

T R A N S C R I P T

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

Inquiry into the Adequacy of the Legislative Framework for the Independent Broad-based Anti-corruption Commission

Melbourne – Monday 25 August 2025

M E M B E R S

Dr Tim Read – Chair

Hon Kim Wells – Deputy Chair

Ryan Batchelor

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Eden Foster

Paul Mercurio

Rachel Payne

Belinda Wilson

WITNESSES

Michelle Reynolds, Director, Policy and Advocacy, Inner Melbourne Community Legal,

Anna Nguyen, Program Manager, Inner Melbourne Community Legal, and

Dr Jana Katerinskaja, human rights lawyer, survivor advocate, and member of the Officer Involved Domestic Violence (OIDV) survivor advocacy network affiliated with Inner Melbourne Community Legal.

The CHAIR: We are resuming the Integrity and Oversight Committee's Inquiry into the Adequacy of the Legislative Framework for IBAC. We are welcoming some new witnesses. We have Dr Jana Katerinskaja, Michelle Reynolds and Anna Nguyen representing Inner Melbourne Community Legal and the Police Oversight Working Group. Thank you, all three, for coming in.

I will just quickly go around the room introducing people, although you have met us previously: Eden Foster, Paul Mercurio, Belinda Wilson, Ryan Batchelor, me – Tim Read – Jade Benham and Rachel Payne.

Bear with me for a formality. Evidence taken by this Committee is generally protected by parliamentary privilege. You are protected against any action for what you say here today, but if you repeat the same things elsewhere, including on social media, those comments will not be protected by privilege. Any deliberately false evidence or misleading of the Committee may be considered a contempt of Parliament.

All evidence given today is recorded by Hansard, and you will be provided with a proof version of the transcript to check once available. Verified transcripts will be placed on the Committee's website. Broadcasting or recording of this hearing by anyone other than Hansard is not permitted.

Do you have any introductory remarks to begin with?

Jana KATERINSKAJA: We do.

The CHAIR: Thank you.

Jana KATERINSKAJA: I want to start the way we always start, and that is to acknowledge the lived experience of the people watching online and also the survivors of family violence here in this room and also advocating and serving on both sides of the Victorian Parliament. As a family violence victim, family violence is not a partisan matter.

Our submission was prepared with the insights and the experience of the Police Oversight Working Group, and we take that submission as read. We will be making a supplementary submission to the Committee after watching some of the evidence today.

At a fundamental level we submit that IBAC's legislative regime is manifestly inadequate for the Commission to discharge its obligations in respect of police corruption. That regime is set up for dealing with public sector corruption, not police complaints oversight or dealing with people experiencing vulnerability, at risk of real harm or having suffered harm at the hands of police members. Unlike people making police complaints, people making corruption complaints do not generally need investigation transparency and ongoing investigative updates, the opportunity to respond and provide further information, fairness, explanations of why they were harmed and why they were failed, what is being recommended or done to fix it to prevent a repeat, justice, safety considerations or closure. People making police conduct complaints to IBAC usually and rightly do need and expect all of those things, but they are not getting them from IBAC under the existing legislative regime. People making police complaints to IBAC very quickly encounter the lack of transparency built into IBAC's anti-corruption-focused statute.

Of the complaints IBAC does not dismiss, 99 per cent of ongoing complaints are referred back to Victoria Police to self-investigate, as you have been hearing from all the other submitters. In respect of these referred complaints IBAC claims it has no obligation to provide to complainants the detailed reasons for complaint outcomes or the details of any recommendations made. The most you will get told is that IBAC has referred your complaint back to Victoria Police, and maybe years on you will get told that IBAC has reviewed your complaint outcome and made recommendations. But they will not tell you what those recommendations are,

because they have recently reinterpreted section 163 of the IBAC Act, and they will not tell you whether the police have implemented those recommendations or how they have implemented those recommendations. IBAC is not required to and does not publicly report on its recommendations on a case-by-case basis. It could do that in a de-identified way – the way other complaint-handling bodies do.

