

NORTHERN TERRITORY OF AUSTRALIA

INTEGRITY AND ETHICS COMMISSIONER ACT 2025

As in force at 2 June 2026

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 2 June 2026

INTEGRITY AND ETHICS COMMISSIONER ACT 2025

An Act to promote integrity and ethics in the public sector and health sector by establishing the positions of Integrity and Ethics Commissioner and Integrity and Ethics Oversight Inspector and for related purposes

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Integrity and Ethics Commissioner Act 2025*.

2 Commencement

- (1) This Act (except sections 3 to 7 and Parts 2 to 6 and 8) commences on the day after the day on which the Administrator's assent to this Act is declared.
- (2) Subject to subsection (3), the remaining provisions of this Act commence on the day fixed by the Administrator by *Gazette* notice.
- (3) If a provision of this Act does not commence before 18 October 2027, it commences on that day.

3 Definitions

In this Act:

Acting Commissioner means a person appointed under section 20.

acting in an official capacity, in relation to a person, means the person is exercising powers or performing functions under, or otherwise related to the administration of, this Act.

acting Integrity Officer means the following:

- (a) an acting Health Complaints Commissioner appointed under section 58;

- (b) an acting ICAC appointed under section 59;
- (c) an acting Information Commissioner appointed under section 61;
- (d) an acting Ombudsman appointed under section 62.

Auditor-General's Office, see section 3(1) of the *Audit Act 1995*.

Auditor-General's staff means:

- (a) a public sector employee employed for the Auditor-General; and
- (b) any consultants or other persons engaged by the Auditor-General for the performance of the Auditor-General's functions under the *Audit Act 1995*.

Australian parliament means:

- (a) the Legislative Assembly; or
- (b) the Parliament of the Commonwealth or a State; or
- (c) the parliament or legislature of another Territory.

Commissioner means the Integrity and Ethics Commissioner referred to in section 8.

community service, see section 4(1) of the *Health and Community Services Complaints Act 1998*.

corrupt conduct, see section 10 of the ICAC Act.

eligible person:

- (a) for appointment as the Commissioner – see section 12(1); or
- (b) for appointment as the Inspector – see section 27(4); or
- (c) for appointment as an acting Health Complaints Commissioner under section 58(1) – see section 58(2); or
- (d) for appointment as an acting ICAC under section 59(1) or (2) – see section 59(3); or
- (e) for appointment as an acting Information Commissioner under section 61(1) – see section 61(2); or
- (f) for appointment as an acting Ombudsman under section 62(1) – see section 62(2).

Health Complaints Commissioner, see section 4(2)(a).

health service, see section 4(1) of the *Health and Community Services Complaints Act 1998*.

ICAC Act, means the *Independent Commissioner Against Corruption Act 2017*.

IEC's Office, see section 9.

IEC personnel means the following:

- (a) the Chief Executive Officer;
- (b) staff members as defined in section 4(1) of the *Health and Community Services Complaints Act 1998* and consultants engaged under section 14(2) of that Act;
- (c) each member of ICAC staff;
- (d) members of the staff of the Information Commissioner and consultants engaged under section 96(3) of the *Information Act 2002*;
- (e) officers of the Ombudsman's office as defined in section 4 of the *Ombudsman Act 2009* and any consultants or other persons engaged by the Ombudsman for the performance of the Ombudsman's functions under that Act;
- (f) any other public sector employee employed for the Commissioner or the IEC's Office.

improper conduct, see section 9 of the ICAC Act.

Information Commissioner, see section 4(2)(c).

Inspector means the Integrity and Ethics Oversight Inspector referred to in section 23.

Inspector staff means a person referred to in section 32(1).

Integrity Act, see section 4(1).

Integrity Officer, see section 4(2).

item means a document or other thing.

judicial officer means any of the following:

- (a) a Supreme Court Judge;

- (b) a Local Court Judge;
- (c) an Associate Judge;
- (d) a judicial officer acting as a coroner;
- (e) a judicial officer performing duties as the President or Deputy President of NTCAT.

law enforcement agency means an entity, in the Territory or elsewhere in Australia, that has functions in relation to the investigation of offences or the prosecution of persons for offences.

member of ICAC staff, see section 4 of the ICAC Act.

Ombudsman, see section 4(2)(d).

premises includes:

- (a) land; and
- (b) a permanent or temporary building or structure on land; and
- (c) an aircraft, vehicle or vessel.

public body, see section 16(1) of the ICAC Act.

public officer, see section 16(2) of the ICAC Act.

questionable conduct means conduct that, though not amounting to improper conduct:

- (a) is unreasonable, unjust, oppressive or improperly discriminatory in its effect; or
- (b) arises, wholly or in part, from improper motives; or
- (c) arises, wholly or in part, from a decision that has taken irrelevant matters into consideration; or
- (d) involves a denial of procedural fairness; or
- (e) arises, wholly or in part, from a mistake of law or fact; or
- (f) is conduct of a kind for which reasons should have (but have not) been given.

recent political affiliation, see section 5.

superior Court means:

- (a) the Supreme Court; or
- (b) a Supreme Court of a State or another Territory; or
- (c) the High Court of Australia; or
- (d) the Federal Court of Australia.

supplementary inspector, see section 53(1).

Note for section 3

The Interpretation Act 1978 contains definitions and other provisions that may be relevant to this Act.

4 Meaning of *Integrity Act* and *Integrity Officer*

- (1) Each of the following is an ***Integrity Act***:
 - (a) the *Health and Community Services Complaints Act 1998*;
 - (b) the ICAC Act;
 - (c) the *Information Act 2002*;
 - (d) the *Ombudsman Act 2009*.
- (2) Each of the following is an ***Integrity Officer***:
 - (a) the Commissioner for Health and Community Services Complaints referred to in section 9 of the *Health and Community Services Complaints Act 1998* (the ***Health Complaints Commissioner***);
 - (b) the ICAC;
 - (c) the Information Commissioner referred to in section 85 of the *Information Act 2002* (the ***Information Commissioner***);
 - (d) the Ombudsman referred to in section 9 of the *Ombudsman Act 2009* (the ***Ombudsman***).

5 Meaning of *recent political affiliation*

- (1) A person has a ***recent political affiliation*** if, at any time during the previous 10 years, the person:
 - (a) was a member of the Legislative Assembly or a local government council; or

- (b) was an office holder or elected representative of a political party or a non-Territory political party; or
 - (c) was a member of staff of a minister or of the Leader of the Opposition; or
 - (d) was a member of electorate office staff for a member of the Legislative Assembly; or
 - (e) was a member of a political party or a non-Territory political party; or
 - (f) made a reportable donation to any of the following:
 - (i) a political party;
 - (ii) a non-Territory political party;
 - (iii) an associated entity of a political party;
 - (iv) an entity that is equivalent to an associated entity in relation to a non-Territory political party.
- (2) For subsection (1)(f), a person made a reportable donation if it was made by the person or by a body corporate of which the person was an office holder or majority shareholder at the time the donation was made.
- (3) In this section:

non-Territory political party means an organisation (whether incorporated or unincorporated), an object or activity of which is the promotion of the election to the Parliament of another Territory, a State or the Commonwealth of a candidate or candidates endorsed by it.

political party, see section 3 of the *Electoral Act 2004*.

reportable donation means a gift or loan that is required to be disclosed or reported under Part 10 of the *Electoral Act 2004* or under a similar law in force in another Territory, a State or the Commonwealth.

