

Brief Pack Index [V2]

Supplementary Budget Estimates - 7 October 2025

#	Title	GM	PDR
1	Section 22		
2			
3			
4			
5	Conflict of interest	LEGAL	Section 22
6	Section 22		
7			G 1: 00
8	Procurements	ES	Section 22
9	Section 22		
10			
11			
12			
13			
14	+		
15			
16	1		
17			
18	-		
19			
20			
21			
22			
23			
24			
25			
26			

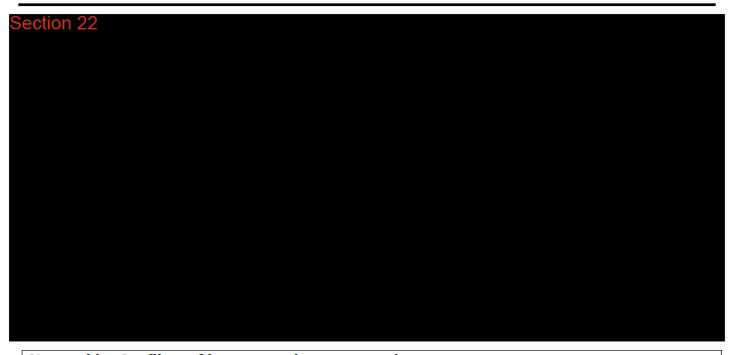
#	Title	GM	PDR
27	Significant non-compliance with finance law	ES	Section 22
28	Section 22		
29			
30			

Last updated: 30 Sept 2025

National Anti-Corruption Commission BRIEF CEO - Key issues

01

This brief provides a short summary of recent key issues.



New guide: Conflicts of interest and corrupt conduct

News - 10 September 2025

- The Commission published a guide, Conflicts of interest and corrupt conduct, to assist all
 Commonwealth public officials to recognise, disclose, declare, monitor and manage real,
 apparent and potential conflicts of interest, so that they do not create corruption risks.
- Conflicts of interest are inevitable for public officials. Most do not result in corrupt conduct.
 However, most corrupt conduct arises from a conflict between an official's public duty and their private interest.



Section 22		

23/09/25

Section 22	

23/09/25

Section 22		

23/09/25 4

Section 22		

23/09/25

Section 22		

23/09/25 6

Section 22	
	-

02

Section 22

Section 22		

Section 22

Section 22

The Contradiction Commission BRIE	03
Section 22	

Section 22	
	_

Section 22		
•		

ACLEI investigation - Operation Bannister

- A joint investigation by ACLEI and Home Affairs into a Home Affairs employee's failure to declare a
 conflict of interest regarding their familial links to a contracted service provider which had several
 large contracts with Home Affairs.
- On 16 January 2024, the investigation report was provided to the Attorney-General.
- On 9 October 2024, a public version of the report was published.
- The investigation concluded the employee had not engaged in corrupt conduct.

Section 22		

Section 22		

Section 22	

National Anti-Corruption Commission BRIEF LG -Robodebt Referrals Investigation

04

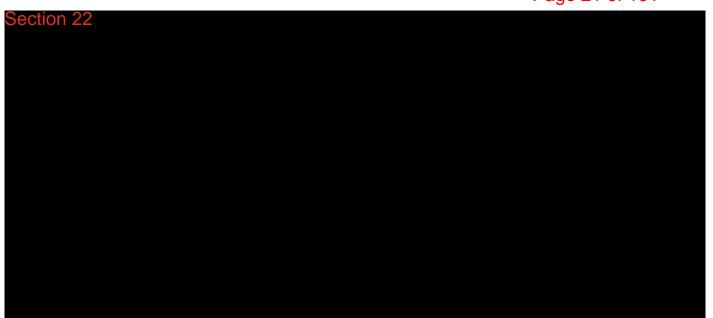
Commission's Investigation of the referrals from the Robodebt Royal Commission.

Robodebt referrals investigation

- Following the Inspector's report last year, the Commission appointed former High Court Justice Geoffrey Nettle KC to reconsider the decision not to investigate the Robodebt Royal Commission referrals.
- Mr Nettle commenced his role as Independent Reconsideration Delegate on 16 December 2024.
 Mr Nettle independently assessed the Robodebt referrals and decided whether, and if so how,
 the Commission should deal with any corruption issues arising from the referrals.
- On 10 February 2025, Mr Nettle decided the Commission would investigate the referrals.
- That investigation is now underway, led by Deputy Commissioner Kylie Kilgour, with Mr Nettle as Chief Adviser.
- The purpose of the investigation is to determine whether any of the 6 referred persons engaged in corrupt conduct.
- The Commissioner and other Deputy Commissioners who were involved in the original decision not to investigate the referrals are not participating in the investigation.



Section	22





Public statement

Wednesday, 30 October 2024

NACC to reconsider decision not to investigate Robodebt referrals

The National Anti-Corruption Commission has decided to have an independent eminent person reconsider its decision not to investigate the Robodebt Royal Commission referrals.

With the release today of the Report of the Inspector, the Commission can now announce that it is appointing an independent person, who will decide whether or not the Commission should investigate the Robodebt referrals.

In the course of the Inspector's investigation of the Commission's decision, the Inspector provided to the Commission an opinion of a retired judge who found there had been a mistake of law or fact in the process by which its original decision was made.

The mistake involved a misapprehension by the Commissioner of the extent to which a perceived conflict of interest required him to be isolated from the decision-making process. The opinion was to the effect that the Commissioner's participation in some parts of the process meant the decision was affected by apprehended bias.

Apprehended bias means that a reasonable observer *might* think that the Commission's decision *might* not be impartial. In other words, the Commissioner's participation in some steps in the process meant that a reasonable observer could possibly think that the Commission's decision could possibly not be impartial.

The Commission decided, without waiting for the conclusion of the Inspector's investigation, that that possibility required in the public interest that its decision be independently reconsidered, as the Inspector had foreshadowed recommending. The Commission is in the process of engaging such a person.

The Inspector's Report contains no suggestion of actual bias and no finding of intentional wrongdoing or other impropriety. It expressly makes no criticism of the Deputy Commissioner who made the decision under delegation.

Under the NACC Act, any mistake of law or fact falls within the definition of 'officer misconduct'. The definition captures a very wide scope of conduct, including some which would not usually be called 'misconduct'. In this case, the finding of 'officer misconduct' is not a finding of wrongdoing, it is a finding of 'conduct that is not unlawful but arose from a mistake of law or fact', which the Inspector describes as 'an error of judgment'.

The Robodebt Royal Commission referrals were received in the first week of the Commission's existence, while it was establishing processes, policies and procedures for its work generally. The referrals required the Commission to consider several legal questions for the first time, including the scope of its jurisdiction and in particular the meaning of 'corrupt conduct' under the NACC Act. These were matters for which the Commissioner had ultimate responsibility.

The Commissioner declared, immediately and repeatedly, that he had a perceived (not actual) conflict of interest, arising from a prior professional, not personal, relationship with one of the referred persons. The Commissioner and that individual have never socialised other than at official functions, nor visited each other's homes.

There was a fine balance to be struck between the Commissioner's responsibility for, and involvement in, managing the affairs of the Commission and issues that would have lasting implications for it on the one hand, and on the other, avoiding the perception that a prior professional relationship with one of the referred persons might influence the decision.

The Commissioner considered that having regard to the nature of the relationship, the decision to be made (which was whether to open an investigation, not whether to make a finding of corrupt conduct), and the status of the delegate (who was given no direction as to the outcome and whose employment could not be affected by the Commissioner), an appropriate balance could be achieved by delegating the decision to an experienced Deputy Commissioner, and by excusing himself from the meeting when the decision was to be made so that it could be reached freely in his absence.

The Commissioner accepts that his judgment in this respect has been found to be mistaken and takes sole responsibility for the mistake. He said:

Mistakes of law or fact are a professional inevitability for judges, tribunal members and administrative decision-makers. Throughout my judicial career I

was, like every other judge, from time to time reversed on appeal for a mistake of law or fact. As an appellate judge, I often found that judges of unquestioned competence, skill and integrity had made a mistake of law or fact. Our system requires that we accept such findings, even when we don't entirely agree with them. This is no different. Mistakes are always regrettable, but the most important thing is that they be put right. This mistake will be rectified by having the decision reconsidered by an independent eminent person. Meanwhile, the Commission is focused on its 29 current corruption investigations and 31 preliminary investigations.

The Commission will provide further information when the appointment of the independent eminent person has been finalised.



Media release

Date Tuesday, 18 February 2025

National Anti-Corruption Commission to investigate Robodebt referrals

As a result of the decision made by its independent reconsideration delegate, Mr Geoffrey Nettle AC KC, on 10 February 2025, the Commission will investigate the 6 referrals it received from the Royal Commission into the Robodebt Scheme.

The purpose of the investigation is to determine whether or not any of the 6 referred persons engaged in corrupt conduct.

Consistent with its usual practice, the Commission does not publish reasons for commencing an investigation, as doing so may prejudice the investigations, disclose information which the Commission is required by law to keep confidential, compromise investigative pathways and/or unfairly impact reputations and rights of individuals to impartial adjudication.

The Commission is now making arrangements to ensure the impartial and fair investigation of the referrals, as it did with the appointment of Mr Nettle as independent reconsideration delegate.

The Commissioner and those Deputy Commissioners who were involved in the original decision not to investigate the referrals, will not participate in the investigation.

05

This brief sets out the Commission's management of internal conflicts of interest.

Key points

- The Commission manages internal conflicts of interest in a number of ways.
- The Commissioner, Deputy Commissioners, Chief Executive Officer and staff of the Commission
 are required to declare any real, apparent or potential conflicts of interests prior to commencing
 their duties. An updated declaration is required to be made if and when circumstances change,
 or at least annually.
 - APS staff are required by section 29 of the PGPA Act
 - SOH are made subject to the requirements of section 29 of the PGPA Act by s247 and s261(2)(d) of the NACC Act
- Prior to meetings of the Commissioner, Deputies and senior Commission staff, where referrals are considered, conflicts are called for, declared and recorded.
- It is the Commissioner's view that the test for a conflict of interest to be applied by decision makers is the well-established "double-might" test for apprehended bias: if the previous association is such that a reasonable observer *might* think that the officer *might* not consider the matter with an open and impartial mind, the officer recuses herself or himself from being a decision-maker.
- The Evaluations Branch also have a guidance document for staff that applies to staff involved in the triage and assessment process. This guidance requires staff to assess whether any real, apparent or potential conflicts exists when allocated a case and provides instruction on how these are to be declared, noted and managed.
- Investigators are required to complete declarations at the time they are assigned to an
 investigation, which they have an obligation to update if necessary, throughout the investigation.
 The review and management of conflicts is the responsibility of the Team Leader with oversight of
 the investigation.
- The Commission has the following policies relating to the management of conflict of interest:
 - o NACC Integrity Policy (issued 18 July 2023)
 - Private Interest, Declarable Associations, and Contact Reporting Policy (issued 18 July 2023)
 - Secondary Employment Policy (issued 6 July 2023)
 - SES Declaration of Interests and Related Parties (issued 1 July 2023)
 - o NACC Gifts and Benefits Policy (issued 6 July 2023)
- Procedures for managing conflicts of interest by Commission employees are set out in the NACC
 Private Interest, Declarable Associations, and Contact Reporting Policy.

7/10/2025 OFFICIAL

- Private Interests are any interests that prevent, potentially prevent or could be seen as preventing or potentially preventing an employee from impartially carrying out their duties.
- Declarable Associations are any relationship that creates or could create a perceived or real conflict of interest between staff and their position with the NACC.

If asked

Will the Commissioner recuse himself from any matters concerning Defence

- As a result of his service in the ADF Reserves, many members of the Australian Defence Force and the Department of Defence are known to the Commissioner. The Commissioner also retains an affiliation with some units or agencies (in particular, the Royal New South Wales Regiment and the University of New South Wales Regiment, of which he remains (honorary) Colonel Commandant; the Sydney University Regiment (of which he remains a member of the Regimental Council); and the Inspector-General of the ADF.
- The Commissioner declared at a meeting of the Statutory Officers of the Commission on 3 July 2023, and in a formal disclosure to the Attorney-General on 11 August 2023, the Commissioner does not consider that this generally precludes him from involvement in matters before the Commission concerning Defence but such matters would be dealt with on a case by case basis.
- Should a matter come before the Commission that potentially affects the interests of an individual with whom he has had or has an association, or of a unit or agency with which he has an affiliation, that is close enough to create a reasonable apprehension of bias, the Commissioner would allocate to a Deputy Commissioner to be the decision maker, to whom his relevant powers have been delegated. The Commissioner will not be involved in the decision making process.
- On 14 October 2024, the Commissioner provided an updated annual declaration of material personal interests to the Attorney-General.¹

How are conflicts of interest managed in relation to referrals?

- Referrals that have progressed through the Commission's Triage and Assessments processes are considered by the Commissioner, Deputies and other senior Commission staff at NACC Senior Assessment Panel meetings (NSAP).
- At these meetings conflicts of interest are called for, declared and recorded.
- Conflicts are identified in the minutes of the meeting for future reference.

Changes to NSAP Terms of Reference

On 11 November 2024, the Commission made changes to the NSAP Terms of Reference so that where a member has an actual or perceived conflict, they will not participate in consideration of the matter and will leave the meeting while the matter is discussed and determined.

OFFICIAL

CEO Philip Reed and Deputy Commissioners Rose, Kilgour and Gauntlett also provided updated annual declarations of material personal interests to the Attorney-General on 14 October 2024. 7/10/2025

- Changes to the NSAP Terms of Reference involved removing the use of a prescribed form for declaring conflicts of interests, and adding the following paragraphs:
 - 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.
 - o All such declarations and rulings must be recorded in the minutes. 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.

