

# TRANSCRIPT

## INTEGRITY AND OVERSIGHT COMMITTEE

### Inquiry into the Operation of the *Freedom of Information Act 1982*

Melbourne – Monday 18 March 2024

#### MEMBERS

Dr Tim Read – Chair

Hon Kim Wells – Deputy Chair

Ryan Batchelor

Jade Benham

Eden Foster

Paul Mercurio

Rachel Payne

Belinda Wilson

## WITNESSES

Lachlan Fitch, President, Victoria Branch, and

Jeremy King, Member, Victoria Branch, Australian Lawyers Alliance.

**The CHAIR:** We are resuming the public hearing for the IOC's Inquiry into the Operation of the *Freedom of Information Act 1982*. To our witnesses, before you give your evidence I have got to cover a couple of formal things, so bear with me.

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 anywhere else, including on social media, those comments will not be protected by this privilege. Any deliberately false evidence or misleading of the Committee may be considered a contempt of Parliament.

All evidence given today is being recorded by Hansard, and you will be provided with a proof version of the transcript for you 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.

Now I welcome, from the Australian Lawyers Alliance, Lachlan Fitch, the President of the Victorian Branch committee, and a Member of the Victorian Branch Committee, Jeremy King, to both give evidence at this hearing. Welcome, and thanks for coming. Do you have any opening comments, or did you want to go straight to questions?

**Lachlan FITCH:** We do, Chair. Thank you. Thank you all for having us today and for your important work on this important topic. I wish us all luck for the graveyard shift today. My name is Lachlan Fitch. I am the President of the Victorian Branch of the Australian Lawyers Alliance [ALA]. I am also a principal lawyer at Maurice Blackburn. I am joined by my colleague, Jeremy King, who is the Immediate Past President of the ALA in Victoria and is a principal lawyer at Robinson Gill. We would like to begin by acknowledging that we are meeting on the unceded lands of the Wurundjeri people, and we pay our respects to their elders.

The ALA is a national association of lawyers, academics and other professionals dedicated to protecting and promoting access to justice, human rights and equality before the law for all individuals, regardless of their position, wealth, gender, age, race or religious belief. The ALA is represented in every state and territory across Australia, and we estimate that our 1400 members represent up to 200,000 people every year nationally. We act for people who seek compensation justice after being injured on the roads or at work or following medical treatment. We act for people who have been assaulted by the police or are victim-survivors of sexual assault. ALA members across Victoria routinely make Freedom-of-Information [FOI] requests under the FOI Act in Victoria on behalf of their clients, and our submissions reflect those experiences and have been endorsed by the Victorian Aboriginal Legal Service, Youthlaw and Inner Melbourne Community Legal's Police Accountability Project.

People across Victoria are routinely denied information, including their own personal information, because of some of the more restrictive provisions of the FOI Act, and this has real consequences in terms of their access to justice. Many of those people are vulnerable, injured and facing significant hardship. When documents can be released by virtue of an FOI request or multiple requests, ALA members report delays almost across the board in receiving those documents. Further, ALA members report that there are often arbitrary restrictions on how many documents can be released per FOI request, which compromises the ability of our clients to understand the circumstances surrounding their injury and to access compensation justice. The ALA's submissions highlight the issues with FOI processes in Victoria and make a number of recommendations in relation to abuse claims, Victoria Police, criminal law and justice – including accessing prisoners' health records – local councils, the Emergency Services Telecommunications Authority and medical negligence claims.

We thank the committee for considering our submissions and for also sending us questions in advance to further explore those issues, and we are happy to address those in turn.

**The CHAIR:** Great. All right. Shall we start with Kim Wells?

**Kim WELLS:** Thanks. What impacts are systematic processing delays of FOI requests in Victoria having on courts and accused persons, civil litigants and the lawyers that represent them?

**Jeremy KING:** Thank you. I will address this question. Throughout the submission the ALA has noted delays of months, and even years, in respect to receiving information through Victoria's FOI processes. We want to be clear that, particularly from the point of view of such organisations on like accessing documents from Victoria Police, the system is very broken. You are talking delays of often 18 months to two years. Victoria Police holds vast amounts of information that is relevant to all sorts of members of the community, whether they might have been in a road accident, they might have suffered abuse from an institution – or they might have suffered misconduct as well. The problem with that is that it is not just a barrier to litigation progressing but also poses challenges to lawyers in terms of being able to provide fulsome advice to clients, and what it really does is prevent or delay access to justice for a wide variety of the Victorian community. Some examples of the types of information people seek might be things like police diary notes or electronic patrol duty return forms that might have information in there. A classic example might be where there might have been an accident and the police member attended and might have taken some notes about what a witness said. That could be critical to progressing that person's case, and that could be the critical evidence required in order to try and resolve that case also pre litigation, but at the moment because of FOI delays we cannot access that information in a timely fashion.

