



## Supplementary Budget Estimates – 7 October 2025

#	Title	GM	PDR
1	Key Issues	CEO	SB25-000045
2	Intake and Assessments	EVAL	SB25-000046
3	Finalised NACC investigations	LEGAL	SB25-000047
4	Robodebt referrals investigation	LEGAL	SB25-000048
5	Conflict of interest	LEGAL	SB25-000049
6	Freedom of Information	LEGAL	SB25-000050
7	Budget and Finance	ES	SB25-000051
8	Procurements	ES	SB25-000052
9	Human Resources	ES	SB25-000053
10	Statutory Office Holder arrangements	ES	SB25-000054
11	Travel	ES	SB25-000055
12	NACC office accommodation overview	ES	SB25-000056
13	Investigations	OP	SB25-000057
14	Warrants and notices	OP/OPCAP	SB25-000058
15	Agency investigations	OPCAP	SB25-000059
16	Witness welfare	OPCAP	SB25-000060
17	Whistleblower protection reform	LEGAL	SB25-000061
18	Financial assistance for witnesses	LEGAL	SB25-000062
19	NACC Inspector	LEGAL	SB25-000063
20	Public interest immunity claims	LEGAL	SB25-000064
21	National Intelligence Community Engagement	OPCAP	SB25-000065
22	Corruption Survey	OPCAP	SB25-000066
23	Corruption Prevention and Education	MCCPE	SB25-000067
24	Commission international engagements	MCCPE	SB25-000068
25	Secure and independent ICT	ES	SB25-000069
26	Security clearances and upgrades	ES	SB25-000070

#	Title	GM	PDR
27	Significant non-compliance with finance law	ES	SB25-000071
28	Policy consultations and requests	CEO	SB25-000072
29	Memoranda of Understanding	CEO	SB25-000073
30	2023-24 Annual Report	CEO	SB25-000074

*Last updated: 30 Sept 2025*

## National Anti-Corruption Commission BRIEF

### CEO - Key issues

01

This brief provides a short summary of recent key issues.

#### Former ATO employee sentenced for misuse of taxpayer information, fraud

*Media release – 15 September 2025*

- Kasey Harries was sentenced to a total effective sentence of 5 months imprisonment for falsely claiming Victorian and Australian Government payments using the sensitive information and records of 4 taxpayers.
- Harries pleaded guilty to 10 charges, including obtaining financial advantage by deception and aiding and abetting another person to attempt to commit an offence.
- The conviction and sentencing stemmed from Operation Hay, a joint investigation commenced by the former Australian Commission for Law Enforcement Integrity (ACLEI) and the Australian Taxation Office (ATO), and marked the eleventh successful conviction resulting from an investigation the Commission either initiated or continued since commencing operations.

#### 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.

#### Guide for parliamentarians and their staff

*News – 6 August 2025*

- The Commission published a guide for parliamentarians and their staff, which provides advice on reporting obligations, corruption risks and vulnerabilities and how to avoid them.
- The guide provides advice on managing specific corruption risks and vulnerabilities that parliamentarians may face, including grants, public sector appointments and the use of parliamentary resources and staff.

## NACC secures conviction of corrupt airport official

*Media release – 28 July 2025*

- The former Executive Procurement Manager at Western Sydney Airport, Sajish Erasery, was sentenced to a 2-year term of imprisonment, to be served by way of an Intensive Correction Order in the community, including the completion of 500 hours of community service, for soliciting a bribe of approximately \$200,000 during a contract procurement process.
- The sentence stemmed from a joint investigation commenced by the Commission and the Australian Federal Police in March 2024, and was the first sentence resulting from a Commission-initiated investigation.

## Update on Robodebt referrals investigation

*News – 1 July 2025*

- The Robodebt referrals investigation is underway, led by Deputy Commissioner Kylie Kilgour, with former High Court Justice Geoffrey Nettle KC as Chief Adviser.
- The Commissioner and other Deputy Commissioners who were involved in the original decision not to investigate the referrals are not participating in the investigation.

## The NACC two years on: Strengthening integrity in the Commonwealth

*News – 1 July 2025*

- In the 2 years since it commenced operations, much of the Commission's work remains deliberately behind closed doors – confidential by law and necessity.
- But in that time, the Commission has been quietly detecting, investigating and preventing corruption, its largely unseen but critical work, achievements and emerging themes shaping the next phase of integrity reform.



Former immigration officer sentenced for approving family member's visa
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*Media release – 30 June 2025*

- A former immigration officer at the Department of Home Affairs, Anne McCann, was sentenced to an aggregate term of 8 months imprisonment, to be released forthwith on the condition she enter into a recognisance in the sum of \$10,000 to be of good behaviour for 12 months, for abuse of public office, after approving a visa application for her brother-in-law, and for causing unauthorised access to restricted data of 17 individuals held within the Department's computer systems.
- The sentence stemmed from Operation Carburnup, a joint investigation commenced by the former ACLEI and Home Affairs and continued by the Commission, and was the ninth conviction obtained in matters continued by the Commission.

NACC finds corrupt conduct in Home Affairs recruitment
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*Media release – 30 June 2025*

- The Commission published an investigation report into Operation Kingscliff, finding corrupt conduct by a Senior Executive Service officer in the Department of Home Affairs on multiple occasions.
- The Commission found the official had engaged in corrupt conduct by abusing her office to give her sister and her sister's fiancé an improper benefit, and by misusing official information.
- This was the fourth investigation report published by the Commission, and the first report on an investigation commenced and completed since the Commission was established.

Statement on the settlement between Ms Brittany Higgins and the Commonwealth
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*Media release – 12 June 2025*

- The Commission conducted an extensive preliminary investigation into the settlement between Ms Brittany Higgins and the Commonwealth and found no corruption issue.
- There was no evidence that the settlement process, including the legal advice provided, who was present at the mediation, or the amount, was subject to any improper influence by any Commonwealth public official.
- Given the highly publicised nature of the referrals to the Commission and widespread speculation regarding potential corrupt conduct, the Commission determined it was in the public interest to make a public disclosure about the preliminary investigation.

Operation Elektra investigation report published

*News – 11 June 2025*

- The Commission published the investigation report for Operation Elektra, a joint investigation by the former ACLEI, the Department of Home Affairs and the Australian Federal Police into Serco officers providing telephone services and official information to detainees in immigration detention centres.
- The investigation resulted in 2 officers being charged, with both pleading guilty.

Former ABF officer sentenced following guilty plea

*Media release – 17 April 2025*

- Former ABF officer Jared Purcell was convicted and released on the condition that he enter into a recognisance of \$1,500 and be of good behaviour for a period of 9 months for intentionally making a false statement in a statutory declaration, unauthorised access to restricted data and providing false or misleading information.
- The sentencing outcome stemmed from Operation Harvey, a joint investigation commenced by the former ACLEI and the Department of Home Affairs and later continued and concluded by the Commission, and was the eighth conviction obtained in matters continued by the Commission.

The Commission at 20 months

*News – 19 March 2025*

- The Commission published a summary of its key activities and operational undertakings as at 26 February 2025.
- The summary addressed referrals and assessments, investigations (and their themes), ACLEI legacy investigations, operational activity, corruption prevention & education, capabilities and resources.

Open letter on corruption risks in federal elections

*Media release – 7 March 2025*

- As Australia approached the federal election, the Commission issued an open letter to prospective election participants, drawing attention to the corruption risks and vulnerabilities that can arise in the context of an election.
- The letter addresses, in particular use of parliamentary resources and staff, use of official information, public sector appointments, grants, government advertising, and donations and other gifts.
- The letter also repeated the Commission's advice that it is inappropriate to announce a referral to the Commission for collateral, including political purposes.

National Anti-Corruption Commission to investigate Robodebt referrals

*Media release – 18 February 2025*

- 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 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 are not participating in the investigation.

## Independent delegate appointed to reconsider Robodebt referrals

*Media release – 13 December 2024*

- The Commission has appointed Mr Geoffrey Nettle AC KC to independently reconsider its decision relating to the referrals made to the NACC by the Royal Commission into the Robodebt Scheme.
- **Mr Nettle** will independently assess the referrals and decide whether, and if so how, the Commission should deal with any corruption issues arising from the referrals.
- Mr Nettle was a Justice of the High Court of Australia from February 2015 to November 2020. Before that, he was a Judge of Appeal of the Victorian Court of Appeal, and a Judge of the Supreme Court of Victoria.

Table 1: Overview of sentencing outcomes

Sentencing outcomes since 1 July 2023	
Nambung	1-Sep-23
Roe	30-Jan-24
Barker	12-Mar-24
Meda	6-Sep-24
Barker	19-Aug-24
Angelo (under appeal)	29-Oct-24
Barker	5-Dec-24
Harvey	17-Apr-25
Carbunup	30-Jun-25
Pelican	28-Jul-25
Hay	12-Sep-25

<b>3 active court cases</b>
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As at 15 September 2025 the Commission has 3 matters before the court.

### Operation Mint

- A joint investigation commenced by ACLEI with the Australian Federal Police (AFP), Victoria Police and the Australian Transaction Reports and Analysis Centre, in which a member of the AFP was arrested for corruption, theft and money laundering offences allegedly committed between January and April 2019.
- On 1 July 2023, the NACC took on responsibility for this and other ACLEI investigations.
- The AFP member is alleged to have stolen cryptocurrency in the sum of 47 Bitcoin. At the time, the value of the Bitcoin was more than \$100,000. The AFP member in question was suspended without pay.
- In February 2024, the AFP member was committed for trial in the Melbourne County Court, on charges of contraventions of sections 142.2(1) and 400.4(1) of the Criminal Code and section 74 of the Crimes Act 1958 (Vic), following a contested committal hearing in the Melbourne Magistrates' Court.
- In August 2024, the AFP member was charged on indictment, with allegedly committing offences contrary to section 142.2(1) of the Criminal Code (Cth) and section 74 of the Crimes Act 1958 (Vic).

### Operation Barker

- This investigation related to the payment of a bribe to a former ATO official in exchange for potentially reducing millions of dollars in personal and business tax debts and for providing restricted information to 2 different individuals on more than 1,000 occasions.
- In March 2024, the former ATO official was convicted and sentenced to 5 years imprisonment. Two accomplices were also convicted and sentenced to imprisonment.
- **Update: On 24 September 2025, the appeal for the sentence of the former ATO official was dismissed.**

### Operation Freshwater

- This was a multi-agency investigation by the NACC, the AFP, the Department of Home Affairs, NSW Police Force and other law enforcement partners into whether an ABF employee and an alleged crime figure colluded to import illicit drugs into Australia. The NACC contributed staff to the Multi Agency Strike Force (MAST) according to operational needs.
- The MAST arrested the ABF employee on 11 March 2025 and charged them with receiving a bribe as a Commonwealth official, abuse of public office, unauthorised disclosure of information by a Commonwealth officer, and aiding and abetting the importation of border-controlled drugs.
- The ABF employee is currently suspended from their duties.

Cleared by: Peta Hegarty, GM MCCPE	Action officer: s 22
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## National Anti-Corruption Commission BRIEF

02

## E - Intake and Assessments

This brief provides an overview of the Intake & Triage and Assessments functions.

Key Points

- Since commencement the Commission has received a total of **6,055** referrals. Of which, **5,103** (84%) have been assessed.
- The Commission's Intake and Triage team has answered **6,069** phone calls.
- Key themes observed relating to referrals include:
  - employment or recruitment
  - procurement
  - administrative grievances
  - referrals based on media reporting and similar high-profile matters
  - matters relating to court outcomes or court proceedings

## Referrals received and assessed

## Referrals received FY2023-24, FY2024-25, and FYTD up to 31 August 2025 summary

All Referrals Received	FY2023-24*	FY2024-25	FYTD	TOTAL
Voluntary referrals - total	3,025	2,161	563	<b>5,749</b>
Mandatory referrals - total	118	107	27	<b>252</b>
Other – Own initiative	10	3	N/A	<b>13</b>
Other - existing matter**	41	N/A	N/A	<b>41</b>
<b>Total Referrals^</b>	<b>3,194</b>	<b>2,271</b>	<b>590</b>	<b>6,055</b>

\*3194 = 3190 reported in annual report + 4 identified in variation report to capture backdated referrals. There were also changes to subtypes due to recategorisations.

\*\*Only used in 2023-24. Category currently inactive

^Excludes enquiries. There are 5 enquiry cases, including 4 from 2024-25 and one for FYTD.

Referrals received – FY2024-25 and **point in time for FYTD** up to 31 August 2025

All referral types received by subtype	FY2024-25	FYTD
Mandatory Cth Agency	106	27
Mandatory Intelligence Agencies	1	N/A
Public Interest Disclosures	N/A	N/A
Own Initiative	3	N/A
Voluntary Cth Agency	22	11
Voluntary Public Report	2,139	552
<b>Total</b>	<b>2,271</b>	<b>590</b>

Referral assessments completed by FY of assessment  
FY24-25 and **point in time for FYTD** as at 31 August 2025

Closed cases	FY2024-25	FYTD
Closed Tier 1	1,743	353
Closed Tier 2	261	46
<b>Total</b>	<b>2,004</b>	<b>399</b>

Referrals open **point in time for FYTD** as at **31 August 2025**

Open cases	Total
Open at Triage (T1)	422
Open at Assessment (T2)	530
<b>Total</b>	<b>952</b>

Triage Status as at 31 August 2025	
Status type	Numbers
<i>Triage matters with a status that is 'Open'</i>	
Awaiting Information (Tier 1)	4
Awaiting Legal Advice (Tier 1)	1
Pending Triage	371
Triage	42
Pending Triage decision review requests <sup>1</sup>	4
<b>Total</b>	<b>422</b>
<i>Triage matters with a status that is 'Closed'</i>	
Closed Tier 1 (closed after triage)	353
<b>Total</b>	<b>353</b>

Assessment Status as at 31 August 2025	
Status type	Numbers
<i>Assessment matters with a status that is 'Open'</i>	
<i>(in a status of)</i> Active Prelim Investigation	26
Assistant Director Review	31
Awaiting Information (Tier 2)	2
Awaiting Legal Advice (Tier 2)	0
Director Review	13
NSAP Decision Prep Queue	0
Finalisation Queue	55
Pending Allocation	203
Under Assessment	138
T2 Prioritisation	5
Pending Related Matters	11
Active Related Matters	14
NSAP Noting Prep Queue	0
Pending NSAP Signoff	16
Pending Assessment decision review requests <sup>1</sup>	16

<sup>1</sup> This refers to number of referrals with a request for review of their decision (at the relevant point of Triage or Assessment), that have not been finalised. This can include those that have been accepted and have a review in progress, or those that have requested a review and have not yet been accepted or declined.

<b>Total</b>	530
<i>Assessment matters with a status that is 'Closed'</i>	
Closed Tier 2 (closed after an assessment)	46
<b>Total</b>	<b>46</b>

#### About the Commission's approach

- ***if asked to provide an update on any specific referrals***
  - Revealing whether referrals have been made can lead to speculation about the specific matters, put those being investigated on notice or unduly harm the reputations of individuals involved.
  - To avoid potential prejudice to NACC investigations, it would not be appropriate to comment on the subject matter or status of any referrals made, to ensure the integrity of the investigation process.
- ***How long does it typically take for the Commission to consider a referral?***
  - The Commission has established a target of assessing referrals within 90 days, and on average we complete these assessments in less time.
  - There is no 'typical' timeframe for the Commission's handling of a referral through the triage or assessment phases, with a range of factors impacting the time it takes to consider each one. These factors include:
    - Complexity, coherence, completeness, uniqueness of the source information, similarity with other referrals received, relative priorities and more.

Cleared by: s 22	Action officer:
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## National Anti-Corruption Commission BRIEF

### LG - Finalised NACC investigations

03

This brief summarises the finalised NACC and ACLEI legacy investigations.

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#### Key points

#### **How many investigations has the Commission finalised?**

- Since its commencement on 1 July 2023, the Commission has finalised 22 investigations.
- In the financial year 2023-24, one ACLEI legacy investigation was finalised.
- In the financial year 2024-25, 10 NACC investigations and 9 ACLEI legacy investigations were finalised.
- Since 1 July 2025, 2 ACLEI legacy investigations have been finalised.

#### **NACC investigations**

- The Commissioner made corruption findings in Operation Kingscliff and an investigation report was provided to the Minister on 23 June 2025.
- The remaining 9 were finalised on the basis that the investigation obtained information indicating that the corrupt conduct would not be proven, and that further investigation was not warranted.

#### **ACLEI investigations**

- Of the 12 investigations, 3 resulted in reports being provided to the Minister. Two of these reports made corruption findings.
- In 6 investigations, the Commissioner decided to take no further action and finalise without an investigation report on the ground that the corrupt conduct has been the subject of proceedings before a court, resulting in convictions and the completion of an investigation report would serve little value.
- In 3 investigations, the Commissioner decided that further investigation was not warranted and to take no further action.

#### **What was Operation Kingscliff about?**

- Operation Kingscliff was a Commission-only investigation into whether a Senior Executive Service (SES) staff member in the Department of Home Affairs (Home Affairs) had used her position to influence the recruitment of her sister's fiancé into the department.
- On 23 June 2025, the Commissioner provided an investigation report to the Minister.
- On 30 June 2025, the Commission published a public version of the report where pseudonyms were applied.
- The evidence established the SES staff member was involved in the recruitment of her sister's fiancé by proposing the s 26 transfer, creating the recruitment requisition, promoting his candidacy and qualities to other staff and taking steps to have the onboarding prioritised.



- The evidence also revealed the SES staff member assisted her sister in another recruitment process by sharing official information in the form of interview questions.
- The Commissioner found the SES staff member engaged in corrupt conduct by abusing her office and misusing information.
- The conduct of the sister and fiancé were examined but the Commissioner found neither engaged in corrupt conduct.

Why did the Commission apply pseudonyms to the report for Operation Kingscliff?

- The Commissioner engaged in procedural fairness consultations with the SES staff member, her sister and her sister's fiancé by providing statements setting out potential findings, opinions and recommendations.
- The Commissioner considered the submissions made about the consequences of publication on the wellbeing of the protagonists and that publicly naming the SES staff member would make other protagonists and witnesses significantly more identifiable.
- The SES staff member did not occupy a high-profile position, and the detailed public report could still achieve the imperatives of accountability, transparency and education.
- There are references in the report which may enable protagonists and witnesses to be identified but are considered necessary to provide an understanding of the relevant facts.

Why were there delays in writing and publishing the ACLEI legacy investigation reports?

- Significant resources were dedicated to ending ACLEI and standing up the Commission in the months leading to the introduction of the NACC Bill.
- Procedural fairness consultations were required before the reports could be provided to the Minister and published.

ACLEI investigation - Operation Elektra
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- A joint investigation by ACLEI, the then Department of Immigration and Border Protection (IBP) and AFP into whether a Serco officer located at the Christmas Island Immigration Detention Centre (IDC) abused their office by selling mobile phones to detainees.
- On 4 March, an investigation report was provided to the Minister.
- On 11 June 2025, a report was published on the Commission's website.
- The evidence established the Serco officer provided SIM cards to two detainees, with whom they had an intimate relationship with, and routinely paid for a telephone service for one of the detainees.
- When the detainee was transferred to Yongah Hill IDC, they commenced a relationship with a second Serco officer, who accessed and disclosed official information to the detainee.
- The Commissioner found both Serco officers engaged in abuse of office.
- On 29 September 2017, the first Serco officer was convicted and fined \$2,000, following a guilty plea to an abuse of office contrary to subsection 142.2(2) of the Criminal Code.

- On 2 November 2022, the second Serco officer was discharged without conviction, following a guilty plea to the making a record of or disclosing IBP information contrary to subsection 42(1) of the *Australian Border Force Act 2015* (Cth).
- The conduct of a third Serco officer in disclosing information to the detainee was examined but no corruption findings were made, and the prosecution did not recommend charges.

#### ACLEI investigation - Operation Wilson

- A joint investigation by ACLEI, Home Affairs, AFP and Victoria Police into whether an ABF officer abused their office by accessing information on consignments of an associate, who was under investigation for illicit tobacco importations.
- On 17 December 2024, an investigation report was provided to the Minister.
- On 12 February 2025, a report was published on the Commission's website.
- The evidence established the ABF Officer worked for a company that the associate was the managing director of and at the associate's request, accessed ABF information that was unrelated to his employment and without authority, on certain shipping containers, some of which contained illicit cigarettes.
- The Commissioner found that the ABF Officer engaged in an abuse of office.
- On 21 November 2022, the ABF Officer plead guilty to unauthorised access to restricted data contrary to subsection 478.1(1) of the Criminal Code and was convicted and fined \$4,000.

