



Australian Capital Territory

# Integrity Legislation Amendment Act 2024

A2024-47

## 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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	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
<hr/>	
contents 2	Integrity Legislation Amendment Act 2024
	A2024-47

## 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

## Contents

---

	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) (viiia)	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

	Page
<b>Part 4</b>	<b>Public Sector Management Act 1994</b>
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



Australian Capital Territory

# Integrity Legislation Amendment Act 2024

**A2024-47**

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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:

## Part 1 Preliminary

### 1 Name of Act

This Act is the *Integrity Legislation Amendment Act 2024*.

### 2 Commencement

- (1) This Act (other than sections 42, 87, 94 and 98) commences on the 7th day after its notification day.

*Note* The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

- (2) Sections 42, 87, 94 and 98 commence 6 months after this Act's notification day.

### 3 Legislation amended

This Act amends the following legislation:

- [Freedom of Information Act 2016](#)
- [Integrity Commission Act 2018](#)
- [Public Sector Management Act 1994](#).



## 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

- (b) the appointment has been approved by—
  - (i) the Chief Minister; and
  - (ii) the Leader of the Opposition; and
  - (iii) the leader (however described) of a registered party (other than the party to which the Chief Minister or Leader of the Opposition belongs) if at least 2 members of the Legislative Assembly are members of the party.
- (2) An acting appointment must be made in consultation with the relevant Assembly committee.
- (3) An acting appointment must not be for a term longer than 2 years.
- (4) A person who has been acting commissioner for a cumulative period of 7 years is not eligible for reappointment.
- (5) To remove any doubt, multiple acting commissioners may be appointed concurrently.

**Example—concurrent appointments**

If the commissioner has a conflict of interest in relation to an investigation, the Speaker may appoint an acting commissioner to perform functions of the commissioner in relation to the investigation while the commissioner continues to perform their other functions.

- (6) To remove any doubt—
  - (a) subsections (1) to (4) displace the [Legislation Act](#), section 209 (2) and (3) (Power of appointment includes power to make acting appointment); and
  - (b) subsections (3) and (4) displace the [Legislation Act](#), section 221 (1) and (2) (How long does an acting appointment operate?); and
  - (c) the remaining provisions of the [Legislation Act](#), part 19.3 (Appointments) apply in relation to an acting appointment.

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

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

*omit*

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

*substitute*

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

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

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

*substitute*

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

*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.

**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.

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

*omit*

must also

*substitute*

may also be required to

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

*omit*

must also

*substitute*

may also be required to

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

*insert*

**Example**

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

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

*insert*

**Example**

The commission may give a confidentiality notice to a person nominated to deliver 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

**25 Power to request information from head of public sector entity  
Section 89 (3)**

*omit*

must give a copy

*substitute*

must, as far as practicable, give a copy

**26 Power to issue preliminary inquiry notice  
Section 90 (2)**

*substitute*

- (2) However, the commission may issue a preliminary inquiry notice only if the commission—
- (a) suspects on reasonable grounds that the document or other thing may be necessary to decide whether to dismiss, refer or investigate a corruption report, or investigate a matter on its own initiative; and
  - (b) is satisfied that it is reasonable to do so.

**27 Section 90 (4)**

*omit*

the age of 18 years

*substitute*

18 years old

**28 Section 90 (5)**

*omit*

**29 New section 90B**

*insert*

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

The commission may excuse a person issued with a preliminary inquiry notice 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 preliminary inquiry notice, 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 78).

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

*omit*

the age of 16 years

*substitute*

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).

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

*omit everything before paragraph (a), substitute*

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

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

*insert*

- (1A) However, the commission may issue an examination summons only if the commission—
- (a) suspects on reasonable grounds that the evidence, document or other thing may be necessary for the investigation; and
  - (b) is satisfied that it is reasonable to do so.

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

*omit*

**39 Section 147 (3)**

*omit*

the age of 18 years

*substitute*

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).