Personally, I cannot tell you how many times I have heard a victim of family violence lament, in respect of their complaint to IBAC, that they have no clarity or understanding in respect of their complaint or their review outcome. Sometimes you do not even get a complaint or review outcome. We generally these days tell complainants just not to go to IBAC. It is just not worth it – the system is that bad. It gives no answers. It has no transparency. It does not give you closure. It just exacerbates your distress and exacerbates the harm to people who are already suffering. In some cases, like mine – not all – complaining to IBAC provably makes things worse. It saw me suffer worse police treatment and more unchecked violence at the hands of my perpetrator. I am also not alone in that.

Compounding this lack of transparency are the confused secrecy provisions imposed upon complainants under both the IBAC and protected disclosure legislative regimes combined, as several others have said today and Victorian Inspectorate said very well. These are provisions that I note the ex IBAC Commissioner, in his evidence last Monday, said he wanted to see multiplied so that people cannot even say they complained to IBAC. These secrecy requirements leave complainants of police violence and harm feeling threatened, silenced and distressed. IBAC tells complainants to seek their own legal advice. Anna, I do not know if you have got the wad of documents here? But, you get a wad of printed legislative materials from IBAC when you make a complaint, with a threat that discussing complaints may be a punishable offence. Somewhere hidden in there is a sheet about welfare – maybe. And we have too often seen victim mental health just spiral because they cannot speak.

One recently described to me that she felt it was a statutory NDA. She said, using her own words, the weight of silencing on a bad day deprives her of the will to go on. She said that while her perpetrator lives his best life with no real consequences arising from the substantiated complaint against him, she is suffering every day. When I met her in person she handed me her paperwork and she said, ‘I think this is breaking the law, but I really need help.’ She started crying and she said, ‘I need someone who understands what it’s like. I can trust you, right?’ I am not a psychologist; I am a lawyer, but I am not her lawyer. Technically, on some reading of the messy legislation she is not breaking the law; on others she is. The envelope she was holding was quivering because her hands were shaking. She was scared of IBAC coming after her. She was scared of being charged for merely seeking peer support from our group and joining our advocacy to try and find justice in changing the system so that others do not suffer the way she has. That is just, frankly, outrageous, and it has got to change. She was too scared to email me her documents.

Stopping a victim of a wife bashing or rapist cop from saying that she has complained to IBAC, as was effectively proposed last Monday by the former Commissioner, is literally doing what perpetrators do and silencing us. Half of IBAC’s complaints are from people like me – people who have made a complaint about police conduct or police criminality. The system of accountability for police oversight is ineffective. The ability to fix it is compromised by the statutory regime’s secrecy provisions and IBAC’s conservative and seemingly subject to random change interpretation of those provisions, including section 184 and section 163.

The public cannot see recommendations made by IBAC on a de-identified case-by-case basis, and through FOI, if complainants and the press cannot see the quality of file reviews and the underlying PSC in regionally delegated investigations for referred complaints, as Jeremy King was saying in his submission, how can you as a Committee and how can we as a community possibly evaluate IBAC’s performance and identify things that need to change – improvements for the benefit of victim-survivors? Without reframing the legislation to focus on an open and accountable system and repositioning it to focus on and support complainants, it will continue to fail us. It will continue to cause harm to the victims of police criminality and police duty failures.

Complaints about life-altering police misconduct and ongoing life- or welfare-threatening criminality should not be subordinate to what is at times seen as spurious allegations of political corruption, but that is what we have seen. However, as the legislation stands, we know that is what happens. It relegates police misconduct to a second-tier issue because of section 15. The consequence is that while IBAC received nearly 15,000 police conduct complaints between 2018 and 2023, it investigated less than 1 per cent. They might say 2 per cent; it is not very much either way. Anti-corruption protection should not come at the expense of effective independent

police oversight. Both are critical for a functioning democracy and to prevent the abuse of power. We submit that this Committee should consider whether anti-corruption and police personnel misconduct should remain governed by the same piece of legislation.

