PARLIAMENT OF VICTORIA

Integrity and Oversight Committee

Inquiry into the education and prevention functions of Victoria's integrity agencies

Committee membership

CHAIR

Ms Harriet Shing
Eastern Victoria

DEPUTY CHAIR

Mr Brad Rowswell
Sandringham

Mr Stuart Grimley
Western Victoria

Mr Dustin Halse
Ringwood

Mr Jackson Taylor
Bayswater

Ms Vicki Ward
Eltham

Hon Kim Wells
Rowville

About the Committee

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

Functions

7   Integrity and Oversight Committee

(1)   The functions of the Integrity and Oversight Committee are—

(a)   to monitor and review the performance of the functions and exercise of the powers of the Information Commissioner; and

(b)   to consider and investigate complaints concerning the Information Commissioner and the operation of the Office of the Victorian Information Commissioner; and

(c)   to report to both Houses of Parliament on any matter requiring the attention of Parliament that relates to—

(i)   the performance of the functions and the exercise of the powers of the Information Commissioner; or

(ii)   any complaint concerning the Information Commissioner and the operation of the Office of the Victorian Information Commissioner; and

(d)   to examine the annual report of the Information Commissioner and any other reports by the Information Commissioner and report to Parliament on any matters it thinks fit concerning those reports; and

(e)   to inquire into matters concerning freedom of information referred to it by the Parliament and to report to Parliament on those matters; and

(f)   to monitor and review the performance of the duties and functions of the Victorian Inspectorate, other than those in respect of VAGO officers; and

(g)   to report to both Houses of the Parliament on any matter connected with the performance of the duties and functions of the Victorian Inspectorate, other than those in respect of VAGO officers, that require the attention of the Parliament; and

(h)   to examine any reports made by the Victorian Inspectorate to the Integrity and Oversight Committee or the Parliament other than reports in respect of VAGO officers; and

(i) to consider any proposed appointment of an Inspector under section 18 of the *Victorian Inspectorate Act 2011* and to exercise a power of veto in accordance with that Act; and

(ia) to receive and assess public interest disclosures about conduct by or in the Victorian Inspectorate and engage an independent person to investigate any such disclosure that it has assessed to be a public interest complaint; and

(j) to monitor and review the performance of the duties and functions of the IBAC; and

(k) to report to both Houses of the Parliament on any matter connected with the performance of the duties and functions of the IBAC that require the attention of the Parliament; and

(l) to examine any reports made by the IBAC to the Integrity and Oversight Committee or the Parliament; and

(m) to consider any proposed appointment of a Commissioner under section 20 of the *Independent Broad-based Anti-corruption Commission Act 2011* and to exercise a power of veto in accordance with that Act; and

(n) to carry out any other function conferred on the Integrity and Oversight Committee by or under—

(i) the *Ombudsman Act 1973*; and

(ii) the *Independent Broad-based Anti-corruption Commission Act 2011*; and

(iii) the *Victorian Inspectorate Act 2011*; and

(iv) the *Public Interest Disclosures Act 2012*.

(2) Despite anything to the contrary in subsection (1), the Integrity and Oversight Committee cannot—

(a) reconsider a decision of the Information Commissioner or Public Access Deputy Commissioner in relation to a review of a particular matter; or

(b) reconsider any recommendations or decisions of the Information Commissioner or Public Access Deputy Commissioner in relation to a complaint under the *Freedom of Information Act 1982*; or

(c) reconsider any findings in relation to an investigation under the *Freedom of Information Act 1982*; or

(d) reconsider the making of a public interest determination under the *Privacy and Data Protection Act 2014*; or

(e) reconsider the approval of an information usage arrangement under the *Privacy and Data Protection Act 2014*; or

(f)   reconsider a decision to serve a compliance notice under the *Privacy and Data Protection Act 2014*; or

(g)   disclose any information relating to the performance of a duty or function or exercise of a power by the Ombudsman, the Victorian Inspectorate or the IBAC which may—

    (i)   prejudice any criminal proceedings or criminal investigations; or

    (ii)   prejudice an investigation being conducted by the Ombudsman, the IBAC or the Victorian Inspectorate; or

    (iii)   contravene any secrecy or confidentiality provision in any relevant Act; or

(h)   investigate a matter relating to the particular conduct the subject of—

    (i)   a particular complaint or notification made to the IBAC under the *Independent Broad-based Anti-corruption Commission Act 2011*; or

    (ii)   a particular disclosure determined by the IBAC under section 26 of the *Public Interest Disclosures Act 2012* to be a public interest complaint; or

    (iii)   any report made by the Victorian Inspectorate; or

(i)   review any decision by the IBAC under the *Independent Broad-based Anti-corruption Commission Act 2011* to investigate, not to investigate or to discontinue the investigation of a particular complaint or notification or a public interest complaint within the meaning of that Act; or

(j)   review any findings, recommendations, determinations or other decisions of the IBAC in relation to—

    (i)   a particular complaint or notification made to the IBAC under the *Independent Broad-based Anti-corruption Commission Act 2011*; or

    (ii)   a particular disclosure determined by the IBAC under section 26 of the *Public Interest Disclosures Act 2012* to be a public interest complaint; or

    (iii)   a particular investigation conducted by the IBAC under the *Independent Broad-based Anti-corruption Commission Act 2011*; or

(k)   review any determination by the IBAC under section 26 of the *Public Interest Disclosures Act 2012*; or

(l)   disclose or share any information that is likely to lead to the identification of a person who has made an assessable disclosure and is not information to which section 53(2)(a), (c) or (d) of the *Public Interest Disclosures Act 2012* applies; or

(m)   review any decision to investigate, not to investigate, or to discontinue the investigation of a particular complaint made to the Victorian Inspectorate in accordance with the *Victorian Inspectorate Act 2011*; or

(n) review any findings, recommendations, determinations or other decisions of the Victorian Inspectorate in relation to a particular complaint made to, or investigation conducted by, the Victorian Inspectorate in accordance with the *Victorian Inspectorate Act 2011*.

Secretariat

Sean Coley, Committee Manager
Dr Stephen James, Senior Research Officer
Tracey Chung, Research Officer (until 30 August 2021)
Tom Hvala, Research Officer
Holly Brennan, Complaints and Research Assistant
Katherine Murtagh, Research Assistant (until 6 April 2021)
Bernadette Pendergast, Committee Administrative Officer
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This report is available on the Committee's website.

Contents

Terms of reference

Inquiry into the education and prevention functions of Victoria's integrity agencies

That the Integrity and Oversight Committee inquire into and report to the Parliament, no later than 30 March 2021,* on:

(1) The Victorian legislative framework with regard to the education and prevention functions of the Independent Broad-based Anti-corruption Commission (IBAC), the Office of the Victorian Information Commissioner (OVIC), the Victorian Inspectorate (VI) and the Victorian Ombudsman (VO).

(2) The current policies, practices and activities of IBAC, OVIC, the VI and the VO regarding the exercise of their education and prevention functions—including their application to the integrity agencies themselves, public sector bodies and the Victorian community.

(3) Best practice with respect to integrity agencies' education about, and prevention of, corruption and other misconduct, drawing on interstate and international experience.

(4) Whether the exercise by IBAC, OVIC, the VI and the VO of their education and prevention functions throughout Victoria meets best practice.

(5) What improvements can be made to integrity agency education and prevention functions and their exercise by IBAC, OVIC, the VI and the VO.

* The reporting date for this Inquiry was extended from 30 March 2021 to the first quarter of 2022.

Chair's foreword

I am pleased to present to the Parliament the Integrity and Oversight Committee's (IOC) report on its Inquiry into the Education and Prevention Functions of Victoria's Integrity Agencies. The IOC monitors and reviews the performance of the Independent Broad-based Anti-corruption Commission (IBAC), the Office of the Victorian Information Commissioner (OVIC), the Victorian Inspectorate (VI) and the Victorian Ombudsman (VO)—integrity agencies with functions to ensure high standards in Victoria's public sector and to expose and address wrongdoing.

While these integrity agencies have well-known investigative functions, supported by robust powers, they also act in educative and preventive ways to help prevent corruption, misconduct, maladministration and poor governance in the public sector.

The Committee resolved to conduct an inquiry into the education and prevention functions of Victoria's integrity agencies, recognising that, while the expression that 'prevention is better than cure' is a truism, its meaning, scope and practical implications in the integrity domain required further exploration. In particular, what causes corruption and misconduct in the public sector, and how can it be prevented? Second, what constitutes best practice with respect to the quality of education and prevention measures, such as public information and workplace training? Third, what are the distinctive, yet complementary, educative and preventive responsibilities of the integrity agencies, the public sector bodies they oversight and members of the public? Finally, how can the quality and impact of integrity agencies' education and prevention efforts be measured? This report addresses these questions by identifying best practice principles for corruption prevention and education, assessing the integrity agencies' performance against these principles, and explaining how their performance can be enhanced.

The Committee found that the integrity agencies have generally performed well in achieving educative outcomes through their inquiries, investigations and reports. They have also engaged conscientiously with the public sector and the public, through public information campaigns and often high-quality education and prevention resources and training.

However, the Committee identified a number of areas integrity agencies, such as IBAC and the VI, can improve, including through more in-depth engagement with diverse and vulnerable communities in Victoria and the publication of education and prevention resources that are better tailored to their intended audiences.

With regard to the important role of public interest disclosers (whistleblowers) in reporting and exposing wrongdoing, the Committee found that IBAC needs to provide more realistic, accessible and detailed information for them about how to make reports safely and securely. The Committee has also recommended that IBAC consider the development of secure dropbox technology so that anonymous reports of wrongdoing can be made with greater confidence.

With respect to OVIC, the Committee has recommended that it be given express power to issue guidelines and other materials on the *Freedom of Information Act 1982* (Vic), as it can and does presently on privacy and data protection.

The VO currently runs a modest public sector education program that has been well-received. However, the IOC agrees with the VO that it would be valuable for annual ethics and integrity training to be mandatory in the Victorian public sector. Accordingly, the Committee has recommended that the Victorian Public Sector Commission consider developing such a program for the State.

While recognising that measurement of the quality and impact of integrity agencies' education and prevention work is complex and challenging, the Committee emphasises that there are best practice principles that can guide this undertaking. The Committee has therefore made a number of recommendations for the integrity agencies to develop and use a systematic and rigorous framework to measure the quality and impact of their education and prevention efforts.

Although Victoria's integrity agencies have long collaborated on selected education and prevention initiatives and activities (such the publication of joint print and digital resources or cooperation on training), the Committee notes that there is an opportunity for more systematic and coordinated collaboration. The Committee has therefore recommended that IBAC, OVIC, the VI and the VO establish a corruption-prevention and education network, which is guided by agreed best practice principles and draws on the expertise and experience of other Victorian integrity leaders. This will help make the integrity agencies' work in this area more consistent, efficient and effective.

I express my appreciation for the valuable contributions of the preceding Committee Chairs, Mr Steve McGhie MP and Hon Jill Hennessy MP, to this inquiry and report. In the same spirit, I thank my current colleagues on the Committee for their conscientious and collegial work on this inquiry: Mr Brad Rowswell MP (Deputy Chair), Mr Stuart Grimley MLC, Mr Dustin Halse MP, Mr Jackson Taylor MP, Ms Vicki Ward MP and Hon Kim Wells MP.

Finally, I wish to thank the Secretariat for its hard work on this inquiry and report: Mr Sean Coley, Committee Manager; Dr Stephen James, Senior Research Officer; Ms Tracey Chung, Research Officer; Mr Tom Hvala, Research Officer; Ms Katherine Murtagh, Research Assistant; Ms Holly Brennan, Complaints and Research Assistant; Mrs Maria Marasco, Committee Administrative Officer; and Mrs Bernadette Pendergast, Committee Administrative Officer.

I commend this report to the Parliament.

Harriet Shing MP
Chair

Recommendations

5   Evaluating the integrity agencies

RECOMMENDATION 1: That the Independent Broad-based Anti-corruption Commission establish a community education and stakeholder engagement program, with a focus on police oversight and police-related complaints, that engages with members of the LGBTIQ+ community, and other vulnerable complainants, including members of Victoria's Aboriginal and Torres Strait Islander communities, culturally and linguistically diverse communities and people with disability.   90

RECOMMENDATION 2: That, in support of this community education and stakeholder engagement program, the Independent Broad-based Anti-corruption Commission develop tailored resources, with a focus on police oversight and police-related complaints, for members of the LGBTIQ+ community, and other vulnerable complainants, including members of Victoria's Aboriginal and Torres Strait Islander communities, culturally and linguistically diverse communities and people with disability.   90

RECOMMENDATION 3: That the Independent Broad-based Anti-Corruption Commission maintain on its website an up-to-date directory containing the contact details of all Public Interest Disclosure Coordinators of Victorian public sector bodies and local councils.   95

RECOMMENDATION 4: That the Independent Broad-based Anti-corruption Commission (IBAC) publish clear, consistent and sufficiently detailed information for potential reporters of wrongdoing about how to make an anonymous report, and how IBAC protects their anonymity.   105

RECOMMENDATION 5: That the Independent Broad-based Anti-corruption Commission provide Public Interest Disclosure Coordinators with adequate technical information and guidance so they can securely receive, store and manage anonymous reports of wrongdoing.   105

RECOMMENDATION 6: That the Independent Broad-based Anti-corruption Commission consider:

- the potential for using secure dropbox technology to ensure the secure receipt and management of public interest disclosures, complaints and other reports of wrongdoing, particularly when a discloser, complainant or other reporter wants to remain anonymous

- how it might use secure dropbox technology to effectively communicate with anonymous reporters, from report to outcome. **107**

RECOMMENDATION 7: That the *Freedom of Information Act 1982* (Vic) be amended to provide the Office of the Victorian Information Commissioner with the express power to issue guidelines and other materials on the application and interpretation of the Act. **111**

RECOMMENDATION 8: That the Office of the Victorian Information Commissioner (OVIC) include on its website information about where a public interest disclosure or allegation of corrupt conduct about OVIC, the Information Commissioner or an OVIC officer, must and may be directed. **113**

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. **119**

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. **120**

RECOMMENDATION 11: That the Victorian Public Sector Commission consider developing an annual ethics and integrity training program, which:

- promotes the public sector values set out in the Code of Conduct for Victorian Public Sector Employees and Code of Conduct for Victorian Public Sector Employees of Special Bodies; and

- is mandatory for all Victorian public officers and required to be implemented by all Victorian public sector employers. **126**

RECOMMENDATION 12: That the Independent Broad-based Anti-corruption Commission (IBAC), the Office of the Victorian Information Commissioner, the Victorian Inspectorate and the Victorian Ombudsman establish a corruption-prevention and education network, coordinated by IBAC, that:

• is guided by agreed best practice principles on corruption prevention and education;

• draws on the expertise and experience of other integrity leaders, such as the Victorian Public Sector Commission, the Institute of Public Administration Australia (Victoria) and the Australia and New Zealand School of Government; and

• facilitates the development, delivery and review of corruption-prevention and education resources and training for the public sector. **131**

6   Measuring quality and impact

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. **168**

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. **168**

RECOMMENDATION 15: That the Independent Broad-based Anti-corruption Commission, the Office of the Victorian Information Commissioner, the Victorian Inspectorate and the Victorian Ombudsman include in their annual reports a dedicated section on the measurement of the quality and impact of their prevention and education initiatives. **168**

RECOMMENDATION 16: That the Independent Broad-based Anti-corruption Commission include in its annual report an account of the recommendations it has made during the relevant financial year, by number, type and sector. **168**

RECOMMENDATION 17: That the Office of the Victorian Information Commissioner include in its annual report an account of the submissions, consultations on new initiatives, privacy impact assessments and legislative reviews completed during the relevant financial year, by number, type and sector. **169**

RECOMMENDATION 18: That the Office of the Victorian Information Commissioner include in its annual report data on informal resolutions completed during the relevant year, by number, type and sector.   169

Acronyms and abbreviations

2015 CP Strategy	2015 Corruption Prevention Strategy, Independent Broad-based Anti-corruption Commission
2021 CP Strategy	2021 draft Corruption Prevention Strategy, Independent Broad-based Anti-corruption Commission
ACAs	anti-corruption agencies
ACLEI	Australian Commission for Law Enforcement Integrity
ACT	Australian Capital Territory
AEDM	Accountable and Ethical Decision Making
AFVPLSV	Aboriginal Family Violence Prevention & Legal Service Victoria
ANZSOG	Australia and New Zealand School of Government
APSACC	Australian Public Sector Anti-corruption Conference
AV	Ambulance Victoria
BP3	Budget Paper no. 3, Department of Treasury and Finance (Victoria)
CALD	culturally and linguistically diverse
CCC Queensland	Crime and Corruption Commission Queensland
CCC WA	Corruption and Crime Commission Western Australia
CGC	Corporate Governance Committee, Office of the Victorian Information Commissioner
CPDP	Commissioner for Privacy and Data Protection
CPSU	Community and Public Sector Union (Victorian Branch)
DFF	Department of Families, Fairness and Housing (Victoria)
DH	Department of Health (Victoria)
FOI	freedom of information
FOIP Standards	Freedom of Information Professional Standards
FTE	full-time equivalent
GVV	Giving Voice to Values
Hong Kong ICAC	Hong Kong Independent Commission Against Corruption
IBAC	Independent Broad-based Anti-corruption Commission, Victoria
ICAC SA	Independent Commissioner Against Corruption South Australia
IOC	Integrity and Oversight Committee, Parliament of Victoria
IP	Internet Protocol
IPAA Victoria	Institute of Public Administration Australia (Victoria)
IPPs	Information Privacy Principles
IT	information technology
JSCCCC	Joint Standing Committee on the Corruption and Crime Commission, Parliament of Western Australia

Lawyer X royal commission	Royal Commission into the Management of Police Informants, Victoria
LECC	Law Enforcement Conduct Commission, New South Wales
LGBTIQ+	Lesbian, Gay, Bisexual, Transgender, Intersex, Queer+
LGI	Local Government Inspectorate, Victoria
NSW ICAC	New South Wales Independent Commission Against Corruption
NV1	Negative Vetting Level 1 security clearance
OAIC	Office of the Australian Information Commissioner
OECD	Organisation for Economic Co-operation and Development
OIC	Office of the Information Commissioner Queensland
OSCE	Organization for Security and Co-operation in Europe Office of the Co-ordinator for Economic and Environmental Activities
OVIC	Office of the Victorian Information Commissioner
PAW	Privacy Awareness Week
PDF	portable document format
PID	public interest disclosure
PSCWA	Public Sector Commission, Western Australia
PSEP	Public Sector Education Program, Victorian Ombudsman
PSO	protective services officer
QPSC	Queensland Public Service Commission
RAP	Regulatory Action Policy, Office of the Victorian Information Commissioner
SA OCPSE	Office of the Commissioner for Public Sector Employment, South Australia
US DJ	United States Department of Justice
VAGO	Victorian Auditor-General's Office
VALS	Victorian Aboriginal Legal Service
VEOHRC	Victorian Equal Opportunity and Human Rights Commission
VI	Victorian Inspectorate
VLGA	Victorian Local Governance Association
VMIA	Victorian Managed Insurance Authority
VO	Victorian Ombudsman
VPDS Framework	Victorian Protective Data Security Framework
VPDS Standards	Victorian Protective Data Security Standards
VPS	Victorian Public Service
VPSC	Victorian Public Sector Commission

1 Introduction

1.1 Overview of Victoria's integrity system

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

1.1.1 The integrity agencies

The Independent Broad-based Anti-corruption Commission (IBAC) is responsible for identifying, exposing, investigating and preventing corrupt conduct in the public sector. In addition, it has the principal responsibility for the external oversight of Victoria Police.[1] Further, it is the central agency for the receipt, assessment and investigation of disclosures about improper conduct ('whistleblower complaints') by a public officer or public body.[2]

The Office of the Victorian Information Commissioner (OVIC) oversights Victoria's privacy, information security and freedom of information (FOI) regimes.[3] It aims to facilitate greater access to information while safeguarding privacy, especially with regard to the use of personal information by public sector bodies.[4]

The Victorian Ombudsman (VO) investigates and resolves complaints about the administrative actions of Victorian government agencies, including local councils.[5] It is also authorised to enquire into or investigate any administrative action that is incompatible with the *Charter of Human Rights and Responsibilities Act 2006* (Vic).[6]

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1   IBAC, *Submission 48*, 30 September 2020, pp. 2–4; IBAC, *About us*, <https://www.ibac.vic.gov.au/about-us> accessed 20 November 2021; IBAC, *Annual report 2019/20*, Melbourne, 2020, pp. 11–14; Integrity and Oversight Committee (IOC), *Function of the Committee*, <https://parliament.vic.gov.au/ioc/function-iao> accessed 20 November 2021; *Independent Broad-based Anti-corruption Commission Act 2011* (Vic) ('*IBAC Act 2011* (Vic)').

2   IBAC, *Submission 48*, 30 September 2020, pp. 2–4, 10–11; IBAC, *About us*, <https://www.ibac.vic.gov.au/about-us> accessed 20 November 2021>; IBAC, *Annual report 2019/20*, Melbourne, 2020, pp. 11–14, 35, 39–45; IOC, *Function of the Committee*, <https://parliament.vic.gov.au/ioc/function-iao> accessed 20 November 2021; *IBAC Act 2011* (Vic).

3   OVIC, *Submission 17*, 28 August 2020, p. 3; OVIC, *Annual report 2019–20*, Melbourne, 2020, pp. 1, 6, 8; OVIC, *What we do*, <https://ovic.vic.gov.au/about-us/what-we-do> accessed 20 November 2021; IOC, *Function of the Committee*, <https://parliament.vic.gov.au/ioc/function-iao> accessed 20 November 2021; *Freedom of Information Act 1982* (Vic) ('*FOI Act 1982* (Vic)'); *Privacy and Data Protection Act 2014* (Vic) ('*PDP Act 2014* (Vic)').

4   OVIC, *Submission 17*, 28 August 2020, p. 3; OVIC, *Annual report 2019–20*, Melbourne, 2020, pp. 1, 6, 8; OVIC, *What we do*, <https://ovic.vic.gov.au/about-us/what-we-do> accessed 20 November 2021; IOC, *Function of the Committee*, <https://parliament.vic.gov.au/ioc/function-iao> accessed 20 November 2021; *FOI Act 1982* (Vic); *PDP Act 2014* (Vic).

5   VO, *Annual report 2020*, Melbourne, 2020, pp. 13–15; IOC, *Function of the Committee*, <https://parliament.vic.gov.au/ioc/function-iao> accessed 20 November 2021; *Ombudsman Act 1973* (Vic).

6   VO, *Annual report 2020*, Melbourne, 2020, pp. 13–15; *Ombudsman Act 1973* (Vic).

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The Victorian Inspectorate (VI) oversights a number of key integrity agencies, including IBAC, OVIC and the VO, by monitoring their compliance with the law and procedural fairness requirements.[7]

1.1.2 The Integrity and Oversight Committee

The Integrity and Oversight Committee (IOC) is a joint investigatory committee of the 59th Parliament of Victoria. The IOC is responsible for monitoring and reviewing the performance of the duties and functions of some of Victoria's leading integrity agencies. It performs this oversight role through, among other actions:

- monitoring and reviewing the performance of the duties and functions of IBAC, OVIC, the VI and the VO

- examining the agencies' reports, including their annual reports

- reporting to both Houses of Parliament on any matter requiring the attention of Parliament (this encompasses the Committee's power to undertake inquiries into matters within its jurisdiction).[8]

1.2 The rationale for the Inquiry

IBAC, OVIC, the VI and the VO each recognise the importance of corruption prevention and education in complementing their investigative and inquiry work, particularly by raising awareness in the community, enhancing public sector capacity and increasing Victorians' trust in public administration and the integrity system.[9] As IBAC observed in its 2019/20 annual report:

> Public trust is crucial for effective government and functioning of our public institutions. Preventing and exposing public sector corruption builds community confidence and trust in the Victorian public sector and builds confidence in the Victorian integrity system.[10]

In a similar spirit, but in the context of privacy, information security and FOI, the Information Commissioner has stated that '[a]n informed public that understands the issues and is aware of its rights is a powerful force against misconduct and corruption'.[11]

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7   VI, *Submission 22*, 31 August 2020, pp. 1–2; VI, *Annual report 2019–20*, Melbourne, 2020, pp. 8–9, 12–16, 20–25. See also VI, *About the Victorian Inspectorate*, <https://www.vicinspectorate.vic.gov.au/about-victorian-inspectorate> accessed 20 November 2021; IOC, *Function of the Committee*, <https://parliament.vic.gov.au/ioc/function-iao> accessed 20 November 2021; *Victorian Inspectorate Act 2011* (Vic) ('*VI Act 2011* (Vic)').

8   *Parliamentary Committees Act 2003* (Vic) ('*PC Act 2003* (Vic)') ss 7, 33–35; IOC, *Function of the Committee*, <https://parliament.vic.gov.au/ioc/function-iao> accessed 20 November 2021.

9   IBAC, *Annual report 2019/20*, Melbourne, 2020, pp. 10, 23, 67, 70; Mr Sven Bluemmel, Information Commissioner, OVIC, public hearing, Melbourne, 7 June 2021, *Transcript of evidence*, p. 11; OVIC, *Annual report 2019–20*, Melbourne, 2020, pp. 2, 13, 21; VI, *Annual report 2019–20*, Melbourne, 2020, pp. 26, 28; VO, *Annual report 2020*, Melbourne, 2020, pp. 14–15, 76, 80; VI, *Annual report 2019–20*, Melbourne, 2020, pp. 8–9. See also VI, *Annual plan 2021–22*, Melbourne, 2021; Mr Eamonn Moran PSM QC, Inspector, VI, public hearing, Melbourne, 7 June 2021, *Transcript of evidence*, p. 15.

10   IBAC, *Annual report 2019/20*, Melbourne, 2020, p. 70.

11   Mr Sven Bluemmel, Information Commissioner, OVIC, public hearing, Melbourne, 7 June 2021, *Transcript of evidence*, p. 11.

While there are no expressly legislated education and prevention functions conferred on the VI—though there is authority for it to engage in educational and preventive activities[12]—the agency

> strongly believes in the power of education, particularly given that a key measure of the VI's success is improvements to the integrity system which will help to achieve its vision of public trust in the Victorian integrity system.[13]

Finally, the Ombudsman, whose agency, like IBAC and OVIC, does have an expressly legislated education function, has observed that

> [e]ducation and prevention work is at the heart of an integrity agency's efforts to improve public administration and prevent misconduct. To that end, much of what my office does helps to fulfil that objective.[14]

The Committee recognises that education and prevention are important aspects of the roles of IBAC, OVIC, the VI and the VO in Victoria's integrity system, and that one of the principal functions of the IOC is 'to monitor and review' the performance of these agencies.[15] On 9 September 2019, the Committee determined to undertake a self-referenced inquiry[16] into corruption prevention and education. The Committee's work on this Inquiry was undertaken alongside its review of the performance of the integrity agencies in the period 2017/18–2018/19[17] (with the agencies' 2017/18 annual reports being tabled before the establishment of the IOC) and in the circumstances of the COVID-19 pandemic.

It is a truism that 'prevention is better than cure', and this expression is equally apt with respect to corruption and other misconduct in the public sector. But the meaning, scope and practical implications of this truism require further exploration. First, what causes corruption and misconduct in the public sector and how can it be prevented? Second, what constitutes best practice with respect to the quality of education and prevention measures, such as public information and workplace training? Third, what are the distinctive and complementary educative and preventive roles of the integrity agencies, the public sector bodies they oversight and members of the public? Finally, how can the quality of the integrity agencies' education and prevention efforts and their impact in reducing corruption and other misconduct be measured? The Committee addresses these questions in this report by identifying best practice principles for corruption prevention and education, assessing the integrity agencies' performance of their education and prevention functions and identifying ways their performance can be enhanced.

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12   See the discussion in Section 2.4 in Chapter 2 of this report.

13   VI, *Submission 22*, 31 August 2020, p. 2. See also VI, *Annual plan 2021–22*, Melbourne, 2021; VI, *Annual report 2019–20*, Melbourne, 2020, pp. 4–5, 26, 28; Mr Eamonn Moran PSM QC, Inspector, VI, public hearing, Melbourne, 7 June 2021, *Transcript of evidence*, p. 15.

14   Ms Deborah Glass OBE, Ombudsman, VO, public hearing, Melbourne, 7 June 2021, *Transcript of evidence*, p. 20. See also VO, *Annual report 2020*, Melbourne, 2020, pp. 14–15, 76, 80.

15   *PC Act 2003* (Vic) s 7(1); *Ombudsman Act 1973* (Vic) s 26H(1).

16   *PC Act 2003* (Vic) ss 7(1), 33(3).

17   Parliament of Victoria, Integrity and Oversight Committee, *Inquiry into the performance of Victorian integrity agencies 2017/18–2018/19*, December 2020.

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1.3 The Terms of Reference

The Terms of Reference set the parameters for the Committee's Inquiry into the exercise of education and prevention functions by Victorian integrity agencies. The following Terms of Reference were approved by the Committee on 14 October 2019, with an extended reporting date of 19 April 2022:

> That the Integrity and Oversight Committee inquire into and report to the Parliament … on:
>
> (1) The Victorian legislative framework with regard to the education and prevention functions of the Independent Broad-based Anti-corruption Commission (IBAC), the Office of the Victorian Information Commissioner (OVIC), the Victorian Inspectorate (VI) and the Victorian Ombudsman (VO).
>
> (2) The current policies, practices and activities of IBAC, OVIC, the VI and the VO regarding the exercise of their education and prevention functions—including their application to the integrity agencies themselves, public sector bodies and the Victorian community.
>
> (3) Best practice with respect to integrity agencies' education about, and prevention of, corruption and other misconduct, drawing on interstate and international experience.
>
> (4) Whether the exercise by IBAC, OVIC, the VI and the VO of their education and prevention functions throughout Victoria meets best practice.
>
> (5) What improvements can be made to integrity agency education and prevention functions and their exercise by IBAC, OVIC, the VI and the VO.

1.4 The work of the Committee

1.4.1 Written submissions

On 18 June 2020, the Chair of the IOC invited 185 stakeholders—including Victorian government departments, Victorian and interstate integrity agencies, other Victorian and interstate public and private sector bodies and community organisations, and integrity experts—to make a written submission to the Inquiry responding to its Terms of Reference. On 10 July 2020, the Chair invited another 12 stakeholders to make a submission. In total, 197 stakeholders were invited to make a submission. The original deadline for submissions was 31 August 2020, which was extended to 30 September 2020 to take account of the disruptions caused by the COVID-19 pandemic.

The Committee accepted 53 written submissions, one of which was accepted as a confidential submission.[18]

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18   IOC, *Submissions*, <https://www.parliament.vic.gov.au/ioc/article/4537> accessed 1 August 2021. See also Appendix A in this report.

1.4.2   Hearings

The IOC invited 19 stakeholders, ranging across Victorian government departments, integrity agencies, statutory authorities and integrity experts, to appear before the Committee in a public hearing. The Committee heard from 11 witnesses at public hearings held on 24 May, 7 June and 21 June 2021, which were also broadcast live on the Parliament of Victoria's website.[19] The witnesses included representatives from IBAC, OVIC, the VI, the VO, the Local Government Inspectorate and the Victorian Public Sector Commission, as well as leading integrity experts and practitioners. Following the hearings, the Committee received written responses to questions taken on notice by a number of witnesses.

1.5   The report structure

This report is organised into seven chapters. The first chapter provides an introduction to the Victorian integrity system, including the role of the Committee; the rationale and Terms of Reference for the Inquiry; and the work of the Committee.

The remainder of the report is structured as follows:

- Chapter 2 provides a survey of the legal landscape, including the legislative provisions relevant to the education and prevention functions of IBAC, OVIC, the VI and the VO.

- Chapter 3 provides a survey of the integrity agencies' current approaches to their educative and preventive work, including education and training, publishing programs, and stakeholder engagement, as well as complaint handling, investigations, reviews and audits. It also examines the agencies' approaches to maintaining integrity within their own organisations.

- Chapter 4 identifies the best practice principles for corruption prevention and education, drawing on Victorian, interstate and international research, practice and experience.

- Chapter 5 examines the degree to which IBAC, OVIC, the VI and the VO meet best practice in the exercise of their education and prevention functions, and makes recommendations for a range of improvements.

- Chapter 6 focuses on the measurement of the quality and impact of the integrity agencies' education and prevention efforts, making recommendations for a number of enhancements.

- Chapter 7 concludes the report with the Committee's reflections on the agencies' exercise of their education and prevention functions.

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19   See Appendix A in this report.

2 Legal framework

2.1 Introduction

This chapter examines the legal framework for the exercise of education and prevention functions by the Independent Broad-based Anti-corruption Commission (IBAC), the Office of the Victorian Information Commissioner (OVIC), the Victorian Inspectorate (VI) and the Victorian Ombudsman (VO).

In particular, the chapter examines legislative provisions authorising the agencies to exercise these functions. While education and prevention functions are only conferred in express terms on IBAC, OVIC and the VO, the VI has nevertheless recognised the importance of its more limited educative and preventive role. The legislative provisions that bear on the VI's role in this regard are therefore also considered.

2.2 IBAC

IBAC's education and prevention functions are set out in the *Independent Broad-based Anti-corruption Commission Act 2011* (Vic) ('*IBAC Act 2011* (Vic)') and the *Public Interest Disclosures Act 2012* (Vic) ('*PID Act 2012* (Vic)').

Under s 15(5) of the *IBAC Act 2011* (Vic), IBAC has 'education and prevention functions for the purpose of achieving the objects of … [the] Act'. These objects include the identification, exposure and investigation of corruption and police misconduct; education of the public sector and the broader community about the harms of this wrongdoing and how it might be prevented; and improvements to the public sector's corruption-prevention capacity.[1]

In pursuit of these objects, under s 15(6) of the *IBAC Act 2011* (Vic), IBAC's education and prevention role includes the functions:

(a) to examine systems and practices in the public sector and public sector legislation;

(b) to provide information to, consult with and make recommendations to, the public sector;

(c) to assist the public sector to increase capacity to prevent corrupt conduct and police personnel misconduct by providing advice, training and education services;

(d) to provide information and education services to the community about the detrimental effects of corruption on public administration and ways in which to assist in preventing corrupt conduct;

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1   *Independent Broad-based Anti-corruption Commission Act 2011* (Vic) ('*IBAC Act 2011* (Vic)') s 8.

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(e) to provide information and education services to members of police personnel and the community about police personnel conduct, including the detrimental effects of police personnel misconduct and ways in which to assist in preventing police personnel misconduct;

(f) to publish information on ways to prevent corrupt conduct and police personnel misconduct.[2]

IBAC's efforts to fulfil the objects of the Act are also supported by the following additional functions:

(a) to receive information, conduct research and collect intelligence, and to use that information, research and intelligence in support of investigations;

(b) to report on, and make recommendations as a result of, the performance of its duties and functions.[3]

These education and prevention functions are complementary to IBAC's overarching functions outlined in s 15 of the Act.[4] These include the identification, exposure and investigation of corruption and police misconduct, and ensuring police officers and protective services officers (PSOs) adhere to 'the highest ethical and professional standards' and 'have regard to the human rights set out in the *Charter of Human Rights and Responsibilities Act 2006* [(Vic)]'.[5]

IBAC also has relevant public information, education and prevention functions as the key integrity body within Victoria's whistleblower protection regime.[6] Under s 55(2) of the *PID Act 2012* (Vic), IBAC has the following functions, which have been summarised by the agency:

• issue guidelines to support the making and handling of disclosures, and to help manage the welfare of disclosers

• provide information and education about the public interest disclosure scheme

• assist the public sector to increase its capacity to comply with the public interest disclosure scheme

• provide information to, consult with and make recommendations to the public sector on matters relevant to the operation of the public interest disclosure scheme, and

• undertake research and collect, analyse and report on data and statistics relating to the public interest disclosure scheme.[7]

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2   See also IBAC, *Submission 48*, 30 September 2020, pp. 3–19; *IBAC Act 2011* (Vic) s 57(1) (mandatory reporting to IBAC by public sector body heads of suspected corruption).

3   *IBAC Act 2011* (Vic) s 15(7).

4   IBAC, *Submission 48*, 30 September 2020, p. 3; *IBAC Act 2011* (Vic) s 15.

5   *IBAC Act 2011* (Vic) s 15(2)–(3). See also *IBAC Act 2011* (Vic) ss 159 (public and private recommendations and reports), 160 (actions requested of the Chief Commissioner of Police), 162 (special reports to Parliament) and 164 (investigation outcomes).

6   IBAC, *Submission 48*, 30 September 2020, pp. 3–4, 10–11.

7   Ibid., pp. 3–4. See also IBAC, *Guidelines for handling public interest disclosures*, Melbourne, January 2020; IBAC, *Guidelines for public interest disclosure welfare management*, Melbourne, January 2020; *PID Act 2012* (Vic) ss 57 (guidelines), 58–59 (procedures), 60–61 (review of procedures), 66 (advice to the public sector).

2.3   OVIC

Under the *Privacy and Data Protection Act 2014* (Vic) ('*PDP Act 2014* (Vic)') and the *Freedom of Information Act 1982* (Vic) ('*FOI Act 1982* (Vic)'), OVIC has the responsibility of independently oversighting 'privacy, information security and freedom of information'.[8] In performing this role, OVIC also provides public sector bodies with guidance on how to manage information responsibly by keeping it secure, while allowing 'fair access to it where appropriate'.[9]

OVIC's Information Commissioner, Privacy and Data Protection Deputy Commissioner and Public Access Deputy Commissioner have education and prevention functions regarding privacy, 'information security' and FOI under, respectively, the *PDP Act 2014* (Vic) and the *FOI Act 1982* (Vic).[10]

2.3.1   Privacy

The privacy functions of the Information Commissioner and Privacy and Data Protection Deputy Commissioner are outlined in s 8C of the *PDP Act 2014* (Vic). They include:

- helping to develop codes of practice

- examining and assessing 'proposed legislation' with potential adverse impacts on individual privacy, and reporting findings to the Minister

- issuing guidelines on the Information Privacy Principles (IPPs)

- (at the request of the Minister) reviewing any 'information privacy' matters

- reporting on, and making recommendations regarding, 'information privacy'

- promoting 'understanding and acceptance' of the IPPs

- examining and auditing an organisation's information-management practices to assess their conformity with the IPPs 'or any applicable code of practice'

- consulting and cooperating with 'information privacy' stakeholders

- making public comment on matters concerning privacy

- conducting research on 'information privacy'.[11]

The IPPs are 10 principles that reinforce the importance of organisations being transparent about why they are collecting certain 'personal information', as well as how they will store, manage, use and disseminate it.[12] The IPPs developed out of, and

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8   OVIC, *Submission 17*, 28 August 2020, p. 3. See also *Freedom of Information Act 1982* (Vic) ('*FOI Act 1982* (Vic)') ss 6I–6K; *Privacy and Data Protection Act 2014* (Vic) ('*PDP Act 2014* (Vic)') ss 8A–8G.

9   OVIC, *Submission 17*, 28 August 2020, p. 3. See also *FOI Act 1982* (Vic) ss 6I–6K; *PDP Act 2014* (Vic) ss 8A–8G.

10   OVIC, *Submission 17*, 28 August 2020, p. 3.

11   *PDP Act 2014* (Vic) s 8C.

12   OVIC, *Information Privacy Principles short guide*, <https://ovic.vic.gov.au/privacy/information-privacy-principles-short-guide> accessed 5 July 2021; *PDP Act 2014* (Vic) sch 1 (The Information Privacy Principles); Lauren Steinfeld, Lecturer in Law, Carey Law School, University of Pennsylvania, 'Privacy law and data protection', online course delivered via Coursera, July 2021.

reflect, longstanding Fair Information Practice Principles.[13] These principles require organisations to maintain the 'confidentiality', 'integrity', accuracy and accessibility of personal information in order to adequately protect individuals' rights and interests in their privacy.[14] As OVIC has explained:

> In fulfilling these functions, OVIC aims to promote an understanding of information privacy, its value, and how agencies can meaningfully protect this important human right and prevent the misuse of personal information.[15]

2.3.2   Information security

The functions of the Information Commissioner and the Privacy and Data Protection Deputy Commissioner with respect to the security of information are set out in s 8D of the *PDP Act 2014* (Vic). The education and prevention functions under this section include the following:

- issuing protective data security standards and law enforcement data security standards

- developing the Victorian protective data security framework

- issuing guidelines and other resources on protective data security standards

- (at the request of the Minister) reviewing protective data security matters

- (at the request of the Minister) reviewing law enforcement data security and crime statistics data security

- reporting on, and making recommendations regarding, data security

- promoting the public sector's adoption of protective data security standards

- undertaking 'monitoring and assurance activities, including audits, to ascertain compliance with data security standards'

- referring 'findings of monitoring and assurance activities, including audits, to an appropriate person or body for further action'

- undertaking research on 'protective data security and law enforcement data security relevant to the public sector, particularly relating to information and communications technology …'[16]

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13   Report of the Secretary's Advisory Committee on Automated Person Data Systems, US Department of Health, Education and Welfare, *Records, computers and the rights of citizens*, Washington DC, July 1973, pp. xx–xxi, xxiii–xxvii ('*Records, computers and the rights of citizens*'); Federal Trade Commission, *Privacy online: a report to Congress*, Washington DC, June 1998, pp. 7–11; European Union, *General Data Protection Regulation*, 2018, especially art 5 ('Principles relating to processing of personal data'), <https://gdpr.eu/tag/gdpr> accessed 5 July 2021; OVIC, *EU General Data Protection Regulation*, <https://ovic.vic.gov.au/privacy/eu-general-data-protection-regulation> accessed 5 July 2021 (compares the General Data Protection Regulation with the Information Privacy Principles (IPPs)); *PDP Act 2014* (Vic) sch 1 (The Information Privacy Principles).

14   *Records, computers and the rights of citizens*, pp. xx–xxi, xxiii–xxvii, xxxi; Federal Trade Commission, *Privacy online: a report to Congress*, Washington DC, June 1998, pp. 7–11.

15   OVIC, *Submission 17*, 28 August 2020, p. 6.

16   *PDP Act 2014* (Vic) s 8D.

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The Victorian Protective Data Security Framework[17] (VPDS Framework) and the Victorian Protective Data Security Standards[18] (VPDS Standards) together aim to help ensure the maintenance of 'the confidentiality, integrity and availability of public sector information'.[19]

Within the VPDS Framework, OVIC monitors the extent to which public sector organisations are complying with the *PDP Act 2014* (Vic) and are adopting and meeting the VPDS Standards.[20] There is also an 'attestation process', in accordance with which public sector bodies must submit Protective Data Security Plans to OVIC that attest to their compliance with the VPDS Standards.[21] OVIC seeks to verify compliance through consultation with the organisation, including its audit and risk-management divisions, and by reviewing relevant documents.[22]

In addition, in October 2019 OVIC's Information Security Incident Notification Scheme ('the Scheme') came into operation.[23] Under the Scheme, organisations must notify OVIC of any incidents, such as security breaches, in which 'the confidentiality, integrity or availability of public sector information' has been compromised.[24]

2.3.3   FOI

Section 3 of the *FOI Act 1982* (Vic) sets out the object and purposes of the Act and governs its interpretation. It also provides the overarching context within which OVIC's education and prevention functions operate. Section 3 provides:

> (1) The object of this Act is to extend as far as possible the right of the community to access to information in the possession of the Government of Victoria and other bodies constituted under the law of Victoria for certain public purposes by—
>
>   (a) making available to the public information about the operations of agencies and, in particular, ensuring that rules and practices affecting members of the public in their dealings with agencies are readily available to persons affected by those rules and practices; and
>
>   (b) creating a general right of access to information in documentary form in the possession of Ministers and agencies limited only by exceptions and exemptions necessary for the protection of essential public interests and the private and business affairs of persons in respect of whom information is collected and held by agencies.

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17   OVIC, *Victorian Protective Data Security Framework*, Version 2.0, Melbourne, February 2020, <https://ovic.vic.gov.au/wp-content/uploads/2020/02/Victorian-Protective-Data-Security-Framework-V2.0.pdf> accessed 6 July 2021.

18   OVIC, *Victorian Protective Data Security Standards*, Version 2.0, Melbourne, October 2019, <https://ovic.vic.gov.au/data-protection/standards> accessed 6 July 2021.

19   OVIC, *Submission 17*, 28 August 2020, p. 9.

20   Ibid.

21   Ibid.

22   Ibid., pp. 9–10.

23   Ibid., p. 10. See also OVIC, *Information Security Incident Notification Scheme*, <https://ovic.vic.gov.au/wp-content/uploads/2021/05/OVIC-Information-Security-Incident-Notification-Scheme-V1.0.pdf> accessed 6 July 2021.

24   OVIC, *Submission 17*, 28 August 2020, p. 10.

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(2) It is the intention of the Parliament that the provisions of this Act shall be interpreted so as to further the object set out in subsection (1) and that any discretions conferred by this Act shall be exercised as far as possible so as to facilitate and promote, promptly and at the lowest reasonable cost, the disclosure of information.

The object of the Act is therefore to promote Victorians' right to access information in a cost-effective and timely fashion in order to support the values of transparency, the rule of law and good governance, while recognising exemptions based on the public interest.[25] As OVIC has observed:

> The object of the FOI Act is to extend as far as possible the right of the community to access information in the possession of the Victorian Government and other bodies constituted under the law of Victoria. Transparency and accountability not only build trust in government, but also make it harder for corruption and other misconduct to manifest and hide.[26]

Under s 6I of the *FOI Act 1982* (Vic), the education and prevention functions of the Information Commissioner and the Public Access Deputy Commissioner include:

- developing and reviewing professional standards for FOI

- making reports on FOI

- (at the Minister's request) advising on the 'operation and administration' of the Act

- promoting agency and public 'understanding and acceptance' of the Act and its object

- providing the public and agencies with 'advice, education and guidance' on 'compliance with the professional standards', and monitoring compliance with those standards

- providing 'advice, education and guidance' to the public and agencies on the functions of the Information Commissioner.

The *FOI Act 1982* (Vic) is complemented by the FOI Professional Standards ('FOIP Standards'), which came into operation on 2 December 2019.[27] The purpose of the FOIP Standards has been described by OVIC, summarising the intent of s 3 of the Act, in the following terms:

> The purpose of the Professional Standards is to ensure the FOI Act is administered by agencies consistently with the FOI Act's object and Parliament's intention (that the provisions of the FOI Act are to be interpreted so as to further its object and any discretions conferred by the FOI Act are to be exercised as far as possible to facilitate and promote the prompt disclosure of information at the lowest reasonable cost).[28]

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25 *FOI Act 1982* (Vic) s 3; OVIC, *Submission 17*, 28 August 2020, pp. 3, 11–12, 14.

26 OVIC, *Submission 17*, 28 August 2020., pp. 11–12.

27 OVIC, *Submission 17*, 28 August 2020, p. 12; OVIC, *Professional standards*, December 2019, <https://ovic.vic.gov.au/wp-content/uploads/2019/10/Professional-Standards-V1.0.pdf> accessed 6 July 2021.

28 OVIC, *Submission 17*, 28 August 2020, p. 12. See also *FOI Act 1982* (Vic) s 3.

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Developed under pt IB of the *FOI Act 1982* (Vic), the Standards impose on agencies a range of obligations additional to those prescribed in the Act itself.[29] Non-compliance with the Standards can result in a complaint being made to OVIC under s 61A of the Act, or lead to an OVIC own motion investigation under s 61O.[30]

2.4   VI

While the VI does not have express education and prevention functions under the *Victorian Inspectorate Act 2011* (Vic) ('*VI Act 2011* (Vic)'), there are provisions authorising the VI's modest role in this regard with respect to its oversight of IBAC. Section 5 of the Act provides, in part, that:

> The objects of this Act are to—
>
> (a) enhance the compliance of the IBAC and IBAC personnel with the *Independent Broad-based Anti-corruption Commission Act 2011* [(Vic)] *and other laws*; and
>
> (b) assist in improving the capacity of the IBAC and IBAC personnel in the *performance of their duties and functions* and the exercise of their powers ...[31]

These objects thus encompass the VI's obligations to enhance IBAC's compliance with the *IBAC Act 2011* (Vic), which, as discussed earlier, includes a range of education and prevention functions.[32] Section 5(b) permits the VI, in pursuit of the objects of the Act, to help IBAC to improve its capacity to perform its functions; there is no reason to exclude IBAC's education and prevention functions from its scope.[33]

Further, the phrase in s 5(a) referring to IBAC's compliance with 'other laws' is broad enough to encompass its functions as the key integrity agency under the *PID Act 2012* (Vic), including education and prevention functions. Specifically, IBAC's functions include facilitation of public interest disclosures (PIDs), development of guidelines for handling disclosures and the management of discloser welfare, review of public sector procedures, provision of information and education about the PIDs regime, enhancement of public sector compliance, and research.[34] These functions are complemented by IBAC's communication of education and prevention lessons identified through investigations and public examinations (hearings), reviews and audits.[35]

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29   OVIC, *Submission 17*, 28 August 2020, p. 12.

30   Ibid.

31   *Victorian Inspectorate Act 2011* (Vic) ('*VI Act 2011* (Vic)') s 5(a)–(b) (emphasis added).

32   See the discussion in Section 2.2 in this chapter. See also *IBAC Act 2011* (Vic) s 15.

33   VI, *Submission 22*, 31 August 2020, p. 2.

34   *PID Act 2012* (Vic) ss 55 (functions and powers), 57 (guidelines), 58–59 (procedures), 60–61 (review of procedures), 66 (advice to the public sector). Note also the VI's functions under the *PID Act 2012* (Vic): for example, ss 56 (functions and powers), 62–63 (review of agency PID procedures and recommendations following reviews). See also the discussion in Section 2.2 in this chapter.

35   See IBAC, *Submission 48*, 30 September 2020, pp. 5–7, 10, 12–19.

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The VI also recognises that s 12 of the *VI Act 2011* (Vic) authorises the agency to pursue the objects of the Act through its functions.[36] Section 12 provides:

> The Victorian Inspectorate has power to do all things that are necessary or convenient to be done for or in connection with, or as incidental to, the achievement of the objects of this Act and the performance of its duties and functions.

There is therefore a legislative foundation for the VI to exercise education and prevention functions in relation to IBAC. Moreover, in practice it has done so.[37]

The VI's education and prevention role is not, however, dependent on express legislative authority. In practice, it is not possible to neatly differentiate between the agency's oversight role and education and prevention functions.[38]

This is reflected in both the VI's Operations Model[39] and its Integrity Response Guidelines.[40] The VI has acknowledged that once potential issues are identified with an integrity agency's policies, procedures and practices—ones that could lead to breaches of the law in the future, for example—informal engagement and an educative approach can sometimes be appropriate and effective.[41] The VI does not, therefore, always need to exercise its robust inquiry and investigative functions, backed by coercive powers, in order to help bring about improvements in the oversighted agency.[42] As the VI has explained:

> The VI's *Operations Model* provides a framework for the VI's operational activities and demonstrates that the VI promotes compliance through productive, influential 'Integrity Responses' that support its vision of a robust integrity system in Victoria. The model explains that while the VI is empowered to make recommendations and issue reports, the VI may respond to issues with a spectrum of appropriate activities, such as informal liaison and stakeholder engagement, education programs and resources, or the initiation of further oversight projects or programs …
>
> [The Integrity Response] Guidelines explain that where issues are systemic, with relevance to other bodies, it may be more appropriate for us to publish information, guidance and education material to inform others of the VI's expectations and/or best practice on the systemic issue.[43]

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36   VI, *Submission 22*, 31 August 2020, pp. 2–3.

37   Ibid., pp. 3–5. See also VI, *Integrity Report: Monitoring Project on IBAC: police misconduct complaints*, Melbourne, October 2019; VI, *Integrity Report: Monitoring Project on IBAC: protected disclosures*, Melbourne, June 2019; VI, *Special Report: Welfare of witnesses in IBAC Investigations*, Melbourne, October 2018.

38   VI, *Submission 22*, 31 August 2020, pp. 3–5.

39   VI, *Submission 22*, 31 August 2020, pp. 3–4; VI, *Annual report 2019–20*, Melbourne, 2020, pp. 16–19; VI, *Guidelines by the Victorian Inspectorate*, <https://www.vicinspectorate.vic.gov.au/guidelines-victorian-inspectorate> accessed 6 July 2021.

40   VI, *Submission 22*, 31 August 2020, p. 3; VI, *Annual report 2019–20*, Melbourne, 2020, pp. 16–19; VI, *Guidelines by the Victorian Inspectorate*, <https://www.vicinspectorate.vic.gov.au/guidelines-victorian-inspectorate> accessed 6 July 2021.

41   VI, *Submission 22*, 31 August 2020, pp. 2–3, 7.

42   Ibid., pp. 2–3.

43   Ibid., p. 3.

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Further, even when the VI has identified unlawful conduct through an investigation of a complaint or own motion investigation, there are usually important educative and preventive dimensions—for example, when the VI has made education and prevention recommendations to the relevant agency in a public report tabled in Parliament.[44]

In addition, the VI has acknowledged that in order to effectively exercise its role as a key oversight body in Victoria, it needs to ensure that the agencies it oversights are aware of its jurisdiction and functions.[45] This approach is also needed with regard to members of the public.[46] They need to know what complaints they can make to the VI, and about which integrity agencies, as well as how their complaints will be handled.[47] As the VI has emphasised:

> Although the VI does not have a specific legislative education or prevention function, the broad powers under section 12 allow the VI to carry out education initiatives. This is appropriate as effective oversight includes ensuring that the general community know they can make complaints to the VI and that the bodies subject to the scrutiny understand their statutory requirements. Education also enables the VI to proactively share its learnings from the oversight of one body with other stakeholders across the integrity system, including practitioners and the community. This includes that it can use its position to prevent the proliferation of one agency's unlawful conduct across the integrity system.[48]

2.5 VO

On 1 January 2020, a range of formal education and prevention functions were conferred on the VO.[49] Under s 13AA(1) of the *Ombudsman Act 1973* (Vic), the VO has the following education and prevention functions:

(a) to review the complaint practices and procedures of authorities;[50]

(b) to provide education and training to the Victorian community and the public sector about matters relating to the functions of the Ombudsman;

(c) to promote improved public sector administration;

(d) any other function conferred by or under this Act or any other Act.

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44 Ibid., pp. 3–5.

45 Ibid., pp. 3, 7.

46 Ibid., pp. 2, 3, 5, 7.

47 Ibid.

48 Ibid., p. 3.

49 *Integrity and Accountability Legislation Amendment (Public Interest Disclosures, Oversight and Independence) Act 2019* (Vic); *Ombudsman Act 1973* (Vic) s 13AA(1); VO, *Submission 23*, 31 August 2020, p. 2; Parliament of Victoria, Integrity and Oversight Committee, *Inquiry into the performance of Victorian integrity agencies 2017/18–2018/19*, December 2020, p. 113.

50 'Authority' is defined in the *Ombudsman Act 1973* (Vic) s 2(1) to mean, with some exemptions, government departments, administrative offices, Court Services Victoria, public bodies and specified entities (specified entities are listed in Column 1 of sch 1 of the Act).

These functions are consistent with the objectives of the *Ombudsman Act 1973* (Vic), including, in particular, the VO's function:

   (b) to provide for the identification, investigation, exposure and prevention of maladministration; and

   (c) to assist in the identification, investigation, exposure and prevention of improper conduct and corrupt conduct; and

   (d) to assist in improving the quality of administration and complaint handling practices and procedures of authorities; and

   (e) to facilitate the education of the Victorian community and the public sector about matters relating to the functions of the Ombudsman.[51]

The VO thus has a range of 'capacity-building'[52] education and prevention functions to help expose and prevent maladministration, improper conduct and corrupt conduct; improve the quality of public sector administration and complaint handling; and inform the community and the public sector about the Ombudsman's role within the Victorian integrity system.

2.6 Conclusion

This chapter has surveyed the legal framework for the exercise of a wide range of education and prevention functions by IBAC, OVIC, the VI and the VO. While express education and prevention functions are only conferred by legislation on IBAC, OVIC and the VO, there is a legislative foundation for the VI to exercise these functions in fulfilling the objects of the *VI Act 2011* (Vic).

The functions include the identification, exposure and prevention of maladministration, corruption, and improper conduct, as well as reviews of legislative provisions and public sector complaint-handling procedures and practices. They extend to education about the harms of public sector wrongdoing, and education and the delivery of training to enhance the capacity of the public sector to address it. In this spirit, the integrity agencies also develop codes of practice and professional standards, issue guidelines, monitor, audit, investigate, report and make recommendations.

The next chapter surveys the integrity agencies' current approaches to their education and prevention responsibilities.

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51   *Ombudsman Act 1973* (Vic) s 2A.

52   VO, *Submission 23*, 31 August 2020, p. 2.

3 Current approaches of the integrity agencies

3.1   Introduction

Victorian integrity agencies have, since their establishment, exercised a range of education and prevention functions. These functions have necessarily included providing public sector bodies and members of the public with information about the agency's place within the integrity system, including their jurisdiction and powers, and how they handle complaints about alleged corruption and other misconduct.

This chapter provides a survey of the current education and prevention approaches of the Independent Broad-based Anti-corruption Commission (IBAC), the Office of the Victorian Information Commissioner (OVIC), the Victorian Inspectorate (VI) and the Victorian Ombudsman (VO). In doing so, it examines their current education and prevention policies, practices and activities. The purpose of this survey is to provide a clear picture of the agencies' current approaches and efforts before assessing them against best practice principles, a task taken up later in the report.

3.2   IBAC

IBAC's approach to education and prevention was guided by its 2015 Corruption Prevention Strategy (2015 CP Strategy), which was developed on the basis of research into the experience of other comparable integrity agencies, including research carried out by the Australian Institute of Criminology.[1]

IBAC began to review its 2015 CP Strategy towards the end of 2020, taking into account evidence received during this Inquiry.[2] By June 2021, IBAC had developed a draft Corruption Prevention Strategy (2021 CP Strategy) to guide it during the period 2021–2024.[3] However, IBAC's submission to the Inquiry was almost entirely based on analysis of its approach to corruption prevention and education under its 2015 CP Strategy.[4] Moreover, since IBAC has only begun to finalise and plan for the roll out its 2021 CP Strategy[5] it is too early to assess IBAC's performance under it. For these

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1   IBAC, *Submission 48*, 30 September 2020, p. 4.

2   Ibid., p. 19. See also Christine Howlett, *Enhancing corruption prevention in Victoria*, <https://www.ibac.vic.gov.au/publications-and-resources/ibac-insights/issue-25/enhancing-corruption-prevention-in-victoria> accessed 23 July 2021; Christine Howlett, *New directions for corruption prevention*, <https://www.ibac.vic.gov.au/publications-and-resources/ibac-insights/issue-28/new-directions-for-corruption-prevention> accessed 23 July 2021.

3   Christine Howlett, *New directions for corruption prevention*, <https://www.ibac.vic.gov.au/publications-and-resources/ibac-insights/issue-28/new-directions-for-corruption-prevention> accessed 23 July 2021.

4   IBAC, *Submission 48*, 30 September 2020.

5   Christine Howlett, *New directions for corruption prevention*, <https://www.ibac.vic.gov.au/publications-and-resources/ibac-insights/issue-28/new-directions-for-corruption-prevention> accessed 23 July 2021.

reasons, the Committee has largely evaluated IBAC's exercise of its education and prevention functions against its 2015 CP Strategy. Nevertheless, the nature and relevance of the draft 2021 CP Strategy is discussed in broad terms towards the end of this chapter.

