

TASMANIA

INTEGRITY COMMISSION AMENDMENT (MANDATORY NOTIFICATIONS) BILL 2025

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INTEGRITY COMMISSION AMENDMENT (MANDATORY NOTIFICATIONS) BILL 2025

*(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 (Mandatory Notifications) Act 2025*.

2. Commencement

This Act commences on a day 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 4 amended (Interpretation)

Section 4(1) of the Principal Act is amended by inserting after the definition of *misconduct* the following definition:

offence of a serious nature, in relation to serious misconduct, means an offence punishable by imprisonment for a term of 12 months or longer;

5. Part 4A inserted

After section 32 of the Principal Act, the following Part is inserted:

**PART 4A – MANDATORY NOTIFICATION OF
SUSPECTED MISCONDUCT OR SUSPECTED
SERIOUS MISCONDUCT**

32A. Interpretation of Part

In this Part –

commencement day means the day on which this Part commences;

guidelines means guidelines issued by the Integrity Commission under section 32F;

mandatory notification means a notification made by a mandatory notifier to the Integrity

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Commission in accordance with
section 32C;

mandatory notifier, in relation to a
public authority, includes –

- (a) a principal officer of the
public authority; and
- (b) a person, or a holder of a
position, in the public
authority who is
nominated under
section 32B(1) as a
mandatory notifier for
that public authority.

32B. Nomination of mandatory notifiers

- (1) If a public authority is not specified in
Schedule 1, or the position of principal
officer specified in relation to a public
authority in Schedule 1 is vacant, the
public authority is to nominate a person,
or the holder of a position, in that public
authority as a mandatory notifier for that
public authority.
- (2) A public authority may revoke a
nomination made by the public authority
under subsection (1), and may make a
new nomination under that subsection, if
the public authority considers it
necessary and appropriate to do so.

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- (3) As soon as practicable after making a nomination under subsection (1), the public authority must notify the Integrity Commission, in writing, of the person, or the holder of the position, in that public authority who is nominated under that subsection as a mandatory notifier for that public authority.
- (4) As soon as practicable after revoking a nomination under subsection (2), the public authority must notify the Integrity Commission, in writing, of the person, or the holder of the position, in that public authority whose nomination as a mandatory notifier for that public authority has been revoked under that subsection.

32C. Mandatory notifications

- (1) Subject to this section and the guidelines, a mandatory notifier for a public authority must notify the Integrity Commission of any matter or information that the mandatory notifier suspects, on reasonable grounds, involves or may involve –
 - (a) misconduct or serious misconduct by a designated public officer who holds any office, employment, or position, in that public authority; or

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- (b) serious misconduct by a public officer who holds any office, employment, or position, in that public authority –

as soon as practicable after that mandatory notifier forms the suspicion and regardless of whether that suspicion was formed before the commencement day.

- (2) A mandatory notifier for a public authority is not required to make a mandatory notification under subsection (1) in respect of misconduct or serious misconduct if the mandatory notifier –

- (a) knows that some other person has notified the Integrity Commission about the misconduct or serious misconduct; or

- (b) knows that legal, disciplinary, administrative or investigatory proceedings or actions in relation to the misconduct or serious misconduct were concluded under any Act before the commencement day.

- (3) A mandatory notifier for a public authority is required to make a mandatory notification under subsection (1) in respect of misconduct

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or serious misconduct by a person who was –

- (a) a designated public officer for the public authority at the time at which the misconduct, or serious misconduct, to be notified in the mandatory notification occurred; or
- (b) a public officer for the public authority at the time at which the serious misconduct to be notified in the mandatory notification occurred –

whether or not the person is a designated public officer, or public officer, for that public authority at the time at which the mandatory notifier makes the mandatory notification.

- (4) A mandatory notifier for a public authority must make a mandatory notification under subsection (1) in respect of misconduct or serious misconduct regardless of whether the misconduct or serious misconduct has been referred to a public officer, principal officer or public authority for the purposes of any Act.
- (5) If a public authority has concluded its own investigation, or taken any other action, in relation to a matter or

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information to which a mandatory notification relates, the public authority must, as soon as is practicable, notify the Integrity Commission of the outcome of the investigation or action.

- (6) A mandatory notifier for a public authority must have regard to the guidelines, if any, when making a mandatory notification under subsection (1).
- (7) This section applies to a mandatory notifier regardless of an obligation on the mandatory notifier –
 - (a) under the provisions of any Act; or
 - (b) to maintain confidentiality about the alleged misconduct or alleged serious misconduct to which the mandatory notification relates.

32D. Integrity Commission's role in relation to mandatory notifications

- (1) In dealing with mandatory notifications, the Integrity Commission, having regard to the principles stated in section 9, may –
 - (a) require a public authority to provide a report to the Integrity Commission detailing the actions

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the public authority is taking, or intends to take, in relation to a mandatory notification; and

- (b) provide advice to a public authority in relation to the conduct of an investigation by the public authority into any alleged misconduct, or alleged serious misconduct, to which a mandatory notification relates; and
 - (c) exercise any of the functions and powers in relation to misconduct that are conferred on the Integrity Commission under section 8.
- (2) If, in dealing with a mandatory notification under subsection (1)(c), the Integrity Commission assumes responsibility for an investigation commenced by a public authority into any alleged misconduct, or alleged serious misconduct, to which the mandatory notification relates, the public authority must stop the public authority's investigation, or any related actions, that may impede the Integrity Commission's investigation, if that public authority is directed to do so by the Integrity Commission.

32E. Failure of mandatory notifiers to make mandatory notifications

If the Integrity Commission believes that a mandatory notifier has failed to comply with the requirement to make a mandatory notification under section 32C(1), the Integrity Commission may do either or both of the following:

- (a) inquire into the alleged non-compliance with the mandatory notifier;
- (b) report the alleged non-compliance to a person or body who or which has the power to inquire into the alleged non-compliance.

32F. Guidelines for mandatory notifications

- (1) The Integrity Commission may, from time to time, determine and issue guidelines with respect to any matter relating to mandatory notifications, including but not limited to –
 - (a) the form, content and method of making a mandatory notification; and
 - (b) the provision of information and guidance on the types of matters

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- and information that require mandatory notification; and
 - (c) the provision of information and guidance on the obligations of mandatory notifiers.
- (2) The Integrity Commission may –
- (a) amend guidelines issued under subsection (1); or
 - (b) revoke guidelines issued under subsection (1) and issue guidelines under that subsection in their place.
- (3) The Integrity Commission, as soon as practicable after issuing any guidelines, is to publish, and keep published while in force, a copy of those guidelines on a website of the Integrity Commission.

6. Section 104 amended (Amendment of Schedule 1)

Section 104 of the Principal Act is amended by inserting after subsection (3) the following subsection:

- (4) The amendment by an Act of Column 1 of Schedule 1, or Column 2 of Schedule 1, does not prevent those Columns of that Schedule, or that Schedule itself, from being amended, or omitted and substituted, by a subsequent

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order made under subsection (1), (2) or (3).

7. Schedule 1 amended (Principal Officers)

Schedule 1 to the Principal Act is amended by inserting after item 7 in Part 1 the following item:

8.	University of Tasmania	Vice-Chancellor of the University of Tasmania
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8. Repeal of Act

This Act is repealed on the first anniversary of the day on which it commenced.