

CLAUSE NOTES

Commission of Inquiry (Miscellaneous Amendments) Bill 2026

Part 1 Preliminary

Clause 1 Short title

This clause provides that the short title of the Act will be the *Commission of Inquiry (Miscellaneous Amendments) Act 2026*.

Clause 2 Commencement

This clause provides that Parts 1, 3, 7, 8 and 9 will commence on a day or days to be proclaimed.

Parts 2, 4, 5 and 6 will commence on the day on which the Act receives Royal Assent.

Part 3 commences when section 58 of the *Commission for Children and Young People Act 2025* commences (which repeals the *Commissioner for Children and Young People Act 2016*).

Clause 3 Repeal of Act

This clause provides that the Act is repealed 12 months after its last uncommenced provision has commenced. Its amendments will have been incorporated into the amended Acts.

Part 2 *Child Safety Reform Implementation Monitor Act 2024* amended

Clause 4 Principal Act

This clause provides that in Part 2, the *Child Safety Reform Implementation Monitor Act 2024* is the Principal Act.

Clause 5 Section 21 amended (Annual reports)

This clause amends the annual reporting timeframe from 30 September to 31 October in each calendar year or such later date as agreed between the Implementation Monitor and the Minister for Justice.

If they agree on such a later date, the Minister for Justice must table statements specifying the new date in each House of Parliament as soon as practicable.

Part 3 ***Child Safety Reform Implementation Monitor Act 2024* further amended**

Clause 6 **Principal Act**

This clause provides that in Part 3, the *Child Safety Reform Implementation Monitor Act 2024* is the Principal Act.

Clause 7 **Schedule 1 amended (Relevant Agencies and Heads of Agencies)**

This clause replaces references to the *Commissioner for Children and Young People Act 2016* (the 2016 Act) with the *Commission for Children and Young People Act 2025* (the 2025 Act), which will repeal the 2016 Act when it commences.

This will recognise the new Commission for Children and Young People and Commissioner for Children and Young People, created by the 2025 Act, as the relevant Agency and Head of Agency in Schedule 1 of the Principal Act.

The amendment will provide the Child Safety Reform Implementation Monitor with jurisdiction in relation to the new Commission in the context of the Implementation Monitor's functions and powers.

Part 4 ***Child and Youth Safe Organisations Act 2023* amended**

Clause 8 **Principal Act**

This clause provides that in Part 4, the *Child and Youth Safe Organisations Act 2023* is the Principal Act.

Clause 9 **Section 4 amended (Interpretation)**

This clause inserts a new paragraph in the definition of *head* in the interpretation section of the Principal Act: the Commissioner of Police is the head of the entity that is the Police Service.

The *Acts Interpretation Act 1931* provides (at section 46) that 'police service' means the Police Service established under the *Police Service Act 2003*.

Clause 10 **Section 66 inserted**

This clause inserts a new transitional provision that provides for the application of the Part 4 amendments.

New section 66 requires the Commissioner of Police to comply with the reportable conduct scheme in respect of all reportable conduct by, and all reportable convictions against, a worker of the Police Service that occurred between 1 January 2024 (the commencement of the

Reportable Conduct Scheme), and the day on which Part 4 of the Amendment Act commences.

The timeframe for this compliance is as soon as practicable, and no later than three months following commencement.

This ensures that any reportable conduct is reported, even for the period during which the Police Service was not subject to the Scheme.

Clause 11 Schedule 2 amended (Entities to comply with child and youth safe standards)

This clause adds the Police Service to Schedule 2, so that it is an entity that must comply with the Child and Youth Safe Standards. The Standards are set out in Schedule 2 of the Principal Act and include that child safety and wellbeing is embedded in organisational leadership, governance and culture. This amendment operates prospectively, from commencement of the clause.

Clause 12 Schedule 3 amended (Relevant entities to which reportable conduct scheme applies)

This clause adds the Police Service to Schedule 3, through a new clause 4 therein, so that the Police Service is an entity that must comply with the Reportable Conduct Scheme.