In accordance with the 2015 CP Strategy, IBAC identified the following key prevention efforts: education of public sector bodies and the community; enhancement of individuals' anti-corruption and ethical understanding and capability; informed influence on the development of legislation and public sector policies; support for positive change in the culture and practice of public sector bodies; and the creation of professional and community knowledge and practice networks.[6] IBAC has further concentrated these efforts into three main channels:

1. engaging with the community and the public sector to improve understanding of corruption and its harms

2. encouraging reporting of corruption and helping to build the public sector's capacity to address reports of corruption, and

3. alerting organisations to the latest information and intelligence to stay ahead of corruption risks.[7]

IBAC has emphasised the oversight, guidance and support characteristics of its educative and preventive roles.[8]

First, IBAC considers that this approach makes sense given issues of scale and resources.[9] IBAC's jurisdiction covers almost all of the public sector, including Victoria Police, and is comprised of approximately 1,800 public 'entities' and over 320,000 employees.[10] IBAC's view is that this means it cannot undertake all the detailed policy, practice and cultural work that organisations need to do to effectively identify and mitigate corruption risks and vulnerabilities and address corruption and other wrongdoing whenever it occurs.[11] IBAC aims, instead, 'to work closely with public sector agencies and Victoria Police to inform, guide and influence their corruption prevention and integrity building efforts'.[12]

Second, IBAC argues that it is vital that the bodies it oversights maintain 'primary responsibility' for their 'integrity and professional standing'.[13] In short, IBAC asserts that if this were not the case, there is a risk of responsibility being outsourced to a degree— with the identification, prevention and combating of wrongdoing becoming less of 'a priority' for public sector bodies.[14] However, it is important to strike the right balance

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6   IBAC, *Submission 48*, 30 September 2020, p. 4.

7   Ibid.

8   Ibid., pp. 4–5.

9   Ibid., p. 4.

10   Ibid.

11   Ibid., pp. 4–5.

12   Ibid., p. 4.

13   Ibid.

14   Ibid.

between IBAC's oversight, educative and preventive functions and the responsibilities of public sector bodies under its watch.

Third, relatedly, IBAC emphasises that having the principal responsibility for prevention lying with public sector bodies makes sense given their deep understanding of their own capacities, governance, policies and practice:

> Public sector leaders have an in-depth understanding of their organisations' structures, systems, resources, operating environments and risks, and are therefore best placed to implement appropriate integrity building and corruption prevention measures that best meet the needs of their agencies.[15]

Again, however, the Committee recognises that the advantages of this kind of understanding must be balanced against the risks of institutional entrenchment of bad practices, and blindness to these risks due to the habit of doing things as they have always been done.[16]

Fourth, IBAC argues that, given the diverse range of bodies it oversights, a 'one size fits all' strategy will be ineffective.[17] IBAC therefore seeks to raise public sector bodies' awareness of corruption risks and vulnerabilities, guide them on mitigation and share any other lessons derived from IBAC research, intelligence and investigations.[18] Public sector bodies can then adapt IBAC material to their own conditions and needs.[19]

Finally, IBAC stresses that the exercise of its education and prevention functions must not interfere with its vital function of independently investigating and exposing corruption and police misconduct.[20] IBAC has cautioned that '[s]uch conflicts could arise if IBAC became directly involved in developing and endorsing corruption prevention policies and systems for adoption by public sector agencies'.[21]

However, this important consideration must be balanced against the need for IBAC to identify and promote best practice principles for the prevention of corruption and other misconduct in the public sector. Later in this report, the Committee identifies and discusses these best practice principles and draws on them in assessing the performance of integrity agencies with respect to their education and prevention functions.

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15   Ibid.

16   See, for example, JS Nelson, 'The normalization of corruption' (preprint for the *Journal of Management Inquiry*), 18 November 2016, <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2873939> accessed 13 July 2021; Vikas Anand, Blake E Ashforth and Mahendra Joshi, 'Business as usual: the acceptance and perpetuation of corruption in organizations', *Academy of Management Executive*, vol. 18, no. 2, 2004, pp. 39–53; Alison Taylor, 'What do corrupt firms have in common? Red flags of corruption in organizational culture', Columbia Law School, Centre for the Advancement of Public Integrity, *Integrity in Brief Series*, April 2016, pp. 1–4; Marie Hutchinson, Margaret H Vickers, Lesley Wilkes and Debra Jackson, '"The worse you behave, the more you seem, to be rewarded": bullying in nursing as organizational corruption', *Employee Responsibilities and Rights Journal*, vol. 21, no. 3, 2009, pp. 213–229; Parliament of Victoria, Independent Broad-based Anti-corruption Commission Committee ('IBAC Committee'), *Improving Victoria's whistleblowing regime: a review of the Protected Disclosure Act 2012 (Vic)*, June 2017, pp. 4–8, 43–47.

17   IBAC, *Submission 48*, 30 September 2020, p. 5.

18   Ibid.

19   Ibid.

20   Ibid.

21   Ibid.

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3.2.1 Engagement with the public sector and community on the nature and impact of corruption

IBAC engages in what it terms a range of 'expository activities' through which it seeks to increase the public's and public sector's understanding of the nature of corruption and its harmful impacts.[22] In doing so, it draws on positive relationships between its research, intelligence, investigative, communication and engagement activities.[23] For example, IBAC has emphasised the educative, deterrent and preventive effects of the judicious use of public examinations (hearings) during its investigations. Through such hearings members of the public can come to better understand corruption and IBAC's role, as well as identify the harmful impacts of corruption on the public interest. Further, other public sector bodies can be alerted to corruption risks and vulnerabilities they might share with a body under investigation, and take pre-emptive actions to address them.[24]

With respect to public sector bodies, IBAC's 'evidence-based' approach can identify 'systemic' corruption and misconduct risks through research, investigations, audits and reviews.[25] The evidence gathered, and the lessons identified, can then lead to making recommendations for a public sector body to implement improvements. IBAC can then engage with that public sector body to help it improve its 'policies, systems and practices', and also monitor its progress in implementing any IBAC recommendations.[26]

Communication

Through its activities, IBAC communicates with the following key audiences:

- the Victorian public sector, including state government, local government, Victoria Police and other public sector agency leaders and employees

- the Victorian community, including sectors that interact frequently with the Victorian public sector and Victoria Police, such as the legal and business sectors, as well as communities that can be more vulnerable to the adverse impacts of public sector corruption and police misconduct, such as Aboriginal and Torres Strait Islander communities, LGBTIQ communities and culturally and linguistically diverse communities

- key influencers in the fields of integrity and corruption prevention including academics, leading thinkers and expert commentators

- mainstream, specialist and social media

- other integrity and police and law enforcement oversight agencies.[27]

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22   Ibid.

23   Ibid.

24   Ibid., pp. 5–16.

25   Ibid., pp. 5–6.

26   Ibid., p. 6.

27   Ibid.

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IBAC uses a range of print and digital channels for its communications, with a particular focus on the provision of public information to accompany its release of public investigation reports and investigation summaries, as well as contemporaneous statements, when appropriate, on allegations of corruption or police misconduct that have been reported in the media.[28] IBAC uses its website to host information and resources for the public and public sector, publishes a specialised quarterly newsletter (*IBAC Insights*), engages in print and digital advertising and runs public awareness campaigns through mainstream media outlets. IBAC also undertakes promotional and awareness activities, tailored to public bodies, through mail-outs, emails and alerts.[29]

In 2016/17 and 2019, IBAC delivered major public awareness campaigns. The 'When something's not right. Report it' and the 'Yes, it's corruption. Yes, I can do something about it.' campaigns aimed to educate the public about IBAC's role, the nature of corruption and how and where it can be reported.[30]

IBAC's communication efforts have also involved advertising, publications and other information translated into community languages directed at ensuring that its resources are appropriate for a diverse range of audiences.[31]

Engagement

IBAC's stakeholder engagement extends across the spectrum of the public sector, including local government and Victoria Police, as well as the legal and business sectors.[32] In recent years, IBAC has made particular efforts to engage more with 'vulnerable and diverse communities', including Aboriginal and Torres Strait Islander stakeholders and the LGBTIQ+ community.[33] This is reflected in its audit of Victoria Police's handling of complaints from Aboriginal and Torres Strait Islander complainants and its continuing engagement with the Victorian Commissioner for LGBTIQ+ Communities and the Victorian Pride Lobby, especially after the injury of Mr Nik Dimopoulos during a police operation at the Hares & Hyenas bookshop in Melbourne.[34]

IBAC participated in 50 speaking engagements during 2019/20, as well as forums and roundtables, conferences and symposia. For example, twice a year IBAC participates in roundtables with Victoria Legal Aid, the Victorian Aboriginal Legal Service and other community legal centres. IBAC also holds two regional forums in conjunction with the Local Government Inspectorate (LGI), the VO and the Victorian Auditor-General's Office (VAGO) annually. In October 2019, IBAC hosted the Australian Public Sector

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28   Ibid., pp. 6–7, 13–15.

29   Ibid. See also *IBAC Insights*, <https://www.ibac.vic.gov.au/publications-and-resources#IBAC%20Insights> accessed 19 July 2021.

30   IBAC, *Submission 48*, 30 September 2020, p. 7.

31   Ibid.

32   Ibid., pp. 7–8.

33   Ibid., p. 8.

34   IBAC, *Submission 48*, 30 September 2020, p. 8; Hon Robert Redlich AM QC, Commissioner, IBAC, correspondence, 14 August 2020; Hon Robert Redlich AM QC, 'Message from the Commissioner–March 2021', *IBAC Insights*, issue 27 (March 2021), <https://www.ibac.vic.gov.au/publications-and-resources/ibac-insights/issue-27/message-from-the-commissioner---march-2021> accessed 19 July 2021.

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Anti-corruption Conference in Melbourne. The conference brings together politicians, integrity practitioners, government officials, public servants, parliamentary officers, police officers, lawyers, academics and other interested stakeholders.[35]

IBAC also engages with interstate integrity agencies to share expertise and experience, both formally through a corruption-prevention forum and, less formally, by liaising on issues of common concern.[36] For example, Australia's integrity agency commissioners issued a joint communiqué titled *Unmasking corruption in public institutions*, which focused on a range of concealment behaviours that 'allow corruption to flourish', as well as measures that can enhance integrity.[37] These measures include 'cultivating organisational cultures where employees feel safe and protected to speak up'.[38]

IBAC has a key legislated oversight function with respect to Victoria Police, including ensuring that police maintain the 'highest ethical and professional standards'[39] and pay due regard to human rights.[40] In addition to the police oversight functions IBAC performs in investigating complaints, reviewing police investigations of complaints, and auditing police policies and practices, IBAC contributes directly and indirectly to the education and training of police officers, managers and senior leaders.[41] IBAC's activities in this domain include:

- The Foundation Development Recruit Training: fortnightly sessions delivered by IBAC to police recruits, covering 'ethical decision-making'; IBAC's role; the obligation to report misconduct; the legal protections for reporters; and the barriers to reporting.

- The Police Manager Qualifying Program: IBAC contributes to a unit on Police Management Strategy and Engagement by explaining IBAC's functions, exploring 'real life case studies' and gaining a better understanding of behaviour that can mask police misconduct.

- The development of material for regional and Professional Standards Command investigators of police-related complaints, as well as the manual for the induction of Victoria Police public sector staff.

- Attendance by the IBAC Commissioner at the Victoria Police Executive Command Forum, which provides opportunities for the IBAC Commissioner, the Chief Commissioner of Police and other senior leaders to directly engage on how to foster integrity and prevent misconduct.[42]

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35   IBAC, *Submission 48*, 30 September 2020, pp. 8–9; *About APSACC 2022* (Australian Public Sector Anti-corruption Conference), <https://www.apsacc.com.au/about> accessed 17 January 2022.

36   Ibid., p. 10.

37   Ibid. See also *Unmasking corruption in public institutions: joint communiqué from Australia's anti-corruption commissioners*, 29 October 2019, <https://www.ibac.vic.gov.au/media-releases/article/unmasking-corruption-in-public-institutions> accessed 19 July 2021.

38   IBAC, *Submission 48*, 30 September 2020, p. 10.

39   *Independent Broad-based Anti-corruption Commission Act 2011* (Vic) ('*IBAC Act 2011* (Vic)') s 15(3)(b)(ii).

40   *IBAC Act 2011* (Vic) s 15(3)(b)(iii).

41   IBAC, *Submission 48*, 30 September 2020, pp. 6–10.

42   Ibid., pp. 9–10.

3.2.2 Encouraging people to report corruption, and enhancing public sector responses

Public interest disclosures scheme

IBAC is the key agency for the facilitation, receipt, assessment and management of public interest disclosures (PIDs) in Victoria. In exercising this function, IBAC is also required to issue guidelines on the making and handling of PIDs and the welfare of disclosers. IBAC seeks to encourage the reporting of corruption and police misconduct, and build the capacity of public sector bodies to address alleged wrongdoing effectively, while protecting disclosers from reprisal and other negative impacts.[43]

IBAC chairs the PID Consultative Group, which includes representatives from Victoria Police, the VI, the VO and the Judicial Commission of Victoria, as well as the Clerks of the Houses of Parliament.[44] Its purpose is to help ensure 'consistent and coordinated implementation' of the scheme, and gather useful data that can underpin any needed improvements.[45]

IBAC took the lead in 2019 in explaining the effect of changes in the PID scheme. As part of these efforts, it delivered 'face-to-face and online information' and education sessions for other integrity agencies and public sector bodies. This work was supported by a suite of digital resources made available to public sector bodies and members of the public alike. They included fact sheets and guidelines, as well as webinars and videos.[46]

IBAC also helped build the capacity of public sector bodies to increase awareness and compliance with the PID scheme, by producing and supplying material for their internal communications programs, such as posters, animated videos, digital banners, and advertisements for use in social media.[47] One important resource that was refined in 2020 for use by public sector bodies is an e-learning module on the management of PIDs.[48] In order to learn from practical experiences regarding the operation of the PID scheme, IBAC has conducted sessions with leaders from more than twenty State and local government bodies.[49] Further, IBAC has continued to support the vital role of PID coordinators, who are at the front-line in receiving and handling PIDs and protecting the welfare of disclosers. IBAC conducts biannual PID Community of Practice sessions, in which participants share expertise and experience to address any challenges that have arisen.[50]

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43   Ibid., pp. 10–11. See also *Public Interest Disclosures Act 2012* (Vic) ('*PID Act 2012* (Vic)') ss 45, 55, 57–58, 60–61.

44   IBAC, *Submission 48*, 30 September 2020, p. 10.

45   Ibid.

46   Ibid., pp. 10–11.

47   Ibid.

48   IBAC, *Submission 48*, 30 September 2020, p. 11. See also IBAC, *e-learning module for Public Interest Disclosure Coordinators*, <https://www.ibac.vic.gov.au/publications-and-resources/ibac-insights/issue-24/e-learning-module-for-public-interest-disclosure-coordinators> accessed 17 January 2022.

49   IBAC, *Submission 48*, 30 September 2020, p. 11.

50   Ibid., pp. 10–11.

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Mandatory public sector notifications

Under s 57 of the *IBAC Act 2011* (Vic), heads of public sector bodies must notify IBAC of any reasonably suspected corrupt conduct 'occurring or having occurred' within their organisation.[51] Since this requirement came into effect in December 2016, IBAC has engaged with public sector bodies to ensure they are aware of it and implement systems to encourage compliance.[52] This has involved the development of resources, hosting of information workshops[53] and 'targeted' engagement, especially if there are delays in making notifications of suspected corrupt conduct.[54]

Reviews of investigations

IBAC refers the majority of the matters it receives back to bodies it considers are appropriate to investigate them, including, for example, to the VO and Victoria Police.[55] IBAC reviews selected investigations undertaken by these bodies in an effort to ensure they are conducted fairly and thoroughly and that investigation findings are reasonable, considering the available evidence.[56] Among the criteria IBAC uses to select investigations for review are: how 'serious' the matter is, whether it is symptomatic of 'systemic' problems and, overall, whether it is in the public interest to review the investigation.[57] IBAC considers that its reviews are an economical and effective way to enhance public sector capacity, by sharing its feedback with relevant bodies and educating the sector and the public generally about any lessons identified.[58]

3.2.3   Sharing intelligence and research results to combat corruption

IBAC shares the corruption-prevention insights and lessons it identifies through its analysis in special reports and research reports.[59] Special reports typically publish the nature, outcomes and recommendations of IBAC investigations into allegations of corrupt conduct or police misconduct, and are tabled in Parliament.[60] During 2019/20, IBAC published reports on corruption associated with contract practices at the Department of Education and Training,[61] corruption risks in local government

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51   Ibid., p. 11. Note that there are certain qualifications under s 57(1) of the Act.

52   IBAC, *Submission 48*, 30 September 2020, pp. 11–12.

53   Ibid.

54   Ibid.

55   IBAC, *Annual report 2019/20*, Melbourne, 2020, pp. 36–37, 45; VO, *Annual report 2020*, Melbourne, 2020, pp. 6, 62–63.

56   IBAC, *Submission 48*, 30 September 2020, p. 12.

57   Ibid.

58   Ibid.

59   Ibid., p. 13.

60   Ibid. See also *IBAC Act 2011* (Vic) s 162(1).

61   IBAC, *Submission 48*, 30 September 2020, p. 13. See also IBAC, *Operation Betka: an investigation into alleged corrupt conduct by a former contractor of the Department of Education and Training*, Melbourne, May 2020.

procurement,[62] and 'improper evidentiary and disclosure practices' on the part of Victoria Police regarding their investigation of the Silk–Miller murders.[63]

In addition, IBAC's prevention division[64] undertakes primary and applied research, including 'regular strategic assessments' of corruption risks and best practice responses in interstate and international settings.[65] This research aims to ensure that IBAC's investigative and preventive responses are well-informed and effectively targeted.[66] It has recently focused on employment practices (including pre-employment screening); misuse of information by public sector bodies, including local councils and Victoria Police; conflicts of interest; and risk management during crises, such as bushfires and the ongoing COVID-19 pandemic.[67]

Following the release of its reports, IBAC publishes relevant public sector body responses and monitors progress in the implementation of IBAC recommendations.[68]

3.2.4 Public examinations

IBAC has, since its establishment, consistently emphasised the importance of the judicious use of public examinations (hearings) in its investigations as a way of efficiently and effectively 'exposing and preventing corruption and police misconduct'.[69] In addition to helping educate the public and public sector about what corruption looks like, and the harms it causes, public examinations illuminate and publicise IBAC's oversight functions and activities.[70]

More pragmatically, public examinations 'encourage credible complaints' being made to IBAC about related wrongdoing, which provides valuable information and intelligence to IBAC investigators.[71]

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62   IBAC, *Submission 48*, 30 September 2020, p. 13. See also IBAC, *Special report* on *corruption risks associated with procurement in local government*, Melbourne, September 2019.

63   IBAC, *Submission 48*, 30 September 2020, p. 13. See also IBAC, *Operation Gloucester: an investigation into improper evidentiary and disclosure practices in relation to the Victoria Police investigation of the murders of Sergeant Gary Silk and Senior Constable Rodney Miller*, Melbourne, July 2020.

64   IBAC, *Annual report 2019/20*, Melbourne, 2020, p. 15.

65   IBAC, *Submission 48*, 30 September 2020, p. 13. See, for example, the following IBAC resources: *Corruption risks in the social housing sector*, Melbourne, December 2019; *Corruption risks associated with government-funded human services delivered by community organisations*, Melbourne, October 2019; *Conflicts of interest—myths, misconceptions and management*, Melbourne, October 2019; *Corruption risks associated with public sector boards*, Melbourne, September 2019.

66   IBAC, *Submission 48*, 30 September 2020, p. 13.

67   Ibid., pp. 13–14. See also the following IBAC resources: *Corruption and misconduct risks associated with employment practices in the Victorian public sector*, Melbourne, August 2018; *Unauthorised access and disclosure of information held by local government: an analysis of corruption risks and prevention opportunities*, Melbourne, November 2020; *Unauthorised access and disclosure of information held by the Victorian public sector: an analysis of corruption risks and prevention opportunities*, Melbourne, February 2020; *Unauthorised access and disclosure of information held by Victoria Police: an analysis of corruption risks and prevention opportunities*, September 2019; *Managing corruption risks associated with conflicts of interest in the Victorian public sector*, Melbourne, October 2019; *Building public sector integrity during times of crisis or emergency*, Melbourne, August 2020.

68   IBAC, *Submission 48*, 30 September 2020, pp. 6, 14.

69   Ibid., p. 15. See also IBAC, *Annual report 2019/20*, Melbourne, 2020, pp. 10, 25, 49–50.

70   IBAC, *Submission 48*, 30 September 2020, p. 15.

71   Ibid.

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For example, IBAC has informed the Committee that public examinations during Operations Ord and Dunham:

- exposed weaknesses in Department of Education and Training systems and practices, and prompted the Department to undertake immediate action including strengthening financial controls and compliance

- resulted in IBAC acquiring further information and evidence regarding alleged corrupt conduct at the Department

- provided an impetus for the Victorian Secretaries Board to commit to a program of broader reform to strengthen integrity and prevent corruption.[72]

Necessitated in the first instance by the constraints of the COVID-19 pandemic, IBAC has also sought, when appropriate, to make the proceedings of its public examinations more accessible.[73] In 2020, for example, IBAC live-streamed proceedings of its public examinations during its Operation Sandon investigation of allegations of planning and development corruption at the City of Casey council.[74]

3.2.5 Integrity culture at IBAC

One of the Terms of Reference for this Inquiry concerns how the integrity agencies themselves have applied best practice principles to their own governance and operations to prevent corruption and other misconduct. Given their roles within Victoria's integrity system, it is vital that integrity agencies themselves are exemplary when it comes to the identification and management of corruption risks and vulnerabilities, the prevention of corruption and other misconduct, and responses to wrongdoing. IBAC discussed these issues in its submission to the Inquiry.[75] IBAC identified a number of key ways in which it seeks to maintain integrity best practice within the agency: risk management; culture, leadership and training; and detection systems.[76]

Risk management

IBAC has informed the Committee that it has 'a comprehensive risk management framework', which encompasses policies, guidelines and tools to ensure good governance; risk minimisation, management, mitigation and remediation; and compliance.[77] IBAC has a range of 'controls and risk treatments' in place to address the risk of fraud and other employee misconduct.[78] IBAC's management of risk is supported by an incident-reporting framework, in accordance with which staff must report incidents relating to security, information management and the status of property and other assets.[79]

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72 Ibid.

73 Ibid.

74 Ibid. See also IBAC, *Operation Sandon*, <https://www.ibac.vic.gov.au/investigating-corruption/IBAC-examinations/operation-sandon> accessed 22 July 2021.

75 IBAC, *Submission 48*, 30 September 2020, pp. 21–23.

76 Ibid.

77 Ibid., p. 21.

78 Ibid.

79 Ibid.

IBAC also has a suite of policies on the recording and management of conflicts of interest; 'private interests, gifts, benefits and hospitality'; and the control of fraud and other corrupt conduct.[80] In particular, IBAC staff are required to declare any conflicts of interest or private interests in advance of investigations and assessments of complaints.[81]

IBAC endeavours to ensure that probity standards are met by carrying out rigorous background checks on employees and prospective employees.[82] In addition, all IBAC officers must have and retain a Negative Vetting Level 1 (NV1) security clearance from the Australian Government Security Vetting Agency.[83] Probity 're-checks' are carried out with respect to all employees biennially.[84]

IBAC has risk-minimisation measures in place with respect to recruitment and procurement.[85] These measures include 'segregation of duties, instruments of delegation for finance and recruitment' and procurement systems that comply with the Victorian Government Purchasing Board standards.[86]

Culture, leadership and training

IBAC seeks to ensure throughout the recruitment process, induction and employment that the values of employees conform to those of the agency as well as the requirements of the Code of Conduct for Victorian Public Sector Employees of Special Bodies.[87] The Code, consistent with the *Public Administration Act 2004* (Vic), prescribes standards to help ensure employees are responsive, honest, impartial, accountable and respectful, provide leadership, and comply with human rights.[88] IBAC has described its governing values in the following way:

> Fairness
>
> We are objective, consistent and impartial in everything we do, demonstrating the highest standards of integrity and independence.

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80   Ibid.

81   Ibid.

82   Ibid.

83   Ibid. See also Australian Government Security Vetting Agency, *About security clearances—overview*, <https://www1.defence.gov.au/security/clearances/about/overview#levels> accessed 23 July 2021: 'NV1 security clearance holders can be provided with temporary access to TOP SECRET classified resources in certain circumstances'.

84   IBAC, *Submission 48*, 30 September 2020, p. 21.

85   Ibid., p. 22.

86   Ibid. See also Victorian Government Purchasing Board, *Goods and services procurement policies*, <https://www.buyingfor.vic.gov.au/goods-services-procurement-policies> accessed 23 July 2021.

87   IBAC, *Submission 48*, 30 September 2020, p. 22. See also Victorian Public Sector Commission (VPSC), *Code of Conduct for Victorian Public Sector Employees of Special Bodies*, Melbourne, 2015, <https://vpsc.vic.gov.au/html-resources/code-of-conduct-for-victorian-public-sector-employees-of-special-bodies> accessed 25 July 2021.

88   VPSC, *Public sector values*, <https://vpsc.vic.gov.au/html-resources/code-of-conduct-for-victorian-public-sector-employees-of-special-bodies/public-sector-values> accessed 25 July 2021; VPSC, *The instrument*, <https://vpsc.vic.gov.au/html-resources/code-of-conduct-for-victorian-public-sector-employees-of-special-bodies/the-instrument> accessed 25 July 2021; *Public Administration Act 2004* (Vic) ss 6–8, 61–63.

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Professionalism

We are responsive and accountable for our actions. We strive for excellence and take pride in our work.

Courage

We are committed and tenacious in realising our purpose.

Respect

We work in the spirit of cooperation and understanding, drawing on the skills and expertise of others. We are open and responsive, valuing the views of others.

Trust

We promote and sustain public confidence through the quality of our work. We implicitly trust the competence of the people we work with.[89]

IBAC has stated that this is underpinned by 'strong leadership', regular checks on probity, and briefings clearly setting out legal, security and ethical requirements for staff.[90]

In addition, IBAC provides induction training on integrity and risk management on a quarterly basis.[91] This is further supported by regular communication and training across the agency on standards of workplace behaviour; contracts; conflicts of interest; and probity regarding gifts, benefits and hospitality.[92]

Finally, IBAC responds to serious breaches of integrity standards in accordance with its Managing Misconduct policy, which is aligned with the Victorian Public Service Enterprise Agreement 2016, and may result in disciplinary outcomes for an employee.[93]

Detection systems

IBAC has a range of systems and measures to monitor compliance with legal requirements, ethics and security standards, and to detect and respond to suspected breaches,[94] including

employment screening, payroll review processes, financial reconciliation processes and reporting, as well as a risk based annual assurance program. This includes ... audits of credit card transactions and portable asset audits, performed on a regular basis and reported quarterly through a risk and assurance report.[95]

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89   IBAC, *Annual report 2019–20*, Melbourne, 2020, p. 11 (see also pp. 28, 80). See also IBAC, *2018–21 Corporate Plan*, Melbourne, July 2018, pp. 2–4, 12, 14, 17.

90   IBAC, *Submission 48*, 30 September 2020, p. 22.

91   Ibid.

92   Ibid.

93   Ibid.

94   Ibid., pp. 22–23.

95   Ibid.

In addition, IBAC's governance and operations are subject to oversight through regular, independent, internal and external audits, including a financial audit conducted annually by VAGO.[96] Further oversight is provided by members of IBAC's Audit and Risk Management Committee, the majority of whom are independent.[97]

3.2.6 IBAC's development of a new Corruption Prevention Strategy

As noted at the start of this chapter, towards the end of 2020 IBAC decided to review its 2015 CP Strategy.[98] This review was in response to changes to the Victorian public sector and the integrity system, as well as to IBAC's 'operating model, resourcing, capabilities, caseload and data holdings'.[99] IBAC's review drew on a commissioned independent review of current research on corruption prevention, consultation with public sector stakeholders, including integrity agencies, and examination of evidence received by the Committee during this Inquiry.[100] IBAC's review examined not only the corruption-prevention approaches and experience of comparable interstate and international agencies, but also best practice in a range of other regulatory contexts.[101]

While IBAC has completed much of the review, it continues to develop the 2021 CP Strategy in conjunction with a new Corporate Strategy for the organisation.[102] IBAC has, nevertheless, identified the following key areas of focus for the 2021 CP Strategy:

1. Understand—better leverage research and intelligence to build a more comprehensive picture of the Victorian corruption landscape, and use these data to target prevention work, measure impact and influence reforms

2. Inform—provide more accessible, responsive and targeted information and guidance to the public sector and community to raise awareness about the risks of corruption and how to prevent it

3. Engage—apply targeted engagement approaches to help the public sector build its capability to resist corruption and proactively promote integrity

4. Expose—embed a prevention focus in IBAC's expository work to enable a holistic, responsive and tailored approach to prevention

5. Collaborate—work closely with other Victorian integrity agencies to facilitate an efficient, whole-of-system approach to building integrity and preventing corruption.[103]

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96   Ibid., p. 23.

97   Ibid. See also IBAC, *Annual report 2019–20*, Melbourne, 2020, pp. 18, 30–31, 90–92; IBAC, *2018–21 Corporate Plan*, Melbourne, July 2018, p. 17; IBAC, *Governance Charter*, <https://www.ibac.vic.gov.au/docs/default-source/policies/ibac-governance-charter.pdf> accessed 18 January 2022.

98   IBAC, *Submission 48*, 30 September 2020, p. 19; Hon Robert Redlich AM QC, Commissioner, IBAC, correspondence, 12 May 2021.

99   IBAC, *Submission 48*, 30 September 2020, p. 19.

100 IBAC, *Submission 48*, 30 September 2020, p. 19; Hon Robert Redlich AM QC, Commissioner, IBAC, correspondence, 12 May 2021.

101 IBAC, *Submission 48*, 30 September 2020, p. 19; Hon Robert Redlich AM QC, Commissioner, IBAC, correspondence, 12 May 2021.

102 IBAC, *Submission 48*, 30 September 2020, p. 19; Hon Robert Redlich AM QC, Commissioner, IBAC, correspondence, 12 May 2021.

103 Hon Robert Redlich AM QC, Commissioner, IBAC, correspondence, 12 May 2021. See also Christine Howlett, *New directions for corruption prevention*, <https://www.ibac.vic.gov.au/publications-and-resources/ibac-insights/issue-28/new-directions-for-corruption-prevention> accessed 23 July 2021.

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The Committee will continue to monitor the development and finalisation of the 2021 CP Strategy closely, as well as its rollout and implementation over 2021–2022.[104] It is important to reiterate that, since the 2021 CP Strategy is still in development,[105] this Inquiry has largely assessed IBAC's exercise of its education and prevention functions against its 2015 CP Strategy.

3.3 OVIC

3.3.1 Overview

In accordance with its legislated functions, OVIC aims to advise, educate and guide the agencies it oversights so they use information responsibly, safeguard the human right to privacy, and release information when appropriate.[106] As OVIC has explained, it focuses on 'education about the behaviours and practices that will contribute to achieving the objects of both the … PDP Act [*Privacy and Data Protection Act 2014* (Vic)] and the FOI Act [*Freedom of Information Act 1982* (Vic)] and meet community expectations'.[107] In doing so, OVIC endeavours to engage constructively and transparently with the agencies it oversights as well as members of the public, explaining its interpretation of the relevant law, providing valuable feedback and encouraging best practice regarding privacy, information security and freedom of information (FOI).[108]

OVIC's Communications and Education Team is responsible for delivering a range of education and prevention services on behalf of the agency, including:

- coordinating training and online learning;

- assisting with the development of educational materials and all communications around training, such as liaising with content developers, facilitators and participants;

- looking after OVIC's website and social media, including scheduling content, reporting and analysing data, and developing visual and written content for both internal and external use;

- producing statements to the media and media monitoring;

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104 Hon Robert Redlich AM QC, Commissioner, IBAC, correspondence, 12 May 2021. See also Christine Howlett, *New directions for corruption prevention*, <https://www.ibac.vic.gov.au/publications-and-resources/ibac-insights/issue-28/new-directions-for-corruption-prevention> accessed 23 July 2021 ('Planning is now commencing on the activities and interventions to be progressed under each focus area, as part of a phased implementation road map in line with IBAC's capabilities and resourcing, and our broader corporate strategy. … While we are progressing with planning and rollout of IBAC's new corruption prevention strategy, the insights and findings from the Committee's inquiry will continue to inform and help refine our future approach.').

105 IBAC, *Submission 48*, 30 September 2020, p. 19; Hon Robert Redlich AM QC, Commissioner, IBAC, correspondence, 12 May 2021.

106 OVIC, *Submission 17*, 28 August 2020, pp. 3–6.

107 Ibid., p. 3.

108 Ibid., pp. 3–14. See also *OVIC Regulatory Action Policy 2019–2021*, <https://ovic.vic.gov.au/regulatory-approach/regulatory-action-policy> accessed 26 July 2021.

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- organising and managing events, forums and workshops; and

- coordinating other projects such as stakeholder engagement surveys and the annual report.[109]

3.3.2 Privacy

OVIC produces a wide range of resources for the guidance of agencies and the public, including guidelines, fact sheets and books.[110] For instance, OVIC has produced *Guidelines to the Information Privacy Principles*, which explain the purpose, nature and practical relevance of the Principles for the benefit of agencies and members of the public alike.[111] OVIC also provides free training on privacy as well as online modules on privacy for self-directed learning by agency employees.[112]

Further, OVIC engages and consults with stakeholders using a range of forums and knowledge and practice networks.[113] It hosts Privacy Awareness Week in Victoria, the Privacy Roundtable for agency representatives, the Youth Advisory Group and the Victorian Privacy Network.[114] The Victorian Privacy Network brings together privacy practitioners and experts from academia and the public and private sectors.[115] OVIC is also an active member of the Asia Pacific Privacy Authorities Forum and the Global Privacy Assembly, which helps it keep in touch with international developments and best practice.[116] With regard to consultation, OVIC gives constructive feedback to agencies on their 'Privacy Impact Assessments, privacy policies and new projects involving personal information'.[117] In addition, OVIC contributes to educative and preventive efforts by providing feedback to agencies on draft Bills involving privacy issues, and makes submissions to inquiries relating to privacy (including parliamentary inquiries).[118]

OVIC also recognises that its key regulatory activities have educative and preventive dimensions.[119] For example, in handling complaints, OVIC encourages its staff to provide complainants, and subjects of complaints, with 'preliminary views' on the strength of the complaint.[120] This can help resolve disputes earlier and also educate these stakeholders about OVIC's interpretation of the applicable legislation and the IPPs.[121]

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109   OVIC, *Submission 17*, 28 August 2020, pp. 5–6.

110   Ibid., p. 6.

111   Ibid. See also OVIC, *IPP Guidelines*, 4th edn, November 2019, <https://ovic.vic.gov.au/privacy/guidelines-to-the-information-privacy-principles> accessed 26 July 2021.

112   OVIC, *Submission 17*, 28 August 2020, p. 6.

113   Ibid., pp. 6–7.

114   Ibid., p. 6.

115   Ibid.

116   Ibid., p. 7.

117   Ibid.

118   Ibid.

119   Ibid., pp. 7–9.

120   Ibid., p. 7.

121   Ibid.

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Finally, OVIC's reports following an investigation, audit or examination of an agency's practices can have positive educative, preventive and deterrent impacts, which go beyond recommended improvements in how an agency handles privacy matters.[122] For instance, OVIC's report of its investigation into myki data highlighted the risks when too much faith is placed in de-identifying personal information as a way of protecting passenger privacy.[123]

3.3.3 Information security

OVIC has legislated obligations to establish the Victorian Protection Data Security Framework (the VPDS Framework), develop the Victorian Protective Data Security Standards (VPDS Standards), provide guidance on them and encourage agencies to adopt the VPDS Standards.[124]

Accordingly, OVIC has published a range of resources on the VPDS Framework and Standards, and on information security more broadly.[125] These resources have included 'guides on identifying and managing information assets … [and] assessing the security value of public sector information', as well as on how to set up an Information Security Incident Management Framework.[126]

OVIC engages with a variety of government, public sector and industry stakeholders at the State, national and international levels, with a focus on enhanced legal compliance, collaboration, effective knowledge-sharing, and the incorporation of information security in regulation regimes.[127] In pursuit of these aims, OVIC participates in a range of networks and organisations, such as the Victorian Information Security Network, Records and Information Management Professionals Australia, and the Whole of Victorian Government Information Management Group.[128] OVIC also engages with the Victorian Department of Premier and Cabinet Cyber Security Unit, IBAC, VAGO and the VO as a way of augmenting its information-security efforts and ensuring consistent messaging.[129]

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122   Ibid., pp. 8–9.

123   Ibid., pp. 8–9. See also OVIC, *Disclosure of myki travel information: investigation under section 8C(2)(e) of the* Privacy and Data Protection Act 2014 *(Vic)*, Melbourne, August 2019.

124   OVIC, *Submission 17*, 28 August 2020, p. 9.

125   Ibid., p. 10.

126   Ibid. See also OVIC, *Practitioner guide: identifying and managing information assets V2.0*, Melbourne, November 2019; OVIC, *Practitioner guide: assessing the security value of public sector information V2.0*, Melbourne, November 2019; OVIC, *Guide to developing an Information Security Incident Management Framework V2.0*, Melbourne, n.d.

127   OVIC, *Submission 17*, 28 August 2020, p. 10 (OVIC gives the example of the embedding of information security 'into … the *Financial Management Act 1994* Standing Directions').

128   Ibid. See also Department of Premier and Cabinet (Victoria), *Information Management Framework for the Victorian Public Service*, 2016 <https://www.vic.gov.au/information-management-whole-victorian-government> accessed 26 July 2021.

129   OVIC, *Submission 17*, 28 August 2020, p. 10. See also Department of Premier and Cabinet (Victoria), *About the Cyber Security Unit*, <https://www.vic.gov.au/about-cyber-security-unit> accessed 26 July 2021.

3.3.4 FOI

OVIC has a legislated obligation to 'promote understanding and acceptance' by the public and agencies of the *Freedom of Information Act 1982* (Vic) (*FOI Act 1982* (Vic)) and its objects, as well as the FOI Professional Standards.[130]

OVIC seeks to meet this obligation by producing a variety of resources, including practice notes, template documents that agencies can tailor to their organisational needs, videos, discussion papers and reports.[131] In addition, OVIC provides free FOI training and online modules for agency staff, which cover things such as processing an FOI request and understanding FOI exemptions.[132] OVIC has also worked with government and other agencies to encourage the 'proactive and informal release of information', and learn more about agencies' 'cultural attitudes' to FOI so they can be supported effectively.[133]

As with privacy and information security issues, OVIC engages broadly with a range of public sector and professional stakeholders.[134] For example, OVIC has regular meetings with agencies receiving the most FOI requests in Victoria, such as Victoria Police, the former Department of Health and Human Services, the Department of Education and Training and the Department of Justice and Community Safety.[135] Further, the Public Access Deputy Commissioner engages regularly with Deputy Secretaries and other agency leaders (including through the Public Access Agency Reference Group) to increase awareness and understanding of FOI and enhance compliance.[136] Other FOI knowledge and practice networks OVIC is involved with include the Association of Australian Information Access Commissioners, the International Conference of Information Commissioners and the Open Government Partnership.[137]

Finally, there are educative and preventive dimensions to OVIC's regulatory actions. These aspects include OVIC's publication on its website of de-identified FOI review decisions of the Information Commissioner and the Public Access Deputy Commissioner. This contributes to transparency, accountability and greater understanding of OVIC's approach by parties involved in FOI matters. By improving parties' understanding, it also helps resolve disputes earlier by managing their expectations.[138]

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130   OVIC, *Submission 17*, 28 August 2020, pp. 11–12; *FOI Act 1982* (Vic) s 6I(2)(a)–(c).

131   OVIC, *Submission 17*, 28 August 2020, p. 12.

132   Ibid.

133   Ibid., p. 13.

134   Ibid.

135   Ibid. Note: The Department of Health and Human Services has been replaced by two new departments: the Department of Health (DH) and the Department of Families, Fairness and Housing (DFFH). See DH, *About the Department of Health*, <https://www.health.vic.gov.au/about> accessed 17 January 2022; DFFH, *About*, <https://www.dffh.vic.gov.au/about> accessed 17 January 2022.

136   OVIC, *Submission 17*, 28 August 2020, p. 13.

137   Ibid.

138   Ibid., p. 12. See also OVIC, *Review decisions*, <https://ovic.vic.gov.au/freedom-of-information/review-decisions> accessed 17 January 2022; OVIC, *Decisions*, <https://ovic.vic.gov.au/decision> accessed 17 January 2022.

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Similarly, OVIC staff are authorised to provide parties with 'preliminary views' on FOI matters.[139] This can educate members of the public and agencies about OVIC's interpretation and application of the *FOI Act 1982* (Vic) to the matter under consideration.[140]

3.3.5 Integrity culture at OVIC

While OVIC's submission to this Inquiry does not cover in detail how it seeks to address any internal risks of corruption or other misconduct, it does include a brief discussion of the importance of transparency and accountability to its operations.[141] A number of OVIC's governance documents and associated information are available on its website, including its 'Regulatory Action Policy; Strategic Plan; gifts, benefits and hospitality register; annual reports; organisational structure'; and accessing OVIC information.[142] OVIC has said that it

> sees the publication of these kinds of policies as valuable to transparency for agencies and the public about how integrity agencies operate. Their publication is also intended to set a good example of the kind of information that other agencies could publish to promote transparency … [and] accountability, and inform stakeholders of how the agency will discharge it[s] functions.[143]

OVIC's Corporate Governance Committee (CGC) oversights the agency's risk management, which includes risk assessments, internal audits, assurance reviews and policy and process reviews.[144] The CGC also has oversight responsibilities with respect to conflicts of interest; gifts, benefits and hospitality; fraud; confidentiality; information and financial management; and 'workplace standards'.[145] OVIC's risk-management framework conforms to the Victorian Government's Risk Management Framework.[146]

OVIC has stated that it recruits staff according to merit, through a fair and equitable process.[147] The conduct of staff is governed by the Code of Conduct for Victorian Public Sector Employees of Special Bodies.[148] In addition, OVIC provides clear information and guidance on its website about who can receive and handle complaints about OVIC and its staff.[149]

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139 OVIC, *Submission 17*, 28 August 2020, p. 12.

140 Ibid.

141 Ibid., p. 17.

142 OVIC, *Submission 17*, 28 August 2020, p. 17; OVIC, <https://ovic.vic.gov.au> accessed 27 July 2021.

143 OVIC, *Submission 17*, 28 August 2020, p. 17.

144 OVIC, *Annual report 2019–20*, Melbourne, p. 15.

145 Ibid.

146 Ibid.

147 Ibid., p. 9

148 Ibid., p. 15.

149 OVIC, *Complaints about us*, <https://ovic.vic.gov.au/about-us/complaints-about-us> accessed 27 July 2021. See also OVIC, *Annual report 2019–20*, Melbourne, pp. 15–17.

3.4 VI

While the VI does not have expressly legislated education and prevention functions, its education and prevention efforts are authorised by a number of broad provisions in the *Victorian Inspectorate Act 2011* (Vic) ('*VI Act 2011* (Vic)').[150] These encompass its function of improving the capacity of IBAC to perform its functions, which includes IBAC's education and prevention functions.[151] The VI has emphasised that it

> strongly believes in the power of education, particularly given that a key measure of the VI's success is improvements to the integrity system which will help achieve its vision of public trust in the Victorian integrity system.[152]

In particular, the VI has identified the following benefits that can flow from its educative and preventive activities, including communications programs:

> … In contrast to 'reactive' activities such as investigations, education and engagement programs use collaborative effort to secure improvements across the system, making them powerful mechanisms for change;

> … Improving the public's understanding of, and confidence in, the VI's oversight activities, increases its trust in the system, and the government; and

> … Targeted guidance resources raise the awareness relevant individuals and entities have of particular issues and risks. This type of product can be an efficient, transparent method of encouraging agencies to undertake their own compliance efforts to meet published standards. It is an appropriate integrity response when an agency accepts its conduct was unlawful and/or seeks to improve its practices.[153]

Recognising these benefits, the VI has taken a number of measures to educate members of the public, integrity agencies and public sector bodies about its functions and jurisdiction.[154] This has included improvements to its website and its digital content, such as information about the VI's role in the integrity system, the functions of the Integrity and Oversight Committee, the nature of the VI's complaint-handling function, and the purpose and nature of the public interest disclosures scheme.[155]

The VI also engages with external stakeholders, particularly in the integrity, legal and parliamentary spheres.[156] For example, it has participated in Law Week, Parliament House Open Day and various professional forums and seminars hosted by organisations such as the Law Institute of Victoria and the Institute of Public Administration Australia (Victoria) (IPAA Victoria).[157]

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150 *VI Act 2011* (Vic) ss 5(a)–(b), 11(2)(a), 12. See, further, the discussion in Section 2.4 in Chapter 2 of this report. See also VI, *Submission 22*, 31 August 2020, pp. 1–2, 6.

151 *VI Act 2011* (Vic) s 5(b); *IBAC Act 2011* (Vic) s 15; VI, *Submission 22*, 31 August 2020, pp. 1–2, 6.

152 VI, *Submission 22*, 31 August 2020, p. 2. See also VI, *Annual plan 2020–21*, Melbourne, 2020.

153 VI, *Submission 22*, 31 August 2020, p. 2.

154 Ibid., pp. 3–5.

155 Ibid., p. 5.

156 Ibid.

157 Ibid.

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In addition to these public information and engagement activities, the VI understands that educative and preventive purposes and benefits are associated with many of its everyday regulatory activities.[158] This is true of the 'Integrity Reports' that it publishes, which have, for example, recommended improvements with respect to IBAC (handling of protected disclosures and police-related complaints), OVIC (complaint handling) and the VO (interview of witnesses):[159]

> Publishing 'Integrity Reports' following monitoring activities is an important methodology to improve compliance as reports contain formal feedback and/ or recommendations which can better influence the oversighted agency to make improvements to practices, processes, systems, procedures and policies. These have an educative effect as they identify areas for improvement and offer suggestions or recommendations to achieve it.[160]

Indeed, as discussed in Chapter 2, educative and preventive purposes are built into the VI's governance and integrity strategies, particularly through its Operations Model and its Integrity Response Guidelines.[161] While the VI can publish reports and make formal recommendations, it appreciates that there is a 'spectrum' of effective responses it can give to integrity agency missteps, including 'informal liaison and stakeholder engagement, education programs and resources, or the initiation of further oversight projects or programs'.[162] Crucially, when an integrity concern is considered to be widespread and 'systemic', the VI can take action through 'information, guidance and education material to inform others of the VI's expectations and/or best practice'.[163] In this way, the VI considers that it can, for example, efficiently share lessons from an investigation or monitoring of one integrity agency to other integrity agencies and public sector bodies.[164] This can have salutary deterrent and preventive effects, especially in relation to potentially unlawful conduct by agencies.[165]

3.4.1 Integrity culture at the VI

In its vision statement, the VI declares that 'We act with integrity in everything we do.'[166] The VI seeks to exemplify this value through fair and equitable recruitment processes on the basis of merit and by conformity to Victorian Public Sector Commission (VPSC) standards for its employees.[167] The VI has stated that it reinforces the proper

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158 Ibid., pp. 2–7.

159 Ibid., p. 4. See also VI, *Integrity Report: Monitoring Project on IBAC—police misconduct complaints*, Melbourne, October 2019; VI, *Integrity Report: Monitoring Project on IBAC—protected disclosures*, Melbourne, June 2019; VI, *Integrity Report: Monitoring Project on Victorian Ombudsman interviews*, Melbourne, June 2019.

160 VI, *Submission 22*, 31 August 2020, p. 4.

161 Ibid., pp. 3–4.

162 Ibid., p. 3.

163 Ibid.

164 Ibid., pp. 3, 5, 7.

165 Ibid., p. 7.

166 VI, *About the Victorian Inspectorate*, <https://www.vicinspectorate.vic.gov.au/about-victorian-inspectorate> accessed 29 July 2021.

167 VI, *Annual report 2019–20*, Melbourne, pp. 78–79, 82.

management of conflicts of interest and gifts.[168] It also explained that it 'advises its employees on … how the VI deals with misconduct', though there is no elaboration in any publicly available information of what this entails.[169]

The VI's Annual Plan 2021–22 refers to a range of governance standards that the agency complies with, including with respect to financial, audit and risk management, as well as the VPDS Standards.[170] The VI's Audit and Risk Management Committee exercises the following responsibilities within the agency:

- Review and report independently to the Inspector on the financial statements published in the annual report and other financial information of the Victorian Inspectorate.

- Assist the Inspector in reviewing the effectiveness of the Victorian Inspectorate's internal control environment covering:

  - effectiveness and efficiency of operations

  - reliability of financial reporting

  - compliance with applicable laws and regulations.

- Determine the scope of the internal audit function and ensure its resources are adequate and used effectively, including coordination with external auditors.

- Maintain effective communication with external auditors.

- Consider recommendations made by internal and external auditors and review the implementation of actions to resolve issues raised.

- Oversee the effective operation of the risk management framework.[171]

3.5 VO

The Victorian Ombudsman, Ms Deborah Glass OBE, has observed that, '[e]ducation and prevention work go to the heart of an integrity agency's efforts to improve public administration and prevent misconduct'.[172] The Ombudsman has described its 'activities directly associated with education and prevention' as 'relatively modest',[173] encompassing education and training for the public sector, education resources and collaborative work with other integrity agencies.[174]

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168   Ibid., p. 82.

169   Ibid.

170   VI, *Annual Plan 2021–22*, Melbourne, 2021, p. 10.

171   VI, *Audit and Risk Committee*, <https://www.vicinspectorate.vic.gov.au/audit-and-risk-committee> accessed 5 September 2021.

172   VO, *Submission 23*, 31 August 2020, p. 1.

173   Ibid.

174   Ibid., pp. 1–5.

3.5.1 Public Sector Education Program

The VO has developed and delivered public sector training, both at its own offices and in-house at various public sector bodies.[175] Through this Public Sector Education Program (PSEP), the VO has delivered training on conflicts of interest, complaint handling and the management of challenging complainant behaviour.[176]

The content of the PSEP is informed by lessons from the VO's enquiries and investigations, the experience and expertise of other integrity agencies and selected VPSC resources.[177] Importantly, the content delivered through in-house training at public sector bodies is tailored to the needs of those bodies and the particular audience (depending, for example, on the needs of a particular team or work division).[178]

PSEP runs 'on a cost-recovery basis' and is delivered by two FTE (full-time equivalent) VO employees.[179] Since 2016, PSEP has delivered 126 workshops to almost 2,500 participants from the Victorian public sector.[180]

3.5.2 Education resources

The VO has published good practice guides on the management of conflicts of interest, the role of apologies in complaint resolution, the management of challenging behaviour, and the handling of complaints that raise human rights issues. These resources have been complemented by two community videos: one explaining the VO's functions and another on how to make a complaint to a government body.[181]

3.5.3 Enquiries, complaints and investigations

The Ombudsman has emphasised that direct education and prevention initiatives are only part of the VO's work in this area, since 'much of the office's investigative and complaints handling work could be characterised as having an educational and preventive effect'.[182] The VO has identified the following educative and preventive actions associated with its regular oversight work:

- Publicly announcing and tabling investigation reports and their remedial recommendations—to draw attention to areas of concern (whether maladministration, improper conduct or corruption) to the relevant agency, the broader sector and the community

- Engaging agencies in developing remedial recommendations, to enable 'buy in' by the agencies under investigation and improving their practices and procedures

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175 Ibid., p. 2.

176 Ibid.

177 Ibid.

178 Ibid., pp. 2–3.

179 Ibid., pp. 1–3, 6.

180 Ibid., p. 3.

181 Ibid.

182 Ibid., p. 1.

- Monitoring agencies' implementation of VO's recommendations, tabled and publicised [biennially] …

- Investigating and reporting on issues impacting the broader sector and the community …

- Improved communication initiatives to maximise public engagement …

- Engaging with agencies on improvements, following informal enquiries on complaints received from the public …[183]

The VO also has State and local government portfolio teams that engage with senior staff in public sector bodies to try to improve their governance, administration and practices.[184]

3.5.4 Collaborative activities

Given that the breadth, scale and reach of Victorian integrity agencies' education and prevention activities vary considerably, the VO recognises the value in partnering with other integrity agencies in exercising its functions.[185] In its submission to the Inquiry, the VO has identified the following examples of this collaborative approach:

- Presenting to public sector stakeholders on corruption and maladministration alongside IBAC, the LGI and VAGO

- Co-producing with IBAC and the LGI an information sheet on the functions of each integrity agency

- Participating in IBAC's Public Interest Disclosure Committee and presenting at IBAC public interest disclosure coordinator forums

- Making contributions to reports and guides produced by IBAC (such as guidance on conflicts of interest in local government and the conduct of investigations).[186]

3.5.5 Integrity culture at the VO

The VO's Strategic Framework 2020–2024 commits the agency, in delivering its services, to conform to the same standards it expects of the public sector bodies it oversights.[187] The VO recruits employees on the basis of merit through fair and equitable processes, and its staff are expected to exemplify the values prescribed in the *Public Administration Act 2004* (Vic), namely: 'responsiveness, integrity, impartiality, accountability, respect, leadership and promoting human rights'.[188] These values

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183 Ibid., pp. 3–4.

184 Ibid., pp. 4–5.

185 Ibid.

186 Ibid., p. 5.

187 VO, *Strategic Framework*, <https://www.ombudsman.vic.gov.au/about-us/mission-and-values/strategic-framework> accessed 30 July 2021.

188 VO, *Annual report 2020*, Melbourne, 2020, p. 96. See also *Public Administration Act 2004* (Vic) s 7.

are reinforced by obligations under the Code of Conduct for Victorian Public Sector Employees of Special Bodies, requiring VO staff to demonstrate, among other things:

…

Integrity

- by being honest, open and transparent in their dealings; and
- by using powers responsibly; and
- by reporting improper conduct; and
- by avoiding any real or apparent conflicts of interest; and
- striving to earn and sustain public trust of a high level.

Impartiality

- by making decisions and providing advice on merit and without bias, caprice,
- favouritism or self-interest; and
- by acting fairly by objectively considering all relevant facts and fair criteria.

Accountability

- by working to clear objectives in a transparent manner; and
- by accepting responsibility for their decisions and actions; and
- by seeking to achieve best use of resources; and
- by submitting themselves to appropriate scrutiny.

Respect for colleagues, other public officials and members of the Victorian community by:

- treating them fairly and objectively; and
- ensuring freedom from discrimination, harassment and bullying; and
- using their views to improve outcomes on an ongoing basis.

Leadership by implementing, promoting and supporting these values.

A commitment to human rights, as set out in the Charter of Human Rights and Responsibilities by:

- making decisions and providing advice consistent with human rights; and
- actively implementing, promoting and supporting human rights.[189]

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189   VO, *Code of Conduct*, <https://www.ombudsman.vic.gov.au/about-us/mission-and-values/our-code-of-conduct> accessed 30 July 2021. See also VPSC, *Code of Conduct for Victorian Public Sector Employees of Special Bodies*, <https://vpsc.vic.gov.au/html-resources/code-of-conduct-for-victorian-public-sector-employees-of-special-bodies/introduction> accessed 30 July 2021; VO, *Annual report 2020*, Melbourne, 2020, p. 96; *Public Administration Act 2004* (Vic) ss 7–8.

This commitment is also reflected in the VO's policies, such as its conflict of interest and gifts, benefits and hospitality policies.[190]

More broadly, the VO has recognised the importance of instilling and maintaining an 'ethical culture':

> Good governance practices are only effective when supported by an ethical culture, where the values of the office are lived and its institutional practices are respected. This is particularly critical for us, where an ethical culture not only supports good governance but supports our position as a leading public sector oversight organisation.
>
> Our leaders are accountable for upholding and developing an ethical culture by:
>
> • modelling ethical conduct
>
> • expressly canvassing ethical issues as they arise
>
> • recognising and reinforcing ethical conduct by staff
>
> • intervening and addressing unethical conduct.[191]

The VO also has a number of systems and measures in place to help ensure transparency and accountability:

> • tabling reports in Parliament
>
> • having internal review and complaint processes
>
> • establishing performance criteria for every member of staff
>
> • having a service charter
>
> • assessing our recommendations to public organisations against our own practices
>
> • having a rigorous internal audit plan.[192]

The VO's Audit and Risk Management Committee oversights the agency's internal audit and review systems and processes with respect to financial management, risk management and operational performance, including the implementation of any remedial actions.[193]

3.6 Conclusion

While the scale, breadth and reach of the corruption-prevention and education efforts of IBAC, OVIC, the VI and the VO vary, common characteristics can be discerned. Each agency undertakes direct education and prevention activities, such as the production of guidelines, standards and procedures; the delivery of face-to-face and online

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190   VO, *Annual report 2020*, Melbourne, 2020, pp. 96, 101.

191   Ibid., p. 101.

192   Ibid., p. 100. See also VO, *Service Delivery Charter*, <https://www.ombudsman.vic.gov.au/about-us/annual-reports-and-policies/service-delivery-charter> accessed 30 July 2021.

193   VO, *Annual report 2020*, Melbourne, 2020, p. 99.

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training (or information); the development of print, digital and multimedia resources; and the use of communications to publicise and support key messages. Each agency also engages widely with key anti-corruption stakeholders in the public, private and community sectors, as well as with members of the public. Further, the agencies recognise the vital educative and preventive dimensions of their ongoing regulatory oversight and actions, whenever they handle complaints and disclosures, investigate allegations of corruption or other misconduct, review the practices of public sector bodies or make recommendations in reports.

Not only do these integrity agencies have a role in identifying and exposing corruption, misconduct, maladministration or other wrongdoing in the public sector, they themselves must exemplify best practice. This chapter therefore surveyed some of the systems and measures the integrity agencies have in place to establish and maintain transparency, integrity and accountability in their own organisations.

The next chapter identifies and examines the best practice principles for corruption prevention and education. These best practice principles will be drawn on in assessing the integrity agencies' exercise of their education and prevention functions.

4 Best practice principles

4.1 Introduction

This chapter identifies the best practice principles for integrity agencies' education about, and prevention of, corruption and other misconduct, drawing on key scholarship and interstate and international experience. The Committee has drawn on these principles in assessing the performance of the integrity agencies with respect to education and prevention. The chapter examines how integrity agencies can help prevent corruption and other misconduct and enhance the capacity, willingness and expertise of public sector organisations to identify and prevent corruption. Integrity agencies operate most effectively when they use a combination of principles, strategies and mechanisms to help build a comprehensive and robust anti-corruption system.[1]

4.2 Anti-corruption strategy

One way to build a comprehensive and cohesive anti-corruption framework is to implement a strategy. Depending on the jurisdictional context, anti-corruption agencies (ACAs) and other integrity agencies are often well situated to develop a strategic approach to corruption prevention.[2]

As integrity agencies' mandates and resources vary, there is no 'one-size-fits-all' approach to best practice corruption prevention.[3] Best practice initiatives must be adapted to local contexts, taking into consideration legal frameworks, situational needs, priorities, political conditions, risks, practices and attitudes.[4]

An evidence and risk-based strategy for 'public integrity' should be developed, which identifies and prioritises strategic objectives through consultation with relevant stakeholders. A public integrity strategy can be a stand-alone national or State strategy, or integrated into existing public sector policies. Governance arrangements and integrity strategies should evolve and be progressive, rather than simply one-off,

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1   Professor Fiona Haines, School of Social and Political Sciences, University of Melbourne, *Submission 14*, 27 August 2020, p. 1; Commonwealth Ombudsman, *Submission 13*, 27 August 2020, p. 3; AJ Brown et al., 'Preventing corruption', in *Australia's national integrity system: priorities for reform (Draft Report),* April 2019, pp. 20–21 ('Preventing corruption').

2   AJ Brown et al., 'Preventing corruption', pp. 20–21.

3   AJ Brown et al., 'Preventing corruption'*,* p. 18. See also Dr Bruce Baer Arnold, Assistant Professor, Canberra Law School, University of Canberra, and Dr Wendy Bonython, Associate Professor, Faculty of Law, Bond University, *Submission 6*, 29 July 2020, p. 6.

4   Department for International Development, *Why corruption matters: understanding causes, effects and how to address them*, London, 2015, pp. 65–66; Jennifer Schöberlein, *What works in anti-corruption programming: lessons from the Middle East and North Africa (MENA) region*, Transparency International and U4 Anti-Corruption Resource Centre, 2019, p. 6 ('*What works in anti-corruption programming*'); Centre for Crime Policy and Research, Flinders University, *Submission 46,* 30 September 2020, pp. 9–10; AJ Brown et al., 'Preventing corruption', p. 20.

