

TRANSCRIPT

INTEGRITY AND OVERSIGHT COMMITTEE

Performance of Victorian Integrity Agencies, 2017/18–2018/19

Melbourne—Monday, 17 August 2020

MEMBERS

Mr Steve McGhie—Chair

Mr Brad Rowswell—Deputy Chair

Mr Stuart Grimley

Mr Dustin Halse

Ms Harriet Shing

Mr Jackson Taylor

Hon Kim Wells

WITNESSES

Hon Robert Redlich AM QC, Commissioner,

Ms Marlo Baragwanath, Chief Executive Officer, and

Mr Glenn Ockerby, Director, Corporate Services, Independent Broad-based Anti-corruption Commission (IBAC).

The CHAIR: Welcome to Robert Redlich, IBAC Commissioner, and Marlo Baragwanath and Glenn Ockerby from IBAC. I declare open the public hearing for the Integrity and Oversight Committee's inquiry into the annual reports of the Independent Broad-based Anti-corruption Commission. I also acknowledge my colleagues participating today. I would like to begin this hearing by respectfully acknowledging the Aboriginal peoples, the traditional custodians of our various lands each of us is gathered on today, and pay my respects to their ancestors, elders and families.

To the witnesses: all evidence taken by this committee is protected by parliamentary privilege. You are protected against any action for what you say here today, but if you repeat the same things anywhere else, including on social media, those comments will not be protected by this privilege. Any deliberately false evidence or misleading of the Committee may be considered a contempt of Parliament. All evidence given today is being recorded by Hansard and is being livestreamed on the Parliament's website. You will be provided with a proof version of the transcript for you to check as soon as available. Verified transcripts will be placed on the Committee's website. Broadcasting or recording of this hearing by anyone other than Hansard is not permitted.

I welcome the Commissioner and his colleagues today. We welcome your opening comments for 5 to 10 minutes, which will be followed by questions from the Committee. Please mute your microphones when not speaking to minimise interference, and also, all of us, if we could turn our mobile phones to silent. If anyone has any technical difficulties, please disconnect and contact Committee Manager Sean Coley, and Sean will hopefully sort out the problems. So, Robert, welcome, and Marlo and Glenn, welcome. Over to you, Robert, for an opening address.

Mr REDLICH: Thank you very much, Chairman, for the invitation to address the Committee. We have submitted written responses to the various questions posed by the Committee in relation to the two annual reports covering the 2017–18 and 2018–19 financial years. What I would like to do is give a brief description to the Committee of the current circumstances in which IBAC is operating and then examine something about the future immediate challenges for IBAC.

So as to the present, IBAC investigates or reviews a minimal portion of the complaints that we receive each week across the police and public sector. In 2019–20 we received an average of 50 complaints and notifications per week. In 2020/21—that is the first seven months of this year—we received an average of 90 complaints and notifications. At the time that this committee's predecessor conducted its inquiry in 2018 it was well understood by the Committee and Government that IBAC was investigating only about 2 per cent of serious police misconduct, Professional Standards Command was investigating about 8 per cent and the rest was being investigated regionally. That percentage of police investigations being investigated by the State's primary integrity institution is commensurate with the approach of similar police oversight agencies in other States of Australia.

As the two annual reports that the Committee has seen show, in 2017/18, 27 of 3709 allegations in relation to police misconduct or corruption were actually investigated by IBAC. In 2018/19, as the report shows, 16 of the 3607 allegations were actually the subject of investigation. Of course allegations of excessive force by Victoria Police remains an important area of attention for IBAC. There have been a number of recent successful prosecutions, others remain before the courts and a number are under investigation. In total in terms of investigations in both the police and public sectors the annual report shows that in 2018/19 IBAC commenced 38 investigations and finalised 45, and by comparison in 2017/18, 27 investigations were commenced and 14 finalised.

