

TASMANIA

INTEGRITY COMMISSION AMENDMENT BILL 2026

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**INTEGRITY COMMISSION AMENDMENT BILL
2026**

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

A BILL FOR

An Act to amend the *Integrity Commission Act 2009*

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:

1. Short title

This Act may be cited as the *Integrity Commission Amendment Act 2026*.

2. Commencement

The provisions of this Act commence on a day or days to be proclaimed.

3. Principal Act

In this Act, the *Integrity Commission Act 2009** is referred to as the Principal Act.

*No. 67 of 2009

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4. Section 3 amended (Object and objectives)

Section 3(2)(c) of the Principal Act is amended by omitting “preventative” and substituting “misconduct prevention”.

5. Section 4 amended (Interpretation)

Section 4(1) of the Principal Act is amended as follows:

(a) by inserting the following paragraph after paragraph (d) in the definition of *integrity entity*:

(e) a Tasmanian national preventive mechanism appointed under section 8 of the *OPCAT Implementation Act 2021*;

(b) by inserting the following paragraph after paragraph (b) in the definition of *local authority*:

(ba) an audit panel established under section 85 of the *Local Government Act 1993*; and

(c) by inserting the following definition after the definition of *political party*:

premises includes –

(a) land or a place (whether built on or not); and

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- (b) a building or structure;
and
- (c) an aircraft, vehicle, vessel
or other means of
transport;
- (d) by omitting the definition of *public officer* and substituting the following definition:

public officer includes –

- (a) a person who is a public authority; and
- (b) a person holding any office, employment or position in a public authority, whether the appointment to the office, employment or position is by way of selection or election or by any other manner; and
- (c) a person (including a volunteer) who, subject to the direction or control of a public authority, performs functions or exercises powers conferred by or under any Act –

but does not include a person specified in section 5(2);

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6. Section 9 amended (Principles of operation of Integrity Commission)

Section 9(1) of the Principal Act is amended by omitting paragraph (e) and substituting the following paragraph:

- (e) 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; and

7. Section 11 amended (Annual and other reports)

Section 11 of the Principal Act is amended as follows:

- (a) by inserting in subsection (3) “under this Act” after “powers”;
- (b) by inserting the following subsection after subsection (4):
 - (5) A report tabled under subsection (3), or provided under subsection (4), may include such information as the Integrity Commission considers necessary.

8. Section 16 amended (Delegation)

Section 16 of the Principal Act is amended by omitting subsection (3).

9. Section 21 amended (Authorised persons)

Section 21 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “undertake work on behalf of”;
- (b) by inserting in subsection (1) “to enable the Integrity Commission to perform and exercise its functions and powers” after “Commission”;
- (c) by omitting from subsection (2) “under this Act”;
- (d) by omitting from subsection (3) “on behalf of” and substituting “for”;
- (e) by omitting from subsection (4) “undertake investigations and assist with inquiries” and substituting “investigate and inquire into matters”;
- (f) by omitting from subsection (5) “undertake investigations and assist with inquiries” and substituting “investigate and inquire into matters”;
- (g) by omitting from subsection (7) “on behalf of” first occurring and substituting “for”;
- (h) by omitting from subsection (7) “on behalf of” second occurring and substituting “for”;

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- (i) by omitting from subsection (10) “undertake investigations and assist with inquiries” and substituting “investigate and inquire into matters”.

10. Section 26 amended (Report to Parliament)

Section 26 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “November” and substituting “March”;
- (b) by omitting from subsection (2) “November” and substituting “March”.

11. Section 28 amended (Function of Parliamentary Standards Commissioner)

Section 28 of the Principal Act is amended by inserting after subsection (2) the following subsection:

- (3) The Parliamentary Standards Commissioner may, at any time, lay before each House of Parliament a report on any matter arising in connection with the performance of the Parliamentary Standards Commissioner’s functions or the exercise of the Parliamentary Standards Commissioner’s powers under this Act.

12. Section 30 amended (Functions of chief executive officer in relation to Members of Parliament)

Section 30 of the Principal Act is amended as follows:

- (a) by renumbering the text of the section as subsection (1);
- (b) by inserting in subsection (1)(a) “, and review entries in,” after “operation of”;
- (c) by inserting the following subsection after subsection (1):
 - (2) Following the review of an entry in a register under subsection (1)(a), the chief executive officer may make such recommendations, or provide such advice, to a Member of Parliament or to the Clerk of the Legislative Council or the Clerk of the House of Assembly as the chief executive officer considers appropriate in the circumstances.

