

## Submission:

# Integrity Commission Amendment Bill 2026

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### 1. Overview

COTA broadly supports the Bill, subject to the amendments and safeguards outlined below.

Our key interests in this Bill relate to ensuring the integrity framework is accessible, safe and effective for older Tasmanians and the people who support them.

We are particularly focused on strengthening safe reporting and whistleblower protections, including robust victimisation safeguards and practical arrangements that allow a person to seek support when they need it.

We are also concerned to avoid unintended “gag” effects from confidentiality notices that could deter older people - or their families and carers - from obtaining advice, advocacy or other assistance.

COTA is further interested in ensuring fairness and accessibility for witnesses throughout Integrity Commission processes, including appropriate access to legal representation, options for remote participation where needed, and cost protections so witnesses are not discouraged from cooperating.

Finally, we support reforms that enhance transparency and public confidence, including clear pathways for reporting to Parliament and appropriate public communication. This would include measures that improve timeliness and operational effectiveness, provided safeguards are maintained for vulnerable complainants and witnesses.

### 2. About COTA Tasmania

COTA Tasmania is the peak body representing the interests of older Tasmanians. For more than 60 years, COTA has worked to advance the rights, wellbeing and participation of older people through policy, advocacy, information, education, and community engagement.

In the context of the Integrity Commission Amendment Bill 2026, COTA Tasmania supports legislative reform that strengthens integrity and public confidence while remaining fair, practical and accessible for the people most affected by public administration.

This includes ensuring that reporting pathways are safe and understandable, that confidentiality settings do not unintentionally prevent people from seeking support or advice, and that processes are workable for people who may experience age-related barriers, disability, low income, low digital confidence, caring responsibilities, cognitive impairment, social isolation or regional disadvantage.

### 3. Why this matters

The fact that Tasmania has the oldest population in Australia is not incidental.

It should shape how Government approaches legislation, system design and implementation, particularly where reforms affect whether people can safely raise concerns about the conduct of public authorities and public officers, and whether they can participate in integrity processes without fear or confusion.

Older Tasmanians interact frequently with government decision-making and publicly funded services - health and community services, housing, policing and emergency services, local government, and regulatory agencies - often at points of stress or vulnerability.

When integrity concerns arise in those settings, older people, families and carers may need to report matters to the Integrity Commission, provide information, or participate as witnesses. In practice, these processes can feel complex and intimidating, especially for people experiencing low income, disability, low digital confidence, caring responsibilities, cognitive impairment, social isolation or regional disadvantage.

For many older people, the critical question is not whether a right technically exists. It is whether the system is understandable, safe, navigable and fair in practice. That is why the Integrity Commission Amendment Bill 2026 matters to COTA.

The Bill's settings around protections from victimisation, confidentiality notices, access to representation, witness costs and process timeliness will influence whether people feel able to speak up, seek support, and engage with integrity oversight. In particular, if confidentiality notice offences are drafted or applied too broadly, there is a risk that an older complainant may feel unable even to confirm they have received a notice or to seek advocacy or legal support.

If, however, the reforms strengthen integrity outcomes while remaining accessible - and avoid unintended "gag" effects or cost deterrents - they will improve public confidence in the institutions older Tasmanians rely on every day.

#### **4. Summary of recommendations**

Consistent with COTA Tasmania's focus on ensuring the integrity framework is accessible, safe and effective for older Tasmanians and the people who support them, COTA broadly supports the Integrity Commission Amendment Bill 2026 and recommends that the reforms proceed, subject to several targeted amendments and implementation safeguards.

These recommendations are directed to strengthening safe reporting and witness participation, avoiding unintended barriers created by confidentiality settings, and ensuring integrity processes remain fair, navigable and workable for people experiencing vulnerability or disadvantage.

First, COTA supports the introduction of a specific victimisation offence and recommends that this be accompanied by plain-English public guidance so complainants and witnesses understand their rights, protections and pathways for support. Clear implementation materials will be important to ensure the new protections operate in practice, particularly for people who may already be vulnerable or dependent on services.

Second, COTA recommends strengthening and clarifying the confidentiality notice regime to avoid unintended "gag" effects. In particular, it is important that "reasonable excuse" be made explicit in the legislation itself, not only in guidance.

This will ensure that people can seek legal advice, advocacy and support services, assistance from a support person or carer where reasonably necessary, and engage with relevant regulators or oversight bodies. COTA also recommends a clear and workable permission and review process for limited disclosure when necessary, supported by practice directions that emphasise targeted and proportionate use of confidentiality notices.