Reviews of policies & forms

- The Commission is undertaking a review and finalising amendments to the following materials:
 - o Private Interest, Declarable Association and Contact Reporting Policy
 - o NACC Integrity Policy
 - o Secondary Employment Policy
 - o Gifts and Benefits Policy (to incorporate hospitality)
- Amendments to the NACC Integrity Policy, Private Interest, Declarable Association and Contact Reporting Policy and Recruitment Policy are being made to align with the Commission's Conflicts of interest and corrupt conduct guide for public officials, released on 9 September 2025, which provides an agreed definition of conflicts of interest and the best practice approach to managing conflicts of interest. The review also reflects the recently released Department of Finance (Resource Management Guide 208) and the Australian Public Service Commission APS Conflict of Interest Management Framework: Better Practice Model.
- Updates were made to the Commission's private interest, declarable association and contact reporting form in July 2025 prior to the commencement of the annual COI declaration process, to reflect accessibility requirements, and to ensure consistency with policy wording.

Internal conflict of interest reporting

• The Commission's integrity function has recorded the following in relation to the Commission's integrity framework (1 July 2023 – 9 September 2025) (Note: figure does not include other reports such as conflict of interest in recruitment exercises):

Category 1: Annual declaration forms with private interests and/or declarable associations included. This includes:

- a. Declarations completed upon commencement at the NACC
- b. Declarations completed annually

FY23-24	161
FY24-25	196
FY25-26 (to date)	173
Total since start of NACC	530

Category 2: Any additional declarations made including:

- a. Change/addition to private interests
- b. Change/addition to declarable associations
- c. Change in circumstances for noting
- d. Travel plans for noting

FY23-24	47
FY24-25	45
FY25-26 (to date)	4
Total since start of NACC	96

Category 3: Contact reporting

FY23-24	37
FY24-25	22
FY25-26 (to date)	4
Total since start of NACC	63

^{*}Note the FY25-26(to date) only includes reporting up until 09/09/2025.

National Anti-Corruption Commission BRIEF Section 22	06
Section 22	

OFFICIAL



FOI request from Senator David Shoebridge -24 February 2025

- On 24 February 2025, the Commission received a FOI request from Senator David Shoebridge's office.
- The request sought documents relating to the decision of Mr Geoffrey Nettle AC KC to investigate the referrals received from the Robodebt Royal Commission, including draft media releases relating to the announcement of Mr Nettle's finding.
- The decision was provided on 26 March 2025 within the statutory timeframe.
- On 14 May 2025, the Commission received notice that the applicant had sought external review of the decision by the Information Commissioner.
- On 17 July 2025, the Commission made a revised decision under s 55G providing greater access to the requested documents.
- The documents included a draft media release dated February 2025 regarding Mr Nettle's decision to reconsider the Robodebt referrals. The draft media release contained tracked edits and comments made by Commission staff, including the Commissioner.
- The draft media release documents were also produced by the Commission in its response to Senator Shoebridge's guestion on notice (no. 31) taken from the 2025-26 Budget estimates.
- The Commission has not, to date, received any correspondence from Senator Shoebridge or the Information Commissioner following the issuing of the revised decision.
- On 11 August 2025, the Greens issued a media release in relation to the further released documents (Attachment A). The release contains several allegations which the Commission refutes.
- The Commission's response to these allegations have been reported by media (Attachment B).
- In response to the allegations made:
 - o It is incorrect to assert that the final version of the Commission's media release removed Mr Nettle's decision. Under the NACC Act, a referral must raise a corruption issue in order to proceed to a full investigation.
 - o Mr Nettle did not make a finding that anyone referred to the Commission had engaged in corrupt conduct. The current investigation will determine this question. To date, all that has been decided is that there is a corruption issue which necessitates investigation.
 - o Commissioner Brereton was consulted about the content of the draft media release because it referred to him and other statutory office holders, and provided some suggestions as to its wording, which were made to ensure that the release was accurate. The CEO is responsible for approving and authorising the final version for publication.

o Although Commissioner Brereton is not taking any part in the investigation because of his perceived conflict of interest, that does not preclude him being consulted about a media release announcing a decision in which he had no involvement, but which refers to him.

Section 22

Section 22		
00011011 22		

Attachments

A: The Greens – Media Release: NACC's FOI-cover up of independent corruption conclusions exposed – 11 August 2025

B: Media article – The Mandarin – 12 August 2025

Cleared by: Rebekah O'Meagher | Action officer: Section 22

SENATOR DAVID SHOEBRIDGE



MEDIA RELEASE

NACC's FOI Cover-Up of Independent Robodebt Corruption Conclusions Exposed

11/08/2025

Documents forced out of the National Anti-Corruption Commissioner under FOI show the Commission has been actively concealing critical information about its investigation of the Robodebt scandal from the Australian public.

Documents obtained by Greens Senator David Shoebridge through FOI, after a lengthy battle, reveal that former High Court Justice Jeffrey Nettle found that each of the six individual Robodebt referrals "raises a corruption issue".

These critical initial findings were deliberately hidden by the NACC in its public statement when it announced the embarrassing U-turn it was compelled to take on the Robodebt referral.

The findings are contained in a draft media release that was later edited by embattled Commissioner Brereton, and others in the NACC, to remove any reference to former Justice Nettles' critical conclusions. Commissioner Brereton involved himself in this matter despite his publicly declared conflict of interest in the Robodebt investigation and the findings of the independent Inspector of the NACC he should have no involvement in the Robodebt referral.

The draft media release obtained under FOI is here.

Greens Senator and Justice Spokesperson, David Shoebridge, said:

"This is exactly the kind of secretive, anti-transparency behaviour that undermines public confidence in our integrity institutions

Page 37 of 191

"The NACC stumbled at the first hurdle in the Robodebt matter and then, even after an independent expert recommended they properly investigate, they hid the full details of this recommendation.

"What makes this even more outrageous is that these revelations only came to light through a hard-fought Freedom of Information battle that the Greens took up with the NACC.

"An anti-corruption body fighting to keep key information secret really isn't worthy of the name.

"This institution continues to privilege the powerful persons accused of misconduct at the expense of the many Australians whose lives were harmed by Robodebt.

"Commissioner Brereton's continued involvement in the Robodebt matter, even after being found to have engaged in officer misconduct, is unacceptable and further destroys public trust in the NACC.

"This is on top of Commissioner Brereton's serious conflict in continuing to retain a position of Major General in the Defence Force while heading a Commission that is reviewing some 120 Defence referrals.

"Australians deserve better. They deserve an anti-corruption commission that operates in sunlight, not shadow and that can recognise a conflict of interest when it is staring it in the face."

MEDIA CONTACTS

SHOEBRIDGE:

Kym Chapple - 0433 680 244

Get full access to essential reading for Australia's public service.

Subscribe

Q Login





FEDERAL INTEGRITY AGENCIES

NACC strikes back over new 'robodebt six' accusations

The NACC rebuffs David Shoebridge's allegations of a robodebt cover-up, insisting edits to a press release were about accuracy, not concealment.



JULIAN BAJKOWSKI • AUG 12, 2025 • 4 MIN READ







Greens senator David Shoebridge. (AAP Image/Mick Tsikas)

The National Anti-Corruption Commission has strongly refuted accusations by Greens justice spokesperson Senator David Shoebridge that the NACC has "been actively concealing critical information about its investigation of the robodebt scandal from the

Australian public", and that the watchdog is deliberately hiding information about the so-

In one of its firmest pushbacks against a variety of political attacks from minor parties and independents, as well as a few eminent lawyers, the NACC on Monday actively disputed Shoebridge's claims in an email, flushed out under freedom of information, that showed the watchdog sought to remove key details about decisions made by independent reconsideration delegate Geoffrey Nettle KC.

The email chain centres around the drafting and approval of a press release regarding Nettle's decision that the NACC should investigate the robodebt six after an initial decision not to investigate them was reconsidered.

The reconsideration followed another investigation that found NACC commissioner Paul Brereton did not take all the necessary steps to fully recuse himself from the decision—making process because of a possible conflict of interest.

The robodebt six derive their collective name from the referrals made to the NACC by the Royal Commission into the Robodebt Scheme through a <u>sealed section that was not made public</u>, nor <u>the individuals in it publicly named</u>, although the names can be deduced from the evidence given in public.

Essential reading for Australia's public service.

Stay	anead of policy si	nirts, leadership move	is, and the big ideas s	snaping the public ser	vice. Sign up
to Th	e Mandarin's free	newsletters.			

STEPT LID

By continuing, you agree to our Terms & Conditions and Privacy Policy.

"The NACC stumbled at the first hurdle in the robodebt matter and then, even after an independent expert recommended they properly investigate, they hid the full details of this recommendation," Shoebridge said.

"What makes this even more outrageous is that these revelations only came to light through a hard-fought freedom of information battle that the Greens found with the NACC to hide the truth."

The key element of the latest accusations by Shoebridge is whether the revelation of the editing process of the press release from the NACC on the Nettle decision to reestablish the robodebt six amounts to a cover-up.

"Documents obtained by Greens Senator David Shoebridge through FOI, after a lengthy battle, reveal that former High Court Justice Jeffrey Nettle found that each of the six individual robodebt referrals raises a corruption issue", a statement from Shoebridge said.

"These critical initial findings were deliberately hidden by the NACC in its public statement when it announced the embarrassing U-turn it was compelled to take on the robodebt referral."

 \wedge

The Shoebridge release was headed "NACC's FOI Cover-Up of Independent Robodebt"

Corruption Conclusions Exposed".

The NACC wasn't wearing an inch of it.

"We reject the claims in this media release. We work hard to balance the need for confidentiality in our operational activity and the call for transparency in the public interest," an NACC spokesperson told *The Mandarin*.

"Under the NACC Act, a referral <u>must raise a corruption issue</u> in order to proceed to a full investigation," the bristling watchdog said.

And there was more.

"Mr Nettle did not make a finding that anyone referred to the commission had engaged in corrupt conduct. The current investigation will determine this question. To date, all that has been decided is that there is a corruption issue which necessitates investigation," the NACC said.

"Commissioner Brereton was consulted about the content of the draft media release because it referred to him and other statutory office holders, and provided some suggestions as to its wording, which were made to ensure that the release was accurate. The CEO is responsible for approving and authorising the final version for publication."

The NACC went on to say that "although commissioner Brereton is not taking any part in the investigation because of his perceived conflict of interest, that does not preclude him being consulted about a media release announcing a decision in which he had no involvement but which refers to him."

The key point of the public, rather than legal, disagreement between the NACC and Senator Shoebridge centres around the removal from the draft press release of the following ways.

"Mr Nettle has decided that each of the six referrals raises a corruption issue and that all six referrals should progress to corruption investigations under the *National Anti-Corruption Act 2022* (Cth)."

The bottom line here is that Brereton initially declined to send the robodebt six to an NACC inquiry, largely on the basis that little or no new evidence would be dredged up.

To date, no senior public servants have been terminated, let alone convicted over robodebt. Which is not to say they won't be. And another investigation is underway.

"As advised publicly in <u>our July 2025 monthly update</u>, the robodebt referrals investigation is being led by deputy commissioner Kylie Kilgour, with Mr Nettle as chief adviser. Commissioner Brereton and other deputy commissioners who were involved in the original decision not to investigate the referrals are not participating in the investigation," NACC said.

Robodebt started in 2015. Ten years to plan for retirement. Now there's a luxury.

About the author



Julian Bajkowski Senior journalist

Julian Bajkowski is a research and technical-driven reporter with over 20 years' experience in technology and cybersecurity journalism. Julian has also been an adviser in public policy and corporate affairs for Mastercard and eftpos.

Similar topics

APS

AUSTRALIAN PUBLIC SERVICE

AUSTRALIAN PUBLIC SERVICE COMMISSION

1

BILL SHORTEN

CODE OF CONDUCT INQUIRY TASKFORCE FINAL REPORT INTO THE ROBODEBT SCHEME

National Anti-Corruption Commission BRIEF	0/
Section 22	

OFFICIAL





National Anti-Corruption Commission BRIEF ES - Procurement

08

This report provides an overview of the Commission's procurements from 1 July 2024 to 31 August 2025.

Key points

- The National Anti-Corruption Commission (the Commission) undertakes all procurement in accordance with the PGPA Act, the PGPA Rule, the Commonwealth Procurement Rules and the Commission's Accountable Authority Instructions.
- The Commission's purchasing framework ensures:
 - value for money is achieved
 - procurements are ethical, economical, efficient and effective and take account of the Commission's security needs, specialised role and size
 - participation in mandatory whole-of-government coordinated procurement (such as travel, management advisory services, legal services, and property services)
 - support for small and medium enterprise (SME) participation
 - use of the Commonwealth Contracting Suite for low-risk procurements valued between \$10,000 and \$200,000 (GST inclusive)
 - timely payment to suppliers, including using payment cards when possible and appropriate, and
 - compliance with the mandatory requirements of the Indigenous Procurement Policy (IPP) as well as considering use of Indigenous suppliers outside of the IPP Mandatory Set Aside requirements.

23/09/2025 Section 22

Summary of Total Procurements

Table 1: Summary of Procurements (1 July 2024 to 30 June 2025)

Procurement Type	Category	Number	Value (GST Inc) \$*
Total Open Tender	ICT	11	\$1,688,395
Total Open Tender	Non-ICT	18	\$4,142,894
Total Limited Tondor	ICT	7	\$640,858
Total Limited Tender	Non-ICT	30	\$2,553,982
TOTAL		66	\$9,026,129

^{*}values are rounded to the nearest dollar

Table 2: Summary of Procurements (1 July 2025 to 31 August 2025)

Procurement Type	Category	Number	Value (GST Inc) \$*
Total Open Tender	ICT	0	\$0
Total Open Tender	Non-ICT	5	\$1,164,148
Total Limited Tander	ICT	0	\$0
Total Limited Tender	Non-ICT	4	\$141,898
TOTAL		9	\$1,306,046

^{*}values are rounded to the nearest dollar

3

Summary of Limited Tender Procurements

Table 3: Summary Top 5 Contract Values - Limited Tender ICT (1 July 2024 to 30 June 2025)

	Value	Proportion of 2024-25	Proportion of	
Supplier Name	(GST Inc)*	total Limited Tender ICT	2024-25 total ICT	
	\$	contract value	contract value	
Epiq Australia	\$316,800	49%	14%	
Securest	\$93,280	15%	4%	
Grace Record Management	\$74,553	12%	3%	
Secom	\$58,664	9%	3%	
Pursuit Technologies	\$47,819	7%	2%	
TOTAL Top 5	\$591,116	92%	25%	

^{*}values are rounded to the nearest dollar

Summary of Top 5 Contract Value - Limited Tender ICT (1 July 2025 to 31 August 2025) There were no contracts reported for this period.

