



Watchdog lashes out at Baillieu

Ombudsman savages integrity laws

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VICTORIA'S Ombudsman has slammed the Baillieu government's new anti-corruption regime, accusing it of creating a legislative mess that will undermine him.

In a scathing letter to Premier Ted Baillieu obtained by Fairfax Media, Ombudsman George Brouwer warned that his office would be so hamstrung by the legislation it could no longer be considered independent – breaching the Victorian constitution.

"I am gravely concerned about the broader impact of the bills ... severely undermining the independence of my office," Mr Brouwer wrote in a letter to Mr Baillieu on Monday.

He said the legislation had been so poorly designed it would "significantly undermine the effectiveness of the integrity scheme which your government intends to implement".

"Indeed, I consider that enacting the bills will be a significant backward step for public sector accountability," he said.

The letter will create a major political headache for the gov-

ernment and raises serious questions about its claim to have introduced "the most significant integrity reforms" in the state's history.

Victoria's integrity bodies – including the Ombudsman and the Auditor-General – have been trying to get across almost 500 pages of complex legislation since the government released its two final integrity bills nearly a fortnight ago.

One bill ties together all parts of the new integrity regime – which has the \$170 million Independent Broad-based Anti-corruption Commission at its heart – and the other is a complete rewrite of the state's whistleblower legislation.

Under the proposed changes, the Ombudsman loses his role as a clearing house for whistleblower complaints and will gain an extra layer of oversight from a new body called the Victorian Inspectorate. Most ombudsman's offices in other states have parliamentary oversight but do not sit under a body such as the inspectorate, which will have greater powers than the Ombudsman.

Mr Brouwer also revealed that the government had "refused" to consult him about

its legislation.

"This was regrettable ... in that I am the only senior state official with experience in the design, implementation and conduct of integrity schemes," he said.

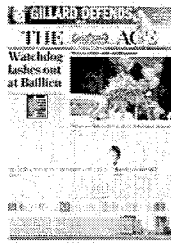
He said he wanted the government to postpone debate on the two bills so that he could prepare a report to Parliament on the proposed scheme. The government said on Monday night it would respond directly to the Ombudsman.

Mr Brouwer also warned of:

- Significant gaps in the scheme's coverage, arguing his office had no powers under the new laws to investigate corrupt conduct. But he said nor was the new anti-corruption commission empowered to investigate a majority of cases due to the high threshold that needed to be satisfied.

- "Greatly increased" opportunities for people under investigation to "interfere with, obstruct or avoid the operation of the integrity scheme" by challenging the jurisdiction of integrity bodies.

Mr Brouwer said the legislation contained a number of potentially serious errors and accused the government of fail-



Age, Melbourne

27 Nov 2012, by Josh Gordon and Melissa Fyfe

General News, page 1 - 324.26 cm²
Capital City Daily - circulation 169,582 (MTWTF--)

ID 171953253

ing to appreciate the operation of the investigative process.

He said a decision to subject his office to monitoring by the inspectorate with "unprecedented" intrusive powers would hamper the performance and independence of his office.

Opposition Leader Daniel Andrews said the legislation was a shambles despite the lengthy delay in delivering it.

