

T R A N S C R I P T

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

P e r f o r m a n c e o f t h e V i c t o r i a n I n t e g r i t y A g e n c i e s 2 0 2 2 – 2 3

Melbourne – Monday 25 November 2024

M E M B E R S

Dr Tim Read – Chair

Hon Kim Wells – Deputy Chair

Ryan Batchelor

Jade Benham

Paul Mercurio

Rachel Payne

Dylan Wight

Belinda Wilson

WITNESSES

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

Lauren Caulfield, Coordinator, Beyond Survival: Policing Family Violence Project,

Nimet Gurleyen, Senior Lawyer, Inner Melbourne Community Legal and

Dr Jana Katerinskaja.

The CHAIR: Welcome back to the public hearings for the performance of the integrity agencies in 2022/23. I welcome Michelle Reynolds, Director, Policy and Advocacy at Inner Melbourne Community Legal; Lauren Caulfield, Beyond Survival: Policing Family Violence Project Coordinator; Dr Jana Katerinskaja and Nimet Gurleyen from Inner Melbourne Community Legal; and Lily. Thank you all for coming. If you would like to start with any opening remarks.

Jana KATERINSKAJA: I will open as you have met me before privately. I am a survivor, advocate and a coordinator of a peer support and advocacy group for the survivors of police perpetrators, as is Lily and as are some of the people watching at home online who are not safe enough to come here today. We collaborate closely with our colleagues here at Inner Melbourne Community Legal and Flat Out and Beyond Survival, and Lauren and I have been collaborating together for some years.

I am also the subject of the Emma report that you were discussing just before with the Victorian Inspectorate [VI]. I have not previously identified myself as the subject of the Emma report [*IBAC's Referral and Oversight of Emma's Complaints About Victoria Police's Response to Family Violence by a Police Officer*, October 2022], but I felt that it was important to do so here to add some weight to some of the points that we would like to make. It is not a step I have taken lightly, because I am still at family-violence risk. If my case were to happen again today, as IBAC [Independent Broad-based Anti-corruption Commission] admitted in its press release at the time when the report was tabled, it would be handled in exactly the same way.

All of the Victorian Inspectorate recommendations that have been made have been acquitted on paper in policy, but the operational practice is failing us, and that is largely because IBAC, despite having rolled out family violence training, despite having the checklist that you just heard the Victorian Inspectorate speak to, does not understand family violence. So, if you have people who do not understand risk doing risk assessments, those risk assessments will be, and are quite often, found wanting. So, we have a problem there. I would like to commend the Victorian Inspectorate for the way in which they dealt with the Emma report and the way in which they have dealt with some of the other advocates whose cases they have handled, one of which I know is watching at home and was dealt with in the annual report of the Victorian Inspectorate the year before last. She was a victim of misidentification.

We are here today because we think instruction can be provided to IBAC for change. I would not be here identifying myself if I did not think change was possible. With the existing resourcing that IBAC has, they could do things a lot better and put us at less risk. I do not know if you want to jump in on that.

Lauren CAULFIELD: Do you want me to go ahead and 'intro'?

Jana KATERINSKAJA: Yes.

Lauren CAULFIELD: We want to thank you for the opportunity to give some evidence today. My name is Lauren. I coordinate a project called Beyond Survival, and we work at the intersection of high-risk family violence and harms related to policing. Very quickly, for us police-perpetrated family violence emerged as a really core area of work and an area of demand in which we were hearing from victim-survivors of police-perpetrated family violence. I am going to touch very lightly on a couple of the headlines around the issue, noting that we are not going to be able to do justice to it here, but really to say that there are some very core considerations for us around police-perpetrated family violence. Each time there is any public advocacy around this kind of violence, we hear from other victim-survivors, predominantly women and children, impacted by the violence, and, as it stands, there is not a clear picture of the prevalence and the scale of this harm in the community. I wanted to say that to really situate the discussion of the report into Emma's matter and the work of the Victorian Inspectorate.

There are also significant issues with impunity. We know that there are huge disparities around how family violence is policed when the perpetrator of the family violence is themselves a police officer. That shows up in things like huge disparities in charge rates, in conviction rates, how those people perpetrating are being treated by the courts. We also know that there is a massive risk and a conflict of interest and a huge safety consideration for survivors in complaining about police. IBAC ostensibly are the alternative or the independent complaints pathway, but their failure to understand family violence or to be victim-centric, and the fact that they overwhelmingly refer the majority of complaints back to Victoria Police for self-investigation, compounds risk and harm to victim-survivors.

