

Victorian Inspectorate's response to IOC's Questions on Notice

1a) Could you elaborate on the context, purpose, outcomes and lessons from the VI's special report entitled *Investigation of unauthorised disclosures by an integrity officer* (June 2024), in particular with regard to public officers' confidentiality obligations if and when engaging with the media.

Confidentiality obligations when engaging with the media

Public officers who work for integrity agencies¹ have strict confidentiality obligations arising under their enabling legislation and under the *Public Interest Disclosures Act 2012* (PID Act). Those who make unauthorised disclosures (leaks) of information risk criminal penalties. There are also general obligations under the Code of Conduct for Employees of Special Bodies. Breaches of the code risk disciplinary action. Further information is provided in the report, including the foreword.

In general terms, unless authorised to do so, officers are likely to be in breach of these obligations if they speak to the media about any information that has come to their knowledge through working in an agency. Such authority can only be given within the constraints of relevant legislation.

An officer is unlikely to be given authority to speak to the media unless the information is in the public domain or disclosure is required for the performance of the agency's duties and functions or the exercise of powers.

The appropriate process if an officer observes wrongdoing is to make a public interest disclosure under the *Public Interest Disclosures Act 2012* (PID Act). The scheme under this Act permits a discloser to reveal certain confidential information without breaching confidentiality provisions. The PID Act also provides certain protections to the discloser, including immunity from liability for making the disclosure and protection from defamation. Confidentiality of disclosures must also be maintained in accordance with the PID Act for disclosures that are determined to meet the threshold of a public interest complaint. The threshold is that they believe on reasonable grounds that they are disclosing information about improper conduct, or detrimental action for making a public interest disclosure.

Context and purpose of confidentiality obligations

Confidentiality obligations apply to investigations of disclosures made under the PID Act in order to protect the identity of the discloser and the content of the information disclosed.

In addition, except in circumstances such as IBAC's public hearings, the legislative framework governing integrity agencies protects information gathered during investigations. The framework also ensures a natural justice process is undertaken before a report is tabled in Parliament. In general terms, this natural justice process includes an opportunity for a person to respond to adverse material about them. The agency head considers their response before making an informed decision about what information will be included in the final, tabled report. Any relevant response that does not lead to changes in the report must be fairly set out in the report.

¹ For example, the former Office of the Special Investigator (OSI), the Independent Broad-based Anti-corruption Commission (IBAC), the Victorian Inspectorate (VI) and the Victorian Ombudsman (VO).

These legislative safeguards are important given the coercive powers used by integrity agencies to collect evidence. The unauthorised disclosure of information to the media without authorisation:

- May expose a discloser's identity or the content of a disclosure. This creates a risk to their health, wellbeing and safety, as well as adding to the risk of detrimental action which could impact their employment.
- May reduce reports of corruption and misconduct if potential complainants/disclosers lose trust that their complaints will be investigated confidentially.
- Unauthorised exposure of an investigation of allegations about a person's conduct outside the scope of a tabled report undermines the safeguards in the legislation, such as natural justice, risks inaccurate or untested information being published by the media, can rarely be corrected at all or in an effective way, and can irreversibly and unreasonably damage a person's reputation.
- If the media publish an article that identifies the source as an agency officer, all employees of an agency may come under suspicion as possible 'leakers'. This can impact their reputation and careers.

Outcomes and lessons from report with respect to confidentiality obligations

When our investigation revealed an unauthorised disclosure, our actions included tabling the special report, distributing a media release and publishing a video about the report on our website, distributing the report to agencies that we oversee and giving our staff a presentation on the boundaries of disclosing information about work at the VI.

The special report was tabled to help ensure that confidentiality obligations are taken seriously and to encourage agencies to help officers understand boundaries. More detailed intentions are set out in the report's foreword. The VI anticipates that its training for VI staff, report distribution, website publicity and the broader public sector publicity about the report will have contributed to achieving some of the foreshadowed intentions:

- raising awareness about the standards expected of staff in integrity and investigatory bodies
- causing staff to reflect on the importance and purpose of confidentiality obligations and the serious consequences for themselves and others of breaching them
- staff training on their confidentiality obligations, including how to avoid inadvertent disclosures
- deterring conduct of a similar kind by staff of integrity and investigatory bodies.

Distribution of the report to media agencies via a media release upon tabling may have caused journalists to reflect on the risks of errors in their reporting when relying on information from unauthorised sources. However, the general media has not given any publicity to the report. This may be due in part to the reliance the media have on whistleblowers. Accordingly, we have made limited progress towards achieving our intentions of informing the public about the conduct investigated by the VI and publicly condemning that conduct.

1b) Has the Attorney-General responded to the VI's recommendations?

The special report made two recommendations to the Attorney-General.

The first recommendation was that the Attorney-General distributes a copy of the report to all former members of the Office of the Special Investigator. Because of logistical issues with respect to access to the contact details of former staff members, the VI agreed with the

Attorney-General that it would provide the report to them. The recommendation was acquitted in that way.

The second recommendation was that the Attorney-General, when proposing legislation that provides the VI with investigatory and inquiry powers in respect of a new body, considers amending s 70(2) of the VI Act in order that self-incriminating evidence given in accordance with a witness summons may be used against the witness in proceedings for an offence against the Act establishing the body so that s 70 has a uniform application. In response to that recommendation the Attorney-General has advised the VI that she has instructed her department to consider recommendation 2 in developing any future legislative reforms providing the VI with investigatory or inquiry powers in respect of a new body.

2. Could you elaborate on how the VI's new 'communication portal for anonymous complaints' (p. 12) operates to ensure the secure and anonymous receipt and handling of complaints and other reports of alleged wrongdoing.

The VI engaged Elker to provide its new complaints form solution, from 28 June 2024, which allows for the submission of anonymous complaints including anonymous 2-way chat functionality.

Elker is a small software development company based in Sydney that specialises in providing secure reporting platforms with anonymous functionality.

Prior to engaging Elker, the VI undertook both a Security Risk Assessment and a Privacy Impact Assessment. In selecting Elker as the preferred platform provider, key security considerations included:

- 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 ISO27001² compliant.
- 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.

In addition to the strong security features of the Elker platform, the platform was also selected on the basis of its functionality and user experience which include:

- 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 VI)
 - by phone number (this is not shared with VI)
 - 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.

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 the VI'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.

