

**VICTORIAN
INSPECTORATE**

ANNUAL REPORT

2022-23

STRENGTHENING TRUST IN VICTORIA'S
INTEGRITY SYSTEM

Acknowledgement

The Victorian Inspectorate acknowledges Aboriginal and Torres Strait Islander people as the Traditional Custodians of the land on which we work and pays respect to their Elders, past and present.

Accessibility

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Declaration by responsible body

In accordance with the *Victorian Inspectorate Act 2011*, the *Financial Management Act 1994*, the *Public Interest Disclosures Act 2012* and the *Major Crime (Investigative Powers) Act 2004*, I am pleased to present the Victorian Inspectorate's annual report for the year ending 30 June 2023.



Cathy Cato

Acting Inspector

VICTORIAN INSPECTORATE

About the Victorian Inspectorate

Who we are

The Victorian Inspectorate was established under the *Victorian Inspectorate Act 2011* (VI Act) to provide oversight of a range of bodies and officers that exercise significant powers within the public sector. The powers that those bodies and officers have include powers to summons and examine witnesses or require the production of documents, to investigate and handle complaints about other public sector bodies and publicly report on their findings, to seek authorisation to exercise various intrusive investigatory powers and to enforce compliance with particular legislation. Our role is to provide the Parliament and the people of Victoria with independent assurance that these bodies act lawfully and properly in the performance of their functions. To carry out that role, Parliament has conferred significant powers on us. We are accountable to Parliament, mainly through its Integrity and Oversight Committee, for how we perform our functions and exercise our powers.

Victoria's integrity system

We treat the bodies we oversee as forming part of Victoria's integrity system. In performing our oversight role, and exercising significant powers for that purpose, we too are part of Victoria's integrity system and indeed play a leading role within it. The integrity system provides the checks and balances necessary to ensure accountability in a society governed by the rule of law.

What we do

Apart from the VI Act, we have responsibilities as an oversight agency under many other Acts. Under those Acts, we receive, assess and handle complaints, conduct investigations, monitor the exercise of significant powers and conduct inspections of records. Because of the secrecy provisions under which we operate, much of what we do is not visible to the general public. However, as well as an annual plan and an annual report each year, we do publish various reports including reports on the use of controlled operations and surveillance devices by other entities within the integrity system, reports on the exercise of counter-terrorism powers by Victoria Police, reports on any monitoring projects we carry out and occasional special reports on investigations or reviews that we conduct.

Our purpose

Through our compliance activities, we aim to strengthen Victoria's integrity system.

To build trust in our decisions, we provide written reasons for all complaint outcomes. We ensure anyone who may be affected adversely by a decision made by us on an investigation or inspection or monitoring project has an opportunity to comment before the decision is finalised.

Bodies who exercise coercive powers (that is, powers to compel persons to answer questions or produce documents or to keep particular matters confidential) are required by law to notify us when they use those powers. It is by reviewing these notifications that we can (without having received a complaint) identify when powers are used unlawfully, or without consideration of human rights. The requirement on an administrative body to notify us about their exercise of coercive powers is an important protection for those against whom the powers are exercised.

We review policies and procedures to ensure systems and processes support compliant use of powers.

Some bodies have intrusive and extraordinary investigatory powers that in certain circumstances can be used covertly. These powers allow the use of telecommunications interceptions, surveillance devices, the conduct of controlled operations and police counter-terrorism activities. To oversee them we regularly inspect records and report to the relevant Minister and, where permitted, the Victorian Parliament.

Another important role we have is to support Victoria's public interest disclosure framework under the *Public Interest Disclosures Act 2012* (PID Act). We receive and refer disclosures to IBAC (Victoria's Independent Broad-based Anti-corruption Commission), and we assess and investigate disclosures that meet the threshold of public interest complaints if they relate to IBAC, a Public Interest Monitor, or Victoria's Office of the Special Investigator. We also investigate public interest complaints about other bodies, such as the Victorian Ombudsman, that are referred to us by IBAC.

When our compliance activities identify non-compliance or other issues for improvement, we provide feedback and if necessary, make recommendations to influence bodies to comply. Occasionally, our recommendations are given in public reports. To ensure transparency and consistency in our responses, our decision-making is guided by our Integrity Response Guidelines which are published on our website.

Our vision

An integrity system that is robust and trusted

Our aspirations

A robust Victorian integrity system

- Parliament and integrity agencies have confidence in the Victorian Inspectorate
- The Victorian Inspectorate is positively influencing integrity agencies
- Intrusive and coercive powers are exercised lawfully
- The public sector is being held to account

Public confidence and trust in Victoria's integrity system

- The right checks and balances are in place
- Participants understand rights and responsibilities in the integrity system
- The community knows when to come to the VI to protect their rights

Our values

- We act with **integrity** in everything we do
- We demonstrate professional **courage, leadership** and **persistence**
- We are dedicated to **delivering work** to the **highest possible standard**
- We work **collaboratively** and **respectfully** with each other and with integrity bodies
- We promote and uphold the **Charter of Human Rights**

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Section 1

Year in review



Message from the Inspector

On 10 February 2023 the Victorian Inspectorate celebrated its 10th birthday. We celebrated that anniversary with a cake on the day. It has been quite a journey for the VI over those 10 years. As passed, the *Victorian Inspectorate Act 2011* (VI Act) only provided for the VI to have oversight of the Independent Broad-based Anti-corruption Commission (IBAC). However, by 10 February 2013 the Victorian Ombudsman, Victorian Auditor-General's office, Office of Chief Examiner and Public Interest Monitor had been added. In the ensuing period other bodies were added so that by year's end we had varying oversight responsibilities in relation to 14 bodies.

With a growing remit, naturally the VI has had to grow as well. By 30 June 2023 we had 28 staff (26.5 FTE) on board, still small for the functions we perform but larger than the single digit number we had in the early years. Along the way too, the VI's structure has had to be adapted to better suit its expanding and diverse functions.

A challenge for the VI (a body with a complaint handling function) is raising community awareness of our role. We labour under a name that gives no clue to who we are or what we do. People are forever mixing us up with other inspectorates of various kinds (more than 50% of the enquiries we received in 2022–23 related to matters outside our jurisdiction and of those 27% arose from confusion about which inspectorate they were contacting). I have been seeking a new (properly descriptive) name for us for close to 4 years. I have also been seeking a range of technical amendments to the VI Act for the same period. Over that period Parliament has legislated to give us new functions but to date a Bill has not been introduced dealing with our name or the other technical amendments we have been seeking. Hope springs eternal!

A key part of our role is ensuring the lawful exercise of powers by the entities we oversee. To understand how an entity is exercising the extraordinary invasive and coercive powers vested in it (such as powers to summons and examine witnesses or serve confidentiality notices on them), we need information. We get some through complaints but most through the notifications that entities are required to give the VI when they exercise a power. While doing that undoubtedly imposes a burden on an entity, it also

imposes accountability for their exercise of those powers. The compliance matters reported on in this annual report arise, to a large measure, out of these notifications.

While we may be characterised as a watchdog patrolling the integrity system, the strategic direction that we have set for ourselves is very much focussed on bringing about systemic improvements across the integrity system, not on highlighting individual entity failings. To that end, except for the glimpses of our work during 2022–23 provided by this annual report and our inspection reports tabled in Parliament during the year on the use by agencies of surveillance devices, controlled operations and counter-terrorism powers, the only public unveiling of our work has been in the special report we published in October 2022 relating to IBAC’s handling of a complaint about police response to family violence by a police officer. The vast majority of our work with agencies is done in private.

The independence granted to the VI enables it to function effectively as an oversight body without fear or favour. Perhaps inevitably, oversights bodies can on occasions be critical of operational decisions or findings made by us. If made in response to a proposed public

VI report, the report can contain our response to that criticism. However, if such criticism finds its way into the media on a matter that has not previously been placed in the public domain, the various confidentiality/secretcy provisions in the VI Act and other legislation make it impossible for us to respond in any detailed way. The happy reality is, however, that such criticism is very much the exception. Across the range of entities we oversee, there is broad recognition that our focus is on improving the integrity system and that we want to work with them to do that.

In May 2023 Cathy Cato took on a newly created role within the VI, that of Chief Executive Officer and General Counsel. Her new title more accurately reflects the leadership role she plays across the operational, legal and corporate life of the VI. Throughout the year under review she has performed her role within the VI with distinction as has the other Cathy in my working life, Cathy Kotsopoulos, my executive assistant.

To all the staff of the VI I say thank you for all your work during 2022–23. I am very proud of each and every one of them. The work they do is demanding and, especially for the complaints team, emotionally challenging.

And so, another year has drawn to a close. It was a year not without significant challenges, but I hope, after you have read this annual report, you will agree it was a year with significant achievements.



Eamonn Moran PSM KC

Inspector

VICTORIAN INSPECTORATE

‘...the strategic direction that we have set for ourselves is very much focussed on bringing about systemic improvements across the integrity system...’



Message from the CEO and General Counsel

In 2022–23, the VI grew to double figures, celebrating its 10th birthday. Appropriately, the VI also grew this year in its staffing, operational output, accountability and strategic improvements.

Operationally, we undertook more investigations than in any other year (9), and closed 50% more complaints, addressed 25% more enquiries and reviewed 12% more coercive power notifications than last year. We also published a special report with recommendations to improve IBAC’s approach to overseeing and referring police complaints and conducted 15 inspections relating to the use of covert powers. Across these functions, we influenced integrity bodies to accept 10 out of 11 recommendations and provided further feedback and observations on a range of issues.

Our accountability increased through new external performance measures that introduced targets for acknowledging receipt of complaints and timeliness of standard investigations. In 2023–24, we will add to this by measuring the timeliness of completing low and medium complexity complaints.

The range of complaint complexity is clearer in this year’s report, with the primary issue of concern identified for each complaint received, as well as the number of allegations per complaint. There were 361 allegations for the 136 closed complaints, and the outcome of each allegation is reported.

We met or exceeded all but one performance measure, falling short of our target by 5%. To highlight our qualitative performance measure of improvements to the integrity system, the improvements made by each body due to our oversight are presented in their section of the report.

As an oversight body, it is important that we are also overseen. We are accountable to the parliamentary Integrity and Oversight Committee (IOC) which tabled two reports in October 2022 that made recommendations to the VI. The IOC tabled Callida Consulting’s independent performance audit report, which recognised our substantial improvements to operations and management arrangements over a 4-year period. The IOC also tabled a report on its inquiry into integrity agencies’ performance in 2020–21, which focussed on witness welfare.

Responding to these recommendations has been a key focus of our 2023 strategic implementation plan. This annual report shows our considerable progress implementing performance audit and witness welfare recommendations, a highlight being the expansion of our witness welfare framework to align with best practice principles. Witnesses have access to a specialist 24/7 support and counselling service and the framework provides for a welfare governance officer and mental health provider to help the VI support witnesses.

We progressed our strategic priority to improve timeliness and ease of access for integrity participants by publishing a service charter for complaints, supported by a new complaints handling framework, and also introduced a debrief framework for investigations.

Activities to improve our website contributed to our strategic priority to build community knowledge of rights within the integrity system. We conducted website user research to help reach vulnerable target audiences and have videos in creation to improve understanding of our complaint jurisdiction and interview process during investigations. These will be published in 2023–24.

Another strategic priority is to address issues thematically to create improvements in the integrity system. To this end, we introduced periodic reports for communicating notification review findings to agencies, chaired a legal seminar on coercive information gathering powers and published a video of the Inspector's and my Law Week presentation about the challenges for integrity bodies when balancing transparency and witness welfare in decisions about public hearings and public reports.

'...we closed 50% more complaints, addressed 25% more enquiries and reviewed 12% more coercive power notifications than last year.'

'...we undertook more investigations than in any other year...'

The corporate team faced the challenge of transitioning our corporate services support from the Department of Premier and Cabinet to the Department of Justice and Community Safety. Despite the time dedicated to this transition, we committed to our strategic priority of continuing to improve organisational sustainability, capability and a positive culture. An extra mid-year People Matter Survey helped us focus on the key issues concerning staff. We improved internal communication through an intranet and consultation on an internal communications plan, provided better tools for staff through creating a structured learning and development program and upgrading the case management system, and started implementing the ICT strategy and roadmap. A new counselling and debriefing support service was also introduced for frontline staff handling complaints and investigations.

This demonstrable growth in output from an office of 28 was achieved through skilled staff across multi-disciplinary teams. They collaborated with insight, integrity and commitment, led by talented managers with an extraordinary work ethic. I have no doubt the VI's evolution will continue in 2023–24 under the leadership of General Manager Corporate Services, Lana Kolyunski and General Manager Integrity Operations and Policy, Alison Lister. Working at the Victorian Inspectorate is complex and challenging but also a privilege and on behalf of all staff, I thank the Inspector, Eamonn Moran PSM KC for supporting us in such a positive work environment and our executive assistant Cathy Kotsopoulos for keeping us on track.



Cathy Cato

CEO and General Counsel
VICTORIAN INSPECTORATE

Year in numbers

ORGANISATION



10 Years

The VI was established on 10 February 2013 and celebrated its 10-year anniversary this year



28 Staff

We became fully staffed in 2022–23 with the majority of staff having ongoing employment by 30 June 2023



14 Integrity bodies

We now oversee 14 bodies. Our jurisdiction and related compliance activities differ for each one



Year in numbers

OPERATIONS

ENQUIRIES



203 Enquiries

This is a 25% increase from the number of enquiries received in 2021–22 (163)

COMPLAINTS



119 Complaints

In 2021–22 there was a 27% increase in the number of complaints to 116. The number of complaints has remained high in 2022–23



136 Closed

This is a 51% increase from 2021–22 (90) and the first time we've closed more complaints than we've received in a year



361 Allegations

There were 361 allegations addressed in the 136 complaints we closed

INVESTIGATIONS



9 Investigations

This is the highest number of investigations we've had going at one time. We commenced 7 new investigations and closed three this financial year

INSPECTIONS AND REPORTS



15 Inspections

This comprised 14 regular inspections and 1 irregular inspection



8 Reports

8 inspection reports completed; 6 reports were tabled in Parliament



1 Special Report

'IBAC's referral and oversight of Emma's complaints about Victoria Police's response to family violence by a police officer' was tabled in October 2022

COERCIVE POWER NOTIFICATIONS



572 Received

The number of CPNs received was lower than last year (down by 33% compared to 2021–22 (860))



319 Reviewed

Even though we received less notifications than last year, we reviewed 12% more

RECOMMENDATIONS



91% Accepted

11 recommendations were made and 10 were accepted including the 4 in our special report

Integrity system updates

Victorian Inspectorate's accountability as a budget independent integrity body

Since 1 July 2020, the Victorian Inspectorate, along with IBAC (Independent Broad-based Anti-corruption Commission) and the Victorian Ombudsman (VO), have been directly funded through the Parliament's appropriation. Our budget is set in consultation with the parliamentary Integrity and Oversight Committee (IOC), concurrently with our annual plan.

We tabled and published our 2023–24 Annual Plan in June 2023, following written consultation with the IOC and a presentation to the Committee on 19 June 2023.

In October 2022, the IOC tabled the first 4-yearly independent performance audit report by Callida Consulting.³ The audit covered the period from 1 July 2017 to 30 June 2021.

Callida reached this overall conclusion:

Throughout the audit period, the VI made substantial improvements to its operations and management arrangements. These improvements have been achieved with limited resources, and managing the impact of COVID-19, while continuing to deliver mandatory functions. These improvements have included:

- *Developing and implementing a new organisational structure that reflects the functions that the VI delivers.*
- *Developing and implementing a robust governance framework to guide and manage the activities it performs. This includes making improvements to internal policies and procedures, guidance and supporting documentation and improved financial management arrangements.*
- *Introducing a range of agency specific checklists to assist with monitoring coercive power notifications.*

The performance audit report noted the lack of sufficient resources as a consistent theme across the audit period, our transparency about this risk in annual plans and reports, the 2020 Base Review and the benefits of receiving an ongoing funding increase through the 2022–23 budget process. Noted are the greater certainty, allowing for more coverage and focus for the delivery of mandatory functions, and the opportunities to develop corporate support functions.

The report identified that focus areas include systems for workforce planning, stakeholder engagement, IT support and financial management whilst noting the VI has a sound mechanism through its centralised financial management arrangements to identify any possible savings.

Despite the provision of redacted operational information as a means of demonstrating the application of policies and procedures to the delivery of our functions, the report concluded that an opinion could not be expressed against the audit objective:

There are two reasons that Callida has been unable to gather sufficient appropriate audit evidence to allow a reasonable assurance conclusion to be issued. The first relates to the lack of access to operational information throughout the audit, while the second relates to the 4-year period the audit covers.

Our legislative basis for not providing access to operational data is explained in the report in an extract from our advice to Callida. The extract also explains that highly sensitive material that we hold includes material provided to us by integrity bodies that we oversee and that releasing such information could cause severe reputational damage to persons or endanger their health or safety and perhaps even their lives. Access to it may also prejudice the conduct of investigations by us or another integrity body.

The performance audit report makes 15 recommendations to the Victorian Inspectorate, and records that we accepted 13 in full, one in principle and will consider one for incorporation into planning.⁴ The recommendations comprise business performance improvements, mostly relating to corporate support functions, performance measurement and the development of a strategic workforce strategy and plan and a stakeholder engagement plan.

Performance of the Victorian Integrity Agencies 2020/21: Focus on witness welfare

On 10 February 2022, the IOC launched a public inquiry into the management of the welfare of witnesses and others involved in investigations conducted by Victoria's integrity agencies.

Under the terms of reference for the inquiry, the IOC sent out written questions to Victoria's integrity agencies on the legal framework for witness welfare management; the agencies' policies, procedures and standard practices; how the agencies identified, and the extent to which the agencies conformed to, best practice principles; and what measures the agencies had taken to improve the management of witnesses involved in their investigations. The VI provided written responses to the IOC's questions and attended a public hearing on 9 May 2022.

The IOC tabled its report on 6 October 2022, making 6 recommendations to us. All recommendations were accepted, and implementation was almost complete at the end of 2022–23.

Legislative updates

Victorian Inspectorate regulations review

The *Victorian Inspectorate Regulations 2023* came into operation 4 February 2023, replacing the 2013 regulations. The Department of Justice and Community Safety (DJCS) consulted with us on changes to the regulations. Changes include:

- For a person subject to a confidentiality notice, prescribed support services for crisis support, suicide prevention and mental health and wellbeing support.
- Victorian Equal Opportunity and Human Rights Commission prescribed as a body under section 36A(3)(i) of the VI Act to enable it to consult with the VI under section 53 of the *Change or Suppression (Conversion) Practices Prohibition Act 2021* (CSCPPA) and prevent prejudice to VI investigations. The CSCPPA, which came into force on 17 February 2022, empowers VEOHRC to prevent and respond to serious damage and trauma caused by change or suppression practices.
- Amendments to forms to ensure confidentiality notices can be drafted in compliance with the principles in *Beckingham v Browne* [2021] VSCA 362, to add audio video link or audio link to the witness summons form and to require signatures on other forms.

Public Interest Monitor regulations

We note the prescribed obligations made under the *Public Interest Monitor Act 2011* (PIM Act) were amended on 4 February 2023. DJCS consulted with us on changes to the regulations. As a result of a 10-year sunset clause, the *Public Interest Monitor Regulations 2013* were replaced by the *Public Interest Monitor Regulations 2023*. This change did not substantially modify the application of the regulations.

1 s 90A of the VI Act.

2 Consultation is required by ss 90B and 90C of the VI Act.

3 'The independent performance audits of the Independent Broad-based Anti-corruption Commission and the Victorian Inspectorate' by Callida Consulting was prepared in accordance with ss 90D and 90E of the VI Act and tabled by the IOC.

4 The recommendation for consideration relates to capturing time and effort against mandatory functions.

Systemic review of police oversight

Our contribution to the government’s systemic review of police oversight was reported on in our 2021–22 annual report. DJCS did not engage with us on this review in 2022–23.

We tabled a special report relating to police oversight on 11 October 2022 which has resulted in some systemic changes to IBAC’s referral of complaints about police personnel misconduct.⁵ See Emma’s case study in the IBAC section for a detailed discussion.

Royal Commission into the Management of Police Informants

As a result of the Royal Commission into the Management of Police Informants, the *Human Source Management Act 2023* (Human Source Act) was passed in May 2023 and commences 30 September 2024. DJCS engaged with the VI on its development in July 2022.

The Human Source Act provides a process for registration, use and management of Victoria Police’s human sources and establishes an external oversight model. The Act empowers IBAC, the Public Interest Monitor (PIM) and the VI to carry out oversight and monitoring of compliance with the Human Source Management Framework set out under the Act. Our role is to monitor IBAC and the PIM’s exercise of power in directing Victoria Police to give evidence.

Submissions to parliamentary inquiries

Review of the *Independent Commission Against Corruption Act 1988* (NSW)

On 29 July 2022, we made a written submission to the NSW Committee on the Independent Commission Against Corruption (ICAC) regarding its review of whether the *Independent Commission Against Corruption Act 1988* (ICAC Act) continues to be effective and appropriate.

The submission was primarily about the third term of reference, regarding the role and powers of the Inspector of ICAC. The VI has similar functions and oversight powers with respect to IBAC, Victoria’s counterpart to ICAC in NSW. The submission focused on a key difference between the agencies, namely the requirement for IBAC to provide notifications to us when exercising coercive powers, and the value this adds to our real time oversight functions.

Parliamentary Joint Committee on the National Anti-Corruption Commission

On 13 October 2022, we made a written submission to the Committee regarding its inquiry into the National Anti-corruption Commission Bill 2022 (NACC Bill) and National Anti-corruption Commission (Consequential and Transitional Provisions) Bill 2022. On 19 October 2022, Cathy Cato also appeared on behalf of the Victorian Inspectorate at a hearing of the inquiry into the NACC Bill.

Our written submission focused on the role of the proposed Inspector of the National Anti-corruption Commission (NACC), noting that the NACC Bill provides fewer opportunities for the NACC Inspector to oversight the conduct of the NACC in real time, or assess its conduct against specific legislated criteria, for example in respect of the rights of witnesses.

We also made a submission about the conduct of public examinations, suggesting that consideration be given to making it mandatory to consider unreasonable damage to a person’s reputation, safety or wellbeing.

⁵ Victorian Inspectorate. (2022). IBAC’s referral and oversight of Emma’s complaints about Victoria Police’s response to family violence by a police officer. <https://www.vicinspectorate.vic.gov.au/ibacs-referral-and-oversight-emma-complaints-about-victoria-polices-response-family-violence>.

⁶ BP3 measures refers to our external performance measures in the 2022–23 State Budget, Budget Paper No. 3 Service Delivery.

Strategic priorities and achievements

The Victorian Inspectorate’s strategic framework comprises a 3-year strategic plan, supported by our annual plans. Our 2022–24 Strategic Plan sets out our 4 strategic priorities:

1. Build community knowledge of rights within the integrity system
2. Address issues thematically to create improvements across the integrity system

3. Improve timeliness and ease of access for integrity participants
4. Continue to build organisational sustainability, capability and a positive culture

The diagram below includes our key achievements underpinning each of our strategic priorities.



1. Build community knowledge of rights within the integrity system

- External communications strategy and stakeholder engagement strategy documented
- Website user research with vulnerable target audiences



2. Address issues thematically to create improvements across the integrity system

- Regular reports for communicating notification review findings to agencies
- Chaired legal seminar on coercive information gathering powers
- Law Week presentation on transparency vs witness welfare in public hearings and reporting



3. Improve timeliness and ease of access for integrity participants

- New service charter for complaints
- New complaint handling framework, supported by internal KPIs
- New BP3 measures for acknowledging receipt of complaints and timeliness of standard investigations⁶
- Identified options for making online complaints with improved security and anonymity capability
- Independent review of witness welfare policy and development of new witness welfare framework
- New support and counselling service for witnesses
- Mental health first aid training for staff
- New counselling and debriefing support for frontline staff handling complaints and investigations
- New debrief framework for investigations



4. Continue to build organisational sustainability, capability and a positive culture

- VI internal People Matter Survey
- ICT Strategy and Roadmap
- Upgraded case management system
- MOU with DJCS for corporate services support
- Intranet established
- Structured learning and development program designed
- Strategic workforce plan documented
- Internal communications plan

Communications and engagement

In January 2023, the Victorian Inspectorate engaged a new and highly experienced officer to fill the ongoing communications role.

Key activities in 2023 focussed on improving the utility of our website, including obtaining publishing authority, conducting website user research with stakeholders and intended audiences⁷, publishing a complaints service charter, identifying new options for making online complaints, and developing information videos for complainants, witnesses and legal representatives to better explain some of our processes.

An external communications strategy was drafted and we began work on our stakeholder engagement strategy, increasing our list of contacts from 30 to 190.

We also launched our very first intranet and prepared a draft internal communications plan with input and recommendations from the entire organisation.

Website

Our current website was built and designed in 2019–20 as part of the Victorian government's Single Digital Presence strategy. Until 2023 we didn't have the resources or capacity to publish information on our site without having to go through a Department of Premier and Cabinet queue and accessibility approval process.

In June 2023, we obtained authority to publish content directly and are looking forward to implementing the design and content recommendations based on feedback from stakeholders and intended audiences through this year's website user research project.

By publishing a new service charter for complaints, we aim to inform stakeholders what they can expect when they make a complaint to us about another agency. See the complaints section for detail about the charter.

Our research into new options for online complaint forms will enable us to introduce a communication portal for anonymous complainants in 2023–24. Being able to communicate with and obtain more information from anonymous complainants will help us to investigate more issues within Victoria's integrity system.

Videos

We have commenced the creation of 6 short videos to demystify how we obtain evidence from witnesses and better explain our complaints jurisdiction and process.

Three videos have been created for witnesses attending the Victorian Inspectorate's office to give evidence (voluntary interview, compulsory hearing⁸, and examination via summons). They help explain where to go, how to prepare, what to expect and who can attend for each scenario. A similar video has been prepared for legal representatives assisting witnesses.

In addition, we have created a video to help explain our general complaints process, including the nature of complaints that we can receive, and a video to help explain how we handle public interest disclosures (whistle-blower complaints).

In 2023–24, these videos will be published to our website and shared with intended audiences as necessary.

Presentations

Coercive information gathering powers

On 7 March 2023, Cathy Cato chaired a half day external seminar on the Exercise of Compulsory Information Gathering Powers⁹, including leading a panel in a Q and A session about information gathering powers in practice. The panel included the Chief Examiner, the Principal Legal Adviser and Principal Strategic Investigator at the Victorian Ombudsman, as well as representatives of other Victorian regulatory bodies.

Transparency vs witness welfare in public hearings and reporting

As part of Law Week 2023, on 16 May 2023, Eamonn Moran and Cathy Cato gave a presentation called 'Walking the line: Transparency vs witness welfare' about the challenges integrity bodies face when balancing transparency with witness welfare.

For the second time during Law Week, stakeholders and members of the public were invited into our private hearing room to hear from our Inspector and CEO about the complex challenges for anti-corruption commissions and other integrity bodies when deciding between public and private hearings, and public and private reports.

A video of the presentation with captions is available on our website.

Enhancing staff engagement and capability

We recommenced our series of information sessions organised by the Inspector with presentations from Marilyn Warren AC KC and the Hon. Jennifer Coate AO who generously shared with VI staff how they have met challenges and fulfilled their functions during their extraordinary judicial careers. Among their many accomplishments are that Marilyn was the first female Chief Justice in any State or Territory of Australia while Jennifer was the first female President of the Children's Court of Victoria and first female State Coroner in Victoria. They were very much trailblazers in the legal profession. The sessions they presented were inspiring and very much appreciated by the staff in attendance.

Hon. Jennifer Coate AO



⁷ Website user research conducted in response to recommendation 9 of the IOC's report: Inquiry into the education and prevention functions of Victoria's integrity agencies.

⁸ Under s 47 of the VI Act, agency officers and some former officers can be required to attend the VI to answer questions and produce documents or other things.

⁹ The seminar was run by Legalwise Seminars Pty Ltd with presentations from Victorian Government Solicitor's Office senior staff, the Chief Examiner, a barrister and a Commonwealth regulatory lawyer.

Performance reporting

Performance against output performance measures

The Victorian Inspectorate's performance measures are set out in Budget Paper No. 3 (BP3).¹⁰ The table below shows that we met or exceeded all of our targets except one. We fell just short of meeting our new complaints acknowledgement target, likely due to the lack of automated reporting against this target in our first year of this performance measure. The new complaints framework and case management system updates that enabled automated reporting will improve monitoring capability and performance against this measure in 2023–24.

Table 1: Performance against BP3 measures, 2022–23

Performance measure	Target	Performance	Result
Quantity			
VI recommendations accepted by oversighted agencies	75%	91%	Exceeded
Reasons for decisions provided for complaint outcomes	100%	100%	Met
Educational activities delivered and materials or tools produced	2	2	Met
Quality			
Improvements to the integrity system	6	6	Met
Timeliness (new performance measures)			
Acknowledge receipt of new complaints within 5 business days	95%	90%	Not met
Proportion of standard VI investigations completed within 12 months	30%	100%	Exceeded

Note: The 75% target for recommendations accepted by agencies is intended to ensure the VI engages with integrity bodies about recommendations in order to articulate their rationale and encourage their acceptance. The target is set below 100% as there will be times when we it is appropriate to make recommendations to influence future conduct. In this reporting period, we exceeded the target, with 91% of recommendations accepted.

We have a 100% target for giving reasons for decisions for complaint outcomes to ensure that we demonstrate to complainants that the VI understands the full history of their complaint and has a rationale for its assessment outcome. Frequently, complainants have already been through a complaint process with one or two public sector bodies prior to making their complaint to the VI. We consider it important that, as the final body in the integrity system they can complain to, we explain our decisions. We met this target in 2022–23.

¹⁰ 2022–23 State Budget, Budget Paper No. 3 Service Delivery.

Improvements to the integrity system

The qualitative measure of improvements to the integrity system reflects our aim to strengthen trust in the integrity system. It helps to ensure that when responding to compliance issues we focus on systemic improvements that prevent future non-compliance.

Highlighted below is a summary of the improvements made which demonstrate that we reached our target of 6 improvements to the integrity system.

IBAC is reported as having made the most improvements in response to our feedback and recommendations during 2022–23 as our broadest oversight jurisdiction relates to IBAC, they use coercive powers more than other bodies we oversee due to the nature of their purpose and function, and their response to our first periodic report on coercive power notification review findings was received during the reporting period.

Many of the issues that we identified and raised with the Victorian Ombudsman (VO) in reviews of coercive power notifications are not included as improvements made for 2022–23 as their response was not received during the reporting period. The VO's improvements will be identified in the 2023–24 report.

