

FACT SHEET

Integrity Commission Amendment (Mandatory Notifications) Bill 2025

The Integrity Commission Amendment (Mandatory Notifications) Bill 2025 (the Bill) proposes a number of amendments to the *Integrity Commission Act 2009* (the Act) to implement recommendation 18.11 of the final report of the Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings.

Recommendation 18.11 recommended that the Government implement recommendation 11 of Independent Reviewer's 2016 Report, 'Independent Review of the *Integrity Commission Act 2009*' (the Cox Review), in relation to mandatory notification requirements.

The Bill introduces a new part (Part 4A) into the Act, establishing the requirements and framework for mandatory notifications. The Bill also makes other amendments to address two additional Cox Review recommendations which are relevant to mandatory notifications.

Key aspects of the new Part 4A are:

- A mandatory notifier for a public authority is required to 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 (DPO) (DPOs include commissioned police officers, senior executive officers, statutory office holders, Council members and Members of Parliament)
 - (b) Serious misconduct by a public officer.
- A mandatory notifier for a public authority is defined as being a principal officer of the public authority or a person or holder of a position who has been nominated as a mandatory notifier (if there is no principal officer, or that office is vacant). Principal officers are set out in Schedule 1 of the Integrity Commission Act and include heads of agencies, the Commissioner of Police, the General Manager of a Council and the Chief Executive Officer of a Government Business Enterprise or State-owned Company.
- A mandatory notification must be made as soon as practicable after the mandatory notifier forms the suspicion.
- A mandatory notifier is only obliged to make a mandatory notification in respect of public officers and DPOs in their public authority. However, a mandatory notifier is obliged to make a mandatory notification in respect of former public officers or DPOs if the suspected misconduct or serious misconduct occurred while the person was a public officer or DPO in that public authority.
- The obligation to make a mandatory notification is paramount and applies regardless of any obligations under other Acts or in relation to confidentiality. A mandatory notifier must make a mandatory notification regardless of whether the matter has been referred to another public officer or public authority such as the police or Independent Regulator.

- There are two exceptions to the obligation to make a mandatory notification:
 - (a) if the mandatory notifier knows that someone else has notified the Integrity Commission about the misconduct or serious misconduct
 - (b) if the mandatory notifier knows that legal, disciplinary, administrative or investigatory proceedings or actions in relation to the misconduct or serious misconduct were concluded before the date on which these amendments commence.
- The Integrity Commission can issue guidelines in relation to mandatory notifications and a mandatory notifier must have regard to the guidelines in making a mandatory notification.
- In dealing with a mandatory notification, the Integrity Commission may:
 - (a) require a public authority to provide a report detailing the actions it intends to take in relation to the mandatory notification
 - (b) provide advice to the public authority on the conduct of an investigation into any alleged misconduct or serious misconduct to which a mandatory notification relates
 - (c) exercise any of its functions and powers relating to misconduct set out in section 8 of the Integrity Commission Act. If the Integrity Commission assumes responsibility for an investigation commenced by a public authority, it can direct the public authority to stop its own investigations and related actions that may impede the Integrity Commission's investigation.
- If a public authority undertakes its own investigation or has taken any other action in relation to a mandatory notification, it must notify the Integrity Commission of the outcome as soon as practicable.
- If the Integrity Commission believes that a mandatory notifier has not complied with the requirement to make a mandatory notification, it can inquire into the alleged non-compliance with the mandatory notifier and/or report the alleged non-compliance to a person or body who has the power to inquire into it.

In addition to the new Part 4A, the Bill amends section 4 of the Integrity Commission Act to include a new definition of 'offence of a serious nature'. This amendment addresses Cox Review recommendation 9 and is relevant to mandatory notification provisions in that the term 'offence of a serious nature' is part of the definition of 'serious misconduct'. 'Offence of a serious nature' is defined as an offence punishable by imprisonment for a term of 12 months or longer. This is a consistent threshold with other Acts, including Acts that provide a benchmark for removing a statutory officer from office.

The Bill also includes amendments to section 104 and Schedule 1 of the Integrity Commission Act to provide for the Vice Chancellor of the University of Tasmania to be included in Schedule 1 as the principal officer for the University. This amendment was also recommended in the Cox Review at recommendation 32.

The amendments will commence on proclamation.