² ISO27001 is the international standard for information security management. It sets out a framework for all organisations to establish, implement, operate, monitor, review, maintain and continually improve information security management systems.

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 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 the VI as it is not possible to verify their identity.

3a) Could you elaborate on the relevance of the *Occupational Health and Safety Act 2004 (Vic)* to the issue of whether ‘a witness should be told before interview whether they are a subject of ... [an] investigation’ (p. 48), as well as on the competing legal and policy considerations bearing on this issue?

In the VI’s October 2018 Special Report *Welfare of witness in IBAC investigations*, the VI wrote at p 16, referencing s 23 of the *Occupational Health and Safety Act (the OHS Act)*, that ‘(l)ike all other employers, IBAC has a duty to ensure, so far as is reasonably practicable, that persons other than its employees are not exposed to risks to their health or safety arising from IBAC’s conduct’. The Report stated at pp 16-17 that this legal duty of an employer extends to anyone on the employer’s premises or under their care (such as contractors, witnesses, lawyers representing witnesses, support persons or other members of the public).

The duty imposed by s 23 (enforceable by a criminal offence) is to ensure, so far as is reasonably practicable, that such persons are not exposed to risks to their health or safety arising from the conduct of the undertaking of the employer.

A witness being told by an investigative body that their conduct is a subject of the investigation inevitably leads to an increase in the anxiety levels of the witness. They may be concerned about the impact of an adverse finding on their family, employment or business and perhaps even about the possibility of a future criminal prosecution. Enhanced anxiety leads to an enhanced risk to health. And yet it is important that the witness knows their status in the investigation before they are interviewed or examined. That way they can decide whether to engage legal representation to ensure that their rights are fully protected.

S 20 of the OHS Act explains what a duty to ensure, so far as is reasonably practicable, health and safety requires. The person must—

- eliminate risks to health and safety so far as is reasonably practicable; and
- if it is not reasonably practicable to eliminate those risks, to reduce them so far as is reasonably practicable.

In determining for this purpose what is reasonably practicable, regard must be had to the following—

1. the likelihood of the hazard or risk concerned eventuating;
2. the degree of harm that would result if the hazard or risk eventuated;
3. what the person concerned knows, or ought reasonably to know, about the hazard or risk and any ways of eliminating or reducing the hazard or risk;
4. the availability and suitability of ways to eliminate or reduce the hazard or risk;
5. the cost of eliminating or reducing the hazard or risk.

An integrity body has a duty of care to a witness. The fact of a witness in an investigation being advised that their conduct is a subject of the investigation increases the level of risk to the health or safety of the witness and the integrity body must, in compliance with the OHS Act, take steps to eliminate or reduce that risk. They need to make an assessment of the level of risk based on their interactions with the witness and put in place appropriate measures to respond to that risk.

3b) How has the VI engaged with the bodies it oversees on this issue and what have been their responses so far?

This issue arises out of the exercise by an integrity body of its coercive powers. The VI has a function of monitoring the exercise of coercive powers by six bodies, and from 31 December 2024, seven bodies. If in the course of that monitoring the VI becomes aware of a welfare issue arising out of the conduct of the integrity body in the management of the process for interviewing or examining a witness, including a witness whose conduct is a subject of the investigation, the VI will always engage with the integrity body about that issue. Integrity bodies overseen by the VI have been aware ever since the publication of the VI's October 2018 special report *Welfare of witness in IBAC investigations* of just how seriously the VI treats witness welfare issues.

It is not appropriate to detail specific responses that have not been published but, in general, oversighted bodies do engage constructively with the VI and are aware of their legal obligations towards witnesses.

In the 2022-23 annual report (page 48), we reported that the issue of informing a person they are a subject of an investigation arose on 3 occasions. We have explained below the actions and responses.

- i. For one body, we identified some areas where improvements could be made to practice and procedure to ensure that consistent information is provided. They committed to amending their practices to make this clear. In December 2024, they advised that they have changed their practice so that individuals who are asked or required to provide information and/or documents are informed that they are not the subject of the investigation, but that the body considers they are likely to have information and/or documents relevant to the investigation. The body's interview script, witness welfare checklist, fact sheets, and letter templates have also been updated to include information setting out that the witness is not the subject of the investigation. The body will be named in the 2024-25 annual report following the usual natural justice process.
- ii. For the Victorian Ombudsman (VO), we flagged that its correspondence with one witness was not clear as to whether they were considered to be a subject and that we will continue to engage on this matter where it arises. The issue arose in particular circumstances that have been addressed through a procedural improvement, reported as procedural improvement 11 in the special report '[A compliance case study on the use and oversight of coercive powers](#)':
Procedural improvement 11: VO to include a new paragraph in the summons cover letter template, which can be used as applicable, when summoning a principal officer in that capacity to produce documents that clarifies that the summons has been directed to them as the proper officer of a body corporate (not in a personal capacity).
- iii. This issue also arose in the context of an investigation and resulted in IBAC accepting our recommendations to change their procedures which included procedure improvements to ensure that prior to an examination, with regard to its investigation scope and welfare considerations, IBAC consider and record whether to inform a witness that they are a subject of the investigation.
In accepting the recommendations, IBAC provided us with its witness welfare procedure and investigation procedure for consideration. The VI is engaging with IBAC about its implementation of these recommendations.

4. In connection with *Emma's report* and, more generally, the handling, investigation and oversight of complaints about police-perpetrated family violence:

(i) How has IBAC responded to the VI's recommendations in its special report on IBAC's referral and oversight of 'Emma's' complaints about Victoria Police?

In our 2023-24 annual report we explained that in November 2023, the former IBAC CEO wrote to the VI in November 2023 advising that IBAC had acquitted the VI's 4 recommendations. Appendix F of that annual report summarises the actions taken by IBAC in relation to our recommendations. We also explained that IBAC has informed us about its continued program of work to improve the experience of persons who make a complaint to IBAC. The program includes training for staff on family violence awareness, and in trauma-informed practice.

The updated referral procedure central to IBAC's acquittal of the recommendations is dated August 2023.

The VI has informed IBAC that in 2025 we will undertake a monitoring project in relation to IBAC's handling of complaints about police (**police oversight monitoring project**). The project will cover the period August 2023 to December 2024 and, in summary, will assess the extent to which IBAC is implementing in practice the referral procedure that was updated in August 2023.

