



Australian Government

National Anti-Corruption Commission

NACC Corporate Plan


2023-2027

www.nacc.gov.au



Acknowledgment of Country

In the spirit of reconciliation the National Anti-Corruption Commission acknowledges the Traditional Owners and Custodians of Country throughout Australia and their connections to land, sea and community. We pay our respect to their Elders past and present and extend that respect to all Aboriginal and Torres Strait Islander peoples today.



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Foreword

A message from the Commissioner

At the opening of the National Anti-Corruption Commission, in Canberra on 3 July 2023, I observed that the people of our country are no longer prepared to tolerate practices which might once have been the subject of, if not acceptance, at least acquiescence. Australians have clearly expressed a desire for accountability, transparency, and integrity in our institutions. Since the first Corruption Commission in this country was established, in New South Wales, in 1989, public perceptions have wrought a sea change in what government agencies are prepared to tolerate, and the standards on which they insist. Every state and territory has followed New South Wales in establishing a Corruption or Integrity Commission, and now there is – many say, at last – a federal anti-corruption agency with general jurisdiction in respect of

Commonwealth agencies and public officials.

The Commission is an instrument for enhancing integrity. We will be fearless, but fair, as we go about that business. This inaugural corporate plan sets out how we intend to go about doing so. Because we are a new agency, it is inevitable that aspects of our plan will evolve. This will include the formulation and refinement of appropriate performance measures that address our effectiveness, rather than the volume of work.

The widespread interest in and support for the establishment of the Commission, including within the Commonwealth public service, has been notable and encouraging. But we cannot achieve the objective of enhanced integrity in the governance of the Commonwealth alone. Doing so will

require the support of other institutions and individuals.

We must embed in our institutions, from the top down and at every level, a culture in which the making of honest if unwelcome recommendations and reports is not dissuaded, but encouraged, and in which all embrace making decisions and giving advice honestly and impartially, on the evidence and the merits, in the public interest and without regard to personal interest; reporting honestly, without embellishment or omission; and accepting responsibility, including for the inevitable mistakes.

A handwritten signature in black ink, appearing to read 'PLG Brereton', with a long horizontal stroke extending to the right.

The Hon PLG Brereton AM RFD SC

Commissioner

Introduction

As the Chief Executive Officer and Accountable Authority of the National Anti-Corruption Commission (the Commission), I am pleased to present the Commission's 2023-27 Corporate Plan.

This inaugural plan covers the four-year period 2023-27 and is prepared under section 35(1)(b) of the *Public Governance, Performance and Accountability Act 2013 (Cth)*. Because the Commission is a new entity which commenced on 1 July 2023, this plan is provided and published, in accordance with s 16EA(7) of the *Public Governance, Performance and Accountability Rules 2014 (Cth)* as soon as practicable after the plan is prepared.

The Commission is established under the *National Anti-Corruption Commission Act 2022 (Cth)* (the NACC Act) which defines our jurisdiction and what corrupt conduct is.

The plan identifies the purpose, the key activities, and the operating context of the Commission, and details how the



Commission's performance in achieving its purpose will be measured and assessed.

2023-24 will be a year of establishing and refining the Commission's processes associated with its key activities, developing increased understanding of its operating context and evolving its performance measures. The Commission's 2024-25 Corporate Plan will be informed by lived experience gained by the Commission during its first full year of operations.

A handwritten signature in black ink, appearing to read 'Philip Reed', written in a cursive style.

Philip Reed

CEO

Purpose

The Commission is a newly established, non-corporate Commonwealth entity, which commenced on 1 July 2023.

The Commission operates under the NACC Act which defines its jurisdiction and what corrupt conduct is.

The Commission's purpose (as outlined in the 2023-24 Portfolio Budget Statement) is to prevent, detect, investigate and report on serious or systemic corruption in the Commonwealth public sector. It also provides education to the public service, and the public, about corruption risks and prevention.

The Commission's mission is to enhance integrity in the Commonwealth public sector by deterring, detecting and preventing corrupt conduct involving Commonwealth public officials through education, monitoring, investigation, reporting and referral.

The Commission investigates allegations of serious or systemic corrupt conduct within the Commonwealth public sector. This includes conduct that occurred before or after it was established.

The Commission operates independently of government, providing it with autonomy to determine what it investigates and how it does so.

The Commission can investigate:

- conduct of any person that adversely affects a public official's honest or impartial exercise of powers or performance of official duties
- conduct of a public official that involves a breach of public trust
- conduct of a public official that involves abuse of office; and
- conduct of a public official or former public official that involves the misuse of documents or information they have gained in their capacity as a public official.

To investigate a corruption issue, the Commission must have information raising the possibility that a person has done or could do something that:

- involves, or could involve, a public official
- is, or could be, corrupt conduct under the NACC Act, and
- could involve serious or systemic corrupt conduct.

