

DRAFT SECOND READING SPEECH

HON GUY BARNETT MP

Integrity Commission Amendment Bill 2026

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Honourable Speaker, I move that the Bill now be read a second time.

The Integrity Commission Amendment Bill 2026 proposes amendments to the *Integrity Commission Act 2009* to respond to various recommendations made in the final report of the Independent Review of the Integrity Commission Act (known as the Cox Review) as well as issues raised by the Integrity Commission.

This Bill represents the second stage of reforms to the Integrity Commission Act. It proposes various amendments aimed at strengthening Tasmania's integrity framework and improving operational outcomes.

The Bill is largely focused on the Cox Review recommendations. The Cox Review was a statutory review of the Integrity Commission Act undertaken by the Hon William Cox AC RFD ED KC. The final report was provided to the then Government in 2016. The Cox Review made 55 recommendations with one recommendation (recommendation 50) addressing 46 technical items. The recommendations all relate to how the Act can better achieve its objectives, namely educating public officers and the public about integrity, assisting public authorities dealing with misconduct, dealing with allegations of serious misconduct or misconduct by designated public authorities and making findings and recommendations in relation to its investigation and inquiries.

The first six recommendations of the Cox Review were implemented through legislative amendments made by the *Integrity Commission Amendment Act 2017*.

At that time, the Government indicated that while it had accepted the majority of the Cox Review recommendations in principle, further consideration and analysis was required. Over the ensuing years, there much work has been undertaken to consider and respond to the recommendations, including the release of a discussion paper in 2022.

In addition, there have been recommendations relating to the Integrity Commission Act arising from other reviews and inquiries including the Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings, and the Independent Review into Paul Reynolds Final Report (the Weiss Review).

Given the volume of recommendations and the complexity of the work, the

Government decided to proceed with the reforms in three stages.

The first stage of reforms was progressed through the Integrity Commission Amendment (Mandatory Notifications) Bill 2025 tabled in Parliament on 12 November 2025. The Mandatory Notifications Bill addresses recommendation 11 of the Cox Review and recommendation 18.11 of the Commission of Inquiry by introducing obligations on public authorities to notify the Integrity Commission of any matter that is reasonably suspected to involve serious misconduct by a public officer or misconduct by a designated public officer. It establishes a framework for how such mandatory notifications are to be made and dealt with. It also deals with two other related Cox Review recommendations - recommendation 9 in relation to defining 'offence of a serious nature' and recommendation 32 to provide that the Vice Chancellor is the principal officer for the University of Tasmania.

Speaker, this Bill is the second stage of reforms, addressing most of the remaining Cox Review recommendations that require legislative amendment and have been accepted by the Government.

The third stage of reforms will be dealt with in a Bill to be released for consultation later this year. This third Bill will address any remaining accepted Cox Review recommendations. I note that there are some Cox Review recommendations that do not require amendment to the Integrity Commission Act or that were not accepted. The third Bill will also address various other issues that have been raised by the Integrity Commission and other stakeholders during consultation as well as any outstanding recommendations from other reviews such as the Weiss Review.

I do note that many of the matters in this Bill support the objectives of Recommendation 5 of the Weiss Review. These relate to amendments to the Integrity Commission's investigative function and coercive powers to strengthen its ability to investigate allegations of grooming or sexual abuse by police officers. For the purposes of the Bill, the amendments relating to the Cox Review and other identified improvements facilitate the broad functions and powers of the Commission in relation to sexual and other misconduct by all public officers including police.

Weiss Recommendation 5(ii) reiterates recommendation 35 of the Cox Review, that the Commonwealth be requested to amend the *Telecommunications (Interception and Access) Act 1979* (Cth) to declare the Integrity Commission a criminal law enforcement agency for the purposes of that Act. This recommendation is being progressed with the Commonwealth after I wrote to the relevant Commonwealth Minister. The Department of Justice is liaising with the Commonwealth Department to progress this change. It does not require any amendments to the *Integrity Commission Act 2009*.

As I have mentioned, in addition to dealing with the Cox Review recommendations, the Bill also includes amendments to address matters raised by the Integrity

Commission following the Cox Review.

I will now provide an overview of the changes made by the Bill.

The Bill makes a number of amendments to clarify how complaints and matters involving misconduct are dealt with. These include:

- Amendments to the principles in section 9 to clarify that the Integrity Commission is to perform its functions and exercise its powers in such a way as to deal, primarily, with matters of serious misconduct by public officers and misconduct by designated public officers, where the Commission determines that it is appropriate to do so
- Amendments to section 87 to clarify that the Integrity Commission may only refer a complaint relating to misconduct by a designated public officer to a relevant public authority – rather than investigating the matter itself – if the chief executive officer is satisfied it is appropriate to do so.
- Amendments to section 88 to clarify that complaints of police misconduct are to be referred to the Commissioner of Police unless the complaint relates to a commissioned police officer or the chief executive officer is satisfied it is not appropriate to do so.
- A new provision (section 91A) to allow a referred complaint to be returned to or taken back by the Integrity Commission in particular circumstances.
- An amendment to section 35 to require the chief executive officer to immediately refer a complaint to the Commissioner of Police if the chief executive officer suspects on reasonable grounds that a criminal offence has been committed. This does not apply to complaints against police officers or designated public officers.
- Amendments to sections 38, 58 and 88 to allow the Integrity Commission to provide information that it has obtained during an assessment or investigation to a person or body to which it has referred a complaint.
- Amendments to sections 37 and 38 to allow an assessor or the chief executive officer to make a recommendation following an assessment, that the Board of the Integrity Commission recommend the establishment of a Commission of Inquiry in relation to a matter.