(ii) (a) Has IBAC made sufficient use of its power (under s 79 of the *IBAC Act 2011 (Vic)*) to withdraw a complaint matter referred to Victoria Police for investigation?

Under section 79(4) of the IBAC Act, IBAC is required to notify the VI when it uses the power to withdraw a matter referred for investigation. According to our records, the power to withdraw a complaint referred to Victoria Police for investigation has rarely been used.

In recommendation 3 of the Emma report of October 2022, the VI recommended that IBAC develop and implement policies and / or guidelines outlining:

- circumstances in which IBAC officers should consider withdrawing a referral under section 79 of the IBAC Act; and
- factors that may tend towards it being appropriate to withdraw a referral.

In response to the recommendations in the Emma report, in August 2023 IBAC updated its referral procedure. For withdrawals of referrals under section 79, IBAC added guidance about:

- circumstances in which a withdrawal of a referral may be appropriate, including these criteria:
 - o welfare/health or safety of complainant
 - o seriousness of complaint
 - o any obscuring behaviours
 - o status of investigation
 - o whether body has the ability to rectify the conduct complained about;
- for a matter referred to another agency for investigation, escalation of a complainant's complaint about the conduct of that agency in conducting the investigation.

IBAC also introduced a new forum to consider recommendations for complaint matters and an active monitoring policy to support officers' decision-making regarding section 79 withdrawals of referrals.

(b) Are any amendments to this or related legislative provisions necessary?

With respect to Victoria Police, at any time after IBAC has referred a complaint or notification for investigation, IBAC may determine to investigate that complaint or notification and withdraw the referral. Victoria Police must provide any evidence to IBAC, cooperate with IBAC and provide all reasonable assistance requested.

The VI's police oversight monitoring project will include an audit, since these procedural changes in August 2023, of the frequency and circumstances in which IBAC has used section 79 of the IBAC Act to withdraw a complaint referred to Victoria Police for investigation, or considered using this power. This project will help inform whether legislative amendments would be beneficial.

(iii) Do you consider that IBAC's complainant welfare management and harm mitigation is victim-centred and trauma-informed? Are improvements needed?

The recommendations in the Emma report were designed to mitigate risk to the complainant in the management of complaints referred to another agency. In Appendix F of its 2023-24 annual report, the VI described the action taken by IBAC to implement the recommendations which centre around an updated referral procedure. In the annual report the VI acknowledged the steps IBAC has taken as a result of the special report. However, we also noted that Emma still needs an outcome in relation to the complaint referred to in the special report as the 'second IBAC complaint' for which she has not yet received IBAC's outcome, and that we are continuing to engage with Emma and IBAC about the outstanding complaint. As this engagement is currently ongoing, we cannot provide any more detail.

IBAC's 2023-24 annual report outlines its continued work on enhancing complainant experience. The report describes reviewing key touchpoints for complainants, developing online resources and having frontline employees participate in complainant-centric training, such as trauma-informed awareness and managing complex behaviours, to identify and understand strategies to more effectively engage with complainants and people who provide information.

IBAC's updated referral procedure, which includes quality assurance processes, should contribute to improvements to welfare and complainant experience. The monitoring project will look at whether the procedure is being effectively implemented and the VI will make improvement suggestions and recommendations as required.

(iv) Do you consider that IBAC's understanding of family violence (including police-perpetrated family violence risk assessment) will adversely affect its implementation of the recommendations in Emma's report in practice?

IBAC has informed us that it has a continued program of work to improve the experience of persons who make a complaint to IBAC. The program includes training for staff on family violence awareness, and in trauma-informed practice.

The police oversight monitoring project, by assessing the extent to which IBAC is implementing in practice the updated referral procedure resulting from the recommendations in the Emma report, will provide an insight into the effectiveness of IBAC's understanding of family violence.

(v) Regarding any improvements made to IBAC's policies, processes and procedures in response to the recommendations in Emma's report, does the VI hold any concerns about them working in practice?

The VI is commencing the police oversight monitoring project to build on previous work undertaken by the VI overseeing IBAC's handling of police complaints. This work includes assessment of individual complaints about IBAC's handling of complaints about Victoria Police; VI's engagement with IBAC on its handling of police complaints throughout 2016-2019, which led to the VI's production of the [Monitoring Project on IBAC: Police Misconduct Complaints](#) report in October 2019; and the recommendations made by the VI and accepted by IBAC as part

of the special report: [IBAC's referral and oversight of Emma's complaints about Victoria Police's response to family violence by a police officer](#) (the 'Emma Report').

The VI also acknowledges the keen interest in IBAC's oversight of police demonstrated by the Integrity and Oversight Committee, as well as the evidence of the panel of experts appearing before the Committee on 25 November 2024, which included representatives from the Inner Melbourne Community Legal Centre and Beyond Survival. The evidence of the panel of experts indicated that, despite improvements to IBAC policies and procedures, in practice the reality is that similar issues to those raised in the Emma Report continue to be experienced by victims of family violence perpetrated by police officers (**IOC evidence of the expert panel**).

The VI's planned police oversight monitoring project will examine whether the improvements to IBAC's policies, processes and procedures are delivering the intended benefit in practice.

(vi) Is the VI confident that IBAC's complaint-referral policies, processes and procedures adequately address the unique risks to complainants whose complaints relate to police-perpetrated family violence? Where these risks materialise, does the VI consider that IBAC has the necessary ability and capacity to respond effectively?

In its November 2023 correspondence to the VI outlining the steps taken to implement the recommendations in Emma's report, IBAC identified improving the experience of complainants as a key priority in its strategic plan 2021-25 and its 2023-24 annual plan. IBAC identified key activities undertaken or in train to drive a better complainant experience. The activities particularly relevant to addressing the unique risks to complainants whose complaints relate to police-perpetrated family violence include:

- training for staff on family violence awareness, including through a person with lived experience (completed in August 2023)
- development of a trauma-informed model for complaints (noted as being out to tender)
- training for staff on trauma-informed practice (completed November 2023).

The referral procedure and checklist includes:

- the need to first consider whether a complaint meets IBAC's legal threshold for an investigation
- referral criteria relating to whether it is more appropriate to refer a complaint for investigation
- the need to escalate to a manager concerns raised with IBAC by a complainant about a referred investigation
- the need to consider using s 79 of the IBAC Act to withdraw the referral of a complaint.

