

# CORRECTED VERSION

## INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION COMMITTEE

### Ongoing work of the Independent Broad-based Anti-corruption Commission

Melbourne — 9 December 2013

#### Members

Ms J. Hennessy

Mr A. McIntosh

Mr C. Newton-Brown

Mr M. Viney

Mr P. Weller

Chair: Mr C. Newton-Brown

Deputy Chair: Ms J. Hennessy

#### Staff

Executive Officer: Dr V. Koops

Research Officer: Mr S. Kennedy

#### Witnesses

Mr S. O'Bryan, SC, Commissioner, and

Mr A. Maclean, Chief Executive Officer, Independent Broad-based Anti-corruption Commission.

**The CHAIR** — I welcome everybody to the first of the Independent Broad-based Anti-corruption Commission Committee's public hearings. Matt Viney, a committee member and a member for Eastern Victoria Region in the Council, is an apology today. This committee is an all-party parliamentary committee and is hearing evidence during its public hearings today. In accordance with the guidelines for public hearings I remind members of the public gallery that they cannot participate in any way in the committee's proceedings. Only officers of the committee secretariat are to approach committee members. IBAC officers, as requested by the Commissioner, may approach the table during the hearing to provide information to the Commissioner by leave of me as chair. Written communication to witnesses can only be provided by officers of the committee secretariat.

Members of the media are also requested to observe the guidelines for filming or recording proceedings in the Legislative Council Committee Room, and no more than two TV cameras are allowed at any one time in the allocated spaces. I remind TV camera operators to remain focused on only the person speaking and that panning of the public gallery, committee members and witnesses is strictly prohibited. Filming and recording must cease at the completion of this hearing. There will be a short break between this hearing and the commencement of the next hearing, which is in relation to the Victorian Inspectorate.

The parliamentary oversight committee does not have the power to inquire as to specific investigations, so I would ask committee members to bear this in mind when framing questions. Each member will be permitted to ask questions in turn, with the member for Altona asking a question on behalf of the member for Eastern Victoria Region. Each member will be able to ask one supplementary question following the Commissioner's answer. No questions on notice have been provided to the Commissioner. Should the Commissioner be unable to fully answer any question, he may seek leave to provide a written response to the committee at a later date should he so desire.

This public hearing is the first of what will be regular public hearings to scrutinise the work of IBAC. The committee firmly believes that public scrutiny is essential to the workings of IBAC and, contrary to media reports, this hearing has not been convened for any particular purpose other than this committee discharging its oversight responsibilities.

To the Commissioner I say welcome to the first public hearing of the IBAC Committee. All evidence taken at this hearing is protected by parliamentary privilege as provided by the *Constitution Act 1975* and further subject to the provisions of the *Parliamentary Committees Act 2003*, the *Defamation Act 2005* and, where applicable, the provisions of reciprocal legislation in other Australian states and territories. All evidence taken at this hearing is protected by parliamentary privilege. Comments you make outside the hearing are not afforded such privilege. I ask you to state your full name, the organisation you represent and the position you hold in the organisation.

**Mr O'BRYAN** — My full name is Stephen Guy O'Bryan. I am the Commissioner of IBAC.

**The CHAIR** — All evidence given today will be recorded. Witnesses will be provided with proof versions of the transcript for fact verification by the end of next week. Verified transcripts will be placed on the committee's website in early January. I ask that all mobile phones be turned off or turned to silent. I now call on the Commissioner to give a brief presentation of no more than 10 minutes, which will be followed by questions.

**Mr O'BRYAN** — Thank you, Chair, for the opportunity to address the committee this morning. I am here with IBAC's CEO, Alistair Maclean. I intend to provide a brief overview of IBAC's activities since it became fully operational in February this year. As you would expect, a key priority has been the establishment of IBAC, which has entailed putting in place a strong executive leadership team, management capacity and technical expertise and a sound organisational structure, systems and policies. Establishing IBAC has been a unique combination of both start-up and change management, particularly in transitioning people and other resources from the former OPI. Our efforts internally have been directed at recruiting the right people, getting the culture and tone right and melding a range of functions and disciplines involving investigations, intelligence, legal, technical and strategic into a cohesive whole.

