

NORTHERN TERRITORY OF AUSTRALIA

INTEGRITY AND ETHICS COMMISSIONER ACT 2025

As in force at 1 June 2026

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 1 June 2026

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## 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.

**Part 7 Amendments to Integrity Acts to implement interim arrangements**

**Division 1 Health and Community Services Complaints Act 1998**

**78 Act amended**

This Division amends the *Health and Community Services Complaints Act 1998*.

**79 Section 10 amended (Acting Commissioner)**

Section 10(2) and (5)

*omit*

**80 Part 11, Division 3 inserted**

After section 110

*insert*

**Division 3 Transitional matters for Integrity and Ethics Commissioner Act 2025**

**111 Application of amendment to section 10**

The amendment to this Act by section 79 of the *Integrity and Ethics Commissioner Act 2025* applies to an acting Health Complaints Commissioner in office on the commencement of that section.

**Division 2 Independent Commissioner Against Corruption Act 2017**

**81 Act amended**

This Division amends the *Independent Commissioner Against Corruption Act 2017*.

**82 Section 121 amended (Acting ICAC)**

Section 121(3) and (4)

*omit*

**83 Part 10, Division 3 inserted**

After section 178

*insert*

**Division 3 Transitional matters for Integrity and Ethics  
Commissioner Act 2025**

**179 Application of amendment to section 121**

The amendment to this Act by section 82 of the *Integrity and Ethics Commissioner Act 2025* applies to an acting ICAC in office on the commencement of that section.

**Division 3 Information Act 2002**

**84 Act amended**

This Division amends the *Information Act 2002*.

**85 Section 94 amended (Acting Commissioner)**

Section 94(2)

*omit*

**86 Part 14 inserted**

After section 164

*insert*

**Part 14 Transitional matters for Integrity and Ethics  
Commissioner Act 2025**

**165 Application of amendment to section 94**

The amendment to this Act by section 85 of the *Integrity and Ethics Commissioner Act 2025* applies to an acting Information Commissioner in office on the commencement of that section.

**Division 4 Ombudsman Act 2009**

**87 Act amended**

This Division amends the *Ombudsman Act 2009*.

**88 Section 143 amended (Acting Ombudsman)**

Section 143(2)

*omit*

**89 Part 13 inserted**

After section 166

*insert*

**Part 13 Transitional matters for Integrity and Ethics  
Commissioner Act 2025**

**167 Application of amendment to section 143**

The amendment to this Act by section 88 of the *Integrity and Ethics Commissioner Act 2025* applies to an acting Ombudsman in office on the commencement of that section.

**Part 8 Consequential and other amendments**

**Division 1 Audit Act 1995**

**90 Act amended**

This Division amends the *Audit Act 1995*.

**91 Section 4C amended (Conditions of appointment)**

(1) Section 4C(2)(b), after "varied"

*insert*

to the detriment of the Auditor-General

(2) After section 4C(2)

*insert*

(3) Subsection (2) does not prevent the Inspector under the *Integrity and Ethics Commissioner Act 2025* from conducting an evaluation or dealing with a complaint in relation to the Auditor-General under that Act.

**92 Section 7B amended (Suspension and termination of appointment)**

Section 7B(1)

*omit, insert*

- (1) The Administrator may suspend the Auditor-General from duty:
- (a) if the Auditor-General becomes physically or mentally incapable of satisfactorily performing official duties; or
  - (b) if the Auditor-General engages in corrupt conduct as defined in section 10 of the *Independent Commissioner Against Corruption Act 2017*; or
  - (c) if the Auditor-General engages in paid employment outside the duties of office without the Minister's approval; or
  - (d) if the Auditor-General is absent from duty, without the approval of the Minister and without reasonable excuse, for 28 consecutive days or for 42 days in any period of 12 months; or
  - (e) on the ground of proved misbehaviour; or
  - (f) on the ground of incompetence.

