equipped to handle PPFV:

IBAC is not structured to be complainant centered [sic], trauma informed, or to resolve complaints, and as noted above is persistently failing victim-survivors in these respects and causing further harm and trauma. IBAC is not competent to oversee and opine on the quality of Victoria Police investigations of police perpetrated family violence, given IBAC's demonstrated lack of family violence awareness and competence. IBAC cannot effectively oversee investigations of a subject matter that IBAC does not adequately understand.⁶⁸

In its response to the Committee's questions on notice, IMCL highlighted various deficiencies regarding IBAC's handling of PPFV related matters, which have, unsurprisingly, exacerbated the harm victim-survivors have encountered.⁶⁹ In IMCL's opinion, '*IBAC is less trauma informed and complainant centric than Victoria Police, communicates less and in a more confusing and distressing way than Victoria Police, and is less likely to listen to feedback from victim-survivors*'.⁷⁰

Notwithstanding this deeply concerning viewpoint, IMCL has further explained that, even if IBAC were equipped to handle PPFV matters, it would still be most appropriate for SOFVU to handle matters requiring specialist investigative or other police skills,

⁶⁶ Ibid., p. 6.

⁶⁷ Ibid., p. 8.

⁶⁸ Ibid., p. 21.

⁶⁹ Ibid., pp. 15–16, 36–41.

⁷⁰ Ibid., p. 16 (emphasis in original).

such as taking evidence from children, domestic violence homicide or sexual offences.⁷¹ IOV has similarly stated that '[i]t is appropriate for IBAC to consider that Victoria Police may be the more appropriate body as Victoria Police have specialist units for investigating family violence'.⁷²

IMCL has explained further what, in its view, represents the best solution in terms of how sensitive PPFV matters should be handled:

These specialist skill cases should however be more closely overseen by IBAC (which will require some subject-matter-competence-upskilling by IBAC) or jointly investigated by Victoria Police and IBAC. In some instances, it may be appropriate for the joint investigation to be run by secondees of *another* police force with IBAC oversight (for example if a family violence complaint involving harm to children and sexual offending were to be made against a commissioned officer of Victoria Police—as in those circumstances there will be no member of Victoria Police without a conflict of interest to act as the complaint investigator).⁷³

IOV shares a similar view, namely that

[s]ection 72 of the IBAC Act provides for IBAC to conduct coordinated investigations with a law enforcement agency, including Victoria Police. A coordinated investigation using IBAC Officers and Victoria Police officers with skills, experience and training in family violence investigations would enable IBAC to mitigate risks such as those that arose in the handling of Emma's complaints.⁷⁴

In IOV's view, a coordinated investigation would mitigate 'the risks of Victoria Police investigating another officer' and manage those conflicts of interest described in *Emma's report*, including 'prejudice to the investigation from conflicts of interest where investigators know the alleged perpetrator; safety risks from the leaking of information (such as an escape plan) to the perpetrator (directly or indirectly); and investigation delays resulting in the inability to prosecute offences due to the statute of limitations expiring'.⁷⁵

In any event, it is the Committee's view that it is important that IBAC continues its progress in becoming PPFV and trauma-informed, and equipped to act to manage conflicts of interest, for example, by having a family violence worker help with risk assessments.⁷⁶

⁷¹ Ibid., p. 21.

⁷² VI, Response to Integrity and Oversight Committee questions on notice, 19 December 2024, p. 11.

⁷³ IMCL, Response to Integrity and Oversight Committee questions on notice, 23 December 2024, p. 22 (emphasis added).

⁷⁴ VI, Response to Integrity and Oversight Committee questions on notice, 19 December 2024, p. 11.

⁷⁵ Ibid.

⁷⁶ Dr Jana Katerinskaja, public hearing, Melbourne, 25 November 2024, *Transcript of evidence*, pp. 20, 25.