We are here to give evidence really in support of the evidence of the survivor network, Jana and others, and to say that the work that the Victorian Inspectorate has done in this report is such an important window into systemic issues and systemic harm. The evidence in the VI report is evidence that we see mirrored in practice. So many survivors do not get anywhere near this point, so we really hope that this will be an opportunity for change.

I just want to finish by honouring the work of the survivor network, with whom we collaborate very closely – we refer to that network; we receive referrals from them – and note that that is victim-survivors providing peer support to other victim-survivors, including because of the ways that the system is harming or failing them, and that work is entirely self-funded.

The CHAIR: Great. Are there any further comments that people would like to make? Otherwise, we can ask questions.

Jana KATERINSKAJA: I think I will say we have a number of survivors who would like to provide their perspectives to this committee. We explained that we are time-limited, so what we are going to do – and Inner Melbourne also has some case studies that they would like to provide too – is we are going to make a comprehensive submission covering off some of these themes that we will deal with today and also pushing into some of the IBAC deficiencies and Victoria Police deficiencies in dealing with police-perpetrated violence, but also acknowledging some of the things that have improved, because there have been some improvements.

The CHAIR: Thank you. Well, I am going to just open up to the Committee if there is anyone who has got questions. Kim Wells.

Kim WELLS: Maybe I can start off. So, with the situation where a police officer is the perpetrator in family violence, should all of those cases be referred to IBAC rather than some of them being investigated by Victoria Police themselves?

Jana KATERINSKAJA: No. IBAC does not have the skills to investigate rape or child sexual abuse. Those are skills that sit within Victoria Police. As you may be aware, as a result of a lot of our advocacy, Victoria Police set up a specialist unit called SOFVU [Sexual Offences and Family Violence Unit] that deals with police-perpetrated family and sexual violence. Now, they have some issues that we will push into, particularly with the threshold of cases that they take, but they are best placed to investigate a lot of family violence cases and sexual violence cases perpetrated by police officers. The problem is that they are not investigating those cases because they are inadequately funded and they have thresholds that kick out most cases, so they end up being regionally delegated and investigated locally. This is particularly problematic for women in rural areas, which is a point I have made before to this committee. If your police perpetrator – and I was in this situation for part of my relationship; we were living in the Western District of Victoria. If I reported it, it was going to get sent back to his colleagues, and everybody knows him. And, even when I did report it in the city, it was investigated locally. I know we are not supposed to refer to individual cases, but that is all on the public record in the VI report anyway. But that is how it works. My position as an advocate is not that Victoria Police should not ever investigate police-perpetrated sexual and family violence, but that it should be better overseen by IBAC. Some cases should definitely be investigated by IBAC directly where there is a conflict of interest, but they should all be getting investigated by the specialist unit, not regionally delegated, ever.

Kim WELLS: The Committee is well aware of, especially in country areas, where it is referred to someone else and they both play on the same cricket team even though they could be 100 kilometres away. That is just the way.

Jana KATERINSKAJA: Everybody knows everybody. That is how the country is, right?

Kim WELLS: Exactly. I get that. So, is it a matter that IBAC should have better skills to investigate? If that is not the case, would you still be happy if there was a better-resourced police department to deal with this – you would be happy with that rather than an upskilled IBAC situation?

Jana KATERINSKAJA: I would probably pivot the answer slightly. I think IBAC should be better skilled so that it has the capability to investigate, yes, but that Victoria Police should still be investigating a lot of these cases with SOFVU. Now, we know from COVID that they can do remote investigations. They do not need to have the locals doing it. You could have a family violence worker helping with the risk assessment, and IBAC should be getting more heavily involved in overseeing these cases. Now, we know at the moment this is a priority area of focus for IBAC, and they are looking into this. The problem is they do not know what they are looking at, because they do not have the skills.

Kim WELLS: All right. But a central unit oversighted by IBAC which goes into the regions to do the investigation?

Jana KATERINSKAJA: Yes.

Kim WELLS: Okay.