**93 Part 5 heading amended**

Part 5, heading, after "**Office**"

*insert*

**and other Agencies**

**94 Section 26 amended (Strategic review of Auditor-General's Office)**

Section 26(2)

*omit*

every 3 years

*insert*

in each year

**95 Section 27 amended (Audit of accounts of Auditor-General's Office, other Agency, Territory controlled entity or other organisation)**

- (1) Section 27, heading, after "**Office**,"

*insert*

**Office of the Integrity and Ethics Commissioner,**

- (2) Section 27(1)

*omit*

Corporations Act 2001

*insert*

*Corporations Act 2001* (Cth)

- (3) After section 27(1)(a)

*insert*

(ab) to audit the accounts of the Office of the Integrity and Ethics Commissioner; or

**96 Part 9 inserted**

After section 31

*insert*

**Part 9 Transitional matters for Integrity and Ethics Commissioner Act 2025**

**32 Application of amendments to sections 4C and 7B on Auditor-General in office**

- (1) The amendments to this Act by sections 91 and 92 of the *Integrity and Ethics Commissioner Act 2025* do not apply to the Auditor-General who is in office immediately before the commencement of those sections, for the duration of the term of appointment that is in effect immediately before the commencement.
- (2) To avoid doubt, the amendments referred to in subsection (1) commence applying if the Auditor-General who is in office immediately before the commencement is reappointed under section 4B(2) after the commencement.

## Division 2 Criminal Records (Spent Convictions) Act 1992

### 97 Act amended

This Division amends the *Criminal Records (Spent Convictions) Act 1992*.

### 98 Section 15A amended

(1) Section 15A(1B)

*omit, insert*

(1B) In addition, sections 11 and 13 do not apply in respect of a spent record in relation to:

(a) an application for appointment or employment as any of the following:

(i) the Integrity and Ethics Commissioner or an Acting Commissioner;

(ii) the Inspector (including a supplementary Inspector) or a member of Inspector staff;

(iii) an acting Integrity Officer;

(iv) a member of ICAC staff or IEC personnel; or

(b) anything done under section 33 of the *Integrity and Ethics Commissioner Act 2025*; or

(c) anything done under section 126 of the *Independent Commissioner Against Corruption Act 2017*.

(2) Section 15A(2), definitions **Acting ICAC**, **Inspector** and **member of Inspector staff**

*omit*

(3) Section 15A(2)

*insert*

**Acting Commissioner**, see section 3 of the *Integrity and Ethics Commissioner Act 2025*.

**acting Integrity Officer**, see section 3 of the *Integrity and Ethics Commissioner Act 2025*.

**IEC personnel**, see section 3 of the *Integrity and Ethics Commissioner Act 2025*.

**Inspector**, see section 3 of the *Integrity and Ethics Commissioner Act 2025*.

**Inspector staff**, see section 3 of the *Integrity and Ethics Commissioner Act 2025*.

**Integrity and Ethics Commissioner** means the Commissioner as defined in section 3 of the *Integrity and Ethics Commissioner Act 2025*.

### **Division 3 Health and Community Services Complaints Act 1998**

#### **99 Act amended**

This Division amends the *Health and Community Services Complaints Act 1998*.

#### **100 Section 4 amended (Interpretation)**

(1) Section 4(1), definition **Commission**

*omit*

(2) Section 4(1), definition **Commissioner**

*omit*

appointed under section 9(1)

*insert*

referred to in section 9

#### **101 Part 2 repealed (Health and Community Services Complaints Commission)**

Part 2

*repeal*

**102 Sections 9 to 11 replaced**

Sections 9 to 11

*repeal, insert*

**9 Establishment of Commissioner**

There is to be a Commissioner for Health and Community Services Complaints.

*Notes for section 9*

- 1 *Section 11 of the Integrity and Ethics Commissioner Act 2025 provides that while a person holds office as the Integrity and Ethics Commissioner, the person also holds office as the Commissioner for Health and Community Services Complaints.*
- 2 *Section 21 of the Integrity and Ethics Commissioner Act 2025 provides that while a person is appointed to act as the Integrity and Ethics Commissioner, the person also acts as the Commissioner for Health and Community Services Complaints.*
- 3 *Section 58 of the Integrity and Ethics Commissioner Act 2025 also provides for the appointment of an acting Commissioner for Health and Community Services Complaints.*

**103 Section 13 amended (Independence of Commissioner)**

After section 13(2)

*insert*

- (3) Subsections (1) and (2) have effect despite anything to the contrary in the *Public Sector Employment and Management Act 1993*.

**104 Section 14 amended (Staff and facilities for Commissioner)**

- (1) Section 14, heading

*omit*

**and facilities**

- (2) Section 14(1) and (2)

*omit, insert*

- (2) To assist in the performance of the Commissioner's functions, the Commissioner may engage consultants and make arrangements for the provision of advice and services to the Commissioner.

(3) After section 14(3)

*insert*

(4) Subsection (3) has effect despite anything to the contrary in the *Public Sector Employment and Management Act 1993*.

