



National Anti-Corruption Commission Senior Assessment Panel Terms of Reference

Date Wednesday, 12 July 2023

File Ref 23#31276DOC

Purpose	The National Anti-Corruption Commission Senior Assessment Panel (NSAP) supports the Commissioner to fulfil their statutory obligations in making decisions regarding corruption issues in accordance with the <i>National Anti-Corruption Commission Act 2022</i> (NACC Act).
Role	<p>The role of the NSAP is to consider recommendations from the Director Assessments regarding information received by the National Anti-Corruption Commission (the Commission), usually in the form of mandatory referrals from heads of agencies and voluntary referrals from others, and to support the Commissioner to decide:</p> <ul style="list-style-type: none"> • whether there is a corruption issue, • whether or not to deal with the corruption issue, and • how to deal with the corruption issue. <p>The recommendations provided to the NSAP are the result of a two-tier assessment process that considers:</p> <ul style="list-style-type: none"> • whether the referral raises an issue that appears to be within the jurisdiction of the Commission (ie, that it involves a Commonwealth public official), • whether the referral appears to raise an issue of corrupt conduct, and • whether the corrupt conduct is serious or systemic. <p>Recommendations for the NSAP are developed in accordance with the relevant sections of the NACC Act, the Assessment of Corruption Issue Policy¹, and the NACC Management of Corruption Issue Referrals Standard Operating Procedure.²</p> <p>The Director Assessments will present to the NSAP:</p> <ul style="list-style-type: none"> • for decision, an assessment summary for each case (or set of related cases) progressed to a Tier 2 Assessment, and <u>recommended for Commission action</u> (including for referral to another agency), and

¹ NACC Assessment of Corruption Issues Policy, CM 23#22972DOC

² NACC Management of Corruption Issue Referrals Standard Operating Procedure, CM 23#25945DOC

	<ul style="list-style-type: none"> for information and review, a list of all matters progressed to a Tier 2 assessment but <u>recommended for no further action</u>, including a short statement of the reasons for the recommendation. <p>The NSAP will consider and discuss those recommendations and advise the Commissioner to accept them or to make a different decision.</p> <p>The NSAP will also consider and advise the Commissioner in respect of sensitive matters, and issues emerging in matters under assessment.</p>
Matters not requiring NSAP consideration	<p>Matters in respect of which the Director Intake and Triage (I&T) makes a Tier 1 determination that the Commission should take no further action because they are clearly not within the Commission's jurisdiction or clearly do not raise a corruption issue are not routinely considered by the NSAP. However, for quality control purposes, the NSAP will from time to time request a list and/or sample of such matters, including a short statement of the reasons for the recommendation.</p>
Legislative Basis	<p>The NACC Act establishes the office of the Commissioner and the Commission. The relevant components in relation to the function of the NSAP are:</p> <ul style="list-style-type: none"> Part 2 (Key concepts), which defines 'corrupt conduct', 'corruption issue', and 'public official'. Part 3 (The National Anti-Corruption Commission) which establishes the functions of the Commissioner, the Deputy Commissioners, the constitution and functions of the Commission. Part 5 (Referring corruption issues) which facilitates the reporting of corrupt conduct, details exceptions, identifies exceptions, and timing and information requirements. Part 6 (Dealing with corruption issues) empowers the Commissioner to respond to information that raises a corruption issue and prescribes the matters that must be taken into account when making decisions whether and how to deal with a corruption issue.
Membership	<p>The NSAP will ordinarily be comprised of the Commissioner, Deputy Commissioners, the General Manager Operations, the General Manager Corruption Prevention Education & Evaluation, and the General Manager Legal. The Commission's Chief Executive Officer will also be a member as an observer.</p> <p>The Director Assessment will attend to present the cases for consideration. The NSAP may require participation by other Commission staff for specific or specialist advice.</p> <p>The Commissioner will chair the Panel, unless that responsibility is delegated to a Deputy Commissioner for operational reasons, or because of a conflict of interest.</p>
Secretariat	<p>The Secretariat for the NSAP will be provided by the Assessment Section. The responsibilities of the Secretariat include:</p> <ul style="list-style-type: none"> consulting internally, as necessary, on individual matters, preparing and circulating to NSAP members information to support consideration of matters, including Assessment Summaries and other relevant material, in advance of meetings, recording and documenting decisions and the reasons given for them, following up on actions arising, and