Jana KATERINSKAJA: That capability needs to exist, but I do not think for a minute that they could do all of them. But they need to do some of them. For example, if you have a District Inspector who has been accused of family violence, would you really want that getting locally investigated? Given the rank of the person, it should be getting investigated by IBAC, and under IBAC's existing assessment thresholds if a complaint is made against an Inspector it should be getting investigated by IBAC, but, presently, IBAC could not do that because IBAC does not have the skills.

Kim WELLS: Okay. All right. Thanks for the answer.

The CHAIR: Other questions. Rachel Payne.

Rachel PAYNE: Thank you so much for coming and presenting before us today. I just want to pick up on a couple of points that you have made reference to. I have gone back through your submission that was provided to us that was part of the IBAC submission process. So, on SOFVU, just so I have my understanding, if an incident happens in metro Melbourne, it is investigated by SOFVU; if it is regional, it is not?

Jana KATERINSKAJA: No.

Rachel PAYNE: Okay.

Jana KATERINSKAJA: Do you want to go to the thresholds? We can tag-team it.

Lauren CAULFIELD: Yes. It sort of feeds into Jana's previous answer, but as it stands at the moment, how it operates is that the Sexual Offences and Family Violence Unit that was established applies an assessment to the family violence, and effectively they are triaging it. And they say if it hits a particular risk threshold, then it will be retained by SOFVU and investigated, and if it falls short of that threshold, then it will not be held or investigated by SOFVU. And our position, given the power differentials that police officers hold – given their specialist knowledge of the family violence service system, their training, their access to weapons, those power differentials and how they translate in the use of power and control and the risk level in family violence – is there is no such thing as low-risk police-perpetrated family violence.

Rachel PAYNE: Yes. Okay. That makes sense.

Jana KATERINSKAJA: But I think where the confusion may be arising is when we have previously spoken we have talked about these thresholds, and we have said even when the thresholds are hit, in rural areas they are not always getting dealt with by SOFVU, they are getting overseen by SOFVU, and that is really problematic. We have got examples where we have had people under the MARAM [Family Violence Multi-Agency Risk Assessment and Management Framework], the risk assessment used by the whole family violence sector, and the victim would be high risk but SOFVU is saying, 'Oh no, they're not high risk, because that rape happened last year; it wasn't in recent history,' or 'That serious assault didn't happen this calendar year. What's happened recently is a breach, therefore it's low risk, so we're sending it out to the regions,' when we are clearly dealing with a very violent and dangerous perpetrator. It does not matter

when he did these things to her, the fact is that he did these things to her. And that is a problem. So, people withdraw their complaints or they do not report the really big stuff because they have lost trust in the system.

Rachel PAYNE: And in your experiences with the victims that you provide support to, do you see a real disparity in support based on where they are triaged to?

Jana KATERINSKAJA: Yes. If you go to SOFVU – I do have victim-survivors in my network who have had a good experience with SOFVU – SOFVU provides you with a witness support officer, who is a police officer themselves, but they advocate for you. So, if you have an informant who is a bit misogynistic or has a bit of compassion fatigue, which people do get when they have been in these roles for too long, that witness support person will advocate for you. If you are not getting treated well, they will get in the way and they will really go in to fight. I have seen examples of that, and it is to be applauded. You do not get that if you are not being dealt with by SOFVU; you are on your own. We pushed really hard, to give credit to Victoria Police, when we co-designed the SOFVU options guide for victims with them to have, up-front, the number of SOFVU so if you are getting regionally delegated, you can call in and ask for intervention. But it does not always work.

Rachel PAYNE: Okay. Right. Thank you.

The CHAIR: Thank you. Let us go to Belinda Wilson.

Belinda WILSON: Thank you. Thank you for being here today. I just want to say on behalf of myself – and I know I do speak for others, but I will let everyone speak for themselves – how touched we were when you came and spoke to us last time. It was quite confronting and made us all walk away and think about what we need to do better. So, I applaud you for your advocacy and what you stand for.

My question is that since meeting and having a discussion with you I have been doing a bit of exploring, and I guess I would like to know what you think the current Government are doing well and what we can do better. This is not from a regional perspective but from the perspective of LGAs [Local Government Areas] – I am in the South East. But the police do have their region-specific family violence people or inspectors for each region that are training and going into each station, and they are also doing quite extensive work from a cadet perspective in terms of a number of weeks training, which I have been told is a lot more extensive than any other State in the country. I mean, it is obviously still not enough, but I am interested to know your thoughts on that and what you think we are doing well and what we can change.