#### **105 Sections 15 and 16 replaced**

Sections 15 and 16

*repeal, insert*

#### **15 Delegation**

The Commissioner may, in writing, delegate to a person any of the Commissioner's powers and functions under this Act.

#### **106 Schedule 1 repealed (Appointment of Commissioner)**

Schedule 1

*repeal*

### **Division 4 Independent Commissioner Against Corruption Act 2017**

#### **107 Act amended**

This Division amends the *Independent Commissioner Against Corruption Act 2017*.

#### **108 Section 4 amended (Definitions)**

(1) Section 4, definitions ***Acting ICAC, Australian parliament, eligible person, ICAC premises, ICAC's Office, Inspector and member of Inspector staff***

*omit*

(2) Section 4

*insert*

***Health Complaints Commissioner*** means the Commissioner for Health and Community Services Complaints referred to in section 9 of the *Health and Community Services Complaints Act 1998*.

***IEC Act*** means the *Integrity and Ethics Commissioner Act 2025*.

**Inspector** means the Inspector referred to in section 23 of the IEC Act.

**Inspector staff**, see section 3 of the IEC Act.

**109 Section 16 amended (Meaning of *public body* and *public office*)**

(1) Section 16(3)(b)

*omit*

a member of

(2) Section 16(3)(c) and (d)

*omit, insert*

(c) an acting ICAC appointed under section 59 of the IEC Act to conduct an investigation, in relation to the investigation;

(d) a member of ICAC staff assisting an acting ICAC appointed under section 59 of the IEC Act to conduct an investigation, in relation to the investigation.

**110 Section 17 amended (Establishment of ICAC)**

Section 17, note

*omit, insert*

*Notes for section 17*

1 *Section 11 of the IEC Act provides that while a person holds office as the Integrity and Ethics Commissioner, the person also holds office as the Independent Commissioner Against Corruption.*

2 *Section 21 of the IEC Act provides that while a person is appointed to act as the Integrity and Ethics Commissioner, the person also acts as the Independent Commissioner Against Corruption.*

3 *Part 4 of the IEC Act gives the Inspector oversight of the ICAC.*

**111 Section 21 amended (Independence of ICAC)**

(1) Section 21, before "The"

*insert*

(1)

(2) Section 21, at the end

*insert*

(2) Subsection (1) has effect despite anything to the contrary in the *Public Sector Employment and Management Act 1993*.

**112 Section 22 amended (ICAC to establish system for mandatory reporting)**

(1) Section 22(4)

*omit*

(2) After section 22(5)

*insert*

(6) Despite anything to the contrary in this section or in any directions or guidelines issued under this section, a report in relation to any of the following must be made to the Inspector:

(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 referred to in section 85 of the *Information Act 2002*, a member of the staff of the Information Commissioner or a consultant engaged under section 96(3) of that Act;

(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 112 of the *Integrity and Ethics Commissioner Act 2025*;

(e) the Auditor-General, a public sector employee employed for the Auditor-General or a consultant or other person engaged by the Auditor-General for the performance of the Auditor-General's functions under the *Audit Act 1995*.

**113 Section 65 amended (Restriction on access to ICAC premises and protected ICAC information)**

- (1) Section 65(6), definition ***protected ICAC information***

*omit*

, the ICAC's Office

- (2) Section 65(6)

*insert*

***ICAC premises*** means premises occupied by the ICAC or a member of ICAC staff in connection with the performance of official functions.

**114 Section 93 amended (Meaning of *protected communication*)**

- (1) Section 93(1)(b)(i)

*omit*

or the ICAC's Office

- (2) Section 93(1)(b)(ii)

*omit*

or the Ombudsman's Office

- (3) Section 93(1)(b)(iv)

*omit*

and Community

- (4) Section 93(1)(b)(vii)

*omit*

the ICAC, the ICAC's Office or a member of ICAC staff

*insert*

a person or an entity referred to in section 37(1) or 45(1) of the IEC Act

(5) Section 93(5), definition **staff member**

*omit*

and Community

**115 Section 98 amended (Information to be given to purported protected person)**

Section 98(1)(e)

*omit*

ICAC's Office

*insert*

ICAC

**116 Part 7, Divisions 1 and 1A repealed**

Part 7, Divisions 1 and 1A

*repeal*

**117 Section 124 amended (Staff not subject to external direction)**

(1) Section 124, before "In"

*insert*

(1)

(2) Section 124, at the end

*insert*

(2) Subsection (1) has effect despite anything to the contrary in the *Public Sector Employment and Management Act 1993*.