Table 4: Summary Top 5 Contract Value - Ltd Tender Non-ICT (1 July 2024 to 30 June 2025)

	Value	Proportion of 2024-25	Proportion of 2024-
Supplier Name	(GST Inc)*	total Limited Tender	25 total non-ICT
	\$	non-ICT contract value	contract value
Geoffrey Arthur Nettle	\$648,000	25%	10%
Gary Bruce Hevey	\$360,000	14%	5%
National Convention	\$285,610	11%	4%
Centre Canberra	\$200,010		
LexisNexis	\$182,361	7%	3%
Jennifer Helen Croxford	\$165,000	6%	2%
TOTAL Top 5	\$1,640,971	64%	25%

^{*}values are rounded to the nearest dollar

Table 5: Summary Top 5 Contract Value – Ltd Tender Non-ICT (1 July 2025 to 31 Aug 2025)

	Value (GST	Proportion of 2025-26	Proportion of 2025-
Supplier Name	Inc)*	total Limited Tender	26 total non-ICT
	\$	non-ICT contract value	contract value
Lasch Pty Ltd	\$92,026	65%	7%
Delta Building Automation	\$20,422	14%	2%
Christine Ernst	\$16,550	12%	1%
Matthew Varley	\$12,900	9%	1%
TOTAL Top 5^	\$141,898	100%	11%

^{*}values are rounded to the nearest dollar

23/09/2025

[^]only 4 contracts have been executed.

Reporting Compliance

Table 6: AusTender 42-day compliance reporting by contract start date

Compliance/Non-compliance	1 Jul 2024 – 30 Jun 2025	1 Jul 2025 – 31 Aug 2025
Compliant	88%	100%
Non-compliant	12%	0%

Attachments:

• Attachment A - Procurement list - 1 July 2024 to 31 August 2025

NATIONAL ANTI-CORRUPTION COMMISSION

08 - A

ES - Procurements - Attachment A

Procurement from 1 July 2024 – 31 August 2025 (NACC)

CN ID	Supplier Name	Description	Category	Procurement Method	ICT/ Non-ICT Procurement	Start Date	End Date	Value (AUD)
CN4074658	Leidos Security Detection & Automation Australia Group	Security Equipment	Security surveillance and detection	Open	ICT	1-Jul-24	31-Oct-26	42,669.00
CN4068798	Indigitise Pty Ltd	Temporary Personnel Services	Temporary personnel services	Open	Non-ICT	1-Jul-24	31-Dec-24	97,240.00
CN4074656	WINC Australia Pty Ltd	Office Stationery	Stationery	Open	Non-ICT	2-Jul-24	5-Sep-24	25,000.00
CN4082934	Secom Technical Services	Fire Door Works	Doors, windows and glass	Limited	Non-ICT	12-Jul-24	30-Jul-24	23,594.76
CN4079908	B-Sealed	Exhibit Supplies	Stationery	Limited	Non-ICT	12-Jul-24	31-Jul-24	24,550.02
CN4081636	Epiq Australia	Software Supply & Support	Platform software as a service	Limited	ICT	22-Jul-24	21-Jul-27	316,800.00
CN4133821	Maddocks	WHS Analysis	Human resources services	Limited	Non-ICT	24-Jul-24	27-Feb-25	13,324.74
CN4092906	CPM Reviews	HR Services	Human resources services	Limited	Non-ICT	24-Jul-24	31-Oct-24	28,133.00
CN4082931	Zenith Interiors	Supply & Installation of Office Equipment	Office supplies	Limited	Non-ICT	25-Jul-24	30-Sep-24	26,822.40
CN4084282	Service Quality	ITSM Platform	Platform software as a service	Open	ICT	29-Jul-24	31-Jul-26	167,535.28
CN4082928	Canon Business Services Australia	Mail Security Screening Services	Mailing or mail pick up or delivery services	Open	Non-ICT	29-Jul-24	27-Jun-26	87,788.00
CN4094043	Executive Central Group	Learning and Development	Education and Training Services	Open	Non-ICT	26-Aug-24	30-Jun-25	14,850.00
CN4091678	LexisNexis	Legal Research Resource Subscription	Online database information retrieval systems	Limited	Non-ICT	26-Aug-24	25-Aug-26	182,361.22

CN ID	Supplier Name	Description	Category	Procurement Method	ICT/ Non-ICT Procurement	Start Date	End Date	Value (AUD)
CN4091693	Thomson Reuters	Legal Research Resources Subscription	Online database information retrieval systems	Limited	Non-ICT	28-Aug-24	27-Aug-26	48,392.30
CN4099599	Ashurst Australia	Legal Services	Legal services	Open	Non-ICT	30-Aug-24	30-Jun-25	12,500.00
CN4082885	MA Services Group	Security Guard Services	Security guard services	Open	Non-ICT	2-Sep-24	30-Nov-25	1,146,081.64
CN4099140	Zelie Heger	Legal Services	Legal services	Limited	Non-ICT	6-Sep-24	30-Jun-25	15,187.50
CN4107792	Pursuit Technology Pty Ltd	Educational and Training Services	Education and Training Services	Limited	ICT	15-Sep-24	14-Sep-27	47,819.20
CN4101006	List A Barristers	Legal Services	Legal services	Limited	Non-ICT	18-Sep-24	30-Oct-25	40,000.00
CN4096530	HP PPS Australia Pty Ltd	ICT Equipment	Electronic hardware and component parts and accessories	Open	ICT	19-Sep-24	31-Oct-24	55,674.30
CN4107733	Forcefield	Security Consulting	Risk management consultation services	Limited	Non-ICT	10-Oct-24	31-Aug-25	67,142.90
CN4107731	Lucid Consulting	Engineering Services	Professional engineering services	Limited	Non-ICT	10-Oct-24	30-Jun-25	58,938.00
CN4059216	MCAA Pty Ltd	Training Course	Education and Training Services	Limited	Non-ICT	14-Oct-24	25-Oct-24	26,400.00
CN4102420	Converge Australia	Support Services	Healthcare provider support persons	Open	Non-ICT	17-Oct-24	30-Jun-26	40,000.00
CN4103416	Gilimbaa	First Nations Digital Artwork	Graphic design	Limited	Non-ICT	22-Oct-24	31-May-25	21,758.00
CN4117024	Dell Australia Pty Ltd	Hardware (monitors)	Electronic hardware and component parts and accessories	Open	ICT	23-Oct-24	15-Nov-24	14,575.00
CN4118394	Grace Record Management	File Digitisation Services	Management information systems MIS	Limited	ICT	30-Oct-24	30-May-25	74,553.83
CN4106079	Expense8	Travel & Expense Management System	Software as a Service (SaaS - Cloud)	Open	ICT	11-Nov-24	14-Jul-26	388,300.88

CN ID	Supplier Name	Description	Category	Procurement Method	ICT/ Non-ICT Procurement	Start Date	End Date	Value (AUD)
CN4106513	Securest Pty Ltd	Software as a Service	Software as a Service (SaaS - Cloud)	Limited	ICT	11-Nov-24	4-Dec-25	93,280.00
CN4106077	Health at Work	WHS Education and Training	Education and Training Services	Limited	Non-ICT	18-Nov-24	30-Jun-25	59,427.50
CN4117028	Safeguard Safes Pty Ltd	Secure Hardware Storage	Locks and security hardware and accessories	Limited	Non-ICT	28-Nov-24	20-Dec-24	42,636.54
CN4111081	ICONINC HOLDINGS PTY LTD	Website Support Services	Telecommunications media services	Open	ICT	1-Dec-24	30-Nov-25	19,008.00
CN4157306	Secom Technical Services Pty Ltd	Security Alarm System	Security or access control systems	Limited	ICT	1-Dec-24	1-Dec-27	58,664.10
CN4111069	Chalfont Consulting	Temporary Personnel	Temporary personnel services	Open	Non-ICT	9-Dec-24	8-Dec-25	368,520.00
CN4117037	Clicks Recruit Pty Ltd	Recruitment Placement Fee	Personnel recruitment	Open	Non-ICT	12-Dec-24	12-Dec-24	10,890.00
CN4121770	WINC Australia Pty Ltd	Stationery and Office Supplies	Stationery	Open	Non-ICT	14-Dec-24	13-Dec-29	50,000.00
CN4121647	Green Cloud Consulting	TechnologyOne Support Services	Information technology consultation services	Open	Non-ICT	1-Jan-25	31-Dec-25	79,200.00
CN4119979	National Convention Centre Canberra	Conference	Conference centres	Limited	Non-ICT	6-Jan-25	30-Sep-26	285,610.00
CN4125306	Aurion Corporation Pty Ltd	Payroll Services	Human resources services	Open	ICT	29-Jan-25	28-Jan-28	627,813.20
CN4136835	Greens List Barristers	Legal Services	Legal services	Limited	Non-ICT	31-Jan-25	31-Dec-25	53,500.00
CN4111049	Axiom Associates	Provision of Internal Audit Services and Annual Corporate Planning Services	Internal audits	Open	Non-ICT	16-Feb-25	15-Feb-28	497,476.80
CN4128917	Streem Pty Ltd	Media Monitoring Services	Telecommunications media services	Open	ICT	21-Feb-25	20-Feb-26	34,650.00
CN4122013	Janine McMinn	Audit Committee Member Services	Audit services	Limited	Non-ICT	21-Feb-25	20-Feb-27	40,000.00

CN ID	Supplier Name	Description	Category	Procurement Method	ICT/ Non-ICT Procurement	Start Date	End Date	Value (AUD)
CN4130550	Simplified Consulting	Financial Statements Services	Public enterprises management or financial services	Limited	Non-ICT	24-Feb-25	31-Dec-25	132,000.00
CN4133861	DFP Recruitment	Recruitment Support Services	Personnel recruitment	Open	Non-ICT	4-Mar-25	3-Mar-26	157,260.00
CN4133859	Australian Institute of Management (AIM)	Training Services	Education and Training Services	Limited	Non-ICT	5-Mar-25	31-Mar-25	11,650.58
CN4138746	AMA Projects	Office Refurbishment	Building construction and support and maintenance and repair services	Open	Non-ICT	27-Mar-25	30-Jun-25	1,038,094.92
CN4138404	Delta Q	Energy Management Plan	Energy conservation	Limited	Non-ICT	27-Mar-25	31-Dec-27	18,744.00
CN4137586	Eleven Wentworth Chambers	Legal Services	Legal services	Limited	Non-ICT	1-Apr-25	31-Dec-25	51,000.00
CN4142834	Jennifer Helen Croxford	Legal services	Legal services	Limited	Non-ICT	4-Apr-25	31-Dec-25	165,000.00
CN4142830	GARY BRUCE HEVEY	Legal services	Legal services	Limited	Non-ICT	4-Apr-25	31-Dec-25	360,000.00
CN4148639	Cushman and Wakefield	Property management	Property management services	Open	Non-ICT	7-Apr-25	30-Jun-26	50,000.00
CN4138095	Chalfont Consulting	Temporary Personnel - ICT Services	Temporary personnel services	Open	Non-ICT	7-Apr-25	6-Oct-25	202,752.00
CN4142826	Geoffrey Arthur Nettle	Legal Services	Legal services	Limited	Non-ICT	7-Apr-25	31-Dec-25	648,000.00
CN4148381	Clayton Utz Lawyers	Legal services	Legal services	Open	Non-ICT	11-Apr-25	30-Jun-25	36,200.00
CN4149560	Jones Lang Lasalle Advisory Services	Asset re-evaluation services	Management advisory services	Limited	Non-ICT	6-May-25	30-Jun-26	22,880.00
CN4151381	VideoPro	Audio visual equipment	Audio and visual equipment	Limited	ICT	15-May-25	31-Oct-25	37,741.00
CN4151644	Grosvenor Engineering Group	Ventilation services	Heating and ventilation and air circulation	Limited	Non-ICT	19-May-25	6-Jun-25	25,409.54

