

24 October 2025

Department of Justice
Office of the Secretary
GPO Box 825
Hobart TAS 7001

via email: haveyoursay@justice.tas.gov.au

To the Department of Justice,

Re: *Integrity Commission Amendment (Mandatory Notification) Bill 2025*

Community Legal Centres Tasmania (CLC Tas) and the Tasmanian Council of Social Service Inc (TasCOSS) welcome the opportunity to provide comment on the *Integrity Commission Amendment (Mandatory Notification) Bill 2025* ('the Bill'). Whilst we support the Bill's intention to strengthen protections against child abuse, we are concerned at the lack of funding provided to the Integrity Commission to meet its current mandate, let alone the additional work that will arise in the event that the Bill is passed.¹ We urge the Government to pass the Bill and ensure that sufficient additional funding is provided so that the Integrity Commission can appropriately carry out its mandate.

Background - Reportable Conduct Scheme

In its final report, the Royal Commission into Institutional Responses to Child Sexual Abuse ('the Royal Commission') observed that institutional child abuse is widely underreported to government authorities. The Royal Commission recommended the establishment of a reportable conduct scheme which was defined as "a legislated scheme for the reporting, investigation and independent oversight of a range of complaints or allegations made against employees and volunteers in certain government and non-government agencies, which may include child abuse, child neglect, and child-related misconduct".²

In 2023, Tasmania introduced a Reportable Conduct Scheme ('the Scheme') which requires leaders of specific organisations to notify the Independent Regulator upon becoming aware of conduct related to child abuse involving an adult worker and conduct investigations.³ However, as Tasmania's Commission of Inquiry made clear, "the Reportable Conduct Scheme will not capture all departments and organisations, which may leave a role for the Integrity Commission in overseeing the management of allegations of child sexual abuse in some situations".⁴ As a result, the Commission of Inquiry recommended that the *Integrity*

¹ CLC Tas would like to acknowledge those persons and organisations who gave freely of their time in assisting with our submission.

² Royal Commission into Institutional Responses to Child Sexual Abuse, Final Report: Volume 7 *Improving institutional responding and reporting* (Commonwealth of Australia: 2017) 51.

³ *Child and Youth Safe Organisations Act 2023* (Tas).

⁴ Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings, Volume 8: Oversight, coordination and therapeutic support (August 2023) 70.

Commission Act 2009 (Tas) be amended so that public authorities are required to notify the Integrity Commission of allegations of serious misconduct.⁵

Integrity Commission Act 2009 (Tas)

As it stands, the *Integrity Commission Act 2009* (Tas) ('the Act') provides the Integrity Commission with the power to investigate "allegations of serious misconduct or misconduct by designated public officers".⁶ Serious misconduct is defined in the Act as "a crime or an offence of a serious nature".⁷ However, the Act does not require the mandatory notification by public authorities of serious misconduct, an omission that the Independent Review of the *Integrity Commission Act 2009* ('the Cox Review') recommended be addressed⁸ and echoed by the Commission of Inquiry.⁹ The Bill will implement this recommendation and is strongly supported.

We also support the amendments the Government has made following consultation on the *Justice Legislation Amendment (Evidence and Integrity Commission Reforms) Bill 2024*. These amendments include:

- Clarifying that there is no requirement to make a mandatory notification of historical matters that concluded before the commencement day; and
- Removing the reference to privilege as a possible reason for not making a notification; and
- The addition of section 32D to specify how the Integrity Commission may deal with mandatory notifications; and
- The addition of section 32E to flag that the Integrity Commission can follow up on non-compliance with inquiries to the mandatory notifier or by reporting non-compliance to a body or person that can address non-compliance; and
- Clarifying that an 'offence of a serious nature' means a minimum 12-month term of imprisonment.

As well as recommending mandatory notification by public authorities of serious misconduct, the Cox Review also recommended clarifying the scope of 'an offence of serious nature'.¹⁰ We support the proposed amendment of at least 12-months imprisonment on the basis that it will provide clarification for mandatory notifiers whilst at the same protecting against minor infringements having to be reported.

⁵ *Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings* (August 2023) recommendation 18.11. Also see Independent Review of the *Integrity Commission Act 2009* (May 2016), recommendation 9.

⁶ Section 3(3)(c) of the *Integrity Commission Act 2009* (Tas).

⁷ Section 4 of the *Integrity Commission Act 2009* (Tas).

⁸ Independent Review of the *Integrity Commission Act 2009* (May 2016), recommendation 11.

⁹ Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings, Volume 8: Oversight, coordination and therapeutic support (August 2023), recommendation 18.11.

¹⁰ Independent Review of the *Integrity Commission Act 2009* (May 2016), recommendation 9.

It is likely that the amendments to the Act will add to the Integrity Commission's workload. As the Chief Commissioner of the Integrity Commission observed upon the release of the most recent Annual Report:¹¹

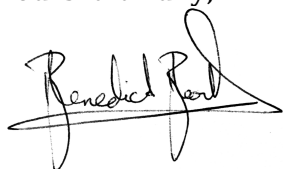
We are the most under-funded integrity body in the country. We have also been waiting for legislative amendments to improve our efficacy for nearly 10 years.

The marginal increase to our funds in the 2024-25 Budget does not meet our needs. If we are to fulfil our statutory obligations and meet community expectations, our resourcing needs cannot be neglected. We call on the Parliament to properly resource and empower us to be the Integrity Commission Tasmanians deserve.

We call on the State Government to ensure that the Integrity Commission receives the additional funding it needs to carry out the extra duties set out in this Bill. Alongside this recommendation in relation to funding, we note and support recommendations made by community organisations in relation to previous legislative reform,¹² which highlighted the need for further changes to increase the capacity and effectiveness of the Integrity Commission in promoting accountability and transparency in government decision-making. These recommendations include (but are not limited to) changes requiring public authorities to report each year on education and training, support to expand the Integrity Commission's education and training role (in relation to training for public entities as well as broader community education and awareness-raising activities) and legislative change and cultural change to promote an increase in the number and effectiveness of investigations and inquiries.

If you have any queries, or we can be of any further assistance, please do not hesitate to contact us.

Yours faithfully,



Benedict Bartl
Policy Officer
Community Legal Centres Tasmania



Adrienne Picone
CEO
TasCOSS

¹¹ Integrity Commission Tasmania, Annual report states Integrity Commission is under-funded (17 October 2024). As found at <https://www.integrity.tas.gov.au/about/news-and-events/2024/annual-report-states-integrity-commission-is-under-funded> (accessed 21 October 2025).

¹² For example, see TasCOSS (August 2022) Submission to the Department of Justice, 'Integrity Commission Act 2009 - Legislative Reform'.