#### 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.

#### Transitioned to NACC Investigation - Operation Harvey

- A joint investigation by ACLEI and Home Affairs into whether an ABF officer abused their office and/or misused official information by sharing ABF information with persons associated with criminal activities.
- The evidence established the ABF officer had extensive links to persons involved in transnational serious and organised crime; provided false and/or misleading information while applying for their position with ABF and conducted unauthorised accesses on ABF systems in relation to his records and the records of associates.
- On 7 April 2025, the ABF officer plead guilty to giving false or misleading information contrary to subsection 137.1(1) of the Criminal Code; unauthorised access to, or modification of, restricted data contrary to subsection 478.1(1) of the Criminal Code and making a false declaration contrary to section 11 of the *Statutory Declarations Act 1959* (Cth).

- The ABF officer was convicted and released on a recognisance in the sum of \$1,500 to be on a good behaviour bond for a period of 6 months.

#### ACLEI investigation – Operation Caribunup

- A joint investigation by ACLEI and Home Affairs into whether a Home Affairs employee facilitated the unlawful entry into Australia of their partner's brother.
- The evidence established the employee approved a visa application for her brother-in-law, and caused unauthorised access to restricted data of 17 individuals held within Home Affairs' computer systems.
- On 27 June 2025, following a plea of guilty to an abuse of office contrary to subsection 142.2(2) of the Criminal Code and unauthorised access to restricted data contrary to subsection 478.1(1) of the Criminal Code, the employee was sentenced to an aggregate term of 8 months imprisonment, to be released on recognisance in the sum of \$10,000 and put on a good behaviour bond for 12 months.

#### ACLEI investigation - Operation Angelo

- A joint investigation by ACLEI and Home Affairs into whether a Home Affairs employee abused their office by accessing departmental records and sharing information with family and friends without authorisation.
- The evidence established there were repeated instances between December 2010 and January 2022 where the employee accessed departmental records, including to provide advice and assistance to their former tenants about their visa applications and to warn friends to stop visa applications to avoid rejection.
- On 29 October 2024, following a plea of guilty to contraventions of the Criminal Code, including unauthorised access to restricted data, unauthorised disclosure of information and abuse of public office, the Home Affairs employee was sentenced to 14 months imprisonment, to be released on recognisance in the sum of \$500 and put on a good behaviour bond for 2 years. On 19 May 2025, on appeal, the sentence was reduced to 12 months.

#### ACLEI investigation - Operation Roe

- A joint investigation by ACLEI and ATO into whether an ATO employee abused their office by gaining unauthorised access to taxpayer records without authority between August 2020 and April 2021.
- On 30 January 2024, following a plea of guilty to unauthorised access to taxpayer records, the employee was fined \$2000, and put on a good behaviour bond for 18 months.

#### ACLEI investigation - Operation Nambung

- A joint investigation by ACLEI and AFP into whether a AFP superintendent had abused his office by fraudulent use of a Commonwealth credit card for personal expenditure.
- On 1 September 2023, following a plea of guilty to charges related to fraudulent use of their Commonwealth credit card involving more than \$17,000 in personal expenditure, the superintendent was fined \$5,000 and put on a good behaviour bond for 3 years.

### ACLEI investigation - Operation Overbeek

- A joint investigation by ACLEI, AFP, Victoria Police, Home Affairs and the then Department of Agriculture, Water and Environment (DAWE) into whether a DAWE employee abused their office by accepting bribes totalling \$10,000 on 3 occasions in exchange for accessing and disclosing sensitive information to facilitate the importation of illicit tobacco.
- On 13 September 2022, the employee was sentenced to two and a half years imprisonment and was released on recognisance after three months, following a guilty finding of receiving a bribe as a Commonwealth official, abuse of office, and unauthorised disclosure of restricted information.

### Meaning of a 'finalised' investigation

- An investigation report is completed, signed by the Commissioner (or delegate) and provided to the Minister.
- If the Commissioner reconsiders how to deal with the corruption issue under the investigation and decides to take no further action.

### Transitional arrangements surrounding ACLEI legacy investigations

- The investigation reports prepared for Operations Elektra, Wilson and Bannister were prepared in accordance with item 38 of Schedule 2 of the *National Anti-Corruption Commission (Consequential and Transitional Provisions) Act 2022* (NACC C&T Act).
- For ACLEI investigations completed but not yet reported on before the transition, item 38 of requires the Commissioner to prepare an investigation report as if the *Law Enforcement Integrity Commissioner Act 2006* (Cth) (LEIC Act) had not been repealed.
- Under s 209 of the LEIC Act, ACLEI investigation reports cannot be published unless it is in the public interest.
- Operations Carburnup, Angelo, Overbeek, Roe and Nambung were open investigations and transitioned to the Commission under subitem 2(1)(a) of Schedule 2 of the NACC C&T Act and subitem 2(2) permitted the Commission to conduct such investigations under the LEIC Act.
- The Commissioner reconsidered how to deal with these matters under subsection 42(1) of the LEIC Act and decided to finalise these matters without an investigation report, in accordance with subsection 42(3)(d) of the LEIC Act.
- For Operation Harvey, the Commissioner issued a transition determination under subitem 3(1) of Schedule 2 of the so that the NACC Act applies.
- The Commission reconsidered the corruption issue pursuant to subsection 41(5) of the NACC Act and decided to take no further action so that it was finalised without an investigation report pursuant to s 41(6).

Cleared by: Rebekah O'Meagher

Action officer: s 22

# National Anti-Corruption Commission BRIEF

## LG –Robodebt Referrals Investigation

04

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

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### 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.

### Background into the Robodebt Scheme

- The Royal Commission into the Robodebt Scheme was established by Letters Patent on 18 August 2022 under the *Royal Commissions Act 1902* (Cth) to inquire into the Robodebt Scheme (the Scheme). Catherine Holmes AC SC was appointed Royal Commissioner.
- The Scheme was a proposal developed by the Department of Human Services (DHS). It was designed to recover overpayments from welfare recipients in the financial year 2010-11 and relied on a process known as “income averaging” to assess income and entitlement to benefit.
- The RRC inquired into how, by whom and why the scheme was established, designed, implemented; how risks and concerns in relation to it were dealt with and how complaints and challenges were managed by the Government; the use of third-party debt collectors; and the effects of the scheme – human and economic.
- The Royal Commissioner was asked to provide a report of the results of her inquiry and recommendations by no later than 18 April 2023 but having regard to the number of issues which emerged, the extent of the evidence requiring consideration and delays in the production of that evidence, that date was extended to 30 June 2023.
- It was then extended again until 7 July 2023, to allow for a referral of 6 individuals to the Commission.

### Referrals to the Commission

- On 6 July 2023, the Commission took receipt of the referrals from the Royal Commission.



- On 16 April 2024, a decision was recorded by the delegated Deputy Commissioner to take no further action pursuant to s 41(6) of the NACC Act.
- On 6 June 2024, the Commission released a public statement regarding the decision not to investigate the Robodebt referrals.
- On 26 September 2024, the Inspector of the NACC finalised an investigation into the Commission's decision not to investigate the Robodebt referrals.
- Following the publication of the Inspector's report, on 30 October 2024 the Commission decided to have an independent reconsideration of its decision relating to the Robodebt referrals (Attachment A).
- A team of AGS lawyers were engaged by the Commission to assist Mr Nettle.
- On 10 February 2025, Mr Nettle provided the Commission with his decision to investigate the 6 Robodebt referrals.
- On 18 February 2025, the Commission published a media release announcing its decision to investigate the referrals made by the Robodebt Royal Commission (Attachment B).

#### Engagement of Australian Government Solicitor (AGS)

- The Commission engaged the AGS to:
  - Provide assistance with our response to the Inspector.
  - Assisting the Independent Reconsideration Delegate.
  - Act as instructing solicitors to assist with the investigation of the Robodebt referrals.

#### FOI

- As at 9 September 2025, the Commission has received 23 FOIs relating to the Inspector's Inquiry and the Robodebt referrals.

#### Lessons Learnt

- In addition to the reconsideration decision, the Commission is continuing to focus, through our investigation, inquiry and corruption prevention and education functions, on addressing the integrity issues raised by the Robodebt Royal Commission.
- The Commissioner has spoken regularly on the lessons learnt from Robodebt at public events since he began his term.<sup>1</sup>
- Informed by the Robodebt Royal Commission, one of the Commission's three corruption prevention and education priorities for this year is ethical decision making, focussed on senior decision-makers. As a result, the Commission developed an ethical decision-making workshop held in July 2024. The Commission invited speakers with diverse and relevant backgrounds to facilitate discussion around ethical decisions and practices relevant to the Australian Public Service (APS). Topics explored included recordkeeping; tone at the top and responsiveness to

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<sup>1</sup> ACT Government Lawyers' conference on 11 August 2023; At 'The Mandarin' Conference on 22 February 2024; Law Council of Australia address on 23 February 2024, Clayton Utz address on 29 February 2024.  
7/10/2025

Ministers and central agencies; embedding a culture of legality and seeking legal advice; and artificial intelligence (AI) and automated decision making.

- Additionally, two of the Commission's six strategic corruption priorities (the areas to which priority of effort is given in investigations) include senior executive decision-making, and corruption affecting vulnerable people.

Attachments:

- A. Commission media release dated 30 October 2024.
- B. Commission media release dated 18 February 2025.

Cleared by: Rebekah O'Meagher	Action officer: s 22	
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Wednesday, 30 October 2024

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## 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.





**Date** Tuesday, 18 February 2025

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## 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.

## National Anti-Corruption Commission BRIEF

## LG - Conflict of interest

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

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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:
  - *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)
  - *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*.

- o *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.
- o *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
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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.<sup>1</sup>

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.

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<sup>1</sup> 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.

- 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.
  - 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:
  - *Private Interest, Declarable Association and Contact Reporting Policy*
  - *NACC Integrity Policy*
  - *Secondary Employment Policy*
  - *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
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- 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.

Cleared by: Rebekah O'Meagher	Action officer: s 22 s 22
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## National Anti-Corruption Commission BRIEF

### LG - Freedom of Information

06

This briefing note sets out statistical and other information regarding the Commission's FOI practice. The data period is 1 July 2023 to 31 August 2025.

#### Key Points

- Since the Commission commenced on 1 July 2023, 135 Freedom of Information requests have been received.
- All but 2 of the Commission's FOI requests have been processed within the applicable statutory timeframes (with those 2 being overdue by a single day).
- The Commission has received **6** requests for internal review under the FOI Act.
- The Commission is currently a respondent to **1** judicial review application filed in the Federal Court. The application relates to the internal review decision issued by the Commission.
- Two applicants requested external review by the Information Commissioner of three decisions made by the Commission. The Information Commissioner decided that a review would not be undertaken in these matters (one in July 2024 and two in May 2025).
- One applicant requested an external review by the Information Commissioner of a decision made by ACLEI. This matter was closed by the Information Commissioner on 26 February 2025.
- One applicant requested external review by the Information Commissioner of a decision made by the Commission. The Commission made a revised decision under s 55G of the FOI Act in July 2025 and is awaiting a response from either the applicant or the Information Commissioner.
- The Commission is currently the respondent to 1 matter before the Information Commissioner.

#### FOI Statistics (1 July 2023 – 31 August 2025)

**Table 1: Breakdown of FOI Requests received**

Quarter	2023-24	2024-25	2025-26	
Q1	7	22	18	
Q2	4	24	-	
Q3	12	18	-	
Q4	16	14	-	
<b>Total</b>	<b>39</b>	<b>78</b>	<b>18</b>	<b>135</b>

**Table 2: FOI requests received – by Request source**

Source of request	2023-24	2024-25	2025-26	
Journalists/media	9	27	5	
Politicians	-	4	-	
Academics	3	1	-	
Referrers seeking information about their referrals	9	20	7	
Members of public	15	21	2	
Other/unknown/not specified	3	5	4	
<b>Total</b>	<b>39</b>	<b>78</b>	<b>18</b>	<b>135</b>



Table 3: Status of FOI Requests received (at 31 August 2025)

Status	2023-24	2024-25	2025-26	
Finalised	34	67	8	
Withdrawn	4	11	-	
Deemed withdrawn	1	-	-	
Ongoing	-	-	10	
Total	39	78	18	135

Outcome of finalised requests

- The Commission has finalised a total of 109 FOI requests.
- Of these, 66 resulted in documents being released either wholly or in part (21 in FY23-24, 40 in FY24-25 and 5 in FY25-26) with:
  - 36 published on the Commission's Disclosure Log (11 in FY23-24, 24 in FY24-25 and 1 in FY25-26)
  - 1 outstanding to be published on the Commission's Disclosure Log
  - 28 not published on the Disclosure Log due to containing personal information (10 in FY23-24, 15 in FY24-25 and 3 in FY25-26).
  - 1 not published on the Disclosure Log due to containing business information.
- Of the 42 finalised requests (out of 109) which did not result in documents being released at all:
  - 11 were refused access under Part IV exemptions (2 in FY23-24, 8 in FY24-25 and 1 in FY25-26)
  - 18 were refused accessed due to no documents existing (4 in FY23-24, 12 in FY24-25 and 2 in FY25-26)
  - 9 were refused access due to s 25 - neither confirm nor deny existence of documents (7 in FY23-24 and 2 in FY24-25)
  - 3 were refused on a practical refusal basis (FY24-25)
  - 1 was transferred (FY24-25)

Table 4: Outcome of Finalised requests (at 31 August 2025)

2023-24

Outcome	Released	Not released	N/A	Total
Published on disclosure log	11	-	-	11
To be published	-	-	-	0
Not published on disclosure log	10	13	-	23
Transferred	-	-	-	0
Total - Finalised	21	13	0	34
Withdrawn or deemed withdrawn	-	-	5	39

2024-25

Outcome	Released	Not released	N/A	Total
Published on disclosure log	24	-	-	24
To be published	-	-	-	0
Not published on disclosure log	16	26	-	42
Transferred	-	-	1	1
Total - Finalised	40	26	1	67
<i>Withdrawn or deemed withdrawn</i>	-	-	11	78

2025-26

Outcome	Released	Not released	N/A	Total
Published on disclosure log	1	-	-	1
To be published	1	-	-	1
Not published on disclosure log	3	3	-	3
Transferred	-	-	-	0
Total - Finalised	5	3	0	8
<i>Withdrawn or deemed withdrawn</i>	-	-	-	0

Transfers to/from other agencies

- The Commission received 5 requests transferred from other agencies (3 within Q1, 2023-24, 1 within Q2, 2024-25 and 1 within Q1, 2025-26).
- Of these:
  - 3 requests were transferred from the Attorney-General's Department
  - 1 request was transferred from the Office of the Commonwealth Ombudsman
  - 1 request was transferred from the Inspector of the NACC (via AGD)
- The Commission has transferred one request to the Inspector (received by the Commission on 26 September 2024 and transferred on 14 October 2024).

Reasons for Withdrawn requests

- The Commission received 16 requests which were later withdrawn or deemed withdrawn. Of these:
  - 9 requests were withdrawn after an administrative access process.
  - 1 request was deemed withdrawn after a practical refusal consultation process under section 24AB of the FOI Act was unable to elicit further clarity from the applicant as to what they were seeking to access.
  - 1 withdrawal was a duplicate request which the applicant confirmed had been made in error and was happy to withdraw.
  - 1 withdrawal was a duplicate request having been transferred to the Commission from the Inspector.

- 3 requests were withdrawn following consultation with the applicant confirming that the information sought was publicly available.
- 1 request was withdrawn following consultation with the applicant in which the premise of the request was corrected.

FOI request from Senator David Shoebridge –24 February 2025
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- 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 question 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:
  - 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.
  - 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.
  - 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.

- 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.

How the Commission handles FOI requests
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- FOI requests are handled by staff in the Commission's Legal Branch and overseen by the General Counsel (Corporate).
- Consultation takes place within the Commission to ensure all relevant documents are identified and the most appropriate decision is made in line with the FOI Act.
- Due to privacy considerations, the Commission does not comment publicly on individuals who have made FOI requests to the Commission.

*Why generally documents released are not published on our website?*

- Section 11C of the FOI Act requires agencies to publish information that has been released in response to an FOI request on the agency's website. This is subject to certain exceptions including where the document contains personal information about a person that would be unreasonable to publish.
- The Commission considers section 11C following the processing of a request where documents are released and to date documents have been published on the Commission's website in relation to 18 matters. A significant number of requests received by the Commission involve referrers seeking further information about their referrals and the personal privacy exemption has applied.
- In addition, the Commission has received a large number of requests seeking information about whether the Commission is assessing/investigating a matter and the Commission's response has been to neither confirm nor deny the existence of any information relying upon section 25 and section 37 of the Act.

*How the FOI regime is impacting upon the Commission*

- In addition to the large number of requests seeking information about whether the Commission is assessing/investigating a matter, the Commission has also experienced referrers using FOI to get updates on their referrals, including by making multiple, consecutive requests. The Commission has also had a request where the referrer sought information in relation to their own referral and then provided the information to the media.
- The number and complexity of requests received is placing a significant burden on the resources of the Commission's Legal Team.
- The Commission has seen a significant increase in processing costs, attributed to the rise in the number and complexity of requests.
- The Commission notes that State and Territory Integrity bodies are either exempt from FOI legislation or there are significant restrictions on what they required to provide.

Background information on FOI processing
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- Agencies subject to the FOI Act are required to comply with the FOI Act and FOI Guidelines issued by the Information Commissioner.
- The FOI Act and FOI Guidelines set out processes including:
  - what constitutes an FOI request
  - how an FOI request is to be made
  - the types of documents that can be requested in an FOI request
  - requirements for FOI decisions, including the timeframes that must be met
  - how statutory timeframes can be extended
  - consultation mechanisms for some types of requests, such as for personal privacy
  - the types of exemptions that apply, some of which are subject to a public interest test
  - processes for internal and external (OAIC) reviews, as well as complaints.

Proposed FOI changes - <i>Freedom of Information Amendment Bill 2025</i>
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- On 4 September 2025, the Senate referred the [Freedom of Information Amendment Bill 2025](#) to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 3 December 2025.
- The Bill proposes various amendments to the FOI Act, including:
  - Schedule 2 will introduce a requirement that an FOI request cannot be made anonymously or under a pseudonym.
  - Schedule 6 enables regulations to prescribe an application fee for access requests, internal reviews and IC reviews (excluding requests for an individual's own personal information).
- Proposed amendments to the FOI Act are a matter for government.

## 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: s 22
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# 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

"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:**

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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

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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-called 'robodebt six'.

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 sealed section that was not made public, nor the individuals in it publicly named, although the names can be deduced from the evidence given in public.



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"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."



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 must raise a corruption issue 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 w ↑



"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 [our July 2025 monthly update](#), 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.

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## National Anti-Corruption Commission BRIEF ES - Budget and Finance

07

This brief provides a summary of NACC financial position as at 30 June 2025, an overview of funding for the Commission in 2024-25 and 2025-26 Budgets.

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### Key Points

#### **2024-25 Financial position as at 30 June 2025**

Total expenditure (excluding depreciation) as at 30 June 2025 totals \$51.677 million against the original published 2024-25 budget of \$62.169 million - a \$10.492 million underspend.

- Total employee expenses accounted for 57% of overall expenditure
- The 2024-25 actual average staffing level (ASL) was 213.0 against an approved PBS ASL of 266.0
- Employee expenses were under budget by \$4.636m
- With lower than anticipated ASL, the reduced demand driven costs are reflected in the lower than budgeted supplier expenses.
- The lower suppliers and employee expenses (compared to budget) resulted in an increase in trade and other receivables, specifically appropriation receivable.

#### **Budget 2025-26**

The Commission expects to receive \$66.396m in appropriations, comprising:

- \$65.987m (per PBS) operating expenses - \$65.878m (PBS less election commitment saving \$0.109m)
- \$0.350m departmental capital budget
- \$0.168m equity injection.