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	<ul style="list-style-type: none">• preparing the post-meeting material for the Commissioner or Delegate, including drafting required correspondence.
Operation of the NSAP	<p>The Assessment Section is responsible for liaising with the Commissioner's EA to schedule meetings and book appropriate meeting venues.</p> <p>Generally, the NSAP will meet face-to-face (including virtually), initially weekly on Thursdays at 1000.</p> <p>Out-of-session business may be dealt with electronically. As procedures become embedded, more business may be considered out-of-session.</p>
Conflicts of Interest	<p>Members must declare any perceived or actual conflict of interest in relation to matters to be considered. Potential conflicts may be identified by NSAP members upon receipt and review of recommendations from Director Assessments and on occasion, prior to assessment.</p> <p>While individual situations will differ, at a minimum the following relationships must be declared:</p> <ul style="list-style-type: none">• If an NSAP member, partner or relative has at any time been a work colleague of a person whose interests might be affected by a corruption investigation in relation to the matter,• If an NSAP member, partner or relative has in the last 5 years had any social engagement or association with a person whose interests might be affected by a corruption investigation in relation to the matter,• If an NSAP member has any relationship with journalists who may be involved in reporting on the matter,• If an NSAP member has financial or economic interests such as shares, assets, trust funds or debts, in any entity whose interests might be affected by a corruption investigation in relation to the matter,• If there are any other circumstances which could give an appearance that the member had a financial or personal interest in relation to the matter. <p>Conflicts must be recorded using Attachment A – NSAP Conflict of Interest Declaration Form – CM 23#31143DOC and provided to the Director Assessments and the Commissioner to enable the effective management of any risk associated with the potential or actual conflict.</p>
Review	<p>These terms of reference must be reviewed on an annual basis and may be reviewed prior to that if required. The NSAP will endorse any revised terms of reference.</p> <p>The General Manager Corruption Prevention, Education & Evaluation will undertake a review of the performance of the NSAP at least once every two years. The review will be conducted on a self-assessment basis unless otherwise determined by the Commissioner.</p>

Approval

This NSAP Terms of Reference is approved.

Section 47F - Personal privacy



The Hon PLG Brereton, AM, RFD, SC

Commissioner

National Anti-Corruption Commission

12/07/2023

Version history

Version	Authorised by	Revision date	Author	Description of change
1	The Hon PLG Brereton, AM, RFD, SC, Commissioner.	11/07/23	Section 47F - Personal privacy [Redacted] [Redacted] [Redacted]	Final Draft
2	The Hon PLG Brereton, AM, RFD, SC, Commissioner.	12/07/23	Section 47F - Personal privacy [Redacted] [Redacted] [Redacted]	Approved Version



Australian Government
National Anti-Corruption Commission

National Anti-Corruption
Commission Senior
Assessment Panel (NSAP)
Conflict of Interest Declaration

Section 1 – Personal Details			
Surname		Given Name	
Contact Number (Business hours)		Mobile	
Email			
Position			
Section 2 – Report type			
<input type="checkbox"/> Personal <input type="checkbox"/> Professional			
<input type="checkbox"/> Association <input type="checkbox"/> Personal Interest <input type="checkbox"/> Conflict of interest			
<input type="checkbox"/> Other: (please specify)			
Section 3 – Report <i>(Include as many details as possible)</i>			
Full name and position of person/entity			
<div></div>			

Summary of conflict**Impact on participation in NSAP**

- ☐ No impact (*report for information only*)
- ☐ Minor (*can continue to participate in NSAP but should not be final decision maker*)
- ☐ Major (*Unable to participate in NSAP in this instance and cannot receive related material*)
- ☐ Other: (*Explain*)

Have you previously submitted a conflict-of-interest declaration in relation to this person/entity?

☐ Yes ☐ No.

If not – please ensure a NACC Declaration of Private Interests and Associations form is submitted ASAP.