Referral criteria includes whether there are clear and ongoing risks to the complainant if the complaint is referred. IBAC may impose conditions on the body that will receive the referral, such as Victoria Police. Conditions may be to mitigate a conflict of interest, ensure the independence of an investigation, put a welfare management plan in place, address vulnerabilities or manage legal issues such as a statute of limitations, an intervention order or a power of attorney. IBAC's procedure also allows for a referred complaint to be marked for review and / or active monitoring.

(vii) If the IBAC complaint the subject of 'Emma's report' were to be received by IBAC today, is the VI confident that it would be handled appropriately?

The updated referral procedure, supported by the training described at question 11(vi), should improve IBAC's handling of such a matter.

The police oversight monitoring project will provide the VI with the necessary evidence to respond to this question. This is important in light of the IOC evidence of the expert panel described above in question 11(v).

(viii) How does the VI intend to monitor IBAC’s handling and referral of any future complaints about police-perpetrated family violence?

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.

(ix) Should all complaints about police-perpetrated family violence be investigated by IBAC? Why or why not? What might be the benefits and drawbacks if IBAC were to investigate all such complaints?

Section 73 of the IBAC Act requires IBAC to refer a complaint or notification to a specified person or body if the subject matter is relevant to the person or body’s performance of their duties and functions or the exercise of their powers and it would be more appropriate for them to investigate. The Chief Commissioner of Police is a specified person.

The VI observed the expert panel at the IOC hearing on 25 November 2025 give evidence that IBAC will not always be the more appropriate body to investigate police-perpetrated family violence. We do not yet have access to a published transcript to review their full evidence on this issue.

It 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.

This needs to be balanced with the risks of Victoria Police investigating another officer, which can include 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.

Section 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.

The police oversight monitoring project will provide the VI with a more in depth understanding of the type of police complaints that IBAC receives and IBAC’s rationale for referral.

(x) Regarding the statutory procedural fairness process for the VI’s special reports under s 87 of the *Victorian Inspectorate Act 2011* (Vic), does the VI consider that this section:

- a) provides adequate safeguards against agencies who are the subject of the VI’s special reports providing, in their formal responses, false or misleading information or wilful or reckless misconstruals of facts?**

Section 87 of the *Victorian Inspectorate Act 2011* requires the VI, if it intends to include in a report under that section adverse findings about a public body, or a comment or an opinion which is adverse to any person, to give the relevant principal officer of the body or the person an opportunity to respond to the adverse material and fairly set out each element of the response in its report.

It is only material that is actually responsive to an adverse finding, comment or opinion that s 87 requires the VI to include in its report. To the extent that that response contains false or misleading information, or wilfully or recklessly misconstrues facts, it is open to the VI to add a comment calling out that fact.

Unfortunately, IBAC's response to the VI's October 2022 special report on IBAC's referral and oversight of Emma's complaints about Victoria Police's response to family violence by a police officer fits the description included in the question. IBAC was insistent on its response being set out in full in the VI's report. The VI decided in the circumstances to comply with this request and noted in the report that, save for a few amendments that it made arising out of the response, it strongly rejected all aspects of that response and saw no merit in engaging in public discourse about it. As I wrote in the Preface to the report:

[IBAC] has provided the VI with a two-part response which it has requested be reproduced in this report. The VI regrets this approach which it regards as counter-productive to the object that all integrity agencies should have of seeking to improve the integrity system. Nevertheless, the VI has decided to comply with this request.

The VI is confident that more considered judgment would prevail today across all integrity agencies oversighted by the VI. If that proved not to be the case in a particular instance, section 87, in strictly only requiring material that is responsive to the adverse material intended to be included in the report as tabled in Parliament, provides adequate safeguards to deal with a response that contains false or misleading information, or wilfully or recklessly misconstrues facts.

b) strikes the right balance between, on the one hand, the right of an integrity body to vigorously protect and defend its reputation and, on the other hand, the expectation that integrity bodies will, where they have accepted all or most of the relevant VI recommendations, take public accountability for failings identified by the VI?

The report referenced in the answer to paragraph (a) of this question is an example of an integrity body accepting all the recommendations made by the VI in a report but not accepting public accountability for failings identified in the report. Section 87 cannot prevent such a situation arising. The VI considers that its recurrence is, however, unlikely as the incongruity of the situation will be apparent to all.

(xi) Where an investigation has been conducted by the VI in response to a complaint, is it practice for the VI to update the complainant on any recommendations it has made and the subject agency's acceptance and implementation of those recommendations?

The VI has a public performance measure to provide all complainants with reasons for decisions for complaint outcomes. The VI does so in accordance with its governing legislation. The VI prefers to inform complainants when their complaint has resulted in a positive change that may, for example, prevent the same issue occurring for another person. This helps build trust in the integrity system.

Section 12 gives the VI a broad power to do all things necessary or convenient relating to its duties, powers and functions. This permits the VI to provide information to complainants whose complaints were closed without an investigation. For complainants whose complaints were the subject of a VI investigation, the VI must consider the limitations in section 88 of the VI Act.

Under section 88 of the VI Act, the VI may provide a complainant with information about the results of an investigation or inquiry including any action taken by the VI and any recommendation to another person or body (including IBAC and the Chief Commissioner of Police) for action or further action. If the investigation or inquiry relates to a public interest complaint, the information must be provided. There are exceptions – the VI must not provide any information if it considers that would not be in the public interest or the interests of justice, or would put a person’s safety at risk, cause unreasonable damage to a person’s reputation, prejudice specified investigations, audits or examinations, lead to the disclosure of specified information, or otherwise contravene applicable statutory secrecy obligations or unreasonably disclose a person’s personal affairs.

Sections 89 and 90 of the VI Act also provide the VI with broad powers in respect to the action that can be taken after an investigation.

In general terms, complaints fall into 3 different categories:

1. Some complaints result in an investigation. A public interest complaint must be investigated, subject to limited exceptions introduced by way of amendment to the *Victorian Inspectorate Act 2011* on 11 September 2024.
2. Some complaints result in a preliminary inquiry. Under section 48B, the VI may conduct a preliminary inquiry for the purpose of determining whether to investigate a complaint under section 44.
3. The rest of our complaints are assessed and finalised without an investigation. The assessment process can include lengthy engagement with the agency, a review of the files and requests for information. However, there are no interviews, and information is requested from the relevant body, without the use of coercive powers. If the VI identifies any issues, the agency is given an opportunity to respond. The complainant is provided an outcome which includes high level detail about any observations or feedback provided to the agency.