### **Attachments**

**Attachment A – NACC Actuals to Budget 2024-25**

**Attachment B – NACC Actuals and 2025-26 PBS funding**

## Attachment A – NACC Actuals to Budget 2024-25

Funding/Expenditure		2024-25 PBS (\$m)	2024-25 Actual (\$m)	2024-25 Variance (\$m)
Operating expenses funding	Operating expenses	65.6	65.6	0.0
Departmental Expenses	Employees	39.9	35.3	4.6
	Suppliers	22.0	15.2	6.8
	Depreciation and amortisation	8.3	8.8	(0.5)
	Finance costs (interest on office leases)	0.2	0.7	(0.5)
	Principal lease payments (for all offices)	3.5	2.9	0.6
	Write-down and impairment of other assets	0.0	0.5	(0.5)
	<b>TOTAL</b>	<b>73.9</b>	<b>63.4</b>	<b>10.5</b>
Capital Funding	ICT and property	1.7	1.7	0.0
	Approved Movement of Funds 2024-25 MYEFO	9.3	9.3	0.0
Total capital funding	<b>TOTAL</b>	<b>11.0</b>	<b>11.0</b>	<b>0.0</b>
Capital Expenditure	ICT and property	11.0	2.3	8.7
Average Staffing Level*		266	213	53

\*Excludes Statutory Office Holders



## Attachment B – NACC 2024-25 Actuals and 2025-26 PBS funding

Funding / Expenses		2024-25 Actual (\$m)	2025-26 Budget (PBS 25-26) (\$m)	2026-27 Budget (PBS 25-26) (\$m)	2027-28 Budget (PBS 25-26) (\$m)	2028-29 Budget (PBS 25-26) (\$m)
<b>Departmental Expenses</b>	Employees	35.3	41.4	42.9	44.1	45.5
	Suppliers	15.2	21.6	22.0	22.2	22.3
	Depreciation and Amortisation	8.8	7.8	7.2	7.2	7.2
	Finance Costs	0.7	0.6	0.5	0.5	0.4
	Write-down and impairment of other assets	0.5	0.0	0.0	0.0	0.0
	<b>TOTAL</b>	<b>60.5</b>	<b>71.4</b>	<b>72.6</b>	<b>74.0</b>	<b>75.4</b>
<b>Revenue</b>	Revenue from Government	65.6	66.0	67.2	68.4	70.0
	Other (Resources received free of charge)	0.1	0.1	0.1	0.1	0.1
	<b>TOTAL</b>	<b>65.7</b>	<b>66.1</b>	<b>67.3</b>	<b>68.5</b>	<b>70.1</b>
<b>Total Comprehensive Income/(loss)</b>	Total Comprehensive Income/(loss)	<b>5.2</b>	<b>(5.3)</b>	<b>(5.3)</b>	<b>(5.5)</b>	<b>(5.3)</b>
<b>Impact of net cash appropriation arrangements</b>	Plus: Unfunded Depreciation/Amortisation	5.8	3.7	3.8	3.8	3.8
	Plus: ROU Depreciation/Amortisation	3.0	4.1	3.5	3.5	3.5
	Less: Lease principal repayments	(2.9)	(2.5)	(1.9)	(1.7)	(1.9)
	<b>NET Cash Operating Surplus/(Deficit)</b>	<b>11.1</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>Capital Funding</b>	ICT and Property	1.7	0.5	0.5	0.4	0.4
	Approved Movement of Funds 2024-25 MYEFO	9.3	0.0	0.0	0.0	0.0
	<b>TOTAL</b>	<b>11.0</b>	<b>0.5</b>	<b>0.5</b>	<b>0.4</b>	<b>0.4</b>
<b>Capital Expenditure</b>	ICT and property	2.3	<b>0.5</b>	<b>0.5</b>	<b>0.4</b>	<b>0.4</b>
<b>Average Staffing Level *</b>		213	266			

\*Excludes Statutory Office Holders

## 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.

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#### 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.

## 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
	Non-ICT	18	\$4,142,894
Total Limited Tender	ICT	7	\$640,858
	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
	Non-ICT	5	\$1,164,148
Total Limited Tender	ICT	0	\$0
	Non-ICT	4	\$141,898
TOTAL		9	\$1,306,046

\*values are rounded to the nearest dollar

## Summary of Limited Tender Procurements

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

Supplier Name	Value (GST Inc)* \$	Proportion of 2024-25 total Limited Tender ICT contract value	Proportion of 2024-25 total ICT 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)

Supplier Name	Value (GST Inc)* \$	Proportion of 2024-25 total Limited Tender non-ICT contract value	Proportion of 2024- 25 total non-ICT contract value
Geoffrey Arthur Nettle	\$648,000	25%	10%
Gary Bruce Hevey	\$360,000	14%	5%
National Convention Centre Canberra	\$285,610	11%	4%
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)

Supplier Name	Value (GST Inc)* \$	Proportion of 2025-26 total Limited Tender non-ICT contract value	Proportion of 2025- 26 total non-ICT 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

^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

### ES - Human Resources

09

This brief contains HR metrics and other staffing information.

#### STAFFING

	30 June 2024	30 June 2025	1/7/25 – 31/8/25
Headcount*	221	231	235
Average Staffing Level (ASL)*	189	217.8	221
Full Time Equivalent (FTE)*	211.9	225.6	228.4
Secondes**	3	5	6
Labour Hire**	7	7	5

\*Includes Statutory Office Holders

\*\*Salary for secondees and labour hire staff is paid by their home agency or the labour hire company

#### Employment arrangements for NACC staff

	30 June 2024		30 June 2025		31 August 2025	
Category	Headcount	FTE	Headcount	FTE	Headcount	FTE
Statutory office holders	5	5	5	5	6	6
Ongoing	206	193.3	217	212.4	221	215.6
Non-ongoing	10	13.6	9	8.2	8	6.8
<b>Total</b>	<b>221</b>	<b>211.9</b>	<b>231</b>	<b>225.6</b>	<b>235</b>	<b>228.4</b>

#### Staffing Levels by Branch

	30 June 2024		30 June 2025		31 August 2025	
Branch	Headcount	FTE	Headcount	FTE	Headcount	FTE
Enabling services	37	37.2	46	44.2	48	46.5
Operations	61	61.2	60	59.6	59	58.3
Operational Capability	32	30.7	34	34	37	36.5
Evaluation	33	30.8	35	33.4	34	32
Legal	16	11.4	20	18.8	18	16.8
MCCPE	20	18.6	20	20	22	21.8
Executive and Business Support	17	17	11	10.6	11	10.6
Statutory Office Holders	5	5	5	5	6	6
<b>Total</b>	<b>221</b>	<b>211.9</b>	<b>231</b>	<b>225.6</b>	<b>235</b>	<b>228.5</b>

## Staffing by gender as at 30 June 2024

	APS 3	APS 4	APS 5	APS 6	EL 1	EL 2	SES Band 1	SES Band 2*	Statutory Officers	Total
Female	1	6	16	40	40	13	3	0	2	121
Male	1	3	9	26	37	16	5	0	3	100
Total	2	9	25	66	77	29	8	0	5	221

## Staffing by gender as at 30 June 2025

	APS 3	APS 4	APS 5	APS 6	EL 1	EL 2	SES Band 1	SES Band 3	Statutory Officers	Total
Female	1	5	17	48	46	10	3	0	2	132
Male	1	1	15	23	40	12	4	0	3	99
Total	2	6	32	71	86	22	7	0	5	231

There is a higher proportion of female employees in the APS 4 – Executive Level 1 classifications.

There is higher proportion of male employees in the Executive Level 2 and SES classifications.

## Staffing by gender as at 31 August 2025

	APS 3	APS 4	APS 5	APS 6	EL 1	EL 2	SES Band 1	SES Band 3	Statutory Officers	Total
Female	1	4	14	42	52	13	2	0	3	131
Male	1	1	11	29	40	14	5	0	3	104
Total	2	5	25	71	92	27	7	0	6	235

## Staffing – Diversity 30 June 2025

Diversity information is self-reported by employees and recorded in Aurion.

Aurion HRMIS	#
Employees identifying as First Nations	2
Employees identifying as having a disability	11

Diversity information is self-reported by employees in the 2025 APS Census\*.

2025 APS Census	Percentage	Respondents
Employees identifying as First Nations	1%	2
Employees identifying as having a disability	8%	16
Culturally and linguistically diverse	24%	47

\*194 NACC employees responded to the 2025 APS Census.

## Staffing – Diversity 31 August 2025

Diversity information is self-reported by employees and recorded in Aurion.

Aurion HRMIS	#
Employees identifying as First Nations	2
Employees identifying as having a disability	11

Diversity information as self-reported by employees in the 2024 and 2025 APS Census.

2024 APS Census	Percentage	Respondents
Employees identifying as First Nations	1%	2
Employees identifying as having a disability	11%	20
Culturally and linguistically diverse	18%	33
2025 APS Census	Percentage	Respondents
Employees identifying as First Nations	1%	2
Employees identifying as having a disability	8%	16
Culturally and linguistically diverse	24%	47

## Staffing by location and classification 30 June 2024

Classification	Canberra	Sydney	Brisbane	Melbourne	Perth
APS 1-6	41	14	17	20	11
EL 1	34	17	10	14	3
EL 2	15	5	1	4	2
SES	5	1	0	1	0
Stat Officer	2	1	1	1	0
<b>Total</b>	<b>97</b>	<b>38</b>	<b>29</b>	<b>40</b>	<b>16</b>

## Staffing by location and classification 30 June 2025

Classification	Canberra	Sydney	Brisbane	Melbourne	Perth
APS 1-6	49	13	17	22	10
EL 1	39	14	10	15	8
EL 2	9	5	2	4	2
SES	6	1	0	0	0
Stat Officer	2	1	1	1	0
<b>Total</b>	<b>105</b>	<b>34</b>	<b>30</b>	<b>42</b>	<b>20</b>

## Staffing by location and classification 31 August 2025

Classification	Canberra	Sydney	Brisbane	Melbourne	Perth
APS 1-6	43	16	14	20	10
EL 1	40	17	13	14	8
EL 2	12	5	3	5	2
SES	6	1	0	0	0
Stat Officer	3	1	1	1	0
<b>Total</b>	<b>104</b>	<b>40</b>	<b>31</b>	<b>40</b>	<b>20</b>

## COMMENCEMENTS and RECRUITMENT

	2023-2024	2024-2025	1 July 2025 – 31 August 2025
New commencements	111	66	9
Positions advertised	48 (+11 EOIs)	51(+17 EOIs)	13 (Nil EOIs)
Current recruitment underway	-	-	13 (jobs advertised but the selection report was not finalised as at 31 August 2025)
<b>Total Positions Advertised</b>	<b>59</b>	<b>68</b>	<b>13</b>

## TOTAL NACC SEPARATIONS

	2023-2024	2024-2025	1 July 2025 – 31 August 2025
Transferred to another APS agency	24	32	1
Resignation	16	19	3
Retired (Age)	1	2	0
Completion of casual contract	0	2	0
Completion of non-ongoing contract	1	1	1
<b>Total</b>	<b>42 (22%)</b>	<b>56</b>	<b>5</b>

## WORKPLACE BEHAVIOUR AND WHS

	2023-2024	2024–2025	1 July 2025 – 31 August 2025
Bullying and harassment complaints	0	3	1
Code of Conduct matters finalised	0	0	2
Comcare claims accepted	2	1	0
Performance Management	0	1	0

Cleared by: GP

Action officer: s 22



## National Anti-Corruption Commission BRIEF ES - Statutory Office Holder Arrangements

10

This brief outlines arrangements for the Commission's Statutory Office Holders, including remuneration, travel arrangements, and relevant Commission 'home' office location.

### Key Points

- The Commission comprises of 5 Statutory Office Holders.
  - National Anti-Corruption Commissioner: The Hon Paul Brereton AM RFD SC
  - Three Deputy Commissioners: Dr Ben Gauntlett; Ms Kylie Kilgour; and Ms Nicole Rose PSM
  - Chief Executive Officer: Mr Philip Reed
- Former Deputy Commissioner Jaala Hinchcliffe was appointed to the Commission from 1 July 2023 until 11 February 2024 inclusive. Deputy Commissioner Kilgour was appointed to the Commission on 12 February 2024.
- The Statutory Office Holders have total remuneration, travel entitlements and allowances determined by the Remuneration Tribunal under the current *'Remuneration and Allowances for Holders of Full Time Public Office Determination 2025 and Remuneration Tribunal (Official Travel) Determination 2025'*.

### **Statutory Office Holder Remuneration and office locations**

- Information relating to the remuneration of all NACC Statutory Office Holders is publicly available and is outlined in *Remuneration and Allowances for Holders of Full Time Public Office Determination 2025*.
- The annual remuneration for each of the NACC Statutory Office Holders:
  - Commissioner: \$803,440
  - Deputy Commissioner: \$627,700
  - Chief Executive Officer: \$470,800
- The notional primary office locations of the NACC Statutory Office Holders are:
  - Commissioner Brereton: Canberra
  - Deputy Commissioner Gauntlett: Sydney
  - Deputy Commissioner Kilgour: Melbourne
  - Deputy Commissioner Rose: Canberra
  - Chief Executive Officer Reed: Brisbane
  - *Former Deputy Commissioner Hinchcliffe: Canberra*

- The notional primary office location of each Statutory Office Holder allows for the appropriate determination and calculation of travel allowance to be paid during official travel.

Statutory Office Holder Travel
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- Information relating to the travel entitlements and allowances of all NACC Statutory Office Holders is publicly available and are paid in accordance with *Remuneration Tribunal (Official Travel) Determination 2025*.
- Travel allowance is paid during official travel only. The *Official Travel* determination does not apply for travel between the place of residence and the primary office location.
- Travel undertaken by Commission staff, including Statutory Office Holders, is in accordance with the Whole of Australian Government travel policy and guidelines.
- Total Statutory Office Holder travel for the period 1 July 2025 to 31 August 2025 is \$7,517 (GST exclusive).
  - Flights: \$2,941
  - Accommodation and allowances: \$4,205
  - Transport costs: \$371
- Total Statutory Office Holder travel for the period 1 July 2024 to 30 June 2025 is \$113,629 (GST exclusive):
  - Flights: \$59,614
  - Accommodation and allowances: \$46,199
  - Transport costs: \$7,816
- Total Statutory Office Holder travel for the period 1 July 2023 to 30 June 2024 is \$194,833 (GST exclusive):
  - Flights: \$123,431
  - Accommodation and allowances: \$57,982
  - Transport costs: \$13,420

Refer to brief [SB24-000054](#) Travel for further information on costs.

Complimentary Airline Lounge Memberships

Statutory Officer	Qantas Chairman's Lounge	Virgin Beyond	Comments
Commissioner Brereton	Yes	No	<ul style="list-style-type: none"> <li>From 2011 to 2015, Commissioner Brereton had complimentary membership of the Qantas Chairman's Lounge associated with his Defence Appointment</li> <li>On 15 October 2023, The Commissioner was invited to resume his Qantas Chairman's Lounge membership which he accepted on 19 October 2023.</li> <li>Does not hold complimentary Virgin Beyond membership.</li> </ul>
Deputy Commissioner Gauntlett	Yes	No	<ul style="list-style-type: none"> <li>Currently holds complimentary Qantas Chairman's Lounge membership.</li> <li>Does not hold complimentary Virgin Beyond membership.</li> </ul>
Deputy Commissioner Kilgour	Yes	No	<ul style="list-style-type: none"> <li>Currently holds complimentary Qantas Chairman's Lounge membership.</li> <li>Does not hold complimentary Virgin Beyond membership.</li> </ul>
Deputy Commissioner Rose	Yes	Yes	<ul style="list-style-type: none"> <li>Currently holds Qantas Chairman's Lounge and Virgin Beyond memberships as Deputy Commissioner.</li> <li>Deputy Commissioner Rose has held these memberships for 4 to 5 years related to previous senior level roles.</li> </ul>
Chief Executive Officer Reed	Yes	No	<ul style="list-style-type: none"> <li>Currently holds Qantas Chairman's Lounge membership as CEO of the Commission – granted on 2 August 2023.</li> <li>Mr Reed previously had Chairman's Lounge membership from 2010 to 2018 (in his capacity as head of agency of a number of Queensland Government agencies, and then as CEO for the Royal Commission into Institutional Responses to Child Sexual Abuse).</li> <li>Does not hold complimentary Virgin Beyond membership.</li> </ul>

Complimentary Airline Lounge Membership for former Deputy Commissioner Jaala Hinchcliffe (who was appointed to the Commission from 1 July 2023 to 9 February 2024):

Statutory Officer	Qantas Chairman's Lounge	Virgin Beyond	Comments
Deputy Commissioner Hinchcliffe	Yes	No	<ul style="list-style-type: none"> <li>Held Qantas Chairman's Lounge Membership as a Deputy Commissioner.</li> <li>Previously had Chairman's Lounge Membership from when appointed as Integrity Commissioner of the Australian Commission for Law Enforcement Integrity</li> </ul>

Cleared by: GP

Action officer: s 22

**National Anti-Corruption Commission BRIEF****11****ES – Staff Travel**

Overview of travel for the Commission from 1 July 2024 to 31 August 2025 and high-level total Commission travel costs from 1 July 2024 to 31 August 2025.

Key Points

- There were no international trips between 1 July 2024 and 31 August 2025

**Total Commission Travel Costs 1 July 2025 to 31 August 2025****Total Commission Travel Costs (including SoH) 1 July 2025 to 31 August 2025**

Cost Item	Amount
Flights	\$96,661
Accommodation/Travel Allowances	\$129,932
Transportation	\$2,291
<b>Total travel costs*</b>	<b>\$228,884</b>

\*Total Travel Costs (GST exclusive) recorded in FMIS 1 July 2025 to 31 August 2025, excluding unreconciled Credit Card Transactions.

**Total Commission Travel Costs (excluding SoH) 1 July 2025 to 31 August 2025**

Cost Item	Amount
Flights	\$93,720
Accommodation/Travel Allowances	\$125,727
Transportation	\$1,920
<b>Total travel costs*</b>	<b>\$221,367</b>

\*Total Travel Costs (GST exclusive) recorded in FMIS 1 July 2025 to 31 August 2025, excluding unreconciled Credit Card Transactions.

**Travel for Statutory Office Holders – 1 July 2025 to 31 August 2025**

Traveller	Comm	CEO	DC Gauntlett	DC Kilgour	DC Rose	Totals
Flights	\$101*	\$2,840	\$0	\$0	\$0	\$2,941
Accommodation & Travel allowance	\$480	\$3,725	\$0	\$0	\$0	\$4,205
Transport	\$101	\$270	\$0	\$0	\$0	\$371
<b>Total Travel Costs</b>	<b>\$681</b>	<b>\$6,836</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$7,517</b>

\* The low cost is due to the use of a credit from a previously cancelled flight, to offset the cost of a flight in August (pre-refund cost is \$1,069)

## Total Commission choice of carriers – 1 July 2025 to 31 August 2025

	Total for Commission (incl SOH)	Commission staff (excl SoH)
Cost Item	1 July 2025 – 31 August 2025	
Number of trips	214	207
QANTAS	63%	62%
Virgin	36%	37%
Other	1%	1%

## Total Commission Travel Costs 1 July 2024 to 30 June 2025

## Total Commission Travel Costs (including SoH) 1 July 2024 to 30 June 2025

Cost Item	Amount (GST exclusive)
Flights	\$621,329
Accommodation/Travel Allowances	\$595,711
Transportation	\$166,809
Total travel costs*	\$1,383,849

\*Total Travel Costs (GST exclusive) recorded in FMIS 1 July 2024 to 30 June 2025, excluding unreconciled Credit Card Transactions.

## Total Commission Travel Costs (excluding SoH) 1 July 2024 to 30 June 2025

Cost Item	Amount (GST exclusive)
Flights	\$561,715
Accommodation/Travel Allowances	\$549,512
Transportation	\$158,993
Total travel costs*	\$1,270,220

\*Total Travel Costs (GST exclusive) recorded in FMIS 1 July 2024 to 30 June 2025, excluding unreconciled Credit Card Transactions.

## Travel for Statutory Office Holders – 1 July 2024 to 30 June 2025

Traveller	Comm	CEO	DC Gauntlett	DC Kilgour	DC Rose	Totals
Flights	\$24,492	\$12,611	\$5,773	\$13,780	\$2,957	\$59,614
Accommodation & Travel allowance	\$9,193	\$14,065	\$3,638	\$16,493	\$2,811	\$46,199
Transport	\$288	\$1,801	\$2,535	\$2,688	\$504	\$7,816
Total Travel Costs	\$33,973	\$28,477	\$11,946	\$32,961	\$6,272	\$113,629

## Total Commission choice of carriers – 1 July 2024 to 30 June 2025

	Total for Commission (incl SOH)	Commission staff (excl SoH)
Cost Item	1 July 2024 – 30 June 2025	
Number of trips	1,578	1,480
QANTAS	54%	53%
Virgin	44%	45%
Other	2%	2%

Cleared by: GP

Action Officer: s 22



## National Anti-Corruption Commission BRIEF

12

## ES - NACC Office Accommodation Overview

The National Anti-Corruption Commission (the Commission) operates from five locations – Canberra, Brisbane, Melbourne, Perth and Sydney.