13. Part 4: Heading amended

Part 4 of the Principal Act is amended by omitting “**PREVENTATIVE**” from the heading to that Part and substituting “**MISCONDUCT PREVENTION**”.

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14. Section 31 amended (Educative, misconduct prevention and advisory functions)

Section 31 of the Principal Act is amended as follows:

- (a) by omitting “preventative” first occurring and substituting “misconduct prevention”;
- (b) by inserting in paragraph (f) “and the prevention of misconduct” after “conduct”;
- (c) by omitting from paragraph (g) “preventative” and substituting “misconduct prevention”.

15. Section 35 amended (Assessment of complaint)

Section 35 of the Principal Act is amended as follows:

- (a) by inserting the following subsection after subsection (1):
 - (1A) If, in relation to a complaint about a public officer (other than a designated public officer or a police officer), the chief executive officer suspects on reasonable grounds that a criminal offence has been committed, the chief executive officer must immediately refer the complaint, or the relevant part

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of the complaint, to the
Commissioner of Police.

- (b) by omitting from subsection (2) “as to whether the complaint should be accepted for investigation”;
- (c) by omitting subsection (4) and substituting the following subsection:
 - (4) In conducting an assessment under subsection (3), an assessor may exercise any of the powers of an investigator under section 47(1)(c) to the extent that their exercise is reasonably necessary in the circumstances.
- (d) by omitting from subsection (6) “an appropriate” and substituting “another”;
- (e) by inserting in subsection (6) “or (1A)” after “(1)(c)”;
- (f) by inserting the following subsections after subsection (6):
 - (7) The chief executive officer is to, when referring a complaint to another person under subsection (1)(c) or (1A), provide that person with such documents and information relating to the complaint as the chief executive officer considers necessary for the complaint to be actioned.

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- (8) The referral of a complaint, or a part of a complaint, under this section does not prevent the Integrity Commission from assessing, investigating or otherwise dealing with the complaint, or any part of the complaint, under this Act.
- (9) If the chief executive officer considers that any document or information to be provided under subsection (7) contains private and confidential information relating to a person, the chief executive officer may provide the document or information after redacting or otherwise removing that private and confidential information.

16. Section 36 amended (Dismissal of complaint)

Section 36(1) of the Principal Act is amended by omitting “for investigation”.

17. Section 37 amended (Report of assessor)

Section 37 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “or review”;

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- (b) by inserting the following subsection after subsection (1):
 - (1A) A report under subsection (1) is to be submitted to the chief executive officer within 40 days after the assessor's appointment to assess the complaint under section 35(2) or within such further period as the chief executive officer allows.
- (c) by omitting from subsection (2) "the complaint";
- (d) by omitting from subsection (2)(a) "be" and substituting "the complaint be";
- (e) by omitting from subsection (2)(b) "be" and substituting "the complaint be";
- (f) by omitting from subsection (2)(c) "be" and substituting "the complaint be";
- (g) by omitting from subsection (2)(d) "be" and substituting "the complaint be";
- (h) by omitting from subsection (2)(e) "be" and substituting "the complaint be";
- (i) by omitting from subsection (2)(e) "if the assessor considers a crime or other offence may have been committed" and substituting "and action";
- (j) by omitting from subsection (2)(f) "be" and substituting "the complaint be";

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- (k) by omitting from subsection (2)(g) “be” and substituting “the complaint be”;
- (l) by omitting from subsection (2)(g) “Commission.” and substituting “Commission; or”;
- (m) by inserting the following paragraph after paragraph (g) in subsection (2):
 - (h) the Board recommend to the Premier that a commission of inquiry be established under the *Commissions of Inquiry Act 1995* in relation to the matter.