6.3.4 IBAC's implementation of the recommendations in *Emma's report*

IBAC accepted IOV's recommendations. By way of letter dated 10 November 2023, the then CEO of IBAC, Marlo Baragwanath, wrote to the Inspector advising him that IBAC had acquitted the recommendations. A thorough account of how IBAC has responded to the recommendations is contained in IOV's most recent annual report.⁷⁷ IBAC has also informed IOV of its work program directed at improving the experience of individuals who make a complaint to IBAC, which includes training for IBAC staff on family violence and trauma-informed practice.⁷⁸ Further, IBAC addressed '[p]olice responses to family violence incidents and predatory behaviour' in its *IBAC Annual Plan 2023-24*; however this 'action was not funded and did not proceed'.⁷⁹

IMCL suggests that IBAC—notwithstanding the above developments—still fundamentally misunderstands the nature of PPFV and is, from a practical perspective, ill-equipped to handle such matters:

All of the Victorian Inspectorate recommendations that have been made have been acquitted on paper in policy, but the operational practice is failing us, and that is largely because IBAC, despite having rolled out family violence training, despite having the checklist ... , does not understand family violence. So, if you have people who do not understand risk doing risk assessments, those risk assessments will be, and are quite often, found wanting.⁸⁰

For instance, in respect of recommendations 1 and 2 from *Emma's report*, IBAC has advised that it has refined its referral procedure and begun using a referral checklist.⁸¹ IBAC has explained:

The revised procedure includes detailed information for IBAC officers in relation to:

- the elements under section 73 of the IBAC Act that must be satisfied for a referral.
- guidance for escalating concerns raised with IBAC by a complainant following referral of a complaint for investigation.
- the meaning of 'more appropriate' and the relevant considerations when assessing whether a referral is more appropriate, including where there is a clear and ongoing risk to the complainant, whether legislative obligations (i.e. s 227 of the Victoria Police Act) have been breached, and any alleged breach of a person's human rights.

⁷⁷ VI, *Annual report 2023-24*, Melbourne, pp. 82, 184-185 (Appendix F); VI, Response to Integrity and Oversight Committee questions on notice, 19 December 2024, p. 8.

⁷⁸ VI, Response to Integrity and Oversight Committee questions on notice, 19 December 2024, pp. 8, 10.

⁷⁹ IBAC, *Annual report 2023/24*, Melbourne, p. 14 (quoted text); IBAC, *Annual plan 2023/24*, Melbourne, June 2023, pp. 4, 7.

⁸⁰ Dr Jana Katerinskaja, public hearing, Melbourne, 25 November 2024, *Transcript of evidence*, p. 18.

⁸¹ IBAC, Response to Integrity and Oversight Committee questions on notice, 17 January 2025, p. 2.

The procedure requires IBAC officers to consider whether a complaint meets the threshold for investigation by IBAC before it is recommended for referral. This includes consideration of whether:

- there are systemic issues emerging from the conduct
- the conduct is serious
- the health, safety or welfare of a complainant has been, or will be, affected by the conduct
- the conduct involves a vulnerable member of the community.⁸²

IBAC has further explained that the above procedure provides guidance on when IBAC may withdraw a referral of a complaint to an agency for investigation, and that all assessments staff receive training on the new procedure and using the checklist.⁸³ Quality assurance measures are also in place.⁸⁴

Despite this, IMCL's leadership maintains that IBAC's response is inadequate:

... I do not think they have acquitted Recommendation 1 operationally. We are not seeing that. Yes, they are doing the checklist, but they are always saying that Victoria Police is the appropriate place to investigate these cases. And they are saying that family violence cases are too complex, so they are still getting referred off. They are just documenting why they are referring them, but they are not taking them on. They are not considering human rights. They do not understand the risks to the complainant because they do not understand family violence. So, Recommendation 1 is not done in practice.⁸⁵

IMCL similarly suggests that IBAC's implementation of Recommendation 2 is largely deficient:

As is the case with Recommendation 1, IBAC has developed policies, deployed limited training and guidance, and implemented checklists to support compliance with Recommendation 2. However, operationally these changes are not improving outcomes for victim-survivors and appear to have resulted in a checkbox culture at IBAC, as opposed to a genuine, prudent and well-informed assessment of risk and consideration of the decision to refer complaints. We have observed instances of apparent conflict of interest not being detected by IBAC at referral, and not recalled for IBAC investigation after a poorly judged referral. We note that IBAC appears to still not understand the way in which conflicts of interest may arise in Victoria Police—particularly in regionally delegated investigations, making IBAC's assessment and consideration of the risks of conflict of interest problematic and at best perfunctory.⁸⁶

⁸² Ibid.

⁸³ Ibid.

⁸⁴ Ibid.