Although it is still early days for IBAC, we have already dealt with a significant number of direct complaints as well as notifications from other bodies across the public sector. We also have a number of investigations currently underway. In November the *Special Report Concerning Certain Operations in 2013* was tabled in the

Victorian Parliament, outlining some of the substantive work of IBAC, including some early operational activities and closing out some of the sensitive and complex matters taken over from OPI. I will briefly elaborate on those matters and others, including the importance of our collaboration with key partners, both within Victoria and interstate, our prevention and education activities and the IBAC legislation.

Firstly, though, I would like to reiterate a point made in the special report — namely, that patience is required to see the potential of IBAC fulfilled. We know from the experience of other interstate agencies that it takes time for a new organisation such as IBAC to be established and to be fully and cohesively embedded in Victoria's integrity system. Although, as I will detail shortly, we are keen to learn from the experience of our sister agencies interstate, it is not reasonable to compare our operation at this stage with the ones that have been in existence for up to decades.

As you will be aware, performance data included in our annual report includes the numbers of assessable disclosures, complaints and notifications made to IBAC as well as assessable disclosures referred to IBAC. I am advised that to date IBAC has received more than 1600 matters, which include direct complaints, notifications of suspected corrupt conduct by other agencies and references of assessable disclosures by the Chief Commissioner of Police and other entities under the *Protected Disclosure Act*.

As I said in my introduction, we have a number of investigations currently underway which cover the Victorian public sector, local government and police. They also cover the different levels within those organisations. As we highlighted in our recent special report, investigations underway in our public sector jurisdiction include allegations of personnel improperly supplying confidential information to criminal organisations, fraud, theft and bribery. Investigations in our broad police misconduct jurisdiction include allegations of serious assault, improperly or unlawfully supplying information to criminals, rorting in relation to property, systemic duty failures and unauthorised or inappropriate access to police databases.

I would like to emphasise that, like other anti-corruption agencies across Australia, IBAC will only investigate a small percentage of complaints it receives. IBAC's expertise and resources are focused on investigating the most serious matters that come to its attention, which is consistent with IBAC's role as Victoria's central integrity agency, as well as the approach of our interstate counterparts. It is important to understand that investigations are but one of various measures of IBAC's performance in that IBAC also has important statutory education and prevention functions for the purpose of identifying and exposing serious corrupt conduct and police personnel misconduct. These functions are an important element of our public role and presence.

Regarding education and prevention, that work aims to raise awareness of corruption and its consequences; foster a climate of intolerance for corruption, both within the Victorian public sector and the broader Victorian community; and help public sector agencies to improve their systems and processes for preventing corrupt conduct. In the approximately 10 months since becoming fully operational, we have undertaken a considerable amount of work in this area. For example, we have provided training for more than 2200 people, including protected disclosure coordinators, probationary constables and other Victoria Police members, legal advisers, government agencies and community groups.

We have commissioned the Australian National University to research the risks of corruption within the Victorian public sector, and we have subsequently published foundation research on perceptions of corruption in the community and amongst senior public servants. We have published a fraud prevention and corruption checklist, and we have co-hosted a corruption symposium with the Victorian branch of the Institute of Public Administration Australia, which was attended by more than 200 public servants.

Current education and prevention work in progress includes working on a project with local government, looking at corruption risks and how they might be addressed; undertaking a first strategic assessment of corruption risks across the public sector, which will help drive our annual planning process; and conducting a survey of government departments and public sector entities to identify the policies, procedures and frameworks they have in place to minimise corruption risks.

I have just two topics to cover briefly, if I may. One is the collaborative work we have done with partners. IBAC is committed in this regard to working with other integrity agencies, both within Victoria and interstate, to foster collaboration, share information, agree on joint work when appropriate and importantly draw on the advice and expertise of more established agencies. We meet regularly with senior officers of integrity agencies,

with meetings providing the opportunity to raise and resolve issues efficiently and effectively, and there is also work occurring through a number of subgroups between our various bodies.

We have facilitated the establishment of the prevention and education advisory group, which consists of directors of IBAC, the Victorian Ombudsman, the Auditor-General, the Local Government Inspectorate and the State Services Authority, a group which is focused on information sharing and coordination around prevention and education activities across the Victorian integrity system. We have also established a protected disclosure liaison group, which provides a forum for key agencies involved in the protected disclosure regime to discuss issues of mutual interest and concern around the important functions under the *Protected Disclosure Act*.