**43 Section 148 (3) (b) (iv)**

*omit*

the age of 16 years

*substitute*

16 years old

**44 New section 148 (3) (b) (xiia)**

*insert*

- (xiia) that if the person is required only to produce a document or other thing, the commission may excuse the person from attendance if the person, or a nominated person, produces the document or other thing to the commission before the time for production stated in the examination summons;

*Note* See s 147B.

**45 Examination summons—notice and immediate attendance  
Section 150 (1)**

*omit*

7 days

*substitute*

10 business days



**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

- (b) giving the person information about the progress of an investigation under section 72 (1) (c) or section 74 (c), and the commission—
- (i) has previously given the person information about the progress of the investigation, including a non-disclosure notice about the information, and the non-disclosure notice has not expired or been revoked; and
  - (ii) tells the person that the previous non-disclosure notice continues to operate, and also applies to the new information.

*Note* The commission must give the person a progress update at least once every 3 months under s 72 (1) (c) and s 74 (c).

**53 Section 198 (3)**

*omit*

the non-disclosure notice

*substitute*

a non-disclosure notice

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

*omit*

the age of 18 years

*substitute*

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

- (v) section 197 (1) (Information about investigation may be given to certain people); or
  - (vi) section 212 (2), (3) or (6) (Special report—comments on proposed reports); or
  - (vii) section 224 (2), (3) or (6) (Commission annual report—comments on proposed reports); and
- (b) the person is—
- (i) given a non-disclosure notice about the information under section 198 (2); or
  - (ii) told that a previous non-disclosure notice applies to the new information under section 198 (2A) (b) (ii); and
- (c) the non-disclosure notice has not expired; and
- (d) the person discloses the information.

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

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

*insert*

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

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

*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).

**64 New section 212A***insert***212A Special report—considering comments on proposed reports**

- (1) If the commission receives comments on all or part of a proposed special report under section 212, the commission—
  - (a) must consider the comments in preparing the special report; and
  - (b) may include the comments as an attachment to the special 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 special report is published, that the proposed report is to be published unamended.

**65 Commission annual report—content  
New section 218 (1) (ka)***insert*

- (ka) extensions of time to comply with a preliminary enquiry notice given under section 94A (Preliminary inquiry notice—extension);

**66 New section 218 (1) (ta)***insert*

- (ta) extensions of time to comply with an examination summons 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.

- (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 commission annual report is published, that the proposed report is to be published unamended.

## **70 Inspector—disclosure of interests**

### **Section 236**

*omit everything before paragraph (a), substitute*

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

## **71 Section 246**

*substitute*

## **246 Inspector—acting appointment**

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

- (1) The Speaker must not appoint a person to act as inspector 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
  - (b) the appointment has been approved by—
    - (i) the Chief Minister; and
    - (ii) the Leader of the Opposition; and

- (iii) the leader (however described) of a registered party (other than the party to which the Chief Minister or Leader of the Opposition belongs) if at least 2 members of the Legislative Assembly are members of the party.
- (2) An acting appointment must be made in consultation with the relevant Assembly committee.
- (3) An acting appointment must not be for a term longer than 2 years.
- (4) A person who has been acting inspector for a cumulative period of 7 years is not eligible for reappointment.
- (5) To remove any doubt, multiple acting inspectors may be appointed concurrently.

**Example—concurrent appointments**

If the inspector has a conflict of interest in relation to an investigation, the Speaker may appoint an acting inspector to perform functions of the inspector in relation to the investigation while the inspector continues to perform their other functions.

- (6) To remove any doubt—
  - (a) subsections (1) to (4) displace the [Legislation Act](#), section 209 (2) and (3) (Power of appointment includes power to make acting appointment); and
  - (b) subsections (3) and (4) displace the [Legislation Act](#), section 221 (1) and (2) (How long does an acting appointment operate?); and
  - (c) the remaining provisions of the [Legislation Act](#), part 19.3 (Appointments) apply in relation to an acting appointment.