18. Section 38 amended (Actions of chief executive officer on receipt of assessment)

Section 38 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(b) “, any relevant material and the report”;
- (b) by omitting from subsection (1)(c) “, any relevant material and the report”;
- (c) by omitting from subsection (1)(d) “, any relevant material and the report”;
- (d) by omitting from subsection (1)(e) “, any relevant material and the report”;
- (e) by omitting from subsection (1)(f) “, any relevant material and the report”;

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- (f) by omitting from subsection (1)(g) “complaint.” and substituting “complaint; or”;
- (g) by inserting the following paragraph after paragraph (g) in subsection (1):
 - (h) to recommend to the Board that the Board recommend to the Premier that a commission of inquiry be established under the *Commissions of Inquiry Act 1995* in relation to the matter.
- (h) by inserting the following subsections after subsection (3):
 - (4) The chief executive officer is to, when referring a complaint to an authority, entity or a person under subsection (1), provide the authority, entity or person with such documents and information in relation to the complaint as are necessary for the authority, entity or person to investigate matters relating to the complaint.
 - (5) If the chief executive officer considers that any document or information to be provided under subsection (4) contains private and confidential information relating to a person, the chief executive officer may provide the document or information after

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redacting or otherwise removing that private and confidential information.

- (6) The referral of a complaint, or a part of a complaint, under this section does not prevent the Integrity Commission from assessing, investigating or otherwise dealing with the complaint, or any part of the complaint, under this Act.

19. Section 39 amended (Referral of complaint to relevant public authority)

Section 39(2) of the Principal Act is amended as follows:

- (a) by omitting “also –” and substituting “also do any or all of the following:”;
- (b) by omitting from paragraph (a) “or”;
- (c) by omitting from paragraph (b) “the conduct of”;
- (d) by omitting from paragraph (b) “or”.

20. Section 42 amended (Referral of complaint to Commissioner of Police)

Section 42(2) of the Principal Act is amended as follows:

- (a) by omitting “also –” and substituting “also do any or all of the following:”;
- (b) by omitting from paragraph (a) “or”;
- (c) by omitting from paragraph (b) “or”.

21. Section 43 amended (Referral of complaint to other person)

Section 43(2) of the Principal Act is amended as follows:

- (a) by omitting “also –” and substituting “also do any or all of the following:”;
- (b) by omitting from paragraph (a) “or”;
- (c) by omitting from paragraph (b) “or”.

22. Section 44 amended (Appointment of investigator)

Section 44(1) of the Principal Act is amended by omitting “an investigator” and substituting “one or more investigators”.

23. Section 45 amended (Own-motion investigations)

Section 45 of the Principal Act is amended as follows:

- (a) by omitting from subsection (2) “an investigator” and substituting “one or more investigators”;

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- (b) by omitting from subsection (2)(d) “procedures.” and substituting “procedures; or”;
- (c) by inserting the following paragraph after paragraph (d) in subsection (2):
 - (e) into such other matters as the Board considers relevant and advises the chief executive officer to have investigated.
- (d) by inserting the following subsection after subsection (4):
 - (5) The Board may, at any time, discontinue an investigation conducted as a result of a determination under subsection (1).

24. Section 46 amended (Procedure on investigation)

Section 46 of the Principal Act is amended as follows:

- (a) by omitting paragraph (c) from subsection (1);
- (b) by inserting the following subsection after subsection (3):
 - (3A) A person authorised under subsection (3) to assist an investigator may exercise such powers of an investigator under

section 47 as are specified in the authorisation.

25. Section 47 amended (Conduct of investigation)

Section 47 of the Principal Act is amended as follows:

(a) by inserting the following subsection after subsection (2):

(2A) An investigator may only give a written notice under subsection (1) with the approval of the chief executive officer.

(b) by inserting the following subsection after subsection (3):

(3A) If a person gives evidence to an investigator by telephone, video conference, or other means of communication, the investigator may administer an oath or affirmation by the same means.

26. Section 49 substituted

Section 49 of the Principal Act is repealed and the following section is substituted:

49. Representation

(1) Subject to subsection (2), a person required or directed to give evidence or answer questions as part of an

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investigation may be represented by a legal practitioner or other agent.

- (2) An investigator may refuse to allow a person to be represented by a legal practitioner or other agent if that legal practitioner or agent is already involved in an investigation or inquiry under this Act or is involved or suspected to be involved in a matter being investigated under this Act.
- (3) A legal practitioner or agent is not to be taken, for the purposes of subsection (2), to be involved in an investigation, inquiry or matter merely because the legal practitioner or agent represents, or has represented, another person in connection with an investigation, inquiry or matter under this Act.
- (4) For the avoidance of doubt, a person is not entitled to unreasonably postpone giving evidence or answering questions solely because the person's preferred legal practitioner or agent is unavailable.