6 Act binds Crown

- (1) This Act binds the Crown in right of the Territory and, to the extent the legislative power of the Legislative Assembly permits, the Crown in all its other capacities.

- (2) No criminal liability extends to the Crown in the right of the Territory itself (as distinct from its agents, instrumentalities, officers and employees) under this Act.

7 Application of Criminal Code

Part IIAA of the Criminal Code applies to an offence against this Act.

Note for section 7

Part IIAA of the Criminal Code states the general principles of criminal responsibility, establishes general defences, and deals with burden of proof. It also defines, or elaborates on, certain concepts commonly used in the creation of offences.

Part 2 Integrity and Ethics Commissioner and IEC's Office

Division 1 Establishment

8 Integrity and Ethics Commissioner

There is to be an Integrity and Ethics Commissioner.

9 Office of Integrity and Ethics Commissioner established as Agency

- (1) The Office of the Integrity and Ethics Commissioner (the **IEC's Office**) is established.
- (2) The IEC's Office is an Agency for the purposes of the *Public Sector Employment and Management Act 1993* and the *Financial Management Act 1995*.

Division 2 Appointment of Commissioner and related matters

10 Recommendation and appointment

- (1) The Administrator may appoint an eligible person to be the Commissioner.
- (2) An appointment under subsection (1) may only be made after the Legislative Assembly has recommended the person for appointment as the Commissioner.
- (3) The Minister must table a copy of the appointment in the Legislative Assembly within 6 sitting days after the appointment is made.

11 Commissioner holds office as each Integrity Officer

- (1) While a person holds office as the Commissioner, the person also holds office as each Integrity Officer.
- (2) To avoid doubt, subsection (1) has effect without the need for any appointment of the person as an Integrity Officer.

12 Eligibility for appointment

- (1) A person is an **eligible person** for appointment as the Commissioner if:
 - (a) the person is:
 - (i) a former judge of a superior Court; or
 - (ii) a lawyer who has been admitted to the legal profession for at least 10 years; and
 - (b) the person is not:
 - (i) a judicial officer; or
 - (ii) a member of an Australian parliament; or
 - (iii) a member of a local government council or of an equivalent body in another Territory or a State; and
 - (c) the person does not have a recent political affiliation; and
 - (d) the person is not, and has not been during the previous 2 years, an acting ICAC appointed under section 59(1).
- (2) If a person who is a public officer (other than as the Commissioner or as an Integrity Officer) is appointed as the Commissioner, the person cannot exercise any powers or perform any functions (as an Integrity Officer or otherwise) while the person remains a public officer.

13 Term of appointment

- (1) The appointment of a person as the Commissioner is for a period of 5 years.
- (2) A person who is the Commissioner may be reappointed, if still eligible, for one further period of 5 years.

14 Conditions of appointment

- (1) The Commissioner holds office on the conditions (including conditions about remuneration, expenses and allowances) determined by the Administrator.
- (2) The Commissioner's conditions of office:
 - (a) cannot provide any conditions that are contingent on the Commissioner's performance in office; and
 - (b) cannot be varied to the detriment of the Commissioner during the Commissioner's term in office.

Example for subsection (2)(a)

Performance-based remuneration or bonus.

15 Leave of absence

The Minister may grant the Commissioner leave of absence on the conditions decided by the Minister.

16 Vacancy in office

The office of Commissioner becomes vacant if:

- (a) the Commissioner resigns under section 17; or
- (b) the Commissioner's appointment is terminated under section 18(4); or
- (c) the Commissioner is:
 - (i) found guilty of an offence, whether in the Territory or elsewhere, for which the maximum penalty is imprisonment for a term of at least 12 months, with or without a fine; or
 - (ii) sentenced to imprisonment for an offence, whether in the Territory or elsewhere and whether or not the sentence is suspended; or
- (d) the Commissioner becomes bankrupt, applies to take the benefit of a law for the relief of bankrupt or insolvent debtors, compounds with creditors or makes an assignment of remuneration for their benefit; or
- (e) the Commissioner becomes a candidate for election as a member of an Australian parliament or a local government council; or

- (f) the Commissioner becomes a public officer (other than through reappointment as the Commissioner); or
- (g) the Commissioner is no longer an eligible person for appointment.

17 Resignation

The Commissioner may resign office by written notice given to the Administrator.

18 Suspension and termination of appointment

- (1) The Administrator may suspend the Commissioner from duty:
 - (a) if the Commissioner becomes physically or mentally incapable of satisfactorily performing official duties (as an Integrity Officer or otherwise); or
 - (b) if the Commissioner (as an Integrity Officer or otherwise) engages in corrupt conduct; or
 - (c) if the Commissioner engages in paid employment outside the duties of office without the Minister's approval; or
 - (d) if the Commissioner is absent from duty (as an Integrity Officer or otherwise), without the approval of the Minister and without reasonable excuse, for 28 consecutive days or for 42 days in any 12 months; or
 - (e) on the ground of proved misbehaviour; or
 - (f) on the ground of incompetence; or
 - (g) while the Inspector is dealing with a complaint against the Commissioner under Part 4, Division 1, if recommended by the Inspector.
- (2) The Minister must immediately give the Commissioner a statement of reasons for the suspension.
- (3) The Minister must table in the Legislative Assembly the statement and any written response by the Commissioner within 6 sitting days after the suspension.
- (4) If, within 6 sitting days after the statement is tabled, a resolution of the Legislative Assembly is passed by at least two-thirds of the whole number of members requiring the Administrator to terminate the Commissioner's appointment, the Administrator must terminate the Commissioner's appointment.

- (5) The suspension of the Commissioner is lifted if:
 - (a) the Minister does not table the statement under subsection (3); or
 - (b) the Legislative Assembly does not pass a resolution in accordance with subsection (4).
- (6) The Commissioner is entitled to be paid remuneration and allowances during the period of suspension.

19 Ministerial power to direct Commissioner to take leave

- (1) The Minister may, in writing, direct the Commissioner to take leave of absence to prevent serious operational, governance and work health and safety risks to IEC personnel if the Minister considers it is in the public interest to do so.
- (2) The Commissioner is entitled to be paid remuneration and allowances during the period of leave.

20 Acting Commissioner

- (1) The Administrator may appoint an eligible person for appointment as the Commissioner to act as the Commissioner:
 - (a) during a vacancy in the office; or
 - (b) during a period, or all periods, when the Commissioner (or another Acting Commissioner) is unable, or unavailable, to perform official duties.
- (2) An appointment to act as the Commissioner during a vacancy in the office may only be for a period or periods not exceeding in aggregate 6 months in any 12 months.
- (3) If the office of Commissioner has been vacant for a period of 18 months, no further appointment to act as the Commissioner during the vacancy can be made.
- (4) An Acting Commissioner holds office on the conditions (including conditions about remuneration, expenses and allowances) determined by the Administrator.
- (5) Subject to section 21(3), if a person who is a public officer (other than as the Acting Commissioner or as an Integrity Officer) is appointed to act as the Commissioner, the person may exercise any powers or perform any functions (as an acting Integrity Officer or otherwise) while the person remains a public officer.

