

2024

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Chief Minister)

# Integrity Legislation Amendment Bill 2024

## Contents

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	Page
<b>Part 1</b>	
<b>Preliminary</b>	
1 Name of Act	2
2 Commencement	2
3 Legislation amended	2
<b>Part 2</b>	
<b>Freedom of Information Act 2016</b>	
4 Meaning of <i>contrary to the public interest information</i> Section 16 (2)	3
5 New section 16 (3)	3
6 Schedule 1, section 1.1B	4

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J2022-1257

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

	Page
<b>Part 3</b>	
<b>Integrity Commission Act 2018</b>	
7 Commissioner—eligibility for appointment Section 26 (2)	5
8 Section 26 (3)	5
9 Commissioner—disclosure of interests Section 30	5
10 Section 40	5
11 CEO—appointment Section 41 (2) (c)	7
12 Staff of the commission—eligibility for appointment Section 50 (2)	7
13 Section 50 (3) (b) and note	7
14 Section 50 (4) to (6)	8
15 New sections 50A and 50B	8
16 Mandatory corruption notifications—heads of public sector entities and senior executives New section 62 (3)	9
17 Mandatory corruption notifications—MLAs and chiefs of staff New section 63 (3)	9
18 Commission must keep complainant informed Section 72 (1), note 2	10
19 Commission must keep notifier informed Section 74, note 2	10
20 Confidentiality notices for preliminary inquiries Section 78 (2), new example	10
21 Confidentiality notices for investigations Section 79 (2), new example	10
22 Meaning of <i>permitted disclosure</i> of restricted information—pt 3.2 Section 81, definition of <i>permitted disclosure</i> , paragraph (b) (iii)	11
23 Section 81, definition of <i>permitted disclosure</i> , new paragraph (b) (iv)	11
24 Section 81, definition of <i>permitted disclosure</i> , new paragraph (da)	11
25 Power to request information from head of public sector entity Section 89 (3)	12
26 Power to issue preliminary inquiry notice Section 90 (2)	12
27 Section 90 (4)	12
contents 2	
Integrity Legislation Amendment Bill 2024	

## Contents

	Page
28 Section 90 (5)	13
29 New section 90B	13
30 Preliminary inquiry notice—content Section 91 (2) (b) (iii)	13
31 New section 91 (2) (b) (via)	14
32 Preliminary inquiry notice—service Section 93 (1)	14
33 New section 94A	14
34 Examinations may be public or private Section 143 (5), notes 1 and 2	15
35 Section 144	15
36 Power to issue examination summons Section 147 (1)	16
37 New section 147 (1A)	16
38 Section 147 (2) (a)	16
39 Section 147 (3)	16
40 Section 147 (4), except notes	17
41 New section 147B	17
42 Examination summons—content New section 148 (3) (aa)	17
43 Section 148 (3) (b) (iv)	18
44 New section 148 (3) (b) (xiia)	18
45 Examination summons—notice and immediate attendance Section 150 (1)	18
46 New section 156A	19
47 Investigation report—comments on proposed reports Section 188 (6) to (8)	20
48 New section 188A	20
49 Public sector entity may disclose information to commission New section 195 (3)	21
50 Commission must give non-disclosure notice when giving information Section 198 (1) (d)	21
51 Section 198 (1) (f) and (g)	21
52 New section 198 (2A)	21
53 Section 198 (3)	22

## Contents

	Page
54	Meaning of <i>permitted disclosure</i> of information—pt 3.10
	Section 199, definition of <i>permitted disclosure</i> , paragraph (a) (iii) 22
55	Section 199, definition of <i>permitted disclosure</i> , new paragraph (a) (iv) 23
56	Section 199, definition of <i>permitted disclosure</i> , new paragraph (ca) 23
57	Offences—disclose information received from the commission
	Section 201 (1) 23
58	Commissioner—monthly reports to inspector
	New section 205 (ea) 24
59	Section 205 (f) (iii) 24
60	Section 205 (g) 25
61	New section 205 (ha) 25
62	Special report—not to include information that may prejudice proceeding etc
	Section 209 (a) 25
63	Special report—comments on proposed reports
	Section 212 (6) to (8) 25
64	New section 212A 26
65	Commission annual report—content
	New section 218 (1) (ka) 26
66	New section 218 (1) (ta) 26
67	Commission annual report—not to include information that may prejudice proceeding etc
	Section 221 (a) 27
68	Commission annual report—comments on proposed reports
	Section 224 (6) to (8) 27
69	New section 224A 27
70	Inspector—disclosure of interests
	Section 236 28
71	Section 246 28
72	Staff of the inspector—eligibility for appointment
	Section 251 (2) 30
73	Section 251 (3) (b) and note 30
74	Section 251 (4) to (6) 30
75	New sections 251A and 251B 31
76	Inspector—must keep complainant informed
	Section 259 (1), note 2 32

	Page
77 Inspector—must give non-disclosure notice when giving information Section 260 (1) (b) and (c)	32
78 New section 260 (2A)	32
79 Section 260 (3)	33
80 Meaning of <i>permitted disclosure</i> of information—pt 5.2 Section 261, definition of <i>permitted disclosure</i> , paragraph (a) (iii)	33
81 Section 261, definition of <i>permitted disclosure</i> , new paragraph (a) (iv)	33
82 Section 261, definition of <i>permitted disclosure</i> , new paragraph (ca)	34
83 Offences—disclose information received from the inspector Section 263 (1)	34
84 Inspector's special report—comments on proposed reports Section 277 (6) to (8)	35
85 New section 277A	35
86 Inspector—annual operational review of commission New section 280 (2) (a) (v)	36
87 New section 280 (3)	36
88 Inspector's annual report—content New section 283 (1) (b) (va)	36
89 New section 283 (1) (b) (via)	36
90 New section 283 (1) (b) (viia)	37
91 Section 283 (1) (e)	37
92 Inspector's annual report—comments on proposed reports Section 285 (6) to (8)	37
93 New section 285A	38
94 New part 7.4	38
95 Offences—use or divulge protected information New section 297 (3) (c) to (e)	41
96 Dictionary, note 2	41
97 Dictionary, new definition of <i>psychologist</i>	42
98 Dictionary, new definition of <i>wellbeing policy</i>	42