So the corollary of not investigating the vast majority of complaints we receive is that they must be referred either to Victoria Police in relation to police complaints or, in the case of the public sector, back to the relevant government department or the Victorian Ombudsman. By way of recent examples of the things that we have had to refer back to either Victoria Police or public sector agencies, have been things like excessive force used by a police officer at a regional police station, including allegations that the Professional Standards Command downplayed the seriousness of the incident. We have had to refer excessive use of force and gendered conduct by Victoria Police members, despite it being reported to local supervisors, and a failure to take action for over six months. We have referred a complaint about an executive of a public sector agency who used public resources to promote and advance his or her own business interests. We have had to refer allegations that a publicly funded non-government organisation engaged in fraud, false reporting and mismanagement and failed to deliver contracted services. We have had to refer allegations that a public sector board misused or fraudulently claimed entitlements and engaged in credit card fraud.

So speaking in rough terms, what we see is that in the last year, in relation to Victoria Police misconduct, we have had to dismiss about 50 per cent of the allegations we have received. We have referred 36 per cent, and we have conducted preliminary inquiries in about 0.6 per cent of those cases. In the public sector more generally, again, we have dismissed about 50 per cent of the complaints received, we have been able to investigate 1.4 per cent of those allegations and we have referred about 39 per cent of them.

Because so much of what comes to IBAC must be referred on, the previous parliamentary committee recognised that, to the extent possible, IBAC should increase the number of reviews of investigations and reports on matters that were referred, particularly to Victoria Police. So looking at the question of reviews of matters referred in relation to Victoria Police, in 2018/19 we reviewed 45 matters investigated by police and in 2019/20 we reviewed 59. In the public sector area, we reviewed, in 2018/19, 11 investigations that had been referred and, in 2019/20, eight.

It needs to be said that the review of reports involves skilled analysis and it is time-consuming. The work done by the teams in IBAC in relation to both reviews or the preparation of reports in relation to investigations that have been referred has in my view been of the highest quality and almost always leads to the identification of processes that can be improved. But in short, the aspiration that there should be a significant increase in the number of reviews or reports is simply not achievable with the resources currently available to IBAC. IBAC has no capacity to increase the number of staff in either of these areas.

Turning more generally, if I may, to the significant number of serious and challenging matters that are under investigation in the public sector, I can mention two which are already in the public domain. One is Operation Sandon, which involves the Casey Council. And I will say something more about that in a moment. The second is Operation Watts, a coordinated investigation with the Victorian Ombudsman concerning allegations of branch stacking and other matters that have been the subject of public report. Now, IBAC has, in conjunction with the Ombudsman, undertaken the investigation of those complaints received from Government, Opposition and a referral to the Ombudsman by Parliament, notwithstanding that IBAC has much more serious allegations of public sector corruption under investigation. There are a number of current investigations not yet in the public domain which raise very serious issues and which, when placed in the public domain, will, I am confident, generate important legislative reforms in the areas of transparency and decision-making and in processes at both local and State government levels.

Can I then turn very briefly to the expectations that have been set in relation to IBAC? Since at least my time, which is now more than two and a half years into my appointment, there has been a continuing expectation that IBAC would need to increase the investigations and reviews that it does in the policing and public sector areas. A consistent expectation of government, of this committee, key stakeholders and of the Victorian community has been that IBAC's capacity to robustly oversight police and investigate and prevent corruption. across the public sector should be increased. That expectation has always been apparent through IBAC's engagement with Ministers, stakeholders and, significantly, this committee and its predecessor.

The predecessor committee and its report on the inquiry into the external oversight of police corruption and misconduct was a powerful illustration of that particular aspiration, but it must be understood that the discussion of IBAC increasing the volume of its work has always been accompanied by recognition that this cannot occur without increased funding. I will return in a moment to why that expectation that IBAC increase the number of investigations and reviews has not and cannot be met. Before I do so, I want to say something

about the function of preventing corruption within the public sector. Critical is the proactive function which has been conferred on IBAC. It is a fundamental priority because of the reality that so little serious or systemic corruption can be investigated or exposed.