In our view, IBAC's police complaints oversight function needs its own statutory regime for the reasons we have explained here and in our submission.

In the interim there are common-sense amendments we have proposed to address the deficiencies in the existing regime. Such amendments will in no way compromise the integrity of IBAC's investigations and operations but rather may improve trust and also improve awareness about the integrity of IBAC's police oversight. Questions?

The CHAIR: Great. Thank you very much. Jade Benham, would you like to start?

Jade BENHAM: Thank you, Chair. Yes, I would. Thank you for that introduction. It was thorough and insightful – thank you – and no doubt difficult to deliver. Can you explain further, touching on the legislative amendments required to make the definition of 'police personnel misconduct' in the IBAC Act, how you would amend those?

Jana KATERINSKAJA: Anna, that is yours.

Anna NGUYEN: Thanks for that. We are speaking really to the experience of the clinic that we run. Just by way of background, we run a very small police complaints clinic. We are one of the few legal centres that is still running police complaints in the IBAC system, because of what Jana has explained earlier.

We have made some recommendations here that we are hoping will make it easier to make police complaints, and that is to do with the current issues with the preference for corrupt conduct under section 15(1A). Combined with the definitions under section 5, it makes it quite difficult. It is a barrier to many complainants being able to make complaints, because they are not assured that their matters would actually fit within the criteria of what constitutes police personnel misconduct. It is one of those provisions where on the face of it it seems that the provision is broad enough to interpret things that from a common-sense level we would consider to be police personnel misconduct. Some of the things we see very commonly are racial stop searches, excessive use of force and racialised policing against communities of colour. But what we are seeing is that this is not actually the way it is playing out in practice. We will get IBAC finding that the conduct did not meet that threshold or it is not substantiated, but then the complainant will go through a civil litigation process where they are vindicated through that process, which does find that the conduct did meet that threshold – for example, if it was an unlawful use of power under section 464A of the *Crimes Act*.

The recommendations that we put here are to broaden some of the definitions of police personnel misconduct but also to add some parameters, I suppose, to these broad interpretations and to limit the way that they are being interpreted. I think one of the things that we have looked at is it is very broad to say 'bringing Victoria Police into disrepute or diminishing public confidence in it', but what does that actually look like? We put in some recommendations about certain types of conduct, including breaches of discipline under the *Victoria Police Act*, to marry that up. But also, drawing on the New South Wales example, we have drawn out things like excessive use of force and racial policing, to really just confine that.

Michelle REYNOLDS: Basically it is the common-sense view of what people would expect police personnel conduct actually means, and it is not aligning. We see videos where people are assaulted by police. They are just not picked up under police personnel misconduct because the definition is such a high bar under IBAC. If there were greater parameters there that picked up the disciplinary stuff in there, as we have suggested, we think that it would allow more things that people expect to be covered there to actually be picked up.

Jana KATERINSKAJA: In my case leaking my safety and escape plan to my perpetrator was not police personnel misconduct. You would expect that would be.

Jade BENHAM: Again, common sense.

Jana KATERINSKAJA: Pub test.

Jade BENHAM: Thank you. Thanks, Chair.

The CHAIR: Rachel Payne.

Rachel PAYNE: Thank you, Chair. Thank you for appearing before us today. I want to head back to section 194 and what concerns you have in relation to the operation of section 194 of the IBAC Act, and that is the exemption from FOI.

Michelle REYNOLDS: Thank you. Jana touched on this in our introduction. The FOI provisions are really about the accountability measures that everybody should have a right to in terms of there being the individual right of the complainant to have access to the material that the government holds about you. There is also the information we should have as a society to ensure that IBAC is functioning well and about how they are processing it. Section 194 adds an extra layer on the FOI limitations that already exist. I know you have had other people before the Committee that have explained all the different levels of interactions between the FOI Acts and so forth. It is quite complicated. IBAC not only has the general FOI provisions; they also have section 31A, which provides extra provisions to allow it to do its investigations. Then it has section 194, which actually limits the reporting of the recommendations and the files from complainants. We really think that 194 is unnecessary and an extra burden on complainants.