The other issue with it, apart from delay, is in situations where you just cannot wait and you have to progress your claim. I think it is important to note that lawyers have a duty to prosecute our clients' claims expeditiously, and also we do not want injured people to be delayed in terms of access to justice. Often lawyers are finding new and creative ways of trying to access that information, and I will give you two examples. The first example is where you cannot get the information directly from Victoria Police so you say, 'Well, I might see if I can get it from TAC [Transport Accident Commission],' if it involves a road accident, because TAC have access to information and data as well. TAC have been very good at being productive and creative to try and give over that information to progress claims, but sometimes they just cannot because the law restricts them in terms of what information they can and cannot give over.

Often lawyers will also directly request the information from the organisation itself, and again I will use the organisation of Victoria Police. That then will usually be dealt with by the Victorian Government Solicitor's Office, the VGSO, and what is involved in those circumstances is the lawyer issuing a writ, which is just an initiating court document, and then trying to rely on other areas of law, like the *Civil Procedure Act*. I do not know if the Committee is familiar with the *Civil Procedure Act*. There is a provision of the *Civil Procedure Act* that says that parties have got to exchange critical documents. So if you have a writ on foot you can then ask for those critical documents. Sometimes you get them, sometimes you do not. If you cannot get the documents by directly requesting them from an organisation, you can then go to court and you can ask the court for an order for either documents under that section of the *Civil Procedure Act* or by way of early discovery. The problem with all of this is that it is really consuming State resources in other areas. It is shifting the burden from organisations like Victoria Police's FOI department onto organisations like the TAC, organisations like the VGSO and then, when that does not work, inevitably, onto the courts. It is consuming court resources that really should be spent doing better things rather than facilitating documents which you should be able to access through FOI. And then obviously that all takes time. These are things that do not turn around in a matter of weeks. Again, that will take months and also increases the costs on both sides in terms of going to court as well. So for all of those reasons, unfortunately, the broken FOI system is having an enormous impact on people accessing justice and is causing significant delays.

**The CHAIR:** Thank you. We have been hearing a lot about push models of FOI that promote proactive and informal release, and versions of this exists in New South Wales, Queensland and the Commonwealth. Have you have got insights from those models, or people who use them, that might be helpful here?

**Lachlan FITCH:** Yes. We have spoken to colleagues in New South Wales and Queensland who have a model like that. I had to familiarise myself with that term, but I understand it to be a model that requires agencies to proactively push information out to the community as much as possible, with the goal of making formal applications a last resort. Members in New South Wales and Queensland are reporting to us that information that they need to progress a claim for compensation following an injury is rarely available on government websites, despite that push model. So formal applications for information are still routinely being made to agencies, including the same ones that Jeremy has listed – the police, WorkSafe, public hospitals.

Members in New South Wales and Queensland also report similar delays to what Jeremy has just articulated, and they also report complex application procedures. In Queensland there is a requirement for a certified photo ID of both the applicant but also their lawyer and multipage forms and explanations as to why you are after the material. So, in short, the same issues arise in push-model jurisdictions – delays, inconsistencies between different agencies, under-resourcing, understaffing, high levels of redactions and, similarly, compromising access to justice for claimants.

**The CHAIR:** That is interesting. I mean, it seems to me that there is a step somewhere between putting info on the website and making people make an FOI application – for example, informal release. There was an example Jeremy King gave of a police officer who may have written notes about something that a witness said regarding a motor accident. Now, you would think that the police officer would be aware when they are writing this down that this could be useful in subsequent civil action. Is there not already a process to get that piece of information from the police officer to, ultimately, the lawyer or the individual affected other than FOI at the moment in Victoria?

**Jeremy KING:** There is a section of Victoria Police which is the accident records section where you can get a copy of the collision or incident report that is completed by Victoria Police after an incident, and that will have details of witnesses on it and details of the drivers on it. If a formal statement has been taken by Victoria Police, you can get that statement and sometimes photos through that process, and, to be fair to Victoria Police, that process works pretty well. That is a unit of Victoria Police that functions pretty efficiently. But you will not get the diary notes unless you make an FOI application or you can get them from TAC, or you can make a court application.