1. **IBAC:** Accepted 4 public recommendations made in a special report relating to the referral and oversight of police complaints that include measures to ensure IBAC considers any risk to the complainant before referring a police complaint to Victoria Police for investigation.
[See Emma's case study in the IBAC section.](#)
2. **IBAC:** Following our engagement and feedback on a complaint, IBAC proposed a resolution to the complaint that indicated a maturing approach to complainants. The approach demonstrated it had begun implementing changes to its policy and procedures for the referral and oversight of police complaints.
[See Mira's case study in the IBAC section which demonstrates that implementation of the special report recommendations is well underway.](#)
3. **IBAC:** Accepted 4 recommendations following an investigation which will result in systemic policy/procedure/training improvements on 3 issues—formal and informal disclosures to other agencies, when to inform a person they are the subject of an investigation and conflict of interest.
[See 'Improvements made' and 'Investigations' in the IBAC section.](#)
4. **IBAC:** Made systemic changes to improve compliance and the witness experience in relation to witness summonses and confidentiality notices.
[See 'Improvements made' in IBAC section.](#)
5. **Various bodies made these systemic changes to improve compliance with the law:**
 - (a) **IBAC:** Action to improve compliance with legislative reporting obligations to notify the VI
[See 'Improvements made' in IBAC section.](#)
 - (b) **IBAC, Wage Inspectorate Victoria (WIV) and Office of the Victorian Information Commissioner (OVIC):** Adopted a new process for interstate service of summonses (or notices) on bodies corporate to ensure enforceability and compliance with the Commonwealth's *Service and Execution of Process Act 1992* (Cth) (SEP Act).
[See example in Coercive power notifications section and 'Improvements made' in each body's section.](#)
 - (c) **Victorian Ombudsman (VO):** Action to improve compliance with the law to prevent a privacy breach
[See 'Improvements made' and 'Coercive power notifications' in VO section.](#)
6. **Various bodies made these policy and procedure improvements:**
 - (a) **IBAC:** Proposed procedural improvements relating to the execution of search warrants
 - (b) **OVIC:** Agreed to make various improvements to information provided to witnesses before and during interviews, resulting from our review of notices and interviews
 - (c) **Office of Chief Examiner (OCE):** Agreed to make various process changes for examining witnesses summoned to give evidence to the Chief Examiner
 - (d) **Victoria Police:** Implemented a new process connected to the timely cancellation of authorities to conduct controlled operations that has led to a sharp increase in the number of authorities that it cancels
 - (e) In relation to our review and recommendations following two disclosures of unauthorised conduct whilst undertaking functions under the *Crimes (Controlled Operations) Act 2004*, **Victoria Police** accepted the recommendations, made some process changes, updated its procedures and advised they are actively working on strengthening governance processes and quality assurance methods.
[For further details, see 'Improvements made' in each related body's section.](#)

Financial overview

Financial performance

The Victorian Government considers the net result from transactions to be the appropriate measure of financial management that can be directly attributed to government policy.

This measure excludes the effects of revaluations (holding gains or losses) arising from changes in market prices and other changes in the value of assets and liabilities on the comprehensive operating statement, which are outside the control of the VI.

Based on the above, the VI recorded a net operating result of \$1.55 million in 2022–23. The VI's total income and total expenses from transactions has increased in the 2022–23 financial year due to additional fixed term funding of \$0.91 million granted for the VI's oversight of the Office of the Special Investigator (OSI) and an increase in the VI's base funding from 2022–23, announced in the 2022–23 Budget.

The gain of \$5.48K in other economic flows is mainly due to the impact of movements in the bond rate used for the valuation of leave liabilities.

Financial position

Total assets of the VI have increased from \$4.60 million to \$6.36 million due to additional funding received as a grant for the oversight of the OSI and an increase in the funds available for capital purchases, for which payments had not been disbursed, and accordingly not drawn from the consolidated fund.

The increase in total liabilities from \$1.59 million to \$1.81 million was predominantly due to higher employee benefit provisions in 2022–23.

Cash flow

The net cash flow from operating activities has significantly increased compared to the previous year due to increased operations, system upgrade activities and the timing of payments and receipts during the year.

Table 2: Five-year financial summary for the Victorian Inspectorate, 2019 to 2023

Performance measure	2023	2022	2021	2020	2019
Total income from transactions	8,639,662	5,746,475	4,940,038	4,718,312	3,633,268
Total expenses from transactions	7,093,788	5,746,475	4,940,038	4,718,312	3,757,479
Net result from transactions	1,545,874	–	–	–	(124,211)
Other economic flows included in net result*	5,478	38,301	35,635	(5,938)	(15,644)
Net result for the period	1,551,352	38,301	35,635	(5,938)	(139,855)
Net cash flow from operating activities	1,658,354	842,043	590,524	119,995	4,203
Total assets	6,362,330	4,597,061	4,970,121	5,295,379	3,093,621
Total liabilities	1,807,883	1,593,967	2,019,900	2,380,793	857,114

* Includes gains or losses from disposal of non-financial assets and revaluation of leave liabilities for changes in the government bond rate.

Section 2

Governance and organisational structure

Governance

Integrity and Oversight Committee

The parliamentary Integrity and Oversight Committee (IOC) monitors and reviews the performance of the Victorian Inspectorate's duties and functions (other than in relation to Victorian Auditor-General's Office (VAGO) officers), and reports to both Houses of Parliament. The IOC examines reports made to Parliament (excluding VAGO reports) and has power to veto the appointment of an Inspector.

Public Accounts and Estimates Committee

The parliamentary Public Accounts and Estimates Committee (PAEC) reviews the performance of the duties and functions of the Victorian Inspectorate, and examines any reports made to Parliament, in relation to VAGO officers.

To ensure we are independent, the *Victorian Inspectorate Act 2011* (VI Act) prescribes that it is unlawful for either the IOC or PAEC to investigate or review any of our decisions, findings or recommendations.

Minister

The Honourable Jaclyn Symes MP was appointed as the Attorney-General of Victoria in December 2020. The Attorney-General is the responsible minister for the Victorian Inspectorate and in this role is supported by the Department of Justice and Community Safety (DJCS). The Victorian Inspectorate is an independent special body not subject to the direction or control of the Attorney-General in respect of the performance of its duties and functions and the exercise of its powers.

Audit and Risk Committee

The Victorian Inspectorate's Audit and Risk Committee meets at least 4 times each year to review our financial performance and procedures and general risk management.

Throughout 2022–23, the Audit and Risk Committee comprised the following members:

- Terry Moran AC, Chair
- Taryn Rulton
- Joh Kirby.

The main responsibilities of the Audit and Risk Committee are to:

- review and report independently to the Inspector on the financial statements published in the annual report and other financial information.
- assist the Inspector in reviewing the effectiveness of our internal control environment.
- 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.

Organisational structure

Inspector

Eamonn Moran PSM KC has held, or acted in, the role of Inspector since 1 January 2018. His current term of office expires on 30 June 2025. The Inspector is an independent officer of the Parliament of Victoria.

Eamonn is responsible for undertaking the strategic leadership of the Victorian Inspectorate. He is also our public service body head and has the duties, functions and powers delegated by the Victorian Inspectorate, or conferred by the VI Act or any other Act. As at 30 June 2023, the Inspector was supported by 28 staff (26.5 FTE).

CEO and General Counsel

Cathy Cato commenced as the inaugural Executive Director, Legal and Integrity in November 2018. In May 2023 Cathy was reappointed for 5 years, with her title changed to CEO and General Counsel to better represent her leadership and functions within the organisation.

As CEO and General Counsel, Cathy is responsible for leading the integrity, operations, policy, legal, corporate and communications functions at the Victorian Inspectorate. In her role as General Counsel, Cathy is supported by Dheepna Benoit who leads the legal team as Manager, Legal Services. The Legal Services team supports the delivery of the VI's statutory functions, policy and corporate requirements.

Office of the Inspector

The Inspector and CEO are both assisted by a Senior Communications Officer, Rai Small as Special Counsel, Integrity Investigations, and Executive Assistant Cathy Kotsopoulos, who has been with the Victorian Inspectorate for over 5 years. Cathy provides executive and administrative support and ensures the office runs smoothly.

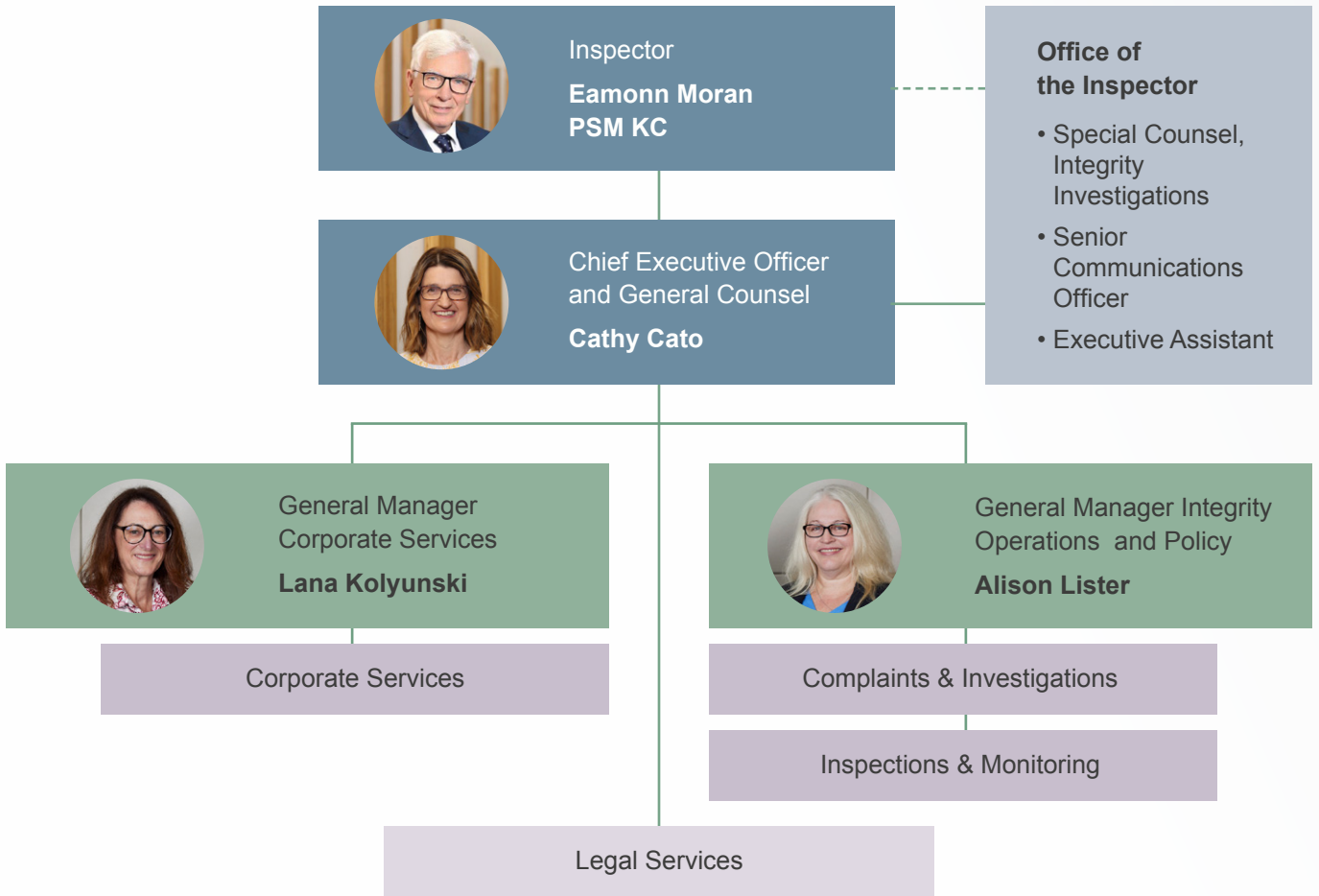
Alison Lister, General Manager Integrity Operations and Policy

Alison Lister leads the integrity operations and policy team in its delivery of the full range of oversight functions—inspections, coercive power notification reviews, monitoring, complaints and investigations. Alison manages our investigators, works closely with Rai Small, Special Counsel, and is supported for other functions by Jesse White as Manager, Inspections and Monitoring, and Anna Mitchell, as Manager Complaints.

Lana Kolyunski, General Manager Corporate Services

Led by General Manager Lana Kolyunski, the corporate services team provides corporate support services to the VI, including corporate governance, procurement management and reporting, human resources, records management and support, information technology management and building and facilities management. An important addition to the corporate services team this financial year is Manager IT Systems, Victor Valla, our first in-house IT specialist.

Figure 1: Organisational structure, 2022–23



Occupational health and safety

Occupational health and safety is an important component of how we conduct operations for staff, contractors and all visitors. All employees have access to physical and psychological wellbeing services including an independent employee wellbeing and support service, influenza vaccinations and ergonomic assessments. In 2022–23 we encouraged all staff to complete mental health first aid training. At 30 June 2023, the majority of staff had completed the training and were accredited mental health first aiders.

In March 2023 we engaged an independent mental health provider to provide additional support to the VI’s frontline staff, including a dedicated specialist counselling support service, with customised support

for each operational team. Witnesses in Victorian Inspectorate investigations were also given access to a 24/7 hotline for specialist counselling support.

In response to the recommendations of the Integrity and Oversight Committee (IOC), we engaged psychological expert consultancy, FBG Group, to undertake a comprehensive review of our witness welfare policy and help us develop a witness welfare framework that meets best practice principles.

Consistent with previous years, we have not had any accidents or near misses in the current reporting period and have not had any lost time in relation to OH&S injuries. As we didn’t receive any claims, there were no associated costs for the year.

Section 3

Jurisdiction and functions

Overview

The 14 bodies that we oversee include IBAC, the Victorian Ombudsman (VO), the Public Interest Monitor (PIM), the Office of the Special Investigator (OSI), the Victorian Auditor-General's Office (VAGO), the Office of the Victorian Information Commissioner (OVIC), Wage Inspectorate Victoria (WIV), the Judicial Commission of Victoria, the Chief Examiner and Victoria Police (to a limited extent). For a complete list, see Appendix A.

Our oversight comprises a broad range of compliance activities such as complaints assessments, investigations, inspections, coercive power notification reviews and monitoring. Our functions and powers, and the type of compliance activities we undertake are outlined in the *Victorian Inspectorate Act 2011* (VI Act) and a range of legislation.¹¹ Our jurisdiction and related compliance activities differ for each body that we oversee. For details see Appendix B.

Our responses to non-compliance and other issues identified for improvement during compliance activities aim to prevent issues of a similar kind arising in the future and take account of a range of criteria including readiness to comply, the need for accountability and prevention of harm to individuals and the integrity system. We call these integrity responses.¹²

Our integrity responses cover a range of statutory and informal tools to ensure the bodies we oversee comply with statutory obligations and other laws. As a small integrity body we focus our resources where we can influence improvements to the integrity system.

Sometimes, if issues are particularly serious, or if there is resistance to feedback and further steps are required to deter future non-compliant action, it may be appropriate to make recommendations. Recommendations can be private or public, but if public must be made in a report.

Where issues are systemic and have relevance to other bodies, it may be appropriate for us to publish educational information or guidance. Another option is to publish a special report.

Public reporting ensures our position is communicated to all stakeholders. It guides bodies exercising similar powers or undertaking similar functions and informs the public of their rights when interacting with integrity, accountability and investigatory bodies.

We communicate transparently and in accordance with procedural fairness requirements before publishing any adverse comments, whether in public reports or in our annual report.

Although we are empowered to issue reports and make recommendations, they are not our primary goal. We more frequently respond to non-compliance and identify issues for improvement through informal liaison and private engagement, feedback letters, compliance warning letters and general guidance material with the bodies we oversee.

¹¹ Including the PID Act, MCIP Act, TISP Act, TIA Act, SD Act, TCP Act.

Enquiries

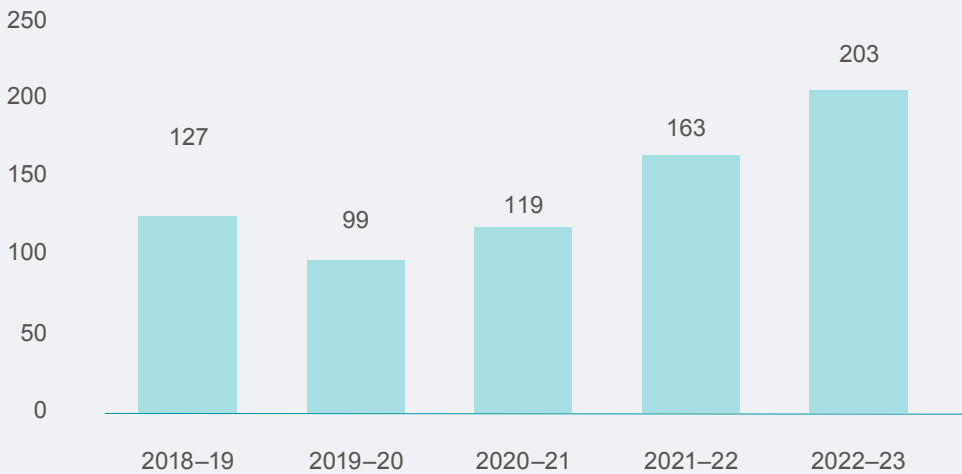
Enquiries are handled by our complaints team.

An enquiry is a contact from a member of the public requesting information about our complaint processes or seeking to provide information they believe is relevant to our functions. An enquiry may or may not turn into a complaint. Enquiries are usually received by phone or email.

In 2022–23, we received a total of 203 enquiries, a 25% increase from 2021–22 (163). We also had 8 received in the prior reporting period. In total we closed 201 enquiries, up 18% from 2021–22 (170). We had 10 open at the end of the reporting period.

The number of enquiries that we receive per year has been increasing since 2019–20.

Figure 2: Enquiries received, 2018–19 to 2022–23

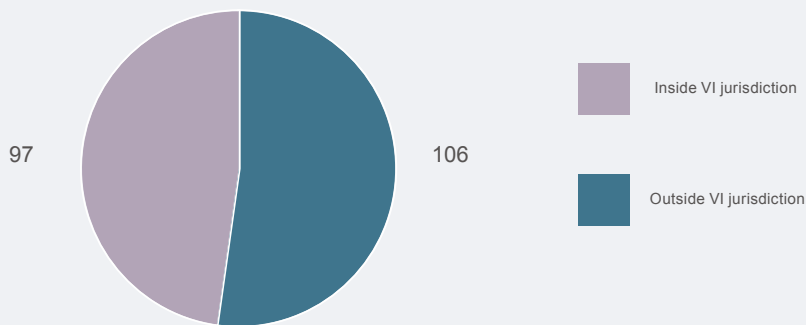


12 See Integrity Response Guidelines on our website.

Enquiries

Over half of this year’s enquiries (106 of 203) were outside our scope and, where possible, we referred people to other bodies able to address their concerns.

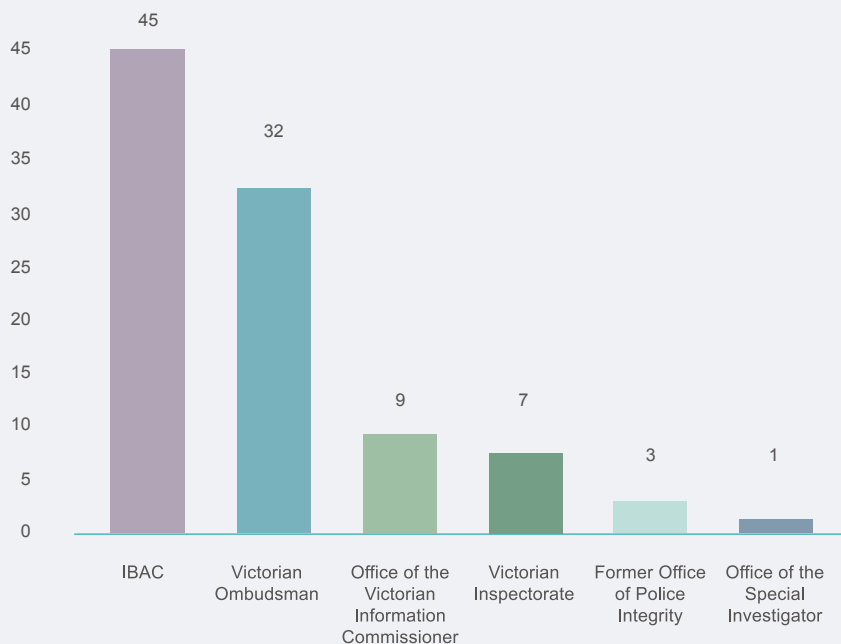
Figure 3: Jurisdiction of enquiries received, 2022–23



Of the 106 non-jurisdictional enquiries, 27% (29) arose from confusion about which Inspectorate they were contacting.¹³

Of the 97 enquiries within our jurisdiction, 79% (77) were about IBAC and the Victorian Ombudsman.

Figure 4: Jurisdictional enquiries received according to body, 2022–23



¹³ Twenty-three (23) enquiries were about Wage Inspectorate Victoria and 6 enquiries were about the Local Government Inspectorate.

Complaints

The Victorian Inspectorate can receive complaints about some aspects of the conduct of these bodies or officers:

- IBAC or IBAC personnel
- Victorian Ombudsman officers
- Chief Examiner or Examiners
- Victorian Auditor-General's Office officers
- Office of the Victorian Information Commissioner officers
- Office of the Special Investigator and OSI personnel.

Our website sets out the complaints that can be made for each public body and public officer.¹⁴

We received most complaints through an online form on our website. For accessibility, we also invited complaints in other ways, such as in person, over the telephone and by email.

For information about public interest disclosures, which are disclosures about improper conduct or detrimental action, see the Public Interest Disclosures section.

Assessment process

Complaints handling begins with an assessment of the complainant's allegations.¹⁵ A complainant can raise any number of allegations as part of their complaint.

Each allegation follows the assessment process, unless this is not possible because:

- the allegation is outside our jurisdiction
- the allegation is withdrawn
- following engagement, adequate supporting information is not provided
- the complainant has not consented to us informing the integrity body of their complaint and information from that body is required to assess the complaint.

New service charter and complaints handling framework

This reporting period, we worked with specialists in complaint handling to develop and publish a service charter for complaints, supported by a new complaint handling framework.

We provide the service charter to all complainants early on, so they know what to expect from us when managing their complaint, what they can complain about and our complaint handling principles. The principles include acknowledging and progressing complaints as quickly as we can, providing updates every 28 days, treating everyone involved in a way that is objective, respectful and fair, and promoting accountability for decisions. The charter also explains that we cannot overturn the decision of another body or tell them to change a decision.

The complaints team continues to implement and improve the complaints framework to ensure we focus on providing a transparent, expedient and fair complaints handling service.

¹⁴ Refer to s 43 of the VI Act for a full description of the complaints that we can receive.

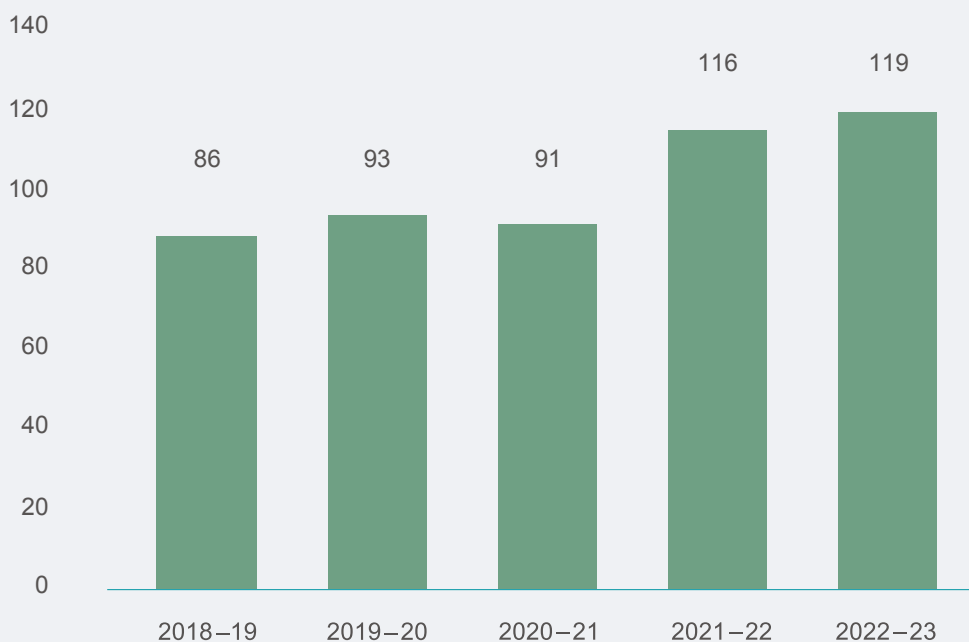
¹⁵ Further information about our complaints handling is available on our website.

Complaints

During an assessment, we will:

- engage with the complainant to:
 - clarify their concerns, which we refer to as ‘allegations’
 - clarify the outcome sought and explain whether we have the power to achieve that outcome
 - request any further relevant information
 - seek their consent to inform the relevant integrity body of their complaint
- if necessary to inform the assessment, seek information or records from the integrity body
- analyse whether information from complainant/integrity body substantiates the allegations
- decide the outcome, including whether any further action is warranted
- provide written reasons to the complainant explaining our decision
- provide a written outcome to the integrity body if they were contacted during the assessment.

Figure 5: Complaints received, 2018–19 to 2022–23



¹⁶ s 44(2) of the VI Act requires us to investigate all allegations that are public interest complaints under the PID Act. Occasionally, we decide to investigate allegations that warrant further consideration and the exercise of our investigation powers under Pt 6 of the VI Act.

¹⁷ s 71 of the IBAC Act requires IBAC to notify us of a complaint or notification to IBAC about the conduct of IBAC or an IBAC officer. Pending joint legal advice on the scope of this reporting obligation, IBAC applied a low threshold to notifications to the VI out of an abundance of caution.

Types of complaints outcomes

The outcome following the assessment process depends on a range of factors, and may include:

- no further action
- making observations to an integrity body
- providing feedback or recommendations to an integrity body
- tabling a special report in Parliament
- referring complaint to our investigation team for investigation.¹⁶

Our Integrity Response Guidelines provide transparency about the criteria that guide how we respond to issues.

Complaint statistics

In 2022–23, we received 119 complaints.

There has been a 38% increase in the number of complaints received by the VI since 2018–19.

Of the 119 complaints we received:

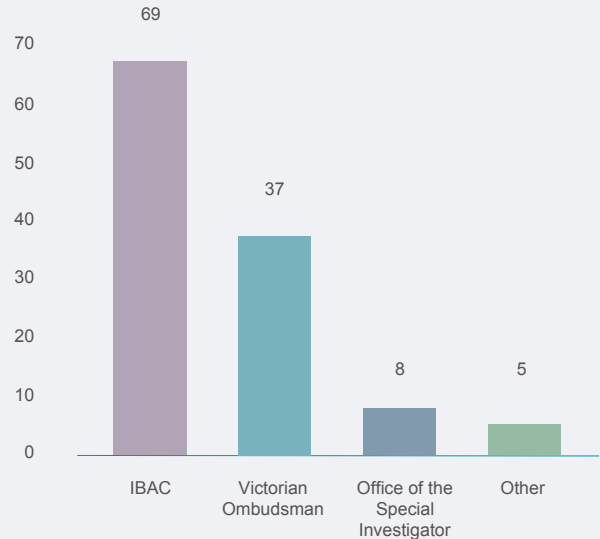
- 112 complaints were made directly to us by the complainant or their representative
- 6 complaints about IBAC or IBAC officers were mandatory notifications by IBAC¹⁷
- 1 referral from IBAC was under section 73 of the IBAC Act.¹⁸

We did not receive any mandatory notifications from the Victorian Ombudsman¹⁹ or from the Victorian Auditor-General’s Office.²⁰

Our 119 complaints comprised:

- 69 complaints about IBAC or IBAC officers (58%)
- 37 complaints about the Victorian Ombudsman or VO officers²¹(31%)
- 8 complaints about the Office of the Special Investigator or OSI officers (7%)
- 5 other complaints.²² These were disclosures under the PID Act, of which 2 were withdrawn.

Figure 6: Complaints received according to body, 2022–23



¹⁸ s 73 of the IBAC Act requires IBAC to refer a complaint or notification to another specified body or person (such as the VI), if the subject matter is relevant to that body’s performance, functions and duties, or its exercise of powers, and it would be more appropriate for the matter to be investigated by them than by IBAC.

¹⁹ s 16F of the Ombudsman Act requires the VO to notify us of a complaint or referred matter that appears to involve the misconduct of IBAC or IBAC personnel, or the misconduct (but not corrupt conduct) of a VO officer, the Chief Examiner or an Examiner, or a VAGO officer.

²⁰ Under s 67 of the Audit Act.

²¹ This figure includes a reopened case arising from a request for internal review, which was carried out and the case closed.

²² The other bodies about whom complaints were received are councillors, council officers and Victoria Police.

Complaints

Primary issues of concern in complaints

We classify each complaint with a primary issue of concern.

Data indicates that people often lodge a complaint with us because they believe the integrity body they were dealing with made the wrong decision. We cannot reconsider a decision of another body and we often must clarify our role with complainants. Where there is no deficiency in the application of the law, or the process undertaken by the body they have complained about, there is no role for us. To better inform people about complaints within our jurisdiction, we are updating our website in 2023–24 with short, explanatory videos about our complaints handling process and an improved online complaints form/function with anonymity capability.

Complaints closed

During this reporting period, we closed a record 136 complaints, a 51% increase from the 90 complaints closed in 2021–22.

These 136 closed complaints comprised:

- 80 of 86²³ (93%) complaints carried over into this reporting period²⁴
- 56 of 119 (47%) complaints received in 2022–23.

Of the complaints carried over and closed:

- 2 complaints were from 2019–20
- 16 complaints were from 2020–21
- 62 complaints were from 2021–22.

Figure 7: Primary issues of concern in complaints received, 2022–23

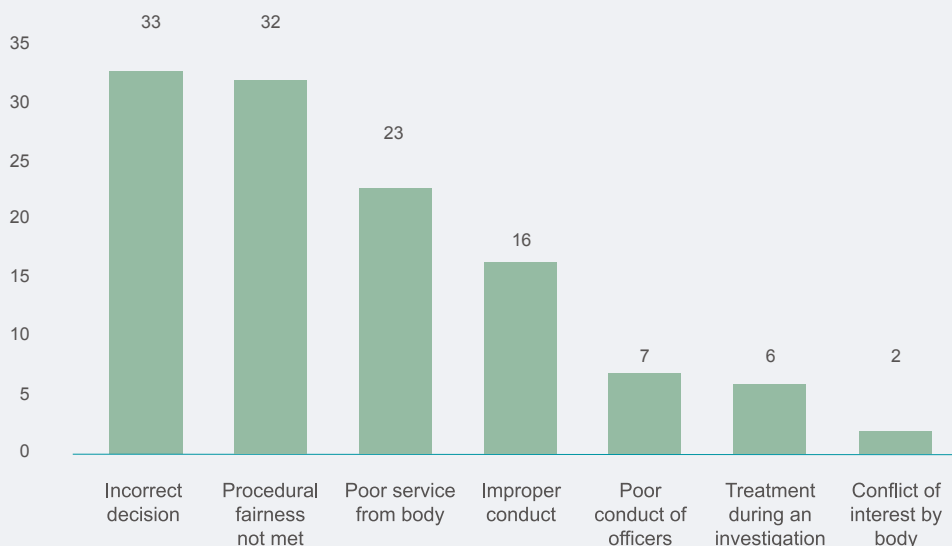


Figure 7 shows the distribution of primary issues identified in the complaints we received during this reporting period.