Jana KATERINSKAJA: I think there are some other practical issues with this too in that, as Jeremy King was saying, once it has got any sort of IBAC nexus, they are not giving you documents under FOI. I know people who have gone through the police investigation with SOFVU and charges have not gone through. The investigation has been done properly, but they are trying to get hold of their materials so they can make a VOCAT application, and they cannot get their materials on FOI. They have had to go back and get detectives to advocate for them to get their documents, and that is ridiculous. That should not happen. In the cases I know about we have got a good outcome in the end, but it should not be like that.

Michelle REYNOLDS: I might just note – and this might have already been covered in the evidence – it has been difficult to interpret it; VCAT itself has had two differing interpretations to what extent that section 194 actually attaches. Does it attach to referred complaints, for example? Does it attach to all the evidence behind a referred complaint? In one case it did and in the other it did not. I think this Committee has already, in the inquiry into FOI, made recommendations that were quite sensible on this point as well.

The CHAIR: Great. Paul Mercurio.

Paul MERCURIO: This is a question I was not going to ask, but I will. Thank you very much for your opening statement – very powerful. As I was saying before, a lot of submissions want ‘corrupt conduct’ extended, and some people think it serves its purpose very well. What are your thoughts?

Michelle REYNOLDS: Our focus of our submission has been around the police personnel misconduct elements and the police oversight. That is where we have got the expertise around. As Jana said, we feel that section 15 puts police personnel misconduct as a second-tier issue, and we do not think that that is justifiable and fair, given the really real outcomes for people from police misconduct. So we think that they should be separated out. In regard to the definition and expansion of ‘corrupt conduct’, we will leave that to people who deal in that area.

Jana KATERINSKAJA: I think if we separated out the two functions, I would still expect corrupt conduct – if there were a couple of high-profile cases with police misusing their position to commit fraud, that would go to IBAC, and other matters, like our family violence matters, would end up with the police investigations body.

Michelle REYNOLDS: Then you would get the right provisions that wrap around the complainant-centred approach, which makes sure that there is the transparency and openness that a complainant deserves for police personnel misconduct. That might have different requirements – I do not know exactly. But corrupt misconduct and those complaints do not sit well together now.

Jana KATERINSKAJA: They do not, but I think we need to make it clear that corruption by police will be dealt with by the anti-corruption body and would not be dealt with by the police misconduct body.

Michelle REYNOLDS: Yes, sure. Absolutely.

Paul MERCURIO: Okay. The question I was going to ask is: how should the needs of complainants and disclosers for information and transparency be balanced with the often necessarily covert nature of IBAC investigations and the protective purposes of Victoria's public interest disclosure scheme?

Jana KATERINSKAJA: I am going to answer this from the police conduct perspective. It is going to sound like a flippant answer, but they generally do not investigate; they refer it all off to Victoria Police. So it kind of becomes moot really. But if you go back to the FOI, you have already got adequate provisions under the existing FOI regime to redact documents or not produce documents if they are going to prejudice investigation. So we do not need all of these additional protections in there. I do not understand why IBAC will not provide copies of recommendations to complainants. There is nothing to be served by keeping that secret at the end of an investigation. You can de-identify things. You can publish reports on a website with the recommendations and case studies in there, with the consent of the complainant, de-identified. That is not going to harm anyone, because no-one can be identified. I do not understand why we have the secrecy provisions we do; they are unnecessary. We have adequate provisions as they stand in the *FOI Act*.

Paul MERCURIO: So would you say that there is not a balance?

Jana KATERINSKAJA: An imbalance, yes.

Paul MERCURIO: Well, that there is not a balance either, so that is an imbalance, yes. There is no balance.