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Key Points

- The Commission has completed the establishment of its national presence with offices operating in Perth, Brisbane, Melbourne, Sydney and its headquarters in Canberra.
- The Canberra office provides functional hearing room facilities to conduct both private and public hearings, and a will provide a reception for members of the public to access the Commission in person when these facilities become publicly disclosed.
- Only the publicly accessible location for Canberra has been disclosed in the 2023-24 Annual Report. All other office locations remain and will continue to remain, undisclosed.

Detail by Office location
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Canberra

- The Commission's new headquarters opened on 04 March 2024.
- The Commission divested its vacant lease spaces at its former location at 64 Northbourne Avenue which terminated on 07 June 2025. Negotiations for the makegood obligations have been finalised with the landlord with the Commission agreeing to a pay out of the make good obligation as an alternative to our management of these works. The final amount paid was \$789,913.04 GST inclusive (\$718,102.77 GST exclusive made up of \$676,739.27 from the make good provision and \$41,363.50 expensed in 2024-25).

Sydney

- The existing Sydney office lease expires in September 2026. A new non-binding Heads of Agreement was signed on Friday 22 August 2025 for the current site and the additional space on the current floor.
- Prior to signing the non-binding Heads of Agreement, alternative accommodation options were considered. This included:
  - On behalf of the Commission, Colliers submitted a business case to the Commonwealth Strategic Property Advisor (Deloitte) and a submission to the Department of Finance for consideration in October 2023.
  - An Expression of Interest (EOI) that went out to market seeking potential properties, closed 15 December 2023. This EOI was terminated, and a new market approach initiated. The new EOI closed on 17 September 2024.
  - On 20 August, an expression of interest was released to the Sydney market with responses due by 17 September. When the process closed and following final review by Colliers, 21 responses were received.
  - As part of the initial due diligence work by Colliers and the Commission, an assessment of Tender Compliance was undertaken. Following this assessment, 13 non-compliant submissions were excluded.
  - Site inspections occurred 05 December 2024 and the final shortlisted properties were re-inspected with the recommended site referred to the CEO for decision.

Melbourne

- Minor refurbishment works were completed in the Melbourne office to provide:
  - appropriate office space for the Melbourne based Statutory Office Holder
  - Improvements in the acoustic attenuation of intertenancy walls
  - Upgraded security infrastructure, e.g. security guard office, ASNet work point increase, etc.
  - Updates to staff facilities e.g. focus rooms, taskforce space, etc.
- An open market approach for the tender was undertaken.
- Works have been finalised with staff re occupying the office from 14 July 2025.
- The total cost of these works was \$1,271,520.

Brisbane

- Brisbane-based Commission staff commenced working in the Brisbane office from 22 January 2024.

Perth

- Commission staff commenced working in the Perth office from 08 April 2024.

Cleared by: GP	Action officer: s 22 [REDACTED]
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## Property Profile – Snapshot

Address	Net lettable area (NLA) m2	Lease commencement	Lease Cessation	Initial lease duration (months)	Length of extension (months)	Current Rent (Post Incentives GST incl) Per m2	Annual rent escalation rate (%)	Car spaces	Lease incentive (GST Incl) **	NABERS rating
<b>Perth</b> s 47E(d)	623.40	01/09/2023	31/08/2031	96	36	\$442.23	3.5%	3	\$1,790,604	4.5 stars
<b>Canberra</b> s 47E(d)	3,118.00	01/02/2024	31/01/2034	120	60	\$410.95	3.5%	16	\$6,000,761	5.5 stars
<b>Canberra</b> s 47E(d)	1,265.00	08/06/2016	07/06/2025	108	-	-	3.5%	6	\$-	4 stars
<b>Canberra</b> s 47E(d)	249.00	15/04/2021	07/06/2025	50	-	-	3.5%	1	\$ -	4 stars
<b>Sydney</b> s 47E(d)	724.10	15/09/2018	14/09/2026	96	24	\$1,336.96	4.0%	2	\$1,227,422	6 stars
<b>Melbourne</b> s 47E(d)	544.00	22/07/2022	21/07/2027	60	-	\$400.29	3.0%	1	\$693,025	5 stars
<b>Brisbane</b> s 47E(d)	830.00	01/10/2023	30/09/2031	96	36	\$476.16	3.25%	3	\$2,288,880	5 stars
	7,353.50								\$12,000,692	

\* leases at s 47E(d) have been divested; \*\* lease incentives applied as rent abatement

## National Anti-Corruption Commission BRIEF OP – Investigations

13

This brief provides a summary of the Commission's Investigations as at 31 August 2025.

### Key points

- Since 1 July 2023, the Commission has commenced **48 NACC investigations** (including **33** Commission-only and **15** joint investigations).
  - Sometimes multiple corruption issues are included in a single investigation. This is why there may be a difference between the total number of corruption issues under investigation and the total number of investigations.
- Of these, as at 31 August 2025 the Commission has:
  - **38 Current NACC investigations**, comprising:
    - 34 active investigations (25 Commission-only and 9 joint investigations)
    - 1 investigation with a brief of evidence referred to the CDPP for consideration
    - 1 investigation with an associated matter before the court (1 defendant)
    - 2 investigations where final reporting is underway
  - **10 finalised investigations (all in FY24-25)**
    - **9** concluding that no corruption issue arose (NCIA), and no further action was taken
    - **1** where a corruption finding was made and report provided to the Minister
  - See **3 - Finalised NACC investigations** for details.

### **Current financial year**

- Between 1 July 2025 to 31 August 2025, the Commission has commenced **8 investigations**, including **2 joint investigations**.

**Table 1: Status of NACC & Joint Investigations (as at 31 August 2025)**

	Status	NACC	Joint	Total
Ongoing	Active/ Investigation underway	25	9	34
	With the CDPP	-	1	1
	Before the Court		1	1
	Pending finalisation / S149 Reporting underway	1	1	2
Finalised	Finalised (without s149 report)	6	3	9
	Complete (s149 report)	-	1	1
	<b>TOTAL</b>	<b>32</b>	<b>16</b>	<b>48</b>

**See Attachment A for breakdown**

### **ACLEI inherited matters - outcomes & status**

- In matters which transitioned to us from ACLEI on 1 July 2023:
  - a. There have been **8** convictions
  - b. **3** matters remain before the courts and a further **1** matters (have briefs for prosecution under consideration by the CDPP



- c. We have published **3** investigation reports, one of them involving corruption findings against a former ABF officer

#### Status of ACLEI inherited Investigations (as at 31 August 2025)

Status		Transitioned	LEIC	Total
Ongoing	Active/ Investigation underway	2	1	<b>3</b>
	Under consideration by CDPP	1	-	<b>1</b>
	Before the Court	2	1	<b>3</b>
	Pending finalisation/ s54/s149 Reporting underway	-	3	<b>3</b>
Finalised	Finalised without a report	1	8	<b>9</b>
	Complete (s54 report/s149 report)	-	3	<b>3</b>
	<b>Subtotal</b>	<b>6</b>	<b>16</b>	<b>22*</b>
	<b>TOTAL</b>	<b>22</b>		

\* 1 investigation was finalised in 2023-24, making the total inherited ACLEI matters 22

#### See Attachment B for breakdown

#### What can the Commission investigate?

- The Commission investigates allegations of serious or systemic corrupt conduct within the Commonwealth public sector. This includes conduct that occurred before or after it was established.
- The Commission can investigate conduct of:
  - any person that adversely affects a public official's honest or impartial exercise of powers or performance of official duties
  - a public official that involves a breach of public trust
  - a public official that involves abuse of office
  - a public official or former public official that involves the misuse of documents or information they have gained in their capacity as a public official.
- Public officials include ministers, parliamentarians and their staff, and staff members of Commonwealth agencies. Staff members of Commonwealth agencies include individuals employed by or engaged in assisting the agency, and contracted service providers under Commonwealth contracts administered by the agency.
- **The Commission does not comment on ongoing investigations, as to do so may compromise operational activities or unfairly impact reputations.**

#### Joint investigations

When deciding whether to conduct a joint investigation, the Commission considers the:

- expertise, capacity and mutual interest of the partner agency to fully investigate the alleged corrupt conduct
- benefit of the specialised skills in the other agency
- benefits and risks of information sharing

- economies of sharing resources, particularly in complex or resource-intensive investigations
- powers of the partner agency and the utility of the Commission's additional powers.

#### Background - ACLEI Inherited Investigations at commencement

- The Commission inherited 22 investigations from the Australian Commission for Law Enforcement Integrity (ACLEI), in various stages of progress.
- Of these, there were 7 still-active investigations:
  - 6 transitioned to the *National Anti-Corruption Commission Act 2022* (NACC Act) investigations (5 in 2023-24. One additional investigation was subsequently transitioned in Q1 2024-25).
  - 1 remains an active investigation under the *Law Enforcement Integrity Commissioner Act 2006* (LEIC Act).
- Of the 15 LEIC Act matters where the investigative activity had been finalised, at the commencement of the Commission:
  - 8 matters either had ongoing court activity or were under consideration by the CDPP
  - 7 matters for which the final report was being prepared but had not been completed

#### **Status of ACLEI inherited Investigations at commencement**

<b>Status</b>	<b><i>Inherited (1-Jul-23)</i></b>
Active/ Investigation underway	7
Under consideration by CDPP	4
Before the Court	4
Reporting underway	7
Finalised	N/A
<b>TOTAL</b>	<b>22</b>

## Attachment A – All investigations commenced under the NACC Act (at 31 August 2025)

	Investigation	Start date	Type	Status	Notes
1	s 37(1)(a)	s 37(1)(a)	NACC	Active	
2	s 37(1)(a)		NACC	Active	
3	s 37(1)(a)	13 Sept 2023	Joint	Finalised s41(6)	Reconsidered to s41(6) no further action 14-Aug-24
4	s 37(1)(a)	s 37(1)(a)	NACC	s 47E(d)	
5	s 37(1)(a)	12 June 2024	NACC	Finalised s41(6)	Reconsidered to s41(6) no further action 24-Jun-25
6	s 37(1)(a)	3 Nov 2023	Joint	Finalised s41(6)	Reconsidered to s41(6) no further action 1-Sep-24
7	s 37(1)(a)	s 37(1)(a)	NACC	Active	
8	s 37(1)(a)	24 Nov 2023	NACC	Finalised s41(6)	Reconsidered to s41(6) no further action 5-Dec-24
9	s 37(1)(a)	s 37(1)(a)	NACC	Active	s 47E(d)
10	s 37(1)(a)	12 Dec 2023	Joint	Finalised s41(6)	Reconsidered to s41(6) no further action 5-Dec-24
11	Kingscliff	23 Jan 2024	NACC	Completed	Corruption findings made. These have been published via a s149 report, including a media statement.
12	s 37(1)(a)	s 37(1)(a)	Joint	Active	s 37(1)(a)
13	s 37(1)(a)		NACC	Active	
14	s 37(1)(a)		NACC	Active	
15	s 47E(d)	12 March 2024	NACC	Finalised s41(6)	Reconsidered to s41(6) no further action 14-Mar-2025
16	Pelican	18 March 2024	Joint	S149 Reporting Underway	Involves 1 defendant. Guilty plea entered on 17-Dec-24. Sentencing scheduled for 22-May-25.
17	s 47E(d)	23 March 2024	NACC	Finalised s41(6)	Reconsidered to s41(6) no further action 24-Jun-2025
18	s 37(1)(a)	s 37(1)(a)	NACC	Active	
19	s 47E(d)	16 April 2024	NACC	Finalised s41(6)	Reconsidered to s41(6) no further action 26-Nov-24
20	s 37(1)(a)	s 37(1)(a)	NACC	Active	
21	s 47E(d)	24 April 2024	NACC	Finalised s41(6)	Reconsidered to s41(6) no further action 17-Mar-2025



22	s 37(1)(a)	s 37(1)(a)	Joint	With s 37(1)(a)	s 47E(d)
23			NACC	Active	
24			Joint	Active	s 37(1)(a)
25			NACC	Active	
26			Joint	Active	
27			NACC	Active	
28			Joint	Active	s 47E(d)
29			NACC	Active	
30			NACC	Active	
31			Joint	Active	
32			Joint	Before the courts	Defendant before the courts (initiated by the s 37(1)(a))
33			NACC	Active	
34			NACC	Active	
35			Joint	Active	
36			Joint	Active	
37			NACC	Active	
38			NACC	Active	
39			NACC	Active	New investigation since last appearance
40			NACC	Active	New Investigation since last appearance
41			NACC	Active	New Investigation since last appearance
42			Joint	Active	New Investigation since last appearance
43			NACC	Active	New Investigation since last appearance
44			NACC	Active	New Investigation since last appearance
45			NACC	Active	New Investigation since last appearance
46			NACC	Active	New Investigation since last appearance
47			Joint	Active	New Investigation since last appearance
48			NACC	Active	New Investigation since last appearance

## Attachment B –Transitioned investigations (at 31 August 2025)

	Investigation	Start Date	Status at 1-Jul-23	Current Status	Notes
1	s 37(1)(a)	s 37(1)(a)	Active	Before the court	<b>Convicted</b> - s 47F(1)
2	s 37(1)(a)		Active	With s 47E(d)	s 37(1)(a)
3	s 37(1)(a)		Active	Active	
4	s 47E(d)	30-Jun-22	Active	FINALISED	<b>Conviction</b> recorded and sentenced 7-Apr-25 S41 NACC Act decision that s149 not required 3-Apr-25
5	s 37(1)(a)	s 37(1)(a)	Active	<del>Before the court</del> Update: Pending finalisation	<b>Convicted</b> 2 associated matters - s 47E(d) 3 associated matters with convictions achieved. (12-Mar-24, 19-Aug-24, 5-Dec-24) * Sentencing appeal Wei filed his appeal on 11 April 2025 *Appeal heard on 17 April and 2 July 2025 Update: Appeal dismissed 24 September 2025
6	s 37(1)(a)	s 37(1)(a)	Active	Active	s 37(1)(a)



## Attachment C –LEIC Act investigations (at 31 August 2025)

	Investigation	Start Date	Status at 1-Jul-23	Current Status	Notes
1	s 37(1)(a)	s 37(1)(a)	s 37(1)(a)	s 37(1)(a)	s 37(1)(a)
2	Carbunup	7-Dec-21	With CDPP	FINALISED (25-26)	1 defendant <b>convicted</b> on 04-Jun-25. s 42 LEIC Act decision that s 54 report not required 28-Jul-25
3	s 37(1)(a)	s 37(1)(a)	With CDPP	FINALISED (25-26)	s 42 LEIC Act decision that s 54 report not required 28-Jul-25 – s 47E(d)
4	Angelo	24-Feb-22	With CDPP	FINALISED	<b>Convicted</b> 29 October 2024. Appeal filed 24-Nov-24 s 42 LEIC Act decision that s 54 report not required 24-Jun-25
5	Meda	6-Oct-22	Before court	Reporting underway	<b>Convicted</b> on 6 September 2024, s54 reporting pending
6	Mint	13-Mar-22	Before court	Before court	1 committed for trial (scheduled for 27-Apr-26)
7	Roe	21-May-21	Reporting underway	FINALISED	1 defendant <b>convicted</b> in 23-24 s 42 LEIC Act decision that s 54 report not required 24-Jun-25
8	Nambung	20-Aug-19	Before court	FINALISED	1 defendant <b>convicted</b> in 23-24 s 42 LEIC Act decision that s 54 report not required 24-Jun-25
9	Overbeek	15-Jun-16	Reporting underway	FINALISED	s 42 LEIC Act decision that s 54 report not required 24-Jun-25
10	s 47E(d)	24-May-21	With CDPP	FINALISED	s 47E(d) s 42 LEIC Act decision that s 54 report not required 24-Jun-25
11	s 47E(d)	15-Jun-21	Reporting underway	FINALISED	s 42 LEIC Act decision that s 54 report not required 24-Jun-25
12	Elektra	1-Nov-18	Reporting underway	FINALISED	s 54 report published on 11- Jun - 25
13	s 37(1)(a)	s 37(1)(a)	s 37(1)(a)		
14	Wilson	7-Sep-21	Reporting underway	FINALISED	s 54 report provided to AG on 17-Dec-24. Public report published 12 Feb 2025
15	s 37(1)(a)	s 37(1)(a)	s 37(1)(a)		
16	Bannister	5-Mar-20	Reporting underway	FINALISED 2023-24	s 54 report provided to AG on 16-Jan-24- Published 9 Oct 24

Cleared by: Brendan Hough

Action officer: s 22

## National Anti-Corruption Commission BRIEF

### OC - Warrants and notices

14

A summary of the investigative powers exercised by the National Anti-Corruption Commission from 1 July 2023 to 31 August 2025.

#### Key Points

- Since commencement of operations, the Commission has exercised investigative powers pursuant to the *National Anti-Corruption Commission Act 2022* (NACC Act), and other law enforcement powers under the *Crimes Act 1914* (Crimes Act), *Telecommunications (Interception and Access) Act 1979* (TIA Act) and *Surveillance Devices Act 2004* (SD Act).
- Powers exercised under the NACC Act include directions and notices to produce, and confidentiality directions.

#### Key facts and figures

Figures are for *issued* warrants, directions, notices, or orders (or *authorised* in the case of Controlled Operations) not *executed*. **FYTD is 1 July 2025 to 31 August 2025.**

Directions and Notices issued	2023-24	2024-25	FYTD	Total
Directions to Produce <i>pursuant to subsection 57(2) of the NACC Act</i>	11	18*	12	41
Notices to Produce <i>pursuant to subsection 58(2) of the NACC Act</i>	110^	164**	35	309
Confidentiality Notices <i>pursuant to subsection 233(2) of the NACC Act</i>	38	63	15	116

^Excludes three s58 notices in Op Exford which were invalidly issued.

\* Includes 2 outside of Argus for Op Myrtleford. \*\* Includes 2 outside of Argus for Op Myrtleford.

Warrants and Production orders issued	2023-24	2024-25	FYTD	Total
Surveillance Device Warrants <i>pursuant to section 27A or Section 14 of the SD Act</i>	11	6	0	17
Telecommunication Interception Warrants <i>pursuant to sections 46/46A of the TIA Act</i>	13	9	0	22
Stored Communications Warrant <i>pursuant to section 116 of the TIA Act</i>	0	3	0	3
Search Warrants <i>pursuant to section 3E of the Crimes Act</i>	28	22	8	58
Production orders (to provide information, access or assistance to an electronic device) <i>pursuant to section 3LA of the Crimes Act</i>	23	21	7	51

Controlled Operations authorised	2023-24	2024-25	FYTD*	Total
Controlled Operations authorised	1	0	0	1

Cleared by:	Action officer: s 22
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## National Anti-Corruption Commission BRIEF OC - Agency Investigations

15

This brief provides a summary of the Commission's Agency Investigations.

### Key Points

- The Commission has the power under the NACC Act to refer matters to jurisdictional agencies for investigation. This can include with oversight (s50), the giving of Directions (s51), mandatory progress and/or completion reporting (s52) requirements. All of these are collectively referred to as being subject to 'oversight'.
  - Where an agency investigation was commenced by ACLEI and continued by the Commission, it is referred to as an investigation the Commission is 'monitoring'.
- As of 31 August 2025, there are 18 ongoing agency investigations across 8 jurisdictional agencies. The Commission is monitoring 5 of those investigations and has oversight of 13 of those investigations.

### Overview of Agency investigations (of 31 August 2025)

Status	NACC Act	Transitioned	LEIC Act	TOTAL
Ongoing	13	5	0	18

2023-24	NACC Act	Transitioned	LEIC Act	TOTAL
Commenced (or inherited)	5	12	19	36
Completed	0	2	13	15
<b>Ongoing as of 30 June 24</b>	<b>5</b>	<b>10<sup>^</sup></b>	<b>6</b>	<b>21</b>

<sup>^</sup>A further 15 agency investigations were inherited from ACLEI where the decision was taken that no report was required.

2024-25	NACC Act	Transitioned	LEIC Act	TOTAL
<i>Carried over 2023-24</i>	5	10	6	21
Commenced (or inherited)	11	N/A	N/A	11
Completed	5*	2	5	12
<b>Ongoing of 30 June 25</b>	<b>11</b>	<b>8</b>	<b>1</b>	<b>20</b>

\*includes 1 agency investigation commenced in 2023-24 which was reconsidered to a s41(2) corruption investigation in 2024-25 and is considered finalised.