Section 4 - Acknowledgement of responsibilities and declaration

I declare that:

- ☐ To the best of my knowledge, all the information recorded in this form (including any attachments) is a complete and accurate record of the matters set out in it.
- ☐ I undertake to immediately inform the NACC of any changes to my circumstances that could affect the contents of this declaration and to provide an amended declaration/s.

Signature		Date	
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National Anti-Corruption Commission

National Anti-Corruption Commission Senior Assessment Panel Terms of Reference

National Anti-Corruption Commission Senior Assessment Panel Terms of Reference

Date Monday, 11 November 2024

File Ref 24#41268DOC

Purpose	The National Anti-Corruption Commission Senior Assessment Panel (NSAP) supports the Commissioner to fulfil their statutory obligations in making decisions regarding corruption issues in accordance with the <i>National Anti-Corruption Commission Act 2022</i> (NACC Act).
Role	<p>The role of the NSAP is to consider recommendations from the Director Assessments regarding information received by the National Anti-Corruption Commission (the Commission), usually in the form of mandatory referrals from heads of agencies and voluntary referrals from others, and to support the Commissioner to decide:</p> <ul style="list-style-type: none"> • whether there is a corruption issue, • whether or not to deal with the corruption issue, and • how to deal with the corruption issue. <p>The recommendations provided to the NSAP are the result of a two-tier assessment process that considers:</p> <ul style="list-style-type: none"> • whether the referral raises an issue that appears to be within the jurisdiction of the Commission (i.e., that it involves a Commonwealth public official), • whether the referral appears to raise an issue of corrupt conduct, and • whether the corrupt conduct is serious or systemic. <p>Recommendations for the NSAP are developed in accordance with the relevant sections of the NACC Act, the Assessment of Corruption Issue Policy¹, and the NACC Management of Corruption Issue Referrals Standard Operating Procedure.²</p> <p>The Director Assessments will present to the NSAP:</p> <ul style="list-style-type: none"> • for decision, an Assessment Summary for each case (or set of related cases) progressed to Tier 2 Assessments and <u>recommended for Commission action</u> (including for referral to another agency). The NSAP will consider and discuss those recommendations and advise the Commissioner; and

¹ NACC Assessment of Corruption Issues Policy, CM 24#41268DOC

² NACC Management of Corruption Issue Referrals Standard Operating Procedure, CM 23#25945DOC

	<ul style="list-style-type: none"> for information and review, a list of all matters progressed to Tier 2 Assessments but upon which the delegate has decided to take no further action, including a short statement of the reasons for the decision. The NSAP may advise the Commissioner to review and substitute a different decision or otherwise note them. <p>The NSAP will also consider and advise the Commissioner in respect of sensitive matters, issues emerging in matters under assessment, and 'own motion' matters.</p>
Matters not requiring NSAP consideration	<p>Matters in respect of which the Director Intake and Triage (I&T) makes a Tier 1 determination that the Commission should take no further action because they are clearly not within the Commission's jurisdiction or clearly do not raise a corruption issue are not routinely considered by the NSAP. However, for quality control purposes, the NSAP will from time to time request a list and/or sample of such matters, including a short statement of the reasons for the recommendation.</p>
Legislative Basis	<p>The NACC Act establishes the office of the Commissioner and the Commission. The relevant components in relation to the function of the NSAP are:</p> <ul style="list-style-type: none"> Part 2 (Key concepts), which defines 'corrupt conduct', 'corruption issue', and 'public official'. Part 3 (The National Anti-Corruption Commission) which establishes the functions of the Commissioner, the Deputy Commissioners, the constitution and functions of the Commission. Part 5 (Referring corruption issues) which facilitates the reporting of corrupt conduct, details exceptions, identifies exceptions, and timing and information requirements. Part 6 (Dealing with corruption issues) empowers the Commissioner to respond to information that raises a corruption issue and prescribes the matters that must be taken into account when making decisions whether and how to deal with a corruption issue.
Membership	<p>The NSAP will ordinarily be comprised of the Commissioner, Deputy Commissioners, the Divisional Manager Evaluation and Operations Capabilities, the General Manager Operations, the General Manager Evaluation, the General Manager Media, Communications, Corruption Prevention and Education, and the General Manager Legal. The Commission's Chief Executive Officer will be an observer.</p> <p>The Director Assessments will attend to present the cases for consideration. The NSAP may require participation by other Commission staff for specific or specialist advice.</p> <p>The Commissioner will chair the Panel, unless that responsibility is delegated to a Deputy Commissioner for operational reasons, or because of a conflict of interest.</p>
Secretariat	<p>The Secretariat for the NSAP will be provided by the Assessments Section. The responsibilities of the Secretariat include:</p> <ul style="list-style-type: none"> consulting internally, as necessary, on individual matters, preparing and circulating to NSAP members information to support consideration of matters, including Assessment Summaries and other relevant material, in advance of meetings, recording and documenting decisions and the reasons given for them, following up on actions arising, and