**Part 4                      Public Sector Management Act 1994**

99	Certain office-holders have management powers	
	Section 152 (6), definition of <i>management provision</i> , paragraph (g)	43

<b>Schedule 1</b>	<b>Integrity Commission Act 2018—Technical amendments</b>	44
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2024

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Chief Minister)

# Integrity Legislation Amendment Bill 2024

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## A Bill for

An Act to amend legislation about the integrity commission, and for other purposes

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The Legislative Assembly for the Australian Capital Territory enacts as follows:

1	<b>Part 1</b>	<b>Preliminary</b>
2	<b>1</b>	<b>Name of Act</b>
3		This Act is the <i>Integrity Legislation Amendment Act 2024</i> .
4	<b>2</b>	<b>Commencement</b>
5	(1)	This Act (other than sections 42, 87, 94 and 98) commences on the
6		7th day after its notification day.
7	<i>Note</i>	The naming and commencement provisions automatically commence on
8		the notification day (see <a href="#">Legislation Act</a> , s 75 (1)).
9	(2)	Sections 42, 87, 94 and 98 commence 6 months after this Act's
10		notification day.
11	<b>3</b>	<b>Legislation amended</b>
12		This Act amends the following legislation:
13		• <a href="#">Freedom of Information Act 2016</a>
14		• <a href="#">Integrity Commission Act 2018</a>
15		• <a href="#">Public Sector Management Act 1994</a> .



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## Part 2 Freedom of Information Act 2016

### 4 Meaning of *contrary to the public interest information* Section 16 (2)

*omit*

(other than information subject to legal professional privilege under section 1.2)

*substitute*

(other than exempt information)

### 5 New section 16 (3)

*insert*

(3) In this section:

***exempt information*** means information that is taken to be contrary to the public interest to disclose under the following sections:

- (a) schedule 1, section 1.1B (Information related to integrity commission matters);
- (b) schedule 1, section 1.2 (Information subject to legal professional privilege).

**6 Schedule 1, section 1.1B***substitute***1.1B Information related to integrity commission matters**

(1) Information in the possession of the integrity commission, the integrity commission inspector, a special investigator or another entity, that would, or could reasonably be expected to—

(a) identify a person who has given information to the integrity commission or integrity commission inspector, or allow the identity of the person to be worked out; or

(b) adversely affect a preliminary inquiry, or an investigation, under the *Integrity Commission Act 2018*; or

(c) disclose, or adversely affect the effectiveness of, a method or procedure used by the integrity commission or integrity commission inspector, to investigate or otherwise deal with a complaint; or

(d) endanger the life or physical safety of a person who—

(i) carries out a function for the integrity commission or integrity commission inspector; or

(ii) has given information to the integrity commission or integrity commission inspector.

(2) In this section:

**complaint**—see the *Integrity Commission Act 2018*, section 287.

**special investigator**—see the *Integrity Commission Act 2018*, section 286 (2).

## Part 3 Integrity Commission Act 2018

### 7 Commissioner—eligibility for appointment Section 26 (2)

*omit*

### 8 Section 26 (3)

*omit*

In addition,

*substitute*

However,

### 9 Commissioner—disclosure of interests Section 30

*omit everything before paragraph (a), substitute*

The commissioner must give a written statement of their financial and other personal interests to the Speaker, and the inspector, within 5 business days after—

### 10 Section 40

*substitute*

### 40 Commissioner—acting appointment

*Note* The Speaker has power to appoint an acting commissioner if the position is vacant or if the commissioner cannot for any reason exercise a function (see [Legislation Act](#), s 209 (1)).

(1) The Speaker must not appoint a person to act as commissioner unless either—

(a) the Legislative Assembly has approved the appointment, by resolution passed by a majority of at least  $\frac{2}{3}$  of the members; or

- 1 (b) the appointment has been approved by—
- 2 (i) the Chief Minister; and
- 3 (ii) the Leader of the Opposition; and
- 4 (iii) the leader (however described) of a registered party (other
- 5 than the party to which the Chief Minister or Leader of the
- 6 Opposition belongs) if at least 2 members of the
- 7 Legislative Assembly are members of the party.
- 8 (2) An acting appointment must be made in consultation with the relevant
- 9 Assembly committee.
- 10 (3) An acting appointment must not be for a term longer than 2 years.
- 11 (4) A person who has been acting commissioner for a cumulative period
- 12 of 7 years is not eligible for reappointment.
- 13 (5) To remove any doubt, multiple acting commissioners may be
- 14 appointed concurrently.
- 15 **Example—concurrent appointments**
- 16 If the commissioner has a conflict of interest in relation to an investigation, the
- 17 Speaker may appoint an acting commissioner to perform functions of the
- 18 commissioner in relation to the investigation while the commissioner continues to
- 19 perform their other functions.
- 20 (6) To remove any doubt—
- 21 (a) subsections (1) to (4) displace the [Legislation Act](#),
- 22 section 209 (2) and (3) (Power of appointment includes power
- 23 to make acting appointment); and
- 24 (b) subsections (3) and (4) displace the [Legislation Act](#),
- 25 section 221 (1) and (2) (How long does an acting appointment
- 26 operate?); and
- 27 (c) the remaining provisions of the [Legislation Act](#), part 19.3
- 28 (Appointments) apply in relation to an acting appointment.

- 1           (7) The Speaker must give the inspector written notice—  
2               (a) of an acting appointment; and  
3               (b) if the acting appointment takes effect only in particular  
4               circumstances—on each occasion when the acting appointment  
5               takes effect.