2025-26	NACC Act	Transitioned	LEIC Act	TOTAL
<i>Carried over 2024-25</i>	11	8	1	20
Commenced (or inherited)	4	N/A	N/A	4
Completed	2	3	1	6
<b>Ongoing of 31 August 25</b>	<b>13</b>	<b>5</b>	<b>0</b>	<b>18</b>



## Oversight and Directions

Note: more than one type of oversight or direction may apply to a single agency investigation

Type of oversight or direction	Ongoing Agency investigations
s 50 oversight	0
s 51 give directions	1
s 52(a) mandatory progress report	4
s 52(b) mandatory completion report	18
s 53 make recommendations	0
s 54 require a follow up report	0

## COMMISSION APPROACH TO AGENCY INVESTIGATIONS

What assistance does the Commission provide to agencies with their investigations?

- The Commissioner has the power to give the agency directions about the planning and conduct of the investigation under s 51 of the NACC Act. The agency head must comply with the directions.
- The Commission is available to meet with agencies at any time throughout the life of an investigation to provide informal advice and guidance. The Commission believes that agencies should be empowered to undertake their own internal investigations. We meet quarterly with members of each agency carrying an investigation/s to obtain updates and ensure the investigations are progressing satisfactorily.

What mechanisms are in place to ensure agencies have the capability and capacity to conduct these investigations?

- The capability and capacity of agencies are considered when the Commission is evaluating how to deal with a corruption issue. This will be a factor that the Commission continues to consider for agencies that were not within ACLEI's jurisdiction but now fall under the Commission's jurisdiction, as our knowledge of their internal business processes continues to develop.
- Furthermore, the Commission has the power to reconsider the matter to be investigated by the Commission either alone or jointly with an agency. This avenue may be utilised to address an insufficient capability and/or capacity that either the Commission has identified in the agency or that the agency raises with the Commission.

What if an investigation is not conducted to an acceptable standard?

- If an investigation is not conducted to an acceptable standard, the Commissioner has legislative authority under the NACC Act to require further action.
- Under s 53 of the NACC Act, the Commissioner has the power to provide comments and additional recommendations regarding reports received under s 52 of the NACC Act. Under s 54 of the NACC Act, the Commissioner can also request follow-up action on a report provided by the agency. The agency head must comply with the request.

- If asked – how many times has the Commissioner provided comments, additional recommendations or a follow up report?
  - The Commissioner has not yet provided any comments or recommendations under s 53 or 54 of the Act.

#### How many times has the Commission requested reports under s 52 of the NACC Act?

- The Commission requested reports under s 52 of the NACC Act 11 times during the 2024-25 financial year and four times during the 2025-26 financial year.

#### SUMMARY OF AGENCY INVESTIGATIONS (as at 31 August 2025)

##### Monitored agency investigations (LEIC Act)

***Investigations that were subject to oversight by ACLEI and continue to be so under the Commission – report required under s 66 of the LEIC Act***

#	Identifier	Start date	End date*	Status	Transition pathway	Notes
1	INV s 47E(d)/ CIN s 47E(d)	24-Nov-23	15-Jul-25	Completed 2025-26	1	LEIC Act oversight and s66 report

##### ***Investigation where a report under s 66 of the LEIC Act required***

#	Identifier	Start date	End date*	Status	Transition Pathway	Notes
	N/A					

##### Monitored agency investigations (Transitioned Agency Investigations)

***Investigations where the Commission has decided a report under s 52 of the NACC Act is required***

	Identifier	Start date	End Date*	Status	Transition pathway	Notes
1	s 37(1)(a)					
2	INV s 47E(d)/ CIN s 47E(d)	16-Jul-21	03-Jul-25	Completed 2025-26	3	s 52(b) report
3	s 37(1)(a)					
4	INV s 47E(d)/ CIN s 47E(d)	2-Sept-22	15-Aug-25	Completed 2025-26	3	s 52(b) report
5	s 37(1)(a)					
6	INV s 47E(d)/ CIN s 47E(d)	6-Mar-23	3-Jul-25	Completed 2025-26	3	s 52(b) report
7	s 37(1)(a)					
8	s 37(1)(a)					

##### Agency Investigations (NACC Act)

***Investigations where the Commission has decided a report under s 52 of the NACC Act is required***



	Identifier	Start Date	End Date*	Status	Notes (if app)
1	s 37(1)(a)				
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					

**Completed in previous financial years**

	Identifier	Start Date	End Date*	Status	Oversight type
1	INV s 47E(d) / CASE s 47E(d)	09-Jun-23	21-May-25	Completed 2024-25	Transition Pathway 3
2	INV s 47E(d) / CIN s 47E(d)	24-Feb-23	16-Sep-24	Completed 2024-25	
3	INV s 47E(d) / CIN s 47E(d)	16-Mar-21	1-Jul-24	Completed 2024-25	
4	INV s 47E(d) / CIN s 47E(d)	21-Dec-21	16-Sep-24	Completed 2024-25	
5	INV s 47E(d) / CIN s 47E(d)	11-Nov-22	16-Apr-25	Completed 2024-25	Transition Pathway 1
6	INV s 47E(d) / CIN s 47E(d)	19-Dec-22	16-Apr-25	Completed 2024-25	Transition Pathway 5
7	INV s 47E(d) / CIN s 47E(d)	21-Mar-23	1-Jul-24	Completed 2024-25	
8	INV s 47E(d) / CASE s 47E(d)	12-Mar-24	15-Jul-24	Finalised 2024-25	Reconsidered to s41(1)(a) in 2024-25
9	INV s 47E(d) / CASE s 47E(d)	23-Apr-24	12-Mar-25	Completed 2024-25	

<b>10</b>	INV s 47E(d) / CASE s 47E(d)	20-May-24	01-Jul-24	Completed 2024-25	
<b>11</b>	INV s 47E(d) / CASE s 47E(d)	15-Jul-24	23-May-25	Completed 2024-25	
<b>12</b>	INV s 47E(d) / CASE s 47E(d)	5-Sep-24	5-Feb-25	Completed 2024-25	

*\*Being the date the Commissioner decides the outcome of the Completion Report*

### Background - ACLEI inherited agency investigations

- All matters referred back to agencies under the *Law Enforcement Integrity Commissioner Act 2006* (Cth) (LEIC Act) required the provision of a completion report to the former Australian Commission for Law Enforcement Integrity (ACLEI).
  - The *National Anti-Corruption Commission Act 2022* (Cth) (NACC Act) provides for discretionary reporting requirements and stipulates that the Commissioner may request the provision of a completion report.
- Upon the Commission's establishment, the Commissioner considered all the corruption investigations currently with agencies to determine the most appropriate way for them to be managed by the Commission.
  - This was guided by the five transitional pathways of the *National Anti-Corruption Commission (Consequential and Transitional Provisions) Act 2022* (Cth) (C&T Act).

#### Transitional pathways under the NACC Act:

1. On 1 July 2023, there was an incomplete investigation conducted by a law enforcement agency that was overseen and/or managed by the Integrity Commissioner – NACC Commissioner may oversee/manage under LEIC Act and LEIC Act reporting obligations apply – item 4, sch 2 C&T Act.
2. On 1 July 2023, there was a complete investigation conducted by a law enforcement agency that was overseen and/or managed by the Integrity Commissioner, but the report was not yet prepared – LEIC Act reporting obligations apply – rule 9(6)-(8) C&T Rules.
3. On 1 July 2023, there was an incomplete investigation conducted solely by a law enforcement agency referred under s 26(1)(b)(iii) – Referral taken to be made under s 41(1)(c) of the NACC Act and NACC Commissioner has a discretion in s 52 to request report – item 5, sch 2 C&T Act.
4. On 1 July 2023 there was an incomplete investigation conducted solely by a law enforcement agency that was referred under s 26(1)(c)(iii) – Part 3, Division 7 of LEIC Act continues to apply, report must be prepared under s 66 of LEIC Act – rule 9(2) of the C&T Rules.
5. On 1 July 2023, there was a complete investigation conducted solely by a law enforcement agency that had been referred to it either under s 26(1)(b)(iii) or s 26(1)(c)(iii) of the LEIC Act but the report was not yet prepared – LEIC Act reporting obligations apply – rule 9(6)-(8) C&T Rules.

Cleared by: Pete Ratcliffe s 22

Action officer: s 22

## National Anti-Corruption Commission BRIEF

### OC - Witness welfare

16

State anti-corruption and integrity commissions have faced scrutiny in recent years concerning their management of the welfare of witnesses and persons of interest to their investigations. This follows incidents where persons, particularly those subject to compulsory/coercive powers have attempted self-harm and, on several occasions, died by suicide. The witness welfare approaches of some state-based agencies have been closely scrutinised by oversight bodies and parliamentary inquiries and been subject to media publicity.

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#### Key Points

- The Commission currently employs two Witness Liaison Officers.
- The Commission has a witness welfare policy and Standard Operating Procedure. The policy was finalised on 8 March 2024. The Standard Operating Procedure was finalised on 13 June 2025.
- The witness welfare policy mandates the following to try and reduce the impact of its activities on those that interact with the Commission:
  - **mental health awareness training** for all staff who regularly interact with referrers, witnesses and persons of interest,
  - **the central coordinating role of a Witness Liaison Officer (WLO);**
  - the provision of an **information document** to referrers, witnesses and persons of interest in certain circumstances,
  - **risk assessment** of Commission investigation and reporting activities if there are concerns about the potential impact of these activities on the mental health or general welfare of a witness or person of interest, and
  - arrangement of a **police welfare check** if the mental health or welfare of a referrer, witness or person of interest is of immediate concern.
- The Commission has commenced mental health awareness training for all staff who regularly interact with referrers, witnesses and persons of interest.
- The Commission has secured the services of a specialised witness support service provider to ensure the services outlined in the policy can be provided to those who come into contact with the Commission during its investigative work, should they require it.
- The Commission has developed detailed procedures, guidance material and tailored training to ensure staff have a trauma informed approach to witness welfare.
- Witnesses are provided with an information document about Witness Liaison Officer support and specialised witness support services at key investigation touchpoints, including at interview, search warrant and when served a summons.
- Witness Liaison Officers attend coercive hearings to provide witness support throughout the hearing process and to refer to external specialised witness support services if required.

- The Commission is engaged with partner agencies in a witness welfare community of practice.

Key events
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- June 2023: Witness Welfare Policy drafted for consideration of Commissioner-designate and Chief Executive Officer-designate.
- November 2023: Draft Witness Welfare Policy provided to Inspector of the National Anti-Corruption Commission (Inspector NACC), Gail Furness SC, for feedback.
- November 2023: Inspector NACC provides feedback.
- 8 March 2024: Policy signed by the Commissioner and CEO.
- 22 April 2024: Approach to Market for Service Provider.
- 23 April 2024: Job Advertisement for Witness Liaison Officer went live.
- 7 June 2024: Following procurement process, Service Provider engaged.
- 19 August 2024: Witness Liaison Officer 1 commenced employment (background in Social Work). Exited the Commission in July 2025
- 2 September 2024: Witness Liaison Officer 2 commenced employment (background in Clinical Psychology). Exited the Commission in March/April 2025
- 3 February 2025: Witness Liaison Officer 3 commenced employment (background in Clinical Neuropsychology)
- 22 July 2025: Witness Liaison Officer 4 commenced employment (background in Social Work)

Cleared by: Pete Ratcliffe	s 22	
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Action officer: s 22	
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## National Anti-Corruption Commission BRIEF

### LG - Whistleblower protection reform

17

#### Key Points

- The Attorney General's Department is publicly consulting on further stage 2 public sector whistleblowing reforms.
- Policy and legal reform questions are best put to the AGD as they are a matter for government.
- However, the Commission has publicly made general comments relating to whistleblowers including the importance of there being a "no wrong door" approach to disclosure and made recommendations to amend the NACC Act to better protect whistleblowers.
- The Commission has previously commented on whistleblower reform. The Commission's CEO and General Manager Legal appeared before the Legal and Constitutional Affairs Legislation Committee's inquiry into the Whistleblower Protection Authority Bill 2025 on 13 August 2025.
- The Commission made a submission on 12 January 2024 to the AGD's public consultation on the stage 2 public sector whistleblowing reforms. The Commission also intends to make a submission to the AGD's exposure draft legislation amending the Public Interest Disclosure Act 2013 (PID Act) as part of stage 2 reforms.

#### **Importance of whistleblower protections**

- The Commission recognises the importance of whistleblowers in combating corruption.
- Corruption is often conducted secretly, depending on private influence and contact. For this reason, whistleblowers can play a critical role in exposing corruption and other conduct that would otherwise remain undetected, and ultimately in holding those responsible to account.
- Appropriate protections for whistleblowers are therefore important to facilitate, support and encourage the reporting of corrupt conduct by those most likely to have information about it.
- It is important that the protections available to whistleblowers are clear and unambiguous, so that potential whistleblowers can make informed decisions, so that disclosers are aware of and can invoke their protections, and so that those who might contemplate adverse action against a whistleblower are deterred.

#### **Commission's appearance before inquiry into the Whistleblower Protection Authority Bill 2025 on 13 August 2025**

- The Commission did not provide a written submission to the inquiry, however the CEO and General Manager Legal appeared before the Committee to give evidence at the public hearing on 13 August 2025.
- The Commission received 2 questions on notice arising from the inquiry:

- Senator Shoebridge: *"any distinct identified protections that the NACC has put in place to protect whistleblowers"*.
  - The Commission's response outlined the protections in place for persons interacting with the Commission, including whistleblowers (Attachment A).
  - The Commission subsequently updated its website to better inform referrers, whistleblowers and witnesses of the support and protections available to them – see [Protections for referrers, whistleblowers and witnesses](#).
- Senator Pocock: *"If the WPA's functions were housed in your office instead, how would you see that working in practice?"*.
  - The Commission's response outlined such reform would significantly change the Commission's remit and would require structural overhaul (Attachment B).
- The Committee ultimately recommended the Senate not pass the Bill and instead consider the evidence given as part of the stage 2 reforms to the PID Act, the statutory review of the *Corporations Act 2001*, and the *Taxation Administration Act 1953* frameworks.

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

- On 12 January 2024, the Commission provided a submission to AGD on the Stage 2 Public Sector Whistleblowing Reforms (Attachment C).
- The Commission made the following recommendations to amend the NACC Act:
  - To clarify that the protections in the NACC Act apply even where the whistleblower has reported conduct that does not meet the definition of 'corrupt conduct' or 'corruption issue' for the purposes of the NACC Act.
  - To strengthen the protections in section 24 of the NACC Act so that whistleblowers can access professional advice such as financial, legal and counselling services without liability.
  - To clarify that the Commission is not obliged to report whistleblowers to the police or prosecutors even if the disclosure reveals a potential breach of criminal law.
- The Commission also recommended extending standing to apply for orders under section 15 of the Public Interest Disclosure Act 2013 to integrity agencies such as the Commission, so that they can apply for remedies for reprisal actions on a discloser's behalf if needed.
- The submission acknowledged that a Whistleblower Authority could serve as a first port-of-call for potential disclosers who may be uncertain as to the correct reporting pathway.
- The Commission agreed with the observations of the recent Queensland review of the *Public Interest Disclosure Act 2010* (Qld) regarding the need for caution in adding a new body to an already crowded integrity landscape.
- Potential conflicts of interest could also arise in housing all the relevant functions, including provision of advice and support, in one agency.

- The Commission was of the view that reform should be on ensuring:
  - effective 'no wrong door' policies and procedures (including provision for transfer between agencies and regimes without prejudice to protections); and
  - greater effective, practical support for disclosers prior to, during and after making a disclosure, regardless of the legislative framework that applies; for example, referrals for psychological support and legal advice, advocacy services for whistleblowers, assistance in relation to taking action for civil remedies, and assistance in relation to whom and how to report reprisal action.
- The submission noted the Commission was at the time disinclined to be supportive of a rewards scheme (distinct from a compensation scheme) for whistleblowers under the PID Act – noting it was the Commission's experience that people do not need an incentive or a reward to report matters of concern to the Commission. Though, this may differ in other contexts.

How can the NACC Act be amended to better protect whistleblowers?

- As outlined in the Commission's 12 January 2024 submission to AGD:
  - Clarifying the definition of 'corrupt conduct' and 'corruption issue'
    - In its interpretation and application of the NACC Act, the Commission is guided by the Revised Explanatory Memorandum that accompanied the NACC Bill during its passage to Parliament.
    - The Revised Explanatory Memorandum provides at paragraphs 2.83 and 2.84 that if an allegation or information concerns conduct that would not satisfy the definition of 'corrupt conduct' in section 8, the allegation would not give rise to a corruption issue that is within the Commissioner's jurisdiction to investigate or otherwise deal with.
    - Section 32 provides that any person may refer a corruption issue or provide other information about a corruption issue to the Commissioner. If there is no corruption issue the protections appear not to apply to the people who make referrals.
  - Strengthening protections available through section 24
    - Section 24 of the NACC Act provides that people making NACC disclosures are not subject to any civil, criminal or administrative liability, nor may relevant contractual obligations be enforced against them.
    - 'NACC disclosures' are defined in section 23 of the NACC Act. They are limited to referring corruption issues to the Commissioner or IGIS or NACC corruption issues to the Inspector; as well as giving information and evidence to the Commissioner, IGIS or the Inspector.
    - Section 24 of the NACC Act would not apply to, for example, people telling a lawyer about their suspicions in the lead up to or during the process of referring a corruption issue to the Commission, nor if they sought counselling during or after the process.



Such disclosures are not protected under the NACC Act and could therefore be used against the person and potentially deter them from referring issues.

- Clarifying there is no obligation for the Commission to report whistleblowers
  - Section 229 of the NACC Act provides that the Commissioner and Commission staff may disclose information they have obtained to exercise their powers or perform functions or duties in limited circumstances. Only the Commissioner may disclose information to the head of a Commonwealth, State or Territory agency such as a police force or Director of Public Prosecutions, and then only if it is appropriate to do so.
  - A breach of section 229 of the NACC Act may lead to a conviction for an offence for the individual involved. Despite these provisions, persons wishing to make a referral may still be deterred by the thought that the Commission may report them to the police.

The Commission's submission to AGD on the exposure draft legislation of the PID Act
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- On 10 September 2025 the Attorney General's Department opened consultation on exposure draft legislation that would improve the accessibility, operation and administration of the Public Interest Disclosure Act 2013 (PID Act) as part of stage 2 reforms.
- The Commission is reviewing the exposure draft legislation and intends making a submission.

Attachments:

- A. Answer to question on notice, 13 August 2025.
- B. Answer to question on notice, 19 August 2025.
- C. Submission to Attorney-General's Department on Stage 2 Public Sector Whistleblowing Reform (12 January 2024).

Cleared by: Rebekah O'Meagher	Action officer: s 22
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**Legal and Constitutional Affairs Committee**  
**Inquiry into the Whistleblower Protection Authority Bill 2025**

Hearing date: 13 Aug 2025

Type: verbal question on notice

**Senator SHOEBRIDGE:** If you could just respond to my question. You are providing the same resources in the form of witness liaison officers to persons of interest, who are colloquially known as targets, as you're providing to the whistleblower—a potentially incredibly vulnerable whistleblower who came to your organisation in the first place. You're providing the same resources, aren't you?

**Mr Reed:** We're using the same processes to deal with people who come through. These are corruption issues, and we're trying to define whether they need to be investigated or not investigated. We understand that the more we work on a particular matter through a preliminary investigation, or a full investigation, we are dealing at times with quite vulnerable people who are not identifying as whistleblowers; they're identifying as people raising a corruption issue. We will then ensure that the protections under our act apply to those individuals where it's an issue that is actually within our jurisdiction. But most of the matters that come to us are not within our jurisdiction.

**Senator SHOEBRIDGE:** I don't see anything distinct that the NACC has put in place to protect whistleblowers, and, if I'm wrong in that, please feel free to answer on notice any distinct identified protections that the NACC has put in place to protect whistleblowers.