The Commission can only investigate corrupt conduct that involves a public official in some way.

Public officials include ministers, parliamentarians and their staff, and staff members of Commonwealth agencies. Staff members of Commonwealth agencies include individuals employed by or engaged in assisting the agency, and contracted service providers under Commonwealth contracts administered by the agency. However, the Commission can investigate any person, even if they are not a public official, if they do something that might cause a public official to carry out their official role other than honestly or impartially.

The Commission can only investigate matters relating to Australian Government public officials. It is not able to investigate concerns relating to state, territory or local government officials. Each state and territory has a similar integrity or anti-corruption commission that may be able to investigate those matters.

Key activities

As outlined in the Commission's Portfolio Budget Statement, in 2023-24 the Commission will achieve its purpose through the delivery of five key activities.

1

Corruption Prevention and Education

The Commission will educate the public sector and the public about corruption risks and vulnerabilities, in order to enhance the effectiveness and maturity of approaches to corruption prevention and build a strong integrity culture.

The Commission will provide guidance and information to help public officials understand the importance of integrity in governance and address vulnerabilities to corruption, and in particular to assist those who are mandatory reporters to understand their obligations to report suspected serious or systemic corrupt conduct concerning staff of their agencies, and how they are able to do so. The Commission will also take up opportunities to speak at symposiums and other events, to

Key activities

1. Providing corruption prevention education and information
2. Detecting corruption
3. Receiving and assessing referrals of alleged corrupt conduct
4. Conducting investigations into corruption issues that could involve serious or systemic corrupt conduct, and
5. Referring allegations of corrupt conduct back to Commonwealth agencies for investigation.

explain and promote the role of the Commission and the concept of integrity to a wider audience, including members of the business community and the public.

The Commission will also conduct public inquiries into corruption risks and vulnerabilities, and measures to prevent corruption, in Commonwealth agencies and in Commonwealth programs. For example, the Commission may conduct a public inquiry into risks and vulnerabilities, not involving a specific allegation of corruption, in a program in which contractors are used by a government agency to deliver benefits intended for members of the public.

In order to develop public understanding, additional corruption prevention and integrity resources will be published on the Commission's website. The Commission will continue to produce, within operational and legal constraints, media alerts to inform the public about its activities so as to provide some transparency and operate as a deterrent to corrupt conduct.

2

Detecting corruption

The Commission detects corruption through a variety of methods:

- voluntary referrals made by a person via the Commission's online webform or by contacting the Commission's telephone or by Australia Post
- mandatory referrals by agency heads who become aware of a corruption issue concerning a staff member of their agency which could involve serious or systemic corrupt conduct
- media reports or information received by the Commission that results in the Commission initiating its own investigation
- strategic intelligence and data analysis by the Commission or information obtained during a Commission investigation that identifies corruption issues that warrant further investigation.

The Commission will establish a monitoring and auditing process, to ascertain compliance with mandatory reporting obligations, to evaluate agencies' integrity structures and processes, and to identify corruption vulnerabilities and issues in agencies.

3

Receiving and assessing referrals of alleged corrupt conduct

The Commission assesses matters referred to it to ascertain whether it is within jurisdiction (that is, it involves a Commonwealth public official), whether it appears to raise a corruption issue, and if so whether and how to deal with it. If there is not enough information to decide whether the referral could involve serious or systemic corrupt conduct, the Commission may ask the person who referred the issue to provide more information. The Commission does not have to consider or respond to every referral it receives. The Commissioner can decide not to take any action in relation to a referral.

If a referral raises a corruption issue, the Commission may deal with it in one or more of the following ways:

- conduct a preliminary investigation to obtain more information and determine if there is a corruption issue and how to deal with the issue
- if the issue could involve serious or systemic corrupt conduct, investigate the issue alone or jointly with a Commonwealth agency or a state or territory government entity
- refer the issue to the Commonwealth agency that the issue relates to for investigation by them

- refer the issue to a Commonwealth agency or state or territory government entity for consideration, or
- take no action.

The Commissioner may, at any time, reconsider whether or how to deal with a corruption issue.

Preliminary investigations

The Commissioner may conduct a preliminary investigation to decide:

- whether a referral raises a corruption issue,
- whether a corruption issue is serious or systemic, and
- if so, whether or how to deal with the issue.

The Commission can use some of its investigatory powers in a preliminary investigation, such as compelling persons to provide certain information, documents or things.

4

Conducting investigations into corruption issues that could involve serious or systemic corrupt conduct

The Commission's investigation teams investigate corruption issues and gather information to prove or disprove them. They do this by interviewing witnesses, obtaining documents and records, analysing information and interviewing persons of interest.

The Commission has extensive information-gathering powers under the NACC Act and other relevant legislation. For example, we can:

- compel the production of documents or other things
- compel individuals to provide information, which could involve participation in a hearing
- obtain search warrants
- intercept telecommunications and use surveillance devices.