Turning to our legislation and then with a brief conclusion, there has been considerable public comment in Victoria about the IBAC legislation. Specific issues raised include the absence of a definition of ‘serious corruption’ in the IBAC statute; the requirement to identify an indictable offence to be able to investigate alleged corruption; the referral powers of the presiding officers of Parliament where allegations are made concerning members of Parliament; the potential complexity of referrals and delegations within and between integrity agencies; and the high threshold for conducting public hearings. There have also been numerous comments and criticisms made of the supposed impact of the legislation on the jurisdiction, powers and functions of other integrity agencies. Like any statute, the IBAC legislation will no doubt be tested over time, both in terms of practice and, appropriately, through eventual parliamentary, judicial or other review.

Our intent is to develop a body of work that contributes to an informed discussion of the merits or otherwise of the system, including any proposed legislative amendments. As indicated in the recent special report, IBAC intends to present a further special report on the operations of IBAC in the first quarter of next year reflecting on our performance in the first 12 months of operation. The report is intended also to cover the application of key aspects of our legislation to the work we have been doing.

Finally, in conclusion the first 10 months of IBAC’s full operation have been challenging, as you would expect for any new organisation. However, we have been getting on with the implementation and carrying out of our functions as we interpret the legislation to require. We now have a solid foundation in place with a strong leadership team underpinned by highly skilled, energetic and committed staff. I look forward to continuing to work towards building one of Australia’s leading integrity agencies. Thank you for the opportunity to address you.

**The CHAIR** — Thank you, Commissioner. I will start with the first question. You noted in the conclusion to your report that IBAC has to fulfil its obligation to act as a clearing house and coordinating body for managing complaints and allegations — this is at page 21 of your report. Could you explain practically how IBAC performs these roles?

**Mr O’BRYAN** — Yes. We obtain, essentially, notifications from other agencies of two kinds. The first kind are what we refer to as corrupt conduct notifications, which can come from any government department or statutory authority and have to come — in the sense that it is compulsory — from some organisations, such as the Ombudsman and the Auditor-General. The second form of notification we receive, which is relevant to our clearing house role, is in the area of possible protected disclosures. Thirdly, of course we also receive direct complaints, and we assess all of those through, initially, a case officer, who will do an initial assessment and who will refer it to an assessment committee. That committee will then make recommendations to a high-level committee at IBAC, which I chair.

We will often follow the recommendations — sometimes we do not — at the high-level committee. Our function as we see it under the Act is to decide, firstly, what matters are worthy of investigation, and second, whether it is to be by IBAC or by another body. If it involves a likely protected disclosure, we will assess it and make a decision as to whether or not the protections apply. We will then decide if it is a matter to be investigated, and as I say, who will do it. We will refer it to the appropriate body. As the committee is aware, if a matter is assessed as a protected disclosure, there is only a limited number of bodies to whom we can refer it — namely the Police, the Ombudsman or the Victorian Inspectorate.

If it is not so assessed, we have much greater scope and latitude as to where to refer the matter. Often it might be referred back to the agency or to the head of the agency from where it came, or sometimes to another body — for example, the Local Government Inspectorate if it involves a local government matter. Otherwise we will

take on for investigation, as I said, the most serious matters come to our attention, provided the various prescriptive features in the Act that relate to our investigations are thought not to apply in terms of saying we cannot do it. Otherwise, under the Act, matters that are not to be investigated by anybody fall to be dismissed. Normally we do not see ourselves as dismissing them; we see the Act as operating so that they are dismissed by the operation of the Act.

**The CHAIR** — Are you satisfied that the less serious allegations of corruption that get referred in the manner you have just detailed do not fall through the cracks?

**Mr O'BRYAN** — Less serious matters are being referred, whether it is to the Ombudsman or to other bodies.

**Ms HENNESSY** — Mr O'Bryan, you mentioned that you have received 1600 complaints. Could you advise the committee how many of those you are actively investigating?

**Mr O'BRYAN** — At the moment we have, I think, about 15 to 18 matters that we are investigating.

**Ms HENNESSY** — Just to follow up on that, as you alluded to in your response to the Chair in respect of referrals of matters back to the Ombudsman or the Auditor-General, their frustrations with the regime are no secret. Have you had discussions with the Auditor-General and/or the Ombudsman in respect of their concerns about the current integrity framework?

