

Proposal: Documenting and communicating misinformation in the media

This proposal outlines a strategy to document and share accurate information regarding misinformation and inaccurate reporting in the media. By creating a dedicated section on our website and utilising social media platforms, we aim to provide the public with timely, clear and reliable information to counter false narratives.

Key components

Website misinformation hub

- Create a dedicated page on the nacc.gov.au News and Media section that highlights and debunks misinformation reported in the media. (See mock-up below)
- Focus on common, widespread or serious misinformation circulating in the media, but can also be used to correct common misunderstandings about what the NACC does/doesn't do.
- Identify specific examples of misreporting, eg, article name, publication date, and the reporting/quote that was incorrect.
- Provide factual information in plain English, backed by credible sources, to correct false information.
- Include explanations to help the public understand why the misinformation is misleading or incorrect.
- Regularly update this section to reflect new misinformation and current facts. Ensure content is concise and easy to understand for all audiences.
- Keep it timely
- Provides a kind of fact-checking repository over time
- Can be organised in a range of ways, eg straight chronological, or a mix of chronological and subject-based (see mock-up)

External example: [Disinformation register - Australian Electoral Commission](#)

Disinformation

Ballot papers were found near bins in Port Macquarie, suggesting issues with the security of cast ballots

Correct information

The image that was sent to a Sydney radio station appeared to be concocted, at least in part or through inference of what it represented.

Half the ballots in the image are not real AEC-issued ballot papers - they appear to be photocopies done on the wrong shade of green paper and without a number of the AEC's security markers in place.

Mock-ups for NACC website:

[Home](#) > [Information for media](#) > Information for media

Information for media

transitions (0)

Moderation state

Change to

Log message

Draft

Needs Review

Apply

If your enquiry is not media-related, please refer to the [Contact](#) page.

Mailing list

- **Subscribe** to our [media mailing list](#) to receive updates from the NACC.
- We also publish [media releases and news articles](#).

Who to contact with a media enquiry


- Email: media@nacc.gov.au

Our Media Team is contactable between 8:30 am and 4:30 pm, Monday to Friday (AEST).

Please view [our media policy](#).

Corrections to media reporting

The Commission operates a [media corrections](#) register to ensure the media and the public have access to accurate information on important matters.

National Anti-Corruption Commission

For media Careers Contact

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Reporting and investigating corruption

Corruption prevention and education

Commonwealth Integrity Survey

[Home](#) > [News and media releases](#) > [Corrections to media misinformation](#)

Corrections to media misinformation

Social media

- Use social media to quickly share correct information on the platforms where the misinformation is being circulated.

- Short, clear, neutral messages that address misinformation and link back to the more detailed explanations on the website.
- Keep it timely
- Can use a common tile for all such posts – eg, ‘Correction’ but with option to develop unique tiles where we really want pique attention, including visuals like screenshot of heading, offending paragraph, or even (where time permits) short video explainer, to make the content more engaging and easier to share.
- Note: it is preferable to not provide links to the erroneous news articles themselves, as this may serve to promote the source of misinformation rather than the correction. It could, in fact, encourage fringe media to bait us.

Media alert and newsletters

- Where 1 or more corrections have been added to the web page, the media alert can be used to draw attention to new content.
- The newsletter going out to the general subscriber list several times a year can be used to draw attention to this resource.

Contact with journalists

- Decide on a case-by-case basis about whether to directly contact relevant journalist ahead of publishing.

Benefits

- Timely corrections - quick response to misinformation before it spreads and confuses
- Better media awareness of common reporting errors
- Better public awareness - regular updates and easy-to-understand content ensure the community stays well-informed
- Puts NACC position on the record
- Educative function – opportunity to educate on jurisdiction and NACC operations
- Increased public trust – in providing accurate information, the public can rely on the organization as a trustworthy source.
- Develops a long-term public-facing resource for NACC, the media and the public

Risks

- Investment of effort for potential minimal impact – can reassess after first month of use
- Can be seen as combative if the tone is not right – maintain neutral, factual tone



National Anti-Corruption Commission

Media questions since last Estimates appearance

The table below lists all media queries since the last Estimates appearance in reverse chronological order.

Media outlet	Subject	Date of response	Question	Response
Section 22 - Irrelevant Material				
Section 47G - Bu	Corruption in procurement	9/01/2025	We are seeking to publish an article regarding responses from the NACC to Senator Barbara Pocock.	Of the corruption investigations initiated by the Commission since its inception, three have been concluded. Those investigations were terminated because further

		<p>Can we please get response to the questions below by 5pm?</p> <p>Senator Pockock asked:</p> <p>The NACC recently said that “corruption in public sector procurement is one of the 3 predominant themes that have emerged in referrals to the Commission since it commenced in July 2023.” Of the NACC’s 29 current corruption investigations, 8 relate to procurement.</p> <p>The NACC responded:</p> <p>"Of the investigations initiated by the Commission (as distinct from those inherited from Australian Commission for Law Enforcement Integrity), three have been concluded, including two relating to procurement, in circumstances where the Commission decided that further investigation</p>	<p>investigation was not warranted in all the circumstances, as it became clear that corrupt conduct would not be found. In those circumstances, the Commission is not required to and did not produce a report.</p> <p>It is not appropriate for the Commission to disclose publicly which departments or agencies are involved in ongoing investigations, as it may involve disclosure of information which the Commission is required by law to keep confidential, prejudice current or potential investigations by the NACC or other agencies, and unfairly prejudice reputations and rights of individuals to impartial adjudication. It is also not appropriate to disclose which departments or agencies were involved in the investigations which have been terminated, in circumstances where it became clear that corrupt conduct would not be found.</p> <p>The Commission may disclose information to the Australian Public Service Commission (APSC) if satisfied that it is appropriate to do so (s 229(2)). Normally, it is not appropriate to do so before an investigation is complete, as</p>
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		<p>was not warranted in all the circumstances, as it became clear that corrupt conduct would not be found. In those circumstances, the Commission is not required to produce a report."</p> <p>1. Does this mean the NACC has, overall, completed three corruption investigations (regarding those instigated by the NACC) since its inception?</p> <p>2. Has the APSC been alerted to, or involved in, any of the 8 investigations related to procurement? (And if so how many?)</p> <p>3. Has the APSC been informed about any of the 8 investigations related to procurement? (And if so how many?)</p> <p>4. Has the APSC been informed about the 2 completed investigations related to procurement? (And if so how many?)</p>	<p>premature disclosure may unfairly impact on reputations and careers. It is also normally not appropriate to do so if an investigation is terminated because it becomes clear that corrupt conduct will not be found.</p> <p>On 13 December 2024, the Commission announced that Mr Geoffrey Nettle AC KC had been appointed to independently reconsider its decision relating to the referrals made to the NACC by the Royal Commission into the Robodebt Scheme. You can read more here: Independent delegate appointed to reconsider Robodebt referrals National Anti-Corruption Commission (NACC).</p>
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			<p>5. Regarding the 8 investigations relating to procurement, which departments or agencies were involved in the investigations?</p> <p>6. Regarding the two concluded investigations relating to procurement, which departments or agencies were involved in the investigations?</p> <p>7. Did the NACC produce a report for any of the three completed investigations? Can we please also get responses to the following?</p> <p>1. Has the NACC appointed a person to review it's decision not to investigate the Robodebt referrals?</p> <p>2. If not, why not?</p>	
Section 47F - Pub	How the NACC selects investigations	10/01/2025	The NACC has said it is triaging, in order to investigate the most serious/most likely corrupt issues.	The Commission assesses referrals in two stages. The first (Tier 1), which we call triage, involves deciding whether a matter is within jurisdiction (i.e. does it involve a Commonwealth public official) and whether it appears to

			<p>Of the many hundreds of referrals, were these three investigations chosen based on their potential likelihood to have involved wrongdoing?</p> <p>If not, on what grounds were these three investigations selected?</p>	<p>raise a corruption issue. The second (Tier 2), which we call assessment, involves deciding whether and if so how to deal with the corruption issue under s41 of the NACC Act. In deciding what we will investigate, we consider among other things:</p> <ul style="list-style-type: none"> • the nature of the allegation, including its objective seriousness and the gravity, scale and egregiousness of the alleged conduct • its relationship to our strategic corruption priorities • the availability of investigative pathways and the prospects of whether an investigation will discover corrupt conduct • the extent to which the issue has previously been investigated • whether and to what extent an investigation is likely to add value in the public interest. <p>Historically, most corruption investigations do not result in a finding of corrupt conduct.</p>
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Section 22 - Irrelevant Material

Section 22 - Irrelevant Material

				partnerships. This artwork will align with our corporate identity and mission and reflect our commitment to an inclusive approach to anti-corruption efforts.
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Section 22 - Irrelevant Material



Section 22 - Irrelevant Material



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Section 22 - Irrelevant Material

Section 47F - Personal [REDACTED]	Update on eminent person	9/12/2024	hi there, is there any update on this? has the independent person been appointed yet? If not, when will they be appointed? Thanks	The Commission is finalising the appointment of the independent eminent person to reconsider the decision whether or not to investigate the Robodebt referrals. The Commission will provide further information as soon as reasonably practicable.
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Section 22 - Irrelevant Material

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				satisfaction remains of utmost importance to the Commission.
Section 47P - Personal privacy	Inspectors Annual Report	20/11/202 4	<p>We are looking to publish an article regarding NACC Inspector Gail Furness' Annual Report published last week.</p> <p>Can we please get responses from Commissioner Brereton to the six questions below by 6.30pm?</p> <p>In her report, Inspector Furness notes NACC Commissioner Brereton made two "mandatory referrals" of "corruption issues" to Ms Furness in the year. The "first referral" (Referral 1) regards a person having offered "what might be considered a secret commission" to a member of the NACC.</p> <p>As per the NACC Act, it is the role of the Inspector to "conduct investigations into NACC corruption issues that could involve corrupt conduct that is serious or systemic".</p> <p>Section 210 of the Act sets out "How (the) Inspector deals with corruption issues". It provides four options, noting "The Inspector</p>	The Commission will not be commenting.

			<p>may deal with a NACC corruption issue in one or more of the following ways”.</p> <p>How Inspector deals with NACC corruption issues</p> <p>(1) The Inspector may deal with a NACC corruption issue in any one or more of the following ways:</p> <p>(a) by investigating the NACC corruption issue;</p> <p>(b) by investigating the NACC corruption issue jointly with a Commonwealth agency, the NACC or a State or Territory government entity;</p> <p>(c) by referring, for investigation, the NACC corruption issue to the NACC (if the Inspector is satisfied that it is appropriate for the NACC to investigate the issue);</p> <p>(d) by referring, for consideration, the NACC corruption issue to a Commonwealth agency, the NACC or a State or Territory government entity.</p>	
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			<p>Regarding Referral 1, Ms Furness writes in the Annual Report:</p> <p>“The first referral concerned a person who made an offer to pay a staff member of the NACC what might be considered a secret commission. The Inspector inquired of the Commissioner what action the Commission proposed to take in relation to the matter. Having obtained further information, the Commissioner informed the Inspector his view, that it is doubtful that the person ‘was aware of the NACC officer’s position and in any event, does not appear to have suggested that the NACC officer take any action in his capacity as such, and that the NACC officer acted appropriately in response to the approach made to him, I do not propose to take any further action in relation to the matter’. The Inspector formed the view that no statutory action was warranted by her under s 210(6).”</p> <p>No other information about the first referral is provided.</p>	
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			<p>From the above it is shown that:</p> <ol style="list-style-type: none"> 1. Commissioner Brereton made a mandatory referral (Referral 1) to Inspector Furness 2. Inspector Furness asked Commissioner Brereton what action the Commission proposed to take 3. That Commissioner Brereton obtained “additional information 4. That Commissioner Brereton told Inspector Furness he considered it doubtful that the person “was aware of the NACC officer’s position” and “in any event, does not appear to have suggested that the NACC officer take any action in his capacity as such, and that the NACC acted appropriately in response to the approach made to him”. 5. Given this, Commissioner Brereton said: “I do not propose to take any further action in relation to this matter”. 6. Inspector Furness “formed the view that no statutory action was warranted by her under s210(6)”. 	
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			<p>In her report, Inspector Furness writes: “the Commissioner informed the Inspector his view, that it is doubtful that the person ‘was aware of the NACC officer’s position and in any event, does not appear to have suggested that the NACC officer take any action in his capacity as such, and that the NACC officer acted appropriately in response to the approach made to him, I do not propose to take any further action in relation to the matter’.”</p> <p>Can we please get responses from Mr Brereton to:</p> <ol style="list-style-type: none"> 1. On what basis do you assert it “doubtful” that the person offering the secret commission “was aware of the NACC officer’s position”? 2. You assert the person offering the secret commission “does not appear to have suggested that the NACC officer take any action in his capacity as such”. Did the person, 	
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			<p>or did the person not, suggest that the officer take any action in his capacity as an NACC officer in respect of the offered secret commission?</p> <p>3. You state: “the NACC officer acted appropriately in response to the approach made to him”. How did the NACC officer act in response to the approach made to him?</p> <p>4. Did you “investigate” this matter. If so, what did your investigation involve?</p> <p>5. Without suggesting any wrongdoing by them, who was the person (who you have identified as a male “NACC officer”) who was offered the “secret commission”?</p> <p>6. Is there anything else you would like to raise regarding this matter?</p> <p>Thank you,</p>	
<p>Section 47F - Personal</p> <p>██████████</p> <p>██████████</p> <p>██████████</p>	Internal Governance	<p>20/11/2021</p> <p>4</p>	<p>I am writing for this weekend's ██████████</p> <p>██████████ about some concerns raised with me by current and former NACC staff as they relate to internal governance and interactions with the executive. I will set out the key claims below</p>	<p>1. When the NACC was set up, did Commissioner Brereton bring across one of his judge's associates to the new Commission?</p> <p>Yes.</p>