**118 Section 125 amended (Delegation)**

(1) Section 125(1)

*omit*

The

*insert*

Subject to subsection (2), the

(2) Section 125(2)

*omit, insert*

(2) The ICAC cannot delegate:

(a) a function under Part 3, Division 6 or 7; or

(b) a function under section 157(2).

(3) Section 125, note

*omit*

**119 Section 126 amended (Suitability checks)**

Section 126(5)

*omit*

**120 Section 130 (Website)**

(1) Section 130(1)(b)

*omit*

ICAC's Office

*insert*

ICAC

(2) Section 130(1)(d), after "Inspector"

*insert*

under the IEC Act

(3) Section 130(1)(i)

*omit*

public;

*insert*

public.

(4) Section 130(1)(j)

*omit*

**121 Part 7, Division 4 repealed (Oversight of ICAC)**

Part 7, Division 4

*repeal*

**122 Section 144A repealed (Former members of staff)**

Section 144A

*repeal*

**123 Section 147 amended (Direction not to disclose certain information)**

Section 147(1)

*omit (all references)*

or the Inspector

**124 Section 151A repealed (Contravening requirement for ICAC or member of ICAC staff to attend)**

Section 151A

*repeal*

**125 Section 180 inserted**

After section 179

*insert*

**180 Completion of annual or other evaluation**

- (1) Despite the repeal of Part 7, Division 4 by section 121 of the *Integrity and Ethics Commissioner Act 2025*, that Division, as in force before its repeal:
- (a) continues to apply in relation to the evaluation under section 136 as in force before its repeal, until the report on the evaluation is tabled under section 137(4) as in force before its repeal; and
  - (b) continues to apply in relation to any other evaluation that was commenced under section 135(1)(ba), before its repeal, until:
    - (i) the Inspector takes action in relation to the evaluation under section 140 as in force before its repeal; or

- (ii) the Inspector decides to take no action.
- (2) For subsection (1)(a), the evaluation in relation to the financial year commencing 1 July 2025 is to be truncated to cover the period ending immediately before the repeal of Part 7, Division 4.
- (3) The appointment power under section 134, as in force before its repeal, must continue to be exercised by the Administrator if:
  - (a) the office of Inspector becomes vacant; and
  - (b) an evaluation that was commenced before its repeal has not been tabled.

## **Division 5 Information Act 2002**

### **126 Act amended**

This Division amends the *Information Act 2002*.

### **127 Section 4 amended (Definitions)**

- (1) Section 4, definition **Commissioner**

*omit*

under

*insert*

referred to in

- (2) Section 4, definition **Health Complaints Commissioner**

*omit*

Complaints.

*insert*

Complaints referred to in section 9 of the *Health and Community Services Complaints Act 1998*.

### **128 Section 49E amended (Information under *Independent Commissioner Against Corruption Act 2017*)**

- (1) Section 49E(1)(a)(v), at the end

*insert*

or

- (2) Section 49E(1)(a)(vi) and (2), definition ***Inspector***  
*omit*

**129 Section 49F inserted**

After section 49E, in Part 4, Division 2

*insert*

**49F Information under *Integrity and Ethics Commissioner Act 2025***

- (1) Information is exempt under section 44 if the information is obtained or created by the Inspector in the performance of functions or exercise of powers under the *Integrity and Ethics Commissioner Act 2025*.
- (2) In this section:

***Inspector***, see section 3 of the *Integrity and Ethics Commissioner Act 2025*.

**130 Section 85 replaced**

Section 85

*repeal, insert*

**85 Information Commissioner**

There is to be an Information Commissioner.

*Notes for section 85*

- 1 *Section 11 of the Integrity and Ethics Commissioner Act 2025 provides that while a person holds office as the Integrity and Ethics Commissioner, the person also holds office as the Information Commissioner.*
- 2 *Section 21 of the Integrity and Ethics Commissioner Act 2025 provides that while a person is appointed to act as the Integrity and Ethics Commissioner, the person also acts as the Information Commissioner.*
- 3 *Section 61 of the Integrity and Ethics Commissioner Act 2025 also provides for the appointment of an acting Information Commissioner.*

**131 Part 6, Division 2 repealed (Appointment provisions)**

Part 6, Division 2

*repeal*

**132 Section 96 amended (Staff and consultants)**

Section 96(2)