**The CHAIR:** So VicPol [Victoria Police] gets a lot of requests from lawyers. It is probably their most frequent source of requests; it certainly would be one of them. To what extent is that lawyers saying, ‘Just send me everything,’ even if actually most of what they need is available by other means?

**Jeremy KING:** I think obviously as lawyers trying to advise our clients we want to get as much information as we can. I do not make any bones about that. We will try to get all the information we can from all different sources, because we have an obligation to give our clients the best advice. But I think the problem is right now we are getting nothing. I know one of the other parts of a question that was put to us was about giving us electronic documents: I would take that over nothing, because that will at least give us something to work on and something to move forward with. I think what is very interesting is that TAC, as another example, were getting flooded with FOIs, and their FOIs were very slow, so they instituted a revised request-of-information process where lawyers can informally request information from them and you can say specifically, ‘I would like the TAC claim form’ and ‘I would like the medical reports’ or whatever they might hold, and then they will give that to you. But then if you want more than that – if you want to see their claim notes, if you want to see what is going on behind the scenes – then you can make an FOI application and that will be processed in the usual way. You cannot do that with Victoria Police. That does not exist at the moment.

**The CHAIR:** All right. Thank you. I had better go to Belinda Wilson.

**Belinda WILSON:** It seems that you are trying to find a way around the road just through other means, if that makes sense?

**Jeremy KING:** Yes.

**Belinda WILSON:** Because the FOI takes so long, and it can be adhered to your case.

**Jeremy KING:** That is exactly right. At the moment it is about trying to find creative solutions that can propel clients claims forwards so they do not have to wait longer to get compensation.

**Belinda WILSON:** Because the delay is just so long.

**Jeremy KING:** Yes.

**Belinda WILSON:** My other question is: In your view, why are Ambulance Victoria and WorkSafe Victoria considered leaders with respect to their FOI practice?

**Jeremy KING:** Yes, it is interesting isn't it, because with Ambulance Victoria you make the same FOI application through the same portal and then they are lightning. They spit back the patient care report – that is an electronic patient care report that they give – within a week, and you have that information there. Obviously if you want to get more stuff – if there might be handwritten notes or there might be more information – well, then you can go back to them and ask them for more information. But I would say 95 times out of a hundred – maybe even higher than that – that patient care report is going to do the trick. I just think they have a very good system set up, they have a very good policy and they clearly know what they are doing in order to be able to turn it around very quickly.

**Belinda WILSON:** May I also suggest that that is also because they are more electronic, whereas I do not believe Victoria Police – a lot of it is handwritten.

**Jeremy KING:** I think there is probably something in that. Yes, we are only getting the electronic stuff, but there is a lot of information that Victoria Police have that is electronic as well that they could be giving out, but which they are currently not giving out.

**Belinda WILSON:** Thank you.

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

**Eden FOSTER:** Thanks, Chair. I note in your submission that you endorse the Department of Families, Fairness and Housing's [DFFH] FOI pilot program. Why do you think the DFFH and their pilot program for child welfare records have been so beneficial for applicants, and what would be the advantages of adopting this program on a broader scale?

**Lachlan FITCH:** This is an area of information request that our members who specialise in historical child abuse claims frequently use if the client has been a ward of the state in the past. Members are reporting sort of six- to 12-month delays on those information requests through the traditional FOI application method. It is obviously having a big impact on a group of particularly vulnerable claimants. In our submission we endorsed the pilot program being run by the Department, but we have sought further feedback from members since then. We have learned that the pilot provides a summary form of some key information, I think which includes dates when the client was in care, but it effectively cancels your other FOI requests that you have put in to the Department. So the lawyer and their client need to make a decision about whether to use the pilot and the letter summary version or to progress with the FOI request. It is a rare case where you would have sufficient information just from the one-page summary from the Department, so it appears to be less of an effective pilot from our point of view than we had initially thought.

**Eden FOSTER:** Okay. That is new information come to light.

**Lachlan FITCH:** Yes.

**The CHAIR:** Yes. Just on the basis of that, in your submission it sounded better – but you have found out a bit more about it?

**Lachlan FITCH:** Exactly. We walked back a bit from that. It does not look to be in our clients' interests by and large to just progress with a one-page summary rather than to progress with a full FOI request.

**The CHAIR:** I mean, it would be fine if you then got the full FOI request later, presumably.

**Lachlan FITCH:** Yes, provided the summary gave sufficient information for you to be able to advise your client properly to prepare pleadings, where you are setting out the allegations in your client's case, at an early stage. So we are happy to explore that happy medium with the Department to see what can work.