			<p>and seek a response to each or all:</p> <p>1. When the NACC was set up, did Commissioner Brereton bring across one of his judge's associates to the new Commission?</p> <p>2. Was there a role for this person already or was there a merit selection process and job advertisement / gazette notification? Why, why not?</p> <p>3. Did the CEO argue against declaring his Qantas Chairman's Lounge membership on the basis that it was an "entitlement" and not a gift?</p> <p>4. Staff have reported to me that there was a serious argument between the CEO and a member of the Governance team about this declaration and that the gifts and benefits register was eventually updated without his explicit sign-off to include this on the register.</p>	<p>2. Was there a role for this person already or was there a merit selection process and job advertisement / gazette notification? Why, why not?</p> <p>On inception of the Commission, there was a vacancy for an Executive Assistant position. In conformity with the Public Service Act 1999, the position was initially filled on a non-ongoing basis, following which an externally advertised competitive merit-based process was undertaken to fill the role permanently.</p> <p>3. Did the CEO argue against declaring his Qantas Chairman's Lounge membership on the basis that it was an "entitlement" and not a gift?</p> <p>No.</p> <p>4. Staff have reported to me that there was a serious argument between the CEO and a member of the Governance team about this declaration and that the gifts and benefits register was eventually updated without his</p>
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			<p>Can I get a response to this?</p> <p>5. Are the gifts and benefits registers supposed to be updated quarterly with all gifts and benefits received in that quarter? I note that once declarations of Qantas chairman's lounge membership are made in one quarter they are not made in the following. Does this mean they no longer apply, or are the public supposed to infer that these are somehow annual memberships that continue to apply based on the Qantas CEO's discretion?</p> <p>6. Is the CEO still a member of the Qantas Chairman's Lounge? Is the Commissioner? The deputy commissioners?</p> <p>7. Why does Commissioner Brereton continue to 'minimise' the error of judgement he made in his management of Person 1 conflict by recasting the relationship publicly as a "prior professional one" and not in the terms he first</p>	<p>explicit sign-off to include this on the register. Can I get a response to this?</p> <p>Your information is incorrect. The CEO personally declared a gift of Qantas Chairman's Lounge membership when it was received in August 2023 and directed that it be included on the register. There was no argument about this.</p> <p>5. Are the gifts and benefits registers supposed to be updated quarterly with all gifts and benefits received in that quarter? I note that once declarations of Qantas chairman's lounge membership are made in one quarter they are not made in the following. Does this mean they no longer apply, or are the public supposed to infer that these are somehow annual memberships that continue to apply based on the Qantas CEO's discretion?</p> <p>The Commission's gifts and benefits register is updated as soon as a gift or benefit is declared (within 31 days of receiving the gift or benefit). The register is published quarterly on the Commission's website, in line with the quarterly reporting and publication cycle set out by the</p>
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			<p>disclosed it? Alan Robertson SC rebuked the Commissioner for this 'gloss' on the facts and other eminent legal minds have suggested it diminishes the Commissioner's credibility.</p> <p>8. Does the Commissioner maintain any current professional or other association with Referred Person 1?</p> <p>9. I have learned that last year, the Acting Director Governance Risk and Reporting as the position was then called left the NACC because of concerns about the executive's unsatisfactory handling of myriad conflict and governance issues, including those mentioned above. How is the public supposed to have faith in the NACC management when its senior governance employees appear to have lost that trust?</p> <p>Thanks, deadline for this one is COB Tuesday.</p>	<p>APSC. Airline lounge memberships are recorded when received and thereafter annually or when circumstances change, in accordance with the APSC Guidance for Agency Heads on Gifts and Benefits, which states:</p> <p>Airline lounge memberships – reporting requirements</p> <p>35. In circumstances where agency heads are gifted airline lounge memberships (including those which are invitation-only), these must be recorded in their agency's gifts and benefits register annually or when circumstances change, such as a new or cancelled membership.</p> <p>6. Is the CEO still a member of the Qantas Chairman's Lounge? Is the Commissioner? The deputy commissioners?</p> <p>All five statutory office holders are members of the Qantas Chairman's lounge, a membership which they have appropriately declared in the NACC gifts and benefits register. See Gifts and benefits register National Anti-Corruption Commission (NACC).</p> <p>7. Why does Commissioner Brereton continue to 'minimise' the error of judgement he made in his management of Person 1 conflict by re-casting the relationship publicly as a</p>
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			<div>Section 47F - Personal privacy</div> <p>PS: The response, via the Commissioner's speech, last week happened after Thursday night which is when the paper goes to print. We were unable to include it in that newspaper report for that reason, but I will quote it at length in this weekend's report</p>	<p>"prior professional one" and not in the terms he first disclosed it? Alan Robertson SC rebuked the Commissioner for this 'gloss' on the facts and other eminent legal minds have suggested it diminishes the Commissioner's credibility.</p> <p>Mr Robertson's comment was simply that, for the purposes of the application of the principles of apprehended bias, the notional reasonable observer would be taken to know only what was contained in the declarations, and not the additional information included in the Commission's submission to the Inspector. As a matter of fact the perceived conflict of interest arises from a prior professional, not personal relationship with Referred Person 1. They never socialised privately, nor visited each other's home. This is entirely consistent with the Commissioner's declarations that he had had a 'close association' with Person 1 (being a close working relationship, some years ago) and that Person 1 was 'well known' to him. The Commission has provided this clarification because of misreporting in some quarters that they were close personal friends.</p>
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				<p>8. Does the Commissioner maintain any current professional or other association with Referred Person 1?</p> <p>No.</p> <p>9. I have learned that last year, the Acting Director Governance Risk and Reporting as the position was then called left the NACC because of concerns about the executive's unsatisfactory handling of myriad conflict and governance issues, including those mentioned above. How is the public supposed to have faith in the NACC management when its senior governance employees appear to have lost that trust?</p> <p>As the responses to questions 1 through 5 above indicate, you appear to have been provided information that is not based in fact. The Commission is unaware of 'myriad conflict' issues. The Commission respects that staff are entitled to opinions that differ from the Executive, and provides internal channels, including anonymous feedback, to enable those opinions to be expressed and considered through proper channels.</p>
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Section 97F - Personal privacy [REDACTED] [REDACTED] [REDACTED]	National Public Sector Governance Forum	15/11/2024	do you have the commissioner's words from today please	Good afternoon, a transcript has been published on the Commission's website. National Public Sector Governance Forum 2024 National Anti-Corruption Commission (NACC)
Section 97F [REDACTED]	National Public Sector Governance Forum	14/11/2024	Would I be able to have virtual access to the Public Trust at the National Public Sector Governance Forum on November 15? Also is there any possibility I could get an advance copy of NACC commissioner Paul Brereton's speech? Happy for it to be under embargo.	Confirming we have seen your request for an embargoed copy of the Commissioner's speech. We politely decline this request.
Section 97F - Personal privacy [REDACTED] [REDACTED] [REDACTED]	Centre for Public Integrity webinar comment	15/11/2024	I am planning to quote a number of lines from this Centre for Public Integrity webinar and also this interview with Geoffrey Watson in a piece for this weekend's The Saturday Paper namely from Margaret White and Will Partlett. If the Commission (or, more directly, the Commissioner) wishes to respond in any way to the below please can I get a response by COB?	The Commissioner will be addressing some of the issues raised in a speech to the National Public Sector Governance Forum this morning in Adelaide. Unfortunately we cannot provide an embargoed copy but we intend to publish the speech on the Commission website as soon as practicable after the Forum.

			<p>Many thanks,</p> <p><small>Section 4(1)F - Personal privacy</small></p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>“The whole of the executive of the NACC is now compromised because they were swept up in Mr. Brereton’s failure to manage the conflict of interest,” Centre for Public Integrity director Geoffrey Watson SC told ABC’s Late Night Live on Monday.</p> <p>“They are all tainted by it.”</p> <p>Watson, himself a legal expert on corruption matters, said the original decision by the watchdog was “absurd” and failed a number of basic tests.</p> <p>“I saw in the [19 October 2023] minutes the way that the commissioners between</p>	
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		<p>themselves, led by Mr. Brereton, were approaching the issue about the definition of corrupt conduct, and I could barely believe it, they took the most negative view about the boundaries of their power,” Watson said.</p> <p>“Now, I was in the room when this thing was being designed and when the powers were being given to it, and I can tell you, there was nobody in the room who thought they were anywhere near as limited as Mr. Brereton appears to think.</p> <p>“And what's more, there was this just general timidity. There were expressions of ‘but we better watch out for this, this could be susceptible to legal challenge’. You've got to be joking. If you spend any time around corruption commissions, every single step you take is going to be challenged for good or for ill purposes by some of the people who are the subject of allegations of corruption. That's the way it pans out.</p> <p>“So if they're not game to take on people who</p>	
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			<p>are under a cloud of corruption because they're scared of a legal challenge, I think they should readdress that issue.”</p> <p>WHITE</p> <p>“This goes to the heart of the natural justice process. It is so serious and so essential, you cannot minimise it in the way in which I think there's been an attempt to do,” she said.</p> <p>“In the explanation in the media statement, Brereton says, ‘well, we all make mistakes. Judges make mistakes all the time’. This is not that kind of case.</p> <p>“Can I just emphasise that this is not like hearing a case and making some wrong findings of fact, which the appeal court says you shouldn't have found, or that you misconceived the law. This is much more fundamental than that.”</p> <p>“They seem to misconceive their role, with the</p>	
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			<p>greatest respect,” White said during the webinar.</p> <p>“The fact that you could declare conduct to be corrupt conduct is surely a pretty savage thing to say about any person who worked in the public sector and it is also very good at defining it for the public.</p> <p>“What message does it send to the people of Australia, and to decent public servants, that this is not, this is nothing to see here for us?”</p> <p>PARTLETT</p> <p>Partlett said Brereton should resign his position.</p> <p>“I think the reputation of the institution, of this newly created anti corruption commission, rests heavily on the leadership. And in this case, he's shown his leadership to be to be lacking,” he said.</p> <p>“And if people are losing, if the public is losing, trust in the National Anti Corruption</p>	
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			Commission, it won't be able to play its role as guardian of the public trust itself. So I think he should resign his position."	
Section 47F - Personal [REDACTED] [REDACTED] [REDACTED]	PJC-NACC private hearing	18/11/202 4	Can you confirm if NACC Commissioner Paul Brereton gave in-camera evidence to a parliament committee on Tuesday (12/11/24)?	The Commission will not be commenting.

Section 22 - Irrelevant Material

Section 22 - Irrelevant Material

<p>Section 22 - Personal</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	<p>Independent Eminent Person(s) follow up</p>	<p>11/11/2022 4</p>	<p>I skimmed over that part of the submissions re: the temp SES appointment. Thank you.</p> <p>I have some follow-up questions based on further discussions I've had over the past week. While I appreciate you may not discuss approaches made, I still have to ask:</p> <p>Is it correct to say that the NACC has, in fact, already approached an eminent, independent person to take on this role and then later rescinded that offer?</p> <p>Why might an offer of this nature be rescinded if the request has already been made? I'm assuming NACC did its due diligence?</p> <p>I'm asking this question generally and not in</p>	<p>1. Is it correct to say that the NACC has, in fact, already approached an eminent, independent person to take on this role and then later rescinded that offer?</p> <p>The Commission will not be commenting on approaches that may or may not have been made.</p> <p>2. Why might an offer of this nature be rescinded if the request has already been made? I'm assuming NACC did its due diligence?</p> <p>The Commission will not be commenting on approaches that may or may not have been made.</p> <p>3. I'm asking this question generally and not in relation to any specific person or potential approach. Does the NACC intend to, or has it already, consulted with the six Robodebt referred persons in relation to whether they have a view on the appropriateness of the independent, eminent person?</p> <p>If so, how and why?</p>
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		<p>relation to any specific person or potential approach. Does the NACC intend to, or has it already, consulted with the six Robodebt referred persons in relation to whether they have a view on the appropriateness of the independent, eminent person? If so, how and why?</p> <p>Presumably any subsequent investigation following a decision to investigate, if that is indeed the decision of this independent person, will then be carried out by the NACC as it is currently constituted?</p> <p>Under whose watch will that investigation be conducted?</p> <p>Thanks, deadline is COB tomorrow. I am aiming to write a piece for this weekend's Section 4 [REDACTED].</p>	<p>No. The Commission has not consulted and has no intention to consult with any referred persons about whether they have a view on the appropriateness of the independent eminent person.</p> <p>4. Presumably any subsequent investigation following a decision to investigate, if that is indeed the decision of this independent person, will then be carried out by the NACC as it is currently constituted?</p> <p>Yes.</p> <p>5. Under whose watch will that investigation be conducted?</p> <p>It is premature to speculate how any such investigation would be structured.</p>
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Section 22 - Irrelevant Material

<small>Section 87F - Personal privacy</small> <div></div> <div></div> <div></div>	Eminent person	7/11/2024	<p>Could you tell me please whether the NACC has appointed the eminent person to look at the ROBODEBT matter again.</p> <p>If so, who is it and when will they report?</p> <p>If not, when will that person be appointed?</p>	<p>The Commission is progressing the selection and appointment of the independent eminent person to reconsider the decision whether or not to investigate the Robodebt referrals. The Commission will provide further information once the appointment has been made, which will be as soon as reasonably practicable.</p>
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Section 22 - Irrelevant Material

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Section 47P - Personal [REDACTED]	Independent Eminent Person(s)	5/11/2024	<p>I am following up on the NACC Inspector report and the process for appointing an independent eminent person to make another decision regarding whether to investigate the Robodebt referrals. As I understand it, the NACC Act itself makes no allowance for such an appointment.</p> <p>How might the NACC go about appointing such a person; by what mechanism?</p> <p>Will that mechanism guarantee the independence of such a person or will the decision of that person in effect also have to be at the discretion of the Commissioner/ a</p>	<p>Q. How might the NACC go about appointing such a person; by what mechanism?</p> <p>The available mechanisms are set out in the Commission's submission to the Inspector dated 21 October 2024 at paragraphs 3 and 5. The preferred mechanism is engagement of an appropriate external person as a temporary SES employee to whom the reconsideration function can be delegated under s 276(1) of the Act.</p> <p>Q. Will that mechanism guarantee the independence of such a person or will the decision of that person in effect also have to be at the discretion of the Commissioner/ a delegate?</p>
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			<p>delegate?</p> <p>Has the NACC already approached any potential independent, eminent person(s) for the job, formally or informally?</p> <p>If yes to the above, what was the nature of the approach and were there any subsequent issues that arose?</p> <p>Related, but separately, is the NACC confident its deputy commissioners made all the declarations of actual or perceived conflicts required of them before continuing their involvement in the Robodebt referrals?</p>	<p>That mechanism means that the decision would be the decision of the independent person as authorised delegate and would not be at the discretion of the Commissioner or anyone else.</p> <p>Q. Has the NACC already approached any potential independent, eminent person(s) for the job, formally or informally?</p> <p>The Commission has already taken a number of steps towards the appointment of the independent eminent person. It will announce the identity of the independent eminent person once engaged. The Commission will not be commenting on approaches that may or may not have been made.</p> <p>Q. If yes to the above, what was the nature of the approach and were there any subsequent issues that arose?</p> <p>The Commission will announce the identity of the independent eminent person once engaged. The Commission will not be commenting on approaches that</p>
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				<p>may or may not have been made.</p> <p>Q. Related, but separately, is the NACC confident its deputy commissioners made all the declarations of actual or perceived conflicts required of them before continuing their involvement in the Robodebt referrals?</p> <p>The Commission is confident its Deputy Commissioners made all appropriate declarations of actual or perceived conflicts before continuing their involvement in the Robodebt referrals.</p>
<p>Section 47(1) - Personal</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	Commissioner's communication with APSC	1/11/2024	<p>Good afternoon NACC media team,</p> <p>My inquiry relates partially to FOI 25/22, but broadly to the NACC's communications with the APSC over the course of inquiries of robodebt referrals.</p> <p>My questions are:</p> <ul style="list-style-type: none"> • The NACC's minutes from the meeting of October 19, 2023 record Deputy Commissioner Rose saying "...with further discussion to take place around communication with the APSC and avenues of referral/oversight mechanism 	<p>The NACC's minutes from the meeting of October 19, 2023 record Deputy Commissioner Rose saying "...with further discussion to take place around communication with the APSC and avenues of referral/oversight mechanism within the Act". Was Deputy Commissioner Rose communicating with the APSC over the course of considerations, and what was discussed?</p> <p>Deputy Commissioner Rose did not discuss the decision, or the decision-making process, with the APSC. There were occasional communications between Commission officers and the APSC to confirm which of the six referred persons</p>