Third, COTA recommends strengthening witness cost protections so people - especially those on low or fixed incomes - are not deterred from cooperating with integrity processes because of potential costs exposure. This could be achieved by limiting taxation costs risk to clearly frivolous or vexatious applications, and/or including a hardship or public-interest discretion to prevent vulnerable witnesses being unfairly penalised.

Fourth, if the Bill removes the privilege against self-incrimination in Integrity Commission processes, COTA recommends enhanced safeguards for compelled evidence, including clear written notices about rights and consequences, practical access to legal advice, the ability to have a support person where appropriate, and the application of vulnerability screening and trauma-informed practice. Accessible formats and communication should be standard, given the likelihood that older people and carers may be involved as witnesses or complainants.

Fifth, COTA supports clarity around representation but recommends that any decision to refuse a particular representative be transparent and reviewable. Written reasons and a quick internal review mechanism will help preserve trust and procedural fairness, and practical alternatives should be available so vulnerable witnesses are not effectively prevented from participating.

Finally, COTA supports strengthened procedural fairness processes and recommends clear guidance about how “reasonable” response timeframes are set, including appropriate flexibility for people who are unwell, have cognitive impairment, require an interpreter, or live in regional or remote areas.

## **5. Detailed comments**

### **5.1 Protection from victimisation (support)**

COTA strongly supports the introduction of a specific prohibition on victimisation. This is particularly important for people who may already be vulnerable or dependent on services, including older Tasmanians and family carers. Clear protections improve the willingness of individuals to report concerns and participate as witnesses, and help build confidence that integrity processes can be engaged with safely.

To ensure these protections work in practice, the Department and the Integrity Commission should develop and publish plain-English guidance as part of implementation, including examples that reflect real-world community and service contexts. COTA also encourages clear communication and training across relevant agencies so that staff understand reprisals linked to an integrity matter may constitute an offence, and so that people who come forward are supported appropriately.

### **5.2 Confidentiality notices (priority issue for older people)**

COTA’s primary concern is the breadth of the amended confidentiality notice regime. We understand the rationale for confidentiality in integrity processes, including protecting investigations, safety and reputation, and fair trial principles.

COTA is not seeking to undermine legitimate confidentiality protections; rather, we seek clear safeguards so confidentiality does not prevent vulnerable people from obtaining advice and support.

However, the drafting risks deterring a person - especially an older person, or a family carer - from seeking help from an advocate, lawyer, trusted support person, counsellor or health professional, or from approaching an elected representative or oversight body for assistance.

We therefore consider it essential that the legislation is refined so safeguards are clear on the face of the Act, not only in guidance, and so that confidentiality notices are used in a targeted and proportionate way rather than becoming routine.

In particular, COTA believes “reasonable excuse” should be clarified to expressly permit disclosure for the purpose of obtaining legal advice and representation, accessing advocacy and support services (including older persons advocacy, disability advocacy, family violence services, and culturally safe supports), speaking with a support person or carer where reasonably necessary, engaging with integrity or oversight bodies where relevant and lawful, and making urgent safety or welfare disclosures (with appropriate limits).

COTA also supports the inclusion of a simple, workable mechanism that allows a person to apply for written permission to disclose limited information where necessary to obtain support, with clear timeframes for decisions.

Finally, COTA encourages the publication of practice directions that make clear confidentiality notices should be used only where necessary and proportionate, and that decision-making should take account of the needs of vulnerable complainants and witnesses.

### **5.3 Procedural fairness and opportunities to comment (support)**

COTA supports measures that strengthen procedural fairness, including clear opportunities for subjects of investigation to comment on relevant information before findings are finalised. Procedural fairness promotes accuracy, reduces the risk of error, and supports confidence in integrity outcome, particularly where findings may have serious consequences for individuals and agencies.

To support fair participation, COTA recommends that implementation guidance clearly explain how “reasonable periods” to respond are set, including flexibility where a person is unwell, has cognitive impairment, requires an interpreter, or lives in a regional or remote area. Guidance should also encourage communication that is clear and understandable for people who are not familiar with legal or integrity processes.

### **5.4 Legal costs and potential deterrent effect (watch point)**

COTA is concerned that witness cost arrangements could unintentionally deter participation, particularly for people on low or fixed incomes, if witnesses face costs exposure simply for seeking taxation or assessment of legal costs.