Jana KATERINSKAJA: Yes, the cloak of secrecy is across everything. There is no transparency at all. That goes to my opening comments about how we can fix what we cannot see. We know it is not working, but we cannot see the granular particulars of what we need to fix. Is it a broken cog or is there no wheel?

Anna NGUYEN: I might just add further to that. A really good example of this is when a complaint is finished and the IBAC investigation is completed and our clients will get a copy of a letter pretty much saying that it is an offence to disclose anything that has been notified to them by IBAC under section 184. It is actually an offence. I think that is just a double layer. It takes so much courage for our clients to actually make the complaint in the first place and to go through the whole process, and then to get slapped with this and be told they are not able to communicate or own their story in terms of if IBAC found it to be substantiated or not. That is enduring, so it is not time limited. There is no way for them to be able to communicate what has happened as a part of their experience, and we find that to be grossly disproportionate to –

Paul MERCURIO: Are you saying it is not time-limited?

Anna NGUYEN: No, it just goes on.

Paul MERCURIO: Forever?

Jana KATERINSKAJA: Depending on what regime you are under – it depends on what notice you got.

Michelle REYNOLDS: That is section 184.

Jana KATERINSKAJA: Yes.

Michelle REYNOLDS: Yes, and then there are other notices as well on not dealing –

Anna NGUYEN: For example, as a part of the project that we are working on, we have not been able to report on the effectiveness of IBAC's new focused police complaints pilot. We have not been able to report publicly how many were found to be substantiated or not, because that would be a criminal offence.

Jana KATERINSKAJA: Even with this document package that we used as a prop earlier when I was doing my opening statement, we would probably have to ask IBAC's permission if we were to tender that as part of our supplementary submission.

Paul MERCURIO: Okay. Thank you.

Jana KATERINSKAJA: That is how ridiculous it is.

The CHAIR: All right. Thank you. Let us go to Eden Foster.

Eden FOSTER: Thank you, Chair. Thank you all for coming in today and for your heartwarming opening statement. I know it can be quite difficult. I am just reflecting firstly on what you have just said in terms of not getting the recommendations back, and I am thinking, for those who have experienced trauma, that in itself does not allow for closure and continues the cycle of trauma, so I am baffled. I guess my question is: can you elaborate on your view that Victoria Police should be legislatively required to implement IBAC recommendations and report on implementation progress?

Michelle REYNOLDS: Thank you for that question. I think this goes to a lot of what we want to see here that already we cannot see, as we have just gone through, in terms of not knowing what recommendations are made in the most part, and how we cannot tell how well the recommendations have been implemented. A complainant should have the right to be able to see their recommendations being implemented and have follow-up and be able to see that. Now, we think from our experience that often recommendations are sort of half implemented – and Jana will speak further to that – but also we see repeatedly IBAC calling out the police on not managing the conflict of interest properly. So we know that recommendations are not being implemented fully. We see no reason why, if IBAC has gone to the effort to put the recommendations in, they should not be implemented in full. So we have suggested that there must be a requirement for police to implement them. If for some reason they really cannot be implemented by VicPol, then they should have to publicly report and justify that. That is our view.

We also note IBAC have reported on the amount of delay with VicPol letting them know what they are doing with the recommendations. It is about 18 months to two years, which is far too long for a victim to wait to know that the recommendations have even been taken up by VicPol. One cannot help but wonder if this has something to do with section 159(5) and IBAC's ability to follow up. So really there needs to be timely and public implementation of the recommendations.

Jana KATERINSKAJA: It is just accountability 101. What is the point in making recommendations if you cannot enforce them? Yes, there have to be guardrails, because sometimes people will make recommendations that you cannot practically implement or that might undermine something else. But you have to be able to account for why you cannot implement them and justify it – and that should be published. But of course there will be some guardrails as to why you could not. I think the classic one that we all know in the sector is with the conflict-of-interest guardrails and recommendations that IBAC published in 2017? They are still not properly implemented. Most of them were substantively implemented around 2022, but that is ridiculous.

Eden FOSTER: Thank you.