Commission hearings

Under the NACC Act, the Commissioner has the power to summon a person to attend a hearing to give evidence or produce a document or other thing relevant to a corruption investigation. Hearings are held in private except where there are exceptional circumstances and it is in the public

interest that they be in public. Decisions about public hearings will be made on a case-by-case basis.

Finalising an investigation

The Commissioner can decide at any time during the course of a Commission investigation that no further action is required and to discontinue the investigation.

The NACC does not make findings of criminal guilt. If evidence of a criminal offence is found, a brief of evidence may be sent to the Commonwealth Director of Public Prosecutions, to consider whether there is sufficient evidence for charges to be laid. At the completion of an investigation, the Commissioner must prepare a report on the investigation for the Attorney-General (unless the report involves the conduct of the Attorney-General, in which case the report is to the Prime Minister).

The report must set out:

- the Commissioner's findings or opinions on the corruption issue
- a summary of the evidence and other material on which those findings or opinions are based, and
- any recommendations the Commissioner sees fit to make and the reasons for those recommendations.

Where the Commission has held a public hearing, the report must be tabled in Parliament. The Commissioner can publish reports if satisfied it is in the public interest to do so.

5

Referring allegations of corrupt conduct back to Commonwealth agencies for investigation

The Commissioner may deal with a corruption issue by referring the corruption issue to the agency to which the issue relates, if the Commissioner is satisfied the agency has the capability to investigate the issue. The Commissioner can decide to oversee or manage the investigation by the agency, or leave the agency to undertake the investigation independently.

Once the agency has completed its investigation, the agency may be required to provide a final report to the Commissioner. The Commissioner may make comments or recommendations on the investigation, its outcome and/or preventive measures that have been or could be put in place to address ongoing corruption risk.

Operating context

Operating environment

The Commission is a new agency. There are high public expectations that it will address corruption in the Commonwealth public sector. To do so, it must engage with other Commonwealth agencies in order to perform its corruption prevention and education function, yet independently investigate corruption issues pertaining to them. This produces complexity.



While the Commission's existence is not secret, the work that it undertakes is necessarily secretive. It recognises the importance of exposing, and making the public aware of, corrupt conduct. The Commission is also conscious that its work should be subject to public scrutiny and will operate with as much transparency as it can. However, there are necessarily constraints on what can permissibly or properly be done openly. The Commission will conduct public hearings in accordance with the legislation, when the circumstances and the public interest justify an exception to the general rule that they be held in private.

Oversight

The Commission operates under oversight. It is overseen by the Parliamentary Joint Committee for the National Anti-Corruption Commission (PJC-NACC) and the Inspector of the National Anti-Corruption Commission.



The PJC-NACC's functions include:

- considering recommendations for certain appointments
- examining reports tabled in Parliament relating to the Commission and Inspector
- examining trends and changes in corruption, and reporting to Parliament on desirable changes to the functions, powers, procedures, structure and staffing of the Commission or Inspector
- reviewing the sufficiency of the Commission's budget and finances and reporting on the outcome of that review.

The PJC-NACC cannot review operational decisions, methods or activities.

The Inspector of the National Anti-Corruption Commission is an independent officer of the Parliament. The Inspector has the functions to:

- investigate allegations of serious or systemic corrupt conduct within the NACC
- investigate complaints about the NACC
- audit the operations of the Commission to monitor the Commission's compliance with Commonwealth laws and detect agency maladministration and officer misconduct.

The Inspector can conduct joint investigations with the Commissioner, and with the AFP or a police service of a state or territory.

In addition to those oversight bodies, the Commission's use of intrusive powers is subject to regular inspection by the Office of the Commonwealth Ombudsman. Specifically, these cover the Commission's use of:

- Telecommunications Interception, Telecommunications Data and Stored Communications (under the *Telecommunications (Interception and Access Act) 1979*)
- Controlled Operations (under Part 1AB of the *Crimes Act 1914 (Controlled Operations)*)
- Surveillance Devices (under the *Surveillance Devices Act 2004*)

The Commonwealth Ombudsman also conducts regular 'health checks' to ensure the Commission's compliance culture is of a high standard.

The Commission is also required to report annually to the Attorney-General on its use of the powers listed above. Additionally, after the cessation of each Surveillance Device or Telecommunications Interception and Access warrant, the Commission also provides the Attorney-General with reports in relation to each warrant obtained and its usefulness.

Finally, the Commission is also under the jurisdiction of the Auditor-General, including for the annual auditing of its financial statements.