²³ Our 2021–22 annual report reported that 83 complaints were open at 30 June 2022. While preparing this report, we found that that figure should have been reported as 86. No other figures are affected.

²⁴ Complaints were carried over from 2021–22 for a range of reasons, including resources having been diverted in 2021–22 to finalising high complexity cases, delays due to COVID-19 and a 27% increase in the number of complaints received in 2021–22.

Backlog reduction

As we closed more complaints than we received, we reduced the backlog.

Seventy (70) complaints remained open at the end of the reporting period:

- 1 complaint from 2020–21 (reopened)
- 6 complaints from 2021–22
- 63 complaints from 2022–23.

Table 3 shows that 61% of complaints closed were about IBAC or IBAC personnel.

Figure 8: Complaints closed according to body, 2022–23

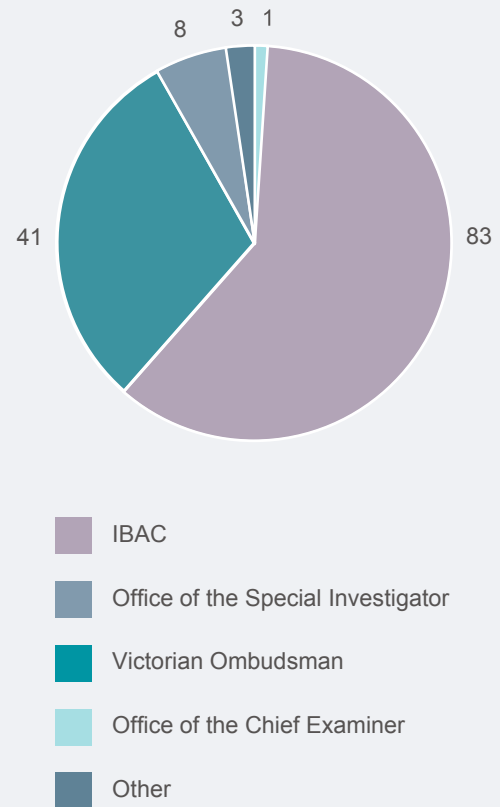


Table 3: Complaints closed according to body, 2022–23

Body	Complaints closed in 2022–23	Complaints received in 2022–23	Complaints received in prior years and closed in 2022–23
IBAC	83 (61%)	31	52
VO	41 (30%)	14	27
OSI	8 (6%)	8	0
OCE	1 (1%)	0	1
Other	3 (2%)	3	0
Total	136	56	80

Complaints

Figure 9: Complaints received and closed, 2018–19 to 2022–23

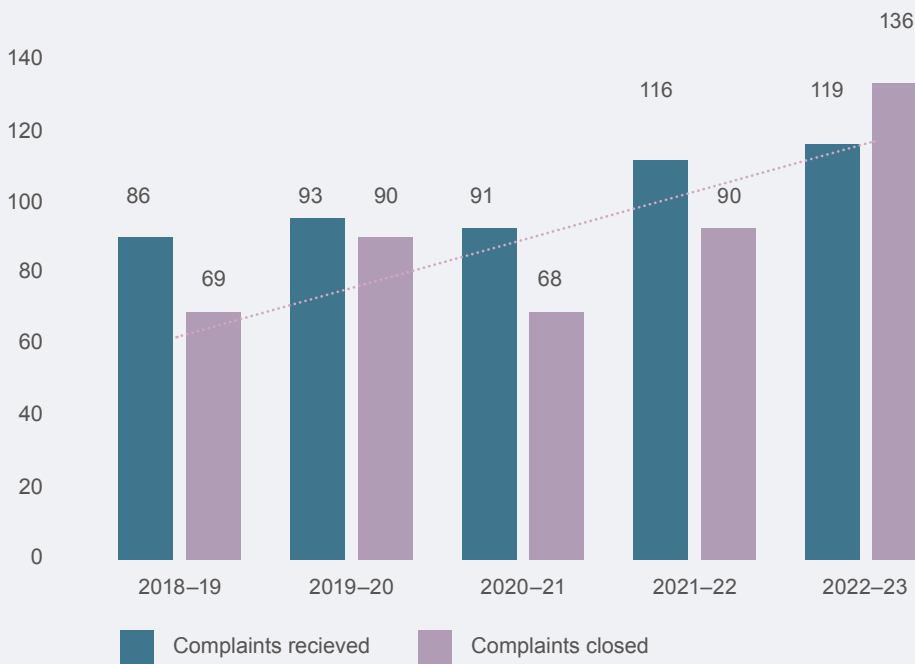
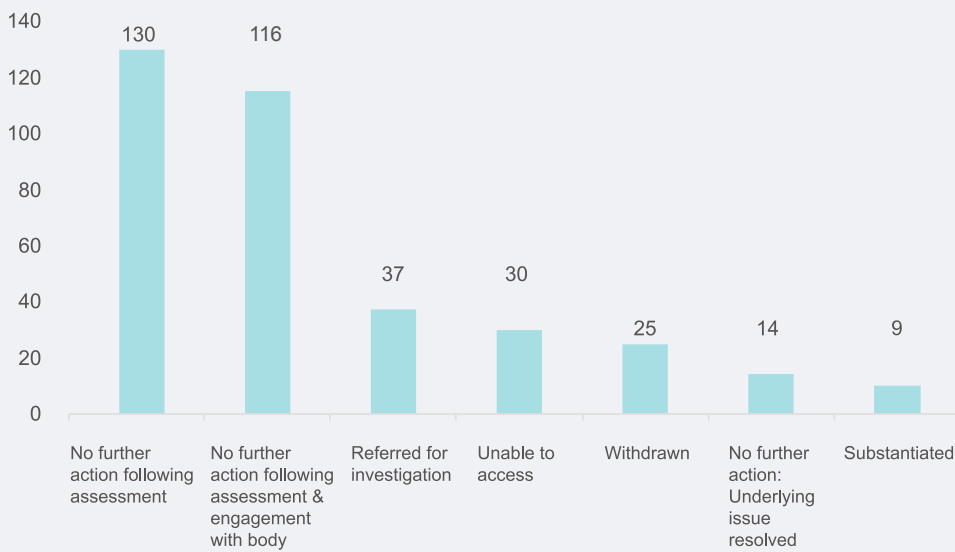


Figure 9 shows the increase in the number of complaints received in the years since 2018–19 and the significant increase in the number of complaints closed in 2022–23.

Figure 10: Outcomes of closed allegations, 2022–23



Allegations

The outcomes of allegations can vary in relation to the same complaint. For example, for a complaint with 2 allegations, we may determine that ‘Allegation 1’ is a public interest complaint and refer it for investigation. ‘Allegation 2’ may be found to lack substantiating evidence and a decision may be made to take no further action.

Allegations closed

During the reporting period, we addressed 361 allegations contained within the 136 complaints that we closed.

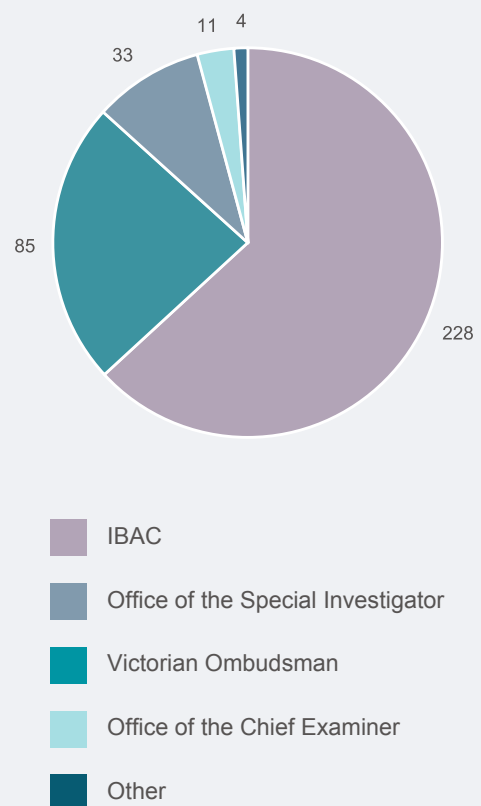
For each complaint closed, we had between one and 25 allegations. Although most of the complaints closed had between one and 5 allegations, 8 complaints had more than 10 allegations, including one with 20 allegations and one with 25 allegations.

Figure 10 shows that 37 allegations were referred for investigation. This resulted in 7 new investigations, the highest number of investigations commenced in a reporting period. See Investigations section for more details.

Feedback and observations

We provided feedback and observations about complaints to integrity bodies throughout the reporting period and also made recommendations in our special report.²⁵ Further detail about complaint outcomes, feedback, observations and recommendations, including case studies, can be found in the relevant body’s section of the report.

Figure 11: Allegations closed according to body, 2022–23



²⁵ Victorian Inspectorate. (2022). IBAC’s referral and oversight of Emma’s complaints about Victoria Police’s response to family violence by a police officer. <https://www.vicinspectorate.vic.gov.au/ibacs-referral-and-oversight-emma-complaints-about-victoria-polices-response-family-violence>.

Public interest disclosures

A person can make a complaint to the Victorian Inspectorate about improper conduct or detrimental action under the *Public Interest Disclosures Act 2012* (Vic) (PID Act). These types of complaints are called public interest disclosures (PIDs).

The PID Act establishes a whistleblowing framework for individuals to report improper conduct by a person, public official or public body, or detrimental action by a public official or a public body.²⁶ This is important to maintain the integrity of the Victorian public sector as it enables corruption and other types of improper conduct to be identified, interrupted, investigated, addressed and prevented in the future.

It takes courage to speak up and make a disclosure about improper conduct. For the framework to be effective, those who shine a light on wrongdoing in public life need to be confident they will be protected from reprisal for doing so. The PID Act protects them from civil proceedings and other actions relating to making their disclosure unless a false disclosure is made.²⁷

We can receive disclosures about most public sector officers and bodies.²⁸ We received disclosures by phone, email and via a specific online form. The PID Act imposes obligations on us to assess and properly handle those disclosures.

When we receive a disclosure, we consider whether we can handle it, which would be the case for disclosures about:

- IBAC or IBAC officers
- a Public Interest Monitor or
- the Office of the Special Investigator or an OSI officer.

If we determine the disclosure shows or tends to show²⁹ improper conduct or detrimental action, it will be determined to be a public interest complaint (PIC), and we must investigate. The discloser's identity will be kept confidential, as will the content of their disclosure.³⁰ If the disclosure is not a public interest complaint, we may be able to treat it as a general complaint.

If the disclosure relates to any other public body such as the Victorian Ombudsman (VO), or local councils we will assess whether the discloser has provided enough evidence for us to notify IBAC of the disclosure.³¹ IBAC will then decide whether the disclosure is a PIC and whether it will be investigated by IBAC or referred to another more appropriate body for investigation³², such as the VI, the VO or Victoria Police.

Investigating public interest complaints

During an investigation of a public interest complaint, we take all reasonable steps to protect disclosers from detrimental action in reprisal for making their disclosure. We also ensure that the subject of the disclosure is provided natural justice.

During 2022–23, we commenced 7 PIC investigations. We closed one of these, and also closed 2 PIC investigations commenced in 2021–22. At the end of the reporting period, we had 6 ongoing PIC investigations, all of which had commenced in 2022–23.

26 'Improper conduct' and 'detrimental action' are defined under the PID Act.

27 See Pt 6 of the PID Act for the types of protections, or our PID guidelines on our website.

28 Unless required to be made to another entity under s 14 or s 17 of the PID Act.

29 Or that the discloser believes on reasonable grounds that the information disclosed shows or tends to show.

30 See Pt 7 of the PID Act.

31 Under s 21 of the PID Act, we must notify a disclosure to IBAC if we consider the disclosure shows or tends to show, or that the person making the disclosure believes on reasonable grounds that the disclosure shows or tends to show, that a person, public officer or public body has engaged, is engaging or proposes to engage in improper conduct or a public officer or public body has taken, is taking or proposes to take detrimental action against a person in contravention of s 45 of the PID Act.

32 IBAC must refer a public interest complaint to the VI if it considers that its subject matter is relevant to the performance of the VI's duties and functions, or the exercise of its powers and it would be more appropriate for it to be investigated by the VI rather than by IBAC.

Oversight and monitoring

We also have the following monitoring and oversight functions relating to public interest disclosures:

- overseeing IBAC's performance of its functions under the PID Act, including its compliance with the PID Act
- reviewing the procedures established by IBAC, the Judicial Commission and the Victorian Ombudsman under Part 9 of the PID Act and the implementation of those procedures.

In 2022–23 we did not make any recommendations under section 63 of the PID Act arising from our review of PID procedures.

Promoting the purposes of the PID Act

Our functions under the PID Act include promoting the purposes of the PID Act.³³ We continued to engage with integrity system participants and the wider community to promote the purposes of the PID Act and engaged with IBAC and the members of the Public Interest Disclosure Consultative Group about issues relating to the interpretation and implementation of the PID Act.

We developed a short video about making public interest disclosures to the Victorian Inspectorate for publication on our website in 2023–24.

Disclosures handled under the PID Act

Assessable disclosures

This year we completed assessments of 2 assessable disclosures that were received in 2021–22 and determined that each was a public interest complaint.

In addition, we received and assessed 16 disclosures made under the PID Act, of which:

- 3 did not meet the definition of a public interest disclosure under section 9 of the PID Act
- 13 were assessable disclosures:
 - 3 were determined not to be public interest complaints
 - 7 were determined to be public interest complaints
 - one was notified to IBAC
 - 2 were determined after 30 June 2023.³⁴

Of the 13 assessable disclosures:

- 11 were made directly to the VI
- 2 were misdirected disclosures.³⁵

IBAC referred one public interest complaint to us for investigation.

There were no misdirected disclosures notified to the Integrity and Oversight Committee and no applications for injunctions under section 50.

Public interest complaint investigations

In total we undertook 9 and closed 3 public interest complaint investigations, with 6 open at 30 June 2023.³⁶ Two were investigations commenced in 2021–22 and 7 were new investigations commenced in 2022–23.

³³ s 56(1) of the PID Act.

³⁴ Determination decisions to be reported in our 2023–24 annual report.

³⁵ One misdirected disclosure received as a notification under s 71 of the IBAC Act but met threshold of a disclosure about an IBAC officer.

³⁶ For details, see the Investigations section.

Investigations and inquiries

The Victorian Inspectorate can investigate a complaint and can also initiate own motion investigations. We may conduct a preliminary inquiry to determine whether to commence an investigation, during which we will typically request and assess information from the oversighted body. We must, and do, investigate all public interest complaints.³⁷

If warranted, we may conduct an inquiry into a matter arising from an investigation. This empowers us to examine witnesses and compel the production of information.

An examination takes place when we summons a person to give evidence, with or without the requirement to produce documents or things. Examinations are conducted on oath or affirmation and the confidentiality of the evidence provided may be protected by a confidentiality notice. We may also summons the production of documents or things to assist an investigation.

We may obtain evidence through voluntary interviews with witnesses. In addition, without a summons being issued, personnel of bodies that we oversee can be required to provide information to us or to attend the Victorian Inspectorate to answer questions or produce documents in relation to an investigation.

We are entitled to full and free access to the records of the bodies we oversee and in certain circumstances may enter their premises and search for and copy or seize documents and things relevant to our inquiry.

Investigation statistics

We undertook 9 investigations in 2022–23. This is the highest number of investigations we have undertaken in a financial year. All were mandatory investigations of public interest complaints made under the public interest disclosure scheme (PIC Investigations):

- 2 investigations commenced in 2021–22
- 7 investigations commenced in 2022–23.

We closed 3 investigations: 2 that commenced in 2021–22 and one that commenced in 2022–23. Six remained open at 30 June 2023.

Status of investigations

Three public interest complaint investigations closed during 2022–23

- A PIC investigation about IBAC and IBAC officers that included an inquiry:
 - Commenced: 2021–22
 - Outcome: The allegation was not substantiated and the VI took no further action.
- A PIC investigation about an IBAC officer that included an inquiry:
 - Commenced: 2021–22
 - Outcome: One allegation was substantiated and one allegation was not substantiated.
 - Five recommendations were made to IBAC and 4 were accepted.
 - The recommendations were made to support continuous improvement by the agency as a result of gaps identified in their policies, procedures and processes during the investigation rather than as a result of deficiencies by the agency.

³⁷ Under s 44(2) of the VI Act.

³⁸ A confidentiality notice ceases to have effect after 5 years unless cancelled or extended by court order.

- A PIC investigation about an OSI officer that included an inquiry:
 - Commenced: 2022–23
 - Outcome: The allegation was not substantiated and we took no further action.

Six PIC investigations commenced in 2022–23 and were open at 30 June 2023

- One PIC investigation about VO officers that included an inquiry:
 - Outcome: Allegations were not substantiated
 - Commenced engagement about preliminary observations arising from the investigation that will be reported on in 2023–24.
 - Investigation not administratively closed at end of reporting period.
- Two PIC investigations about the OSI and OSI officers that each included an inquiry:
 - Investigations ongoing at end of reporting period.
- Three PIC investigations about IBAC and/or IBAC officers:
 - Investigations ongoing at end of reporting period.

Powers exercised during investigations

During the reporting period, we:

- issued 18 witness summonses
- issued 28 confidentiality notices
- cancelled 16 confidentiality notices.³⁸

We also required attendance or the production of documents or the provision of information by personnel of oversight integrity bodies on 6 occasions under section 47 of the VI Act.

For more details see IBAC, Victorian Ombudsman and Office of the Special Investigator sections.

Inspections

We have a regular integrity program that includes physical inspections of records and documents associated with the use of covert, intrusive and extraordinary investigatory powers including the use of surveillance devices³⁹, the conduct of controlled operations⁴⁰, telecommunications interception⁴¹ and the exercise of police counter-terrorism powers.⁴² Additionally, we inspect the records of the PIM to ascertain the extent to which it has complied with prescribed obligations.⁴³ From time-to-time, we may also conduct an irregular inspection of an agency's records in response to a compliance concern connected to the use of a covert power.

We respond to identified issues by making formal findings of non-compliance and recommendations to prevent breaches of the law.

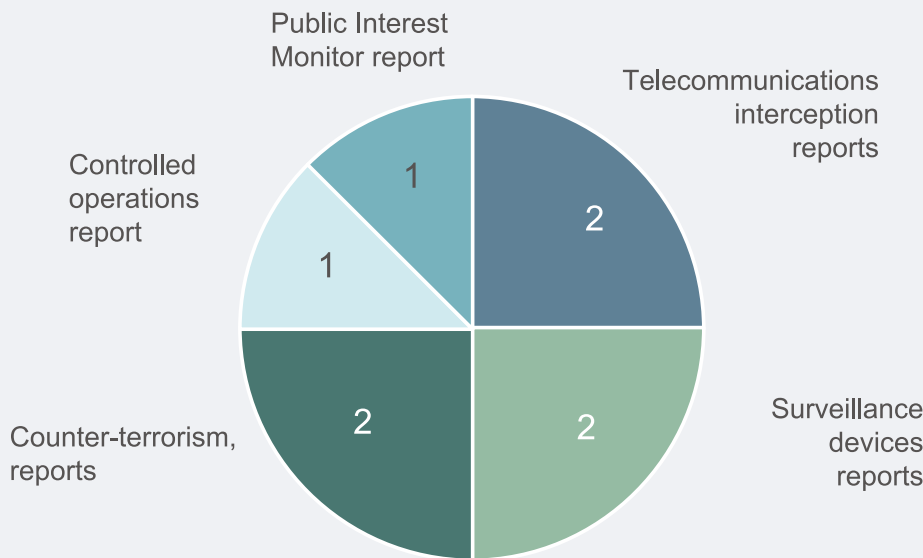
Surveillance devices reports and controlled operations reports are tabled in Parliament and published on our website (bi-annually and annually respectively).

Inspection outcomes in relation to telecommunication intercepts are also reported annually; however, these reports are not tabled in Parliament but are instead sent directly to the bodies' chief officers and Ministers.⁴⁴

We conducted 14 regular inspections this financial year (over a total of 34 days offsite) and one irregular inspection (over a period of 4 days offsite).

Eight inspection reports were completed⁴⁵; 6 of these reports were tabled in Parliament. All tabled reports can be found on our website.

Figure 12: Inspection reports completed, 2022–23



³⁹ SD Act.

⁴⁰ *Crimes (Controlled Operations) Act 2004* (Vic) (CCO Act) in respect of IBAC and Victoria Police; *Fisheries Act 1995* (Vic) in respect of VFA; *Wildlife Act 1975* (Vic) in respect of DEECA and the GMA.

⁴¹ TIA Act empowers IBAC and Victoria Police to intercept telecommunications under the authority of a warrant, and to use and communicate lawfully intercepted information. We make reports under the TISP Act.

⁴² Victoria Police exercise covert powers under the TCP Act.

⁴³ As required by the VI Act.

⁴⁴ As required by the TISP Act.

⁴⁵ There can be more than one inspection within a round of inspections necessary to complete one inspection report.

Telecommunications interception

In Victoria, there are 2 bodies empowered by the Commonwealth's *Telecommunications (Interception and Access) Act 1979* (Cth) (TIA Act) to intercept telecommunications under the authority of a warrant and to use and communicate lawfully intercepted information. These are Victoria Police and IBAC.

Reports are made under the Victorian *Telecommunications (Interception) (State Provisions) Act 1988* (TISP Act) and are not publicly available. Reports are sent to the chief officers of each body, the Minister for Police (with respect to Victoria Police) and the Attorney-General (for both Victoria Police and IBAC). The Minister for Police and Victoria's Attorney-General must then forward the reports to the Minister responsible for the TIA Act, the Commonwealth Attorney-General.

In 2022–23, we completed 2 inspection rounds at both IBAC and Victoria Police, as well as an additional inspection at IBAC only that was ongoing at 30 June 2023. See IBAC section for further detail. We made 2 regular reports, one each for Victoria Police and IBAC, on the results of our biannual inspection of records at these bodies. These reports were made within the statutory timeframe.

Surveillance devices

Under the *Surveillance Devices Act 1999* (SD Act), we have oversight of the use of surveillance devices by Victorian state bodies. The following 7 bodies are permitted to apply for warrants to use optical, listening, tracking and data surveillance devices for the purpose of investigating offences:

- Victoria Police
- IBAC
- Game Management Authority (GMA)
- Victorian Fisheries Authority (VFA)
- Department of Energy, Environment and Climate Action (DEECA)⁴⁶
- Environment Protection Authority (EPA)
- Office of the Special Investigator (OSI).⁴⁷

The SD Act requires us to inspect the records of those bodies from time to time and to report the results of inspections to each House of the Parliament as soon as practicable after 1 January and 1 July of each year. A copy of the report is required to be provided to the Attorney-General at the same time it is transmitted to the Parliament.

In 2022–23, we inspected the records of Victoria Police, IBAC and the VFA. No inspections were conducted at the GMA, DEECA, EPA and OSI since none of these agencies made an application for a surveillance device warrant for the relevant period nor were there any previous issues to address

We tabled inspection reports in Parliament in August 2022 and May 2023.

⁴⁶ Until 31 December 2022, DEECA was known as the Department of Environment, Land, Water and Planning (DELWP).

⁴⁷ The VI was advised by the Special Investigator that all OSI investigative and analytical functions ceased on 27 June 2023.

Inspections

Controlled operations

A controlled operation is a covert investigation method used by law enforcement bodies. It involves authorised participants (predominantly law enforcement officers but sometimes a civilian) covertly obtaining evidence to support the prosecution of an offence. For this purpose and subject to strict controls, a participant may need to engage in conduct which, but for the controlled operations authority, would be unlawful. Under the legislation a controlled operations authority may be granted by a body head (or their delegate), which indemnifies authorised participants against liability for such unlawful conduct.

The power to conduct controlled operations is governed by the:

- *Crimes (Controlled Operations) Act 2004* in respect of Victoria Police and IBAC
- *Fisheries Act 1995* in respect of VFA
- *Wildlife Act 1975* in respect of DEECA and the GMA.

We are required to inspect the records of the above bodies, and we also receive biannual reports from each body's chief officer on their controlled operations activities during the six-monthly period. We report to the relevant Ministers and to the Parliament on the work, activities and level of compliance with statutory requirements achieved by each body.

In 2022–23, we inspected the records of Victoria Police and the VFA. As IBAC, DEECA and the GMA did not make any applications to conduct controlled operations, we did not review any records at these bodies.

Our annual inspection report, which includes an assessment of compliance by each body's chief officer with their biannual reporting obligations, is finalised following receipt of each chief officer's report, which are due by the end of August each year. We tabled a report in Parliament on bodies' compliance with controlled operations legislation for the 2020–21 year in August 2022, as well as a report for the 2021–22 period in June 2023.

Counter-terrorism powers

The *Terrorism (Community Protection) Act 2003* (TCP Act) permits Victoria Police to exercise certain exceptional powers for the purpose of preventing or responding to acts of terrorism and assigns an inspections role to us for the purpose of providing independent oversight of the use of these counter-terrorism powers.

We conducted one inspection of Victoria Police records under the TCP Act during 2022–23. We did not undertake a planned inspection in August 2022, because Victoria Police did not exercise its powers under the TCP Act between the last inspection of records and the proposed inspection in August 2022. During this same period, however, we held a meeting with Victoria Police to discuss outstanding recommendations connected to an earlier inspection of TCP Act records and inspected updated procedural documents provided by Victoria Police that dealt with the same inspection findings.

In 2022–23, we delivered 2 reports to Parliament as well as to the Minister, in accordance with the TCP Act. One report commented on the preparatory activities undertaken by Victoria Police to support compliance with the TCP Act as well as changes it made to procedures and related documents in response to our findings and recommendations from an earlier inspection of their records. In the other report, we provided updates on Victoria Police's engagement with other bodies with a role under the TCP Act and its response to our findings from the inspection mentioned above.

PIM records

The role of the Public Interest Monitor (PIM) is to appear at hearings during which law enforcement officers apply for the use of certain coercive or covert powers and to test the content and sufficiency of the information relied on in the applications. We are required to inspect certain records kept by the PIM and to report on the outcomes of inspections to the Attorney-General at least once a year.

In 2022–23, we conducted one inspection of records held by the PIM. We delivered a report on the results of our inspection of PIM records to the Minister within the statutory timeframe, being 3 months after the inspection was conducted. This report is not made publicly available.

Further details of our inspection of PIM records are given in the PIM section of this report.

Coercive power notifications

One of our core functions is the oversight of coercive powers by Victorian integrity, accountability and investigatory bodies. These powers, which limit the freedom and rights of individuals, include:

- issuing a summons or notice to a person requiring them to give evidence or to produce documents or things
- issuing a confidentiality notice prohibiting a person from disclosing information about a matter being investigated, or that a summons or notice has been issued
- compulsorily examining or questioning a person using coercive powers.

IBAC, the Victorian Ombudsman (VO), the Office of Chief Examiner (OCE), the Office of the Victorian Information Commissioner (OVIC), Wage Inspectorate Victoria (WIV), the Victorian Auditor-General's Office (VAGO), the Office of the Special Investigator (OSI) and the Judicial Commission must notify us when they use these types of powers (coercive power notifications).⁴⁸ They each have a different range of notification requirements, and not all coercive powers need to be reported to us.⁴⁹

As the VI Act defines coercive power in relation to the VO as any power under Division 3 of Part IV of the Ombudsman Act, it covers voluntary appearances. The VO notified us when they conducted voluntary interviews and required the witness to give evidence on oath or affirmation. OVIC also reported their voluntary appearances and any transcripts of the interviews. OVIC's reports are not included in the coercive power notification statistics.

Coercive power notification statistics

A Court of Appeal decision relating to the invalidity of confidentiality notices, *Beckingham v Browne* [2021] VSCA 362⁵⁰, resulted in IBAC informing a number of witnesses that their confidentiality notices were invalid, rather than cancelling them.⁵¹

Figure 14 shows that in 2022–23, we received 572 coercive power notifications, 33% less than the 860 received in 2021–22. The notifications were made by IBAC, the VO, OCE, OVIC and WIV. We did not receive any notifications on the use of coercive powers by VAGO, the OSI or the Judicial Commission. See each body's section for more detail.

⁴⁸ When a summons or a confidentiality notice (CN) is issued, the notification usually includes the summons/CN, explanatory information given to the recipient, and a report to us explaining why the body issued the summons/CN. Where a person has been required to give evidence, we receive a recording of the examination, a transcript (if one was made), and a report providing details, (this is the legislative requirement for IBAC, OVIC, the VO, VAGO, WIV and OCE).

⁴⁹ The requirement for bodies to provide documents to us arises both from the legislation governing the relevant body and 'standing requests' that we make where appropriate under the VI Act.

⁵⁰ In December 2021, the Victorian Court of Appeal found that 2 CNs issued by IBAC in 2017 were invalid. IBAC considered that other CNs would be invalid for the same reason and advised numerous recipients in letters that they were not bound by the CNs that had been issued to them. A number of these notifications were received during 2022–23 but are not included in the figures reported for cancelled CNs.

⁵¹ We have not included these in our reporting of cancelled confidentiality notices because, technically, a valid coercive power was not exercised, and therefore cannot be cancelled.

Figure 13: Coercive power notifications received according to body, 2022–23

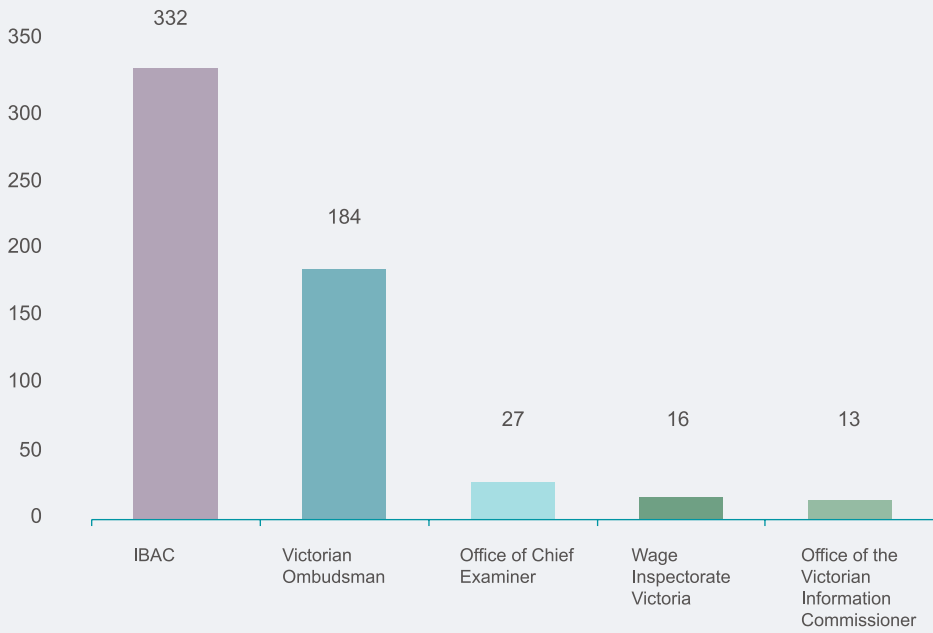


Figure 14 shows the number of coercive power notifications received has fluctuated between 1081 and 572 over the last 5 years.