⁸⁵ Dr Jana Katerinskaja, public hearing, Melbourne, 25 November 2024, *Transcript of evidence*, p. 25. For a thorough account of what IMCL considers to be substantive defects with how IBAC has implemented Recommendation 1, see IMCL, Response to Integrity and Oversight Committee questions on notice, 23 December 2024, pp. 25–26.

⁸⁶ IMCL, Response to Integrity and Oversight Committee questions on notice, 23 December 2024, p. 26.

While IMCL agrees that IBAC has meaningfully actioned Recommendation 4, which involves notifying IOV of complaints involving IBAC, it contends it has seen little evidence of IBAC withdrawing matters and considering them ‘in-house’—as suggested by Recommendation 3.⁸⁷ IOV has confirmed that, according to its records, IBAC has ‘rarely’ used this power.⁸⁸ The Committee shares IMCL’s view that there appears to be

a significant gap between amended IBAC policy and procedures, and practice, with these IBAC policies and checklists delivering no tangible changes in the adverse experience of victim-survivors. Today, victim-survivor experiences with IBAC are similar to those of victims at and prior to the tabling of the Emma Report.⁸⁹

IOV has commented that IBAC’s updated referral procedure, as supported by its renewed training, would improve the handling of Emma’s case if it were to occur again.⁹⁰ This improvement notwithstanding, the Committee is very concerned by IMCL’s view that, if Emma’s case were to arise again today, her case would still be referred by IBAC to Victoria Police and then delegated locally for investigation.⁹¹ The Committee agrees with IMCL’s view that, beyond a mere implementation of the recommendations, IBAC has not sufficiently learnt from *Emma’s report* and this deficit poses an unacceptable and additional risk to victim-survivors of PPFV.⁹²

Further, the Committee understands that the complainant at the centre of *Emma’s report* is still awaiting a response to the complaint referred to in the special report (that is, the ‘second IBAC complaint’).⁹³ It is understood that IOV is engaging with the complainant and IBAC about this outstanding complaint.⁹⁴ As put by the complainant, ‘[i]t is now a five-year old complaint, and IBAC [has] ... had it under review for more than two years with zero updates’.⁹⁵ In the Committee’s view, this situation is entirely unacceptable.

In its assessment of how IBAC has responded to the recommendations in *Emma’s report*, IMCL has put forward many suggestions directed at further improving how IBAC handles instances of PPFV. These include, for example, commissioning ‘detailed lived-experience’ guidance regarding IBAC’s ‘complaint lifecycle’ that is informed by specialists in the domestic and family violence sector.⁹⁶ If IBAC is to oversee how Victoria Police manages PPFV, IMCL suggests that, for instance, IBAC must improve its

⁸⁷ Dr Jana Katerinskaja, public hearing, Melbourne, 25 November 2024, *Transcript of evidence*, p. 25; IMCL, Response to Integrity and Oversight Committee questions on notice, 23 December 2024, p. 27.

⁸⁸ VI, Response to Integrity and Oversight Committee questions on notice, 19 December 2024, p. 8.

⁸⁹ IMCL, Response to Integrity and Oversight Committee questions on notice, 23 December 2024, p. 26.

⁹⁰ VI, Response to Integrity and Oversight Committee questions on notice, 19 December 2024, pp. 10–11.

⁹¹ IMCL, Response to Integrity and Oversight Committee questions on notice, 23 December 2024, p. 24.

⁹² Ibid.

⁹³ VI, Response to Integrity and Oversight Committee questions on notice, 19 December 2024, p. 9.

⁹⁴ Ibid.

⁹⁵ Dr Jana Katerinskaja, public hearing, Melbourne, 25 November 2024, *Transcript of evidence*, p. 25.

⁹⁶ IMCL, Response to Integrity and Oversight Committee questions on notice, 23 December 2024, p. 17.

family investigation and specialist practice skills, and have ‘direct access to Victoria Police systems and documents’ (as opposed to relying on members of Victoria Police to provide them).⁹⁷

The Committee has been informed that, in 2025, IOV will commence a monitoring project regarding IBAC’s handling of complaints concerning Victoria Police, including an assessment of IBAC’s police-complaint referral process.⁹⁸

Through the police oversight monitoring project, the VI will monitor IBAC’s handling and referral of complaints about police during the period August 2023 to December 2024. This will include complaints about police perpetrated family violence. The project will result in a report that will include observations, feedback and recommendations as appropriate to keep improving IBAC’s handling and referral of future complaints of this nature.⁹⁹

The Committee endorses the IOV’s commitment to, in its forthcoming review of how IBAC has actioned its recommendations arising from *Emma’s report*, considering whether any legislative amendments would help IBAC to effectively handle PPFV matters.

