

Victorian Inspectorate Annual Plan

2023-24

VICTORIAN
INSPECTORATE

STRENGTHENING INTEGRITY FOR 10 YEARS

Acknowledgment

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

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Foreword



The Victorian Inspectorate notched up a range of significant strategic achievements in 2022–23 including:

- a new service charter for complaints
- a new complaints framework
- completing the development of an ICT strategy and roadmap
- upgrading the case management system
- developing and implementing a new support and counselling service for witnesses
- new communications and stakeholder engagement strategies.

Our priorities for 2023–24 continue to fulfil our 2022–24 strategic plan.

A priority focus for the Victorian Inspectorate in 2023–24 will be reducing the current backlog of complaints and using our new complaints framework to process complaints more efficiently and effectively. Because of the welcome 2022–23 budget outcome, we have been able to offer on-going employment in our complaint assessment officer roles and so attract a strong field of applicants. With our complaints staff having access to an upgraded case management system, together with new templates and processes, they are empowered to perform at an enhanced level. Our 2023–24 BP3 (Budget Paper 3) performance measures will ensure public accountability for our timeliness not only in acknowledging new complaints but also in completing low and medium complexity complaints.

A feature of 2022–23 has been a heightened investigations load, with seven new investigations commenced. I anticipate this being a continuing trend in 2023–24. Despite the heightened load, we exceeded our 2022–23 BP3 performance measure for the timeliness of completing standard investigations. To reinforce our commitment to completing investigations as speedily as possible, we are adopting for 2023–24 a higher target for our BP3 measure for completing standard investigations. Some of our investigations are highly complex and the time required for their completion can be lengthy. While every effort is made to bring about the completion of complex investigations as speedily as possible, this cannot be at the expense of the quality of the work. Our focus on the welfare of witnesses in these investigations will be enhanced in 2023–24 as we embed a best practice witness welfare support framework in line with advice from our current policy review.

Our level of resourcing in 2022–23 allowed us to undertake a monitoring project that involved taking a deep dive into a particular aspect of an agency’s operations. I anticipate further such work being done in 2023–24 where the criteria in the VI’s Integrity Response Guidelines indicate that a compliance issue requires a deep dive.

We are a complaint-handling body and so it is important that community members know of our existence and role. To build community knowledge of rights within the integrity system and improve ease of access for integrity participants, we have through 2022–23 been taking steps to enhance our website through user research and improve the user friendliness of our complaints portal. This outreach work will continue in 2023–24 as we redesign our website, which will include the production of short videos to inform the public who we are and in what way we can assist them.

Our focus on organisational sustainability, capability and a positive culture will be underpinned by our continued implementation of recommendations from the October 2022 independent performance audit, including implementing the next phase of the ICT strategy and roadmap and a structured learning and development program. This program will address individual learning needs, build into its induction program skills capability targeted to each team's requirements, such as managing complex complainants and witness welfare, and all agency wide governance requirements such as the prevention of sexual harassment.

An external communications strategy and stakeholder engagement strategy, underpinned by compliance and engagement plans for each agency, will support the Victorian Inspectorate in delivering improvements to Victoria’s integrity system in 2023–24.



Eamonn Moran PSM KC

Acting Inspector

June 2023

Core work

The Victorian Inspectorate's role is to oversee the Independent Broad-based Anti-corruption Commission and 13 other integrity, accountability or investigatory bodies and their officers (integrity bodies). We help to ensure they perform their functions lawfully and properly.

By overseeing a range of integrity bodies, we can apply learnings and take a leadership role across the Victorian integrity system.

Our functions are driven by our governing legislation and include complaints, public interest disclosures, investigations, inspections and compliance monitoring. We also undertake education activities to support compliance and improve access to and understanding of the integrity system.

Statistics on our input and output across each legislative function are published in our annual report.

Operating environment

Our key functions table at Appendix A provides an overview of the differing functions we undertake for each integrity body. Our operations model at Appendix B explains the relationship between these functions. The functions are explained below.

Complaints and public interest disclosures

We assess each complaint under the *Victorian Inspectorate Act 2011* (VI Act) and respond to each complaint with written reasons. Most complaints are assessed and responded to without requiring an investigation. The assessment process includes, where appropriate, obtaining further material from the complainant and/or the relevant integrity body.

We assess each complaint under the *Public Interest Disclosures Act 2012* (PID Act). If the complaint is an assessable disclosure, and it relates to IBAC, a Public Interest Monitor or the Office of the Special Investigator, we assess whether it is a public interest complaint (PIC). All other assessable disclosures that meet the relevant threshold are referred to IBAC. If IBAC decides an assessable disclosure is a PIC, IBAC may refer it back to the VI for investigation.