27. Section 51 amended (Search warrants)

Section 51 of the Principal Act is amended as follows:

- (a) by omitting paragraph (b) from subsection (3) and substituting the following paragraph:

(b) to exercise such powers under this Act as are specified in the warrant.

(b) by omitting from subsection (4)(a) “with any necessary force” and substituting “using such force as is reasonably necessary”.

28. Section 52 amended (Powers of investigator while on premises)

Section 52 of the Principal Act is amended as follows:

(a) by inserting in subsection (2) “or any person assisting the investigator” after “investigator”;

(b) by omitting from subsection (3) “Board” and substituting “chief executive officer”.

29. Section 53 amended (Application for use of surveillance device)

Section 53(1) of the Principal Act is amended by omitting “a complaint of” and substituting “an investigation into”.

30. Section 54 amended (Offences relating to investigations)

Section 54 of the Principal Act is amended as follows:

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- (a) by inserting in subsection (1) “specified in a notice” after “direction”;
- (b) by omitting from subsection (1) “14 days of receiving it” and substituting “the time specified in the notice”;
- (c) by omitting subsection (2).

31. Section 55 amended (Investigator’s report)

Section 55 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “report of his or her findings for” and substituting “written report of the investigation and submit it to”;
- (b) by omitting subsection (2).

32. Section 56 substituted

Section 56 of the Principal Act is repealed and the following section is substituted:

56. Opportunity to provide comment on investigation

- (1) Before finalising any report for submission to the Board, the chief executive officer may, if the chief executive officer considers it appropriate, provide such information, to the following persons in relation to the investigation, as the chief executive

officer considers necessary for them to comment on the investigation:

- (a) the principal officer of the relevant public authority;
 - (b) any other person who, in the chief executive officer's opinion, has a special interest in the investigation.
- (2) Before finalising any report for submission to the Board, the chief executive officer must –
- (a) provide such information, to the public officer who is the subject of the investigation, as the chief executive officer considers necessary for them to comment on the investigation; and
 - (b) provide the public officer with a reasonable period to respond to the information provided under paragraph (a).
- (3) A notice may be attached to information provided under subsection (1) or (2) specifying that the document containing the information is a confidential document.
- (4) A person referred to in subsection (1) or (2) may give the chief executive officer written submissions or comments in relation to the investigation within such

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time and in such a manner as the chief executive officer directs.

- (5) The chief executive officer must include in the chief executive officer's report prepared under section 57 any written submissions or comments given to the chief executive officer under subsection (4) or a fair summary of those submissions or comments.
- (6) Section 98 applies to a document containing information under subsection (1) or (2) if a notice under subsection (3) provides that the document is a confidential document.

33. Section 57 amended (Report by chief executive officer)

Section 57 of the Principal Act is amended as follows:

- (a) by omitting subsection (1) and substituting the following subsection:
 - (1) The chief executive officer is to give to the Board a report on the outcome of an investigation that includes a recommendation referred to in subsection (2).
- (b) by omitting from subsection (2)(b) "that the report of any findings and any" and substituting "subject to subsection (2A), that the report under subsection (1) and";

(c) by inserting the following subsection after subsection (2):

(2A) If the chief executive officer makes a recommendation under subsection (2)(b), the chief executive officer may also recommend that the report, or any information obtained during the investigation, be provided under that subsection after specified private or confidential information relating to a person has been redacted or otherwise removed.

34. Section 58 amended (Determination of Board)

Section 58 of the Principal Act is amended as follows:

(a) by omitting from subsection (2)(b) “refer the report of the investigation and any information obtained in the conduct of the investigation” and substituting “refer the report under section 57(1) and such other information obtained in the conduct of the investigation as the Board considers appropriate”;

(b) by omitting subsection (3) and substituting the following subsection:

(3) In referring a matter to a person under subsection (2)(b), the Board may –

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- (a) include any additional information that the Board considers relevant; and
- (b) make any recommendations as to the action it considers should be taken in relation to the matter; and
- (c) redact or otherwise remove private or confidential information relating to a person that is contained in the report or in any other information that the Board provides to the person to whom the report is referred.

35. Section 66 amended (Right of representation)

Section 66 of the Principal Act is amended as follows:

- (a) by omitting subsection (1);
- (b) by omitting from subsection (2) “witness” and substituting “person”;
- (c) by inserting the following subsections after subsection (3):
 - (4) Without limiting subsection (2), an Integrity Tribunal may refuse

to approve the representation of a person by a legal practitioner or agent if that legal practitioner or agent is already involved in an investigation or inquiry under this Act or is involved or suspected to be involved in a matter being investigated under this Act.