**Mr O'BRYAN** — I meet regularly with them. Generally I have a monthly meeting with the Ombudsman, and every third month I meet with the Auditor-General. We discuss a wide range of issues. I think those discussions were had early on. What we are all trying to do now is work together in a practical way to make the system work.

**Mr WELLER** — The annual report notes that all public bodies will be required to establish and publish procedures about protecting people from reprisals by 10 August 2013. Have all public bodies complied with this requirement, and what process does IBAC have in place to review the procedures of public bodies?

**Mr O'BRYAN** — My understanding is that we have been in close contact with all public bodies and that some have not, and we have logged that. We are in discussions with the ones that have not, and we are trying to assist them to do that by the end of this year. But my understanding is that most have.

**Mr WELLER** — By the end of this calendar year?

**Mr O'BRYAN** — Yes. I could send through more detail on that if required.

**Mr WELLER** — That would be good.

**Mr O'BRYAN** — We will note that.

**Ms HENNESSY** — Mr O'Bryan, in respect of your special report at page 9 you foreshadow the intention of IBAC to review the outcome of Taskforce Keel and its separate investigation into an allegation that came to light through Taskforce Keel. Just for the sake of clarity, Taskforce Keel relates to the investigation of allegations of material leaked by Victoria Police to outlaw organised motorcycle gangs. Is it your intention to make the outcome of your review public?

**Mr O'BRYAN** — I think it is fair to say that it is too early to say that, because firstly we need to see Taskforce Keel concluded by the Police, and I would see us doing the review, if it is concluded in the not-too-distant future, into next year, and a decision will be made at some stage, probably during the review process, whether or not it is a matter that ought to be made public — namely, the outcome of the review. Generally that is our approach to all matters; in other words, we will wait until we are well down the track of either an investigation or a review before we decide whether it is appropriate to make the matter public and the degree to which we release details. But there is every chance it will be. I am just saying we have not yet made that decision. I think it is premature at the moment.

**Ms HENNESSY** — By way of supplementary, what is the status of the ongoing investigation of the Ombudsman's report to IBAC concerning the OPI's investigation of Sir Ken Jones, which is referenced on pages 18 and 19 of your report?

**Mr O'BRYAN** — I had hoped we could have had that out before Christmas. I am informed by Mr Kellam that because things have come up interstate, where he also works, he may be pressed to have it finished by Christmas. I am confident, though, that we can have it released before the end of January, and that is what we are working towards. That will be in the form of a special report to Parliament.

**Ms HENNESSY** — So it will be a public report?

**Mr O'BRYAN** — It will be a public report. My intention is that we will not do what is often done — an executive summary of Mr Kellam's work, which was done in the matter concerning Messrs Ashby and Mullett. My intention is that the public report will be Mr Kellam's own report.

**Mr McINTOSH** — On page 10 of your special report, you suggested that the government should not normally publicise the provision of information to IBAC. You made a suggestion that that should also bind the heads of government agencies. Given the fact that members of the public and the opposition are also able to make complaints to IBAC, is it your suggestion that there needs to be some sort of protocol that binds government, opposition, heads of government departments or indeed members of the public, or should that be done legislatively, do you think?

**Mr O'BRYAN** — The words were chosen carefully. I think the words are 'should not normally'. I accept that there may be exceptions going forward as to when that might be appropriate. I think some interstate counterparts have an understanding where there will be an initial dialogue with government if the government wants to make it public, as to the appropriateness of that, having regard to the risk of compromising any investigation. The other point I made in the special report was in regard to the risk of damaging reputations prematurely or unnecessarily of persons of interest in relation to information provided to IBAC. I would be very happy to have a discussion at an appropriate level of government about that kind of protocol or understanding, and that could include what the exceptions might be in a general sense.

**Mr McINTOSH** — To follow up, the following pages talk about Minister Guy. Isn't that a similar example of where the opposition was involved in publicising something that had been referred to IBAC?