Jana KATERINSKAJA: So, this is about family violence generally, rather than police-perpetrated family violence?

Belinda WILSON: Yes, but I guess we have got to get in there and start training from, you know –

Jana KATERINSKAJA: I have seen the training that is done for cadets, and it is very good; it is very comprehensive, and the scenarios are really realistic. They probably need a refresh presently, but they are refreshed and they are made contemporaneous and cover off all of the intersectionalities that police officers will deal with, including scenarios like having a crying baby thrown at you, because they have got a fake baby they use in the training. Hats off to them for doing good training. I think where we see issues is when that station culture overrides the training, and some of those views that exist in the community also exist in the police force. But I think the training is done well, and the concepts behind the way Victoria has remodelled the family violence system are good. I think on the ground the way in which some of these things are working in practice has some issues, so it is patchy – you know, the Orange Doors are great, but we do not always see them operating the way they should. But I think everyone knows Victoria has led all of the other states in family violence reform. I am also really risk averse about diving into politics because we need buy-in from everybody.

Belinda WILSON: No, no, no, it is not a political question; it is really more about what is working and what is not. I guess from my perspective, I want to know also what is not working, but covering both those areas.

Jana KATERINSKAJA: It brings out the same themes as what we see in the Victorian Inspectorate report, and what I started off with in my opening statement, in that you have great policy; it is the operational practice, and there is a gap between the two, and that is what we need to bridge both in how family violence is handled but also how police-perpetrated family violence is handled. That stuff is really hard to do, because if you are

going in and doing a desktop audit, it looks like all ticks, but it is not—you have got to go and push into the substantive stuff. That is where we see the breakdowns, and a lot of that is the people-centric stuff and the cultural stuff.

Lauren CAULFIELD: If it is okay to jump in from a data perspective to that question, I think that there has been a really important pivot by [the] Government to acknowledging that there is victim-survivor data when it comes to family violence but that there is a real lack in perpetrator data. So, submissions that were called for by the Government about what are the gaps and what we know about who is perpetrating family violence, that is an answer to what is being done well; what could be done better, from our perspective, is really identifying police perpetrators as a very core cohort of that gap in perpetrator data. We know that at the moment Victoria Police are not publicly reporting on the data that they already have about police perpetration. We are interested absolutely in numbers, but we know that the data will underestimate the problem because of the risks and barriers for victim-survivors in reporting to police, but actually we really need to know what police already know, what the charge rates are, what the conviction rates are, what the outcomes are and how many matters are going to intervention order or to disciplinary proceedings to even start getting a picture of the scale of the harm and the typology of the way that that violence is perpetrated. So, I think that is also a very important part of it. That work has begun. It is an amazing opportunity to really home in on this very high-risk type of family violence.

Jana KATERINSKAJA: But we also have data issues at the broader community level too. For example, Victoria does not have stats on the types of family violence intervention order breaches, and we need that data. Getting a nasty text message is bad – I have had that – having them show up at your front door at night is very different, but both of them are breaches of an intervention order. We actually need to understand, if you are going to properly assess risk, what sorts of breaches are happening. You absolutely have to get that data, and we do not have that data.

Michelle REYNOLDS: Also, I think it goes to some of the outcomes data; that is important as well. We have got IBAC being more thorough, trying to do these focused complaints, but we do not know what sorts of outcomes they are getting from the complaints; they are mainly just measuring numbers of how many they are dealing with. Also, it is worth pointing out that the one bit of data that we do have about police perception of family violence being perpetrated by police officers actually shows that it is a significant problem – 8 per cent of Victorian police have observed family violence being perpetrated by a police officer, and a further 18 per cent suspected a police officer was perpetrating family violence. So those are big numbers.

Jana KATERINSKAJA: But they are not then tracked through in the complaints you see with IBAC. What we see in all of our networks is that victim-survivors will complain and then withdraw their complaint, or they will go to IBAC and IBAC goes, ‘Well, it’s going to go through’, and so they pull their complaint out. So that comes up as a withdrawal stat, and you do not know that that is a police-perpetrated case, right?