	<ul style="list-style-type: none"> • preparing the post-meeting material for the Commissioner or Delegate, including drafting required correspondence.
Operation of the NSAP	<p>The Assessment Section is responsible for liaising with the Commissioner's EA to schedule meetings and book appropriate meeting venues.</p> <p>Generally, the NSAP will meet face-to-face (including virtually), at least every fortnight on Thursday mornings at 10:00am.</p> <p>Out-of-session business may be dealt with electronically. As procedures become embedded, more business may be considered out-of-session.</p>
Conflicts of Interest	<p>Members must at the outset of each meeting verbally disclose any personal interest or relationship relevant to any matter to be considered at that meeting, even if the interest or relationship is not such as in the member's opinion to give rise to a conflict of interest. While individual situations will differ, at a minimum the following relationships must be disclosed:</p> <ul style="list-style-type: none"> • If an NSAP member, partner or relative has at any time been a work colleague of a person whose interests might be affected by a corruption investigation in relation to the matter, • If an NSAP member, partner or relative has in the last 5 years had any social engagement or association with a person whose interests might be affected by a corruption investigation in relation to the matter, • If an NSAP member has any relationship with journalists who may be involved in reporting on the matter, • If an NSAP member has financial or economic interests such as shares, assets, trust funds or debts, in any entity whose interests might be affected by a corruption investigation in relation to the matter, • If there are any other circumstances which could give an appearance that the member had a financial or personal interest in relation to the matter. <p>All such disclosures must be recorded in the minutes.</p> <p>A member making a disclosure must also declare whether in the member's opinion the interest or relationship amounts to a conflict of interest, actual or perceived. The NSAP may discuss, and the Chair may rule, whether a disclosed interest or relationship is such as to amount to an actual or perceived conflict of interest. Where it is the Chair making a declaration, the Chair will vacate the Chair and appoint a Deputy Commissioner to assume the Chair and rule on the matter. All such declarations and rulings must be recorded in the minutes.</p> <p>Where a member declares, or the Chair rules, that the member has an actual or perceived conflict of interest, the member will not participate in consideration of the matter and will leave the meeting while the matter is discussed and determined. The minutes must record the departure and return of the member.</p>
Review	<p>These terms of reference must be reviewed on an annual basis and may be reviewed <i>ad hoc</i> if required.</p> <p>The General Manager Evaluation will undertake a review of the performance of the NSAP at least once every two years. The review will be conducted on a self-assessment basis unless otherwise determined by the Commissioner.</p>

Approval

These NSAP Terms of Reference are approved.

Section 47F - Personal privacy





The Hon PLG Brereton, AM, RFD, SC

Commissioner

National Anti-Corruption Commission

11/11/2024

Version history

Version	Authorised by	Revision date	Author	Description of change
1	The Hon PLG Brereton, AM, RFD, SC, Commissioner.	11/07/23	Section 47F - Personal privacy 	Final Draft
2	The Hon PLG Brereton, AM, RFD, SC, Commissioner.	12/07/23	Section 47F - Personal privacy 	Approved Version
3	The Hon PLG Brereton, AM, RFD, SC, Commissioner.	11/11/24	Secretariat and Commissioner	Panel membership and conflict of interests updated