Commonwealth Integrity Framework

The Commission is committed to assuming a leading role in promoting integrity in governance. To that end, the Commission will:



- seek to participate in the Integrity Agencies Group (IAG) (whose mission is to ensure that integrity is at the centre of the work of the public sector, and that the APS approach to integrity is integrated, capable, agile and transparent, and whose membership includes a subset of the Commonwealth Integrity Agencies listed above), and
- be informed by the outcomes of the work of the PM&C Integrity Taskforce (which aims to develop a comprehensive plan for Government consideration to enhance APS integrity and provide a clear picture of how these efforts collectively strengthen the APS).

The Commission's jurisdiction overlaps with that of other Commonwealth integrity agencies, including:

- (a) the Commonwealth Ombudsman (and related Ombudsman appointments)
- (b) the Australian Public Service Commissioner (APSC)
- (c) the Merit Protection Commissioner
- (d) the Auditor-General
- (e) the AFP Commissioner
- (f) the Parliamentary Service Commissioner
- (g) the Parliamentary Service Merit Protection Commissioner
- (h) the Australian Information Commissioner
- (i) the CEO of the Australian Crime Commission
- (j) the Inspector General of Intelligence and Security (IGIS)
- (k) the Inspector-General of Taxation
- (l) the Chief Executive Officer of the Tertiary Education Quality and Standards Agency
- (m) the Inspector-General of Biosecurity
- (n) the Inspector-General of Live Animal Exports

- (o) the Inspector-General of Water Compliance, and
- (p) the Inspector-General of the Australian Defence Force.

The functions of the Commission include overseeing investigations into corruption issues conducted by other Commonwealth agencies. The Commission's approach will be guided by the principle of complementarity.

Unless there is reason for supposing that an integrity agency is unable or unwilling to conduct an independent and impartial investigation, the Commission will not lightly investigate matters that have already been investigated by an integrity agency, and will be inclined to refer matters within the jurisdiction of other integrity agencies to them.

However, the Commission may intervene if there is a perception that the other agency might lack independence or capacity, or if the additional powers of the Commission would be of advantage.

The Commission may investigate matters jointly with another integrity agency if the investigation would benefit from the specialist knowledge of the other agency and the special powers of the Commission.

Intelligence agencies

The Commission's jurisdiction includes intelligence agencies and overlaps with that of the IGIS. If the Commission becomes aware that a corruption issue relates in any way to a security matter, the Commission must consult with the head of ASIO.



If the Commission intends to exercise a power to require an IGIS official to give information or produce a document or thing that originated from, was collected by, or concerns the activities of an intelligence agency, the Commission must first consult the head of the intelligence agency and must take into account but is not bound by the views of that head.

The Commission will take all reasonable steps to negotiate an arrangement with heads of agencies within the National Intelligence Community (NIC), as required by section 239(1) of the NACC Act, relating to obtaining, storing, accessing, using or disclosing intelligence information relating to an intelligence agency.

Relationship with the Australian Parliament

The Commission will engage with the Parliament to:

- inform parliamentarians and their staff of their rights and obligations under the NACC Act,
- enhance understanding of integrity issues, and
- negotiate a Memorandum of Understanding in respect of parliamentary privilege.



Relationship with the Attorney-General's Department

Under a letter of exchange signed on 11 August 2023, the Commission will continue to rely on the Attorney-General's Department (AGD) for ICT and facilities support until the Commission is ready to assume independent control of its standalone ICT system and the completion of its new office facilities in Canberra, Brisbane and Perth. Both these areas of support are expected to be completed by December 2023.



The Commission will continue to work co-operatively with AGD in relation to the latter's role in developing domestic policy on anti-corruption and engagement in a range of international anti-corruption forums.

Relationship with the Department of Foreign Affairs

As required by the NACC Act, the Commission will consult with the Secretary of the Department of Foreign Affairs on a needs basis if a corruption investigation or a public inquiry relates to a foreign official or to conduct in a foreign country of a person who is not an Australian citizen or permanent resident. It will do so via an already established process and points of contact, and mindful of the wider national interests potentially at stake in that context.