Figure 14: Coercive power notifications received, 2018–19 to 2022–23



Coercive power notifications

Monitoring the use of coercive powers

Our current approach to reviewing coercive powers notifications includes:

- receiving and registering notifications
- a completeness check to identify any missing records or information
- a triage process to select notifications for review according to identified risks
- reviewing selected notifications by assessing whether the relevant body complied with requirements in the legislation when using the relevant coercive power.⁵²

New periodic reporting model

In March 2023, we advised bodies that had exercised powers during 2022–23 that we would adopt a new reporting model where compliance issues and feedback would be consolidated and privately reported to the body at certain intervals.

While most issues are captured within these periodic reports, we may still elevate issues for direct correspondence at the chief officer level where the matter is serious, requires ongoing engagement or its management is time-sensitive.

When we report compliance issues or provide feedback to a body, we aim to explain why we believe something

may be an issue and outline steps we think may address, or help to manage, the issue. We do this by making suggestions that consider a body's own practices, policies and procedures, as well as our own experience and knowledge of effective practices gained from our oversight role.

Each body is given an opportunity to respond to these reports which, from 2023–24 onwards, will be summarised for inclusion in our annual reports. As the periodic reporting model was introduced near the end of 2022–23, we used this as a trial period to allow bodies to adapt, and to provide an opportunity for our own new reporting process to mature.

It is anticipated that the first year or so of this new process may increase the response requirements for agencies as they are required to respond with a systemic methodology to prevent future errors. This was not required when issues were raised individually but is the best way of increasing future compliance.

⁵² The VI Act specifies the issues we must review when we exercise our discretion to conduct a review of a coercive power notification. In particular, see ss 40A, 41A, 42AA, 42B(2), 42C and 42E.

Process improvements

To oversee notifications more efficiently during 2022–23, we increased the range of information captured in our case management system and refined our use of the system. We also implemented in February 2023 a revised triaging methodology to better capture risks while still allowing flexibility to select notifications for review. This allows us to focus on systemic issues and apply more rigorous assessments to areas where it is most needed. Issues identified during triage are reported as required, or if significant, may lead us to undertake a full review.

Process

Completeness check and triage

As we have a discretion to review coercive power notifications, we assess whether the notification meets the threshold for a review through a risk-based triaging process.

For example, when triaging an examination recording, we may view the commencement of an examination, identify when and why breaks were taken, and how the witness presented (from a welfare perspective), before, during and after the examination. If a witness presents with a welfare issue, we usually review and assess how the body managed this and the supports offered to the witness.

We also apply mandatory review principles to certain notifications, such as where the powers are rarely exercised, or where there could be a high-risk of compliance issues, such as public examinations, immediate summonses, and directions to lawyers. For a new investigation or inquiry, we review a sample of notifications, even though they would not otherwise meet the risk threshold. This ensures that we apply sufficient scrutiny to new activities by the body.

Coercive power notifications

Content of reviews

The *Victorian Inspectorate Act 2011* specifies that a review must assess:

- whether the notification is compliant with the legislation governing the body
- whether a requirement to produce documents or things may reasonably be considered to assist the body to achieve the purposes of its investigation
- whether the questioning of a person attending the body for an examination may reasonably be considered to assist it to achieve the purposes of the relevant investigation.

We also consider the welfare of witnesses when reviewing coercive power notifications.

Triage and review statistics

Of the 572 coercive powers notifications received during 2022–23, we triaged 571.⁵³ Following the triage process, we reviewed 319 or 56% of these notifications, comprising:

- 282 documents (i.e. summonses, confidentiality notices)
- 37 examinations/interviews (i.e. recordings).

We reviewed all of the notifications received from Wage Inspectorate Victoria and the Office of the Victorian Information Commissioner due to their developing frameworks and experience with the use of coercive powers.

The number reviewed (319) is up 12% from the 284 reviewed in 2021–22.

Table 4: Coercive power notifications reviewed, 2022–23

Type of power notified	Received	Reviewed	% Reviewed
Confidentiality notices	106	72	68
Cancellations of confidentiality notices	45	28	62
Summons/Orders/Notices	318	181	57
Examinations/Interviews	102	37	36
Directions to lawyers	1	1	100
Total	572	319	56

We also received and reviewed written reports of 8 voluntary interviews conducted by OVIC under the PDP Act.

⁵³ An administrative error resulted in one notification being triaged in the 2023–24 financial year.

Issues raised

During 2022–23, we identified and acted on a range of issues associated with the use of coercive powers by IBAC, the Victorian Ombudsman, Wage Inspectorate Victoria, Office of the Victorian Information Commissioner and Office of Chief Examiner. These are discussed in each body's section of this report.

Identifying these issues and requiring systemic responses will lead to improvements in the enforceability of summonses and the welfare of witnesses.

Other issues we identified were procedure or process-related but risked unduly impacting a witness or the fairness of the interview process, such as exacerbating pre-existing welfare issues or heightening welfare risks.

Noting the risks, we seek to immediately address issues that may call into the question the lawfulness of a body's actions. This includes where we find a summons that could be considered invalid, confidentiality notices that contain incorrect or misleading information, or summonses that do not provide the required period of notice to a person. All these issues have a bearing on the fairness and proportionality of the exercise of a coercive power.

Coercive power notifications

Coercive power feedback examples

These examples show how overseeing a range of bodies allows the learnings from one body to be applied to others.

Example 1 Ensuring lawful service and enforceability of an interstate summons

Coercive information gathering powers are important regulatory tools for bodies who require evidence during an investigation. These powers include seeking the production of documents located interstate. Given the intrusive nature of these information gathering powers and their potential impact on the recipient, proper processes must be followed to ensure that the evidence is gathered in accordance with State and Commonwealth statutory requirements.

The *Service and Execution of Process Act 1992* (Cth) (SEP Act) applies to a body authorised to take evidence on oath or affirmation during an investigation when they are serving a summons.⁵⁴ The SEP Act requires the body to seek leave (approval) of the Supreme Court of Victoria to serve a summons interstate.

For example, it is a reasonably common practice to summons financial documents from banks. If held at the bank's interstate head office, the body must seek the Supreme Court's approval to serve the summons on the bank. Without approval, the body may not be able to require the bank to comply with the summons or prosecute the bank for a failure to produce the documents.

Given these implications, we engaged throughout the reporting period with bodies that had served a summons or notice to produce on an interstate entity without leave of the Supreme Court of Victoria. We also engaged with bodies when it was not clear where a recipient was located.

One of the bodies we engaged with, IBAC, did not share our view that leave was required for interstate service on bodies corporate and continued to serve summonses on them throughout the period. However, following our continued engagement, IBAC ultimately accepted our view and advised it would commence using the SEP Act process for all interstate summonses and was developing processes to ensure compliance with the SEP Act.

We raised this issue with three other bodies during the period. WIV accepted our view insofar as it related to documents or other things. WIV was of the view that a notice to produce (NTP) requiring 'specified information' did not satisfy the statutory definition of 'subpoena' in section 47 of the SEP Act. In response to this view, we explained our interpretation that 'specified information' as contained in section 52(1)(a) of the *Wage Theft Act 2020* can only be provided either orally (in evidence) or via a document and as such an NTP requiring 'specified information' is a 'subpoena' within the meaning of section 47 of the SEP Act. The WIV acknowledged our interpretation and sought more time to analyse it. We continued engagement with the WIV on this issue. OVIC changed its practice, policy and procedure in response to our engagement. We will continue to liaise with the VO in the next reporting period.

This issue prompted the drafting of a Guidance Note (to be known as Guidance Note 2) on interstate service on bodies corporate that we intend to publish on our website when we complete our consultation with the bodies we oversee. We are confident that this will result in increased compliance within this area and will ensure that witnesses are summonsed in accordance with applicable laws.

⁵⁴ In s 3 of the SEP Act, such bodies are defined as tribunals and a summons is a subpoena.

Example 2 Witness welfare

The welfare of witnesses is a fundamental issue when reviewing coercive power notifications.

During our review of recorded interviews and examinations, we have continued to identify areas where bodies could improve how they handle potential welfare concerns. We consider their approach before and during the interview/examination.

An area of focus has been ensuring that prior to an examination, bodies make appropriate enquiries, and have this process codified in policy, on any witness welfare issues or concerns. This is important so any risks to health can be mitigated as far as reasonably practicable as required under the *Occupational Health and Safety Act 2004*. Welfare issues may also limit a witness' ability to fully participate in an interview and thereby undermine the fairness of the process. Several bodies do this as a matter of course, however it has not always been consistent in the examination and interview recordings we review, and it is an area where improvement would be beneficial for some. Another similar factor is ensuring that witnesses are offered breaks after reasonable durations and are clearly aware of their right to request these.

If we identify a welfare concern, and it is not clear how it has been dealt with by the body, we seek further information to satisfy ourselves that the body has acted appropriately. There were several examples of this during the period. In one of those we identified that a witness had appeared distressed at the conclusion of an interview and sought to confirm the actions taken by the body to assess and manage any resulting welfare risk. We were satisfied that the body had acted appropriately.

At one body, we identified that in several examinations, welfare concerns expressed by witnesses were not appropriately dealt with. An example of such a concern may be where a witness appears to be emotional or has expressed a mental health issue such as anxiety. Despite these being evident, the body did not appear to take any action, such as checking in with the witness on their wellbeing. This issue had not yet been raised with that body during the reporting period and will be the subject of engagement in 2023–24.

Example 3 Oath or affirmation—no presumptions about preference or religion

During examinations or voluntary interviews, a witness may be required or asked to take an oath or make an affirmation that the evidence they will give is truthful. There are certain requirements under the *Oaths and Affirmations Act 2018* however a person is not bound to a particular religious text, or required to use one. To ensure that consideration is given to a witness' rights, we assess how an oath or affirmation was administered and whether it was undertaken appropriately, including ensuring that a body does not make presumptions about a person's beliefs.

We identified several instances, across two bodies, where witnesses were provided explanations or instructions on the taking of an oath that limited it to

being on the 'bible' rather than a more open-ended option that didn't presume or exclude a witness' beliefs. During these reviews, we had also identified one occasion where a comment was made to a witness that presumed their beliefs. This had not yet been raised with that body during the reporting period.

As we have commonly noted that witnesses may be uncertain on the differences between an oath or affirmation, we have also advised certain bodies to clearly explain these options to witnesses and to confirm their preference (in a manner that does not limit a witness to a particular religion). This ensures that witnesses' rights are appropriately supported and that the process, however difficult, remains inclusive.

Coercive power notifications

Example 4 Procedural fairness— how much to tell a witness before an examination or interview

Our notification reviews consider issues of procedural fairness.

The legislation governing the use of compulsory interview or examination power sets out procedural fairness requirements which include informing a person of the nature of the matters about which they will be asked questions.⁵⁵ We identified two instances, at separate bodies, where witnesses were not provided a detailed list of topics to be discussed during an interview. Noting the procedural fairness implications, we followed up with both bodies to confirm the reasoning for these potential omissions. For one of those instances, the body confirmed that this had been an oversight. In the other, the body clarified that additional information had been provided to the witness.

An issue not addressed in Victoria's integrity legislation is whether a witness should be told before interview whether they are a subject of the investigation.

Recent cases suggest that there is no common law procedural fairness requirement to inform a witness that they are the subject of an investigation. However, it is appropriate to take into account obligations under the *Occupational Health and Safety Act 2004* (which apply to those attending interviews) and witness welfare considerations before deciding what to tell a witness.

In our view, it is better practice for a witness to be advised whether they are the subject of an investigation, unless there is a specific reason not to. If a witness attends to give evidence without knowing they are under investigation, this may impact whether they seek legal representation or bring a support person; however there may be a justifiable reason for not informing them.

We engaged with one body on this matter during the period and identified some areas where improvements could be made to practice and procedure to ensure that consistent information is provided. The body committed to amending its practices to make this clear.

We flagged with another body that its correspondence with one witness was not clear as to whether they were considered to be a subject and will continue to engage on this matter where it arises.

This issue also arose in the context of an investigation and resulted in IBAC accepting our recommendations to change their procedures. See 'improvements made' in the IBAC section of this report.

⁵⁵ For some bodies there is an exception if sharing this information would prejudice the investigation.

Section 4

Bodies that we oversee

IBAC

We fulfil our broad range of oversight functions relating to IBAC (Independent Broad-based Anti-corruption Commission), which include monitoring the compliance of IBAC and IBAC personnel with the IBAC Act, the VI Act, the PID Act, and other laws,⁵⁶ through:

- receipt and management of complaints about IBAC and IBAC personnel
- preliminary inquiries and investigations about the conduct of IBAC and IBAC personnel
- assessment of public interest disclosures and investigation of public interest complaints about IBAC and IBAC officers
- review of coercive power notifications
- inspections relating to IBAC’s exercise of covert and intrusive powers
- general monitoring activities.

During 2022–23, we continued to engage regularly with IBAC in relation to these activities through meetings and information exchange protocols between IBAC’s Director Assessment and Review and our General Manager of Integrity Operations and Policy and regular interactions between the Integrity Operations and Policy Unit and IBAC personnel. Monthly meetings between the legal executive directors and, from the last half of the 2022–23 year, the resumption of quarterly meetings between the Acting Commissioner and Inspector, attended by IBAC’s CEO and our CEO and General Counsel, enabled discussion of complex and strategic matters.

The number of complaints about IBAC or IBAC personnel increased to 69 in 2022–23. We tabled a special report in October 2022 about IBAC’s handling of a Victoria Police complaint. See the case study about Emma in this section.

We completed 2 public interest complaint investigations about IBAC or IBAC officers. One allegation was substantiated and IBAC accepted 4 of the 5 recommendations that we made.

We engaged with IBAC about the PID Act to ensure consistency of statutory interpretation in implementing the public interest disclosure scheme.

Our regular integrity program for monitoring IBAC included review of coercive power notifications and the inspection of records relating to the exercise of intrusive powers. A significant outcome from reviews was IBAC’s agreement to apply the SEP Act for interstate service of summonses on bodies corporate. Following IBAC’s reporting of two delegation errors, we conducted a monitoring project in the form of an irregular inspection, which was ongoing at the end of the reporting period.

IBAC responded positively to the new reporting model for administrative and minor issues arising from our triage and review of coercive power notifications which commenced in May 2023. In moving to this approach, we aim to better support IBAC to identify opportunities to improve its compliance through an evidence-based, thematic approach to identifying any recurring issues. Time sensitive issues requiring immediate engagement with IBAC continued to be dealt with as they were identified.

In response to the issues we identified for improvement through feedback and recommendations, IBAC made or agreed to make a range of changes resulting in improvements to the integrity system. For further detail, see the case studies, recommendations and ‘improvements made’ in this section.

Enquiries

We addressed 40 of the 45 enquiries received about IBAC during 2022–23. Five of these enquiries remained open at 30 June 2023.

We addressed an additional 3 enquiries carried over from 2021–22.

⁵⁶ Other laws include IBAC’s legislative obligations in relation to covert powers under the TIA Act, the SD Act, the CCO Act.

Complaints

In summary, we commenced the year with 58 open IBAC complaints, received a further 69, closed 83 and had 44 open at the end of the reporting period.

We closed 31 of the 69 complaints received about IBAC or IBAC officers during 2022–23. Thirty-eight (38) remained open at 30 June 2023.

Of the 69 complaints received, 63 were made directly to the VI and 6 were notified to us by IBAC under section 71 of the IBAC Act as they were complaints or notifications made to IBAC that involve conduct of IBAC, or any person who is, or was at the time of the conduct, an IBAC officer.⁵⁷

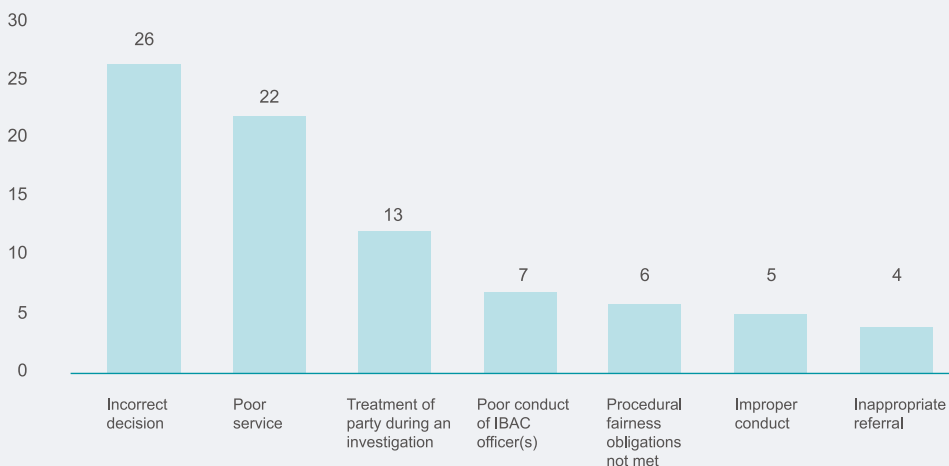
We closed 52 of the 58 IBAC complaints that had remained open from prior reporting periods.⁵⁸ Six (6) complaints from a prior reporting period remained open at 30 June 2023.

Primary issues

During 2022–23, we updated our case management system to enable us to record, and report on, the primary issue (and other issues) as described by a complainant as well as the particulars and outcome of each allegation made as part of a complaint.⁵⁹

Of the complaints about IBAC closed in 2022–23, the primary issues reported are shown in Figure 15, noting this includes complaints received in prior years.

Figure 15: Primary issues reported in complaints about IBAC, closed in 2022–23



⁵⁷ We note that IBAC applied a low threshold to matters referred under s 71 of the IBAC Act during the reporting period. In circumstances where we receive a complaint containing the same allegations as a complaint notified by IBAC under s 71, the matters are dealt with together (as a single complaint).

⁵⁸ We began 2022–23 with 86 complaints remaining open from prior years; 58 of these were complaints about IBAC.

⁵⁹ These include disclosures made under the PID Act.

IBAC

Allegation outcomes

For the 83 complaints about IBAC closed in this reporting period (being 31 received in that period and 52 from prior reporting periods), we assessed 227 allegations.⁶⁰ The allegations had the following outcomes:

- 20 allegations: **'Unable to assess'**; generally due to a lack of information, unclear allegations (which the complainant was not able to clarify), or refusal to provide consent for us to engage with IBAC about the complaint⁶¹
- 16 allegations: **'Withdrawn by complainant'**
- 87 allegations: **'Not substantiated'** with no further action following our initial assessment
- 12 allegations: **'No further action required'** after our engagement with IBAC to resolve a service issue
- 68 allegations: **'Not substantiated'** after comprehensive review of agency file (some including observations/feedback)
- 8 allegations: **'Substantiated'**; feedback, observations or recommendations made to IBAC
- 16 allegations: **'Referred for VI investigation'**.

Table 5: Primary issues and integrity responses in substantiated allegations relating to IBAC, 2022–23

Primary issue	No. of allegations substantiated	Integrity response
Incorrect decision by agency	2	Recommendations made in special report about Emma
Poor conduct of agency	2	Recommendations made in special report about Emma
Inappropriate referral by agency	2	Feedback to agency – see Mira's case study
Treatment of witness/party during investigation	1	Feedback to agency (re communications)
Treatment of witness/party during investigation	1	Feedback to agency (re risk assessment)
Total	8	

⁶⁰ This number includes 25 allegations that were assessed prior to the 2022–23 year in cases that were finalised after 1 July 2022.

⁶¹ This can include in instances where the complaint has been made anonymously, or where attempts to communicate with a complainant have been unsuccessful.

Table 6: Complexity of closed complaints relating to IBAC, 2022–23

Complexity of closed complaints	No. of complaints	No. of allegations
Low	36	61
Medium	28	70
High	19	96
Total	83	227

Table 6 shows the higher proportion of allegations for higher complexity cases.

Feedback and observations

In circumstances where we identify any opportunity for improvement that is not a subject of the complaint, we share this information with IBAC for its consideration for future improvements to processes or procedures.

Complaints about the treatment of witnesses as part of the IBAC investigations lead us to provide feedback to IBAC in a number of complaints (in some instances where allegations unsubstantiated), including:

- We advised IBAC of our view that when executing search warrants, the searches should be continuously video recorded. During the reporting period, IBAC proposed to update its search warrant procedure, practices and accompanying ‘ready reckoner’ to reflect a new process for recording the execution of search warrants. New measures include an assessment as to whether a search can be filmed in its entirety and if not, a plan as to any alternative means to confirm any conversation not recorded. See further detail on the measures in ‘Improvements made’ in this section.
- In response to a complaint made in 2020–21, we provided feedback about a risk assessment undertaken by IBAC in an investigation prior to a decision to undertake a public examination. The risk assessment had informed a report provided to us under section 117 of the IBAC Act. Such reports must include consideration of whether the

public examination can be held without causing unreasonable damage to a person’s reputation, safety or wellbeing. We acknowledged that IBAC had significantly uplifted its approach to witness welfare since 2017 when the risk assessment was undertaken, however, stated our view that we could not understand how the risk assessment that was undertaken prior to publicly examining the person produced a ‘low’ risk rating given the welfare issues known to IBAC at the time. We advised that we considered IBAC’s process, including its decision making under section 117 of the IBAC Act, may be strengthened by conducting the risk assessments earlier than had been the case in this complaint, to better inform IBAC’s decision making. IBAC responded by providing us updated policy documentation and noted that it was IBAC’s view that the most recent uplift of its approach more adequately considers the welfare of witnesses throughout witnesses’ engagement with IBAC during the life of an investigation.

- In recognition of the importance of providing people who are examined with access to a copy of their recordings and transcripts, we also provided feedback to IBAC about its apparent failure to do so in relation to a complaint. IBAC responded by immediately engaging with the witness to ensure they could access a copy of the recordings and transcripts.

IBAC – Case studies

Emma’s case study

On 11 October 2022, the Victorian Inspectorate tabled in Parliament a special report into ‘IBAC’s referral and oversight of Emma’s complaints about Victoria Police’s response to family violence by a police officer’. The report stemmed from a complaint by ‘Emma’, not her real name, which resulted in the VI undertaking a detailed review of IBAC’s complaint files relating to Emma. We note that IBAC received Emma’s complaints some years ago.

The special report highlights the experience of Emma, who was the victim of significant violence perpetrated by her then partner who was at the time, a serving member of Victoria Police.

The report relates to IBAC’s referral back to Victoria Police of Emma’s complaints arising from the family violence investigation.

Where there is a possibility that a matter referred to Victoria Police for investigation will be investigated by the colleagues of the perpetrator and of other officers being complained about, IBAC needs to ensure that its referral decision-making processes are as thorough and transparent as they can be. Important decisions need to be documented together with the underlying chain of reasoning and analysis.

When actual conflicts of interest are alleged within a referred investigation, IBAC also needs a clear process to consider withdrawing the referral.

The special report made 4 recommendations which aim to improve the effectiveness of IBAC’s processes for oversight of police. Despite IBAC’s wide ranging criticisms of the report, which are annexed in the report, IBAC accepted all recommendations.

The extensive changes and improvements by IBAC to the way complaints are assessed and handled, including the steps referred to in Mira’s case study, give us some confidence that victims of family violence perpetrated by police officers can feel safer in approaching Victoria Police, and, should issues arise in the police handling of the matter, IBAC. As we noted at the time in a media release accompanying the special report:

“Ultimately, the aim is that all victims of family violence can feel safer to come forward to both Victoria Police and IBAC.”

Recommendations in the special report:

1. That IBAC amend its formal processes to provide for better recording and documentation of its consideration of whether to refer a matter to an external body or person under section 73 that includes:
 - Consideration of whether it is more appropriate for the other body or person to investigate the complaint or notification rather than IBAC.
 - Consideration of the impact of such a decision where there are clear and ongoing risks to the complainant.
 - Consideration of any relevant rights or obligations under the *Charter of Human Rights and Responsibilities Act 2006* (Vic).
 - For police complaints, consideration of whether any alleged conduct could be a breach of section 227 of the *Victoria Police Act 2013* (Vic), which relates to unauthorised access to, use of or disclosure of police information.
 - A written record of the considerations.
2. Given the frequency of referrals to Victoria Police, that IBAC develop a policy and/or guideline in line with Recommendation 1 to support:
 - Consideration of whether allegations in a complaint about police misconduct, considered together, may constitute a pattern or system of detrimental action and/or corrupt conduct.
 - Consideration of whether to refer matters to Victoria Police.
 - Consideration of the risks raised by this report in referring matters to Victoria Police, such as conflict of interest, risks to health and safety and matters which may require prioritisation (for example, complaints involving ongoing risks such as family violence).
3. That IBAC develop and implement policies and/or guidelines outlining:
 - Circumstances in which IBAC officers should consider withdrawing a referral under section 79 of the IBAC Act.
 - Factors that may tend towards it being appropriate to withdraw a referral.
4. That IBAC develop guidance to ensure that it notifies the VI at the earliest opportunity of any complaint or notification involving the conduct of IBAC or an IBAC Officer in line with section 71 of the IBAC Act.

The case study about Mira provides an example of our engagement with IBAC about a complaint. The action taken by IBAC demonstrates the positive and systemic changes IBAC commenced during the reporting period to implement recommendations from the special report.

Mira's case study

We received a complaint from Mira, not her real name, regarding IBAC's handling of her complaint about Victoria Police that arose due to alleged domestic violence and Mira's belief that Victoria Police had stopped taking her reports and providing assistance when she was most vulnerable.

IBAC's initial response to Mira's complaint was to refer allegations to Victoria Police for investigation, which it must do if it considers that Victoria Police would be the more appropriate body to investigate.

Mira raised concerns with us that IBAC:

- failed to consider or understand her allegations, as those referred to Victoria Police were not holistically reflective of her complaint
- sent her concerns back to Victoria Police and effectively to the station their concerns were about
- staff were biased in the assessment of her complaint.

Mira attempted to clarify her concerns with IBAC regarding why she felt there was a conflict of interest with Victoria Police investigating her matter. IBAC did not appear to substantively consider Mira's concerns or respond to later communication from Mira.

The VI considered how IBAC had dealt with Mira's matter by reviewing IBAC's complaint file. With the recommendations outlined in the special report in mind (see Emma's case study) we engaged with IBAC about its decision making, the delay in responding to Mira's complaint and IBAC's communication with Mira. Our requests for information acknowledged that Mira had been in very challenging circumstances when she made her complaint to IBAC, and we approached our engagement through a complainant welfare lens.

We found that IBAC had misunderstood Mira's concerns and had not taken opportunities to reconsider:

- the allegations it referred to Victoria Police and whether they comprehensively reflected the issues raised by Mira
- whether the referral, which ultimately resulted in the complaint being investigated by members of a police station that Mira raised concerns about, was appropriate.

IBAC engaged cooperatively and transparently with the VI in relation to Mira's complaint. As a result of the engagement, IBAC further considered its handling of the complaint and proposed the following resolution to the complaint which the VI agreed was appropriate:

- apologise to Mira for any distress caused by IBAC's management of her complaint
- review the police investigation
- use Mira's matter as a (deidentified) case study to support better practice at IBAC
- undertake training and awareness raising with respect to family violence and victims of crime for its officers.

The actions by IBAC followed its introduction of a triage process to identify those complaints requiring urgent assessment and reflected a maturing of approach to IBAC referrals to Victoria Police.

IBAC has apologised to Mira and made significant changes to its processes. For example, IBAC referrals now have regard to a 'referral checklist'—where appropriate:

- conditions are attached to referrals of complaints to Victoria Police to address local management or welfare concerns
- IBAC can mark a referral for 'active monitoring' in order to monitor the timeliness of Victoria Police investigations.

IBAC will also include guidance to assessment officers about communicating with complainants and Victoria Police about information received after the referral has been made in its referral procedure (which is currently under review). In some cases, IBAC will also consider whether it should exercise powers under section 79 of the IBAC Act.

IBAC

Investigations

During 2022–23, we closed 2 investigations of public interest complaints under the PID Act commenced in 2021–22:

- One PIC investigation about IBAC or IBAC officers that included an inquiry:
 - Outcome: The allegation was not substantiated and we took no further action.
 - Powers exercised: We issued one witness summons and 5 confidentiality notices and cancelled 6 confidentiality notices, including one issued in 2021–22. We required IBAC to produce documents on one occasion.⁶²
- One PIC investigation about an IBAC officer that included an inquiry:
 - Outcome: One allegation was substantiated and one allegation was not substantiated.
 - 5 private recommendations were made to IBAC and 4 were accepted.
 - The recommendations were made to support continuous improvement by the agency as a result of gaps identified in their policies, procedures and processes during the investigation rather than as a result of deficiencies by the agency.
- Powers exercised: We cancelled 9 confidentiality notices in 2022–23 that had been issued in 2021–22.
- Improvements identified in recommendations:
 - The recommendations related to policy improvements about conflict of interest training, authorising disclosure of information to other entities, training about making informal disclosures during investigations, and procedure improvements to ensure that prior to an examination, with regard to its investigation scope and welfare considerations, IBAC consider and record whether to inform a witness that they are a subject of the investigation.
 - We engaged first with IBAC about the draft recommendations and worked at length with IBAC to ensure that the final recommendations that were accepted by IBAC were practical and lawful.
 - In accepting the recommendations, IBAC provided us with its witness welfare procedure and investigation procedure for consideration; indicated that the revision of its other internal policies would take place during this reporting period; and advised that training would take place in the next reporting period.

We commenced 3 new investigations about IBAC and IBAC officers in 2022–23 and these were ongoing at the end of the reporting period:

- One PIC investigation about IBAC and IBAC officers:
 - Powers exercised: We obtained documents once under section 47 of the VI Act.
- One PIC investigation about an IBAC officer:
 - Powers exercised: We required the attendance of an agency officer to answer questions once under section 47.
- One PIC investigation about IBAC and IBAC officers:
 - Powers exercised: We issued 2 confidentiality notices and required the provision of information once under section 47 of the VI Act.