**Eden FOSTER:** Okay. All right. Thank you.

**The CHAIR:** Let us go to Paul Mercurio.

**Paul MERCURIO:** I am interested in hearing from both of you your thoughts on what technology is required to assist agencies in processing FOI requests within the statutory time frame.

**Lachlan FITCH:** We had in our submission made a recommendation that government provide investment in advanced technology to assist with the processing of documents and production of summaries. We do want to acknowledge that we certainly know that is not easy, but we think that it is crucial for ensuring both efficient processing of FOI requests and early access to justice. We understand there are effective tools already in place where, for example, there is large commercial litigation on foot and parties are having to go through million-page documents as part of their discovery. There are e-discovery providers that have developed software to help with that task, groups like Relativity and Law in Order, Sky Discovery and Nuix. We think some government bodies are already using them – perhaps ASIC [Australian Securities and Investments Commission] and ACCC [Australian Competition and Consumer Commission]– in litigation. They have got keyword search functions so that tranches of documents can be just found through a search ability and then analytics can be trained to help to find further documents that might be relevant. I am told you can train these programs to tell you, ‘I’ve noticed you’ve been reviewing this type of category of document; here are some other ones that fall within those parameters as well.’ Then that just helps with the human review that needs to go on as well. It reduces the scope of those documents and makes it more manageable. There are also rules you can set up in those platforms where you are automatically redacting information that you have already inputted as being things that should not be shared, so names, phone numbers or credit card details. There is other functionality where you can flag key documents for further review by a human in that process.

Portals can be an effective technology as well in all of this. Jeremy has referred to them already, and we see them routinely in our interactions with government bodies through exchange of large amounts of documents, but they are only as good as the back end. So you might have a very efficient and accessible portal, but if you have not got a good document-management system that sits behind that, then you are going to experience the same delays in your information requests.

**Jeremy KING:** Just to add to that: Nuix has a contract with the state government already and is routinely utilised by the Victorian Government Solicitor’s Office in large-scale litigation matters.

**Paul MERCURIO:** What is Nuix, sorry?

**Jeremy KING:** It is called Nuix Ringtail. It is a document-review program, and essentially it allows people who are much smarter than me to put in search terms and codes and stuff so you can have metadata. It allows people to get through vast volumes of data and to search through vast volumes of data. It does mean it has to be digitised, though. So again, it requires someone to digitise it to ensure that it works efficiently.

**Paul MERCURIO:** Is that AI [artificial intelligence] as well? Would you call it that, or is AI being used in that way?

**Lachlan FITCH:** I am not going to put myself out as an expert on this, but I am told that there is some difference between the analytics that the platforms currently use and the AI that is starting to be embedded in some of those platforms. The analytics is routine and well established; the AI is somehow different.

**Paul MERCURIO:** It is new.

**Lachlan FITCH:** Yes.

**Paul MERCURIO:** As lawyers would you be concerned about agencies providing you with information that was actually sourced through AI and not a human?

**Lachlan FITCH:** I think there has ultimately always got to be a degree of human review of this material. So if it was AI only, there would be some concerns, or if there was AI with no recourse to review or complaints, then I would have concerns.

**Jeremy KING:** I agree with that. I think that AI is a tool like anything else, and I think if it is being utilised in the right way and it creates efficiencies for members of the community to be able to access their own information or access information, then I am all for it. But AI is not the be-all and end-all; it is just another tool that can be utilised to help with efficiency.

**Paul MERCURIO:** Okay. Cool. Thanks.

**The CHAIR:** Thank you. Ryan Batchelor.

**Ryan BATCHELOR:** Thank you, Chair. You mentioned a couple of times in the submission, I think, for abuse claims at 500 pages and for prisoner health maybe at 150, that there are limits on how many pages you would receive as part of a batch of documents. Are those restrictions based, as you understand it, in legislation or are they in policy?