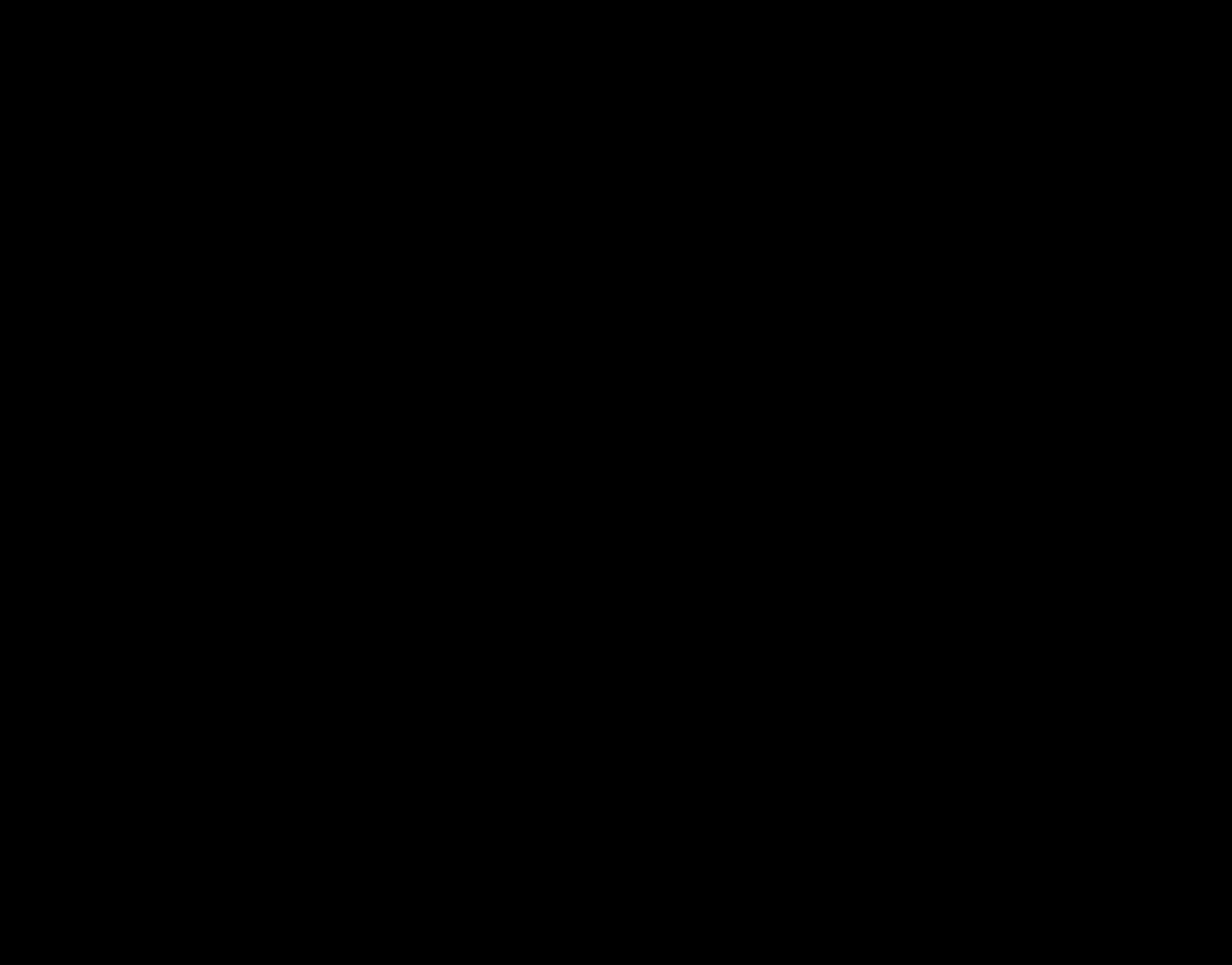
			<p>within the Act". Was Deputy Commissioner Rose communicating with the APSC over the course of considerations, and what was discussed?</p> <ul style="list-style-type: none"> • Why did Commissioner Brereton communicate the NACC's decision to Public Service Commissioner Gordon de Brouwer on June 5, 2024, despite making efforts not to be publicly associated with decision-making? (I refer to the Commissioner's email on April 16, 2024, in which said he could not appear in a video message "to avoid any perception of COI".) <p>Could I please have your response by 3pm on Friday?</p>	<p>had also been referred to the APSC and to ascertain the progress of the APSC referrals. On one occasion, a welfare concern was escalated to Deputy Commissioner Rose.</p> <p>- Why did Commissioner Brereton communicate the NACC's decision to Public Service Commissioner Gordon de Brouwer on June 5, 2024, despite making efforts not to be publicly associated with decision-making? (I refer to the Commissioner's email on April 16, 2024, in which said he could not appear in a video message "to avoid any perception of COI".)</p> <p>As head of the Commission, the Commissioner informed the head of the APSC that the release of the decision was imminent. The decision had been made and this contact was a courtesy from one agency head to another.E104</p>
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Recent key issues and media coverage

Topic	Key points	PDF bookmark reference and links
NACC Inspector’s investigation	<ol style="list-style-type: none">On 30 October 2024, the NACC Inspector concluded her investigation and released the public report.The media coverage of the report, its findings and recommendation peaked on that day, however social media commentary continued over 3 days.	Please refer to Robodebt combined media items

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National Anti-Corruption Commission

Media questions since last Estimates appearance

The table below lists all media queries since the last Estimates appearance, starting with the oldest.

Media outlet	Subject	Date of response	Question	Response
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Section 47F - Personal p	Questions for the Inspector	27/09/2024	Could we please get responses to the following from Ms Furness by 7pm? Regarding your announcement yesterday, do you intend on making your report public? Also how many complaints have you received overall regarding this Robodebt referrals matter (given there were almost 900 on June 13)?	Questions for the Inspector of the National Anti-Corruption Commission should be directed to the Inspector's office - Contact us Inspector of the National Anti-Corruption Commission (naccinspector.gov.au)
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Section 22 - Irrelevant Material

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Section 47F - Personal p	Robodebt decision	20/09/2024	<p>Please find below some questions I have regarding the NACC's decision regarding the Robodebt referrals.</p> <p>Your response is requested by 11am Friday 20 September.</p> <p>We know that in the first week of the NACC's operation, two senior NACC staff members acknowledged conflicts of interest regarding certain individuals referred to the NACC by the Robodebt Royal Commissioner.</p> <p>This is obvious from Commissioner Brereton's email of 7 July 2023 that he sent to colleagues. It stated: "Colleagues, As I have already indicated to most of you, I also have a conflict relating to one of the six individuals the subject of the referrals, [name redacted] who is well known to me."</p> <p>My questions are:</p> <ol style="list-style-type: none"> 1. What was the name of this second senior NACC staff member who declared their conflict of interest? 2. Did this person recuse themselves from involvement in the discussions around the Robodebt referrals? 3. If so, what form did the recusal take? 4. If they didn't recuse themselves, why didn't they? 5. Given the NACC publicly acknowledged 	<p>The Commission declines to respond at this time.</p> <p>If you are seeking information from the Commission, you can make a Freedom of Information request.</p>
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			Commissioner Brereton's conflict of interest, why didn't the NACC also publicly acknowledge that at least one other senior NACC staff member had a conflict of interest? 6. How many Deputy Commissioners declared conflicts of interest regarding the Robodebt referrals?	
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<div> <div></div> <div></div> </div>	APSC Robodebt decision	13/09/2024	<p>Just got out of the APSC briefing on the Robodebt CoC inquiry, and they suggested there might be capacity for NACC to conduct further investigations based on evidence APSC have found during their inquiry.</p> <p>Is this something NACC will, or would consider doing, or is this matter permanently closed?</p>	The Commission is not aware of any suggestion by the APSC that there are further matters for consideration by the Commission. If the APSC referred a matter to the Commission, it would be assessed. The Commission is not aware of any such referral.
<div> <div>Section 47F - Person</div> <div></div> </div>	APSC Robodebt decision	13/09/2024	<p>With the release of the APSC taskforce's report into the robodebt scheme, I wanted to ask whether the NACC would revisit its decision to drop its inquiries into the six individuals referred to it by the robodebt royal commission?</p> <p>I ask as I'm not sure there was sufficient public rationale behind the reason why inquiries into person 6 - the person referred to the NACC who had not also been referred to the APSC - had been discontinued.</p> <p>In addition, was the NACC satisfied that areas where the APSC's inquiries did not overlap with the remit with the NACC into the five individuals were adequately interrogated?</p>	The Commission is reviewing the APSC Report and its findings and recommendations, and considering its implications. It is open to the APSC to refer matters to the Commission if it believes there is serious or systemic corrupt conduct. The Commission is not aware of any such referral.

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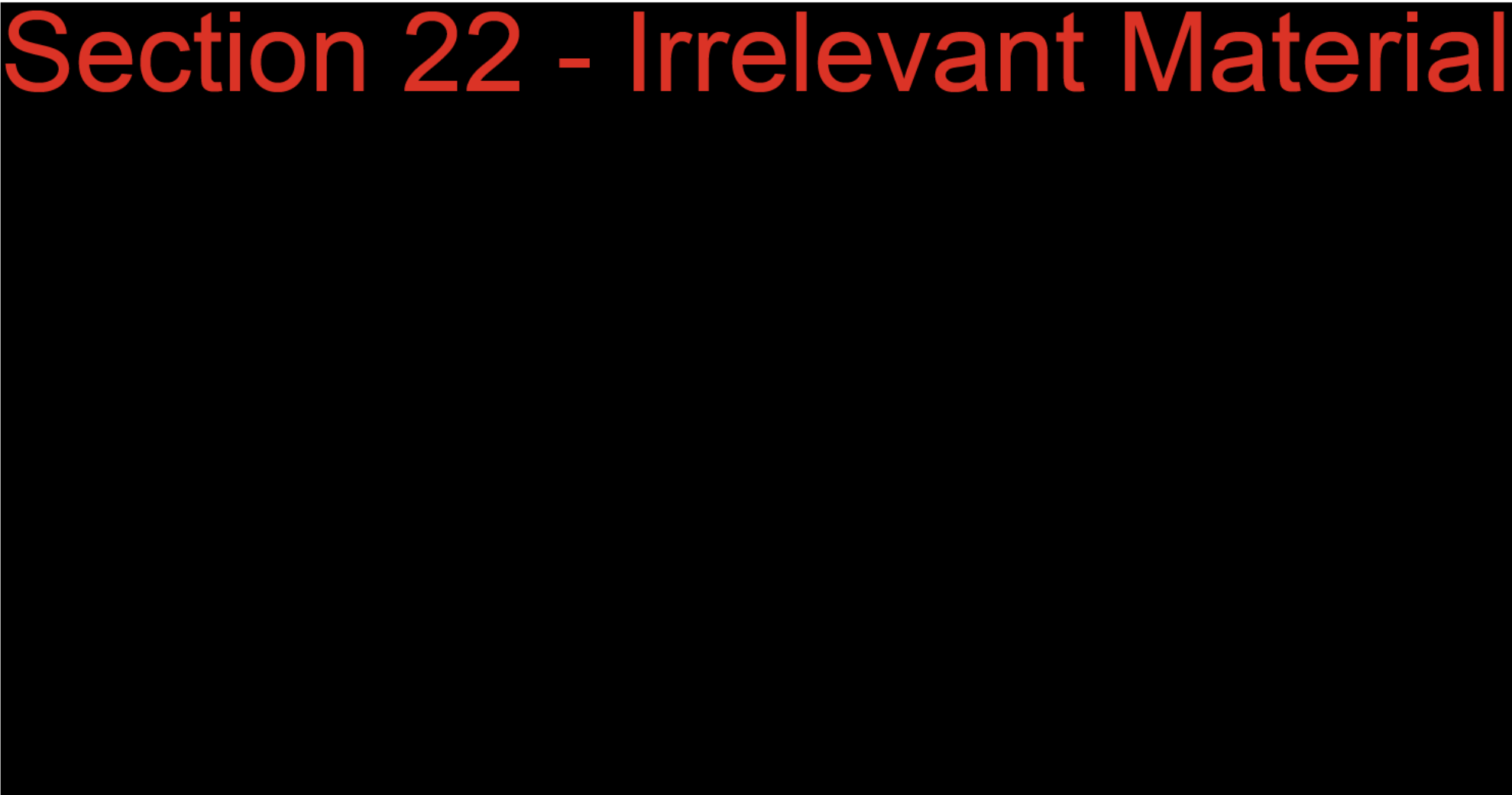
Section 22 - Irrelevant Material