RECOMMENDATION 13: That, taking into account Inner Melbourne Community Legal’s evidence to the Committee’s review, Integrity Oversight Victoria (IOV) consider, in its police oversight monitoring project, whether any other measures, in addition to the recommendations in *Emma’s report*, are needed to improve how the Independent Broad-based Anti-corruption Commission handles police-perpetrated family violence matters. Further, that IOV report to the Committee on the processes and outcomes of its police oversight monitoring project.

6.4 Conclusion

Emma’s report has illustrated systematic failures in how PPFV is handled in Victoria. During the Committee’s public hearings for this review, the Committee heard from key institutional stakeholders and people with lived experience of PPFV who have, unfortunately, borne additional hardship because of these failures.

In the Committee’s view, all stakeholders, but particularly IBAC and Victoria Police, must do more to ensure that not only the recommendations in *Emma’s report* are fully implemented, but further improvements are made to how PPFV is dealt with in Victoria.

To that end, the Committee is committed to maintaining an active interest in IOV’s monitoring project regarding IBAC’s handling of complaints involving Victoria Police, and PPFV more broadly.

⁹⁷ Ibid., p. 22.

⁹⁸ VI, Response to Integrity and Oversight Committee questions on notice, 19 December 2024, p. 8.

⁹⁹ Ibid., p. 11.

Chapter 7

Conclusion

7.1 Performance of Victorian integrity agencies in 2022/23

7.1.1 Independent Broad-based Anti-corruption Commission

As part of its monitoring and review of the performance of the Independent Broad-based Anti-corruption Commission (IBAC), the Committee examined the agency's exercise of its complaint-handling, investigative, review, audit and preventive functions, as well as selected aspects of its governance, workplace systems, culture, and accountability.

Regarding police oversight, during 2022/23 IBAC was able to make improvements in two important areas: reviews of Victoria Police investigations of referred complaints, and the embedding of a risk-identification system for Victoria Police stations.

IBAC increased the number of reviews it conducted (192), reviewing more than half of all police-related complaints referred to Victoria Police for investigation.¹ Usefully, the reviews resulted in IBAC recommendations to Victoria Police for improvements in the force's capacity to prevent, detect and investigate police misconduct and corruption.

IBAC's Police Risk System, rolled out in 2021/22, uses a wide range of data to assign a serious misconduct and police corruption risk rating to each Victoria Police station. These ratings are based on matters such as the level of complaints, as well as the character of allegations raised in complaints and their relevance to IBAC's Strategic Focus Areas.² In the year under review, the System is having a positive impact on IBAC's police-related assessments, investigations, review and prevention work.³

While these police-oversight developments are encouraging, the picture with regard to oversight responses to police-perpetrated family violence (PPFV) is troubling. On the basis of evidence received during this review, and IOV's important special report on this issue,⁴ the Committee considers that, regarding PPFV, data collection and analysis, complaint handling, oversight and investigation need to improve significantly, and has, accordingly, made recommendations to that end.⁵ In short, IBAC needs to undertake significant reforms and work to attain the capacity to handle complaints about PPFV

¹ See Section 2.2.2 in Chapter 2 of this report.

² Independent Broad-based Anti-corruption Commission (IBAC), Response to Integrity and Oversight Committee questions on notice, 23 December 2024, p. 6. See also Section 2.2.3 in Chapter 2 of this report.

³ See Section 2.2.3 in Chapter 2 of this report.

⁴ Victorian Inspectorate (VI), *Special report: IBAC's referral and oversight of Emma's complaints about Victoria Police's response to family violence by a police officer*, Melbourne, October 2022.

⁵ See Sections 6.3.1–6.3.4 in Chapter 6 of this report.

in a complainant-centred and trauma-informed way—to ensure that the safety, health and welfare of victim-survivor complainants are protected.