Belinda WILSON: And how many people would you have as part of your group, roughly?

Jana KATERINSKAJA: It fluctuates wildly, and, also, when you say, ‘part of the group’, we have people who – our group is in the hundreds, and Lily has got a big group as well, and we are all part of a bigger network. But in terms of active cases, we might have 30 at a time; sometimes we might have five. It really fluctuates all over the place.

Lauren CAULFIELD: And we spoke about that because we wondered if we would be asked about numbers – sometimes we are – and it is such a variation, the types of contacts. Sometimes people contact [us] because we provide wraparound legal support and specialist family violence support. Sometimes people are wanting all of that support. We also receive contact from people that is anonymous. Sometimes people will email us and then they will delete an account. So that sense of it being the tip of the iceberg is probably the best way that I think we can really convey some of the scale.

Jana KATERINSKAJA: And we have got an uptick at the moment because SOFVU appears to be going through and looking at old cases that were messed up. So, we are getting a lot of historic[al] contacts or people hearing of other people having historic[al] contact and then making contact themselves and wanting to understand how the system works and whether they should be making a complaint.

Lauren CAULFIELD: And, as it stands, trying to get that picture is mostly about freedom of information requests that either go in by survivors, by community groups or by journalists. It is a very lengthy, delayed process. Often it is a year to two years before there is information coming back from Victoria Police, so that sort of public reporting is really significant. We have spoken with family violence practitioners – we surveyed about 225 of them, and we are just in the final stages of writing up that data with RMIT [University]. If we can include that in the submission to you, we will, because it is absolutely giving an indication of prevalence from a family violence practitioner perspective.

Jana KATERINSKAJA: And the stats are more similar to the stats that Michelle mentioned. And we have also been involved, both of us, in codesigning resources for safety planning that do not involve police, which are used quite heavily by victims of police officers. So, we are really not seeing the full extent of the problem in all the stats.

Jade BENHAM: Just quickly – you have answered a lot of my questions – my first was: Is there such a thing as a low-risk offender? But I do want to get on the record thank you for your advocacy, and just for context, I am also a victim-survivor of family violence – not police-perpetrated – so I get it, and I thank you. When you referred to other people always coming up when reports like the Emma report comes out, it is really important work that you are doing, even for those of us that have historic[al] experience. But with regard to the FOI [Freedom of Information], and these stats are just crazy and they are not getting better, but getting some of these stats through FOI or being a victim-survivor and information – can you just give us an insight into what you have learned from that process or where we can improve?

Jana KATERINSKAJA: I have learned the true meaning of the word ‘obfuscation’. I think some of us have our FOI applications marked, because they seem to take 18 months, two years or longer to get through, whereas other people – and we have the same with the journalists we collaborate with. Hayley Gleeson has done a lot of work with FOI. Her FOI requests take far longer to get through than any other journalist.

Nimet GURLEYEN: All of my clients have at least a one-and-a-half to two-year wait time as well.

Jana KATERINSKAJA: Yes. It is really hard to get hold of your own records, and I have a track history of challenging them through OVIC [Office of the Victorian Information Commissioner] and otherwise. I have also sued the State successfully in my case, and when you see what has been discovered compared with what you got on FOI, and you look at the redactions in that, that redaction is not valid. That was a very prevalent theme, and I have seen it with others too. When I have challenged redactions, the redactions are not valid, and they are redactions made to obfuscate misconduct.

Jade BENHAM: Yes, and you would understand that, being in the field that you are in, but people like me or everyday people would not understand that those redactions are not valid.

Jana KATERINSKAJA: Or that they can challenge them.

Jade BENHAM: Well, exactly, or that we can challenge them – so what do we do? Is there a silver bullet here with regard to getting that information quicker, streamlining it with less redactions, or at least knowing that the redactions can be challenged?

Jana KATERINSKAJA: I think there is reform required to the FOI Act, frankly. That is the first port of call.

Jade BENHAM: Well, yes. We agree.