CN ID	Supplier Name	Description	Category	Procurement Method	ICT/ Non-ICT Procurement	Start Date	End Date	Value (AUD)
CN4166383	Christopher Tran	Legal services	Legal services	Limited	Non-ICT	1-Jun-25	1-Jun-26	34,000.00
CN4155213	Patch My PC	Software	Software maintenance and support	Limited	ICT	1-Jun-25	31-May-28	12,000.00
CN4155242	Australian Institute of Management Education and Training Pty Limited	Training	Education and Training Services	Limited	Non-ICT	4-Jun-25	31-Aug-25	14,101.20
CN4152413	Billigence Pty Ltd	Software Licenses	Software	Open	ICT	6-Jun-25	5-Jun-26	42,056.30
CN4163758	Data#3 Limited	Licenses	Software	Open	ICT	8-Jun-25	7-Jun-28	107,662.50
CN4159287	Data#3 Limited	Hardware (laptops)	Computers	Open	ICT	11-Jun-25	30-Jun-25	188,450.90
CN4157298	Outback Talent	Labour Hire	Temporary personnel services	Open	Non-ICT	23-Jun-25	23-Dec-25	229,041.00
CN4155218	Broadbean Catering & Events	Catering	Banquet and catering services	Limited	Non-ICT	24-Jun-25	26-Jun-25	13,418.50
CN4154168	Converge International	Trainings	Education and Training Services	Open	Non-ICT	1-Jul-25	31-Dec-25	40,150.00
CN4149531	Cushman and Wakefield	Property Management	Property management services	Open	Non-ICT	1-Jul-25	30-Jun-29	200,000.00
CN4149532	Cushman and Wakefield	Property Operating Expenses	Property management services	Open	Non-ICT	1-Jul-25	30-Jun-26	776,981.00
CN4166796	Lasch Pty Ltd	Conference services	Conference centres	Limited	Non-ICT	3-Jul-25	30-Sep-26	92,026.00
CN4171516	Epiq Australia	Legal services	Legal services	Open	Non-ICT	5-Aug-25	31-Oct-25	130,000.00
CN4181088	Christine Ernst	Legal Services	Legal services	Limited	Non-ICT	14-Aug-25	30-Nov-25	16,550.00
CN4181539	Matthew Varley	legal Services	Legal services	Limited	Non-ICT	14-Aug-25	14-Nov-25	12,900.00
CN4180477	CPM Reviews Pty Ltd	Investigation Services	Human resources services	Open	Non-ICT	15-Aug-25	31-Dec-25	17,017.00
CN4183431	Delta Building Automation	HVAC services	Heating and cooling and air conditioning HVAC construction and maintenance services	Limited	Non-ICT	29-Aug-25	29-Nov-25	20,422.60

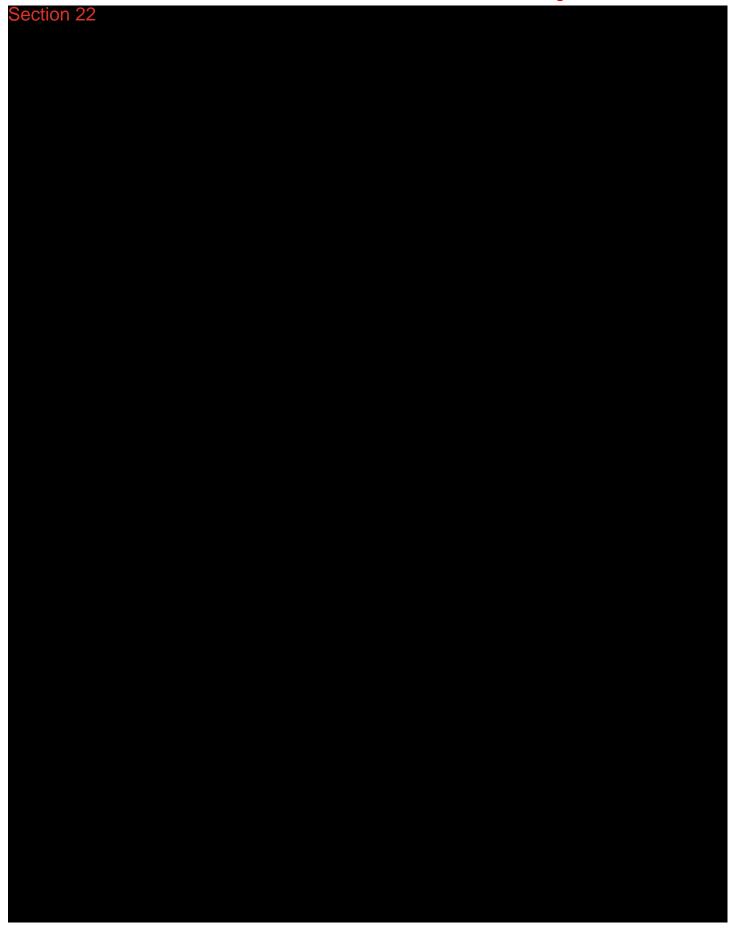
National Anti-Corruption Commission BRIEF Section 22

Section 22	

Page 57 of 191

Section 22		

23/09/2025



Section 22			
3000011 22			

Section 22

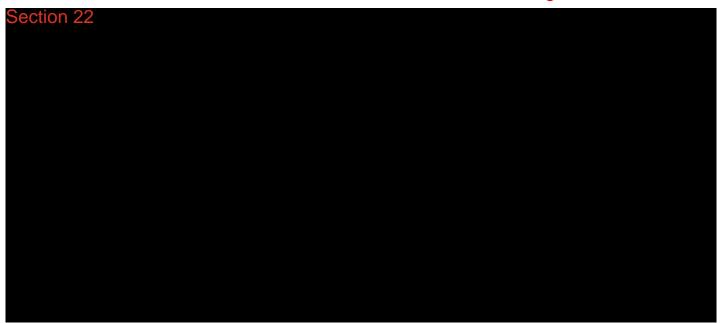
OFFICIAL Page 60 of 191 National Anti-Corruption Commission BRIEF Section 22 10

Section 22		

Complimentary Airline Lounge Memberships

Statutory	Qantas	Virgin	Comments
Officer	Chairman's	Beyond	
	Lounge		
Commissioner	Yes	No	From 2011 to 2015, Commissioner Brereton had
Brereton			complimentary membership of the Qantas
			Chairman's Lounge associated with his Defence
			Appointment
			On 15 October 2023, The Commissioner was invited
			to resume his Qantas Chairman's Lounge
			membership which he accepted on 19 October 2023.
			Does not hold complimentary Virgin Beyond
			membership.

Section 22



Cleared by: GP Action officer: Section 22

National Anti-Corruption Commission BRIEF

11

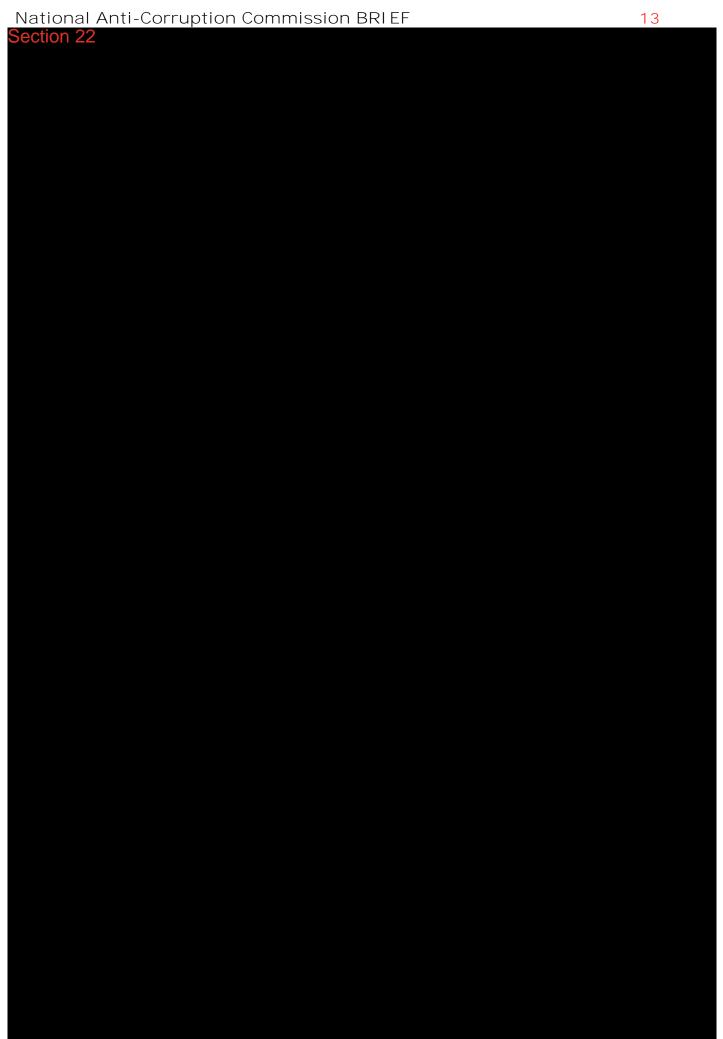
Section 22

Section 22	

Section 22	 	

Section 22	





	raye / I UI	191
Section 22		

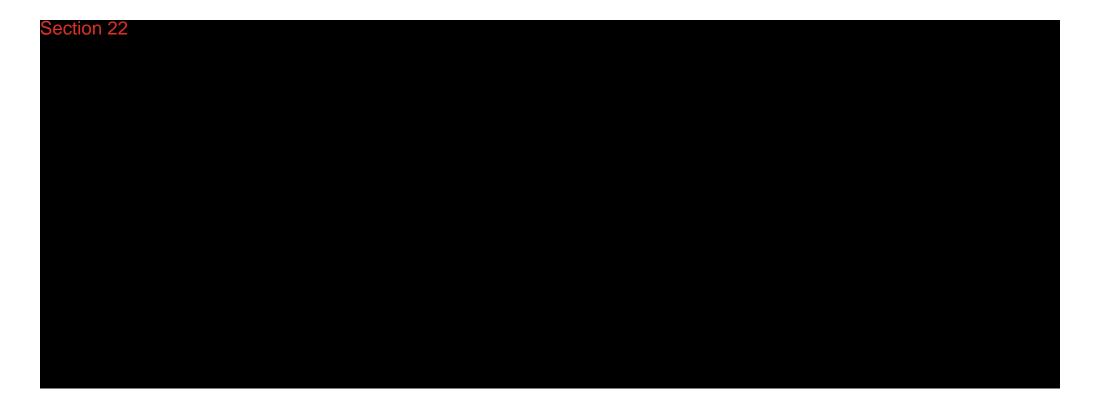
	1 age 72 of 191
Section 22	

OFFICIAL Page 73 of 191





Page 74 of 191



OFFICIAL

Page 76 of 191

National Anti-Corruption Commission BRIEF Section 22	14

National Anti-Corruption Commiss	SION RKIFF		15
National Anti-Corruption Commiss Section 22			
			1

Section 22		

Section 22		

Section 22	

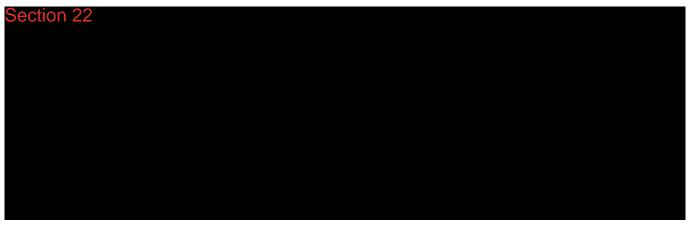
National Anti-Corruption Commission BRIEF OC - Witness welfare

16

Section 22

Section 22

Key events



• 22 April 2024: Approach to Market for Service Provider.

Section 22

• 7 June 2024: Following procurement process, Service Provider engaged.



Cleared by: Pete Ratcliffe Section 22 Action officer: Section 22

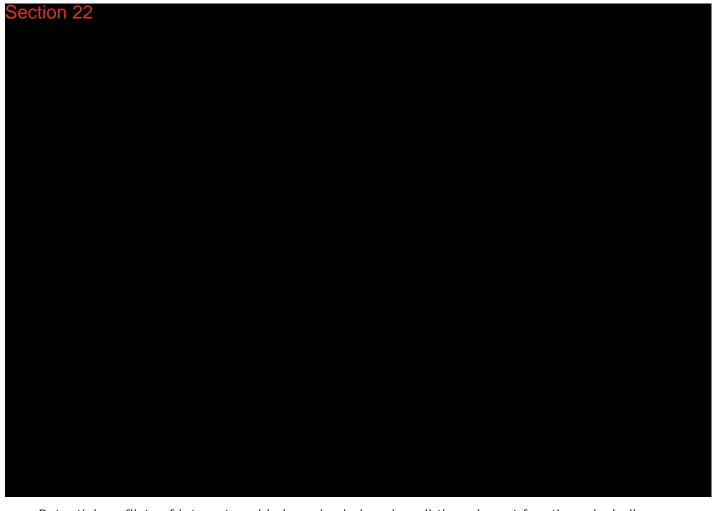
National Anti-Corruption Commission BRIEF LG - Whistleblower protection reform

17

Section 22

Section 22	
Section //	
Occion 22	

The Commission's submission to AGD on the Stage 2 Public Sector Whistleblowing Reforms



 Potential conflicts of interest could also arise in housing all the relevant functions, including provision of advice and support, in one agency.

23/09/2025

Section 22

OFFICIAL

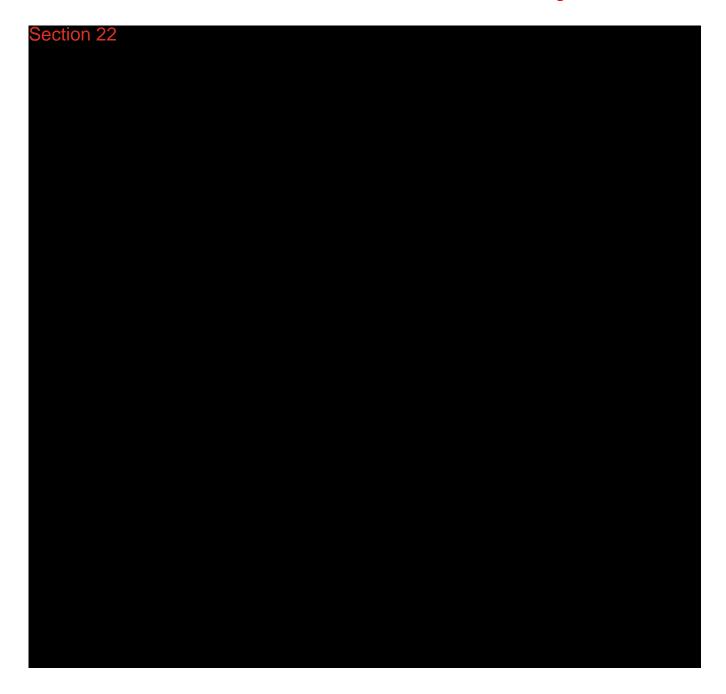
Section 22

23/09/2025 4

Section	22	

Section 22	





Legal and Constitutional Affairs Committee Inquiry into the Whistleblower Protection Authority Bill 2025

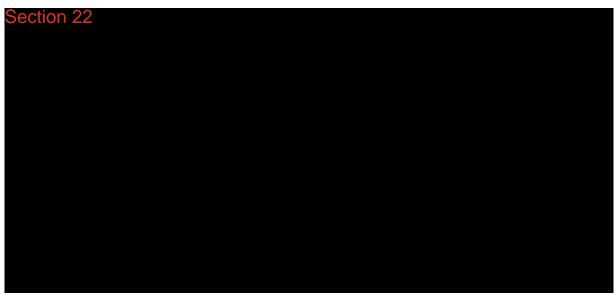
Hearing date: 13 Aug 2025 Type: written question on notice

Senator David Pocock has asked the following written question on notice for the National Anti-Corruption Commission:

1. If the WPA's functions were housed in your office instead, how would you see that working in practice?

National Anti-Corruption Commission response:

Section 22	



Given these broad and distinct functions, the Commission has serious concerns that incorporation of the Authority within the Commission would result in internal conflicts of interests that may be unmanageable, particularly noting that the Commission does not represent particular referrers and it is intended that the Authority will have monitoring and information seeking powers in relation to the Commission's dealing with disclosures of wrongdoing and issues of reprisals.