6       **11       CEO—appointment**  
7       **Section 41 (2) (c)**

8           *omit*

9       **12       Staff of the commission—eligibility for appointment**  
10       **Section 50 (2)**

11           *substitute*

- 12           (2) However, the commissioner must not appoint a person as a member  
13           of staff of the commission if the person is or has, in the 2 years  
14           immediately before the day of the proposed appointment, been—  
15               (a) a member of the Legislative Assembly; or  
16               (b) a member of staff of an MLA.

17               *Note       Member of staff of an MLA*—see s (4) and dictionary.

18       **13       Section 50 (3) (b) and note**

19           *substitute*

- 20           (b) declare financial or other personal interests the commission  
21           considers relevant;

22               *Note       Personal interest guidelines*—see s 50B (1).

**14 Section 50 (4) to (6)**

*substitute*

(4) In this section:

***member of staff of an MLA*** does not include a temporary member of staff of an MLA.

*Note* ***Member of staff of an MLA***—see the dictionary.

***temporary member of staff of an MLA*** means a public servant employed by an MLA for not longer than 3 months in the 12 months immediately before the day of the proposed appointment.

**15 New sections 50A and 50B**

*insert*

**50A Staff of the commission—conflicts of interest register**

(1) If a member of staff of the commission has a financial or other personal interest that conflicts, may conflict, or may be perceived to conflict with the member's functions, the member must disclose to the commissioner, in writing, the nature of the interest and the conflict or potential conflict.

*Note* The member of staff must disclose a conflict of interest as soon as possible and as often as needed (see [Legislation Act](#), s 151B).

(2) The commissioner must keep a register of disclosures made under subsection (1) (the ***conflicts of interest register***).

(3) The commissioner must make the conflicts of interest register available for inspection by the inspector at any time.

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**50B Staff of the commission—personal interest guidelines**

- (1) The commission must make guidelines (the *personal interest guidelines*) about the financial and other personal interests the commission considers relevant for staff of the commission to declare under—
- (a) section 50 (3) (b); and
- (b) section 50A.
- (2) A guideline is a notifiable instrument.
- (3) The commission must publish the personal interest guidelines on the commission’s website.

**16 Mandatory corruption notifications—heads of public sector entities and senior executives**  
**New section 62 (3)**

*insert*

- (3) In addition, a person need not notify the commission about a matter if the person believes on reasonable grounds that—
- (a) someone else has notified the commission about the matter; and
- (b) the other person has the same reasons for their suspicion.

**17 Mandatory corruption notifications—MLAs and chiefs of staff**  
**New section 63 (3)**

*insert*

- (3) However, a person need not notify the commission about a matter if the person believes on reasonable grounds that—
- (a) someone else has notified the commission about the matter; and
- (b) the other person has the same reasons for their suspicion.

1 **18 Commission must keep complainant informed**  
2 **Section 72 (1), note 2**

3 *omit*  
4 must also  
5 *substitute*  
6 may also be required to

7 **19 Commission must keep notifier informed**  
8 **Section 74, note 2**

9 *omit*  
10 must also  
11 *substitute*  
12 may also be required to

13 **20 Confidentiality notices for preliminary inquiries**  
14 **Section 78 (2), new example**

15 *insert*

16 **Example**

17 The commission may give a confidentiality notice to a person nominated to deliver  
18 a document or other thing to the commission under s 90B.

19 **21 Confidentiality notices for investigations**  
20 **Section 79 (2), new example**

21 *insert*

22 **Example**

23 The commission may give a confidentiality notice to a person nominated to deliver  
24 a document or other thing to the commission under s 147B.



**22**      **Meaning of *permitted disclosure* of restricted information—pt 3.2**  
**Section 81, definition of *permitted disclosure*, paragraph (b) (iii)**

*omit*

the age of 18 years

*substitute*

18 years old

**23**      **Section 81, definition of *permitted disclosure*, new paragraph (b) (iv)**

*insert*

(iv) to a doctor or psychologist if the person is seeking assistance with their health or wellbeing; or

**24**      **Section 81, definition of *permitted disclosure*, new paragraph (da)**

*insert*

(da) made by the person to their insurer, if the person has made a claim about a matter related to the restricted information under either of the following Acts:

(i) the *Workers Compensation Act 1951*;

(ii) the *Safety, Rehabilitation and Compensation Act 1988* (Cwlth); or

- 1 **25** **Power to request information from head of public sector**  
2 **entity**  
3 **Section 89 (3)**
- 4 *omit*  
5 must give a copy  
6 *substitute*  
7 must, as far as practicable, give a copy
- 8 **26** **Power to issue preliminary inquiry notice**  
9 **Section 90 (2)**
- 10 *substitute*  
11 (2) However, the commission may issue a preliminary inquiry notice  
12 only if the commission—  
13 (a) suspects on reasonable grounds that the document or other thing  
14 may be necessary to decide whether to dismiss, refer or  
15 investigate a corruption report, or investigate a matter on its own  
16 initiative; and  
17 (b) is satisfied that it is reasonable to do so.
- 18 **27** **Section 90 (4)**
- 19 *omit*  
20 the age of 18 years  
21 *substitute*  
22 18 years old

1 **28 Section 90 (5)**

2 *omit*

3 **29 New section 90B**

4 *insert*

5 **90B Preliminary inquiry notice—delivery of document or thing**

6 The commission may excuse a person issued with a preliminary  
7 inquiry notice from attendance at the commission if the required  
8 document or other thing is delivered to the commission before the  
9 time for production stated in the preliminary inquiry notice, by—

10 (a) the person; or

11 (b) if the commission agrees to a nominated person delivering the  
12 document or other thing to the commission—the nominated  
13 person.

14 *Note* The commission may give the person, and any nominated person,  
15 a confidentiality notice (see s 78).

16 **30 Preliminary inquiry notice—content**  
17 **Section 91 (2) (b) (iii)**

18 *omit*

19 the age of 16 years

20 *substitute*

21 16 years old

**31 New section 91 (2) (b) (via)**

*insert*

(via) that the commission may excuse the person from attendance if the person, or a nominated person, produces the required document or other thing to the commission before the time for production stated in the preliminary inquiry notice;

*Note* See s 90B.