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Section 47F - Personal privacy	Section 47F - Personal privacy	N/A	An article by independent journalist [redacted] published on September 5 (here) reports the following (below) correspondence between [redacted] and the NACC.	Nil response provided
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			<p>We have no reason to believe otherwise, but for accuracy can the NACC please confirm this exchange?</p> <p>Thank you,</p> <p>Section 47F - Personal privacy</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>From: Section 47F - Personal privacy</p> <p>Sent: Tuesday, 3 September 2024 8:37 AM</p> <p>To: NACC Media</p> <p>Subject: Media questions – Section 47F - Personal privacy</p> <p>Dear Sir / Madam</p> <p>I am an independent journalist, and I have a few questions regarding NACC Commissioner Paul Brereton.</p> <p>Background to the questions</p> <p>The NACC told the public and Attorney-General Mark Dreyfuss that Commissioner Paul Brereton had recused himself from the Robodebt decision making.</p> <p>But on the 15th of August 2024 The Guardian published answers the NACC gave to various questions and the NACC admitted:</p> <p>Commissioner Paul Brereton “retained visibility of significant steps taken” in relation to the Robodebt Royal Commission referrals, and “contributed his own views on some issues when requested or when he considered appropriate”. (Click here to read the article)</p>	
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			<p>If that is correct, then it puts Commissioner Paul Brereton in blatant breach of recusal precedents such as the Australian High Court's judgment in <i>Ebner v Official Trustee in Bankruptcy</i> (2000) 205 CLR 337 and the judgment in <i>R. v Magistrates' Court at Lilydale; Ex parte Ciccone</i> [1973] VR 122.</p> <p>Questions</p> <ol style="list-style-type: none"> 1. Given Commissioner Paul Brereton is a former NSW Supreme Court judge, and would know recusal common law and precedents extremely well, why did he blatantly breach recusal common law? 2. Given Commissioner Paul Brereton's blatant breach of recusal common law will he be resigning as NACC Commissioner in the near future? If not, why not? 3. Did any other staff advise Commissioner Paul Brereton that he was breaching the law by failing to legally recuse himself from the Robodebt matter? <p>Please respond by 5pm today in case I have further questions and so I can publish.</p> <p>Regards</p> <p><small>Section 47F - Personal privacy</small></p> <p>The NACC media team responded as per below:</p> <p>From: NACC – Media</p> <p>Sent: Tuesday, 3 September 2024 4:50 PM</p> <p>To: <small>Section 47F - Personal privacy</small></p> <p>Subject: RE: Media questions – <small>Section 47F - Personal privacy</small></p> <p>[SEC=OFFICIAL]</p> <p>OFFICIAL</p> <p>Good afternoon,</p> <p>Recusal is the act of declining (or refusing) to be</p>	
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			<p>the decision-maker in a matter.</p> <p>Commissioner Brereton stated that he would recuse from decision-making. As the documents you refer to demonstrate, the Commissioner declined to be the decision-maker in relation to the Robodebt Royal Commission referrals and delegated the matter to a Deputy Commissioner.</p> <p>Although recusal in the context of judicial decision making is not directly applicable to a decision of the Commission whether or not to commence an investigation, the precedents to which you refer do not support any different view.</p> <p>NACC Media</p>	
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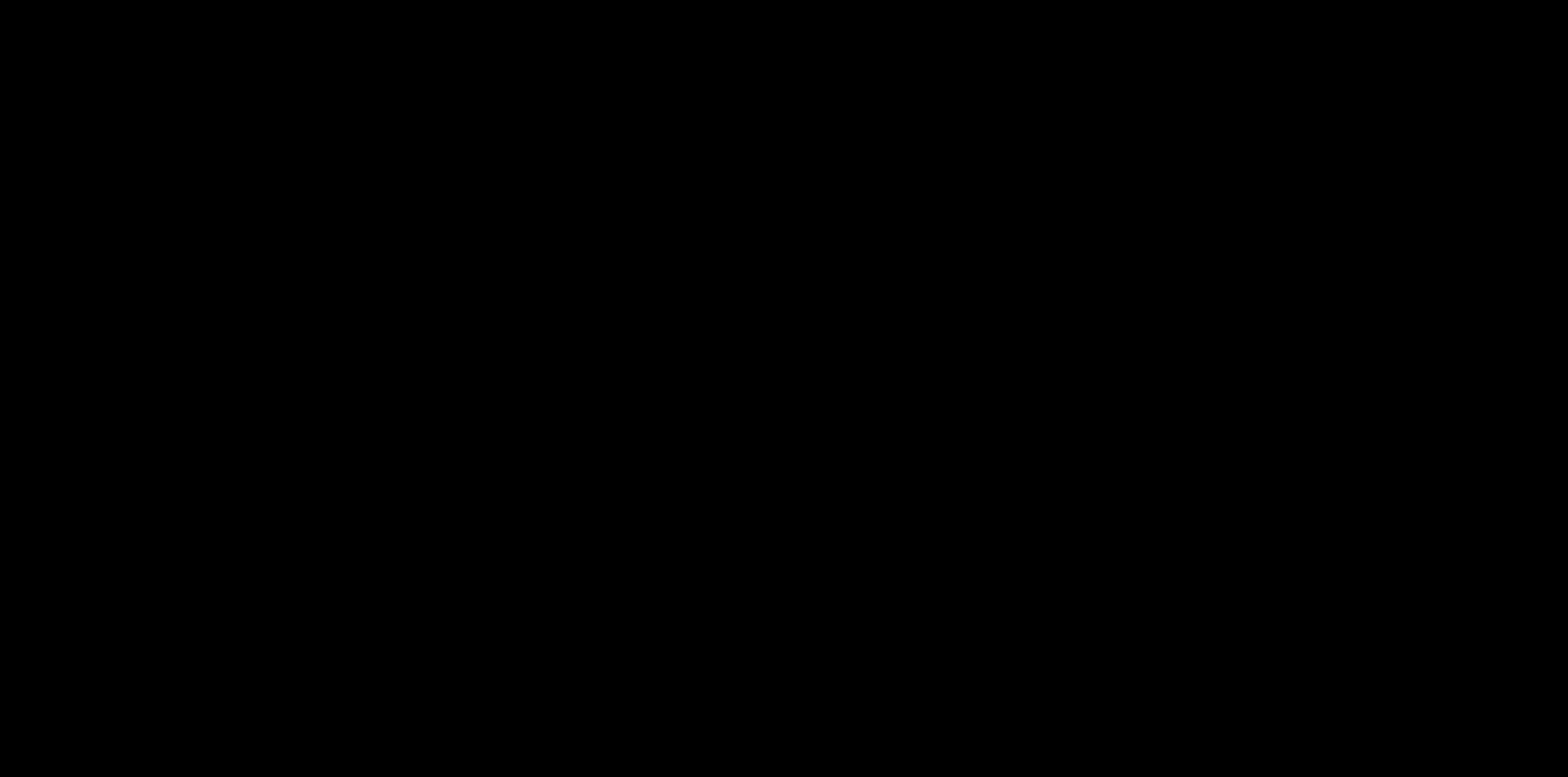
Section 22 - Irrelevant Material

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Section 47F - Personal [REDACTED] [REDACTED]	Conflict of Interest	3/09/2024	<p>I am an independent journalist, and I have a few questions regarding NACC Commissioner Paul Brereton.</p> <p>Background to the questions The NACC told the public and Attorney-General Mark Dreyfuss that Commissioner Paul Brereton had recused himself from the Robodebt decision</p>	<p>Recusal is the act of declining (or refusing) to be the decision-maker in a matter.</p> <p>Commissioner Brereton stated that he would recuse from decision-making. As the documents you refer to demonstrate, the Commissioner declined to be the decision-maker in relation to the Robodebt Royal Commission referrals and delegated the matter to</p>
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			<p>making.</p> <p>But on the 15th of August 2024 The Guardian published answers the NACC gave to various questions and the NACC admitted:</p> <p>Commissioner Paul Brereton “retained visibility of significant steps taken” in relation to the Robodebt Royal Commission referrals, and “contributed his own views on some issues when requested or when he considered appropriate”. (Click here to read the article)</p> <p>If that is correct, then it puts Commissioner Paul Brereton in blatant breach of recusal precedents such as the Australian High Court’s judgment in <i>Ebner v Official Trustee in Bankruptcy</i> (2000) 205 CLR 337 and the judgment in <i>R. v Magistrates' Court at Lilydale; Ex parte Ciccone</i> [1973] VR 122.</p> <p>Questions</p> <ol style="list-style-type: none"> 1. Given Commissioner Paul Brereton is a former NSW Supreme Court judge, and would know recusal common law and precedents extremely well, why did he blatantly breach recusal common law? 2. Given Commissioner Paul Brereton’s blatant breach of recusal common law will he be resigning as NACC Commissioner in the near future? If not, why not? 3. Did any other staff advise Commissioner Paul Brereton that he was breaching the law by failing to legally recuse himself from the Robodebt matter? <p>Please respond by 5pm today in case I have further questions and so I can publish.</p>	<p>a Deputy Commissioner.</p> <p>Although recusal in the context of judicial decision making is not directly applicable to a decision of the Commission whether or not to commence an investigation, the precedents to which you refer do not support any different view.</p>
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Section 22 - Irrelevant Material



Section 4(1) - Personal p	Conflict of Interest	N/A	Could you please confirm receipt of this email? We ran an article over the weekend regarding NACC	Nil response provided
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			<p>Commissioner Paul Brereton having made misleading statements to Attorney-General Mark Dreyfus over Mr Brereton's management of conflicts of interest regarding the Robodebt referrals. The article is here.</p> <p>In Mr Brereton's official letter regarding his conflicts of interest on August 11 last year, he states, twice, that he told his senior NACC colleagues in a meeting on July 3 last year that should a matter affecting someone with whom he has had, or has, a close association come before the Commission, he would "recuse myself from decision making" and "allocate the matter to a Deputy Commissioner".</p> <p>Yet official minutes of that July 3 meeting show Mr Brereton told his colleagues only that he would "delegate decision making". The word "recuse" does not appear in any of the documents the NACC has released under Freedom of Information, except for Mr Brereton's official letter to Mr Dreyfus on August 11.</p> <p>As we reported last week, despite his declared conflict of interest, Mr Brereton did not properly "recuse" himself from the decision-making process as to whether the NACC would investigate the six officials referred to it by the Robodebt Royal Commission.</p> <p>The word "recuse" has a specific legal meaning,</p>	
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		<p>indicating a complete withdrawal from a matter by a judge. Mr Brereton did not recuse himself in this legal sense.</p> <p>Can Mr Brereton please provide us with responses to the following by 6.30pm?</p> <ol style="list-style-type: none">1. Do you consider you did “recuse” yourself from the decision-making process as to whether the NACC would investigate the six officials referred to it by the Robodebt Royal Commission?2. If so, on what basis do you base this position given you remained closely involved in the Robodebt matters?3. Do you consider you misled Mr Dreyfus in your official letter regards to this on August 11 last year?4. When is NACC Inspector Gail Furness expected to complete her report?5. Will you release publicly the report/findings by Ms Furness?	
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Section 22 - Irrelevant Material

Section 22 - Irrelevant Material

Section 41F - Personal p [REDACTED]	Section 41F - Personal [REDACTED]	27/08/2024	<p>Can we please get a response from Mr Brereton to the following by 4pm?</p> <p>How many meetings has the NCAC Senior Assessment Panel held to date, and at how many was the matter of the Royal Commission Robodebt referrals formally considered?</p>	<p>As your colleague [REDACTED] was advised, the Commission has made best efforts to respond to your questions but is unable to assist further.</p> <p>As you know, the Inspector is investigating the Commission's decision not to open an investigation into the Robodebt Royal Commission referrals. The Commission is fully cooperating with that investigation, in which the Inspector has access to the full details and context of the Commission's decision.</p>
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<p>Section 47F - Personal privacy [REDACTED] [REDACTED])</p>	Conflict of Interest	27/08/2024	<p>Below are questions regarding the NACC's decision on the Robodebt referrals. When a question mentions FOI documents I am referring to those documents the NACC released under Freedom of Information request FOI 24/36 to Jommy Tee. Your response is requested by 3pm tomorrow, Tuesday 27 August.</p> <ol style="list-style-type: none"> 1. Please provide a list of all NSAP meeting dates, from 1 July 2023 to the present. 2. Please indicate on the above list all meetings at which the Robodebt matter was formally discussed. 3. Regarding the Monday 3 July minutes released under FOI. I note the tracked changes in document 5. On which date were those changes made? Did all attendees to the meeting see and approve the changes? If not, which attendee/s approved the changes? 4. Regarding the minutes of the Thursday 19 October NSAP meeting (document 16). Given the title of point 3 "Assessments - Cases for Decision" and close after "Robodebt", what decision/s regarding Robodebt was/were made at that meeting? 5. Was the decision not to open an investigation into the six referrals made at the 19 October meeting? 6. At the 19 October meeting, were there any decisions made not to investigate one or more of the six referrals? If so, how many? 7. Does the two-page "final decision document" (to which access was refused in the FOI request) form 	<p>The Commission has made best efforts to respond to your questions to date but given the considerable time and resources it would require to answer your further queries we are unable to assist.</p>
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			<p>part of the minutes of the 19 October meeting? Or is it part of the minutes of some other meeting? If so, which one? Otherwise, is it a separate document?</p> <p>8. How many NACC officials, including the Commissioner, declared a conflict of interest in relation to the Robodebt matter?</p> <p>9. For what reason is the identity of the deputy commissioner who made the Robodebt decision being withheld?</p>	
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Section 22 - Irrelevant Material

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<p>Section 47(1) - Personal privacy</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	Conflict of Interest	22/08/2024	<p>1. It is my understanding from the FOI 24/36 documents, and also from The Guardian article on 15.8.24, that the NACC considered and reached its final decision on the Robodebt referrals at the NSAP Meeting on 19 October 2023.</p> <p>a. Please confirm that the final decision was reached on 19 October 2023.</p> <p>b. If this is not correct, on which date did the NSAP consider and make its final decision on Robodebt?</p> <p>2. I understand that the NACC has refused access to the Robodebt final decision document (document 15). Please advise the following:</p> <p>a. the date of the final decision document</p> <p>b. the number of pages it contains</p>	<p>1. The delegated Deputy Commissioner made the final decision on 16 April 2024.</p> <p>2. The final decision document is dated 16 April 2024 and comprises 2 pages. It was not sent to Government, as there is no requirement for such a decision to be sent to Government.</p> <p>3. The draft media alert (document 14) was created on 25 July 2023.</p> <p>5. The Commission will not confirm, dispute or otherwise comment on speculation which might assist to identify the Deputy who was the decision maker in relation to the Robodebt Royal Commission referrals.</p>
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		<p>c. the date it was sent to the federal government.</p> <p>3. What was the date of the draft media alert (document 14)?</p> <p>4. If you will not provide the dates requested in questions 2a, 2c and 3, please provide an explanation for why this is not possible.</p> <p>The above-linked Guardian article states that the NACC supplied The Guardian with a more complete version of Commissioner Brereton's "declaration of material personal interests" sent to the attorney general, Mark Dreyfus, on 11.8.23. Please send me a copy of this fuller document also, by the above deadline.</p>	<p>Please find attached the Commissioner's letter to the Attorney-General dated 11 August 2023.</p>
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Section 22 - Irrelevant Material