Part 4 of the Principal Act creates the Reportable Conduct Scheme. It requires leaders of specific organisations to notify the Independent Regulator upon becoming aware of a reportable allegation or a reportable conviction against a worker of that relevant entity.

New subclause 4(2) ensures that the amendments do not compromise the effect of, or prior actions complying with, Regulation 4A of the *Child and Youth Safe Organisations Regulations 2023* (which applied from 1 April 2026 and is repealed by clause 14). That regulation was an interim measure to prescribe, for the purposes of the Principal Act, the Police Service as an entity, the Commissioner of Police as the head of that entity and the Police Service as a relevant entity.

Part 5 *Child and Youth Safe Organisations Regulations 2023* amended

Clause 13 Principal Regulations

This clause provides that in Part 5, the *Child and Youth Safe Organisations Regulations 2023* are the Principal Regulations.

Clause 14 Regulation 4A rescinded

This clause rescinds Regulation 4A of the Principal Regulations. This is because Part 4 of the Bill is replacing Regulation 4A.

Regulation 4A prescribed the Police Service as a prescribed entity. Part 4 of the Bill inserts the Police Service in Schedules 2 and 3 of the *Child and Youth Safe Organisations Act 2023*, so that Tasmania Police will be referenced in the Act. To provide legislative clarity, Regulation 4A will be repealed as that function will sit in the Act.

Part 6 *Personal Information Protection Act 2004* amended

Clause 15 Principal Act

This clause provides that in Part 6, the *Personal Information Protection Act 2004* is the Principal Act.

Clause 16 Schedule 1 amended (Personal Information Protection Principles)

Clause 16(a) amends subclause 2(1) of Schedule 1, Personal Information Protection Principle 2 – Use and Disclosure.

The clause provides additional circumstances permitting a personal information custodian to share personal information.

This can only occur where the personal information custodian reasonably believes that the use or disclosure is necessary to lessen or prevent, or to report to relevant persons or authorities, behaviour of two kinds.

The first is behaviour that is required to be, or may be, reported under the *Registration to Work with Vulnerable People Act 2013*, as the behaviour poses a risk of harm whether by reason of neglect, abuse or other conduct.

The second is behaviour that is reportable conduct within the meaning of the *Child and Youth Safe Organisations Act 2023*.

This sets a high threshold for sharing personal information. While it reflects existing personal information protection principles, it updates the information protection framework so that relevant information can be shared, to mitigate risk of harm to children and young people.

Clause 16(b) amends subclause 2(1)(g), which currently relates to sharing of information for or on behalf of a law enforcement agency. This is expanded to also cover an Agency or State authority within the meaning of the *State Service Act 2000*.

This will provide pathways to enable information sharing across all government agencies, regulatory authorities, law enforcement

authorities and other relevant entities regarding child sexual abuse concerns and reportable conduct.

Part 7 *State Service Act 2000* amended

Clause 17 *Principal Act*

This clause provides that in Part 7, the *State Service Act 2000* is the Principal Act.

Clause 18 *Section 7 amended (State Service Principles)*

This provision amends the State Service Principles, to provide that in serving the community, the Government and the Parliament, the State Service is apolitical, efficient and effective, and performs its functions in an impartial, ethical and professional manner.

Clause 19 *Section 9 amended (The State Service Code of Conduct)*

This clause amends the State Service Code of Conduct (the Code), to expand the application of conduct requirements in multiple ways.

The amendments mean that the State Service Code of Conduct will apply in ‘connection with’ employment, rather than ‘in the course of’ employment, to specific aspects of the Code: subsections (1), (2), (3), (4), (7), (12) and (13). The intention is that these subsections apply not just when the person is performing their duties, but also to matters connected to their employment.

Subclause 9(5) is replaced to create a new subsection to avoid any uncertainty. It provides that a question as to whether an employee has complied with an applicable Australian law is to be determined on the balance of probabilities.

New subsection (5A) provides that an employee must not, at any time, commit reportable conduct within the meaning of the *Child and Youth Safe Organisations Act 2023*.