**32 Preliminary inquiry notice—service  
Section 93 (1)**

*omit*

7 days

*substitute*

10 business days

**33 New section 94A**

*insert*

**94A Preliminary inquiry notice—extension**

(1) A person who receives a preliminary inquiry notice may apply to the commission for an extension of time to attend the commission or otherwise comply with the notice.

(2) The commission must give the person a written notice (an *extension notice*) stating—

(a) if the commission agrees to the extension—the new time to attend or otherwise comply with the notice; or

(b) if the person requests a particular extension but the commission agrees to a shorter extension—the new time to attend or otherwise comply with the notice, including the reasons for the shorter extension; or

(c) if the commission refuses the extension—that the application is refused, including the reasons for the refusal.

*Note* The commission must report monthly to the inspector about extensions (see s 205).

**34**      **Examinations may be public or private**  
**Section 143 (5), notes 1 and 2**

*omit*

**35**      **Section 144**

*substitute*

**144**      **Commission must notify inspector of public examination**

(1) If the commission intends to hold a public examination, the commission must give the inspector written notice of—

(a) when the public examination is to be held; and

(b) the commission's reasons for holding the examination in public.

(2) The commission must give the inspector the notice—

(a) at least 10 business days before the day of the public examination; and

(b) before doing either of the following:

(i) issuing an examination summons for the examination;

(ii) making any public announcement about the examination.

*Note* The commission must also report monthly to the inspector about public examinations (see s 205).

1 **36 Power to issue examination summons**  
2 **Section 147 (1)**

3 *omit everything before paragraph (a), substitute*

- 4 (1) In carrying out an investigation, the commission may issue a  
5 summons (an *examination summons*) to a person, requiring the  
6 person to appear before the commission, at a stated time and place, to  
7 do 1 or more of the following:

8 **37 New section 147 (1A)**

9 *insert*

- 10 (1A) However, the commission may issue an examination summons only  
11 if the commission—

- 12 (a) suspects on reasonable grounds that the evidence, document or  
13 other thing may be necessary for the investigation; and  
14 (b) is satisfied that it is reasonable to do so.

15 **38 Section 147 (2) (a)**

16 *omit*

17 **39 Section 147 (3)**

18 *omit*

19 the age of 18 years

20 *substitute*

21 18 years old

**40 Section 147 (4), except notes***omit***41 New section 147B***insert***147B Examination summons—delivery of document or thing**

(1) This section applies if the commission has issued a person with an examination summons only to produce a document or other thing to the commission under section 147 (1) (b).

(2) The commission may excuse the person from attendance at the commission if the required document or other thing is delivered to the commission before the time for production stated in the examination summons, by—

(a) the person; or

(b) if the commission agrees to a nominated person delivering the document or other thing to the commission—the nominated person.

*Note* The commission may give the person, and any nominated person, a confidentiality notice (see s 79).

**42 Examination summons—content  
New section 148 (3) (aa)***after the note, insert*

(aa) the wellbeing policy; and

*Note* **Wellbeing policy**—see s 295A (1).

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**46      New section 156A***insert***156A      Examination summons—extension**

(1) A person who receives an examination summons may apply to the commission for an extension of time to attend the commission or otherwise comply with the examination summons.

(2) The commission must give the person a written notice (an *extension notice*) stating—

(a) if the commission agrees to the extension—the new time to attend or otherwise comply with the examination summons; or

(b) if the person requests a particular extension but the commission agrees to a shorter extension—the new time to attend or otherwise comply with the examination summons, including the reasons for the shorter extension; or

(c) if the commission refuses the extension—that the application is refused, including the reasons for the refusal.

*Note*      The commission must report monthly to the inspector about extensions (see s 205).

(3) This section does not apply to a person who receives an examination summons that requires immediate attendance under section 150 (2).

**47 Investigation report—comments on proposed reports**  
**Section 188 (6) to (8)**

*substitute*

- (6) If the commission gives a person all or part of a proposed report under subsection (2) or (3), the commission may, on request, also give all or part of the proposed report to someone else nominated by the person to assist the person in preparing their comments on all or part of the proposed report.

*Note* The commission must also give the nominated person a non-disclosure notice about the information in the proposed report (see s 198).

**48 New section 188A**

*insert*

**188A Investigation report—considering comments on proposed reports**

- (1) If the commission receives comments on all or part of a proposed investigation report under section 188, the commission—
- (a) must consider the comments in preparing the investigation report; and
  - (b) may include the comments as an attachment to the investigation report.
- (2) If the commission is satisfied that amendment is an appropriate response to the comments, the commission may amend the proposed report.
- (3) If the commission is not satisfied that amendment is an appropriate response to the comments, the commission must tell the person, in writing, before the investigation report is published, that the proposed report is to be published unamended.

**49      Public sector entity may disclose information to  
commission  
New section 195 (3)**

*insert*

- (3) A head of a public sector entity who discloses information to the commission under this section, and any person who assists the head in disclosing the information, has the same protection and immunity as a witness has in a proceeding in the Supreme Court.

**50      Commission must give non-disclosure notice when  
giving information  
Section 198 (1) (d)**

*substitute*

- (d) section 188 (2), (3) or (6) (Investigation report—comments on proposed reports); or

**51      Section 198 (1) (f) and (g)**

*substitute*

- (f) section 212 (2), (3) or (6) (Special report—comments on proposed reports); or
- (g) section 224 (2), (3) or (6) (Commission annual report—comments on proposed reports).

**52      New section 198 (2A)**

*insert*

- (2A) However, the commission need not give a person a non-disclosure notice if the commission is only—
- (a) telling the person that their corruption complaint is dismissed under section 72 (1) (a), section 73 (a) or section 74 (a); or

Section 53

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- 1 (b) giving the person information about the progress of an  
2 investigation under section 72 (1) (c) or section 74 (c), and the  
3 commission—
- 4 (i) has previously given the person information about the  
5 progress of the investigation, including a non-disclosure  
6 notice about the information, and the non-disclosure notice  
7 has not expired or been revoked; and
- 8 (ii) tells the person that the previous non-disclosure notice  
9 continues to operate, and also applies to the new  
10 information.
- 11 *Note* The commission must give the person a progress update at least  
12 once every 3 months under s 72 (1) (c) and s 74 (c).