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large-scale structural reforms.[5] A corruption-prevention strategy should initially consider and address the largest roadblocks to achieving integrity, evaluate the effectiveness of any measures enacted, and assess the strategy regularly to identify any new challenges or opportunities.[6]

An anti-corruption or public integrity strategy can be set by parliament, government or integrity agencies.[7] An example of an integrated and comprehensive integrity strategy is the *Integrity Strategy for WA Public Authorities 2020–2023,* developed by the Public Sector Commission of Western Australia (PSCWA). The Strategy clearly articulates actions to be undertaken by the PSCWA, public sector bodies, individuals and integrity agencies.[8] In line with best practice, the Strategy also outlines how success will be measured and monitored.[9] The PSCWA's Integrity Strategy 'aims to embed integrity into an authority's systems, controls and culture', and reinforces a 'shared responsibility' for education and prevention across integrity agencies and public sector bodies.[10]

A 'comprehensive' and 'systematic' anti-corruption or public integrity strategy can lead to more efficient corruption-prevention work by providing a 'clear vision' of what is to be achieved, as well as allocating enough resources to support preventive measures and 'systematically assessing' their effectiveness.[11]

A 'commitment' from public sector leaders to 'reducing corruption' will enhance 'the coherence and comprehensiveness' of public integrity strategies. This will ensure that public integrity is entrenched in public governance and legislative frameworks and that institutions with anti-corruption or integrity functions are sufficiently well resourced.[12]

In addition to a state-wide integrity or anti-corruption strategy, individual integrity agencies can develop their own agency-specific prevention strategies. Corruption-prevention policies should be brief and precise so that their implementation is manageable and 'priority areas' are easily identifiable.[13] They should also form part of a 'comprehensive' and systematic anti-corruption or 'public integrity' strategy.[14]

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5   Mark Evans, 'Beyond the integrity paradox—towards "good enough" governance', *Policy Studies*, vol. 33, no. 1, 2012, pp. 98–99, 102; Matthew Taylor, 'Getting to accountability: a framework for planning and implementing anticorruption strategies', *Dædalus: the Journal of the American Academy of Arts & Sciences*, vol. 147, no. 3, 2018, pp. 63–64; Organisation for Economic Co-operation and Development (OECD), *OECD public integrity handbook*, OECD Publishing, Paris, 2020, p. 17 (the OECD defines 'public integrity' as 'consistent alignment of, and adherence to, shared ethical values, principles and norms for upholding and prioritising the public interest over private interests in the public sector').

6   Matthew Taylor, 'Getting to accountability: a framework for planning and implementing anticorruption strategies', *Dædalus: the Journal of the American Academy of Arts & Sciences*, vol. 147, no. 3, 2018, pp. 75–76.

7   OECD Anti-Corruption Network for Eastern Europe and Central Asia, *Prevention of corruption in the public sector in Eastern Europe and Central Asia*, Paris, 2015, p. 21.

8   Public Sector Commission, Western Australia (PSCWA), *Integrity Strategy for WA Public Authorities 2020–2023,* Perth, 2020, pp. 7–14.

9   Ibid., p. 15.

10   PSCWA, *Submission 19,* 28 August 2020, pp. 2–3.

11   OECD Anti-Corruption Network for Eastern Europe and Central Asia, *Prevention of corruption in the public sector in Eastern Europe and Central Asia*, Paris, 2015, pp. 21, 23.

12   OECD, *OECD public integrity handbook*, OECD Publishing, Paris, 2020, pp. 15–16, <https://doi.org/10.1787/ac8ed8e8-en> accessed 19 March 2021.

13   Council of Europe, *Designing and implementing anti-corruption policies handbook*, Strasbourg, 2013, p. 8.

14   OECD, *OECD public integrity handbook*, OECD Publishing, Paris, 2020, p. 44, <https://doi.org/10.1787/ac8ed8e8-en> accessed 19 March 2021.

Prevention strategies should be integrated into a broader framework that aims to embed integrity values 'in the hearts and minds of public servants' through 'behavioural' change.[15] A successful example of this is the Hong Kong Independent Commission Against Corruption (Hong Kong ICAC), which moved from a

> rule-based approach, in which sanctions were the principal deterrent, to a value-based approach in which, although the rules remained important, more attention was paid to enhancing integrity and strengthening the role of personal values in preventing corrupt practices.[16]

4.3 A comprehensive and integrated system

Academics and integrity practitioners from Griffith University and Transparency International have undertaken research on reforming Australia's public integrity and accountability framework,[17] identifying a number of factors that are essential for developing a comprehensive and 'cohesive strategic framework' for corruption prevention, which are discussed below.[18]

4.3.1 Education, prevention and capacity-building activities

A comprehensive corruption-prevention and education framework requires a

> range of activities across the spectrum of education and information programs, system-wide guidelines and policies, regular monitoring and audits to detect potential problem areas, collection of data and intelligence to inform more targeted audits and reviews, and early intervention systems when problems are detected.[19]

Many submissions to the Inquiry outlined how integrity agencies could undertake these kinds of activities.

Integrity agencies can provide '[t]argeted guidance' and 'communication strategies' on integrity risks.[20] For example, the New South Wales Independent Commission Against Corruption (NSW ICAC) provides corruption-prevention advice on various topics to public sector bodies, including IT systems, cash handling, recruitment and procurement.[21] The Crime and Corruption Commission Queensland (CCC Queensland) produces 'prevention products', including best practice guides on specific 'corruption

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15   Mark Evans, 'Beyond the integrity paradox—towards "good enough" governance', *Policy Studies*, vol. 33, no. 1, 2012, p. 104.

16   Ian Scott, 'The Hong Kong ICAC's approach to corruption control', in Adam Graycar and Russell G Smith (eds), *Handbook of global research and practice in corruption*, Edward Elgar, Cheltenham, 2011, p. 409.

17   Centre for Governance and Public Policy, Griffith University, *Public integrity and anti-corruption*, <https://www.griffith.edu.au/centre-governance-public-policy/our-research/public-integrity-anti-corruption> accessed 19 March 2021.

18   AJ Brown et al., 'Preventing corruption', pp. 20–21.

19   Ibid., p. 20.

20   OECD, *OECD public integrity handbook*, OECD Publishing, Paris, 2020, p. 155, <https://doi.org/10.1787/ac8ed8e8-en> accessed 19 March 2021.

21   New South Wales Independent Commission Against Corruption (NSW ICAC), *Corruption prevention advice topics*, <https://www.icac.nsw.gov.au/prevention/corruption-prevention-advice-topics> accessed 19 March 2021.

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risks' and reports that provide practical examples of how to improve 'corruption resistance'.[22]

Integrity agencies can apply their extensive knowledge of corruption in the public sector by supporting 'organisational learning' at public sector bodies.[23] Integrity agencies can also build the capacity of the public sector to respond to and prevent corruption and other misconduct themselves. The Hong Kong ICAC, for example, has worked closely with public servants, the community, and the private sector through its 'integrity management' programs.[24] Hong Kong ICAC's Community Relations Department delivers tailor-made education and prevention services for the public and private sectors. These services include helping organisations develop codes of conduct and organising training on topics such as anti-corruption law, high-risk corruption areas and staff integrity.[25]

Capacity building can involve public sector commissions who can 'strengthen the efficiency and effectiveness of the public sector' and contribute 'to integrity education and prevention of integrity failures'.[26] It can also include leadership and integrity training programs that aim to strengthen leaders' integrity and their capacity to respond to corruption risks. The Australia and New Zealand School of Government's (ANZSOG) Integrity Education Programme and the Institute of Public Administration Australia, Victoria's Integrity and Ethical Leadership Program are examples of this.[27]

However, integrity agencies should go beyond education initiatives by contributing to a comprehensive corruption-prevention framework.[28] Integrity and oversight agencies also have the important function of undertaking audits or reviews, making recommendations to public sector bodies for improvement and engaging with them to support their implementation.[29] Integrity agencies can identify opportunities for improvement through audits, own motion investigations, complaints and collecting data.[30] Integrity agencies should investigate and monitor complaints and trends to identify 'process weaknesses' and opportunities to prevent corruption and other misconduct.[31]

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22   Crime and Corruption Commission Queensland, *Submission 9*, 26 August 2020, pp. 2–3.

23   OECD, *OECD public integrity handbook*, OECD Publishing, Paris, 2020, p. 194, <https://doi.org/10.1787/ac8ed8e8-en> accessed 19 March 2021.

24   Ian Scott, 'The Hong Kong ICAC's approach to corruption control', in Adam Graycar and Russell G Smith (eds), *Handbook of global research and practice in corruption*, Edward Elgar, Cheltenham, 2011, p. 413.

25   Hong Kong Independent Commission Against Corruption, *ICAC services*, 2017, <https://www.icac.org.hk/en/service/educate/other-sectors/index.html> accessed 19 March 2021.

26   Victorian Public Sector Commission (VPSC), *Submission 53*, 30 October 2020, p. 14.

27   Australia and New Zealand School of Government (ANZSOG), *Submission 30*, 1 September 2020, p. 1; Institute of Public Administration Australia, Victoria (IPPA Victoria), *Submission 28,* 31 August 2020, p. 1.

28   Professor Janet Ransley, 'Putting the prevention into corruption prevention?', slideshow presentation at the Australian Public Sector Anti-corruption Conference (APSACC), Melbourne, 30–31 October 2019, pp. 17, 19.

29   IBAC, *Submission 48,* 30 September 2020, pp. 6–8, 12.

30   OECD, *OECD public integrity handbook*, OECD Publishing, Paris, 2020, pp. 43, 197–199, 201, <https://doi.org/10.1787/ac8ed8e8-en> accessed 19 March 2020.

31   Commonwealth Ombudsman, *Submission 13*, 27 August 2020, pp. 3, 8.

Integrity agencies around Australia undertake regular monitoring and audits to uncover potential problem areas. For example, the Independent Commissioner Against Corruption in South Australia evaluates the policies, procedures and practices of public sector bodies to identify opportunities to minimise corruption risks.[32] The CCC Queensland audits public sector bodies' responses to complaints and allegations of corruption to examine 'how robust their complaints management and prevention frameworks are'.[33] The Information and Privacy Commission of New South Wales undertakes 'proactive' audits to report on compliance with legislation regarding the use of information.[34]

Monitoring the implementation of recommendations is particularly important, since, as the Victorian Ombudsman has noted, 'token' acceptance of recommendations often does not result in meaningful change. Agencies who genuinely accept recommendations and are willing to 'openly' acknowledge failings and work towards better solutions can facilitate change and lead to better governance.[35] The Office of the Ombudsman of Ontario, for example, undertakes 'robust post-investigation monitoring' through a dedicated Special Ombudsman Response Team.[36]

It is also important to consider that integrity agencies may face challenges when overseeing recommendations, as their full implementation may depend on 'long-term investment' and 'sustained' leadership and support.[37]

4.3.2 Using analysis to identify risks and adapt strategies

An effective corruption-prevention strategy requires identifying corruption and misconduct risks and vulnerabilities within distinctive 'situational contexts', and developing measures to address them.[38] This approach draws on 'situational' crime-prevention theories that argue that

> much wrongdoing derives from situational opportunities, which can be reduced by modifying environments to diminish factors that facilitate it … [and which assume] that rational actors will choose not to offend in situations where to do so is difficult or risky …[39]

This crime-prevention strategy also draws on '[r]outine activity theory', which emphasises the importance of the 'crime triangle': with 'motivated offenders', 'vulnerable targets' and 'weak guardianship' as the key factors in the occurrence

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32   Independent Commissioner Against Corruption South Australia (ICAC SA), *Submission 25*, 31 August 2020, p. 3.

33   Crime and Corruption Commission Queensland, *Submission 9*, 26 August 2020, p. 3.

34   Information and Privacy Commission New South Wales, *Submission 11,* 25 August 2020, p. 3.

35   Victorian Ombudsman (VO), *Ombudsman's recommendations—third report*, Melbourne, 2020, p. 4.

36   OECD, *OECD public integrity handbook*, OECD Publishing, Paris, 2020, p. 200, <https://doi.org/10.1787/ac8ed8e8-en> accessed 19 March 2020.

37   VO, *Ombudsman's recommendations—second report,* Melbourne, 2018, p. 5; Parliament of Victoria, Accountability and Oversight Committee, *Inquiry into methodologies and outcomes from Victorian Ombudsman reports tabled in the Parliament*, Melbourne, August 2018, p. 19.

38   AJ Brown et al., 'Preventing corruption', p. 20.

39   Ibid., p. 6.

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of crime.[40] In criminology, guardianship refers to the presence of a person or other mechanism (for example, live-monitored CCTV) that can deter crime or 'intervene' upon its commencement.[41] This could be a 'formal', 'deliberate' guardian such as a police officer or security guard, or an 'informal', 'inadvertent' guardian like a neighbour, bystander or co-worker.[42] In the case of corruption, 'a capable guardian' can include a range of actors, such as civil society, the media, whistleblowers, integrity agencies or other compliance and control measures.[43] Another preventive response is to harden the target of the crime;[44] for example, by using IT security measures to prevent unauthorised access to confidential information.

The body of research applying situational crime-prevention theories to corruption and misconduct is growing.[45] As noted, prevention strategies can be targeted towards reducing the motivations for offending and the vulnerability of targets, and strengthening guardianship and oversight.[46] One approach, for example, uses a combination of 25 crime-prevention strategies aimed at:

- lowering levels of offending by valuing integrity

- raising awareness

- increasing the effort and risks of offending

- reducing the rewards and other causal factors related to offending (for example, frustrations, disputes or peer pressures that may prompt people to offend)

- removing excuses for offending.[47]

Essentially, applying situational crime prevention to corruption prevention involves identifying the causes and scale of an issue, and developing and tailoring strategies to address those causes.[48] It involves ensuring corruption-prevention measures are targeted towards particular situations that enable offending to occur. Practically, integrity agencies can use situational crime-prevention approaches to deliver prevention and education products that are targeted and risk-based, and build the

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40   Ibid. See also Department of Attorney-General and Justice (New South Wales), *Routine activity theory: crime prevention*, 2011, <http://www.crimeprevention.nsw.gov.au/Documents/routine_activity_factsheet_nov2014.pdf> accessed 8 August 2021.

41   Department of Attorney-General and Justice (New South Wales), *Routine activity theory: crime prevention*, 2011, <http://www.crimeprevention.nsw.gov.au/Documents/routine_activity_factsheet_nov2014.pdf> accessed 8 August 2021. See also Meghan Hollis et al., 'Guardianship for crime prevention: a critical review of the literature', *Crime, Law and Social Change*, August 2011, <https://www.researchgate.net/publication/226557712> accessed 8 August 2021.

42   Department of Attorney-General and Justice (New South Wales), *Routine activity theory: crime prevention*, 2011, <http://www.crimeprevention.nsw.gov.au/Documents/routine_activity_factsheet_nov2014.pdf> accessed 8 August 2021.

43   Adam Graycar and Aiden Sidebottom, 'Corruption and control: a corruption reduction approach', *Journal of Financial Crime*, vol. 19, no. 4, 2012, p. 389.

44   AJ Brown et al., 'Preventing corruption', pp. 2, 15, 20.

45   Tim Prenzler, 'Grey corruption issues in the public sector', *Journal of Criminological Research, Policy and Practice*, vol. 7, no. 2, 2021, p. 144.

46   AJ Brown et al., 'Preventing corruption', p. 6.

47   Professor Janet Ransley, 'Putting the prevention into corruption prevention?', slideshow presentation at APSACC, Melbourne, 30–31 October 2019, pp. 11, 15; AJ Brown et al., 'Preventing corruption', pp. 6–7; Tim Prenzler, 'Grey corruption issues in the public sector', *Journal of Criminological Research, Policy and Practice*, vol. 7, no. 2, 2021, p. 144.

48   Tim Prenzler, 'Grey corruption issues in the public sector', *Journal of Criminological Research, Policy and Practice*, vol. 7, no. 2, 2021, p. 144.

capacity of public sector bodies to implement their own targeted interventions.[49] As the Australian Capital Territory (ACT) Integrity Commission has noted:

> Focusing on the delivery of initiatives which target specific public officials, operating environments and/or functions helps to improve the likelihood that … [the] initiatives will be effective in achieving their stated objectives.[50]

In addition, the Independent Broad-based Anti-corruption Commission (IBAC) uses its 'investigations, research and strategic intelligence analysis' to inform 'the public sector about corruption risks and helps build public sector capacity to respond to those risks'.[51] Complaints and investigations are an important means of gathering intelligence and identifying 'red flags'.[52]

However, applying situational crime-prevention approaches to corruption and other misconduct is broader than the provision of educative resources, even if they are targeted and risk-based. Professor Janet Ransley contends that integrity agencies could undertake more 'situational strategies' that aim to reduce the opportunities for offending and reduce weaknesses in areas susceptible to corruption ('target-hardening').[53]

Some effective situational crime-prevention strategies that public sector bodies and integrity agencies could utilise include:

- Minimising opportunities to engage in corruption; for example, by reducing discretion in decision-making through separation of duties or having robust procurement processes.

- Undertaking regular monitoring and audits to increase the likelihood that corrupt behaviour and other misconduct is detected.

- Reducing the rewards for engaging in corruption; for example, by confiscating the proceeds of crime.

- Neutralising justifications for corruption and other misconduct through education and the 'clear communication of policies and procedures'.

- Reducing provocations to engage in corrupt behaviour; for example, policies or programs designed to improve employee job satisfaction.

- Reducing the risk of offending through targeted prevention workshops and training.[54]

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49   Centre for Crime Policy and Research, Flinders University, *Submission 46,* 30 September 2020, p. 12; Tim Prenzler, 'Grey corruption issues in the public sector', *Journal of Criminological Research, Policy and Practice*, vol. 7, no. 2, 2021, p. 144.

50   Australian Capital Territory (ACT) Integrity Commission, *Submission 20,* 28 August 2020, p. 7.

51   IBAC, *Submission 48,* 30 September 2020, p. 12.

52   Dr Colleen Lewis, Honorary Professor, Australian Studies Institute, Australian National University, *Submission 21*, 28 August 2020, p. 1.

53   Professor Janet Ransley, Director, Griffith Criminology Institute, Griffith University, *Submission 51,* 7 October 2020, pp. 2–3.

54   Centre for Crime Policy and Research, Flinders University, *Submission 46,* 30 September 2020, pp. 4–5, 8.

4.3.3 Graduated system of sanction and law enforcement

Investigation and enforcement form part of a strategic and comprehensive prevention system:

> Where integrity breaches are detected, the adoption of a graduated system of responses and sanctions that is sensitive to the context in which offending has occurred, and the prospect of voluntary compliance being achieved. Sanctions should incorporate a range of options from education, through warnings and administrative measures.
>
> Law enforcement measures, including criminal sanctions, for egregious misconduct … [should also be implemented]. To have an effective deterrent effect, these measures need to be as swift, certain and public as possible. [55]

For a system of public integrity to deter misconduct, integrity rules and standards must be enforced:

> If carried out in a fair, co-ordinated, transparent and timely manner, enforcement mechanisms can promote confidence in the government's public integrity system, serving to strengthen its legitimacy over time and helping to instil integrity values in individuals, organisations and society as cultural norms.[56]

A number of submissions to this Inquiry noted that law-enforcement models of corruption prevention operate on the assumption that sanctions will deter people from engaging in corrupt conduct; however, there is only limited evidence that deterrence works for corruption and other misconduct, particularly considering the under-reporting of this behaviour. Therefore, while a graduated approach to enforcement is necessary in an integrity system, it should not be relied upon exclusively as a prevention and deterrence mechanism.[57]

4.3.4 Monitoring and continuous improvement

A comprehensive and integrated prevention system requires robust 'performance measures', data collection that enables integrity agencies 'to assess the effectiveness of prevention initiatives', and the ability 'to modify and improve' prevention methods when appropriate.[58] All integrity agencies should align their outreach activities and determine, based on monitoring compliance and complaints, whether 'integrity-building' and corruption-prevention strategies are effective.[59]

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55 AJ Brown et al., 'Preventing corruption', p. 20 (see also: pp. 2, 6–7, 9, 10, 12, 15, 20, 23, and passim).

56 OECD, *OECD public integrity handbook*, OECD Publishing, Paris, 2020, p. 174, <https://doi.org/10.1787/ac8ed8e8-en> accessed 19 March 2020.

57 AJ Brown et al., 'Preventing corruption', p. 20 and passim; Dr Alistair Ping, Adjunct Professor, QUT Graduate School of Business, Queensland University of Technology, *Submission 44*, 30 September 2020, p. 2; Centre for Crime Policy and Research, Flinders University, *Submission 46*, 30 September 2020, pp. 1–2; Professor Janet Ransley, Director, Griffith Criminology Institute, Griffith University, *Submission 51*, received 7 October 2020, p. 2.

58 AJ Brown et al., 'Preventing corruption', p. 21.

59 Ibid.

However, agencies may face challenges as there is insufficient knowledge about the effectiveness of anti-corruption interventions, partly due to a deficit in existing data and impact evaluations.[60] Consequently, indicators of outcomes and impacts and monitoring mechanisms should be integrated into corruption-prevention strategies.[61] Simple and 'concrete indicators' demonstrating what has been achieved and what has changed should be built into corruption-prevention initiatives, and the results of monitoring programs should be made public as far as practicable.[62]

The Committee received evidence noting deficiencies in current monitoring and evaluation practices in Australia.[63] The measurement of the outcomes and effectiveness of Victorian integrity agencies' education and corruption-prevention practices is explored further in Chapter 6 of this report.

4.4 Resourcing and support

The proactive and independent funding of integrity agencies builds trust in the ability of integrity agencies to undertake their role and encourages people to report suspected wrongdoing.[64] A number of submissions to the Inquiry highlighted the need for integrity agencies to be adequately resourced to effectively perform their legislated education and prevention functions.[65]

The ACT Integrity Commission has observed that integrity agencies are 'likely to scale their prevention and education activities according to their allocated resources',[66] and research by Transparency International indicates that a prevention, education and outreach budget above 5% of total operating expenditure is considered to be 'high' globally.[67]

The amount of funding necessary will depend, in part, on whether integrity agencies have direct or indirect legislated education and prevention functions, and the extent of those functions. For example, IBAC has express, broad, legislated education and

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60 Jennifer Schöberlein, *What works in anti-corruption programming*, pp. 2, 6.

61 Ibid., p. 2.

62 Council of Europe, *Designing and implementing anti-corruption policies,* Strasbourg, 2013, pp. 8–9; Jennifer Schöberlein, *What works in anti-corruption programming*, pp. 22, 23.

63 Professor Janet Ransley, Director, Griffith Criminology Institute, Griffith University, *Submission 51,* 7 October 2020, p. 3; Centre for Crime Policy and Research, Flinders University, *Submission 46,* 30 September 2020, p. 11; Tim Prenzler, 'Grey corruption issues in the public sector', *Journal of Criminological Research, Policy and Practice*, vol. 7, no. 2, 2021, p. 143; Dr Eva Tsahuridu, School of Accounting, Information Systems and Supply Chain, RMIT University, *Submission 29*, 31 August 2020, pp. 3, 5; PSCWA, *Submission 19,* 28 August 2020, p. 4.

64 Dr Bruce Baer Arnold, Assistant Professor, Canberra Law School, University of Canberra and Dr Wendy Bonython, Associate Professor, Faculty of Law, Bond University, *Submission 6*, 29 July 2020, p. 3.

65 Accountability Round Table, *Submission 8*, 7 August 2020, pp. 7–8; Commonwealth Ombudsman, *Submission 13*, 27 August 2020, p. 8; Dr Colleen Lewis, Honorary Professor, Australian Studies Institute, Australian National University, *Submission 21*, 28 August 2020, pp. 4–5, 8, 9, 10; Robinson Gill Lawyers, *Submission 33*, 14 September 2020, pp. 2, 4; Law Institute of Victoria, *Submission 38*, 22 September 2020, pp. 2–3; Centre for Crime Policy and Research, Flinders University, *Submission 46,* 30 September 2020, pp. 9–10.

66 ACT Integrity Commission, *Submission 20,* 28 August 2020, p. 8.

67 ACT Integrity Commission, *Submission 20,* 28 August 2020, p. 8; Transparency International, *Revised implementation guide*, 2018, p. 13, <https://www.transparency.org/files/content/activity/2018_Revised_ACA_Implementation_Guide.pdf> accessed 22 March 2021.

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prevention functions, whereas the Victorian Inspectorate has indirect functions, which focus on its oversight of IBAC.[68]

In addition to adequate resourcing, a commitment to corruption prevention should come from leaders across the public sector who can ensure support for the conscientious and continuous review and development of public integrity mechanisms.[69]

4.5 Training

4.5.1 Role of integrity agencies

Training for staff on ethics, integrity and integrity measures should be integrated into a comprehensive and strategic 'public integrity' policy, and assimilated into a 'wider skills development' and 'capacity-building' framework for any public service.[70] This can be achieved through incorporating integrity or ethics training into compulsory induction programs and by implementing a 'rolling program of regular … awareness and prevention training'.[71]

Integrity agencies can take a leading role in coordinating and promoting ethics training for public sector officials and ensuring its quality.[72] The United States Office of Government Ethics, for example, has a variety of education and training tools for ethics officials to use when conducting induction and annual ethics training.[73] In South Australia, the Office of the Commissioner for Public Sector Employment (SA OCPSE) surveys public sector bodies annually and reports to the Parliament of South Australia on 'their efforts to promote ethical decision-making and conduct with[in] their workforce'.[74] The SA OCPSE also reports on sector-wide completion rates of its online Code of Ethics Awareness Program, and currency of 'ethical conduct training'.[75] Western Australia provides another example. The PSCWA requires all public sector agencies to develop and deliver their own ethics training, covering prescribed conduct categories.[76]

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68   See the discussion in Sections 2.2 and 2.4 of Chapter 2.

69   OECD, *OECD Public integrity handbook*, OECD Publishing, Paris, 2020, pp. 16–17, <https://doi.org/10.1787/ac8ed8e8-en> accessed 19 March 2020.

70   OECD, *OECD public integrity handbook*, OECD Publishing, Paris, 2020, p. 123 (see also pp. 44, 50, 154, 174, 194), <https://doi.org/10.1787/ac8ed8e8-en> accessed 19 March 2020; OECD Anti-Corruption Network for Eastern Europe and Central Asia and SIGMA (Support for Improvement in Governance and Management), *Ethics training for public officials,* Paris, 2013, pp. 9–10.

71   Attorney-General's Department, Australian Government, *Commonwealth Fraud Control Framework*, Barton, 2017, p. 23.

72   OECD Anti-Corruption Network for Eastern Europe, Central Asia SIGMA and OECD Public Sector Integrity Network, *Ethics training for public officials,* 2013, pp. 9–10, 11, 19, 71.

73   United States Office of Government Ethics, *Education through training & advice*, <https://www.oge.gov/web/oge.nsf/ethicsofficials_education-through-training> accessed 15 March 2021.

74   Office of the Commissioner for Public Sector Employment, South Australia, *Submission 36*, 18 September 2020, p. 2.

75   Ibid., p. 2.

76   PSCWA, *Accountable and Ethical Decision Making (AEDM) training program*, <https://www.wa.gov.au/organisation/public-sector-commission/accountable-and-ethical-decision-making-aedm-training-program> accessed 2 August 2021.

Alternatively, integrity agencies can themselves take a more active role in delivering ethics training or education programs. The Queensland Ombudsman, for example, delivers training on making good decisions and practical ethics for both State and local government.[77] Many submissions to the Inquiry highlighted the importance of integrity agencies targeting their training programs towards specific sectors.[78] Integrity agencies and training providers should therefore collaborate with other public sector bodies to ensure that training is targeted to its intended audience and materials are appropriate and relevant.[79] For example, the NSW ICAC has partnered with ANZSOG to deliver a four-day integrity education program for public sector leaders in Australia.[80]

Many integrity agencies across Australia offer classroom-based training sessions, online webinars and tailored training courses.[81] In its submission to the Inquiry, the CCC Queensland referred to anecdotal evidence suggesting that people prefer classroom-based learning.[82] However, web-based training also has clear benefits: it can be delivered at a lower cost to a greater number of people,[83] allows for greater flexibility and is more convenient for regional public sector employees.[84]

4.5.2 Targeted training

While tailoring training to specific sectors is important, ethics or integrity training that is practical, and targeted towards particular organisations and specific at-risk groups within them, is likely to be even more effective. For instance, there should be training (such as on the organisation's values and code of conduct during employee induction) delivered to everyone within an organisation. There should also be training tailored to particular divisions in higher-risk corruption areas (for example, human resources or procurement).[85] Contextualising training content is important because

> [k]nowledge that is more relevant to a participant's daily practice will be more useful and a participant will respond more favourably to information if they believe it has been tailored to their needs.[86]

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77   Queensland Ombudsman, *Training courses*, <https://www.ombudsman.qld.gov.au/training-and-education/training-courses> accessed 19 March 2021.

78   Ambulance Victoria, *Submission 16*, 28 August 2020, p. 5; Victorian Local Governance Association (VLGA), *Submission 43*, 30 September 2020, pp. 2–3; Queensland Ombudsman, *Submission 39*, 22 September 2020, p. 5; Victoria Legal Aid, *Submission 40*, 5 October 2020, p. 2; Commonwealth Ombudsman, *Submission 13*, 27 August 2020, p. 7.

79   VLGA, *Submission 43*, 30 September 2020, pp. 2–3; OECD Anti-Corruption Network for Eastern Europe, Central Asia, SIGMA and OECD Public Sector Integrity Network, *Ethics training for public officials,* 2013, pp. 9–10, 15, 69.

80   ANZSOG, *Submission 30*, 1 September 2020, p. 2.

81   Centre for Crime Policy and Research, Flinders University, *Submission 46,* 30 September 2020, p. 7.

82   Crime and Corruption Commission Queensland, *Submission 9*, 26 August 2020, p. 2.

83   Centre for Crime Policy and Research, Flinders University, *Submission 46,* 30 September 2020, p. 7.

84   Office of the Information Commissioner, Queensland, *Submission 24*, 31 August 2020, p. 3.

85   Centre for Crime Policy and Research, Flinders University, *Submission 46,* received 30 September 2020, pp. 4, 8–9; Institute of Public Administration Australia (Victoria) (IPAA), *Submission 28,* 31 August 2020, p. 3.

86   IPAA Victoria, *Submission 28,* 31 August 2020, p. 3.

Training should not be rigid, but, instead, adapted in response to particular legal and regulatory changes or challenges and instances of non-compliance.[87] Training should also recognise and respond to potential justifications for offending and address peer pressures specific to individual groups.[88] This means taking account of, not only of an individual's rationalisations, but the culture that reinforces and sustains such rationalisations within an organisation.[89]

Other principles that can be adopted by integrity agencies when delivering training include:

- Providing a 'safe space' for learning that promotes open discussion.[90]

- Employing expert trainers with experience relevant to the public sector.[91]

- Keeping class sizes small.[92]

- Ensuring that training is affordable.[93]

- Providing practical resources that can be used as reference material, and limiting reliance on case law.[94]

- Providing relevant and contemporary examples and case studies.[95]

- Delivering training consistently and regularly 'to ensure public sector employees are reminded of the need to remain vigilant'.[96]

A combination of 'modern training' techniques—such as 'theoretical lectures', workshops,[97] e-learning modules[98] and 'peer-based learning'[99]—should be used when developing and delivering training programs.

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[87] This discussion draws principally on the work of Mr Andrew Kandel (who has extensive experience as a Chief Compliance Officer, lawyer and prosecutor) and Ms Lauren Steinfeld (who is Chief Privacy Officer for Penn Medicine and Senior Advisor for Privacy for the University of Pennsylvania), both of whom are Lecturers in Law in the Carey Law School, University of Pennsylvania, and delivered an online course on 'What is corruption: anti-corruption and compliance' in April 2020 via Coursera.

[88] Centre for Crime Policy and Research, Flinders University, *Submission 46,* 30 September 2020, p. 8.

[89] Dr Eva Tsahuridu, School of Accounting, Information Systems and Supply Chain, RMIT University, *Submission 29*, 31 August 2020, p. 5; Centre for Crime Policy and Research, Flinders University, *Submission 46,* 30 September 2020, p. 8.

[90] IPAA Victoria, *Submission 28,* 31 August 2020, p. 5;

[91] Queensland Ombudsman, *Submission 39*, 22 September 2020, p. 4; Commonwealth Ombudsman, *Submission 13*, 27 August 2020, p. 7.

[92] Queensland Ombudsman, *Submission 39*, 22 September 2020, p. 4.

[93] Queensland Ombudsman, *Submission 39*, 22 September 2020, p. 4; Victoria Legal Aid, *Submission 40*, 5 October 2020, p. 4.

[94] Queensland Ombudsman, *Submission 39*, 22 September 2020, pp. 4–5. Greater attention to case law and other primary legal materials will, of course, be appropriate when training legal personnel.

[95] VLGA, *Submission 43*, 30 September 2020, p. 4; Crime and Corruption Commission Queensland, *Submission 9*, 26 August 2020, p. 2; OECD Anti-Corruption Network for Eastern Europe, Central Asia, SIGMA and OECD Public Sector Integrity Network, *Ethics training for public officials,* 2013, p. 10.

[96] Crime and Corruption Commission Queensland, *Submission 9*, 26 August 2020, p. 2.

[97] OECD Anti-Corruption Network for Eastern Europe, Central Asia, SIGMA and OECD Public Sector Integrity Network, *Ethics training for public officials,* 2013, p. 10.

[98] OECD, *OECD public integrity handbook*, OECD Publishing, Paris, 2020, p. 126, <https://doi.org/10.1787/ac8ed8e8-en> accessed 19 March 2021.

[99] IPAA Victoria, *Submission 28,* 31 August 2020, p. 4.

Training should also adopt the principles of adult learning, collectively known as 'andragogy' (see Figure 4.1). According to the 'andragogical' education model, adult learners have distinct characteristics, and therefore have different learning needs from children, which are not adequately addressed by the traditional pedagogical model.[100]

According to the andragogical model, adults' motivation to learn is often correlated with their need to know the reason for learning something new, and how learning will satisfy particular needs or interests.[101] Adults therefore tend to be more responsive to internal motivations for learning, for example, job satisfaction, although some external factors, such as promotions and pay rises, are also important.[102] As adults are responsible for decision-making in their daily lives, they have a deep-seated need for 'self-direction', and respond to 'mutual inquiry', rather than one-way education.[103]

Adults also tend to have a 'life-centred' attitude to learning, meaning they are better adapted to learning content that is based on real-life situations or problems, as opposed to general subject areas.[104] In fact, 'the core methodology of adult education is the analysis of experience', because adults are more open to learning when it helps them deal effectively with situations they encounter in their own lives—for example, the development of particular skills necessary for a promotion.[105] Finally, differences between individuals increase over time in adulthood, and allowances must be made for greater disparities in life experiences and learning abilities and styles.[106]

Therefore, rather than conveying information passively, training targeted to adult learners will be more effective if:

- Participants play an active role in planning and evaluating course content and delivery.

- Instructors emphasise the reasons for learning new information.

- Learning activities are practical, appeal to participants' past experiences, enable them to act in real-life situations, 'problem-centred rather than content-oriented', and encourage them to take responsibility for decisions.

- Learning is directly relevant to participants' jobs, including development milestones.[107]

In summary, Knowles's approach to education and training recognises that children and young people have different needs and interests from adults. Adult education and training must therefore pay attention to these distinctive needs and interests. Figure 4.1

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100 Malcolm S Knowles et al., *The adult learner: the definitive classic in adult education and human resources development*, 9th edn, Routledge, New York, 2020, p. 49.

101 Ibid., pp. 22, 43–44.

102 Ibid., p. 46.

103 Ibid., pp. 22, 44.

104 Ibid., p. 22.

105 Ibid., pp. 22, 45–46.

106 Ibid., pp. 22, 44.

107 Ibid., pp. 22, 43–45; Elearning Infographics, *The adult learning theory–andragogy*, 2 April 2014, <https://elearninginfographics.com/adult-learning-theory-andragogy-infographic> accessed 19 March 2021.

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(below) explains the four main principles that need to be respected for successful adult-centred learning (andragogy) in contrast to the education of children and young people (pedagogy).

First, involving adult learners in the development, delivery and assessment of course material is vital, considering their independent and self-driven nature. Second, the richness and diversity of participants' life experiences, including the complexity of their particular workplaces and job roles, should form the basis for teaching practical skills. Third, learning should have a targeted purpose that is directly relevant to the participants' professional and/or personal lives. Finally, learning should use a problem-centred approach, which focuses on teaching practical skills that participants can use in their own workplaces.[108]

Figure 4.1   Knowles's theory of adult learning
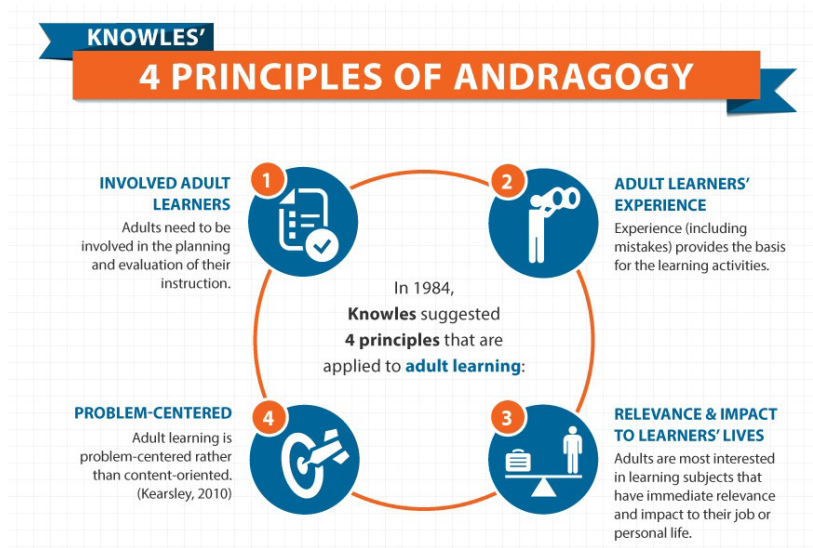
Source: Elearning Infographics, *The adult learning theory–andragogy*, 2 April 2014, <https://elearninginfographics.com/adult-learning-theory-andragogy-infographic> accessed 19 March 2021.

4.5.3   Values-based training

A number of submissions to the Inquiry advocated training focused on integrity and ethical values, and which draw on behavioural science approaches.[109] Professor Adam Graycar argues that educational efforts focusing on ethics and integrity, rather than compliance, 'rules and the penalties' associated with offending, are likely to have more success in creating change.[110]

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108   Elearning Infographics, *The adult learning theory–andragogy*, 2 April 2014, <https://elearninginfographics.com/adult-learning-theory-andragogy-infographic> accessed 3 February 2022.

109   Professor Adam Graycar, Director, Stretton Institute, University of Adelaide, *Submission 52*, 15 October 2020, pp. 2–3; VLGA, *Submission 43*, 30 September 2020, p. 4; Dr Alistair Ping, Adjunct Professor, Graduate School of Business, Queensland University of Technology, *Submission 44*, 30 September 2020, pp. 2–4; Dr Eva Tsahuridu, School of Accounting, Information Systems and Supply Chain, RMIT University, *Submission 29*, 31 August 2020, pp. 3, 5.

110   Professor Adam Graycar, Director, Stretton Institute, University of Adelaide, *Submission 52*, 15 October 2020, p. 2.

Education and training are 'key to changing culture',[111] and '[v]alues-based training' can help public sector workers respond more effectively to 'potential integrity issues'.[112] For example, Professor Mary Gentile developed Giving Voice to Values (GVV) as a practical alternative to traditional ethical decision-making training programs. GVV recognises that often the hardest part of acting ethically is not in deciding what is the right thing to do but, rather, *acting* on that knowledge. GVV therefore focuses on providing people with the tools to act on their values, emphasising, for example, the importance of managers or other staff rehearsing how to speak up effectively when confronted with ethical dilemmas.[113]

The GVV approach recognises the limitations of traditional approaches to ethics training and encouraging ethical behaviour in organisations. The traditional approach uses hypothetical scenarios in which the task involves identifying the ethical problem (say, conflict of interest); understanding why it is a problem (it can undermine impartiality and fairness); and knowing the right thing to do (declare, manage or avoid the conflict). Professor Gentile, however, has emphasised that, while the identification of the right thing to do remains important, it is insufficient. Often employees *already know* what the right thing to do is but do not have the confidence to do it or do not know *how* they can do it effectively. The GVV approach is distinguished therefore by its pragmatism. It recognises and pays attention to *barriers* to doing the right thing, both individual (for example, personality types, rationalisations, emotional states and communication styles) and organisational (for example, culture, governance, institutional and leadership). It then concentrates on how to overcome these barriers through thoughtful and evidence-based analysis and individual practice. This approach helps managers and employees develop their 'moral muscle memory' so they can do the right thing, particularly in pressured situations.[114]

This approach is supported to some extent by Dr Alistair Ping and Dr Eva Tsahuridu, who note that people make unethical decisions due to a dynamic interplay between individual and organisational factors, and that, consequently, effective ethics training needs to consider the individual person, organisation and issue.[115] Therefore, ethics training should not concentrate exclusively on individual behaviours but also consider the influence of culture, 'teams and organisations'.[116] Employees can be supported to develop '[e]thical intelligence', which includes 'the ability to recognise the individual

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111   Parliament of Western Australia, Joint Standing Committee on the Corruption and Crime Commission (JSCCCC), *Red flags… red faces: corruption risk in public procurement in Western Australia*, Perth, 2020, p. 135 ('*Red flags…red faces*').

112   OECD, *OECD public integrity handbook*, OECD Publishing, Paris, 2020, p. 125, <https://doi.org/10.1787/ac8ed8e8-en> accessed 19 March 2021.

113   Mary Gentile, *Giving voice to values: how to speak your mind when you know what's right*, Yale University Press, New Haven, 2010, pp. xxiii–xliv.

114   The discussion here draws on the work and approach of Professor Mary Gentile, Darden School of Business, University of Virginia—see 'Ethical leadership through giving voice to values', an online course delivered in May 2020 via Coursera. See also Mary Gentile, *Giving voice to values: how to speak your mind when you know what's right*, Yale University Press, New Haven, 2010, pp. xxiii–xliv, 108–134, 170–210, 211–222.

115   Dr Alistair Ping, Adjunct Professor, QUT Graduate School of Business, Queensland University of Technology, *Submission 44*, 30 September 2020, pp. 2–5; Dr Eva Tsahuridu, School of Accounting, Information Systems and Supply Chain, RMIT University, *Submission 29*, 31 August 2020, p. 2, 4–5.

116   Dr Eva Tsahuridu, School of Accounting, Information Systems and Supply Chain, RMIT University, *Submission 29*, 31 August 2020, pp. 2, 4–5.

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and situational factors' affecting decision-making, in order to increase 'self-awareness' and learn how to better navigate ethical dilemmas.[117]

Given that there is a lack of adequate data relating to the effectiveness of education and training approaches,[118] efforts should be made to increase the quality of data collected to evaluate the effectiveness of training. Well-defined, explicit objectives and performance measures should be developed in advance of, and after, training, and outcomes should be evaluated against those criteria.[119] Data and other lessons from evaluations should be collected and analysed so that training can be improved, including ensuring that it remains relevant and beneficial.[120]

4.5.4 Striking the right balance

Integrity agencies and the public sector will need to consider, as part of a comprehensive integrity strategy, which kinds of training will be delivered by integrity agencies and which by public sector bodies. Striking the right balance is important:

> When an oversight body or integrity agency undertakes to provide training in an effort to ... build [the] capacity of organisations, it is important to maintain a balance between training and its primary oversight function. It can be a challenge to maintain this balance to avoid creating a culture of dependence within the organisations.[121]

In addition, integrity agencies and the public sector should cooperate to ensure that training is delivered consistently[122] and 'regularly'.[123] One-off education and training is unlikely to be effective since behavioural change is more likely to occur through the regular reinforcement of messages.[124] Consequently, integrity agencies and public sector bodies will need to ensure that initial and refresher training is provided to employees, and that its completion is verified and recorded.[125]

The balance between training and resourcing also needs to be considered. While face-to-face courses are preferable, they are also more costly and resource-intensive, so a mixture of online and in-person training is advisable.[126]

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117   Dr Michael Collins, 'Ethical intelligence: helping good people avoid bad decisions', slideshow presentation at APSACC, Melbourne, 30–31 October 2019, p. 5. See also Michael Collins, *Corporate scandals: why good people do bad things—and how to stop them*, The University of Queensland, <https://stories.uq.edu.au/momentum-magazine/2020/corporate-scandals-why-good-people-do-bad-things-and-how-to-stop-them/index.html> accessed 19 March 2021.

118   Dr Eva Tsahuridu, School of Accounting, Information Systems and Supply Chain, RMIT University, *Submission 29*, 31 August 2020, p. 3.

119   Logan Steele et al., 'How do we know what works? A review and critique of current practices in ethics training evaluation', *Accountability in Research*, vol. 23, no. 6, 2016, pp. 320–324, 333–334, <http://dx.doi.org/10.1080/08989621.2016.1186547> accessed 19 March 2019.

120   Logan Steele et al., 'How do we know what works? A review and critique of current practices in ethics training evaluation', *Accountability in Research*, vol. 23, no. 6, 2016, pp. 320–324, 333–334, <http://dx.doi.org/10.1080/08989621.2016.1186547> accessed 19 March 2019; IPAA Victoria, *Submission 28,* 31 August 2020, p. 5.

121   Commonwealth Ombudsman, *Submission 13*, 27 August 2020, p. 3.

122   VLGA, *Submission 43*, 30 September 2020, pp. 2–3.

123   Centre for Crime Policy and Research, Flinders University, *Submission 46,* 30 September 2020, p. 4.

124   IPAA Victoria, *Submission 28,* 31 August 2020, p. 5.

125   Crime and Corruption Commission Queensland, *Operation Impala: report on the misuse of confidential information in the Queensland public sector*, Brisbane, February 2020, pp. 69–70.

126   Ibid.

In addition, noting potential resourcing constraints, integrity organisations should consider targeting training towards individuals in high-risk areas and senior leadership positions.[127] A number of submissions to the Inquiry highlighted that it is best practice to tailor training and avoid reliance on generic content.[128] However, as tailored training is more resource-intensive, integrity agencies can often only provide training on selected key themes, such as privacy, conflicts of interest or complaint handling.[129] While the Integrity and Oversight Committee recognises that tailoring training to sectors, organisations or specific areas is best practice, it appreciates that there are practical limitations to the degree of tailoring integrity agencies can undertake in the training they provide to public sector bodies. Therefore, it may sometimes be more practical for public sector bodies to develop and deliver their own training, with support and oversight from integrity agencies.

4.6 Corruption and anti-corruption research

It is good practice to consider findings from national and international research when designing corruption-prevention policies, strategies and tools. To design an effective anti-corruption policy, a thorough understanding of the nature and incidence of corruption and applicable risk factors is required.[130] This understanding will assist integrity agencies to recognise and address corruption trends, as well as provide 'baseline data' to measure the impact of corruption-control measures.[131]

In addition, an understanding of the 'root causes of corruption', such as attitudes and practices of public officials and citizens, should be developed to inform an integrity strategy.[132] Successful anti-corruption policies will also need to consider the 'barriers to the achievement of integrity in public administration'.[133] Developing this knowledge will allow prevention strategies and integrity reforms to be properly adapted to local contexts, recognising that corruption-prevention strategies should be customised to respond to context-specific risks and needs.[134]

Submissions to the Inquiry from interstate integrity agencies stressed the importance of learning from State, interstate and federal counterparts and sharing successful strategies with other agencies. Integrity agencies can do this by monitoring the research, reports, strategies and activities undertaken by other agencies, and drawing

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127 IPAA Victoria, *Submission 28,* 31 August 2020, p. 4; Dr Eva Tsahuridu, School of Accounting, Information Systems and Supply Chain, RMIT University, *Submission 29*, 31 August 2020, p. 5; Centre for Crime Policy and Research, Flinders University, *Submission 46,* 30 September 2020, pp. 4, 9.

128 Ambulance Victoria, *Submission 16*, 28 August 2020, p. 5; VLGA, *Submission 43*, 30 September 2020, pp. 2–3; Queensland Ombudsman, *Submission 39*, 22 September 2020, p. 5; Victoria Legal Aid, *Submission 40*, 5 October 2020, p. 2; Commonwealth Ombudsman, *Submission 13*, 27 August 2020, p. 7.

129 Centre for Crime Policy and Research, Flinders University, *Submission 46,* 30 September 2020, p. 9.

130 Jennifer Schöberlein, *What works in anti-corruption programming*, pp. 21–22.

131 Centre for Crime Policy and Research, Flinders University, *Submission 46,* 30 September 2020, p. 11.

132 Jennifer Schöberlein, *What works in anti-corruption programming*, pp. 21–22 and passim.

133 Mark Evans, 'Beyond the integrity paradox—towards "good enough" governance', *Policy Studies*, vol. 33, no. 1, 2012, p. 98.

134 Jennifer Schöberlein, *What works in anti-corruption programming*, pp. 2, 6, 21–22, 24.

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upon the other integrity agencies' publicly available resources.[135] This can also occur through formalised mechanisms, such as Australia's Corruption Prevention Practitioner's Forum. The biannual forum aims to develop knowledge through the discussion of corruption-prevention issues and exchange of ideas and experiences.[136]

4.7 Transparency, accountability and freedom of information

Preventing corruption and other misconduct can be achieved through measures that promote transparency and accountability. This can be facilitated through effective freedom of information (FOI) regimes, alongside an increase in the proactive publication of data by public institutions—for example, by publishing budget and complaints-handling data online.[137] In addition, proactively publishing complaints-handling data can help identify systemic problems and create opportunities for early intervention and prevention.[138] The publication of data and government information must be accessible, easily navigable,[139] 'meaningful' and 'comprehensive'.[140] These considerations extend to information relating to the integrity agencies. Integrity agencies should provide publicly available justifications for the decisions they make. This type of scrutiny of integrity agencies can increase the robustness of their oversight.[141]

While there is 'broad consensus' that transparency and accountability mechanisms, such as FOI, can reduce the opportunity for corruption, they need to be combined with other measures and implemented effectively.[142] Well-resourced and independent oversight bodies are essential in ensuring that FOI legislation is effectively implemented and that the public sector is able to respond appropriately and efficiently to lawful information requests.[143]

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135 Commonwealth Ombudsman, *Submission 13*, 27 August 2020, p. 3; PSCWA, *Submission 19,* 28 August 2020, p. 3; ACT Integrity Commission, *Submission 20,* 28 August 2020, p. 7.

136 ACT Integrity Commission, *Submission 20,* 28 August 2020, p. 7; Law Enforcement Conduct Commission, *Submission 34,* 16 September 2020, p. 1.

137 OECD Anti-Corruption Network for Eastern Europe and Central Asia, *Prevention of corruption in the public sector in Eastern Europe and Central Asia*, Paris, 2015, p. 33; Office of the Victorian Information Commissioner (OVIC), *What is freedom of information*, <https://ovic.vic.gov.au/freedom-of-information/what-is-freedom-of-information> accessed 19 March 2021; Parliament of Victoria, Independent Broad-based Anti-corruption Commission Committee (IBAC Committee), *Inquiry into the external oversight of police corruption and misconduct in Victoria,* September 2018, p. 107.

138 Parliament of Victoria, IBAC Committee, *Inquiry into the external oversight of police corruption and misconduct in Victoria,* September 2018, pp. 107–108.

139 Dr Bruce Baer Arnold, Assistant Professor, Canberra Law School, University of Canberra and Dr Wendy Bonython, Associate Professor, Faculty of Law, Bond University, *Submission 6*, 29 July 2020, p. 9.

140 Professor Fiona Haines, School of Social and Political Sciences, University of Melbourne, *Submission 14*, 27 August 2020, p. 3.

141 Ibid., p. 2.

142 Maíra Martini, *Right to information laws: impact and implementation*, Transparency International and U4 Anti-Corruption Resource Centre, 2014, p. 1.

143 Ibid., p. 5.

4.8 Whistleblowing

The confidence to report suspected corruption or other misconduct is integral to creating a corruption-resistant culture, achieving integrity and facilitating good governance.[144] A robust whistleblowing regime can support transparent, open and accountable public administration. Whistleblowers can provide valuable information that helps public sector bodies identify and prevent wrongdoing, and facilitates improvements in governance.[145]

While responsibility for whistleblowing policies lies predominantly with public sector bodies, organisational responses to whistleblowing should be integrated into integrity frameworks[146] and situated within a regulatory framework that promotes the rights of whistleblowers and freedom of the media.[147] The media has a critical role in encouraging accountability, good governance and integrity.[148] Public authorities should, therefore, actively encourage (for example, through awareness-raising campaigns) employees, contractors and citizens to report corruption through appropriate channels.[149]

To encourage reporting, the early identification of corruption and the maintenance of effective whistleblowing regimes, there should be a key oversight agency. This agency should be responsible for administering the relevant legislation, supporting public sector bodies when handling disclosures and 'promoting the objectives of the legislation within government and publicly, including through training and public education'.[150] The central role of IBAC in Victoria in receiving and assessing potential whistleblowing complaints ('public interest disclosures') is one example of this kind of approach.[151] Integrity agencies should also create incentives for employees to report corruption and shield them from retaliation. Without adequate protections for whistleblowers—supported by an integrity-based culture with strong leadership— whistleblowing laws and frameworks can 'remain weak, ineffective and inadequate'.[152]

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144 AJ Brown et al., *Clean as a whistle: a five-step guide to better whistleblowing policy and practice in business and government*. (Key findings and actions of Whistling While They Work 2), Griffith University, Brisbane, August 2019, p. 1 ('*Clean as a whistle*').

145 Parliament of Victoria, IBAC Committee, *Improving Victoria's whistleblowing regime: a review of the* Protected Disclosure Act 2012 *(Vic)*, June 2017, p. 1; Commonwealth Ombudsman, *Submission 13*, 27 August 2020, p. 4.

146 IBAC, *Submission 48*, 30 September 2020, pp. 4–5, 6, 9, 10–12, 18.

147 AJ Brown et al., *Clean as a whistle*, p. 1.

148 Ibid.

149 OECD Anti-Corruption Network for Eastern Europe and Central Asia, *Prevention of corruption in the public sector in Eastern Europe and Central Asia*, Paris, 2015, p. 33; Parliament of Victoria, IBAC Committee, *Improving Victoria's whistleblowing regime: a review of the* Protected Disclosure Act 2012 *(Vic)*, June 2017, pp. 43–49, 91–92; Andrew Howell, 'Fraud prevention: the alignment between fraud-related legislation and fraud governance practices', Master of Business (Research)—Accountancy thesis, Business School, Queensland University of Technology, Brisbane, 2017, p. 43.

150 Parliament of Victoria, IBAC Committee, *Improving Victoria's whistleblowing regime: a review of the* Protected Disclosure Act 2012 *(Vic)*, June 2017, p. 21.

151 *IBAC Act 2011* (Vic) ss 7, 15(4); *Public Interest Disclosures Act 2012* (Vic) ss 26, 55; IBAC, *Guidelines for handling public interest disclosures*, Melbourne, 2020, especially pp. 5–8, 13, 15–17.

152 Centre for Crime Policy and Research, Flinders University, *Submission 46,* 30 September 2020, pp. 5–6, 12. See also Andrew Howell, 'Fraud prevention: the alignment between fraud-related legislation and fraud governance practices', Master of Business (Research)—Accountancy thesis, Business School, Queensland University of Technology, Brisbane, 2017, p. 43.

Channels for anonymous reporting are essential elements of a whistleblowing framework and can encourage people to report corruption.[153] This requires

> [a] two-step approach ... first a technically robust anonymous, secure disclosure channel must be established, and second, sufficient education and promotion of that channel must be provided to assure potential whistleblowers that it is a safe channel to use.[154]

The adoption of reporting technologies by integrity agencies, such as 'anonymous dropboxes', can help build confidence in a whistleblowing system and reduce the risk of reprisal against whistleblowers.[155]

4.9 Public awareness and community engagement

Public awareness campaigns are important as the 'long-term success of anti-corruption policies is linked with changes of attitudes among the general population'. Intolerance of corruption by citizens can be encouraged through awareness-raising activities for the general public as well as targeted educational activities.[156] Anti-corruption public awareness campaigns should be complemented by 'relevant indicators of outputs, outcomes and wider impact'.[157]

However, public awareness campaigns have 'limited long-term benefits with behavioural changes often being limited to short-term effects associated with the duration of the campaigns'.[158] As the Flinders University Centre for Crime Policy and Research has explained:

> Longer-term changes in behaviour are unlikely to occur unless messages are continually reinforced in novel ways that avoid complacency developing among intended audiences. The return on investment in large-scale, expensive community education programs is also low.[159]

Therefore, public awareness campaigns that are situated within corruption-prevention strategies, and complemented by other means of preventing corruption, may be beneficial in reducing levels of corruption.[160]

Integrity agencies can promote their education, prevention and awareness-raising functions through public engagement in a variety of ways, including a visible online presence, an accessible and user-friendly website, conferences, forums and training

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153 Andrew Howell, 'Fraud prevention: the alignment between fraud-related legislation and fraud governance practices', Master of Business (Research)—Accountancy thesis, Business School, Queensland University of Technology, Brisbane, 2017, pp. 43–44; Dr Suelette Dreyfus and Dr Chris Culnane, *Submission 42*, 30 September 2020, pp. 3–7.

154 Dr Suelette Dreyfus and Dr Chris Culnane, *Submission 42*, 30 September 2020, p. 3.

155 Ibid., pp. 6–7.

156 OECD Anti-Corruption Network for Eastern Europe and Central Asia, *Prevention of corruption in the public sector in Eastern Europe and Central Asia*, Paris, 2015, p. 29.

157 Ibid., p. 116.

158 Centre for Crime Policy and Research, Flinders University, *Submission 46,* 30 September 2020, p. 7.

159 Ibid.

160 Ibid.

workshops (in particular, corruption-prevention workshops). Integrity agencies can also use their public investigation reports, and any associated media interest, to educate the community and public sector on what constitutes corruption and key risk areas, and how corruption can be prevented.[161] Integrity agencies can apply a capacity-building approach, and use the materials from communication and awareness campaigns that demonstrate corruption 'themes found in their work' in order to support public sector bodies in their own risk-management and prevention efforts.[162]

Public engagement encompasses community outreach and awareness campaigns aimed at marginalised communities, which are principally focused on the agency's operations and what corruption looks like.[163] Integrity agencies can increase their community outreach by using dedicated community liaison or outreach officers tasked with the role of 'proactively' engaging diverse and marginalised communities in the complaints process and education campaigns.[164]

Integrity agencies can also develop communication and public participation strategies in order to improve their 'responsiveness and openness': '[w]ith more visibility and trust among the citizens, oversight bodies may achieve greater impact on the administration'.[165] For example, through social media integrity agencies can

> build a stronger community presence, identity and reputation. It may show an integrity agency is seeking to be transparent and gain public trust and support by using a medium open to public scrutiny.[166]

The use of social media and websites to raise awareness and engage with the community, rather than only to disseminate information, is an 'affordable' and 'responsive' corruption-prevention practice that integrity agencies can adopt:[167]

> Effectively using social media can be a means of providing information, building dialogue and improving community standing. There is also the potential for social media accounts to provide preventative or deterrence effects, and to operate as an alternative reporting mechanism for suspected corruption.[168]

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161 Dr Colleen Lewis, Honorary Professor, Australian Studies Institute, Australian National University, *Submission 21*, 28 August 2020, pp. 5–6; VO, *Submission 23*, 31 August 2020, pp. 3–4; IBAC, *Submission 48*, 30 September 2020, pp. 5–15, 18–19; VI, *Submission 22*, 31 August 2020, pp. 2, 4–5; Law Enforcement Conduct Commission, *Submission 34*, 16 September 2020, p. 1; Samuel Ankamah, 'When do anti-corruption agencies need society? A study of the nature and effectiveness of interactions between horizontal accountability agencies and social accountability actors in three Australian States', PhD thesis, School of Government and International Relations, Griffith University, Brisbane, 2018, p. 107.