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

*substitute*

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

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

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

*substitute*

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

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

**74 Section 251 (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.

**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

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

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

**79 Section 260 (3)**

*omit*

the non-disclosure notice

*substitute*

a non-disclosure notice

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

*omit*

the age of 18 years

*substitute*

18 years old

**81 Section 261, 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

**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



- (c) the non-disclosure notice has not expired; and
- (d) the person discloses the information.

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

**84** **Inspector's special report—comments on proposed reports**  
**Section 277 (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).

**85** **New section 277A**

*insert*

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

- (1) If the inspector receives comments on all or part of a proposed inspector's special report under section 277, the inspector—
  - (a) must consider the comments in preparing the inspector's special report; and
  - (b) may include the comments as an attachment to the inspector's special 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 special report is published, that the proposed report is to be published unamended.

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

*insert*

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

**87 New section 280 (3)**

*insert*

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

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

*insert*

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

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

*insert*

- (via) public examination notices the inspector is given under 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*).

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

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

*Note* Vulnerable witnesses mentioned in s 153 include:

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

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

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

*Note* See also s (3).

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

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

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

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

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

*Note* See also s (3).

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

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

(k) a person to be mentioned in a commission annual report under section 217;

*Note* See also s (3).

(l) a person given a proposed commission annual report under section 224;

(m) a person mentioned in a commission annual report.

(3) In addition, the wellbeing policy must deal with the matters to be considered by the commission in making a decision under any of the following sections about whether identifying a person in a report is likely to cause unreasonable damage to the person's wellbeing:

(a) section 186 (b) (Investigation report—not to include information identifying certain people);

(b) section 210 (b) (Special report—not to include information identifying certain people);

(c) section 222 (b) (Commission annual report—not to include information identifying certain people).

(4) Before making the wellbeing policy, the commission—

(a) must consult a psychiatrist or psychologist with knowledge and experience relevant to the policy; and

(b) may consult anyone else the commission considers appropriate.

(5) The wellbeing policy is a notifiable instrument.

(6) The commission must also publish the wellbeing policy on the commission's website.

(7) In this section:

***psychiatrist*** means a doctor who is registered under the [Health Practitioner Regulation National Law \(ACT\)](#) to practise in the 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

**97 Dictionary, new definition of *psychologist***

*insert*

*psychologist* means a person registered under the *Health Practitioner Regulation National Law (ACT)* to practise in the psychology profession (other than as a student).

**98 Dictionary, new definition of *wellbeing policy***

*insert*

*wellbeing policy*—see section 295A (1).



## Part 4                      Public Sector Management Act 1994

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

*substitute*

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

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

*omit*

the age of 16 years

*substitute*

16 years old

**Explanatory note**

This amendment updates language.

**[1.5] Section 149**

*omit*

the age of 16 years

*substitute*

16 years old

**Explanatory note**

This amendment updates language.

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

*omit*

the age of 16 years

*substitute*

16 years old

**Explanatory note**

This amendment updates language.

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

*omit*

the age of 18 years

*substitute*

18 years old

**Explanatory note**

This amendment updates language.

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

*omit*

the age of 18 years

*substitute*

18 years old

**Explanatory note**

This amendment updates language.

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

*omit*

the age of 16 years

*substitute*

16 years old

**Explanatory note**

This amendment updates language.

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

*omit*

commission or police officer

*substitute*

commission or a police officer

**Explanatory note**

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

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

*omit*

an investigation report

*substitute*

a special report

**Explanatory note**

This amendment corrects a typographical error.

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

*after*

information

*insert*

in the proposed report

**Explanatory note**

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 19 September 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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I certify that the above is a true copy of the Integrity Legislation Amendment Bill 2024, which was passed by the Legislative Assembly on 5 September 2024.

Clerk of the Legislative Assembly

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