**53 Section 198 (3)**

- 14 *omit*
- 15 the non-disclosure notice
- 16 *substitute*
- 17 a non-disclosure notice

**54 Meaning of *permitted disclosure* of information—pt 3.10  
Section 199, definition of *permitted disclosure*, paragraph  
(a) (iii)**

- 21 *omit*
- 22 the age of 18 years
- 23 *substitute*
- 24 18 years old

**55      Section 199, definition of *permitted disclosure*, new paragraph (a) (iv)**

*insert*

- (iv) to a doctor or psychologist if the person is seeking assistance with their health or wellbeing; or

**56      Section 199, definition of *permitted disclosure*, new paragraph (ca)**

*insert*

- (ca) made by the person to their insurer, if the person has made a claim about a matter related to the information mentioned in the non-disclosure notice under either of the following Acts:

- (i) the *Workers Compensation Act 1951*;
- (ii) the *Safety, Rehabilitation and Compensation Act 1988* (Cwlth); or

**57      Offences—disclose information received from the commission  
Section 201 (1)**

*substitute*

- (1) A person commits an offence if—

- (a) the person is given information under—

- (i) section 72 (Commission must keep complainant informed); or
- (ii) section 73 (Commission must keep referring entity informed); or
- (iii) section 74 (Commission must keep notifier informed); or
- (iv) section 188 (2), (3) or (6) (Investigation report—comments on proposed reports); or

Section 58

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- 1 (v) section 197 (1) (Information about investigation may be  
2 given to certain people); or
- 3 (vi) section 212 (2), (3) or (6) (Special report—comments on  
4 proposed reports); or
- 5 (vii) section 224 (2), (3) or (6) (Commission annual report—  
6 comments on proposed reports); and
- 7 (b) the person is—
- 8 (i) given a non-disclosure notice about the information under  
9 section 198 (2); or
- 10 (ii) told that a previous non-disclosure notice applies to the  
11 new information under section 198 (2A) (b) (ii); and
- 12 (c) the non-disclosure notice has not expired; and
- 13 (d) the person discloses the information.
- 14 Maximum penalty: 100 penalty units, imprisonment for 1 year or  
15 both.

16 **58 Commissioner—monthly reports to inspector**  
17 **New section 205 (ea)**

18 *insert*

- 19 (ea) a copy of each extension notice given to a person under  
20 section 94A (2) (Preliminary inquiry notice—extension);

21 **59 Section 205 (f) (iii)**

22 *omit*

**60 Section 205 (g)***substitute*

- (g) a copy of each notice given to the inspector under section 144 (1) (Commission must notify inspector of public examination);

**61 New section 205 (ha)***insert*

- (ha) a copy of each extension notice given to a person under section 156A (2) (Examination summons—extension);

**62 Special report—not to include information that may prejudice proceeding etc  
Section 209 (a)***substitute*

- (a) compromise an investigation under this Act; or

**63 Special report—comments on proposed reports  
Section 212 (6) to (8)***substitute*

- (6) If the commission gives a person all or part of a proposed report under subsection (2) or (3), the commission may, on request, also give all or part of the proposed report to someone else nominated by the person to assist the person in preparing their comments on all or part of the proposed report.

*Note* The commission must also give the nominated person a non-disclosure notice about the information in the proposed report (see s 198).

- 1 **64 New section 212A**
- 2 *insert*
- 3 **212A Special report—considering comments on proposed**
- 4 **reports**
- 5 (1) If the commission receives comments on all or part of a proposed
- 6 special report under section 212, the commission—
- 7 (a) must consider the comments in preparing the special report; and
- 8 (b) may include the comments as an attachment to the special
- 9 report.
- 10 (2) If the commission is satisfied that amendment is an appropriate
- 11 response to the comments, the commission may amend the proposed
- 12 report.
- 13 (3) If the commission is not satisfied that amendment is an appropriate
- 14 response to the comments, the commission must tell the person, in
- 15 writing, before the special report is published, that the proposed
- 16 report is to be published unamended.
- 17 **65 Commission annual report—content**
- 18 **New section 218 (1) (ka)**
- 19 *insert*
- 20 (ka) extensions of time to comply with a preliminary enquiry notice
- 21 given under section 94A (Preliminary inquiry notice—
- 22 extension);
- 23 **66 New section 218 (1) (ta)**
- 24 *insert*
- 25 (ta) extensions of time to comply with an examination summons
- 26 given under section 156A (Examination summons—extension);



**67 Commission annual report—not to include information that may prejudice proceeding etc**  
**Section 221 (a)**

*substitute*

(a) compromise an investigation under this Act; or

**68 Commission annual report—comments on proposed reports**  
**Section 224 (6) to (8)**

*substitute*

(6) If the commission gives a person all or part of a proposed report under subsection (2) or (3), the commission may, on request, also give all or part of the proposed report to someone else nominated by the person to assist the person in preparing their comments on all or part of the proposed report.

*Note* The commission must also give the nominated person a non-disclosure notice about the information in the proposed report (see s 198).

**69 New section 224A**

*in part 4.3, insert*

**224A Commission annual report—considering comments on proposed reports**

(1) If the commission receives comments on all or part of a proposed commission annual report under section 224, the commission—

(a) must consider the comments in preparing the commission annual report; and

(b) may include the comments as an attachment to the commission annual report.

1           (2) If the commission is satisfied that amendment is an appropriate  
2           response to the comments, the commission may amend the proposed  
3           report.

4           (3) If the commission is not satisfied that amendment is an appropriate  
5           response to the comments, the commission must tell the person, in  
6           writing, before the commission annual report is published, that the  
7           proposed report is to be published unamended.