Inspections

In 2022–23, we inspected IBAC’s surveillance device records and tabled inspection reports in Parliament in August 2022 and May 2023. We completed 2 inspections of telecommunications interception records and made a regular report within the statutory timeframe on the results of the biannual inspection of records. As IBAC did not make any applications to conduct controlled operations, we did not review any records.

IBAC delegations, authorisations and approvals – irregular inspection

In September 2022 IBAC reported to us that it had identified an error in its use of delegations. We engaged with IBAC on this issue to understand the extent of matters potentially affected and action taken to remedy the reported issues. In April 2023 IBAC notified us of a further delegation error.

We notified IBAC in May 2023 that we would conduct an irregular inspection of relevant records. We conducted our physical inspection onsite at IBAC’s premises between 29 May and 1 June 2023 and continued to seek information relating to the inspection throughout the remainder of the reporting period. The inspection and related reports were not finalised by 30 June 2023. The reports will be made under the relevant inspection regimes in accordance with our powers under the legislation relevant to the power.

IBAC

Coercive power notifications

The table below shows that during the reporting period, we received 332 coercive power notifications from IBAC under the IBAC Act, a 52% decrease from the 693 notifications received in 2021–22.

Table 7: Coercive power notifications received from IBAC, 2018–19 to 2022–23

IBAC Act powers of closed complaints	2018–19	2019–20	2020–21	2021–22	2022–23
Confidentiality notices issued (s 43)	142	37	64	140	66
Confidentiality notices cancelled (s 43)	99	74	39	72	36
Summons, preliminary inquiry (s 59G)	63	52	4	26	22
Summons, investigations (s 122)	378	353	251	363	179
Recordings (s 134)	101	65	52	89	28
Direction to lawyer (s 128)	0	0	3	0	1
Public hearing (s 117(5))	1	1	3	3	0
Total	784	582	416	693	332

Given the nature of its purpose and functions, IBAC consistently uses coercive powers more than other bodies that we oversee. In 2022–23 IBAC did not hold any public examinations (hearings) and was one of 2 bodies whose use of coercive powers decreased from the prior year. The reason for this is likely to be that many of the IBAC investigations where coercive powers were used, had advanced to phases such as report-writing or natural justice.

The comprehensive summary of issues identified in triage and review throughout the reporting period, the feedback and observations provided to IBAC through the new reporting model, combined with detailed feedback on private examinations, comprised a comprehensive monitoring of coercive powers throughout the reporting period. The first periodic report was provided in May 2023, covering the period November 2022 to March 2023. The second period report was provided in June 2023, covering April 2023.

We did not commence a traditional monitoring project due to the priority given to the triage and review of IBAC confidentiality notices and the resources directed towards a monitoring project in the form of an irregular inspection at IBAC relating to delegations. During the reporting period, there were occasions requiring significant engagement between the VI and IBAC. Further detail is provided below.

Compliance feedback on coercive power notifications

Throughout the reporting period, we identified several compliance issues in respect of IBAC's use and reporting of coercive powers.

We engaged extensively with IBAC to ensure compliance with the SEP Act. We consider that the requirement to seek leave⁶³ under the SEP Act will generally apply to a body such as IBAC serving a

summons on a recipient outside of Victoria. This is important to ensure that enforceability and any resulting proceedings are not impacted. IBAC considered and ultimately accepted our view and advised it was developing processes to ensure compliance with the SEP Act. For more detail, and the relevance of this issue to other bodies, see the case study in the Coercive power notifications section.

To assess IBAC summonses, we consider the scope of the summons and the type of information asked for, or the nature of proposed questioning, and whether it would reasonably assist IBAC to achieve the purposes of the investigation.⁶⁴ In one case IBAC had requested extensive private information covering an expansive timeframe but had not clearly justified the reasoning for doing so in its reports to us. To satisfy ourselves of the reasonable exercise of these powers, we made further enquiries on the scope and extent of summonsed information and enquiries on how the information would be managed to reduce unnecessary intrusions into privacy, where information that may not be relevant to the investigation may be obtained. IBAC responded with advice on the measures it was taking to meet the privacy requirements.

We engaged with IBAC in relation to several summonses involving extensive requests. IBAC accepted that further detail, as requested by us, ought to be included in its reports to us in circumstances where the scope of summonses is extensive or is directed at multiple persons.

We identified a privacy issue during an IBAC examination which involved an exhibit that contained certain information that should have been redacted. IBAC advised that it had updated its examination procedures to require staff to consider whether each exhibit requires redaction.

63 Approval from the Supreme Court of Victoria.

64 This is the review assessment we must undertake under s 40A(2) of the VI Act.

IBAC

Further monitoring of IBAC's compliance

Oversight of IBAC's performance of Public Interest Disclosure functions

We engaged with IBAC at the Public Interest Disclosure Consultation Group chaired by IBAC which continues to provide an important forum for integrity bodies to discuss complexities associated with implementing the public interest disclosure framework.

We engaged with IBAC to ensure we had the same interpretation about an aspect of the PID Act. This engagement was ongoing at the end of the reporting period.

Assessment of confidentiality notices and practices

The VI has a function under section 11(2)(c) of the VI Act to assess the effectiveness and appropriateness of IBAC's policies and procedures which relate to IBAC's activities.

During 2022–23, we assessed IBAC's active and cancelled confidentiality notices as well as its updated confidentiality notice procedures during the reporting period. We engaged with IBAC to resolve discrepancies and to ensure appropriate practice in the event of an error in a confidentiality notice. IBAC shared with us its plans to conduct regular reporting and consideration of confidentiality notices with respect to each IBAC operation and agreed to update its procedures.

Recommendations

We made 9 recommendations to IBAC under section 78 of the VI Act. IBAC accepted the 4 public recommendations made in our special report and accepted 4 of the 5 private recommendations made following a public interest complaint investigation. See the special report recommendations in Emma's case study in this section.

Improvements made

IBAC made or agreed to make a wide range of systemic improvements in response to our recommendations and feedback.

IBAC accepted 4 public recommendations made in a Special Report relating to the referral and oversight of police complaints that include measures to ensure IBAC considers any risk to the complainant before referring a police complaint to Victoria Police for investigation.

See Emma's case study in this section.

Following our engagement and feedback on a complaint, IBAC proposed a resolution to the complaint that indicated a maturing approach to complainants. This approach demonstrated it had begun implementing changes to its policy and procedures for the referral and oversight of police complaints.

See Mira's case study in this section which demonstrates that implementation of the special report recommendations is well underway, with processes now including consideration of referral risks, identifying some referrals for ongoing review, and when it is appropriate to withdraw a referral.

IBAC accepted 4 private recommendations following an investigation which will result in systemic policy/procedure/training improvements on 3 issues — formal and informal disclosures to other agencies, when to inform a person they

are the subject of an investigation and conflict of interest.

See 'Investigations' in this section.

IBAC adopted a new process for interstate service of summonses on bodies corporate to ensure enforceability and compliance with the Commonwealth's Service and Execution of Process Act 1992 (Cth) (SEP Act).

See the case study in the Coercive power notifications section. This will be the subject of a guidance note to assist integrity system stakeholders.

IBAC made systemic changes to processes, policies and procedures to improve compliance with the law in relation to (1) witness summonses and (2) confidentiality notices.

- In the statement to witnesses that explains their rights and obligations about a summons, IBAC removed an ambiguous comment about the claiming of privileges when giving evidence or producing documents.
- IBAC also adopted feedback on 2 issues about addressee(s) of body corporate summonses to produce documents. This will improve certainty about who is legally responsible for responding to summonses.
- Following a court decision⁶⁶ that resulted in confidentiality notice (CN) invalidity, CN processes and technical compliance were improved by a systematic review of CN cancellations as CN recipients were given clarity on the status of their notices.
- IBAC updated their CN policy and procedure about document irregularity after accepting our view on the operation of s 192(1) of the IBAC Act.

IBAC took action to improve compliance with legislative reporting obligations to the VI.

- IBAC improved the timing of summons notifications after a number of late notifications, enabling us to identify issues in real time which can improve the enforceability of a summons.
- IBAC agreed to report further detail for summonses where the scope of a summons to produce documents is extensive or is directed at multiple persons. This will ensure we can properly assess whether the summons 'may reasonably be considered as assisting IBAC to achieve the purposes of the investigation'.⁶⁶
- IBAC agreed to develop guidance to ensure we are notified at the earliest opportunity of complaints or notifications about IBAC or an IBAC officer.⁶⁷

IBAC proposed policy and procedure improvements relating to the execution of search warrants.

Following a complaint, we advised IBAC of our view that when executing search warrants, the searches should be continuously video recorded. During the reporting period, IBAC proposed to update its search warrant procedure and accompanying 'ready reckoner' to reflect a new process for recording the execution of search warrants. IBAC committed to amending the procedure to ensure that before executing the warrant, a plan will be made about the extent to which the search will be recorded. The 'ready reckoner' will also include a requirement that where a conversation takes place between an IBAC officer and an occupant of the premises and it is not recorded, the camera operator will commence recording and a summary of the conversation will be put to the occupant by the IBAC officer. The occupant will be given the opportunity to either confirm that the summary of the conversation put by the IBAC officer is a fair representation of what took place, or dispute it and offer an alternative version. If it is not practical to record such a confirmation process, IBAC will summarise the conversation in writing and invite the occupant to confirm the summary or set out an alternative version in writing.

⁶⁶ s 40A(2)(b) requires the VI to assess this when reviewing a witness summons notified by IBAC.

⁶⁷ These notifications are required under s 71 of the IBAC Act. IBAC agreed to develop guidance when it accepted recommendation 4 in the VI's special report.

Victorian Ombudsman

We oversee the exercise of coercive power by VO officers and compliance by VO officers with procedural fairness requirements under the Ombudsman Act or any other Act through:

- receipt and management of complaints about VO officers
- preliminary enquiries and investigations about the conduct of VO officers
- reviewing the exercise of coercive power by VO officers in the course of investigations by the Ombudsman
- reviewing areas of Ombudsman business practice and inspections of that practice.

Positive regular engagement between the VI’s General Manager Integrity Operations and Policy and Manager Complaints and the VO’s Principal Legal Adviser about complaints enabled the effective exchange of information. The VO provided a response to all our requests for information made to the extent that such information was available.

Quarterly meetings occurred between the Deputy Ombudsman and the VI’s Chief Executive Officer and General Counsel to raise and discuss issues and facilitate information exchange.

We provided a range of feedback and made observations in relation to complaints and coercive power notification reviews. Responses to many of the issues had not been received at the end of the reporting period and will be reported in the 2022–23 annual report.

Enquiries

We received 32 enquiries about the VO. We also had 3 enquiries carried over from the prior reporting period. We closed a total of 34 enquiries and had one open at 30 June 2023.

Complaints

We received 37 complaints about VO officers in the reporting period and closed 41 complaints:

- 14 complaints closed were received in 2022–23
- 27 complaints closed were received during a prior reporting period.

We did not receive any mandatory notifications from the VO under section 16F⁶⁸ of the Ombudsman Act.

Allegation outcomes

For the 41 complaints about VO officers closed in this reporting period we assessed 85 allegations.

Table 8: Complexity of closed complaints relating to Victorian Ombudsman, 2022–23

Complexity of closed complaints	No. of complaints	No. of allegations
Low	25	32
Medium	13	22
High	3	31
Total	41	85

⁶⁸ s 16F of the Ombudsman Act 1973 relates to X must be notified to the VI. These include complaints about IBAC or IBAC personnel, and other bodies which the VI oversees.

The allegations had the following outcomes:

- 6 allegations: **'Unable to assess'**
- 7 allegations: **'Withdrawn by complainant'**
- 19 allegations: **'Not substantiated'** with no further action following assessment
- 1 allegation: **'Not substantiated'** with no further action as issue resolved
- 47 allegations: **'Not substantiated'** with no further action after review of agency file (some including observations/feedback)
- 2 allegations: **'Not substantiated'** – observations provided to agency
- 1 allegation: **'Substantiated'**; observations made to agency
- 2 allegations: **'Referred for VI investigation'**.

In circumstances where we identify any opportunity for improvement that is not a subject of the complaint, we share this information with the VO for its consideration for future improvements to processes or procedures. Where possible, we engage early to support the VO to resolve current issues raised in complaints. See engagement example that follows.

Table 9: Primary issue and integrity response in substantiated allegation relating to Victorian Ombudsman, 2022–23

Primary issue	No. of allegations	Integrity response
Procedural fairness requirements not met by agency	1 of 2 substantiated	Observations to agency (about communication and in particular not considering or responding to a request for a review)

Engagement during a complaint

A witness in a VO investigation complained to the VO and to us after the VO tabled a report containing a photograph of them showing a distinctive tattoo which the witness felt identified them despite the VO blurring the witness' face in the photograph. The positioning of the photograph had the effect of associating the witness with adverse comments that were not related to them. The VO had removed the report from its website, however we engaged early with the VO to advise them about the complaint and that a version of the report was still publicly available on the Parliament's website, which contains copies of tabled documents.

The VO immediately acted to replace the report with a new version that removed the photo. After attending to the urgent issue of the report on the Parliament's website, the VO acknowledged that inclusion of the unblurred image had been an oversight and we continued engaging with the VO about their commitment to meet with the complainant to discuss the complainant's concerns about the report's impact on their career and reputation in circumstances where the VO had previously confirmed that they were not the subject of the investigation and had not been identified in the wording of the report.

Complaint feedback and observations

We have provided observations to the VO in relation to six complaints in this reporting period. One complaint involved multiple observations. See examples that follow.

Victorian Ombudsman

Examples of complaint observations to the Victorian Ombudsman

Example 1 General procedural fairness observations

One complainant lodged several complaints with the VO about their engagement with an agency. The VO referred the complainant back to the original agency for resolution of their concerns and closed the complaint. The complainant made a complaint to us about the VO because it had written to the complainant stating they would need to contact the original agency in the first instance when it appeared the complainant had already done so and had provided information and screenshots to the VO to demonstrate this.

We expressed our view to the VO that after a new complaint to the VO had been lodged by the complainant about the original agency, it would have been appropriate to:

- explain to the complainant what additional information the VO required to consider the complaint further or
- contact the complainant to gain further information.

Finally, we advised the VO that, in this complaint, it may have been useful to provide the complainant with information about support services or referrals, noting the complainant's vulnerable circumstances.

Example 2 Observation that not all issues considered

After our review of a VO complaint file, we advised the VO that it appeared that it had not considered all the issues raised by the complainant during their communications with the VO. The VO acknowledged that it had not considered an additional issue the complainant raised about receiving conflicting advice from the agency they were complaining about. The VO also acknowledged that the complainant was of the view that this additional issue had an adverse impact on the complainant's business, and that the issue should have been considered by the VO and raised with the relevant agency as part of its handling of the complaint.

The VO's response was to bring the issue to the attention of the agency via own motion enquiries around the provision of advice by staff at the agency with a view to improving the agency's processes. The VO also undertook to inform the complainant of its actions and has had ongoing correspondence with the complainant.

Example 3 Observations about complaint handling approach

Whilst the allegation was not substantiated, we provided observations about the assessment carried out by the VO and that it would seem appropriate that complaints to the VO involving issues concerning a particular agency should consider that agency's compliance with its relevant policy, which did not appear to have occurred in the VO's assessment of the matter. With respect to the action taken by the VO to provide feedback to the agency involved, we also questioned whether providing the agency with a copy of the complainant's outcome letter from the VO, without any direct feedback on the issues of concern to the VO, would achieve a result of improving the agency's administrative action.

Example 4 Observation about process under the PID Act

In a VO complaint where an allegation of improper conduct was raised, we advised the VO that we considered this allegation should have been followed up as outlined in the VO's procedure, despite any preliminary view that it was unlikely to amount to an assessable disclosure under the PID Act.

Example 5 Observations relating to communication

In response to the VO's handling of some complaints, we made these observations about communication aspects of their complaints:

- It would have been more reasonable to respond to a discloser's questions about the VO's discontinuance of a public interest complaint investigation, rather than filing the correspondence, which is what appeared to have occurred. In response to this draft report, the VO agreed with our view about responding to the complainant and acknowledged there had been a breakdown of communication. The VO attributed this to the complainant's correspondence being sent to an officer who had ceased employment with the VO. We note that the complainant did follow up a second time and received no response.
- It was unclear whether a complainant had been advised by the VO of the reinstatement or continuation of a contact management plan in 2022 that was initially put in place in 2020.
- It appeared the VO did not respond to a complainant's request for a review of a decision, when the complainant had explained why they believed the case officer had made an error and provided information in support of their belief.

Victorian Ombudsman

Investigations

We started the reporting period with no investigations, having completed 3 investigations in 2021–22.

One PIC investigation – allegations not substantiated

During 2022–23 we commenced one investigation relating to the VO, arising from a public interest complaint referred by IBAC under section 73 of the IBAC Act. An inquiry was commenced to enable the exercise of coercive power and 2 witness summonses were issued.

We informed the VO of our finding that the allegations were not substantiated and made preliminary observations about issues noted during the investigation. The investigation was not administratively closed at the end of the reporting period as engagement on the observations was ongoing. This will be reported on further in 2023–24.

Coercive power notifications

During the reporting period, we received 184 coercive power notifications from the VO under the Ombudsman Act, a 43% increase from the 129 notifications received in 2021–22. As the VI Act includes voluntary appearances in its definition of coercive powers, the VO notified us when they conducted voluntary interviews and also required the witness to give evidence on oath or affirmation.

Commensurate with an increase in the VO's use of coercive powers, we have identified an increase in compliance issues requiring attention and have engaged with the VO accordingly.

Table 10: Coercive power notifications received from Victorian Ombudsman, 2018–19 to 2022–23

Ombudsman Act powers	2018–19	2019–20	2020–21	2021–22	2022–23
Confidentiality notices issued (s 26E)	35	28	68	11	40
Confidentiality notices cancelled (s 26E)	26	38	32	50	9
Summons (s 18A)	22	17	54	40	77
Recordings (ss 18F(7), 18Q) ⁶⁹	68 ⁷⁰	83 ⁷¹	33	10	24
Voluntary appearance recordings (s 26FB)	–	–	27	18	34
Total	151	166	214	129	184

69 1 January 2020 amendments to the VO Act changed the section under which compulsory recordings were notified from s 18F(7) to s 18Q.

70 In 2018–19, compulsory and voluntary recordings were notified under s 18F(7).

71 Note that from 1 January to 30 June 2020, we received recordings of both compulsory appearances under s 18Q and certain voluntary appearances under the information sharing provisions in s26FB of the VO Act. A total figure is therefore given for 2019–20.

Coercive power notification feedback and observations

Our monitoring of the VO's use of coercive powers comprised a comprehensive summary of issues identified in triage and review, with feedback and observations to the VO during the reporting period. The types of issues, observations and feedback are presented here thematically.

Privacy breach – information about the wrong investigation

After reviewing a notification report, we contacted the VO to advise we had identified a privacy breach in which the VO wrote to a witness to outline the matters they would be interviewed about and included details about the wrong investigation—the information provided was confidential as it related to an investigation under the public interest disclosure scheme. We requested that the VO immediately address the issue and advise us of steps it would take to prevent a reoccurrence to ensure information provided to witnesses during an investigation goes through a quality assurance process.

We were advised that the recipient had been contacted and asked to destroy the letter containing the confidential information. A few months after the incident, the VO advised that it took several further steps including reporting the incident to OVIC and turning its mind to whether a breach occurred with respect to section 52 of the PID Act⁷², determining that a breach had not occurred. The VO took action to prevent the issue recurring such as reminding staff to follow the existing processes and strengthening training through the incorporation of a scenario as an example of how issues may occur.

Conduct and professionalism of investigators

After reviewing an interview recording, we wrote to the VO to seek their views on the appropriateness of a discussion between an investigations officer and a witness that had occurred during a break in a voluntary interview. The investigations officer had engaged in what appeared to be an inappropriate discussion with a witness, initially unaware that the interview was still being recorded. We sought to ensure that the VO had steps in place to reduce the risk of investigations officers conversing with witnesses about inappropriate subject matter. The VO did not agree the comments were inappropriate but advised that the investigations officer had been spoken to on this matter and that other staff had been advised of the need for caution in informal discussions with witnesses.

Issues identified and raised in the first periodic report

The first periodic report was provided in the first week of June 2023 relating to notifications received from November 2022 to March 2023. As the VO's response on some issues was received after the reporting period, we have limited the examples below to issues that the VO had a reasonable opportunity to consider. We will report further in the 2023–24 annual report.

⁷² s 52 of the PID Act contains a prohibition on the disclosure of the content of an assessable disclosure.

Victorian Ombudsman

Privacy issue – screen sharing of unrelated information

During a different exercise of coercive power, information unrelated to the investigation was shown to a witness while a VO staff member was ‘screen sharing’ when conducting an interview remotely. We had previously identified a similar issue in the 2021–22 year, at which time the VO included in its response to us that it would ‘... discuss with [its] IT staff about more effective methods of viewing documents remotely that will limit the risk of inadvertent disclosure’. Given our previous engagement we sought a response from the VO as to whether an outcome had been reached for the new privacy matter and whether any procedural or educational changes had been implemented.

The VO’s response had not been received at the end of the reporting period.

Confidentiality Notices – identification of issues

In reviewing reports containing confidentiality notices (CNs), we identified that the VO had issued a number of them without the markings required under the PID Act. We also identified instances where the VO had made changes to the prescribed form for a CN that the VI considers were not consistent with the Ombudsman Act.

The VO’s response to these issues had not been received at the end of the reporting period.

Identification of inconsistent witness welfare approach at the start of interviews

As being interviewed during an investigation is an inherently stressful process which may be exacerbated by being summoned to attend a compulsory interview or being served with a confidentiality notice, we consider it best practice to include certain messages and enquiries about welfare at the commencement of an interview. Messages help inform witnesses of their rights, and enquiries can help the agency assess whether the witness is at risk.

As our interview reviews identified some inconsistency in approach, we liaised with the VO about its procedures and made suggestions such as the inclusion of information to advise witnesses of an ability to take breaks, and to enquire as to a witness’s welfare in the interview’s opening remarks. We referred to our earlier engagement on the same topic in the 2021–22 year where we had suggested the VO revisit its welfare guidelines and procedures to ensure welfare enquiries are made at the beginning of each interview. At that time the VO had indicated that it would incorporate our suggestions into its interview script as a reminder to interviewers.

Engagement on this issue was ongoing at the end of the reporting period.

Requests for documents during compulsory interviews

In our review of compulsory interviews, we identified that witnesses (who were only required by summons to give evidence not documents) were advised during the interview that the VO may provide them a list of requested documents following the interview. This was done without explicitly informing the witnesses that, as they were not required by summons to produce documents, they could do so on a voluntary basis. In one of the interviews a timeframe to return documents was discussed which further reduced clarity as to whether the request was voluntary.

When served with a summons, witnesses are only required to legally comply with the requirements set out in the summons. We advised the VO that where it has requested a person to produce documents, witnesses should be made aware of their relevant rights and obligations. Explaining the difference between voluntary and compulsory engagement is important as it allows witnesses to make an informed decision about their co-operation. We also noted that doing so also provides

clarity about whether there are any associated penalties relating to non-compliance.

We had raised this same issue with the VO, in 2021 and 2022. The VO had previously responded to the VI stating:

VO concedes that as a matter of practice, if documents are to be requested from a witness during interview that a witness needs to be told that they are not required to produce the documents, but may do so on a voluntary basis.

In our engagement with the VO during the reporting period, we provided several relevant examples, including one where the VO officer had adequately explained the voluntary nature of the provision of documents.

Engagement was ongoing at the end of the reporting period.

Recommendations

There were no recommendations made to the VO during the period under sections 82 or 83 of the VI Act.

We sought an update on the VO's progress in implementing a recommendation from 2021–22 to update a policy about reporting different types of wrongful conduct. At the end of the reporting period, implementing the recommendation was planned but yet to be fully implemented.

Improvements made

Many of the issues that we identified and raised with the VO in reviews of coercive power notifications are not included as improvements made for 2022–23 as their response was not received during the reporting period. They will be identified in the 2023–24 report.

A range of observations were made arising from complaints as outlined above under the complaints heading in this section. Observations related to privacy, procedural fairness, communications and considering all issues raised by a complainant. Consideration of these observations by the VO will enhance their complainants' experiences.

Improved compliance with the law to prevent a privacy breach

To prevent a privacy breach recurring during the provision of investigation information to witnesses, the VO took action such as reminding staff to follow the existing processes and strengthening training through the incorporation of a scenario as an example of how issues may occur. See further detail under the heading 'Feedback and observations' in this section.

Office of Chief Examiner

We oversee the compliance of Victoria's Chief Examiner⁷³ with their obligations under the *Major Crime (Investigative Powers) Act 2004* (MCIP Act).⁷⁴ The Chief Examiner conducts coercive examinations of witnesses for the purposes of investigating, prosecuting and combatting the incidence of organised crime offences. The Chief Examiner is required to notify us within three days of their issuance of a summons or custody order compelling a person to appear to give evidence, or to produce documents or things (or to do both). Upon completion of an examination, the Chief Examiner must send us a copy of the transcript and/or video-recording of the examination.

The Chief Examiner may only conduct examinations where the Supreme Court has issued a coercive powers order under the MCIP Act.

Enquiries

Nil

Complaints

We received no new complaints about OCE during 2022–23 and closed a complaint that remained open at the start of the reporting period with no further action.

Investigations

Nil

Coercive power notifications

During the reporting period, we received 27 coercive power notifications from the Chief Examiner under the MCIP Act.

Table 11: Coercive power notifications received from Office of Chief Examiner, 2018–19 to 2022–2023

MCIP Act powers	2018–19	2019–20	2020–21	2021–22	2022–23
Summons or Orders (s 52)	78	71	7	0	16
Recordings (s 53)	68	56	12	0	11
Summons (Supreme Court)	0	1	0	0	0
Total	146	128	19	0	27

73 References in this report to the Chief Examiner can be taken to include other Examiners, who are appointed by the Governor in Council under Pt 3 of the MCIP Act. There were no other Examiners during the reporting period.

74 Our full list of functions is described in s 51 of the VI Act.

Comprehensiveness and adequacy of reports

We received 16 reports of summonses being issued⁷⁵ and 11 examination recordings⁷⁶ during this reporting period. We identified one minor omission in a section 53 report which has since been corrected by the Chief Examiner.

We continue to be assisted by the Chief Examiner's timely and transparent provision of information that she is not strictly obligated to notify to us. The additional information improves our capacity to assess the Chief Examiner's compliance with statutory requirements.

Compliance with the MCIP Act

We monitor the Chief Examiner's compliance with the MCIP Act primarily by reviewing the content of any reports, transcripts and video-recordings notified to us by the Chief Examiner.

Due to the previous infrequency of the exercise of these powers over the last 3 years, and the higher risk involved in these examinations, we aim to review all examination recordings received from the Chief Examiner. Owing to the length and complexity of these examinations, these are often the most resource intensive notifications that we review.

During 2022–23, as part of our new periodic reporting model discussed in the Coercive power notification section, we provided the Chief Examiner with feedback on 2 examinations and associated summonses. These examination recordings had been received in January and February 2023.

An additional 6 examination recordings and associated summonses were reviewed before 30 June 2023. Our report on the outcome of these reviews is being finalised and will be reported to the Chief Examiner in 2023–24.

At the end of the reporting period, our reviews were ongoing as the bulk of the remainder of examination recordings were received after March 2023. The outcomes of these reviews will also be reported to the Chief Examiner in 2023–24.

Recommendations

We made no recommendations under sections 84 or 85 of the VI Act.

Improvements made

As a result of the 2 coercive power notification reviews, we raised several issues with the Chief Examiner and made suggestions for improvement. The Chief Examiner committed to putting in place some process changes, and we will further engage on these matters in 2023–24 to ensure our suggestions are implemented in their entirety.

The agreed process changes will improve the system for witnesses summoned to give evidence to the Chief Examiner in the following way:

- Where requests for documents are made during an examination, the Chief Examiner will make clear to the witness whether the request is voluntary or compulsory.
- Where witnesses are sworn in at the commencement of an examination, the Chief Examiner informs witnesses they can take an oath or make an affirmation. The Chief Examiner will advise that they can choose to swear the oath on a religious text or without a religious text. This new process will be adopted as we observed that a witness had been offered only one option for the religious text to take the oath on. We suggested that an oath is not limited to any religious text.

We also made observations relating to the detail of information in witness summonses and we were still engaging with the Chief Examiner about those observations at the end of the reporting period.

⁷⁵ Under s 52 of the MCIP Act.

⁷⁶ Under s 53 of the MCIP Act.

Office of the Victorian Information Commissioner

We oversee the exercise of coercive powers by OVIC under both the FOI Act and the PDP Act. In addition to this, we are required under the VI Act to monitor OVIC's compliance with procedural fairness requirements when it exercises those coercive powers, conducts investigations, and makes recommendations, investigation reports, and compliance notices.

Enquiries

This year, the VI received 6 enquiries about OVIC.

Complaints

Nil

Investigations

Nil

Coercive power notifications

During the reporting period, we received 13 coercive power notifications from OVIC and 8 voluntary appearance notifications in relation to the PDP Act. In the prior period, 2021–22, OVIC had used its coercive powers 9 times.

Table 12: Coercive power notifications received from OVIC, 2018–19 to 2022–23

	2018–19	2019–20	2020–21	2021–22	2022–23
Notice to produce or attend (FOI Act, s 61ZD)	0	1	0	3	3
Recordings (FOI Act, s 67ZH(7))	–	–	0	0	3
Notice to produce or attend (PDP Act, s 83D)	–	–	0	3	5 ⁷⁷
Recordings (PDP Act, s 83GA(7))	–	–	0	3	2
Total	0	1	0	9	13

We also received and reviewed written reports of 8 voluntary interviews conducted under the PDP Act.

During 2022–23, as a part of our new periodic reporting model, we provided OVIC with one report covering our reviews of 19 coercive powers notifications and voluntary interview report notifications received from 2 May to 10 November 2022, noting some were received in a prior reporting period. As OVIC had used some of its powers for the first time, the VI had elected to review all notices and interviews conducted by OVIC. To provide comprehensive feedback, this report consolidated observations on several notifications from the previous period where we had yet to provide feedback to OVIC.

While our reviews identified some issues, we considered that these reflected the developing nature of OVIC’s investigative process, rather than any compliance concerns. We understand that OVIC’s processes will continue to be refined as its compliance framework matures.

Many of the matters raised addressed minor inconsistencies with information provided to witnesses and clarified some practices such as the administration of oaths or affirmations. We also raised considerations about the application of the SEP Act and OVIC advised it would amend its coercive powers policy to address this matter.

OVIC engaged proactively with us on the periodic review report and in its response demonstrated a clear vision for refining its processes to promote the fair and reasonable use of coercive powers.

Recommendations

We made no recommendations under sections 85A or 85B of the VI Act.

Improvements made

OVIC adopted a new process for interstate service of summonses (or notices) on bodies corporate to ensure enforceability and compliance with the Commonwealth’s *Service and Execution of Process Act 1992* (Cth) (SEP Act).