Investigations

We must investigate public interest complaints (PICs). Occasionally, we will investigate a complaint under the VI Act, or commence an own motion investigation.

Coercive power notification reviews

The agencies we oversee must notify us each time they exercise coercive powers (coercive power notifications). We triage and review notifications according to criteria in a risk-based model. From 2023–24, oversighted bodies will be provided regular reports on notification review findings. These reports and their outcomes will be summarised in our annual report.

Inspections

For integrity bodies that use covert powers, such as surveillance devices, telephone interceptions, controlled operations and counter-terrorism activities, we inspect the records that relate to their use to establish whether compliance obligations were met by the body. We are now expanding our inspections methodologies to address emerging compliance risks and draw out systemic or serious compliance issues.

Compliance monitoring

We monitor IBAC's compliance with its Act and all other laws. We also have a specific role reviewing public interest disclosure procedures, and procedures relating to procedural fairness and their exercise of coercive powers for some other integrity bodies.

Through our Integrity Operations Management Committee (IOMC) and related governance policy, we ensure operational decision-making is consistent, fully informed by risk assessments and legal advice, and properly documented. Witness and complainant welfare is integral to how we operate.

The IOMC structure ensures that decisions to initiate new work are carefully considered, and that progress on existing work is monitored for resource short-falls or delays.

Public value

We provide the Parliament and the people of Victoria with independent assurance that the integrity bodies we oversee, which collectively constitute Victoria's integrity system, act lawfully and properly in the performance of their functions.

When our complaint assessments, investigations, notification reviews, inspections and compliance monitoring reveal non-compliance with laws and other issues, we must choose how to respond. Our aim is to prevent issues of a similar kind arising in the future and focus on productive, influential responses that support our vision of improving Victoria's integrity system to ensure it is robust and trusted.

The criteria that help us choose the appropriate response can be found in our Integrity Response Guidelines. Criteria include readiness to comply, the need for accountability, and prevention of harm to individuals and the integrity system. Where appropriate, we take a cooperative approach, and in our annual report, acknowledge good compliance processes, procedures and activity by agencies.

Our integrity responses range from liaison and engagement, to education, monitoring projects, private or public recommendations, and private or public reports. We investigate serious issues, produce special reports where appropriate, and target key risks to drive systemic improvements across all integrity bodies that we oversee.

We are committed to action which:

- Increases public confidence and trust in Victoria's integrity system through having the right checks and balances in place, increasing community awareness of our role in protecting the community's rights, and ensuring intrusive and coercive powers are exercised lawfully.
- Contributes to a robust integrity system, through positively influencing the conduct of integrity bodies, creating parliamentary confidence in the VI and where appropriate, holding the public sector to account.

We also undertake education to improve compliance, improve access to the VI and improve lawyers' knowledge of Victoria's integrity system so they can better advise complainants and witnesses.

Strategic Plan 2022–24

Underpinned by our vision, aspirations and values, our 2022–2024 strategic plan sets out our strategic priorities and implementation strategies.

Vision, aspirations and values

Vision

An integrity system that is robust and trusted

Aspirations

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

A robust Victorian integrity system

Parliament and integrity agencies have confidence in the VI

The VI is positively influencing integrity agencies

Intrusive and coercive powers are exercised lawfully

The public sector is being held to account

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

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

Implementation strategies

Priority 1. Build community knowledge of rights within the integrity system



1 January to 30 June 2023 Completed activities

External communications strategy and stakeholder engagement strategy developed

Conducted website user research with vulnerable target audiences

2023–24 Planned activities

Informed by user research, improve content and design of website to build community knowledge

Engage with key agencies we oversee to help reach audiences with limited online access

Improve complaints information through new online complaints form with anonymity capability

Publish series of videos to assist stakeholders

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



1 January to 30 June 2023 Completed activities

Implemented regular reports for communicating notification review findings to agencies

Chaired legal seminar on coercive information gathering powers

Gave Law week presentation on transparency vs witness welfare in public hearings and reporting

2023–24 Planned activities

Develop tailored compliance and engagement plans for each oversight integrity body

Deliver monitoring project on an identified systemic compliance issue

Education for lawyers on representing witnesses at private examinations

Publish guidance material on procedural fairness

Priority 3. Improve timeliness and ease of access for integrity participants



1 January to 30 June 2023 Completed activities

Developed new Service Charter for complaints

Developed new complaints framework, supported by internal KPIs

Introduced new BP3 measures for acknowledging receipt of complaints and timeliness of standard investigations

Independent options for making online complaints, with improved security and anonymity capability

Conducted independent review of witness welfare policy and developed risk assessment matrix and welfare framework

Introduced new support and counselling service for witnesses

Provided mental health first aid training for staff

Engaged new counselling and debriefing support for frontline staff handling complaints and investigations

Finalised investigation guideline and procedures

Developed new debrief framework for investigations and complex complaints

2023–24 Planned activities

Embed outcome of independent review of the VI's Witness Welfare Policy, including updated best practice policy, risk assessment tool and witness support framework.