8       **70           Inspector—disclosure of interests**  
9       **Section 236**

10           *omit everything before paragraph (a), substitute*

11           The inspector must give a written statement of their financial and  
12           other personal interests to the Speaker within 5 business days after—

13       **71           Section 246**

14           *substitute*

15       **246           Inspector—acting appointment**

16           *Note*       The Speaker has power to appoint an acting inspector if the position is  
17                       vacant or if the inspector cannot for any reason exercise a function (see  
18                       [Legislation Act](#), s 209 (1)).

19           (1) The Speaker must not appoint a person to act as inspector unless  
20           either—

21           (a) the Legislative Assembly has approved the appointment, by  
22           resolution passed by a majority of at least  $\frac{2}{3}$  of the members; or

23           (b) the appointment has been approved by—

24                       (i) the Chief Minister; and

25                       (ii) the Leader of the Opposition; and

- 1 (iii) the leader (however described) of a registered party (other  
2 than the party to which the Chief Minister or Leader of the  
3 Opposition belongs) if at least 2 members of the  
4 Legislative Assembly are members of the party.
- 5 (2) An acting appointment must be made in consultation with the relevant  
6 Assembly committee.
- 7 (3) An acting appointment must not be for a term longer than 2 years.
- 8 (4) A person who has been acting inspector for a cumulative period of  
9 7 years is not eligible for reappointment.
- 10 (5) To remove any doubt, multiple acting inspectors may be appointed  
11 concurrently.
- 12 **Example—concurrent appointments**  
13 If the inspector has a conflict of interest in relation to an investigation, the Speaker  
14 may appoint an acting inspector to perform functions of the inspector in relation to  
15 the investigation while the inspector continues to perform their other functions.
- 16 (6) To remove any doubt—
- 17 (a) subsections (1) to (4) displace the [Legislation Act](#),  
18 section 209 (2) and (3) (Power of appointment includes power  
19 to make acting appointment); and
- 20 (b) subsections (3) and (4) displace the [Legislation Act](#),  
21 section 221 (1) and (2) (How long does an acting appointment  
22 operate?); and
- 23 (c) the remaining provisions of the [Legislation Act](#), part 19.3  
24 (Appointments) apply in relation to an acting appointment.

1 **72 Staff of the inspector—eligibility for appointment**  
2 **Section 251 (2)**

3 *substitute*

4 (2) However, the inspector must not appoint a person as a member of  
5 staff of the inspector if the person is or has, in the 2 years immediately  
6 before the day of the proposed appointment, been—

- 7 (a) a member of the Legislative Assembly; or  
8 (b) a member of staff of an MLA.

9 *Note* **Member of staff of an MLA**—see s (4) and dictionary.

10 **73 Section 251 (3) (b) and note**

11 *substitute*

12 (b) declare financial or other personal interests the inspector  
13 considers relevant;

14 *Note* **Personal interest guidelines**—see s 251B (1).

15 **74 Section 251 (4) to (6)**

16 *substitute*

17 (4) In this section:

18 **member of staff of an MLA** does not include a temporary member of  
19 staff of an MLA.

20 *Note* **Member of staff of an MLA**—see the dictionary.

21 **temporary member of staff of an MLA** means a public servant  
22 employed by an MLA for not longer than 3 months in the 12 months  
23 immediately before the day of the proposed appointment.

**75 New sections 251A and 251B***insert***251A Staff of the inspector—conflicts of interest register**

- (1) If a member of staff of the inspector has a financial or other personal interest that conflicts, may conflict, or may be perceived to conflict with the member's functions, the member must disclose to the inspector, in writing, the nature of the interest and the conflict or potential conflict.

*Note* The member of staff must disclose a conflict of interest as soon as possible and as often as needed (see [Legislation Act](#), s 151B).

- (2) The inspector must keep a register of disclosures made under subsection (1) (the *conflicts of interest register*).

- (3) The inspector must make the conflicts of interest register available for inspection by the public sector standards commissioner at any time.

**251B Staff of the inspector—personal interest guidelines**

- (1) The inspector must make guidelines (the *personal interest guidelines*) about the financial and other personal interests the inspector considers relevant for staff of the inspector to declare under—

(a) section 251 (3) (b); and

(b) section 251A.

- (2) A guideline is a notifiable instrument.

- (3) The inspector must publish the personal interest guidelines on the inspector's website.

**76      Inspector—must keep complainant informed**  
**Section 259 (1), note 2**

*omit*

must also

*substitute*

may also be required to

**77      Inspector—must give non-disclosure notice when giving**  
**information**  
**Section 260 (1) (b) and (c)**

*substitute*

(b) section 277 (2), (3) or (6) (Inspector's special report—  
comments on proposed reports); or

(c) section 285 (2), (3) or (6) (Inspector's annual report—comments  
on proposed reports).

**78      New section 260 (2A)**

*insert*

(2A) However, the inspector need not give a person a non-disclosure notice  
if the inspector is only—

(a) telling the person that their complaint is not going to be  
investigated under section 259 (1) (a); or

(b) giving the person information about the progress of an  
investigation under section 259 (1) (b), and the inspector—

(i) has previously given the person information about the  
progress of the investigation, investigation, including a  
non-disclosure notice about the information, and the  
non-disclosure notice has not expired or been revoked; and

- 1 (ii) tells the person that the previous non-disclosure notice  
2 continues to operate, and also applies to the new  
3 information.

4 *Note* The inspector must give the person a progress update at least once  
5 every 3 months under s 259 (1) (b).