21 Acting Commissioner acts as each Integrity Officer

- (1) While a person acts as the Commissioner, the person also acts as each Integrity Officer.
- (2) To avoid doubt, subsection (1) has effect without the need for any appointment to act as an Integrity Officer.
- (3) Despite subsection (1), an Acting Commissioner cannot:
 - (a) as the acting Health Complaints Commissioner – inquire into, conciliate, investigate or otherwise deal with, under the *Health and Community Services Complaints Act 1998*, a complaint relating to a health service or community service:
 - (i) in which the Acting Commissioner is employed or holds office; or
 - (ii) to which the Acting Commissioner provides services under any form of arrangement; or
 - (b) as the acting ICAC – investigate under the ICAC Act a matter involving the conduct of:
 - (i) themselves as the acting ICAC; or
 - (ii) a public body in which the Acting Commissioner is employed or holds office; or
 - (iii) a public body or public officer to which the Acting Commissioner provides services under any form of arrangement; or
 - (iv) if the Acting Commissioner is a public sector employee – a judicial officer; or
 - (c) as the acting Information Commissioner – investigate or deal with, under the *Information Act 2002*, a complaint relating to a public sector organisation:
 - (i) in which the Acting Commissioner is employed or holds office; or
 - (ii) to which the Acting Commissioner provides services under any form of arrangement; or

(d) as the acting Ombudsman – investigate or deal with, under the *Ombudsman Act 2009*, a complaint relating to:

- (i) a public body in which the Acting Commissioner is employed or holds office; or
- (ii) a public body or public officer to which the Acting Commissioner provides services under any form of arrangement.

(4) In this section:

public sector organisation, see section 5 of the *Information Act 2002*.

Notes for section 21

- 1 *If the Commissioner takes 3 weeks of leave, a person appointed to act as the Commissioner during that period also becomes the acting Health Complaints Commissioner, acting ICAC, acting Information Commissioner and acting Ombudsman.*
- 2 *Part 4, Division 4 also provides for the appointment, in certain circumstances, of an acting Health Complaints Commissioner, acting ICAC, acting Information Commissioner and acting Ombudsman.*

22 Oath before taking office

- (1) A person appointed to be the Commissioner must, before exercising any powers or performing any functions as Commissioner or as an Integrity Officer, take an oath that the person will faithfully, impartially and truly perform the functions of the Commissioner and each Integrity Officer according to law.
- (2) A person appointed to act as the Commissioner must, before exercising any powers or performing any functions as Acting Commissioner or as an acting Integrity Officer, take an oath that the person will faithfully, impartially and truly perform the functions of the Acting Commissioner and of each acting Integrity Officer for which the person is appointed, according to law.
- (3) The oath must be administered:
 - (a) for the Commissioner – by the Administrator; or
 - (b) for an Acting Commissioner – by the Administrator or the Minister.
- (4) A person is not required to take an oath under subsection (2) if the person has previously taken an oath as Acting Commissioner within the past 2 years.

Part 3 Integrity and Ethics Oversight Inspector

Division 1 Establishment and related matters

23 Integrity and Ethics Oversight Inspector

There is to be an Integrity and Ethics Oversight Inspector.

24 Functions

- (1) The Inspector has the following functions:
 - (a) in relation to the Commissioner and the IEC's Office:
 - (i) to evaluate the Commissioner's performance (as each Integrity Officer and otherwise), and report on the evaluation, in accordance with sections 35 and 36; and
 - (ii) to evaluate any aspect of the Commissioner's operations or any conduct of a member of IEC personnel; and
 - (iii) to receive and deal with complaints about the Commissioner (as an Integrity Officer or otherwise), a member of IEC personnel or the IEC's Office; and
 - (iv) to determine how any conflict of interest that arises as a result of the Commissioner concurrently being each Integrity Officer will be resolved; and
 - (v) to make recommendations to the Commissioner (as an Integrity Officer) regarding practices or procedures in relation to the exercise of powers and performance of functions under an Integrity Act;
 - (b) in relation to the Auditor-General's Office:
 - (i) to evaluate the Auditor-General, and report on the evaluation, in accordance with sections 43 and 44; and
 - (ii) to receive and deal with complaints about the Auditor-General, a member of the Auditor-General's staff or the Auditor-General's Office;
 - (c) to perform any other functions conferred on the Inspector under this or any other Act.
- (2) Despite subsection (1), the functions of the Inspector do not include receiving and dealing with complaints, grievances or other matters under the *Public Sector Employment and Management Act 1993*.

25 Powers

- (1) The Inspector may do all things necessary or convenient to be done for, or in relation to, the performance of the Inspector's functions.
- (2) The powers of the Inspector under this Part in relation to the Commissioner, members of IEC personnel, the Auditor-General and members of the Auditor-General's staff include a former Commissioner, former members of IEC personnel, a former Auditor-General and former members of the Auditor-General's staff.

26 Independence

The Inspector is not subject to direction by any person about the way the Inspector exercises the Inspector's powers or performs the Inspector's functions.

27 Recommendation and appointment

- (1) The Administrator may appoint an eligible person to be the Inspector.
- (2) An appointment under subsection (1) may only be made after the Legislative Assembly has recommended the person for appointment as the Inspector.
- (3) The Minister must table a copy of the appointment in the Legislative Assembly within 6 sitting days after the appointment is made.
- (4) A person is an **eligible person** for appointment as the Inspector if:
 - (a) the person is an eligible person for appointment as the Commissioner; and
 - (b) the person is not and has not been, at any time in the previous 12 months:
 - (i) the Commissioner; or
 - (ii) a member of IEC personnel; or
 - (iii) the Auditor-General; or
 - (iv) a member of the Auditor-General's staff.

28 Term of appointment

- (1) The Inspector holds office for the period, not exceeding 5 years, specified in the instrument of appointment.

- (2) A person who is or was the Inspector may be reappointed, if still an eligible person, for one further period not exceeding 5 years, specified in the instrument of appointment.

29 Conditions of appointment

- (1) The Inspector holds office on the conditions (including conditions about remuneration, expenses and allowances) determined by the Administrator.
- (2) The Inspector's conditions of office:
- (a) cannot provide any conditions that are contingent on the Inspector's performance in office; and
 - (b) cannot be varied to the detriment of the Inspector during the Inspector's term in office.

Example for subsection (2)(a)

Performance-based remuneration or bonus.

30 Oath before taking office

- (1) A person appointed to be the Inspector must, before exercising any powers or performing any functions as Inspector, take an oath that the person will faithfully, impartially and truly perform the functions of the Inspector according to law.
- (2) The oath must be administered by the Administrator.

31 Protection of Inspector

The Inspector has, in the exercise of the Inspector's powers and performance of the Inspector's functions under this Act, the same protection and immunity as a member of a court has under the *Courts and Administrative Tribunals (Immunities) Act 2008*.