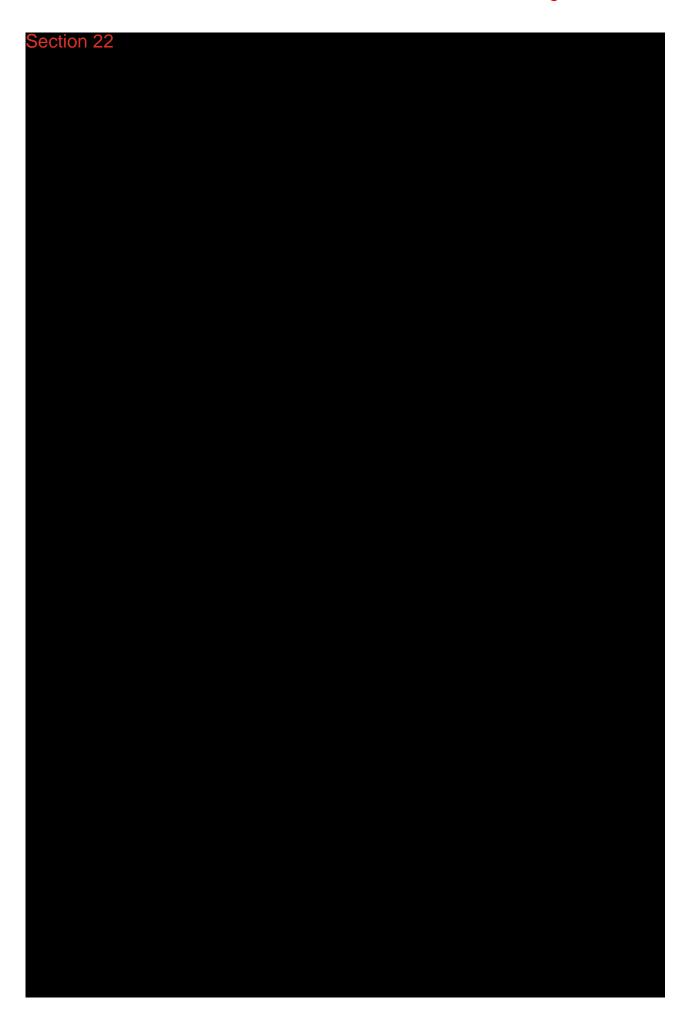


Submission to Stage 2 Public Sector Whistleblowing Reforms

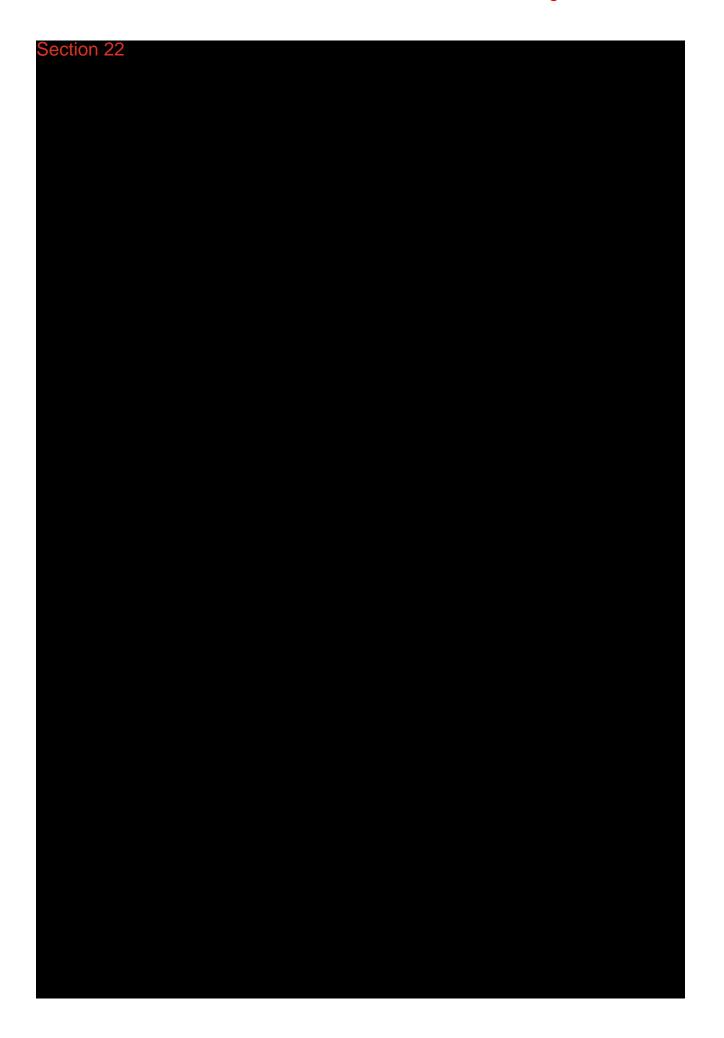
Submission by the National Anti-Corruption Commission 12 January 2024



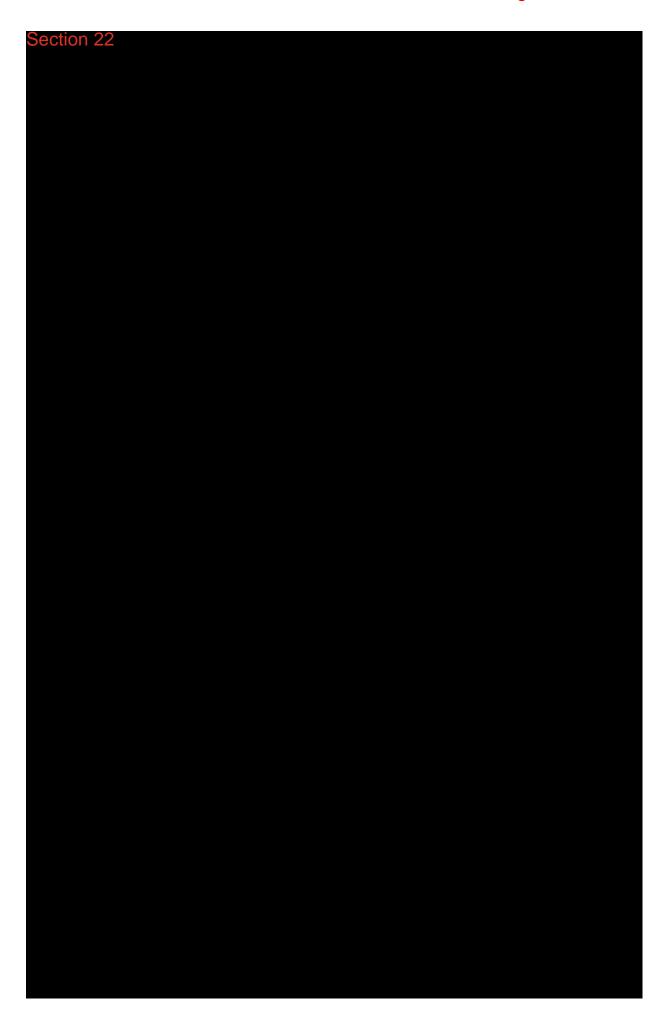


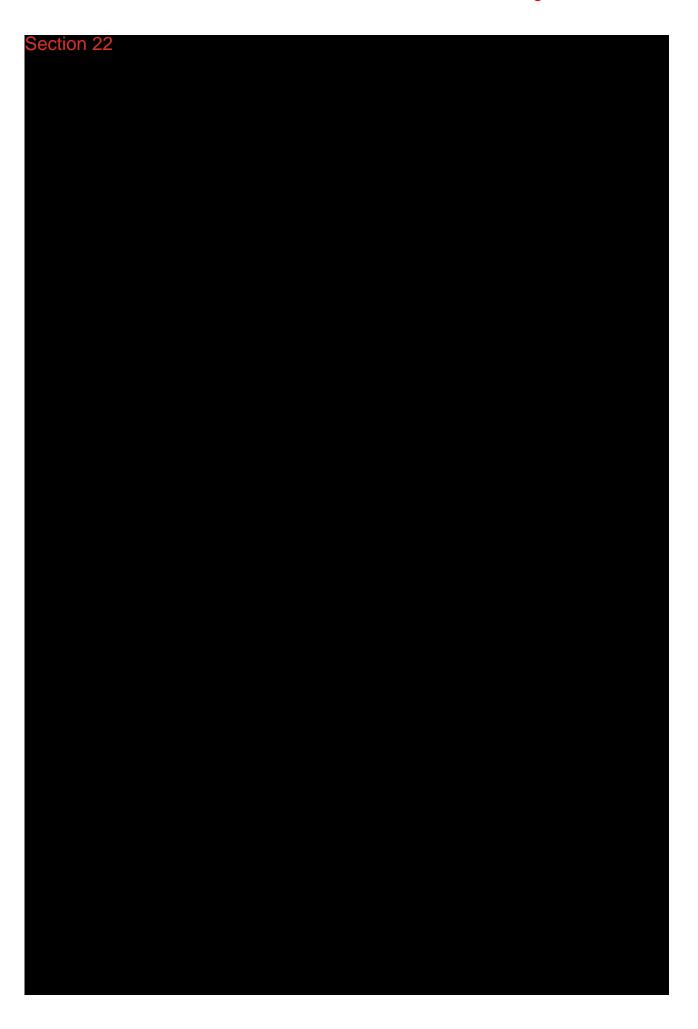


Section 22	

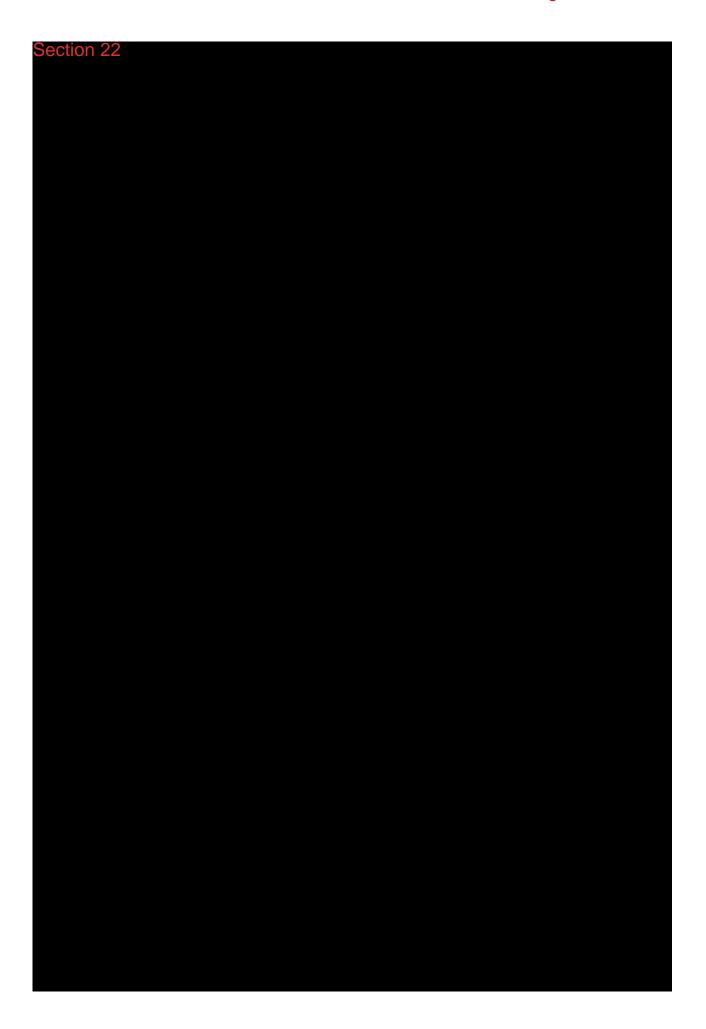


Section 22	













6.5 An independent Whistleblower Protection Authority could serve as a first port-of-call for potential disclosers who may be uncertain as to the correct reporting pathway and available protections, given the current fragmented legislative approach to protected reporting at the Commonwealth level. However, the Commission sees force in the observations of the recent Queensland review of the *Public Interest Disclosure Act 2010* (Qld), to the effect that it was not persuaded of the efficacy of a standalone body, and accepted the need for caution against a new body in an already crowded integrity landscape – an observation that applies equally to the Commonwealth. Like that review, the Commission has concerns about potential conflicts of interest in housing all the relevant functions, including provision of advice and support, in one agency, and questions whether the number of cases justifies the requisite resourcing to establish such an agency.