In 2022/23, IBAC did not meet any of the Budget Paper No. 3 timeliness performance targets⁶ for its assessments function in relation complaints and notifications from public sector bodies, including Victoria Police.⁷ Unfortunately, this continues a long-term trend. The Committee has recommended that the Victorian Government, in consultation with IBAC, review and, if necessary, revise the Budget Paper Number 3 quantitative and qualitative assessment targets to ensure their adequacy and fitness for purpose, taking into account the volume and complexity of complaints and notifications handled by IBAC. Further, the Committee has recommended that IBAC develop, use and consistently report on key quantitative and qualitative performance indicators (including complexity indicators) for its assessment of complaints and notifications. This will allow for more precise tracking and evaluation of IBAC's performance across financial years, including its compliance with quality and timeliness standards in making assessments.⁸

While IBAC has made excellent progress in reducing the incidence of workplace discrimination and sexual harassment, its progress in combating workplace bullying has, unfortunately, stalled. The agency needs to undertake additional work to enhance psychological safety, entrench a 'speak-up' culture and improve channels for reporting improper workplace conduct.⁹ The Committee is encouraged, however, by IBAC's commitment to better understand, and effectively respond to, these and other issues raised through the Victorian Public Sector Commission's People Matter Surveys (PMS). In exercise of its oversight functions, the Committee has recommended that, with respect to IBAC's 2024 PMS results, the agency report to it the key themes identified in its Cultural Action Plans and Senior Leadership Cultural Action Plans (including how it has, or intends to, respond in accordance with those Plans).¹⁰

The Committee is pleased that IBAC has implemented, or made significant progress implementing, the majority of the recommendations made to the agency by the Committee and independent performance auditor.¹¹

Finally, with regard to the timely release of IBAC reports related to completed investigations, the Committee has recommended that IBAC review and report to the Committee on:

- the processes involved in the timely completion and reporting on investigations through special reports, identifying any improvements made or planned by IBAC
- whether legal reforms, if any, are necessary in this area.

⁶ Department of Treasury and Finance (Victoria), *Victorian Budget 2022/23: service delivery* (Budget Paper No. 3), Melbourne, May 2022, p. 383.

⁷ See Section 2.2.1 in Chapter 2 of this report.

⁸ See Section 2.2.1 in Chapter 2 of this report.

⁹ See Section 2.3.2 in Chapter 2 of this report.

¹⁰ See Section 2.3.2 in Chapter 2 of this report.

¹¹ See Section 2.4.2 in Chapter 2 of this report.

7.1.2 Integrity Oversight Victoria

Integrity Oversight Victoria (IOV) had a positive year in 2022/23, making significant progress in improving the effectiveness, efficiency and timeliness of its complaints handling. It has achieved this through well-considered policy, process, resourcing and technological measures. These measures have included extra resourcing being given to complaints handling, targeted use of legally qualified staff for complex complaints, streamlining processes, and enhancing governance. Through these efforts IOV has substantially reduced its backlog of complaints. The agency has continued to improve its workplace culture and, in particular, is providing additional support to its frontline staff, who regularly face challenging complainant behaviour.¹²

IOV is also to be commended for its leadership in implementing a secure platform to receive and handle anonymous complaints (and communicate securely and effectively with anonymous complainants),¹³ which the Committee identified as best practice in its 2022 education and prevention report.¹⁴ In this spirit, IOV's new, anonymous complaints platform encourages the reporting of allegations about improper conduct *and* better protects the safety, health, welfare and work lives of such reporters.

IOV has also taken great strides in implementing a wide range of recommendations made to it through Committee's education and prevention report, review reports, and independent performance auditor's report.¹⁵

7.1.3 Office of the Victorian Information Commissioner

In 2024, the Office of the Victorian Information Commissioner (OVIC) was a focus of the Committee's Inquiry into the Operation of the *Freedom of Information Act 1982* (Vic)—the most in-depth and wideranging review of the Act since its introduction.¹⁶ The IOC appreciated OVIC's cooperation, expert perspectives and invaluable evidence, which contributed to the Committee's development of 101 recommendations, including to replace the current Act with a best practice, third-generation Right to Information Act.

While, like other Victorian integrity agencies, OVIC often finds the timely completion of complaint handling and reviews challenging, the Committee commends the agency for making progress on this issue in 2022/23, both in relation to its own operations and those of the agencies it oversees.¹⁷

OVIC has responded skilfully to the dynamic environment of information production, storage, management, use and distribution. A particular highlight has been OVIC's research, leadership and guidance employed in the public sector in response to

¹² See Section 3.2.1 in Chapter 3 of this report.

¹³ See Section 3.2.2 in Chapter 3 of this report.