OVIC also undertook to make these improvements to information provided to witnesses before and during interviews, resulting from our review of notices and interviews:

- provide explanation of legal representative’s role in preamble to interview. OVIC chose to do this through fact sheets
- provide a complete explanation of offences relating to an interview
- ensure witnesses are consistently advised during preamble that participation is voluntary and that they may leave at any time
- confirm that witnesses have received and understood factsheets
- provide clear and consistent information on when a recording of an interview is made available to a witness
- announce the time an interview commences.

77 Three notices to attend (including 1 variation of attendance) and 2 notices to produce.

Judicial Commission of Victoria

The Judicial Commission investigates complaints about the conduct or capacity of judicial officers and Victorian Civil and Administrative Tribunal (VCAT) members. The Judicial Commission also provides guidance on the highest standards of ethical and professional judicial conduct. They may dismiss a complaint, refer a complaint to the head of jurisdiction, or refer it to an investigating panel appointed by the Judicial Commission.⁷⁸

We monitor the use of the coercive power by the Judicial Commission or an investigating panel to require the medical examination of a judicial officer or a VCAT member, and the investigating panel's use of its coercive power to examine a judicial officer or member during a panel hearing.

The Director of the Judicial Commission is required to notify us about the exercise of coercive power and why it has been exercised and we may request information from them about the use of coercive powers. We can make a special report about their use of coercive power.

The Judicial Commission may also make guidelines about:

- standards of conduct by judicial officers and VCAT members
- supporting investigating panels in the performance of their functions
- the making of complaints or referrals
- the assistance to be provided by the Director and staff of the Judicial Commission to any investigating panel including the hearing of a matter in public or private
- the use of coercive powers.

We may make recommendations to the Judicial Commission about the making of guidelines in relation to the use of coercive powers.

Table 13: Coercive power notifications received from Judicial Commission, 2018–19 to 2022–23

JCV Act powers	2018–19	2019–20	2020–21	2021–22	2022–23
Exercise of Coercive Power by Investigating Panel (s 66(1))	10	13	1	0	0
Medical examination required by Judicial Commission (s 66(2))	0	0	0	0	0
Total	10	13	1	0	0

⁷⁸ Two members of the panel are former or current judicial officers, while the third is appointed from a pool of persons of high standing in the community. Members of the pool are appointed for this purpose by the Governor in Council, on the recommendation of the Attorney-General.

Coercive power notifications

A notification process enables the Judicial Commission to report to us on the use of coercive power by the Judicial Commission and investigating panels. They rarely exercise these powers.

The Judicial Commission did not report the exercise of any coercive powers to us during the reporting period. The Judicial Commission last reported the exercise of powers in 2020–21.

Monitoring

In previous annual reports we have reported on our engagement with the Judicial Commission about our preference that information be provided to us as soon as practicable once coercive powers are used by the Judicial Commission or the investigating panels. Presently the Director of the Judicial Commission only notifies us at the end of the hearing of an investigating panel or at the conclusion of an investigation by the Judicial Commission in accordance with their statutory obligations.⁷⁹

As the Judicial Commission did not exercise any coercive powers during the last two reporting periods, we have not engaged further with them about whether they should create guidelines for their exercise of coercive power. This issue has been discussed in previous annual reports.

Oversight of the Judicial Commission's PID procedures

As the Judicial Commission may receive disclosures about judicial officers and non-judicial members of VCAT, we have a responsibility to review whether their public interest disclosure procedures are consistent with the PID Act, the *Public Interest Disclosures Regulations 2019* and IBAC's PID disclosure guidelines.⁸⁰

As reported over the last 3 reporting periods, we provided comprehensive feedback on the Judicial Commission's PID procedures.

During the 2021–22 reporting period, they published the procedures on their website. We reviewed the published procedures, providing further feedback to note that only some of our feedback had been incorporated.

In 2021–22, the Judicial Commission advised of its intention to consider our feedback and engage with us during its two-year review of the procedures planned for the latter part of 2022. We engaged with the Judicial Commission about this during 2022–23. The Judicial Commission has since advised that it did not finalise the review of its PID procedure due to competing priorities and resourcing constraints. The review is underway and expected to be finalised in the 2023–24 reporting period.

Recommendations

We did not make any recommendations to the Judicial Commission under section 85C of the VI Act during the reporting period.

Improvements made

No feedback was provided as no coercive powers were exercised and the Judicial Commission did not undertake the foreshadowed review of PID procedures.

⁷⁹ This is the requirement of the Director under s 66 of the JCV Act.

⁸⁰ Under s 62(1) of the PID Act.

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Compliance with the MCIP Act

Victoria Police apply to the Supreme Court for coercive powers orders under the MCIP Act. These orders enable the Chief Examiner to issue witness summonses and conduct examinations into organised crime offences. We oversee compliance of the Chief Commissioner of Police (CCP) and other police officers with the MCIP Act.

The CCP acquitted his reporting obligations under s 66 of the MCIP Act by providing six-monthly reports.

Inspections

Counter-terrorism powers

In accordance with the TCP Act, the Victoria Police can:

- conduct covert searches of premises under the authority of a warrant issued by the Supreme Court. Covert search warrants can also permit the seizure of things, the copying of documents or information, and the testing or taking of samples, among other things
- detain and question people without charge, for prevention or to preserve evidence. Adults can be detained for up to four days, and children aged 14 years or older can be detained for up to 36 hours
- use special police powers under the authority of either:
 - a Supreme Court order, which must be approved in writing by the Premier of Victoria, and valid for up to 14 days
 - an interim order, made by the Chief Commissioner with the written approval of the Premier, and valid for up to 48 hours.

These powers were given to Victoria Police to assist them to prevent, or respond to, a terrorist act, or the threat of a terrorist act. The Act imposes strict requirements on Victoria Police in the exercise of these powers, as they are among the most intrusive and coercive afforded to law enforcement bodies.

Our inspection role with respect to these powers is to assess Victoria Police's compliance with Parts 2, 2AA and 3A of the TCP Act (which provide for the powers described above), and to report to the Minister and Parliament on its findings. Our oversight role is an important integrity response to ensure Victoria Police complies with the requirements of the TCP Act and to provide the public with assurance that police powers are used lawfully.

In 2022–23, we conducted one inspection of records held by Victoria Police. At this inspection we assessed Victoria Police's preparatory activities to support compliance with TCP Act requirements such as its training programs, engagement with associated agencies, and procedural documents including checklists and templates. Our report on the results of our inspection conducted in February 2023 will be made to Parliament and the Minister as soon as practicable after 1 July 2023.

As part of our ongoing discussions with Victoria Police on findings and outstanding recommendations connected with an earlier inspection of covert

search warrants, we inspected further procedural changes made by Victoria Police with respect to how it complies with the TCP Act. In considering outstanding recommendations we made to Victoria Police in 2021–22, they suggested seeking joint advice from the Solicitor-General on the interpretation of one aspect of the TCP Act. We agreed to that approach and await that advice.

We delivered 2 reports to the Minister and Parliament in 2022–23 in accordance with the TCP Act. Each report was provided within the statutory timeframe, being at 6-monthly intervals and as soon as practicable after 1 July and 1 January:

Report tabled December 2023 on Victoria Police records inspected in February 2022

We reported on Victoria Police's preparatory activities such as stakeholder engagement and training, as well as its response to 5 recommendations we made from our inspection of covert search warrants in February 2021. While we confirmed Victoria Police has actioned 2 of these recommendations, the remaining three recommendations are subject to the ongoing discussions and advice referred to above.

Report tabled May 2023 – nil inspection of Victoria Police records for the March to August 2022 period

We planned to inspect Victoria Police records in August 2022, however we did not proceed with this inspection due to confirmation from the Counter Terrorism Legal Unit (CTLU) that no records relevant to the TCP Act reporting and inspection regime were available to inspect. Although no inspection was conducted in August 2022, we reported on further engagement with Victoria Police on the outstanding recommendations. This included updated CTLU procedures for executing covert search warrants.

Controlled operations and technical surveillance powers

In 2022–23, we inspected Victoria Police records associated with covert investigative powers by making a total of 25 site visits to various work areas within Victoria Police. We completed 2 inspection rounds for each of the following types of records: telecommunications interception, surveillance devices and controlled operations.

Surveillance devices

We inspected records held by Victoria Police's Special Projects Unit, Technical Projects Unit and their Technical Surveillance Unit under the SD Act. We made 2 reports for the period, one was tabled in Parliament in August 2022, and the other report was tabled in May 2023. With the exception of some reporting errors, we found that Victoria Police had otherwise complied with its record-keeping and reporting obligations.

Controlled operations

Controlled operations records were inspected at Victoria Police's Crime Command and Technical Projects Unit in 2022–23. The results of these inspections will be reported during 2023–24.

In response to a disclosure of unauthorised conduct identified during an inspection, we reviewed the controlled operations policies and procedures and assessed Victoria Police's quality assurance measures. Whilst undertaking this review, Victoria Police made an additional disclosure. We made 2 recommendations to Victoria Police in relation to how it manages its controlled operations. Victoria Police informed us that it had made some process changes and updated its procedures. We formalised

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our recommendations to establish a compliance benchmark and Victoria Police has accepted those recommendations. We will complete an assessment of these changes against our recommendations in the next reporting period.

We also tabled 2 inspection reports in Parliament during the reporting period. The 2020–21 report, finalised in June 2022, was tabled in August 2022. The report for the 2021–22 period was tabled in June 2023. These reports included findings that on occasions Victoria Police made errors with respect to the form of an authority or variation to an authority, the general register it keeps, as well as the reports made to the Chief Commissioner of Police.

Telecommunications interception

We inspected telecommunications interception records at Victoria Police’s Special Projects Unit and Technical Projects Unit. In September 2022, we delivered our annual inspection report to the Police Minister and the State Attorney-General, who must then provide a copy of the report to the Commonwealth Attorney-General. These reports are not publicly available.

Carltona principle

The Carltona principle was established in *Carltona v Commissioner of Works* [1943] 2 All ER 560. This principle gives implied authority to another person to perform functions of routine nature assigned to a senior official as a matter of convenience.

The relevant provisions of the TISP Act, SD Act and TIA Act require certain TI and SD records to be destroyed once the CCP is satisfied that they are no longer required for specified purposes. There is no provision in the TISP Act, SD Act and TIA Act for this function to be delegated.

Although Victoria Police delegated the function to approve the destruction of SD records (under the Victoria Police Act 2013), it still relies on the Carltona principle for destroying TI records.

During 2022–23, we sought updates from Victoria Police with respect to its progress in making an instrument of delegation to approve the destruction of restricted records under the TISP Act and the TIA Act. This instrument will remove Victoria Police’s reliance on the Carltona principle to authorise the destruction of these records. Noting the time taken to progress this work, we raised this issue with the Chief Commissioner of Police. In response, we received confirmation that the instrument is being progressed as a matter of priority.

Recommendations

Victoria Police accepted our 2 recommendations in relation to how it manages its controlled operations in order to help prevent future unauthorised conduct. See further detail below.

Improvements made

In relation to our review and recommendations following 2 disclosures of unauthorised conduct whilst undertaking functions under the *Crimes (Controlled Operations) Act 2004*, Victoria Police made process changes and updated its procedures, and advised they are actively working on strengthening governance processes and quality assurance methods. We will complete an assessment of these changes against our recommendations in the next reporting period.

In 2022–23, we made a controlled operations report for the 2021–22 period that describes how Victoria Police's Crime Command implemented a better practice suggestion we made connected to the timely cancellation of authorities to conduct a controlled operation. In response to Crime Command increasing the standard validity period for the authorities it administers, we suggested that it make formal written guidance to ensure the need to keep an authority active is regularly reviewed, and in cases where it is determined there is no longer an ongoing intention to engage in controlled conduct, that it be cancelled as soon as practicable. Victoria Police's Crime Command accepted our suggestion and subsequently introduced a new process that has led to a sharp increase in the number of authorities that it cancels.

Public Interest Monitor

We are required to inspect certain records kept by the PIM and to report on the outcomes of inspections to the Attorney-General at least once a year.

The role of the PIM is to represent the public interest:

- when courts and the Federal Administrative Appeals Tribunal consider applications for warrants and orders authorising the covert collection of evidence in Victoria (eg. telecommunications interceptions) and the use of coercive examination powers⁸¹
- when the Chief Commissioner of Police makes decisions to provide, suspend or terminate protection under the *Witness Protection Act 1991* (WP Act)
- when courts consider applications for covert search warrants, preventative detention orders, prohibited contact orders, counter-terrorism intelligence protection orders, and review police preventative detention decisions under the TCP Act.

The PIM's functions are to test the content and sufficiency of information relied on and the circumstances of applications, to pose questions to applicants, and to make submissions to the decision-maker regarding the appropriateness of granting the application.

We monitor the PIM's compliance with obligations prescribed by the PIM Act, WP Act and TCP Act. These prescribed obligations include:

- making receipts for notifications and documents received
- having adequate procedures for ensuring information security
- maintaining a document register
- keeping law enforcement data securely stored
- returning all documents promptly to the applicant.

Inspections

In 2022–23, VI officers conducted one inspection of records held by the PIM, during which we inspected a representative sample of 158 files out of a total of 264 for the period.⁸² While we presently undertake a complete review of available records for other inspection functions, our decision to inspect a representative sample of PIM records for the period was based on a number of factors. These included the significant volume of records within our remit as well as the assessment of PIM records as lower risk due to consistently high levels of compliance confirmed in previous inspections.

We delivered a report on our inspection to the Minister within the statutory timeframe, being three months after the inspection was conducted.

The results of the inspection carried out in 2022–23 show that the PIM continues to achieve a very high level of compliance with legislative and regulatory requirements, a reflection of its very robust internal

81 Including under the MCIP Act, the SD Act and the TIA Act.

quality assurance processes. The PIM's quality assurance checks enabled an error connected to the return of application documents to be quickly identified, and for a new process to be implemented to lessen any future recurrence. Additionally, the PIM quickly and satisfactorily dealt with an error made by another agency with respect to the requirement to deliver application documents securely.

During 2022–23 we received no enquiries or public interest disclosures about a PIM.

Recommendations

No recommendations were made under sections 85D or 85E of the VI Act.

Improvements made

In 2022–23, we made a better practice suggestion connected to how the PIM demonstrates it provides the applicant with a written receipt as soon as practicable after receiving an application related document via a form of electronic delivery. The PIM confirmed that it would adopt our better practice suggestion in all cases where the document is received by a Deputy PIM.

82 On page 63 of the 2021–22 annual report, the total number of inspected PIM files should be 116 files for the period. This number represents all available records for the 6-monthly period (January to June 2021) covered by the inspection. This error was a result of reporting on the period for the inspected records (2021–22), rather than period during which the inspection was completed. It is noted, however, that the findings from the 2021–22 inspection correspond with the results reported for the one completed in 2022–23. We delivered our report on the results of the July 2021 inspection to the Minister within the statutory timeframe.

Wage Inspectorate Victoria

We have overseen Wage Inspectorate Victoria (WIV) since it commenced operation on 1 July 2021.

WIV is an independent agency tasked with promoting and enforcing the *Wage Theft Act 2020* (WT Act), which made wage theft a crime in Victoria from 1 July 2021. WIV has the power to enter, search and seize materials from the premises of a body without consent or a warrant, and compel the production of information, documents and other things or attendance at WIV to answer questions.

Our jurisdiction is limited to overseeing WIV’s exercise of coercive powers, defined as any power of WIV and its officers under Part 4 of the WT Act. To fulfil this monitoring role, we can conduct notification reviews and other monitoring activities, as well as investigations and inquiries.

As reported over the last two years, in preparation for our new role and in consultation with WIV, we designed a model to oversight the exercise of coercive powers by the WIV and its officers. This work provided an important foundation for subsequent years, when WIV commenced and continued using its coercive powers.

Coercive power notifications

We continued to closely monitor WIV’s exercise of coercive powers during 2022–23. This included reviewing all 16 coercive power notifications received during the reporting year.

All notifications concerned WIV’s power to give a notice to produce specified documents or information.⁸⁴

If we review such a report, we must assess WIV’s compliance with the requirements of the WT Act, and whether the notice to produce may be reasonably considered to assist WIV to achieve the purposes of its investigation.⁸⁵ WIV demonstrated broad compliance with the WT Act throughout the reporting period.

There were also several improvements to WIV’s compliance on the previous year.

We identified some exceptions, including with the adequacy and comprehensiveness of reports. These concerned select instances in which requests in notices and reasons in reports provided to us were not entirely clear, for instance why WIV requested material dating from prior to 1 July 2021 when the wage theft offences

Table 14: Coercive power notifications received from Wage Inspectorate Victoria from 2020–21 to 2022–23 ⁸³

Wage Theft Act powers	2021–22	2022–23
Notice of entry, search and seizure (s 42)	1	0
Notice to produce (s 54)	25	16
Total	26	16

83 WIV was established and VI commenced oversight on 1 July 2021.

84 Under s 52(1)(a) of the WT Act.

85 Under s 42E of the VI Act.

came into operation, or how WIV had balanced the exercise of the coercive power against certain affected rights.

Compliance on these points improved in the second half of 2022–23. As a part of our new periodic reporting model, this positive feedback was provided in our first quarterly report, for the period of January–March 2023. No report was provided for the subsequent quarter as no notices were issued by WIV during that period.

Throughout the period, there was one separate issue relating to how WIV was obtaining evidence from interstate bodies corporate. WIV changed one practice as a result of our feedback, relating to seeking leave from the Supreme Court for service interstate, which is explained below under 'Improvements made'. Engagement on 2 related practices was still in progress at the end of the reporting period. WIV had yet to finalise its position on these matters but had not repeated the practices.

Recommendations

We did not make any recommendations to WIV under sections 85F or 85G of the VI Act in 2022–23.

Improvements made

WIV agreed to cease serving notices on interstate bodies corporate without leave of the Supreme Court under the SEP Act. We engaged with WIV on the requirement of the SEP Act to obtain leave from the Supreme Court of Victoria to serve a notice interstate on a body corporate. This was a result of us identifying that WIV had, in the previous financial year, served a notice to produce on an interstate body without leave from the Court. After being alerted to this, WIV agreed with our view that leave was required. See case study in the Coercive power notification section.

Our previous annual report outlined that WIV made improvements to its coercive powers policy and procedure. WIV subsequently clarified that these had occurred in 2022–23, rather than in 2021–22.

Office of the Special Investigator

The OSI is an independent statutory body established in response to the recommendations of the Royal Commission into the Management of Police Informants under the *Special Investigator Act 2021 (Vic) (SI Act)* and commenced operation on 1 December 2021, at which time we commenced oversight. The Honourable Geoffrey Nettle AC KC was the Special Investigator throughout the reporting period.

The OSI was established to investigate potential criminal conduct and breaches of discipline relating to the recruitment, management and use by Victoria Police of Nicola Maree Gobbo as a human source.

In relation to the OSI, we have the power to:

- receive, assess and investigate complaints about the conduct of the OSI and OSI personnel
- receive and assess public interest disclosures about the OSI and OSI officers and investigate those determined to be public interest complaints
- monitor compliance of the OSI and OSI personnel with Part 3 of the SI Act and other laws in the performance of the OSI's investigation powers, duties and functions
- assess the effectiveness and appropriateness of OSI policies and procedures.

On 27 June 2023, the Victorian Attorney-General announced the Government's decision to accept recommendations from both the Special Investigator and the Royal Commission Implementation Monitor to wind up the OSI.

Enquiries

In 2022–23, we received one enquiry about the OSI which was out of jurisdiction.

Complaints

During 2022–23, we received 8 complaints about the OSI or OSI officers. These were closed with the following outcomes:

- 3 were not within jurisdiction under the PID Act or the VI Act and there was no further action.
- 5 were determined to be public interest complaints and were referred to the investigation team for investigation.

Investigations

- During the reporting period, we commenced 3 investigations and completed one of them. The allegation investigated was not substantiated.

Investigations commenced and closed in 2022–23

- One PIC investigation about an OSI officer that included an inquiry:
 - Outcome: The allegation was not substantiated and we took no further action.
 - Powers exercised: One confidentiality notice issued and cancelled and 2 witness summonses issued.

Investigations commenced in 2022–23 and open at the end of the reporting period

- One PIC investigation about OSI officers that included an inquiry:
 - Powers exercised: 11 confidentiality notices and 4 summonses issued (one of which was not served). We required documents to be provided twice under section 47 of the VI Act.
- One PIC investigation about the OSI and OSI officers that included an inquiry:
 - Powers exercised: We issued 9 confidentiality notices and 9 witness summonses in 2022–23.

Coercive power notifications

We did not receive any notifications on the use of coercive powers by the OSI in 2022–23.

Monitoring

During the reporting period, we provided observations to the OSI on its PID policy, following a high-level review. Our feedback was limited to observations as IBAC has legislative oversight of the OSI's PID procedures.

Recommendations

During the reporting period, we did not make any recommendations to the OSI under section 85H or 85I of the VI Act.

Improvements made

Nil to report as a direct result of our feedback.

Victorian Auditor-General's Office

VAGO undertakes annual audits of the financial statements of the public sector and conducts a review of the state's estimated financial statements, providing an opinion for inclusion in the state's budget papers. VAGO also conducts performance audits to evaluate whether an organisation or government program is performing effectively, economically and efficiently, and in compliance with all relevant legislation.

The Audit Act provides a suite of specific coercive powers for VAGO to gather information, obtain evidence and enter premises for the purpose of financial or performance audits.

We have a function to monitor the exercise of these coercive powers and compliance by VAGO officers with certain sections of the Audit Act⁸⁶, which relate to information gathering, entry to premises and reporting to us.

We can receive complaints relating to the use of coercive powers or compliance with certain sections of the Audit Act⁸⁷ which relate to information gathering, entry to premises and reporting to us.

We can also investigate and assess their conduct and make reports and recommendations.

Coercive power notifications

VAGO utilises a self-reporting tool created by the Victorian Inspectorate to report about the exercise of coercive power. VAGO has reported that it did not exercise any coercive powers this financial year.

Enquiries

Nil

Complaints

Nil

Recommendations

We made no recommendations to the Auditor-General⁸⁸ during the reporting period.

Improvements made

VAGO did not exercise any coercive powers and we received no complaints about them. We have no other oversight role through which to provide feedback.

86 ss 30 to 37, 39, 43 to 46, 50(1) and 51 of the Audit Act.

87 ss 30 to 37, 39, 41 to 46, 48, 49, 50 and 51 of the Audit Act.

88 Under s 81 of the VI Act.

Section 5

Workforce data

Employment and conduct principles

The *Public Administration Act 2004* (PA Act) established the Victorian Public Sector Commission (VPSC). The VPSC's role is to strengthen public sector efficiency, effectiveness and capability, and advocate for public sector professionalism and integrity.

Our policies and practices are consistent with the VPSC's employment standards and provide for fair treatment, career opportunities and the early resolution of workplace issues. In addition to the VPSC policies, the VI leverages relevant DJCS employment policies and templates, as applicable to the VI. In 2022–23 we also accessed support through DJCS including expert advice on employment principles and processes, in accordance with the Memorandum of Understanding between the VI and DJCS.

The VI advises its employees on how to avoid conflicts of interest and respond to offers of gifts and benefits, on how the VI deals with misconduct and on the need for respect in the workplace. In 2022–23 this was supported through in-house and external training provided to VI staff on a range of topics including respect in the workplace, sexual harassment and the Human Rights Charter.

We are committed to public sector values and employment principles and to applying merit and equity principles when appointing staff. The selection processes ensure that applicants are assessed and evaluated fairly and equitably on the basis of the key selection criteria and other accountabilities without discrimination, and in accordance with the requirements of the Jobs and Skills Exchange. We also promote our own values to staff and the need to uphold them at all times.

To ensure the suitability of employees, as part of the VI's selection process, a number of screening stages are undertaken including Fit2Work checks (national and international as required) and pre-employment misconduct declarations. All our staff are required to apply for and maintain, at a minimum, a Negative Vetting Level 1 Security Clearance.

Employees have been correctly classified in workforce data collections.

Workforce inclusion policy

We are an equal opportunity employer and our recruitment processes focus on essential skills and abilities.⁸⁹ We welcome applicants from a diverse range of backgrounds and experiences, including Australia's First Nations peoples, people from culturally and linguistically diverse backgrounds, LGBTIQ communities, and people with disability.

We value our people and are committed to attracting, developing and retaining diverse talent. We actively promote diversity and inclusion in the workplace and do not discriminate based on age, carer or parental status, disability, race, religious belief, sexual orientation, gender identity or other characteristics. In 2022–23 we began preparations for the establishment of a VI Pride Network in 2023–24.

We value staff with non-binary gender identities at all levels from VPS officers through to executives. We acknowledge that due to historic and current barriers to disclosure of non-binary gender identities, staff may not choose to disclose this information. As a result, targets or quotas are not currently a useful way to promote opportunities for gender diverse staff.

In 2022–23 we accessed advice and support from DJCS to ensure a robust approach to workforce inclusion.

Comparative workforce data

The data provided in Table 15 and Table 16 is actual full time equivalent (FTE) data as at 30 June 2023 for Victorian Public Sector employees and does not include statutory appointments. Employees have been correctly classified in workforce data collections.

During this reporting period, we were able to convert a number of fixed-term positions to ongoing as a result of the 2022–23 State Budget outcome. As at 30 June 2023, we employed 28 staff (26.5 FTE) (26 ongoing and 2 fixed-term). This represents a staffing increase of 17 per cent from 30 June 2022.

⁸⁹ Whilst we have no legislative obligations under the *Gender Equality Act 2020* we are not a defined entity under s 5(1), there is a majority of persons who identify as female at the VI and on its management team.

Comparative workforce data

Table 15: Employee numbers and type, June 2023 and June 2022

June 2023						June 2022							
Ongoing		Fixed Term		Casual		TOTAL	Ongoing		Fixed Term		Casual		TOTAL
Number	FTE	Number	FTE	Number	FTE	Number	Number	FTE	Number	FTE	Number	FTE	Number
Head Count		Head Count		Head Count		Head Count	Head Count		Head Count		Head Count		Head Count
26	24.5	2	2	0	0	28	12	12	12	10.7	0	0	24

Table 16: Employee classifications, June 2023 and June 2022

June 2023					June 2022				
	Ongoing		Fixed term & Casual		Ongoing		Fixed term & Casual		
	Headcount	FTE	Headcount	FTE	Headcount	FTE	Headcount	FTE	
Gender									
Male	7	7	0	0	3	3	3	3	
Female	19	17.5	2	2	9	9	9	7.7	
Self-described	n	n	n	n	n	n	n	n	
Age									
Under 25	0	0	0	0	0	0	0	0	
25-34	10	9.6	0	0	3	3	6	5.8	
35-44	3	2.9	0	0	1	1	2	1.9	
45-54	9	8.4	2	2	7	7	3	2.4	
55-64	4	3.6	0	0	1	1	1	0.6	
Over 64	0	0	0	0	0	0	0	0	
Classification									
SES-2	1	1	0	0	1	1	0	0	
SES-1	0	0	0	0	0	0	0*	0*	
VPS Grade 6	7	6.9	0	0	4	4	1	0.9	
VPS Grade 5	11	10.4	0	0	5	5	5	4.4	
VPS Grade 4	5	4.6	2	2	2	2	4	3.8	
VPS Grade 3	2	1.6	0	0	0	0	2	1.6	
VPS Grade 2	0	0	0	0	0	0	0	0	

* Acting SES-1 represented in the workforce data for 2021–22 as substantive VPS 6 ongoing; the SES1 position was not retained in 2022–23

Senior executive data disclosures

The senior executive data is current as at 30 June 2023. The number of senior executives reported is the number of senior executives at the end of the financial year. Refer to our financial statements for further details regarding senior executive remuneration.

Table 17: Senior executive data, 2022–23 and 2021–22

	Male		Female		Self-described		Vacancies	
	2022–23	2021–22	2022–23	2021–22	2022–23	2021–22	2022–23	2021–22
Senior Executive 1	0	0	0	0*	n	n	0	0
Senior Executive 2	0	0	1	1	n	n	0	0
Senior Executive 3	0	0	0	0	n	n	0	0
Total	0	0	1	1	n	n	0	0

* Acting SES-1 represented in the workforce data for 2021–22 as substantive VPS 6 ongoing as the SES1 resigned before 30 June 2023; the SES1 position was not retained in 2022–23

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Section 6

Other disclosures

Major contracts

Nil

Application and operation of Freedom of Information Act 1982

Under the *Freedom of Information Act 1982* (FOI Act) the public has a right of access to certain documents held by the Victorian Inspectorate. Information about the type of material we produce is available on our website under Statement 2.

During this reporting period we received 2 requests for access to documents under the FOI Act. Both requests were from the general public. In response to the 2 requests, we provided access to documents, with irrelevant information deleted on one occasion.

One of the FOI requests was subject to a complaint with OVIC. Following a submission to OVIC by the VI, the complaint was closed in agreement with the complainant.

VI documents

Section 102 of the VI Act exempts certain classes of documents in our possession from access through the FOI Act. Specifically, the FOI Act does not apply to a document that is in the possession of a 'relevant person or body'⁹⁰ to the extent to which the document discloses information that relates to:

- a complaint made under the VI Act
- an inspection made under the VI Act
- an investigation conducted under the VI Act
- a recommendation made by the VI under the VI Act
- a report, including a progress report, on an investigation conducted under the VI Act.

Making a request

Section 17 of the FOI Act outlines the requirements for making a request. FOI requests can be lodged online at ovic.vic.gov.au. An application fee of \$31.80 applies. Access charges may also be payable if the document pool is large and the search for material time consuming.

Alternatively, a request can be made to the VI, which must:

- be in writing
- identify as clearly as possible which document is being requested
- be accompanied by the appropriate application fee (the fee may be waived in certain circumstances).

Access charges may also apply once documents have been processed and a decision on access is made, for example photocopying and search and retrieval charges. Requests for documents in possession of the VI should be addressed to:

Victorian Inspectorate

Freedom of Information

PO Box 617 Collins Street West

Melbourne Vic 8007

Email: privacy@vicinspectorate.vic.gov.au

Under the FOI Act the processing time for FOI requests received is 30 days. In some cases, this time may be extended.

If an applicant is not satisfied by a decision that we have made, they have a right under section 49A of the FOI Act to seek a review by OVIC within 28 days after the day on which they are given written notice of the decision.

Further information

Further information regarding the operation and scope of FOI can be obtained from the FOI Act; regulations made under the FOI Act; and www.ovic.vic.gov.au.

⁹⁰ A relevant person or body for the purposes of section 102 means the VI and a VI officer, IBAC, a PIM, the VWA, the CCP, the DPP, the AFP, a VAGO officer, the office of the Ombudsman, an Ombudsman officer, the Chief Examiner and any Examiner, OVIC or any officer of OVIC, WIV and a WIV officer, the OSI and an OSI officer, the Judicial Commission and any other prescribed person.