Emma’s report was in the third category. The VI undertook a review rather than an investigation. The findings were sufficiently serious to require a special report. The recommendations and their acceptance by IBAC were made publicly in that report, and there was no legislative basis not to share IBAC’s implementation actions with the complainant and in the 2023-24 annual report.

For investigations, the VI will only provide information to a complainant in accordance with section 88.

5. How has the VI prepared for its new oversight functions in relation to Victoria Police's management of human sources?

The *Human Source Management Act 2023* (HSM Act) came into operation on 30 September 2024. The VI has limited oversight of the Public Interest Monitor (PIM) and IBAC's oversight powers under section 82 of the HSM Act.

The PIM and IBAC are required to notify us whenever they exercise the power to compel a member of Victoria Police personnel to answer questions, produce documents or provide information. They must provide us a copy of a direction given to Victoria Police personnel within 3 days after giving the direction (sections 52 and 65).

The VI has full and free access to all relevant records and can require the PIM to attend the VI to provide any information or document we consider on reasonable grounds is relevant to our functions. The VI Act contains our functions and powers to monitor IBAC.

The VI can make recommendations to the PIM and IBAC about the exercise of a coercive power.

Human Source Management Regulations 2024

The VI was consulted extensively in the development of the *Human Source Management Regulations 2024* (HSM Regulations), which included engagement with the PIM and IBAC. These are particularly relevant to the management of information. The HSM Regulations were made on 10 September 2024.

The VI is now engaging with IBAC and PIM about operationalising our oversight functions.

Given the limited nature of our oversight for the PIM, we have talked them through how we would oversight their powers, what documents we would need and how we would securely receive and return documents. The next step is for the PIM to reflect that in a practice note.

For IBAC, the human source oversight follows the pattern of existing powers whereby IBAC notifies us of their exercise. We intend to meet with IBAC in the new year about IBAC putting in place a practice that complies with s 78, which relates to the return of documents.

6. Noting the VI's role in overseeing IBAC, and its *Integrity report: Monitoring project on IBAC: police misconduct complaints* (October 2019), is the VI planning to audit a sample of IBAC's 'police misconduct complaint files'³ to assess the effectiveness of IBAC's police oversight—for example, in relation to Victoria Police's classification of complaints; management of conflicts of interest and maintenance of impartiality; and referrals of complaints, including complainant safety and welfare issues? If not, is the VI planning to undertake any other monitoring project in this area in relation to IBAC?

As outlined in our response to question 4(i), the VI has informed IBAC that in 2025 we will undertake a monitoring project in relation to IBAC's handling of complaints about police (**police oversight monitoring project**). Through an audit covering a sample of IBAC's police complaint files during the period August 2023 to December 2024, the project will assess the extent to which IBAC is implementing in practice its updated procedure for referring complaints to the Chief Commissioner of Police under section 73 of the IBAC Act.

The police oversight monitoring project is likely to audit, at a high level:

- The type of police complaints that IBAC receives and decides to investigate itself.
- The type of police complaints that IBAC receives and decides to refer, including IBAC's rationale for referral.
- IBAC's assessment of investigation threshold criteria, including any health, safety and welfare considerations.
- IBAC's assessment of referral criteria, including potential conflicts of interest.
- IBAC's management of complaints raised with IBAC about a referred investigation, including issues of safety, conflicts of interest and maintenance of impartiality.
- Steps taken following reviews of Victoria Police's investigation of referred complaints, including any feedback or recommendations made to Victoria Police by IBAC.
- IBAC's consideration and use of its power under section 79 to withdraw a complaint referred to Victoria Police for investigation.

For further discussion of the project, see our responses to question 4.

³ VI, *Integrity report: Monitoring project on IBAC: police misconduct complaints* (October 2019), p. 10.

7. What factors are impacting the VI's capacity to acknowledge receipt of new complaints within five business days?

There are currently no factors impacting the VI's capacity to acknowledge the receipt of complaints within five business days for the reasons explained below. However, the VI acknowledges that in both the 2022-23 and 2023-24 reporting periods, the VI did not meet its target of acknowledging 95% of complaints received within 5 days.

One factor that prevented us from meeting this target in the 2023-24 reporting period was the re-categorisation of 24 enquiry cases to complaint cases. During the 2023-24 reporting period, the enquiry workflow in the VI's case management system did not support the acknowledgement of enquiries within 5 days. In response, the VI amended its processes and case management system with respect to enquiries. This is to ensure that all cases, irrespective of whether they are enquiries or complaints, are acknowledged within 5 business days and the necessary information is recorded for reporting purposes.

Another key change made late in the 2023-24 year to support the acknowledgement of complaints was the introduction of an Enquiries Officer role in the complaints team.

The Enquiries Officer is responsible for initial contact with the public and acknowledging receipt of enquires and complaints with the people who lodged them at the VI. Responsibilities of this role include explaining our jurisdiction, responding to questions and requesting any necessary additional information that is required in order for a matter to be categorised as a complaint.

The addition of this role to the Complaints team was incredibly successful for the VI. There have been significant improvements to the achievement of this performance measure, consistency in record-keeping, timeliness of administrative support to ensure the case management system is up to date and communications tailored to the needs of the members of the public contacting the VI.

The VI is currently tracking above the 95% target for the acknowledgement of complaints and expects to meet this target in the 2024-25 year.

8. What impact has the Complaint Handling Framework had on the quality of the VI's assessment of complaints and its efficiency in finalising complaints? How does the VI intend to measure the effectiveness and impact of the Framework?

The Complaint Handling Framework (the framework) was introduced in December 2022. It provides the VI with increased structure around its complaints assessment process by clearly setting out, amongst other matters, the:

- role and responsibilities of team members involved with the management of complaints;
- decision making and governance structures;
- complaint assessment requirements and associated timeframes; and
- expectations for liaising with complainants.

A key improvement in the quality of assessment of complaints at the VI is that the framework supports a consistency of practice across team members involved in complaint management. In turn, the complainant experience is enhanced by consistency in the standard of service provided to complainants.

Work on the VI's complaint handling processes continued after the introduction of the framework. Throughout the 2023-24 reporting period, new measures were introduced to support a more detailed analysis of the types of complaints being received by the VI and the outcomes being achieved in relation to the concerns raised by the complainants. This work has provided better data from which to draw on when considering enhancements to the VI's reporting capability.