¹⁴ Parliament of Victoria, Integrity and Oversight Committee (IOC), *Inquiry into the education and prevention functions of Victoria's integrity agencies*, Melbourne, April 2022, pp. 95–107.

¹⁵ See Section 3.3.2 in Chapter 3 of this report.

¹⁶ Parliament of Victoria, IOC, *The operation of the Freedom of Information Act 1982* (Vic), Melbourne, September 2024.

¹⁷ See Section 4.2 in Chapter 4 of this report.

the impact and regulation of artificial intelligence¹⁸ and, separately, outsourcing.¹⁹ In relation to outsourcing, the Committee has recommended improvements to the regulation of contracted service providers.²⁰

In order to enhance the effectiveness of information security in Victoria, the Committee has also recommended that the Victorian Government, after consulting relevant stakeholders, consider making the Information Security Incident Notification Scheme mandatory and also extending it to public health service providers, local councils, courts, tribunals and universities.²¹

The Committee also recognises the progress made in OVIC's oversight and monitoring of Victoria Police's acquittal of historic law enforcement information security and privacy recommendations.²²

The Committee looks forward to the agency's delivery, in 2025, of its evaluation and assessment framework for its education and prevention program.²³ Responding in part to a recommendation in the Committee's 2022 education and prevention report, OVIC has explained that the framework will underpin and enhance OVIC's development and delivery of high-quality, innovative and effective educational and preventive programs.²⁴

Finally, on the basis of evidence received throughout this review, notably from OVIC,²⁵ the Committee has recommended that the Victorian Government review the merits of directly funding the agency through Parliament's appropriation, similar to the present funding arrangements for IBAC, IOV and the Victorian Ombudsman (VO).²⁶

7.1.4 Victorian Ombudsman

Complaint handling remains a vital dimension of the VO's work. In 2022/23, the agency received more than 18,000 jurisdictional complaints and, impressively, closed more than 90% of complaints within 30 days.²⁷ Relatedly, the Committee encourages the VO to take a 'data-led'²⁸ approach to its efforts to build the capacity and effectiveness of complaint handling in the public sector, and has recommended additional funding for

¹⁸ See Section 4.3.5 in Chapter 4 of this report.

¹⁹ See Section 4.3.4 in Chapter 4 of this report.

²⁰ See Section 4.3.4 in Chapter 4 of this report.

²¹ See Section 4.3.2 in Chapter 4 of this report.

²² See Section 4.3.6 in Chapter 4 of this report.

²³ See Section 4.6 in Chapter 4 of this report.

²⁴ Office of the Victorian Information Commissioner (OVIC), Response to Integrity and Oversight Committee questions on notice, 14 January 2025, p. 6. See also Parliament of Victoria, IOC, *Inquiry into the education and prevention functions of Victoria's integrity agencies*, Melbourne, April 2022, pp. 167–168 (including Recommendation 13).

²⁵ See, for example, OVIC, *Submission 55*, 15 January 2024, to the Parliament of Victoria, IOC, *Inquiry into the Operation of the Freedom of Information Act 1982 (Vic)*, 2024, pp. 165–166; OVIC, Response to Integrity and Oversight Committee questions on notice, 14 January 2025, pp. 16–17.

²⁶ See Section 4.7 in Chapter 4 of this report.

²⁷ Victorian Ombudsman (VO), *2023 annual report*, Melbourne, 2023, pp. 18–19.

²⁸ O'Connor Marsden, *Performance audit of the Victorian Ombudsman: report to the Integrity and Oversight Committee*, Melbourne, 18 June 2024, in Parliament of Victoria, IOC, *The independent performance audit of the Victorian Ombudsman*, Melbourne, July 2024, Appendix A (hereinafter, *Performance audit of the Victorian Ombudsman*, Melbourne, 2024), p. 23.

this purpose.²⁹ Further, lessons identified through rigorous data gathering and analysis in relation to complaints the VO receives will enhance its *own* complaint handling.³⁰

To assist the VO in the exercise of its complaint-handling functions, the Committee has recommended that the Victorian Government consider seeking amendment of the *Ombudsman Act 1973* (Vic) so that the VO has greater powers and flexibility to decide how it handles public interest complaints.³¹

The VO tabled 9 reports in Parliament, a 33% increase on 2021/22,³² covering issues such as corrupt conduct involving public officers, complaint handling in the social housing sector, and the use of contractors at the local-government level. The VO also performed well with respect to its engagement and education, workplace wellbeing, and accountability measures.

