

Victorian Inspectorate Annual Plan

2024–25

**VICTORIAN
INSPECTORATE**



Acknowledgement

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

It gives me great pleasure to present to the Integrity and Oversight Committee the Victorian Inspectorate's annual plan for 2024–25.

We are now at the end of our current 3-year strategic plan. In the course of this past year we have completed a broad range of strategic activities under that plan. These activities are additional to our many and varied business as usual activities. Highlights of our 2023–24 strategic activities are:

- updating our witness welfare policy, adopting new best practice witness welfare guidelines (and providing staff training on them) and appointing a welfare governance officer
- providing psychological first aid training for relevant staff
- positioning us to begin 2024–25 with an updated case management system, a document review system and a new online complaint form
- publishing a series of videos designed to assist complainants, witnesses and their legal representatives
- coordinating a panel of integrity leaders for a Law Week 2024 presentation viewed to date by approximately 500 people
- giving a presentation to the Victorian Bar on appearing as counsel at coercive examinations
- giving presentations to IBAC's assessment and review team and the Victorian Ombudsman's complaints team
- progressing MOUs with IBAC and the Victorian Ombudsman
- implementing our ICT strategy and roadmap
- embedding a structured learning and development program for staff and developing a strategic workforce plan.

Our 2023–24 annual report will detail the many achievements of the year across our investigations, inspections, complaints handling and monitoring work. Importantly too, a Bill is now before Parliament that, if passed, will give the Victorian Inspectorate a properly descriptive new name (something for which we have been strongly advocating over a number of years) that will greatly increase community awareness of us and of what we do.

This annual plan sets out our newly developed Strategic Plan 2024–27 and our planned 2024–25 strategic activities. An exciting program of work lies ahead.

On a personal note, 2024–25 will be my last year at the Victorian Inspectorate. The Victorian Inspectorate of today is very different to the one I joined in 2018. We have a new approach to how to perform our functions (and indeed we have many more functions). While continuing to strive through 2024–25 for continuous improvement in how we operate, I am keen that we consolidate and bed down the many changes brought about over the past 6 years that have seen the Victorian Inspectorate mature as an integrity agency, confident in its role and adding value to the Victorian integrity system.



Eamonn Moran PSM KC
Inspector
June 2024

Core work

The Victorian Inspectorate's role is to oversee the Independent Broad-based Anti-corruption Commission (IBAC), the Victorian Ombudsman (VO) and 12 other integrity 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, improve access to, and understanding of, the integrity system and promote integrity.

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. The functions are explained below. Our operations model at Appendix B explains the relationship between these functions.

Complaints

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.

Public interest disclosures

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 or a Public Interest Monitor, we assess whether it is a public interest complaint (PIC)¹. All other assessable disclosures that meet the relevant threshold are referred to IBAC. If IBAC decides an assessable disclosure is a PIC, IBAC may investigate it, or refer it to another organisation or back to the VI for investigation.

Investigations

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

¹Until 2 August 2024, the VI can also receive complaints and disclosures about the former Office of the Special Investigator, and determine whether they are public interest complaints under the PID Act.

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. We provide oversight bodies regular reports on notification review findings to help identify thematic issues and encourage systemic responses that reduce future issues. These reports and their outcomes are summarised in annual reports, or, as required, brought to Parliament's attention through a special 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. Our inspections methodologies also address emerging compliance risks and draw out systemic or serious compliance issues.

Compliance monitoring

We monitor IBAC's compliance with the *Independent Broad-based Anti-corruption Commission Act 2011* and all other laws. For IBAC and some other integrity bodies we also have a specific role reviewing public interest disclosure procedures, and procedures relating to procedural fairness and their exercise of coercive powers.

Through our Integrity Operations Management Committee and related governance policy, we ensure operational decision-making is consistent, fully informed by risk assessments and legal advice, and properly documented. Risk assessment includes consideration of witness and complainant welfare.