**Mr O'BRYAN** — I appreciate that there are no restrictions on persons who are not government. However, I am only directing my comments to government, and they are my present views. I am open minded in these things. That is my view. If an appropriate level of government wants to try to persuade me otherwise, so be it, but at the moment I am not persuaded otherwise.

**The CHAIR** — Commissioner, why did you choose to commence an own-motion investigation into deaths or serious injury associated with police contact, and do you anticipate regularly doing own-motion investigations?

**Mr O'BRYAN** — To answer the second question first, if I may, I see IBAC in its early years as being largely complaint driven, which I understand is the experience of our interstate counterparts. Over time, as we build up a body of relevant intelligence, we may become more intelligence driven, which will lead into more own motions. In our early days — in fact, probably our early years — own motions will be a rarer thing.

Regarding the police contact serious injuries or deaths that you raised, we started that as a follow-on from OPI doing the very same thing. It is something that our counterparts do, not just in Australia but internationally, and in particular the English police oversight body, the acronym of which is IPCC. In fact, it began its existence in this very space of deaths or serious injuries following police contact and of the need for an oversight body to come into existence to be across that space very closely. I think for any police oversight body it is a very important part of our functions, and I see that continuing indefinitely.

**The CHAIR** — In general in relation to own-motion investigations, do you anticipate that such investigations will always be the subject of a report, or could you foreseeably instigate own-motion investigations that are never reported on?

**Mr O'BRYAN** — Are we still talking about the deaths or serious injuries following police contact?

**The CHAIR** — No, just in general.

**Mr O'BRYAN** — Generally speaking, no, I think it will have to be decided on a case-by-case basis. To the extent that an investigation ends up going nowhere, I would imagine that there will often be occasions when there is no need to publicly report on that. We will just have to wait and see. If they are matters of great significance, if they attract a lot of media coverage, for example, or if people's reputations are at risk if there is not some sort of conclusion or finality expressed by IBAC about the matter, then in those circumstances I would imagine we would feel compelled to publicly report about them, albeit briefly, depending on the situation. No hard and fast rules, I suppose, is what I am saying.

**Ms HENNESSY** — Mr O'Bryan, I refer you to pages 16 and 17 of your special report, regarding the investigation concerning the complaint against OPI and Victoria Police by Noel Ashby and Paul Mullett, and to pages 18 and 19 in relation to the matter of the Ombudsman's report to IBAC concerning OPI's investigation into Ken Jones, and to the fact that in both of these instances power has been delegated to Mr Kellam to conduct an investigation or review. Could you advise the committee why Mr Kellam was appointed?

**Mr O'BRYAN** — It was considered fair to the complainants from a perception point of view that someone independent deal with the matters, due to me heading up an organisation that includes some former OPI staff, some of whom had involvement in both of those matters and were therefore potentially the subjects of some of the complaints to IBAC.

**Ms HENNESSY** — How many former OPI staff are currently employed or engaged by IBAC?

**Mr O'BRYAN** — I think it is somewhere in the order of about 70.

**Mr MACLEAN** — Sixty to 70. We can confirm that.

**Ms HENNESSY** — What is your total workforce?

**Mr O'BRYAN** — One hundred and thirty-four, as at last Friday.

**Mr WELLER** — Your November 2013 report to Parliament did not detail the performance of IBAC in its prevention and education roles. You have foreshadowed a further report on these matters. Could you update the committee briefly on these matters now?

**Mr O'BRYAN** — I can, and I think we said in the report that the intention is to do that in the February report. Late February we are planning to put out a special report with three parts to it: as I have already said, a discussion about the legislation and how we are finding it; prevention and education will be the second part, and an update on that; and thirdly, a possible update on some of our more important investigations to the extent we feel we can do that. We see our corruption prevention and education research activities as equally important functions to our investigation functions, being work that will help raise awareness of corruption and its consequences, as I said earlier, and foster a climate of intolerance for corruption.

Apart from what I said earlier today, we are running general education sessions introducing IBAC, which are open to people from right across the Victorian public sector. We are developing new education initiatives, including a fraud prevention forum for practitioners, to be delivered in February next year. We are finalising a guide to the Victorian integrity system to be used by public sector employees. We are developing information sheets on IBAC's work and integrity-related issues. We are working on a project with local government, looking at corruption risks and ways in which those risks can be addressed. We are completing a survey of government departments and public sector entities to identify the policies, procedures and frameworks they have in place to minimise corruption. We are undertaking our first strategic assessment of corruption risks across the Victorian public sector. We are liaising with Victoria Police to determine the status of outstanding recommendations made by the OPI. We are continuing to develop partnerships with Victorian and interstate partner integrity agencies at both executive and officer level to foster collaboration around matters of mutual interest and concern.