162 Victorian Managed Insurance Authority, *Submission 15*, 27 August 2020, p. 1.

163 Samuel Ankamah, 'When do anti-corruption agencies need society? A study of the nature and effectiveness of interactions between horizontal accountability agencies and social accountability actors in three Australian States', PhD thesis, School of Government and International Relations, Griffith University, Brisbane, 2018, pp. 103–105.

164 Law Institute of Victoria, *Submission 38*, 22 September 2020, pp. 5–6.

165 OECD, *OECD public integrity handbook*, OECD Publishing, Paris, 2020, p. 200, <https://doi.org/10.1787/ac8ed8e8-en> accessed 19 March 2021.

166 Transnational Research Institute on Corruption, Australian National University, *Submission 45*, 30 September 2020, p. 4.

167 Ibid., pp. 2–3.

168 Ibid., p. 2.

Integrity agencies should implement a 'multi-pronged and multi-platform approach to social media' to effectively engage with the community, encourage their participation and understand their concerns, provide 'educational outreach', increase understanding of the role of integrity agencies, and increase integrity agencies' capacity to utilise social media as a means of preventing corruption.[169]

There are, however, limitations and risks associated with social media use by integrity agencies. These include:

- organisations not fully utilising social media as a means of timely engagement (for example, by '[h]aving long approval processes' before posting or only using social media to re-communicate information)

- the challenge of balancing informal and engaging language with legal requirements

- providing timely responses to negative comments that do not damage an agency's reputation, rather than routinely deleting negative comments

- 'loss of privacy' and impacts on operational activities

- 'loss of control' of a message

- sufficient resourcing to operate in a '24/7' online environment.[170]

4.10 Public hearings

As IBAC notes, public hearings are an important educational, investigative and preventive device:

> Public examinations are an important tool for exposing and preventing corruption and police misconduct, and serve to inform and educate the community and public sector about the impact of corruption and police misconduct and how it can be prevented. Public examinations can also encourage credible complaints about corruption.[171]

This view was echoed in a number of other submissions to the Inquiry.[172]

Public hearings have the additional benefit of educating public officials about the types of conduct anti-corruption agencies classify as corrupt conduct, and the likely repercussions of engaging in corrupt behaviour.[173] Further, public hearings raise

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169 Ibid., pp. 2–3, 5.

170 Ibid., pp. 4–6.

171 IBAC, *Submission 48*, received 30 September 2020, p. 15.

172 Accountability Round Table, *Submission 8*, 7 August 2020, pp. 3–6; Dr Colleen Lewis, Honorary Professor, Australian Studies Institute, Australian National University, *Submission 21*, 28 August 2020, p. 2; Law Institute of Victoria, *Submission 38*, 22 September 2020, pp. 6–7.

173 Dr Colleen Lewis, Honorary Professor, Australian Studies Institute, Australian National University, *Submission 21*, 28 August 2020, p. 2.

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awareness among the general public about what constitutes corruption or other misconduct, and demonstrate integrity agencies' intolerance of it.[174]

4.11 Coordination with other integrity agencies

Effective oversight and accountability mechanisms should be implemented by a range of agencies, who should also coordinate their prevention efforts.[175] In this regard, the PSCWA observes:

> It is our experience that collaboration and engagement contributes significantly to our prevention work. Collaboration reinforces our collective responsibility but more importantly guides the development of our prevention initiatives to ensure they are practical and effectively incorporate the expertise within the government sector.[176]

There should be a 'lead integrity agency' with responsibility for coordinating prevention efforts.[177] A formal, coordinated response will enable integrity agencies to take a unified approach to corruption and misconduct prevention, use collective knowledge and experience to develop and evaluate the effectiveness of cutting-edge prevention approaches, and improve budget advocacy.[178]

Effective coordination reduces the risk that education and prevention functions are duplicated or inconsistent, thereby creating 'confusion' within the public sector, community and private sector. It also ensures that limited resources are used efficiently.[179] While best practice recognises the importance of coordinating prevention efforts, the level of cooperation and the assignment of responsibilities will vary between jurisdictions.[180] In Victoria, coordination between integrity agencies is predominantly horizontal.[181] A potential means of ensuring efficient coordination in this regard is through an 'inter-agency committee'.[182] For example, the PSCWA administers an Integrity Coordinating Group, comprising the Information Commissioner, Corruption

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174   Samuel Ankamah, 'When do anti-corruption agencies need society? A study of the nature and effectiveness of interactions between horizontal accountability agencies and social accountability actors in three Australian States', PhD thesis, School of Government and International Relations, Griffith University, Brisbane, 2018, pp. 108–109.

175   Professor Fiona Haines, School of Social and Political Sciences, University of Melbourne, *Submission 14*, 27 August 2020, p. 2; Matthew Taylor, 'Getting to accountability: a framework for planning and implementing anticorruption strategies', *Dædalus: the Journal of the American Academy of Arts & Sciences*, vol. 147, no. 3, 2018, pp. 68–69, 77.

176   PSCWA, *Submission 19,* 28 August 2020, p. 3.

177   AJ Brown et al., 'Preventing corruption', pp. 21–23.

178   AJ Brown et al., 'Preventing corruption', p. 21; VPSC, *Submission 53*, 30 October 2020, p. 18.

179   Centre for Crime Policy and Research, Flinders University, *Submission 46,* 30 September 2020, p. 2.

180   OECD, *OECD public integrity handbook*, OECD Publishing, Paris, 2020, pp. 28–41, <https://doi.org/10.1787/ac8ed8e8-en> accessed 19 March 2021.

181   See the discussion on the benefits of 'vertical' and 'horizontal' coordination in OECD, *OECD public integrity handbook*, OECD Publishing, Paris, 2020, pp. 27–41, <https://doi.org/10.1787/ac8ed8e8-en> accessed 19 March 2021. Although the 'vertical' roles of IBAC with respect to the assessment of public interest disclosures, the VI with respect to complaints about integrity agencies and the IOC regarding the performance of selected integrity agencies it oversights should be noted.

182   Centre for Crime Policy and Research, Flinders University, *Submission 46,* 30 September 2020, p. 2.

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and Crime Commissioner, Auditor-General, Public Sector Commissioner and Western Australian Ombudsman.[183] The Integrity Coordinating Group

> seeks to achieve operational cooperation and consistency through public awareness, workplace education, prevention, advice and investigation activities across a range of integrity themes.

> The group is not established by any statute and is an informal administrative arrangement to enable member agencies to coordinate their activities, avoid duplication and overlap, and better promote integrity to the public sector. Each member remains bound by their own statutory powers and limitations.[184]

Horizontal coordination should recognise the independence of the various integrity agencies as a matter of law, their leadership within their respective jurisdictions and their distinctive practical expertise. Different integrity agencies can take responsibility for coordinating prevention efforts in relation to their area of expertise. For example, IBAC has taken the lead, in conjunction with other agencies and public sector bodies, in relation to the Victorian public interest disclosure (PID) regime. IBAC has provided guidelines (as statutorily required), delivered training to public sector PID Coordinators, maintained a PID 'consultative group' of integrity stakeholders and hosted a PID Community of Practice.[185]

Collaboration should also take place when designing and delivering education programs and training.[186] This will ensure the content of education programs is relevant and targeted, and strengthen trust between integrity agencies and public sector bodies to facilitate 'greater reporting [by them] of issues of concern'.[187]

4.12 Engaging civil society and other stakeholders

While government bears primary responsibility for improving the integrity system, the public and private sectors, as well as members of the public, share responsibility for public integrity. This is reflected in the concept of 'public integrity', which is centred on the idea of 'shared ethical values, principles and norms for upholding and prioritising the public interest over private interests in the public sector', and therefore requires a 'whole-of-society' approach.[188] Individuals' behaviour influences the integrity system—the public can choose to ignore corruption or uphold public integrity values

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183   Western Australian Government, *Integrity Coordinating Group,* 8 December 2020, <https://www.wa.gov.au/government/document-collections/integrity-coordinating-group> accessed 19 March 2021.

184   Ibid.

185   IBAC, *Annual report 2018/19*, Melbourne, 2019, pp.18–19; IBAC, *Submission 48*, 30 September 2020, pp. 10–11 IBAC, *Public Interest Disclosure Coordinators*, <https://www.ibac.vic.gov.au/reporting-corruption/public-interest-disclosures/Information-for-Public-Interest-Disclosure-Coordinators> accessed 19 March 2021; IBAC, *e-learning module for Public Interest Disclosure Coordinators,* 21 July 2020, <https://www.ibac.vic.gov.au/publications-and-resources/ibac-insights/issue-24/e-learning-module-for-public-interest-disclosure-coordinators> accessed 19 March 2021.

186   IPAA Victoria, *Submission 28,* 31 August 2020, p. 6.

187   VLGA, *Submission 43*, 30 September 2020, p. 3.

188   OECD, *OECD public integrity handbook*, OECD Publishing, Paris, 2020, p. 78, <https://doi.org/10.1787/ac8ed8e8-en> accessed 19 March 2021.

and contribute to improvements in public integrity. The public also has the ability to positively influence a government's anti-corruption programs and initiatives.[189]

Civil society organisations, encompassing a range of actors (including non-government organisations, charities, unions, professional associations and community groups), are an important link between government and the public. Such organisations perform an important external oversight role in raising societal awareness about the benefits of, and fostering commitment to, public integrity; promoting citizen participation; and driving policy reform.[190] Constructive engagement with civil society is therefore 'a cornerstone of successful anti-corruption policy'.[191]

Integrity agencies can also collaborate and engage with the legal sector to enhance its understanding of integrity agencies and raise awareness of PID legislation.[192] Other submissions to the Inquiry from professional institutes and academics also noted their involvement in the education and prevention efforts of integrity agencies.[193]

This engagement can involve collaborating with advocacy groups and not-for-profit organisations—for example, IBAC has collaborated with the Victorian Pride Lobby, making

> a number of commitments to … consult with the Lobby as part of the Commission's work on engaging with stakeholders, particularly vulnerable community members. In that regard, the Commission has invited … [the Lobby] to meet on a quarterly basis to provide input on the Commission's initiatives to enhance their consideration of the needs of LGBTIQ Victorians …[194]

Community outreach is therefore an important element of community engagement. It helps build trust between integrity agencies and marginalised communities and increases awareness of the role of an integrity agency.[195] Engagement that is 'inclusive, accessible and responsive' helps integrity agencies' research projects: for example, by increasing their understanding of any barriers to making complaints about misconduct.[196]

In addition, the Organisation for Economic Co-operation and Development (OECD) has emphasised that civil society actors, such as members of the community, can be engaged by promoting the community's contribution to 'decision-making processes'

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189   Ibid.

190   OECD, *OECD public integrity handbook*, OECD Publishing, Paris, 2020, pp. 49, 78, 82, 212, 228 and passim, <https://doi.org/10.1787/ac8ed8e8-en> accessed 19 March 2021; World Health Organisation, *Civil society*, <https://www.who.int/social_determinants/themes/civilsociety/en> accessed 12 March 2021.

191   OECD Anti-Corruption Network for Eastern Europe and Central Asia, *Prevention of corruption in the public sector in Eastern Europe and Central Asia*, Paris, 2015, p. 28.

192   Dr Colleen Lewis, Honorary Professor, Australian Studies Institute, Australian National University, *Submission 21*, 28 August 2020, p. 3; Victorian Ombudsman, *Submission 23*, 31 August 2020, pp. 4–5.

193   Professor Adam Graycar, Director, Stretton Institute, University of Adelaide, *Submission 52*, 15 October 2020, p. 1; IPAA Victoria, *Submission 28,* 31 August 2020, p. 1.

194   Victorian Pride Lobby, *Submission 27*, 31 August 2020, pp. 4–5.

195   Dr Colleen Lewis, Honorary Professor, Australian Studies Institute, Australian National University, *Submission 21*, 28 August 2020, p. 8.

196   IBAC, *Submission 48,* 30 September 2020, p. 8.

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through enhanced transparency, facilitating effective FOI regimes and reinforcing community resistance to corruption.[197] This engagement can be supported by high-quality, accessible information about corruption and the roles of integrity agencies and the community in combating it.[198] This can also reinforce public and media scrutiny and bolster transparency and accountability in the public sector.[199]

4.13 Collaboration with public sector organisations and government

The responsibility for corruption prevention should be decentralised to a certain degree across the public sector, and the creation of integrity organisations should not absolve public bodies from the responsibility of undertaking their own corruption-prevention work.[200] The PSCWA's Integrity Strategy, for example, emphasises the 'collective prevention and education responsibility' of all public officials in combating corruption and other misconduct.[201] The PSCWA also created an Integrity Practitioners' Group, comprised of 16 senior integrity practitioners from a range of government sectors, which is 'the key consultation mechanism for integrity promotion and misconduct prevention initiatives'.[202]

Integrity agencies are, however, often best placed to develop a strategic corruption-prevention approach, including facilitating coordinated collaboration between those agencies.[203] The corruption-prevention function of integrity agencies and public sector bodies should be formally recognised and adequately 'embedded in legislative and policy frameworks, so that it is given due weight within an integrated integrity framework'.[204]

However, given the significant coercive powers of integrity agencies, they must be subjected to rigorous oversight by inspectorate bodies and the legislature to ensure they perform their functions not only effectively, but lawfully within the context of representative democracy.[205] The autonomy of integrity agencies should be accompanied by accountability mechanisms to ensure they contribute to 'policy objectives' in the public's interest.[206]

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197   OECD Anti-Corruption Network for Eastern Europe and Central Asia, *Prevention of corruption in the public sector in Eastern Europe and Central Asia*, Paris, 2015, pp. 28, 33.

198   Professor Fiona Haines, School of Social and Political Sciences, University of Melbourne, *Submission 14*, 27 August 2020, pp. 2–3.

199   Ibid.

200   OECD Anti-Corruption Network for Eastern Europe and Central Asia, *Prevention of corruption in the public sector in Eastern Europe and Central Asia*, Paris, 2015, pp. 9, 26, 30.

201   PSCWA, *Submission 19,* 28 August 2020, p. 3.

202   Ibid.

203   AJ Brown et al., 'Preventing corruption', pp. 20–21.

204   Ibid., p. 21 (see also p. 1).

205   For example, in Victoria, IBAC, OVIC and the VO are oversighted by the Victorian Inspectorate, and all four agencies are oversighted by the Parliament of Victoria's Integrity and Oversight Committee. See, for example, *Victorian Inspectorate Act 2011* (Vic) s 11; *Parliamentary Committees Act 2003* (Vic) s 7.

206   OECD, *OECD public integrity handbook*, OECD Publishing, Paris, 2020, pp. 194, 202, <https://doi.org/10.1787/ac8ed8e8-en> accessed 19 March 2021.

During the design, promotion and implementation of corruption-prevention strategies, integrity agencies must engage with senior management in public sector institutions.[207] Doing so allows integrity agencies to encourage and foster 'pro-integrity' frameworks in the public sector through collaboration and relationship-building.[208]

An example of this is the ACT Integrity Commission's hosting of a Community of Practice for Corruption Prevention, which involves meetings with senior executives responsible for integrity management within their respective bodies, to share information on corruption-prevention initiatives, address integrity threats through collaboration and, ultimately, strengthen integrity in the ACT public sector.[209] This approach provides the Integrity Commission with 'key insights', which assists it in identifying emerging corruption risks, informs their corruption-prevention and education strategy, and ensures resources are targeted towards areas that will have the greatest impact.[210]

4.14   Actions to be undertaken by public sector bodies

Public sector bodies possess some distinctive advantages in combating corruption and other misconduct within their ranks given familiarity with their own systems and the benefits of taking responsibility in addressing wrongdoing at the coalface.[211] That is why integrity agencies, public sector bodies and members of the public must work together in seeking to prevent and address wrongdoing. It is also important to recognise that integrity agencies themselves need to lead by example when it comes to identifying, resisting, combating and addressing any misconduct within their own organisations.[212]

While integrity agencies can encourage and support public sector bodies in preventing corruption within their ranks (and identify and investigate allegations against public sector bodies within their jurisdiction),[213] public sector bodies themselves are often best placed to integrate integrity values and anti-corruption measures within their own organisations and maintain effective accountability.[214] One way to ensure that public sector bodies take responsibility for their own corruption prevention is to have a 'clear statutory requirement' that they 'develop … publicly available … [and] monitored … prevention frameworks'.[215]

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207   AJ Brown et al., 'Preventing corruption', p. 20 (see also p. 1).

208   Ian Scott, 'The Hong Kong ICAC's approach to corruption control', in Adam Graycar and Russell G Smith (eds), *Handbook of global research and practice in corruption*, Edward Elgar, Cheltenham, 2011, p. 413.

209   ACT Integrity Commission, *Submission 20,* 28 August 2020, pp. 4–5.

210   Ibid., p. 5.

211   IBAC, *Submission 48*, 30 September 2020, pp. 4–5.

212   Community and Public Sector Union, Victorian Branch, *Submission 31*, 4 September 2020, p. 2.

213   OECD, *Building public trust: ethics measures in OECD countries,* 2000, pp. 3–5.

214   OECD Anti-Corruption Network for Eastern Europe and Central Asia, *Prevention of corruption in the public sector in Eastern Europe and Central Asia*, Paris, 2015, pp. 30, 115; OECD, *Building public trust: ethics measures in OECD countries*, 2000, pp. 3–5; IBAC, *Submission 48*, 30 September 2020, pp. 4–5.

215   Professor Janet Ransley, 'Putting the prevention into corruption prevention?', slideshow presentation at APSACC, Melbourne, 30–31 October 2019, p. 17.

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Corruption-prevention methods can be loosely categorised into 'informal controls' (for example, culture, norms, leadership) and 'formal controls' (for example, reporting mechanisms, rules and procedures).[216] Several elements, such as the importance of strong leadership in an organisation, are vital to both formal and informal factors. A range of formal and informal practices should be integrated in order for a corruption-prevention system to be effective in reducing corruption risks.[217]

4.14.1 Integrity cultures, integrity plans and codes of conduct

Integrity cultures or '[o]rganisational [i]ntegrity'[218] can be 'understood as the set of endorsed social understandings, behaviours and practices that affect how people think and act'.[219] Building an ethical culture and promoting integrity in the public sector can help prevent corruption by determining how rules and procedures are implemented in practice—an agency with strong integrity, accountability and governance structures will be 'more agile', 'responsive' and corruption-resistant.[220]

Senior management and leaders are essential in establishing integrity and inspiring behavioural change:[221]

> More than anything else corruption prevention and enhancing integrity are matters of leadership. This is not just an issue for Departmental secretaries but for anybody who leads people and processes. Ethical decision making helps create public value by shaping organisational culture and protecting our institutions, and this impacts on the wider community and all our stakeholders.[222]

The focus, direction and inspiration provided by leaders can help set an organisation's 'ethical tone', build 'organisational integrity', and encourage individuals to behave ethically and resist corruption.[223]

Integrity frameworks or integrity plans are useful for building an ethical culture and preventing corruption and other misconduct.[224] Integrity plans, which can be

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216 Tawhid Chtioui and Stéphanie Thiéry-Dubuisson, 'Hard and soft controls: mind the gap!', *International Journal of Business*, vol. 3, no. 16, 2011, pp. 290–294. See also Dr Eva Tsahuridu, School of Accounting, Information Systems and Supply Chain, RMIT University, *Submission 29*, 31 August 2020, p. 2.

217 Parliament of Western Australia, JSCCCC, *Red flags...red faces*, p. 47; Dr Eva Tsahuridu, School of Accounting, Information Systems and Supply Chain, RMIT University, *Submission 29*, 31 August 2020, p. 2.

218 Angela Gorta, 'The NSW Independent Commission Against Corruption's experience in minimising corruption', *Asian Journal of Political Science*, vol. 11, no. 1, 2003, p. 11.

219 Richard Mulgan and John Wanna, 'Developing cultures of integrity in the public and private sectors', in Adam Graycar and Russell G Smith (eds), *Handbook of global research and practice in corruption*, Edward Elgar, Cheltenham, 2011, p. 416.

220 Australian Commission for Law Enforcement Integrity, *Integrity-capability link*, <https://www.aclei.gov.au/corruption-prevention/corruption-prevention-toolkit/integrity-capability-link> accessed 19 March 2021.

221 Nieves Zúñiga, *Behavioural changes against corruption*, Transparency International and U4 Anti-Corruption Resource Centre, 2018, p. 7; IPAA Victoria, *Submission 28*, 31 August 2020, p. 2; ANZSOG, *Submission 30*, 1 September 2020, pp. 1–3.

222 Professor Adam Graycar, Director, Stretton Institute, University of Adelaide, *Submission 52*, 15 October 2020, p. 1.

223 Catherine Boardman and Vicki Klum, 'Building organisational integrity', in Peter Larmour and Nick Wolanin (eds), *Corruption and anti-corruption*, Australian National University EPress, Canberra, 2013, pp. 82–83.

224 OECD Anti-Corruption Network for Eastern Europe and Central Asia, *Prevention of corruption in the public sector in Eastern Europe and Central Asia*, Paris, 2015, pp. 27–28. See also Standards Australia, *AS 8001:2021 Fraud and corruption control*, 3rd edn, Sydney, 2021, clause 3.2.1.

sector-wide or agency-specific, should be developed with staff participation in a fashion that builds commitment to them, and their implementation should be actively monitored.[225]

Codes of conduct or ethics as part of integrity frameworks help create a shared understanding of 'core' ethical standards in the public service and the community.[226] A code of ethics, for example, can form part of an integrity plan, and should be:

- readily comprehensible, applicable to all employees and available publicly

- 'built on an initial risk assessment'

- accompanied by 'thorough and regular training of government employees as well as an effective monitoring system'.[227]

Moreover, codes of conduct must be well known, subject to regular monitoring[228] and not just sit on the shelf; they need to be enforced in relation to staff breaches. There should be an explicit range of possible responses—from admonitions and performance management through to more severe penalties, such as termination of employment or referral to law enforcement agencies for possible prosecution.[229]

4.14.2 Cultivating ethical values, ensuring 'psychological safety' and encouraging reporting

Developing an organisation's culture should focus on creating an environment in which employees are empowered and encouraged to voice concerns without fear of reprisal, and are motivated to act ethically.[230] Preventing corruption through organisational integrity should aim to create a culture of openness, build the capacity of public sector officials and encourage people to act on their values.[231] Training contributes to the building of organisational integrity and an organisation's overall ethics framework, which should also encompass both 'formal' and 'informal' prevention principles.[232] Refer to Section 4.5 of this chapter for information on best practice principles in relation to training.

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225 Standards Australia, *AS 8001:2021 Fraud and corruption control*, 3rd edn, Sydney, 2021, clause 3.2.1; OECD Anti-Corruption Network for Eastern Europe and Central Asia, *Prevention of corruption in the public sector in Eastern Europe and Central Asia*, Paris, 2015, pp. 27–28.

226 OECD, *Building public trust: ethics measures in OECD countries,* 2000, p. 2. See also Standards Australia, *AS 8001:2021 Fraud and corruption control*, 3rd edn, Sydney, 2021, clauses 3.2.1–3.2.2.

227 Jennifer Schöberlein, *Lessons learned from anticorruption efforts at municipal and city level*, Transparency International and U4 Anti-Corruption Resource Centre, 2019, p. 6.

228 Standards Australia, *AS 8001:2021 Fraud and corruption control*, 3rd edn, Sydney, 2021, clauses 3.2.1–3.2.2.

229 OECD, *Building public trust: ethics measures in OECD countries,* 2000, p. 4; AJ Brown et al., 'Preventing corruption', pp. 20, 23.

230 OECD, *OECD public integrity handbook,* OECD Publishing, Paris, 2020, pp. 17, 97, 136, 143, 152, 164, 177, <https://doi.org/10.1787/ac8ed8e8-en> accessed 19 March 2021.

231 Ibid., pp. 17, 97, 120, 135–138, 140, 144, 230.

232 Dr Eva Tsahuridu, School of Accounting, Information Systems and Supply Chain, RMIT University, *Submission 29*, 31 August 2020, p. 2.

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Ensuring 'psychological safety' and encouraging reporting

A culture of openness and integrity can be attained, in part, through cultivating 'psychological safety'.[233] Psychological safety is achieved if individuals believe their workplace environment is free from the interpersonal risks associated with speaking candidly (for example, a fear of looking incompetent) and in which they can openly admit mistakes, raise questions, give candid feedback and learn from one another (including senior managers learning from employees).[234]

Leadership is paramount to fostering psychological safety in the workplace.[235] Senior leaders can cultivate psychological safety within an organisation by setting the tone for behavioural interactions between employees, and implementing appropriate support structures. For instance, leaders should be willing to demonstrate their fallibility by acting with candour and humility, and encouraging staff to provide critical feedback and be open with their colleagues in a safe environment.[236]

Psychological safety is also an important aspect of effective whistleblower management. Public sector body heads and senior leaders need to ensure that there are appropriate avenues for employees to safely report corruption internally and externally[237] that reward people for speaking up and provide them with appropriate support and protection when they do. Importantly, reports made through a whistleblowing program need to be thoroughly assessed and acted on in a timely fashion if they are to have a preventive effect. [238]

In this regard, it should be noted that numerous factors, such as 'blind spots'; cognitive, motivational and confirmation biases; and 'motivated skepticism' can result in a failure

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233 Amy Edmondson and Zhike Lei, 'Psychological safety: the history, renaissance, and future of an interpersonal construct', *Annual Review of Organizational Psychology and Organizational Behavior*, vol. 1, 2014, pp. 24, 30–36, <https://doi.org/10.1146/annurev-orgpsych-031413-091305> accessed 19 March 2021.

234 Amy Edmondson in *HBR IdeaCast,* 'Creating psychological safety in the workplace', podcast, Harvard Business Review, 22 January 2019, <https://hbr.org/podcast/2019/01/creating-psychological-safety-in-the-workplace> accessed 19 March 2021; Amy Edmondson, *How fearless organizations succeed,* 14 November 2018, <https://www.strategy-business.com/article/How-Fearless-Organizations-Succeed> accessed 19 March 2021; OECD, *OECD public integrity handbook,* OECD Publishing, Paris, 2020, pp. 139–140, <https://doi.org/10.1787/ac8ed8e8-en> accessed 19 March 2021*.

235 Amy Edmondson and Zhike Lei, 'Psychological safety: the history, renaissance, and future of an interpersonal construct', *Annual Review of Organizational Psychology and Organizational Behavior*, vol. 1, 2014, pp. 26, 30, 32, 40, <https://doi.org/10.1146/annurev-orgpsych-031413-091305> accessed 19 March 2021.

236 Amy Edmondson in *HBR IdeaCast,* 'Creating psychological safety in the workplace', podcast, Harvard Business Review, 22 January 2019, <https://hbr.org/podcast/2019/01/creating-psychological-safety-in-the-workplace> accessed 19 March 2021; Amy Edmondson, *How fearless organizations succeed,* 14 November 2018, <https://www.strategy-business.com/article/How-Fearless-Organizations-Succeed> accessed 19 March 2021.

237 Centre for Crime Policy and Research, Flinders University, *Submission 46,* 30 September 2020, pp. 4, 11–12; AJ Brown et al., *Clean as a whistle*, pp. 22–33; Adam Graycar and Aiden Sidebottom, 'Corruption and control: a corruption reduction approach'*, Journal of Financial Crime*, vol. 19, no. 4, 2012, p. 394.

238 Dr Eva Tsahuridu, School of Accounting, Information Systems and Supply Chain, RMIT University, *Submission 29,* 31 August 2020, pp. 4–5; OECD Anti-Corruption Network for Eastern Europe and Central Asia, *Prevention of corruption in the public sector in Eastern Europe and Central Asia*, Paris, 2015, pp. 33–34; AJ Brown et al., *Clean as a whistle*, pp. 22–33.

to recognise and act in response to reports of corrupt conduct.[239] Consequently, managers and investigators should 'be made aware of the psychological factors lying outside their conscious awareness that can negatively affect such decision-making'.[240]

4.14.3   Compliance approaches

Cultural and values-based approaches to corruption prevention should be accompanied by procedures and rules that promote compliance.[241] A commitment from senior managers to implementing 'a culture of compliance' is paramount to ensuring its effectiveness.[242] Senior managers should demonstrate 'clearly articulated … ethical standards' by unambiguously communicating them to employees and setting a good example themselves.[243] Middle managers also play a role in communicating ethical standards and encouraging employees to adhere to compliance programs.[244]

Compliance programs need to be well-designed and implemented effectively by being applied 'earnestly and in good faith'—and work in practice.[245] Comprehensive corruption risk assessments are essential to compliance programs, which should be undertaken by public sector bodies to identify potential problem areas and inform the development of strategies to mitigate those risks. Rigorous, wide-ranging risk assessments that reflect the views of key stakeholders are essential in ensuring that corruption and other misconduct-prevention actions are targeted and relevant. The findings from risk assessments should be used to adopt effective and proportionate corruption-prevention methods, and any improvements made should be publicly reported, at least in a general way.[246] Ensuring proportionality in this regard means

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239   Chris Wheeler and Jane Olsen, 'Managing internal disclosures and protecting whistleblowers: common complications', 2021, <https://www.researchgate.net/publication/337150136_Managing_internal_disclosures_and_protecting_whistleblowers_Common_complications> accessed 19 March 2021, 2019, pp. 3, 9–11. Wheeler and Olsen explain (at pp. 9–11) that *cognitive biases* are 'mental shortcuts' that allow people to act quickly, but which can lead to 'irrationality' or erroneous thinking; *motivational biases* are present when people are 'motivated to seek or avoid a particular outcome', either consciously or unconsciously; *confirmation bias* is when people seek information that 'confirms', rather than contradicts, their pre-existing values or perspectives; *motivated scepticism* is when people are mistakenly more critical of claims they do not agree with; and *blind spots* occur when people are not aware of how these factors may be contributing to their decision-making; Chris Wheeler, Chris Wheeler Consulting, 'The impact of human factors on the likelihood that whistleblowers will be protected', slideshow presentation at APSACC, Melbourne, 30–31 October 2019.

240   Chris Wheeler, Chris Wheeler Consulting, 'The impact of human factors on the likelihood that whistleblowers will be protected', slideshow presentation at APSACC, Melbourne, 30–31 October 2019, p. 11.

241   Richard Mulgan and John Wanna, 'Developing cultures of integrity in the public and private sectors', in Adam Graycar and Russell G Smith (eds), *Handbook of global research and practice in corruption*, Edward Elgar, Cheltenham, 2011, pp. 416–417.

242   United States Department of Justice, Criminal Division, *Evaluation of corporate compliance programs*, Washington, DC, 2020, pp. 10, 16, <https://www.justice.gov/criminal-fraud/page/file/937501/download> accessed 1 September 2021.

243   United States Department of Justice, Criminal Division, *Evaluation of corporate compliance programs*, Washington, DC, 2020, p. 10, <https://www.justice.gov/criminal-fraud/page/file/937501/download> accessed 1 September 2021. See also Standards Australia, *AS 8001:2021 Fraud and corruption control*, 3rd edn, Sydney, 2021, clause 3.2.1.

244   United States Department of Justice, Criminal Division, *Evaluation of corporate compliance programs*, Washington, DC, 2020, p. 10, <https://www.justice.gov/criminal-fraud/page/file/937501/download> accessed 1 September 2021. See also Standards Australia, *AS 8001:2021 Fraud and corruption control*, 3rd edn, Sydney, 2021, clause 2.5.

245   United States Department of Justice, Criminal Division, *Evaluation of corporate compliance programs*, Washington, DC, 2020, p. 2, <https://www.justice.gov/criminal-fraud/page/file/937501/download> accessed 1 September 2021>.

246   OECD Anti-Corruption Network for Eastern Europe and Central Asia, *Prevention of corruption in the public sector in Eastern Europe and Central Asia*, Paris, 2015, pp. 26–27, 49–54, 115; Jennifer Schöberlein, *Lessons learned from anti-corruption efforts at municipal and city level*, Transparency International and U4 Anti-Corruption Resource Centre, 2019, pp. 2, 5, 23.

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assessing the risk of the harm occurring, the gravity of the harm and the costs of trying to prevent it, *before* devising targeted corruption-prevention methods.[247]

Organisations should develop a fraud and corruption control plan summarising their anti-fraud and anti-corruption strategies. It is an essential element of a comprehensive risk-management plan and needs to document an agency's 'approach to controlling fraud at a strategic, operational and tactical level'.[248] It should also 'encompass awareness raising and training, prevention, detection, reporting and investigation measures',[249] and be consistent, comprehensive, monitored, adequately communicated and reviewed regularly.[250]

Management practices form part of a strong compliance program and can help develop and maintain a culture of integrity.[251] Managers can implement internal controls, which can include: screening potential employees,[252] rotating staff in high-risk areas and segregating certain duties,[253] hiring and promoting staff transparently and on the basis of merit,[254] and integrating integrity into personnel management (for example, by having integrity as a selection criterion).[255] Managers can show their ongoing commitment to compliance through effective monitoring of internal controls, and by managing the performance of their section's work to that end.[256]

Further, clear and practical policies and procedures in particular risk areas should be developed as part of a compliance program, including complaint handling, conflicts of interest, contracting and procurement, and record-keeping practices,[257] as well as the management of gifts, benefits and hospitality.[258] Policies should 'clearly outline the standards expected of employees and contractors'.[259] Additionally, managers must ensure that, when policies and procedures are rolled out and implemented, due

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247 This discussion draws principally on the work of Mr Andrew Kandel, Lecturer in Law in the Carey Law School, University of Pennsylvania, who delivered an online course on 'What is corruption: anti-corruption and compliance' in April 2020 via Coursera.

248 Attorney-General's Department, Australian Government, *Commonwealth Fraud Control Framework*, Commonwealth of Australia, Barton, 2017, p. 21.

249 Ibid.

250 Standards Australia, *AS 8001:2021 Fraud and corruption control*, 3rd edn, Sydney, 2021, clauses 2.4.1, 2.7.2, 2.8, 2.10.2, 2.10.4–2.10.5, 3.2.1.

251 Victorian Auditor-General's Office (VAGO), *Fraud and corruption control*, Melbourne, 2018, p. 43; OECD, *OECD public integrity handbook,* OECD Publishing, Paris, 2020, pp. 104–105, <https://doi.org/10.1787/ac8ed8e8-en> accessed 19 March 2021.

252 VAGO, *Fraud and corruption control*, Melbourne, 2018, p. 44; NSW ICAC, *Strengthening employment screening practices in the NSW public sector,* Sydney, 2018, p. 9.

253 Parliament of Western Australia, JSCCCC, *Red flags…red faces*, p. 52.

254 VPSC, *Submission 53*, 30 October 2020, pp. 9, 19.

255 OECD, *OECD public integrity handbook*, OECD Publishing, Paris, 2020, pp. 18, 29, 109, 116, <https://doi.org/10.1787/ac8ed8e8-en> accessed 19 March 2021.

256 Mark Evans, 'Beyond the integrity paradox—towards "good enough" governance', *Policy Studies*, vol. 33, no. 1, 2012, p. 105.

257 IBAC, *Operation Betka: an investigation into alleged corrupt conduct by a former contractor of the Department of Education and Training, Melbourne*, May 2020, p. 19. See also, Alison McNulty and Peter Francis, 'Trust and accountability: the nexus between record keeping failure and corruption', slideshow presentation at APSAAC, Melbourne, 30–31 October 2019, pp. 7, 11–12.

258 OECD, *Good practice guidance on internal controls, ethics, and compliance,* 2010, p. 3.

259 IBAC, *Operation Betka: an investigation into alleged corrupt conduct by a former contractor of the Department of Education and Training,* Melbourne, May 2020, p. 19.

consideration is given to their practical operation and their effective communication to relevant staff.[260]

Employees should receive regular communications and training on policies and procedures, and be supported by committed supervisors and senior managers.[261] The training must clearly explain compliance requirements, their rationale and benefits, as well as the negative consequences of non-compliance for both the employee and the organisation.[262] The internal and external channels for reporting concerns over possible misconduct must also be made known to employees.[263] Further, the training should encourage staff not only to report wrongdoing after it has happened but to take a preventive approach, by seeking advice on the ethics and/or legality of a proposed action, and by identifying any concerns over emerging practices that fall short of the required standards.[264]

Procedures and regulations can be undermined if an organisation's culture does not support or enforce them.[265] Consequently, fraud and corruption control plans, as well as risk-specific policies and procedures, must be accompanied by 'ethical leadership', 'a pro-integrity culture'[266] and strong staff awareness and training.[267]

4.14.4 Ongoing monitoring and oversight

To ensure that fraud and corruption control plans and compliance policies and procedures are effective, internal audits should be undertaken to 'monitor controls, detect weaknesses' and identify opportunities to 'strengthen controls'.[268] Systems should be regularly reviewed and subject to random internal audits.[269] Importantly, when internal reviews are undertaken and weaknesses are detected, the issues identified need to be acted upon and resolved to prevent opportunities for future offending.[270] One important measure includes undertaking a 'root cause analysis' whenever a significant compliance failure occurs—completing a thorough investigation

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260 Centre for Crime Policy and Research, Flinders University, *Submission 46,* 30 September 2020, p. 9.

261 OECD Anti-Corruption Network for Eastern Europe and Central Asia, *Prevention of corruption in the public sector in Eastern Europe and Central Asia*, Paris, 2015, pp. 19, 115; Centre for Crime Policy and Research, Flinders University, *Submission 46,* 30 September 2020, pp. 3–4.

262 Mr Andrew Kandel, Lecturer in Law, Carey Law School, University of Pennsylvania, 'What is corruption: anti-corruption and compliance', an online course delivered via Coursera, April 2020.

263 Standards Australia, *AS 8001:2021 Fraud and corruption control*, 3rd edn, Sydney, 2021, clause 2.7.2.

264 Mr Andrew Kandel and Ms Lauren Steinfeld, Lecturers in Law, Carey Law School, University of Pennsylvania, 'What is corruption: anti-corruption and compliance', an online course delivered via Coursera, April 2020; Office of the Co-ordinator for Economic and Environmental Activities, *Best practices in combating corruption*, Vienna, 2004, pp. 67, 71, 75 77.

265 OECD Anti-Corruption Network for Eastern Europe and Central Asia, *Prevention of corruption in the public sector in Eastern Europe and Central Asia*, Paris, 2015, p. 19; Parliament of Western Australia, JSCCCC, *Red flags...red faces*, pp. xvi, 135.

266 Catherine Pelling, 'Conflicts of interest in the Victorian public sector: myths, misconceptions and management', slideshow presentation at APSACC, Melbourne, 30–31 October 2019, p. 16.

267 Standards Australia, *AS 8001:2021 Fraud and corruption control*, 3rd edn, Sydney, 2021, clauses 2.4.1, 2.7.1–2.7.2, 3.2.1–3.2.2.

268 VAGO, *Fraud and corruption control*, Melbourne, 2018, p. 38.

269 Catherine Pelling, 'Conflicts of interest in the Victorian public sector: myths, misconceptions and management', slideshow presentation at APSACC, Melbourne, 30–31 October 2019, p. 16.

270 Parliament of Western Australia, JSCCCC, '*Red flags...red faces*', p. 62.

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of what happened, and understanding why it happened (root causes) and how the risk of recurrence can be minimised.[271]

Corruption-prevention oversight mechanisms through internal monitoring include having designated ethics personnel,[272] and making use of internal audits, audit committees, integrity units,[273] managerial oversight or probity advisors.[274]

External oversight of processes, decision-making and risk can occur through independent governance arrangements, committees or executive boards, as well as through the delineation of clear lines of responsibility and accountability.[275] While effective oversight contributes to good governance, poor oversight can:

- lead to processes not working properly or becoming uncertain

- cloud the visibility of fraud and corruption risks

- inhibit decisions and actions needed to prevent, detect and respond to fraud and corruption.[276]

Public sector bodies should nevertheless recognise the importance of effectively balancing compliance and governance systems with integrity strategies. Sometimes, for example, compliance regimes focus on 'ticking the boxes' rather than ensuring that compliance-based responses are accompanied by a comprehensive system of preventing, detecting and responding appropriately to instances of misconduct.[277]

Public sector bodies need to take responsibility for organisational learning and implementing recommendations in response to 'rulings' or 'advice' provided by integrity agencies.[278] Governance arrangements should be established by public sector bodies to ensure effective monitoring of the implementation of recommendations, including requirements for regular progress updates to integrity agencies.[279] Similarly, when an integrity agency refers a complaint to a public sector body for investigation, public

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271   Mr Andrew Kandel and Ms Lauren Steinfeld, Lecturers in Law, Carey Law School, Specialization in Regulatory Compliance, University of Pennsylvania, online course delivered via Coursera, July 2021; Department of Health (Victoria), *Clinical incident investigations—root cause analysis*, <https://www2.health.vic.gov.au/hospitals-and-health-services/quality-safety-service/clinical-risk-management/investigation-of-incidents/root-cause-analysis> accessed 19 March 2021; Washington State Department of Enterprise Services, *Root cause analysis*, <https://des.wa.gov/services/risk-management/about-risk-management/enterprise-risk-management/root-cause-analysis>.

272   OECD Anti-Corruption Network for Eastern Europe and Central Asia, *Prevention of corruption in the public sector in Eastern Europe and Central Asia*, Paris, 2015, p. 116.

273   Parliament of Western Australia, JSCCCC, *Red flags…red faces*, pp. iv–v, , 33, 41, 69, 70–72, 75.

274   Commonwealth Fraud Prevention Centre, Attorney-General's Department, Australian Government, *Make sure there is managerial, independent or expert oversight*, <https://www.counterfraud.gov.au/fraud-countermeasures/make-sure-there-managerial-independent-or-expert-oversight> accessed 2 July 2020.

275   Commonwealth Fraud Prevention Centre, Attorney-General's Department, Australian Government, *Establish governance, accountability and oversight*, <https://www.counterfraud.gov.au/fraud-countermeasures/establish-governance-accountability-and-oversight> accessed 2 July 2020.

276   Ibid.

277   Andrew Howell, 'Fraud prevention: the alignment between fraud-related legislation and fraud governance practices', Master of Business (Research)—Accountancy thesis, Business School, Queensland University of Technology, Brisbane, 2017, pp. 101–104.

278   OECD, *OECD public integrity handbook*, OECD Publishing, Paris, 2020, pp. 194, 196, <https://doi.org/10.1787/ac8ed8e8-en> accessed 19 March 2021.

279   Ibid., p. 196.

sector bodies can use this to identify corruption vulnerabilities and opportunities for improvement.[280] Integrity agencies and public sector bodies can utilise a collaborative approach when responding to complaints, which will encourage public sector bodies' commitment to implementing recommendations and allow integrity agencies to facilitate governance and integrity improvements in public sector bodies.[281]

4.15 Conclusion

There is no standard response that integrity agencies and public sector bodies can rely on to prevent corruption and other forms of wrongdoing. Rather, integrity agencies need to tailor their corruption-prevention and education strategy (or public integrity strategy), as well as risk-specific corruption controls, to local contexts. Using a range of mechanisms, employing risk-based and evidence-based approaches, and monitoring and evaluating strategies, is vital to ensuring that cohesive and relevant practices are developed under a comprehensive strategy. Integrity agencies and other public sector bodies should be guided by best practice principles in undertaking these tasks.

Public sector bodies' prevention and education efforts should be supported by a robust oversight, governance and integrity system. This system includes transparency and accountability measures such as FOI and whistleblower regimes, an independent media, an engaged citizenry and well-resourced integrity agencies. Integrity agencies can contribute to prevention efforts by increasing public awareness, encouraging reporting, undertaking monitoring to identify opportunities for improvement, providing education materials and using enforcement measures in a graduated fashion.[282]

While capable and willing public sector leaders—along with a culture of integrity, openness, capacity-building, continuous improvement and an intolerance of misconduct—are important in their own right, they also ensure that compliance controls and procedures are implemented effectively. Properly supported by integrity agencies, public sector bodies are best placed to cultivate these attributes and effectively employ fraud and corruption controls, ethical frameworks and other internal compliance mechanisms.

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280   ICAC SA, *Submission 25*, 31 August 2020, pp. 2–4, 6; Commonwealth Ombudsman, *Submission 13*, 27 August 2020, p. 3.

281   ICAC SA, *Submission 25*, 31 August 2020, pp. 5–6; Commonwealth Ombudsman, *Submission 13*, 27 August 2020, pp. 3, 8.

282   AJ Brown et al., 'Preventing corruption', p. 20.

4.16 Summary of best practice principles for preventing corruption and other misconduct

Principle	Description	Authority
Strategic and comprehensive corruption-prevention policy/strategy	Corruption-prevention strategies should be manageable, precise and evidence-based. They should be situated in a risk-based public integrity and governance framework. A comprehensive policy will ensure corruption-prevention measures are well-resourced, implemented efficiently and effectively, and monitored accordingly.	ACT Integrity Commission, 2020; AJ Brown et al., 2019; Council of Europe, 2013; Organisation for Economic Co-operation and Development (OECD), 2020; OECD Anti-Corruption Network for Eastern Europe and Central Asia, 2015; Organization for Security and Co-operation in Europe Office of the Co-ordinator for Economic and Environmental Activities (OSCE), 2004; Public Sector Commission, Western Australia (PSCWA), 2020.
Adapted to local contexts	There is no standard approach to preventing corruption and other misconduct. Strategies should be adapted to respond to context-specific risks and needs. To achieve this, research will need to be undertaken to understand the pervasiveness of corruption, current practices and the barriers to achieving integrity.	AJ Brown et al., 2019; Department for International Development, UK Aid, 2015; Arnold and Bonython, 2020; Schöberlein, Transparency International and U4 Anti-Corruption Resource Centre, 2019; Evans, 2012. See also Lee-Jones, Transparency International and U4 Anti-Corruption Resource Centre, 2018.
A broad range of education, prevention, training and capacity-building practices	The adoption of a combination of tactics, strategies and tools to build a comprehensive and robust anti-corruption system.	AJ Brown et al., 2019; Crime and Corruption Commission Queensland (CCC Queensland), 2020; Gorta, 2003; Commonwealth Ombudsman, 2020; Ping, 2020; Hong Kong ICAC, 2017; IBAC, 2020; Victorian Local Governance Association (VLGA), 2020; OECD Anti-Corruption Network for Eastern Europe and Central Asia, 2015; OECD, 2020; Haines, 2020; Ransley, 2020; Independent Commissioner Against Corruption South Australia (ICAC SA), 2020; Victorian Ombudsman, 2020.
Effective use of corruption and anti-corruption research and data analysis	Findings or best practice examples from international and national corruption-prevention strategies should be considered when designing anti-corruption strategies. Data and intelligence should be collected to ensure interventions are targeted towards high-risk areas, relevant, and address root causes. Situational crime-prevention strategies can also be used.	ACT Integrity Commission, 2020; AJ Brown et al., 2019; Gorta, 2003; Commonwealth Ombudsman, 2020; Council of Europe, 2013; Lewis, 2020; IBAC, 2020; Schöberlein, Transparency International and U4 Anti-Corruption Resource Centre, 2019; OECD 2020; Ransley, 2020; Prenzler, 2021; PSCWA, 2020; Law Enforcement Conduct Commission, 2020. See also Lee-Jones, Transparency International and U4 Anti-Corruption Resource Centre, 2018; OECD Anti-Corruption Network for Eastern Europe and Central Asia, 2015.

Principle	Description	Authority
Appropriate oversight and enforcement	A corruption-prevention system should include a range of oversight mechanisms, such as auditors, ombudsmen and integrity agencies, as well as accountability and governance arrangements within public sector bodies. This ensures a 'graduated system' (AJ Brown et al., 2019, p. 20) of enforcement—from internal sanctions (for example, admonition, education, performance management or termination of employment), to referral to law enforcement agencies and prosecution.	AJ Brown et al., 2019; Gorta, 2003; Lee-Jones, Transparency International and U4 Anti-Corruption Resource Centre, 2018; OECD, 2020; OECD, 2010; Parliament of Western Australia, Joint Standing Committee on the Corruption and Crime Commission (JSCCCC), 2020; Ransley, 2020; ICAC SA, 2020.
Effective measurement and evaluation	Monitoring mechanisms and ways of evaluating impact should be built into corruption-prevention strategies to measure their effectiveness and identify opportunities for improvement.	AJ Brown et al., 2019; Gorta, 2003; Tsahuridu, 2020; Centre for Crime Policy and Research, Flinders University, 2020; Council of Europe, 2013; Institute of Public Administration Australia, Victoria (IPAA Victoria), 2020; Schöberlein, Transparency International and U4 Anti-Corruption Resource Centre, 2019; Evans, 2012; OECD Anti-Corruption Network for Eastern Europe and Central Asia, 2015; Ransley, 2020; PSCWA, 2020.
Adequate resourcing and support	Proactive and independent funding is needed to adequately carry out prevention and education work.	Accountability Round Table, 2020; Centre for Crime Policy and Research, Flinders University, 2020; Commonwealth Ombudsman, 2020; Arnold and Bonython, 2020; Lewis, 2020; Law Institute of Victoria, 2020; OECD, 2020; Robinson Gill Lawyers, 2020; Victorian Pride Lobby, 2020. See also Lee-Jones, Transparency International and U4 Anti-Corruption Resource Centre, 2018.
Transparency and accountability	Promoting transparency and government accountability can be facilitated by effective FOI regimes and the 'proactive release' and publication of data.	Arnold and Bonython, 2020; Schöberlein, Transparency International and U4 Anti-Corruption Resource Centre, 2019; Martini, Transparency International and U4 Anti-Corruption Resource Centre, 2014; OECD Anti-Corruption Network for Eastern Europe and Central Asia, 2015; Office of the Victorian Information Commissioner (OVIC); OSCE, 2004; JSCCCC, 2020; Haines, 2020.
Effective whistleblowing and reporting mechanisms	A robust whistleblowing regime can support a transparent, open and accountable public administration and can help identify risk areas and facilitate improvements in governance.	AJ Brown et al., 2019; Howell, 2017; Centre for Crime Policy and Research, Flinders University, 2020; Commonwealth Ombudsman, 2020; Dreyfus and Culnane, 2020; Zúñiga, Transparency International and U4 Anti-Corruption Resource Centre, 2018; OECD Anti-Corruption Network for Eastern Europe and Central Asia, 2015; Parliament of Victoria, IBAC Committee, 2017.

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Principle	Description	Authority
Public awareness and community engagement	Corruption-prevention and education strategies should engage with stakeholders, the media, members of the public and other civil society actors. Public awareness campaigns should explain what corruption is and its negative impacts, foster a culture that rejects it, clarify the role of integrity agencies and include indicators of outputs (for example, the number of campaigns undertaken or a change in the number of contacts made to an integrity agency). Independent media can play an effective role in encouraging government accountability, good governance and integrity.	Accountability Round Table, 2020; Centre for Crime Policy and Research, Flinders University, 2020; Council of Europe, 2013; Transnational Research Institute on Corruption, 2020; Lewis, 2020; IBAC, 2020; Law Institute of Victoria, 2020; OECD Anti-Corruption Network for Eastern Europe and Central Asia, 2015; OECD 2020; OSCE, 2004; Samuel Ankamah, 2018; Victorian Managed Insurance Authority, 2020; Victorian Ombudsman, 2020; Victorian Pride Lobby, 2020. See also Lee-Jones, Transparency International and U4 Anti-Corruption Resource Centre, 2018.
Effective coordination, cooperation and collaboration between integrity agencies and the public sector	Effective division of labour and cooperation between integrity agencies (subject to oversight) and the public sector on corruption prevention. Integrity agencies should work directly with public sector heads and senior leaders to promote a pro-integrity framework.	ACT Integrity Commission, 2020; AJ Brown et al., 2019; Gorta, 2003; Centre for Crime Policy and Research, Flinders University, 2020; Scott, 2011; IBAC, 2020; IPAA Victoria, 2020; OECD Anti-Corruption Network for Eastern Europe and Central Asia, 2015; OECD, 2020; Ransley, 2020; PSCWA, 2020; Victorian Ombudsman, 2020; VLGA, 2020; Victorian Public Sector Commission (VPSC), 2020.
Embedded integrity values and an ethical culture	Integrity cultures are a set of recognised social behaviours and practices that shape employees' thinking and actions. Concentrating on what to achieve by cultivating integrity will allow the public sector to focus resources on promoting good behaviours and strengthening resistance to corruption. Senior leaders are essential to instilling an organisation's ethical tone and inspiring behavioural change in employees.	AJ Brown et al., 2019; Gorta, 2003; Tsahuridu, 2020; Australia and New Zealand School of Government (ANZSOG), 2020; Australian Commission for Law Enforcement Integrity (ACLEI); Boardman and Klum, 2013; Corruption and Crime Commission Western Australia (CCC WA), 2008; Scott, 2011; IPAA Victoria, 2020; Evans, 2012; Zúñiga, Transparency International and U4 Anti-Corruption Resource Centre, 2018; New South Wales Independent Commission Against Corruption (NSW ICAC); OECD Anti-Corruption Network for Eastern Europe and Central Asia, 2015; OECD, 2020; JSCCCC, 2020; Graycar, 2020; Mulgan and Wanna, 2011; Standards Australia, 2021; VLGA, 2020.
Effective integrity plans, integrity frameworks and codes of conduct	Integrity plans and codes of conduct should be developed in a participatory fashion, applied to all employees across the organisation, widely publicised and promoted, and regularly monitored and enforced.	Council of Europe, 2013; Schöberlein, Transparency International and U4 Anti-Corruption Resource Centre, 2019; NSW ICAC; OECD Anti-Corruption Network for Eastern Europe and Central Asia, 2015; OECD, 2000; OSCE, 2004; Graycar, 2020; Mulgan and Wanna, 2011; Standards Australia, 2021.

Principle	Description	Authority
Appropriate staff training and high awareness of integrity obligations and measures	Awareness of integrity measures should be built into a comprehensive capacity-building and compliance framework, targeted towards different groups in an organisation, and incorporate 'modern training' (OECD, 2013, p. 10) techniques. Performance measures should be integrated into training programs, and opportunities for improvement should be identified on an ongoing basis.	Ambulance Victoria, 2020; Howell, 2017; Kandel and Steinfeld, 2020; Tsahuridu, 2020; Australian Government, Attorney-General's Department, 2017; Pelling, IBAC, 2019; Centre for Crime Policy and Research, Flinders University, 2020; CCC Queensland, 2019, 2020; Ping, 2020; Office of the Commissioner for Public Sector Employment, South Australia (SA OCPSE), 2020; IPAA 2020; Steele, 2016; OECD Anti-Corruption Network for Eastern Europe and Central Asia, 2015; OECD Anti-Corruption Network for Eastern Europe, Central Asia SIGMA and OECD Public Sector Integrity Network, 2013; OECD, 2000, 2020, 2010; OSCE, 2004; JSCCCC, 2020; Queensland Ombudsman 2020; Mulgan and Wanna, 2011; Standards Australia, 2021; United States Department of Justice (US DJ), 2020; United States Office of Government Ethics, 2021; Victorian Auditor-General's Office (VAGO), 2018.
Psychological safety and the confidence to report corruption	Creating an environment of psychological safety and openness can support employees to admit mistakes and raise questions, supporting a culture of growth. A robust whistleblowing regime should be implemented that supports and protects whistleblowers and encourages employees, contractors and citizens to report wrongdoing.	AJ Brown et al., 2019; Edmondson, 2018, 2019; Tsahuridu, 2020; Wheeler, 2019; OECD Anti-Corruption Network for Eastern Europe and Central Asia, 2015; OECD 2020; Parliament of Victoria, IBAC Committee, 2017; JSCCCC, 2020; Gentile, 2010; US DJ, 2020.
Senior management engagement and leadership	Senior leaders should demonstrate a commitment to reducing corruption and building a culture of integrity and openness. Senior management should show a commitment to implementing compliance measures through clear communication and example-setting.	ACLEI; AJ Brown et al., 2019; Howell, 2017; ANZSOG, 2020; IBAC, 2020; Boardman and Klum, 2013; Council of Europe Group of States Against Corruption, 2020; IPAA Victoria, 2020; Zúñiga, Transparency International and U4 Anti-Corruption Resource Centre, 2018; NSW ICAC; OECD Anti-Corruption Network for Eastern Europe and Central Asia, 2015; OECD, 2020, 2010; OSCE, 2004; Mulgan and Wanna, 2011; Graycar, 2020; Ransley, 2020; Standards Australia, 2021; US DJ, 2020.
Effective risk assessment and risk management	Comprehensive and meaningful risk assessments are vital to implementing an effective compliance program and for ensuring that corruption and other misconduct-prevention measures are targeted and relevant. They can identify problem areas that require strategies to mitigate risks, and should be undertaken regularly.	AJ Brown et al., 2019; Howell, 2017; Australian Government, Attorney-General's Department, 2017; CCC Queensland, 2019, 2020; Schöberlein, Transparency International and U4 Anti-Corruption Resource Centre, 2019; NSW ICAC; OECD Anti-Corruption Network for Eastern Europe and Central Asia, 2015; OECD 2000; OSCE, 2004; Ransley, 2020; Standards Australia, 2021; US DJ 2020; VAGO, 2018. See also CCC WA, 2008.
Comprehensive and effective fraud and corruption control plan	A fraud and corruption control plan should document an organisation's anti-corruption approach. It should be consistent, comprehensive, monitored, adequately communicated and reviewed regularly.	Australian Government, Attorney-General's Department, 2017; Standards Australia, 2021; VAGO, 2018. See also IBAC, 2014.

Principle	Description	Authority
Clear and well-targeted policies and procedures	Policies and procedures should be clear, adequately communicated and accompanied by staff awareness and training. They should cover specific risk areas such as conflicts of interest; procurement and contracting; complaint handling; record management; and the management of gifts, benefits and hospitality.	Pelling, IBAC, 2019; Centre for Crime Policy and Research, Flinders University, 2020; IBAC, 2020; OECD Anti-Corruption Network for Eastern Europe and Central Asia, 2015; OECD, 2010; OSCE, 2004; JSCCCC, 2020; Standards Australia, 2021; US DJ, 2020; VAGO, 2018. See also CCC WA, 2008.
Well-targeted human resources and management practices	Practices such as employee screening, rotating staff, segregation of duties and merit-based and transparent hiring and promotion systems are part of an organisation's compliance program.	Howell, 2017; Evans, 2012; NSW ICAC, 2018; OECD, 2020, 2000; OSCE, 2004; Standards Australia, 2021; VAGO, 2018; VPSC, 2020. See also Lee-Jones, Transparency International and U4 Anti-Corruption Resource Centre, 2018.
Effective internal controls and ongoing monitoring	Monitoring systems should aim to assess controls, detect weaknesses and identify opportunities to strengthen controls. This should be done regularly through internal and external mechanisms, and any identified issues should be acted upon.	Pelling, IBAC, 2019; Commonwealth Ombudsman, 2020; CCC Queensland, 2020; IBAC, 2020; NSW ICAC; OECD Anti-Corruption Network for Eastern Europe and Central Asia, 2015; OECD, 2020, 2010, 2000; JSCCCC, 2020; VAGO, 2018.

Note: Full bibliographic details of sources cited in this table can be found in Appendix B of this report.

5 Evaluating the integrity agencies

5.1 Introduction

This chapter evaluates the performance of the Independent Broad-based Anti-corruption Commission (IBAC), the Office of the Victorian Information Commissioner (OVIC), the Victorian Inspectorate (VI) and the Victorian Ombudsman (VO), drawing on best practice principles and, where relevant, interstate and international experience.

The following evaluation ranges across the educative and preventive impacts of investigations; the development, delivery and promotion of education and prevention resources and services; the management of public interest disclosures (PIDs) and other reports of wrongdoing; stakeholder engagement; and the nature and extent of collaboration between integrity agencies in education and prevention.