Monitor compliance with new BP3 performance measures for timeliness relating to complaint outcomes

Increase target for BP3 performance measure for timeliness of standard investigations

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



1 January to 30 June 2023 Completed activities

Completed VI internal People Matter Survey

Completed ICT Strategy and Roadmap

Upgraded case management system (CMS) to support new processes, including recording of welfare risks

Signed MOU with Department of Justice and Community Safety for corporate services support

Established Intranet

Designed a structured learning and development program

Documented a strategic workforce plan

Introduced a new internal communications plan

2023–24 Planned activities

Implement ICT Strategy and Roadmap

Embed structured learning and development program

Further upgrades to CMS to finalise implementation of performance audit recommendations and support complaints framework

Budget

2023–24 Budget

Recurrent base operating funding	\$7,014,122
Depreciation funding	\$1,173,732
Total Operating	\$8,187,854
Total Budget	\$8,187,854

Performance measures

We have in 2023–24 two new timeliness performance measures for completing complaints[#]

Performance measure	2023–24 Target
Recommendations of the VI accepted by agencies	75%
Reasons for decisions provided for complaint outcomes	100%
Educational activities delivered and material or tools produced	3
Improvements to the integrity system [*]	7
Proportion of standard investigations completed within 12 months	35%
Acknowledge receipt of new complaints within 5 business days	95%
Proportion of low complexity complaints completed within 2 months [#]	75%
Proportion of medium complexity complaints completed within 5 months [#]	75%

^{*} An improvement to the integrity system is a demonstrable change to the conduct and compliance of any of the integrity, accountability and investigatory bodies oversighted by the VI (integrity bodies)

[#] New timeliness performance measure for completing complaints

We identify non-compliance and opportunities for systemic improvement through undertaking our functions (inspections, investigations, monitoring etc) and respond proportionately through the framework of our published Integrity Response Guidelines.

We measure improvements to the integrity system where the VI's integrity response has demonstrably influenced an integrity body's conduct to help prevent future non-compliance, such as:

- an integrity body implementing VI recommendation(s)
- an integrity body establishing new procedures to prevent systemic recurrence of non-compliance
- an integrity body changing its application of the law in response to VI feedback.








Progress made against our performance measures will be included in our annual report.




Appendix A

Key functions carried out by the Victorian Inspectorate according to body

In addition to the key functions below, 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.

The Inspectorate must also investigate any public interest complaint referred to it by IBAC relating to the conduct of any public body or public officer.

 ibac	 VICTORIAN ombudsman	 OFFICE OF CHIEF EXAMINER	 OSI OFFICE OF THE SPECIAL INVESTIGATOR VICTORIA	 OVIC Office of the Victorian Information Commissioner	 VAGO Victorian Auditor-Generals Office	 VICTORIA State Government Wage Inspectorate Victoria
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						