Division 2 Staff of Inspector

32 Staff

- (1) The staff of the Inspector consists of:
- (a) persons employed in an Agency made available by the Chief Executive Officer of the Agency under an arrangement with the Inspector; and
 - (b) persons engaged by the Inspector as consultants.

- (2) In exercising powers and performing functions under this Act or any other Act, a member of Inspector staff is subject only to the direction of the Inspector or another member of Inspector staff.

33 Suitability checks

- (1) This section applies in relation to the Inspector determining whether a person is a suitable person to be, or remain as, a member of Inspector staff.
- (2) The Inspector may request the person to do any of the following:
- (a) provide or consent to a criminal history check and, if necessary, provide biometric data for that purpose;
 - (b) declare personal interests the Inspector considers relevant;
 - (c) undergo a police intelligence or integrity check;
 - (d) undergo a medical or psychological assessment;
 - (e) make a statutory declaration in relation to matters determined by the Inspector to be relevant to the person's suitability.
- (3) The Inspector may take into account the person's irrelevant criminal record, if:
- (a) it appears relevant to the person's ability to be involved in a particular matter in a way that will be and appear to be impartial; or
 - (b) it may generally bring the Inspector's reputation for impartiality and integrity into disrepute; or
 - (c) it may affect the person's ability to carry out substantial parts of the person's role.
- (4) A person who has a recent political affiliation is not suitable to be a member of Inspector staff unless the person satisfies the Inspector that the person's past and present political opinion, affiliation or activity is sufficiently minor or remote so as not to affect the person's suitability to be a member of Inspector staff.
- (5) The acts referred to in subsections (2), (3) and (4) are authorised for section 53 of the *Anti-Discrimination Act 1992*.
- (6) In this section:

irrelevant criminal record, see section 4(1) of the *Anti-Discrimination Act 1992*.

34 Handling information regarding suitability

- (1) Subject to subsection (2), the Inspector must not disclose any information about a person obtained as a result of action taken under section 33(2) to any person other than the person.
- (2) The Inspector may disclose information referred to in subsection (1) to the extent necessary for any proceeding relating to action taken in relation to the person to which the information is relevant.
- (3) The Inspector must arrange for the secure storage of information referred to in subsection (1) and for its destruction when it is no longer required.

Part 4 Oversight of Commissioner, IEC's Office and Auditor-General's Office

Division 1 Oversight of Commissioner and IEC's Office

35 Evaluation of Commissioner

- (1) The Inspector must evaluate the performance of the Commissioner (as each Integrity Officer and otherwise) for a financial year.
- (2) In evaluating the Commissioner's performance, the Inspector must consider:
 - (a) whether the Commissioner (as an Integrity Officer) and members of IEC personnel acted within power and in compliance with the Integrity Acts and any other relevant Acts or subordinate legislation; and
 - (b) whether the Commissioner (as an Integrity Officer or otherwise) has implemented any previous recommendations made by the Inspector; and
 - (c) any other matters the Inspector considers relevant.

36 Report on evaluation

- (1) The Inspector must prepare a report on an evaluation under section 35 and give a copy of the proposed report to the Commissioner.
- (2) The Inspector must give the Commissioner a reasonable opportunity to comment on the proposed report and include a fair representation of the Commissioner's comments in the report.

- (3) The Inspector must give the report to the Minister and the Commissioner within 3 months after the end of the financial year to which it relates.
- (4) The Minister must table a copy of the report in the Legislative Assembly within 6 sitting days after the Minister receives the report.

37 Complaints about Commissioner

- (1) A person may complain to the Commissioner or the Inspector about improper conduct or questionable conduct of any of the following:
 - (a) the Commissioner (as an Integrity Officer or otherwise);
 - (b) a member of IEC personnel;
 - (c) the IEC's Office.
- (2) If the Commissioner receives a complaint, the Commissioner must notify and give details of the complaint to the Inspector within 14 days.
- (3) The Inspector may deal with a complaint in any manner the Inspector considers appropriate.

38 Access to IEC premises and information

- (1) For an evaluation or dealing with a complaint under this Division, the Inspector:
 - (a) has full and free access to IEC premises and all items in the possession or control of the Commissioner (as an Integrity Officer or otherwise) or a member of IEC personnel; and
 - (b) may make a copy of any document in the possession or control of the Commissioner (as an Integrity Officer or otherwise) or a member of IEC personnel.
- (2) The Commissioner and members of IEC personnel must give the Inspector all reasonable assistance the Inspector requires for an evaluation or dealing with a complaint.
- (3) In this section:

IEC premises means premises occupied by the Commissioner (as an Integrity Officer or otherwise), a member of IEC personnel or the IEC's Office in connection with the performance of official functions.

39 Further powers of Inspector

- (1) At any time during or on completion of, an evaluation or dealing with a complaint under this Division, the Inspector may:
 - (a) refer a matter to a law enforcement agency for investigation or prosecution; or
 - (b) refer a matter to the Commissioner (as an Integrity Officer or otherwise) or a public body for investigation and disciplinary action against a public officer for which the Commissioner or public body is responsible; or
 - (c) make recommendations to the Commissioner (as an Integrity Officer) about practices or procedures in relation to the exercise of powers or performance of functions under an Integrity Act.
- (2) The Inspector may exercise the Inspector's power under section 59(1) if:
 - (a) a complaint raises allegations of improper conduct or questionable conduct of the Commissioner (as an Integrity Officer or otherwise), a member of IEC personnel or the IEC's Office; or
 - (b) the Inspector becomes aware (in conducting an evaluation, in dealing with a complaint or otherwise) of information that, if true, would tend to show improper conduct or questionable conduct of the Commissioner (as an Integrity Officer or otherwise), a member of IEC personnel or the IEC's Office.
- (3) If the Inspector is of the opinion that a matter needs to be brought to the attention of the Minister sooner than the next report under section 36 is due, the Inspector may make a report to the Minister.
- (4) The Inspector may specify to the Minister that the report is to be tabled in the Legislative Assembly.
- (5) If the Inspector specifies that a report is to be tabled in the Legislative Assembly, the Minister must table a copy of the report in the Legislative Assembly within 6 sitting days after the Minister receives the report.

40 Resolution of conflicts of interest

- (1) If the Commissioner (as an Integrity Officer) determines that exercising a power or performing a function under an Integrity Act would give rise to an actual, potential or perceived conflict of interest, the Commissioner:
 - (a) must notify the Inspector in writing as soon as practicable; and
 - (b) must not exercise the power or perform the function.
- (2) The Inspector must:
 - (a) determine how the power is to be exercised or the function is to be performed so as to avoid the conflict of interest arising; and
 - (b) advise the Commissioner (as the relevant Integrity Officer) of the Inspector's determination.

Examples for subsection (2)(a)

The Inspector may determine that:

- (a) *the Commissioner (as the relevant Integrity Officer) may resume exercising the power or performing the function with specified measures in place; or*
- (b) *an acting Integrity Officer must be appointed to exercise the power or perform the function.*

41 No oversight of Judicial Commission

If the Commissioner is the principal officer under the *Judicial Commission Act 2020*, nothing in this Act authorises the Inspector to exercise a power or perform a function in relation to the Judicial Commission.