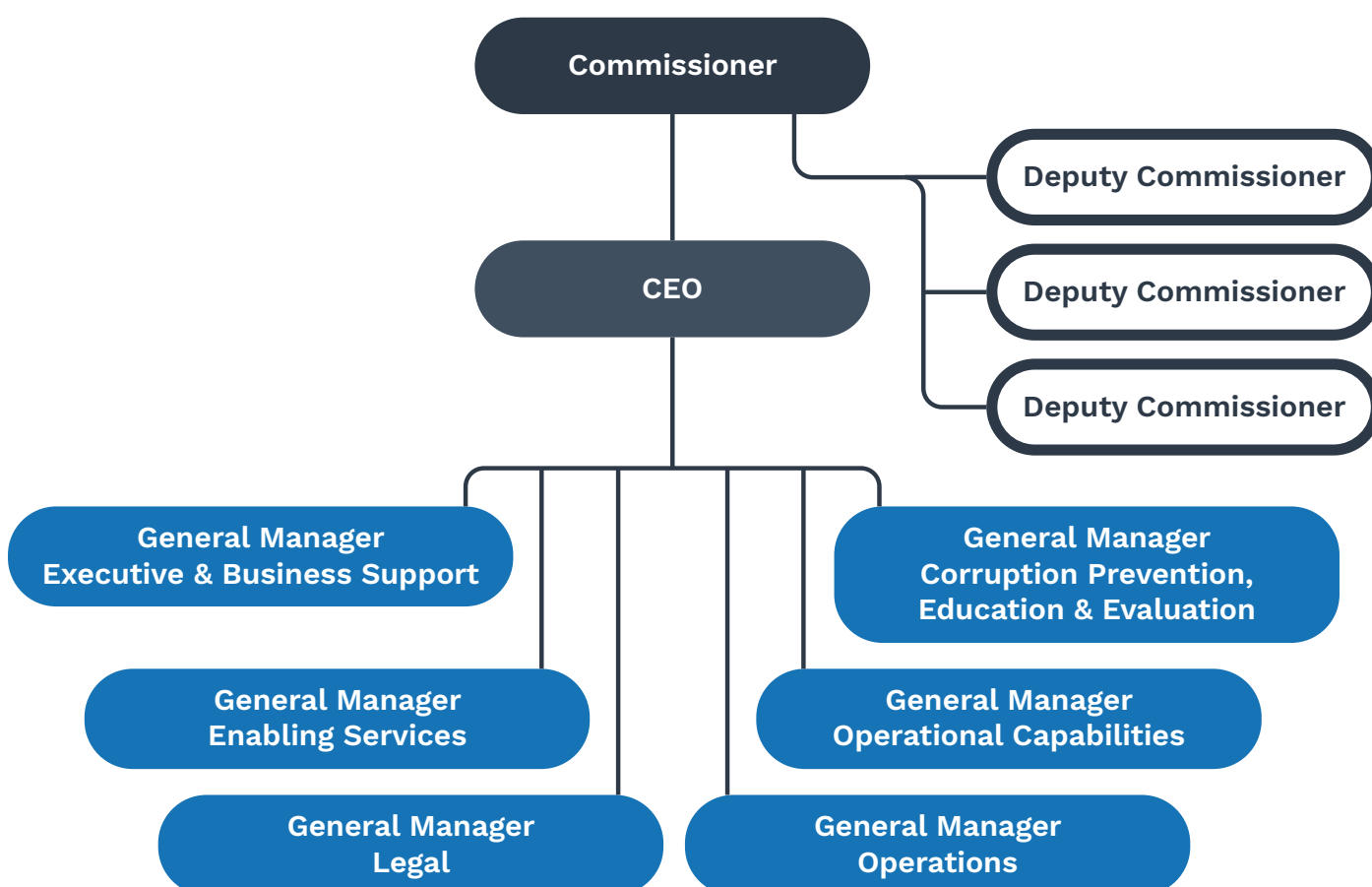
Commission strategies and plans to create the capability it needs to undertake its key activities and achieve its purposes



The number, capability, skills and experience of the Commission staff is critical to the Commission's ability to perform its key functions, and to fulfil its purposes efficiently and effectively.

The Commission will continue to grow its workforce in line with the staffing budget provided in the 2023-24 Portfolio Budget Statements. This will populate the organisational structure shown below.

Organisational structure



Over the period covered by this plan, a workforce strategy focused on attracting and retaining highly skilled and motivated staff will be implemented, to ensure ongoing availability of the capabilities that the Commission will need in the future. The Commission will also work with other Commonwealth agencies to identify opportunities for staff development and advancement through secondment and exchange programs. Such programs will also provide opportunities to advance diversity and encourage innovative approaches to the Commission's work.

The Commission also has a number of health and wellbeing initiatives, designed to provide staff with the tools and resources they can access to assist in managing change, and to provide a healthy workplace. The Commission is dedicated to building the mental health literacy of staff, reducing stigma, and promoting help seeking within the workplace.

Secure, independent and effective ICT is critical to the Commission's ability to progress its work in a timely manner. Transition of ICT services from a shared-service arrangement with AGD to a wholly independent ICT platform will be completed by the end of the 2023-24 financial year, under the new Letter of Exchange with AGD referred to above, with further enhancements to be made in relation to digital forensics and data analytics .

The availability of contemporary technical surveillance capabilities is also critical to the Commission's ability to perform its key functions and to fulfil its purposes efficiently and effectively. The Commission also works in cooperation with other law enforcement agencies to ensure that it has access to the technical capabilities needed to conduct its own investigations. The Commission has begun a program of work with State and Territory law enforcement and integrity agencies to decrease its reliance on jurisdictional agencies. During the life of this plan, the Commission will consider the efficiency of these technical capabilities being provided by third parties and, where it is appropriate to do so, will consider bringing capabilities inhouse.