*omit*

**133 Sections 97 and 100 repealed**

Sections 97 and 100

*repeal*

**134 Section 154 amended (No review or other proceedings outside this Act)**

(1) Section 154, before "Despite"

*insert*

(1)

(2) Section 154(a), after "body"

*insert*

, other than the Inspector,

(3) Section 154, at the end

*insert*

(2) In this section:

***Inspector***, see section 3 of the *Integrity and Ethics Commissioner Act 2025*.

**135 Section 164A inserted**

Before section 165, in Part 14

*insert*

**164A Definitions**

In this Part:

***amending Act*** means the *Integrity and Ethics Commissioner Act 2025*.

***commencement*** means the commencement of section 126 of the amending Act.

**136 Sections 166 and 167 inserted**

After section 165

*insert*

**166 Inspector's information remains exempt**

(1) Despite the amendments made to section 49E by section 128 of the amending Act, the historical Inspector records continue to be exempt under section 44 after the commencement.

(2) In this section:

**former Inspector** means the Inspector as defined in section 49E(2) as in force immediately before the commencement.

**historical Inspector records** means information obtained or created under the *Independent Commissioner Against Corruption Act 2017* before the commencement:

- (a) in the course of, or for the conduct of, an evaluation by the former Inspector; or
- (b) in the course of the former Inspector dealing with a complaint.

**167 Current investigations, complaints and audits**

(1) This section applies to the Information Commissioner if, immediately before the commencement, the Information Commissioner was investigating or otherwise dealing with a complaint relating to, or was conducting an audit of, the records of any of the following:

- (a) the Health Complaints Commissioner;
- (b) the ICAC;
- (c) the Ombudsman referred to in section 9 of the *Ombudsman Act 2009*;
- (d) the Auditor-General.

(2) On the commencement, the Information Commissioner must cease investigating or otherwise dealing with the complaint or conducting the audit.

(3) As soon as practicable after the commencement, the Information Commissioner must notify the Inspector under section 40 of the *Integrity and Ethics Commissioner Act 2025* that the Information Commissioner has a conflict of interest in relation to the investigation, complaint or audit.

(4) In this section:

**Inspector**, see section 3 of the *Integrity and Ethics Commissioner Act 2025*.

## Division 6 Ombudsman Act 2009

### 137 Act amended

This Division amends the *Ombudsman Act 2009*.

### 138 Section 4 amended (Definitions)

(1) Section 4, definitions **Acting Ombudsman**, **officer** (*second reference*) and **Ombudsman's Office**

*omit*

(2) Section 4

*insert*

**Ombudsman's officer** means a person employed for the Ombudsman.

### 139 Section 9 amended (Ombudsman)

Section 9, note

*omit, insert*

*Notes for section 9*

1 *Section 11 of the Integrity and Ethics Commissioner Act 2025 provides that while a person holds office as the Integrity and Ethics Commissioner, the person also holds office as the Ombudsman.*

2 *Section 21 of the Integrity and Ethics Commissioner Act 2025 provides that while a person acts as the Integrity and Ethics Commissioner, the person also acts as the Ombudsman.*

3 *Section 62 of the Integrity and Ethics Commissioner Act 2025 also provides for the appointment of an acting Ombudsman.*

**140 Section 12 amended (Independence in relation to complaints and investigations)**

After section 12(2)

*insert*

- (3) Subsections (1) and (2) have effect despite anything to the contrary in the *Public Sector Employment and Management Act 1993*.

**141 Part 9, Division 1 heading and Part 9, Division 1, Subdivisions 1 and 2 replaced**

Part 9, Division 1, heading and Part 9, Division 1, Subdivisions 1 and 2

*repeal, insert*

**Division 1 General matters**

**145 Staff**

A person employed for the Ombudsman must be a public sector employee.

**146 Ombudsman's officers not subject to outside direction**

- (1) In exercising the Ombudsman's powers, or performing the Ombudsman's functions, in relation to complaints and investigations, including the priority given to investigations, an Ombudsman's officer is subject to direction only by:
- (a) the Ombudsman; or
  - (b) another Ombudsman's officer.
- (2) Subsection (1) has effect despite anything to the contrary in the *Public Sector Employment and Management Act 1993*.