Section 22		



Section 22	

Section 22	

Section 22	1
SANAT TE	

National Anti-Corruption Commission BRIEF Section 22

18

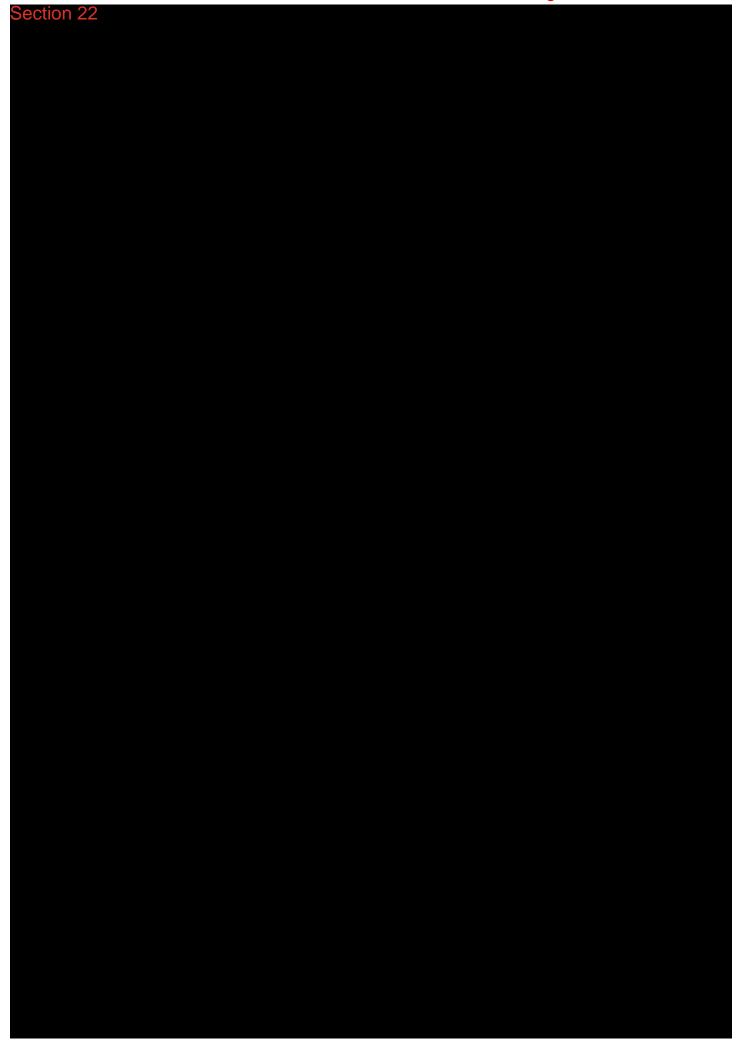
Section 22		

Section 22	

National Anti-Corruption Commission BRIEF
Section 22

19

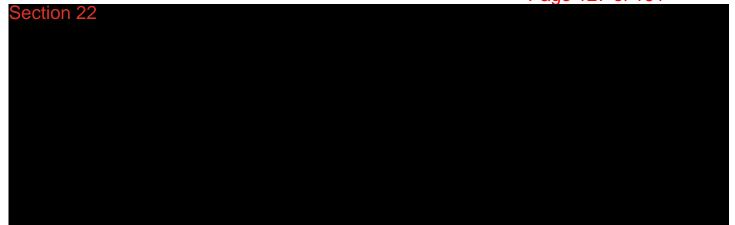
Section 22	



Section 22	

OFFICIAL Page 122 of 191 National Anti-Corruption Commission BRIEF Section 22 20

Page 127 of 191



National Anti-Corruption Commission BRIEF Section 22

Section 22		

Section 22		
11.0		

Section 22			
Section 77			

National Anti-Corruption Commission BRIEF MCCPE - Corruption Prevention and Education

23

Section 22		

BACKGROUND

• In the 2024-25 financial year, the Commission focused on preventing corrupt conduct through education and engagement with three corruption prevention priorities being: conflicts of interest, ethical decision-making and the electoral process.

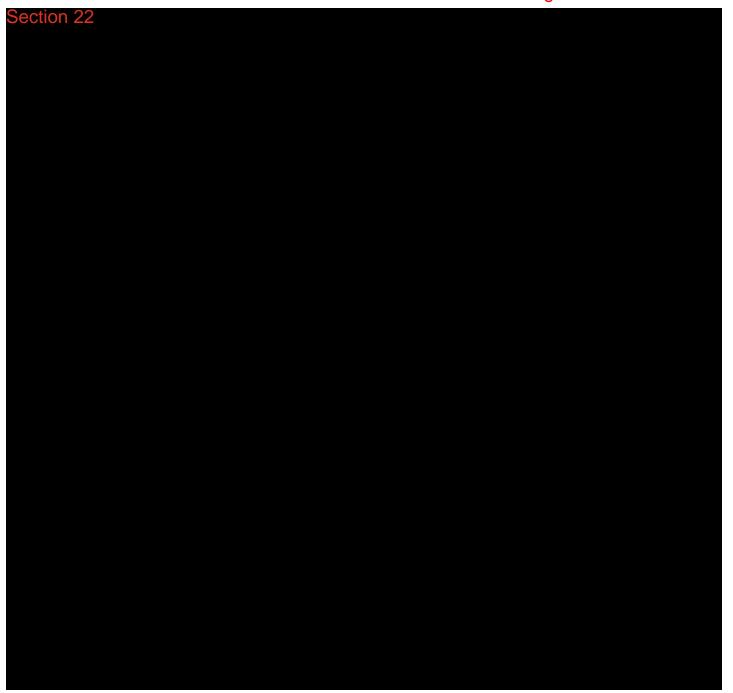
Section 22	
Section 22	
	ĺ
	ĺ
	ĺ
	ĺ
	ĺ
	ĺ

Section 22		

Section 22	

Section 22
Section 22

Section 22	



Cleared by: Peta Hegarty, GM MCCPE	Action officer: Section 22	

Section 22	

Section 22		

30/09/2025 SB25-000067 9

National Anti-Corruption Commission BRIEF Section 22 24

Section 22	

Section 22		

Section 22		

OFFICIAL

Page 146 of 191

Section 22		

Section 22	

Section	22

Section 22		

Section 22	

Section 22	

Section	22	
		8

Section 22	

Section 22		

National Anti-Corruption Commission BRIEF Section 22	25
Section 22	

National Anti-Corruption Commission BRIEF Section 22	26
Section 22	

Section 22		

National Anti-Corruption Commission BRIEF

27

ES - Significant non-compliance with finance law

This brief provides an overview of a significant non-compliance with the finance law identified and reported by the Commission in the 2023-24 annual report. The non-compliance related to the commitment of funds for construction works without specific formal approval in writing as required under s 23(3) of the PGPA Act and s 18 of the PGPA Rule.

No significant non-compliance with the finance law occurred in 2024-25.

2023-24 Key points

- Section 19 of the Public Governance, Performance, and Accountability Act 2013 (Cth) (PGPA Act)
 requires that agencies notify their responsible Minister of any significant issue that has affected the
 entity. Where the issue involves non-compliance with the finance law, agencies must also notify the
 Minister for Finance.
- In 2023-24 the Commission self-identified a significant non-compliance with the finance law. The Commission's Accountable Authority notified the Attorney-General and Minister for Finance on 2 October 2024 of this non-compliance.
- The non-compliance involved the commitment of funds under three contracts for construction works for fit-out of Commission premises in Canberra, Brisbane, and Perth in 2023-24.
- The Minister for Finance replied to the CEO on 31 October 2024 noting the significant non-compliance and was satisfied with the issues as outlined. The Minister did ask for further advice in respect to the progress of the remediation actions outlined. The CEO replied to the Minister for Finance on 26 November 2024 providing an update on the remediation actions taken.

BUDGET

As part of the establishment of the Commission, a total of \$29.8 million in capital funding was
provided to establish appropriate premises nationally: a Headquarters in Canberra, offices in
Brisbane and Perth, and a minor expansion of existing accommodation in Melbourne.

Construction Contracts

- Request for Tender processes were undertaken to engage construction managers to undertake fit-out works for each of the new properties.
- Three construction contracts were let to construction managers to conduct the fit-outs (PODCON for Canberra and Brisbane) and OPRA Group for Perth.
- The contracts provided for remuneration of the construction manager by a management fee, and reimbursement of the construction costs incurred in procuring trades to conduct the fit-out work.
- Contract values totalled \$32.7 million (GST Inclusive) / \$29.7 million (GST Exclusive). This was within the approved Budget funding of \$29.8 million.

Identification of potential non-compliance

- In the course of preparatory work for the Commission's 2023-24 end of financial year and annual reporting, it was identified that while relevant contracts had been reported on AusTender, those reports did not reflect the full value of the projects, instead only the management fee component had been reported.
- AusTender reporting has been updated to report the correct value of the contracts.
- Subsequent review of documentation identified that while total expenditure for the projects was within the budget allocation, and while various approvals were given at different stages of the process, it was discovered that:
 - o there was no specific formal approval in writing for the commitment of funds as required under s23(3) of the PGPA Act and PGPA Rule s18; and
 - o the construction contracts were signed by an officer whose financial delegation included the amount of the management fees but did not include the total contract costs.

Determining significant non-compliance

- In determining what constitutes significant non-compliance, the Accountable Authority considered: materiality, occurrence, and risk.
- Given the visibility of the projects, risk of fraud was slight, due to:
 - regular reporting through governance committees,
 - o various approvals had been given throughout the project lifecycle,
 - o ongoing scrutiny of invoices before payment, and
 - o the three (3) contracts in question were authorised by the Commission's Project Director, albeit more than his delegation.
- There was no impact on the financial sustainability of the Commission, as the expenditure was specifically funded through the external budget process and was within budget.
- However, the value of the contracts (\$29.7 million, GST exclusive) represented approximately 30 per cent of the Commission's total departmental resourcing for 2023-24. For this reason, the Accountable Authority determined that the non-compliance was significant.
- The Chair of the Commission's Audit and Risk Committee and the Commission's Australian National Audit Office (ANAO) signing officer were made aware of this non-compliance.
- Through the Commission's end of year financial statement audit, the ANAO, through additional testing, did not identify any further instances non-compliance of this nature.

Remedial Actions

- The Commission implemented several remediation actions to address this non-compliance including:
 - o Improving the Commission's end-to-end procurement processes and understanding of responsibilities under the PGPA Act, Commonwealth Procurement Rules (CPRs), and other relevant frameworks:
 - As part of induction to the Commission, the APS Foundations: Money and Resources must be completed. Business areas have been engaged. The Procurement team is engaging with business areas as they conduct their procurement requirements. The use of the Commonwealth Contracting Suite is recommended.
 - Procurement team provides ongoing coaching and guidance throughout individual procurement activities to ensure CPRs requirements are met.
 - Finalising implementation of the contract module in the Commission's financial system, thereby reducing the risk of not obtaining and documenting s23(3) PGPA Act approvals and meeting AusTender reporting timeframes.

2024-25 Key points

- The CFO assessed the Commission's compliance with Finance Law for 2024-25 and no significant non-compliance has been identified. The Commission relied on a range of evidence for the assessment, including:
 - o Internal audits (credit cards and procurement)
 - o Management reports (including variance and exception reports)
 - o Financial systems, including policies and procedures
 - o A review of the 24-25 Non-Compliance Register
 - Responses to the compliance questionnaires from General Managers (substantive and acting if longer than 2 weeks).

Attachments

- A. 2 Oct 2024 CEO letter to Attorney-General (incl. attachment)
- B. 2 Oct 2024 CEO letter to the Minister for Finance (incl. attachment)
- C. 31 Oct 2024 Minister for Finance letter to CEO
- D. 26 Nov 2024 CEO letter to the Minister for Finance

Cleared by: GP Action officer: Section 22



CEO

Ref: EC24-000006

2 October 2024

The Hon Mark Dreyfus KC MP Attorney-General

By email: Section 47F@aq.qov.au

Dear Attorney-General,

Notification of significant non-compliance with the finance law 2023-24

As Accountable Authority for the National Anti-Corruption Commission (the Commission), I write to notify you of a significant issue affecting the Commission, which involves a non-compliance with the finance law, that I am reporting to you as the responsible Minister for the Commission, in accordance with section 19 of the Public Governance, *Performance and Accounting Act 2013* (Cth) (PGPA Act).

The non-compliance involves the commitment of funds under three contracts for construction works for the fit out of Commission premises in Canberra, Brisbane and Perth in 2023-24, without specific formal approval in writing as required under PGPA Act s 23(3) and PGPA Rule s 18.

These issues were self-identified by the Commission.

As part of the establishment of the Commission, the 2022-23 October Budget and 2023-24 Budget provided a total of \$29.8 million in capital funding to establish appropriate premises nationally: a Headquarters in Canberra, offices in Brisbane and Perth, and a minor expansion of existing accommodation in Melbourne. Contracts were let to construction managers to conduct the fit-outs. The contracts provided for remuneration of the construction manager by a management fee, and reimbursement of the construction manager for the costs incurred in procuring trades to carry out the fit-out work (in respect of which the manager was to act as principal and not as agent). Contract values totalled \$32.7 million (GST inclusive) / \$29.7 million (GST exclusive). This was within the approved 2023-24 Budget funding of \$29.8 million.

In the course of preparatory work for the Commission's 2023-24 end of financial year and annual reporting, it was identified that while the relevant contracts had been reported on AusTender, those reports did not reflect the full value of the projects, but only the contract

GPO Box 605 CANBERRA ACT 2601 ABN 47 446 409 542 P. 1300 489 844

E. @nacc.gov.au

nacc.gov.au

management fee component. Subsequent review of documentation identified that while the total expenditure was within the budget allocation, and while various approvals were given at different stages of the process, there was no specific formal approval in writing for the commitment of funds as required under PGPA Act s 23(3) and PGPA Rule s 18, and that the construction contracts had been signed by an officer whose delegation included the amount of the management fees, but did not include the total contract cost.