- (5) A legal practitioner or agent is not to be taken, for the purposes of subsection (4), to be involved in an investigation, inquiry or matter merely because the legal practitioner or agent represents, or has represented, another person in connection with an investigation, inquiry or matter under this Act.
- (6) For the avoidance of doubt, a person is not entitled to unreasonably postpone giving evidence or answering questions solely because the person's preferred legal practitioner or agent is unavailable.

36. Section 71 amended (Conduct of inquiry)

Section 71 of the Principal Act is amended by inserting after subsection (8) the following subsection:

- (9) An oath to be sworn, or an affirmation to be made, by a person participating in an

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inquiry by telephone, video conference, or any other means of communication approved by the Integrity Tribunal under subsection (3)(c), may be administered by such means, and in a manner, as nearly as practicable as that in which it would be administered if the person were giving evidence at the place where the inquiry is being conducted.

37. Section 73 amended (Search warrants)

Section 73 of the Principal Act is amended as follows:

- (a) by inserting in subsection (3) “and any person assisting an inquiry officer” after “officer”;
- (b) by omitting from subsection (4)(a) “with any necessary force” and substituting “using such force as is reasonably necessary”.

38. Section 74 amended (Powers of inquiry officer while on premises)

Section 74 of the Principal Act is amended as follows:

- (a) by inserting in subsection (1) “or any person assisting an inquiry officer” after “An inquiry officer”;

- (b) by inserting in subsection (2) “or any person assisting the inquiry officer” after “officer”;
- (c) by omitting from subsection (3) “Integrity Commission” and substituting “chief executive officer”.

39. Section 83 amended (Legal costs of witnesses)

Section 83 of the Principal Act is amended by omitting subsection (3) and substituting the following subsections:

- (3) If the chief executive officer approves the payment of financial assistance to a witness in relation to the witness’s legal costs –
 - (a) the amount of costs is to be determined by agreement between the witness and the chief executive officer; or
 - (b) if the witness and the chief executive officer are unable to reach agreement, the amount of costs is to be taxed by a taxing officer of the Supreme Court.
- (3A) If the taxing officer assesses the witness’s legal costs at an amount less than the highest amount offered by the chief executive officer, the chief executive officer may pay the lesser

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amount, and the witness is to bear the costs of the taxation.

40. Section 87 amended (Investigation or dealing with misconduct by designated public officers)

Section 87 of the Principal Act is amended by omitting subsection (1) and substituting the following subsections:

- (1) Subject to subsection (1A), the Integrity Commission is to assess, investigate, inquire into or otherwise deal with, in accordance with Parts 5, 6 and 7, complaints relating to misconduct by a designated public officer.
- (1A) The Integrity Commission may only refer a complaint relating to misconduct by a designated public officer to a relevant public authority for investigation if the chief executive officer is satisfied that it is appropriate to do so having regard to –
 - (a) the nature and seriousness of the allegation of misconduct; and
 - (b) the public interest; and
 - (c) appropriate use of resources; and
 - (d) such other matters as may be prescribed.

41. Section 88 amended (Integrity Commission's role in relation to police misconduct)

Section 88 of the Principal Act is amended by omitting subsection (1) and substituting the following subsections:

- (1) The Integrity Commission is to refer a complaint relating to police misconduct and any relevant material to the Commissioner of Police for investigation and action unless –
 - (a) the chief executive officer is satisfied that it is not appropriate to do so having regard to –
 - (i) the public interest; and
 - (ii) any matters that could adversely impact on the investigation being conducted by the Commissioner of Police; and
 - (iii) such other matters as may be prescribed; or
 - (b) the complaint relates to police misconduct by a commissioned police officer.
- (1A) If the Integrity Commission does not refer a complaint relating to police misconduct under subsection (1), the Integrity Commission may assess,

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investigate, inquire into or otherwise deal with the police misconduct complaint in accordance with Parts 5, 6 and 7.