The Commission will be informed by the APSC's workforce planning guidance and resources at <https://www.apsc.gov.au/initiatives-and-programs/aps-workforce-strategy-2025/workforce-planning-resources>.

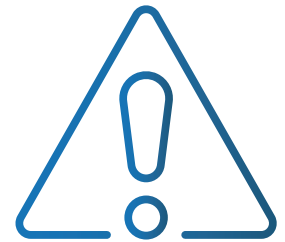
International counterparts and anti-corruption forums

The Commission will contribute to global anti-corruption efforts, through engagement with other national anti-corruption agencies, and participation in regional and international anti-corruption forums.



The Commission's risk oversight and management

The Commission will manage risk through its Risk Management Policy and Framework, which provides a structured and consistent approach to identifying, analysing and mitigating risk.



The Commission aims to promote and build a positive risk culture that encourages an active and responsible approach to managing risk, while recognising risk as both an opportunity and a threat. Its risk appetite statement sets out the Commission's risk tolerance against key risk categories and assists staff to build competency in managing risk as part of their everyday work and in their decision making.

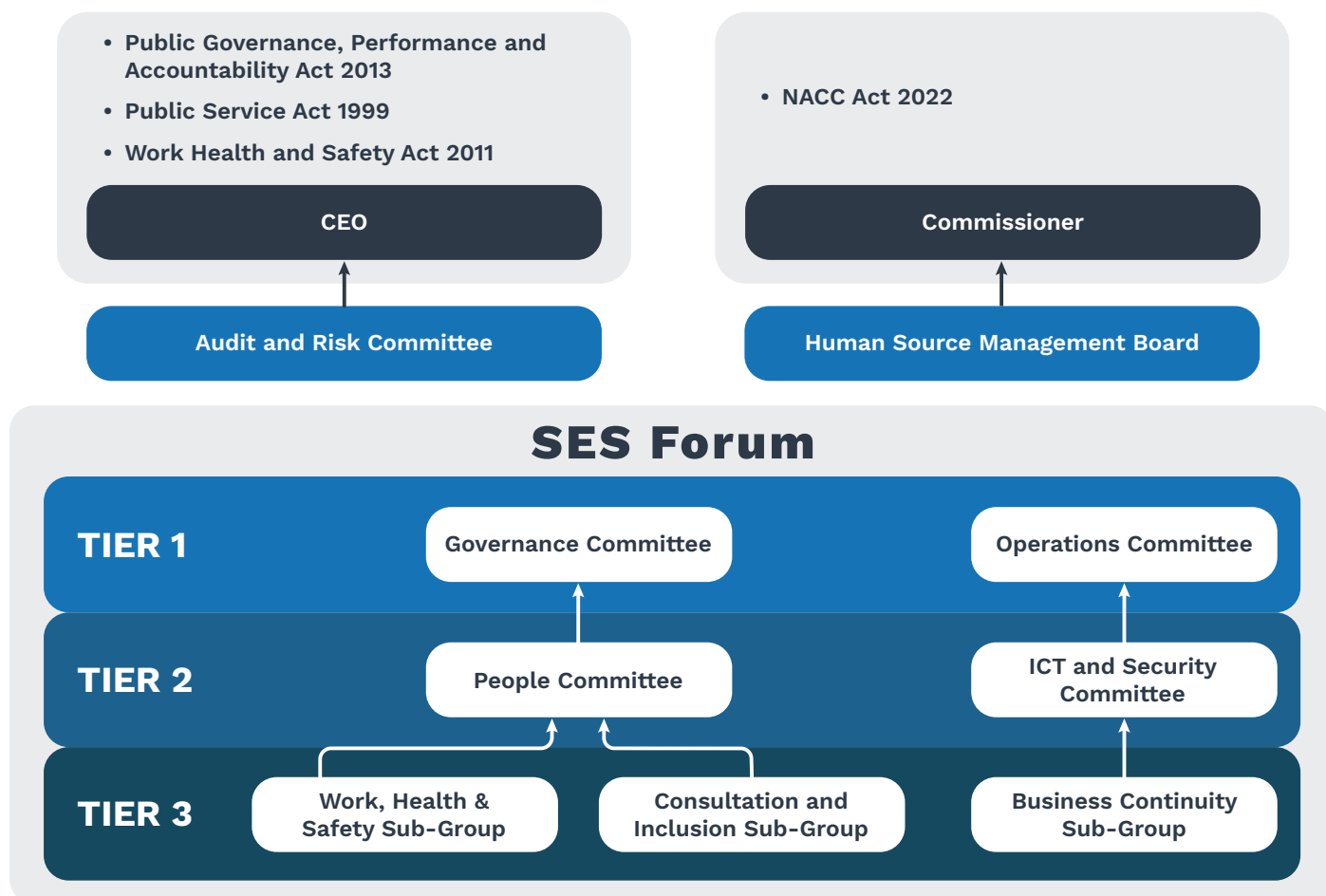
The Commission will manage risk across four risk profiles: enterprise, branch, operating and business, and implicit.