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Section 47F - Person [REDACTED]	Brereton conflict of interest	13/08/2024	<p>I'm writing a story based on results from my FOI request about Paul Brereton's declaration of a conflict of interest in relation to decision-making on the robodebt royal commission.</p> <p>Could I please ask:</p> <ul style="list-style-type: none"> • In the document of 16 August, Brereton suggests although he won't engage in any decision-making he would still like access to material relating to NACC's decision on the robodebt royal commission and he did "not think it is necessary to redact any material". Can you please confirm he did therefore have access to material about the robodebt decision-making? • Would the NACC like to comment on the appropriateness of that, beyond the rationale Cmr 	<p>STATEMENT IN ANSWER TO QUESTIONS FROM [REDACTED]</p> <p>The Commissioner delegated decision-making responsibility for the Robodebt Royal Commission referrals to a Deputy Commissioner, in order to avoid any possible perception of a conflict of interest. The Commissioner in fact had no actual personal 'interest', pecuniary or otherwise, in the decision on the referrals inconsistent with his duty, but recognised that a perceived conflict arose from a prior professional association – not a 'close personal relationship' – with one of the persons who was subject to referral.</p> <p>The Commissioner declared the perceived conflict promptly, explicitly and repeatedly:</p> <ul style="list-style-type: none"> • as recorded in the minutes of the Statutory Office Holders meeting on 3 July 2023; • in writing, to the Statutory Office Holders and General Managers Legal and Evaluation, by email of 7 July 2023;
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			<p>Brereton gave in the documents?</p> <ul style="list-style-type: none"> • In the 11 August letter to the AG Mark Dreyfus, it appears that Brereton disclosed potential conflicts beyond the robodebt acquaintance. These have been removed due to section 22 "irrelevant material". What were the other conflicts he disclosed? • Is there any further comment you'd like to make about the documents? 	<ul style="list-style-type: none"> • in writing to the Attorney-General, copied to the other Statutory Office Holders and NACC Governance, on 11 August 2023; • orally, at the Senior Assessment Panel, on 19 October 2023. <p>The purpose of managing a conflict of interest is to ensure that the decision is unaffected by any conflicting interest. How that is done in any individual case depends on a range of factors, including the nature of the decision, the nature of the conflict, and the nature of the measures that can be taken.</p> <p>Given the Commissioner's overall and ultimate responsibility for the Commission's affairs, the Commissioner had a legitimate and important interest in the legal, policy, systems and resourcing issues raised by the Robodebt Royal Commission referrals. This was especially so given this matter was in many respects the first time the Commission had confronted those questions. That said, as the Commissioner has at all times acknowledged, there was a perceived conflict of interest concerning one of the referrals. It was therefore necessary to manage the conflict, so as to ensure that the Commission's decision was unaffected by it.</p> <p>Here, the conflict was managed by delegating responsibility for making the decision to an experienced Deputy Commissioner, who had no conflict. The Commissioner retained visibility of significant steps taken in relation to the Robodebt Royal Commission referrals, and contributed his own views on some issues when requested or when he considered appropriate. At the Senior Assessment Panel meeting on 19 October 2023, the Commissioner contributed to the initial discussion of some of the issues, and then left the meeting when the time came to consider the decision to be made. The Commissioner was not present when the decision was made.</p> <p>The Commissioner's involvement did not impinge on the independent decision-making of the Deputy Commissioner, who</p>
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
				<p>was fully aware of the Commissioner's perceived conflict, and unconstrained and uninfluenced by it; the decision was the Deputy Commissioner's alone. The duty of a public official to make a decision honestly, impartially and in the public interest, without fear or favour and based on the evidence and the merits, is a guiding principle for the Commission, which has been espoused by the Commissioner since commencement.</p> <p>In the context of the nature of the conflict, the nature of the decision (a preliminary decision whether or not to commence an investigation which does not of itself affect rights), and the Commissioner's overall responsibilities for the Commission's affairs, those steps were judged to be an appropriate way to manage the Commissioner's perceived conflict of interest, and ensured that the Commission's decision was unaffected by any conflicting interest.</p> <p>In response to your request for the other conflicts disclosed in the 11 August letter to the Attorney-General, please find attached a copy of that letter outlining the other conflicts disclosed, that were previously redacted on the basis that they were irrelevant to your initial FOI request. Following release of this document, can you please confirm you no longer require the Commission to process your most recent FOI request.</p>
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Section 22 - Irrelevant Material

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	Follow up questions	6/08/2024	<p>Two further questions.</p> <p>1. Is there a place where you list speeches by Commissioner Brereton. The last I can see mentioned is from a conference hosted by The Mandarin. (We are wondering if Mr Brereton did anything to mark the 1 year of the commission?).</p> <p>2. On how many matters, has the NACC answered "question on notice" from MPs. I can see reports of matters related to Tourism Australia and published answers related to the Federal Court.</p> <p>3. What other information can you provide about the NACC activities? The commission seems to be operating on a "bare-minimum" footing that offers no idea of what matters or areas are being</p>	<p>1. There are 7 speeches delivered by the Commissioner published on the NACC website. You can find these by visiting the News and Media section and selecting "Sort by" – speeches. This includes a speech delivered on Wednesday 31 July at the Australian Public Service Anti-Corruption Conference (APSACC), where the Commissioner provided an overview of the first year of the Commission.</p> <p>On 3 July 2024 the Commission published a media alert that captured key figures for its first year. Our forthcoming Annual Report will provide more detailed information on the first year of the Commission.</p> <p>2. The Commission has responded to 3 Senate Estimates</p>
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			<p>examined.</p> <p>regards</p> <p>Section 47F - Personal privacy</p> <p>██████</p>	<p>questions on notice, on the following topics:</p> <ul style="list-style-type: none"> • AE24-172 - Referral - PwC and former PwC • BE24-174 - NACC: Scope of activity • BE24-305 - Tourism Australia <p>The Commission has also provided input to 147 portfolio questions on notice. All questions on notice are tabled in due course and searchable on the APH website.</p> <p>3. The Commission's approach to balancing the need for confidentiality with transparency is explained by the Commissioner in the 31 July speech, linked above. The Commission publishes weekly media alerts that seek to inform the media and the public on updates and activities, while not compromising operational activities or unfairly prejudicing reputations. This includes most recently an update on our 2023-24 corruption prevention engagements, and our announcement that the Commission will be hosting the next APSACC in 2026. In addition, in connection with their announcement by the Commissioner on 31 July, we have recently published our strategic corruption priorities, as well as our corruption prevention priorities for 2024. Please also see the information on the Commission website about our Commonwealth Integrity Survey, which commences this month, and our LinkedIn, where we publish on average two to three times a week with updates on the Commission's work.</p>
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Section 22 - Irrelevant Material

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<p>██████</p> <p>██████</p>	Robodebt decision	1/07/2024	<p>I have a few questions for the NACC regarding the Robodebt decision. Please see below.</p> <p>Please note my deadline for answers to the questions is 5pm Friday June 28.</p> <ol style="list-style-type: none"> 1. In what specific ways does the commission intend to “hold public officials to account” to “address the integrity issues raised in the final report” given it is not taking any further action against the senior officials? 2. Please provide details of the Commissioner’s conflict of interest in this matter. 3. Did it involve his acquaintance/friendship with Section 47F - Personal privacy? 4. If so, to what specific degree was the Commissioner involved in the NACC’s assessment of this referral? Was it only the final decision that was referred to a deputy, or did the Commissioner recuse himself from the entire process? 	<p>Good morning Section 47F - Personal privacy,</p> <p>In relation to the decision made by the Commission, we refer you to the statement published on 6 June 2024. As the decision is the subject of an inquiry by the Inspector of the National Anti-Corruption Commission, we will not be making further comment.</p>

Section 47F - Personal privacy

Section 47F - Personal privacy

Section 47F - Personal privacy [REDACTED]	Inspector's Inquiry Response	13/06/2024	<p>Hi there,</p> <p>My name is [REDACTED] and I'm a reporter for the [REDACTED].</p> <p>I am seeking comment from the commission regarding the news the Inspector of the NACC is investigating why the commission decided not to investigate officials involved in the Robodebt scandal.</p> <p>Can you please forward me any statement or comments as a matter of urgency.</p> <p>My deadline is 5PM AEST.</p> <p>Thank you,</p> <p>[REDACTED]</p>	<p>Good evening,</p> <p>The Commission welcomes the Inspector's announcement of an inquiry into its reasons for deciding not to conduct an investigation into the issues referred to it by the Robodebt Royal Commission. The Commission is committed to cooperating with the Inspector, who has an important role in the Commission's accountability.</p> <p>The Commission's decision is available on its website. Beyond that, it is inappropriate to comment while the Inspector is making her inquiries.</p> <p>NACC Media</p>
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Section 47F - Personal privacy

Section 22 - Irrelevant Material





National Anti-Corruption Commission

Media questions since last Estimates appearance

The table below lists all media queries since the last Estimates appearance in reverse chronological order.

Section 22 - Irrelevant Material

Section 47F - Personal

Section 47F - Personal [REDACTED]	October 19 minutes - Alan Robertson SC's report	31/10/2024	"Hi NACC media team, I wanted to get in touch about yesterday's report as I noted some notes in Alan Robertson SC's report (attached) on page 9.	"Due to the proposed reconsideration of the referrals by the Robodebt Royal Commission (RRC) to the National Anti-Corruption Commission (Commission) by an independent person, and the need to ensure the integrity of that process, the answer we give below must be general in nature and not be seen to attempt to justify any previous decision made or decision-making
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		<p>It includes the meeting minutes of the 19 October 2023 meeting where Brereton questioned the value of a NACC investigation because it could not provide a remedy.</p> <p>The full quote is below:</p> <p>"The commissioner stated that a corruption inquiry is usually a precursor to some kind of remedy elsewhere and the commission cannot provide a remedy itself.</p> <p>The conduct itself has already been exposed by the [royal commission] and that a remedy can either be provided through a criminal prosecution or APSC code of conduct proceedings.</p> <p>The commissioner stated that all the commission could do was make a finding that there was corrupt conduct and that he could not see where the commission could add value."</p> <p>With that quote in mind, I wanted to get a statement from the NACC regarding where the commission believes the approach of the NACC that it cannot add value with corrupt conduct findings to allegations, such as those canvassed in the robodebt royal commission, if there are no remedies?</p>	<p>process by the Commission. We would appreciate if you could be mindful of this important limitation.</p> <p>Within this context, the text you refer to in the minutes of the 19 October 2023 meeting should be viewed in the overarching framework of the powers of the RRC, and how corruption issues are dealt with by the Commission under the National Anti-Corruption Commission Act 2022 (NACC Act). While we are restricted by the RRC's confidentiality direction as to what can be said about the content of the RRC's referrals, the powers and resources of the RRC meant there was extensive information provided to the Commission, which was obtained through public hearings and the use of coercive powers that are analogous, though not identical, to those able to be used by the Commission. Most other Commonwealth agencies do not have these powers.</p> <p>Value of Commission findings</p> <p>The Commission quite appropriately does not have the power to impose penalties or award compensation. This is because it is an investigatory agency, not an adjudicative agency, and processes for imposing penalties and awarding compensation involve rights and protections for individuals which they do not have in a Commission investigation.</p> <p>Before a finding of corrupt conduct can be made under the NACC Act, there is a need to undertake a corruption investigation and prepare a corruption report (further detail concerning this process can be found on the Commission's website: The investigation process National Anti-Corruption Commission (NACC)). The investigative powers of the Commission are extensive and include public and private hearings, notices to produce and</p>
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			<p>Additionally, has this consideration been used previously in other decisions to dismiss investigations?</p> <p>Looking to get a response by 5pm. Please let me know if there are any issues."</p>	<p>telecommunications interception powers. Often, but not always, it is by using these powers where the Commission adds the greatest value. I.e. conduct that was previously hidden becomes known.</p> <p>The Commission considers that a finding of corrupt conduct, and the summary of evidence upon which the opinion is based, can of itself have value, but to what extent is influenced by what has already been publicly exposed, what a finding of corrupt conduct may add, and a range of other factors.</p> <p>Discretion to Investigate Corruption Issues The NACC Act is drafted with an explicit understanding that not all corruption issues (i.e. whether a person has engaged in corrupt conduct) must be investigated by the Commission, and corruption issues may be investigated by other agencies. For example, when the Commissioner or their delegate decides how to deal with a corruption issue (see section 41 of the NACC Act), the Commission can investigate the corruption issue (by itself or with another agency), refer the corruption issue for consideration by a Commonwealth agency to which the corruption issue relates, or refer the corruption issue for consideration to a Commonwealth agency or a State or Territory government entity.</p> <p>There is no obligation on the Commissioner to investigate any corruption issue or to provide reasons for not doing so. A significant reason for this discretion is, in the context of the number of referrals received (3,189 in the first year), so that the Commission can deploy its allocated resources best to add value - rather than cover ground that has already been covered, or will be covered, elsewhere.</p>
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				<p>This reflects the policy of the NACC Act of avoiding duplicate investigations by limiting the circumstances in which the Commission will reinvestigate an issue which has already been investigated by a Commonwealth integrity agency (see sections 15 and 45 of the NACC Act). The Australian Public Service Commission is a Commonwealth integrity agency. Although the RRC was not a Commonwealth integrity agency, it had very similar powers to many Commonwealth integrity agencies.</p> <p>The Commission uses the Assessment of Corruption Issues Policy to guide its assessment processes. A copy of the policy is publicly available and can be found at this link: Assessment of Corruption Issues Policy. In particular, I refer you to paragraphs [5.3] - [5.4], which deal with, "relevant considerations in deciding whether or not to deal with a corruption issue".</p> <p>The Commission has decided not to investigate a substantial number of matters for the reason that, in the light of other pending or completed investigations, a Commission investigation would not add value. This has often been mentioned in our weekly media updates. For example, our media update published on 3 July 2024 stated that in the year 2023-4, the Commission decided to take no further action in 252 cases which passed triage, "Typically, this is because the referral does not raise a corruption issue, or there are insufficient prospects of finding corrupt conduct, or the matter is already being adequately investigated by another agency, or a corruption investigation would not add value in the public interest."</p> <p>We hope this information assists. "</p>
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Section 47F - Person [REDACTED]	Commissioner's communication with APSC	31/10/2024	<p>Good afternoon NACC media team,</p> <p>My inquiry relates partially to FOI 25/22, but broadly to the NACC's communications with the APSC over the course of inquiries of robodebt referrals.</p> <p>My questions are:</p> <ul style="list-style-type: none"> The NACC's minutes from the meeting of October 19, 2023 record Deputy Commissioner Rose saying "...with further discussion to take place around communication with the APSC and avenues of referral/oversight mechanism within the Act". Was Deputy Commissioner Rose communicating with the APSC over the course of considerations, and what was discussed? Why did Commissioner Brereton communicate the NACC's decision to Public Service Commissioner Gordon de Brouwer on June 5, 2024, despite making efforts not to be publicly associated with decision-making? (I refer to the Commissioner's email on April 16, 2024, in which said he could not appear in a video message "to avoid any perception of COI".) <p>Could I please have your response by 3pm on Friday?</p>	<p>"The NACC's minutes from the meeting of October 19, 2023 record Deputy Commissioner Rose saying "...with further discussion to take place around communication with the APSC and avenues of referral/oversight mechanism within the Act". Was Deputy Commissioner Rose communicating with the APSC over the course of considerations, and what was discussed? Deputy Commissioner Rose did not discuss the decision, or the decision-making process, with the APSC. There were occasional communications between Commission officers and the APSC to confirm which of the six referred persons had also been referred to the APSC and to ascertain the progress of the APSC referrals. On one occasion, a welfare concern was escalated to Deputy Commissioner Rose.</p> <p>- Why did Commissioner Brereton communicate the NACC's decision to Public Service Commissioner Gordon de Brouwer on June 5, 2024, despite making efforts not to be publicly associated with decision-making? (I refer to the Commissioner's email on April 16, 2024, in which said he could not appear in a video message ""to avoid any perception of COI"".)</p> <p>As head of the Commission, the Commissioner informed the head of the APSC that the release of the decision was imminent. The decision had been made and this contact was a courtesy from one agency head to another.E104"</p>
Section 47F - Person [REDACTED]	Interview Request	30/10/2024	<p>We would like to invite Commissioner Brereton for an interview on the program tomorrow morning.</p> <p>We note the decision to review the subject of Robodebt referrals.</p>	<p>The Commissioner is grateful for the invitation but regrets that in accordance with our policy of not providing exclusive interviews he is unable to accept.</p>

