

TASMANIA

**CUSTODIAL INSPECTOR AMENDMENT
(PROTECTION FROM REPRISAL) BILL 2025**

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CUSTODIAL INSPECTOR AMENDMENT (PROTECTION FROM REPRISAL) BILL 2025

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*
2 April 2025

(Brought in by Cecily Ann Rosol MP)

A BILL FOR

An Act to amend the *Custodial Inspector Act 2016* to provide for protections from reprisal

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 *Custodial Inspector Amendment (Protection from Reprisal) Act 2025*.

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

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3. Principal Act

In this Act, the *Custodial Inspector Act 2016** is referred to as the Principal Act.

4. Section 4 amended (Interpretation)

Section 4 of the Principal Act is amended by omitting “section 10(b)” from the definition of *officer of the Inspector* and substituting “section 10(aa) or (b)”.

5. Section 10 amended (Delegation)

Section 10 of the Principal Act is amended by inserting after paragraph (a) the following paragraph:

- (aa) any person appointed by the Inspector for the purposes of the carrying out of an inspection; and

6. Section 15 amended (Inspection report)

Section 15 of the Principal Act is amended as follows:

- (a) by omitting from subsection (3) “, who is to table a copy of the report in each House of Parliament”;

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- (b) by omitting from subsection (5) “responsible Minister” and substituting “Inspector”;
- (c) by omitting from subsection (5)(a) “30 days” and substituting “7 days”;
- (d) by omitting from subsection (5)(b) “30-day” and substituting “7-day”;
- (e) by omitting from subsection (6)(a) “30-day” and substituting “7-day”;
- (f) by omitting from subsection (6) “responsible Minister” and substituting “Inspector”.

7. Section 17 amended (Inspector’s access to prisoners and detainees)

Section 17 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Inspector” and substituting “Inspector or an officer of the Inspector”;
- (b) by omitting from subsection (2)(a) “Inspector” and substituting “Inspector or an officer of the Inspector”;
- (c) by omitting from subsection (2)(b)(i) “Inspector” and substituting “Inspector or an officer of the Inspector”;

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- (d) by omitting from subsection (2)(b)(ii) “Inspector” and substituting “Inspector or an officer of the Inspector”.

8. Section 24 amended (Disclosure of information)

Section 24 of the Principal Act is amended by inserting after subsection (4) the following subsection:

- (4A) Subsection (1) does not prevent the disclosure of information to a public authority or the responsible Minister.

9. Section 25A inserted

After section 25 of the Principal Act, the following section is inserted in Part 4:

25A. Protection from reprisal

A person must not –

- (a) prejudice, or threaten to prejudice, the safety or career of; or
- (b) intimidate or harass, or threaten to intimidate or harass; or
- (c) do any act that is, or is likely to be, to the detriment of; or
- (d) incite or permit another person to take any of the actions specified

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in paragraph (a), (b) or (c) in
relation to –

another person because the other person
has provided, is providing or may in the
future provide information, whether true
or false, to the Inspector, or an officer of
the Inspector, for the purposes of this
Act.

Penalty: Fine not exceeding 240 penalty
units or imprisonment for a term
not exceeding 2 years, or both.

10. Section 34 substituted

Section 34 of the Principal Act is repealed and
the following section is substituted:

34. Protection for provision of information

A person who provides information
under this Act or of their own volition for
the purposes of this Act, in so far as the
information is provided in good faith,
whether the information is true or false,
the person –

- (a) does not incur any civil or
criminal liability; and
- (b) cannot be held to have breached
any code of professional etiquette
or ethics, or to have departed

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from any accepted standard of
professional conduct; and

(c) cannot be held to have
contravened any Act –

in respect of the provision of that
information.

11. Repeal of Act

This Act is repealed on the three hundred and
sixty fifth day from the day on which all of the
provisions of this Act commence.