5.2 IBAC

IBAC is well-regarded throughout the Victorian integrity system and public sector, and by the agency's interstate peers, for the high quality of its investigations, stakeholder engagement and communications, and prevention and education resources.[1] The Committee has, however, identified several opportunities for improvement, particularly with respect to engagement with, and resources for, LGBTIQ+ Victorians, and in ensuring secure receipt and management of PIDs and other reports of wrongdoing.

There is also an opportunity for IBAC to engage more deeply with Victorian Aboriginal and Torres Strait Islander communities and produce tailored information that takes effective account of their distinctive experience, needs and interests. This is particularly important with respect to IBAC's police oversight and complaints-handling work. While IBAC, Victoria Police, and Aboriginal and Torres Strait Islander community legal centres and advocacy organisations have made efforts to improve Aboriginal and Torres Strait

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1 See, for example, Dr Colleen Lewis, Honorary Professor, Australian Studies Institute, Australian National University, *Submission 21*, 28 August 2020, pp. 1, 2–5; Ambulance Victoria, *Submission 16*, 28 August 2020, pp. 2–5; Victorian Public Sector Commission (VPSC), *Submission 33*, 30 October 2020, pp. 16–17; Victoria Legal Aid, *Submission 40*, 5 October 2020, pp. 3–4; Victorian Local Governance Association (VLGA), *Submission 43*, 30 September 2020, pp. 2–3; Professor Adam Graycar, Director, Stretton Institute, University of Adelaide, *Submission 52*, 15 October 2020, pp. 1, 3; Australian Commission for Law Enforcement Integrity (ACLEI), *Submission 5*, 27 July 2020, p. 2; Law Enforcement Conduct Commission (LECC)*, Submission 34*, 16 September 2020, p. 1; ACT Integrity Commission, *Submission 20*, 28 August 2020, p. 7; Local Government Inspectorate (LGI), *Submission 35*, 16 September 2020, pp. 5–6.

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Islander complainants' understanding of, and confidence in, the police oversight and complaints regime,[2] limitations remain.[3]

For example, the Victorian Aboriginal Legal Service (VALS) has emphasised that members of Aboriginal and Torres Strait Islander communities under-report alleged police misconduct because they are often disenchanted with the police-complaints regime 'and are afraid of facing reprisals from police, due to their high contact and the fact that it may lead to police charges against them'.[4]

Under-reporting by members of Aboriginal and Torres Strait Islander communities is due, therefore, not only to limited awareness and understanding of the complaints system but doubts about the value of making a complaint.[5] As the parliamentary Independent Broad-based Anti-corruption Commission Committee concluded in its 2018 police oversight report, drawing on evidence from VALS and the Aboriginal Family Violence Prevention & Legal Service Victoria (AFVPLSV):

> These doubts are rooted in historical and more recent experiences of incidents of racist policing and are amplified by fears of over-policing or under-policing. Over-policing can involve police harassment or undue scrutiny of the everyday lives of Aboriginal and Torres Strait [Islander] people as well as the threat of unfounded charges being laid. The Committee has received evidence that under-policing has manifested itself in inadequate police responses to reports of family violence or to complaints about police misconduct.[6]

The need for IBAC to enhance its engagement with Aboriginal and Torres Strait Islander communities, and provide appropriate information about police oversight, is discussed further in Section 5.2.2 of this chapter.

5.2.1   Investigations and public examinations

IBAC recognises the positive interrelationships between its research, intelligence, investigative, educative, preventive and engagement and communications work.[7] High-quality investigations not only identify and address particular corrupt conduct

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2   See, for example, IBAC's current audit Victoria Police handling of police-related complaints by members of Victoria's Aboriginal and Torres Strait Islander communities (IBAC, *IBAC to audit Victoria Police handling of complaints by Aboriginal people*, 30 August 2019, <https://www.ibac.vic.gov.au/media-releases/article/ibac-to-audit-victoria-police-handling-of-complaints-by-aboriginal-people> accessed 2 February 2022); Victoria Police, *Aboriginal Inclusion and Action Plan 2018–2021*, Melbourne, 2018, <https://www.police.vic.gov.au/sites/default/files/2019-08/VICPOL%20Aboriginal%20Inclusion%20Strategy%20%26%20Action%20Plan%202018-2021.pdf> accessed 2 February 2022; Victoria Police, *Aboriginal Liaison Officers*, <https://www.police.vic.gov.au/aboriginal-community-liaison-officer-program> accessed 2 February 2022; Victoria Police, *Family violence and Aboriginal communities*, <https://www.police.vic.gov.au/family-violence-and-aboriginal-communities> accessed 2 February 2022; *Djirra*, <https://djirra.org.au> accessed 2 February 2022; *Victorian Aboriginal Legal Service*, <https://www.vals.org.au> accessed 2 February 2022.

3   See, for example, Victorian Aboriginal Legal Service (VALS), Submission to the Legal and Social Issues Committee (Legislative Council, Parliament of Victoria) Inquiry into Victoria's Criminal Justice System ('Inquiry into Victoria's Criminal Justice System'), *Submission 139*, 18 September 2021.

4   Parliament of Victoria, Independent Broad-based Anti-corruption Commission Committee (IBAC Committee), *Inquiry into the external oversight of police corruption and misconduct in Victoria*, September 2018, pp. 152–153.

5   Ibid.

6   Ibid., p. 153.

7   IBAC, *Submission 48*, 30 September 2020, p. 5.

or other misconduct but highlight lessons, for both public sector bodies subject to investigation and other public sector bodies.[8]

In exposing wrongdoing, investigations educate the public sector and members of the public about the nature and harms of corruption, and how its incidence might be prevented or reduced.[9] As criminologist Dr Colleen Lewis emphasised in her submission:

> One of the most important sources of information for an anti-corruption body's preventive and educative responsibilities are found in the information gleaned from investigations. They provide invaluable data that serve to identify 'red flags' that, when acted on, minimise the risk of public sector corruption occurring and recurring. The mining of such data is not peculiar to IBAC, it is common across similar accountability institutions in Australia and beyond.[10]

Investigations can also have a deterrent effect on organisations whose cultures are vulnerable to corruption, and on public officers contemplating engaging in misconduct.[11] In addition, high-profile investigations raise public sector and public awareness of IBAC's existence and functions, and can encourage people to come forward to the agency with valuable information, reports of misconduct and complaints.[12]

These positive effects of investigations can be enhanced by the judicious use of public examinations (hearings).[13] In its submission to this Inquiry, IBAC gave the example of the positive outcomes of its investigations in Operations Ord and Dunham, supported by public examinations that:

- exposed weaknesses in Department of Education and Training systems and practices, and prompted the Department to undertake immediate action including strengthening financial controls and compliance

- resulted in IBAC acquiring further information and evidence regarding alleged corrupt conduct at the Department

- provided an impetus for the Victorian Secretaries Board to commit to a program of broader reform to strengthen integrity and prevent corruption.[14]

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8   IBAC, *Submission 48*, 30 September 2020, passim (especially pp. 5–6, 12–15); Dr Colleen Lewis, Honorary Professor, Australian Studies Institute, Australian National University, *Submission 21*, 28 August 2020, pp. 1–2, 4; Ambulance Victoria, *Submission 16*, 28 August 2020, pp. 2–4; Independent Commissioner Against Corruption South Australia (ICAC SA), *Submission 25*, 31 August 2020, pp. 4–5.

9   IBAC, *Submission 48*, 30 September 2020, pp. 5–15; Ambulance Victoria, *Submission 16*, 28 August 2020, pp. 2–4; Dr Colleen Lewis, Honorary Professor, Australian Studies Institute, Australian National University, *Submission 21*, 28 August 2020; ICAC SA, *Submission 25*, 31 August 2020 pp. 4–5.

10   Dr Colleen Lewis, Honorary Professor, Australian Studies Institute, Australian National University, *Submission 21*, 28 August 2020, p. 1.

11   Ibid., p. 2.

12   IBAC, *Submission 48*, 30 September 2020, pp. 13–15.

13   Ibid., p. 15.

14   Ibid. See also IBAC, *Operation Ord: an investigation into the conduct of officers of the Department of Education and Training, in connection with the use of 'banker' schools and related activities*, Melbourne, April 2016; IBAC, *Operation Dunham: an investigation into the conduct of officers of the Department of Education and Training, including Darrell Fraser, in connection with the Ultranet project and related matters*, Melbourne, January 2017.

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There are also wider democratic dimensions to public hearings; they enhance transparency and accountability with respect to alleged abuses of public power and resources for private gain at the expense of the public interest.[15]

Moreover, just as investigations are informed and influenced by high-quality intelligence and research, the methodologies, experience and outcomes of investigations feed into IBAC's development of well-informed, evidence-based and targeted prevention and education initiatives.[16]

The generally high quality of IBAC's investigations was recognised in a number of submissions to this Inquiry.[17] Ambulance Victoria (AV), for example, recognised the educative and preventive contributions IBAC made to its organisation during and following Operation Tone.[18]

In Operation Tone, IBAC investigated allegations against AV paramedics of theft of AV property, as well as the theft, use and trafficking of drugs of dependence.[19] AV informed the Committee that IBAC acted in a professional and constructive way throughout the investigation: appropriately briefing AV staff; communicating 'likely outcomes'; sharing governance, culture and risk-management lessons; and providing guidance on the implementation of recommendations:[20]

> Ambulance Victoria's interaction with IBAC highlighted the educative functions of IBAC and its remit to encourage the implementation of ongoing steps and processes to prevent and address misconduct and corrupt conduct … [IBAC's investigators] worked collaboratively with those AV representatives engaged in the investigation and imparted the following clearly:
>
> • the nature of the investigation, including the process and remit of IBAC, educating AV in relation to IBAC's functions and powers;
>
> • the expectations of AV in regards to the investigation process and ongoing prevention and education about misconduct and corrupt conduct;
>
> • the manner in which IBAC had undertaken investigations into other organisations, educating AV on contemporary practices and strategies; and
>
> • likely outcomes and findings, providing AV with an understanding of recommendations and prevention strategies prior to matters being finalised.[21]

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15   Dr Colleen Lewis, Honorary Professor, Australian Studies Institute, Australian National University, *Submission 21*, 28 August 2020, pp. 1–4. See also Accountability Round Table, *Submission 8*, 7 August 2020, pp. 3–5.

16   IBAC, *Submission 48*, 30 September 2020, especially pp. 13–17, 19.

17   See, for example, Dr Colleen Lewis, Honorary Professor, Australian Studies Institute, Australian National University, *Submission 21*, 28 August 2020, pp. 1–4; VPSC, *Submission 53*, 30 October 2020, p. 16; Ambulance Victoria, *Submission 16*, 28 August 2020, pp. 2–3; Professor Adam Graycar, Director, Stretton Institute, University of Adelaide, *Submission 52*, 15 October 2020, pp. 1–2.

18   Ambulance Victoria, *Submission 16*, 28 August 2020, pp. 2–3.

19   Ibid., p. 2. See also IBAC, *Operation Tone: special report concerning drug use and associated corrupt conduct involving Ambulance Victoria paramedics*, Melbourne, September 2017.

20   Ambulance Victoria, *Submission 16*, 28 August 2020, pp. 2–3.

21   Ibid.

One of the investigation's outcomes was AV's development of an integrity framework, to help prevent and detect misconduct, which was 'aligned with guidelines developed by the Victorian Public Sector Commission [VPSC] and criteria endorsed by IBAC'.[22] Operation Tone demonstrates the positive interrelationships between investigation, education and prevention functions, and, more broadly, between the 'reactive' and 'proactive' roles of integrity agencies.[23] As AV concluded:

> When the matter came to its conclusion, the educative functions of IBAC did not cease, but they continued to provide support throughout AV's implementation of arising changes and continued to make individuals available for assistance, where needed. The experience left AV as an organisation, in a stronger position to play its part in the education and prevention of misconduct and corrupt conduct.[24]

5.2.2 Stakeholder engagement and communications

As discussed in Chapter 3, IBAC engages constructively with a variety of stakeholders across the public sector. It regularly engages with the public sector bodies it oversights to provide education about corruption and other misconduct, the role of IBAC and prevention and detection strategies, which helps build their capacity to resist, and effectively address, wrongdoing.[25]

IBAC has engaged with institutions such as State and local government agencies; Victoria Police; the business and legal sectors; community organisations and advocacy bodies; integrity researchers and practitioners; Victorian and interstate integrity agencies; and the Parliament of Victoria.[26]

Evidence received by the Committee during this Inquiry confirms that this engagement has generally been constructive and appreciated.[27] For instance, the Australian Commission for Law Enforcement Integrity (ACLEI) noted their

> long history of engagement with counterparts at … IBAC … Our agencies share a mutually beneficial, supportive relationship that enables collaboration and sharing of insights and expertise.[28]

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22 Ibid., p. 2.

23 Drawing here on Hon Bruce Lander QC's discussion of 'reactive' and 'proactive' roles, quoted in ICAC SA, *Submission 25*, 31 August 2020, p. 2. See also VI, *Submission 22*, 31 August 2020, p. 2.

24 Ambulance Victoria, *Submission 16*, 28 August 2020, p. 3.

25 IBAC, *Submission 48*, 30 September 2020, passim (especially pp. 5–10); IBAC, *Annual report 2019/20*, Melbourne, 2020, pp. 6, 11–12, 25, 67–78.

26 IBAC, *Submission 48*, 30 September 2020, passim, and especially pp. 5–10; IBAC, *Annual report 2019/20*, Melbourne, 2020, pp. 6–7, 11–12, 14, 24–25, 63, 67–78.

27 See, for example, Ambulance Victoria, *Submission 16*, 28 August 2020, pp. 2–3; VO, *Submission 23*, 31 August 2020, p. 5; Mr Adam Fennessy PSM, Commissioner, VPSC, public hearing, Melbourne, *Transcript of evidence*, 24 May 2021, pp. 12–13; Ms Deborah Glass OBE, Ombudsman, VO, public hearing, Melbourne, *Transcript of evidence*, 7 June 2021, p. 21; Victoria Legal Aid, *Submission 40*, 5 October 2020, p. 3; VLGA, *Submission 43*, 30 September 2020, pp. 2–3; Professor Adam Graycar, Director, Stretton Institute, University of Adelaide, *Submission 52*, 15 October 2020, pp. 1, 3; ACLEI, *Submission 5*, 27 July 2020, p. 2; LECC, *Submission 34*, 16 September 2020, p. 1; ACT Integrity Commission, *Submission 20*, 28 August 2020, p. 7; LGI, *Submission 35*, 16 September 2020, p. 5; VPSC, *Submission 53*, 30 October 2020, pp. 16–17; VO, *Submission 23*, 31 August 2020, p. 5; Mr Sven Bluemmel, Information Commissioner, Office of the Victorian Information Commissioner (OVIC), public hearing, Melbourne, 7 June 2021, *Transcript of evidence*, p. 11.

28 ACLEI, *Submission 5*, 27 July 2020, p. 2.

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Both the ACLEI and the Law Enforcement Conduct Commission of New South Wales (LECC) emphasised IBAC's valuable contributions to anti-corruption agency practitioner networks.[29] The LECC submitted that IBAC's 'involvement in strengthening connections between corruption prevention practitioners across the country should be noted by the Inquiry'.[30]

The Australian Capital Territory (ACT) Integrity Commission emphasised that 'IBAC's approach to prevention and education is highly regarded by the Commission', giving particular praise to IBAC's social media engagement:[31]

> The Commission … considers IBAC's outreach and engagement via social media as being at the forefront of Australia's anti-corruption agencies. IBAC regularly refreshes the content on its social medial [sic] platforms, ensuring their audience remains actively engaged via the delivery of new material on a consistent basis.[32]

However, the Committee also received evidence that there are opportunities for IBAC to do more to engage with, and be informed by, the experience of LGBTIQ+ Victorians and others who can experience distinctive challenges, such as Aboriginal and Torres Strait Islander communities, culturally and linguistically diverse (CALD) communities and people with disability. This consideration is particularly important with respect to the agency's police oversight and complaint-handling functions.[33]

As noted earlier in this chapter, IBAC needs to take account of the unique experiences and interests of Aboriginal and Torres Strait Islander communities due to the history of state interventions in the lives and families of Aboriginal peoples, intrusive policing and the reverberations of the colonial era.[34] The AFVPLSV has captured these concerns well with respect to Aboriginal and Torres Strait Islander women:

> Aboriginal women … have been identified as the most legally disadvantaged group in Australia and face additional barriers to reporting violence due to multiple compounding factors such as fear of child removal, poverty, homelessness, over-policing and criminalisation, lack of awareness of legal rights and—in many areas—lack of access to culturally safe services and supports.[35]

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29   LECC, *Submission 34*, 16 September 2020, p. 1; ACLEI, *Submission 5*, 27 July 2020, p. 2.

30   LECC, *Submission 34*, 16 September 2020, p. 1.

31   ACT Integrity Commission, *Submission 20*, 28 August 2020, p. 7.

32   Ibid.

33   Robinson Gill Lawyers, *Submission 33*, 14 September 2020, pp. 3–4; Tamar Hopkins, *Submission 10*, 21 August 2020, p. 3 (on racial discrimination and racial profiling in policing); Law Institute of Victoria, *Submission 38*, 22 September 2020, pp. 4–6; Nevena Spirovska, Co-convener, and Sean Mulcahy, Policy Adviser, Victorian Pride Lobby, public hearing, Melbourne, 24 May 2021, *Transcript of evidence*, pp. 6–7, 9–10; Victorian Pride Lobby, *Submission 27*, 31 August 2020, pp. 3–5. See also Parliament of Victoria, IBAC Committee, *Inquiry into the external oversight of police corruption and misconduct in Victoria*, September 2018, Melbourne, pp. 170–179; Victorian Government, *Royal Commission into the Management of Police Informants: Victorian Government Response and Implementation Plan,* Melbourne, 2021, pp. 25, 27–28.

34   Parliament of Victoria, IBAC Committee, *Inquiry into the external oversight of police corruption and misconduct in Victoria*, September 2018, pp. 152–154. See also Victorian Aboriginal Community Services Association Limited, Submission to the Inquiry into Victoria's Criminal Justice System, *Submission 81*, 31 August 2021, pp. 1–5; Aboriginal Justice Caucus, Submission to the Inquiry into Victoria's Criminal Justice System, *Submission 106*, 1 September 2021, pp. 2–5; VALS, Submission to the Inquiry into Victoria's Criminal Justice System, *Submission 139*, 18 September 2021, pp. 8–10, 47–49 (on systemic racism).

35   Parliament of Victoria, IBAC Committee, *Inquiry into the external oversight of police corruption and misconduct in Victoria*, September 2018, p. 154.

Effective responses to these challenges therefore require close engagement with Aboriginal and Torres Strait Islander communities, the development and maintenance of cultural competence and the assurance of cultural safety. Accordingly, these considerations should also be reflected in tailored information about IBAC's role and the operation of the police oversight and complaints system.

With regard to the LGBTIQ+ community, the Victorian Pride Lobby gave an account of how it has been able to increase its confidence in IBAC's engagement with the LGBTIQ+ community, following concerns expressed in May 2020 over the agency's relationship with the community in connection with a Victoria Police operation at Hares & Hyenas bookshop (during which a member of the LGBTIQ+ community was seriously injured).[36] The Lobby has emphasised that there is

> a need to consistently engage with the community, and this looks like not coming to us in a time of crisis, because often if that has happened it can be too late and the community's sentiment could be one of distrust.[37]

In contrast, the Lobby gave the example of the VO's engagement with the LGBTIQ+ community, which it regards as exemplary:

> So another reason why the Victorian Ombudsman relationship—let us call it the 'rainbow standard' for the time being—is set so high is their proactive communication, their consistent communication with the community and their commitment to working past symbolism, which is being involved meaningfully with the community and seeking out our opinion by reaching out to organisations like ours to not just talk about crisis situations but talk about how we can work together to make their work and our work as meaningful as possible.[38]

The Lobby has informed the Committee that since June 2020 it has had a number of productive meetings with IBAC, and is encouraged by the agency's commitment to

> provide clearer information to the community on the Commission; invite the Gender and Sexuality Commissioner to address [IBAC] staff regarding the lived experience of LGBTIQ people; explore options to tap into the broader Victorian Public Service's [VPS] engagement with the LGBTIQ community (for example, through the VPS Pride Network) including consideration of joining [the] Midsumma Pride March, noting the need to go beyond symbolism; and consult with the Lobby as part of the Commission's work on engaging with stakeholders, particularly vulnerable community members.[39]

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36 Victorian Pride Lobby, *Submission 27*, 31 August 2020, pp. 4–5; Nena Spirovska, Co-convener, Victorian Pride Lobby, public hearing, Melbourne, 24 May 2021, *Transcript of evidence*, p. 9. See also IBAC, *Investigation summary—Operation Lynd*, 21 July 2020, <https://www.ibac.vic.gov.au/publications-and-resources/article/investigation-summary---operation-lynd> accessed 27 August 2021.

37 Nena Spirovska, Co-convener, Victorian Pride Lobby, public hearing, Melbourne, 24 May 2021, *Transcript of evidence*, p. 8.

38 Ibid.

39 Victorian Pride Lobby, *Submission 27*, 31 August 2020, pp. 4–5.

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Other IBAC commitments in this area include:

- quarterly meetings with the Lobby so it can give feedback on IBAC's engagement and related issues, such as the welfare of complainants

- engagement with Transgender Victoria and Intersex Human Rights Australia to better understand and take account of the needs and views of 'transgender and intersex communities'.[40]

In its submission, IBAC informed the Committee that it 'is developing and implementing new strategies to ensure our engagement and communication with vulnerable and diverse communities is more inclusive, accessible and responsive', including through sustained engagement and consultation with the LGBTIQ+ community and Aboriginal and Torres Strait Islander communities.[41]

This approach is consistent with the IBAC Commissioner's commitment to 'seek to improve continuously the accessibility of vulnerable and marginalised communities to IBAC's work and … be sensitive to the needs of both victims and complainants' in its police oversight role.[42] It also helps IBAC meet the commitment in its Service Charter to 'provide tailored support for people experiencing vulnerability, members of diverse communities or those with other additional needs'.[43]

In order to reinforce IBAC's progress in its engagement with LGBTIQ+ community, and with others especially vulnerable to police misconduct as victims and/or complainants,[44] the Committee makes the following recommendations.

RECOMMENDATION 1: That the Independent Broad-based Anti-corruption Commission establish a community education and stakeholder engagement program, with a focus on police oversight and police-related complaints, that engages with members of the LGBTIQ+ community, and other vulnerable complainants, including members of Victoria's Aboriginal and Torres Strait Islander communities, culturally and linguistically diverse communities and people with disability.

RECOMMENDATION 2: That, in support of this community education and stakeholder engagement program, the Independent Broad-based Anti-corruption Commission develop tailored resources, with a focus on police oversight and police-related complaints, for members of the LGBTIQ+ community, and other vulnerable complainants, including members of Victoria's Aboriginal and Torres Strait Islander communities, culturally and linguistically diverse communities and people with disability.

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40   Ibid., p. 5.

41   IBAC, *Submission 48*, 30 September 2020, p. 8 (also discussing IBAC's audit of Victoria Police's handling of complaints made by Aboriginal and Torres Strait Islander complainants).

42   Hon Robert Redlich AM QC, Commissioner, IBAC, public hearing, Melbourne, 7 June 2021, *Transcript of evidence*, p. 26.

43   IBAC, *Our service charter*, <https://www.ibac.vic.gov.au/reporting-corruption/our-service-charter> accessed 30 August 2021.

44   Victorian Pride Lobby, *Submission 27*, 31 August 2020, p. 5.

5.2.3 Prevention and education resources

IBAC produces a wide range of high-quality prevention and education resources, such as special,[45] intelligence and research reports; guides and guidelines;[46] and fact sheets.

The high quality and usefulness of these resources was noted in a number of submissions to this Inquiry. IBAC's resources are well researched, structured, written, evidenced and designed. [47] As the ACT Integrity Commission observed:

> IBAC consistently produces contemporary high-quality corruption prevention materials. Of note is IBAC's use of various media formats to communicate corruption-related concepts in simple terms, ensuring information is readily accessible for a broad and diverse audience.[48]

This assessment was supported by AV, the VPSC, the Local Government Inspectorate (LGI) and a number of integrity experts.[49]

IBAC also produces multimedia resources (including videos on IBAC's functions, the Victorian integrity system, whistleblowing, and the police oversight and complaints system), which are hosted on its website[50] and YouTube channel.[51]

However, the videos are not prominently displayed or categorised on IBAC's website, and there is no dropdown menu item for videos on the homepage, which would make them easier to find. Instead, users have to do a global search for 'videos'.[52] This undermines usability and weakens the educational and preventive impact of the videos. IBAC is therefore encouraged to display and rotate its video content on its homepage and add a dropdown menu item for videos and other audiovisual content. The Independent Commission Against Corruption South Australia provides an excellent

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45 *Independent Broad-based Anti-corruption Act 2011* (Vic) ('*IBAC Act 2011* (Vic)') s 162 (reports tabled before Parliament 'on any matter relating to the performance of its duties and functions').

46 For example, IBAC is required to issue guidelines to facilitate the making and handling of public interest disclosures, the protection of disclosers from reprisals and the management of the welfare of disclosers: *Public Interest Disclosures Act 2012* (Vic) ('*PID Act 2012* (Vic)') s 57.

47 See, for example, Dr Colleen Lewis, Honorary Professor, Australian Studies Institute, Australian National University, *Submission 21*, 28 August 2020, pp. 1–4; ACT Integrity Commission, *Submission 20*, 28 August 2020, p. 7; Ambulance Victoria, *Submission 16*, 28 August 2020, p. 4; Mr Adam Fennessy PSM, Commissioner, VPSC, public hearing, Melbourne, 24 May 2021, *Transcript of evidence*, p. 12; Australian Institute of Professional Investigators, *Submission 50*, 2 October 2020, p. 2; Mr Michael Stefanovic AM, Chief Municipal Inspector, LGI, public hearing, Melbourne, 7 June 2021, *Transcript of evidence*, p. 2.

48 ACT Integrity Commission, *Submission 20*, 28 August 2020, p. 7.

49 ACT Integrity Commission, *Submission 20*, 28 August 2020, p. 7; Ambulance Victoria, *Submission 16*, 28 August 2020, p. 4; Mr Adam Fennessy PSM, Commissioner, VPSC, public hearing, Melbourne, 24 May 2021, *Transcript of evidence*, p. 12; Australian Institute of Professional Investigators, *Submission 50*, 2 October 2020, p. 2; Mr Michael Stefanovic AM, Chief Municipal Inspector, LGI, public hearing, Melbourne, 7 June 2021, *Transcript of evidence*, p. 2; Dr Colleen Lewis, Honorary Professor, Australian Studies Institute, Australian National University, *Submission 21*, 28 August 2020, p. 4; Professor Adam Graycar, Director, Stretton Institute, University of Adelaide, *Submission 52*, 15 October 2020, pp. 1, 3.

50 IBAC, '261 search results for *videos*', <https://www.ibac.vic.gov.au/general/search-results?indexCatalogue=search&searchQuery=videos&wordsMode=0> accessed 28 August 2021. See also IBAC, *Resources for the public sector*, <https://www.ibac.vic.gov.au/preventing-corruption/public-sector-information> accessed 28 August 2021.

51 IBAC, YouTube channel, <https://www.youtube.com/user/ibacVic/featured> accessed 28 August 2021.

52 IBAC, '261 search results for *videos*', <https://www.ibac.vic.gov.au/general/search-results?indexCatalogue=search&searchQuery=videos&wordsMode=0> accessed 28 August 2021.

example of the user-friendly display, promotion and organisation of videos as part of the information architecture of a website.[53]

While the evidence received by the Committee generally attests to the high quality of IBAC's resources, some submissions noted that the agency could develop more specialised and tailored resources for particular sectors, with an emphasis on real-world workplace scenarios, developed in conjunction with the intended audiences.[54] For example, Ambulance Victoria suggested that

> there may be an opportunity for improvement in ... [prevention and education initiatives relating to] misconduct and corrupt conduct by taking an industry specific focus, enabling the Integrity Agencies to target their programs to the issues and concerns affecting the relevant sector. For example, matters of primary concern in the Health Sector, and for organisations like AV, may be medication management and access to drugs, which would not be relevant to other sectors, such as the Education Sector.[55]

Similarly, the Victorian Local Governance Association (VGLA) informed the Committee that

> [their] experience of training and other materials produced by the integrity agencies is that there is good use made of relevant case studies. This is useful to the extent that it alerts participants to conduct that is not appropriate.
>
> A useful next step, particularly with councillors and senior staff, would be to seek to understand the circumstances (or conditions) that allowed the conduct to occur. That would best equip them to respond internally with preventative measures.[56]

These views are supported by responses to IBAC's research commissioned to identify and better understand perceptions of its corruption-prevention activities.[57] The research drew on interviews with 25 external stakeholders, including representatives from integrity agencies, Victoria Police, State and local government bodies and universities.[58] One of the findings was that, while the stakeholders found IBAC's public reports insightful and useful, they

> would like more specific advice and recommendations on how to prevent corruption, as well as tailored information for different workplace settings.[59]

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53   Independent Commission Against Corruption South Australia, *Video resources*, <https://www.icac.sa.gov.au/education/video-resources> accessed 28 August 2021.

54   See, for example, VLGA, *Submission 43*, 30 September 2020, pp. 4–5; Ambulance Victoria, *Submission 16*, 28 August 2020, pp. 4–5; Office of the Racing Integrity Commissioner, *Submission 41*, 30 September 2020, p. 1; Victorian Managed Insurance Authority (VMIA), *Submission 15*, 27 August 2020, p. 1 ('Generic, sector-wide education programs are unlikely to deliver effective behavioural change at an organisational level.').

55   Ambulance Victoria, *Submission 16*, 28 August 2020, p. 5.

56   VLGA, *Submission 43*, 30 September 2020, p. 4 (see also pp. 3, 5).

57   IBAC, *Submission 48*, 30 September 2020, p. 17.

58   Ibid.

59   Ibid.

Tailored content that is informed by the real-world experience of organisations, work areas, managers and workers (including distinctive corruption and misconduct risks in a particular sector, industry or culture) meets best practice in adult anti-corruption education.[60] As the Flinders University Centre for Crime Policy and Research observed with respect to training:

> Anti-corruption agencies in most instances need to avoid overly generic training courses, instead tailoring their courses to groups in particular workplaces.
>
> [With this approach] … it is easier to develop and discuss case studies that have meaning in those settings. It is also easier at a local level to draw upon insiders (e.g. managers) as participants in realistic role-plays, and as sources of structured advice on ethical pitfalls and ways of managing them.[61]

Education and prevention resources that are practical, relevant and engaging for their audience are more likely to result in, not only better awareness and understanding of ethical principles, but also positive changes in workplace behaviour on a day-to-day basis.[62] The Institute of Public Administration Australia (Victoria) (IPAA Victoria) has endorsed these kinds of resources and training as well-suited to the needs of adult learners:

> Learning impact is enhanced through the contextualisation of content and messages. This principle is intuitive and—importantly—works both practically and psychologically. Knowledge that is more relevant to a participant's daily practice will be more useful and a participant will respond more favourably to information if they believe it has been tailored to their needs.[63]

IBAC has expressed some reservations about its capacity to produce more tailored resources, given the breadth of its oversight responsibilities across the public sector and Victoria Police, and the 'competing priorities for resources allocation'.[64] However, the Committee considers that it is efficient for IBAC to work with its sectoral stakeholders to ensure that its education and prevention content is as relevant and useful to these different sectors as possible. Given these stakeholders' greater familiarity with their own sectors and organisations, they will, however, often have an important role in further tailoring and refining content provided by IBAC.[65]

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60 Dr Alistair Ping, Adjunct Professor, QUT Graduate School of Business, Queensland University of Technology, *Submission 44*, 30 September 2020, pp. 3–5; Dr Eva Tsahuridu, School of Accounting, Information Systems and Supply Chain, *Submission 29*, 31 August 2020, pp. 2, 4–5; Centre for Crime Policy and Research, Flinders University, *Submission 46*, 30 September 2020, pp. 7–9; Institute of Public Administration Australia (Victoria) (IPAA Victoria), *Submission 28*, 31 August 2020, pp. 3–5; VO, *Submission 23*, 31 August 2020, p. 7. See also Section 4.5 in Chapter 4 in this report.

61 Centre for Crime Policy and Research, Flinders University, *Submission 46*, 30 September 2020, p. 9.

62 Dr Alistair Ping, Adjunct Professor, Graduate School of Business, Queensland University of Technology, *Submission 44*, 30 September 2020, pp. 3–5; Dr Eva Tsahuridu, School of Accounting, Information Systems and Supply Chain, *Submission 29*, 31 August 2020, pp. 2–5; Centre for Crime and Policy Research, Flinders University, *Submission 46*, 30 September 2020, pp. 7–9. Mary Gentile, *Giving voice to values: how to speak your mind when you know what's right*, Yale University Press, New Haven, 2010; IPAA Victoria, *Submission 28*, 31 August 2020, p. 3.

63 IPAA Victoria, *Submission 28*, 31 August 2020, p. 3. See also the discussion in Section 4.5 of Chapter 4 in this report.

64 IBAC, *Submission 48*, 30 September 2020, pp. 17–18.

65 Ibid., pp. 4–5.

It is positive that IBAC has already produced tailored resources targeted at various sectors or activities.[66] The sectors have included Victoria Police, State and local government, health and human services, education and training, corrections and transport.[67] The activities targeted have included recruitment and employment, procurement, conflict of interest management and misuse of information.[68]

IBAC is therefore encouraged to create more tailored content, particularly in digital form, similar to its e-learning module on how to manage PIDs in Victoria.[69] Such digital content can be hosted on public sector bodies' websites and intranet learning portals, and used for workplace induction and training, as well as individual, self-directed learning.

IBAC could also explore the potential for developing, in conjunction with other integrity agencies and stakeholders, education and prevention courses that can be accessed on digital learning platforms such as Coursera and edX.[70] Relevant education collaborators for such an initiative could include the VPSC, IPAA Victoria and the Australia and New Zealand School of Government (ANZSOG). While there are distinctive advantages in face-to-face learning and training,[71] there are also particular benefits of online and remote learning,[72] especially given the constraints of the COVID-19 environment to which integrity agencies and public sector bodies alike have had to adapt.[73]

5.2.4 Whistleblowing and other reporting of wrongdoing

Directory of Public Interest Disclosure Coordinators

In Victoria, persons nominated by public sector bodies and councils to receive and notify IBAC of potential PIDs are known as Public Interest Disclosure Coordinators.[74]

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66   IBAC, *You can help prevent corruption: information by sector*, <https://www.ibac.vic.gov.au/preventing-corruption/you-can-help-prevent-corruption> accessed 30 August 2021.

67   Ibid.

68   IBAC, *You can help prevent corruption: information by activity*, <https://www.ibac.vic.gov.au/preventing-corruption/you-can-help-prevent-corruption> accessed 30 August 2021.

69   IBAC, *Submission 48*, 30 September 2020, p. 11. See also IBAC, *e-learning module for Public Interest Disclosure Coordinators*, <https://www.ibac.vic.gov.au/publications-and-resources/ibac-insights/issue-24/e-learning-module-for-public-interest-disclosure-coordinators> accessed 28 August 2021.

70   Coursera, <https://www.coursera.org> accessed 28 August 2021; edX <https://www.edx.org> accessed 28 August 2021.

71   IBAC, *Submission 48*, 30 September 2020, p. 17 (IBAC's commissioned stakeholder research found that 'Stakeholders would like more regular face-to-face engagement and direct lines of communication with IBAC, including meetings, forums and presentations.'); VO, *Submission 23*, 31 August 2020, p. 6; UNSW Teaching, *Blended and online learning*, <https://teaching.unsw.edu.au/blended-learning> accessed 1 September 2021.

72   For example, the self-directed and 'self-paced' nature of much online learning, and its necessarily broader reach than face-to-face learning: Office of the Information Commissioner Queensland, *Submission 24*, 31 August 2020, p. 3.

73   See, for example, OVIC, *Submission 17*, 28 August 2020, pp. 17–18; VO, *Submission 23*, 31 August 2020, p. 6; IBAC, *Annual report 2019/20*, Melbourne, 2020, pp. 10, 15, 20, 32, 37, 69–70, 77, 79–80; OVIC, *Annual report 2019–20*, Melbourne, 2020, pp. 1, 3–4, 9, 13, 23, 39, 42, 51–52, 81; VI, *Annual report 2019–20*, Melbourne, 2020, pp. 3, 26, 34–35, 78; VO, *Annual report 2020*, Melbourne, 2020, pp. 17, 80–81.

74   IBAC, *Public Interest Disclosure Coordinators*, 2020, <https://www.ibac.vic.gov.au/reporting-corruption/public-interest-disclosures/Information-for-Public-Interest-Disclosure-Coordinators> accessed 26 July 2021.

In Western Australia, the equivalent of PID Coordinators are PID Officers.[75] The Public Sector Commission of Western Australia (PSCWA), which administers the *Public Interest Disclosure Act 2003* (WA), maintains a directory containing the contact details of the PID Officers[76] for all Western Australian receiving authorities.[77]

It would be useful to consolidate the contact details of PID Coordinators in one location so that anyone seeking to ascertain the various PID reporting pathways available to them can easily obtain that information. As the agency principally responsible for the *Public Interest Disclosures Act 2012* (Vic) ('*PID Act 2012* (Vic)'), it would seem logical for IBAC to publish this information on its website. The Committee notes that some public sector bodies and councils already publish the contact details of their PID Coordinators on their respective websites.[78]

> **RECOMMENDATION 3:** That the Independent Broad-based Anti-Corruption Commission maintain on its website an up-to-date directory containing the contact details of all Public Interest Disclosure Coordinators of Victorian public sector bodies and local councils.

Information security for whistleblowers and other reporters

Research, and evidence received during this Inquiry, demonstrate that whistleblowers commonly experience a range of detrimental impacts after making a disclosure if their identity is revealed to the subject of the disclosure (for example, their workplace).[79]

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75   In Victoria, a large agency or an agency with offices in several locations may appoint a number of PID Officers to assist the PID Coordinator: VO, *Public Interest Disclosure Coordinators*, 2021, <https://www.ombudsman.vic.gov.au/reporting-improper-conduct/the-role-of-the-pid-coordinator> accessed 30 July 2021.

76   A PID Officer is a person who has been designated by the principal executive officer of a public authority to receive disclosures of public interest information: *Public Interest Disclosure Act 2003* (WA) s 23(1)(a).

77   PSCWA, *Public Interest Disclosure Officer contact directory*, 2021, <https://www.wa.gov.au/government/publications/public-interest-disclosure-officer-contact-directory> accessed 26 July 2021.

78   See, for example, Public Record Office Victoria, *Public interest disclosure*, 2021, <https://prov.vic.gov.au/about-us/legislation-and-governance/protected-disclosure> accessed 26 July 2021; Moyne Shire Council, *Public interest disclosures procedures*, 2020, <https://www.moyne.vic.gov.au/files/assets/public/documents/your-council/public-interest-disclosure-procedures.pdf> accessed 26 July 2021.

79   Inez Dussuyer and Russell G Smith, 'Understanding and responding to victimisation of whistleblowers', *Trends and Issues in Crime and Criminal Justice* (Australian Institute of Criminology), no. 549, May 2018, especially pp. 6–8; Inez Dussuyer, Stephen Mumford and Glenn Sullivan, 'Reporting corrupt practices in the public interest: innovative approaches to whistleblowing', in Adam Graycar and Russell G Smith (eds), *Handbook of global research practice in corruption*, Edgar Elgar, Cheltenham, 2011, p. 430; Peter Roberts, 'Evaluating agency responses: the comprehensiveness and impact of whistleblowing procedures', in AJ Brown (ed), *Whistleblowing in the Australian public sector: enhancing the theory and practice of internal witness management in public sector organisations*, ANU E Press, Canberra, 2008, p. 233 ('the potentially devastating effects on individuals'); AJ Brown et al., *Clean as a whistle: a five- step guide to better whistleblowing policy and practice in business and government* (Key findings and actions of Whistling While they Work 2), Brisbane, August 2019, p. 23 (the 'vast majority (82.4%) of reporters experienced at least some type of repercussion'); Parliament of Victoria, IBAC Committee, *Improving Victoria's whistleblowing regime: a review of the* Protected Disclosure Act 2012 *(Vic)*, June 2017, pp. 10–15; Centre for Crime Policy and Research, Flinders University, *Submission 46*, 30 September 2020, pp. 4–6; Dr Eva Tsahuridu, School of Accounting, Information Systems and Supply Chain, RMIT University, *Submission 29*, 31 August 2020, pp. 3–5; Community and Public Sector Union (Victorian Branch) (CPSU), *Submission 31*, 4 September 2020, pp. 2–3; Dr Eva Tsahuridu, public hearing, Melbourne, 21 June 2021, *Transcript of evidence*, p. 2.

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As Dr Eva Tsahuridu explained in her submission to this Inquiry, potential whistleblowers will only blow the whistle if they are confident that 'they will be heard and not hurt':[80]

> Research reveals … that an unacceptable high number of people in organisations observe wrongdoing and remain silent. To understand why people remain silent when they observe misconduct it is more appropriate to look at the wrongdoing and the organisation in which it is occurring rather than the silent observers. The reasons observers of wrongdoing speak up … are simple yet apparently difficult to achieve in practice: people will speak up if they believe they will be heard and not hurt.[81]

Evidence also demonstrates that people are aware of the significant risk of detrimental impacts in reporting misconduct, and their calculations about this risk impact their consideration of whether to report misconduct.[82] As Inez Dussuyer, Stephen Mumford and Glenn Sullivan explain:

> There are considerable obstacles for any employee who brings corruption and misconduct to light from within an organization. Individuals who have blown the whistle on corrupt conduct are reported to experience serious, adverse consequences and reprisals in the workplace; and they may incur personal and financial costs. They may also believe little action is taken as a result of their disclosures. It is not surprising therefore that those persons with knowledge of corruption and misconduct have often remained silent.[83]

As noted, detrimental impacts are not limited to the severest forms of reprisal for reporting wrongdoing but extend to a variety of other harms, which have been termed 'negative consequences' or 'repercussions'[84] (see Box 5.1).

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80   Dr Eva Tsahuridu, School of Accounting, Information Systems and Supply Chain, RMIT University, *Submission 29*, 31 August 2020, p. 4.

81   Ibid., pp. 3–4.

82   Inez Dussuyer and Russell G Smith, 'Understanding and responding to victimisation of whistleblowers', *Trends and Issues in Crime and Criminal Justice* (Australian Institute of Criminology), no. 549, May 2018, especially p. 5; Dr Eva Tsahuridu, *Submission 29*, 31 August 2020, pp. 3–5; Dr Eva Tsahuridu, public hearing, Melbourne, 21 June 2021, *Transcript of evidence*, p. 2.

83   Inez Dussuyer, Stephen Mumford and Glenn Sullivan, 'Reporting corrupt practices in the public interest: innovative approaches to whistleblowing' in Adam Graycar and Russell G Smith (eds), *Handbook of global research practice in corruption*, Edgar Elgar, Cheltenham, 2013, p. 430.

84   AJ Brown et al., *Clean as a whistle: a five-step guide to better whistleblowing policy and practice in business and government* (Key findings and actions of Whistling While they Work 2), Brisbane, August 2019, p. 23 (see also p. 24).

BOX 5.1: 'Repercussions' of reporting wrongdoing

- Stress arising from the alleged/suspected wrongdoing or the reporting process

- Reductions in work performance, due to time and disruption

- Isolation or ostracism in day-to-day dealings with colleagues

- Harassment, intimidation or harm from colleagues or managers

- Denial of promotions, bonuses or training opportunities

- A negative performance appraisal

- Reassignment to less desirable duties or locations, demotion or suspension

- Withholding of information or resources needed to perform job

- Dismissal from their job (e.g. contract not renewed, made redundant, fired)

- Disciplinary or legal action (e.g. counselled, sued, prosecuted).

Source: Text from AJ Brown et al., *Clean as a whistle: a five-step guide to better whistleblowing policy and practice in business and government* (Key findings and actions of Whistling While they Work 2), Brisbane, August 2019, p. 24 (Figure 12).

Research bears out that people's fears that they will not be sufficiently protected from reprisal by their organisation is one of the key reasons for failures to report wrongdoing.[85] In its submission to this Inquiry, for example, the VPSC observed that

> the overall picture indicates that there is considerable scope to raise integrity indicators within public sector workplaces. One area of particular concern is protection from reprisal for reporting improper conduct. Only 55% of [Victorian] public sector employees agreed or strongly agreed that they would be confident that they would be protected from reprisal.[86]

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85   Inez Dussuyer and Russell G Smith, 'Understanding and responding to victimisation of whistleblowers', *Trends and Issues in Crime and Criminal Justice* (Australian Institute of Criminology), no. 549, May 2018, passim.

86   VPSC, *Submission 53*, 30 October 2020, pp. 15–16. See also VPSC, *The state of the public sector in Victoria 2018–2019*, Melbourne, March 2020, p. 140 (Table 6.3).

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The VPSC's concerns are borne out by IBAC's research into the perceptions of corruption and the reporting experiences of Victoria Police personnel.[87]

Potential whistleblowers' fears that their own organisation will be unable to protect them from detrimental impacts are, therefore, reasonable.[88] These concerns emphasise the importance of the establishment and maintenance of psychological safety within workplaces, and of a protection of whistleblowers and other reporters that goes beyond formal legal protections.[89]

The Committee recognises, nevertheless, the importance of whistleblowers in exposing and addressing corruption and other misconduct in the public sector, and of the encouragement of the reporting of wrongdoing more generally.[90] As Dr Tsahuridu noted:

> whistleblowing/public interest disclosures are more consistently and commonly seen as the most effective means of identifying and addressing wrongdoing in organisations. This was confirmed in the *Whistling While They Work 2* project, where we found

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87 IBAC, *Perceptions of corruption: survey of Victorian government suppliers*, Melbourne, June 2016, pp. 6–7; IBAC, *Perceptions of corruption: survey of Victorian state government employees*, Melbourne, September 2017, pp. 13–16; IBAC, *Perceptions of corruption: survey of Victorian local government employees*, Melbourne, September 2017, pp. 12–15; IBAC, *Perceptions of corruption: survey of Victoria Police employees*, Melbourne, December 2017, pp. 11–15; IBAC, *Perceptions of corruption: survey of the Victorian community*, Melbourne, April 2018, pp. 10–15; IBAC, *Perceptions of corruption and integrity in the Victorian public sector* (infographic), <https://www.ibac.vic.gov.au/publications-and-resources/article/perceptions-of-corruption-and-integrity-in-the-victorian-public-sector> accessed 2 September 2021; IBAC, *Corruption and integrity: perceptions of Victorian local government employees*, Melbourne, June 2021, pp. 14–16; Neil Comrie, *Taskforce Deliver 2018: Investigation into the falsification of Preliminary Breath Tests within Victoria Police*, Melbourne, November 2018, pp. 7, 108; Victorian Equal Opportunity and Human Rights Commission (VEOHRC), *Independent review into sex discrimination and sexual harassment, including predatory behaviour, in Victoria Police (Phase One Report)*, Melbourne, December 2015, pp. 12, 14–16, 19; VEOHRC, *Independent review into sex discrimination and sexual harassment, including predatory behaviour, in Victoria Police (Phase 2 Audit)*, Melbourne, September 2017, pp. 220, 226, 231–232; VEOHRC, *Independent review into sex discrimination and sexual harassment, including predatory behaviour, in Victoria Police (Phase 3 audit and review)*, Melbourne, August 2019, pp. 217, 219, 221–226; VEOHRC, *Proud, visible, safe: responding to workplace harm experienced by LGBTI employees in Victoria Police*, Melbourne, 2019, pp. 36–43.

88 Inez Dussuyer and Russell G Smith, 'Understanding and responding to victimisation of whistleblowers', *Trends and Issues in Crime and Criminal Justice* (Australian Institute of Criminology), no. 549, May 2018, especially pp. 6–8; Inez Dussuyer, Stephen Mumford and Glenn Sullivan, 'Reporting corrupt practices in the public interest: innovative approaches to whistleblowing', in Adam Graycar and Russell G Smith (eds), *Handbook of global research practice in corruption*, Edgar Elgar, Cheltenham, 2011, p. 430; Peter Roberts, 'Evaluating agency responses: the comprehensiveness and impact of whistleblowing procedures', in AJ Brown (ed), *Whistleblowing in the Australian public sector: enhancing the theory and practice of internal witness management in public sector organisations*, ANU E Press, Canberra, 2008, p. 233 ('the potentially devastating effects on individuals'); AJ Brown et al., *Clean as a whistle: a five- step guide to better whistleblowing policy and practice in business and government* (Key findings and actions of Whistling While they Work 2), Brisbane, August 2019, p. 23 (the 'vast majority (82.4%) of reporters experienced at least some type of repercussion'); Parliament of Victoria, IBAC Committee, *Improving Victoria's whistleblowing regime: a review of the* Protected Disclosure Act 2012 *(Vic)*, June 2017, pp. 10–15; Centre for Crime Policy and Research, Flinders University, *Submission 46*, 30 September 2020, pp. 4–6; Dr Eva Tsahuridu, School of Accounting, Information Systems and Supply Chain, RMIT University, *Submission 29*, 31 August 2020, pp. 3–5; Community and Public Sector Union, Victorian Branch (CPSU), *Submission 31*, 4 September 2020, pp. 2–3; Dr Eva Tsahuridu, public hearing, Melbourne, 21 June 2021, *Transcript of evidence*, p. 2.

89 Inez Dussuyer and Russell G Smith, 'Understanding and responding to victimisation of whistleblowers', *Trends and Issues in Crime and Criminal Justice* (Australian Institute of Criminology), no. 549, May 2018, p. 9; AJ Brown et al., *Clean as a whistle: a five-step guide to better whistleblowing policy and practice in business and government* (Key findings and actions of Whistling While they Work 2), Brisbane, August 2019, p. 25; Centre for Crime Policy and Research, Flinders University, *Submission 46*, 30 September 2020, pp. 5–6; CPSU, *Submission 31*, 4 September 2020, pp. 3–4. 'Detrimental action' against whistleblowers is prohibited under the *PID Act 2012* (Vic) ss 3 (definition of 'detrimental action'), 45(1).

90 IBAC, *Submission 48*, 30 September 2020, pp. 10–12; Ms Marlo Baragwanath, Chief Executive Officer, IBAC, public hearing, Melbourne, 7 June 2021, *Transcript of evidence*, p. 28; Dr Eva Tsahuridu, School of Accounting, Information Systems and Supply Chain, RMIT University, *Submission 29*, 31 August 2020, p. 3; Australian Education Union, Victorian Branch, *Submission 49*, 1 October 2020, p. 3; Centre for Crime Policy and Research, Flinders University, *Submission 46*, 30 September 2020, pp. 5–6, 12.

that employee reporting was considered by employees, managers and governance professionals the most important means to bring to light wrongdoing in, or by, organisations in the public and private sectors.[91]

In similar terms, Dussuyer, Mumford and Sullivan emphasise that

the price of keeping quiet about corruption and misconduct is high … [T]here are damaging effects to workplace culture when corruption and misconduct are ignored. Opportunities to deal with corruption and serious misconduct before it is too late are missed, potentially causing more problems and perhaps leaving the public at risk and may include long-term consequences for the integrity of an organization.[92]

IBAC therefore properly encourages the reporting of corruption and other misconduct, not simply as an exercise of its statutory functions, or as part of its corruption-prevention strategy, but as a well-tested way to expose, prevent and address wrongdoing.[93]

While encouraging the reporting of wrongdoing, IBAC also does a good job of explaining the formal legal protections given to whistleblowers when they make a PID, such as confidentiality mechanisms and protections against reprisal and defamation actions.[94]

However, as noted, research has demonstrated that formal legal protections are often insufficient; they need to be accompanied by ethical and psychologically safe workplaces.[95] IBAC's *Information sheet—behaviours for organisational integrity* provides good coverage of some of the prerequisites for establishing and maintaining ethical and safe workplaces.[96]

IBAC has also made efforts, in its guidelines on the handling of PIDs and the welfare management of disclosers, to cover issues of psychological safety.[97] Further, IBAC provides guidance for organisations on how to develop 'internal procedures' for

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91   Dr Eva Tsahuridu, School of Accounting, Information Systems and Supply Chain, RMIT University, *Submission 29*, 31 August 2020, p. 3.

92   Inez Dussuyer, Stephen Mumford and Glenn Sullivan, 'Reporting corrupt practices in the public interest: innovative approaches to whistleblowing' in Adam Graycar and Russell G Smith (eds), *Handbook of global research practice in corruption*, Edgar Elgar, Cheltenham, 2013, p. 430.

93   *IBAC Act 2011* (Vic) s 15(5)–(6); IBAC, *Submission 48*, 30 September 2020, pp. 3–5.

94   See, for example, IBAC, *Guidelines for handling public interest disclosures*, Melbourne, January 2020; IBAC, *Guidelines for public interest disclosure welfare management*, Melbourne, January 2020. IBAC is required to issue these guidelines under s 57 of the *PID Act 2012* (Vic).

95   Inez Dussuyer and Russell G Smith, 'Understanding and responding to victimisation of whistleblowers', *Trends and Issues in Crime and Criminal Justice* (Australian Institute of Criminology), no. 549, May 2018, p. 9; AJ Brown et al., *Clean as a whistle: a five-step guide to better whistleblowing policy and practice in business and government* (Key findings and actions of Whistling While they Work 2), Brisbane, August 2019, pp. 10, 25, 34; Centre for Crime Policy and Research, Flinders University, *Submission 46*, 30 September 2020, pp. 5–6; *The British Psychological Society response to the Robert Francis QC Independent Review—Whistleblowing in the NHS: independent review*, July 2014, <http://www.ajustnhs.com/wp-content/uploads/2012/05/Final-BPS-Response-to-Francis.pdf> accessed 14 December 2021; IBAC, *Information sheet—behaviours for organisational integrity*, Melbourne, 2020, <https://www.ibac.vic.gov.au/publications-and-resources/article/information-sheet---behaviours-for-organisational-integrity> accessed 2 September 2021.

96   IBAC, *Information sheet—behaviours for organisational integrity*, Melbourne, August 2020, <https://www.ibac.vic.gov.au/publications-and-resources/article/information-sheet---behaviours-for-organisational-integrity> accessed 2 September 2021.

97   IBAC, *Guidelines for handling public interest disclosures*, Melbourne, January 2020, especially pp. 3, 17, 23; IBAC, *Guidelines for public interest disclosure welfare management*, Melbourne, January 2020.

the effective receipt and management of PIDs.[98] IBAC has also provided valuable information on what organisations need to consider in determining whether a discloser needs a 'welfare manager':[99]

> Appointing a welfare manager
>
> You should consider if it is necessary to appoint a welfare manager to coordinate welfare support for a discloser or cooperator (someone who cooperates or intends to cooperate with an investigation of a disclosure). The following questions should be considered in deciding if a welfare manager needs to be appointed:
>
> - Are there any real risks of detrimental action against the person, taking into account their particular circumstances?
>
> - Can you ensure that you will take the person seriously and treat them with respect?
>
> - Can you ensure that you will give the person effective support? (This includes keeping them informed of the status of their disclosure.)
>
> - Can you protect the person from suffering repercussions by dealing with the matter discreetly and confidentially?
>
> - Can you respond swiftly and fairly to any allegations the person has, in fact, suffered retribution?
>
> If the answer to the first question is 'yes' then the appointment of a dedicated welfare manager is probably appropriate.
>
> If the answer to the first question is 'no' and you can meet the needs set out in the remainder of the questions, there may be no need for a welfare manager.[100]

Finally, IBAC has produced useful material on the kinds of 'welfare support' a discloser might need.[101]

The IBAC Commissioner has also informed the Committee that the agency is planning to augment their education program for PID Coordinators over the 2021/22 year, led by two extra fixed-term appointments to be made in its Legal, Assessment and Review and Compliance division.[102] These staff will 'lead a program of work … to':

- Provide expert advice to public sector stakeholders, including PID Coordinators and integrity agency partners, to assist in handling PID matters

- Plan and commence delivery of a program to review the public interest disclosures procedures established and implemented by public sector bodies, and report on the outcomes and any recommendations resulting from these reviews

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98 IBAC, *Guidelines for handling public interest disclosures*, Melbourne, January 2020, p. 23; IBAC, *Guidelines for public interest disclosure welfare management*, Melbourne, January 2020, p. 4.

99 IBAC, *Guidelines for public interest disclosure welfare management*, Melbourne, January 2020, p. 5.

100 Ibid.

101 Ibid., p. 7.

102 Hon Robert Redlich AM QC, Commissioner, IBAC, correspondence, 7 September 2021.

- Facilitate the continuous development and delivery of stakeholder engagement strategies and initiatives to increase understanding of the PID Act, to promote the public interest disclosures scheme and the protections available to disclosers.[103]

These valuable efforts are consistent with the recognition by IBAC's Chief Executive Officer, Ms Marlo Baragwanath, 'that it does take courage to speak up and make a disclosure about improper conduct', and of the importance of talking about

> welfare management … [and what public sector bodies] can do to create the right workplace culture that encourages reporting and where disclosures are valued and taken seriously. So that emphasises the importance of those internal procedures, educating staff about what they can report, the different channels to make a report—and it can be done anonymously and confidentially …[104]

Nevertheless, whistleblowers' fears that they may not be protected from reprisals or other harms as the result of making a disclosure are reasonable. Such fears may mean that a whistleblower will only make a disclosure if it can be done anonymously.[105] This scenario is also applicable to complainants and other reporters of wrongdoing (for example, through IBAC's 'Provide information' channel on its website).[106] Indeed, anyone reporting alleged wrongdoing to IBAC, whether they want anonymity or not, must be confident that the agency will securely receive, store and handle their reports.[107]

The next section examines security requirements in the context of anonymous disclosures and reports.

Anonymous reporting

In their evidence to this Inquiry, Dr Suelette Dreyfus and Dr Chris Culnane—who are experts in whistleblower protection, information security and cybersecurity—expressed concerns over IBAC's receipt and management of anonymous disclosures and other reports of wrongdoing.[108]

First, they are concerned that IBAC provides insufficient information to potential reporters of wrongdoing about the process for making an anonymous disclosure, how the agency ensures the process is secure, and what risks remain.[109] Their submission identified that there is a 'lack of appropriate advice' from IBAC about how anonymous reports can be made.[110]

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103   Ibid.

104   Ms Marlo Baragwanath, Chief Executive Officer, IBAC, public hearing, Melbourne, 7 June 2021, *Transcript of evidence*, p. 28.

105   Inez Dussuyer and Russell G Smith, 'Understanding and responding to victimisation of whistleblowers', *Trends and Issues in Crime and Criminal Justice* (Australian Institute of Criminology), no. 549, May 2018, p. 5.

106   Dr Suelette Dreyfus and Dr Chris Culnane, *Submission 42*, 30 September 2020, pp. 2–7; IBAC, *Provide information*, <https://www.ibac.vic.gov.au/reporting-corruption/report/provide-information> accessed 2 September 2021.

107   Dr Suelette Dreyfus and Dr Chris Culnane, *Submission 42*, 30 September 2020, pp. 2–7; Australian Institute of Professional Investigators, *Submission 50*, 2 October 2020, p. 3.

108   Dr Suelette Dreyfus and Dr Chris Culnane, *Submission 42*, 30 September 2020, pp. 2–7. See also Dr Suelette Dreyfus and Dr Chris Culnane, public hearing, Melbourne, 7 June 2021, *Transcript of evidence*, pp. 29–33.