**Mr Reed:** We're happy to take that on notice.

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**National Anti-Corruption Commission response:**

*Protections for Whistleblowers*

The *National Anti-Corruption Commission Act 2022* (**NACC Act**) does not use the term 'whistleblower'; however, it provides protections to *anyone* who refers a corruption issue, or provides information or evidence, to the National Anti-Corruption Commission (**Commission**). They cannot be subject to any civil, criminal or administrative liability (including disciplinary action) for doing so, and no contractual or other right or remedy can be enforced against them. This includes (but is not limited to) absolute privilege in proceedings for defamation, and protection from termination of employment for making

the disclosure. These protections override all other laws of the Commonwealth. These protections (unlike some of those available under the *Public Interest Disclosure Act 2013*), are not conditioned on any ‘good faith’ or ‘reasonable grounds’ requirement.

These protections apply to whistleblowers (defined for present purposes according to the ordinary meaning of the term as individuals who have inside knowledge of misconduct or wrongdoing within an organisation, often by virtue of current or previous employment with that organisation, and who report such conduct), but also to all other referrers. Many referrals that could be from whistleblowers are anonymous, although they appear to be from someone with inside knowledge. Many individuals who do not satisfy the definition of whistleblower (because they are not ‘insiders’) nonetheless have similar vulnerabilities. For those reasons, it is inappropriate in the context of the Commission to have particular protections that are available to and only to ‘whistleblowers’ as defined. All referrers to the Commission receive the statutory protections, and the Commission tailors its dealings with individual referrers according to their circumstances on a case-by-case basis.

The Commission has produced a factsheet for whistleblowers outlining in plain English the protections that are available to them. The factsheet can be accessed on the Commission's website: <https://www.nacc.gov.au/reporting-and-investigating-corruption/protections>.

### *Confidentiality*

Referrals can be – and many are – anonymous. The Commission’s webform referral process gives referrers the option of making a referral anonymously. This enables whistleblowers who do not wish to compromise their identity at all to provide information to the Commission. (However, it can also affect how the Commission deals with the issue, because it often limits opportunities to obtain further information).

Section 228 of the NACC Act has the effect of protecting the confidentiality of persons who make a report to the Commission. Commission staff are required to sign a *Confidentiality and Secrecy Declaration*, acknowledging that they understand their confidentiality obligations.

In hearings, the Commission has avoided disclosing information from which a whistleblower who wishes to remain unidentifiable could be identified. In reports, where appropriate, the identity of referrers can be concealed.

Where the Commission is considering disclosing a referral externally (e.g. under sub-section 41(1) or section 229), a key consideration is the potential impact on the referrer, particularly when they have expressed concerns about repercussions or reprisals. Practically, the Commission may decide not to refer a matter to an agency because of the

risk to the referrer. If it is minded to make a disclosure when a referrer has expressed such concerns, the Commission consults with the referrer, and to date has not made a disclosure contrary to a referrer's wishes.

#### *Policies and Procedures*

The Commission's *Witness Welfare Policy* and *Witness Welfare Standard Operating Procedure* apply for all referrers, including whistleblowers. They require staff whose duties involve direct contact with referrers, witnesses or persons of interest to undertake mental health awareness training (proposed to commence in September 2025). Staff are also required to escalate witness welfare issues to their manager and the Witness Liaison Team.

The Commission's *Response Guideline Standard Operating Procedure* prescribes how and when the Intake and Triage team responds to contacts. It includes that Intake and Triage staff play a key role in informing referrers of the protections available under the NACC Act when making disclosures, to assist them to make informed decisions.

#### *Witness Liaison Team*

As outlined on the Commission's website, all witnesses – including whistleblowers - have access to our specialist Witness Liaison Team, to help them access information and support in their dealings with the Commission. A witness is defined as including someone who provides information to the Commission and a person who is impacted by the Commission's functions or powers. As a result, the Witness Liaison Officers can be and have been an important support for whistleblowers.

The Witness Liaison Team contacts witnesses where appropriate to assess their wellbeing and formulate a support plan suited to their specific needs and circumstances. The Witness Liaison Team can assist with information and refer witnesses to independent wellbeing support and counselling services. However, they do not discuss evidence or provide counselling services. The Commission has an agreement with a dedicated independent psychological services provider which allows those who interact with the Commission to access free psychological support sessions. This service provider is independent of the Commission and does not report back to the Commission.

The Witness Liaison Team can also refer whistleblowers to the Human Rights Law Centre Whistleblower Project, with whom the Commission has cooperated in a number of matters. The Commission has received very positive feedback from the Human Rights Law Centre in relation to the support provided by the Witness Liaison Team to whistleblowers referred to the Commission by the Centre. At a recent presentation to the Commission,

the Centre stated that in their view this function was a successful initiative by the Commission in mitigating concerns of whistleblowers.

### **Case studies**

#### *Matter One*

The Commission has received referrals from whistleblowers represented by the Human Rights Law Centre. In one matter, the whistleblower had concerns in relation to the provision of evidence to the Commission, including the potential for retaliatory action and destruction of evidence. The whistleblower, the Centre and the Commission worked co-operatively, resulting in an expedited assessment of the referral and the lawful obtaining of the evidence through the exercise of the Commission's coercive powers without compromising the whistleblower's confidentiality. The Human Rights Law Centre has commended the manner in which the Commission deals with whistleblowers.

#### *Matter Two*

A significant Commission investigation involves a whistleblower with concerns about retaliatory action and the protection of their identity. The Commission's Operations, Legal, and Operational Capabilities branches worked together to ensure the whistleblower was properly informed about the protections available under the NACC Act, their choices, and what the Commission was able to do to protect their identity, including the limits on the protections available. Decisions about what could be used in hearings have been guided by the protection of the identity of the whistleblower, and their identity has not been disclosed or compromised.

**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?

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**National Anti-Corruption Commission response:**

The National Anti-Corruption Commission (**Commission**) operates under the *National Anti-Corruption Commission Act 2022* (Cth) (**NACC Act**). Any amendment to the NACC Act to incorporate the proposed functions of the Whistleblower Protection Authority (**Authority**) is a matter for government, particularly given this involves significant policy considerations.

However, the Commission provides the following observations.

The Authority's functions are predominantly tied to 'disclosures of wrongdoing' as defined by the Bill. *Disclosure of wrongdoing* means disclosures under various regimes, including the *Public Interest Disclosure Act 2013*, *Corporations Act 2001*, NACC Act, and disclosures about wrongdoing in accordance with any other Commonwealth law.

Those functions relating to disclosures of wrongdoing are very wide-ranging, extending to providing advice and guidance relating to making of disclosures, receiving disclosures, referring disclosures to appropriate agencies and monitoring them, ensuring appropriate support and protection to persons who make disclosures, investigating issues of reprisal and detrimental action arising or resulting from disclosures, and commencing proceedings in a court, or making applications to an industrial, civil or administrative body, to enforce the Bill or any Commonwealth law containing whistleblower protection responsibilities.

Although there is some overlap, the disclosures of wrongdoing in respect of which the Authority is intended to have functions are much broader than the Commission's current statutory remit. There are also different pathways for making referrals and some divergence in statutory protections for the various disclosure regimes.

Accordingly, vesting jurisdiction in the Commission for these other disclosure regimes would significantly change the Commission's remit. It would substantially broaden the

Commission's functions and increase its responsibilities and operational activities. It would involve a recasting of the Commission's statutory purpose, which enlivens various policy, budgetary and governance considerations.

In practice, the significant change in remit would likely result in a structural overhaul of the Commission. This could include, for example:

1. a dedicated statutory office holder responsible for the new functions;
2. new branches/teams – e.g. an 'Oversight Branch' responsible for monitoring, managing, overseeing, reviewing and reporting on agencies dealing with disclosures of wrongdoing and issues of reprisals; and
3. an increase in Intake & Triage staff commensurate with the increased number of disclosures.

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.





National Anti-Corruption Commission

# **Submission to Stage 2 Public Sector Whistleblowing Reforms**

**Submission by the National Anti-Corruption Commission**

**12 January 2024**

# National Anti-Corruption Commission Submission: Stage 2 Public Sector whistleblowing reforms

## 1. Introduction

- 1.1 The National Anti-Corruption Commission (Commission) welcomes the opportunity to make this submission to the **Attorney General's Department (AGD)** in response to the *Consultation Paper on Public Sector Whistleblowing Reforms: Stage 2 – Reducing Complexity and Improving the Effectiveness and Accessibility of Protections for Whistleblowers* (Consultation Paper).

The National Anti-Corruption Commission

- 1.2 The Commission is an independent Commonwealth agency. The Commission's mission is to enhance integrity in the Commonwealth public sector by deterring, detecting and preventing corrupt conduct involving Commonwealth public officials through education, monitoring, investigation, reporting and referral. We detect, investigate and report on serious or systemic corruption in the Commonwealth public sector. We also educate federal parliamentarians, their staff, the public service and the public, about corruption risks and prevention.

The importance of whistleblower protection in combating corruption

- 1.3 The Commission makes this submission given the importance of whistleblowers in combating corruption, and thus our interest in ensuring that anyone who reports suspected corrupt conduct to the Commission or elsewhere has appropriate protection from liability and reprisals. Such protections facilitate, support and encourage the reporting of corrupt conduct by those most likely to have information about it.
- 1.4 Corruption is essentially about the misuse of public power, position or property, usually for private purposes. Corruption erodes the public's perception of good government and undermines confidence in our democratic institutions. Corruption diverts resources from the public purposes for which they are intended, and increases the cost of goods and services to the Australian public. It can directly impact the rights and welfare of citizens.
- 1.5 Corruption is conducted secretly. It depends on private influence and contact. For this reason, whistleblowers play a critical role in exposing corruption and other conduct that would otherwise remain undetected, and in holding those responsible to account. The risk of corruption is elevated in environments where reporting is not

facilitated and adequately protected.<sup>1</sup> The importance of providing protections for whistleblowers is emphasised in many international instruments.<sup>2</sup>

- 1.6 It is important that the protections available to whistleblowers are clear and unambiguous, so that potential whistleblowers can make informed decisions, so that disclosers are aware of and can invoke their protections, and so that those who might contemplate adverse action against a whistleblower are deterred. For this reason, the Commission recommends that there be a consistent approach to whistleblower protection across the Commonwealth public sector. Further, provision of appropriate support for whistleblowers prior to, during and after making a referral is important, not only for their own welfare, but also to facilitate their provision of information and their ongoing engagement with any investigation or subsequent process.

#### Summary of submission

- 1.7 The main themes of this submission are:
- a. The protections available to whistleblowers should be consistent across the Commonwealth public sector, and should be “world’s best practice”;
  - b. For internal disclosures made to a competent authority (including to the Commission), protections should not be conditioned on the existence of a basis for the disclosure, nor on the belief (or state of mind) of the discloser, although liability for intentionally false or misleading statements should be maintained;
  - c. There should be “no wrong door” for whistleblowers who seek to report corrupt conduct, so that the availability of protections does not depend on the discloser identifying the appropriate regime or agency to which to make a disclosure.
  - d. Agencies should provide practical support for whistleblowers seeking to report corrupt conduct prior to, during and after they make a report.
- 1.8 This submission is informed by international anti-corruption and whistleblower protection standards. In this submission, the terms “whistleblower”, “discloser”, “reporter”, “referrer”, and “reporting persons” are used interchangeably.

## 2. Background

#### Existing protections for NACC disclosers

- 2.1 The Commission operates under the *National Anti-Corruption Commission Act 2022* (Cth) (NACC Act) which defines our jurisdiction and what corrupt conduct is. The NACC Act protects persons who make disclosures to the Commission (NACC disclosers) from liability and reprisals. It also protects the confidentiality of their

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<sup>1</sup> [G20 High-Level Principles for the Effective Protection of Whistleblowers](#) (2019).

<sup>2</sup> For example: [United Nations Convention Against Corruption](#) art 33; Conference of the State Parties to the UN Convention against Corruption, *Resolution on protection of reporting persons*, 10<sup>th</sup> sess, (15 December 2023) (attached to this submission).

identity. In addition, the Commission has developed, or is developing, policies and processes for the support of persons, including whistleblowers, who engage with it.

#### Protections from liability and reprisals

2.2 Part 4 of the NACC Act provides protections for disclosers under the NACC Act from liability and reprisals. In particular:

- Any person who makes a referral, provides information or gives evidence to the Commission about a corruption issue (that is, makes a 'NACC disclosure') is protected from all civil, criminal or administrative liability (including disciplinary action) for doing so, and no contractual right or remedy can be taken against them.<sup>3</sup>
- It is a criminal offence for anyone to take, or threaten to take, reprisal action of any kind against a person for making a referral, providing information or giving evidence to the Commission.<sup>4</sup> A 'reprisal' is when a person causes another person detriment because they believe or suspect that the other person has, may or could disclose a corruption issue to the Commission.<sup>5</sup>

2.3 Where a witness provides information to the Commission as a result of the use of the Commission's coercive powers (such as in response to a notice to produce or at a hearing) this information is also a NACC disclosure<sup>6</sup> and thus attracts the liability and reprisal protections.

2.4 Notably, these protections are not conditioned on any "good faith" requirement. However, the liability of a discloser for intentionally providing false or misleading information to the Commission is preserved;<sup>7</sup> and a discloser cannot obtain immunity for their own misconduct by self-reporting it to the Commission.<sup>8</sup> While these protections are significant and meet the essential requirements for whistleblower protection, they do not include the civil remedies that are available to PID disclosers under the PID Act, and there is doubt as to the scope of disclosures that attract protection, discussed below.<sup>9</sup>

#### Confidentiality

2.5 Maintaining the confidentiality of a reporting person's identity can be important in protecting them from reprisals, and assurances of confidentiality can be important in encouraging potential disclosers to report.

2.6 Although the protections in Part 4 of the NACC Act otherwise broadly mirror the protections available under the PID Act, there is no equivalent in the NACC Act to the

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<sup>3</sup> NACC Act, s 24.

<sup>4</sup> NACC Act, s 30.

<sup>5</sup> NACC Act, s 29.

<sup>6</sup> NACC Act, s 23(c).

<sup>7</sup> NACC Act, s 25.

<sup>8</sup> NACC Act, s 26.

<sup>9</sup> See Section 3 below.

offence in section 20 of the PID Act concerning disclosure or use of identifying information. However, it is an offence for a Commission staff member to make a record of, or disclose, information obtained in the course of their duties, unless permitted to do so by an exception in the NACC Act.<sup>10</sup> The chief exception is if the record or disclosure is made for purposes connected with the exercise of powers, or the performance of the functions or duties, of the Commissioner.<sup>11</sup> Commission staff are required to sign a Confidentiality and Secrecy Declaration, acknowledging that they understand their obligations under relevant legislation. Section 228 has the effect of protecting the confidentiality of persons who make a report to the Commission.<sup>12</sup>

- 2.7 Although section 228 of the NACC Act provides a measure of protection for the confidentiality of a discloser's identity by imposing confidentiality obligations on the Commission's staff, this may not be effective to prevent an identity being revealed by a third party who has become aware of the identity, potentially through being involved in a corruption investigation as a witness or person of interest. However, these circumstances may be covered by the offences for disobedience of a non-disclosure notation or non-disclosure direction.

#### Other support for NACC disclosers

- 2.8 The Commission is developing a *Witness Welfare Policy* (the Policy) for Commission staff members who interact with referrers, witnesses or persons of interest in the course of the assessment and investigation of corruption issues and related reporting processes under section 149 of the NACC Act. The purpose of the Policy is to minimise the potential for the Commission's investigative and reporting processes to cause harm, insofar as this is reasonably practical, having due regard to the Commission's objectives and overall purpose.
- 2.9 To this end, the Policy will mandate:
- a) mental health awareness training for all staff who regularly interact with referrers, witnesses and persons of interest;
  - b) the central coordinating role of a Welfare Management Officer (WMO);
  - c) the provision of an information document to referrers, witnesses and persons of interest in certain circumstances;
  - d) risk assessment of Commission investigation and reporting activities if there are concerns about the potential impact of these activities on the mental health or general welfare of a witness or person of interest; and
  - e) conduct of a welfare check if the mental health or welfare of a referrer, witness or person of interest is of immediate concern.

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<sup>10</sup> NACC Act, s 228(1).

<sup>11</sup> NACC Act, s 229(1).

<sup>12</sup> Revised Explanatory Memorandum, National Anti-Corruption Commission Bill 2022 (Cth) and National Anti-Corruption Commission (Consequential and Transitional Provisions) Bill 2022 (Cth) 4.12 (Explanatory Memorandum).

- 2.10 In addition, witnesses are permitted to disclose information to legal and medical professionals despite non-disclosure notations or directions being in place for a notice, summons or investigation material.
- 2.11 When reporting persons contact the Commission regarding a voluntary referral, they are informed of the protections available to them (as outlined on the Commission's website<sup>13</sup>) and requested to provide information and contact details via a web form. They are informed that if the Commission requires any further information, they will be contacted directly.
- 2.12 Although the Commission is not under any legal duty to consider whether to deal with any corruption issue that is referred to it, as a matter of policy the Commission provides referrers with short reasons for decisions not to investigate matters referred. If a matter is progressed to investigation, a Commission case officer is allocated who is responsible for managing any contact with the referrer. Should further engagement with a referrer be required, wherever possible, that case officer is the ongoing point of contact.
- 2.13 Section 158 of the NACC Act provides that the Commissioner may advise a person of the outcome of an investigation of a corruption issue that was raised by that person.

#### Interaction of the Public Interest Disclosure Act 2013 (Cth) with the NACC Act

- 2.14 There are several interactions between the NACC Act and the *Public Interest Disclosure Act 2013* (Cth) (PID Act).

#### *Mandatory referrals: NACC Act s 35*

- 2.15 Under section 35 of the NACC Act, PID officers have mandatory referral obligations to the Commission in relation to corruption issues of which they become aware in the course of performing their functions as a PID officer, if the issue concerns the conduct of a person who is or was a staff member of the PID officer's agency while a staff member, and the PID officer suspects that it could involve corrupt conduct that is serious or systemic. This includes where the PID officer becomes aware of a corruption issue through an internal disclosure made under the PID Act.
- 2.16 Following referral of a corruption issue to the Commission, a PID officer is still obliged to handle or deal with the internal disclosure in accordance with the PID Act, unless the Commissioner issues a stop action direction.
- 2.17 If the PID officer makes a referral to the Commission of an issue of which they become aware through an internal disclosure made under the PID Act, the PID officer must notify the original discloser as soon as reasonably practical.
- 2.18 A PID officer who makes a mandatory referral to the Commission obtains the protections in Part 4 of the NACC Act. The original discloser retains the protections in the PID Act.

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<sup>13</sup> [Protections | National Anti-Corruption Commission \(NACC\)](#).



*NACC disclosures as PID disclosures: PID Act s 26(1A)*

- 2.19 In accordance with section 26(1A) of the PID Act, disclosures of corruption issues made directly to the Commission are recognised as public interest disclosures under the PID Act, if the person disclosing the information is or was a public official under the PID Act, but only if the information tends to show disclosable conduct, or the discloser believes on reasonable grounds that it does so. In such a case, the discloser is covered by both the protections in the NACC and PID Acts.
- 2.20 A PID discloser receives the same protections (from liability and reprisals) as a NACC discloser, but:
- a PID discloser additionally obtains access to the civil remedies for reprisals (including compensation, injunctions, apologies, and reinstatement) provided in the PID Act;
  - a PID discloser's protections depend on the disclosure objectively tending to show disclosable conduct, or the discloser believing on reasonable grounds that it does so. Subject to the comments made below about the scope of a protected 'NACC disclosure', a NACC discloser's protections are not so conditioned.
- 2.21 It is undesirable that there be different conditions for protection depending on which regime is invoked, whether the discloser selects the correct regime or agency (at least so long as the disclosure is to a competent authority and not external), and whether the agency decides to investigate or refers the matter elsewhere.

### 3. Clarification of NACC Act protections

- 3.1 Section 23 of the NACC Act defines 'NACC disclosure' for the purposes of the NACC Act. This definition is also adopted in the PID Act, through section 8 of that Act.
- 3.2 Under section 23, a NACC disclosure includes "where a person refers, or provides other information about, a corruption issue to the Commissioner or the IGIS under Part 5". Part 5 makes provision for voluntary and mandatory referral of corruption issues to the Commission. "Corruption issue" is defined in section 9 as meaning an issue of whether a person has engaged, is engaging or will engage in corrupt conduct. "Corrupt conduct" is defined in section 8 as meaning any conduct of any person that adversely affects the honest or impartial exercise or performance of any Commonwealth public official's powers, functions or duties; any conduct of a Commonwealth public official that involves a breach of public trust; any conduct of a public official that involves abuse of the person's office; and any conduct of a public official that involves the misuse of official information.
- 3.3 The Explanatory Memorandum contains the following explanation of when a corruption issue is raised:

When an allegation or information raises a corruption issue

For an allegation, or other information, to give rise to a corruption issue, the allegation or information would need to give rise to, bring up, or put forward all of the essential elements of a corruption issue, as defined. Central to the definition of a corruption issue is the related definition of corrupt conduct (see clause 8). If an allegation or information concerns conduct that would not satisfy the definition of corrupt conduct, the allegation would not give rise to a corruption issue that is within the Commissioner's jurisdiction to investigate or otherwise deal with. This is the case even if an allegation raises an issue concerning some other form

of misconduct. The NACC would be a specialised investigative body tasked specifically with investigating serious or systemic corruption, and would only be able to deal with corrupt conduct as defined. However, in these circumstances, the Commissioner may:

- refer allegations of misconduct outside of their jurisdiction to a more appropriate person or entity to investigate (see paragraph 6.25); or
- conduct a preliminary investigation to determine the existence of a corruption issue and determine whether it could involve serious or systemic corrupt conduct (see clause 42).