6 **79 Section 260 (3)**

7 *omit*  
8 the non-disclosure notice  
9 *substitute*  
10 a non-disclosure notice

11 **80 Meaning of *permitted disclosure* of information—pt 5.2**  
12 **Section 261, definition of *permitted disclosure*, paragraph**  
13 **(a) (iii)**

14 *omit*  
15 the age of 18 years  
16 *substitute*  
17 18 years old

18 **81 Section 261, definition of *permitted disclosure*, new**  
19 **paragraph (a) (iv)**

20 *insert*  
21 (iv) to a doctor or psychologist if the person is seeking  
22 assistance with their health or wellbeing; or

**82      Section 261, definition of *permitted disclosure*, new paragraph (ca)**

*insert*

(ca) made by the person to their insurer, if the person has made a claim about a matter related to the information mentioned in the non-disclosure notice under either of the following Acts:

- (i) the *Workers Compensation Act 1951*;
- (ii) the *Safety, Rehabilitation and Compensation Act 1988* (Cwlth); or

**83      Offences—disclose information received from the inspector  
Section 263 (1)**

*substitute*

(1) A person commits an offence if—

(a) the person is given information under—

- (i) section 259 (Inspector—must keep complainant informed); or
- (ii) section 277 (2), (3) or (6) (Inspector’s special report—comments on proposed reports); or
- (iii) section 285 (2), (3) or (6) (Inspector’s annual report—comments on proposed reports); and

(b) the person is—

- (i) given a non-disclosure notice about the information under section 260 (2); or
- (ii) told that a previous non-disclosure notice applies to the new information under section 260 (2A) (b) (ii); and



1 (c) the non-disclosure notice has not expired; and

2 (d) the person discloses the information.

3 Maximum penalty: 100 penalty units, imprisonment for 1 year or  
4 both.

5 **84 Inspector's special report—comments on proposed**  
6 **reports**  
7 **Section 277 (6) to (8)**

8 *substitute*

9 (6) If the inspector gives a person all or part of a proposed report under  
10 subsection (2) or (3), the inspector may, on request, also give all or  
11 part of the proposed report to someone else nominated by the person  
12 to assist the person in preparing their comments on all or part of the  
13 proposed report.

14 *Note* The inspector must also give the nominated person a non-disclosure  
15 notice about the information in the proposed report (see s 260).

16 **85 New section 277A**

17 *insert*

18 **277A Inspector's special report—considering comments on**  
19 **proposed reports**

20 (1) If the inspector receives comments on all or part of a proposed  
21 inspector's special report under section 277, the inspector—

22 (a) must consider the comments in preparing the inspector's special  
23 report; and

24 (b) may include the comments as an attachment to the inspector's  
25 special report.

26 (2) If the inspector is satisfied that amendment is an appropriate response  
27 to the comments, the inspector may amend the proposed report.

Section 86

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- 1           (3) If the inspector is not satisfied that amendment is an appropriate  
2           response to the comments, the inspector must tell the person, in  
3           writing, before the inspector's special report is published, that the  
4           proposed report is to be published unamended.

5       **86           Inspector—annual operational review of commission**  
6       **New section 280 (2) (a) (v)**

7           *insert*

- 8                       (v) the conflicts of interest register under section 50A (Staff  
9                       of the commission—conflicts of interest register); and

10      **87           New section 280 (3)**

11           *insert*

- 12           (3) An annual operational review must also include an assessment of the  
13           commission's wellbeing policy, and consider in particular—  
14                       (a) the adequacy of the policy to protect the wellbeing of people  
15                       involved in matters before the commission; and  
16                       (b) whether the commission has given effect to the policy.

17      **88           Inspector's annual report—content**  
18      **New section 283 (1) (b) (va)**

19           *insert*

- 20                       (va) preliminary inquiry notice extensions the inspector is  
21                       notified about under section 205 (ea);

22      **89           New section 283 (1) (b) (via)**

23           *insert*

- 24                       (via) public examination notices the inspector is given under  
25                       section 205 (g);

**90 New section 283 (1) (b) (viia)***insert*

(viia) examination summons extensions the inspector is notified about under section 205 (ha);

**91 Section 283 (1) (e)***substitute*

(e) an assessment of how the commissioner is managing conflicts of interest, including the number of times during the year the inspector has inspected the commission's conflicts of interest registers under the following sections:

(i) section 32 (Commissioner—conflicts of interest register);

(ii) section 50A (Staff of the commission—conflicts of interest register).

**92 Inspector's annual report—comments on proposed reports  
Section 285 (6) to (8)***substitute*

(6) If the inspector gives a person all or part of a proposed report under subsection (2) or (3), the inspector may, on request, also give all or part of the proposed report to someone else nominated by the person to assist the person in preparing their comments on all or part of the proposed report.

*Note* The inspector must also give the nominated person a non-disclosure notice about the information in the proposed report (see s 260).

**93 New section 285A***in division 5.4.3, insert***285A Inspector's annual report—considering comments on proposed reports**

- (1) If the inspector receives comments on all or part of a proposed inspector's annual report under section 285, the inspector—
- (a) must consider the comments in preparing the inspector's annual report; and
  - (b) may include the comments as an attachment to the inspector's annual report.
- (2) If the inspector is satisfied that amendment is an appropriate response to the comments, the inspector may amend the proposed report.
- (3) If the inspector is not satisfied that amendment is an appropriate response to the comments, the inspector must tell the person, in writing, before the inspector's annual report is published, that the proposed report is to be published unamended.

**94 New part 7.4***insert***Part 7.4 Wellbeing of people involved in matters before the commission****295A Commission—wellbeing policy**

- (1) The commission must make a policy about how the commission is to protect the wellbeing of people involved in matters before the commission (the *wellbeing policy*).

1           (2) The wellbeing policy must deal with supports and protections the  
2           commission may provide for the following:

- 3           (a) a witness who appears before the commission to give evidence  
4           at an examination, in particular, a vulnerable witness mentioned  
5           in section 153 (Examination—provisions for vulnerable  
6           witnesses);

7           *Note*     Vulnerable witnesses mentioned in s 153 include:

- 8                     • witnesses who are under 18 years old  
9                     • witnesses who do not have proficient English language skills  
10                    • witnesses who have a mental impairment.

- 11          (b) a person given a private recommendation that is later made  
12          public under section 181;

- 13          (c) a person to be mentioned in an investigation report under  
14          section 182;

15          *Note*     See also s (3).