Given the visibility of the projects, including the various approvals that had been given and the ongoing scrutiny of invoices before payment, and that the contracts in question were authorised by the Commission's Project Director, albeit in excess of his delegation, the risk of fraud was very slight. There was no impact on the financial sustainability of the Commission, as the expenditure was specifically funded through the external budget process, and was within budget. However, the value of the contracts represented approximately 30 per cent of the Commission's total departmental resourcing for 2023-24, and for that reason, as Accountable Authority, I have determined that the non-compliance is significant.

Along with reporting this non-compliance to you, I have also notified the Minister for Finance, and this non-compliance will be reported in the Commission's 2023-24 Annual Report.

The Commission has identified several remediation actions to address this non-compliance. Additional detail, including on these actions, is provided at Appendix A.

The Chair of the Commission's Audit and Risk Committee and the Commission's Australian National Audit Office signing officer have been made aware of this non-compliance.

Yours sincerely,

Philip Reed

Chief Executive Officer

Knypk



Appendix A

Budget allocation

As part of the establishment of the Commission, a total of \$29.8 million in capital funding was provided to establish appropriate premises nationally: a Headquarters in Canberra, offices in Brisbane and Perth, and a minor expansion of existing accommodation in Melbourne.

Relevant approvals

In 2022-23, prior to the commencement of the Commission on 1 July 2023, ACLEI negotiated property leases for Canberra, Brisbane, and Perth, and completed the substantive design work for the fit-outs.

By a Decision Minute approved on 24 January 2023, the Integrity Commissioner approved commencing negotiations for a lease at Section 47E(d) Canberra, initially for Section 47E(d). This minute mentioned that the expected fit-out of the Canberra office would be within the existing budget allocation, and that "Upon the engagement of the construction manager and design work undertaken, a detailed budget will be known", but did not specifically give approval for the fit-out. On 9 March 2023, the Integrity Commissioner approved leasing additional space on level Section 47E(d).

By a Decision Minute approved on 22 May 2023, the Integrity Commissioner approved entry into heads of agreement and commencing negotiations for a lease at Section 47E(d) Brisbane. This minute mentioned that the expected fit-out of the Brisbane office would be within the existing budget allocation, but did not specifically give approval for the fit-out.

By a Decision Minute approved on 26 May 2023, the Integrity Commissioner approved entry into heads of agreement and commencing negotiations for a lease at Section 47E(d) Perth. This minute mentioned that the expected fit-out of the Perth office would be within the existing budget allocation, but did not specifically give approval for the fit-out.

The leases for Canberra and Brisbane were approved and entered into by the ACLEI Integrity Commissioner as Accountable Authority, with appropriate Department of Finance delegate approval under the *Lands Acquisition Act 1989* (Cth) (the LAA). The lease for Perth was approved and entered into by the NACC Chief Executive Officer as Accountable Authority at the beginning of 2023-24, with appropriate Department of Finance delegate approval under the LAA.

The Commission submitted a request to the Parliamentary Standing Committee on Public Works (PWC) for approval of the Canberra fit-out in July 2023, with estimated construction costs for Canberra of \$11.7 million (for Section 47E(d) 50%). The PWC approved the project as a medium works project on 3 August 2023. As the Brisbane and Perth construction costs were budgeted at less than \$5.0 million, approval of the PWC was not required for them.

Engagement of Construction Managers

Request for Tender processes were undertaken to engage construction managers to undertake the fit-out works for each of the new properties.

Canberra and Brisbane

In January 2023, prior to the commencement of the Commission, ACLEI undertook a Request for Tender process for the Canberra and Brisbane projects, with quotes sought from multiple construction companies. The same contractor was selected as the preferred construction manager for the Canberra and Brisbane projects.

By a Decision Minute approved on 3 February 2023, the Deputy Integrity Commissioner approved engagement of PODCON as Construction Manager for the Commission fit-outs in Canberra and Brisbane. The Decision Minute referred to Construction Management fees and Trade margin based on an estimated (combined) budget of \$11 million, but did not specifically give approval for that commitment.

Perth

In August 2023, following the commencement of the Commission, a Request for Tender process was undertaken for the Perth fit-out project, with quotes sought from multiple construction companies. A different construction manager was engaged for Perth.

By a Decision Minute approved on 12 September 2023, the Commission's General Manager Enabling Services approved the engagement of OPRA Projects as Construction Manager for the Commission fit-out in Perth. This Minute referred to Construction Management fees and Trade margin based on an estimated budget of \$3 million, but did not specifically give approval for that commitment.

Construction Contracts

Contracts were negotiated for each of the construction projects. There was a separate contract for each project. Each was on a "construction management" basis, under which the manager is remunerated by a management fee comprising (1) its preliminary costs and (2) a percentage margin of the cost of trades it retains (as principal) to procure the works required to deliver the fit-out (Part C). Each relevant contract obliged the Commission to reimburse the manager for the cost of those works (Part E).

The contract for Canberra was signed by the Commission's Project Director on 4 August 2023. It provided (in Part C) for a construction management fee of \$278,710 (preliminaries) and 3% of project costs. Part D of the Contract provided that the Project Budget was \$15.8 million.

The contract for Brisbane was signed by the Commission's Project Director on 24 July 2023. It provided (in Part C) for a construction management fee of \$205,840 (preliminaries) and 3% of project costs. Part D of the Contract provided that the Project Budget was \$4.3 million.

The contract for Perth was signed by the Commission's Project Director on 15 September 2023. It provided (in Part C) for a construction management fee of \$181,500 (preliminaries) and 3% of project costs. Part D did not include a Project Budget, but the construction management fee was based on an estimated project cost of \$3 million.

In each case, the management fees provided for were within the Project Director's financial delegation, but the project budget (estimated costs of construction that would be reimbursable to the construction manager) exceeded the limit of the Project Director's financial delegation. It is at this point that a commitment was incurred which, though within the spirit of the budget and earlier approvals, was not specifically approved in writing by the Accountable Authority or a duly authorised delegate, as required by s23(3) of the PGPA Act and s 18 of the PGPA Rule.

Approval of payment of invoices

Construction work commenced in 2023-24. In August 2023, the Commission engaged an external project manager to support the Commission's Project Director by providing project manager services and the necessary governance to manage the design and fit-out of the three new properties.

The construction works were overseen by the external project manager, who received and reviewed all progress claims submitted by the construction contractors against the cost schedules, and provided assurance that claims were consistent with works undertaken. The Commission's Project Director then completed their own review of progress claims and provided approval for payment.

Contract values totalled \$32.7 million (GST inclusive) / \$29.7 million (GST exclusive) – within the approved Budget funding of \$29.8 million.

The Brisbane fit-out was completed in January 2024, Canberra in March 2024, and Perth in April 2024, with hearing room construction in Canberra completed by 30 June 2024.

Identification of potential non-compliance

Preparatory work for the Commission's 2023-24 end of financial year reporting identified that while the relevant contracts for the fit-out projects were reported on AusTender as required, those reports did not reflect the entire value of the fit-out projects. Initial reporting of contract values on AusTender reported only the "preliminaries" component of the management fee, and not the total contract value.

The Canberra contract was initially reported on 8 August 2023 as having a value of \$278,310. An analysis of invoices paid for the construction build of the Canberra fit-out totalled \$21.4 million. AusTender reporting was amended on 8 and 9 August 2024 to show a contract value of \$21.3 million.

The Brisbane contract was initially reported on 31 July 2023 as having a value of \$205,840. An analysis of invoices paid for the construction build for the Brisbane fit-out totalled \$5.1 million. AusTender reporting was amended on 8 and 9 August 2024 to show a contract value of \$5.2 million.

The Perth contract was initially reported on 18 September 2023 as having a value of \$185,300. An analysis of invoices paid for the construction build for the Perth fit-out totalled \$4.3 million. AusTender reporting was amended on 8 and 9 August 2024 to show a contract value of \$4.3 million.

Subsequent review of documentation identified that while the total expenditure was within the budget allocation, and while various approvals were given at different stages of the process as outlined above, there was no specific formal approval in writing for the commitment of funds as required under PGPA Act s 23(3) and PGPA Rule s 18, and that the construction contracts had been signed by an officer whose delegation included the amount of the management fees, but did not include the total contract cost.

Determining significant non-compliance

Given the visibility of the projects, including the various approvals that had been given and the ongoing scrutiny of invoices before payment, and that the contracts in question were authorised by the Commission's Project Director, albeit in excess of his delegation, the risk of fraud was very slight. There was no impact on the financial sustainability of the Commission, as the expenditure was specifically funded through the external budget process, and was within budget. However, the value of the contracts represented approximately 30 per cent of the Commission's total 2023-24 budget, and for that reason, the Accountable Authority has determined that the non-compliance is significant.

Remediation actions

The Commission has implemented the following remediation actions to address this non-compliance:

- The Commission is finalising the implementation of the contracts module in the Commission's
 financial system, which will reduce the risk of non-compliance issues with documenting PGPA
 Act s23(3) approvals and meeting AusTender reporting timeframes;
- The Commission has improved its end-to-end procurement processes and understanding of responsibilities under the PGPA Act, Commonwealth Procurement Rules and other relevant frameworks.

The Chair of the Commission's Audit and Risk Committee and the Commission's Australian National Audit Office signing officer have been made aware of this non-compliance.



CEO

Ref: EC24-000007

2 October 2024

Senator the Hon Katy Gallagher Minister for Finance

By email: Section 47F @finance.gov.au

Dear Minister,

Notification of significant non-compliance with finance law 2023-24

As Accountable Authority for the National Anti-Corruption Commission (the Commission) I write to notify you of a significant issue affecting the Commission, which involves a non-compliance with the finance law, that I have reported to the Attorney-General as the responsible Minister for the Commission, in accordance with section 19 of the *Public Governance, Performance and Accounting Act 2013* (Cth) (PGPA Act).

The non-compliance involves the commitment of funds under three contracts for construction works for the fit out of Commission premises in Canberra, Brisbane and Perth in 2023-24, without specific formal approval in writing as required under PGPA Act s 23(3) and PGPA Rule s 18.

These issues were self-identified by the Commission.

As part of the establishment of the Commission, the 2022-23 October Budget and 2023-24 Budget provided a total of \$29.8 million in capital funding to establish appropriate premises nationally: a Headquarters in Canberra, offices in Brisbane and Perth, and a minor expansion of existing accommodation in Melbourne. Contracts were let to construction managers to conduct the fit-outs. The contracts provided for remuneration of the construction manager by a management fee, and reimbursement of the construction manager for the costs incurred in procuring trades to carry out the fit-out work (in respect of which the manager was to act as principal and not as agent). Contract values totalled \$32.7 million (GST inclusive) / \$29.7 million (GST exclusive). This was within the approved 2023-24 Budget funding of \$29.8 million.

In the course of preparatory work for the Commission's 2023-24 end of financial year and annual reporting, it was identified that while the relevant contracts had been reported on AusTender, those reports did not reflect the full value of the projects, but only the contract

GPO Box 605 CANBERRA ACT 2601 ABN 47 446 409 542 P. 1300 489 844

E. @nacc.gov.au

nacc.gov.au

management fee component. Subsequent review of documentation identified that while the total expenditure was within the budget allocation, and while various approvals were given at different stages of the process, there was no specific formal approval in writing for the commitment of funds as required under PGPA Act s 23(3) and PGPA Rule s 18, and that the construction contracts had been signed by an officer whose delegation included the amount of the management fees, but did not include the total contract cost.

Given the visibility of the projects, including the various approvals that had been given and the ongoing scrutiny of invoices before payment, and that the contracts in question were authorised by the Commission's Project Director, albeit in excess of his delegation, the risk of fraud was very slight. There was no impact on the financial sustainability of the Commission, as the expenditure was specifically funded through the external budget process, and was within budget. However, the value of the contracts represented approximately 30 per cent of the Commission's total departmental resourcing for 2023-24, and for that reason, as Accountable Authority, I have determined that the non-compliance is significant.

Along with reporting this non-compliance to the Attorney-General and notifying you as Minister for Finance, this non-compliance will be reported in the Commission's 2023-24 Annual Report.

The Commission has identified several remediation actions to address this non-compliance. Additional detail, including on these actions, is provided at Appendix A.

The Chair of the Commission's Audit and Risk Committee and the Commission's Australian National Audit Office signing officer have been made aware of this non-compliance.

Yours sincerely,

Philip Reed

Chief Executive Officer

Hompk



Appendix A

Budget allocation

As part of the establishment of the Commission, a total of \$29.8 million in capital funding was provided to establish appropriate premises nationally: a Headquarters in Canberra, offices in Brisbane and Perth, and a minor expansion of existing accommodation in Melbourne.

Relevant approvals

In 2022-23, prior to the commencement of the Commission on 1 July 2023, ACLEI negotiated property leases for Canberra, Brisbane, and Perth, and completed the substantive design work for the fit-outs.

By a Decision Minute approved on 24 January 2023, the Integrity Commissioner approved commencing negotiations for a lease at Section 47E(d) Canberra, initially for levels section 47E(d). This minute mentioned that the expected fit-out of the Canberra office would be within the existing budget allocation, and that "Upon the engagement of the construction manager and design work undertaken, a detailed budget will be known", but did not specifically give approval for the fit-out. On 9 March 2023, the Integrity Commissioner approved leasing additional space on level Section 47E(d).

By a Decision Minute approved on 22 May 2023, the Integrity Commissioner approved entry into heads of agreement and commencing negotiations for a lease at Section 47E(d) Brisbane. This minute mentioned that the expected fit-out of the Brisbane office would be within the existing budget allocation, but did not specifically give approval for the fit-out.

By a Decision Minute approved on 26 May 2023, the Integrity Commissioner approved entry into heads of agreement and commencing negotiations for a lease at Section 47E(d) Perth. This minute mentioned that the expected fit-out of the Perth office would be within the existing budget allocation, but did not specifically give approval for the fit-out.