So, in the period 2018/19, IBAC delivered 99 corruption-prevention initiatives. In the policing area it focused on embedding IBAC content into education targeted at particular ranks and work groups, and it has worked in collaboration with Victoria Police—in particular police command—in integrating the anti-corruption messaging through education and corporate activities to raise awareness about IBAC, the obligations of police to report misconduct and how to report misconduct to IBAC or Victoria Police.

As part of Victoria Police's response to the preliminary breath test falsifications, Victoria Police agreed to introduce mandatory, regular ethics training for all officers, and IBAC is committed to working with Victoria Police to ensure such training meets the objectives of improving awareness and understanding of ethics.

In the public sector, investigations or reviews have resulted in many public reports and letters of outcome, and almost without exception in every investigation into public sector misconduct—even where no corruption is proved—there is revealed improper processes and institutional failing which must be addressed by education and training needs. We have engaged in awareness campaigns implemented to encourage the community to report public sector corruption. The campaigns have been aimed at increasing community knowledge and understanding of public sector corruption. It needs to be said in this context that there has been an increasing complexity in IBAC's work. A good example of that is Operation Sandon, which I mentioned earlier in relation to Casey Council, and the public proceeding which had already proceeded for some three weeks. We had to adjourn those proceedings because of the COVID environment, and, as soon as we are able to, we intend to resume those public hearings. Those hearings have already exposed systemic and serious allegations concerning operations at local government level, and it is expected that the public examinations, when they resume, will include hearing from a number of independent expert witnesses on strategic issues that affect local government and will draw, of course, upon the experiences from other jurisdictions.

Let me turn then quickly to the impact of COVID on our current capacity to operate. Since the middle of March, IBAC's offices had been closed. All of the staff, literally overnight, commenced working at home, and I can only say that I am extraordinarily proud of the way in which the organisation has continued to operate—not only with enthusiasm and dedication but we are, to the best of our ability, continuing to do effective work and we are able to continue to deliver IBAC's core functions. One of the significant effects of COVID, however, has been that we have not until now been able to conduct examinations. COVID regulations have been passed which will enable us to conduct remote examinations, and I am hopeful that within the next few weeks we will be able to commence some of the investigations which have had to stall because they await the need for examinations can then be underway.

May I then turn to the issue of legislation, and I just want to remind the Committee of something that sadly has not yet been acted upon. The predecessor to this committee made recommendations in 2018 that there should be various amendments made to the legislation concerning IBAC to increase its power commensurate with the powers held by commissions interstate and by Victoria Police. The Committee identified critical investigative powers required to strengthen IBAC's capacity to address serious corruption and misconduct, and I regard them as uncontroversial. The IBAC Committee was unanimously of the view that those amendments should be made to the Act. Some two years later, those amendments have not been made. In addition the Committee recommended a series of reforms which it invited the Government to review, and I treat those therefore as matters that might have a controversial aspect to them. They also have not been addressed. I would ask the Committee, to the extent that it is able to use its best endeavours, to ensure that at the earliest possible time those particular powers, which the predecessor committee recommended, are in fact implemented.

So then may I come to the critical issue, and that is IBAC's resources. Notwithstanding the significant growth in IBAC's workload since we became fully operational in 2013 IBAC has also taken on a range of new legislative and compliance functions. Obligations of inspection under the *Witness Protection Act*. It must conduct inspections under the *Crimes Act* DNA regime. It has to oversight and inspect functions under the *Firearms Act*. It has additional requirements under the *Public Interest Disclosures Act*, including the broad responsibility for educating and ensuring how the entire public sector implements the new responsibilities under the PID regime. Unfortunately, with those burdens, and with the fact that there has been no addition since 2012 to IBAC's recurring funding, the expectations to which I have referred—that IBAC increase its

investigations and reviews—has not occurred. Indeed, I should refer to the recent Bill that was before Parliament in which it was sought to obtain additional funding for IBAC. That Bill was defeated on the very narrowest of margins on the misleading premise that IBAC had received additional resources and, by implication, that its capacity had increased. I need to make it unmistakably clear that IBAC has never had any increase in its recurring funding since it commenced in 2013.