109   Dr Suelette Dreyfus and Dr Chris Culnane, *Submission 42*, 30 September 2020, pp. 2–3, 4–6.

110   Ibid., p. 5.

Information on IBAC's website assures users that any details reporters provide are handled 'carefully' in accordance with the law, but that, if a potential reporter is 'concerned' about their privacy, they can make an anonymous report.[111] However, no detailed information is given by IBAC about how it securely manages these reports.[112] Users are further informed that, if they make an anonymous disclosure or report, IBAC will not have their contact details, and that consequently any investigation will be limited because the agency will be unable to communicate with the reporter.[113]

This approach has a number of deficiencies: it does not provide 'a platform or methodology for true anonymous disclosure',[114] fails to explain in sufficient detail the security measures IBAC has in place, and, by only offering the prospect of a limited investigation, deters anonymous disclosure.[115] As Dreyfus and Culnane explain:

> Anonymous disclosure presents both a technical and perception challenge. The technical challenge is in providing a platform or methodology for true anonymous disclosure, which crucially, is not dependent on any receiving parties keeping their identity confidential, *but rather their identity was never able to be determined*, unless volunteered.
>
> Associated with this technical challenge is an educational one, unless the discloser reasonably believes that their anonymity is guaranteed, they may consider the channel to not be anonymous, and could be discouraged from making a report.
>
> A two-step approach is required, first a technically robust anonymous, secure disclosure channel must be established, and second, sufficient education and promotion of that channel must be provided to assure potential whistleblowers that it is a safe channel to use. The second part should not come before the first, since if anonymity is not guaranteed any future breach could undermine the legitimacy of the process as a whole.[116]

Secondly, they argue that IBAC can do more to inform potential anonymous reporters about what they need to do to make their report as secure as possible.[117] IBAC's online complaint form gives a warning to potential reporters about using a 'shared computer',

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111   IBAC, *Your privacy*, <https://www.ibac.vic.gov.au/reporting-corruption/your-privacy> accessed 3 September 2021; IBAC, *Public interest disclosures*, <https://www.ibac.vic.gov.au/reporting-corruption/public-interest-disclosures> accessed 3 September 2021; IBAC, *Reporting corruption and misconduct*, January 2020 <https://www.ibac.vic.gov.au/docs/default-source/education-resources/information-sheet-reporting-corruption-and-misconduct-20170701.pdf> accessed 3 September 2021; IBAC, *You can help prevent corruption*, <https://www.ibac.vic.gov.au/preventing-corruption/you-can-help-prevent-corruption> accessed 3 September 2021.

112   See, for example, IBAC's *Make a complaint* form, which says, 'This form is secured to protect your privacy', but does not say how: <https://www.ibac.vic.gov.au/reporting-corruption/report/complaints-form> accessed 3 September 2021. See also IBAC, *Provide information*, <https://www.ibac.vic.gov.au/reporting-corruption/report/provide-information> accessed 3 September 2021; IBAC, *You can help prevent corruption*, <https://www.ibac.vic.gov.au/preventing-corruption/you-can-help-prevent-corruption> accessed 3 September 2021; IBAC, *Your privacy,* <https://www.ibac.vic.gov.au/reporting-corruption/your-privacy> accessed 3 September 2021; Dr Suelette Dreyfus and Dr Chris Culnane, *Submission 42*, 30 September 2020, p. 6.

113   IBAC, *Your privacy*, <https://www.ibac.vic.gov.au/reporting-corruption/your-privacy> accessed 3 September 2021.

114   Dr Suelette Dreyfus and Dr Chris Culnane, *Submission 42*, 30 September 2020, p. 3.

115   Ibid., pp. 2–3, 6.

116   Ibid., p. 3 (emphasis added).

117   Ibid., pp. 5–6.

but the advice is technically demanding ('clear your browsing history, including your cache and all autofill form data, after submitting this complaint form').[118] Moreover, no warning or advice is given about the risk of 'potential monitoring of internet usage'.[119]

Dreyfus and Culnane also note inconsistencies between IBAC's information and advice for members of the public in its PID guidelines[120] and on its website:[121]

> In the document 'Guidelines for handling public interest disclosures' under anonymous disclosures it states:
>
> > 'An anonymous disclosure can be made by using unverifiable email addresses, through anonymous phone calls, or in a face-to-face conversation or meeting where the person refuses to identify themselves (provided the meeting or conversation takes place in private in accordance with the PID Regulations).'
>
> No information is provided to the end-user on how to create an unverifiable email address, or what such an email address even is. The guidelines also suggest the use of an anonymous phone call, yet on the IBAC website it states:
>
> > 'Complaints must be provided in writing and are not accepted over the phone. Use the online complaint form or other reporting methods.'
>
> The other reporting methods consist of a PDF document and an email address. The PDF document appears to be a print out of the online form, which is not editable, making completing it electronically impossible. No guidance is given as to how an individual is supposed to complete the form—presumably by hand—scan it back in to their computer, and email it [to] IBAC, let alone how to do so in a manner that protects their confidentiality or anonymity.[122]

Thirdly, their submission argues that IBAC needs to do more to educate and train PID Coordinators in public sector bodies about how to securely receive, store and manage PIDs.[123] This includes not only information about applicable legal obligations under the *PID Act 2012* (Vic), internal processes, and notification to IBAC, but also relevant information technology (IT) matters:[124]

> Looking more specifically at what information and education has been provided to Public Interest Coordinators there appears to be a lack of technical support and advice. For example, … the information sheet: 'Public interest disclosure procedures: key issues to consider' discusses only confidentiality, not anonymity. The word 'anonymous' does not even appear in the information sheet. This is of particular concern, since …

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118 IBAC, *Make a complaint*, <https://www.ibac.vic.gov.au/reporting-corruption/report/complaints-form> accessed 3 September 2021; Dr Suelette Dreyfus and Dr Chris Culnane, *Submission 42*, 30 September 2020, p. 5.

119 Dr Suelette Dreyfus and Dr Chris Culnane, *Submission 42*, 30 September 2020, p. 5 (see also pp. 3–4).

120 IBAC, *Guidelines for handling public interest disclosures*, Melbourne, January 2020, p. 7.

121 Dr Suelette Dreyfus and Dr Chris Culnane, *Submission 42*, 30 September 2020, pp. 5–6; IBAC, *Report corruption or misconduct*, <https://www.ibac.vic.gov.au/reporting-corruption/report> accessed 3 September 2021.

122 Dr Suelette Dreyfus and Dr Chris Culnane, *Submission 42*, 30 September 2020, pp. 5–6.

123 Ibid., pp. 4–5.

124 Ibid.

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> [IBAC's] advertising campaign to potential disclosers is focused on anonymity, yet the training and advice to the potential recipients appears to have overlooked the far more challenging task of providing anonymous disclosure.[125]

Further, in Dreyfus and Culnane's assessment, IBAC has not fully appreciated the technical challenges in creating a 'confidential channel' for reporting, let alone an anonymous one.[126] For example, the PID procedures information, discussed above, requires PID Coordinators to 'ensure they have a secure electronic or paper filing system for the receipt, storage, assessment and notification of public disclosures [sic]'.[127] Dreyfus and Culnane observe that

> [t]his is by no means a trivial task, and further education and support should be provided as to how to set up a secure electronic filing system, and the considerations that need to be made. It is unreasonable to assume that each eligible receiving entity is sufficiently technically skilled to safely setup [sic] such infrastructure. Ideally, a central approach would be developed by IBAC that could be easily replicated elsewhere, possibly using a platform maintained by IBAC to ensure access restrictions are enforced.[128]

Fourthly, their submission identifies the challenge for IBAC itself to provide 'a technically sound anonymous channel'[129] for reporters, identifying a number of shortcomings with the agency's current IT system.[130] The authors further explain that

> [i]t is not sufficient to simply not record a person's name or suppressing received information. The internet is not nearly as anonymous as some might perceive [it] to be. Not only are IP [Internet Protocol] addresses routinely collected and stored in profiles, but browsers can be fingerprinted, third-party tracking is common, and increasingly our online interactions are susceptible to network or corporate monitoring.[131]

For all these reasons, their submission recommends that IBAC improve the information it provides for reporters and PID Coordinators, and establish secure means for communicating with anonymous reporters from report to outcome.[132] The Committee agrees that IBAC needs to provide better information and guidance to potential reporters and PID Coordinators on how they can make, receive and manage anonymous reports, and how the agency protects anonymity.

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125   Ibid., p. 4. See also IBAC, *Public interest disclosure procedures: key issues to consider*, <https://www.ibac.vic.gov.au/docs/default-source/education-resources/information-sheet---public-interest-disclosure-procedures-key-issues-to-consider.pdf> accessed 3 September 2021.

126   Dr Suelette Dreyfus and Dr Chris Culnane, *Submission 42*, 30 September 2020, p. 5.

127   Ibid. (quoting from IBAC, *Public interest disclosure procedures: key issues to consider*, January 2020, p. 2), <https://www.ibac.vic.gov.au/docs/default-source/education-resources/information-sheet---public-interest-disclosure-procedures-key-issues-to-consider.pdf> accessed 3 September 2021).

128   Dr Suelette Dreyfus and Dr Chris Culnane, *Submission 42*, 30 September 2020, p. 5.

129   Ibid., p. 3.

130   Ibid., pp. 3, 5–6.

131   Ibid., p. 3.

132   Ibid., pp. 2–6.

RECOMMENDATION 4: That the Independent Broad-based Anti-corruption Commission (IBAC) publish clear, consistent and sufficiently detailed information for potential reporters of wrongdoing about how to make an anonymous report, and how IBAC protects their anonymity.

RECOMMENDATION 5: That the Independent Broad-based Anti-corruption Commission provide Public Interest Disclosure Coordinators with adequate technical information and guidance so they can securely receive, store and manage anonymous reports of wrongdoing.

Crucially, Dreyfus and Culnane recommend that IBAC consider using secure 'dropboxes' as best practice technology for the management of anonymous reports.[133] They argue that 'anonymous dropboxes' provide the most effective way to preserve the anonymity of reports of wrongdoing.[134] They describe various secure dropbox platforms, such as GlobaLeaks (run by the Hermes Center, and used in Italy and Spain) and the American Freedom of the Press Foundation's SecureDrop.[135] These kinds of secure dropboxes 'provide a secure platform for receiving, managing and responding to anonymous whistleblower complaints'.[136] These platforms can also accommodate regular communication between an integrity agency and a reporter, in contrast to IBAC's current system, under which communication is stymied and full investigation is not possible.[137]

The limitations of IBAC's current system are apparent from the information and advice the agency gives on its website to potential reporters. On its 'Your privacy' web page, in a section on 'Reporting corruption', IBAC provides the following information on 'Anonymous complaints':

> You may make a complaint anonymously. If you choose this option, your personal information will not be available to anyone, including IBAC. However, if you choose to make a complaint anonymously, *any investigation by IBAC or another agency may be limited.* This is because *we cannot contact you to obtain more information, or discuss the matter with you.*[138]

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133   Ibid., p. 6. See also Naomi Colvin, Veronika Nad, Chris Culnane, Bruno Galizzi and Suelette Dreyfus, *Expanding anonymous tipping technology in Europe*, Blueprint for Free Speech, 2021.

134   Dr Suelette Dreyfus and Dr Chris Culnane, *Submission 42*, 30 September 2020, p. 6.

135   Ibid. See also GlobaLeaks, *About us*, <https://www.globaleaks.org/about> accessed 3 September 2021; Hermes Center for Transparency and Digital Human Rights, *About us*, <https://www.hermescenter.org/about-us> accessed 3 September 2021; SecureDrop, *About us*, <https://securedrop.org> accessed 3 September 2021; Freedom of the Press Foundation, *About*, <https://freedom.press/about> accessed 3 September 2021.

136   Dr Suelette Dreyfus and Dr Chris Culnane, *Submission 42*, 30 September 2020, p. 6.

137   Ibid. See also IBAC, *Your privacy*, <https://www.ibac.vic.gov.au/reporting-corruption/your-privacy> accessed 3 September 2021.

138   IBAC, *Your privacy*, <https://www.ibac.vic.gov.au/reporting-corruption/your-privacy> accessed 3 September 2021 (emphasis added). See also Dr Suelette Dreyfus and Dr Chris Culnane, *Submission 42*, 30 September 2020, p. 6.

With secure dropbox platforms like GlobaLeaks, however,

> [t]here is ... open-source free software available to allow this channel of continuing communication in a live chat that ... also uses the state-of-the art technology for anonymity and security ...[139]

For these reasons, Dreyfus and Culnane argue that IBAC

> should consider deploying its own instance of GlobaLeaks or equivalent whistleblower platform ... allowing Public Interest Disclosure Coordinators to focus on the management and processing of the disclosures themselves, rather than the technical provision of a secure platform. This would also reduce the education burden of IBAC by allowing it to focus its education efforts similarly.[140]

Dreyfus and Culnane informed the Committee that Europe (in particular, Italy and Spain) leads the way in providing secure dropboxes for whistleblowers, given particular impetus by the European directive on whistleblower protection passed by the European Parliament in 2019.[141] The directive mandated that 27 European countries pass national laws for the protection of whistleblowers by the end of 2021.[142]

The Committee agrees that IBAC should consider and explore the potential for developing its own secure dropbox system, drawing on best practice, including GlobaLeaks, SecureDrop, and the experience of European jurisdictions.[143] In particular, as Dreyfus and Culnane urge, it would be useful for any integrity agency considering the adoption of secure dropbox technology to consult with the anti-corruption agencies in Valencia and Catalonia, given their expertise in the field.[144] Dr Dreyfus also suggested that an 'environment scan' of the secure dropbox options available, together with independent review and testing of them, would be valuable.[145]

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[139] Dr Suelette Dreyfus and Dr Chris Culnane, *Submission 42*, 30 September 2020, p. 6.

[140] Ibid.

[141] Dr Suelette Dreyfus, public hearing, Melbourne, 7 June 2021, *Transcript of evidence*, pp. 30, 31–32.

[142] Ibid., p. 30. See also *Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law*, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019L1937> accessed 3 September 2021.

[143] See Dr Suelette Dreyfus and Dr Chris Culnane, *Submission 42*, 30 September 2020, p. 6; Dr Suelette Dreyfus, public hearing, Melbourne, 7 June 2021, *Transcript of evidence*, pp. 30–33.

[144] Dr Suelette Dreyfus and Dr Chris Culnane, *Submission 42*, 30 September 2020, p. 6; Dr Suelette Dreyfus, public hearing, Melbourne, 7 June 2021, *Transcript of evidence*, pp. 31–32. See also Agència Valenciana Antifrau, *Purposes and functions*, <https://www.antifraucv.es/en/purposes-and-functions> accessed 3 September 2021; Oficina Antifrau de Catalunya, *About us*, <https://www.antifrau.cat/en/the-director.html#title1> accessed 3 September 2021.

[145] Dr Suelette Dreyfus, public hearing, Melbourne, 7 June 2021, *Transcript of evidence*, p. 32.

> **RECOMMENDATION 6:** That the Independent Broad-based Anti-corruption Commission consider:
>
> • the potential for using secure dropbox technology to ensure the secure receipt and management of public interest disclosures, complaints and other reports of wrongdoing, particularly when a discloser, complainant or other reporter wants to remain anonymous
>
> • how it might use secure dropbox technology to effectively communicate with anonymous reporters, from report to outcome.

5.3 OVIC

5.3.1 Anti-corruption strategy

Within the Victorian integrity sector, OVIC has an important role as the oversight body responsible for helping to ensure that 'information collected and created by agencies is used, disclosed, disseminated, secured and disposed of appropriately', in accordance with the *Freedom of Information Act 1982* (Vic) ('*FOI Act 1982* (Vic)') and *Privacy and Data Protection Act 2014* (Vic) ('*PDP Act 2014* (Vic)').[146] However, OVIC acknowledges that it also has specific responsibilities in preventing corruption; it notes, for example, that 'unauthorised access and disclosure of information' by public officers 'can be considered corrupt conduct under the *Independent Broad-based Anti-corruption Commission Act 2011* [(Vic)] depending on the circumstances and details of access or disclosure'.[147]

Therefore, from a corruption-prevention perspective, OVIC has described its functions as being to:

• 'ensure personal and public sector information is handled properly', in ways which deter the misuse of information; and

• make information 'available, where appropriate, to promote government transparency and accountability'.[148]

In 2019, OVIC developed a Regulatory Action Policy (RAP), which sets out how it promotes and enforces the *FOI Act 1982* (Vic) and *PDP Act 2014* (Vic).[149] Through this Policy, OVIC 'aims to be a best practice regulator'[150] by:

• exercising its statutory powers independently of the government;

• openly and constructively collaborating with the public and public sector agencies;

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146 OVIC, *Submission 17*, 28 August 2020, p. 4.

147 Ibid.

148 Ibid., pp. 4, 19.

149 OVIC, *Submission 17*, 28 August 2020, p. 4; OVIC, *OVIC Regulatory Action Policy 2019–2021*, Melbourne, 2019, <https://ovic.vic.gov.au/wp-content/uploads/2019/07/Regulatory-Action-Policy-1.0-1.pdf> accessed 23 July 2021.

150 OVIC, *Submission 17*, 28 August 2020, p. 4.

- adopting a proportionate response to issues based on an evaluation of the likelihood of their occurrence and the severity of their impact; and

- endeavouring to be transparent and consistent in its decision-making by providing clear explanations for its actions and remaining open to public scrutiny.[151]

One of the objectives of the RAP is to '[deter] any conduct that breaches the PDP Act or FOI Act'.[152] OVIC does this in various ways, including by providing advice, education and guidance to the public and public sector agencies, and undertaking preliminary inquiries, investigations and audits.[153] Further, its Investigations and Assurance team 'monitors and tracks new and emerging trends and issues in privacy, information security and FOI, and develops a forward work plan of strategic and proactive regulatory action'.[154] Notably, OVIC prioritises transparency and engagement with other agencies by publishing its regulatory priorities for the upcoming year so that agencies can plan accordingly.[155]

5.3.2 Education, prevention and capacity-building activities

Since its establishment on 1 September 2017, OVIC has developed a 'considerable suite of education, training and guidance resources' for each of its FOI, privacy and information security functions.[156] The number of 'education and training activities' delivered by OVIC 'has more than doubled from 73 in 2017–18, to 183 in 2019–20'.[157]

OVIC's training and education activities are free to participants.[158] OVIC notes that this 'increases accessibility for individuals by eliminating any financial barrier to participation'.[159] It is also noteworthy that OVIC has more online e-learning modules than any of its interstate counterparts.[160]

A stakeholder engagement survey was carried out in 2019 to evaluate the 'effectiveness of OVIC's engagement activities and to guide future engagement activities'.[161] The responses of the agencies indicated that OVIC is seen as 'a trusted advisor' and expert on FOI, privacy and data protection and 'a source of high quality information and education'.[162] OVIC has advised that the next stakeholder survey of this kind was scheduled to be conducted in late 2020.[163]

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151   Ibid., p. 5; OVIC, *OVIC Regulatory Action Policy 2019–2021*, Melbourne, 2019, p. 5 <https://ovic.vic.gov.au/wp-content/uploads/2019/07/Regulatory-Action-Policy-1.0-1.pdf> accessed 23 July 2021.

152   OVIC, *Submission 17*, 28 August 2020, p. 5.

153   Ibid.

154   Ibid.

155   Ibid.

156   Ibid., p. 17.

157   OVIC, *Annual report 2019–20*, 2020, Melbourne, p. 22.

158   OVIC, *Submission 17*, 28 August 2020, p. 17.

159   Ibid.

160   Ibid.

161   Ibid., p. 18.

162   Ibid.

163   Ibid.

OVIC also has functions under the *PDP Act 2014* (Vic) to:

- conduct or commission audits of records of personal information maintained by an organisation for the purpose of ascertaining whether the records are maintained according to the Information Privacy Principles or any applicable code of practice;[164] [and] …

- conduct monitoring and assurance activities, including audits, to ascertain compliance with data security standards.[165]

On 14 December 2020, the Privacy and Data Protection Deputy Commissioner announced an audit into four Victorian public sector (VPS) organisations' compliance with the Victorian Protective Data Security Standards.[166] The purpose of the audit is to ensure these organisations 'use consistent identification and assessment criteria across the information's lifecycle to maintain confidentiality, integrity, and availability of information'.[167] The former Victorian Commissioner for Privacy and Data Protection also exercised its audit powers in the conduct of regular reviews and site visits, at the conclusion of which a report was made containing detailed findings and recommendations.[168]

OVIC's audit and review functions enable organisations to build their capacity to identify and manage risks, make better informed decisions, improve their internal systems and processes, and ultimately enhance their privacy and data security standards.

5.3.3   Monitoring and continuous improvement

OVIC's submission to the Committee states that it 'continuously evaluates how it fulfils its statutory functions to ensure it meets best practice'.[169] Some of the organisations OVIC looks to for best practices and innovation include:

- the Office of the Australian Information Commissioner (OAIC)

- the Information and Privacy Commission New South Wales

- the Office of the Information Commissioner Queensland (OIC Queensland)

- the Information Commissioner's Office United Kingdom

- the Office of the Information and Privacy Commissioner for British Columbia.

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164   *PDP Act 2014* (Vic) s 8C(2)(f).

165   *PDP Act 2014* (Vic) s 8D(2)(b).

166   OVIC, *Privacy and Data Protection Deputy Commissioner commences audit of information security value assessments in the Victorian public sector*, 2020, <https://ovic.vic.gov.au/newsitem/privacy-and-data-protection-deputy-commissioner-commences-audit-of-information-security-value-assessments-in-the-victorian-public-sector> accessed 4 August 2021.

167   Ibid.

168   See Commissioner for Privacy and Data Protection (CPDP), *Review of information governance in the Department of Health and Human Services*, January 2017 <https://ovic.vic.gov.au/wp-content/uploads/2018/11/DHHS-Information-Governance-Review.pdf> accessed 4 August 2021; CPDP, *Review of the Victoria Police Security Incident Management Framework and Practices*, January 2017, <https://ovic.vic.gov.au/wpcontent/uploads/2018/07/Review_of_the_Victoria_Police_Security_Incident_Management_Framework_and_Practices_Report_.pdf> accessed 4 August 2021; OVIC, *Audits and reviews*, n.d., <https://ovic.vic.gov.au/data-protection/for-agencies/audits-and-reviews> accessed 4 August 2021.

169   OVIC, *Submission 17*, 28 August 2020, p. 20.

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OVIC notes that, much like itself, these organisations recognise the importance of developing educational resources, training and stakeholder engagement.[170]

However, unlike the OAIC[171] and OIC Queensland,[172] OVIC cannot issue guidelines and require agencies and ministers to consider them when performing a function or exercising a power under the *FOI Act 1982* (Vic).[173]

Without the necessary legislative authority to issue binding FOI guidelines, OVIC has begun developing a non-binding *Guide to the Victorian FOI Act*.[174] This will be made freely available online, and is intended to be an 'accessible and comprehensive resource' for public sector agencies and the community.[175]

OVIC considers the ability to issue legally binding guidelines, which help to explain the application of FOI exemptions and other FOI provisions to be:

- of educative value to:
  - public sector agencies, in promoting open and accountable government;
  - members of the public, so they can become 'better informed about the operation and proper interpretation of the FOI Act without the need … to access and review court and tribunal decisions'; and
- critical to enhancing the integrity of decision-making under the *FOI Act 1982* (Vic).[176]

The Law Institute of Victoria has similarly observed that Victoria's FOI provisions do not appear to allow for the issue of Practice Notes that 'instruct agencies on how they should be interpreting and applying exemptions under the FOI Act … to promote the *understanding* of the FOI Act'.[177]

The Committee notes that under s 8C(1)(g) of the *PDP Act 2014* (Vic) the Information Commissioner is authorised 'to issue guidelines and other materials in relation to the Information Privacy Principles and information usage arrangements'[178] and protective data security standards.[179] While the term 'other materials' is not defined in the *PDP Act 2014* (Vic), OVIC has produced, under the authority of the Act,[180] 'numerous guidelines,

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170   Ibid, p. 15.

171   *Freedom of Information Act 1982* (Cth) s 93A.

172   *Right to Information Act 2009* (Qld) s 132; *Information Privacy Act 2009* (Qld) s 138.

173   OVIC, *Submission 17*, 28 August 2020, p. 16.

174   Ibid.

175   Ibid.

176   Ibid.

177   Law Institute of Victoria, *Submission 38*, 22 September 2020, p. 8.

178   *PDP Act 2014* (Vic) s 8C(1)(g).

179   *PDP Act 2014* (Vic) s 8D(1)(c).

180   *PDP Act 2014* (Vic) ss 8C(1)(g), 8C(2)(a); OVIC, *Submission 17*, 28 August 2020, p. 6.

guides, information sheets, books and other guidance materials' on privacy for both the public sector and public.[181] However, these guidelines and materials are not legally binding.

For statutory consistency, the *FOI Act 1982* (Vic) should be amended to provide the Information Commissioner with the ability to issue guidelines and other materials in relation to OVIC's FOI functions. However, the Committee considers that the matter of compliance with such guidelines should be left up to each organisation, as is the case with OVIC's privacy and data security guidelines.

> **RECOMMENDATION 7:** That the *Freedom of Information Act 1982* (Vic) be amended to provide the Office of the Victorian Information Commissioner with the express power to issue guidelines and other materials on the application and interpretation of the Act.

5.3.4 Integrity culture

OVIC's staff operate under the Code of Conduct for Victorian Public Sector Employees of Special Bodies.[182] It has a Corporate Governance Committee which advises the Information Commissioner on 'business practices … [and] legislative and corporate governance issues'.[183] OVIC's internal policies and processes cover matters such as 'conflict[s] of interest, gifts, benefits and hospitality, fraud, confidentiality obligations, document management, financial management and workplace standards'.[184] In addition to publishing corporate documents such as its RAP, Strategic Plan, organisational structure and annual reports, OVIC's gifts, benefits and hospitality register is continually updated on its website.[185] The justification for this transparency was explained in OVIC's submission to this Inquiry:

> OVIC sees the publication of these kinds of policies as valuable to transparency for agencies and the public about how integrity agencies operate. Their publication is also intended to set a good example of the kind of information that other agencies could publish to promote transparency, accountability, and inform stakeholders of how the agency will discharge it[s] functions.[186]

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181 OVIC, *Submission 17*, 28 August 2020, p. 6.

182 Victorian Public Sector Commission, *Code of conduct for Victorian public sector employees of special bodies*, 2015, <https://vpsc.vic.gov.au/html-resources/code-of-conduct-for-victorian-public-sector-employees-of-special-bodies> accessed 23 July 2021.

183 OVIC, *Annual report 2019–20*, 2020, Melbourne, p. 15.

184 Ibid.

185 OVIC, *Gift, benefits and hospitality register*, 2021, <https://ovic.vic.gov.au/about-us/gift-benefits-and-hospitality-register> accessed 23 July 2021.

186 OVIC, *Submission 17*, 28 August 2020, p. 17.

5.3.5   Governance framework

OVIC's website also sets out the avenues through which members of the public can make complaints about a service OVIC has provided.[187] These are set out in Table 5.1 below.

Table 5.1   OVIC's published complaints framework

Type of complaint	Avenue for addressing complaint
Complaint or feedback	Internal complaints process involving the relevant business unit and OVIC's complaints coordinator[188]
Complaint about administrative action[189]	Victorian Ombudsman[190]
Complaint concerning the Information Commissioner and the operation of OVIC	Integrity and Oversight Committee[191]
Complaint about the exercise of coercive powers and compliance with procedural fairness requirements in: • the exercise, or purported exercise, of coercive powers under the *FOI Act 1982* (Vic) and the *PDP Act 2014* (Vic); • the conduct of investigations under pt VIB of the *FOI Act 1982* (Vic); • the making of recommendations under s 61L of the *FOI Act 1982* (Vic); • the making of investigation reports under s 61Q of the *FOI Act 1982* (Vic); and • the making of compliance notices under pt 3 of the *PDP Act 2014* (Vic).[192]	Victorian Inspectorate[193]

Source: Devised from OVIC, *Complaints about us*, <https://ovic.vic.gov.au/about-us/complaints-about-us> accessed 23 July 2021, and legislation cited.

The Committee notes that OVIC's website does not mention where a PID or allegation of corrupt conduct about OVIC, the Information Commissioner or an OVIC officer, must or may be directed. Under the *PID Act 2012* (Vic), a PID about the Information Commissioner *must* be made to IBAC or the Victorian Ombudsman (VO).[194] A PID about OVIC or an OVIC officer *may* be made to IBAC, the Victorian Inspectorate or the VO.[195] Any person may make a complaint about corrupt conduct to IBAC.[196]

To promote greater awareness of, and confidence in, the different corruption-reporting channels that exist in Victoria, it is important that this information be made readily available and accessible to any person wishing to make a PID or allegation of corrupt

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187   OVIC, *Complaints about us*, n.d.,<https://ovic.vic.gov.au/about-us/complaints-about-us> accessed 23 July 2021.

188   OVIC, *Annual report 2019–20*, Melbourne, 2020, p. 17.

189   Excluding administrative action taken under the *Freedom of Information Act 1982* (Vic): *Ombudsman Act 1973* (Vic) s 13(1)(a)(ii).

190   *Ombudsman Act 1973* (Vic) s 13(1)(a).

191   *Parliamentary Committees Act 2003* (Vic) ('*PC Act 2003* (Vic)') s 7(1)(b).

192   *Victorian Inspectorate Act 2011* (Vic) s 11(5)(a)(ii).

193   *Victorian Inspectorate Act 2011* (Vic) s 11(5).

194   *PID Act 2012* (Vic) s 14(e)(ii).

195   *PID Act 2012* (Vic) s 13(2).

196   *IBAC Act 2011* (Vic) s 51.

conduct. Accordingly, it is recommended that OVIC update its website to direct members of the public to make a PID and allegation of corrupt conduct about the Information Commissioner, OVIC or an OVIC officer, to the appropriate receiving entity or entities.

> **RECOMMENDATION 8:** That the Office of the Victorian Information Commissioner (OVIC) include on its website information about where a public interest disclosure or allegation of corrupt conduct about OVIC, the Information Commissioner or an OVIC officer, must and may be directed.

5.3.6   Public awareness and community engagement

One way in which OVIC raises public awareness of its role in the public sector and the community is via its website. OVIC's website contains a number of 'bright and engaging'[197] video animations, which aim to educate audiences about FOI, privacy and information security matters. OVIC encourages VPS organisations to circulate these video resources amongst their own staff.[198] The Information Commissioner has commented that, although these videos are still 'fairly new', OVIC has received 'really good feedback' on them.[199]

Dr Colleen Lewis noted, further, that:

> OVIC has a well-designed, user friendly website. It informs those wishing to engage with the OVIC about the procedures that accompany the lodging of a query or complaint. The website also provides an excellent overview of the role and functions of the Office, and acts as an educative tool in an engaging manner.[200]

This assessment was supported by other evidence received by the Committee during the Inquiry.[201]

Similarly, others have remarked that OVIC has 'performed admirably' in providing 'education on highly technical matters, such as privacy and de-identification'.[202]

Nevertheless, OVIC acknowledges that it could do more to 'call out corruption' and increase awareness of corrupt conduct and other misconduct, in the context

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197   Mr Stuart Grimley MLC, Integrity and Oversight Committee, OVIC, public hearing, Melbourne, 7 June 2021, *Transcript of evidence*, p. 13.

198   OVIC, *Make a freedom of information request*, n.d., <https://ovic.vic.gov.au/freedom-of-information/make-a-freedom-of-information-request> accessed 4 August 2021; OVIC, *Information security videos*, n.d., <https://ovic.vic.gov.au/data-protection/information-security-videos> accessed 4 August 2021; OVIC, *Shareable resources*, n.d., <https://ovic.vic.gov.au/privacy-officer-toolkit/shareable-resources> accessed 4 August 2021.

199   Mr Sven Bluemmel, Information Commissioner, OVIC, public hearing, Melbourne, 7 June 2021, *Transcript of evidence*, p. 13.

200   Dr Colleen Lewis, Honorary Professor, Australian Studies Institute, Australian National University, *Submission 21*, 28 August 2020, p. 1.

201   VMIA, *Submission 15*, 27 August 2020; Victoria Legal Aid, *Submission 40*, 5 October 2020, pp. 1–2; WorkSafe Victoria, *Submission 26*, 31 August 2020, pp. 3–5; Ambulance Victoria, *Submission 16*, 28 August 2020, p. 3; Professor Fiona Haines, School of Social and Political Sciences, University of Melbourne, *Submission 14*, 27 August 2020, p. 2.

202   Dr Suelette Dreyfus and Dr Chris Culnane, *Submission 42*, 30 September 2020, p. 1.

of its own statutory functions.[203] It considers that '[t]his awareness could lead to greater prevention, identification and reporting of information misuse if and when it does occur'.[204] This sentiment was echoed in one of the submissions received by the Committee, which noted that OVIC needs to increase awareness of its role and the functions it performs, compared with agencies such as IBAC and the Victorian Ombudsman.[205] The need to increase awareness of OVIC's work is understandable given it is the most recently established of the Victorian integrity agencies.

While it produces a significant number of education, training and guidance resources for the VPS and broader community, OVIC advised that it would like to increase its presence in regional Victoria.[206] In this regard, it hopes to hold:

- 'sector-specific' FOI forums for health and local government practitioners

- FOI events in regional Victoria; and

- regional pop-ups to promote greater understanding of OVIC's information security function.[207]

5.4 VI

5.4.1 The VI's education and prevention roles

The VI has emphasised that it does not have expressly legislated education and prevention functions and that its current funding means that it must prioritise its mandatory functions and related core oversight activities, such as the investigation of PIDs and complaints, the inspection of agency records and the review of agency coercive power notifications:[208]

> [W]ithin its current budget allocation, the VI is not resourced to deliver education programs, undertake monitoring projects or publish related reports. The VI is required to give priority to mandatory functions and complaints, and apply a risk based model to our monitoring and other legislative functions in accordance with available resources. This means that the VI is not currently able to undertake to deliver education programs, undertake monitoring projects or publish related reports.[209]

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203 OVIC, *Submission 17*, 28 August 2020, p. 19.

204 Ibid.

205 Australian Institute of Professional Investigators, *Submission 50*, 2 October 2020, p. 3.

206 OVIC, *Submission 17*, 28 August 2020, pp. 18–19.

207 Ibid.

208 VI, *Submission 22*, 31 August 2020, especially pp. 1–2, 6; Mr Eamonn Moran PSM QC, Inspector, VI, public hearing, Melbourne, 7 June 2021, *Transcript of evidence*, pp. 15–16, 17; VI, *Annual plan 2021–22*, Melbourne, 2021, especially p. 6; VI, *Annual report 2019–20*, Melbourne, 2020, pp. 12–13.

209 VI, *Submission 22*, 31 August 2020, pp. 3–4.

The VI therefore considers that, while recognising the importance of education and prevention, its educative and preventive contributions will be outcomes of its regular oversight activities rather than discrete, dedicated programs.[210] However, the Inspector, Mr Eamonn Moran PSM QC, also drew the Committee's attention to the VI's vision statement, which includes the following goals:

> The community knows to come to the VI to protect their rights. ...

> The VI is positively influencing the conduct of integrity bodies.[211]

The Inspector elaborated that

> those aspirations reflect the commitment of the VI to education and prevention activities and to the building of capacity across the integrity system. The finite resourcing we have must be applied to the pursuit of our core legislated functions, but education and prevention outcomes can result from that pursuit or from activities necessarily connected with that pursuit.[212]

Of note, the VI has stated that it is presently unable to prioritise education and prevention initiatives but considers that educative and preventive benefits are achieved through its regular oversight functions, particularly in pursuit of improvements in the integrity system.[213] Indeed, making improvements to the integrity system, 'which will help to achieve its vision of public trust in the Victorian integrity system',[214] is a performance measure included in the agency's Annual Plan for 2021/22:

> *Quality*

> [Number of] [i]mprovements to the integrity system: 6[215]

The VI defines and explains an improvement in the integrity system in the following terms:

> An improvement to the integrity system is a demonstrable change to the conduct and compliance of any of the integrity, accountability and investigatory bodies oversighted by the VI (integrity bodies).

> We identify non-compliance and opportunities for systemic improvement through undertaking our functions (inspections, investigations, monitoring etc) and respond proportionately through the framework of our published Integrity Response Guidelines.

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210 VI, *Submission 22*, 31 August 2020, pp. 1–5, 6; Mr Eamonn Moran PSM QC, Inspector, VI, public hearing, Melbourne, 7 June 2021, *Transcript of evidence*, pp. 15–19.

211 Mr Eamonn Moran PSM QC, Inspector, VI, public hearing, Melbourne, 7 June 2021, *Transcript of evidence*, p. 15.

212 Ibid.

213 Ibid., pp. 15–17. See also VI, *Submission 22*, 31 August 2020, pp. 1–5.

214 VI, *Submission 22*, 31 August 2020, p. 2.

215 VI, *Annual plan 2021–22*, Melbourne, 2021, p. 13.

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> We measure improvements to the integrity system where the VI's integrity response has demonstrably influenced an integrity body's conduct to help prevent future non-compliance, such as:
>
> • an integrity body implementing VI recommendation(s)
>
> • an integrity body establishing new procedures to prevent systemic recurrence of non-compliance
>
> • an integrity body changing its application of the law in response to VI feedback.[216]

The Committee agrees that educative and preventive benefits can be gained through the VI's exercise of its regular oversight functions. However, it also recognises, as explained in greater depth in Chapter 2, that the governing legislation authorises a range of education and prevention activities.[217] These include VI activities aimed at improving IBAC's capacity to perform its functions and duties, including its education and prevention functions.[218]

Moreover, the education and prevention functions of integrity agencies are inextricably linked with their inquiry, investigation, inspections, complaint-handling, monitoring and reporting functions and activities. This insight has been well explained by Hon Bruce Lander QC, the former Independent Commissioner Against Corruption for South Australia, albeit in the context of an anti-corruption agency:

> In my opinion, to be an effective integrity agency, it is critical that the agency operates both reactively (in the form of investigations leading to prosecutions) as well as proactively (in the form of education, research and prevention activities). There is little point prosecuting an individual without also informing and educating public authorities and public officers about the improper conduct risks; how those risks might provide opportunities for persons to engage in corruption, misconduct or maladministration; and how to reduce those risks.[219]

Further, the interplay between the VI's regular oversight functions and education and prevention activities is recognised in the agency's own Operations Model and its Integrity Response Guidelines:

> [T]hose responses range broadly from public reports with recommendations through to informal liaison and stakeholder engagement, but they also include education programs. Where we discover an issue that is systemic and of relevance to other integrity bodies, we realise that an appropriate response may be for us to publish information, guidance or education material to inform others of the VI's expectations and/or best practice on the systemic issue. So while this approach is directed primarily to positively influencing the conduct of integrity bodies, it also serves the purpose of informing the public about the conduct that should be expected of these bodies.[220]

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216   Ibid.

217   See Section 2.4 in Chapter 2 of this report.

218   See Section 2.4 in Chapter 2 of this report.

219   Quoted in ICAC SA, *Submission 25*, 31 August 2020, p. 2.

220   Mr Eamonn Moran PSM QC, Inspector, VI, public hearing, Melbourne, 7 June 2021, *Transcript of evidence*, p. 16.

Examples of the VI's positive influence on integrity bodies' performance from their responses to VI Integrity Reports, include improvements in:

- how IBAC records their analysis and justification of decisions regarding police-misconduct complaints (for example, the basis for referring a complaint back to Victoria Police for investigation)

- both IBAC's and the VO's understanding and exercise of their duty of care in relation to the welfare of witnesses

- the time OVIC takes to finalise FOI reviews and complaints

- the VO's provision of information to witnesses prior to interview.[221]

The VI has also recognised that educative and preventive benefits can flow from its complaint-handling function.[222] Through receiving, assessing, analysing and investigating complaints and disclosures, the VI can be alerted to individual or systemic problems in integrity agencies' handling of matters.[223] In accordance with its Operations Model and Integrity Response Guidelines, the VI can then engage with the relevant agency, seek further information as needed and provide formal or informal feedback on a matter.[224]

In addition, there is a performance measure for the VI to provide reasons explaining 'complaint outcomes' in all cases.[225] Through this approach, the VI not only exercises oversight over integrity agencies' handling of complaints but also improves complainants' understanding of the integrity system, and of the VI's role within it.[226] This approach also strengthens the public's trust and confidence in the integrity system through improved transparency and accountability.[227]

5.4.2 Public awareness, community engagement and tailored resources

While the VI wants members of the public to know that they can 'come to the VI to protect their rights',[228] this is only possible when they know that the VI exists and what it does.[229] One of the agency's Strategic Priorities is therefore to 'Raise public awareness

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221 VI, Response to Integrity and Oversight Committee questions on notice, 25 March 2021, pp. 1–2.

222 Mr Eamonn Moran PSM QC, Inspector, VI, public hearing, Melbourne, 7 June 2021, *Transcript of evidence*, pp. 15–17; VI, *Submission 22*, 31 August 2020, p. 7; VI, *Annual plan 2021–22*, Melbourne, 2021, p. 7.

223 VI, *Annual plan 2021–22*, Melbourne, 2021, p. 7; VI, *Submission 22*, 31 August 2020, passim ; Mr Eamonn Moran PSM QC, Inspector, VI, public hearing, Melbourne, 7 June 2021, *Transcript of evidence*, p. 16; VI, *Annual report 2019–20*, Melbourne, 2020, pp. 8–9, 12–13, 16–23, 29–31, 34–49, 52–74.

224 Mr Eamonn Moran PSM QC, Inspector, VI, public hearing, Melbourne, 7 June 2021, *Transcript of evidence*, p. 16; VI, *Submission 22*, 31 August 2020, pp. 3–5, 7; VI, *Annual report 2019–20*, Melbourne, 2020, pp. 5, 16, 18–19; VI, *Annual plan 2021–22*, Melbourne, 2021, pp. 5–10.

225 VI, *Annual plan 2021–22*, Melbourne, 2021, p. 13. See also VI, *Submission 22*, 31 August 2020, p. 6.

226 VI, *Submission 22*, 31 August 2020, pp. 2–3, 6; VI, *Annual plan 2021–22*, Melbourne, 2021, passim and especially pp. 5, 7, 9–10, 13; VI, *Annual report 2019–20*, Melbourne, 2020, pp. 17–19.

227 VI, *Submission 22*, 31 August 2020, pp. 2, 6.

228 Mr Eamonn Moran PSM QC, Inspector, VI, public hearing, Melbourne, 7 June 2021, *Transcript of evidence*, p. 15.

229 Ibid., pp. 18–19.

of the role and impact of the VI'.[230] In pursuit of this priority, the VI has informed the Committee that it has

> updated the VI website to make it an informative resource for the public on the VI and its functions … given presentations at various public forums and connected with various groups … [and] published reports of various kinds, which … lead to education outcomes for community members, including a better understanding of their rights when interacting with integrity agencies; and we have worked collaboratively with IBAC and others on an inter-agency approach to public information on the public interest disclosure scheme and to ensuring a common understanding of the requirements of that scheme.[231]

In addition to expressing a desire to ensure that those 'who come into contact with the other integrity agencies'[232] know about the VI, the agency is keen to reach out to vulnerable and 'disadvantaged groups' in the community so they know they can contact the VI when they have a concern over, or complaint about, an integrity agency's actions.[233]

Additionally, the VI emphasised the importance of its engagement with, and education of, members of Victoria's legal sector, especially those representing people involved in integrity agency investigations:[234]

> [W]e are also keen to engage with the legal fraternity to help ensure that those being represented across the integrity system have … the best knowledge of really how the system works … what they might expect, for example, at coercive hearings and things like that.[235]

Finally, the Committee received evidence from the Victorian Pride Lobby regarding the need for the VI to listen to, engage with and take account of the particular needs of Victoria's LGBTIQ+ community, especially given their sometimes-challenging relationship with the state and police forces.[236] As Sean Mulcahy, Policy Adviser at the Lobby, explained:

> One of the things we talked with the Inspector about is the reticence of our community to engage with complaints mechanisms, given the historical, I will say, persecution on the part of the state towards our communities. The Inspector acknowledged the need to provide clearer information to our community on their role within the integrity framework within the State and also expressed interest in engaging at LGBTIQA+ community events …[237]

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230   VI, *Annual plan 2021–22*, Melbourne, 2021, p. 5.

231   Mr Eamonn Moran PSM QC, Inspector, VI, public hearing, Melbourne, 7 June 2021, *Transcript of evidence*, p. 16.

232   Ibid., p. 18.

233   Ibid., pp. 18–19.

234   Ms Cathy Cato, Executive Director, Legal and Integrity, VI, public hearing, Melbourne, 7 June 2021, *Transcript of evidence*, p. 19.

235   Ibid.

236   Sean Mulcahy, Policy Adviser, Victorian Pride Lobby, public hearing, Melbourne, 24 May 2021, *Transcript of evidence*, p. 7 ('… I think we have to remember historically our community's relationship with the state has been quite complicated.').

237   Ibid., p. 9.

Stronger engagement, targeted resources and well-designed support for other vulnerable and disadvantaged Victorians is also needed, especially in their interactions with police and in making police-misconduct complaints.[238] This need was recognised by the parliamentary IBAC Committee as well by the Victorian Government in its initial response to the 'Lawyer X' royal commission.[239] In its response to the Lawyer X royal commission, the Victorian Government stated its commitment to

> establishing a police misconduct complaints system that is complainant-centred, accessible to all Victorians and meets the needs of all complainants, including children and young people, Aboriginal people, women, survivors of family violence, LGBTIQA+ people, people with mental illness or disability, culturally and linguistically diverse communities, and people experiencing social or economic disadvantage.[240]

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.

With regard to public information resources, the Victorian Pride Lobby stressed the importance of having 'tailored information'.[241] It gave the example of OVIC, which has developed tailored information for the LGBTIQ+ community on privacy matters.[242] The Lobby noted that 'to the best of our knowledge, there is no LGBTIQ specific information in … [the VI's] brochures and website'.[243] More generally, the Committee has received evidence on the importance of information and training that is tailored to its intended audience.[244]

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238 Nevena Spirovska, Co-convener, and Sean Mulcahy, Policy Adviser, Victorian Pride Lobby, public hearing, Melbourne, 24 May 2021, *Transcript of evidence*, pp. 6–10; Robinson Gill Lawyers, *Submission 33*, 14 September 2020, pp. 3–4; Tamar Hopkins, *Submission 10*, 21 August 2020, p. 3 (on racial discrimination and racial profiling in policing); Law Institute of Victoria, *Submission 38*, 22 September 2020, pp. 4–6; Victorian Pride Lobby, *Submission 27*, 31 August 2020, pp. 3–5, 7–9; Parliament of Victoria, IBAC Committee, *Inquiry into the external oversight of police corruption and misconduct in Victoria*, September 2018, pp. 170–179; Victorian Government, *Royal Commission into the Management of Police Informants: Victorian Government Response and Implementation Plan,* Melbourne, 2021, pp. 25, 27–28.

239 Parliament of Victoria, IBAC Committee, *Inquiry into the external oversight of police corruption and misconduct in Victoria*, September 2018, Melbourne, pp. 170–179; Victorian Government, *Royal Commission into the Management of Police Informants: Victorian Government Response and Implementation Plan,* Melbourne, 2021, pp. 25, 27–28.

240 Victorian Government, *Royal Commission into the Management of Police Informants: Victorian Government Response and Implementation Plan,* Melbourne, 2021, p. 28.

241 Sean Mulcahy, Policy Adviser, Victorian Pride Lobby, public hearing, Melbourne, 24 May 2021, *Transcript of evidence*, pp. 7–8. See also Victorian Pride Lobby, *Submission 27*, 31 August 2020, p. 9.

242 Sean Mulcahy, Policy Adviser, Victorian Pride Lobby, public hearing, Melbourne, 24 May 2021, *Transcript of evidence*, pp. 7–8. See also OVIC, *LGBTIQ+ privacy rights*, <https://ovic.vic.gov.au/privacy/lgbtiq-privacy-rights> accessed 24 August 2021.

243 Victorian Pride Lobby, *Submission 27*, 31 August 2020, p. 9.

244 Sean Mulcahy, Policy Adviser, Victorian Pride Lobby, public hearing, Melbourne, 24 May 2021, *Transcript of evidence*, pp. 7–8; Victorian Pride Lobby, *Submission 27*, 31 August 2020, pp. 7–9; Dr Eva Tsahuridu, School of Accounting, Information Systems and Supply Chain, RMIT University, *Submission 29*, 31 August 2020, pp. 2, 4–5; Centre for Crime Policy and Research, Flinders University, *Submission 46*, 30 September 2020, pp. 7–9, 12; VLGA, *Submission 43*, 30 September 2020, pp. 3–5; Ambulance Victoria, *Submission 16*, 28 August 2020, pp. 4–5; VMIA, *Submission 15*, 27 August 2020, p. 1; Office of the Racing Integrity Commissioner, *Submission 41*, 30 September 2020, p. 1; Victoria Legal Aid, *Submission 40*, 5 October 2020, pp. 2–3; IPAA Victoria, *Submission 28*, 31 August 2020, pp. 3–5.

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Given the importance of tailored information, and the VI's desire to better inform groups with distinctive needs and vulnerabilities, as well as lawyers representing clients involved in integrity agency investigations, the VI should develop tailored resources for these intended audiences.

> **RECOMMENDATION 10:** That, in consultation with the intended audiences, the Victorian Inspectorate develop and publish tailored information on its website for:
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> • disadvantaged and vulnerable Victorians
>
> • culturally and linguistically diverse communities
>
> • the LGBTIQ+ community
>
> • lawyers representing clients involved in integrity agency investigations.

5.5 VO

5.5.1 Education, prevention and capacity-building activities

The VO considers its training and education offerings to be of high quality.[245] Its submission to the Committee highlights the 'consistently' positive feedback received from training participants.[246]

However, the VO regards its collaborative activities with IBAC and the Local Government Inspectorate as '"best practice", given the complexity of the integrity and complaints-handling landscape in Victoria'.[247] The Ombudsman advises that her office frequently collaborates with IBAC and other integrity agencies in delivering corruption-prevention education and training activities.[248]

The VO builds capacity within the public sector by actively monitoring the implementation of its recommendations to determine whether practical and positive changes have been made.[249] Under s 23 of the *Ombudsman Act 1973* (Vic), the VO has the power to make recommendations upon completing an investigation. While the recommendations are not enforceable, the Ombudsman holds the State Government and its departments, statutory authorities and local governments accountable by reporting on the progress of the implementation of the recommendations every two years.[250] The Ombudsman advises that the 'level and nature of continuing complaints'

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245 VO, *Submission 23*, 31 August 2020, p. 6.

246 Ibid., pp. 6–7.

247 Ibid., p. 7.

248 Ibid., p. 5.

249 VO, *Annual report 2020*, Melbourne, 2020, p. 20; VO, *Ombudsman's recommendations—third report*, Melbourne, June 2020, p. 8.

250 VO, *Ombudsman's recommendations—third report*, Melbourne, June 2020, p. 8; VO, *Annual report 2020*, Melbourne, 2020, p. 20.

can be one way of assessing satisfactory implementation.[251] Progress reports on the implementation of VO recommendations can also be requested from the relevant body.[252] The VO may also report to Parliament where it considers no progress has been made within a reasonable time frame.[253]

5.5.2 Public awareness and community engagement

The Ombudsman has previously acknowledged the challenges experienced by her Office in increasing public awareness and understanding of her Office's functions.

> One of our main challenges is that there are numerous Ombudsman-type bodies that use the Ombudsman title, and it is difficult to get 'cut through' that our office takes complaints about local and state government-related organisations. It is not enough to simply raise 'awareness' of the office, as we also need to increase 'understanding' of our role. Otherwise, we will receive an increase in complaints that we are not able to deal with (non-jurisdictional complaints), whereas our aim is to increase the number of complaints that we are able to assist with (jurisdictional complaints).[254]

Nevertheless, the VO has done well to increase its level of public engagement in recent times, especially with the onset of COVID-19. This increased public engagement has included the following activities and initiatives:

- publishing short videos for each public report

- publishing an 'Easy English' version of each public report

- The Ombudsman appearing and taking calls on regional radio on a regular basis.

- The Ombudsman and staff participating in community speaking engagements, e.g. Law Week, Community Legal Centres ...[255]

While, as argued in depth in the next chapter, rigorous measurement of public engagement is yet to be undertaken by the integrity agencies, increased engagement by the VO is reflected to some degree in the following output results:

- a 33% increase in the number of the VO's social media followers

- a 20% increase in the number of visits to the VO's website between February and June 2020, partially attributable to improvements to the website.[256]

The Committee notes that a key part of the Ombudsman's Strategic Plan 2021–24 is to '[i]ncrease community awareness of and trust in' the VO, and make its office more

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251 VO, Response to Integrity and Oversight Committee questions on notice and supplementary questions, 11 September 2020, p. 2.

252 *Ombudsman Act 1973* (Vic) s 23(4); VO, Response to Integrity and Oversight Committee questions on notice and supplementary questions, 11 September 2020, p. 2.

253 *Ombudsman Act 1973* (Vic) s 23(5); VO, Response to Integrity and Oversight Committee questions on notice and supplementary questions, 11 September 2020, p. 2.

254 VO, Response to Integrity and Oversight Committee questions on notice, 20 January 2020, pp. 3–4.

255 VO, *Submission 23*, 31 August 2020, p. 4.

256 VO, *Annual report 2020*, Melbourne, 2020, p. 76.

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accessible to a diverse range of communities.[257] During the IOC's public hearing on the 2019/20 performance of integrity agencies, the VO advised the Committee that it was aiming to increase its engagement with communities across regional Victoria and those for which the VO's services are most vital.[258] In this regard, fact sheets and other resources developed in languages other than English have been found to be particularly effective when engaging with vulnerable communities during COVID-19.[259]

5.5.3 Collaboration with the public sector and government

There is a real opportunity for integrity agencies to work alongside other public sector bodies to help prevent corruption and other forms of misconduct.

In Queensland, the chief executive officer of a public service agency or public sector entity is responsible for ensuring that their staff are given appropriate education and training about public sector ethics, as part of an induction program and at regular intervals during the course of employment.[260] Public service agencies and public sector entities have annual reporting obligations in relation to the education and training undertaken during the reporting period.[261]

The Queensland Public Service Commission (QPSC) is 'administratively responsible' for the *Public Sector Ethics Act 1994* (Qld), and provides ethics advice and support to public service agencies.[262] The Queensland Ombudsman is one of several bodies that delivers training in ethical decision-making.[263]

Similarly, all public sector entities in Western Australia are required to provide accountable and ethical decision-making (AEDM) training to their employees. The AEDM program assists public officers to 'make accountable and ethical decisions and understand the standards of conduct and integrity expected of them'.[264] The training, which covers the seven categories of conduct outlined in the Public Sector Commissioner's Instruction No. 8, can be adapted to incorporate an agency's code of conduct, policies and specific misconduct risks.[265]

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257   VO, *Annual plan 2021–22*, Melbourne, 2021, p. 6.

258   Ms Deborah Glass OBE, Ombudsman, VO, public hearing, Melbourne, 15 March 2021, *Transcript of evidence*, p. 15.

259   VO, Response to Integrity and Oversight Committee questions on notice, 29 March 2021, p. 5.

260   *Public Sector Ethics Act 1994* (Qld) ss 12K, 21.

261   *Public Sector Ethics Act 1994* (Qld) ss 12M, 23.

262   Queensland Government, *Ethics in the public service*, 2021, <https://www.forgov.qld.gov.au/ethics-public-service> accessed 6 August 2021.

263   Ibid.

264   PSCWA, *Accountable and Ethical Decision Making (AEDM) training program*, 2020, <https://www.wa.gov.au/organisation/public-sector-commission/accountable-and-ethical-decision-making-aedm-training-program> accessed 6 August 2021.

265   PSCWA, *Accountable and Ethical Decision Making (AEDM) training program*, 2020, <https://www.wa.gov.au/organisation/public-sector-commission/accountable-and-ethical-decision-making-aedm-training-program> accessed 6 August 2021; PSCWA, *Commissioner's Instruction No. 8: Codes of conduct and integrity training*, 2020, <https://www.wa.gov.au/government/publications/commissioners-instruction-no-8-codes-of-conduct-and-integrity-training> accessed 6 August 2021.

The PSCWA administers the AEDM program and delivers AEDM training to 'directors general, chief executive officers and chief employees'.[266] Government bodies can either make use of the PSCWA's integrity advisory service and education materials to develop their own in-house training capability or engage external providers to deliver this training.[267]

The VO considers the mandating of annual ethics and conflict of interest training for the VPS to be best practice,[268] as this would 'further support the prevention of maladministration and misconduct, and contribute to improving the quality of administrative practices and procedures'.[269] The Ombudsman has suggested that either the VO or IBAC could deliver this training.[270]

Currently, limited, voluntary ethics training is provided to Victorian public servants by the VO and the VPSC.[271] In its submission to the Inquiry, IBAC informed the Committee that, while it contributes to Victoria Police's recruit and manager programs,[272] it 'does not have the capacity to develop and deliver education and training courses for the public sector'.[273] The VI does not provide any ethics training for the public sector.[274] OVIC currently delivers online training on privacy and FOI laws and issues (but not ethics training).[275] The VPSC's Victorian Leadership Academy delivers a leadership course for executive officers in government departments and Victoria Police.[276] One component of the course is 'Leader mindsets', which focuses on developing leaders who will exemplify positive 'behaviours'.[277] This would doubtless encompass aspects of ethics (for example, the tone-at-the top norm) but the course is not a wide-ranging and systematic workplace ethics program.[278]

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266 PSCWA, *Accountable and Ethical Decision Making (AEDM) training program*, 2020, <https://www.wa.gov.au/organisation/public-sector-commission/accountable-and-ethical-decision-making-aedm-training-program> accessed 6 August 2021.

267 Ibid.

268 VO, *Submission 23*, 31 August 2020, pp. 6–7.

269 Ibid., p. 7.

270 Ms Deborah Glass OBE, Ombudsman, VO, public hearing, Melbourne, 7 June 2021, *Transcript of evidence*, p. 24.

271 VO, *Submission 23*, 31 August 2020, pp. 2–3, 5–7; VPSC, *Victorian Leadership Academy*, <https://vpsc.vic.gov.au/leadership-academy> accessed 20 September 2021.

272 IBAC, *Submission 48*, 30 September 2020, p. 9.

273 Ibid., p. 18.

274 VI, *Submission 22*, 31 August 2020, p. 3 ('within its current budget allocation, the VI is not resourced to deliver education programs').

275 OVIC, *Submission 17*, 28 August 2020, pp. 5–6, 12, 17–19; OVIC, *Annual report 2019–20*, Melbourne, 2020, pp. 2, 22–23.

276 VPSC, *Victorian Leadership Academy*, <https://vpsc.vic.gov.au/leadership-academy> accessed 20 September 2020.

277 Ibid.

278 Consistent with this, it is notable that the VPSC publication *The State of the Public Service in Victoria 2018–2019*, Melbourne, 2020, makes no reference to ethics training.

Apart from workplace ethics and governance training run by public sector bodies themselves,[279] which IBAC has described as having 'gaps and consistency issues',[280] the VO provides the principal ethics training for Victoria's public sector.

The VO's Public Sector Education Program (PSEP) has, since 2016, provided face-to-face, and, more recently limited online, ethics training at both its own premises and in-house at public sector bodies.[281] The in-house training is tailored, after consultation with the public sector body, 'to meet the needs of specific work areas/teams with examples and issues raised by' that body.[282] During 2019/20, the VO also provided ethics training in regional Victoria, with 37 public sector officers participating.[283] The curriculum for the training covers three components: managing conflicts of interest, complaint handling and addressing challenging behaviours.[284] The training is delivered on a 'cost-recovery basis'[285] and delivered by 2 full-time equivalent (FTE) VO staff.[286] From 2016 to 2020, the PSEP program 'delivered 126 workshops to nearly 2,500 Victorian public sector participants',[287] which were generally well-received, as evidenced by participant feedback.[288] The VO reported, for example, that in 2019/20

> at least 89% of the public sector participants … agreed or strongly agreed that the 'content is useful' and the 'facilitator is engaging' across the VO programs.[289]

While this modest program has performed well, it covers only three discrete topics, and the complaint-handling and behaviour-management courses within the PSEP address issues beyond matters of workplace ethics.

Further, there are issues of reach and scale. As a voluntary program delivered by two FTE VO staff, it cannot extend to the whole of the public sector as a mandatory ethics program could. This limitation was recognised by the Ombudsman in her evidence at a public hearing during the Inquiry:

> We are a very small organisation seeking to reach out to over 6 million Victorians … While the public sector is smaller, we are still looking at educating over 300 000 people.