			<p>While we appreciate he will be somewhat limited in his ability to comment, it would be extremely helpful to explain to our audience why this decision has been made and what it means for the process going forward.</p> <p>If the Commissioner is unavailable we would be happy to speak to the independent investigator as well.</p>	
Section 47E - Personal privacy	Interview Request	30/10/2024	I'm reaching out to see if Commissioner Paul Brereton is available tomorrow at 0740 AEDT to speak on the decision to review the robo-debt decision?	The Commissioner is grateful for the invitation but regrets that in accordance with our policy of not providing exclusive interviews he is unable to accept.

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Section 47F - Personal [REDACTED]	Robodebt Inspector Report - Follow up	29/10/2024	<p>I have some further questions on this matter. Understand you may not be able to comment, but if you are, could I please have your response by 5pm today?:</p> <ul style="list-style-type: none"> • Section 22 - Irrelevant Material understands an investigation into the NACC identified a mistake of law or fact regarding Commissioner Paul Brereton's management of a perceived conflict of interest. Does the NACC have any comment on this mistake? • We understand the NACC is now formally reconsidering the referrals. When will this process begin, and how long is it expected to take? 	The Commission is unable to comment before the Inspector's report on her investigation is released.
Section 47F - Personal [REDACTED]	Robodebt Inspector report	28/10/2024	<p>Good afternoon NACC media team, Do you have a statement regarding your decision to reconsider referrals from the robodebt royal commission report? Hope to hear you soon, or by the end of the day at the latest.</p>	The Commission is unable to comment before the Inspector's report on her investigation is released.
Section 47F - Personal [REDACTED]	NACC submissions to NACC Inspector	28/10/2024	<p>Dear NACC media team</p> <p>In her 26 September 2024 statement NACC Inspector Ms Gail Furness advised that the NACC had undertaken to provide the submissions she had requested by Monday 21 October 2024.</p> <p>Would you please advise by 11am Monday 28 October whether the NACC has lodged these submissions with the Inspector and, if so, on what</p>	The Commission provided its submissions to the Inspector in two parts, the first on 8 October and the second on 21 October 2024.

			date this was done.	
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			If the NACC has not yet lodged them with the Inspector, would you please provide an update as to why and advise when the NACC intends to lodge	
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Section 47F - Personal p	Questions for the Inspector	27/09/2024	<p>Could we please get responses to the following from Ms Furness by 7pm?</p> <p>Regarding your announcement yesterday, do you intend on making your report public?</p> <p>Also how many complaints have you received overall regarding this Robodebt referrals matter (given there were almost 900 on June 13)?</p>	<p>Questions for the Inspector of the National Anti-Corruption Commission should be directed to the Inspector's office - Contact us Inspector of the National Anti-Corruption Commission (naccinspector.gov.au)</p>
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Section 22 - Irrelevant Material

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Section 477 - Personal p	Robodebt decision	20/09/2024	<p>Please find below some questions I have regarding the NACC's decision regarding the Robodebt referrals.</p> <p>Your response is requested by 11am Friday 20 September.</p> <p>We know that in the first week of the NACC's operation, two senior NACC staff members acknowledged conflicts of interest regarding certain individuals referred to the NACC by the Robodebt Royal Commissioner.</p> <p>This is obvious from Commissioner Brereton's email of 7 July 2023 that he sent to colleagues. It stated: "Colleagues, As I have already indicated to most of you, I also have a conflict relating to one of the six individuals the subject of the referrals, [name</p>	<p>The Commission declines to respond at this time.</p> <p>If you are seeking information from the Commission, you can make a Freedom of Information request.</p>
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redacted] who is well known to me.”

My questions are:

1. What was the name of this second senior NACC staff member who declared their conflict of interest?
2. Did this person recuse themselves from involvement in the discussions around the Robodebt referrals?
3. If so, what form did the recusal take?
4. If they didn't recuse themselves, why didn't they?
5. Given the NACC publicly acknowledged Commissioner Brereton's conflict of interest, why didn't the NACC also publicly acknowledge that at least one other senior NACC staff member had a conflict of interest?
6. How many Deputy Commissioners declared conflicts of interest regarding the Robodebt referrals?

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Section 22 - Irrelevant [REDACTED]	APSC Robodebt decision	13/09/2024	<p>Just got out of the APSC briefing on the Robodebt CoC inquiry, and they suggested there might be capacity for NACC to conduct further investigations based on evidence APSC have found during their inquiry.</p> <p>Is this something NACC will, or would consider doing, or is this matter permanently closed?</p>	The Commission is not aware of any suggestion by the APSC that there are further matters for consideration by the Commission. If the APSC referred a matter to the Commission, it would be assessed. The Commission is not aware of any such referral.
Section 47F - Person [REDACTED]	APSC Robodebt decision	13/09/2024	<p>With the release of the APSC taskforce's report into the robodebt scheme, I wanted to ask whether the NACC would revisit its decision to drop its inquiries into the six individuals referred to it by the robodebt royal commission?</p> <p>I ask as I'm not sure there was sufficient public rationale behind the reason why inquiries into person 6 - the person referred to the NACC who had not also been referred to the APSC - had been</p>	The Commission is reviewing the APSC Report and its findings and recommendations, and considering its implications. It is open to the APSC to refer matters to the Commission if it believes there is serious or systemic corrupt conduct. The Commission is not aware of any such referral.

			discontinued.	
			In addition, was the NACC satisfied that areas where the APSC's inquiries did not overlap with the remit with the NACC into the five individuals were	

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Section 47F - Personal privacy	Section 47F - Personal privacy exchange	N/A	<p>An article by independent journalist [Section 47F - Personal privacy] published on September 5 (here) reports the following (below) correspondence between [Section 47F - Personal privacy] and the NACC.</p> <p>We have no reason to believe otherwise, but for accuracy can the NACC please confirm this exchange?</p> <p>Thank you,</p> <p>[Section 47F - Personal privacy] [redacted] [redacted]</p> <p>From: [Section 47F - Personal privacy] Sent: Tuesday, 3 September 2024 8:37 AM To: NACC Media Subject: Media questions – [Section 47F - Personal privacy]</p> <p>Dear Sir / Madam</p> <p>I am an independent journalist, and I have a few questions regarding NACC Commissioner Paul Brereton.</p> <p>Background to the questions</p> <p>The NACC told the public and Attorney-General</p>	Nil response provided
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			<p>Mark Dreyfuss that Commissioner Paul Brereton had recused himself from the Robodebt decision making.</p> <p>But on the 15th of August 2024 The Guardian published answers the NACC gave to various questions and the NACC admitted:</p> <p>Commissioner Paul Brereton “retained visibility of significant steps taken” in relation to the Robodebt Royal Commission referrals, and “contributed his own views on some issues when requested or when he considered appropriate”. (Click here to read the article)</p> <p>If that is correct, then it puts Commissioner Paul Brereton in blatant breach of recusal precedents such as the Australian High Court’s judgment in <i>Ebner v Official Trustee in Bankruptcy</i> (2000) 205 CLR 337 and the judgment in <i>R. v Magistrates’ Court at Lilydale; Ex parte Ciccone</i> [1973] VR 122.</p> <p>Questions</p> <ol style="list-style-type: none"> 1. Given Commissioner Paul Brereton is a former NSW Supreme Court judge, and would know recusal common law and precedents extremely well, why did he blatantly breach recusal common law? 2. Given Commissioner Paul Brereton’s blatant breach of recusal common law will he be resigning as NACC Commissioner in the near future? If not, why not? 3. Did any other staff advise Commissioner Paul Brereton that he was breaching the law by failing to legally recuse himself from the Robodebt matter? <p>Please respond by 5pm today in case I have further</p>	
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questions and so I can publish.

Regards

Section 47F - Personal privacy

The NACC media team responded as per below:

From: NACC – Media

Sent: Tuesday, 3 September 2024 4:50 PM

To: Section 47F - Personal privacy

Subject: Section 47F - Personal privacy

Section 47F - Personal privacy

OFFICIAL

Good afternoon,

Recusal is the act of declining (or refusing) to be the decision-maker in a matter.

Commissioner Brereton stated that he would recuse from decision-making. As the documents you refer to demonstrate, the Commissioner declined to be the decision-maker in relation to the Robodebt Royal Commission referrals and delegated the matter to a Deputy Commissioner.

Although recusal in the context of judicial decision making is not directly applicable to a decision of the Commission whether or not to commence an investigation, the precedents to which you refer do not support any different view.

NACC Media

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Section 22 - Irrelevant Material

<p>Section 47F - Person</p> <p>■■■■</p> <p>■■■■</p>	Conflict of Interest	3/09/2024	<p>I am an independent journalist, and I have a few questions regarding NACC Commissioner Paul Brereton.</p> <p>Background to the questions</p> <p>The NACC told the public and Attorney-General Mark Dreyfuss that Commissioner Paul Brereton had recused himself from the Robodebt decision making.</p> <p>But on the 15th of August 2024 The Guardian published answers the NACC gave to various questions and the NACC admitted:</p> <p>Commissioner Paul Brereton “retained visibility of significant steps taken” in relation to the Robodebt Royal Commission referrals, and “contributed his own views on some issues when requested or when he considered appropriate”. (Click here to read the article)</p> <p>If that is correct, then it puts Commissioner Paul Brereton in blatant breach of recusal precedents such as the Australian High Court’s judgment in <i>Ebner v Official Trustee in Bankruptcy</i> (2000) 205 CLR 337 and the judgment in <i>R. v Magistrates' Court at Lilydale; Ex parte Ciccone</i> [1973] VR 122.</p> <p>Questions</p> <p>1. Given Commissioner Paul Brereton is a former NSW Supreme Court judge, and would know recusal</p>	<p>Recusal is the act of declining (or refusing) to be the decision-maker in a matter.</p> <p>Commissioner Brereton stated that he would recuse from decision-making. As the documents you refer to demonstrate, the Commissioner declined to be the decision-maker in relation to the Robodebt Royal Commission referrals and delegated the matter to a Deputy Commissioner.</p> <p>Although recusal in the context of judicial decision making is not directly applicable to a decision of the Commission whether or not to commence an investigation, the precedents to which you refer do not support any different view.</p>
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			<p>common law and precedents extremely well, why did he blatantly breach recusal common law?</p> <p>2. Given Commissioner Paul Brereton's blatant breach of recusal common law will he be resigning as NACC Commissioner in the near future? If not, why not?</p> <p>3. Did any other staff advise Commissioner Paul Brereton that he was breaching the law by failing to legally recuse himself from the Robodebt matter?</p> <p>Please respond by 5pm today in case I have further questions and so I can publish.</p>	
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Section 22 - Irrelevant Material