Under the harsh financial realities of the COVID environment we have had to modify our budgetary requirements for the next financial year. That means we have abandoned meeting expectations of stakeholders, this committee or the Victorian public that IBAC in the immediate future can make any meaningful increase in the number of investigations we undertake or the reviews that we undertake. Although IBAC is a core independent integrity institution, the Commission has concluded that the only responsible position that we can take in this unprecedented fiscal environment is to now recast our budgetary proposal for next financial year and abandon any additional funding request that would enable IBAC to increase its capacity to investigate or prevent corruption in the police or the public sector. But we will proceed on the assumption that IBAC, as a core integrity institution of Victoria with budgetary independence, will in 2021/22 be able to maintain its present capacity to investigate and prevent corruption, unless of course the Government determines that the current capacity of IBAC to discharge its functions should be reduced.

That brings me lastly to the matter of primary concern. Under the prudential fiscal management in IBAC's early years IBAC did not exhaust its recurring budget, and the underspent funds were retained in trust. In the last few years IBAC, operating at maximum capacity, has exhausted its entire budget and has drawn upon the funds in trust. The increased cost of operations has largely arisen because of the absence of any indexation allowance in its recurring budget.

In other words, the costs of staff under their employment entitlements have steadily increased over the last seven years without any provision being made for the increased cost. The funds which enabled IBAC to meet its current operating costs will be fully exhausted by the end of this financial year. So while IBAC is committed to ensuring we maintain our present capacity to continue to deliver its important work for the Victorian community, the Commission will consume the balance of its trust monies in this financial year. If the budget for next year, which we expect will be revealed in October or November, does not provide for addition to the recurring funding to cover indexation, IBAC's capacity to expose and prevent corruption will be significantly impacted. We will not be able to maintain current services. We will not be able to identify and act upon gaps in the current outputs and capacity requirements. We will be unable to sustain the present modest level of investigation of serious misconduct, and we will not be able to meet the expectations of the community and Parliament, or the recommendations of the IBAC Committee, that we take on any expanded role. The reductions in capacity in the event that there is no addition to our recurring budget will have to commence within the next three months.

I close by saying it would be unthinkable that funding of Victoria's core integrity institution would be allowed to be so eroded that the Commission is not able to maintain its present capacity of exposing corruption across the police and public sector. I look forward to the Committee's support in ensuring that does not occur. Thanks, Mr Chairman.

The CHAIR: Thank you, Commissioner. We will go straight on to questions, because we are constrained on time. So I will go to Mr Rowswell to start with some questions.

Mr ROWSWELL: Thanks very much, Chair. Commissioner, good to speak with you again, and thank you for the work that you and your team at IBAC undertake. Commissioner, I must say, I was deeply troubled by your presentation—deeply troubled by it. I do have a very quick question, if I may, and this is a point of clarification. Are you saying that IBAC is not able to undertake investigations into allegations of serious public sector misconduct because IBAC is not properly resourced to undertake all investigations, especially those worthy of IBAC investigation?

Mr REDLICH: That has been the case for a long time. We have to make very discretionary choices each week in terms of what complaints we investigate. Were we free to do so, unhampered by resource constraints, there would be a considerable amount of investigation and reviews that we would undertake that we cannot presently undertake. That has been the situation I think for a number of years now. For example, when the Government and Opposition chose to refer to IBAC and Parliament, chose to refer to the Ombudsman, and

ultimately we made a decision with the Ombudsman to investigate the branch stacking conjointly, we had to undertake that. That has meant that our capacity to continue with some other investigations has had to be put on the backburner. We are forever juggling our priorities in terms of what we investigate.

Mr ROWSWELL: So, Commissioner, how much money are you seeking? How much money is IBAC seeking from the Government in terms of a budgetary increase as part of the next budget? Can you put a dollar figure on that for us, please?