The CHAIR: Great. Why don't we move to Belinda Wilson.

Belinda WILSON: Thanks, Chair. I want to start by saying how touched we all are by your story and that we are humans in this room as well. I am sorry. As an MP, I take responsibility for my job and my role, and I am sorry for what you have gone through. We need to do better.

Your opening statement was really touching. This is not the first time we have met, and I want to say thank you for coming out and standing up for your people and community and making such a difference, because without you doing that – and I know you had such a challenging time – you would not be here making a stand and making all of us at this table stand with you on this. I want to say that with my hand on my heart, because I know that is true and rare with some things. But I want to say that it means a lot to us that you have come forward. Lots of people have struggled and are still struggling, so we need to do better. I am sure you are very aware that last week we spoke to the former Commissioner of IBAC Mr Redlich, who said he had not seen or heard of the VI's report into IBAC's handling of police-perpetrator family violence, which was handed down in October 2022. You have very bravely said publicly that you are the subject of that report. We have today had clarity from Integrity Oversight Victoria that he did receive a draft of the report, and in fact he signed off on it. I would like to know your thoughts on that.

Jana KATERINSKAJA: I am one of those people, as Michelle knows because she saw what I wrote, that writes down my feelings to process them. I was so furious, PTSD-triggered and also feeling déjà vu when I saw and heard what he said. I was feeling sort of gaslighted too, so I picked up my phone to check, because I had email correspondence with Mr Redlich. We have emails from my inbox to his inbox and a reply. We have emails from my inbox to his executive's inbox and a reply, about my case. He was involved in my case. It took

six months in the procedural fairness process with the Victorian Inspectorate where they were sending reports back and forth to him and to his people. He was all over my case. I was astounded but also not surprised because, as some of you are aware, I was very upset by IBAC's response to the VI's "*Emma report*". There are flaws, fallacies and misconstructions in there – things that I supposedly said that I did not say. It was completely blind to the suffering that IBAC caused me, refused to acknowledge any flaws in my case but then accepted all of VI's recommendations. I could not believe that they tabled that and required the VI to table that response under threat of an injunction, knowing that it was so incorrect.

Then I saw Mr Redlich here, seemingly, to me, in contempt of Parliament, saying that he had not come across the report – not once, because you gave him procedural fairness, Mr Batchelor; you asked him at the end again if his memory had been refreshed. I put it to you all that he did not forget. He just did not want to answer your question. He wanted to talk about what he wanted to talk about. That astounded me too, as a legal practitioner. I am not a KC, I am not a former appeals court judge, but I know how to obfuscate and not answer a question without being in contempt or lying. We know as lawyers the weight of words. We know as lawyers how important word choices are, and he made a choice.

For me, what upset me a lot was IBAC was never held accountable for what it did with the VI report, and Mr Redlich will not be held accountable for what he said last week. I am sure he will not correct the record – maybe he will surprise me.

It seems like there is one set of rules that apply to all of us, your side of the table included, one set of terms of social licence that we all comply with, but it does not apply to some people. Some people think they are special, and then they can sit there and lecture you all about political corruption. It was just astounding.

I also found myself flashing back to how I felt when my escape plan was leaked to my perpetrator and I went to IBAC and they sent the complaint straight back to VicPol and VicPol sent it straight back, effectively, to his manager. I copped more violence. I copped worse police conduct because of that. I went back to IBAC, and IBAC did not care. To me, looking at him and looking at his responses to you and the body language as he gave them too, I was like, 'Yes, that was why they didn't care.' What I really want out of this, what I really want out of what he did and the compare-and-contrast from then in 2022 to now, are some guardrails, some black-letter law, some reform to the IBAC Act to give them some direction so they cannot treat people like this – so they have to be transparent, so they have to give reasons for their referrals and so they are held accountable. I would love to see them held accountable when they do not tell the truth. That is how I feel. And that is the Disney version of what I wrote, isn't it? Because I wanted a real rant. But I felt better afterwards.

