

FACT SHEET

Integrity Commission Amendment Bill 2026

The Integrity Commission Amendment Bill 2026 (the Bill) proposes a number of amendments to the *Integrity Commission Act 2009* (the Act) to address various recommendations made by the *Independent Review of the Integrity Commission Act 2009* (the Cox Review) and make several operational and administrative improvements recommended by the Integrity Commission.

This Bill is the second stage of reforms to the Act. The Integrity Commission Amendment (Mandatory Notifications) Bill 2025 was the first stage of reforms. This Bill introduced a framework for the mandatory notification by public authorities of suspected misconduct and serious misconduct.

Cox Review Recommendations:

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 were implemented through legislative amendments made by the *Integrity Commission Amendment Act 2017*. A further three recommendations are addressed in the Integrity Commission Amendment (Mandatory Notifications) Bill 2025.

This Bill addresses most of the remaining Cox Review recommendations that require legislative amendment and have been accepted by the Government.

Amendments proposed by the Integrity Commission:

The Bill also includes amendments to address recommendations made by the Integrity Commission (following the Cox Review) to improve its functions and operations.

An overview of the amendments:

The amendments aim to improve the operation of the Integrity Commission by streamlining processes and clarifying existing powers and functions. The key changes are summarised below according to general themes.

Dealing with complaints and matters involving misconduct:

The Bill makes amendments to the Act to clarify how complaints and matters involving misconduct are dealt with including:

- 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 having regard to:

- the nature and seriousness of the alleged misconduct;
 - the public interest; and
 - appropriate use of resources, meaning the Commission’s resources.
- 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 having regard to:
 - the public interest; and
 - any matter that could adversely impact on the investigation being conducted by the Commissioner of Police.
 - A new provision (section 91A) to allow a referred complaint to be returned to or taken back by the Integrity Commission in particular circumstances. Where a complaint is returned to or taken back by the Integrity Commission, the Integrity Commission must assume responsibility for and deal with the complaint under the Act.
 - 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.

Enhancing and clarifying investigative processes:

The Bill proposes 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. Under these provisions, a person required or directed to give evidence or answer questions may be represented by a legal practitioner or agent. The amendments clarify that:
 - representation by a specific legal practitioner or agent may be refused if that legal practitioner or agent is already involved in or suspected to be involved in a matter being investigated by the Integrity Commission, and
 - a person is not entitled to unreasonably postpone giving evidence or answering questions solely because their preferred legal practitioner or agent is unavailable.
- Amendments to the confidentiality provisions under section 98:
 - to clarify that , where a confidentiality notice is issued to a person, that person must not disclose the existence of the notice, the contents of the notice and any matter relating to or arising from the notice, e.g., any

information that might enable the subject of an investigation to be identified or any evidence or information provided to the Integrity Commission

- to allow the Integrity Commission to declare, by written notice, that any matter is confidential information if its disclosure would be likely to prejudice an assessment, investigation or inquiry under the Act, the safety or reputation of a person, the interests of justice or the fair trial of a person who has, or may be, charged with an offence.

Streamlining and improving processes:

The Bill includes amendments to streamline processes and improve the operation of the Act, including:

- The introduction of a timeframe for the completion of an assessment. Section 37 is amended to provide that an assessment report is to be provided to the chief executive officer within 40 days of the assessor being appointed to assess a complaint, with the chief executive officer having the ability to extend this period.
- 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, including requiring the chief executive officer to include in the report to the Board any submissions or comments made (or a fair summary of submissions and comments).

Administrative and technical amendments:

The Bill proposes a number of administrative and technical amendments to improve the operation of the Act:

- Amendments to definitions in section 4 to:
 - include a Tasmanian national preventative mechanism appointed under the *OPCAT Implementation Act 2021* as an 'integrity entity'
 - 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.
- 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. This change is to allow the JSC to have sufficient time to consider the Integrity Commission's annual report before providing its own annual report.
- 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.

The amendments will commence on proclamation to allow time for the Integrity Commission to finalise implementation activities after passage of the Bill through the Parliament.