- 3.4 To date, a very high proportion - about 77% - of referrals received by the Commission have been assessed as not raising a corruption issue. In many cases this is because they do not involve a Commonwealth public official.
- 3.5 This raises a question whether a referral to the Commission which does not in fact raise a corruption issue attracts the protections. At least on one view, the existence of a corruption issue is an **essential element of the definition of "NACC disclosure"**. The NACC Act does not expressly state that a disclosure which does not raise or relate to a corruption issue will be within "a NACC disclosure" for the purpose of the protections. As such, it is uncertain whether Part 4 of the NACC Act provides protection to persons who make referrals which do not in fact meet the threshold in the definition of "corruption issue" in the Act. This could mean that a disclosure which does not in fact raise a corruption issue may not attract the protections.
- 3.6 The Commission *recommends* that the NACC Act be amended to clarify that the protections in Part 4 of the NACC Act extend to persons who make referrals to the NACC, even if the referral does not raise a corruption issue within the definition.
- 3.7 Section 24 of the NACC Act is currently limited to protection for the act of making the NACC disclosure (these being limited to disclosures to the Commissioner, IGIS or the Inspector). The NACC Act does not provide protection for communications with professional advisers, whom a discloser might consult before, during or after making a disclosure, for advice or for support. The Commission *recommends* that the NACC Act be amended so that disclosures to professional advisers are protected provided there is a relationship of confidentiality between the discloser and the adviser, and the disclosure is made under that relationship for the purpose of obtaining advice or assistance in connection with the disclosure or the disclosure process.
- 3.8 Potential disclosers of corrupt conduct may also be deterred by fear that, if they are themselves implicated, they may be referred for prosecution. While it is one thing to provide that a discloser does not obtain immunity by making a disclosure,<sup>14</sup> knowledge that the Commission would not be obliged to report criminal conduct disclosed to it would support the reporting of corrupt conduct by participants. The Commission therefore *recommends* amendment of the NACC Act to clarify that the Commission has no obligation to report any potential criminal conduct of the discloser revealed by a NACC disclosure.

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<sup>14</sup> NACC Act, s26.

#### 4. Consultation Paper Issue 1: Making a disclosure within government

Q1: Who should be protected for public sector whistleblowing under the PID Act?

- 4.1 In order to support and encourage reporting, any current or former public official, or officer or employee of a contracted service provider, who makes an internal disclosure of misconduct should be protected, except in respect of their own misconduct, but liability for intentionally false or misleading statements should be preserved.

Q2: What, if any, additional pathways should be created to provide ways for a public sector whistleblower, including those from intelligence agencies, to make a disclosure and receive protections?

- 4.2 We have not identified a requirement for *additional* pathways for protected disclosures by public sector whistleblowers. However, it is important that there be “no wrong door”. This means that:
- a. a disclosure made under one protected disclosure regime or agency, even if not the appropriate regime or agency, attracts the protections that attach to a disclosure under that regime or to that agency; and
  - b. where a disclosure is made under an inappropriate regime or to an inappropriate agency, it may be transferred to the more appropriate regime and/or agency, and if so transferred retains the protections it originally attracted.

Q3: Do you have any other views on reforms for how a public sector whistleblower makes a disclosure within government?

- 4.3 The Commission is inclined to the view that for internal disclosures to a competent authority, protections should not be conditioned on the disclosure objectively tending to reveal misconduct, or on the discloser believing on reasonable grounds that it does so. Such conditions may deter disclosers who harbour suspicions but have no proof, and for internal disclosures to a competent authority, are unnecessary. Sufficient protection from vexatious disclosures is provided by preserving liability for intentionally false or misleading statements.
- 4.4 The Commission supports the expansion of the agencies that can receive internal complaints to include all the Commonwealth integrity agencies listed in section 15 of the NACC Act.

## 5. Consultation Paper Issue 3: Protections and remedies under the PID Act

Q7: What reforms to the PID Act should be considered to ensure public sector whistleblowers and witnesses have access to effective and appropriate protections and remedies?

- 5.1 As discussed above, the Commission is inclined to the view that for internal disclosures to a competent authority, protections should not be conditioned on the disclosure objectively tending to reveal misconduct, or on the discloser believing on reasonable grounds that it does so. These conditions may deter disclosers who harbour suspicions but have no proof, and for internal disclosures to a competent authority, are unnecessary. Sufficient protection from vexatious disclosures is provided by preserving liability for intentionally false or misleading statements.
- 5.2 The Commission supports the reversal of the burden of proof in civil (but not in criminal) proceedings for reprisals or threatened reprisals, given that the reasons for the conduct is particularly within the knowledge of the alleged perpetrator. Facilitating proof for a civil remedy may assist in deterring reprisal actions, in circumstances where the standard of proof for the criminal offence is beyond reasonable doubt. This approach is consistent with Australia's international commitments.<sup>15</sup>
- 5.3 Disclosers may require support to take action under the civil remedy provisions. In this regard, the Commission draws attention to provisions in Part 3 of the *Public Interest Disclosure Act 2022* (NSW) particularly as they relate, for example, to the wider category of persons or entities (in comparison to the PID Act) with standing to apply for an injunction under section 37 of that Act. Under the NSW provisions, standing is not limited to the victim of the reprisal, but extends to an integrity agency. Under section 34, agencies also have mandatory reporting obligations if they obtain evidence of a detrimental action offence, this being the equivalent to reprisal offences in the Commonwealth context. The Commission *recommends* that standing to apply for orders under section 15 of the PID Act should be enlarged similarly.

Q9: In what additional circumstances should protections and remedies be available to public sector whistleblowers, such as for preparatory acts?

- 5.4 The Commission considers that it would be beneficial for there to be greater clarity regarding the extent to which, if at all, a person is protected for preparatory acts taken in advance of a making a disclosure. It is important that potential whistleblowers are aware of their rights and responsibilities in this regard before undertaking any preparatory acts. The Commission has not been able in the time available fully to consider this issue and would be grateful for the opportunity to

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<sup>15</sup> OECD 2021 Recommendation on further combating bribery of foreign public officials, Recommendation XXII (ix) in administrative, civil, or labour proceedings, shift the burden of proof on retaliating natural and legal persons and entities to prove that such allegedly adverse action against a reporting person was not in retaliation for the report.

provide further submissions on this issue once any legislative reform options relating to protections for preparatory acts are available.

- 5.5 However, consistent with the recommendation in [3.6] above, the Commission considers that disclosures to professional advisers should be protected, provided there is a relationship of confidentiality between the discloser and the adviser, and the disclosure is made under that relationship for the purpose of obtaining advice or assistance in connection with the disclosure or the disclosure process.

Q10: Do you have any other views on reforms for protecting public sector whistleblowers who make a disclosure under the PID Act, and remedies for when protections fail?

- 5.6 As noted above, preservation of the confidentiality of a discloser's identity is important. In this respect, the Commission draws attention to the offence introduced in section 146A of the *Independent Commissioner Against Corruption Act 2017* (NT), relating to breach of the obligation to keep the identity of a protected person confidential, which commenced operation on 2 January 2024.

Q11. Should the PID Act establish other incentives for public sector whistleblowers, and if so, what form should such incentives take?

- 5.7 As presently advised, the Commission is disinclined to be supportive of a rewards scheme. However, it has not been possible to give this question sufficient consideration to provide a definitive position, and the opportunity to provide further submissions at a later stage would be welcome.

Q13. Are there benefits to better aligning the whistleblower protections available under the NACC Act?

- 5.8 As noted in the Consultation Paper, the NACC Act - unlike the PID Act - contains no civil remedy provisions. This means that a person who makes a disclosure or provides information about a corruption issue to the NACC (or has the ability to do so) cannot apply for civil remedies under the NACC Act to address or prevent a reprisal. However, civil remedies are available under the PID Act for public officials who make a NACC disclosure that also constitutes a valid public interest disclosure under the PID Act.
- 5.9 As presently advised, the Commission is inclined to support amendment of the NACC Act to include civil remedy provisions that correspond with those in the PID Act. Although the PID Act provides a pathway for public officials who report to the Commission to access these remedies, including them in the NACC Act would make them available to other disclosers who do not fall within the scope of the PID Act. However, this would conceivably also create a large new class of potential applicants for those remedies, and given the incidence of querulous referrals this may have undesirable consequences. For this reason, the Commission would appreciate the opportunity to give more mature consideration to this question.
- 5.10 The Commission favours the NACC Act reflecting the PID Act in requiring agencies to take reasonable steps to support those who make disclosures to the Commission, including by protecting disclosers from reprisals, ensuring that there are procedures in place to deal with the risks of reprisals, and providing training and education for officers on the protections for disclosers. In this context, the Commission draws

attention to the directions and guidelines regarding whistleblower disclosures and protecting whistleblowers from retaliation, recently released by the Northern Territory Independent Commission Against Corruption,<sup>16</sup> which provide valuable guidance. Similarly, the Commission supports requiring agencies to have a whistleblowing policy, and to ensure that it is made available to staff (as provided for in the private sector whistleblowing scheme in the Corporations Act).

## 6. Consultation Paper Issue 4: Oversight and integrity agencies, and consideration of a potential Whistleblower Protection Authority or Commissioner

Q16. Should an additional independent body be established to protect public sector whistleblowers, and if so, what should be its key purposes, functions and powers?

- 6.1 In the context of this consultation, AGD may wish to consider the mission and outcomes of other national whistleblower authorities, such as the Dutch Whistleblower Authority (Huisvoorklokkenluiders) and the Republic of Korea's Anti-Corruption and Civil Rights Commission (ACRC).
- 6.2 The Dutch Whistleblower Authority is a government agency that:
- provides advice and support for persons who want to report a possible wrongdoing within the context of their work-related activities
  - conducts investigations into wrongdoings within organisations or into reprisals against reporting persons, and
  - provides know-how for organisations on how to improve their internal integrity policy.
- 6.3 The Authority's services are confidential, independent, and free of charge.<sup>17</sup>
- 6.4 Korea's ACRC was established in 2008, integrating the Ombudsman of Korea, the Korea Independent Commission against Corruption and the Administrative Appeals Commission. It receives reports of 'violation of the public interest' and has a range of powers to protect reporting persons and investigate retaliations. The ACRC can:
- request the police to take protective measures for public interest whistleblowers and their family members when they have faced or are likely to face serious danger to their lives.
  - make orders to remedy harm suffered by reporting persons as a result of retaliation, such as dismissal, discharge, unpaid wages, cancellation of permit or license, or cancellation of contract.
  - financial rewards: when a report directly results in the recovery of or increase in revenue of the central or local governments through penalty surcharges and

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<sup>16</sup> [New whistleblower directions and guidelines \(nt.gov.au\)](https://www.nt.gov.au/nticac/)

<sup>17</sup> Dutch Whistleblowers Authority website (in English): [English | Huisvoorklokkenluiders](https://huisvoorklokkenluiders.nl/en).



others, the ACRC provides the whistleblower with a reward of up to KRW 3 billion. Even when no direct recovery of or increase in revenue followed, if the whistleblowing serves the public interest, then the reporter, with a recommendation of the relevant agency, will be awarded up to KRW 200 million by the ACRC.

- financial compensation: also, when the report causes damages or expenses related to medical treatment, residential relocation, litigation, wage loss or other reasons, the ACRC will provide relief funds to the whistleblower.<sup>18</sup>

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.

6.6 Rather, many of the same benefits could be gained by:

- a. effective “no wrong door” policies and procedures, as discussed above, including provision for transfer between agencies and regimes without prejudice to protections, and
- b. greater effective practical support for disclosers prior to, during and after making a disclosure, regardless of the legislative framework that applies. This support includes:
  - advice in relation to which agency is the appropriate agency to make a report to
  - advice in relation to the protections that are available to reporters
  - referrals for psychological support and legal advice
  - advocacy services for whistleblowers
  - assistance in relation to taking action for civil remedies, and
  - assistance in relation to whom and how to report reprisal action.

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<sup>18</sup> Anti-Corruption and Civil Rights Commission website (in English): [Anti-corruption & Civil Rights Commission \(acrc.go.kr\)](https://www.acrc.go.kr)

## 7. Conclusion

- 7.1 The Commission is grateful for the opportunity to respond to the Consultation Paper and looks forward to ongoing engagement with AGD in relation to these important reforms.
- 7.2 As noted in several points above, the available time has not allowed mature consideration of some of the important issues that arise, and the opportunity to make further submissions in respect of them at an appropriate time would be welcomed.

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# Conference of the States Parties to the United Nations Convention against Corruption

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Agenda item 4

## Prevention

**European Union, Norway, Russian Federation, Saudi Arabia, Serbia, State of Palestine and Thailand: revised draft resolution**

### Protection of reporting persons

*The Conference of the States Parties to the United Nations Convention against Corruption,*

*Concerned* about the seriousness of the problems and threats posed by corruption to the stability and security of societies, undermining the institutions and values of democracy, ethical values and justice and jeopardizing sustainable development and the rule of law,

*Reaffirming* the commitment of States parties to the United Nations Convention against Corruption<sup>1</sup> as the most comprehensive, legally binding universal instrument on corruption, and the need for the full and effective use of the Convention,

*Highlighting* the important role that reporting plays in enhancing efforts provided by the States parties to more efficiently and effectively prevent and combat corruption and thus effectively implement the Convention,

*Reaffirming* the importance of all reporting persons to enable States parties to detect, investigate and prosecute cases of corruption,

*Recalling* article 33 of the Convention, which requires that States parties consider incorporating into their domestic legal systems appropriate measures to provide protection against any unjustified treatment for any person who reports in good faith and on reasonable grounds to the competent authorities any facts concerning offences established in accordance with the Convention,

*Recalling also* article 8, paragraph 4, of the Convention, which requires that States parties consider, in accordance with the fundamental principles of their domestic law, establishing measures and systems to facilitate the reporting by public officials of acts of corruption to appropriate authorities, when such acts come to their notice in the performance of their functions, and article 13, paragraph 2, in which States parties are called upon to provide access to anti-corruption bodies by the public, where appropriate, for the reporting, including anonymously, of any incidents that may be considered to constitute an offence established in accordance with the Convention,

*Recalling further* that, in the political declaration entitled “Our common commitment to effectively addressing challenges and implementing measures to

<sup>1</sup> United Nations, *Treaty Series*, vol. 2349, No. 42146.



prevent and combat corruption and strengthen international cooperation”,<sup>2</sup> adopted by the General Assembly at its special session against corruption, held in 2021, Member States committed, inter alia, to providing a safe and enabling environment to those who expose, report and fight corruption and, as appropriate, for their relatives and other persons close to them, and to supporting and protecting against any unjustified treatment any person who identifies, detects or reports, in good faith and on reasonable grounds, corruption and related offences,

*Acknowledging* that reporting persons who report corruption to competent authorities in good faith and on reasonable grounds may require appropriate measures for protection against any unjustified treatment,

*Acknowledging also* that reporting persons who report corruption in the context of their professional activity and work-related environment, who may, in some countries, be referred to as whistle-blowers in their own domestic legal context or realities, may face unjustified treatment, and, in accordance with domestic law, also require appropriate protection,

*Noting* that the measures provided for in article 33 of the Convention represent one of the areas in which the United Nations Office on Drugs and Crime received the largest numbers of recommendations and technical assistance requests as part of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption,

*Highlighting* the need to enhance knowledge regarding all types of harm faced by reporting persons as a result of reporting and, in that regard, to promote academic research on good practices with regard to the protection of reporting persons against all kinds of unjustified and retaliatory treatment,

*Stressing* the importance of efficient cooperation between relevant domestic authorities, in particular regulators and law enforcement agencies that investigate administrative and criminal offences, and public and private employers to ensure the protection of reporting persons,

*Acknowledging* the important contribution of individuals and groups outside the public sector, such as the private sector, civil society, non-governmental organizations, community-based organizations and the media, in supporting the efforts of States parties to fight corruption, including by raising awareness of matters relevant to the protection of reporting persons, in accordance with article 13 of the Convention,

*Recalling* its resolution 9/1, entitled “Sharm el-Sheikh declaration on strengthening international cooperation in the prevention of and fight against corruption during times of emergencies and crisis response and recovery”, in which it called upon States parties to establish and, where appropriate, diversify and strengthen confidential complaint systems and protected reporting systems that are accessible and inclusive,

*Recalling also* its resolution 9/4 on strengthening the implementation of the Convention at regional levels, in which it requested the United Nations Office on Drugs and Crime to continue to provide technical assistance to States parties, upon request, including in the area of assisting States parties, as appropriate, in incorporating into their domestic legal systems appropriate measures to provide protection against any unjustified treatment for any person who reports in good faith and on reasonable grounds to the competent authorities any facts concerning offences established in accordance with the Convention,

*Recalling further* its resolution 6/5, entitled “St. Petersburg statement on promoting public-private partnership in the prevention of and fight against corruption”, in which it recommended that States parties consider, in accordance with their domestic legal systems, establishing confidential complaint systems and

<sup>2</sup> General Assembly resolution S-32/1, annex.

effective witness and whistle-blower protection programmes and measures, consistent with articles 32 and 33 of the Convention,

*Recognizing* the importance of the establishment of robust frameworks for reporting and for the protection of all reporting persons, including public officials, who report corruption through appropriate channels,

*Taking note* of the guides and tools developed by the United Nations Office on Drugs and Crime, such as the *Resource Guide on Good Practices in the Protection of Reporting Persons* and *Speak Up for Health! Guidelines to Enable Whistle-blower Protection in the Health-care Sector*, to support States parties in developing national frameworks as well as internal mechanisms for reporting and protecting reporting persons,

1. *Calls upon* States parties to continue their efforts to implement article 33 of the United Nations Convention against Corruption, in accordance with the fundamental principles of their legal systems, and to continue to develop appropriate measures to fully and effectively provide protection against unjustified treatment for all persons who, on reasonable grounds, expose or report corruption and related offences to competent authorities, and to extend the protection, when appropriate, to their relatives and other persons close to them;

2. *Urges* States parties to increase public awareness of means for reporting instances of corruption, including by disseminating information regarding the rights and responsibilities of reporting persons in accordance with domestic legislation;

3. *Encourages* States parties, in accordance with their domestic law, to establish and strengthen confidential complaint systems and protected internal reporting systems that are accessible, diversified and inclusive to facilitate timely reporting of corruption and to ensure the confidentiality of the reporting persons' identities and personal information, including, where appropriate, allowing for anonymous reporting, and utilize innovative and digital technology in these efforts, with due regard for data protection and privacy rights;

4. *Also encourages* States parties, within their means, and in accordance with their domestic laws, to consider that all reporting channels take into consideration good practices related to protecting reporting persons;

5. *Further encourages* States parties, where appropriate, to consider options to provide legal advice to persons who consider reporting corruption and ways of cooperating with competent authorities and other legal experts or professionals outside the public sector;

6. *Calls upon* States parties to ensure that all relevant protections are available to those who report corruption and may suffer unjustified treatment, including workplace retaliation or actions that can result in reputational, professional, financial, social, psychological and physical harm;

7. *Encourages* States parties to consider that appropriate remedies under domestic law are available to persons who report corruption in line with article 33 of the Convention for any unjustified treatment against them or retaliatory actions;

8. *Also encourages* States parties, in accordance with the fundamental principles of their legal systems, to consider that legislation on reporting persons provides protective measures to prevent or stop retaliation, as well as the possibility to complain against retaliation or any unjustified treatment to the competent authorities;

9. *Further encourages* States parties, in accordance with the fundamental principles of their legal systems, to consider providing in their domestic frameworks appropriate and effective measures to deter unjustified treatment against reporting persons;

10. *Encourages* States parties, in accordance with domestic legislation, to ensure that individual legal or contractual obligations, such as confidentiality or

non-disclosure agreements, cannot be used to conceal corrupt acts from scrutiny in order to deny protection or penalize reporting persons for having reported information on corruption-related offences to the competent authorities;

11. *Invites* States parties, as applicable and in accordance with their domestic law, to consider enhancing domestic legislation, such as employment legislation, in a manner that ensures the protection of any reporting person, particularly those who report in their professional context or workplace environment;

12. *Calls upon* States parties, in accordance with domestic law, to establish, facilitate and maintain complaint intake systems that allow reporting persons in their professional context or workplace environment to report directly to law enforcement or other relevant authorities, without the need to exhaust internal reporting systems first;

13. *Encourages* States parties to initiate, develop or improve specific training programmes for their personnel responsible for protecting reporting persons, in line with article 33 of the Convention, to effectively protect those persons against any unjustified treatment as a result of reporting;

14. *Invites* States parties, in accordance with domestic law, to interpret the notion of good faith, when included in national frameworks, as the reporting person's reasonable belief that the information reported is true, and without consideration of personal reasons that may be behind the report;

15. *Encourages* States parties to consider, as appropriate, within their means, periodically assessing the effectiveness of their domestic law and policies regarding the protection of reporting persons and to make full use of the results of those reviews to further improve the protection of reporting persons and to build trust and improve the confidence of potential reporting persons;

16. *Also encourages* States parties to afford one another, according to their capacities, the widest measure of technical assistance in the protection of reporting persons, especially for the benefit of developing countries, including material assistance and training, notably at the regional level, based on their needs and priorities, including, inter alia, those identified by States in their country reviews;

17. *Requests* the United Nations Office on Drugs and Crime, within its mandate and subject to the availability of extrabudgetary resources, to continue and expand its provision of technical assistance and capacity-building to States parties, upon request, to support their capacity to protect reporting persons;

18. *Also requests* the United Nations Office on Drugs and Crime to convene an intergovernmental meeting with the participation of relevant experts, subject to the availability of resources, in close coordination with States parties, to identify and share best practices and challenges in the protection of reporting persons, and to develop a study for States parties on best practices and challenges identified;

19. *Further requests* the United Nations Office on Drugs and Crime to provide a report on the findings of that study to the Open-ended Intergovernmental Working Group on the Prevention of Corruption and to hold a panel discussion on challenges and good practices in the protection of reporting persons at the next available meeting of the Working Group, on the basis of those findings;

20. *Invites* States parties and other donors to provide extrabudgetary resources for the purposes identified in the present resolution, in accordance with the rules and regulations of the United Nations.