Belinda WILSON: Thank you.

The CHAIR: Thank you. We should go to Ryan Batchelor.

Ryan BATCHELOR: Thank you. Belinda is not alone in being very affected by this story, and I know in the private conversations that members of the Committee have had and the public comments that we have made, we all have reflected very seriously on the journey that we have been on receiving the evidence that you have given us from the last couple of hearings. I will not reflect on the comments you have just made, but I hope that people are listening.

Jana KATERINSKAJA: Yes.

Ryan BATCHELOR: Our job is to fix the future.

Belinda WILSON: And we will do that.

Ryan BATCHELOR: There are guardrails that we need to put in place and reform that we need. We have spoken about making IBAC give reasons for its referrals. I asked the Australian Lawyers Alliance earlier in the day – they were critiquing the complete lack of any sort of reporting that IBAC does about the complaints it receives about police misconduct, what it does with them, the outcome and the complete absence of meaningful metrics. I asked them, and I will ask you on notice, if you have got recommendations about those sorts of measures and measurements that at an aggregate level we can build into their reporting framework, which this Committee has a role in helping to advise upon, we would very much welcome advice on what those metrics could be. We have got to deal with systems issues and we have got to deal with individual feedback to

complainants. So particularly if you think there are concrete recommendations that we can make about how IBAC needs to be providing feedback to complainants about the outcome of their particular cases and what sorts of information would be relevant to that feedback, again, we would welcome some particular recommendations that we might be able to make to both deal with it at a system level and then deal with it at a case level in terms of the reporting framework.

I will just leave this with a reflection, and then I will invite you to make a comment if you would like. I think this question about allowing people to speak to others, and some of my colleagues asked some questions about 180 – all the numbers of the sections are getting totally confused in my head this week –

Jana KATERINSKAJA: section 184 is the statutory NDA.

Ryan BATCHELOR: That is right, 184 – and about how it applies. Maybe if you could just elaborate a little bit on what changes you think need to be made and in whose hands you think the decisions about how people talk about these matters should be placed.

Jana KATERINSKAJA: I will go down two paths. I agree, or I concur 100 per cent with what I think it was Alison Lister from Integrity Oversight Victoria said about changing the legislation so that IBAC has some discretion. But I think there also need to be some particulars built into the legislation about who you can disclose to. It needs to be expanded. There are also some practice changes needed, and I am going to make a disclosure here that is a bit out there, but it gives you a really good example of how a good regulator or a good oversight body can deal with a poorly drafted piece of legislation. When the VI's "*Emma report*" was getting put up, IBAC was not behaving very nicely towards me. I was very stressed. I had just been diagnosed with cancer. I was not coping and I was still facing ongoing family violence risk, and I was not in a great headspace. And I said to the VI – because they hit you with a notice that looks very similar to a section 184, frankly. You cannot talk about this draft report to anybody. I could not speak to anyone at all except for my lawyer. I contacted the Inspector and said I was not coping and I wanted to be able to speak to a psychotherapist, and he asked if I wanted to speak to anybody else. I said yes. 'Who else do you want to speak to?' He wrote to me and said, 'You can speak to these people. Just please ask them not to speak to anybody else, because your welfare matters more.' It was the same badly drafted sort of provisions, but it was that common-sense approach that you just do not get from IBAC. We need to particularise that in the legislation so that there is some discretion, to actually have some other categories in there, like peer support workers. But also there needs to be some trust built in there too that people are not then going to go blabbing to the media. Because the categories they have at the moment of whom you can speak to are just not enough, it causes so much harm and so much stress. These legal threats – if you are not a lawyer, they scare the living daylights out of people, when they are already distressed. So we need a whole lot of guidance around that. I have forgotten the second part of your question because I have got chemo brain.

Ryan BATCHELOR: It is all right. It will be in the transcript. You will get to review it later. I think I might hand it back to our Chair.