42 Pause of statutory timeframe – *Information Act 2002*

- (1) If section 40 prevents the Commissioner from exercising a power or performing a function under the *Information Act 2002*, any timeframe specified within which the Commissioner must act under that Act is paused until the later of the following:
 - (a) the Inspector determines that the Commissioner may resume exercising the power or performing the function;
 - (b) a person recommended for appointment under section 40 assumes responsibility for the matter.
- (2) To avoid doubt, a timeframe that resumes in accordance with subsection (1) resumes from the point it was paused.

Division 2 Oversight of Auditor-General's Office

43 Evaluation of Auditor-General's Office

- (1) The Inspector may, at any time, evaluate:
 - (a) the performance of the Auditor-General's functions; or
 - (b) any aspect of the Auditor-General's operations.

Examples for subsection (1)(a) and (b)

Timeliness of reports, use of resources, management of contractors and compliance with statutory reporting and accountability obligations.

- (2) The Inspector's power under subsection (1) does not extend to an evaluation of the Auditor-General's audit judgments, methodologies or opinions.

44 Report on evaluation

- (1) The Inspector must prepare a report on an evaluation under section 43 and give a copy of the proposed report to the Auditor-General.
- (2) The Inspector must give the Auditor-General a reasonable opportunity to comment on the proposed report and include a fair representation of the Auditor-General's comments in the report.
- (3) The Inspector must give the report to the Minister and the Auditor-General within 3 months after the evaluation to which it relates.
- (4) The Minister must table a copy of the report in the Legislative Assembly within 6 sitting days after the Minister receives the report.

45 Complaints about Auditor-General

- (1) A person may complain to the Auditor-General or the Inspector about improper conduct or questionable conduct of any of the following:
 - (a) the Auditor-General;
 - (b) a member of the Auditor-General's staff;
 - (c) the Auditor-General's Office.
- (2) If the Auditor-General receives a complaint, the Auditor-General must notify and give details of the complaint to the Inspector within 14 days.

- (3) The Inspector may deal with a complaint in any manner the Inspector considers appropriate.
- (4) Despite subsection (3), the functions of the Inspector do not include receiving or dealing with complaints about audit judgments, methodologies or opinions.

46 Access to Auditor-General's premises and information

- (1) For an evaluation or dealing with a complaint under this Division, the Inspector:
 - (a) has full and free access to the Auditor-General's premises and all items in the possession or control of the Auditor-General or a member of the Auditor-General's staff other than audit files; and
 - (b) may make a copy of any document in the possession or control of the Auditor-General or a member of the Auditor-General's staff other than a document on an audit file.
- (2) The Auditor-General and members of the Auditor-General's staff must give the Inspector all reasonable assistance the Inspector requires for an evaluation or dealing with a complaint.
- (3) In this section:

audit file means a document created or obtained for the purpose of forming an audit opinion or audit judgment under the *Audit Act 1995*.

Auditor-General's premises means premises occupied by the Auditor-General, members of the Auditor-General's staff or the Auditor-General's Office in connection with the performance of official functions.

47 Further powers of Inspector

- (1) At any time during, or on completion of, an evaluation or dealing with a complaint under this Division, the Inspector may:
 - (a) refer a matter to a law enforcement agency for investigation or prosecution; or
 - (b) refer a matter to the Auditor-General or a public body for investigation and disciplinary action; or
 - (c) make recommendations to the Auditor-General about practices or procedures in relation to the exercise of powers or performance of functions under the *Audit Act 1995*.

- (2) The Inspector may exercise the Inspector's power under section 59(1) if:
 - (a) a complaint raises allegations of improper conduct or questionable conduct of the Auditor-General, a member of the Auditor-General's staff or the Auditor-General's Office; or
 - (b) the Inspector becomes aware (in conducting an evaluation, in dealing with a complaint or otherwise) of information that, if true, would tend to show improper conduct or questionable conduct of the Auditor-General, a member of the Auditor-General's staff or the Auditor-General's Office.

Division 3 General matters

48 Power to require person to attend Inspector for questioning etc.

- (1) The Inspector may require any of the following to attend the Inspector to answer questions or produce documents in relation to an evaluation being conducted or a complaint being dealt with by the Inspector:
 - (a) the Commissioner (as an Integrity Officer or otherwise);
 - (b) any member of IEC personnel;
 - (c) the Auditor-General;
 - (d) any member of the Auditor-General's staff.
- (2) The person required to attend must be given a written notice requiring the person to attend at a specified time and place.
- (3) The notice may require the person to bring and produce to the Inspector specified items, or items of a specified kind, in the person's possession or control relevant to the matter.
- (4) The Inspector may require a person attending to do one or more of the following:
 - (a) take an oath to answer all questions truthfully;
 - (b) answer a question relevant to the matter asked by the Inspector;
 - (c) produce any items in the possession or control of the person relevant to the complaint or evaluation.

49 Contravening requirement to attend

- (1) A person commits an offence if the person:
 - (a) is required to do something under section 48 and has knowledge of that circumstance; and
 - (b) intentionally fails to comply with the requirement.

Maximum penalty: 100 penalty units or imprisonment for
 12 months or both.

- (2) It is a defence to a prosecution for an offence against subsection (1) if the defendant has a reasonable excuse.

50 Inspection and copies of documents

- (1) The Inspector may inspect any documents or other items produced to the Inspector under this Act.
- (2) The Inspector may:
 - (a) retain any document or other item produced to the Inspector for any reasonable period the Inspector thinks appropriate; and
 - (b) make a copy of or take an extract from any document produced to the Inspector if the Inspector is of the opinion the copy or extract is relevant to a function of the Inspector in relation to a matter under this Act.
- (3) If the retention of a document or other item ceases to be reasonably necessary for the matter to which it relates, the Inspector must return the document or other item to a person who is entitled to possession of the document or other item, on request of the person.
- (4) Subsection (3) does not apply in relation to a document or other item if it is required as evidence for an offence against this Act or another law in force in the Territory.

51 Direction not to disclose certain information

- (1) The Inspector may, in writing, direct a person not to disclose information if the Inspector believes on reasonable grounds the information would:
 - (a) put a person's safety or wellbeing at risk; or
 - (b) prejudice an investigation or activities related to an investigation under the ICAC Act.

- (2) A direction under subsection (1) may direct a person not to disclose to particular persons or classes of person or, subject to this section, to all persons, as specified in the direction.
- (3) A direction under subsection (1) must include the following:
 - (a) if the regulations require the direction to be recorded in a register – the means of locating the direction in the register;
 - (b) the date the direction expires, which must be a date within 12 months after the date the direction is given, unless the direction is given to protect a person's safety or wellbeing or to prevent disclosure of identifying information;
 - (c) a statement as to whether the direction is the first direction, or a subsequent direction, given to the same person in relation to the same information;
 - (d) a statement that the direction ceases to have effect if the information to which it relates becomes public knowledge.
- (4) A failure to comply with subsection (3) does not invalidate the direction, but if no date is specified as required by subsection (3)(b), the direction expires 6 months after the date it is given.
- (5) A person given a direction under subsection (1) commits an offence if:
 - (a) the person intentionally engages in conduct; and
 - (b) the conduct results in a contravention of the direction and the person is reckless in relation to the result.