- 16          (d) a person given a proposed investigation report under  
17          section 188;

- 18          (e) a person mentioned in an investigation report presented to the  
19          Legislative Assembly under section 189;

- 20          (f) a person whose prosecution outcome, or termination action  
21          outcome, is published by the commission under section 203;

- 22          (g) a person mentioned in section 204 whose reputation may have  
23          been damaged;

- 24          (h) a person to be mentioned in a special report under section 206;

25          *Note*     See also s (3).

- 26          (i) a person given a proposed special report under section 212;

- 27          (j) a person mentioned in a special report presented to the  
28          Legislative Assembly under section 213;

- 1 (k) a person to be mentioned in a commission annual report under  
2 section 217;
- 3 *Note* See also s (3).
- 4 (l) a person given a proposed commission annual report under  
5 section 224;
- 6 (m) a person mentioned in a commission annual report.
- 7 (3) In addition, the wellbeing policy must deal with the matters to be  
8 considered by the commission in making a decision under any of the  
9 following sections about whether identifying a person in a report is  
10 likely to cause unreasonable damage to the person's wellbeing:
- 11 (a) section 186 (b) (Investigation report—not to include  
12 information identifying certain people);
- 13 (b) section 210 (b) (Special report—not to include information  
14 identifying certain people);
- 15 (c) section 222 (b) (Commission annual report—not to include  
16 information identifying certain people).
- 17 (4) Before making the wellbeing policy, the commission—
- 18 (a) must consult a psychiatrist or psychologist with knowledge and  
19 experience relevant to the policy; and
- 20 (b) may consult anyone else the commission considers appropriate.
- 21 (5) The wellbeing policy is a notifiable instrument.
- 22 (6) The commission must also publish the wellbeing policy on the  
23 commission's website.
- 24 (7) In this section:
- 25 **psychiatrist** means a doctor who is registered under the *Health*  
26 *Practitioner Regulation National Law (ACT)* to practise in the  
27 specialty of psychiatry.

**95 Offences—use or divulge protected information**  
**New section 297 (3) (c) to (e)**

*before the note, insert*

- (c) if the person divulges the information to a doctor or psychologist in the course of seeking assistance with their health or wellbeing; or
- (d) if the person divulges the information to their insurer in the course of making a claim about a matter related to the protected information under either of the following Acts:
  - (i) the *Workers Compensation Act 1951*;
  - (ii) the *Safety, Rehabilitation and Compensation Act 1988* (Cwlth); or
- (e) if the person divulges the information because they believe on reasonable grounds that—
  - (i) there is an emergency; and
  - (ii) divulging the information is the only reasonable way to deal with the emergency.

**Examples—emergency**

- 1 a person needs urgent medical attention
- 2 a person threatens to harm themselves or another person

**96 Dictionary, note 2**

*insert*

- doctor

- 1 **97 Dictionary, new definition of *psychologist***
- 2 *insert*
- 3 *psychologist* means a person registered under the *Health Practitioner*
- 4 *Regulation National Law (ACT)* to practise in the psychology
- 5 profession (other than as a student).
- 6 **98 Dictionary, new definition of *wellbeing policy***
- 7 *insert*
- 8 *wellbeing policy*—see section 295A (1).



1     **Part 4**                             **Public Sector Management**  
2   **Act 1994**

3     **99**             **Certain office-holders have management powers**  
4                             **Section 152 (6), definition of *management provision*,**  
5                             **paragraph (g)**

6                     *substitute*

7                     (g) a management standard made by the head of service in relation  
8                         to a provision in part 4 (to the extent that it applies to the  
9                         engagement of an executive), part 5, part 6, part 7, part 9 or  
10                        part 10;

## Schedule 1 Integrity Commission Act 2018 —Technical amendments

### [1.1] Section 80 (3) (a)

*substitute*

- (a) a disclosure reasonably necessary for a claim of parliamentary privilege, mentioned in section 81, definition of *permitted disclosure* of restricted information, paragraph (f);

#### Explanatory note

This amendment corrects a cross-reference.

### [1.2] Section 92

*omit*

the age of 16 years

*substitute*

16 years old

#### Explanatory note

This amendment updates language.

### [1.3] Section 94 (a)

*omit*

the age of 18 years

*substitute*

18 years old

#### Explanatory note

This amendment updates language.

1 **[1.4] Section 94 (b)**

2 *omit*

3 the age of 16 years

4 *substitute*

5 16 years old

6 **Explanatory note**

7 This amendment updates language.

8 **[1.5] Section 149**

9 *omit*

10 the age of 16 years

11 *substitute*

12 16 years old

13 **Explanatory note**

14 This amendment updates language.

15 **[1.6] Section 153 (1)**

16 *omit*

17 the age of 16 years

18 *substitute*

19 16 years old

20 **Explanatory note**

21 This amendment updates language.

1 **[1.7] Section 153 (2)**

2 *omit*  
3 the age of 18 years  
4 *substitute*  
5 18 years old

6 **Explanatory note**

7 This amendment updates language.

8 **[1.8] Section 156 (1) (a)**

9 *omit*  
10 the age of 18 years  
11 *substitute*  
12 18 years old

13 **Explanatory note**

14 This amendment updates language.

15 **[1.9] Section 156 (1) (b)**

16 *omit*  
17 the age of 16 years  
18 *substitute*  
19 16 years old

20 **Explanatory note**

21 This amendment updates language.

1 **[1.10] Section 197 (3) (e)**

2 *omit*

3 commission or police officer

4 *substitute*

5 commission or a police officer

6 **Explanatory note**

7 This amendment corrects a typographical error by inserting a missing word.

8 **[1.11] Section 212 (4)**

9 *omit*

10 an investigation report

11 *substitute*

12 a special report

13 **Explanatory note**

14 This amendment corrects a typographical error.

15 **[1.12] Section 212 (5) note**

16 *after*

17 information

18 *insert*

19 in the proposed report

20 **Explanatory note**

21 This amendment corrects a typographical error by inserting missing words.

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 26 June 2024.

**2 Notification**

Notified under the [Legislation Act](#) on 2024.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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