Our committee 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

Victoria's integrity system includes IBAC, the Victorian Ombudsman (VO), the Victorian Auditor-General's Office (VAGO) and the Office of the Information Commissioner (OVIC).

IBAC helps to prevent public sector corruption and police misconduct. The VO helps to prevent public sector maladministration. VAGO conducts audits to ensure that public sector entities are transparent and accountable to the Victorian Parliament and the community. OVIC regulates how the public sector collects, uses and discloses information. To obtain evidence, these integrity bodies can use coercive powers in their investigations and audits. The Victorian Inspectorate oversees their use of powers.

We have an inspection program to oversee the use of covert, intrusive and extraordinary investigatory powers, including the use of surveillance devices², the conduct of controlled operations³, telecommunications interception⁴ and the exercise of police counter-terrorism powers⁵.

The Victorian Inspectorate assesses complaints and conducts investigations, inspections and monitoring work to ensure these powers are used lawfully.

We have a vision that Victoria's integrity system is robust and trusted.

To achieve this vision, we:

- identify when conduct of these bodies or their staff is unlawful or functions are not properly performed
- take action to help prevent similar conduct occurring in the future
- where possible, recommend action to remedy any loss or harm
- make better practice suggestions.

As we are not a court, we do not have the power to overturn a decision or remake a decision of another organisation.

After identifying non-compliance or other issues during compliance activities, we influence change through liaison and engagement, education, private or

² Victoria Police, IBAC, Game Management Authority (GMA), Victorian Fisheries Authority (VFA), Department of Energy, Environment and Climate Action (DEECA) and the Environment Protection Authority (EPA).

³ Victoria Police, IBAC, VFA, GMA and DEECA.

⁴ Victoria Police and IBAC.

⁵ Victoria Police.

public recommendations, and private or public reports. Occasionally, we will look at an issue in further depth by undertaking a preliminary inquiry or a monitoring project.

The criteria in the Integrity Response Guidelines published on our website help us decide how to influence change including in response to any non-compliance by integrity agencies we oversee. Criteria include the readiness of the integrity body 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.

Where it is in the public interest, we make public recommendations in special reports that are tabled in Parliament and published on our website.

Complainant benefits

Persons who make a complaint to the VI about an integrity body need to be heard.

As we are often the final body that a complaint can be made to, we ensure we provide procedural fairness when assessing a complaint and provide written reasons for our decision. If we do not have the power to deal with a complaint, we will try to direct the complainant to the organisation that can best help them.

An outcome letter explains our understanding of the complaint and describes the evidence that we have taken into account in making a decision. If, for example, we have influenced an organisation to relook at a matter, or to make a change to a procedure, we will let the complainant know.

We also investigate whistleblower complaints about improper conduct and detrimental action in the public sector.

Strengthening the integrity system

To help improve the practice of integrity bodies and strengthen the integrity system, we make observations, provide feedback and occasionally make private and public recommendations to help improve compliance. We also make suggestions to improve practice and publish guidance materials to share lessons learned.

To give the Parliament and the people of Victoria confidence that we are providing independent assurance, we are also focusing on improving access to the VI and improving lawyers' knowledge of Victoria's integrity system so they can better advise complainants and witnesses.

Strategic Plan 2024–27

Vision

An integrity system that is robust and trusted.

Aspirations

Public confidence 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 integrity bodies.

We promote and uphold the Charter of Human Rights.

Strategic priorities

1. Enhance reach and awareness of who we are and what we do.
2. Increase focus on proactive and strategic work to deliver integrity system improvements.
3. Leverage ICT solutions to enhance efficient, effective and economical delivery of functions without compromising security.
4. Continue to strengthen organisational sustainability, expertise and a positive culture.
5. Help build a network to promote integrity across the Victorian Public Service.

Strategic activities 2024–25

Priority 1.

Enhance reach and awareness of who we are and what we do



Planned activities

Increase awareness through a new name and brand supported by promotional activities including increased online presence, a video and an inaugural integrity conference and using our new name in full, not an acronym.