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Section 4(1) - Personal p	Conflict of Interest	N/A	<p>Could you please confirm receipt of this email? We ran an article over the weekend regarding NACC Commissioner Paul Brereton having made misleading statements to Attorney-General Mark Dreyfus over Mr Brereton's management of conflicts of interest regarding the Robodebt referrals. The article is here.</p> <p>In Mr Brereton's official letter regarding his conflicts of interest on August 11 last year, he states, twice, that he told his senior NACC colleagues in a meeting on July 3 last year that should a matter affecting someone with whom he has had, or has, a close association come before the Commission, he would "recuse myself from decision making" and "allocate the matter to a Deputy Commissioner".</p> <p>Yet official minutes of that July 3 meeting show Mr Brereton told his colleagues only that he would "delegate decision making". The word "recuse" does</p>	Nil response provided
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			<p>not appear in any of the documents the NACC has released under Freedom of Information, except for Mr Brereton's official letter to Mr Dreyfus on August 11.</p> <p>As we reported last week, despite his declared conflict of interest, Mr Brereton did not properly "recuse" himself from the decision-making process as to whether the NACC would investigate the six officials referred to it by the Robodebt Royal Commission.</p> <p>The word "recuse" has a specific legal meaning, indicating a complete withdrawal from a matter by a judge. Mr Brereton did not recuse himself in this legal sense.</p> <p>Can Mr Brereton please provide us with responses to the following by 6.30pm?</p> <ol style="list-style-type: none"> 1. Do you consider you did "recuse" yourself from the decision-making process as to whether the NACC would investigate the six officials referred to it by the Robodebt Royal Commission? 2. If so, on what basis do you base this position given you remained closely involved in the Robodebt matters? 3. Do you consider you misled Mr Dreyfus in your official letter regards to this on August 11 last year? 4. When is NACC Inspector Gail Furness expected to complete her report? 5. Will you release publicly the report/findings by Ms Furness? 	
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Section 47F - Personal privacy [REDACTED]	Conflict of Interest	27/08/2024	<p>Can we please get a response from Mr Brereton to the following by 4pm?</p> <p>How many meetings has the NCAC Senior Assessment Panel held to date, and at how many was the matter of the Royal Commission Robodebt referrals formally considered?</p>	<p>As your colleague [REDACTED] was advised, the Commission has made best efforts to respond to your questions but is unable to assist further.</p> <p>As you know, the Inspector is investigating the Commission's decision not to open an investigation into the Robodebt Royal Commission referrals. The Commission is fully cooperating with that investigation, in which the Inspector has access to the full details and context of the Commission's decision.</p>
Section 47F - Personal privacy [REDACTED] [REDACTED])	Conflict of Interest	27/08/2024	<p>Below are questions regarding the NACC's decision on the Robodebt referrals. When a question mentions FOI documents I am referring to those documents the NACC released under Freedom of Information request FOI 24/36 to [REDACTED]. Your response is requested by 3pm tomorrow, Tuesday 27 August.</p> <ol style="list-style-type: none"> 1. Please provide a list of all NSAP meeting dates, from 1 July 2023 to the present. 2. Please indicate on the above list all meetings at which the Robodebt matter was formally discussed. 3. Regarding the Monday 3 July minutes released under FOI. I note the tracked changes in document 5. On which date were those changes made? Did all attendees to the meeting see and approve the changes? If not, which attendee/s approved the changes? 4. Regarding the minutes of the Thursday 19 October NSAP meeting (document 16). Given the 	<p>The Commission has made best efforts to respond to your questions to date but given the considerable time and resources it would require to answer your further queries we are unable to assist.</p>

			<p>title of point 3 "Assessments - Cases for Decision" and close after "Robodebt", what decision/s regarding Robodebt was/were made at that meeting?</p> <p>5. Was the decision not to open an investigation into the six referrals made at the 19 October meeting?</p> <p>6. At the 19 October meeting, were there any decisions made not to investigate one or more of the six referrals? If so, how many?</p> <p>7. Does the two-page "final decision document" (to which access was refused in the FOI request) form part of the minutes of the 19 October meeting? Or is it part of the minutes of some other meeting? If so, which one? Otherwise, is it a separate document?</p> <p>8. How many NACC officials, including the Commissioner, declared a conflict of interest in relation to the Robodebt matter?</p> <p>9. For what reason is the identity of the deputy commissioner who made the Robodebt decision being withheld?</p>	
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Section 22 - Irrelevant Material

Section 22 - Irrelevant Material



<p>Section 47F - Personal privacy</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	Conflict of Interest	22/08/2024	<p>1. It is my understanding from the FOI 24/36 documents, and also from The Guardian article on 15.8.24, that the NACC considered and reached its final decision on the Robodebt referrals at the NSAP Meeting on 19 October 2023.</p> <p>a. Please confirm that the final decision was reached on 19 October 2023.</p> <p>b. If this is not correct, on which date did the NSAP consider and make its final decision on Robodebt?</p> <p>2. I understand that the NACC has refused access to the Robodebt final decision document (document 15). Please advise the following:</p> <p>a. the date of the final decision document</p> <p>b. the number of pages it contains</p> <p>c. the date it was sent to the federal government.</p> <p>3. What was the date of the draft media alert (document 14)?</p> <p>4. If you will not provide the dates requested in questions 2a, 2c and 3, please provide an explanation for why this is not possible.</p> <p>The above-linked Guardian article states that the NACC supplied The Guardian with a more complete version of Commissioner Brereton's "declaration of material personal interests" sent to the attorney general, Mark Dreyfus, on 11.8.23. Please send me a copy of this fuller document also, by the above</p>	<p>1. The delegated Deputy Commissioner made the final decision on 16 April 2024.</p> <p>2. The final decision document is dated 16 April 2024 and comprises 2 pages. It was not sent to Government, as there is no requirement for such a decision to be sent to Government.</p> <p>3. The draft media alert (document 14) was created on 25 July 2023.</p> <p>5. The Commission will not confirm, dispute or otherwise comment on speculation which might assist to identify the Deputy who was the decision maker in relation to the Robodebt Royal Commission referrals.</p> <p>Please find attached the Commissioner's letter to the Attorney-General dated 11 August 2023.</p>
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Section 22 - Irrelevant Material

Section 22 - Irrelevant Material



Section 22 - Irrelevant Material

Section 22 - Irrelevant Material

			Is this investigation ongoing?	further comment, as to do so may compromise operational activities or unfairly impact reputations.
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Section 22 - Irrelevant Material

Section 22 - Irrelevant Material



<p>Section 47F - Person</p> <p>[REDACTED]</p>	<p>Brereton conflict of interest</p>	<p>13/08/2024</p>	<p>I'm writing a story based on results from my FOI request about Paul Brereton's declaration of a conflict of interest in relation to decision-making on the robodebt royal commission.</p> <p>Could I please ask:</p> <ul style="list-style-type: none"> • In the document of 16 August, Brereton suggests although he won't engage in any decision-making he would still like access to material relating to NACC's decision on the robodebt royal commission and he did "not think it is necessary to redact any material". Can you please confirm he did therefore have access to material about the robodebt decision-making? • Would the NACC like to comment on the appropriateness of that, beyond the rationale Cmr Brereton gave in the documents? • In the 11 August letter to the AG Mark Dreyfus, it appears that Brereton disclosed potential conflicts beyond the robodebt acquaintance. These have been removed due to section 22 "irrelevant material". What were the other conflicts he disclosed? • Is there any further comment you'd like to make about the documents? 	<p>STATEMENT IN ANSWER TO QUESTIONS FROM [REDACTED] Section 47F - Personal p</p> <p>The Commissioner delegated decision-making responsibility for the Robodebt Royal Commission referrals to a Deputy Commissioner, in order to avoid any possible perception of a conflict of interest. The Commissioner in fact had no actual personal 'interest', pecuniary or otherwise, in the decision on the referrals inconsistent with his duty, but recognised that a perceived conflict arose from a prior professional association – not a 'close personal relationship' – with one of the persons who was subject to referral.</p> <p>The Commissioner declared the perceived conflict promptly, explicitly and repeatedly:</p> <ul style="list-style-type: none"> • as recorded in the minutes of the Statutory Office Holders meeting on 3 July 2023; • in writing, to the Statutory Office Holders and General Managers Legal and Evaluation, by email of 7 July 2023; • in writing to the Attorney-General, copied to the other Statutory Office Holders and NACC Governance, on 11 August 2023; • orally, at the Senior Assessment Panel, on 19 October 2023. <p>The purpose of managing a conflict of interest is to ensure that the decision is unaffected by any conflicting interest. How that is done in any individual case depends on a range of factors, including the nature of the decision, the nature of the conflict, and the nature of the measures that can be taken.</p> <p>Given the Commissioner's overall and ultimate responsibility for the Commission's affairs, the Commissioner had a legitimate and important interest in the legal, policy, systems and resourcing issues raised by the Robodebt Royal Commission referrals. This was especially so given this matter was in many respects the first time the Commission had confronted those questions. That said, as the Commissioner has at all times acknowledged, there was a</p>
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				<p>perceived conflict of interest concerning one of the referrals. It was therefore necessary to manage the conflict, so as to ensure that the Commission's decision was unaffected by it.</p> <p>Here, the conflict was managed by delegating responsibility for making the decision to an experienced Deputy Commissioner, who had no conflict. The Commissioner retained visibility of significant steps taken in relation to the Robodebt Royal Commission referrals, and contributed his own views on some issues when requested or when he considered appropriate. At the Senior Assessment Panel meeting on 19 October 2023, the Commissioner contributed to the initial discussion of some of the issues, and then left the meeting when the time came to consider the decision to be made. The Commissioner was not present when the decision was made.</p> <p>The Commissioner's involvement did not impinge on the independent decision-making of the Deputy Commissioner, who was fully aware of the Commissioner's perceived conflict, and unconstrained and uninfluenced by it; the decision was the Deputy Commissioner's alone. The duty of a public official to make a decision honestly, impartially and in the public interest, without fear or favour and based on the evidence and the merits, is a guiding principle for the Commission, which has been espoused by the Commissioner since commencement.</p> <p>In the context of the nature of the conflict, the nature of the decision (a preliminary decision whether or not to commence an investigation which does not of itself affect rights), and the Commissioner's overall responsibilities for the Commission's affairs, those steps were judged to be an appropriate way to manage the Commissioner's perceived conflict of interest, and ensured that the Commission's decision was unaffected by any conflicting interest.</p>
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				<p>In response to your request for the other conflicts disclosed in the 11 August letter to the Attorney-General, please find attached a copy of that letter outlining the other conflicts disclosed, that were previously redacted on the basis that they were irrelevant to your initial FOI request. Following release of this document, can you please confirm you no longer require the Commission to process your most recent FOI request.</p>
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Section 22 - Irrelevant Material

Section 22 - Irrelevant Material



Section 22 - Irrelevant Material

<p>Section 9</p>	<p>Follow up questions</p>	<p>6/08/2024</p>	<p>Two further questions.</p> <ol style="list-style-type: none"> 1. Is there a place where you list speeches by Commissioner Brereton. The last I can see mentioned is from a conference hosted by The Mandarin. (We are wondering if Mr Brereton did anything to mark the 1 year of the commission?). 2. On how many matters, has the NACC answered "question on notice" from MPs. I can see reports of matters related to Tourism Australia and published answers related to the Federal Court. 3. What other information can you provide about the NACC activities? The commission seems to be operating on a "bare-minimum" footing that offers no idea of what matters or areas are being examined. <p>regards</p> <p>Section 47F - Personal privacy</p> <p>[REDACTED]</p>	<ol style="list-style-type: none"> 1. There are 7 speeches delivered by the Commissioner published on the NACC website. You can find these by visiting the News and Media section and selecting "Sort by" – speeches. This includes a speech delivered on Wednesday 31 July at the Australian Public Service Anti-Corruption Conference (APSACC), where the Commissioner provided an overview of the first year of the Commission. <p>On 3 July 2024 the Commission published a media alert that captured key figures for its first year. Our forthcoming Annual Report will provide more detailed information on the first year of the Commission.</p> <ol style="list-style-type: none"> 2. The Commission has responded to 3 Senate Estimates questions on notice, on the following topics: <ul style="list-style-type: none"> • AE24-172 - Referral - PwC and former PwC • BE24-174 - NACC: Scope of activity • BE24-305 - Tourism Australia <p>The Commission has also provided input to 147 portfolio questions on notice. All questions on notice are tabled in due course and searchable on the APH website.</p> <ol style="list-style-type: none"> 3. The Commission's approach to balancing the need for confidentiality with transparency is explained by the Commissioner in the 31 July speech, linked above. The Commission publishes weekly media alerts that seek to inform the
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				media and the public on updates and activities, while not compromising operational activities or unfairly prejudicing reputations. This includes most recently an update on our 2023-24 corruption prevention engagements, and our announcement that the Commission will be hosting the next APSACC in 2026. In addition, in connection with their announcement by the Commissioner on 31 July, we have recently published our strategic corruption priorities, as well as our corruption prevention priorities for 2024. Please also see the information on the Commission website about our Commonwealth Integrity Survey, which commences this month, and our LinkedIn, where we publish on average two to three times a week with updates on the Commission's work.
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Section 22 - Irrelevant Material

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Section 47F - Personal privacy [REDACTED]	Robodebt decision	1/07/2024	<p>I have a few questions for the NACC regarding the Robodebt decision. Please see below.</p> <p>Please note my deadline for answers to the questions is 5pm Friday June 28.</p> <ol style="list-style-type: none"> 1. In what specific ways does the commission intend to “hold public officials to account” to “address the integrity issues raised in the final report” given it is not taking any further action against the senior officials? 2. Please provide details of the Commissioner’s conflict of interest in this matter. 3. Did it involve his acquaintance/friendship with [REDACTED] Section 47F - Personal privacy? 4. If so, to what specific degree was the 	<p>Good morning [REDACTED] Section 47F - Personal privacy</p> <p>In relation to the decision made by the Commission, we refer you to the statement published on 6 June 2024. As the decision is the subject of an inquiry by the Inspector of the National Anti-Corruption Commission, we will not be making further comment.</p>
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		Commissioner involved in the NACC's assessment of this referral? Was it only the final decision that was referred to a deputy, or did the Commissioner recuse himself from the entire process?	
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Section 22 - Irrelevant Material

Section 47F - Report [REDACTED]	Inspector's Inquiry Response	13/06/2024	<p>Hi there,</p> <p>My name is [REDACTED] and I'm a reporter for the [REDACTED].</p> <p>I am seeking comment from the commission regarding the news the Inspector of the NACC is investigating why the commission decided not to investigate officials involved in the Robodebt scandal.</p> <p>Can you please forward me any statement or comments as a matter of urgency.</p>	<p>Good evening,</p> <p>The Commission welcomes the Inspector's announcement of an inquiry into its reasons for deciding not to conduct an investigation into the issues referred to it by the Robodebt Royal Commission. The Commission is committed to cooperating with the Inspector, who has an important role in the Commission's accountability.</p> <p>The Commission's decision is available on its website. Beyond that, it is inappropriate to comment while the Inspector is making her inquiries.</p> <p>NACC Media</p>
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			My deadline is 5PM AEST.	
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			Thank you,	
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[illegible]

[illegible]

[illegible]



National Anti-Corruption Commission

Recent key issues and media coverage

List of contents:

1. Appointment of Mr Nettle to reconsider Robodebt referrals
2. NACC Inspector's report

Section 22 - Irrelevant Material

Topic	Key points	PDF bookmark reference and links
Appointment of Mr Nettle to reconsider Robodebt referrals	<p>On 13 December 2024, the NACC announced the appointment of Mr Geoffrey Nettle AC KC to independently reconsider the referrals made by the Robodebt Royal Commission.</p> <p>This followed reporting that consideration of Former Solicitor General Mr Gleeson had been in the running but had his offer "rescinded".</p>	<p>A1: Former High Court judge to run new robodebt referral review for NACC Crikey</p> <p>A2: Judge appointed to review corruption watchdog's robodebt decision Canberra Times</p> <p>A3: Exclusive: NACC dumped Gleeson over concerns for Coalition minister Saturday Paper</p>
NACC Inspector's report	<p>On 30 October 2024, the NACC Inspector released her report.</p> <p>The media coverage of the report, its findings and recommendation peaked on that day, however social</p>	Please refer to Robodebt combined media items

	media commentary has continued considerably longer than that.	
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Recent key issues and media coverage