As noted in Chapter 1, the Committee is also pleased that the independent performance auditor concluded that, during the relevant period, the VO achieved the objects of the *Ombudsman Act 1973* (Vic) with regard to each performance measure and is, in many respects, a leading organisation in Victoria.³³ With regard to funding of the VO, the Committee has recommended that the Victorian Government consider whether any improvements are needed with respect to how Victorian integrity agencies, including the VO, are funded, bearing in mind the 2022 joint paper by IBAC, the VO and the Victorian Auditor-General's Office on budget independence.³⁴

7.2 Integrity agency responses to Integrity and Oversight Committee and independent performance auditor recommendations

Since its establishment in 2019,³⁵ and its first report on the performance of Victoria's integrity agencies in December of that year,³⁶ in exercising its oversight functions the

²⁹ See also Section 5.2.1 and Section 5.2.4 in Chapter 5 of this report.

³⁰ See Section 5.2.1 in Chapter 5 of this report. See also Parliament of Victoria, IOC, *Performance of the Victorian integrity agencies 2020/21: focus on witness welfare*, Melbourne, October 2022, pp. 168–170 (including Recommendation 13); Parliament of Victoria, IOC, *Performance of the Victorian integrity agencies 2021/22*, Melbourne, November 2023, pp. 140–141.

³¹ See Section 5.2.5 in Chapter 5 of this report.

³² VO, *2023 annual report*, Melbourne, 2023, pp. 4, 52.

³³ O'Connor Marsden, *Performance audit of the Victorian Ombudsman*, Melbourne, 2024, p. 6; Section 5.5.2 in Chapter 5 of this report.

³⁴ IBAC, VO and Victorian Auditor-General's Office, *Budget independence for Victoria's Independent Officers of Parliament*, Melbourne, 18 October 2022.

³⁵ The IOC was established as a joint investigatory committee of the 59th Parliament under the *Parliamentary Committees Act 2003* (Vic) ('*PC Act 2003* (Vic)'), following the enactment of the *Integrity and Accountability Legislation Amendment (Public Interest Disclosures, Oversight and Independence) Act 2019* (Vic) on 3 May 2019 (Parliament of Victoria, IOC, *Inquiry into the performance of Victorian integrity agencies 2017/18–2018/19*, Melbourne, December 2020, p. 1). The IOC was formed when the former Accountability and Oversight Committee merged with the former Independent Broad-based Anti-corruption Commission Committee, and Members were appointed to the IOC on 21 March 2019 (Parliament of Victoria, IOC, *Inquiry into the performance of Victorian integrity agencies 2017/18–2018/19*, Melbourne, December 2020, p. 1).

³⁶ See Parliament of Victoria, IOC, *Inquiry into the performance of Victorian integrity agencies 2017/18–2018/19*, Melbourne, December 2020.

IOC has kept an eye on integrity agency responses to its recommendations.³⁷ The means used have included correspondence, questions on notice, private meetings, public hearings and the tabling of review and inquiry reports.³⁸ In addition, the IOC has monitored the responses of IBAC, IOV and the VO to recommendations made by independent performance auditors, which are included in tabled Committee reports.³⁹

While the Committee has appreciated being informed—through correspondence, responses to questions on notice, testimony at hearings and accounts in annual reports⁴⁰—of the integrity agencies’ responses to its recommendations, and of their progress in implementing accepted recommendations, integrity agencies are *not required* to report their responses to Committee recommendations to Parliament. Doubtless partly as a result of this present circumstance, the Committee has not always received formal responses from an integrity agency to IOC recommendations, and, when it has, agency practice has typically been ad hoc, fragmented and not always timely.

The current position of the integrity agencies with respect to IOC recommendations contrasts with that of the Victorian Government, which is required under the *Parliamentary Committees Act 2003* (Vic) (*‘PC Act 2003 (Vic)’*) to provide to Parliament its responses to committee recommendations within 6 months of the tabling of the committee report within which they are contained.⁴¹

To improve consistency, transparency and accountability—and, specifically, to enhance the efficacy of the IOC’s function of reviewing and monitoring the performance of Victoria’s integrity agencies—the Committee recommends that integrity agencies oversighted by the IOC be required to provide to Parliament their response to IOC and independent performance auditor recommendations directed to them within 6 months of the tabling of the IOC report within which they are contained.

