

Presentation to Deputy Ombudsmen's conference

- Since 2012, the government has made a number of changes to Victoria's integrity framework, including the establishment of several new integrity bodies and a system to monitor and oversee those bodies. The key elements of the integrity regime are discussed below.
- The office of the Freedom of Information Commissioner (the Commissioner)¹ commenced operations on 1 December 2012. The Commissioner has functions including reviewing freedom of information (FOI) decisions, dealing with complaints about FOI, and reporting to Parliament on the operation of FOI law. With the establishment of the Commissioner, the Ombudsman no longer has jurisdiction in relation to FOI matters, but does have jurisdiction over the administrative actions of the Commissioner.
- The Independent Broad-based Anti-corruption Commission (IBAC)² commenced operations on 10 February 2013. IBAC's two main areas of responsibility are:
 - Corrupt conduct – IBAC assesses and coordinates the investigation of matters involving corrupt conduct, including in relation to disclosures that may be protected disclosures. However, IBAC itself can only investigate serious corrupt conduct.
 - Police personnel conduct – IBAC replaced the Office of Police Integrity and is the sole integrity agency with responsibility for dealing with matters relating to the conduct of sworn and unsworn police members. IBAC also has education and prevention functions in relation to corrupt conduct and police personnel conduct.
- The Victorian Inspectorate (the Inspectorate)³ also commenced operations on 10 February 2013. The Inspectorate has monitoring and oversight functions in relation to certain integrity bodies, and can receive and investigate complaints about conduct of these bodies and their officers. The Inspectorate has oversight of:
 - IBAC and its officers
 - The Chief Examiner and other Examiners
 - The Ombudsman and his officers
 - The Auditor-General and his officers.
- The *Protected Disclosure Act 2012* (the PDA) came into effect on 10 February 2013 and replaced the *Whistleblowers Protection Act 2001* (the WPA). The PDA changed the scheme for how disclosures regarding improper conduct and detrimental action are made and investigated. Under the PDA, the Ombudsman retains functions in receiving and investigating disclosures, but IBAC has responsibility for determining whether a disclosure is a protected disclosure and which body will investigate.

¹ The office of the Commissioner was established under the *Freedom of Information Amendment (Freedom of Information Commissioner) Act 2012*.

² Established under the *Independent Broad-based Anti-corruption Commission Act 2011*.

³ Established under the *Victorian Inspectorate Act 2011*.

- Under the new integrity regime, Parliamentary committees have also been established to oversee a number of integrity bodies. The new committees are:
 - The Accountability and Oversight Committee – A joint investigatory committee established to monitor, review and report on the exercise of duties, powers and functions of the FOI Commissioner, the Ombudsman, and the Inspectorate (in respect of Ombudsman officers).
 - The IBAC Committee – A joint investigatory committee established to monitor, review and report on the performance of duties and functions of IBAC and the Inspectorate (other than in respect of officers of the Ombudsman or the Auditor-General).

Before these changes, only the Auditor-General was subject to committee oversight through the Public Accounts and Estimates Committee. The Auditor-General remains subject to this committee, which now also has responsibility for oversight of the Inspectorate's functions in respect of the officers of the Auditor-General.

- The Ombudsman retains his traditional functions of enquiring into and investigating administrative actions of Victorian Government authorities. However, under the new framework the Ombudsman:
 - has no jurisdiction in relation to FOI or police personnel conduct matters
 - has no jurisdiction in relation to corrupt conduct matters, unless those matters have been referred to the Ombudsman by IBAC or Parliament
 - no longer has a role in administering the protected disclosure scheme, but will still investigate a large number of these matters (and possibly more than was the case under the WPA)
 - is subject to oversight by the Victorian Inspectorate and the Accountability and Oversight Committee.