



IBAC's legislated powers

www.ibac.vic.gov.au

IBAC is Victoria's independent anti-corruption and police oversight agency. We have powers to identify, investigate, expose and prevent public sector corruption and police misconduct.

IBAC's jurisdiction

IBAC's jurisdiction covers the entire Victorian public sector including all government departments, agencies, local councils, schools and universities, public hospitals, parliamentarians, the judiciary and the police.

Our jurisdiction also extends to third parties who seek to corruptly influence the way public servants do their jobs.



State government

- Departments
- Agencies/offices
- Public healthcare services
- Schools
- TAFE and universities



Victoria Police

- Police officers
- Protective services officers
- Police recruits
- Police custody officers
- Employees



Councils

- Councillors
- Council staff



Parliament

- Members of Parliament
- Electorate officers
- Ministerial staff
- Parliamentary staff



Judiciary

- Judges, magistrates and other judicial officers
- VCAT members

IBAC may:

- issue witness summons compelling persons to answer questions, provide documents or other things to IBAC
- hold public or private examinations (also known as hearings)
- seek and execute search warrants to enter premises, seize documents and other things
- use surveillance devices and intercept telecommunications
- apply for a warrant to arrest persons who fail to comply with a witness summons, or prevent a person from leaving Australia to avoid an IBAC examination
- make recommendations to prevent police misconduct or corruption
- publish reports and prevention resources
- bring criminal charges as a result of an investigation or refer matters to the Office of Public Prosecutions.

Investigating public sector corruption

Corruption includes a public officer or body dishonestly performing their duties, or misusing their public position for personal gain or for the improper gain of others. Examples include: public officers taking or offering bribes, awarding contracts to family or friends, and misusing information gained through their position for personal benefit or the benefit of friends or family.

To start an investigation into public sector corruption, IBAC needs to reasonably suspect corrupt conduct has occurred, which means conduct that would constitute a relevant offence.

A relevant offence may be:

- an indictable offence against an Act
- bribery of a public official
- perverting (or attempting to pervert) the course of justice
- misconduct in public office.

Powers available to IBAC

IBAC's powers to investigate and prevent public sector corruption and police misconduct are set out in the *Independent Broad-based Anti-corruption Commission Act 2011*.

IBAC has the power to investigate cases of corrupt conduct or police misconduct.

IBAC must prioritise allegations about serious or systemic corruption for investigation. However, we are not restricted to 'serious' allegations, and we assess and investigate a broad range of allegations.

Investigating Victoria Police misconduct

As Victoria's independent police oversight agency, IBAC has additional responsibilities to prevent and expose police misconduct and corruption.

IBAC's oversight jurisdiction covers police personnel conduct, which includes unlawful conduct and conduct that departs from police standards, policies and procedures.

Police misconduct occurs when Victoria Police personnel behave disgracefully or improperly (on or off-duty), bring Victoria Police into disrepute, or diminish public confidence in the police. It also occurs when a police officer or protective services officer commits an offence punishable by imprisonment.

IBAC may investigate police misconduct after receiving a complaint, a notification from another public body, or upon its own initiative.

IBAC is also required to ensure that Victoria Police officers and protective services officers have regard to human rights as set out in the *Charter of Human Rights and Responsibilities Act 2006*.

Preliminary inquiries

IBAC may undertake preliminary inquiries into a matter before deciding whether to investigate. This allows us to gather additional material to inform our decision.

As part of a preliminary inquiry, we may:

- request further information from a relevant principal officer of a public body
- issue a witness summons requiring a person to produce documents or other things to IBAC
- issue confidentiality notices.

During a preliminary inquiry we cannot use some of our broader investigative powers. For instance, we cannot use surveillance devices, hold examinations or execute search warrants.

Protecting witnesses

To protect the identity and safety of witnesses, IBAC has a range of powers to rely on:

- during public examinations, suppression orders may be made to protect witnesses. These may prohibit or restrict the publication of any information or evidence given during the examination
- parts of a public examination may be held in private upon request by a witness to do so
- confidentiality notices may be issued by IBAC to protect the safety or reputation of persons.

IBAC has a welfare policy to protect the welfare of anyone associated with our work, including investigations, and examinations.

Public Interest Disclosures

Under *The Public Interest Disclosures Act 2012*, IBAC assesses every complaint as a potential public interest disclosure (previously known as protected disclosures or 'whistleblower' complaints). This ensures that people who report improper conduct and corruption in the Victorian public sector can do so in the knowledge that they will be protected.

Protections include keeping the identity of the person reporting improper conduct confidential and protecting them from reprisals including bullying, harassment or legal action. More information on public interest disclosures may be found on www.ibac.vic.gov.au

Responsible use of powers

To ensure we use our powers appropriately, we must apply to courts and tribunals before exercising some powers. The Public Interest Monitor reviews and makes submissions on our applications for surveillance device warrants and telecommunication interception warrants.

We are also subject to scrutiny by various bodies, including the Victorian Inspectorate, and the Victorian Parliamentary Integrity and Oversight Committee.

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IBAC is Victoria's anti-corruption agency responsible for preventing and exposing public sector corruption and police misconduct. We do this by:

- investigating serious corruption and police misconduct
- informing the public sector, police and the community about the risks and impacts of corruption and police misconduct, and ways in which it can be prevented.

To report corruption now, visit www.ibac.vic.gov.au or call **1300 735 135**.

If you need help with translation, call the Translating and Interpreting Service on **13 14 50** or visit www.ibac.vic.gov.au/general/accessibility/tr