TASMANIA

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COMMISSION OF INQUIRY (MISCELLANEOUS AMENDMENTS) BILL 2026

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COMMISSION OF INQUIRY (MISCELLANEOUS AMENDMENTS) BILL 2026

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

LAURA ROSS, *Clerk of the House*
29 October 2026

(Brought in by the Minister for Justice, Corrections and Rehabilitation, the Honourable Guy Barnett)

A BILL FOR

An Act to amend the *Child Safety Reform Implementation Monitor Act 2024*, the *Child and Youth Safe Organisations Act 2023*, the *Child and Youth Safe Organisations Regulations 2023*, the *Personal Information Protection Act 2004*, the *State Service Act 2000*, the *Tasmanian Civil and Administrative Tribunal Act 2020* and the *Victims of Crime Assistance Act 1976*

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Commission of Inquiry (Miscellaneous Amendments) Act 2026*.

2. Commencement

(1) Except as provided in this section, the provisions of this Act commence on a day or days to be proclaimed.

(2) Parts 2, 4, 5 and 6 and this Part commence on the day on which this Act receives the Royal Assent.

(3) Part 3 commences on the day on which section 58 of the *Commission for Children and Young People Act 2025* commences.

3. Repeal of Act

This Act is repealed on the first anniversary of the commencement of the last uncommenced provision.

PART 2 – CHILD SAFETY REFORM IMPLEMENTATION MONITOR ACT 2024 AMENDED

4. Principal Act

In this Part, the *Child Safety Reform Implementation Monitor Act 2024** is referred to as the Principal Act.

5. Section 21 amended (Annual reports)

Section 21 of the Principal Act is amended as follows:

(a) by omitting from subsection (1) "30 September in each calendar year" and substituting "31 October in each calendar year or such later date as agreed between the Implementation Monitor and the Minister";

(b) by inserting the following subsection after subsection (1):

(1A) If the Implementation Monitor and the Minister agree a later date under subsection (1), the Minister is to table a statement to that effect, that includes the date so agreed, in each House of Parliament as soon as practicable after the agreement is reached.

*No. 6 of 2024

PART 3 – CHILD SAFETY REFORM IMPLEMENTATION MONITOR ACT 2024 FURTHER AMENDED

6. Principal Act

In this Part, the *Child Safety Reform Implementation Monitor Act 2024** is referred to as the Principal Act.

7. Schedule 1 amended (Relevant Agencies and Heads of Agencies)

Schedule 1 to the Principal Act is amended by omitting item 3 and substituting:

3.	The Commission for Children and Young People established by the *Commission for Children and Young People Act 2025*	The Commissioner for Children and Young People within the meaning of the *Commission for Children and Young People Act 2025*

*No. 6 of 2024

PART 4 – CHILD AND YOUTH SAFE ORGANISATIONS ACT 2023 AMENDED

8. Principal Act

In this Part, the *Child and Youth Safe Organisations Act 2023** is referred to as the Principal Act.

9. Section 4 amended (Interpretation)

Section 4 of the Principal Act is amended by inserting after paragraph (a) in the definition of *head* the following paragraph:

(ab) if the entity is the Police Service, the Commissioner of Police; or

10. Section 66 inserted

After section 65 of the Principal Act, the following section is inserted in Part 9:

66. Transitional consequent on commencement of *Commission of Inquiry (Miscellaneous Amendments) Act 2026*

As soon as practicable after the day on which Part 4 of the *Commission of Inquiry (Miscellaneous Amendments) Act 2026* commences, and no later than 3 months after that Part commences, the Commissioner of Police, as head of a

*No. 6 of 2023

relevant entity, is to comply with the scheme in respect of all reportable conduct by, and all reportable convictions against, a worker of that entity that occurred between 1 January 2024 and the day on which that Part of the *Commission of Inquiry (Miscellaneous Amendments) Act 2026* commences.

11. Schedule 2 amended (Entities to comply with child and youth safe standards)

Schedule 2 to the Principal Act is amended by inserting after clause 3 the following clause:

4. Police Service to comply

(1) On and after the commencement of this clause, the Police Service is to comply with the standards.

(2) For the avoidance of doubt, nothing in this clause affects the application of the standards to the Police Service, as prescribed, before the commencement of this clause.

12. Schedule 3 amended (Relevant entities to which reportable conduct scheme applies)

Schedule 3 to the Principal Act is amended by inserting after clause 3 the following clause:

4. Scheme applies to Police Service

(1) On and after the commencement of this clause, the scheme applies to the Police Service.

(2) For the avoidance of doubt, nothing in this clause affects the application of the scheme to the Police Service, as prescribed, before the commencement of this clause.

PART 5 – CHILD AND YOUTH SAFE ORGANISATIONS REGULATIONS 2023 AMENDED

13. Principal Regulations

In this Part, the *Child and Youth Safe Organisations Regulations 2023** are referred to as the Principal Regulations.

14. Regulation 4A rescinded

Regulation 4A of the Principal Regulations is rescinded.

*S.R. 2023, No. 82

PART 6 – PERSONAL INFORMATION PROTECTION ACT 2004 AMENDED

15. Principal Act

In this Part, the *Personal Information Protection Act 2004** is referred to as the Principal Act.