Ensure external information is in plain English to increase understanding of rights and expectations.

Improve data collection to better understand communication needs of target audiences.

Increase structured stakeholder engagement through MOUs with key oversight agencies that outline functions and powers, communication principles and oversight methodology and governance.

Priority 2.

Increase focus on proactive and strategic work to deliver integrity system improvements



Planned activities

Deliver monitoring project(s) on an identified priority compliance issue or monitoring function.

Share, and facilitate sharing of, expertise and knowledge across integrity agencies to support better practice.

Develop balanced and transparent agency compliance plans for proactive work.

Continue to pursue proposed law reform to enhance integrity system.

Streamline decision making for low and medium complexity complaints to improve efficiency, supported by an internal review process.

Priority 3.

Leverage ICT solutions to enhance efficient, effective and economical delivery of functions without compromising security



Planned activities

Explore options to integrate ICT systems for complaint case management to improve timeliness.

Embed document review system across operations to help manage matters.

Review the VI's security framework, including ICT, information and cybersecurity risks.

Map permission and access controls across the secure network, including the case management system.

Implement a secure change governance process for the case management system.

Identify more efficient information sharing platforms/opportunities for information exchange with agencies that maintain security of information.

Build the VI's understanding of artificial intelligence risks and opportunities.

Priority 4.

Continue to strengthen organisational sustainability, expertise and a positive culture



Planned activities

Maintain a flexible, engaged, positive work environment for a united and safe VI by responding to feedback in the People Matter Survey.

Continue to strive to be an exemplar organisation by supporting a structured learning and development program with a gap analysis of skills and expertise critical to the organisation's increasingly complex functions.

Build skills internally to address identified gaps in expertise.

Develop and implement a coordinated policy framework across corporate and operational policies/procedures/guidelines, including documenting the policies leveraged from other bodies.

Priority 5.

Help build a network to promote integrity across the Victorian Public Service



Planned activity

Establish an inaugural conference to provide a platform for presentations that will promote integrity across the Victorian Public Service.

Budget 2024–25

Recurrent base operating fund	\$7,275,500
Depreciation funding	\$1,173,800
Total Operating	\$8,449,300
Total Budget	\$8,449,300

Performance measures

Budget Paper 3

Performance measure	2024–25 Target
Recommendations of the VI accepted by the agencies	75%
Reasons for decisions provided to complainants within one month of complaint outcomes	100%
Educational activities to improve community access and explain rights, responsibilities and the VI's role	3
Systemic improvements by agencies to support compliance in the integrity system*	7
Proportion of low and medium complexity investigations completed within 12 months	50%
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%

*A systemic improvement is recorded when we can measure a demonstrable change to the conduct and compliance of any of the integrity bodies that we oversee after identifying non-compliance or other issues.

After identifying non-compliance and opportunities for systemic improvement whilst undertaking our functions, we respond proportionately through the framework of our published Integrity Response Guidelines.

When our response has demonstrably influenced a systemic improvement that helps prevent future non-compliance by an integrity body, we describe it in our annual report and identify whether it is an improvement or one of a group of small improvements.

Examples include:

- accepting VI recommendation(s)
- establishing new procedures to prevent systemic recurrence of non-compliance
- an integrity body changing its application of the law on an identified issue.








Progress made against each of our performance measures is included in our annual report.








Appendix A

The Victorian Inspectorate's key functions for each agency

In addition to the key functions below, we must consider whether each complaint received is a public interest disclosure that must be notified to IBAC.