(1B) Without limiting subsections (1) and (1A), the Integrity Commission may –

- (a) provide advice in relation to the conduct of investigations by the Commissioner of Police into police misconduct; and
- (b) audit the way in which the Commissioner of Police has dealt with police misconduct, whether in relation to a particular complaint or a class of complaints; and
- (c) assume responsibility for, and complete in accordance with Parts 6 and 7, an investigation commenced by the Commissioner of Police into misconduct by a police officer.

42. Section 89 amended (Own-motion investigations)

Section 89 of the Principal Act is amended by inserting after subsection (4) the following subsection:

- (5) The Board may, at any time, discontinue an investigation conducted as a result of a determination under subsection (1).

43. Section 91A inserted

Before section 92 of the Principal Act, the following section is inserted in Part 9:

91A. Return of complaint to Integrity Commission

(1) A person, public authority or integrity entity to whom a complaint has been referred under this Act may, by notice in writing to the chief executive officer, refer the complaint back to the Integrity Commission –

(a) if –

(i) there has been a material change in relation to the factual or evidentiary circumstances relating to the complaint; or

(ii) it is not within the capacity of the person, public authority or integrity entity to complete the investigation; and

(b) the Integrity Commission agrees to the complaint being referred back.

(2) The Integrity Commission may, having regard to the principles stated in section 9, take over the investigation of a

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complaint referred to a person, public authority or integrity entity under this Act if –

- (a) in the opinion of the Integrity Commission it is in the public interest to do so; or
 - (b) the person, public authority or integrity entity has, in the opinion of the Integrity Commission, failed to take appropriate action.
- (3) If a complaint is referred back to the Integrity Commission under subsection (1), or the Integrity Commission takes over the investigation of a complaint under subsection (2), the Integrity Commission must assume responsibility for, and deal with, the complaint under this Act.
- (4) If the Integrity Commission assumes responsibility for an investigation, the person, public authority or integrity entity must stop their investigation or any other action that may impede the Integrity Commission's investigation if directed to do so by the Integrity Commission.

44. Section 94 amended (Information confidential)

Section 94 of the Principal Act is amended as follows:

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- (a) by inserting in subsection (1) “(*the information holder*)” after “to a person”;
- (b) by omitting subsection (2) and substituting the following subsection:
 - (2) The information holder, and any other person who has access to documents or information in the course of the person’s employment, engagement, functions or duties with the information holder, must not disclose any documents or information obtained in accordance with this Act except –
 - (a) as may be required in connection with the administration or operation of this Act; or
 - (b) as may be required in connection with any proceedings under this Act, any other written law or the *Criminal Code*; or
 - (c) as authorised by the Board, the chief executive officer or an Integrity Tribunal; or
 - (d) to a prescribed person or in any prescribed circumstances.

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Penalty: Fine not exceeding 5 000
penalty units or
imprisonment for a term
not exceeding 2 years.

45. Section 95 amended (Protection from personal liability)

Section 95 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(j) “Commission.” and substituting “Commission;”;
- (b) by inserting the following paragraph after paragraph (j) in subsection (1):
 - (k) a person acting under the direction of a person referred to in paragraphs (a), (b), (c), (d), (e), (f), (g), (h), (i) and (j).
- (c) by inserting in subsection (2) “for the purposes of this Act” after “following persons”;
- (d) by omitting from subsection (2)(j) “Commission.” and substituting “Commission;”;
- (e) by inserting the following paragraph after paragraph (j) in subsection (2):
 - (k) a person acting under the direction of a person referred to

in paragraphs (a), (b), (c), (d), (e),
(f), (g), (h), (i) and (j).

46. Section 95A inserted

After section 95 of the Principal Act, the following section is inserted in Part 9:

95A. Prohibition on victimisation

A person must not, whether directly or indirectly, threaten, suggest, use, cause, inflict or instigate any violence, punishment, damage, loss or disadvantage against another person because that person provided information or produced or surrendered any record, information, material or other thing relating to a complaint or investigation to a person performing a function under this Act.

Penalty: Fine not exceeding 5 000 penalty units or imprisonment for a term not exceeding one year.

47. Section 96 amended (False or misleading statements)

Section 96 of the Principal Act is amended by omitting “person, in making a complaint, giving any information or advice or producing any record under this Act, must not” and substituting “person must not, in giving any information under this Act”.