Maximum penalty: 400 penalty units or imprisonment for 2 years.

- (6) It is a defence to a prosecution for an offence against subsection (5) if:
 - (a) the disclosure is made:
 - (i) to a legal practitioner for obtaining professional legal advice; or
 - (ii) to a health practitioner or an accredited counsellor for obtaining professional assistance; or
 - (iii) to a religious or spiritual advisor who is subject to ethical confidentiality obligations, for obtaining spiritual assistance; or

- (b) the person discloses the information believing on reasonable grounds that:
 - (i) circumstances of sudden or extraordinary emergency exist; and
 - (ii) disclosing the information is the only reasonable way to deal with the emergency; and
 - (iii) the risk that the disclosure is made in response to significantly outweighs any risk to a protected person in disclosing the information.
- (7) A direction may be given to a person more than once under this section in relation to the same information.
- (8) In this section:

health practitioner means:

- (a) a medical practitioner; or
- (b) a person registered under the Health Practitioner Regulation National Law to practise in the psychology profession (other than as a student).

protected person, see section 4 of the ICAC Act.

52 Assistance

- (1) The Inspector may engage any assistance the Inspector thinks appropriate in relation to an evaluation being conducted or a complaint being dealt with or to assist in the exercise of any other power or the performance of any other function by the Inspector.
- (2) For subsection (1), the Inspector may, in writing, authorise any person engaged to inspect and report to the Inspector on any document or other item relevant to an evaluation or complaint.
- (3) The Inspector may, in writing, delegate to a person referred to in subsection (1) any of the Inspector's powers and functions under this Act.

53 Further assistance – supplementary Inspector

- (1) The position of supplementary Integrity and Ethics Oversight Inspector (the ***supplementary Inspector***) is established.

- (2) On the recommendation of the Inspector, a supplementary Inspector must be appointed by the Administrator, for the period recommended by the Inspector.
- (3) The Inspector must not make a recommendation referred to in subsection (2) unless:
 - (a) the Inspector is of the opinion that the workload of the Inspector has exceeded the Inspector's reasonable capacity; and
 - (b) the person recommended is an eligible person for appointment as Inspector.
- (4) The supplementary Inspector has the same powers and functions as the Inspector.
- (5) The supplementary Inspector holds office on the conditions (including conditions about remuneration, expenses and allowances) determined by the Administrator.
- (6) The supplementary Inspector's conditions of office:
 - (a) cannot provide any conditions that are contingent on the supplementary Inspector's performance in office; and
 - (b) cannot be varied to the detriment of the supplementary Inspector during the supplementary Inspector's term in office.
- (7) A person appointed to be the supplementary Inspector must, before exercising any powers or performing any functions as Inspector, take an oath that the person will faithfully, impartially and truly perform the functions of the Inspector according to law.
- (8) The oath must be administered by the Administrator.

54 Resolution of conflicts of interest

If the Inspector determines that exercising a power or performing a function under this Act or an Integrity Act would give rise to an actual, potential or perceived conflict of interest, the Inspector:

- (a) must notify the Minister in writing as soon as practicable; and
- (b) must not exercise the power or perform the function; and
- (c) must recommend a suitable person for exercising the power or performing the function, whether an acting Integrity Officer, a supplementary Inspector or otherwise.

55 Disapplication of section 52 of *Surveillance Devices Act 2007*

Section 52 of the *Surveillance Devices Act 2007* does not apply to the use, communication or publication of protected information within the meaning of that Act in relation to the exercise of the Inspector's powers and performance of the Inspector's functions under this Part.

56 Confidentiality of information

- (1) In a report on an evaluation or a report made under section 39(3) or in dealing with a complaint, the Inspector may disclose information obtained in the exercise of powers or the performance of functions only to the extent the Inspector considers necessary for the effective exercise of the powers or performance of the functions.
- (2) In determining whether to disclose information, the Inspector must consider the effect of disclosure on:
 - (a) any preliminary inquiries, investigations or referrals under an Integrity Act; and
 - (b) potential criminal proceedings; and
 - (c) the safety and wellbeing of any person; and
 - (d) the effect of disclosure on a person's reputation.

57 Service

- (1) A notice, under this Part may be given:
 - (a) by serving it on the recipient; or
 - (b) by sending it to the recipient by email or another form of electronic communication.
- (2) Subject to evidence to the contrary, a notice sent in accordance with subsection (1)(b) is taken to be given to the recipient when it is sent to the recipient.

Division 4 Appointment of acting Integrity Officers

58 Appointment of acting Health Complaints Commissioner

- (1) The Inspector may appoint an eligible person to act as the Health Complaints Commissioner to deal with a specified matter under the *Health and Community Services Complaints Act 1998* that the Health Complaints Commissioner cannot deal with due to a conflict of interest.

- (2) A person is an **eligible person** for appointment as an acting Health Complaints Commissioner under subsection (1) if the person is not:
 - (a) a registered provider; or
 - (b) a member of a professional association of health service providers.
- (3) For subsection (2)(b), a professional association of health services providers does not include:
 - (a) an industrial organisation; or
 - (b) an association of health administrators.
- (4) Concurrent appointments may exist under this section if the conditions of appointment distinguish the circumstances in which each appointee may act.
- (5) To avoid doubt, an appointment may be made under this section regardless of whether a person has been appointed to act as the Commissioner under section 20.

Note for subsection (5)

Under section 21, a person appointed to act as the Commissioner under section 20 would also be an acting Health Complaints Commissioner.

- (6) In this section:

Board means a National Board.

National Board means a National Health Practitioner Board established by section 31 of the Health Practitioner Regulation National Law.

provider means a person who, or body that, provides, or holds out as being able to provide, a health service or community service and includes the following:

- (a) an employer of a provider;
- (b) a volunteer who provides a health service or community service on behalf of a provider.

registered provider means a provider registered by a relevant Board.

relevant Board, in relation to a registered provider, means the Board that registered the provider.

59 Appointment of acting ICAC

- (1) The Inspector may appoint an eligible person to act as the ICAC:
 - (a) to conduct an investigation under the ICAC Act into the conduct of any of the following:
 - (i) the Commissioner (as an Integrity Officer or otherwise);
 - (ii) a member of IEC personnel;
 - (iii) the IEC's Office;
 - (iv) the Auditor-General;
 - (v) a member of the Auditor-General's staff;
 - (vi) the Auditor-General's Office; and
 - (b) to report on the investigation in accordance with section 60; and
 - (c) to take any further action under the ICAC Act that the person considers appropriate.
- (2) The Inspector may appoint an eligible person to act as the ICAC to deal with a specified matter under the ICAC Act that the ICAC cannot deal with due to a conflict of interest.
- (3) A person is an **eligible person** for appointment as an acting ICAC under subsection (1) or (2) if the person:
 - (a) is an eligible person for appointment as the Commissioner; and
 - (b) is not, and has not been, at any time in the previous 12 months, a public officer.
- (4) An acting ICAC appointed under subsection (1) holds office from the day on which the appointment is made to the day on which the report referred to in section 60 is made, unless specified otherwise in the instrument of appointment.
- (5) Concurrent appointments may exist under this section if the conditions of appointment distinguish the circumstances in which each appointee may act.