Even a perceived risk of additional costs may discourage a vulnerable person from taking steps to clarify what costs they can reasonably recover, or from engaging with the process at all. On that basis, the framework should be adjusted so witnesses are not penalised for seeking taxation unless an application is frivolous or vexatious. Alternatively, there should be a clear hardship and/or public-interest discretion to prevent vulnerable witnesses from being unfairly disadvantaged by costs outcomes.

### **5.5 Compelled evidence and self-incrimination (safeguards needed)**

COTA recognises the integrity rationale for compelled information-gathering, but notes that removing the privilege against self-incrimination is a significant coercive power. It may disproportionately affect vulnerable or unrepresented individuals, including older people, if the consequences are not clearly understood and if people do not have practical access to advice and support.

If this measure proceeds, enhanced safeguards will be essential. This should include clear written notice of rights and consequences before questioning, a guaranteed opportunity to obtain legal advice, and the ability to be assisted by a support person where appropriate.

The Integrity Commission should also adopt vulnerability screening and trauma-informed practice, and ensure information is available in accessible formats (including plain English, large print and interpreter support). These safeguards are important to ensure that coercive powers do not undermine accessibility or procedural fairness in practice.

### **5.6 Right to representation (support with transparency safeguards)**

COTA supports clarity around representation in Integrity Commission processes, noting that representation may be particularly important for vulnerable witnesses and complainants. At the same time, where the Commission has power to refuse a particular representative, such decisions must be transparent and reviewable to preserve trust and procedural fairness.

Any refusal of a specific representative must therefore be accompanied by written reasons and a quick internal review pathway. It is also important that practical alternatives are available for vulnerable witnesses, so that participation is not effectively blocked and people are not left to navigate complex processes without support.

### **5.7 Timeliness and process improvements (generally supportive)**

COTA supports reforms aimed at improving timeliness and operational effectiveness, including clearer assessment timeframes. Timeliness matters for public confidence and for complainants and witnesses, particularly where delay can increase stress, uncertainty and disengagement - issues that can be amplified for older people and carers.

To strengthen transparency and trust, there should be public reporting of high-level performance indicators, such as typical timeframes, the use of extensions, and overall throughput, subject to privacy and fairness considerations. Such reporting supports accountability without requiring disclosure of sensitive information.

### **5.8 Transparency to Parliament (support)**

COTA supports reforms clarifying the Integrity Commission's ability to provide information (including reports) to Parliament, as this supports accountability and public confidence.

It is important, however, that transparency continues to be balanced with privacy, safety and fair trial principles, including consistent redaction practices and clear guidance about publication decisions.

### **5.9 Volunteers as public officers (implementation clarity)**

COTA notes reforms clarifying that some volunteers, under the direction or control of a public authority and performing statutory functions or powers, may be captured as "public officers". This may be appropriate where statutory or coercive powers are being exercised, and where integrity oversight should apply consistently.

Clear public guidance must thus be provided so volunteers understand when they are captured, and appropriate training and support so that volunteers are not unintentionally exposed to compliance risks. Communication about this change should also be handled carefully so it does not discourage volunteering in public programs that provide important community benefit.

## 6. Conclusion

COTA Tasmania supports the overall direction of reform in the Integrity Commission Amendment Bill 2026, particularly the introduction of stronger protections against victimisation and measures that enhance transparency and public confidence in integrity oversight. These reforms have the potential to make it easier for people to speak up about serious concerns involving public authorities and public officers, and to improve the consistency and timeliness of Integrity Commission processes.

At the same time, COTA considers it essential that the Bill's confidentiality framework is calibrated carefully. Confidentiality notices can play an important role in protecting investigations, safety and fair trial processes, but if the provisions are drafted or applied too broadly they risk creating an unintended "gag" effect - where a complainant or witness, especially an older person or family carer, feels unable to seek advocacy support, obtain legal advice, or even safely discuss their situation with a trusted support person.

For older Tasmanians who may be dealing with frailty, disability, low digital confidence, cognitive impairment, isolation or regional disadvantage, the ability to access support is not incidental; it is often the difference between being able to engage with the integrity system and disengaging entirely.

COTA therefore recommends targeted amendments and clear implementation safeguards to ensure confidentiality notices are used proportionately, include practical "reasonable excuse" pathways for support and advice, and are accompanied by transparent guidance. Complementary measures - such as witness cost protections, clear information about rights and responsibilities, and trauma-informed and accessible processes - will further help ensure the reforms operate fairly in practice.

With these refinements, the Bill can strengthen Tasmania's integrity system while remaining accessible and safe for older Tasmanians and their families, and can build stronger community confidence that concerns can be raised, assessed and addressed without fear of reprisal or unnecessary barriers.