48. Sections 97 and 98 substituted

Sections 97 and 98 of the Principal Act are repealed and the following sections are substituted:

97. Destruction or alteration of records or things

A person must not knowingly destroy, dispose of, interfere with or alter any record or thing required to be produced under this Act for the purpose of misleading –

- (a) a person performing a function or exercising a power under this Act; or
- (b) an integrity entity, a Parliamentary integrity entity or any other person to whom a complaint has been referred under this Act.

Penalty: Fine not exceeding 5 000 penalty units or imprisonment for a term not exceeding one year.

98. Certain notices to be confidential documents

- (1) In this section –

confidential notice means –

- (a) a notice under this Act that provides that it is a confidential document; or

- (b) a notice issued under subsection (3);

information, in relation to a confidential notice, includes –

- (a) the existence of the notice; and
- (b) the contents of the notice; and
- (c) any matters relating to or arising from the notice.

- (2) For the purposes of paragraph (c) in the definition of *information*, matters relating to or arising from a notice include, but are not limited to –

- (a) obligations or duties imposed on any person by the notice; and
- (b) any evidence or information produced or provided to the Integrity Commission or an Integrity Tribunal; and
- (c) the contents of any document seized under this Act; and
- (d) any information that might enable a person who is the subject of an assessment, investigation or inquiry to be identified or located; and

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- (e) the fact that any person has been required or directed by an assessor, an investigator, an inquiry officer or an Integrity Tribunal to provide information, attend an inquiry, give evidence or produce anything; and
 - (f) any other matters that may be prescribed.
- (3) The Integrity Commission may, by written notice, declare that any matter specified in the notice is confidential information if its disclosure would be likely to prejudice –
 - (a) an assessment, investigation or inquiry under this Act; or
 - (b) the safety of a person or the reputation of a person; or
 - (c) the fair trial of a person who has been, or may be, charged with an offence; or
 - (d) the interests of justice.
- (4) A person on whom a confidential notice is served, or to whom a confidential notice is given, must not disclose any information in relation to that notice to another person unless the person on whom the notice was served or to whom the notice was given has a reasonable excuse.

Penalty: Fine not exceeding 2 000 penalty units.

- (5) A person to whom any information in relation to a confidential notice is disclosed must not disclose the existence of that information to another person unless the person disclosing the information has a reasonable excuse.

Penalty: Fine not exceeding 2 000 penalty units.

- (6) A person who discloses any information in relation to a confidential notice must inform the person to whom the disclosure is made that it is an offence to disclose the information to another person unless the person to whom the disclosure is made has a reasonable excuse.

Penalty: Fine not exceeding 2 000 penalty units.

- (7) Without limiting what may constitute a reasonable excuse under this section, a person is taken to have a reasonable excuse for disclosing information relating to a confidential notice if –
- (a) the person was not informed, and could not reasonably have been expected to know, that the information related to a confidential notice; or

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- (b) the disclosure was made for the purpose of –
 - (i) obtaining legal advice in relation to the notice or about an offence under subsection (4), (5) or (6); or
 - (ii) obtaining information or assistance needed to comply with the notice; or
 - (iii) the administration of this Act.
- (8) If the Integrity Commission or an Integrity Tribunal has finally determined a complaint, any person on whom a confidential notice was served, or to whom a confidential notice was given, in relation to the complaint may apply to the Integrity Commission or an Integrity Tribunal for advice as to whether the notice is still a confidential notice.
- (9) The Integrity Commission or an Integrity Tribunal may, on application under subsection (8) or on its own initiative, advise a person on whom a notice was served or to whom a notice was given under this Act that the notice is no longer a confidential notice for the purposes of this section.
- (10) If the Integrity Commission or an Integrity Tribunal advises a person

referred to in subsection (9) that a notice is no longer a confidential notice, subsections (4), (5) and (6) do not apply in respect of that notice.

49. Section 99 amended (Injunctions)

Section 99(1) of the Principal Act is amended by inserting before paragraph (a) the following paragraph:

- (aa) an assessment or proposed assessment by an assessor; or

50. Schedule 5 amended (Meetings of Joint Standing Committee on Integrity)

Clause 3 of Schedule 5 to the Principal Act is amended by omitting subclause (2).

51. Schedule 6 amended (Provisions in Respect of Hearings of Integrity Tribunal)

Clause 2(7) of Schedule 6 to the Principal Act is amended by omitting “place, building, vehicle or vessel” and substituting “premises”.

52. Repeal of Act

This Act is repealed on the first anniversary of the day on which the last uncommenced provision of this Act commenced.