Can I say we are doing that not just by reaching out from our base in Melbourne. We have had staff go to a number of places at the extremities of Victoria to do this, and we will continue to do that. We are having, I am

told, appreciative comments made that public sector employees in some of those far-off regions were pleasantly surprised that they were seeing us so early in our existence.

**Mr MACLEAN** — For example, we have a local government project underway where we are working with six local councils, trying to take a survey of their integrity regimes, if you like — their codes of conduct, policies, procedures, practices. We have deliberately chosen councils that represent a spread of large, small, rural and metropolitan.

In that context, last week, for example, I travelled to Horsham and to Nhill. The council of Hindmarsh, based in Nhill, is one of those subject councils, and we will be working with them over the next three to four months. In Horsham I met with representatives of different agencies working at a regional level from Ballarat, from Stawell, from Horsham and from Mildura. They included bodies such as correctional facilities at Stawell and Ararat, the local Wimmera health service, the Department of Justice and Legal Aid. It is a way in which we are going out to regional Victoria as well as metropolitan Victoria, if you like, spreading our message.

The day after tomorrow we will be travelling to Bairnsdale to similarly engage with public servants in the local council of East Gippsland. In both Horsham and Bairnsdale we are also having a session with the regional police stations in both those cities. Again, I think an important part of our prevention and education function is to go out to the regions.

**Mr WELLER** — How do the local organisations find out about that? Are they advertised or do you contact them?

**Mr MACLEAN** — It is essentially us contacting them, although I think we are already seeing the fact that us being in Nhill to talk to Hindmarsh generated some conversation locally about what else we could be doing whilst we were in Horsham. We had a mixture of both us contacting people and people contacting us to see whether they could attend that session, so we had the CEOs of a couple of the other local councils based in western Victoria also attend that session. It is a mix of the two.

**Ms HENNESSY** — Mr O'Bryan, how many complaints have you received in total in respect of both the police misconduct and police general corruption jurisdictions, and how many of those have been referred back to or to Victoria Police?

**Mr O'BRYAN** — Deputy Chair, was the question both jurisdictions?

**Ms HENNESSY** — Yes.

**Mr O'BRYAN** — I think to date it is about 1250, both jurisdictions. As for how many of those have been referred back to Police, I am not sure that we have the precise statistics to hand. I think the numbers have continued to be that about 75 per cent of the complaints and notifications we receive are police jurisdiction related. A good number are referred back, but if you wish to have more precise figures, I would have to give those to you after this morning, which we could do later today, actually.

**Ms HENNESSY** — That would be appreciated.

**Mr MACLEAN** — The total number of assessable disclosures or complaints made to the end of September was 1240.

**Ms HENNESSY** — By way of supplementary, previously the OPI used to provide a review jurisdiction in respect of complaints that had been made to Victoria Police or ESD, now PSC. Where ESD was not able to resolve it either way, the OPI would review the matter and would advise the complainant and/or the relevant sworn police member either way, giving them certainty and closure on the matter. Presumably you, too, are exercising that jurisdiction, and I am interested in what kinds of numbers of matters that fall into that category you currently have at IBAC.

**Mr O'BRYAN** — We do do that. We make a decision at our high-level assessment group that I chair. When we refer matters back to the Police — back to PSC, which has replaced ESD — we make that decision based essentially on deciding whether or not the matter appears to be of the more serious kind but not so serious that we think we should be investigating it. I can get back to you with more precise figures. Generally speaking, I think about in something like a tenth of such matters we ask the Police to give us their full report on the matter,

whatever they have done, with a view to us reviewing it, and we tell the complainant that that is what we are doing.

**Ms HENNESSY** — The complainant or the affected member is advised?

**Mr O'BRYAN** — The complainant is advised not only that the matter has been referred back to PSC but that we intend to review it down the track, but of course we have to await the Police doing their work before we can embark on our review.