We also investigate public interest disclosures about IBAC that reach the threshold of a public interest complaint, and public interest complaints that IBAC refer to us for investigation.

 ibac	 VICTORIAN ombudsman	 OFFICE OF CHIEF EXAMINER	 OSI OFFICE OF THE SPECIAL INVESTIGATOR <small>VICTORIA</small>	 OVIC Office of the Victorian Information Commissioner	 VAGO Victorian Auditor-General's 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 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			Until 2/8/24, 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						

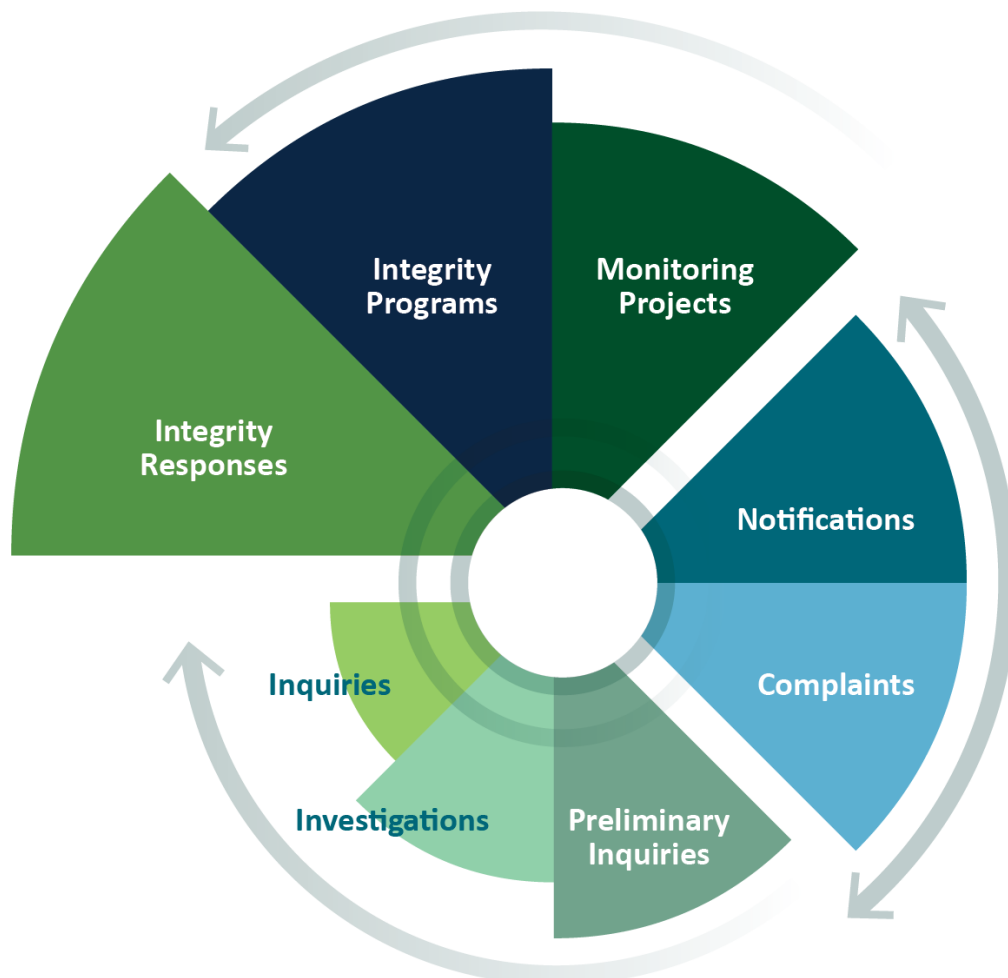
						
Monitor the exercise of coercive power						
	Monitor compliance with Major Crime (IP) Act					
Review PID Procedures						
		Receive and assess PIDs				
		Investigate PICs				
	Inspect its records on telephone interception, use of surveillance devices and controlled operations	Inspect records relating 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

Our operations model is a useful framework for our oversight activities, demonstrating:

- the relationship between our functions, oversight activities and integrity responses
- the 2 key sources of information we regularly receive about integrity bodies—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 our 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 programs include:

- 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 include:

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

Notifications

The VI receives information via notifications from oversighted 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 public interest complaints.

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 and seize evidence.

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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