**Jeremy KING:** I think it is a bit of both. I think it is relying on the resource get-out clause, as I call it, in the FOI Act, which says that if it is going to deploy too many resources, you can reduce it down. But I think it also clearly relates to internal policies, and it is particularly present in two cases, as we have said in our submission. One is for people who are seeking to bring claims involving institutional abuse, who are only getting batches of 500. Again, as Lachlan referred to earlier, if you are a ward of the state then you can have 10,000-plus pages of documents, so you are only getting it in tranches, which is obviously not ideal at all. Then if you are seeking your health care information as a prisoner, then you can only get it in 100- to 150-page batches. I am glad you raised this issue because I think it actually speaks to another issue, which was in our submission as well, which is access to your health information. At the moment the access to health information of many Victorians, but particularly prisoners, is heavily restricted. It is governed by Freedom of Information. You are only getting it in 100- to 150-page batches, and it is also delayed. It also conflicts with the broader government policy which has always been very clear, which is to say health care in prisons is supposed to be equal and the same as health care in the community, but it is just not. In the community you can waltz down to your GP and you can ask for your information and get it back, or you can go to hospital and get your information. You cannot do that if you are a prisoner and your information is heavily restricted. So, that is not only an issue in terms of the right to your health information, but it also does present great challenges in terms of assisting people and providing them with advice about whether they may have a case.

**Ryan BATCHELOR:** Do you know if OVIC [Office of the Victorian Information Commissioner] has examined the practice of restrictions to batch numbers and expressed any view as to whether it complies the FOI Act?

**Jeremy KING:** I am not aware of OVIC having examined that particular issue.

**The CHAIR:** We should ask them.

**Ryan BATCHELOR:** If only we had an inquiry that could do that. I have something else I would like to –

**The CHAIR:** Please do.

**Ryan BATCHELOR:** It is clear from conversations with Victoria Police, where 30 per cent of their claims are relating to motor vehicle claims that are largely from lawyers – the hospital said a lot of the claims were from lawyers, and WorkSafe, TAC, Ambulance Victoria – clearly there is a need in the system for lawyers of clients who are seeking to decide whether they want to bring a claim to use FOI in a number of areas to get the necessary information to figure out whether that claim is viable or not, I would have thought, before you get into the process and before you get into the discovery, et cetera. In some places it clearly works well and other places it does not, as you have described. Has there ever been, from any of the agencies where it is not working well, an appetite to sit down with you to try and figure out how you can get to 95 per cent good?

**Jeremy KING:** Yes, I was just going to say to your point about bringing claims, that is entirely true, but it is also about resolving claims. This information is critical to resolving claims through alternative dispute resolution and also prelitigation. I cannot emphasise that enough, because that is good for the community; it means that the court resources are not drained, so from that point of view – I mean, I suppose the answer is yes, but it depends on the organisation. So TAC, for example, who I spoke about before, they raised that issue with ALA representatives and we worked together with them in terms of refining the request-of-information process and refining the FOI process. That was an open invitation from them that we gratefully took, and we were able to work together to find a solution. I am not aware of that happening with other organisations, but obviously if there was an invitation extended to us, of course we would do our best to try and do that, because that is going to be in our client's interests.

**Ryan BATCHELOR:** Because we do hear from the agencies frustrations: 'We have got to work through the claims, we have got to try and reduce scope, we have got to try and sort it out.' So it seems to me that if there was a systematic practice in agencies that had high volumes of claims, particularly relating to people testing their legal rights or trying to resolve issues, that if there was a much more proactive culture of trying to

figure out what a best practice standard release of information would look like, it could take a lot of the – ‘churn’ is not the right word, but it could take a lot of volume out of the system and enable the small resources that we have got to focus on those cases that are particularly troublesome rather than the ones that are just another one in the queue. Do you have any thoughts on that?

**Lachlan FITCH:** I would just say that Victoria Police are starting to have that conversation with us, but it is in its infancy and probably lacks that systematic approach that you are describing. We are all ears for that conversation and are keen to make it work. There will be a large number of matters where a simple summary, which presumably is already digitised, would be sufficient for our purposes. There will be other matters where the request is no longer necessary and can come off the books and help clear a backlog. Yes, we are up for that conversation.

**Ryan BATCHELOR:** Just a last question on this: Are you aware of any elements of the legislative framework at the moment that would prevent or frustrate that from occurring?

**Lachlan FITCH:** I do not think so. Already the time frames have just blown out to an extraordinary degree such that anything that can be done to help relieve that pressure would be good. Nothing comes to mind that would limit the ability to be exploring those other options.

**Ryan BATCHELOR:** Thanks very much.

**Jeremy KING:** Just to add to that, Victoria Police is an obvious one to start having those conversations with, and the ALA certainly wholeheartedly welcomes those conversations. But in my view those conversations should also be had with Justice Health. Again, we would welcome consultation and the opportunity to engage and discuss with them, because I could not agree with you more that when it works – as I say, I have given the example of TAC – and when you work collaboratively together on something, it can actually have a really great outcome for clients.