Application and operation of *Public Interest Disclosures Act 2012*

We encourage and support the reporting and prevention of corruption and other improper conduct within the Victorian Public Sector. We take all appropriate steps to help facilitate the making, handling, notification and investigation of public interest disclosures and to protect people from reprisals for making those disclosures. Our procedures for this purpose are published on our website.⁹¹

We expect the highest standards of integrity from our own officers and the other integrity, accountability and investigatory bodies and officers that we oversee and take all appropriate steps to uphold this integrity.

Making a disclosure to the VI

Public interest disclosures about IBAC, an IBAC Officer, a Public Interest Monitor, the OSI or an OSI officer must be made to the Victorian Inspectorate. Public interest disclosures about most public bodies and officers may be made to the Victorian Inspectorate. Our public interest disclosure guidelines, available on our website, provide important information for those who are thinking about making a public interest disclosure to us, including which disclosures we can receive. Further information on making a disclosure to us can be found at www.vicinspectorate.vic.gov.au or by contacting us:

Victorian Inspectorate

1800 518 197

info@vicinspectorate.vic.gov.au

PO Box 617, Collins Street West

Melbourne Victoria 8007

Alternatively, disclosures may also be made directly to IBAC:

1300 735 135

www.ibac.vic.gov.au

Level 1, North Tower, 459 Collins Street

Melbourne, VIC 3000

Making a disclosure about the VI or VI officers

Public interest disclosures about the VI or VI officers must be made to the Integrity and Oversight Committee of the Victorian Parliament, or to a Presiding Officer.⁹²

Their contact details are:

Integrity and Oversight Committee

03 8682 2830

ioc@parliament.vic.gov.au

Parliament of Victoria

Parliament House, Spring Street

East Melbourne VIC 3002

Speaker of the Legislative Assembly

03 9651 8580 or 03 9651 8575

speaker@parliament.vic.gov.au

The Speaker's Office

Parliament House, Spring Street

Melbourne VIC 3002

President of the Legislative Council

03 9651 8675

president@parliament.vic.gov.au

President's Office

Parliament House, Spring Street

Melbourne VIC 3002

⁹¹ Public Interest Disclosures: Guidelines for making and handling public interest disclosures.

⁹² See section 17 of the PID Act.

Application and operation of the Carers Recognition Act 2012

To the extent applicable, we have taken all practical measures to comply with our obligations under the Carers Recognition Act 2012.

Consultancies over \$10,000

In 2022–23, there were 3 consultancies where the total fees payable to the consultants were \$10,000 or greater. The total expenditure incurred during 2022–23 in relation to these consultancies is \$134,407 (excl. GST).

Table 18: Details of consultancies over \$10,000, 2022–23

Consultant	Purpose of consultancy	Start date	End date	Total approved project fee (excl. GST)	Expenditure 2022–23 (excl. GST)	Future expenditure (excl. GST)
FBG Group	Expert advice on witness welfare framework review and development of new framework documents in response to IOC recommendations	30/04/2023	30/09/2023	\$66,450	\$31,500	\$34,950
Nous Group	Expert advice on complaint handling review, and development of Service Charter and new complaint handling framework	1/08/2022	28/10/2022	\$72,727	\$72,727	Nil
Luminary Digital	Expert market research, usability testing, user profile development and high-level information architecture for VI website	27/04/2023	30/07/2023	\$60,420	\$30,180	\$30,240

Consultancies under \$10,000

Nil

ICT expenditure

For the 2022–23 reporting period, we had a total Information and Communication Technology expenditure of \$588,247 with details shown in Table 19.

Table 19: Details of ICT expenditure, 2022–23

All operational ICT expenditure	ICT expenditure related to projects to create or enhance ICT capabilities		
Business As Usual (BAU) ICT expenditure	NonBusiness as Usual (nonBAU) ICT expenditure	Operational expenditure	Capital expenditure
(Total)	(Total = Operational expenditure and capital expenditure)		
\$319,078	\$269,169	\$26,688	\$242,481

ICT expenditure refers to our costs in providing business enabling ICT services within the current reporting period. It comprises Business as Usual (BAU) ICT expenditure and Non-Business as Usual (Non-BAU) ICT expenditure. Non-BAU ICT expenditure relates to extending or enhancing our current ICT capabilities. BAU ICT expenditure is all remaining ICT expenditure which primarily relates to ongoing activities to operate and maintain the current ICT capability.

Statement of availability of other information

In compliance with the requirements of the Standing Directions 2018 under the *Financial Management Act 1994*, details in respect of the items listed below have been retained by us and are available on request, subject to the provisions of the FOI Act:

- A statement that declarations of pecuniary interests have been duly completed by all relevant officers.
- Details of shares held by a senior officer as nominee or held beneficially in a statutory authority or subsidiary.
- Details of publications produced by us about the Victorian Inspectorate, and how these can be obtained.
- Details of changes in prices, fees, charges, rates and levies charged by us.
- Details of any major external reviews carried out on us.
- Details of any major external reviews carried out on the entity.

- Details of any major research and development activities undertaken by us.
- Details of overseas visits undertaken including a summary of the objectives and outcomes of each visit.
- Details of any major promotional, public relations and marketing activities undertaken by us to develop community awareness of us and our services.
- Details of assessments and measures undertaken to improve the occupational health and safety of employees.
- A general statement on industrial relations within the Victorian Inspectorate and details of time lost through industrial accidents and disputes.
- A list of major committees sponsored by the VI, the purposes of each committee and the extent to which the purposes have been achieved.
- Details of all consultancies and contractors including:
 - consultants/contractors engaged
 - services provided
 - expenditure committed to for each engagement.

The information is available on request from:

General Manager, Corporate Services

Email: corporate@vicinspectorate.vic.gov.au

Asset Management Accountability Framework maturity assessment

Nil⁹³

Environmental reporting

We minimise the use of electricity and water by using efficient appliance and office equipment, including energy efficient lighting which turns off in unstaffed areas. We use 100% recycled copy paper and encourage electronic communication, double-sided printing and PIN printing in order to reduce paper usage. Since the COVID pandemic and the introduction of formalised working from home arrangements, our staff have minimised the use of paper and become more proficient with electronic document management and less reliant on paper-based records. We use segregated waste systems. Bin contents are cleared daily and communal building waste receptacles are utilised for all tenants in the building. We do not have any assigned government vehicles. Staff are encouraged to use public transport in undertaking business activities.⁹⁴

⁹³ The VI is required to undertake an asset management maturity assessment every four years; the next assessment is due in 2024.

⁹⁴ This information meets FRD24 Reporting of environmental data by government entities requirements for a Tier 4 public entity.

Social Procurement Framework

We consider sustainable procurement objectives wherever possible in accordance with the Social Procurement Framework and within the constraints of our limited purchasing activities. In 2022–23 we engaged Ethical Jobs, a social enterprise that delivers recruitment services. Ethical Jobs makes regular donations to small Australian charities to support their work for a better world. Since it was founded in 2009 Ethical Jobs has donated over \$1,000,000 and catalysed over \$1,230,000 of public donations to over 170 different charities. In the same period we also engaged Luminary Digital Pty Ltd, a certified B Corp company balancing the needs of people and the planet with profit. To achieve B Corp certification Luminary has demonstrated high social and environmental performance, made a legal commitment by changing their corporate governance structure to be accountable to all shareholders and has exhibited transparency by allowing information about their performance against the relevant standards to be publicly available.

Compliance with the *Disability Act 2006*


We acknowledge the importance of strengthening the rights of people with a disability and are committed to creating and maintaining an accessible and inclusive environment for all people with a disability who come into contact with us, whether as employees, stakeholders or members of the public more generally. We leverage off the DJCS policies to ensure that our policies and services are accessible and responsive to the needs of people with a disability.

**VICTORIAN
INSPECTORATE**

Financial Management Compliance Attestation Statement

The Victorian Inspectorate has not identified any material compliance deficiencies for the financial year ended 30 June 2023.

I, Eamonn Moran, the Inspector of the Victorian Inspectorate, certify that the Victorian Inspectorate has complied, in all material respects, with the applicable Standing Directions of the Assistant Treasurer under the *Financial Management Act 1994* and associated instructions.



Eamonn Moran PSM KC

Inspector

18 September 2023

Section 7

Financial statements

Report structure

The Victorian Inspectorate (Inspectorate) has presented its audited general purpose financial statements for the financial year ended 30 June 2023 in the following structure to provide users with information about the Inspectorate's stewardship of resources entrusted to it.

Certifications	Declaration in financial statements Independent auditor's report
Financial statements	Comprehensive operating statement Balance sheet Cash flow statement Statement of changes in equity
Notes to the financial statements	<p>1 About this report The basis on which the financial statements have been prepared and compliance with reporting regulations</p> <p>2 Funding delivery of services Income recognised from grants and other sources 2.1 Income that funds the delivery of our services 2.1.1 Summary of compliance with annual parliamentary appropriations 2.2 Grants</p> <p>3 Cost of delivering services Operating expenses of the Inspectorate 3.1 Expenses incurred in the delivery of services 3.2 Employee benefits 3.3 Other operating expenses</p> <p>4 Key assets available to support delivery of our services Property, plant and equipment 4.1 Property, plant and equipment 4.2 Intangible assets 4.3 Asset Depreciation & amortisation</p> <p>5 Other assets and liabilities Working capital balances, and other key assets and liabilities 5.1 Receivables 5.2 Payables 5.3 Other Provisions</p> <p>6 Financing operations Borrowings, cash flow information and leases 6.1 Borrowings 6.2 Reconciliation of net result for the year to cash flow from operating activities 6.3 Commitments for expenditure</p> <p>7 Risks, contingencies and valuation judgements Financial risk management, contingent assets and liabilities as well as fair value determination 7.1 Financial instruments specific disclosures 7.2 Categorisation of financial instruments 7.3 Financial risk management objective and policies 7.4 Contingent assets and contingent liabilities 7.5 Fair value determination</p> <p>8 Other disclosures 8.1 Responsible persons 8.2 Remuneration of executives 8.3 Related parties 8.4 Remuneration of auditors 8.5 Australian Accounting Standards issued that are not yet effective 8.6 Subsequent events</p>

Declaration in the financial statements

The attached financial statements for the Victorian Inspectorate have been prepared in accordance with Direction 5.2 of the Standing Directions of the Assistant Treasurer under the *Financial Management Act 1994*, applicable Financial Reporting Directions, Australian Accounting Standards including Interpretations and other mandatory professional reporting requirements.

We further state that, in our opinion, the information set out in the comprehensive operating statement, balance sheet, cash flow statement, statement of changes in equity and notes forming part of the financial statements, presents fairly the financial transactions during the year ended 30 June 2023 and financial position of the Victorian Inspectorate as at 30 June 2023.

At the time of signing, we are not aware of any circumstance which would render any particulars included in the financial statements to be misleading or inaccurate.

We authorise the attached financial statements for issue on 18 September 2023.



Samuel Ho
Chief Finance Officer

Melbourne
18 September 2023



Eamonn Moran PSM KC
Accountable Officer

Melbourne
18 September 2023



Victorian Auditor-General's Office

Independent Auditor's Report

To the Inspector of the Victorian Inspectorate

Opinion	<p>I have audited the financial report of the Victorian Inspectorate (the Inspectorate) which comprises the:</p> <ul style="list-style-type: none"> • balance sheet as at 30 June 2023 • comprehensive operating statement for the year then ended • statement of changes in equity for the year then ended • cash flow statement for the year then ended • notes to the financial statements, including significant accounting policies • accountable officer's and chief finance officer's declaration in the financial statements. <p>In my opinion the financial report presents fairly, in all material respects, the financial position of the Inspectorate as at 30 June 2023 and its financial performance and cash flows for the year then ended in accordance with the financial reporting requirements of Part 7 of the <i>Financial Management Act 1994</i> and applicable Australian Accounting Standards.</p>
Basis for Opinion	<p>I have conducted my audit in accordance with the <i>Audit Act 1994</i> which incorporates the Australian Auditing Standards. I further describe my responsibilities under that Act and those standards in the <i>Auditor's Responsibilities for the Audit of the Financial Report</i> section of my report.</p> <p>My independence is established by the <i>Constitution Act 1975</i>. My staff and I are independent of the Inspectorate in accordance with the ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 <i>Code of Ethics for Professional Accountants (including Independence Standards)</i> (the Code) that are relevant to my audit of the financial report in Victoria. My staff and I have also fulfilled our other ethical responsibilities in accordance with the Code.</p> <p>I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.</p>
Inspector's responsibilities for the financial report	<p>The Inspector of the Inspectorate is responsible for the preparation and fair presentation of the financial report in accordance with Australian Accounting Standards and the <i>Financial Management Act 1994</i>, and for such internal control as the Inspector determines is necessary to enable the preparation and fair presentation of a financial report that is free from material misstatement, whether due to fraud or error.</p> <p>In preparing the financial report, the Inspector is responsible for assessing the Inspectorate's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless it is inappropriate to do so.</p>

Auditor's responsibilities for the audit of the financial report

As required by the *Audit Act 1994*, my responsibility is to express an opinion on the financial report based on the audit. My objectives for the audit are to obtain reasonable assurance about whether the financial report as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of this financial report.

As part of an audit in accordance with the Australian Auditing Standards, I exercise professional judgement and maintain professional scepticism throughout the audit. I also:

- identify and assess the risks of material misstatement of the financial report, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control
- obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Inspectorate's internal control
- evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Inspector
- conclude on the appropriateness of the Inspector's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Inspectorate's ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial report or, if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence obtained up to the date of my auditor's report. However, future events or conditions may cause the Inspectorate to cease to continue as a going concern
- evaluate the overall presentation, structure and content of the financial report, including the disclosures, and whether the financial report represents the underlying transactions and events in a manner that achieves fair presentation.

I communicate with the Inspector regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.



Roberta Skiros

as delegate for the Auditor-General of Victoria

MELBOURNE
21 September 2023

Comprehensive operating statement

For the financial year ended 30 June 2023

	Note	2023	2022
(\$)			
Income from transactions			
Output appropriations	2.1	7,732,662	5,746,475
Grants	2.2	907,000	-
Total income from transactions		8,639,662	5,746,475
Expenses from transactions			
Employee benefit expense	3.2.1	(4,515,710)	(3,538,075)
Depreciation and amortisation	4.3	(688,983)	(747,733)
Interest expense	6.1.2	(9,288)	(16,800)
Other operating expenses	3.3	(1,879,807)	(1,443,867)
Total expenses from transactions		(7,093,788)	(5,746,475)
Net result from transactions (net operating balance)		1,545,874	-
Other economic flows included in net result			
Net gain/(loss) from the revaluation of leave liabilities		5,478	38,301
Total other economic flows included in net result		5,478	38,301
Net result		1,551,352	38,301
Comprehensive result		1,551,352	38,301

The above comprehensive operating statement should be read in conjunction with the notes to the financial statements.

Balance sheet

As at 30 June 2023

	Note	2023	2022
(\$)			
Assets			
Financial assets			
Cash		907,856	-
Receivables	5.1	4,320,797	3,300,926
Total financial assets		5,228,653	3,300,926
Non-financial assets			
Prepayments		144,323	23,940
Property, plant and equipment	4.1	920,821	1,183,766
Intangible assets	4.2	68,533	88,429
Total non-financial assets		1,133,677	1,296,135
Total assets		6,362,330	4,597,061
Liabilities			
Payables	5.2	512,204	338,561
Borrowings	6.1	-	344,355
Employee benefit provisions	3.2.2	930,314	545,686
Other provisions	5.3	365,365	365,365
Total liabilities		1,807,883	1,593,967
Net assets		4,554,447	3,003,094
Equity			
Accumulated surplus / (deficit)		763,596	(787,757)
Contributed capital		3,790,851	3,790,851
Net worth		4,554,447	3,003,094

The above balance sheet should be read in conjunction with the notes to the financial statements.

Cash flow statement

For the financial year ended 30 June 2023

	Note	2023	2022
(\$)			
Cash flows from operating activities			
Receipts			
Receipts from government		6,712,792	5,519,077
Receipts from other entities		907,000	-
Total receipts		7,619,792	5,519,077
Payments			
Payments to suppliers and employees		(5,952,149)	(4,660,234)
Interest and other costs of finance paid	6.1.2	(9,289)	(16,800)
Total payments		(5,961,438)	(4,677,034)
Net cash flows from/(used in) operating activities	6.2	1,658,354	842,043
Cash flows from investing activities			
Purchases of non-financial assets		(406,143)	(422,332)
Net cash flows from/(used in) investing activities		(406,143)	(422,332)
Cash flows from financing activities			
Appropriation for capital expenditure purposes		-	14,572
Repayment of leases	6.1.3	(344,355)	(434,283)
Net cash flows from/(used in) financing activities		(344,355)	(419,711)
Net increase/(decrease) in cash and cash equivalents		907,856	-
Cash and cash equivalents at beginning of financial year		-	-
Cash and cash equivalents at end of financial year		907,856	-

The above cash flow statement should be read in conjunction with the notes to the financial statements.

Statement of changes in equity

For the financial year ended 30 June 2023

	Note	Contributed capital	Accumulated surplus	Total
(\$)				
Balance at 1 July 2021		3,776,279	(826,058)	2,950,221
Capital appropriations		14,572	-	14,572
Net result for year		-	38,301	38,301
Balance at 30 June 2022		3,790,851	(787,757)	3,003,094
Balance at 1 July 2022		3,790,851	(787,757)	3,003,094
Net result for year		-	1,551,352	1,551,352
Balance at 30 June 2023		3,790,851	763,595	4,554,447

The above statement of changes in equity should be read in conjunction with notes to the financial statements.

1. About this report

The Victorian Inspectorate (the Inspectorate) is a body corporate established under Section 8 of the *Victorian Inspectorate Act 2011* (the Act). The Inspectorate's objectives, functions, powers, and duties are set out in sections 11 and 13 of the Act. Since 1 July 2020 (in accordance with sections 90A to 90D of the Act), the Inspectorate is legislatively required to be budget independent and is now funded directly through parliamentary appropriations.

The principal address of the Inspectorate is

Victorian Inspectorate
Level 8
565 Bourke Street
Melbourne VIC 3000

A description of the nature of the principal services of the Inspectorate is included in the “**Report of Operations**” of the Annual Report which does not form part of these financial statements.

Basis of preparation

These financial statements are prepared in Australian dollars and the historical cost convention is used unless a different measurement basis is specifically disclosed in the note associated with the item measured on a different basis

The accrual basis of accounting has been applied in the preparation of these financial statements whereby assets, liabilities, equity, income, and expenses are recognised in the reporting period to which they relate, regardless of when cash is received or paid.

Consistent with the requirements of AASB 1004 *Contributions*, contributions by owners (that is, contributed capital and its repayment) are treated as equity transactions and, therefore, do not form part of the income and expenses of the Inspectorate.

Judgements, estimates, and assumptions are required to be made about the carrying values of assets and liabilities that are not readily apparent from other sources. The estimates and associated assumptions are based on professional judgements derived from historical experience and various other factors that are believed to be reasonable under the circumstances. Actual results may differ from these estimates.

Revisions to accounting estimates when applicable are recognised in the period in which the estimate is revised and also in future periods that are affected by the revision.

These financial statements cover the Inspectorate as an individual reporting entity and include all the controlled activities of the Inspectorate.

Compliance information

These general-purpose financial statements have been prepared on a going concern basis in accordance with the *Financial Management Act 1994* and applicable Australian Accounting Standards (AASs) including Interpretations issued by the Australian Accounting Standards Board (AASB). In particular, they are presented in a manner consistent with the requirements of AASB 1049 *Whole of Government and General Government Sector Financial Reporting*.

Where appropriate, those Australian Accounting Standards' paragraphs applicable to not-for-profit entities have been applied. Accounting policies selected and applied in these financial statements ensure that the resulting financial information satisfies the concepts of relevance and reliability, thereby ensuring that the substance of the underlying transactions or other events is reported.

Other accounting policies

Significant and other accounting policies that summarise the recognition and measurement basis used and are relevant to an understanding of the financial statements are provided throughout the notes to the financial statements

2. Funding delivery of services

Introduction

The Inspectorate is predominantly funded by accrual based Parliamentary appropriations for the provision of outputs.

2.1 Income that funds the delivery of our services

	Notes	2023	2022
(\$)			
Income from transactions			
Output appropriation	2.1.1	7,732,662	5,746,475
Total income		7,732,662	5,746,475

Appropriations

Once annual parliamentary appropriations are approved by the Treasurer, they become controlled by the Inspectorate and are recognised as income when applied for the purposes defined and the relevant minister has certified delivery of those outputs under the legislation governing the use of appropriations.

2.1.1 Summary of compliance with annual parliamentary appropriations

	Appropriations Act	Financial Management Act		Total parliamentary authority	Appropriations applied	Variance ⁽ⁱⁱ⁾
	Annual appropriation	Section 30	Section 32 ⁽ⁱ⁾			
2023						
Controlled						
Provision of outputs	8,255,072	(611,000)	521,000	8,165,072	7,732,662	432,410
Additions to net asset base	150,000	611,000	150,000	911,000		911,000
Total	8,405,072	-	671,000	9,076,072	7,732,662	1,343,410
2022						
Controlled						
Provision of outputs	7,244,000	-	250,000	7,494,000	5,746,475	1,747,525
Additions to net asset base	440,000	-	109,000	549,000	14,572	534,428
Total	7,684,000	-	359,000	8,043,000	5,761,047	2,281,953

Notes:

(i) Section 32 constitutes the approved carryover of unapplied appropriations from the prior year to be applied against output in the current year.

(ii) Variances in output appropriations is related to timing delays in implementation of deliverables for initiatives which will occur in subsequent financial years.

Variances in the usage of additions to net assets is due to availability of depreciation equivalent funding as a source to meet capital spend requirements.

2.2 Grants

		(\$)	
	Notes	2023	2022
Income recognised as income of not-for-profit entities			
- General purpose		907,000	-
Total grants		907,000	-

Grants recognised under AASB 1058 *Income of not-for-profit entities*

The Inspectorate has determined that the grant income included in the table above under AASB 1058 *Income of not-for-profit entities* has been earned under arrangements that are either not enforceable and/or linked to sufficiently specific performance obligations.

Income from grants without any sufficiently specific performance obligations, or that are not enforceable, is recognised when the Inspectorate has an unconditional right to receive cash which usually coincides with receipt of cash.

3. Cost of delivering services

Introduction

This section provides an account of the expenses incurred by the Inspectorate in delivering its services. The funds that enable the provision of the services were disclosed in Note 2.

3.1 Expenses incurred in the delivery of services

		(\$)	
	Notes	2023	2022
Employee benefits expense	3.2.1	4,515,710	3,538,075
Other operating expenses	3.3	1,879,807	1,443,867
		6,395,517	4,981,942

3.2 Employee benefits

3.2.1 Employee benefit expense in the comprehensive operating statement

		(\$)	
	Notes	2023	2022
Salary and wages, annual leave and long service leave		4,193,146	3,277,800
Defined contribution superannuation expense	3.2.3	322,564	260,275
Total employee benefit expense		4,515,710	3,538,075

Employee benefit expense includes all costs related to employment including wages and salaries, fringe benefits tax, leave entitlements, termination payments and WorkCover premiums.

The amount recognised in the comprehensive operating statement in relation to superannuation is employer contributions for members of both defined benefit and defined contribution superannuation plans that are paid or payable during the reporting period. The Inspectorate does not recognise any defined benefit liabilities because it has no legal or constructive obligation to pay future benefits relating to its employees. Instead, the Department of Treasury and Finance discloses in its annual financial statements the net defined benefit cost related to the members of these plans as an administered liability (on behalf of the State as the sponsoring employer).

3.2.2 Employee benefit provisions in the balance sheet

Provision is made for benefits accruing to employees in respect of annual leave and long service leave for services rendered to the reporting date and recorded as an expense during the period the services are delivered.

	(\$)	
	2023	2022
Current provisions		
Annual leave	513,851	445,333
Long service leave	262,967	32,345
Total current provisions	776,818	477,678
Non-current provisions		
Long service leave	153,496	68,008
Total non-current provisions	153,496	68,008
Total provisions for employee benefits	930,314	545,686

Current provisions

The annual leave liability is classified as a current liability as the Inspectorate does not have an unconditional right to defer settlement of the liability for at least 12 months after the end of the reporting period.

Unconditional long service leave is disclosed as a current liability; even where the Inspectorate does not expect to settle the liability within 12 months because it will not have the unconditional right to defer the settlement of the entitlement should an employee take leave within 12 months.

No provision has been made for sick leave as all sick leave is non-vesting and it is not considered probable that the average sick leave taken in the future will be greater than the benefits accrued in the future. As sick leave is non vesting, an expense is recognised in the Comprehensive Operating Statement as it is taken.

Employment on-costs such as payroll tax, workers compensation and superannuation are included as a component of the provision for employee benefits.

Non-current provisions

Conditional long service leave is disclosed as a non-current liability. There is a conditional right to defer the settlement of the entitlement until the employee has completed the requisite years of service. This non-current long service leave is measured at present value.

Any gain or loss following revaluation of the present value of non-current long service leave liability is recognised as a transaction, except to the extent that a gain or loss arises due to changes in bond interest rates for which it is then recognised as an 'other economic flow' in the net result.

The Inspectorate does not recognise any defined benefit liabilities because it has no legal or constructive obligation to pay future benefits relating to its employees. Instead, the Department of Treasury and Finance (DTF) discloses in its annual financial statements the net defined benefit cost related to the members of these plans as an administered liability (on behalf of the State as the sponsoring employer).

3.2.3 Superannuation contributions

Employees of the Inspectorate are entitled to receive superannuation benefits and the Inspectorate contributes to both defined benefit and defined contribution plans. The defined benefit plans provide benefits based on years of service and final average salary.

As noted before, the defined benefit liability is recognised by the Department of Treasury and Finance as an administered liability. However, superannuation contributions paid or payable for the reporting period are included as part of employee benefits expense in the comprehensive operating statement of the Inspectorate.

The basis for contributions is determined by the various schemes.

	(\$)			
	Paid contribution for		Contribution	
	2023	year 2022	outstanding at year end 2023	2022
Defined contribution plans				
- VicSuper	91,461	-	-	-
- Various other	231,103	260,275	-	-
Total	322,564	260,275	-	-

3.3 Other operating expenses

	(\$)	
	2023	2022
Purchase of services and supplies	1,363,249	873,851
Low-value lease expenses	23,293	14,792
Information technology costs	295,784	282,263
Occupancy costs	197,481	272,961
Total expenses	1,879,807	1,443,867

Other operating expenses generally represent the day-to-day running costs incurred in delivering services of the Inspectorate and are recognised as an expense in the reporting period in which they are incurred.

All leases (except below) are accounted for under AASB 16 *Leases* in the Inspectorate's balance sheet.

The following lease payments are recognised on a straight-line basis:

- Short-term leases – leases with a term less than 12 months; or
- Low value leases – leases with the underlying asset's fair value (when new, regardless of the age of the asset)

There are no short-term leases for the financial year.

4. Key assets available to support delivery of our services

Introduction

The Inspectorate controls assets that are utilised in fulfilling its objectives and conducting its activities. They represent the resources that have been entrusted to the Inspectorate to be utilised for delivery of these services.

4.1 Property, plant and equipment

(\$)

	Gross carrying amount		Accumulated depreciation		Net carrying amount	
	2023	2022	2023	2022	2023	2022
Right of use buildings	1,673,769	1,558,984	(1,673,769)	(1,247,187)	-	311,797
Leasehold improvements	4,047,635	3,959,644	(3,908,195)	(3,750,647)	139,440	208,997
Buildings' work in progress	291,462	195,473	-	-	291,462	195,473
Office and computer equipment at fair value	479,323	545,127	(258,576)	(173,618)	220,748	371,509
Plant and equipment works in progress	269,170	95,990	-	-	269,170	95,990
Total	6,761,360	6,355,218	(5,840,540)	(5,171,451)	920,821	1,183,766

Initial recognition: Items of property, plant and equipment are measured initially at cost. Where an asset is acquired for no or nominal cost, the cost is its fair value at the date of acquisition.

The cost of leasehold improvements is capitalised as an asset and depreciated over the remaining term of the lease or the estimated useful life of the improvements, whichever is the shorter.

The cost of the office furniture and equipment is the purchase price and any other additional cost incurred to bring the asset to the place and condition it is available for use.

Subsequent measurement: Property, plant and equipment are subsequently measured at fair value less accumulated depreciation and impairment. Fair value is determined with regard to the asset's highest and best use (considering legal or physical restrictions imposed on the asset, public announcements or commitments made in relation to the intended use of the asset).

Right-of-use asset – Initial recognition

The Inspectorate recognises a right-of-use asset and a lease liability at the lease commencement date. The right of-use asset is initially measured at cost which comprises the initial amount of the lease liability adjusted for:

- any lease payments made at or before the commencement date less any lease incentive received; plus
- any initial direct costs incurred; and
- an estimate of costs to dismantle and remove the underlying asset or to restore the underlying asset or the site on which it is located.

Right-of-use asset – Subsequent measurement

The Inspectorate depreciates the right-of-use assets on a straight-line basis from the lease commencement date to the earlier of the end of the useful life of the right-of-use asset or the end of the lease term.

The right-of-use assets are also subject to revaluation.

In addition, the right-of-use asset is periodically reduced by impairment losses, if any and adjusted for certain remeasurements of the lease liability.

Impairment: Property, plant, and equipment, is tested for impairment whenever there is an indication that an asset may be impaired.

The assets concerned are tested as to whether their carrying value exceeds their recoverable amount. Where an asset's carrying value exceeds its recoverable amount, the difference is considered to be an impairment and is written off as an 'other economic flow', except to the extent that it can be offset to an asset revaluation surplus amount applicable to that class of asset.

The recoverable amount for most assets is measured at the higher of current replacement cost and fair value less costs to sell.

Recoverable amount for assets held primarily to generate net cash inflows is measured at the higher of the present value of future cash flows expected to be obtained from the asset and fair value less costs to sell.