Overall, the framework introduced a more streamlined approach for managing complaints and improved the complainant experience.

We have recently further updated the framework in line with new delegations. This has been done to reflect increased decision-making by our staff who assess complaints and in conjunction with designing an internal review process for certain complaints⁴ which the VI intends to trial in the 2025 calendar year.

Noting that the introduction of the framework has supported the VI to make significant improvements, its effectiveness will continue to be measured by the VI's performance against the targets in the Budget Paper 3 performance measures relating to complaints. The VI has also included in its internal audit program for 2025-26 an audit of the 'Management of Complaints'. This audit is currently scheduled for early in the 2026 calendar year. The audit will be conducted by the VI's internal auditor and will consider the framework.

⁴ The purpose of introducing an internal review process is to streamline the making of certain decisions, and provide an opportunity for the VI's Integrity Operations Management Committee (IOMC) to review decisions that were not subject to IOMC oversight. As the Inspector is a member of the IOMC, decisions approved by the IOMC are not suitable for an internal review.

9. Re Quality Assurance Framework:

(i) Has the VI finalised its quality assurance framework?

The VI's quality assurance framework is still under development and is expected to be completed by February 2025.

The completion of this quality assurance framework has been impacted by a number of factors, including the decision of the VI to trial an internal review process. This trial will provide the VI with a key continuous improvement opportunity via feedback loop from complaints and is anticipated to commence in February 2025. The commencement of this trial will coincide with the initial implementation phase of the quality assurance framework.

Work is currently progressing on the quality assurance framework, which will carry on throughout January 2025. The qualitative and quantitative tools that will support the practical implementation of the framework will be finalised during this period. These tools will be informed by the VI values and Service Charter, the timeliness measures that the VI has committed to as performance measures and the qualitative measures that VI considers important in managing the complaints it receives. This includes the initial evaluation and contact with the complainant, through to explaining the VI's reasons for its decisions, including consideration of specific complainant needs such as whether an outcome should also be provided orally.

(ii) What is the implementation time frame for the framework?

As noted above, the IV anticipates that the implementation timeframe for the framework will be February 2025.

Throughout the 2023-2024 financial year, while managing vacancies, the VI has had variable resources available in the Complaints team. At one time the team consisted of the Manager, Complaints and one Complaints Assessment Officer and now we have a team with three Senior Complaints Officers on an ongoing basis. From January 2025 the team will be supplemented short term by a fixed term Senior Complaints Officer until 30 June 2025 and two short-term Integrity Project Officers who are well placed to support the development of the tools referred to in question 9(i) above.

The increased number of team members in the short term will increase our capacity to focus on this project work in January 2025, whereas previously the team was limited by its resourcing to focussing solely on the core work of complaints management. The unknown factor during this period is the number of complaints we will receive when the Parliamentary Workplace Standards and Integrity Commission commences on 31 December 2024.

(iii) How does the VI intend to measure the effectiveness and impact of the framework?

The VI will conduct a baseline assessment of the quality of a statistically significant selection of complaints in January 2025. The objectives, design and plan to roll out this baseline assessment will be documented in a baseline review document that will be important to later evaluating the effectiveness and impact of the framework.

This work will be led by a Senior Complaints Officer and supported by an Integrity Project Officer with oversight from the Director, Integrity Operations and Policy.

The VI will complete an initial review of the implementation of the quality assurance framework following the conclusion of the internal review trial. This will influence the decision of whether to proceed with the internal review process at the VI. The quality assurance framework will be captured by the VI internal audit in relation to the 'Management of Complaints' scheduled for early in the 2026 calendar year.

10. Does the VI have a view on the new measures introduced in New South Wales through the TD24-12 Charter of Independence for NSW integrity agencies?

Background - [TD24-12 Charter of Independence for NSW Integrity Agencies](#)

Official Summary

The NSW Government has adopted a budget management model to safeguard the independence of integrity agencies and ensure the delivery of their statutory objectives, specifically:

- the exclusion of integrity agencies from the Premier's Department and The Cabinet Office financial management processes
- not imposing efficiency dividends on integrity agencies
- a specialist integrity agency unit within Treasury to manage representations for budget and supplementary funding and provide the integrity agencies with information on funding outcomes.
- integrity agencies are invited to review Treasury's advice to the Expenditure Review Committee of Cabinet (ERC) on integrity agency funding bids and provide their own advice directly to ERC
- the integrity agencies, and the relevant parliamentary oversight committees, will be provided with funding decisions in writing, and, if relevant, reasons for variation from a funding bid
- including contingency funding for the integrity agencies in annual Appropriation Acts, in addition to appropriations for the ordinary services of the integrity agencies. Expenditure of contingency funds may be approved by the Treasurer on request, with the request and response also provided to the relevant parliamentary oversight committee. This Direction makes provision for:
 - compliance with the new arrangements by The Cabinet Office, Premier's Department and Treasury
 - the making of applications by the integrity agencies to the Treasurer for the expenditure of contingency funding.

Current context

The Victorian Inspectorate is among the integrity agencies that have budget independence such that appropriation is via the annual equivalent of the *Appropriation (Parliament 2024-2025) Act 2024*. To that extent, our appropriation is exempt from efficiency dividends imposed on departments and their portfolio agencies.

The consultation proposed by section 90A of the VI Act, which provides that our budget is to be determined in consultation with the IOC concurrently with the annual plan under section 90B, does not work in practice as our budget submissions are made under a cabinet in confidence process and cannot be shared with the IOC.

Measures that are part of the current Victorian model

- not imposing efficiency dividends on integrity agencies

Measures that could be adopted within the current Victorian model

- the exclusion of integrity agencies from the cabinet in confidence financial management processes

- a specialist integrity agency unit within Treasury to manage representations for budget and supplementary funding and provide the integrity agencies with information on funding outcomes.
- invite integrity agencies to review Treasury's advice to the Expenditure Review Committee of Cabinet (ERC) on integrity agency funding bids and provide their own advice directly to ERC
- provide the integrity agencies, and the relevant parliamentary oversight committees, with funding decisions in writing, and, if relevant, reasons for variation from a funding bid
- including contingency funding for the integrity agencies in annual Appropriation Acts, in addition to appropriations for the ordinary services of the integrity agencies. The expenditure of contingency funds may be approved by the Treasurer on request, with the request and response also provided to the relevant parliamentary oversight committee.