- (6) To avoid doubt, an appointment may be made under this section regardless of whether a person has been appointed to act as the Commissioner under section 20.

Note for subsection (6)

Under section 21, a person appointed to act as the Commissioner under section 20 would also be an acting ICAC.

60 Report following investigation

- (1) Following an investigation referred to in section 59(1), the acting ICAC must make a report on the investigation to the Chief Minister and the Inspector.
- (2) The report must be prepared in accordance with section 50(2) to (5) of the ICAC Act.
- (3) Section 50A of the ICAC Act applies in relation to the report.

61 Appointment of acting Information Commissioner

- (1) The Inspector may appoint an eligible person to act as the Information Commissioner to deal with a specified matter under the *Information Act 2002* that the Information Commissioner cannot deal with due to a conflict of interest.
- (2) A person is an **eligible person** for appointment as an acting Information Commissioner under subsection (1) if the person is not a member of the Legislative Assembly.
- (3) Concurrent appointments may exist under this section if the conditions of appointment distinguish the circumstances in which each appointee may act.
- (4) To avoid doubt, an appointment may be made under this section regardless of whether a person has been appointed to act as the Commissioner under section 20.

Note for subsection (4)

Under section 21, a person appointed to act as the Commissioner under section 20 would also be an acting Information Commissioner.

62 Appointment of acting Ombudsman

- (1) The Inspector may appoint an eligible person to act as the Ombudsman to deal with a specified matter under the *Ombudsman Act 2009* that the Ombudsman cannot deal with due to a conflict of interest.

- (2) A person is an **eligible person** for appointment as an acting Ombudsman under subsection (1) if the person:
 - (a) is an eligible person for appointment as the Commissioner; and
 - (b) is not, and has not been, at any time in the previous 12 months, a public officer.
- (3) Concurrent appointments may exist under this section if the conditions of appointment distinguish the circumstances in which each appointee may act.
- (4) To avoid doubt, an appointment may be made under this section regardless of whether a person has been appointed to act as the Commissioner under section 20.

Note for subsection (4)

Under section 21, a person appointed to act as the Commissioner under section 20 would also be an acting Ombudsman.

63 Conditions of appointment

- (1) An acting Integrity Officer holds office on the conditions (including conditions about remuneration, expenses and allowances) determined by the Inspector.
- (2) The acting Integrity Officer's conditions of office:
 - (a) cannot provide any conditions that are contingent on the acting Integrity Officer's performance in office; and
 - (b) cannot be varied to the detriment of the acting Integrity Officer during the acting Integrity Officer's term in office.

64 Oath before taking office

- (1) A person appointed as an acting Integrity Officer must, before exercising any powers or performing any functions as an acting Integrity Officer, take an oath that the person will faithfully, impartially and truly perform the functions of the office for which the person is appointed to act, according to law.
- (2) The oath must be administered by the Inspector.
- (3) A person is not required to take an oath under subsection (1) if the person has previously taken an oath as an acting Integrity Officer within the past 2 years.

Part 5 Miscellaneous matters

65 Misleading information

(1) A person commits an offence if:

- (a) the person intentionally gives information to another person;
and
- (b) the information is misleading and the person has knowledge of that circumstance; and
- (c) the other person is acting in an official capacity and the person has knowledge of that circumstance.

Maximum penalty: 400 penalty units or imprisonment for
2 years.

(2) A person commits an offence if:

- (a) the person intentionally gives a document to another person;
and
- (b) the document contains misleading information and the person has knowledge of that circumstance; and
- (c) the other person is acting in an official capacity and the person has knowledge of that circumstance.

Maximum penalty: 400 penalty units or imprisonment for
2 years.

(3) It is a defence to a prosecution for an offence against subsection (1) or (2) if the defendant, when giving the information or document:

- (a) draws the misleading aspect of the information or document to the other person's attention; and
- (b) to the extent to which the defendant can reasonably do so – gives the other person the information necessary to remedy the misleading aspect of the information or document.

(4) In this section:

misleading information means information that is misleading in a material particular or because of the omission of a material particular.

66 Protection from liability

- (1) A person is not civilly or criminally liable for an act done or omitted to be done by the person in good faith when acting in an official capacity or purportedly acting in an official capacity.
- (2) Subsection (1) does not affect any liability the Territory would, apart from that subsection, have for the act or omission.
- (3) This section has effect subject to Part VIIA of the *Police Administration Act 1978*.
- (4) If a person is alleged to have acted in bad faith when acting, or purportedly acting, in an official capacity, a civil or criminal proceeding for the act may only be brought by leave of the Supreme Court.
- (5) The Supreme Court is not to grant leave unless satisfied there are substantial reasons for believing the person acted in bad faith.
- (6) This section does not apply in relation to the Inspector.

67 Validity of acts and decisions

A decision made, or other thing done, by the Commissioner (as an Integrity Officer or otherwise) or the Inspector is not invalid only because the Commissioner or the Inspector is no longer, or never was, an eligible person for appointment.

68 Regulations

- (1) The Administrator may make regulations under this Act.
- (2) A regulation may provide for one or more registers to be kept by the Commissioner or the Inspector.

Note for section 68

See section 65 of the Interpretation Act 1978.

Part 6 Transitional matters for Integrity and Ethics Commissioner Act 2025**69 Definitions**

In this Part:

former Inspector means the Inspector referred to in section 134 of the ICAC Act as in force immediately before its repeal.

IEC related entity means any of the following:

- (a) the Health Complaints Commissioner, a staff member as defined in section 4(1) of the *Health and Community Services Complaints Act 1998* or a consultant engaged under section 14(2) of that Act;
- (b) the ICAC or a member of ICAC staff;
- (c) the Information Commissioner, a member of the staff of the Information Commissioner or a consultant engaged under section 96(3) of the *Information Act 2002*;
- (d) the Ombudsman or an officer of the Ombudsman's Office as defined by section 4 of the *Ombudsman Act 2009* as in force immediately before the commencement of section 23;
- (e) the Auditor-General or a member of the Auditor-General's staff.

repealed provision means section 138 of the ICAC Act, as in force immediately before the commencement of section 23.

70 Certain persons not to be appointed as Inspector

A person must not be appointed to be the Inspector if the person is, or has been at any time in the 12 month period ending on the commencement of section 23, any of the following:

- (a) the Health Complaints Commissioner or a staff member as defined in section 4(1) of the *Health and Community Services Complaints Act 1998*;
- (b) the ICAC or a member of ICAC staff;
- (c) the Information Commissioner or a member of the staff of the Information Commissioner;
- (d) the Ombudsman or an officer of the Ombudsman's Office as defined by section 4 of the *Ombudsman Act 2009* as in force immediately before the commencement of section 23;
- (e) the Auditor-General or a public sector employee employed for the Auditor-General.

71 Conduct before commencement

- (1) A complaint may be made under section 37 or 45 about conduct that occurred before the commencement of those sections, but no more than 5 years before that commencement.