4.1.1 Reconciliation of movements in carrying amounts of property, plant and equipment (\$)

	Right of use buildings	Leasehold improvements	Buildings' Works In Progress	Office and computer equipment	Plant and equipment works in progress	Total
	\$	\$	\$	\$	\$	\$
2023						
Carrying amount at the start of the year	311,797	208,997	195,472	371,509	95,990	1,183,765
Additions	-	-	-	22,189	269,170	291,359
Adjustments	114,785	-	-	-	-	114,785
Transfers to/from Asset Classes	-	87,991	95,990	(87,991)	(95,990)	-
Depreciation expenses	(426,582)	(157,548)	-	(84,958)	-	(669,088)
Carrying amount at the end of the year	-	139,440	291,462	220,749	269,170	920,821
2022						
Carrying amount at the start of the year	727,526	414,173	-	342,201	-	1,483,901
Recognition of right-of-use assets	-	-	-	-	-	-
Additions	-	8,811	195,473	122,059	95,990	422,333
Transfer to Intangible Assets	-	-	-	-	-	-
Depreciation expenses	(415,729)	(213,987)	-	(92,751)	-	(722,467)
Carrying amount at the end of the year	311,797	208,997	195,473	371,509	95,990	1,183,767

4.2 Intangible assets

	(\$)	
	2023	2022
Capitalised software	88,428	126,328
Less: accumulated depreciation	(19,895)	(37,899)
Net carrying amount	68,533	88,428

Purchased intangible assets are initially recognised at cost. Subsequently, intangible assets with finite useful lives are carried at cost less accumulated amortisation and accumulated impairment losses. Depreciation and amortisation begin when the assets are available for use - that is, when they are in the location and condition necessary for them to be capable of operating in the manner intended by management.

Internally generated intangible assets arising from development (or from the development phase of an internal project) are recognised if, and only if, all of the following are demonstrated:

- (a) there is an intention to complete the intangible asset for use or sale
- (b) there is an ability to use or sell the intangible asset
- (c) the intangible asset will generate probable future economic benefits
- (d) there is availability of adequate technical, financial, and other resources to complete the development and to use or sell the intangible asset
- (e) there is an ability to measure reliably the expenditure attributable to the intangible asset during its development.

Internally generated intangible assets with finite useful lives, are amortised on a straight-line basis over their useful lives.

Intangible assets with indefinite useful lives (and intangible assets not yet available for use) are tested for impairment annually or whenever there is an indication that the asset may be impaired.

4.2.1 Reconciliation of movements in carrying amounts of intangible assets

	(\$)	
	2023	2022
Carrying value at the start of the year	88,428	113,695
Depreciation expenses	(19,895)	(25,266)
Carrying amount at the end of the year	68,533	88,429

Impairment

Intangible assets not yet available for use are tested annually for impairment and whenever there is an indication that the asset may be impaired. Intangible assets with finite useful lives are tested for impairment whenever an indication of impairment is identified.

4.3 Asset Depreciation & amortisation

	(\$)	
	2023	2022
Right-of-use buildings	426,582	415,729
Leasehold improvements	157,548	213,987
Office and computer equipment at fair value	84,958	92,751
Intangible assets	19,895	25,266
Total depreciation & amortisation	688,983	747,733

Depreciation / amortisation is calculated on a straight line basis, at rates that allocate the asset's value, less any estimated residual value, over its estimated useful life. Typical estimated useful lives for the different asset classes for current and prior years are included in the table below.

Leasehold improvements are depreciated over the shorter of the lease term and their useful lives.

Right-of-use assets are generally depreciated over the shorter of the asset's useful life and the lease term.

The estimated useful lives, residual values and depreciation method are reviewed at least annually. Typical estimated useful lives applicable for the different classes are included in the table below:

	2023	2022
Asset class	Useful life (years)	
Leasehold improvement	5-10	5-10
Office and computer equipment	5	5
Leased motor vehicles	2-3	2-3
Intangible assets	5	5

5. Other assets and liabilities

Introduction

This section sets out those assets and liabilities that arose from the Inspectorate's delivery of services.

5.1 Receivables

	(\$)	
	2023	2022
Statutory		
Amounts owing from Victorian Government ^(a)	4,303,673	3,283,801
GST input tax credit recoverable	17,125	17,125
Total receivables	4,320,797	3,300,926
Represented by		
Current receivables	4,167,301	3,247,956
Non-current receivables	153,496	52,969

Notes:

(a) Represents the balance of available appropriations relating to providing outputs as well as funds available for capital purchases, for which payments had not been disbursed at the balance date, and accordingly had not been drawn from the Consolidated Fund.

Statutory receivables do not arise from contracts and are initially recognised at fair value plus any directly attributable transaction costs. Subsequent to initial measurement they are measured at amortised cost using the effective interest method, less any impairment and are not classified as financial instruments.

5.2 Payables

	(\$)	
	2023	2022
Contractual		
Creditors and accruals	510,965	320,623
Statutory		
Amounts payable to government agencies	1,239	17,938
Total statutory payables	512,204	338,561
Total payables		
Represented by		
Current payables	512,204	338,561

Contractual payables are classified as financial instruments and measured at amortised cost. Creditors and accruals represent liabilities for goods and services provided to the Inspectorate prior to the end of the financial year that are unpaid.

Statutory payables are recognised and measured similarly to contractual payables but are not classified as financial instruments and not included in the category of financial liabilities at amortised cost because they do not arise from a contract.

5.3 Other Provisions

	(\$)	
	2023	2022
Make-good provision	365,365	365,365
Total other provisions	365,365	365,365

Other provisions are recognised when the Inspectorate has a present obligation, the future sacrifice of economic benefits is probable and the amount of the provision can be measured reliably. The amount recognised as a provision is the best estimate of the consideration required to settle the present obligation at reporting date, taking into account the risks and uncertainties surrounding the obligation.

6. Financing operations

Introduction

This section provides information on the sources of finance available to the Inspectorate during its operations, along with interest expenses (the cost of finance lease liabilities) and other information related to financing activities of the Inspectorate.

This section also includes disclosures on commitments for expenditure.

6.1 Borrowings

Borrowings refer to interest bearing liabilities, which for the Inspectorate consist only of lease liabilities. Borrowings are measured at amortised cost.

	(\$)	
	2023	2022
Current Lease liabilities	-	344,355
Total borrowings	-	344,355

Leases are recognised as assets and liabilities of the Inspectorate at amounts equal to the fair value of the lease property or, if lower, at the present value of the minimum lease payments, each determined at the inception of the lease. The leased asset is depreciated over the shorter of the estimated useful life of the asset or the term of the lease.

Minimum lease payments are apportioned between reduction of the lease liability and periodic finance charges which are calculated using the interest rate implicit in the lease and charged directly to the comprehensive operating statement.

Leases are secured borrowings as the right to the leased assets will revert to the lessor in the event of a default.

There were no defaults and breaches of any lease conditions during the current or previous financial years.

The Inspectorate's leasing activities

The Inspectorate leases various IT equipment. The lease contracts are typically made for a fixed period of 1-10 years with an option to renew the lease after that date.

Leases of IT equipment with shorter contract terms of up to 12 months or low-value items of \$10k or less are not recognised as right-of-use assets and lease liabilities. These lease expenses are recognised when they become payable by the Inspectorate.

6.1.1 Right-of-use assets

Right-of-use assets are presented in note 4.1.

6.1.2 Amounts recognised in the comprehensive operating statement

The following are recognised in the comprehensive operating statement relating to lease;

	(\$)	
	2023	2022
Interest expense on lease liabilities	9,288	16,800
Expenses relating to leases of low-value assets	23,293	14,792
Total	32,581	31,592

6.1.3 Amounts recognised in the cash flow statement

The following lease amounts are recognised in the cash flow statement relating to lease;

	(\$)	
	2023	2022
Lease liability payments	344,355	434,283
Total cash outflow for leases	344,355	434,283

Contracts containing leases

For any new contracts entered into the Inspectorate considers whether the contract is or contains a lease. A lease is defined as 'a contract, or part of a contract, that conveys the right to use an asset (the underlying asset) for a period of time in exchange for consideration'. To apply this definition the Inspectorate assesses whether the contract meets three key evaluations:

- Whether the contract contains an identified asset, which is either explicitly identified in the contract or implicitly specified by being identified at the time the asset is made available to the Inspectorate and for which the supplier does not have substantive substitution rights; and
- Whether the Inspectorate has the right to obtain substantially all of the economic benefits from use of the identified asset throughout the period of use, considering its rights within the defined scope of the contract and the Inspectorate has the right to direct the use of the identified asset throughout the period of use; and
- Whether the Inspectorate has the right to take decisions in respect of 'how and for what purpose' the asset is used throughout the period of use.

Separation of lease and non-lease components

At inception or on reassessment of a contract that contains a lease component, the lessee is required to separate out and account separately for non-lease components within a lease contract and exclude these amounts when determining the lease liability and right-of-use asset amounts.

Recognition and measurement of leases

Lease Liability - Initial measurement

The lease liability is initially measured at the present value of the unpaid lease payments at the commencement date, discounted using the interest rate implicit in the lease if that rate is readily determinable or the Inspectorate's incremental borrowing rate.

Lease payments included in the measurement of the lease liability comprise of the following:

- fixed payments (including in-substance fixed payments) less any lease incentive receivable;
- variable payments based on an index or rate, initially measured using the index or rate as at the commencement date;
- amounts expected to be payable under a residual value guarantee; and
- payments arising from purchase and termination options that are reasonably certain to be exercised.

Lease Liability - Subsequent measurement

Subsequent to initial measurement, the liability will be reduced for payments made and increased for interest. It is remeasured to reflect any reassessment or modification, or if there are changes in-substance fixed payments.

When the lease liability is remeasured, the corresponding adjustment is reflected in the right-of-use asset, or profit and loss if the right-of-use asset is already reduced to zero.

Short-term leases and leases of low-value assets

The Inspectorate has elected to account for short-term leases and leases of low-value assets using the practical expedients. Instead of recognising a right-of-use asset and lease liability, the payments in relation to these are recognised as an expense in profit or loss when the expenditure is incurred.

Presentation of right-of-use assets and lease liabilities

The Inspectorate presents right-of-use assets as 'property plant and equipment' unless they meet the definition of investment property, in which case they are disclosed as 'investment property' in the balance sheet. Lease Liabilities are presented as 'borrowings' in the balance sheet.

6.2 Reconciliation of net result for the year to cash flow from operating activities

	(\$)	
	2023	2022
Net result for the period	1,551,352	38,301
Non-cash movements		
Depreciation and amortisation of non-current assets	688,983	747,734
Net (gain)/loss on other	(5,478)	-
Movements in assets and liabilities		
Decrease/(increase) in receivables	(1,019,871)	(231,278)
Decrease/(increase) in non-financial assets	(120,383)	278,938
Increase/(decrease) in payables	174,189	84,444
Increase/(decrease) in provisions	389,562	(76,095)
Net cash flows from/(used in) operating activities	1,658,354	842,043

6.3 Commitments for expenditure

Commitments for future expenditure include operating and capital commitments arising from contracts. These commitments are recorded below at their nominal value and inclusive of GST. Where it is considered appropriate and provides additional relevant information to users, the net present values of significant individual projects are stated. These future expenditures cease to be disclosed as commitments once the related liabilities are recognised in the balance sheet.

	(\$)	
	2023	2022
Capital commitments		
Contractual capital commitments for system upgrade projects are payable as follows:		
Within one year	383,184	52,795
Total commitments (inclusive of GST)	383,184	52,795
Less GST recoverable	(34,835)	(4,800)
Total commitments (exclusive of GST)	348,350	47,995
Other commitments		
Commitments for minimum payments in relation to non-cancellable expenses, not recognised as liabilities, are payable as follows:		
Within one year	520,791	511,326
Later than one year but not later than five years	211,205	445,897
More than five years	118,064	-
Total commitments (inclusive of GST)	850,060	957,223
Less GST recoverable	(77,278)	(87,020)
Total commitments (exclusive of GST)	772,782	870,203

7. Risks, contingencies and valuation judgements

Introduction

The Inspectorate is exposed to risk from its activities and outside factors. In addition, it is often necessary to make judgements and estimates associated with recognition and measurement of items in the financial statements.

This section sets out financial instrument specific information (including exposures to financial risks) as well as those items that are contingent in nature or require a higher level of judgement to be applied, which for the Inspectorate relates mainly to fair value determination.

7.1 Financial instruments specific disclosures

Financial instruments arise out of contractual agreements between entities that give rise to a financial asset of one entity and a financial liability or equity instrument of another entity. Due to the nature of the Inspectorate's activities, certain financial assets and financial liabilities arise under statute rather than a contract. Such financial assets and financial liabilities do not meet the definition of financial instruments in *AASB 132 Financial Instruments: Presentation*. For example, statutory receivables do not meet the definition of financial instruments as they do not arise under contract. Other than the statutory receivables the Inspectorate does not hold financial assets. The Inspectorate's statutory receivables are disclosed in note 5.1.

Categories of financial liabilities

Financial liabilities at amortised cost

Financial instrument liabilities are initially recognised on the date they are originated. They are initially measured at fair value less any directly attributable transaction costs.

Financial instrument liabilities measured at amortised cost include all of the Inspectorate's contractual payables and borrowings.

Derecognition of financial liabilities

A financial liability is derecognised when the obligation under the liability is discharged, cancelled or expires.

7.2 Categorisation of financial instruments

			(\$)	
			2023	2022
Financial liabilities	Note	Category		
Payables	5.2	Financial liabilities at amortised cost	510,965	320,623
Borrowings	6.1	Financial liabilities at amortised cost	-	344,355
Total financial liabilities			510,965	664,978

Note: * Receivables disclosed exclude statutory receivables (i.e. amounts receivable from government Inspectorates and GST recoverable)

7.3 Financial risk management objective and policies

As a whole, the Inspectorate's financial risk management program seeks to manage the risks arising from volatility in financial instruments.

The Inspectorate's main financial risks include credit risk, liquidity risk and market risk. The Inspectorate manages these financial risks in accordance with its financial risk management policy.

Credit risk

Credit risks arise from the contractual financial assets of the Inspectorate, which comprises cash and receivables. The Inspectorate's exposure to credit risk arises from the potential default of a counterparties on their contractual obligations resulting in financial loss to the Inspectorate. Credit risk is measured at fair value and is monitored on a regular basis.

Credit risk associated with the Inspectorate's financial assets is minimal because its main debtor is the Victorian Government.

Liquidity risk

Liquidity risk arises when the Inspectorate is unable to meet its financial obligations as they fall due. The Inspectorate operates under the government's fair payments policy of settling financial obligations within 30 days and in the event of a dispute, making payments within 30 days from the date of resolution.

The Inspectorate's exposure to liquidity risk is deemed insignificant based on prior period data and a current assessment of this risk. Maximum exposure to liquidity risk is the carrying amounts of its financial liabilities. The exposure to liquidity risk is deemed insignificant based on prior periods' data and current assessment of risk. The Inspectorate manages its liquidity risk by maintaining an adequate level of uncommitted funds that can be used at short notice to meet its short-term obligations.

Market risk

The Inspectorate has no material exposure to interest rate, foreign currency or other price risks. Interest rates on the Inspectorate's finance lease liabilities are fixed.

7.4 Contingent assets and contingent liabilities

Contingent assets and contingent liabilities are not recognised in the balance sheet, but are disclosed in this note and, if quantifiable, are measured at nominal value.

Contingent assets and contingent liabilities are presented inclusive of GST.

Contingent assets

Contingent assets are possible assets that arise from past events, whose existence will be confirmed only by the occurrence or non-occurrence of one or more uncertain future events not wholly within the control of the entity.

Contingent assets are classified as either quantifiable, where the potential economic benefit is known, or non-quantifiable.

There were no contingent assets relating to the Inspectorate as at 30 June 2023 (30 June 2022: Nil)

Contingent liabilities

Contingent liabilities are:

- possible obligations that arise from past events, whose existence will be confirmed only by the occurrence or non-occurrence of one or more uncertain future events not wholly within the control of the entity; or
- present obligations that arise from past events but are not recognised because:
 - it is not probable that an outflow of resources embodying economic benefits will be required to settle the obligations;
 - or the amount of the obligations cannot be measured with sufficient reliability.

Contingent liabilities are also classified as either quantifiable or non-quantifiable.

There were no contingent liabilities relating to the Inspectorate as at 30 June 2023 (30 June 2022: Nil).

7.5 Fair value determination

The Inspectorate determines the policies and procedures for fair value measurements such as property, plant, and equipment in accordance with the requirements of AASB 13 *Fair Value Measurement* and the relevant Financial Reporting Directions issued by Department of Treasury and Finance (DTF).

In determining fair values, a number of inputs are used. To increase consistency and comparability in the financial statements, these inputs are categorised into three levels, also known as the fair value hierarchy:

- Level 1 - quoted (unadjusted) market prices in active markets for identical assets;
- Level 2 - valuation techniques for which the lowest level input that is significant to the fair value measurement is directly or indirectly observable; and
- Level 3 - valuation techniques for which the lowest level input that is significant to the fair value measurement is unobservable. Changes in unobservable values will result in changes to the asset carrying values.

The Inspectorate currently holds financial instruments that are recorded in the financial statements where the carrying amounts approximate to fair value, due to their short-term nature or with the expectation that they will be paid in full by the end of the subsequent reporting period. These financial instruments are disclosed in note 7.1.

The Inspectorate's property, plant and equipment and intangible assets are held at fair value and classified as level 3. The fair value is determined using the current replacement cost method. There were no changes in valuation techniques throughout the period to 30 June 2023. For all assets measured at fair value, the current use is considered the highest and best use. Significant unobservable inputs associated with these assets are cost and useful life which have remained unchanged for the financial period.

8. Other disclosures

Introduction

This section includes additional material disclosures required by accounting standards or otherwise for the understanding of this financial report.

8.1 Responsible persons

In accordance with the Ministerial Directions issued by the Assistant Treasurer under the *Financial Management Act 1994*, the following disclosures are made regarding responsible persons for the reporting period.

Names

The people who held the positions of Ministers and Accountable Officers in the Inspectorate (from 1 July 2022 to 30 June 2023 unless otherwise stated) were as follows:

Attorney-General	The Hon. Jaclyn Symes, MP	1 July 2022 to 30 June 2023
Accountable Officer	Eamonn Moran PSM KC	1 July 2022 to 30 June 2023

Remuneration

Remuneration received or receivable by the Accountable Officer, in connection with the management of the Inspectorate during the reporting period was in the range of \$510,000-\$519,999. In 2021-22 the range was \$470,000 - \$479,999.

Amounts relating to the Ministers are reported in the financial statements of the State's Annual Financial Report.

8.2 Remuneration of executives

The number of executive officers, other than Ministers and the Accountable Officer, and their total remuneration during the reporting period are shown in the table below. Total annualised employee equivalents provides a measure of full time equivalent executive officers over the reporting period.

Remuneration comprises employee benefits in all forms of consideration paid, payable or provided by the entity, or on behalf of the entity, in exchange for services rendered, and is disclosed in the following

- short-term employee expenses include amounts such as wages, salaries, annual leave or sick leave that are usually paid or payable on a regular basis, as well as non-monetary benefits such as allowances and free or subsidised goods or services;
- post-employment benefits include employer contributions for members of both defined benefit and defined contribution superannuation plans;
- other long-term benefits include long service leave and other long term benefits.
- termination benefits include termination of employment payments, such as severance packages.

	(\$)	
Remuneration of executive officers	2023	2022
Short-term employee benefits	358,511	530,607
Post-employment benefits	25,292	42,969
Other long-term benefits	5,268	8,196
Total remuneration	389,071	581,773
Total number of executives	1	2
Total annualised employee equivalents^(a)	1.0	2.0

Notes:

- (a) Annualised employee equivalent is based on paid working hours of 38 ordinary hours per week over the 52 weeks for the reporting period.

8.3 Related parties

The Inspectorate is a wholly owned and controlled entity of the State of Victoria. Related parties of the Inspectorate include:

- all key management personnel and their close family members;
- all cabinet ministers and their close family members; and
- all departments and public sector entities that are controlled and consolidated into the whole of state consolidated financial statements.

Significant transactions with government-related entities

The Key Management Personnel (KMP) of the Victorian Inspectorate include the Accountable Officer Eamonn Moran PSM KC and Catherine Cato the Executive Director Legal and Integrity.

The compensation detailed below excludes the salaries and benefits that the Portfolio Minister receives. The Ministers' remuneration and allowances are set by the *Parliamentary Salaries and Superannuation Act 1968* and reported in the financial report of the State's Annual Financial Report.

	(\$)	
Compensation of KMPs	2023	2022
Short-term employee benefits	863,266	796,009
Post-employment benefits	25,292	23,568
Other long-term benefits	16,864	19,359
Total	905,422	838,937

*Note: * some KMPs are also reported in the disclosure of remuneration of executive officers (Note 8.2)*

Transactions with KMPs and other related parties

Given the breadth and depth of State government activities, related parties transact with the Victorian public sector in a manner consistent with other members of the public e.g. stamp duty and other government fees and charges. Further employment of processes within the Victorian public sector occur on terms and conditions consistent with the *Public Administration Act 2004* and Codes of Conduct and Standards issued by the Victorian Public Sector Commission. Procurement processes occur on terms and conditions consistent with the Victorian Government Procurement Board requirements.

Outside of normal citizen type transactions with the Inspectorate, there were no related party transactions that involved key management personnel, their close family members and their personal business interests. No provision has been required, nor any expense recognised, for impairment of receivables from related parties.

The Victorian Inspectorate receives appropriations which has been disclosed in the operating statement as revenue.

8.4 Remuneration of auditors

	(\$)	
	2023	2022
Audit fees paid or payable to the Victorian Auditor-General's Office		
Audit of the annual financial statements	25,000	17,500
Total	25,000	17,500

8.5 Australian Accounting Standards issued that are not yet effective

Certain new and revised accounting standards have been issued but are not effective for the 2022-23 reporting period. These accounting standards have not been applied to these financial statements. The State is reviewing its existing policies and assessing the potential implications of these accounting standards which includes:

- *AASB 2022-10 Amendments to Australian Accounting Standards – Fair Value Measurement of Non-Financial Assets of Not-for-Profit Public Sector Entities*
AASB 2022-10 amends AASB 13 *Fair Value Measurement* by adding authoritative implementation guidance and illustrative examples for fair value measurements of non-financial assets of not-for-profit public sector entities not held primarily for their ability to generate net cash inflows.
- *AASB 2020-1 Amendments to Australian Accounting Standards - Classification of Liabilities as Current or Non-Current*
This Standard amends AASB 101 to clarify requirements for the presentation of liabilities in the statement of financial position as current or non-current. A liability is classified as non-current if an entity has the right at the end of the reporting period to defer settlement of the liability for at least 12 months after the reporting period. The meaning of settlement of a liability is also clarified. *AASB 2020-6 Amendments to Australian Accounting Standards - Classification of Liabilities as Current or Non-current - Deferral of Effective Date* was issued in August 2020 and defers the effective date to annual reporting periods beginning on or after 1 January 2023 instead of 1 January 2022, with earlier application permitted.
- In addition to the new standard and amendment above, the AASB has issued a list of other amending standards that are not effective for the 2022-23 reporting period. In general, these amending standards include editorial and reference changes that are expected to have insignificant impacts on public sector reporting.

Certain new and revised accounting standards have been issued but are not effective for the 2022-23 reporting period.

8.6 Subsequent events

No significant events have occurred since 30 June 2023 that will have a material impact on the information disclosed in the financial statements.

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Appendix A

Bodies overseen by the Victorian Inspectorate

- **Department of Energy, Environment and Climate Action**
- **Environment Protection Authority**
- **Game Management Authority**
- **Independent Broad-based Anti-corruption Commission**
- **Judicial Commission of Victoria**
- **Officer of Chief Examiner**
- **Office of the Special Investigator (Victoria)**
- **Office of the Victorian Information Commissioner**
- **Public Interest Monitor**
- **Victorian Auditor-General's Office**
- **Victorian Fisheries Authority**
- **Victorian Ombudsman**
- **Victoria Police**
- **Wage Inspectorate Victoria**








Appendix B

Victorian Inspectorate jurisdiction and functions

						
Receive and assess complaints about its conduct and the conduct of its officers	Receive and assess complaints about the conduct of its officers	Receive and assess complaints about conduct of the Chief Examiner or Examiners	Receive and assess complaints about its conduct and the conduct of its officers	Receive and assess complaints about the conduct of its officers	Receive and assess complaints about the conduct of its officers	
Investigate conduct	Investigate conduct	Investigate conduct	Investigate conduct	Investigate conduct	Investigate conduct	Investigate conduct
Monitor the exercise of coercive powers	Monitor the exercise of coercive powers	Monitor the exercise of coercive powers		Monitor the exercise of coercive powers	Monitor the exercise of coercive powers	Monitor the exercise of coercive powers
Assess the effectiveness and appropriateness of policies and procedures		Assess the effectiveness and appropriateness of policies and procedures	Assess the effectiveness and appropriateness of policies and procedures			
Monitor compliance with the IBAC Act and other related laws	Monitor compliance with procedural fairness	Monitor compliance with Major Crime (IP) Act	Monitor compliance with Part 3 of the Special Investigator Act and other related laws	Monitor compliance with procedural fairness	Monitor compliance with ss.30–37, 39, 43–46, 50(1) and 51 of the Audit Act	
Review PID procedures	Review PID procedures					
Oversee performance of its PID Act functions						
Receive and assess PIDs			Receive and assess PIDs			
Investigate PICs			Investigate PICs			
Monitor interaction between it and other integrity bodies						
Inspect its records on telephone interception, use of surveillance devices and controlled operations						

In addition to the key functions in this table, the Victorian Inspectorate must consider whether any disclosure received by it relating to any public body or public officer is a public interest disclosure that must be notified to the appropriate entity.

We must also investigate any public interest complaint referred to us by IBAC relating to the conduct of any public body or public officer.

 Judicial Commission of Victoria	 VICTORIA POLICE	 PiM <small>Public Interest Monitor</small>	 Game Management Authority	 Victorian Fisheries Authority	 VICTORIA <small>State Government</small>	 EPA <small>VICTORIA</small>
Monitor the exercise of coercive powers						
	Monitor compliance with Major Crime (IP) Act					
Review PID procedures						
		Receive and assess PIDs				
		Investigate PICs				
	Inspect its records on telephone interception, use of surveillance devices and controlled operations	Inspect records relating to order/warrant applications	Inspect its records on use of surveillance devices and controlled operations	Inspect its records on use of surveillance devices and controlled operations	Inspect its records on use of surveillance devices and controlled operations	Inspect its records on use of surveillance devices
	Inspect its records on use of counter-terrorism powers					

Legislative reporting index

The annual report of the VI is prepared in accordance with all relevant Victorian legislations and pronouncements. This index has been prepared to facilitate identification of the VI's compliance with statutory disclosure requirements.

Legislation	Requirement	Page
Charter and purpose		
FRD 22	Manner of establishment and the relevant Ministers	ii, 18
FRD 22	Purpose, functions, powers and duties	21–48
FRD 8	Departmental objectives, indicators and outputs	N/A
FRD 22	Key initiatives and projects	11
FRD 22	Nature and range of services provided	21–48
Management and structure		
FRD 22	Organisational structure	20
Financial and other information		
FRD 8	Performance against output performance measures	14–15
FRD 8	Budget portfolio outcomes	N/A
FRD 12	Disclosure of major contracts	94
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FRD 22	Employment and conduct principles	88
FRD 22	Occupational health and safety policy	20
FRD 22	Summary of the financial results for the year	16
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FRD 22	Subsequent events	N/A
FRD 22	Application and operation of <i>Freedom of Information Act 1982</i>	94
FRD 22	Compliance with building and maintenance provisions of <i>Building Act 1993</i>	N/A
FRD 22	Statement on National Competition Policy	N/A
FRD 22	Application and operation of the <i>Public Interest Disclosures Act 2012</i>	95
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FRD 22	Details of consultancies over \$10 000	96
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Compliance attestation and declaration

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SD 5.2.3	Declaration in report of operations	i

Financial statements

SD 5.2.2	Declaration in financial statements	103
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Other requirements under Standing Directions 5.2

SD 5.2.1(a)	Compliance with Australian accounting standards and other authoritative pronouncements	109
SD 5.2.1(a)	Compliance with Standing Directions	100
SD 5.2.1(b)	Compliance with Model Financial Report	101–127

Other disclosures as required by FRDs in notes to the financial statements (a)

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FRD 11	Disclosure of Ex gratia Expenses	N/A
FRD 13	Disclosure of Parliamentary Appropriations	110–114
FRD 21	Disclosures of Responsible Persons, Executive Officers and other Personnel (Contractors with Significant Management Responsibilities) in the Financial Report	125–127
FRD 103	Non Financial Physical Assets	112–118
FRD 110	Cash Flow Statements	108
FRD 112	Defined Benefit Superannuation Obligations	112
FRD 114	Financial Instruments – general government entities and public non-financial corporations	116–121

Note: (a) References to FRDs have been removed from the disclosure index if the specific FRDs do not contain requirements that are of the nature of disclosure.

Legislation

Freedom of Information Act 1982

Building Act 1993

Public Interest Disclosures Act 2012

Carers Recognition Act 2012

Disability Act 2006

Financial Management Act 1994

Victorian Inspectorate Act 2011

Shortened forms

AFP	Australian Federal Police
Audit Act	<i>Audit Act 1994</i>
BP3	Budget Paper No. 3: Service Delivery
CCP	Chief Commissioner of Police
CSCPPA	<i>Change or Suppression (Conversion) Practices Prohibition Act 2021</i>
DEECA	Department of Energy, Environment and Climate Action
DJCS	Department of Justice and Community Safety
DPP	Director of Public Prosecution
EPA	Environment Protection Authority
GMA	Game Management Authority
Human Source Act	<i>Human Source Management Act 2023</i>
IBAC	Independent Broad-based Anti-corruption Commission
IBAC Act	<i>Independent Broad-based Anti-Corruption Commission Act 2011</i>
ICAC	Independent Commission Against Corruption (NSW)
ICAC Act	<i>Independent Commission Against Corruption Act 1988 (NSW)</i>
IOC	Integrity and Oversight Committee
JCV Act	<i>Judicial Commission of Victoria Act 2016</i>
MCIP Act	<i>Major Crime (Investigative Powers) Act 2004</i>
NACC Bill	National Anti-Corruption Commission Bill 2022
OCE	Office of the Chief Examiner
OSI	Office of the Special Investigator
OVIC	Office of the Victorian Information Commissioner
PAEC	Public Accounts and Estimates Committee
PIC	Public interest complaint

PID	Public interest disclosure
PID Act	<i>Public Interest Disclosures Act 2012</i>
PIM	Public Interest Monitor
PIM Act	<i>Public Interest Monitor Act 2011</i>
SD Act	<i>Surveillance Devices Act 1999</i>
Sep Act	<i>Service and Execution of Process Act 1992 (Cth)</i>
SI Act	<i>Special Investigator Act 2021</i>
TCP Act	<i>Terrorism (Community Protection) Act 2003</i>
TIA Act	<i>Telecommunications (Interception and Access) Act 1979 (Cth)</i>
TISP Act	<i>Telecommunications (Interception) (State Provisions) Act 1988</i>
VAGO	Victorian Auditor-General's Office
VEOHRC	Victorian Equal Opportunity and Human Rights Commission
VFA	Victorian Fisheries Authority
VI	Victorian Inspectorate
VI Act	<i>Victorian Inspectorate Act 2011</i>
VO	Victorian Ombudsman
VWA	Victorian Workcover Authority
WT Act	<i>Wage Theft Act 2020</i>
WIV	Wage Inspectorate Victoria



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