

Victorian Government Response to the recommendations made to it by the Integrity and Oversight Committee in its report, *Performance of the Victorian integrity agencies 2021-22*

Background

The Victorian Government thanks the Integrity and Oversight Committee for its report and acknowledges the valuable work of the Committee in monitoring and reviewing the performance and functions of the Victorian Inspectorate, the Independent Broad-based Anti-Corruption Commission, the Office of the Victorian Information Commissioner, and the Victorian Ombudsman.

Response

Of the Committee's 10 recommendations, 7 were directed to government to amend legislation or in relation to funding. The government's response to those recommendations is set out in the table below. The government notes that recommendations 1-3 were directed to the Independent Broad-based Anti-Corruption Commission.

Committee recommendation	Government response
<p>Recommendation 4 That the Office of the Victorian Information Commissioner be granted the power under the <i>Freedom of Information Act 1982</i> (Vic) to require an agency or minister to make a decision regarding a FOI request by a certain date.</p>	<p>The recommendation is under review.</p> <p>The government will consider this recommendation in the context of any broader recommendations made by the Committee following the conclusion of its current <i>Inquiry into the operation of the Freedom of Information Act</i>.</p>
<p>Recommendation 5 That the <i>Victorian Civil and Administrative Tribunal Act 1998</i> (Vic) and other relevant legislation be amended to enable the Office of the Victorian Information Commissioner to obtain review application data held by the Victorian Civil and Administrative Tribunal.</p>	<p>The recommendation is under review.</p> <p>The government notes this recommendation will require further consultation with the Victorian Civil and Administrative Tribunal and the Office of the Victorian Information Commissioner and will consider it further in the context of any broader recommendations made by the Committee following the conclusion of its current <i>Inquiry into the operation of the Freedom of Information Act</i>.</p>
<p>Recommendation 6 That the legislation underpinning the Information Security Incident Notification Scheme be amended to require that notifications under the Scheme are made to the Office of the Victorian Information Commissioner at the time of the incident.</p>	<p>The recommendation is under review.</p> <p>The government is considering this recommendation, and in doing so will consult with the Office of the Victorian Information Commissioner.</p>
<p>Recommendation 7 That the Victorian Government consider granting Office of the Victorian Information Commissioner more funding to pursue a more proactive investigations and audits schedule.</p>	<p>The recommendation is under review.</p> <p>This recommendation will be considered as part of the annual budget process to consider funding priorities across government.</p>
<p>Recommendation 8 That the Victorian Government consider providing more funding for the Office of the Victorian Information Commissioner to support development of its evaluation and assessment framework.</p>	<p>The recommendation is under review.</p> <p>This recommendation will be considered as part of the annual budget process to consider funding priorities across government.</p>
<p>Recommendation 9 That the Victorian Government provide sufficient funding to the Office of the Victorian Information Commissioner to enable it to conduct an independent review of the Freedom of Information Professional Standards.</p>	<p>The recommendation is supported in principle.</p> <p>The government notes that the Office of the Victorian Information Commissioner has engaged an independent consultant to undertake a comprehensive review of the Freedom of Information Professional Standards.</p>
<p>Recommendation 10 That, following consultation with the integrity agencies, the Victorian Government review the effectiveness and efficiency of the coercive powers notification scheme, including the requirement that all exercises of coercive powers be notified to the Victorian Inspectorate.</p> <p>This includes:</p> <ul style="list-style-type: none"> • what kinds of matters must or may be notified to the Victorian Inspectorate • what kinds of matters must or may be reviewed by the Victorian Inspectorate • an examination of the merits of complementary or alternative review measures (such as audits of coercive power notifications). 	<p>The recommendation is not supported.</p> <p>Following consultation with integrity agencies on the operation of the current scheme, the government has determined that a review of the coercive powers notification scheme is not required. However, the government is committed to continue to work with agencies to explore efficiencies and practical solutions to minimise the burden on agencies to respond to the Victorian Inspectorate in real time, in line with the spirit of the recommendation.</p> <p>The government agrees with the Committee's comments in relation to the importance of maintaining an appropriate level of oversight of agencies that have the ability to exercise powers which limit individual's human rights, noting the Victorian Inspectorate's role in the integrity system to oversee the agencies which exercise coercive powers. The government notes that this view was shared by all agencies consulted in relation to this recommendation.</p>



Committee recommendation	Government response
In making this recommendation, the Committee emphasises the importance of robust, independent oversight of integrity agencies' use of coercive powers given their impact on the human rights of persons subject to them.	