11. Please respond to the Committee’s questions in the table below with respect to the VI’s acceptance of, and/or progress in implementing, outstanding IOC recommendations made to the agency.

<i>Inquiry into the education and prevention functions of Victoria’s integrity agencies report</i>			
Rec No.:	Implementation progress advised by the VI during the IOC’s 2021/22 performance review	Committee questions	VI response
9 10	Implementation underway.	Information provided in the VI’s 2021/22 Annual report noted. Please confirm that the recommendations have been fully implemented.	The VI accepts and has implemented these recommendations within its available resources. See recommendations and VI’s further response below this table.
13 14	The VI has not formally responded to this recommendation. IBAC has advised the Committee that implementation of these recommendations is underway through the Prevention and Education Advisory Committee (PEAC).	Has the VI engaged, or been invited to engage, with IBAC on membership of the PEAC and/or the implementations of Recommendation 13 and 14? If not, is the VI willing to join PEAC if invited to do so?	The VI did not accept these recommendations due to the nature of our functions and our limited resources. The VI did not engage and has not been invited to engage with IBAC on membership of the PEAC. See VI’s further response on these recommendations below the table
15	The VI has not formally responded to this recommendation.	Please advise whether the VI accepts the recommendation and, if so, confirm that it has been fully implemented.	The VI did not accept this recommendation due to the nature of our functions and our limited resources. However, the performance reporting section of each annual report explains the educational activities we have undertaken. See further information in the responses to recommendations 9, 10, 13 and 14.

RECOMMENDATION 9: That the Victorian Inspectorate increase its engagement with members of the LGBTIQ+ community, and other vulnerable complainants, including people with disability, members of Victoria's culturally and linguistically diverse communities and Aboriginal and Torres Strait Islander communities.

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RECOMMENDATION 10: That, in consultation with the intended audiences, the Victorian Inspectorate develop and publish tailored information on its website for:

- disadvantaged and vulnerable Victorians
- culturally and linguistically diverse communities
- the LGBTIQ+ community
- lawyers representing clients involved in integrity agency investigations.

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Recommendation 9 and 10 have been implemented and engagement with members of the LGBTIQ+ community, other vulnerable groups, and lawyers representing clients in integrity agency investigations is ongoing.

Website user research

In April 2023, the Victorian Inspectorate engaged a digital consultant to conduct website user research on VI's behalf, with people representing internal and external stakeholders (IBAC, VO, OVIC), First Nations, culturally and linguistically diverse, and LGBTIQ+ communities.

Participant recruitment involved reaching out to around 40 peak bodies and emailing over 3400 individuals through VPS-established networks.

Thirty-four (34) people took part in the research including communications experts from VO, IBAC and OVIC plus students enrolled in an allied health course at Melbourne Polytechnic. Some participants identified as being part of the following groups:

- First Nations (1 person)
- CALD background (3 people)
- LGBTIQ+ community and allies (7 people)
- people living with disability (3 people).

Research found that to be effective, accessibility, inclusivity and usability needs to be built on a solid foundation of plain, simple, and easy to understand English.

Nearly 40 recommendations for improvement were made covering a range of issues, such as simplifying website content, creating new content, adding functionality, improving design and better using imagery and infographics. The VI is acting on these recommendations.

Users will start to experience significant improvements when our new look and feel website is launched under our new name on 10 February 2025.

Continued outreach to peak bodies

The Victorian Inspectorate continues to share information (media releases, invitations to key events etc.) and seek feedback from peak bodies about their information needs.

Inclusive language guide

The Victorian Inspectorate follows the LGBTIQ+ inclusive language guide developed by the Department of Families (October 2023).

Information for lawyers

In May 2024, our Inspector and CEO & General Counsel presented to around 50 legal professionals at the Victorian Bar as part of its CPD in Session series. The series is part of an external program that expands engagement and knowledge of those within Victoria's legal community.

'Appearing as counsel at a coercive examination conducted by an integrity/investigatory body: your rights and obligations' was well received by those who attended and Vicbar members continue to view the recorded session published online.

Guidance note

In 2023-24 the Victorian Inspectorate published a guidance note about the proper process to follow when serving summonses on interstate bodies corporate.

Information videos

Another highlight for 2023-24 was publishing 6 information videos to illustrate how we obtain evidence from witnesses and better explain our complaints jurisdiction and process.

Three (3) videos have been created for witnesses attending the Victorian Inspectorate to give evidence (voluntary interview, compulsory hearing, and examination via summons). They help explain where to go, how to prepare, what to expect and who can attend for each scenario. A similar video has been published for legal representatives assisting witnesses.

In addition, we created a video to help explain our general complaints process, including the nature of complaints that we can receive, and a video to help explain how we handle public interest disclosures (whistle-blower complaints).

Pride network

In August 2023, the Victorian Inspectorate launched its pride network. The network is an employee-led initiative to create a community for staff who identify as LGBTIQ+, allies and supporters, creating opportunities to promote visibility and an inclusive culture where diversity is affirmed and celebrated.

The aim of the pride network is to positively champion and enable LGBTIQ+ inclusion in the workplace through engaging with network members and making meaningful contributions to our policies and procedures to ensure they are respectful and inclusive of LGBTIQ+ staff.

We hold events to mark days of significance to LGBTIQ+ communities, including participation in the Mid Summa march, along with celebrations, and awareness raising activities, on significant days such as IDAHOBIT day.

RECOMMENDATION 13: That the Independent Broad-based Anti-corruption Commission, the Office of the Victorian Information Commissioner, the Victorian Inspectorate and the Victorian Ombudsman develop, in consultation with each other, systematic, comprehensive, and consistent evidence-based frameworks for measuring the quality and impact of their respective prevention and education initiatives.

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RECOMMENDATION 14: That the Independent Broad-based Anti-corruption Commission, the Office of the Victorian Information Commissioner, the Victorian Inspectorate and the Victorian Ombudsman collaborate, where possible, on large-scale data collection projects to support the measurement framework, including benchmarks for tracking progress over time in a meaningful way, that reflect the complexity and value of integrity agencies' oversight work.

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The Victorian Inspectorate did not accept these recommendations as we do not have a specific education or prevention function; nor do we have the funding or resources to deliver education programs (see IOC Submission No. 22, August 2020).

However, our increase in ongoing funding since we made that submission has enabled us to fund a communications officer and deliver a small number of education activities.

