

TASMANIA

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

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CUSTODIAL INSPECTOR AMENDMENT (PROTECTION FROM REPRISAL) BILL 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.

3. Principal Act

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

*No. 30 of 2016

4. Section 4 amended (Interpretation)

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

5. Section 10 amended (Delegation)

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

- (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 by –

- (a) omitting from subsection (3) “who is to table a copy of the report in each House of Parliament”;
- (b) omitting from subsection (5) “responsible Minister” and substituting “Inspector”; and
- (c) omitting from subsection (5)(a) “30 days” and substituting “7 days”;
- (d) omitting from subsection (5)(b) “30-day” and substituting “7-day”; and
- (e) 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”; and
- (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 the following subsection after subsection (4):

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

9. Section 25A inserted (Protection from reprisal)

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 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 amended (Protection for provision of information)

Section 34 of the Principal Act is amended by omitting everything after “under this Act” and substituting the following:

“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 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.