- (2) Subsection (1) does not prevent the Inspector from accepting a complaint and dealing with a matter that occurred more than 5 years before the commencement if the Inspector is of the opinion there are exceptional circumstances for, or a strong public interest in, doing so.

72 Current matters in relation to IEC related entity

- (1) On the commencement of section 23, the ICAC must cease dealing with any matter the ICAC is dealing with in relation to an IEC related entity immediately before the commencement.
- (2) Within 7 days after the commencement of section 23, the ICAC must transfer to the Inspector all information in the possession or control of the ICAC in relation to a matter referred to in subsection (1).
- (3) The Inspector must deal with the matter as if it were a complaint made under Part 4.
- (4) Within a reasonable time after the commencement of section 23, the Inspector must give written notice of the following to the person (if any) who brought the matter to the ICAC's attention:
 - (a) that the Inspector has assumed responsibility for the matter;
 - (b) the action the Inspector has taken, or proposes to take, in relation to the matter.
- (5) For this section, the ICAC deals with a matter if the ICAC does any of the following:
 - (a) receives or assesses a complaint about the matter;
 - (b) makes preliminary inquiries into the matter;
 - (c) investigates the matter;
 - (d) refers the matter to another entity;
 - (e) holds a public inquiry (as defined in section 4 of the ICAC Act) into the matter;
 - (f) prepares or finalises a report or public statement in relation to the matter.

73 Information and records about matters involving IEC related entities to be transferred

- (1) Within 7 days after the commencement of section 23, the ICAC must transfer to the Inspector all information and records relating to matters involving an IEC related entity that are in the possession or control of the ICAC immediately before that commencement, other than information referred to in section 72.
- (2) Without limiting subsection (1), information and records that must be transferred include the following:
 - (a) complaint files;
 - (b) investigation materials;
 - (c) legal advice or information;
 - (d) referrals from other Agencies;
 - (e) evaluation reports;
 - (f) case management records.
- (3) To avoid doubt, subsection (1) applies to confidential information obtained from a law enforcement agency.

74 Complaints with former Inspector

- (1) This section applies in relation to a complaint the former Inspector received or was notified of under the repealed provision if, immediately before the commencement of section 23, the former Inspector:
 - (a) had not finished dealing with the complaint; or
 - (b) had not started dealing with the complaint.
- (2) All information in the possession or control of the former Inspector immediately before the commencement of section 23 in relation to the complaint is to be transferred to the Inspector.
- (3) The Inspector must deal with the complaint as if it had been made under Part 4.
- (4) Within a reasonable time after the commencement of section 23, the Inspector must give written notice of the following to the person who made the complaint:
 - (a) that the Inspector has assumed responsibility for the complaint;

- (b) the action that the Inspector has taken, or proposes to take, in relation to the complaint.

75 Information and records to be transferred

- (1) All information and records in the possession or control of the former Inspector immediately before the commencement of section 23, other than information covered by section 73, are to be transferred to the Inspector.
- (2) Without limiting subsection (1), information and records that must be transferred include the following:
 - (a) all information relating to a complaint under the repealed provision that does not relate to a complaint referred to in section 73;
 - (b) any information that may disclose the identity of a person (a **complainant**) who has made a complaint under the repealed provision or that in any way relates to dealing with a complainant;
 - (c) any legal advice or information that relates to actual or potential legal proceedings;
 - (d) any confidential information obtained from a law enforcement agency.

76 Provisions if Act does not commence at start of financial year

If sections 35 and 36 commence on a day other than 1 July, a reference to a financial year in those sections is taken to be a reference to the period from that commencement to the end of the first full financial year after that commencement.

77 Disapplication of certain provisions to Auditor-General in office

- (1) Sections 24(1)(b) and 25(2) and the provisions of Part 4, Divisions 2 and 3 that relate to an evaluation of the Auditor-General by the Inspector do not apply to the Auditor-General who is in office immediately before the commencement of those provisions, for the duration of the term of appointment of the Auditor-General that is in effect immediately before the commencement of those provisions.
- (2) To avoid doubt, the provisions referred to in subsection (1) commence applying if the Auditor-General who is in office immediately before the commencement of those provisions is reappointed under section 4B(2) of the *Audit Act 1995* after the commencement of those provisions.

ENDNOTES

1

KEY

Key to abbreviations

amd = amended
 app = appendix
 bl = by-law
 ch = Chapter
 cl = clause
 div = Division
 exp = expires/expired
 f = forms
 Gaz = Gazette
 hdg = heading
 ins = inserted
 lt = long title
 nc = not commenced

od = order
 om = omitted
 pt = Part
 r = regulation/rule
 rem = remainder
 renum = renumbered
 rep = repealed
 s = section
 sch = Schedule
 sdiv = Subdivision
 SL = Subordinate Legislation
 sub = substituted

2

LIST OF LEGISLATION

Integrity and Ethics Commissioner Act 2025 (Act No. 32, 2025)

Assent date	27 November 2025
Commenced	ss 3 to 7 and pts 2 to 6 and 8: 1 June 2026 (s 2(2) and Gaz S39, 29 May 2026); rem: 28 November 2025 (s 2(1))

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LIST OF AMENDMENTS

pt 7 hdg	exp No. 32, 2025, s 151
pt 7	
div 1 hdg	exp No. 32, 2025, s 151
ss 78 – 80	exp No. 32, 2025, s 151
pt 7	
div 2 hdg	exp No. 32, 2025, s 151
ss 81 – 83	exp No. 32, 2025, s 151
pt 7	
div 3 hdg	exp No. 32, 2025, s 151
ss 84 – 86	exp No. 32, 2025, s 151
pt 7	
div 4 hdg	exp No. 32, 2025, s 151
ss 87 – 89	exp No. 32, 2025, s 151
pt 8	
div 1 hdg	exp No. 32, 2025, s 151
ss 90 – 96	exp No. 32, 2025, s 151
pt 8	
div 2 hdg	exp No. 32, 2025, s 151
ss 97 – 98	exp No. 32, 2025, s 151
pt 8	
div 3 hdg	exp No. 32, 2025, s 151
ss 99 – 106	exp No. 32, 2025, s 151
pt 8	
div 4 hdg	exp No. 32, 2025, s 151
ss 107 – 125	exp No. 32, 2025, s 151

pt 8	
div 5 hdg	exp No. 32, 2025, s 151
ss 126 – 136	exp No. 32, 2025, s 151
pt 8	
div 6 hdg	exp No. 32, 2025, s 151
ss 137 – 144	exp No. 32, 2025, s 151
pt 8	
div 7 hdg	exp No. 32, 2025, s 151
ss 145 – 146	exp No. 32, 2025, s 151
pt 8	
div 8 hdg	exp No. 32, 2025, s 151
ss 147 – 149	exp No. 32, 2025, s 151
pt 8	
div 9 hdg	exp No. 32, 2025, s 151
s 150	exp No. 32, 2025, s 151
pt 8	
div 10 hdg	exp No. 32, 2025, s 151
s 151	exp No. 32, 2025, s 151
sch	exp No. 32, 2025, s 151