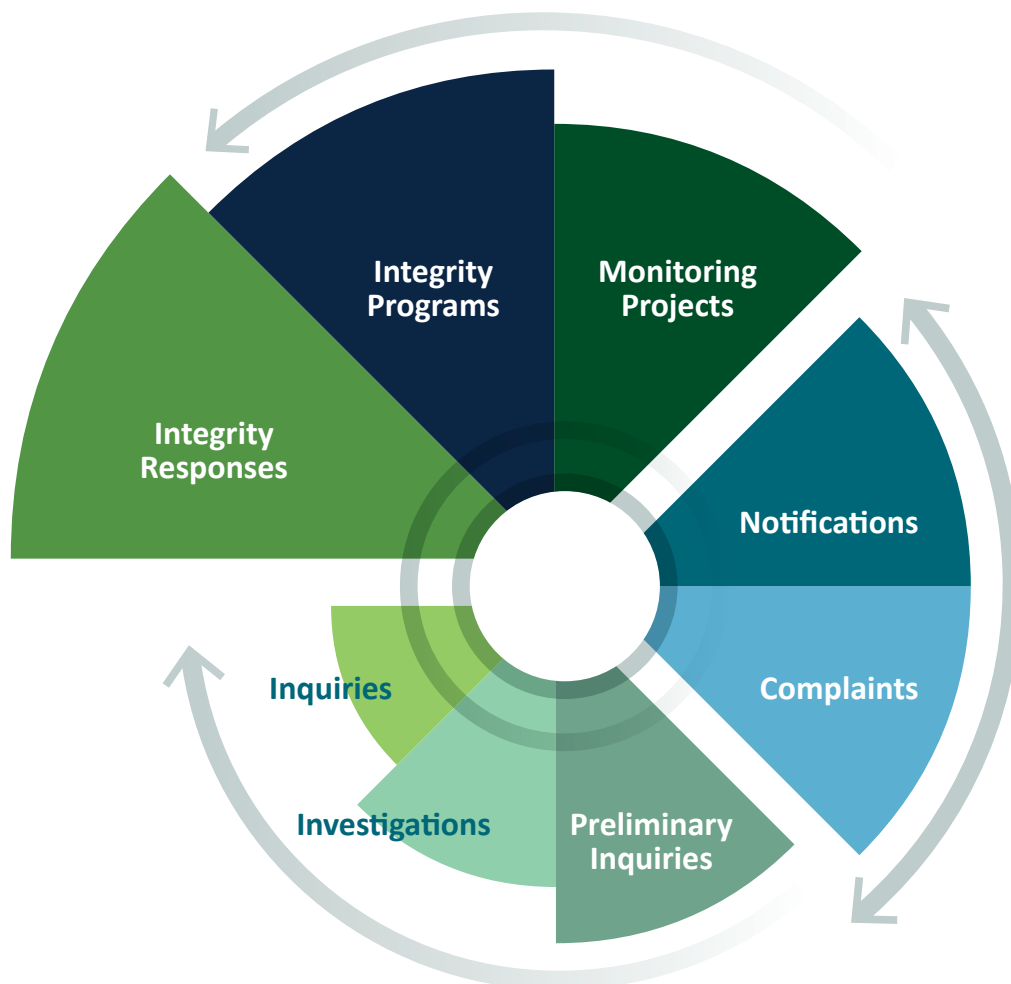
 Judicial Commission of Victoria	 VICTORIA POLICE	 PiM <small>PROBATION INVESTIGATOR MONITOR</small>	 Game Management Authority	 Victorian Fisheries <small>ACTIVITY</small>	 VICTORIA <small>State Government</small>	 EPA <small>VICTORIA</small>
Monitor the exercise of coercive powers						
	Monitor compliance 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					

Appendix B

Victorian Inspectorate Operations Model

The VI's Operations Model is a useful framework for its oversight activities. It demonstrates:

- The relationship between the VI's functions, oversight activities and integrity responses.
- The two key sources of information regularly received by the VI about the activity of integrity bodies, namely complaints and notifications.
- That information received may lead to a preliminary inquiry, an investigation, an inquiry, activities within an integrity program, or a targeted monitoring project.
- That a broad range of integrity responses can arise from the VI's activities.



Integrity Responses

The VI is empowered to make recommendations and issue reports.

The VI may respond to issues with a spectrum of appropriate activities, such as informal liaison and stakeholder engagement, education programs and resources, or the initiation of further oversight projects or programs.

Integrity Programs

Ongoing, regular programs to assess compliance or inspect records; results are generally delivered in regular reports.

Regular Integrity Programs:

- inspections of law enforcement powers
- program of notification reviews to monitor the use of coercive powers
- reviewing compliance with certain provisions.

Monitoring Projects

Strategically targeted and finite activities with well-defined objectives, methodology and deliverables.

Targeted monitoring projects:

- projects arising from identified concerns
- reviews of high risk notifications e.g. public hearings.

Notifications

The VI receives information via notifications from oversight bodies where they:

- use a coercive power
- are required to notify the VI of other information.

Complaints

Individuals can complain or provide information to the VI about the conduct of officers of bodies it oversees. The VI also receives complaints about the activities of IBAC and certain disclosures under the PID Act.

Preliminary Inquiries

The VI may conduct a preliminary inquiry to determine whether it will investigate a matter.

Investigations

The VI may investigate and assess the conduct of officers, including own motion investigations.

The VI must investigate a public interest complaint.

Inquiries

The VI may conduct an inquiry into a matter arising out of an investigation.

The VI is empowered to:

- examine witnesses
- compel the production of documents or things
- enter and search premises, seize evidence.

List of shortened forms

Audit Act	<i>Audit Act 1994</i>
DEECA	Department of Energy, Environment and Climate Action
EPA	Environment Protection Authority
IBAC	Independent Broad-based Anti-Corruption Commission
IBAC Act	<i>Independent Broad-based Anti-Corruption Commission Act 2011</i>
Major Crime (IP) Act	<i>Major Crime (Investigative Powers) Act 2004</i>
OSI	Office of the Special Investigator
OVIC	Office of the Victorian Information Commissioner
PIC	Public Interest Complaint
PID	Public Interest Disclosure
PID Act	<i>Public Interest Disclosures Act 2012</i>
PIM	Public Interest Monitor
Special Investigator Act	<i>Special Investigator Act 2021</i>
VAGO	Victorian Auditor-General's Office
VI	Victorian Inspectorate
VO	Victorian Ombudsman



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