The enterprise risks are threats to the Commission's strategic objectives. Branch risks are operational in nature and require senior staff oversight and structured management. The Commission's General Managers have overarching responsibility for managing branch risks. Operating and business risks relate to business unit objectives, projects, operations or investigations, or specialist risks such as work health and safety.

Implicit risks are those day-to-day risks managed by staff that may never be formally captured within a risk register. Successful management of implicit risks reflects the strength of the overall risk culture as well as the individual attitudes, capabilities and competence of staff.

The Commission's governance architecture is being developed. It will provide a framework to identify, prevent, mitigate and report on enterprise and operational risks, and helps the Commission's CEO and General Managers will engage actively in the risk management process, ensuring that all staff are continuously reassessing the risks that they are managing.

Governance architecture



The Commission's Risk Appetite Statement states:

"The Commission acknowledges risk as an unavoidable, natural part of business that when actively managed at all levels, enables the Commission to achieve its objectives. However, the Commission has no appetite for risks associated with the safety of our people and witnesses, or inadequate integrity standards within the Commission, including corruption, or conduct contrary to our standing as an independent anti-corruption commission".

The Commission's risk tolerance will vary depending on the nature of the risk and the potential consequences should the risk event be realised. In no circumstance does the Commission tolerate avoidable risks related to the safety of our people or witnesses, or inadequate integrity standards and behaviours that impact on the operation or standing of the Commission.

The Commission's strategic risks are the events that if realised may impact the achievement of the Commission's purpose. The Commission's approach to managing strategic risks is aligned to six strategic pillars that reflect our operational, corporate, and whole of government strategies.

The Commission's strategic pillars are:

- Organisationally effective – The Commission is a skilled and competent anti corruption commission that achieves meaningful outcomes in all its activities.
- Proportionate and productive response – The Commission responds appropriately to corruption issues and applies powers proportionately.
- Integrity, transparency, and awareness – The Commission's activities enhance the management of corruption risks across the Commonwealth public service.
- Trust and reputation – The community, Parliament, and the Inspector have confidence in the appropriateness of the Commission's activities as an effective Federal anti-corruption commission.
- Commonwealth contribution – As a Commonwealth entity, the Commission is an engaged member of the Commonwealth community.
- Organisational health – The Commission is a contemporary, values-based organisation with strong leadership, governance, and culture.

Risk (emerging from both opportunities and threats) exists in all elements of the Commission's work. Risk management is not a standalone activity but rather an integral element of management and governance. To achieve this, risk management is incorporated into all activities, decision making, and planning. In particular, the Commission has embedded the management of risk in:

- corporate and business planning
- operational and investigative activities
- procurement, recruitment and people management
- change and project management
- governance, compliance, audit and assurance programs, and
- Executive management and monitoring of organisational health.

The Commission's enterprise risks are grouped into categories that reflect the breadth and relationships of its operational and corporate functions and structure, including:

- Evaluations, operations and capability – Risks to the coordination, delivery, and legal compliance of management of corruption issue referrals, intelligence, investigation, and specialist capabilities.
- Corruption Prevention and Education – Risks to the quality, impact, transparency and relevance of our corruption prevention and education activities
- Security, integrity and governance – Risks to physical, cyber and information (including data) security, fraud and corruption, and administrative arrangements, compliance and practice.
- People, corporate, legal and financial services – Risks to workplace safety, wellbeing, culture and engagement, organisational legal compliance, financial management and procurement.
- Assets, business processes and systems – Risks to ICT infrastructure and physical assets, enabling processes, digital systems and resources.
- Transformation and growth – Risks to and from organisational change, supporting and servicing change, and continuity of service.
- Governmental – Risks to the Commission's organisational objectives additional to anti-corruption.

The Commission considers risk when planning for all operational activities. The following activities assist the Commission in this process:

Commonwealth

- **Section 16 of the Public Governance, Performance and Accountability Act 2013 (PGPA)**

Legislation requiring the Accountable Authority of a Commonwealth entity to establish and maintain appropriate systems of risk oversight, management, and internal control for the entity.

- **Commonwealth Risk Management Policy 2023**

The nine principles and mandatory requirements that are the fundamental elements of effective risk management and control under s16 of the PGPA, to embed risk management into the culture and operations of Commonwealth entities, for all staff and officials at all levels.

- **Resource Management Guide 211 – Implementing the Commonwealth Risk Management Policy 2023**

A non-mandatory, best practice guide to assist the practical implementation and operationalisation of the Commonwealth Risk Management Policy 2023.

Internal National Anti-Corruption Commission

- **Accountable Authority Instructions**

The Section 20A PGPA legislative instrument that instructs NACC staff on expected standards of behaviour while performing our duties, specifically s1.1 and 1.2 for risk and fraud/corruption.