Jana KATERINSKAJA: And the second port of call is – I do not know that you can require Victoria Police to provide statistics or provide records. Maybe you could also make changes to the *Privacy and Data Protection Act [2014 (Vic)]* to have some of these covered as privacy record requests, not FOI requests, because then it is harder to redact that information too. Making some changes to that statute might be an option as well. I have thought about this a lot, but I think it is all three options. A lot of the time, like with the stats that we are trying to get with Hayley, if VicPol [Victoria Police] was required to report them – and the fact is they know they have got a problem with police-perpetrated family violence. They have started the unit, so finish the job and be transparent on the stats, because if it is improving, we will see the good story.

Jade BENHAM: And they get adequate funding to do the job that they have been tasked to do.

Jana KATERINSKAJA: Yes.

Michelle REYNOLDS: And also look at how many people are employed in the freedom of information department at VicPol versus other departments –

Jana KATERINSKAJA: Compared to SOFVU – it is bigger than SOFVU.

Michelle REYNOLDS: Yes.

Jade BENHAM: Do you think it is a cultural problem, as far as FOI within VicPol goes?

Jana KATERINSKAJA: Yes, it is a game, and I know members who have described it as a game.

Nimet GURLEYEN: If I can throw in an example, I have had people denied their police statements – victim statements – that they have made, with police saying, ‘Use the FOI system. You can get it through that.’ They are saying, ‘We need it for our victims of crime application’ or ‘We need it for whichever application’ – but of course it is a year and a half to two years to get anything, and they know that.

Jana KATERINSKAJA: And in my stuff they redacted out my children’s names and they redacted out information I provided about my perpetrator, and emails that I had provided had redactions in them.

Lauren CAULFIELD: I think that the obfuscation is very key, because we are left with the situation where it is victim-survivors fighting for access to the data about what police already know about family violence perpetration, and there is a history of that problem in Victoria. We have had Family Violence Command speaking publicly and talking about holding their officers to a higher level of account when documents obtained under FOI indicate that actually they absolutely know that they have a problem with policing their own differently. So, in terms of these core themes in the VI report that relate to IBAC’s handling, there are parallel issues across the organisations in terms of transparency. If we are bringing it back to the VI report, that is what is really crucial: Is it a practice that is going to change and interrupt that process of obfuscation or is it going to compound harm?

Jana KATERINSKAJA: I can highlight the privacy versus FOI issue with the VI report too. There was an issue here with section 227 being breached with the unlawful disclosure of the safety and escape plan to the perpetrator and his colleagues. Now, the FOI for that took a long time to come through, but we had confirmation that there had been a breach because I went to OVIC. I complained to OVIC and called it a privacy breach and managed to get hold of the information that way. Now, IBAC still messed up the oversight, so we were still outside of the time to charge anyone and no officer got charged. But I had the information within the statutory timeframe. If I relied on FOI, I would have been 18 months out of the time.

Jade BENHAM: And, again, you know that you can do that, but –

Jana KATERINSKAJA: Because I know the system because I am a lawyer. That is the thing: this only got this far because of what I do for a job, and it should not be like that. If it is hard for someone who is dripping in privilege like me, how hard is it for some woman out the back of Wangaratta?

Lauren CAULFIELD: This is what we have been talking about: it is not an exception. It is an exception that this matter has got all the way through to a VI report, but in terms of the fact similarities and the issue similarities, actually it is a window into systemic issues.

Jana KATERINSKAJA: Yes, it is representative.

The CHAIR: I am just conscious of the time. Questions?

Ryan BATCHELOR: Yes.

The CHAIR: Can I just ask for questions and answers to be a little bit time-conscious from now on.

Ryan BATCHELOR: Thanks, Tim. The VI report was particularly devastating. I mean, it was very confronting to read. Thank you so much for coming today and making the comments that you have. We talked to the Inspector just earlier about systems and processes, but a lot of this also relates to practice and how these

matters are handled by IBAC. I am wondering if you have got any reflections on the way you think that the way these types of investigations are handled by IBAC could be improved, could be more trauma-informed or could be more aware of risk and safety in the way they go about doing what they do?

Jana KATERINSKAJA: I would say saying ‘more trauma-informed’ implies that they are trauma-informed at all, and they are not. The policies have improved, but the practice has not markedly improved at all. They need a better understanding of family violence, and the eLearn that they have deployed clearly is not working. They need to understand family violence risk, and, as Lauren said, there is no safe level of family violence perpetration by a police member. So, I think we need more than the policy; we need an assurance step in there, whether that is done by the VI or self-assessed. They do not have the step of assurance.