The Committee considers that a legislative amendment of the *PC Act 2003* (Vic) to this effect will enhance the IOC’s role as the parliamentary body with principal oversight responsibility with respect to the performance of IBAC, IOV, OVIC, the Parliamentary Workplace Standards and Integrity Commission and the VO.

³⁷ See the IOC’s integrity agency performance review reports: Parliament of Victoria, IOC, *Inquiry into the performance of Victorian integrity agencies 2017/18–2018/19*, Melbourne, December 2020; Parliament of Victoria, IOC, *Inquiry into the performance of Victorian integrity agencies 2019/20*, Melbourne, November 2021; Parliament of Victoria, IOC, *Performance of the Victorian integrity agencies 2020/21: focus on witness welfare*, Melbourne, October 2022; Parliament of Victoria, IOC, *Performance of the Victorian integrity agencies 2021/22*, Melbourne, November 2023.

³⁸ See, for example, the following IOC inquiry reports: Parliament of Victoria, IOC, *Inquiry into the education and prevention functions of Victoria’s integrity agencies*, Melbourne, April 2022; Parliament of Victoria, IOC, *The operation of the Freedom of Information Act 1982 (Vic)*, Melbourne, September 2024.

³⁹ See Parliament of Victoria, IOC, *The independent performance audits of the Independent Broad-based Anti-corruption Commission and the Victorian Inspectorate*, Melbourne, October 2022; Parliament of Victoria, IOC, *The independent performance audit of the Victorian Ombudsman*, Melbourne, July 2024.

⁴⁰ See, for example, IOV’s recent exemplary reporting: VI, *Annual report 2023–2024*, Melbourne, October 2024, pp. 178–179 (Appendix C), 180–181 (Appendix D).

⁴¹ *Parliamentary Committees Act 2003* (Vic) (*‘PC Act 2003 (Vic)’*) s 36.

RECOMMENDATION 14: That the Victorian Government seek amendment of the *Parliamentary Committees Act 2003* (Vic) s 7, to require that the Independent Broad-based Anti-corruption Commission, Integrity Oversight Victoria, the Office of the Victorian Information Commissioner, the Parliamentary Workplace Standards and Integrity Commission and the Victorian Ombudsman, provide the Parliament of Victoria with their responses to Integrity and Oversight Committee (IOC) and independent performance auditor recommendations directed to them, within 6 months of the tabling of the IOC report within which they are contained.

**Adopted by the Integrity and Oversight Committee
Parliament of Victoria, East Melbourne
19 May 2025**

Appendix A

Public hearings

A.1 Public hearings

Monday, 11 November 2024

55 St Andrews Place, East Melbourne

Name	Position	Organisation
Marlo Baragwanath	Ombudsman	Victorian Ombudsman
Andrew Adason	Deputy Ombudsman, Prevention	Victorian Ombudsman
Dan Nicholson	Deputy Ombudsman, Operations	Victorian Ombudsman
Sheetal Kapoor	Chief Financial Officer	Victorian Ombudsman
Victoria Elliott	Commissioner	Independent Broad-based Anti-corruption Commission
Alison Byrne	Chief Executive Officer	Independent Broad-based Anti-corruption Commission
Anna Higgs	Executive Director Corporate Services	Independent Broad-based Anti-corruption Commission

Monday, 25 November 2024

55 St Andrews Place, East Melbourne

Name	Position	Organisation
Sean Morrison	Information Commissioner	Office of the Victorian Information Commissioner
Rachel Dixon	Privacy and Data Protection Deputy Commissioner	Office of the Victorian Information Commissioner
Penny Eastman	Public Access Deputy Commissioner	Office of the Victorian Information Commissioner
Eamonn Moran PSM KC	Inspector	Victorian Inspectorate
Cathy Cato	Chief Executive Officer and General Counsel	Victorian Inspectorate
Alison Lister	Director, Integrity Operations and Policy	Victorian Inspectorate
Michelle Reynolds	Director, Policy and Advocacy	Inner Melbourne Community Legal
Nimet Gurleyen	Senior Lawyer	Inner Melbourne Community Legal
Lauren Caulfield	Beyond Survival: Policing Family Project Coordinator	Inner Melbourne Community Legal
Jana Katerinskaja	In a personal capacity	