Mr REDLICH: Well, I can, but I am reminded by those who have much more expertise in the bureaucratic space that it is probably not appropriate for me to descend to that level of particularity. But what I can say to you is we are asking for no more—we have abandoned any hope of getting additional recurring funding beyond indexation. In other words, it is a modest amount in the scheme of things: an amount which will enable us to pay for the cost of indexation, because you will appreciate our staff have been working since 2012. Their various employment entitlements are such that the cost of employment of staff has continued to increase, as have some costs associated with the maintenance of assets, but we have had no addition to our budget to cover that.

Mr ROWSWELL: No, I understand that and I am sympathetic to it. As I said, I was deeply troubled by it. But we have asked earlier witnesses to identify that budgetary amount that they have requested. Others have chosen to take it on notice. Will you agree to do that today?

Mr REDLICH: Certainly. I might be wrong, and Ms Baragwanath could assist me, but I think that there have been communications made with the Committee that would provide the answer to your enquiry precisely as to the amount that we are seeking. I am sorry I cannot be more informative, but certainly in private I would be happy to convey the precise amount to you.

Mr ROWSWELL: No, that is fine, Commissioner. Thank you for taking that on notice. Chair, back to you.

The CHAIR: Thank you. Ms Shing.

Ms SHING: Thank you very much, Mr Redlich, for your presentation today. I would probably, having read the transcript and *Hansard* of the discussion that occurred in the context of not a Bill but a motion in the upper house, disagree with your characterisation that it was defeated, to paraphrase you, on the narrowest of margins and based upon an erroneous understanding of the funding that was prescribed for a year-on-year basis. There was a wide-ranging number of matters that were covered in that motion, and I would encourage anyone who wishes to read that motion and the detail of the request for an expanded jurisdiction to do so, because it does in fact go to matters which are much more wide-ranging than the funding issue itself.

I would like to ask a little bit about the funding in the context of a public campaign that has been run that was described not only in the annual report but also in your presentation around encouraging better public understanding of misconduct in public office and decision-making and link that back to how it is that you intended to, I suppose, deal with, manage, triage and respond to a natural increase in the numbers of complaints, engagements, referrals and other business if in fact you do not have capacity to do so.

Mr REDLICH: Well, we just have to be selective, Ms Shing. Obviously matters of the highest seriousness, and we have some public sector complaints at the moment that fall into that category, must get priority. Our focus, to the extent that we have an incapacity to investigate allegations, then shifts to trying to do as many reviews as we can of the investigations conducted by the bodies to whom we refer the investigations. But it is really a matter of simply juggling the resources that are available to enable the best use of those limited resources.

Ms SHING: So it strikes me that everyone within the public service and indeed the public sector is required to look for efficiencies wherever possible. Can you tell us a little bit about the efficiencies that have been achieved in the way in which work is undertaken within IBAC to in fact do work differently in a different way to minimise or remove duplication wherever possible and also to maintain the standards that you have established since IBAC was established?

Mr REDLICH: When you are talking about investigations, there are legal requirements associated with a rigorous investigation. They cannot be shortened or bypassed. Similarly, if one is to make findings ultimately in

a report or in an outcome letter which demonstrate either misconduct, corruption, or some failings in process that fall short of that but which will have to be addressed as being institutional failings, there needs to be evidence to support them, and the analysis of the outcomes of investigations, the production of reports or letters of outcome, as I said in my address, requires a high level of skill. So there is a limit to the extent to which, as you put it, efficiencies can reduce the workload that is involved either in investigation or review.

Certainly in other aspects of the organisation there is ample scope for focus upon more efficient ways in which things can be conducted. If we are looking at—

Ms SHING: So could you share with us some of the detail of the other areas of the operation where you have in fact achieved efficiencies?

Mr REDLICH: Would you mind if I ask Marlo, our CEO, to respond to that enquiry?

Ms SHING: No. Absolutely. This is a question in the whole. Anyone should leap in if you are able to assist.