New subsection (5B) provides that an employee must not, at any time, engage in conduct that the person knows, or reasonably ought to know, poses a foreseeable and unreasonable risk to the safety or wellbeing of a child or young person accessing a service operated by, or on behalf of, an Agency.

The terms ‘child’ and ‘young person’ have the meanings given them in the *Children, Young Persons and Their Families Act 1997* which provides that *child* means a person under 18 years of age, and *young person* means a child who is 16 or 17 years old.

New subsection (6A) provides that for the purposes of subsection (6) (that an employee must comply with any standing orders and with any lawful and reasonable direction), that a lawful and reasonable direction may include, but is not limited to, a direction that specifies professional conduct obligations that apply to an employee. The intention is to clarify that a breach of a departmental professional conduct policy may be taken to be a breach of the Code.

Amendments to subsection (7) provide that ‘at all times’ an employee must maintain appropriate confidentiality about dealings of, and information acquired by, the employee ‘in connection with’ that employee’s State Service employment.

New subsection (11A) provides that an employee must not, at any time, engage in conduct that adversely affects, or attempt to engage in conduct to adversely affect, the honest and proper performance of a function, or exercise of a power, by a public officer within the meaning of the *Integrity Commission Act 2009*. The intention is that all aspects of misconduct as defined by the Integrity Commission Act are now captured by the Code.

Subsection (12) is amended to introduce the new phrase ‘in connection with’ employment, which replaces the current ‘in the course of his or her employment or in relation to [it]’.

Subsection (13) is amended to introduce the new phrase ‘in connection with’ employment, which replaces ‘the course of’.

Subsection (15) is amended so that complying with conduct prescribed by regulations applies in connection with State Service employment. This clarifies that the scope of the regulations is not limited to conduct in the course of employment.

Clause 20 Section 10A inserted

Section 10A is inserted into the State Service Act so that it sits at the end of Part 2. It clarifies how the provisions in the Amendment Act are to be applied.

The amendments do not apply to any conduct of an officer or employee alleged to have occurred before commencement of those provisions. In that scenario, the Code of Conduct as it existed at the time of relevant alleged conduct applies.

Clause 10A(1) provides that an amendment made to Part 7 by the Amendment Act is to apply prospectively. Clause 10A(2) is necessary because the provisions in Part 7 (which make amendments to sections

7 and 9 of the Principal Act) commence by proclamation and could commence on separate days.

Part 8 *Tasmanian Civil and Administrative Tribunal Act 2020* amended

Clause 21 Principal Act

This clause provides that in Part 8, the *Tasmanian Civil and Administrative Tribunal Act 2020* is the Principal Act.

Clause 22 Schedule 1 amended (Relevant Acts)

This clause amends Schedule 1 to the Principal Act to insert new item 92A, namely the *Victims of Crime Assistance Act 1976* (VOCA Act). This provides that the VOCA Act forms part of the Tribunal's jurisdiction.

Clause 23 Schedule 3 amended (Protective Division)

This clause provides that reviews under the *Victims of Crime Assistance Act 1976* are to be heard in the Community, Children and Families Stream of the Protective Division of the Tribunal.

Clause 24 Schedule 4 amended (Acts subject to Administrative Review)

This clause inserts new item 59A, namely the *Victims of Crime Assistance Act 1976* (VOCA Act). This provides that the VOCA Act is subject to administrative review by the Tribunal, and there are specific provisions that apply to these decisions (being the provisions within Division 1A of Part 8 of the Principal Act). This provides that the review is to be by way of hearing de novo (hearing the matter again from the beginning, without reference to the original decision).

Part 9 *Victims of Crime Assistance Act 1976* amended

Clause 25 Principal Act

This clause provides that in Part 9, the *Victims of Crime Assistance Act 1976* is the Principal Act.

Clause 26 Section 10 substituted

This clause provides circumstances where a person may appeal a decision of the Commissioner to the Tasmanian Civil and Administrative Tribunal. This can occur if the person is an applicant for an award under the Principal Act and the decision relates to that application or an award, other than an interim award, as a result of the application.