Ryan BATCHELOR: And what progress do you think IBAC has made? It has been two years since the VI report was released – I mean, two years last month. How much progress do you think IBAC has made implementing change in response to the VI’s report?

Jana KATERINSKAJA: Well, if I go through the VI letter that I have provided all of you, I do not think they have acquitted Recommendation 1 operationally. We are not seeing that. Yes, they are doing the checklist, but they are always saying that Victoria Police is the appropriate place to investigate these cases. And they are saying that family violence cases are too complex, so they are still getting referred off. They are just documenting why they are referring them, but they are not taking them on. They are not considering human rights. They do not understand the risks to the complainant because they do not understand family violence. So, Recommendation 1 is not done in practice.

Recommendation 2 – yes, they have got the policies, but again this is one where they are not acquitting it in practice. They are not understanding the conflicts of interests that arise, and so we are still having plenty of conflict-of-interest cases, particularly with the regionally delegated models.

Recommendation 3 – in terms of the policies and practice and whether they withdraw matters and bring them back in house, we have not seen too much evidence of that ever happening.

Recommendation 4 they have done. They have definitely done that one, and they are referring stuff off to the VI now. And, in terms of the comments that Mr Moran made at the end about training on family violence awareness and trauma-informed practice, we have seen no evidence at all of that happening, and they are still not communicating with people who have complaints about the progress of their complaints.

And Complaint 2 in this special report – we still do not have the outcome and have not had any updates.

Ryan BATCHELOR: Complaint 2 in the special report –

Jana KATERINSKAJA: Complaint 2 in the special report.

Ryan BATCHELOR: Two years later, no outcome and no updates.

Jana KATERINSKAJA: It is now a five-year-old complaint, and they have had it under review for more than two years with zero updates. So, I think that tells you everything.

Ryan BATCHELOR: It does. Thanks so much.

The CHAIR: Let us go to Paul Mercurio.

Paul MERCURIO: You mentioned, when you were talking to Belinda, about IBAC having a people or a cultural problem. How do you fix that? How would you fix it? I mean, what needs to be done? What does IBAC need to change to fix a cultural issue or a cultural problem in-house?

Jana KATERINSKAJA: I think that they need to do a complete remodelling of the way in which they work and there needs to be not necessarily an Executive refresh but a flattening of their structure. It is very hierarchical. It operates similarly to Victoria Police, where, if people have concerns, they cannot escalate them, they are not heard and it is not a safe-to-speak-up culture. So, once you have that safe-to-speak-up culture and a flatter structure, fewer silos, I think you can improve the culture.

Michelle REYNOLDS: Is it also worth pointing out that it is established primarily as an anti-corruption commission, and that is a different function, really, than when we are talking about family violence and police oversight and police misconduct? And sometimes it can work in tandem, but often the culture of secrecy that is needed for when we are investigating public sector complaints is different to the culture that you need if you are going to be a trauma-informed and victim-centric complaints body. It is really a different function, and we see this with the PICs and the PIDs, the public interest disclosures and the public interest complaints, and how people that come forward with a complaint can feel very silenced by the regime that is meant to be set up to protect their privacy. It does not feel like that. I do not know if you want to elaborate further on that.

Jana KATERINSKAJA: Yes, we find a lot of people want to withdraw their complaints when they get the PIC letter. It is quite intimidating. And that is another example of IBAC just not being trauma-informed and not sitting in the shoes of complainants.

Paul MERCURIO: Do we need a new body?

Jana KATERINSKAJA: I have a view, which I have expressed publicly, that I think the better place, if you are not going to have a police ombudsman, is to put police complaints oversight with the Victorian Ombudsman, because they are set up to do better support. They are set up to do investigations. They are not a corruption body, and they are the better place for it to be, and they communicate much better with complainants.

Paul MERCURIO: That is a good point.

The CHAIR: I am conscious of the time. I am willing to entertain any last-minute questions. Otherwise, it falls to me to thank everybody for coming along and making your statements and answering our questions in such detail. I know it is a big effort to come along to a public hearing like this, and the whole committee really appreciates it. Thank you all for coming.

I declare the public hearing closed.

Committee adjourned.