- **NACC Risk Management Policy and Framework**

The overarching governance arrangements and policy arrangements for risk management at the NACC.

- **NACC Risk Appetite Statement**

Documents the NACC's approach to risk, current performance, and operating limits for risk taking.

- **Audit and Risk Committee**

Provides independent advice and assurance to the CEO on the NACC's accountability and control framework, including risk.

- **NACC Risk Management Guide**

Procedure manual for conducting risk management, including risk scoping and identification, analysis and evaluation, treatment, monitoring, and reporting.

- **NACC Fraud and Corruption Control Plan 2021-23**

NACC framework for control and management of fraud and corruptions risks.

- **NACC Risk Register**

Records Strategic and Enterprise level risk details, including risk ratings, tolerance, and Stewards.

- **Operational and Business Risk Registers**

Records Branch level risk details including risk, cause, consequence, controls, treatments, and Stewards.

- **Fraud and Corruption Risk Register**

Specific register for fraud and corruption risks, cause, consequence, control, treatment, and rating details.

- **Associated guides, tools and reference material (In development)**

Performance

Specified performance measures

In conformity with the requirements of the PGPA Rule, the Commission provides specified performance measures to enable its performance to be measured and assessed. The majority of the annual reporting requirements are annual counts and while they provide a measure of the Commission's activity and output in respect of its key activities, they are generally not indicative of its effectiveness in achieving its purposes.¹

¹ Under the National Anti-Corruption Commission Regulation 2023, the Commission's Annual Report must include particulars of:

- the number of voluntary referrals of corruption issues to the Commissioner
- the number of mandatory referrals of corruption issues to the Commissioner
- the number of corruption issues that the Commissioner dealt with under Division 1 of Part 6 of the Act
- the number of corruption issues that the Commissioner investigated
- the number of corruption issues that the Commissioner investigated jointly with a Commonwealth agency or a State or Territory government
- the number of corruption issues that the Commissioner referred to a Commonwealth agency for investigation
- the number of corruption issues that the Commissioner referred to a Commonwealth agency or a State or Territory government entity for consideration
- the number of corruption issues in relation to which the Commissioner decided to take no action
- the number of corruption investigations completed
- the number of corruption investigations that were commenced during or before the financial year and, at the end of the financial year, had not been completed
- the number of corruption issues that the Commissioner referred to a Commonwealth agency for investigation during the financial year, where:
(i) the Commonwealth agency investigated the corruption issue; and (ii) the Commissioner is aware that the investigation was completed during the financial year
- the number of corruption issues that the Commissioner referred to a Commonwealth agency for investigation during the financial year, where:
(i) the Commonwealth agency investigated, or is investigating, the corruption issue; and (ii) the Commissioner oversaw, or is overseeing, the investigation
- the number of public inquiries that were completed
- the number of public inquiries that were commenced during or before the financial year and, at the end of the financial year, had not been completed
- the kinds of corruption risks, corruption vulnerabilities or measures to prevent corruption into which the public inquiry or inquiries were conducted
- the total number of certificates issued by the Attorney-General under section 235 of the Act
- the total number of international relations certificates issued by the Attorney-General under section 236 of the Act.

The following KPIs specifically measure efficiency (average time for assessments and for investigations). Given the Commission's position as a new agency that is in the process of building its policies and procedures and does not have baseline data from which to predict future activity, it is not at this stage reasonably practicable to set a target.

2023-27 key performance indicators

Key activity three: assessment 2023 - 2027

Measure	Target	2023 to 2024	2024 to 2025	2025 to 2026	2026 to 2027
3.1 Average time for assessment of referrals	Not reasonably practicable (NRP) - A baseline will be established in 2023-24	X	X	X	X

Key activity four: investigation 2023 - 2027

Measure	Target	2023 to 2024	2024 to 2025	2025 to 2026	2026 to 2027
4.1 Average duration of finalised investigations	NRP - A baseline will be established in 2023-24	-	X	X	X

Internal performance measures

In addition, the Commission will develop internal performance measures that align with its key activities, based on the data which is required to be included in its Annual Report, to assess its performance in achieving its purposes through its key activities, including:

- providing corruption prevention education and information to enhance the effectiveness and maturity of approaches to corruption prevention
- detecting corruption and enhancing the Commonwealth public sector's capabilities to detect corruption
- receiving and assessing referrals of alleged corrupt conduct
- conducting Commission investigations into corruption issues that could involve serious or systemic corrupt conduct, and
- referring allegations of corrupt conduct back to Commonwealth agencies for investigation.

These results will be considered by the Governance Committee quarterly and reviewed by the Audit and Risk Committee, and will inform the development of key performance indicators for the future. These will reflect the finalised processes and frameworks that the Commission proceeds with.



Australian Government

National Anti-Corruption Commission