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279 For brief references to workplace training in government departments, see, for example: Department of Premier and Cabinet, *Annual report 2019–20*, Melbourne, 2020, pp. 48, 154; Department of Education and Training, *Annual report 2019–20*, Melbourne, 2020, pp. 65, 67, 69, 76; Department of Environment, Land, Water and Planning, *Annual report 2019–20*, pp. 88, 112, 307; Department of Health and Human Services, *Annual report 2019–20*, Melbourne, 2020, pp. 116–117, 121–122, 145, 148; Department of Jobs, Precincts and Regions, *Annual report 2020*, Melbourne, 2020, pp. 245–248; Department of Justice and Community Safety, *Annual report 19–20*, Melbourne, 2020, pp. 174–175; Department of Transport, *Annual report 2019–20*, Melbourne, 2020, pp. 234, 237, 256; Department of Treasury and Finance, *Annual report 2019–20*, Melbourne, 2020, pp. 116, 118, 135.

280 IBAC, *Submission 48*, 30 September 2020, p. 18.

281 VO, *Submission 23*, 31 August 2021, pp. 2–3.

282 Ibid., p. 3.

283 Ibid.

284 Ibid., p. 2.

285 Ibid., p. 6.

286 Ibid., p. 3.

287 Ibid.

288 Ibid., pp. 6–7.

289 Ibid., p. 6.

Even with maximum collaboration, that is no small task. Parliament could assist in that challenge. Queensland, for example, has mandatory annual ethical decision-making and conflict of interest training in its equivalent of the *Public Administration Act*. A similar provision in Victoria would underline the importance of these issues and support the work we do to promote good practice.[290]

The view of the VO is consistent with that of the Victorian Public Sector Commissioner, Mr Adam Fennessy PSM, who stated before the Committee on 24 May 2021 that 'there is a need for clear ethics training'. However, he noted that any mandatory training 'needs to be properly resourced and funded so that it is not seen as just a compliance activity but it is properly done and it is also assessed as to its effectiveness'.[291]

The Committee notes that the VPSC has a similar mandate to the QPSC and PSCWA.[292] The VPSC already produces several educational resources related to misconduct risks, including guides on assessing, implementing and evaluating conflict of interest risks; gifts, benefits and hospitality; engaging with lobbyists; and codes of conduct applicable to the VPS.[293] Additionally, the VPS values of responsiveness, integrity, impartiality, accountability, respect, leadership and commitment to human rights are all critical to building a corruption-resistant culture and work environment that promotes ethical conduct.[294]

For the above reasons, the Committee considers that the VPSC would be well placed to develop and implement an annual ethics and integrity training program for the VPS. This is especially so given the contact the VPSC has with the more than 300,000 VPS employees and the agency's 'role as a standard-setter as that relates to the education and prevention functions within the integrity context'.[295]

In forming this recommendation, the Committee was assisted by the expert evidence of Dr Eva Tsahuridu and Dr Alistair Ping. Dr Tsahuridu advised the Committee that 'training efforts that focus on ethical behaviour and decision-making or ethical reasoning are more effective than just trying to improve attitudes or awareness in general'.[296] However, she noted that ethics training is only one of the many elements of the overall ethics 'infrastructure' that is required—one must also consider 'policies, systems,

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290 Ms Deborah Glass OBE, Ombudsman, VO, public hearing, Melbourne, 7 June 2021, *Transcript of evidence*, p. 21.

291 Mr Adam Fennessy PSM, Commissioner, VPSC, public hearing, Melbourne, 24 May 2021, *Transcript of evidence*, p. 15.

292 VPSC, *Submission 53*, 30 October 2020, pp. 3–6, 23. See also *Public Administration Act 2004* (Vic) ss 38–40; *Public Service Act 2008* (Qld) ss 42A, 46; *Public Sector Management Act 1994* (WA) ss 21A, 21.

293 VPSC, *Submission 53*, 30 October 2020, pp. 9–12, 14, 16–17; Mr Adam Fennessy PSM, Commissioner, VPSC, public hearing, Melbourne, *Transcript of evidence*, 24 May 2021, pp. 11–13, 15; Ms Verity Harris, Executive Director, Integrity and Advisory, VPSC, public hearing, Melbourne, *Transcript of evidence*, 24 May 2021, pp. 13–14. See also VPSC, *Conflict of interest guidance for organisations*, <https://vpsc.vic.gov.au/resources/conflict-of-interest-guidance-for-organisations> accessed 18 January 2022; VPSC, *Gifts, benefits and hospitality resource suite*, <https://vpsc.vic.gov.au/resources/gifts-benefits-and-hospitality-resource-suite> accessed 18 January 2022; VPSC, *Engaging with lobbyists: guidance for Victorian public sector employees*, <https://vpsc.vic.gov.au/resources/guide-engaging-lobbyists> accessed 18 January 2022; VPSC, *Codes of conduct*, <https://vpsc.vic.gov.au/ethics-behaviours-culture/codes-of-conduct> accessed 18 January 2022.

294 VPSC, *Submission 53*, 30 October 2020, pp. 3–4, 8, 19; *Public Administration Act 2004* (Vic) s 7. See also VPSC, *Code of conduct for employees*, < https://vpsc.vic.gov.au/resources/code-of-conduct-for-employees> accessed 18 January 2022.

295 Mr Adam Fennessy PSM, Commissioner, VPSC, public hearing, Melbourne, *Transcript of evidence*, 24 May 2021, p. 11.

296 Dr Eva Tsahuridu, public hearing, Melbourne, 21 June 2021, *Transcript of evidence*, p. 1.

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decision-making structures, organisational hierarchies as well as cultures, values and norms'.[297] Similarly, Dr Ping emphasised that any education must be considered from 'a systems perspective', taking into account 'workplace issues, marketplace issues … [and] bigger-picture contextual issues'.[298] Further, education and prevention programs should aim to educate people about:

- normative ethics—that is, what one ought to do, informed by factors such as values; and

- the reasons that cause good people to engage in wrongdoing.[299]

The Committee's proposal would not see the VPSC deliver the training to all public officers. Rather, like its interstate counterparts, the VPSC would be responsible for overseeing and developing the training material, in consultation with the integrity agencies. This material could then be adapted and used to develop an in-house training capability, or used by existing providers, such as the VO and the IPAA Victoria, to deliver the training.[300] This aligns well with the position articulated by the VPSC that it is not a regulator, and that it is the public sector employers who are 'responsible for enforcing the mandatory codes and standards' that the VPSC sets.[301]

> **RECOMMENDATION 11:** That the Victorian Public Sector Commission consider developing an annual ethics and integrity training program, which:
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> - promotes the public sector values set out in the Code of Conduct for Victorian Public Sector Employees and Code of Conduct for Victorian Public Sector Employees of Special Bodies; and
>
> - is mandatory for all Victorian public officers and required to be implemented by all Victorian public sector employers.

5.6 Education and prevention: collaboration and coordination within the integrity system

While the integrity agencies already collaborate on a number of education and prevention initiatives—such as the joint development of resources, the delivery of

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297   Ibid.

298   Dr Alistair Ping, Adjunct Professor, QUT Graduate School of Business, Queensland University of Technology, public hearing, Melbourne, 24 May 2021, *Transcript of evidence*, p. 4.

299   Ibid., pp. 3–4.

300   Mr Adam Fennessy PSM, Commissioner, VPSC, public hearing, Melbourne, 24 May 2021, *Transcript of evidence*, p. 15; Office of the Commissioner for Public Sector Employment South Australia, *Submission 36*, 18 September 2020, pp. 1–2; VO, *Submission 23*, 31 August 2020, pp. 5–6, 7.

301   Mr Adam Fennessy PSM, Commissioner, VPSC, public hearing, Melbourne, 24 May 2021, *Transcript of evidence*, p. 12.

training, the holding of forums and the sharing of research[302]—there is an opportunity for more systematic and coordinated collaboration.[303]

As the Centre for Crime Policy and Research observed, present arrangements for cooperation and collaboration among the integrity agencies are often ad hoc, thereby risking inconsistencies in the education and prevention message and 'duplication' in their efforts:

> [T]here is a risk that the education and prevention functions in each of the four agencies could be duplicated or operate inconsistently with each other, leading to a risk of confusion within the public sector ... This potential duplication could also lead to wastage of the limited resources in each agency that are available for these prevention activities ...

> There is scope for greater coordination of education and training measures in an environment in which integrity functions and responsibilities are distributed across multiple agencies. Coordination is more likely to permit adequate resourcing of education and training, and development of real expertise in this area.[304]

IBAC has also recognised the currently sporadic nature of collaboration between the agencies on education and prevention, despite considerable success in sharing and publicising lessons from investigations and research, in joint training initiatives and in cooperation on the PID scheme.[305] IBAC has observed that

> gaps and consistency issues exist across the public sector in relation to integrity-related education and training. This reflects the size and diversity of the Victorian public sector, with relevant programs provided by a range of bodies and public sector agencies themselves, to educate employees on public sector standards and codes of conduct, and obligations to comply with agencies' policies and procedures.[306]

In this connection, the Committee notes its recommendation that the VPSC consider developing an annual ethics and integrity program for the Victorian public sector. While such a program would address a number of the 'gaps and inconsistencies' IBAC refers to, there remains a need to increase collaboration between the integrity agencies across the full range of their education and prevention functions.

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302 See, for example, IBAC, *Submission 48*, 30 September 2020, pp. 5–14, 18; OVIC, *Submission 17*, 28 August 2020, pp. 6–7, 10, 13, 19; VI, *Submission 22*, 31 August 2020, pp. 2, 5; LGI, *Submission 35*, 16 September 2020, pp. 4–5; ANZSOG, *Submission 30*, 1 September 2020, pp. 3–4; Office of the Public Advocate, *Submission 18*, 25 August 2020, p. 2; VLGA, *Submission 43*, 30 September 2020, pp. 2–3, 5.

303 See, for example, IBAC, *Submission 48*, 30 September 2020, pp. 18–19; Centre for Crime Policy and Research, Flinders University, *Submission 46*, 30 September 2020, pp. 2, 12; VO, *Submission 23*, 31 August 2020, pp. 5, 7; VLGA, *Submission 43*, 30 September 2020, p. 3 ('We submit that training or materials delivered in a relevant context has a greater chance of receiving traction than delivery in a contextual vacuum. At times it appears to those outside the [integrity] agencies that there is an absence of cohesion in the timing of design and delivery of education and prevention functions.').

304 Centre for Crime Policy and Research, Flinders University, *Submission 46*, 30 September 2020, pp. 2, 12. See also PSCWA, *Submission* 19, 28 August 2020, p. 3 ('[C]ollaboration and engagement contributes significantly to our prevention work. Collaboration reinforces our collective responsibility but more importantly guides the development of our prevention initiatives to ensure they are practical and effectively incorporate the expertise within the government sector.').

305 IBAC, *Submission 48*, 30 September 2020, pp. 4–11, 17–18.

306 Ibid., p. 18.

Improved collaboration between the integrity agencies is important not only in allowing them to share their activities in the areas of education and prevention, but *how* and *why* they do it. In other words, it is not enough for integrity agencies to increase collaboration on their education and prevention efforts without a clear understanding of, and commitment to, best practice principles for the development, delivery, monitoring, measurement and review of education and prevention resources.

However, when guided by agreed and publicised best practice principles, integrity agency collaboration on education and prevention has a number of virtues in:[307]

- facilitating a more coherent division of labour between the agencies based on their distinctive jurisdiction, expertise and capacities

- producing a more consistent message, which consolidates and augments each agency's efforts, and increases outreach and traction in the public sector and the wider community[308]

- fostering further opportunities for innovation in the development of education and prevention approaches and resources (for example, in the use of social media)[309]

- enhancing integrity agencies' professional relationships with each other, as well as with the public sector they oversight and the broader community, which helps develop cultures that resist corruption[310]

- providing a network for the peer review of integrity agencies' education and prevention resources and services against best practice standards.[311]

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307 VO, *Submission 23*, 31 August 2020, p. 5; VO, *Annual plan 2021–22*, Melbourne, 2021, p. 3 ('Collaboration is another theme. We intend to work with IBAC and other integrity agencies on our shared education and prevention function …'); IBAC, *Submission 48*, 30 September 2020, pp. 18–19; IBAC, *Annual report 2019/20*, Melbourne, 2020, pp. 26, 70; IBAC, *Annual plan 2020–2021*, Melbourne, 2020, p. 13 (as part of 'Focus Area 2 … Improve our efficiency and effectiveness by working smarter and collaboratively.'); VI, *Annual report 2019–20*, Melbourne, 2020, p. 9 (one of the VI's 'values' is: 'We work collaboratively and respectfully with each other and with integrity bodies.'); Centre for Crime Policy and Research, Flinders University, *Submission 46*, 30 September 2020, pp. 2, 12; VLGA, *Submission 43*, 30 September 2020, pp. 2–3, 5; PSCWA, *Submission 19*, 28 August 2020, p. 3.

308 IBAC, *Submission 48*, 30 September 2020, pp. 18–19; Centre for Crime Policy and Research, Flinders University, *Submission 46*, 30 September 2020, pp. 2, 12.

309 The Transnational Research Institute on Corruption, Australian National University, gave evidence to the Committee that integrity agencies need to use social media more effectively in their public information, education and prevention initiatives: *Submission 45*, 30 September 2020.

310 This is consistent with IBAC's strategy and messaging that corruption-prevention is everyone's responsibility—see, for example, IBAC, *Submission 48*, 30 September 2020, pp. 4–7; IBAC, *You can help prevent corruption*, <https://www.ibac.vic.gov.au/preventing-corruption/you-can-help-prevent-corruption> accessed 4 September 2021; IBAC, *Public sector corruption hurts all Victorians*, <https://www.ibac.vic.gov.au/docs/default-source/education-resources/information-sheet-public-sector-corruption-hurts-all-victorians.pdf> accessed 4 September 2021; IBAC, *Yes, it's corruption campaign*, <https://www.ibac.vic.gov.au/preventing-corruption/yes-it's-corruption-campaign> accessed 4 September 2021; IBAC, *You can help prevent corruption*, <https://www.ibac.vic.gov.au/preventing-corruption/you-can-help-prevent-corruption> accessed 3 September 2021; *IBAC Annual report 2019/20*, Melbourne, 2020, pp. 6, 8–9, 11, 24, 67, 70–78.

311 This can draw on knowledge and practice communities: Ms Deborah Glass OBE, Ombudsman, VO, public hearing, Melbourne, 7 June 2021, *Transcript of evidence*, p. 21; IBAC, *Submission 48*, 30 September 2020, p. 6 ('key influencers in the fields of integrity and corruption prevention including academics, leading thinkers and expert commentators'); Mr Adam Fennessy PSM, Commissioner, VPSC, public hearing, 24 May 2021, *Transcript of evidence*, p. 12 ('good governance communities of practice'). See also, on the importance of expertise across a range of integrity-relevant disciplines, Centre for Crime Policy and Research, *Submission 46*, 30 September 2020; PSCWA, *Submission 19*, 28 August 2020, p. 3; ACT Integrity Commission, *Submission 20*, 28 August 2020, p. 8; Dr Eva Tsahuridu, School of Accounting, Information Systems and Supply Chain, RMIT University, *Submission 29*, 31 August 2020, pp. 3, 5; Dr Alistair Ping, Adjunct Professor, Graduate School of Business, Queensland University of Technology, *Submission 44*, 30 September 2020, pp. 1–3.

With respect to a network of integrity peers, the ACT Integrity Commission has usefully emphasised the importance of multidisciplinary approaches to corruption prevention, which draw on a diverse range of expertise and experience:[312]

> Corruption prevention is itself multi-disciplinary in nature, with inspiration, theory and practice emerging across many distinct disciplines, including management, sociology, psychology, behavioural economics, criminology and others. Similarly, corruption prevention practitioners emerge from a variety of professional backgrounds, including policy design, human resources, law enforcement and the legal profession.[313]

The Committee is encouraged that the integrity agencies already recognise some of these virtues, and want to collaborate with each other more systematically and intensively.[314] Indeed, the IBAC Commissioner, Hon Robert Redlich AM QC, informed the Committee that 'collaboration … is the key to a more effective prevention strategy'.[315] IBAC's submission supported this position:

> Given our complementary roles within Victoria's integrity system, a collaborative approach is important to support clear and consistent messaging around preventing corruption and misconduct, and promoting integrity across the public sector. It also enhances effectiveness and efficiency by sharing each agency's collateral and resources through multiple channels to improve reach and impact … IBAC is committed to building stronger partnerships with other integrity agencies and is exploring opportunities to work more closely together as part of our future corruption prevention strategy.[316]

Similarly, the Ombudsman, Ms Deborah Glass OBE, told the Committee that

> [s]ome messages, especially on corruption prevention and maladministration, lend themselves to collaboration … To that end we aim to formalise a prevention and education community of practice with IBAC, involving other integrity agencies and entities with a role in this area as appropriate. This group will actively seek opportunities for joint initiatives and engagement whether in a particular sector or more broadly.[317]

The VPSC also wants to increase its level of collaboration:

> The Commission considers that a closer operational relationship with each of Victoria's integrity agencies into the future will enhance collective efforts to prevent corruption and misconduct in the Victorian public sector.[318]

The Committee has received persuasive evidence that current collaborations between the integrity agencies on education and prevention are limited and ad hoc rather than

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312 ACT Integrity Commission, *Submission 20*, 28 August 2020, p. 8.

313 Ibid.

314 See, for example, VO, *Submission 23*, 31 August 2020, p. 7; Ms Deborah Glass OBE, Ombudsman, VO, public hearing, Melbourne, 7 June 2021, *Transcript of evidence*, p. 21; IBAC, *Submission 48*, 30 September 2020, pp. 18–19;

315 Hon Robert Redlich AM QC, Commissioner, IBAC, public hearing, Melbourne, 7 June 2021, *Transcript of evidence*, p. 26.

316 IBAC, *Submission 48*, 30 September 2020, pp. 18–19.

317 Ms Deborah Glass OBE, Ombudsman, VO, public hearing, Melbourne, 7 June 2021, *Transcript of evidence*, p. 21.

318 VPSC, *Submission 53*, 30 October 2020, p. 18.

systematic and guided by agreed best practice principles.[319] This has been recognised by a number of Victorian integrity agencies.[320] There is also an opportunity to draw more methodically on the expertise and experience of other integrity leaders, such as the VPSC, IPAA Victoria and ANZSOG.[321] As IPAA Victoria emphasised in their submission to the Inquiry:

> At present, Victoria's integrity agencies each have their own oversight and, by consequence, their own education and prevention oversight. The opportunity … [exists] to pursue a joined-up approach to education and prevention, where appropriate. This is likely to assist in reach …
>
> IPAA Victoria welcomes the opportunity to more deeply collaborate with these agencies, leveraging each other's strengths, networks and knowledge and evidence bases.[322]

Given this shared recognition, goodwill and the desire for greater collaboration on the part of key integrity institutions in Victoria, the Committee recommends that the integrity agencies take the next step by establishing a corruption-prevention and education network. The Committee further recommends that IBAC coordinate the network, given the breadth of its legislated functions and the size and experience of its prevention and education division.

Such a network can help ensure that the integrity agencies' collaboration on education and prevention is guided by best practice principles, that education and prevention work (such as the production of resources and delivery of training) is shared on a coherent basis, taking account of jurisdiction and expertise, and that duplication is minimised.[323] The network would also provide a way for integrity agencies to methodically and regularly review corruption-prevention and education resources and training for the public sector, thereby helping to maintain their quality and relevance. This is consistent with the integrity agencies' recognition of the importance of communities of knowledge and practice in the anti-corruption field.[324]

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319 See, for example, IBAC, *Submission 48*, 30 September 2020, pp. 18–19; Centre for Crime Policy and Research, Flinders University, *Submission 46*, 30 September 2020, pp. 2, 12; VO, *Submission 23*, 31 August 2020, pp. 5, 7; VLGA, *Submission 43*, 30 September 2020, p. 3.

320 See, for example, IBAC, *Submission 48*, 30 September 2020, pp. 4–11, 17–19; Hon Robert Redlich AM QC, Commissioner, IBAC, public hearing, Melbourne, 7 June 2021, *Transcript of evidence*, p. 26; VO, Submission 23, 31 August 2020, p. 5; Ms Deborah Glass OBE, Ombudsman, VO, public hearing, Melbourne, 7 June 2021, *Transcript of evidence*, p. 21.

321 See IPAA Victoria, *Submission 28*, 31 August 2020, p. 6; VPSC, *Submission 53*, 30 October 2020, p. 18; ANZSOG, *Submission 30*, 1 September 2020.

322 IPAA Victoria, *Submission 28*, 31 August 2020, p. 6.

323 Centre for Crime Policy and Research, Flinders University, *Submission 46*, 30 September 2020, pp. 2, 12; IBAC, *Submission 48*, 30 September 2020, pp. 18–19 See also PSCWA, *Submission* 19, 28 August 2020, p. 3.

324 IBAC, *Submission 48*, 30 September 2020, pp. 18–19; IBAC, *Annual report 2019/20*, Melbourne, 2020, pp. 11, 19, 71; IBAC, *Victorian Public Sector Integrity Community of Practice*, <https://www.ibac.vic.gov.au/publications-and-resources/ibac-insights/issue-18/knowledge-sharing/victorian-public-sector-integrity-community-of-practice> accessed 19 September 2021; Ms Deborah Glass OBE, Ombudsman, VO, public hearing, Melbourne, 7 June 2021, *Transcript of evidence*, p. 21; VPSC, *Submission 53*, 30 October 2020, p. 18; VI, *Annual report 2019–20*, Melbourne, 2020, p. 9; Mr Adam Fennessy PSM, Commissioner, VPSC, public hearing, Melbourne, 24 May 2021, *Transcript of evidence*, p. 12 ('good governance communities of practice'). See also ACLEI, *ACLEI Community of Practice for Corruption Prevention*, <https://www.aclei.gov.au/aclei-community-practice-corruption-prevention> accessed 19 September 2021.

RECOMMENDATION 12: That the Independent Broad-based Anti-corruption Commission (IBAC), the Office of the Victorian Information Commissioner, the Victorian Inspectorate and the Victorian Ombudsman establish a corruption-prevention and education network, coordinated by IBAC, that:

- is guided by agreed best practice principles on corruption prevention and education;

- draws on the expertise and experience of other integrity leaders, such as the Victorian Public Sector Commission, the Institute of Public Administration Australia (Victoria) and the Australia and New Zealand School of Government; and

- facilitates the development, delivery and review of corruption-prevention and education resources and training for the public sector.

5.7 Conclusion

This evaluation has found that the integrity agencies have performed well in achieving educative impacts through their inquiries, investigations and reports. They have also engaged vigorously with the public sector and the public, through public information campaigns and often high-quality education and prevention resources and training.

However, the Committee notes, in particular, the opportunity for IBAC and the VI to increase their engagement with diverse and vulnerable communities, including the LGBTIQ+ community, supported by appropriate tailored resources.

IBAC also needs to provide better, more detailed information for potential whistleblowers about how to make secure and safe reports of wrongdoing, and for PID coordinators to securely manage reports they receive. The Committee also recommends that, given the risk of reprisals and other harms to whistleblowers, IBAC should consider developing its own secure dropbox platform. Such platforms can ensure a secure, anonymous means of reporting. They also allow regular communication between an integrity agency and a whistleblower from report to outcome.

OVIC was found to be a trusted expert on FOI, privacy and data protection. Its education and prevention resources and training, especially its e-learning modules, are well-regarded in the public sector. However, the Committee has recommended that the Information Commissioner be given the express power to issue guidelines and other materials on the *FOI Act 1982* (Vic), consistent with its power to do so regarding privacy and data protection.

The VO's education and training are well-respected. Its collaboration with other integrity agencies and engagement with the public sector is also positive. The Committee agrees with the VO that it would be valuable for annual ethics and integrity training to be mandatory in the Victorian public sector. To that end, the Committee has recommended that the VPSC consider developing such a program.

Finally, while the integrity agencies have long collaborated in many ways on selected education initiatives, there is an opportunity for more systematic, coordinated collaboration. For that reason, the Committee has recommended that IBAC, OVIC, the VI and the VO establish a corruption-prevention and education network, guided by agreed best practice principles. Such a network can help make the integrity agencies' exercise of their corruption-prevention and education functions more efficient and effective.

6 Measuring quality and impact

6.1 Introduction

Submissions to this Inquiry recognised the importance of measuring the quality and impact of education and prevention efforts in reducing the incidence of corruption and other misconduct in the public sector. By endeavouring to measure their education and prevention efforts using best practice principles, integrity agencies and public sector bodies can use the data, insights and lessons obtained to make their educative and preventive initiatives more efficient, effective and better targeted. However, evidence received by the Committee also demonstrates that measuring the quality, and especially the impact, of integrity agencies' education and prevention efforts is often a challenging and complex task.

This chapter summarises the best practice principles for measurement; surveys how the Independent Broad-based Anti-corruption Commission (IBAC), the Office of the Victorian Information Commissioner (OVIC), the Victorian Inspectorate (VI) and the Victorian Ombudsman (VO) presently measure the quality and impact of their education and prevention efforts; and identifies how measurement might be improved.

6.2 The importance, and challenge, of measuring quality and impact

A significant number of submissions, and other evidence received by the Committee, emphasised the importance of measuring the quality and impact of integrity agencies' education and prevention initiatives.[1]

In this context, 'quality' refers to the quality of agencies' initiatives such as standards, guidelines, public-information and other educational resources and face-to-face and online training (see, further, the discussion in Section 4.5 of Chapter 4 in this report).

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1   Community and Public Sector Union (Victorian Branch) (CPSU), *Submission 31*, 4 September 2020, p. 2; Professor Janet Ransley, Director, Griffith Criminology Institute, Griffith University, *Submission 51*, 7 October 2020, p. 2; Australian Institute of Professional Investigators, *Submission 50*, 2 October 2020, p. 2; Transnational Research Institute on Corruption, Australian National University, *Submission 45*, 30 September 2020, p. 3; Centre for Crime Policy and Research, Flinders University, *Submission 46*, 30 September 2020, p. 11; Victorian Pride Lobby, *Submission 27*, 31 August 2020, pp. 3–4, 5–6; Dr Eva Tsahuridu, School of Accounting, Information Systems and Supply Chain, RMIT University, *Submission 29*, 31 August 2020, pp. 3, 4, 5; VI, *Submission 22*, 31 August 2020, pp. 2, 6; IBAC, *Submission 48*, 30 September 2020, p. 16; Public Sector Commission, Western Australia (PSCWA), *Submission 19*, 28 August 2020, p. 4; Crime and Corruption Commission Queensland (CCC Queensland), *Submission 9*, 26 August 2020, p. 2; Mr Eamonn Moran PSM QC, Inspector, VI, public hearing, Melbourne, 7 June 2021, *Transcript of evidence*, p. 19; Hon Robert Redlich AM QC, Commissioner, IBAC, public hearing, Melbourne, 7 June 2021, *Transcript of evidence*, p. 28; Ms Deborah Glass OBE, Ombudsman, VO, public hearing, Melbourne, 7 June 2021, *Transcript of evidence*, p. 23. See also IBAC, *Annual plan 2020–21*, Melbourne, 2020, p. 13 ('Enhance the way we measure and report on the public outcomes and impact of our work'); VI, *Annual plan 2020–21*, Melbourne, 2021, p. 13; VI, *Annual plan 2021–22*, Melbourne, 2021, pp. 7, 13; VO, *Annual report 2020*, Melbourne, 2020, p. 9; VO *Annual plan 2021–22*, Melbourne, 2021, p. 9.

It can involve measures such as participant surveys that measure in a general way the extent to which a training participant's experience was positive (including, for example, the scope, content and relevance of any material provided and the expertise, experience and skill of the trainer). It can also include measures of the accessibility, readability, accuracy and relevance of print and digital resources, and, in the case of websites, their usability.

'Impact', on the other hand, refers to the degree to which an education or prevention measure has changed not just a person's awareness of ethical norms but their everyday behaviour in the workplace; the aim being to reduce the incidence of corruption and other misconduct. It applies equally to improvements in organisations' cultures, systems, policies, processes and practices that reduce corruption and other misconduct.

While there is widespread recognition among contributors to this Inquiry of the importance of the measurement of the quality and impact of integrity agencies' education and prevention efforts, including by the agencies themselves, there is also an understanding that this is both complex and challenging.[2] For example, the Flinders University Centre for Crime Policy and Research observed:

> One area that requires considerable improvement from agencies is the measurement of the incidence and impact of corruption. Knowing the extent of the problem is essential in enabling an understanding of trends in types of corruption as well as to provide baseline data that can be used to measure the impact of anti-corruption initiatives. In Australia generally, there is little coordinated statistical data collection undertaken of the incidence of corruption, its nature and impact. This makes any assessment of the impact of prevention measures difficult to achieve.[3]

In a similar spirit, Queensland's Crime and Corruption Commission noted that

> [in] order to determine what prevention product, engagement or conduct (product) works the best, the first challenge is finding a method to reliably measure the effect or impact of the prevention product. Whilst the CCC [Crime and Corruption Commission] does measure the use or engagement of particular prevention products we are yet to find an adequate measure of impact. At this point in time the CCC considers and analyses data which are proxy measures such as the number of allegations being reported, the number of times a product is downloaded/accessed from the website and requests for 'repeat business' particularly in relation to presentations or seminars.[4]

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2   CCC Queensland, *Submission 9*, 26 August 2020, p. 2; Centre for Crime, Policy and Research, Flinders University, *Submission 46*, 30 September 2020, pp. 2–3, 11–12; PSCWA, *Submission 19*, 28 August 2020, pp. 3–4; Ms Deborah Glass OBE, Ombudsman, VO, public hearing, Melbourne, 7 June 2021, *Transcript of evidence*, p. 23. See also Hon Robert Redlich AM QC, Commissioner, IBAC, public hearing, Melbourne, 7 June 2021, *Transcript of evidence*, p. 28.

3   Centre for Crime Policy and Research, Flinders University, *Submission 46*, 30 September 2020, p. 11. See also Hon Robert Redlich AM QC, Commissioner, IBAC, correspondence, 7 September 2021 (IBAC supports this view, pointing to the lack of 'accurate data or estimates on the extent of public sector corruption' as an impediment to effective measurement of corruption-prevention efforts).

4   CCC Queensland, *Submission 9*, 26 August 2020, p. 2.

Corroborating these challenges, the Western Australian Public Sector Commission has explained:

> Perhaps the biggest challenge we face with misconduct and corruption prevention is measuring the effectiveness of strategies and initiatives implemented ...
>
> It is common for prevention agencies and authorities to want to measure outputs, for example; how many training sessions were held or how many calls were received by the internal reporting hotline. Measuring outcomes, like attitudinal or behavioural change is difficult, but preferred. From my perspective, more sophistication is required around data, and turning that data into valuable strategic insights and intelligence, recognising the challenges of doing so.[5]

These concerns and challenges have also been highlighted in the Victorian integrity system. IBAC recognises the need for inter-agency collaboration on measurement given the challenges posed by disaggregating the impact of the collective work of integrity agencies and the public sector bodies they oversight, and the complexity of corruption prevention, which lends itself to long-term assessment of the impact of initiatives.[6] In a similar vein, in response to a question at a public hearing about how the VO determines the effectiveness of their education and prevention efforts, the Ombudsman, Ms Deborah Glass OBE, replied:

> It is a very good question ... to which there is no easy answer. There are elements to this that we can test. So at a broad level we can measure community awareness, and we do ... So we can measure, you know, whether people have heard of us and whether they know what we do and how we can help them.
>
> With the public sector, how you measure ... a public sector that has more integrity and less corruption is a particularly difficult matter, I think, to consider in any kind of quantitative way. I mean, how do you measure the corruption that does not happen? ...
>
> But there are elements that we know we can test, and integrity agencies such as us and IBAC will also work together to look at the level of corruption in the public sector, the level of maladministration. There is research that can be done.[7]

Despite these concerns and the challenges in measuring the quality and impact of integrity agencies' education and prevention initiatives, there are best practice principles that can be identified that provide useful guidance in improving measurement.[8] The next section identifies these best practice principles, which are then drawn upon in assessing the performance of the integrity agencies in this area.

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5   PSCWA, *Submission 19*, 28 August 2020, pp. 3–4.

6   Hon Robert Redlich AM QC, Commissioner, IBAC, correspondence, 7 September 2021.

7   Ms Deborah Glass OBE, Ombudsman, VO, public hearing, Melbourne, 7 June 2021, *Transcript of evidence*, p. 23. See also Hon Robert Redlich AM QC, Commissioner, IBAC, public hearing, Melbourne, 7 June 2021, *Transcript of evidence*, p. 28; IBAC, *Submission 48*, 30 September 2020, p. 16 ('IBAC recognises that these ... [quantum and participant satisfaction] measures are activity and output focused and do not reflect the outcomes or impact of IBAC's prevention efforts. We are currently undertaking a review of our BP3 [Budget Paper No. 3] measures, including examining how we may better measure the impact of our prevention and education work.').

8   See, for example, Dr Eva Tsahuridu, School of Accounting, Information Systems and Supply Chain, RMIT University, *Submission 29*, 31 August 2020, p. 4 ('... I have heard from many presenters that culture is important but it cannot be measured. This is false as we have several valid and reliable measurements of organisational culture and climate.').

6.3 Traditional forms of measurement

Australia does not have a uniform, national 'performance assessment framework' for its integrity agencies.[9] However, evidenced-based assessment of the effectiveness of the integrity system is undertaken, albeit in an ad hoc way, using a variety of different methods.[10]

'Implementation' measures are used to assess the progress of major public-sector reform initiatives, for example, the implementation of a new legislative scheme.[11] It is possible for integrity agencies, through their monitoring and review activities, to undertake targeted research projects and publish 'best practice' guides. This is to track developments—for example, to determine the extent to which reforms have been implemented, sector-wide standards have been prescribed and values or codes of conduct have been embedded in the internal governance of the bodies they oversight.[12]

'Activity and efficiency' quantitative measures are commonly used to make 'value for money' assessments, and to determine whether integrity agencies and public sector bodies are functioning in accordance with their legislative mandates.[13] For example, through integrity agencies' external performance auditing and reporting on the quantity of work output in annual reports. This includes the number of complaints or referrals received, investigations undertaken and recommendations issued, as well as the number of education materials published and training activities conducted.[14]

While these measurement activities are an important part of assessing 'integrity workloads', they do not measure the quality of initiatives.[15] Further, when used in isolation, these measurement activities can only measure impact in a limited fashion, since large outputs do not necessarily reflect outcomes that are consequential from a public integrity perspective.[16] For example, reporting on the number of ethics education and training courses conducted or materials published does not show how that work has objectively contributed to, or resulted in, demonstrable improvements to the integrity system.

'Outcome measures' are used to assess the impact of integrity policies by looking at whether they have contributed to verifiable improvements in the integrity landscape, including 'ethical standards, corruption resistance, [and] public trust in institutions'.[17] These kinds of measurement activities can include research on corruption, such as corruption risks and emerging trends, and large-scale public trust surveys, such as the

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9   John Uhr, 'How do we know if it's working?', *Australian Journal of Public Administration*, vol. 64, no. 2, 2005, p. 70.

10   Ibid.

11   Ibid., pp. 70–71.

12   Ibid.

13   Ibid., p. 71.

14   Ibid., pp. 70–71.

15   Ibid., p. 71.

16   Ibid.

17   Ibid.

Australian Public Service Commission's State of the Service Agency surveys and related reporting of results.[18]

Finally, '[i]nstitutional effectiveness measures' are used to externally evaluate performance of integrity agencies and public sector bodies and their policies on a broader and more comprehensive scale, often from a legislative or institutional-reform perspective.[19] This can include activities targeted at incremental improvements: for example, performance auditing of integrity agencies under the auspices of parliamentary committees, recommendations by law reform organisations or academic research by tertiary institutions on aspects of public integrity. However, it can also be used to justify wide-ranging reforms in the integrity system arising from public inquiries such as royal commissions.[20]

6.4   Best practice principles for measurement

The following best practice principles have been identified through a review of the relevant literature and reflection on the practices and experiences of integrity agencies and public sector bodies.

6.4.1   Measuring the extent to which initiatives take a systemic approach to ethics education and training

Ethics education and training are important parts of a robust anti-corruption framework. While some of the research on business ethics education and training indicates their limited impact on 'preventing or reducing unethical outcomes',[21] large-scale surveys have highlighted their significant impact on behaviour by reducing the likelihood that participants will 'accept the prevailing justifications of corrupt behaviour'.[22]

While 'individual accountability'[23] is important, it is important to recognise that corruption is a systemic phenomenon given the 'contextual and situational factors'[24] that frequently contribute to unethical outcomes within organisations.[25] Moreover, stress created by the 'complexity and uncertainty'[26] of organisational environments can negatively impact people's ability to manage their own behaviour. This, in turn,

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18   Ibid. See also Australian Public Service Commission, *State of the Service Report 2019–20*, Parkes, 2020, <https://legacy.apsc.gov.au/sites/default/files/aps_state_of_the_service_report_2019-20_0.pdf> accessed 26 September 2021>.

19   John Uhr, 'How do we know if it's working?', *Australian Journal of Public Administration*, vol. 64, no. 2, 2005, pp. 70–71.

20   Ibid.

21   Dr Alistair Ping, 'Why good people do bad things in business—an existential perspective', PhD thesis, Business School, Queensland University of Technology, Brisbane, 2017, p. 5.

22   Centre for Crime Policy and Research, Flinders University, *Submission 46*, 30 September 2020, p. 8.

23   Dr Eva Tsahuridu, public hearing, Melbourne, 21 June 2021, *Transcript of evidence*, p. 4.

24   Dr Alistair Ping, Adjunct Professor, QUT Graduate School of Business, Queensland University of Technology, *Submission 44*, 30 September 2020, p. 3.

25   Ibid., p. 4.

26   Ibid.

can impair people's ability to avoid unethical behaviour and, in general, to foresee the consequences of their behaviour.[27]

An emerging body of research, from a variety of different fields of study, indicates that ethical decision-making is not a straightforward or 'rational logical cognitive process'.[28] For example, research in social psychology[29] indicates that people tend to view themselves as 'more ethical, upright, strong and uninfluenced … [than their] peers'.[30] In short, individuals have blind spots when it comes to recognising their susceptibility to organisational culture and unethical behaviour. Further, research in criminology highlights the limited impact of deterrence on prevention[31] because our moral self-identity allows us to rationalise 'behaviour that is not aligned with own values'.[32] Finally, research in neurocognitive science offers important insights into how stress impacts upon our logical reasoning ability, which in turn may impair our capacity to make decisions aligned with our ethical values.[33]

A systemic approach to ethics education and training therefore requires an acknowledgment of the complexity of human decision-making within organisational environments.

The key lesson for integrity agencies is that effectively measuring the quality of education and prevention initiatives requires a sound understanding of how people *actually* make decisions, including the factors that influence decision-making and responses to ethical dilemmas, and the recognition that anyone within an organisation has the potential to create 'unethical outcomes'.[34]

6.4.2 Measuring the extent to which initiatives address impediments to change and promote behavioural change

Integrity agencies' ethics education and training initiatives need to be developed on the basis of reliable evidence of their 'effectiveness and efficacy'.[35] Notwithstanding the paucity of research on the efficacy of ethics education and training in general, several submissions to this Inquiry provided guidance on what high-quality education

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27   Ibid.

28   Ibid., p. 2. See also Dr Eva Tsahuridu, public hearing, Melbourne, 21 June 2021, *Transcript of evidence*, p. 4 ('Well, I think we are not perfectly rational in general, and we are not perfectly rational when it comes to ethical decisions. We are not perfectly irrational either. We are predictably irrational, as Kahneman and Tversky have been saying for a few decades now.').

29   Dr Alistair Ping, Adjunct Professor, QUT Graduate School of Business, Queensland University of Technology, *Submission 44*, 30 September 2020, p. 2.

30   Dr Eva Tsahuridu, public hearing, Melbourne, 21 June 2021, *Transcript of evidence*, p. 4.

31   Dr Alistair Ping, Adjunct Professor, QUT Graduate School of Business, Queensland University of Technology, *Submission 44*, 30 September 2020, p. 2.

32   Dr Eva Tsahuridu, public hearing, Melbourne, 21 June 2021, *Transcript of evidence*, p. 4.

33   Dr Alistair Ping, Adjunct Professor, QUT Graduate School of Business, Queensland University of Technology, *Submission 44*, 30 September 2020, p. 3.

34   Ibid., p. 3. See also Dr Alistair Ping, Adjunct Professor, QUT Graduate School of Business, Queensland University of Technology, public hearing, Melbourne, 24 May 2021, *Transcript of evidence*, pp. 2–4.

35   Dr Eva Tsahuridu, School of Accounting, Information Systems and Supply Chain, RMIT University, *Submission 29*, 31 August 2020, p. 3.

and training means *in practice*.[36] For example, Dr Eva Tsahuridu indicated that there is evidence to support the effectiveness of initiatives that foster 'ethical behaviour and decision-making or ethical reasoning'.[37] Similarly, the Centre for Crime Policy and Research indicated that research in other fields tends to support the effectiveness of interactive learning that confronts ingrained problematic mindsets and develops practical skills—for example, 'problem-solving skills'[38] and 'verbal and non-verbal skills to manage and reduce peer pressure'.[39] Therefore, education and training should be focused on improving participants' ability to make ethical judgements and comply with ethical behaviour standards, rather than on 'generic', content-based ethical awareness training.[40]

Measurement indicators for the quality of education and training should focus on whether they successfully address the barriers to effective ethical decision-making outlined in Section 6.4.1 of this chapter and contribute to the development of ethical capabilities that people can put into practice in their own workplaces,[41] including:

- targeting initiatives to 'particular work groups and settings'[42]

- viewing 'ethics as something that … [participants] encounter every day'[43]

- developing moral muscles by making ethical decisions part of the 'routine or the decision-making scripts'[44] within the workplace

- recognising and understanding ethical issues and the consequences that flow from them, and equipping people with the necessary skills to respond, including 'moral language'[45]

- ensuring that 'fostering employee judgment and behaviour on ethical and compliance matters is part of the objectives [of ethics education and training] … and evaluated'[46]

- ensuring organisational culture is better aligned with the outcomes of ethics education and training.[47]

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36   Dr Eva Tsahuridu, public hearing, Melbourne, 21 June 2021, *Transcript of evidence*, p. 1; Centre for Crime Policy and Research, Flinders University, *Submission 46*, 30 September 2020, pp. 7–8.

37   Dr Eva Tsahuridu, public hearing, Melbourne, 21 June 2021, *Transcript of evidence*, p. 1.

38   Centre for Crime Policy and Research, Flinders University, *Submission 46*, 30 September 2020, p. 8.

39   Ibid.

40   Ibid., p. 9.

41   Centre for Crime Policy and Research, Flinders University, *Submission 46*, 30 September 2020, p. 8; Dr Eva Tsahuridu, public hearing, Melbourne, 21 June 2021, *Transcript of evidence*, pp. 1–2.

42   Centre for Crime Policy and Research, Flinders University, *Submission 46*, 30 September 2020, p. 12.

43   Dr Eva Tsahuridu, public hearing, Melbourne, 21 June 2021, *Transcript of evidence*, p. 4.

44   Ibid., p. 2.

45   Ibid., p. 4.

46   Centre for Crime Policy and Research, Flinders University, *Submission 46*, 30 September 2020, p. 12.

47   Dr Eva Tsahuridu, public hearing, Melbourne, 21 June 2021, *Transcript of evidence*, pp. 2, 4.

Traditional measurement data points—positive participant satisfaction[48] surveys, tracking improvements in awareness or in general attitudes about corruption and misconduct, and frequency of education and training—are *proxy* measures of quality, in that they do not measure whether the knowledge acquired as a result of education and training has, or will, impact behaviour.[49]

Measurement indicators for the impact of such initiatives should focus on whether they have actually 'improved ethical behaviour'[50] and reduced the incidence of corruption and misconduct.[51] The complexity of behavioural change demands a multifaceted approach to measurement. This was recognised by the Centre for Crime Policy and Research in its submission to this Inquiry, which noted that initiatives should be evaluated at different levels within organisations, and across different sectors, by using a variety of different forms of measurement, including qualitative and quantitative forms of data collection.[52]

The key lesson for integrity agencies is that behavioural change is paramount to improving the integrity system. Additionally, it needs to be recognised that measuring the quality of education and prevention initiatives by reference to their contribution to behavioural change, and to combating the impediments to change, enables integrity agencies to demonstrate the value of their work in improving the integrity system in a well-evidenced fashion.

6.4.3 Measuring improvements to ethical culture within organisations, including ethical leadership

Workplace culture is a major driver of ethical conduct, more so than strategy or personal values,[53] and research indicates that 'behavioural intentions and judgements do not necessarily lead to actual behaviour'.[54] In short, because of the systemic barriers to cultural change at the organisational level, it cannot be assumed that learning will automatically create or contribute to behavioural change.[55]

While it remains important for people to understand what the right thing to do is, and why, such as what conflicts of interest are and how to manage them, the crucial challenge is often *how* to get people to do what they know is right, especially under difficult workplace conditions.[56] As Dr Eva Tsahuridu explained in her submission:

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48 Dr Eva Tsahuridu, School of Accounting, Information Systems and Supply Chain, RMIT University, *Submission 29*, 31 August 2020, p. 3.

49 CCC Queensland, *Submission 9*, 26 August 2020, p. 2.

50 Dr Eva Tsahuridu, School of Accounting, Information Systems and Supply Chain, RMIT University, *Submission 29*, 31 August 2020, p. 3.

51 Ibid.

52 Centre for Crime Policy and Research, Flinders University, *Submission 46*, 30 September 2020, p. 12.

53 Dr Eva Tsahuridu, School of Accounting, Information Systems and Supply Chain, RMIT University, *Submission 29*, 31 August 2020, p. 2; Dr Eva Tsahuridu, public hearing, Melbourne, 21 June 2021, *Transcript of evidence*, pp. 1–2.

54 Dr Eva Tsahuridu, public hearing, Melbourne, 21 June 2021, *Transcript of evidence*, p. 3.

55 Ibid.

56 Dr Eva Tsahuridu, School of Accounting, Information Systems and Supply Chain, RMIT University, *Submission 29*, 31 August 2020, p. 2.

I have explored and reviewed many education offerings in different settings and I find that many do not adequately address the main problem we face in relation to ethical work conduct: it is not that people do not know what is the right thing to do but rather that they do not do what they know is right.[57]

Therefore, there is limited benefit in ethics education and prevention initiatives that prioritise telling people how they should behave, without addressing the organisational cultures which make it very difficult for people to actually do the right thing.[58]

Measurement indicators for the impact of integrity agencies' education and prevention initiatives on organisational ethical culture should therefore focus on the extent to which such initiatives:

- recognise the complexity of ethical decisions and actions

- have 'clear objectives'—what are they trying to achieve?

- focus on the whole organisational system, not just the ethics of individual workers. This requires consideration of the person, the organisation and the issues—all elements that influence ethical conduct in the work context.

- recognise that organisational culture is not homogenous, may vary greatly between departments, and, as a result, ethical conduct will not necessarily occur uniformly within an organisation

- contribute to assessing and understanding the 'key values' that employees see in their workplace and 'their own leadership'

- 'form part of an integrated organisational ethics infrastructure'

- influence positive changes in the ethics infrastructure and look at 'behavioural outcomes'

- measure the values and perceptions of employees with respect to an organisation's 'ethical climate', to track changes in their 'behaviour or behavioural intentions or judgements'.[59]

Traditional data points—public awareness levels, or participant satisfaction surveys which measure, in a general way, the quality of the trainer, the content delivered and the educational experience of the learner—are *proxy* measures of impact, in that they do not clearly indicate whether participants have actually acquired knowledge, and, if so, whether that knowledge has had any discernible impact on improvements in ethical culture within organisations, or behavioural change.[60]

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57   Ibid. See also Mary Gentile, *Giving voice to values: how to speak your mind when you know what's right*, Yale University Press, New Haven, 2010.

58   Dr Eva Tsahuridu, School of Accounting, Information Systems and Supply Chain, RMIT University, *Submission 29*, 31 August 2020, p. 2. See also Mary Gentile, *Giving voice to values: how to speak your mind when you know what's right*, Yale University Press, New Haven, 2010.

59   Dr Eva Tsahuridu, public hearing, Melbourne, 21 June 2021, *Transcript of evidence*, pp. 1–4; Dr Eva Tsahuridu, School of Accounting, Information Systems and Supply Chain, RMIT University, *Submission 29*, 31 August 2020, p. 2; Centre for Crime Policy and Research, Flinders University, *Submission 46*, 30 September 2020, pp. 11–12.

60   CCC Queensland, *Submission 9*, 26 August 2020, p. 2.

Integrity agencies with monitoring and review functions also have the ability to drive improvements in ethical culture within the organisations they oversight. Measurement efforts in this context should be focused on the extent to which monitoring and review activities contribute to an 'ethics infrastructure'[61] within organisations that addresses 'formal and informal elements'.[62] As Dr Tsahuridu explained:

> Ethics education is one element but there are many others such as language, leadership attention, behaviour and priorities, as well as policies and practices. Formal ethics programs are comprised of codes and standards, whistleblowing/reporting and advice lines (internal or external, anonymous or not), conduct and discipline and performance management systems, and of course training/education. Informal elements include the climate, culture, leadership, norms, scripts, language, etc.[63]

Leadership is critical to organisational ethical culture. The prevalence and quality of ethical leadership within organisations should be a matter of great interest to integrity agencies in the context of their prevention and education functions, because there is a well-established correlation between ethical leadership and lower levels of unethical behaviour amongst subordinates.[64] Ethical leadership requires organisational leaders to exemplify ethical behaviour in highly visible ways through their own actions, engage in open, reciprocal communication about ethical standards, and create incentives for, and enforce, compliance with standards.[65]

Internationally, the dominant measurement model in this context is Brown et al.'s Ethical Leadership Scale, generally administered in the form of a point-in-time survey of employees, which gauges perceptions of ethical leadership qualities displayed by organisational leaders.[66] Leadership effectiveness perception surveys, such as Avolio et al.'s Multifactor Leadership Questionnaire, are also used to measure the prevalence of leadership styles and qualities within organisations that are strongly correlated with organisational success, including those conducive to ethical leadership.[67] Nationally, the Australian Leadership Index and the Victorian Public Sector Commission's People Matter Survey are good examples of how large-scale annual perception surveys can measure and track changes in views about leadership across a range of sectors and

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61   Dr Eva Tsahuridu, School of Accounting, Information Systems and Supply Chain, RMIT University, *Submission 29*, 31 August 2020, p. 2.

62   Ibid.

63   Ibid.

64   Muhammad U Manara et al., 'Corruption, fast or slow? Ethical leadership interacts with Machiavellianism to influence intuitive thinking and corruption', *Frontiers in psychology,* vol. 11, November 2020, pp. 1, 3, <https://doi.org/10.3389/fpsyg.2020.578419> accessed 26 September 2021.

65   Kira O Foley, *Research note 2021–02: ethical leadership annotated bibliography*, United States Army Research Institute for the Behavioural and Social Sciences, Washington DC, 2021, p. 4; Muhammad U Manara et al., 'Corruption, fast or slow? Ethical leadership interacts with Machiavellianism to influence intuitive thinking and corruption', *Frontiers in psychology,* vol. 11, November 2020, p. 5, <https://doi.org/10.3389/fpsyg.2020.578419> accessed 26 September 2021.

66   Kira O Foley, *Research note 2021–02: ethical leadership annotated bibliography*, United States Army Research Institute for the Behavioural and Social Sciences, Washington DC, 2021, p. 11. See also Michael E Brown, Linda K Treviño and David A Harrison, 'Ethical leadership: a social learning perspective for construct development and testing', *Organizational behavior and human decision processes*, vol. 97, no. 2, 2005, pp. 117–134.

67   Kira O Foley, *Research note 2021–02: ethical leadership annotated bibliography*, United States Army Research Institute for the Behavioural and Social Sciences, Washington DC, 2021, pp. 1, 7, 30.

institutions, as well as data points relevant to ethical culture (for example, organisational embeddedness of Victorian Public Sector Values and psychological safety).[68]

The key lesson for integrity agencies is that organisational culture can and should be measured rigorously,[69] and that measuring the impact of education and prevention initiatives by reference to ethical culture enables integrity agencies to demonstrate the value of their work in improving the integrity system in a well-evidenced fashion.

6.4.4 Measuring safe reporting cultures within organisations, not only public awareness of the public interest disclosure scheme

Public interest disclosures (PIDs) are critical to exposing corruption and other misconduct, but research indicates that a lot of misconduct goes unreported because people only 'speak up if they believe they will be heard and not hurt'.[70] This problem needs to be addressed at a systemic level, and efforts need to be focused on ensuring that organisations have effective mechanisms for encouraging employee reporting, including listening to disclosers, effectively responding to their disclosures and protecting them from 'retaliation and harm'.[71]

Public awareness and educational campaigns about the PID scheme may even be detrimental if they encourage people to report in circumstances where their 'physical and psychological safety'[72] cannot be assured.

Impact cannot be readily measured by only analysing quantitative data on awareness of PID schemes because 'awareness of whistleblower protection laws is not the same as someone confidently using them'.[73]

Initiatives that increase public awareness will have only a limited impact if knowledge does not translate into action, particularly if employees do not understand how they will be protected, or trust that they will be protected, by their own organisations. This is an area where integrity agencies with prevention and education functions have an important role to play, especially with respect to ensuring that managers and leaders within the public sector bodies they oversight understand their role in creating pro-reporting cultures within their organisations.[74]

An important measure is whether organisations have the infrastructure in place to ensure that employees feel safe to report and will not suffer 'traumatic and

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68   Victorian Public Sector Commission (VPSC), *Submission 53,* 30 October 2020, p. 15; Swinburne University of Technology, *Australian Leadership Index,* 2021, <https://www.australianleadershipindex.org> accessed 27 September 2021; VPSC, People matter survey data, facts and visuals (state of the public sector), 2021, <https://vpsc.vic.gov.au/data-and-research/people-matter-survey> accessed 27 September 2021.

69   Dr Eva Tsahuridu, School of Accounting, Information Systems and Supply Chain, RMIT University, *Submission 29,* 31 August 2020, pp. 3–5.

70   Ibid., p. 4.

71   Ibid.

72   Ibid., p. 5.

73   Centre for Crime Policy and Research, Flinders University, *Submission 46*, 30 September 2020, p. 11.

74   Ibid., pp. 5–6.

unacceptable outcomes'.[75] Additionally, the extent to which oversight agencies' prevention and education initiatives contribute to the creation or improvement of safe reporting cultures within organisations is also important.

Initiatives fostering a safe reporting culture are better targeted at leaders within organisations because they have a greater influence on culture than other staff, and their actions have significant positive or negative flow-on effects throughout the organisation.[76]

Measurement indicators for the impact of integrity agencies' work in this area should focus on the extent to which their initiatives promote understanding amongst public sector agency leaders, particularly leaders in senior management roles, about the reach of their influence on organisational ethical culture. In particular, agency leaders need to understand how to foster and model ethical behaviour in the workplace, including 'how to be ethical leaders, not only good people', demonstrate trustworthiness through their actions, and put mechanisms in place to ensure that they are aware of criticism and constructive feedback and respond appropriately to it. Crucially, that means being prepared to 'listen to bad news without shooting the messenger'.[77]

The key lesson for integrity agencies is that measurement of the impact of education and prevention initiatives targeted at the PID scheme should reflect the paramount importance of safe reporting cultures to its effectiveness.

6.4.5 A comprehensive framework for measuring impact, including multifaceted, long-term markers

Performance indicators are an essential component of an effective measurement framework. The complex nature of corruption requires multiple indicators that integrate 'rules-based' measurement of the presence of anti-corruption initiatives with 'outcome-based' measurement of how successful they are.[78] The ability to track results over time consistently and accurately is also important.[79] An 'indicator based monitoring system' uses investigation findings to direct new prevention and education strategies, which specifically address identified risks or organisational management or knowledge gaps.[80] IBAC, OVIC, the VI and the VO acknowledged in their submissions to this Inquiry the educative and preventive flow-on effects of publicly reporting on their investigation findings.[81] There is scope for integrity agencies to use this kind of

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75   Dr Eva Tsahuridu, public hearing, Melbourne, 21 June 2021, *Transcript of evidence*, p. 2.

76   Dr Eva Tsahuridu, School of Accounting, Information Systems and Supply Chain, RMIT University, *Submission 29*, 31 August 2020, p. 5.

77   Ibid.

78   Scott A. Fritzen and Shreya Basu, 'From information to indicators: monitoring progress in the fight against corruption in multi-project, multi-stakeholder organizations', in Adam Graycar and Russell G Smith (eds), *Handbook of global research and practice in corruption*, Edward Elgar, Cheltenham, 2011, p. 294.

79   Ibid.

80   Ibid., pp. 290–291.

81   IBAC, *Submission 48*, 30 September 2020, pp. 6, 14, 16–17; OVIC, *Submission 17*, 28 August 2020, pp. 5, 8–9, 11, 19–20; VI, *Submission 22*, 31 August 2020, pp. 3–5, 7; VO, *Submission 23*, 31 August 2020, p. 3.

information when developing measurement indicators for their respective education and prevention functions.

In its submission to this Inquiry, the Centre for Crime Policy and Research highlighted the 'limited evaluative research and evidence' that exists on the effectiveness of anti-corruption initiatives, including the impact of public awareness campaigns. [82] The limitations of traditional methods of evaluating the effectiveness of prevention and education initiatives have been noted in this chapter—principally that they do not measure behavioural change, impediments to change or organisational ethical culture.

Instead, a multifaceted approach to measurement is required, within which the collection of qualitative data is important. For example, 'interviews and focus groups',[83] while resource-intensive, are preferable to surveys of the 'reported intentions'[84] or awareness levels of respondents. Additionally, '[p]eriodic surveys measuring employee confidence in integrity measures and identifying emerging issues'[85] are useful in tracking whether organisations are improving the integrity system.[86] Periodic ethical climate perception surveys, and other ways of measuring people's values, are also useful for tracking 'shifts in behaviour or behavioural intentions or judgements'[87] with greater specificity.

The key lesson for integrity agencies is that effective measurement of the impact of education and prevention initiatives requires clear indicators and the collection of qualitative as well as quantitative data, that is directly connected to those indicators, over extended periods of time.

6.5 How the integrity agencies measure education and prevention

This section provides a general overview, rather than a complete list, of the various ways in which the integrity agencies currently measure the effectiveness of their work.

IBAC, OVIC, the VI and the VO do not have systematic performance assessment frameworks for measuring the quality and impact of their education and prevention initiatives. Instead, these agencies take a relatively broad approach to measurement, meaning that many of their measurement activities are not specifically targeted at the quality and impact of their *prevention and education work*, but, instead, their overall work.

This approach reflects the complexity of integrity agencies' work and the interconnectedness of their different functions. The agencies use the traditional

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82 Centre for Crime Policy and Research, Flinders University, *Submission 46*, 30 September 2020, p. 2.

83 Ibid., p. 11.

84 Ibid.

85 Ibid.

86 Ibid.

87 Dr Eva Tsahuridu, public hearing, Melbourne, 21 June 2021, *Transcript of evidence*, p. 3.

'implementation', 'activity and efficiency' and 'outcome'[88] forms of measurement, to varying degrees. They tend to be output-focused and favour quantitative 'activity and efficiency' methods of measurement. Their performance is also measured against a variety of internal and external performance indicators, some of which are specific to their education and prevention functions, and others of which are connected to the agencies' broader mandates. While the Committee recognises the difficulties associated with rigorously measuring education and prevention initiatives, the current approaches of the integrity agencies highlight the limitations of the traditional forms of measurement, which are discussed in Section 6.3 of this chapter.

6.5.1   IBAC

IBAC's commitment to measuring the quality and impact of its activities is reflected in its Annual Plan 2020–21, which lists measurement as one of the agency's operational priorities.[89] IBAC measures the quality of its education and prevention initiatives by reference to internal performance indicators and internal and external quantitative output indicators.