16. Schedule 1 amended (Personal Information Protection Principles)

Clause 2(1) of Schedule 1 to the Principal Act is amended as follows:

(a) by inserting the following paragraph after paragraph (d):

(da) the personal information custodian reasonably believes that the use or disclosure is necessary to lessen or prevent, or to report to relevant persons or authorities, behaviour that –

(i) is required to be, or may be, reported under the *Registration to Work with Vulnerable People Act 2013*, as the behaviour poses a risk of harm whether by reason of neglect, abuse or other conduct; or

*No. 46 of 2004

(ii) is reportable conduct within the meaning of the *Child and Youth Safe Organisations Act 2023*; or

(b) by omitting from paragraph (g) "agency" and substituting "agency, or an Agency or State authority within the meaning of the *State Service Act 2000*".

PART 7 – STATE SERVICE ACT 2000 AMENDED

17. Principal Act

In this Part, the *State Service Act 2000** is referred to as the Principal Act.

18. Section 7 amended (State Service Principles)

Section 7(1) of the Principal Act is amended by omitting paragraph (a) and substituting the following paragraph:

(a) in serving the community, the Government and the Parliament, the State Service is apolitical, impartial, ethical and professional;

19. Section 9 amended (The State Service Code of Conduct)

Section 9 of the Principal Act is amended as follows:

(a) by omitting from subsection (1) "the course of" and substituting "connection with";

(b) by omitting from subsection (2) "the course of" and substituting "connection with";

*No. 85 of 2000

(c) by omitting from subsection (3) "the course of" and substituting "connection with";

(d) by omitting from subsection (4) "the course of" and substituting "connection with";

(e) by omitting subsection (5) and substituting the following subsections:

(5) For the purpose of subsection (4) –

(a) a reference to Australian law includes –

(i) any Act (including this Act) or any instrument made under an Act; and

(ii) any law of the Commonwealth or a State or Territory,

including any instrument made under such a law; and

(b) a question as to whether an employee has complied with an applicable Australian law is to be determined on the balance of probabilities.

(5A) An employee must not, at any time, commit reportable conduct, within the meaning of the *Child and Youth Safe Organisations Act 2023*.

(5B) An employee must not, at any time, engage in conduct that the person knows, or reasonably ought to know, poses a foreseeable and unreasonable risk to the safety or wellbeing of a child or young person, within the meaning of the *Children, Young Persons and Their Families Act 1997*, who is accessing a service operated by, or on behalf of, an Agency.

(f) by inserting the following subsection after subsection (6):

(6A) For the purposes of subsection (6) a lawful and reasonable direction may include, but is not limited to, a direction that specifies professional conduct obligations that apply to an employee.

(g) by omitting from subsection (7) "must" and substituting "must, at all times,";

(h) by omitting from subsection (7) "the course of" and substituting "connection with";

(i) by inserting the following subsection after subsection (11):

(11A) An employee must not, at any time, engage in conduct that adversely affects, or attempt to engage in conduct to adversely affect, the honest and proper performance of a function, or exercise of a power, by a public officer within the meaning of the *Integrity Commission Act 2009*.

(j) by omitting from subsection (12) "in the course of his or her employment or in relation to" and substituting "in connection with";

(k) by omitting from subsection (13) "the course of" and substituting "connection with";

(l) by omitting from subsection (15) "must comply" and substituting "must, in connection with State Service employment, comply".

20. Section 10A inserted

After section 10 of the Principal Act, the following section is inserted in Part 2:

10A. Transitional consequent on commencement of *Commission of Inquiry (Miscellaneous Amendments) Act 2026*

(1) An amendment made to this Part by the *Commission of Inquiry (Miscellaneous Amendments) Act 2026* does not apply to any conduct of an officer or employee that occurred before the commencement of that amendment.

(2) For the avoidance of doubt, if an amendment made to this Part does not apply to the conduct of an officer or employee by virtue of subsection (1), this Part as in force without that amendment applies to that conduct.

PART 8 – TASMANIAN CIVIL AND ADMINISTRATIVE TRIBUNAL ACT 2020 AMENDED

21. Principal Act

In this Part, the *Tasmanian Civil and Administrative Tribunal Act 2020** is referred to as the Principal Act.

22. Schedule 1 amended (Relevant Acts)

Schedule 1 to the Principal Act is amended by inserting after item 92 the following item:

92A. The *Victims of Crime Assistance Act 1976*.

23. Schedule 3 amended (Protective Division)

Schedule 3 to the Principal Act is amended as follows:

(a) by inserting the following paragraph after paragraph (eb) in clause 1(1) of Part 3:

(ec) the *Victims of Crime Assistance Act 1976*;

(b) by omitting paragraph (e) from clause 2 of Part 6 and substituting the following paragraphs:

(e) the *Relationships Act 2003*;

*No. 24 of 2020

(f) the *Victims of Crime Assistance Act 1976*.

24. Schedule 4 amended (Acts subject to Administrative Review)

Schedule 4 to the Principal Act is amended by inserting after item 59 the following item:

59A. The *Victims of Crime Assistance Act 1976.*

PART 9 – VICTIMS OF CRIME ASSISTANCE ACT 1976 AMENDED

25. Principal Act

In this Part, the *Victims of Crime Assistance Act 1976** is referred to as the Principal Act.

26. Section 10 substituted

Section 10 of the Principal Act is repealed and the following section is substituted:

10. Finality of decision of Commissioner

(1) A decision of the Commissioner under this Act is final and no appeal lies therefrom.

(2) Despite subsection (1), a person may appeal a decision of the Commissioner, to the Tasmanian Civil and Administrative Tribunal, if –

(a) the person is an applicant for an award under this Act, other than an interim award; and

(b) the decision relates to –

(i) that application; or

(ii) an award, other than an interim award, made to the person under this Act

*No. 32 of 1976

as a result of the application.