**Mr McINTOSH** — Commissioner, obviously education in the prevention of corruption is a vital part of your role. You have identified a number of educative programs that you have undertaken. Are there any other prevention steps you have taken outside just mere education of, I think, 1200 public servants attending various seminars? Are there any other prevention initiatives you have adopted?

**Mr O'BRYAN** — I think in what I have said both initially and in answer to the recent question on the topic I have fairly much exhausted the key things we have done in that space.

**Mr McINTOSH** — By way of supplementary, what sorts of programs are you doing in relation to prevention and education in the forthcoming months?

**Mr O'BRYAN** — I thought I had answered that in my response to the question from, I think, your colleague Mr Weller. I can go back over that if you want. Do you want me to?

**Mr McINTOSH** — That would be great.

**Mr O'BRYAN** — These are things we are doing currently as distinct from what we have already done. We are still running general education sessions introducing IBAC, which are open to people from across the Victorian public sector. We are still developing new education initiatives, including a fraud prevention forum for practitioners to be delivered in February next year. We are finalising a guide to the Victorian integrity system to be used by public sector employees. We are developing information sheets on IBAC's work and integrity-related issues. We are working on a project with local government, which Mr Maclean also gave more details about, looking at corruption risks and ways in which those risks can be addressed. We are completing a survey of government departments and public sector entities to identify the policies, procedures and frameworks they have in place to minimise corruption. We are undertaking our first strategic assessment of corruption risks across the Victorian public sector. We are liaising with Victoria Police to determine the status of outstanding recommendations made by the OPI. We are continuing to develop partnerships with Victorian and interstate partner integrity agencies at both executive and officer level to foster collaboration around matters of mutual interest and concern, but in particular in the prevention and education space.

**Mr MACLEAN** — I think it is fair to say also, Mr McIntosh, that the prevention effort, like investigations, will over time become proactive or case driven. As we gather intelligence and as the trend in case load develops, we might identify particular themes or departments or levels of public servant that will drive further prevention efforts down the track. But a lot of that will be iterative and over time, if you like, and the caseload will very much inform not just our standing own-motion investigation load but also our prevention efforts in two, three or five years from now, so it will be a balance of being complaints driven and also being more proactive intelligence caseload driven.

**The CHAIR** — Commissioner, in March this year you received notification via the Ombudsman of allegations of corrupt conduct by the Planning Minister made by the opposition in relation to his attendance at fundraising dinners. In your special report at page 12 you note that:

... there was not provided to the Ombudsman, nor IBAC subsequently, any evidence or information tending to show there was any sinister or unlawful connection between the Minister's attendance at the fundraising events and decisions he subsequently made or actions he took ...

The government has developed a fundraising code of conduct, which has not been endorsed by the opposition. Do you see any value — —

**Ms HENNESSY** — Honoured in the breach more than the observance.

**The CHAIR** — Do you see any value in the opposition endorsing a fundraising code of conduct in a bipartisan manner?

**Mr O'BRYAN** — I think all I can say at present is that, as stated in the special report, IBAC stands ready to work with both government and, if it wishes, opposition to develop ground rules on matters that confront members of Parliament, such as conflict of interest and dealing with lobbyists, to strengthen the integrity and transparency of the Victorian Parliament. Any work undertaken by IBAC in that regard would take into consideration developments in other jurisdictions.

**Ms HENNESSY** — Mr O'Bryan, on 27 October you made some comments in the *Sunday Herald Sun* in respect of the investigation regarding former Victoria Police commissioner Simon Overland and Ken Jones. You stated in that article:

I think it's important the air be cleared about it so that we can all move on.

Before you made those comments to the press did you advise anyone in government of your intention to do so?

**Mr O'BRYAN** — No, I did not.

**Ms HENNESSY** — When you said, 'So that we can all move on', who were you referring to?

**Mr O'BRYAN** — Me and my fellow Victorians.

**The CHAIR** — Thank you, Commissioner. This concludes the first session of the public hearing of the IBAC Committee. I thank you and the CEO for your attendance today. Where questions were taken on notice and where there are unanswered questions the committee will follow up with you in writing at a later date. The committee requests that written responses to any matters be provided within 21 days.

**Mr O'BRYAN** — Thank you very much.

**Witnesses withdrew.**