The CHAIR: All right. Thank you both. Just in the time we have left, I want to quickly ask about changes you would recommend to IBAC's referral of complaints back to Victoria Police, and particularly with reference to whether section 79 is adequate, which authorises IBAC to withdraw a referral. Any comments on that would be good.

Jana KATERINSKAJA: I have never seen them use section 79. They do not use it for complex cases like family violence, and that is a problem. I think it is a technical thing they could do, but they just do not. We still have an issue with people not understanding why their complaint has been referred, or you are told, 'Your complaint will be referred', or 'We'll just dismiss it'. You do not have a choice. So you have to say, 'I consent.' And really that is like ticking 'I consent' when you login to work – you have got no option. That needs to be improved, I think, to have a bit more nuance around it.

Michelle REYNOLDS: The other thing that we would like to see are maybe some requirements around when they must withdraw it, particularly where there is a conflict of interest. I know the network Jana works with has had some awful cases of conflict of interest where they have asked IBAC to have that managed better – where the files have been given to direct reports and so forth, you know, inappropriate people with direct conflicts. They should be withdrawn as soon as that happens and then we might see some better dealing with

conflict of interest by Victoria Police, because quite frankly it is not being done well at the moment. If they are going to still keep on investigating so many complaints, there need to be better processes involved. If they are not doing it, pull them back.

Jana KATERINSKAJA: Yes, we need some guidance in the legislative provision itself about what the threshold is for pulling a complaint back and to put a positive obligation on IBAC to do so.

Michelle REYNOLDS: Yes.

The CHAIR: Very briefly, any comments on whether IBAC should even be doing police oversight at all and whether it should be another agency?

Jana KATERINSKAJA: I would refer back to my comments in the opening, that yes, we need a different organisation doing it, but in the interim we need to fix it so it does not do as much harm. And it is just so important that we have the transparency and are more victim-centred and cut the legalese.

Michelle REYNOLDS: It is a really inelegant piece of legislation, right? And part of it is because it is putting two things together that should not be there. I think complainants would get much better outcomes in a different pathway with a real independent investigation of police, because this referring it all back is not giving justice to people. I think that is where we should be heading.

Jana KATERINSKAJA: But the other thing, too, having had a past career as an investigator, is that the skill set you need to investigate corruption is a very different skill set than you need to investigate complaints and also engage in some of the restorative practices you do in complaint resolution. I have worked at a complaint resolution body where we did conciliations. I would make findings, I would make recommendations and I would get the parties together. You would quite often get an apology, and people would walk away with closure. You do not get that from this process. It is a skill set that they do not really have. They have got a pilot going, but they do not have the skills there. It is a very different mindset.

Michelle REYNOLDS: Yes, and it would improve both functions, it really would. If you want to strengthen the anti-corruption function, separate them out.

Jana KATERINSKAJA: Yes. Another thing I found astounding about Mr Redlich's evidence is he was asserting that IBAC hires ex-litigators, so they are really trauma-informed. No, they are not. They are really good corruption investigators, but they are not good at complaints handling and the soft skills you need to do restorative practice or restorative justice with an aggrieved party, and that is what we should be eventually getting to with the police complaints.

Anna NGUYEN: But all these roads lead back to the point that was made about section 15: using IBAC as a police oversight function is a second-tier route. We struggle to get clients that want to use this mechanism, because the harms outweigh any possible benefit as it is.

Jana KATERINSKAJA: Yes. And I am presently telling people not to go to IBAC. We have some people in Victoria Police who are doing a good job, and we are trying to go through there. Now, that is not ideal, because that does not work for everybody.

The CHAIR: All right. Thank you all, the three of you, for making the effort to come in and answer the questions and tell a very powerful story. It has been very helpful for the Committee, so thank you again.

Jana KATERINSKAJA: We will definitely make a submission on those metrics and also on the elements that we think should be reported in public as well – and maybe some pseudonymisation rules too, because I think transparency is the key here to improving the system.

The CHAIR: We will suspend the hearing now and take a short break before our next witness.

Witnesses withdrew.