The leases for Canberra and Brisbane were approved and entered into by the ACLEI Integrity Commissioner as Accountable Authority, with appropriate Department of Finance delegate approval under the *Lands Acquisition Act 1989* (Cth) (the LAA). The lease for Perth was approved and entered into by the NACC Chief Executive Officer as Accountable Authority at the beginning of 2023-24, with appropriate Department of Finance delegate approval under the LAA.

The Commission submitted a request to the Parliamentary Standing Committee on Public Works (PWC) for approval of the Canberra fit-out in July 2023, with estimated construction costs for Canberra of \$11.7 million (for Section 47E(d) 50%). The PWC approved the project as a medium works project on 3 August 2023. As the Brisbane and Perth construction costs were budgeted at less than \$5.0 million, approval of the PWC was not required for them.

Engagement of Construction Managers

Request for Tender processes were undertaken to engage construction managers to undertake the fit-out works for each of the new properties.

Canberra and Brisbane

In January 2023, prior to the commencement of the Commission, ACLEI undertook a Request for Tender process for the Canberra and Brisbane projects, with quotes sought from multiple construction companies. The same contractor was selected as the preferred construction manager for the Canberra and Brisbane projects.

By a Decision Minute approved on 3 February 2023, the Deputy Integrity Commissioner approved engagement of PODCON as Construction Manager for the Commission fit-outs in Canberra and Brisbane. The Decision Minute referred to Construction Management fees and Trade margin based on an estimated (combined) budget of \$11 million, but did not specifically give approval for that commitment.

Perth

In August 2023, following the commencement of the Commission, a Request for Tender process was undertaken for the Perth fit-out project, with quotes sought from multiple construction companies. A different construction manager was engaged for Perth.

By a Decision Minute approved on 12 September 2023, the Commission's General Manager Enabling Services approved the engagement of OPRA Projects as Construction Manager for the Commission fit-out in Perth. This Minute referred to Construction Management fees and Trade margin based on an estimated budget of \$3 million, but did not specifically give approval for that commitment.

Construction Contracts

Contracts were negotiated for each of the construction projects. There was a separate contract for each project. Each was on a "construction management" basis, under which the manager is remunerated by a management fee comprising (1) its preliminary costs and (2) a percentage margin of the cost of trades it retains (as principal) to procure the works required to deliver the fit-out (Part C). Each relevant contract obliged the Commission to reimburse the manager for the cost of those works (Part E).

The contract for Canberra was signed by the Commission's Project Director on 4 August 2023. It provided (in Part C) for a construction management fee of \$278,710 (preliminaries) and 3% of project costs. Part D of the Contract provided that the Project Budget was \$15.8 million.

The contract for Brisbane was signed by the Commission's Project Director on 24 July 2023. It provided (in Part C) for a construction management fee of \$205,840 (preliminaries) and 3% of project costs. Part D of the Contract provided that the Project Budget was \$4.3 million.

The contract for Perth was signed by the Commission's Project Director on 15 September 2023. It provided (in Part C) for a construction management fee of \$181,500 (preliminaries) and 3% of project costs. Part D did not include a Project Budget, but the construction management fee was based on an estimated project cost of \$3 million.

In each case, the management fees provided for were within the Project Director's financial delegation, but the project budget (estimated costs of construction that would be reimbursable to the construction manager) exceeded the limit of the Project Director's financial delegation. It is at this point that a commitment was incurred which, though within the spirit of the budget and earlier approvals, was not specifically approved in writing by the Accountable Authority or a duly authorised delegate, as required by s23(3) of the PGPA Act and s 18 of the PGPA Rule.

Approval of payment of invoices

Construction work commenced in 2023-24. In August 2023, the Commission engaged an external project manager to support the Commission's Project Director by providing project manager services and the necessary governance to manage the design and fit-out of the three new properties.

The construction works were overseen by the external project manager, who received and reviewed all progress claims submitted by the construction contractors against the cost schedules, and provided assurance that claims were consistent with works undertaken. The Commission's Project Director then completed their own review of progress claims and provided approval for payment.

Contract values totalled \$32.7 million (GST inclusive) / \$29.7 million (GST exclusive) – within the approved Budget funding of \$29.8 million.

The Brisbane fit-out was completed in January 2024, Canberra in March 2024, and Perth in April 2024, with hearing room construction in Canberra completed by 30 June 2024.

Identification of potential non-compliance

Preparatory work for the Commission's 2023-24 end of financial year reporting identified that while the relevant contracts for the fit-out projects were reported on AusTender as required, those reports did not reflect the entire value of the fit-out projects. Initial reporting of contract values on AusTender reported only the "preliminaries" component of the management fee, and not the total contract value.

The Canberra contract was initially reported on 8 August 2023 as having a value of \$278,310. An analysis of invoices paid for the construction build of the Canberra fit-out totalled \$21.4 million. AusTender reporting was amended on 8 and 9 August 2024 to show a contract value of \$21.3 million.

The Brisbane contract was initially reported on 31 July 2023 as having a value of \$205,840. An analysis of invoices paid for the construction build for the Brisbane fit-out totalled \$5.1 million. AusTender reporting was amended on 8 and 9 August 2024 to show a contract value of \$5.2 million.

The Perth contract was initially reported on 18 September 2023 as having a value of \$185,300. An analysis of invoices paid for the construction build for the Perth fit-out totalled \$4.3 million. AusTender reporting was amended on 8 and 9 August 2024 to show a contract value of \$4.3 million.

Subsequent review of documentation identified that while the total expenditure was within the budget allocation, and while various approvals were given at different stages of the process as outlined above, there was no specific formal approval in writing for the commitment of funds as required under PGPA Act s 23(3) and PGPA Rule s 18, and that the construction contracts had been signed by an officer whose delegation included the amount of the management fees, but did not include the total contract cost.

Determining significant non-compliance

Given the visibility of the projects, including the various approvals that had been given and the ongoing scrutiny of invoices before payment, and that the contracts in question were authorised by the Commission's Project Director, albeit in excess of his delegation, the risk of fraud was very slight. There was no impact on the financial sustainability of the Commission, as the expenditure was specifically funded through the external budget process, and was within budget. However, the value of the contracts represented approximately 30 per cent of the Commission's total 2023-24 budget, and for that reason, the Accountable Authority has determined that the non-compliance is significant.

Remediation actions

The Commission has implemented the following remediation actions to address this non-compliance:

- The Commission is finalising the implementation of the contracts module in the Commission's
 financial system, which will reduce the risk of non-compliance issues with documenting PGPA
 Act s23(3) approvals and meeting AusTender reporting timeframes;
- The Commission has improved its end-to-end procurement processes and understanding of responsibilities under the PGPA Act, Commonwealth Procurement Rules and other relevant frameworks.

The Chair of the Commission's Audit and Risk Committee and the Commission's Australian National Audit Office signing officer have been made aware of this non-compliance.



Senator the Hon Katy Gallagher

Minister for Finance
Minister for Women
Minister for the Public Service
Senator for the Australian Capital Territory

REF: MS24-001000

Mr Philip Reed Chief Executive Officer National Anti-Corruption Commission Via email: and anacc.gov.au

Dear Mr Reed

Thank you for your letter of 2 October 2024 notifying me of significant non-compliance with the finance law, under section 19 of the *Public Governance*, *Performance and Accountability Act 2013* (PGPA Act).

I note the significant non-compliance concerns the commitment of funds under three contracts for construction works for the fit-out of the National Anti-Corruption Commission (NACC) premises in Canberra, Brisbane and Perth in 2023-24 and that the issues were self-identified by the NACC.

Generally, I am satisfied with the information about the issues that you have provided. However, I would appreciate further information regarding the remediation actions that you have outlined in Appendix A of your correspondence. I request that you advise me:

- when the NACC anticipates finalising the implementation of the contracts module in the NACC's financial system, and
- what the NACC has done to improve its end-to-end procurement processes and understanding of responsibilities under the PGPA Act, the Commonwealth Procurement Rules and other relevant frameworks.

Should you require, officials of my department are available to provide advice and guidance on the PGPA Act and its associated frameworks.

The contact officer in my department for any advice is: Kim Baker, Assistant Secretary, PGPA and Digital Reporting Branch, Governance and Grants Division, Section 47F finance.gov.au, or Section 47F

I have copied this letter to the Attorney-General for his information.

Yours sincerely

Katy Gallagher

3 1 OCT 2024



CEO

Ref: 24#38727DOC

26 November 2024

Senator the Hon Katy Gallagher Minister for Finance

By email: Section 47F @finance.gov.au

Dear Minister,

Remedial actions for significant non-compliance with finance law 2023-24

Thank you for your letter of 31 October 2024 (REF: MS24-001000) in response to my correspondence of 2 October 2024 notifying you of a significant issue involving a non-compliance with the finance law.

You requested two key updates regarding the progress of remediation and I've included the relevant information below:

- The Contracts Module has been fully implemented within our Financial Management
 Information System (FMIS), Technology One. A key part of this work has been to
 transition contracts previously managed out of system into the FMIS to provide for insystem workflows and approvals and appropriate matching of invoices to contracts. Of
 our estimated 238 contracts, 179 contracts have now been entered into the FMIS with
 the balance to occur prior to 31 December 2024.
- 2. The Commission has improved its oversight of procurement processes and staff understanding of their obligations through:
 - Mandating as part of induction to the Commission, the completion of APS Induction: Money and Resources;
 - Increased engagement with the Commission at the outset of procurement being conducted to move away from the reactive nature that previously existed;
 - c. The use of the Commonwealth Contracting Suite is encouraged, specifically for procurements valued between \$10,000 and \$200,000;
 - The use and consideration of the Indigenous Procurement Policy Mandatory Set Aside provision in procurements where this would not otherwise be considered mandatory; and

GPO Box 605 CANBERRA ACT 2601 ABN 47 446 409 542 P. 1300 489 844



nacc.gov.au

e. The implementation of an improved internal procurement framework and associated education and training program, planned for progressive implementation in the first quarter of 2025.

I would be happy to discuss this letter with you or your office. I can be contacted directly on Section 47F or by email at Section 47F @nacc.gov.au.

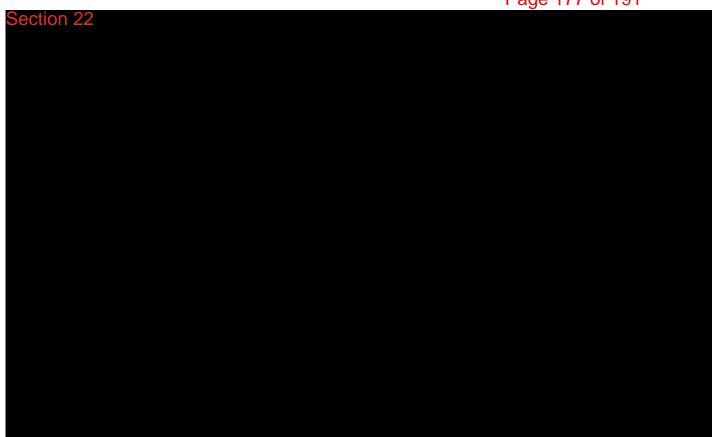
Yours sincerely,

Philip Reed

Chief Executive Officer

National Anti-Corruption Commission BRIEF Section 22

Page 177 of 191



30/09/2025

Section 22 30/09/2025 5

National Anti-Corruption Commission BRIEF Section 22

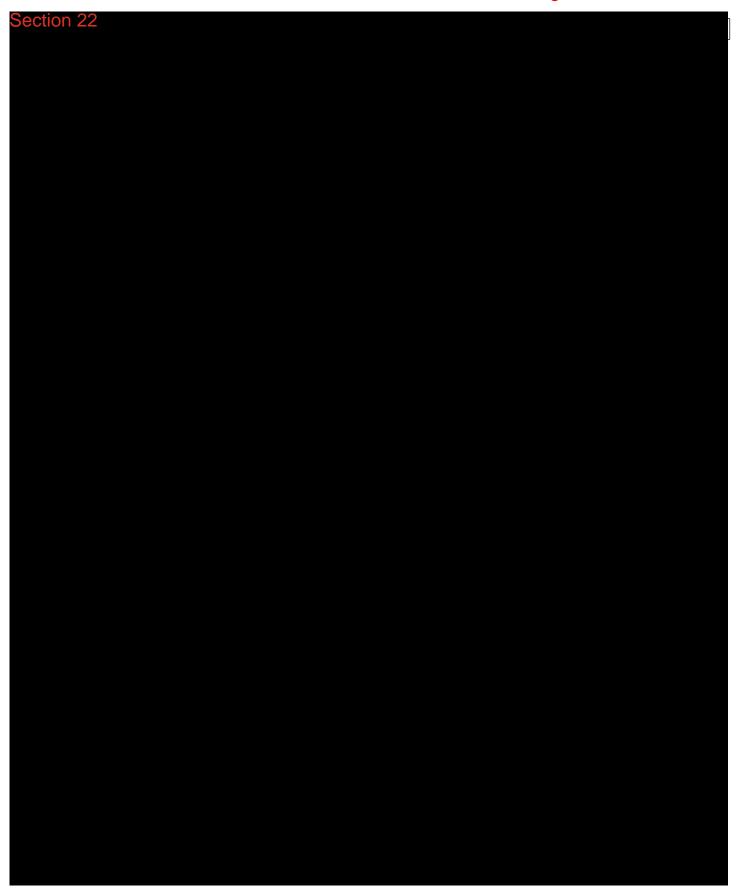
29

Section 22		

23/09/2025

Section 22		

National Anti-Corruption Commission BRIEF Section 22 30



Section 22	

Other matters

- In accordance with requirements under the PGPA Rule, an incidence of non-compliance with the Finance law which was reported to the Minister and Finance Minister has been published in the annual report (page 71).
- More information is available in SB25-000051 Budget and Finance and SB25-000071
 Significant non-compliance with Finance law.



Cleared by:	Action officer: Director
	Governance