**The CHAIR:** In your submission you mentioned that it was impossible to get crucial documents relating to Safer Care Victoria investigations because they were protected by privilege. So I would be interested if you would like to explore a bit more about the considerations with respect to any legislative reform relating to privilege and FOI exemptions.

**Lachlan FITCH:** Thank you. So this is certainly a problem for our medical negligence members. They will routinely ask for internal investigations, root-cause analysis reports and Safer Care Victoria investigations after there has been an adverse patient safety outcome. We have used the word ‘privilege’ in the submissions, but probably a more accurate description would be that the hospitals are relying on the public interest immunity in the FOI Act as it relates to internal documents – I think it is section 30. And the argument against disclosure is that the release of information would reasonably prevent open and frank communications in the future.

There are a few things we would say in response to that argument. Firstly, the internal investigations after an adverse patient safety event are the patient’s health information. It is not appropriate to hide it from them; it is inconsistent with the objects of the *Health Records Act*. Also, the idea that it would prevent open and frank communications in the future we say is probably outdated as well, now that the *Health Legislation Amendment (Quality and Safety) Act* has introduced a duty of candour to explain what has happened following an adverse situation.

We also say it is inconsistent with the professional obligation to be open and transparent in relation to decision-making at section 3.1 of the *Code of Conduct for Victorian Public Sector Employees*, and it is also applied in a way which is inconsistent with the common-law interpretation. There was a Court of Appeal decision in 2006, *Royal Women’s Hospital v Medical Practitioners Board of Victoria*, where the court said that the public interest immunity is intended to protect government at the highest level and does not apply to medical records.

It is also of note that these documents are always released if we have had to take the next step to commence court proceedings and are then going through the discovery process. They are released by the defendant’s solicitors largely without issue. But there is a problem at the prelitigation stage where hospitals are not proactively releasing those in response to these FOI requests. And that is obscuring the right of our clients and the public more broadly to know about health providers processes regarding quality improvements following an adverse safety event, and also delaying their ability to progress and resolve litigation.

**The CHAIR:** Good.

**Lachlan FITCH:** I think your question was around legislative reform.

**The CHAIR:** Yes.

**Lachlan FITCH:** There may well be scope there for consideration to make the exemptions more closely line up with how the common law is interpreting the public interest immunity.

**The CHAIR:** Are there any more questions from the Committee? I think you have run us dry. Are there any further points you would like to make or expand on regarding any of the stuff we have discussed today?

**Lachlan FITCH:** Not for me, thanks.

**Jeremy KING:** Only just to emphasise again how dire the situation is at the moment in terms of, particularly Victoria Police, and obviously there is historical context to that. I appreciate that the pandemic caused great issues for them, but following that they have allocated more resources to it. When you complain to OVIC you are continually told that – that more resources have been allocated – but it does not seem to be making any difference. This is an area which really needs to be acted on fairly swiftly and urgently, otherwise other organisations and the courts will continue to bear the burden.

**The CHAIR:** We are paying for it some way or another.

**Jeremy KING:** Exactly right. We are robbing Peter to pay Paul.

**The CHAIR:** Just very briefly, a lot of the difficulty, I think, from our limited understanding of what Victoria Police is up against, is pulling out confidential third-party material that is through all of their stuff – sources, witnesses, all kinds of people who are named and who are saying things. It sounds like a very labour-intensive task. It occurs also in health information, but it is probably not as dense through the material as it is in police records. Can you think of anything the police could be doing differently that would mean that they could get the information you need to you faster without someone having to sit and read through thousands of pages?

**Jeremy KING:** I can definitely think of one thing that could be greatly improved, which is that police are still taking handwritten notes in diaries in 2024 and use day books. I do not know what the difference between a day book and a diary note is, and I have been working in that space for 15 years, but clearly they need to adapt. To be fair to them, they are doing so in certain things – these all-electronic patrol duty return forms where they log every time they have been anywhere. That is a good example of where they are adapting to technology and utilising technology, and that is the sort of information that could be stored on a central database and accessed easily and I imagine would also be relatively easy to redact because it has been digitised. I think a big problem that Victoria Police face is unfortunately they have still been reliant on handwritten documents, and that is always going to pose a problem for them in terms of complying with something in an efficient and timely manner.

**The CHAIR:** I could not have put it better myself. Thank you very much. At this point I think we will close today's hearing. Thank you both very much for your attendance and helpful answers.

**Committee adjourned.**