Ms BARAGWANATH: Thanks, Commissioner. Thanks, Ms Shing. As you are aware from some of the comments that were in our annual report and responses to previous questions, we have recently implemented a new case management system called Condor. That has driven some efficiencies in terms of management and time frames. That is also used in our assessment centre to manage the staff and manage the workloads. We have implemented triaging systems in there. We still have some way to go in relation to maximising the efficiencies that we get out of those systems in terms of management reporting and being able to keep line of sight on where everything is. The other things that we are interested in exploring, particularly with the Ombudsman's office, are ways in which we can work together more efficiently in relation to our intake of complaints and then also in the prevention and education space, which leads to the IOC's other inquiry that will be on foot shortly—ways in which we can work together to get the message out there in relation to prevention and educating, particularly, the public sector.

Ms SHING: Thank you for that. That is really helpful. So what are we looking at around, firstly, the time frames for realising those benefits, and what will they look like in substantive terms once they are fully crystallised through Condor and through other organisational changes?

Ms BARAGWANATH: I will probably talk to the prevention and education piece first. At the moment we are also conducting a review of our own prevention and education strategy, as we have not looked at it since 2015. That would probably look at collaborating more on forums that we hold, publications that we put out—not, obviously, reports, but other more generic publications—holding forums together, co-hosting and those sorts of things, with a view to basically minimising the resource footprint of both organisations. In relation to Condor and the assessment space and getting far better at triaging matters that come through the door, with a view to reducing the amount of time and reducing the impact on our staff as well in terms of their workloads, it is probably more efficient management of workload by having better management reporting in place to look at those things. The PID regime obviously has only been in place since the beginning of this year, so as that scheme matures it is looking at how best we triage those matters and move them through as efficiently as possible.

So where are we now? We are at August 2020. I would like to see some more efficiencies realised by the end of this financial year on both those fronts.

Ms SHING: And operationally, how are the adjustments going to realising those efficiencies? Often change can be a difficult thing.

Ms BARAGWANATH: Well, yes it can be. It is a matter of probably working with the staff—and our staff are very keenly focused on this, particularly in the assessment area, with the new PID regime coming into play and an increase in the number of matters that we are getting in the door. They are very keen to do anything they can to make sure we are managing that as efficiently as possible. They are very galvanised around that. The prevention and education conversations have already started with the Ombudsman's office about how best we can work together. We also need to look at the Local Government Inspectorate, obviously, because of the crossover in the local government space. So everyone is very focused on it, I would have to say—so positively received.

Ms SHING: So there is a positive disposition towards that level of change to achieve a greater level of, I suppose, dexterity in the way you all work together.

Ms BARAGWANATH: And agility, yes.

Ms SHING: Great. Thank you very much. Just in relation to the engagement section—

Mr ROWSWELL: Actually, given the limited time we have, I try to limit my questions to—

Mr WELLS: Yes, I was going to say—

Mr ROWSWELL: Ms Shing has just been going on and on and on. Let the record show that the Commissioner has given evidence that he and his organisation are not able to investigate serious issues relating to alleged misconduct within the public service and Ms Shing's line of questioning is in relation to further efficiencies that IBAC can make. Instead of going in to bat with her Labor mates, to seek more funding for this—

The CHAIR: Mr Rowswell, Ms Shing is entitled to ask the questions that she wishes to ask. I know we are constrained with the time. I would ask Ms Shing just to ask that final question, then we will move on to Mr Wells for a question or two and then we will have to cease this hearing. Obviously we are restricted in time, so let us not delay that process. So Ms Shing?

Ms SHING: No, I have got no intention of delaying anything. Thank you, Chair. I am just wanting to know, firstly, how many staff there are in the engagement section of IBAC as FTEs—if that is possible to be provided either directly now or on notice. And, secondly, around the audit measures that were suggested by the former IBAC Committee around confidence of individuals or groups in dealing with IBAC, regarding adherence to due process, impartiality and fairness in use of powers—and that was measured through public attitude and experience surveys—and whether in fact KPMG, as the external auditor, has been responsible for assessing that. Feel free to take the latter on notice, and the former, if you have got the figure to hand, I am happy to hear now. Thank you.