Topic	Key points	PDF bookmark reference and links
Robodebt <ul style="list-style-type: none"> NACC's decision NACC Inspector's investigation APSC findings 	<ol style="list-style-type: none"> On 6 June 2024, the NACC announced its decision not to pursue the Robodebt Royal Commission referrals. On 13 June 2024, the NACC Inspector announced her decision to inquire into the NACC's decision not to investigate the Robodebt Royal Commission referrals. On 13 September 2024, the APSC released its findings in relation to the Robodebt Centralised Code of Conduct Inquiry, including the naming of former Secretaries, Ms Kathryn Campbell and Ms Renée Leon. On 26 September 2024, the NACC Inspector released an update that she is investigating and will prepare a report following the investigations conclusion. 	<p>A1: NACC's decision to drop Robodebt royal commission referrals set to be investigated The Australian</p> <p>A2: Four key figures from APSC's robodebt investigation The Mandarin</p> <p>A3: Inside the fight to open the robodebt sealed section The Saturday Paper</p> <p>A4: Federal corruption watchdog being investigated over decision not to investigate robodebt The Guardian</p>

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From: [REDACTED]
Sent: Wednesday, 30 October 2024 3:45 PM
To: Paul Brereton; Philip Reed; Kylie Kilgour; Nicole Rose; Ben Gauntlett
Cc: [REDACTED]
Subject: Afternoon update on 30/10/2024 [SEC=OFFICIAL]
Attachments: Transcript Opposition Leader Peter Dutton press conference in Western Australia.docx; Pocock media release.PDF; ATTORNEY-GENERAL MARK DREYFUS - STATEMENT - REPORT OF THE INSPECTOR OF THE NATIONAL ANTI-CORRUPTION COMMISSION - WEDNESDAY, 30 OCTOBER 2024; Andrew Wilkie statement.PDF

OFFICIAL

Good afternoon

Since my morning update the following news articles have been published:

- [National anti-corruption watchdog to reconsider decision not to investigate robodebt referrals | Nine News](#)
- [The corruption watchdog will review its robodebt decision. Here's why | The Canberra Times](#)
- [Corruption watchdog to reconsider robodebt royal commission decision | The SMH/The Age](#)
- [Australia' anti-corruption body fell at the first hurdle. It now has a second chance | The Conversation](#)
- [NACC inspector throws the book at Brereton | The Mandarin](#)

The Guardian is also reporting that following the Inspector's Report this morning, a spokesperson for the Attorney-General's office said "The government is giving consideration to questions relating to the [release of the confidential chapter](#)."

The following statements have also been published in response. Both Pocock and Wilkie have called for an external review of the Commission with a view to refine its operations.

- Statement from the Attorney-General Mark Dreyfus (see attached)
- Opposition Leader Peter Dutton addressed the situation in a press conference this afternoon (see transcript attached)
- [Statement from Senator Shoebridge re the complaint investigation report on Robodebt from the Inspector of the NACC | Australian Greens](#)
- Statement regarding the NACC from ACT independent Senator David Pocock (see attached)
- Andrew Wilkie MP: NACC found to have erred justice still possible for robodebt victims (see attached)
- Allegra Spender MP statement on Twitter:

Allegra Spender – Statement on NACC and Robodebt – 30th October 2024

I welcome the NACC's decision to reconsider investigating referrals from the Robodebt Royal Commission.

Today's report makes clear that the NACC Commissioner failed to follow proper process when considering Robodebt referrals, and the NACC made misleading statements when communicating its decision.

This is a hugely disappointing failure and deeply damaging to public trust in this vital institution.

Whilst there is no finding of bias on behalf of the Commissioner, the NACC must be beyond reproach. The public needs to have complete confidence that the NACC's decisions are free from bias. This is not the case when it comes to Robodebt.

This is the first time there has been a formal finding by the Inspector, but it is not the first time questions have been raised about the NACC's investigations. Today's report must serve as an opportunity for the NACC to reflect deeply, up its game, and commit to better serving the Australian people.

Robodebt was an appalling failure of government that cost people their lives. The victims and their families deserve justice.

I want to thank the Inspector for their work.

[Ends]

- [ACOSS welcomes recommendation to review NACC Robodebt referral decision - ACOSS](#)
- Transparency International Australia has tweeted the following:



Transparency International Australia
@TIAustralia

...

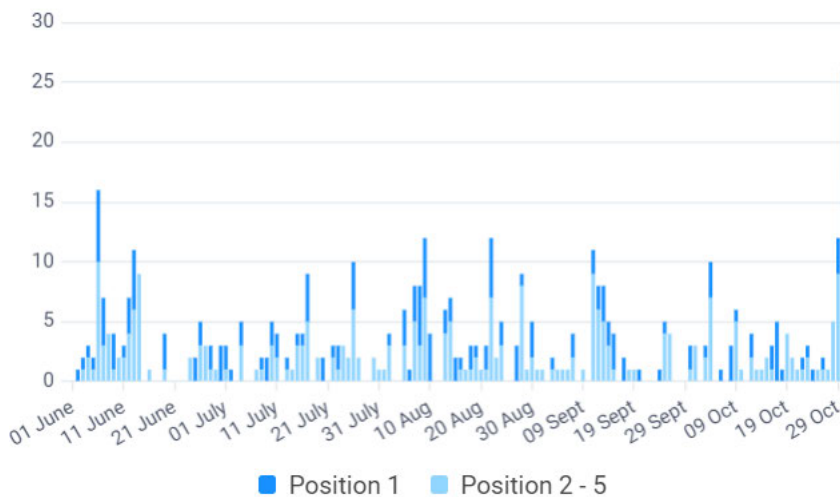
We welcome news that the Inspector of the [#NACC](#)'s recommendation will be acted on. The NACC will reconsider its decision not to investigate Robodebt referrals. Integrity in our institutions, including those fighting corruption is essential to public trust. nacc.gov.au/news-and-media...

12:39 PM · Oct 30, 2024 · 24 Views

From 1 June to 30 October 2024, you'll note from the below graphs that the coverage we have received in Print and Online news stories far outweighs the coverage we received when the Robodebt decision was first published. However, the issue around the Qantas may be adding to this.

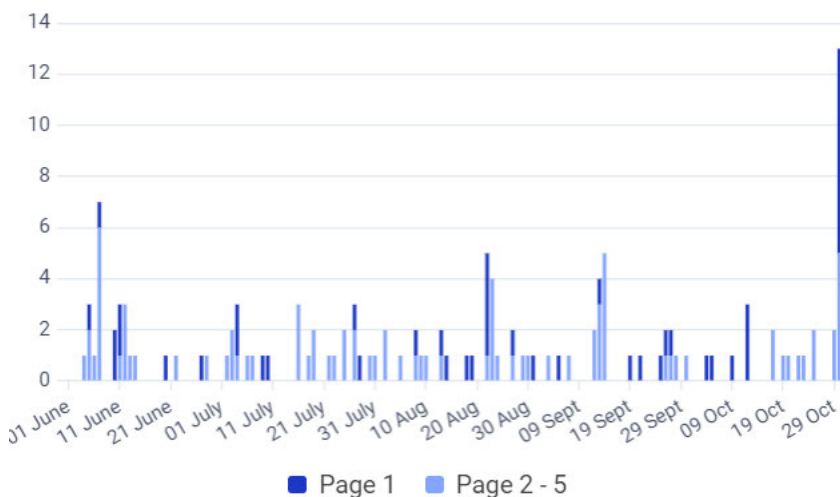
447

Online Front Page Rankings over 152 days



131

Print Front Page Rankings over 152 days



As of sending this email on X (Twitter)

- #NACC is the 1st most trending topic
- Brereton is the 2nd most trending topic
- Robodebt is the 9th most trending topic
- Commissioner is the 20th most trending topic

As the day has progressed many people are angry and are expressing that the NACC has lost public trust. Social media users are continuing to call for resignations. Senior Reporter at the Saturday Paper Rick Morton has also shared the following tweets which are adding to the public's anger.



Rick Morton @SquigglyRick · 1h

Fuck me dead, Brereton who declared a conflict with Referred Person 1 sent the proposed media statement about NACC declining to investigate to all, and Referred Person 1's lawyers made changes to it which were ACCEPTED. They said RC had exposed conduct. Exposed struck out.

10

84

271

4.2K



Rick Morton @SquigglyRick · 1h

why not just hand the whole thing over to the person you "know well" and give them editorial control

2

17

165

3.5K



Rick Morton @SquigglyRick · 1h

This is the SUBJECT OF A POTENTIAL CORRUPTION INVESTIGATION getting to amend the public statement put out by the National Anti-Corruption Commission, with changes accepted by the Commissioner who knows them well

The Commission is conscious of the impact of the Robodebt Scheme on individuals and the public, the seniority of the officials involved, and the need to ensure that any corruption issue is fully investigated.

However, the matter has already been extensively investigated by the Robodebt Royal Commission, and the conduct has been fully **exposed canvassed** in that Commission's final report. After close consideration of the evidence that was available to the Royal Commission, the Commission has concluded that it is unlikely it would obtain significant new evidence beyond that available to the Robodebt Royal Commission.

In the absence of a real likelihood of a further investigation producing significant new evidence, it is undesirable for a number of reasons to conduct multiple investigations into the same matter. This includes the risk of inconsistent outcomes, and the oppression involved in subjecting individuals to repeated investigations of the same matter.

In deciding whether to commence a corruption investigation, the Commission takes into account a range of factors. A significant consideration is whether a corruption investigation would add value in the public interest, and that is particularly relevant where there are or have been other investigations into the same matter. There is not value in duplicating work that has been or is being done by others, in this case with the investigatory powers of the Royal Commission, and the remedial powers of the APSC.

Beyond **considering making a finding that the whether the** conduct in question amounted to corrupt conduct within the meaning of the Act **and, if satisfied, making such a finding**, the Commission cannot grant a remedy or impose a sanction (as the APSC can). Nor could it make any recommendation that could not have been made by the Robodebt Royal Commission. An investigation by the Commission would not provide any individual remedy or redress for the recipients of government payments or their families who suffered due to the Robodebt Scheme.

8

121

296

8.9K



Section 47F - PA

has fielded many phone queries today, but we have had **zero** email media queries regarding the Inspector's Report and the Commission's statement. We have instead received **six** email media queries regarding SOH membership to the Qantas Chairman's Lounge, with Sky News already publishing the following story: [National Anti-Corruption Commission leaders gifted Qantas Chairman's Lounge Access amid PM Albanese's upgrade scandal | Sky News Australia](#)

Any questions, please let me know.

Kind regards

Section 47F - Personal privacy Section 47E - Certain operations of agencies

Section 47F - Personal privacy, Section 47E - Certain operations of agencies

To: Paul Brereton; Philip Reed; Kylie Kilgour

Nicole Rose

Ben Gauntlett

Section 47F - Personal privacy, Section 47E - Certain operations of agencies

Subject: Morning update on 30/10/2024 [SEC=OFFICIAL]

OFFICIAL

Good morning

Following publication of the [Inspector's Report](#) and the [Commission's statement](#) the following news articles have been published:

- [Corruption watchdog to reconsider its decision not to investigate Robodebt referrals - ABC News](#)
- [Robodebt: Corruption watchdog to reconsider decision not to investigate referrals | The West Australian](#)
- [Corruption watchdog to reconsider decision not to investigate Robodebt referrals | SBS News](#)
- [NAAC to review decision not to investigate Robodebt referrals | News.com.au](#)
- [Robodebt corruption watchdog referral reconsidered | AAP](#)
- [Corruption commission to review robo-debt decision after boss' misconduct finding | Sydney Morning Herald and The Age](#)
- [Nacc to reconsider whether to investigate robodebt after 'mistaken misconduct' finding against commissioner | National Anti-Corruption Commission | The Guardian](#)

We have received **NO** media queries, however we have received **two requests for interviews**. has contacted all journalists on her list that picked up.

Note: We have called [Section 47F - Personal privacy](#) to seek to address their "mistaken misconduct" headline. has indicated he will change his headline to 'apprehended bias', but has not agreed.

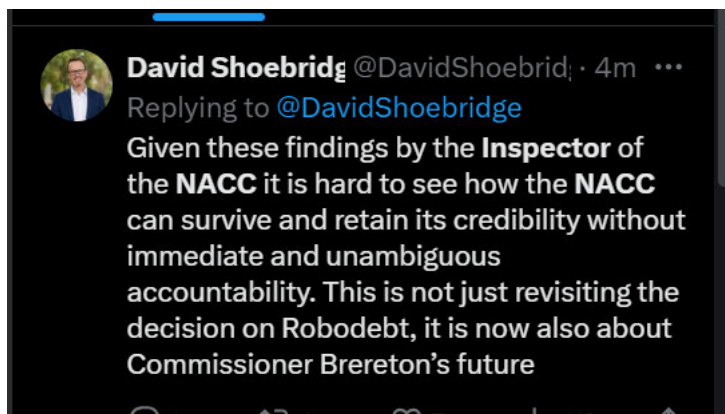
The story was first broken in the Canberra Times this morning prior to publication of the report: [Anti-corruption watchdog reconsiders call to not investigate robodebt individuals | The Canberra Times](#)

As of sending this email on Twitter:

- Brereton is the 2nd most trending topic
- NACC is the 3rd most trending topic
- Robodebt is the 14th most trending topic
- Commissioner is the 20st most trending topic

The reaction to the decision to review the Robodebt referrals has been mixed, with some users expressing their pleasure at the possibility of a different decision, while others are expressing concern the same decision will eventuate.

A lot of social media users are calling for the Commissioner to resign and there seems to be a lot of anger and disappointment that the NACC will choose the independent person to review the decision. In addition to the general social media users, Senator David Shoebridge has also said:



I will provide another update later today. In the meantime, if you have any questions please let me know.

Kind regards

Section 47F - Personal privacy Section 47E - Certain operations of agencies



nacc.gov.au



In the spirit of reconciliation, the National Anti-Corruption Commission acknowledges the Traditional 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.