To help measure and provide transparency on our educational activities, we introduced a Budget Paper 3 performance measure to deliver 3 educational activities per annum, and we report on the nature of these activities in each annual report.

We target activities at potential complainants, aiming to improve their access to and knowledge about our jurisdiction, legal representatives of witnesses and the agencies that we oversee. Examples of our activities are described in response to recommendations 9 and 10 above, including presentations for the community at Law Week, and to the Victorian Bar, and information videos for complainants, disclosers, witnesses and lawyers representing witnesses. We can track statistics on engagement with this content.

As we have a vision of a robust and trusted integrity system, where appropriate we use the knowledge gained from one body to help the learnings of others. This can be seen through our [guidance notes](#) and our [special reports](#).

The Victorian Inspectorate has not been invited to engage with IBAC's Prevention and Education and Advisory Committee.

The VI would be interested in participating in IBAC's PEAC if it was asked, noting:

- the VI does not have a specific or direct education or prevention function; nor funding or resources to deliver education programs
- the VI may be able to find ways to support other integrity agency's prevention and education campaigns and programs
- the VI is eager to learn more about what demographic and psychographic complainant and discloser information is collected by other integrity agencies so that it can better understand target audiences and ensure that it is receiving a representative sample of complainants/disclosers.

Performance of the Victorian Integrity agencies 2020/21: focus on witness welfare report

Rec No.:	Implementation progress advised by the VI during and since the IOC's 2021/22 performance review	Committee questions	VI answers
2	The Committee acknowledges that these recommendations were not made to the VI, but notes the VI's previous advice that it was engaging with IBAC on Recommendations 2–4 and 7.	Information provided in the Inspector's letter dated 12 August 2024 noted. Please provide a progress update. As part of the progress update, please advise whether:	As advised in the Inspector's letter of 12 August 2024, the VI has completed implementing all the recommendations made to the VI.
3			
4			
7			
		<p>(i) IBAC has developed procedural guidelines on the holding of public examinations, including on the meaning and scope of 'unreasonable damage to a person's reputation, safety or wellbeing'.</p> <p>(ii) IBAC has been receptive to the VI's engagement on the issue of the scope of its welfare risk assessments to support its decision-making in relation to the holding of public hearings.</p> <p>(iii) IBAC has developed specific guidance on decision-making regarding requests under s 117(3A) of the <i>Independent Broad-based Anti-corruption Commission Act 2011 (Vic)</i>.</p>	<p>With regard to recommendations 2, 3, 4 and 7 to IBAC, we met with IBAC about these recommendations on 6 April 2023. IBAC advised of its commitment to developing guidelines and its program of work to do so in 2023-24. The VI explained the risks public hearings create for complainants, based on impacts described to us by complainants.</p> <p>In December 2024, IBAC advised VI that it has prepared a draft 'Guide for witnesses appearing in IBAC public examinations' and is working to refine and finalise the document. Among other things, the guide will set out for witnesses:</p> <ul style="list-style-type: none"> • what to expect at a public examination • why the Commissioner may decide to hold a public examination • what factors must be considered in making such a decision • the role of the examiner and counsel assisting, and who

			<p>else might be present</p> <ul style="list-style-type: none"> • their rights and responsibilities, including the right to apply to hold part of a public examination in private • welfare considerations and supports. <p>IBAC has advised that the guide includes guidance on decision making requests under s 117(3A)(a).</p> <p>The VI will ensure that the guide includes consideration of the risks shared by complainants about the impact of public hearings.</p>
8	Implementation underway	Information provided in the VI's 2023/24 Annual report noted. If possible, please provide a time frame for the production of the welfare reporting capability in the UAT environment in the VI's CMS. Please provide the full name for the abbreviation 'UAT' as well as its function within the CMS.	<p>UAT means User Acceptance Testing. Changes to the CMS are first made in the UAT environment to make sure they are working effectively.</p> <p>The VI currently has a report in the production environment that relates to complainant welfare. The VI will continue to refine this report as changes are made to the CMS.</p> <p>The VI has introduced, in the production environment of the CMS, several new reportable fields attached to investigation cases which contain information on witness welfare. As these new fields were recently introduced, the automated reporting from these fields has not yet been developed, however the new fields</p>

			<p>make it easier to locate witness welfare information in relation to a witness in a VI investigation. This information includes welfare history to ensure that the VI is mindful of previous welfare concerns should a witness come before the VI on multiple occasions. The next CMS enhancements are not yet scheduled, however an automated welfare report for investigations will form part of any further CMS upgrade. Until that time, the VI will continue to undertake reviews of the witness welfare fields, and any related documents, for each investigation.</p> <p>The VI also has a witness welfare register to record welfare incidents (and cross reference these to case numbers in the CMS) across the VI's functions.</p>
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The independent performance audits of the Independent Broad-based Anti-corruption Commission and the Victorian Inspectorate report

Rec No.:	Implementation progress advised by the VI since the IOC's 2021/22 performance review	Committee questions	VI answers
10.7	Implementation underway	Information provided in the Inspector's letter dated 12 August 2024 and in the VI's 2023/24 Annual report noted. If possible, please provide a time frame for finalisation of the MOU with IBAC and for the development of the MOU with the VO.	<p>The VI has just received the draft MOU back from the VO and expects it to be finalised early 2025.</p> <p>The IBAC MOU has been exchanged a number of times and was close to completion. IBAC's new CEO is hoping to simplify it, a step the VI supports. The VI is still aiming for finalisation in the first quarter 2025.</p>
11.3	Implementation underway	Information provided in the Inspector's letter dated 12 August 2024 noted. If possible, please provide a time frame for completion and implementation of the function-based costing model.	<p>A draft function-based costing model was prepared for 2023/2024⁵ and a version for 2024/2025⁶ has also been prepared to allow for comparison across two financial years. The model has been reviewed by the VI's Executive and based on their feedback has been expanded significantly beyond resourcing costs. The draft model now also captures systems costs, software (including licensing) costs and external support service costs (such as transcription costs, staff support programs etc). This provides a much more comprehensive understanding of the true cost of each function. Some minor updates are required to</p>

⁵ Based on known costs.

⁶ Based on known and forecast/anticipated costs.

			reflect some recent staffing changes, however Executive endorsement of the model will be sought in quarter 3 of 2024/2025. Once endorsed, the model will be revised on a 6-monthly basis as a minimum and trends across 6-monthly periods monitored and analysed.
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