There are also amendments to improve the Integrity Commission's investigative powers and processes, including:

- Amendments to sections 49 and 66 to clarify the rights to representation in investigations and inquiries.
- Amendments to clarify the confidentiality provisions under section 98

In addition, the Bill proposes various amendments to streamline processes and improve the operation of the Act, including:

- The introduction of a timeframe for the completion of an assessment.
- Amendments to sections 45 and 89 to allow the Board of the Integrity Commission to discontinue own-motion investigations.
- Amendments to sections 47 and 71 to allow an oath or affirmation to be administered remotely during an investigation or inquiry.
- Amendments to section 56 to clarify procedural fairness provisions in relation to investigation reports.
- Amendments to reporting provisions under section 11 to make it clear that the Integrity Commission can provide such information, as it considers necessary, to Parliament.
- Amendments to section 26 to change the time at which the Joint Standing Committee on Integrity (JSC) must provide its annual report to Parliament from November to March.
- An amendment to section 28 to allow the Parliamentary Standards Commissioner to provide a report to Parliament on the performance of their functions under the Act.
- Amendments to section 30 to clarify that the chief executive officer can review entries in the Parliamentary disclosure of interests register and make recommendations or provide advice to Members of Parliament, the Clerk of the House of Assembly or the Clerk of the Legislative Council.

Finally, the Bill makes a number of administrative and technical amendments such as:

- Amendments to definitions in section 4 to:
 - include a Tasmanian national preventative mechanism appointed under the *OPCAT Implementation Act 2021* as an ‘integrity entity’ – this was recommended by the National Preventive Mechanism and also supported by the Joint Standing Committee.
 - clarify that an audit panel established under section 85 of the *Local Government Act 1993* is a ‘local authority’ for the purposes of the Act, and
 - clarify that volunteers who, subject to the direction or control of a public authority, perform or exercise statutory functions or powers, come within the definition of ‘public officer’ for the purposes of the Act.

The Bill was released for an extensive period of targeted and public consultation from 12 January 2026 to 2 April 2026. A total of 24 submissions and responses were received. Some of the responses made no comment or simply expressed support for the Bill. Other submissions were more substantive, raising concerns or suggesting amendments to the Bill.

Some matters raised in submissions concern broader issues outside the scope of the amendments in the Bill such as jurisdictional issues including in relation to Members of Parliament during election campaign periods and the conduct of third parties which adversely impacts the exercise of public powers. It is proposed that these matters be considered for potential inclusion in the third Bill rather than progressed in the current Bill on the basis that they involve complex issues requiring further consideration and discussion with the Integrity Commission, and public consultation. The Bill before us today is primarily focused on the Cox Review recommendations and the third Bill is intended to deal with any broader matters.

Some changes have been made to the Bill as a result of the feedback received during consultation with the main changes including:

- clarifying that in referring a complaint to the Commissioner of Police under section 35(1A), the chief executive officer may require a report on what action the Commissioner intends to take in relation to the complaint, or monitor or audit any action taken;
- clarifying that the referral of a complaint does not prevent the Integrity Commission from assessing, investigating or otherwise dealing with the complaint or any part of the complaint. For example, the complaint may raise issues of systemic misconduct that the Integrity Commission would want to investigate;
- removing the amendment that allowed an investigator or the Tribunal to refuse representation if it would cause an unreasonable delay in the investigation or inquiry. Instead, the Bill provides that, for the avoidance of doubt, a person is not entitled to unreasonably postpone giving evidence or answering questions solely because their preferred legal practitioner or agent is unavailable;
- providing for the additional factor that the Integrity Commission may declare any matter specified in the notice is confidential information if its disclosure would be likely to prejudice the interests of justice; and
- clarifying that a person is taken to have a reasonable excuse for disclosing information relating to a confidential notice if the disclosure was made for the purpose of obtaining information or assistance needed to comply with the notice.

Finally, there were a range of concerns and views raised during consultation on the proposed amendments regarding the abrogating of the privilege against self-incrimination as proposed in the consultation draft. As the privilege against self-incrimination is a fundamental legal principle which generally would only be

abrogated in the most serious of circumstances, it is clear from consultation feedback that this change needs careful scrutiny and I have asked my Department to undertake further consideration including consultation with the Integrity Commission on this matter.

I would like to thank all those who took the time to consider this important Bill and make submissions. The feedback received during this process has led to improvements to the final Bill and raised important matters to be considered in the development of the next stage of reforms.

I would also like to thank the Chief Commissioner, Chief Executive Officer and staff of the Integrity Commission for their ongoing assistance in the legislative reform process. The Integrity Commission has been extensively consulted in the development of this Bill and will continue to be consulted on the next phase of reforms.

Honourable Speaker, in conclusion, this Bill proposed various changes to the Integrity Commission Act aimed at improving the operation of the Integrity Commission by streamlining processes and clarifying existing powers and functions. The proposed amendments implement most of the outstanding recommendations from the Cox Review and are a significant step in the reform process.

I commend the Bill to the House.