Ms BARAGWANATH: Can I just ask a clarifying question, Ms Shing?

Ms SHING: Yes, of course.

Ms BARAGWANATH: In relation to staff involved in engagement, we have a division that is called prevention and communication that are responsible for everything from our education strategy to our communication, such as reports and media releases, et cetera, and then also there is an engagement branch that is responsible for our engagement with stakeholders.

Ms SHING: Yes, it is the stakeholder engagement piece that I am particularly interested in. Thank you.

Ms BARAGWANATH: Okay. I will have to take that one on notice.

Mr REDLICH: Could I just add, Ms Shing, it is really important that it is appreciated that whilst there can be efficiencies in areas that the CEO has talked about, in the area of investigation and in the area of staffing that have the function of reviewing and preparing reports, there has been no material alteration in staffing numbers for some years, and there cannot be. And without increased staff, no matter how efficient other aspects of the organisation might be, investigations and reviews cannot significantly increase.

Ms SHING: Thanks, Commissioner.

The CHAIR: Thanks, Commissioner, and thanks, Ms Shing. Mr Wells, for a couple of questions, and then, obviously, we are not going to get to the other Committee members to ask questions, so I think what we will do is we will put them in a letter form to you, Commissioner, and if you could respond to those if that is okay with you. Mr Wells.

Mr WELLS: Thanks, Chair. Commissioner, you referred a couple of times to the report that was tabled in Parliament in September 2018 in regard to the external oversight of police corruption and misconduct. That report has been sitting around Government for almost two years now. My understanding is that it is an internal

brawl between the right and the left inside the Andrews Government cabinet, and they cannot make a decision on this. Without Gavin Jennings now as the Special Minister of State—and my understanding is that when you had issues you were able to go to the Special Minister of State—how is that process working now that you do not have an actual specified minister? It is split between the Premier and the Attorney-General is my understanding.

Mr REDLICH: We do have a specified minister. The Attorney-General is the identified minister to manage the Commission's affairs. Look, regrettably, because of the COVID environment the Commission's ability to engage with the Attorney-General has been limited, because of the understandable preoccupation with the COVID environment. But I think there is some substance in the point. It was a matter of concern to the Commission that it was decided to move responsibility for the Commission out of the control of Premier and Cabinet to an external ministerial obligation. Now, whether that in the end amounts to anything or not, only time will tell.

Mr WELLS: Commissioner, you mentioned a few times on the substance of not having adequate resources to be able to complete—I am supposing—all of the investigations that you want to be able to start or do preliminary investigations on. If the Budget is not coming down until October, how is your funding being managed from 1 July to October? Does it continue at the same current rate as what it has for the 2019–20 year?

Mr REDLICH: It does. As I have said, we have not exhausted the funds in trust, but within this financial year they will be completely depleted. If the Budget that is given to us for the next financial year—and I assume we will get that in October or November—does not include a provision for indexation as a recurring part of the budget going forward, there will have to be a significant reduction in the work which IBAC can do in the investigating, exposing and preventing of corruption.

Mr WELLS: Commissioner, finally, on the same point, are there a number of inquiries or investigations that have been delayed because of that lack of resources?

Mr REDLICH: I think the answer to that is, no, in the sense that having made the initial decision as to what we would investigate, those investigations have proceeded. What has really delayed them now has been the COVID environment in which we are unable to use a variety of investigative techniques—search warrants, examinations, they have all been delayed—and so those investigations have been delayed. But underlying that point, Mr Wells, is the point that we are having to be selective about what we investigate—very selective.

Mr WELLS: Thank you.

The CHAIR: Thank you, Commissioner. Thank you, Mr Wells. So on that basis unfortunately we have run out of time, and we are not able to have other members ask questions. As I said earlier, what we will probably do, Commissioner, is put those questions in writing to you for you to respond to. I would like to thank you for presenting to the committee and answering our questions on your agency's annual reports. We will be in contact with you very shortly in writing. So I declare this public hearing closed, and I would ask that Hansard pause the recording. Thank you very much.

Witnesses withdrew.