**142 Part 9, Division 1, Subdivision 3 heading omitted**

Part 9, Division 1, Subdivision 3, heading

*omit*

**143 Section 149 repealed (Validity of acts and decisions)**

Section 149

*repeal*

**144 Section 168 inserted**

After section 167

*insert*

**168 Current investigations and complaints**

- (1) This section applies to the Ombudsman if, immediately before the commencement, the Ombudsman was investigating or otherwise dealing with a complaint about any of the following:
  - (a) the Commissioner for Health and Community Services Complaints referred to in section 9 of the *Health and Community Services Complaints Act 1998*;
  - (b) the ICAC;
  - (c) the Information Commissioner referred to in section 85 of the *Information Act 2002*;
  - (d) the Auditor-General.
- (2) On the commencement, the Ombudsman must cease investigating or otherwise dealing with the complaint.
- (3) As soon as practicable after the commencement, the Ombudsman must notify the Inspector under section 40 of the *Integrity and Ethics Commissioner Act 2025* that the Ombudsman has a conflict of interest in relation to the investigation or complaint.
- (4) In this section:

**commencement** means the commencement of Part 8, Division 6 of the *Integrity and Ethics Commissioner Act 2025*.

**Inspector**, see section 3 of the *Integrity and Ethics Commissioner Act 2025*.

**Division 7 Public Sector Employment and Management Act 1993**

**145 Act amended**

This Division amends the *Public Sector Employment and Management Act 1993*.

**146 Schedule 1 amended (Chief Executive Officers of particular Agencies)**

Schedule 1, entries for Ombudsman's Office and Office of the Independent Commissioner Against Corruption

*omit*

**Division 8 Telecommunications (Interception) Northern Territory Act 2001**

**147 Act amended**

This Division amends the *Telecommunications (Interception) Northern Territory Act 2001*.

**148 Section 3 amended (Interpretation)**

Section 3(1), definition *Inspector*

*omit, insert*

*Inspector* means the Inspector referred to in section 23 of the *Integrity and Ethics Commissioner Act 2025*.

**149 Part 5 inserted**

After section 21

*insert*

**Part 5 Transitional matters for Integrity and Ethics Commissioner Act 2025**

**22 Protection from liability continues**

- (1) Despite the amendment made to this Act by section 148 of the *Integrity and Ethics Commissioner Act 2025* (the **amending Act**):
- (a) a reference in section 20 to the Inspector includes a reference to the former Inspector; and
  - (b) a reference in section 20 to an inspecting officer includes a reference to a person to whom the former Inspector delegated a function or functions in relation to an inspection.

(2) In this section:

**commencement** means the commencement of Part 8, Division 8 of the amending Act.

**former Inspector** means the Inspector as defined by section 3(1) as in force immediately before the commencement.

## **Division 9 Other Acts amended**

### **150 Other Acts amended**

The Schedule has effect.

## **Division 10 Repeal**

### **151 Repeal of Parts**

Part 7 and this Part are repealed on the day after this Part commences.

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**Schedule Other Acts amended**

section 150

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
<b><i>Correctional Services Act 2014</i></b>		
section 156(3), definition <b><i>Inspector</i></b>	whole definition	<b><i>Inspector</i></b> , see section 3 of the <i>Integrity and Ethics Commissioner Act 2025</i> .
<b><i>Health Practitioner Regulation (National Uniform Legislation) Act 2010</i></b>		
section 5(1), definition <b><i>health complaints entity</i></b>	Health and Community Services Complaints Commission established by	Commissioner for Health and Community Services Complaints referred to in section 9 of
<b><i>Mental Health and Related Services Act 1998</i></b>		
section 120(2)(l)	whole paragraph	(l) a staff member as defined in section 4(1) of the <i>Health and Community Services Complaints Act 1998</i> .
<b><i>Police (Special Investigative and Other Powers) Act 2015</i></b>		
section 3, definition <b><i>Inspector</i></b>	whole definition	<b><i>Inspector</i></b> , see section 3 of the <i>Integrity and Ethics Commissioner Act 2025</i> .

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
<b><i>Surveillance Devices Act 2007</i></b>		
section 4, definition <b><i>Inspector</i></b>	whole definition	<b><i>Inspector</i></b> , see section 3 of the <i>Integrity and Ethics Commissioner Act 2025</i> .
<b><i>Witness Protection (Northern Territory) Act 2002</i></b>		
section 3(1), definition <b><i>Inspector</i></b>	whole definition	<b><i>Inspector</i></b> , see section 3 of the <i>Integrity and Ethics Commissioner Act 2025</i> .
section 29D(1)(g)	ICAC Act to complain to the	<i>Integrity and Ethics Commissioner Act 2025</i> to complain to the

## 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))