IBAC's internal performance indicators

IBAC's Corruption Prevention Strategy 2015–2021

IBAC's 2015 Corruption Prevention Strategy (2015 CP Strategy) prescribes the 'core priorities'[90] for the agency's education and prevention initiatives. Collectively, the priorities function as a set of overarching performance indicators that are closely aligned with IBAC's legislative mandate. The quality and impact of the agency's education and prevention initiatives are indirectly measured by looking at the extent to which such initiatives achieve the following objectives:

- Improving 'understanding of corruption' within the public sector and the community through engagement.[91]

- Encouraging 'reporting of corruption in the public sector'.[92]

- 'Alerting organisations to the latest information and intelligence to stay ahead of corruption risks'.[93]

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88   John Uhr, 'How do we know if it's working?', *Australian Journal of Public Administration*, vol. 64, no. 2, 2005, pp. 70–71.

89   IBAC, *Annual Plan 2020–21*, Melbourne, 2020, pp. 12–13, 16.

90   IBAC, *How IBAC works to prevent corruption*, Melbourne, <https://www.ibac.vic.gov.au/preventing-corruption/how-we-are-preventing-corruption> accessed 9 August 2021; IBAC, *Submission 48*, 30 September 2020, p. 24.

91   Ibid.

92   Ibid.

93   Ibid.

Under the 2015 CP Strategy, initiatives are categorised into 'activity streams',[94] which aim to achieve the following operational priorities and outcomes:

- Engaging with Victorian public sector (VPS) 'senior leaders'.[95]

- Keeping 'corruption high on the public's agenda'[96] through community engagement.

- Improving 'social norms'[97] in relation to corruption reporting throughout the VPS.

- Building 'organisational capacity to address reports of corruption'.[98]

- Increasing organisational 'knowledge on corruption trends, ... vulnerabilities and effective controls'.[99]

- Increasing Victorians' awareness of corruption and its impacts on them personally, and their acknowledgement of the responsibility of institutions to prevent corrupt conduct.[100]

- The vast majority of the public and VPS employees acknowledge their personal responsibility for reporting corruption and 'feel empowered'[101] to report corruption.

- VPS organisations have 'effective corruption prevention practices'[102] in place.

- IBAC is consulted on revision and development of 'whole of government' anti-corruption initiatives.[103]

- IBAC is viewed as 'successful in preventing corruption in Victoria'[104] by its stakeholders.

IBAC's quantitative internal performance indicators

IBAC measures the quality of its initiatives against internal quantitative performance indicators related to output, including the number of 'website visits,[105] publication ... [and] engagement requests' and the rate of 'uptake' of IBAC's published resources by public sector bodies.[106] This measurement includes the use of these kinds of materials by other integrity agencies in the 'development of corruption capacity building

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94   Ibid.

95   Ibid.

96   Ibid.

97   Ibid.

98   Ibid.

99   Ibid.

100   IBAC, *How IBAC works to prevent corruption*, Melbourne, <https://www.ibac.vic.gov.au.preventing-corruption.how-we-are-preventing-corruption> accessed 9 August 2021.

101   Ibid.

102   Ibid.

103   Ibid.

104   Ibid.

105   IBAC, Response to Integrity and Oversight Committee questions on notice, 17 February 2020, p. 17.

106   Ibid.

activities such as IPAA's [Institute of Public Administration Australia] Senior Leaders' Integrity and Ethical Leadership Program'.[107]

IBAC also measures the impact of its initiatives against internal quantitative performance indicators related to output—for example, the number of special reports released and recommendations made in connection with the agency's investigative functions, and the number of mentions of particular initiatives in the media.[108]

IBAC's external performance indicators

IBAC's prevention and education initiatives are measured against the quantity, quality and timeliness performance benchmarks in Budget Paper No. 3 (BP3) of the annual Victorian Budget. The BP3 benchmarks for the 2021/22 Budget require IBAC to:

- Deliver 100 corruption-prevention measures (including materials published on IBAC's website and stakeholder speaking engagements).

- Achieve a 95% satisfaction rating in relation to its corruption-prevention initiatives.[109]

IBAC surveys '"satisfaction ratings" for engagements'[110] to gauge quality with respect to the BP3 performance benchmarks.

IBAC's stakeholder surveys and research projects

IBAC collects qualitative and quantitative data through its large-scale corruption perception surveys of the public and public sector employees. The agency measures the reach of its influence, including the impact of its prevention and education initiatives, by analysing and publicly reporting on survey results—for example, IBAC's 2018 research report titled *Perceptions of corruption: survey of the Victorian community* assessed the level of public awareness and understanding of corruption and the willingness to report corruption.[111] Survey questions were directed at measuring 'perceptions of corruption and misconduct', 'attitudes towards reporting corruption and misconduct' and 'perceptions and attitudes towards integrity and preventing corruption'.[112] Additionally, IBAC's 2021 research report titled *Corruption and integrity: perceptions of Victorian local government employees* revealed measurable improvements between 2016 and 2019 in respondents' '[p]erceptions about ethical culture in councils'[113] and in their 'knowledge about mechanisms for reporting corruption'.[114]

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107   Ibid.

108   Ibid.

109   Department of Treasury and Finance, *Budget Paper No. 3: 2021–22 Service Delivery*, Melbourne, 2021, p. 377.

110   IBAC, Response to Integrity and Oversight Committee questions on notice, 17 February 2020, p. 17.

111   Ibid. See also IBAC, *Perceptions of corruption: survey of the Victorian community*, Melbourne, April 2018.

112   IBAC, *Perceptions of corruption: survey of the Victorian community*, Melbourne, April 2018, p. 4.

113   IBAC, *Corruption and integrity: perceptions of Victorian local government employees*, Melbourne, June 2021, p. 5.

114   Ibid.

IBAC also collects and analyses qualitative and quantitative data through its research projects, which it uses to measure the impact of its education and prevention initiatives and inform the direction of future initiatives. For example, in 2020, IBAC commissioned research into how the agency's education and prevention initiatives were perceived by a cross-section of its external stakeholders (namely, representatives from academia and the legal profession, and public sector bodies, including police, state and local government bodies and other integrity agencies).[115] The findings highlighted IBAC's improved anti-corruption stakeholder engagement, but identified a need for IBAC's corruption-prevention products and advice to be better targeted towards particular 'workplace settings'.[116] Suggested improvements included 'more regular face-to-face engagement and direct lines of communication with IBAC, including meetings, forums and presentations.'[117]

IBAC also completed a 'major strategic intelligence assessment' of the VPS to identify emerging corruption risks in 2020.[118] The strategic assessment involved in-person meetings with agency representatives, online corruption perception surveys, and a review of existing corruption research and large-scale data analysis across a range of agencies, including other integrity agencies.[119] The results revealed that a statistically significant proportion of agencies consulted, and/or surveyed, reported positive changes in their 'integrity and corruption focus since IBAC's establishment, and in response to corruption risks and prevention strategies identified by IBAC'.[120]

Flow-on impacts of IBAC's investigative work

IBAC views public sector reform in response to recommendations arising from its operations, its investigations and research work as an important measure of the 'practical impact'[121] of its prevention initiatives.[122]

IBAC informed the Committee of the following examples of the positive difference it has made in the public sector:

* The Department of Education and Training reformed its integrity strategy and strengthened its 'financial controls and compliance, policies and systems' in response to recommendations in IBAC's 2016 special report on Operation Ord.

* The Victorian Secretaries Board reformed its corruption-prevention and integrity strategy in response to IBAC's Operation Ord recommendations.

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115 IBAC, *Submission 48*, 30 September 2020, p. 17.

116 Ibid.

117 Ibid.

118 IBAC, *Emerging public sector corruption risks in Victoria*, Melbourne, 2020, <https://www.ibac.vic.gov.au/publications-and-resources/ibac-insights/issue-27/emerging-public-sector-corruption-risks> accessed 9 August 2021.

119 Ibid.

120 IBAC, Response to Integrity and Oversight Committee questions on notice, 17 February 2020, p. 17.

121 IBAC, *Submission 48*, 30 September 2020, p. 16.

122 IBAC, Response to Integrity and Oversight Committee questions on notice, 17 February 2020, p. 17; IBAC, *Submission 48*, 30 September 2020, p. 16.

- The Victorian Government Purchasing Board implemented 'a code of conduct' for State government suppliers in response to recommendations in IBAC's 2016 report titled *Perceptions of corruption—survey of Victorian Government suppliers*.

- Local Government Victoria has indicated its intention to develop a code of conduct for Victorian council suppliers in response to recommendations in IBAC's 2019 report titled *Special report on corruption risks associated with procurement in local government*.[123]

In summary, IBAC engages in a variety of different 'implementation', 'activity and efficiency' and 'outcome' measurement[124] activities, including the use of internal and external performance indicators, to measure, directly and indirectly, the quality and impact of its education and prevention initiatives. IBAC's performance indicators are primarily output-focused—directed at measuring initiatives in quantitative terms. IBAC recognises the importance of high-quality data collection, analysis and reporting in measuring the broader impact of its work on improvements to the integrity system.

6.5.2 OVIC

OVIC uses similar measurement methods to IBAC, reflecting the agency's commitment to measuring the quality and impact of its activities. OVIC measures the quality and impact of its education and prevention initiatives by reference to internal performance indicators and internal and external quantitative output indicators.

OVIC's internal performance indicators

OVIC's Strategic Plan 2019–2021

OVIC's Strategic Plan sets out high-level indirect performance indicators for its education and prevention initiatives since it prescribes the broad objectives for all of the agency's work. The quality and impact of the agency's education and prevention initiatives are evaluated against the following objectives:

Objective 2: Victorian agencies are enhancing their practices in FOI, privacy and data protection

- privacy is considered and managed during government policy development and the legislative process

- agencies are demonstrating a commitment to open government through increased release of information, both in response to FOI requests and informally

- Victorian government agencies are continually improving their data security

- there is an effective assurance program in place

- quality training and information is available for agencies at no or little cost

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123 IBAC, *Submission 48*, 30 September 2020, pp. 16–17.

124 John Uhr, 'How do we know if it's working?', *Australian Journal of Public Administration*, vol. 64, no. 2, 2005, pp. 70–71.

Objective 3: OVIC is seen by stakeholders as a collaborative adviser and thought leader

- OVIC has positive and effective relationships with stakeholders

- OVIC has developed and shared a considered view on important and emerging information issues based on evidence

Objective 4: The Victorian public knows its information rights and how to use them, and sees OVIC as a trusted, independent regulator

- OVIC engages with the Victorian community on key information issues and provides up-to-date resources that are easy to understand

- OVIC has built public awareness about Victoria's information access practices

- agency practices relating to information are trusted by the Victorian community.[125]

OVIC's Regulatory Action Policy 2019–2021

OVIC's Regulatory Action Policy (RAP) sets out, in part, OVIC's 'general approach to regulatory action'[126] and how it monitors the performance of its prevention and education initiatives.[127] OVIC's 'risk-based approach'[128] to 'regulatory action' means that its prevention and education initiatives target 'areas where the risk of … harm is greatest or where … harm would have the most serious impact'.[129] The RAP sets out performance indicators for measuring the quality and impact of the agency's education and prevention initiatives since it prescribes the broad objectives and optimal outcomes of such initiatives, specifically:

- Engage constructively with the Victorian public sector to build capacity and embed a culture that promotes fair access to information while ensuring its proper use and protection.

- Foster public trust and awareness of the Victorian public sector's responsibility, ability and commitment to handling information in a responsible and accountable manner.

- Influence government to consider information rights in developing new policies or programs.

- Deter conduct that contravenes or is contrary to the objects of the PDP Act [*Privacy and Data Protection Act 2014* (Vic)] or FOI Act [*Freedom of Information Act 1982* (Vic)] …

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125 OVIC, *Strategic Plan 2019–2021*, Melbourne, 2019, <https://ovic.vic.gov.au/strategic-plan-2019-2021> accessed 27 July 2021. For the current, 2021–2024, Strategic Plan, see OVIC, *Aspirations for 2021 to 2024*, <https://ovic.vic.gov.au/strategic-plan-2021-2024/#aspirations> accessed 24 January 2022.

126 OVIC, *Regulatory Action Policy 2019–2021*, Melbourne, 2019, p. 3 ('"[R]egulatory action" means OVIC activity that promotes, assures or enforces the *Freedom of Information Act 1982* (Vic) … and the *Privacy and Data Protection Act 2014* (Vic).').

127 Ibid.

128 Ibid., p. 5.

129 Ibid.

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Privacy

- Guide regulated bodies and the public about the PDP Act and Information Privacy Principles. …

Freedom of information

- Provide guidance to regulated bodies and the public about the FOI Act. …

- Develop Professional Standards that describe how regulated bodies should meet their obligations in the FOI Act to promote clear and consistent FOI decisions. …

Information security

- Promote continuous improvement through guidance and advice about information security.

- Monitor and assure compliance with the Victorian Protective Data Security Framework (VPDSF) and the PDP Act by review of protective data security plans and audits.[130]

OVIC's Stakeholder Engagement Strategy

Similar to OVIC's Strategic Plan, the agency's Stakeholder Engagement Strategy sets out overarching performance indicators for indirectly measuring the quality and impact of the agency's education and prevention initiatives, since it prescribes the broad objectives and optimal outcomes of its engagement activities with public sector bodies—specifically, that:

- OVIC is a trusted advisor and source of expertise on FOI/public access, privacy, and data protection related matters

- OVIC is seen as a source of high-quality information and education activities

- stakeholders have an understanding of the legislation and OVIC's responsibilities

- OVIC shifts agency attitudes towards public access to information

- agencies will be proactive about protecting personal privacy

- agencies will have a maturing security culture at all levels of the organisation.[131]

OVIC's other internal performance indicators

OVIC recognises that organisational behavioural change is an important measure of the quality and impact of its education and prevention initiatives. OVIC's submission to this Inquiry, for example, described the broad objectives and optimal outcomes of its initiatives with respect to behavioural change as follows:

- As to freedom information—'increasing the amount of information agencies proactively and informally release as well as encouraging FOI decision makers in

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130   Ibid., pp. 3–4.

131   OVIC, *Stakeholder Engagement Strategy 2019*, Melbourne, <https://ovic.vic.gov.au/about-us/what-we-do/ovic-stakeholder-engagement-measurement-survey> accessed 27 July 2021.

agencies to approach FOI decisions with a view to making as much information available as possible to enhance transparency and accountability'.[132]

• As to information security—'shifting away from a compliance approach to one that is meaningfully based on risk, understanding the value of the information that government holds and taking appropriate steps to protect it from misuse'.[133]

• As to privacy—'moving away from a "tick-the-box" exercise of compliance and moving towards embedding an understanding of the value of privacy as a human right and what entities can do to meaningfully and genuinely protect privacy'.[134]

OVIC's external performance indicators

OVIC'S education and prevention initiatives are measured against the quantity and quality performance benchmarks in BP3 of the annual Victorian Budget. The BP3 benchmarks for the 2021/22 Budget require OVIC to:

• Deliver 120 education and training activities (including materials published on OVIC's website).

• Achieve a 90% satisfaction rating in relation to education and training provided.

• Conduct 5 'regulatory actions' (including '[e]xaminations, reviews, audits or investigations').[135]

Regulatory action is an indirect measurement benchmark because of the potential for such work to drive public-sector reform through OVIC recommendations.

OVIC's stakeholder surveys, research projects and external reviews

OVIC collects qualitative and quantitative data through targeted surveys to measure the quality of its prevention and education initiatives—for example, its 2019 stakeholder survey was partly aimed at measuring stakeholder views on the quality of OVIC's publications and educational offerings.[136] OVIC also conducts targeted research projects to identify quality-improvement opportunities, such as its 2020 'user research project' in relation to the quality of the agency's website and publications.[137]

OVIC also collects and analyses qualitative and quantitative data through its research projects and external review activities, which it uses to measure the impact of its education and prevention initiatives—for example, OVIC's 2019 stakeholder engagement survey aimed, in part, to measure stakeholder views on the impact of

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132 OVIC, *Submission* 17, 28 August 2020, p. 3.

133 Ibid.

134 Ibid.

135 Department of Treasury and Finance, *Budget Paper No. 3: 2021–22 service delivery*, Melbourne, 2021, p. 306; OVIC, *Annual report 2019–20*, Melbourne, 2020, p. 13.

136 OVIC, *Submission 17*, 28 August 2020, p. 18.

137 Ibid.

OVIC's publications and educational offerings on organisational behavioural change.[138] Additionally, an external review of OVIC's Victorian Protective Data Security Framework (VPDS Framework) and Victorian Protective Data Security Standards (VPDS Standards) in 2020 aimed, in part, to measure the impact of the 'attestation'[139] process on agency awareness and compliance levels.[140]

Flow-on impacts of OVIC's investigative work

OVIC's Annual Report for 2019/20, makes clear that it views improvements to regulatory compliance, in response to recommendations arising from its investigative work and its monitoring and assurance activities, as an important indirect measure of the educative and preventive impact of its work.[141] For example, OVIC conducted site visits at Geelong City Council and the Victorian Law Reform Commission in 2019 in relation to the implementation of the VPDS Framework and Standards, and made recommendations which it intends to monitor.[142]

In summary, OVIC engages in a variety of different 'implementation', 'activity and efficiency' and 'outcome'[143] measurement activities, including the use of internal and external performance indicators, to measure, directly and indirectly, the quality and impact of its education and prevention initiatives. OVIC's performance indicators are output-focused, directed at achieving optimal outcomes in terms of improvements to the integrity system, and in evaluating the effectiveness of initiatives in quantitative terms. OVIC recognises the importance of high-quality data collection, analysis and reporting in measuring the broader impact of its work, including on behavioural change.

6.5.3 VI

VI's internal performance indicators

Flow-on impacts of the VI's investigative work

The VI's Annual Plan for 2021/22 makes clear that it measures the indirect educative and preventive impacts of its investigative, review and monitoring work by reference to improvements in the integrity system. The performance indicator is whether an intervention by the VI has created or contributed to 'a demonstrable change to

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138   Ibid.

139   Ibid., p. 10. See also OVIC, *Attestation 2021*, <https://ovic.vic.gov.au/data-protection/agency-reporting-obligations/attestation> accessed 24 August 2021 (The attestation process requires a public sector body Head to sign a form attesting to the fact that 'under section 8D(2)(b) of the *Privacy and Data Protection Act 2014* and Standard 9 of the Victorian Protective Data Security Standards … [their] organisation has either implemented, or is currently implementing, the activities in its Protective Data Security Plan (PDSP) … [and] that there has been no significant change in the operating environment or the security risks relevant to the organisation … [Alternatively,] organisations that have undergone a significant change to their operating environment or information security risks (such as a restructure or Machinery of Government) … are required to notify OVIC and submit a full, out-of-cycle PDSP').

140   OVIC, *Submission 17*, 28 August 2020, p. 10.

141   OVIC, *Annual report 2019–20*, Melbourne, 2020, pp. 1–2, 19–20, 37–38, 46, 49–50.

142   Ibid., p. 49.

143   John Uhr, 'How do we know if it's working?', *Australian Journal of Public Administration*, vol. 64, no. 2, 2005, pp. 70–71.

the conduct and compliance' of the integrity agencies and public sector bodies it oversights, that will 'help prevent future non-compliance'.[144] Markers of success include integrity bodies:

- … implementing VI recommendation(s) …

- … establishing new procedures to prevent systemic recurrence of non-compliance

- … changing … [their] application of the law in response to VI feedback.[145]

The VI views its monitoring projects as a crucial measurement of its success in improving the integrity system because the related reports 'contain formal feedback and/or recommendations which can better influence … [agencies] to make improvements to practices, processes, systems, procedures and policies' that 'improve compliance'.[146]

For example, the VI considers that the following monitoring projects resulted in improvements to the integrity system:

- Systemic impact in terms of 'raised awareness of the duty of care on integrity bodies, resulting in action to improve witness welfare', arising from the VI's findings and recommendations in its *Special Report: welfare of witnesses in IBAC investigations*.[147]

- IBAC's acceptance of the VI's recommendations in its 2019 *Integrity Report: Monitoring Project on IBAC protected disclosures* for improving aspects of IBAC's handling of protected disclosures.

- Improvements to IBAC's oversight of police complaints arising from the VI's recommendations in its 2019 *Integrity Report: IBAC Monitoring Project on police misconduct complaints*.

- Improvements to IBAC's oversight of police complaints arising from the VI's recommendations in its 2019 private Integrity Report on IBAC complaints data for the 2019 calendar year.

- The VO's acceptance of several of the VI's recommendations in its 2019 *Integrity Report: Monitoring Project on Victorian Ombudsman interviews* for improving information provided to witnesses in VO interviews.

- OVIC's acceptance of the VI's recommendations in its 2019 private Integrity Report on OVIC's complaints handling.[148]

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144 VI, *Annual Plan 2021–22*, Melbourne, 2021, p. 13.

145 Ibid.

146 VI, *Submission 22*, 31 August 2020, p. 4.

147 Ibid.

148 VI, *Submission 22*, 31 August 2020, p. 4. See also VI, *Special Report: welfare of witnesses in IBAC investigations,* Melbourne, October 2018; VI, *Integrity Report: Monitoring Project on IBAC protected disclosures*, Melbourne, June 2019; VI, *Integrity Report: Monitoring Project on IBAC police misconduct complaints*, Melbourne, October 2019; VI, *Integrity Report: Monitoring Project on Victorian Ombudsman interviews*, Melbourne, June 2019.

VI's external performance indicators

The VI's education and prevention initiatives are measured against the quantity and quality performance benchmarks in BP3 of the annual Victorian Budget. The BP3 benchmarks for the 2021/22 Budget require the VI to:

- ensure that 75% of its recommendations are 'accepted by agencies'

- achieve at least 6 '[i]mprovements to the integrity system'.[149]

In summary, while the VI does not directly measure the quality and impact of its education and prevention initiatives, it measures that work indirectly through related internal and external performance indicators. The VI recognises the importance of measuring the impact of its work by reference to improvements in the integrity system.

6.5.4 VO

The VO uses similar measurement methods to IBAC and OVIC, reflecting the agency's commitment to measuring the quality and impact of its activities. The VO measures the quality and impact of its education and prevention initiatives by reference to internal performance indicators and internal and external quantitative output indicators.

VO's internal performance indicators

VO's Annual Plan 2021–22

The quality and impact of the VO's education and prevention initiatives are indirectly evaluated against the general performance indicators prescribed in its Annual Plan for 2021/22. The Plan sets out the broad objectives for all of the agency's work:

Objective 1: Relevance—more people access and value [the VO's] services: …

- Expand Victorian Ombudsman contact methods to include SMS and webchat

- Pilot a partnership with a metro and a regional Community Legal Centre …

- Conduct outreach programs targeting regional communities, vulnerable communities, culturally and linguistically diverse communities and young people

- Conduct a social justice/human rights-focused investigation

- Expand community awareness (especially of young people) of the Victorian Ombudsman's role through increased use of social media channels

- Implement the complaint practices and procedures review function and conduct reviews of complaint practices and procedures in at least one department and one public body

- Implement the alternative dispute resolution function

- Conduct a follow-up community awareness survey

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149 Department of Treasury and Finance, *Budget Paper No. 3: 2021–22 service delivery*, Melbourne, 2021, p. 374.

Objective 2: Impact—Victorian public organisations deal fairly with people:

- Develop business intelligence capability to assist public organisations learn from their complaints

- Conduct at least one joint investigation or project with IBAC

- Increase the number of public education workshops, including at least one Victorian Ombudsman-led initiative with other integrity agencies

- Conduct quarterly workshops for public organisations on emerging issues

- Enhance efficiencies in enquiries and investigations by improving Ombudsman liaisons with public organisations

- Commence at least two systemic investigations into issues of public concern.[150]

VO's external performance indicators

The VO's education and prevention initiatives are measured against the quantity and quality performance benchmarks in BP3 of the annual Victorian Budget. The BP3 benchmarks for the 2021/22 Budget introduced three new performance measures, requiring the VO to:

- administer education and training to at least 642 participants

- achieve an 85% participant satisfaction rating with respect to its Public Sector Education Programs

- ensure that at least 35% of its investigations of jurisdictional cases lead to agreed improvements, for example in 'practice', 'policy', 'law reform', 'remedial', 'rectification' or 'mitigation action'.[151]

The VO surveys participant satisfaction levels by asking respondents to assign a quality rating of between 1 and 5 for content usefulness, facilitator engagement and overall satisfaction.[152]

Agencies' agreement to 'take improvement action' is included for the purposes of the 35% threshold, whereas actual implementation is not.[153] This approach accommodates the fact that implementation often depends on 'external factors, such as legislative amendment, time considerations and funding'.[154]

Stakeholder surveys

The VO has conducted community awareness surveys to measure the quality and impact of its public awareness–raising initiatives. For example, its 2018 'community

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150 VO, *Annual Plan 2021–22*, Melbourne, 2021, p. 8.

151 Department of Treasury and Finance, *Budget Paper No. 3: 2021–22 service delivery*, Melbourne, 2021, pp. 378–379.

152 Ibid.

153 Ibid., p. 379.

154 Ibid.

awareness survey'[155] revealed that 'approximately 50% of the Victorian community'[156] were not aware of Ombudsman's role and functions.

Flow-on impacts of the VO's investigative work

In its submission to the Inquiry, the VO emphasised the preventive and educative impacts of developing recommendations in connection with its investigative work and its monitoring of agencies' implementation of recommendations.[157]

Positive impact markers, highlighted in three of the VO's 2020 investigation reports,[158] include increased public and organisational awareness about systemic problems, improvements to agencies' 'practices and procedures'[159] and legislative change or amendments 'promoting ethical and accountable decision making in the sector'.[160]

Every two years, the VO reports on the results of its monitoring of the progress of implementation of its recommendations by public sector bodies.[161] These reports are comprehensive and user-friendly, and are an excellent example of how integrity agencies can use the best practice measurement principles identified in Sections 6.4.2 and 6.4.3 of this chapter to demonstrate, in an easily identifiable and concrete way, the true value of their contributions to public integrity, and how their work is changing the Victorian integrity landscape for the better.

6.6   How well do the integrity agencies measure the quality and impact of their prevention and education initiatives?

6.6.1   IBAC

IBAC does not have a systematic measurement framework for assessing the quality and impact of its prevention and education initiatives. Its current approach to measurement, while primarily output-focused, is multifaceted and evolving. IBAC's Annual Report for 2019/20 noted that it was in the process of reviewing and updating its 'external performance measures', including more effective measures of the impact of its prevention work.[162] The IBAC Plan 2021–2025[163] (the Plan) and IBAC's

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155   VO, *Submission 23*, 28 August 2020, p. 2.

156   Ibid.

157   Ibid., p. 4.

158   Ibid. See also VO, *Investigation of alleged improper conduct by Executive Officers at Ballarat City Council*, Melbourne, May 2020; VO, *Investigations into allegations of nepotism in government schools*, Melbourne, May 2020; VO, *Investigation into the transparency of local government decision making*, Melbourne, December 2016.

159   VO, *Submission 23*, 28 August 2020, p. 3.

160   Ibid., p. 4.

161   See, for example, VO, *Ombudsman's recommendations—third report*, Melbourne, June 2020.

162   IBAC, *Annual report 2019/20*, Melbourne, 2020, p. 26.

163   IBAC, *The IBAC Plan 2021–25*, Melbourne, 2021, <https://www.ibac.vic.gov.au/docs/default-source/reports/the-ibac-plan-2021-25.pdf> accessed 25 January 2022.

Corruption Prevention Strategy 2021–2024 (2021 CP Strategy) incorporate best practice measurement principles identified in Sections 6.3.3 and 6.3.5 of this chapter, and reflect IBAC's commitment to continuously improve its measurement approach. IBAC has created a corruption prevention Project Management Office to monitor performance of all strategic initiatives created subject to the Plan. Under the Plan, performance outcomes will be introduced in relation to IBAC's corruption-prevention function, including longer-term qualitative measures.[164]

Similarly, IBAC's 2021 CP Strategy introduces a range of evidenced-based, qualitative and quantitative performance indicators that will facilitate the collection of crucial baseline data to determine what works. The 2021 CP Strategy emphasises the need for 'practical' reporting indicators that take into account IBAC's unique operational and budgetary environment, and recognises the need for nuance, including measuring the effectiveness of initiatives in a range of contexts.[165]

Victorian Budget performance measures

In its Annual Report for 2019/20, IBAC reported that it delivered 75 corruption-prevention initiatives, short of the BP3 Budget 2019/20 target of 90, with a 93% satisfaction rating, short of the BP3 target of 95%.[166] While these data points provide some measure of the quality of IBAC's initiatives (for example, the experiences of participants in training delivered by IBAC) they do not measure, in any real way, the impact of such initiatives in changing behaviour and reducing the incidence of corruption and misconduct.

Use of measurement best practice principles

IBAC recognises its capacity to promote positive behavioural change and influence the ethical culture of the organisations it oversights through its recommendations. In its Annual Report for 2019/20, for example, IBAC reported that it:

- issued formal recommendations in 17 of its investigations[167]

- issued 46 recommendations under s 159 of the *Independent Broad-based Anti-corruption Commission Act 2011* (Vic) to 'improve … [VPS agencies'] systems, practices and controls'[168]

- oversaw the implementation of 21 recommendations by agencies.[169]

- was monitoring the progress of agencies in implementing 68 IBAC recommendations[170]

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164 Hon Robert Redlich AM QC, Commissioner, IBAC, correspondence, 7 September 2021.
165 Ibid.
166 IBAC, *Annual report 2019/20*, Melbourne, 2020, p. 20.
167 Ibid., p. 51.
168 Ibid.
169 Ibid.
170 Ibid.

- tabled 2 Special Reports in Parliament, including a report on local government procurement corruption risks[171]

- released 3 research reports on broad corruption risks within the VPS.[172]

IBAC's reporting on its investigation outcomes and recommendations, as well as its special and research reports, are good examples of the agency's measurement of its systemic impact using the principles set out in Sections 6.4.2 and 6.4.3 of this chapter in its performance assessment.

Effectiveness of other forms of measurement

IBAC's measurement of the quality and impact of its PID work

In its Annual Report for 2019/20, IBAC reported the following as markers of success of its prevention and education work with respect to the PID scheme:

- IBAC identified and assessed 1,184 notifications as public interest disclosures and protected disclosures during 2019/20, a 35% increase on the preceding 2018/19 reporting period.

- IBAC was the Chair of a Public Interest Disclosure Consultative Group, and delivered 'external engagement activities, tools and resources' to VPS stakeholders to prepare agencies for legislative changes to the *Protected Disclosure Act 2012* (Vic) that came into effect in 2020.[173]

These data points are proxy measures of the prevalence of safe reporting cultures within the agencies that IBAC oversights.

Limitations of IBAC's corruption-perception surveys

The terms used in large-scale corruption-perception surveys must be clearly defined in order for the data to make a meaningful contribution to measurement of the impact of initiatives in improving the integrity system over time.

IBAC's 2021 infographic, *Perceptions of corruption and integrity in the Victorian public sector* (which provides an overview of the findings of its recent surveys of VPS and local government employees on their 'perceptions of organisational behaviours, ethical culture and areas of risk'[174]), for example, highlights the complexity of measuring improvements to ethical culture within organisations.

While 85% of public sector employees, and 88% of local government employees, surveyed 'rated their organisation's ethical culture as "strong" or "moderate"',[175]

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171 Ibid., pp. 25, 51.

172 Ibid., p. 25.

173 Ibid., pp. 4, 26.

174 IBAC, *Perceptions of corruption and integrity in the Victorian public sector*, Melbourne, 2021,<https://www.ibac.vic.gov.au/docs/default-source/education-resources/infographic---perception-of-corruption---june-2021.pdf> accessed 17 August 2021.

175 Ibid.

indicating positive developments, survey respondents did not appear to have a good understanding of what organisational 'ethical culture' means. This is evidenced by only 47% of public sector respondents and 50% of local government respondents agreeing that 'their organisation would definitely treat reports of corruption and misconduct seriously'.[176]

6.6.2   OVIC

OVIC does not have a systematic measurement framework for assessing the quality and impact of its prevention and education initiatives. Its current approach to measurement, while primarily output-focused, is multifaceted.

Victorian Budget performance measures

In its Annual Report for 2019/20, OVIC reported that it delivered 183 education and training activities (including digital mail-outs and educational resources published on its website, such as e-Learning modules); completed 4 law enforcement, data security and privacy reviews; and achieved a 95% client satisfaction rating in relation to its data security and privacy training.[177] OVIC exceeded all BP3 Budget targets for the 2019/20 reporting period, with the exception of the review target of 5.[178]

While these data points measure, in a general way, participant satisfaction with OVIC training, they do not measure in any real way the impact of such initiatives—for instance, whether participants acquire valuable knowledge that they actively draw upon in improving their own organisations.

Use of measurement best practice principles

OVIC's Annual Report 2019/20

It is clear from OVIC's Annual Report for 2019/20, that it assessed various aspects of its performance using markers in the best practice measurement principles identified in Sections 6.4.2 and 6.4.3 of this chapter. Additionally, OVIC assessed certain aspects of its performance using the best practice measurement principle identified in Section 6.4.5. It did this by tracking changes in broad data sets that can be reliably measured over time, in order to gain a sense of the impact of initiatives on the current climate and the trajectory of change. Specifically, OVIC reported on, and tracked changes in, data related to:

- The number of voluntary data breach notifications received by OVIC from organisations subject to the VPDS Standards, indicating 96 notifications were received during 2019/20, a 16% increase compared to the previous 2018/19 reporting period.[179]

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176   Ibid.

177   OVIC, *Annual report 2019–20*, Melbourne, 2020, pp. 13, 22–23.

178   Ibid.

179   Ibid., p. 32.

- OVIC's impact on policy and legislative reform, including:

  – Reporting on the number of submissions it made to public inquiries on issues affecting the integrity system. OVIC made 24 submissions during 2019/20, an increase of 10 submissions on the previous 2018/19 reporting period.[180]

  – Increases in 'the number of organisations seeking OVIC's views on the privacy implications of a range of initiatives'.[181]

- Surveys measuring the organisational attitudes towards certain issues, including:

  – The findings of OVIC's 2019 Global Privacy Enforcement Network 'GPEN sweep' survey, showing that 83% of respondents (comprising '35 VPS organisations'[182] with obligations under the *Privacy and Data Protection Act 2014* (Vic) reported monitoring performance 'as part of their privacy obligations under the PDP Act',[183] which was 'higher than the global average'.[184] Conversely, it found that 33% of respondents did not have policies or procedures in place for 'reporting data breaches',[185] which is significantly lower than the global average.[186]

- The quality of its Privacy Awareness Week (PAW) 2020 initiatives, reporting on the:

  – 1017% increase in the number of OVIC website views during PAW 2020, compared to PAW 2019.[187]

  – 336% increase in the number of OVIC's PAW web page views during PAW 2020, compared to PAW 2019.[188]

  – high number of views of OVIC's PAW 2020 animations on its social media platforms (4,200), and web-page views of its PAW 2020—related publications.[189]

  – 'almost 35,000 impressions and more than 1,000 engagements on [OVIC's] Twitter, LinkedIn, and Vimeo'[190] social media platforms during PAW 2020.

- OVIC's compliance monitoring and assurance activities with respect to the implementation of the VPDS Framework, specifically reporting that:

  – 'more than 80%' of VPS organisations submitted their mandatory annual protective data security plans and attestations to OVIC 'on time' during 2019/20.[191]

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180 Ibid., p. 37.

181 Ibid.

182 Ibid., p. 40.

183 Ibid.

184 Ibid.

185 Ibid.

186 Ibid., p. 41.

187 Ibid., p. 42.

188 Ibid.

189 Ibid.

190 Ibid.

191 Ibid., p. 49.

- 2 site visits were conducted during the 2019/20 attestation period, and the 3 recommendations issued in relation to the implementation of the VPDS Standards.[192]

- an external review of the VPDS Framework and VPDS Standards was commissioned in 2020, which showed that the annual attestation process 'substantially contributed to executive awareness of information security'.[193]

• The percentage of FOI review decisions where OVIC's decision differs from the initial decisions of agencies or Ministers—49.76% during 2019/20.[194]

• Reporting on the agencies and Ministers subject to FOI review decisions by OVIC during 2019/20, together with the total number of reviews, and whether or not OVIC reached a different decision from the agency or Minister.[195]

OVIC's Stakeholder Engagement Survey

OVIC's periodic Stakeholder Engagement Survey forms part of its Stakeholder Engagement Strategy, the results of which are used to measure and assess the effectiveness of its engagement activities.[196]

OVIC recognises that stakeholder engagement surveys are an important part of measuring its systemic impact on impediments to change, and in fostering positive behavioural change and improvements in the ethical cultures of the agencies it oversights.

In 2019, the Survey captured feedback from 324 respondents from 212 OVIC stakeholders with respect to 'privacy', 'information security' and 'freedom of information'.[197]

The Survey findings make clear that OVIC uses markers in the best practice measurement principles identified in Sections 6.4.2, 6.4.3 and 6.4.5 of this chapter to assess the impact of its community engagement initiatives. Specifically:

• OVIC was awarded high ratings for the quality of its presentations and advice and 'is seen as a trusted advisor and source of expertise on FOI, privacy, and data protection'.[198] OVIC refined its privacy complaints processes and issued new guidance materials in response to Survey feedback.[199]

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192 Ibid.

193 OVIC, *Submission 17*, 28 August 2020, p. 10.

194 OVIC, *Submission 17*, 28 August 2020, p. 14; OVIC, *Annual report 2019–20*, Melbourne, 2020, p. 61.

195 OVIC, *Annual report 2019–20*, Melbourne, 2020, p. 65.

196 OVIC, *Annual report 2019–20*, Melbourne, 2020, p. 21; OVIC, *Submission 17*, 28 August 2020, p. 18. See also OVIC, *Stakeholder Engagement Survey 2019*, Melbourne, <https://ovic.vic.gov.au/about-us/what-we-do/ovic-stakeholder-engagement-measurement-survey> accessed 27 July 2021.

197 OVIC, *Annual report 2019–20*, Melbourne, 2020, p. 21; OVIC, *Stakeholder Engagement Survey 2019*, Melbourne, <https://ovic.vic.gov.au/about-us/what-we-do/ovic-stakeholder-engagement-measurement-survey> accessed 27 July 2021.

198 OVIC, *Annual report 2019–20*, Melbourne, 2020, p. 21. See also OVIC, Submission 17, 28 August 2020, p. 18.

199 OVIC, *Stakeholder Engagement Survey 2019*, Melbourne, <https://ovic.vic.gov.au/about-us/what-we-do/ovic-stakeholder-engagement-measurement-survey> accessed 27 July 2021.

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- OVIC's website was awarded high ratings for helpful information, which was useful to agencies in their daily operations, and had been visited by every Survey respondent within the preceding 12 months. OVIC launched a user research project to enhance its website accessibility and user experience in response to Survey feedback.[200]

- Survey respondents had a reasonable level of understanding of the legislation administered by OVIC, and of OVIC's responsibilities.[201]

- Only 22% of Survey respondents reported that their agency was 'OK' at identifying proactive release opportunities.[202] In response, OVIC published guidance on the issue, and is currently developing further 'engagement initiatives'[203] to promote cultural change within agencies with respect to proactive information release.

- The VPS has taken significant steps in 'developing a privacy culture'.[204]

- Survey respondents reported 'positive relationships with OVIC's Information Security Unit',[205] but had a low understanding of the requirements of information security within the VPS, including relevant legislation. In response, OVIC consulted with agencies ahead of the '2020 Protective Data Security Plan reporting deadline'.[206]

Effectiveness of other forms of measurement

In its Annual Report for 2019/20, OVIC reported the following as markers of success of its prevention and education work:

- A 95% increase in its Twitter impressions during 2019/20, compared to the preceding 2018/19 reporting period, and growth in its LinkedIn followers to 700, as indicators of the effectiveness of initiatives targeted at growing its digital presence, including improvements to website accessibility.[207]

- The findings of evaluation surveys administered to training participants during 2019/20, that the majority of participants in face-to-face learning 'ranked the facilitator, materials and venue between 4.5 and 5 out of 5',[208] and that 95% of participants who completed OVIC's privacy e-Learning modules rated 'their experience as satisfactory or above'.[209]

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200   Ibid.

201   OVIC, *Annual report 2019–20*, Melbourne, 2020, p. 21.

202   OVIC, *Submission 17*, 28 August 2020, p. 18.

203   OVIC, *Stakeholder Engagement Survey 2019*, Melbourne, <https://ovic.vic.gov.au/about-us/what-we-do/ovic-stakeholder-engagement-measurement-survey> accessed 27 July 2021.

204   OVIC, *Submission 17*, 28 August 2020, p. 18.

205   OVIC, *Annual report 2019–20*, Melbourne, 2020, p. 21.

206   OVIC, *Stakeholder Engagement Survey 2019*, Melbourne, <https://ovic.vic.gov.au/about-us/what-we-do/ovic-stakeholder-engagement-measurement-survey> accessed 27 July 2021.

207   OVIC, *Annual report 2019–20*, Melbourne, 2020, p. 23.

208   Ibid., p. 24.

209   Ibid.

These data points are proxy measures of the quality and impact of prevention and education initiatives because they do not measure whether participants actually acquired knowledge, and, if so, whether that knowledge had any discernible impact on improvements in ethical culture within organisations or behavioural change.

OVIC's website user research project

In its submission to the Inquiry, OVIC reported on the key findings of its 2020 user research project, which provided deeper insights into the quality and impact of the prevention and education material on its website. Specifically:

- OVIC's website is a valuable 'support system'[210] to its stakeholders because 'people rely on OVIC materials to do their own jobs'.[211]

- Suggested areas for improvements included better guidance on the use of OVIC's templates by 'clearly explaining what a template *must* include versus what it *could* include',[212] and issuing more 'advanced … [guidance] targeted to experienced practitioners'.[213]

6.6.3   VI

The VI does not have a systematic measurement framework for assessing the quality and impact of its prevention and education initiatives.

Use of measurement best practice principles

It is clear from the VI's Annual Report for 2019/20, that it assessed various aspects of its performance using markers in the best practice measurement principles identified in Sections 6.4.2 and 6.4.3 of this chapter, insofar as it reports on activities which, when looked at together, can measure improvements to the integrity system. Specifically, the VI reports on the number of:

- site inspections conducted (10)[214]

- inspection reports published (5)[215]

- Integrity Reports published in connection with monitoring projects (1)[216]

- private Integrity Reports published on issues focused on improving public sector administration—for example, complaints handling (2)[217]

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210 OVIC, *Submission 17*, 28 August 2020, p. 18.

211 Ibid.

212 Ibid.

213 Ibid.

214 VI, *Annual report 2019–20*, Melbourne, 2020, p. 5.

215 Ibid., pp. 5, 28.

216 VI, *Annual report 2019–20*, Melbourne, 2020, pp. 5, 28; VI, *Submission 22*, 31 August 2020, p. 4.

217 VI, *Annual report 2019–20*, Melbourne, 2020, pp. 5, 28; VI, *Submission 22*, 31 August 2020, p. 4.

- recommendations made by the VI, and the percentage of recommendations that were accepted by organisations (6 in total: 3 to OVIC, 3 to the VO, all of which were accepted).[218]

Effectiveness of other forms of measurement

In its Annual Report for 2019/20, the VI reported that it delivered 1 presentation and 3 in-house seminars, and published 2 guidelines in relation to its education activities.[219] These data points do not, however, measure the quality or impact of such initiatives.

6.6.4 VO

The VO does not have a systematic measurement framework for assessing the quality and impact of its prevention and education initiatives. Its current approach to measurement, while primarily output-focused, is multifaceted. The VO's Annual Report for 2019/20 noted that the implementation of a 'new quality assurance framework and operational key performance indicators to inform training, learning and development initiatives for Ombudsman staff'[220] was a key action in its Annual Plan for 2020/21.[221]

Victorian Budget performance measures

In its Annual Report for 2019/2020, the VO reported that 99% of its recommendations were fully or partially accepted by public organisations, exceeding the BP3 Budget 2019/20 target of 95%.[222] This was the only BP3 2019/20 performance benchmark related to the VO's prevention and education functions.

Use of measurement best practice principles

Annual Report 2020

It is clear from the VO's Annual Report for 2019/2020, that it assessed various aspects of its performance using markers in the best practice measurement principles identified in Sections 6.4.2 and 6.4.3 of this chapter. Additionally, the VO assessed performance using a number of the best practice measurement principles identified in Section 6.4.5. Specifically, it did so by tracking changes in broad data sets that can be reliably measured over time, in order to assess the impact of its initiatives to increase public awareness of recent changes to the *Public Interest Disclosures Act 2012* (Vic).[223] The VO reported on, and tracked changes in, data related to:

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218 VI, *Annual report 2019–20*, Melbourne, 2020, pp. 5, 28, 66–68.

219 Ibid., p. 28.

220 VO, *Annual report 2020*, Melbourne, 2020, p. 9.

221 Ibid.

222 VO, *Annual report 2020*, Melbourne, 2020, p. 4; Department of Treasury and Finance, *Budget Paper No. 3: 2019–20 service delivery*, Melbourne, 2019, p. 318.

223 VO, *Annual report 2020*, Melbourne, 2020, p. 62.

- The number of reports tabled by the VO in Parliament during 2019/20 (10).[224]

- The significant growth in the number of PID referrals received from IBAC and finalised by the VO during 2019/20 (120), compared to the previous 2018/19 reporting period (93), showing a 96% increase in the preceding 3 reporting periods alone.[225] Additionally, the VO reported a significant increase in the total number of allegations in respect of all disclosures during 2019/20 (258), compared to the 2017/2018 reporting period (174).[226]

Effectiveness of other forms of measurement

In its Annual Report for 2019/2020, the VO reported the following as markers of success of the public awareness raising and stakeholder engagement aspects of its prevention and education initiatives:

- a 4% increase in the number of people who contacted the VO during 2019/20, compared to 2018/19[227]

- 4,544 'formal enquiries' to the VO from public organisations during 2019/20[228]

- a 33% increase in followers on the VO's Twitter, LinkedIn, Facebook and YouTube social media platforms during 2019/20, compared to the previous 2018/19 reporting period[229]

- a 20% increase in website visitors following the launch of the VO's new website[230]

- 37 VO-administered 'workshops … for public organisations on Good Complaint Handling, Conflict of Interest and Dealing with Challenging Behaviour'.[231]

6.7 How integrity agencies can improve measurement

6.7.1 IBAC, OVIC, VI, VO

The Committee considers that Victoria's integrity agencies should each establish a framework for measuring the quality and impact of their prevention and education initiatives, in recognition of the particular importance of evidenced-based prevention and integrity-capacity building in the Victorian public sector.

A systematic measurement framework will enable the agencies to identify and focus their efforts on the most effective initiatives, through use of best practice principles, and to demonstrate the true value of their work in improving the integrity system.

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224 Ibid., pp. 5, 88.

225 Ibid., p. 62.

226 Ibid.

227 Ibid., p. 4.

228 Ibid.

229 Ibid., p. 5.

230 Ibid.

231 Ibid.

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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.

A number of submissions received by the Committee emphasised the importance of data collection and using comparable data benchmarks to effectively measure prevention and education initiatives.[232] Collaboration between the integrity agencies will better equip them to collect data on the scale, and with the level of diversity, needed to track developments over time.

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.

RECOMMENDATION 15: That the Independent Broad-based Anti-corruption Commission, the Office of the Victorian Information Commissioner, the Victorian Inspectorate and the Victorian Ombudsman include in their annual reports a dedicated section on the measurement of the quality and impact of their prevention and education initiatives.

6.7.2   IBAC

This chapter has highlighted the importance of IBAC's recommendations in driving continuous improvement of the integrity system, and the potential for this work to have a positive impact on behavioural change and influence organisational ethical culture. Effective reporting on these recommendations will enhance IBAC's ability to demonstrate the true value of its work to the public, and more easily track broad changes over time.

RECOMMENDATION 16: That the Independent Broad-based Anti-corruption Commission include in its annual report an account of the recommendations it has made during the relevant financial year, by number, type and sector.

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232   See, for example, Tamar Hopkins, *Submission 10*, 21 August 2020; Robinson Gill Lawyers, *Submission 33*, 14 September 2020, pp. 2–3; Centre for Crime Policy and Research, Flinders University, *Submission 46*, 30 September 2020, pp. 10–11.

6.7.3   OVIC

This chapter has highlighted the importance of OVIC's monitoring, review and consultative work, and its recommendations, in driving continuous improvement of the integrity system. Additionally, there is the potential for this work to have a positive impact on behavioural change and influence organisational ethical culture. Effective reporting on this work will enhance OVIC's ability to demonstrate the true value of its work to the public, and more easily track broad changes over time.

> **RECOMMENDATION 17:** That the Office of the Victorian Information Commissioner include in its annual report an account of the submissions, consultations on new initiatives, privacy impact assessments and legislative reviews completed during the relevant financial year, by number, type and sector.

> **RECOMMENDATION 18:** That the Office of the Victorian Information Commissioner include in its annual report data on informal resolutions completed during the relevant year, by number, type and sector.

6.8   Conclusion

The importance of education and prevention initiatives in reducing the incidence of corruption and misconduct in the public sector is evidenced by the direct legislative functions of IBAC, OVIC and the VO, and the indirect legislative functions of the VI, in these areas.

Currently, there is no commonly agreed framework for measuring the quality and impact of Victorian, or for that matter Australian, integrity agencies' education and prevention initiatives. This is partly due to the limited available research and data on evaluating their effectiveness.

The development of a systematic measurement framework will enable integrity agencies to reliably identify the most effective initiatives, using best practice principles for measurement.

Measurement of the quality and impact of initiatives is complex and requires broad benchmarks that can be measured using a variety of methods, across time. Initiatives should be measured by reference to the extent to which they take a systemic approach to ethics education and training; address behavioural change and impediments to change at an individual level; promote improvements to ethical culture at an organisational level; and contribute to safe reporting cultures within organisations with respect to the PID scheme.

Through more effective measurement of their prevention and education work, Victoria's integrity agencies will be better placed to demonstrate the value of their work in improving the integrity system.

7 Conclusion

Under the current legal framework, the Independent Broad-based Anti-corruption Commission (IBAC), the Office of the Victorian Information Commissioner (OVIC), the Victorian Inspectorate (VI) and the Victorian Ombudsman (VO) exercise a variety of education and prevention functions. While express education and prevention functions are only conferred by legislation on IBAC, OVIC and the VO, there is a legislative foundation for the VI to exercise education and prevention functions indirectly in fulfilling the objects of the *Victorian Inspectorate Act 2011* (Vic).

The functions range from identifying, exposing and preventing maladministration, corruption and improper conduct, to reviewing potential and existing legislative provisions and helping to improve public sector complaint-handling procedures and practices. They also involve educating the public and the public sector about the harms of corruption and misconduct. Further, the integrity agencies develop and deliver education and prevention resources to enhance the capacity of the public and public sector to prevent, identify and combat wrongdoing.

While the corruption-prevention and education efforts of IBAC, OVIC, the VI and the VO vary, common characteristics can be identified. Each undertakes direct education and prevention activities, such as producing guidelines, standards and procedures; delivering face-to-face and online training (or information); developing print, digital and multimedia resources; and using communications to publicise and support key messages.

Each agency also engages with key anti-corruption stakeholders in the public, private and community sectors, as well as with members of the public. Moreover, the agencies recognise that important educative and preventive purposes and outcomes are inherent in their ongoing regulatory oversight and actions, such as investigations, complaint-handling, reviews and audits.

In this report, the Committee has emphasised the importance of identifying and conforming to best practice principles for integrity agency corruption-prevention and education initiatives. Drawing on wide-ranging research and Victorian, interstate and international experience, the report identified and discussed a range of best practice principles, especially in connection with integrity agencies' investigations, education and training, stakeholder engagement, monitoring and measurement, whistleblower protection and collaboration. The Committee drew on these best practice principles in assessing the integrity agencies' exercise of their education and prevention functions.

The Committee found that the integrity agencies have performed well in achieving educative outcomes through their inquiries, investigations and reports. They have also engaged conscientiously with the public sector and the public, through public information campaigns and often high-quality education and prevention resources and training.

The Committee acknowledges, for example, the high quality of IBAC's investigations and associated reports, as well as its leading role within the public interest disclosures (PID) scheme. It also recognises its insightful applied research and creative public information and communications initiatives.

However, the Committee has noted that there are opportunities for both IBAC and the VI to strengthen their engagement with diverse and vulnerable communities, including the LGBTIQ+ community, supported by appropriate tailored resources.

IBAC also needs to provide more realistic, accessible and detailed information for potential whistleblowers about how to make secure and safe reports of wrongdoing, given the risks of reprisal and other detriment. It also found that PID Coordinators need to be given better technical guidance so they can securely manage reports of wrongdoing they receive. The Committee further recommends that, given the risk of reprisals and other harms to whistleblowers, IBAC should consider developing its own secure dropbox platform. The Committee received expert evidence that these platforms can ensure a secure, anonymous means of reporting while allowing for ongoing communication between an integrity agency and a whistleblower from report through to outcome.

OVIC is a valued expert on freedom of information, privacy and data protection. Its education and prevention resources and training, especially its e-learning modules, are well-regarded in the public sector. The Committee has, however, recommended that the Information Commissioner be given the express power to issue guidelines and other materials on the *Freedom of Information Act 1982* (Vic), consistent with its power to do so regarding privacy and data protection.

The VO has produced high-quality investigation reports, as well as resources and training (such as on complaint-handling and the management of conflicts of interest). It has also engaged well with other integrity agencies and the public sector. The Committee agrees with the VO that it would be valuable for annual ethics and integrity training to be mandatory in the Victorian public sector. Consequently, the Committee has recommended that the Victorian Public Sector Commission consider developing such a program for the State.

While recognising that measurement of the quality and impact of integrity agencies' education and prevention work is complex and challenging, the Committee emphasises that there are best practice principles that can guide such an undertaking. Currently, however, there is no commonly agreed framework for measuring the quality and impact of Victorian integrity agencies' education and prevention initiatives. This is partly due to the limited research and data regarding the effectiveness of these initiatives.

The Committee considers that developing a systematic measurement framework based on best practice principles will allow integrity agencies to reliably identify the most effective education and prevention initiatives. These initiatives should be measured by reference to the extent to which they take a systemic approach to ethics education and training; address behavioural change and barriers to change at an individual level; improve ethical culture at an organisational level; and contribute to safe reporting

cultures. This approach is consistent with the reality that whistleblowers and other reporters are most likely to 'speak up if they believe they will be heard and not hurt'.[1]

Through more rigorous measurement of their prevention and education work, Victoria's integrity agencies will be better placed to demonstrate the value of their work in improving Victoria's integrity system.

Finally, while the integrity agencies have long collaborated on selected prevention and education initiatives, there is an opportunity for more systematic and coordinated collaboration. For that reason, the Committee has recommended that IBAC, OVIC, the VI and the VO establish a corruption-prevention and education network, guided by agreed best practice principles and drawing on the experience and expertise of other integrity leaders. Such a network can help make the integrity agencies' education and prevention efforts more consistent, efficient and effective.

Adopted by the Integrity and Oversight Committee
Parliament of Victoria, East Melbourne
7 April 2022

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1   Dr Eva Tsahuridu, School of Accounting, Information Systems and Supply Chain, RMIT University, *Submission 29*, 31 August 2020, p. 4.

Appendix A
Submissions and public hearings

A.1   Submissions

1	Mr Kenneth McLeod
2	Not in use
3	NSW Office of Local Government
4	Heritage Brumby Advocates Australia Inc.
5	Australian Commission for Law Enforcement Integrity
6	Dr Bruce Baer Arnold, Canberra Law School, University of Canberra and Dr Wendy Bonython, Faculty of Law, Bond University
7	Australian and New Zealand Ombudsman Association
8	Accountability Round Table
9	Crime and Corruption Commission Queensland
10	Ms Tamar Hopkins
11	Information and Privacy Commission NSW
12	Mr Herschel Baker
13	Commonwealth Ombudsman
14	Professor Fiona Haines, School of Social and Political Sciences, University of Melbourne
15	Victorian Managed Insurance Authority
16	Ambulance Victoria
17	Office of the Victorian Information Commissioner
18	Office of the Public Advocate
19	Public Sector Commission, Western Australia
20	ACT Integrity Commission
21	Dr Colleen Lewis, Australian Studies Institute, Australian National University
22	Victorian Inspectorate
23	Victorian Ombudsman
24	Office of the Information Commissioner Queensland
25	Independent Commissioner Against Corruption South Australia
26	WorkSafe Victoria
27	Victorian Pride Lobby
28	Institute of Public Administration Australia (Victoria)

29	Dr Eva Tsahuridu, School of Accounting, Information Systems and Supply Chain, RMIT University
30	Australia and New Zealand School of Government
31	Community and Public Sector Union (Victorian Branch)
32	Professor Tim Prenzler, School of Law and Criminology, University of the Sunshine Coast
33	Robinson Gill Lawyers
34	Law Enforcement Conduct Commission, NSW
35	Local Government Inspectorate
36	Office of the Commissioner for Public Sector Employment, South Australia
37	Dr Catherine Ordway, Assistant Professor, Faculty of Health, University of Canberra
38	Law Institute of Victoria
39	Queensland Ombudsman
40	Victoria Legal Aid
41	Office of the Racing Integrity Commissioner
42	Dr Suelette Dreyfus and Dr Chris Culnane
43	Victorian Local Governance Association
44	Dr Alistair Ping, Adjunct Professor, QUT Graduate School of Business, Queensland University of Technology
45	Transnational Research Institute on Corruption, Australian National University
46	Centre for Crime Policy and Research, Flinders University
47	Mr Peter Fitzgerald
48	Independent Broad-based Anti-corruption Commission
49	Australian Education Union (Victorian Branch)
50	Australian Institute of Professional Investigators
51	Professor Janet Ransley, Griffith Criminology Institute, Griffith University
52	Professor Adam Graycar, Director, Stretton Institute, University of Adelaide
53	Victorian Public Sector Commission
54	Confidential

A.2   Public hearings

Monday 24 May 2021

55 St Andrews Place, East Melbourne and via Zoom

Name	Position	Organisation
Dr Alistair Ping	Adjunct Professor, QUT Graduate School of Business	Queensland University of Technology
Nevena Spirovska	Co-convener	Victorian Pride Lobby
Sean Mulcahy	Policy Adviser	Victorian Pride Lobby
Mr Adam Fennessy PSM	Commissioner	Victorian Public Sector Commission
Ms Verity Harris	Executive Director, Integrity and Advisory	Victorian Public Sector Commission

Monday 7 June 2021

Melbourne (via Zoom)

Name	Position	Organisation
Mr Michael Stefanovic AM	Chief Municipal Inspector	Local Government Inspectorate
Mr Ross Millard	Manager, Operations	Local Government Inspectorate
Professor Fiona Haines	School of Social and Political Sciences	University of Melbourne
Mr Sven Bluemmel	Information Commissioner	Office of the Victorian Information Commissioner
Ms Joanne Kummrow	Public Access Deputy Commissioner	Office of the Victorian Information Commissioner
Mr Eamonn Moran PSM QC	Inspector	Victorian Inspectorate
Ms Cathy Cato	Executive Director, Legal and Integrity	Victorian Inspectorate
Ms Deborah Glass OBE	Ombudsman	Victorian Ombudsman
Ms Megan Philpot	Deputy Ombudsman	Victorian Ombudsman
Dr Marija Maher	Chief Operating Officer	Victorian Ombudsman
Hon Robert Redlich AM QC	Commissioner	Independent Broad-based Anti-corruption Commission
Ms Marlo Baragwanath	Chief Executive Officer	Independent Broad-based Anti-corruption Commission
Ms Christine Howlett	Executive Director, Prevention and Communication	Independent Broad-based Anti-corruption Commission
Dr Suelette Dreyfus and Dr Chris Culnane	In a personal capacity	

A

Monday 21 June 2021

Melbourne (via Zoom)

Name	Position	Organisation
Dr Eva Tsahuridu	In a personal capacity	

Appendix B
Best practice principles: sources

Note: This appendix gives the full bibliographic details of sources cited in the summary of best practice principles in Section 4.16 of Chapter 4 of this report.

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