## National Anti-Corruption Commission BRIEF

### LG - Financial assistance for witnesses

18

This briefing note provides an overview of the financial assistance schemes for witnesses under either Part 4 or Part 5 of the *National Anti-Corruption Commission Regulations 2023* (Cth), and of Federal Court proceeding NSD1591/2025.

#### Key points

- The *National Anti-Corruption Commission Regulations 2023* (Cth) (NACC Regulations) provide for two separate financial assistance schemes:
  - The Part 4 'general' scheme is available to any person but is limited to the cost of legal representation at a **hearing** or an **application for administrative review**.
  - The Part 5 scheme is only available to parliamentarians and former parliamentarians and may cover the cost of **any matter** arising under the *National Anti-Corruption Commission Act 2023* (Cth) (NACC Act), including an application for administrative review.
- Both the Part 4 and Part 5 financial assistance schemes are managed by the Attorney-General's Department.
- The Attorney-General has an obligation to report to both Houses of Parliament on decisions to pay financial assistance under the Part 5 scheme. The consolidated statement of expenditure for 2024-25 was tabled in Parliament by the Attorney-General on 4 September 2025.<sup>1</sup>
- The role of the National Anti-Corruption Commissioner (Commissioner) is limited to:
  - determining the *decision maker* for any application under the Part 5 scheme, and
  - advising the Attorney-General whether reporting to the Parliament may compromise a corruption investigation.
- Options for legal financial assistance depend on the office or position the relevant person holds or has held.

#### Part 4 'general' financial assistance scheme

##### Under Part 4 of the NACC regulations:

- A person who is summoned to attend a hearing for the Commission may apply to the Attorney-General for financial assistance in respect of the person's representation at the hearing by a legal practitioner.
- A person who has applied, or proposes to apply, to the Federal Court or the Federal Circuit and Family Court of Australia (Division 2) under the *Administrative Decisions (Judicial Review) Act 1977* (ADJR Act) for an order of review in respect of a matter arising under the NACC Act may apply to the Attorney-General for financial assistance in respect of the application or the proposed application.

<sup>1</sup> [Tabled documents | Document 12411](#)  
23/09/2025

Part 5 financial assistance scheme
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Under Part 5 of the NACC regulations:

- A parliamentarian or former parliamentarian may apply to the Attorney-General's Department for financial assistance in relation to:
  - any matter arising under the NACC Act, other than a prosecution for an offence against the NACC Act, and
  - an application that any person has made, or proposes to make, to the Federal Court or the Federal Circuit and Family Court of Australia (Division 2) under the ADJR Act for an order of review in respect of a matter arising under the NACC Act.

Where an application is made under the Part 5 scheme:

- The Secretary of the Attorney-General's Department must give the Commissioner a copy of the application.
- The Commissioner may give the Secretary a certificate specifying that the decision maker for the application is either the Secretary, the Prime Minister or the Finance Minister.
- If the Commissioner decides not to give the Secretary a certificate, the decision maker is the Attorney-General.

Where a decision is made to pay financial assistance under the Part 5 scheme:

- The Attorney-General must inform each House of the Parliament:
  - as soon as possible of the decision to pay financial assistance, including reasons for the decision and any limits on expenditure, and
  - within 3 months after the end of the financial year table in each House of the Parliament a consolidated statement of expenditure under the Part 5 scheme for that year specifying the expenditure for each matter.
- Before informing each House of Parliament of a decision to pay financial assistance (or tabling a consolidated statement of expenditure), the Attorney-General must:
  - Consult the Commissioner and the Inspector about whether disclosing the information may compromise a NACC Act process, which includes a corruption investigation.
  - If the Commissioner or the Inspector consider that disclosing the information may compromise a NACC Act process the Attorney-General must not disclose the information to Parliament.
- If particular information was not disclosed to Parliament and then the Commissioner or the Inspector no longer consider that disclosing the information may compromise a NACC Act process:
  - they must inform the Attorney-General, and

- o the Attorney-General must give the information to each House of Parliament as soon as possible after being so informed.

If asked/holding statements
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Has the Commissioner either issued a certificate specifying an 'approving official' under Reg. 19 of the National Anti-Corruption Commission Regulations or decided not to issue a certificate?

- On 16 May 2024 the Attorney-General tabled a statement informing the Parliament of the decision to provide financial assistance in a matter as required by Part 5 of the NACC Regulations. In the statement the Secretary is referred to as the approving official. The statement does not contain any information about who made the application or what it was for.
- On 12 September 2024 the Attorney-General tabled a second statement informing the Parliament of the decision to provide financial assistance in a matter (unrelated to the previous matter) as required by Part 5 of the NACC Regulations. In the statement the Secretary is referred to as the approving official. The statement states that the assistance is for the Hon Linda Reynolds CSC.
- On 23 December 2024, Acting Commissioner Gauntlett issued a certificate under paragraph 19(2)(b) of the NACC Regulations specifying the Secretary of the Attorney-General's Department as the approving official in respect of an application for financial assistance.
- The Commissioner has stated that in deciding whether or not to give a certificate he will take into account the desirability of the process not only being but also appearing to be impartial and independent of politics. In these cases, the concern was the appearance of being independent of politics.
- On 26 March 2025, the Attorney-General tabled a third statement informing the Parliament of the decision to provide financial assistance in a matter as required by Part 5 of the NACC Regulations.<sup>2</sup> In the statement the Secretary is referred to as the approving official. The statement does not contain any information about who made the application or what it was for.
- The Commission is not able to provide any further information about the statements in circumstances where the scheme is administered by the Attorney-General's Department (public interest immunity considerations may also apply— refer Senate Estimates briefing on PII).

Has the Commissioner been consulted by the Attorney-General about either informing each House of the Parliament of a decision to pay financial assistance or tabling in each House of the Parliament a consolidated statement of expenditure?

- On 16 May 2024, 12 September 2024, and 26 March 2025, the Attorney-General tabled statements informing the Parliament of the decision to provide financial assistance in three matters as required by the NACC Regulations. As required by the NACC Regulations the Commissioner was consulted prior to tabling.

<sup>2</sup> [Tabled documents | Document 10076](#)  
23/09/2025

- Information was excluded from the 16 May 2024 and 26 March 2025 statements following consultation, specifically the names of the persons seeking financial assistance.
- On 21 July 2025, the Attorney-General consulted with the Commissioner regarding the disclosure of information in the consolidated statement of expenditure for 2024-2025.
- The Commissioner is aware of his obligations under the NACC Regulations for matters where a decision is made by him that disclosing particular information may compromise a corruption investigation to inform that Attorney-General if he no longer holds concerns.

Would the Part 5 scheme potentially cover the cost of legal representation in circumstances where there is not a hearing, inquiry or investigation on foot (for example where legal advice is sought in relation to an individual's rights or responsibilities in relation to a referral or potential referral to the NACC)?

- Whether an application for financial assistance is in relation to an '*eligible matter*' is a matter for the decision maker, not the Commissioner.

Judicial review application – Federal Court – *Bruce Lehrmann v Commonwealth Special Minister of State and National Anti-Corruption Commissioner* (NSD1591/2025)

- On 4 September 2025, Mr Bruce Lehrmann (the Applicant) filed an application seeking relief under section 39B of the *Judiciary Act 1903* against the Commonwealth Special Minister of State and the National Anti-Corruption Commissioner.
- The application relates to a request by the Applicant for a grant of legal funding in relation to Commission investigations.
- The National Anti-Corruption Commission does not provide legal financial assistance to witnesses and does not make or is involved in any decisions regarding applications for legal financial assistance.
- All persons summoned to give evidence before the Commission are advised that they may apply to the Attorney-General for financial assistance in respect of their legal representation.
- As this matter is currently before the Court, it would not be appropriate to comment further.

Cleared by: Rebekah O'Meagher

Action officer: s 22

## National Anti-Corruption Commission BRIEF

### LG - NACC Inspector

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This estimates brief set out topics relating to the Inspector including referrals of NACC Corruption Issues to the Inspector, the Commission's interactions with the Inspector, and the Inspector's Annual Report for 2023-24.

#### Key points

- The Inspector has the following oversight functions in relation to the Commission:
  - investigate NACC corruption issues that could involve corrupt conduct that is serious or systemic
  - investigate complaints of maladministration or officer misconduct relating to the Commission
  - audit the Commission's operations for compliance with Commonwealth laws.
- A NACC corruption issue includes:
  - where a staff member of Commission has engaged, is engaging, or will engage, in corrupt conduct or
  - where a person does something that adversely affects a Commission staff member's honest or impartial exercise of powers or performance of public duties.
- The Commissioner has a mandatory referral obligation to the Inspector under the *National Anti-Corruption Commission Act 2022* (Cth) (**NACC Act**) in relation to any NACC Corruption issues he becomes aware of.
- The Commissioner and Commission staff meet with the Inspector at least quarterly to discuss issues of relevance to both the Commission and Inspector.
- On 14 November 2024, the Inspector released her annual report for 2023-2024.

#### Memorandum of Understanding

- A Memorandum of Understanding (MoU) between the Commission and the Inspector was signed by both parties on 5 February 2024.
- The MoU sets out arrangements for liaison between the Commission and the Inspector concerning referral of matters, access to information and points of contact between both parties.
- A revised MOU was published on 24 March 2025.

#### Inspector's annual report – 2023-24

##### **Audits**

- The Inspector did not conduct an audit during the reporting period.

##### **Investigations**

- The Inspector did not conduct any preliminary investigations or NACC corruption investigations during the reporting period.
- The Inspector commenced an inquiry into the decision by NACC not to pursue Robodebt Royal Commission referrals, during the reporting period, which became an agency maladministration or officer misconduct investigation (a NACC complaint investigation). That investigation was not completed in the reporting period.

### *Mandatory referrals*

- During the reporting period, 2 NACC corruption issues were referred by the Commissioner to the Inspector, under s 203 of the Act.

### *Complaints*

- The Inspector received over 1300 contacts during the year. Of these, 50 were considered complaints, 1164 were specific complaints about the NACC's decision not to investigate the Robodebt Royal Commission referrals and the remainder were inquiries and other contacts.

### *Complaints about maladministration or officer misconduct*

- During the reporting period, the Inspector received 2 complaints (other than the Robodebt referrals) which the Inspector considered could, if established, amount to maladministration.
- The Inspector determined that neither complaint amounted to agency maladministration.
- In relation to the second complaint, the Inspector identified systemic issues arising from inadequate and flawed handling of a referral by the Commission. The Commission has taken steps to address all the issues identified by the Inspector.

### *Other complaint themes*

- Investigation of referrals:
  - The Inspector received 42 complaints that primarily concerned the decision by the Commission not to investigate a referral.
  - The Commission does not have a duty to consider whether to deal with a corruption issue (s 41(7)) and may take no action in relation to a corruption issue (s 41(6)). The Commissioner is not obliged to give reasons for the decisions made in response to referrals.
  - The Commission has an internal review process for intake or assessment decisions. More recently, the Commission has established an online webform to receive requests for review. The NACC's service charter (published on its website) has also been updated to provide information on requesting a review of an intake or assessment outcome.
- Service standards:
  - The Inspector received 7 complaints about the service standards received by persons making a referral to the NACC, with most concerning the timeframes in which the Commission responded. Several complaints noted that responses had not been received in the timeframes indicated by the NACC's own guidelines.
  - The Inspector considered that setting of timeframes and time taken to respond to referrals was not within her jurisdiction. The Inspector had regard to the large number of initial referrals, and, unless the length of time was unreasonable in all the circumstances, the Inspector took no action.



*Enquiries and other contacts*

- The Inspector dealt with about 160 enquiries and other contacts. Just under half (76) of the enquiries did not relate to the Commission.
- 10% of the enquiries (16) related to difficulties with making a referral to the Commission or receiving information from the Commission. The issues raised were: the webform was difficult to use, it was not possible to upload documents with the webform, there was no email address to send a referral, the webform did not permit a copy of the completed form to be downloaded, and the letter was not signed by an individual, rather the 'intake and triage' team.
- Many of these issues have been resolved or are in the process of being resolved by the Commission.
- Two former and one current employee of Commission wrote to the Inspector expressing concerns and/or providing information about aspects of the management of the Commission's operations. The Inspector did not consider the matters could amount to agency maladministration or officer misconduct or give rise to a corruption issue. Nevertheless, the Inspector advised the Commissioner about the concerns for the Commissioner's information.

Mandatory referrals of NACC corruption issues to the Inspector
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- Since commencing operations in July 2023 up to September 2025, the Commission made 3 mandatory referrals to the Inspector.
- Where the Commissioner becomes aware of a NACC corruption issue, the Commissioner is required to make a mandatory referral to the Inspector as soon as reasonably practicable under sections 203 and 207 of the NACC Act.
- Section 34 of the National Anti-Corruption Commission Regulations 2023 requires the Inspector to include in her annual report the number of voluntary and mandatory referrals of NACC Corruption Issues and complaints of agency maladministration and officer misconduct received by her during the year. It would not be appropriate to pre-empt the Inspector's report.
- It is not appropriate for the Commission to comment on any NACC corruption issue referrals that the Commissioner may make to the Inspector. It is for the Inspector to decide what if any public comments are made about referrals in accordance with the exercise of her functions, powers and obligations under the NACC Act.
- The Inspector's 2023-24 annual report identified that 2 NACC corruption issues were referred by the Commissioner to the Inspector during the reporting period:
  - The first referral concerned a person who made an offer to pay a staff member of the NACC what might be considered a secret commission. Having obtained further information, the Commissioner informed the Inspector his view, that he proposed to take no further action in

relating to the matter as it was doubtful that the person was aware of the NACC officer's position and in any event, does not appear to have suggested that the NACC officer take any action in his capacity as such, and that the NACC officer acted appropriately in response to the approach made to him. The Inspector formed the view that no statutory action was warranted by her under s 210(6).

- o There were discussions between the Inspector and the Commissioner as to how best to deal with the second NACC corruption issue referred to the Inspector. Options included for the Inspector refer the issue to the Commission for investigation under s 210(1)(c), conduct a joint investigation between the Inspector and the Commission, or referral to the AFP. Ultimately, the Commission decided to deal with the matter as a corruption issue.

#### Meetings between the Commissioner and Inspector & awareness of Inspector's role

- On 27 June 2024, a meeting was held between the Commissioner, Deputy Commissioners, CEO, relevant Commission staff and the Inspector.
- The meeting agenda included:
  - o an update on the evaluation process
  - o an update on the organisational structure
  - o an update on operational matters
  - o consultation on the revisions to the Service Charter
  - o an update on Inspector operations
  - o an update on the Commission's policies
  - o discussion on the Robodebt Referral Decision Inquiry
  - o discussion on the staff complaints received by the Inspector
- In addition, the Commission's Legal Branch will be delivering a presentation to all staff on 22 September 2025 about the Inspector's role and responsibilities.

#### Background

##### *Definition of NACC corruption issue*

- A *NACC corruption issue* is an issue of whether a person has, is or will engage in corrupt conduct where that person is either a staff member of the Commission, their conduct has adversely affected a Commission staff member's exercise of their duties, or the person's conduct occurs in conspiracy with a Commission staff member: s 201, NACC Act.

##### *Information sharing between the Commissioner and Inspector*

- The Commissioner and Inspector may disclose information to each other where they are satisfied it is appropriate to do so and the disclosure is not prohibited by other provisions in the NACC Act: s 229(3), NACC Act.

*Functions, duties and powers of the Inspector*

- Sections 182 and 183 of the NACC Act establish the office of the Inspector as an independent officer of Parliament.
- The Inspector's functions include, *inter alia*, to:
  - detect corrupt conduct in the Commission
  - to investigate and report on NACC Corruption Issues
  - to investigate complaints of agency maladministration or officer misconduct in relation to the Commission and Commission staff: s 184, NACC Act.
- In conducting investigations, the Inspector has broadly the same powers as the Commissioner through Division 4, Part 10 of the NACC Act.

Cleared by: Rebekah O'Meagher	Action officer: s 22	
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## National Anti-Corruption Commission BRIEF

### LG - Public interest immunity claims

20

This briefing note provides background information about how Public Interest Immunity (PII) claims are made in the context of Estimates hearings.

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### Estimates hearings and Public Interest Immunity

1. As a starting point, it is accepted by the Senate that Ministers (and officials appearing at Estimates hearings) can make claims of PII over material or information which is requested by a Committee at a hearing. However, the making of a PII claim is not determinative. The Senate retains the ultimate power to determine those claims.<sup>1</sup>

### Who can make a PII claim

2. The power to make a formal PII claim to a Parliamentary Committee lies with the relevant Minister or, in circumstances relevant to the Commission, which are set out in more detail below, the agency head. However, this claim by the agency head occurs following initial consideration by the Minister.
3. As a result, because in practice it will be you, and not the Minister, who appears at the hearing, if you think a question asked by the Committee (or a request for a document) raises a PII issue, you are required to orally raise that a PII claim may be made. When this happens, the process set out in paragraph 6 below is triggered.<sup>2</sup>

### How to make a PII claim

4. On 13 May 2009, the Senate made an [Order](#) in relation to PII (the May 2009 Order) which sets out the process for making a PII claim during a committee proceeding.
5. That process is as follows:
  - a. If you (as the person appearing at the Estimates hearing) believe it may not be in the public interest to disclose requested information (or answer a particular question) to the Committee, you must state to the Committee the ground on which you believe it is not in the public interest to disclose the information and specify the harm that could result from the disclosure.

This step in the process does not form a formal claim for PII. In practice, often after raising this general claim the Committee may decide not to press the question/ request for information (the 'informal PII claim'). However, if the Committee is not satisfied with your response, they may decide to the progress to the next step in the process in which case the question becomes a question on notice, and you will not be required to provide an answer until the formal PII claim is dealt with.<sup>3</sup>

- b. You may then be asked to refer the question of whether to formally make a PII claim to the responsible Minister.

If asked, you would then be required to refer the question to the Minister, for a decision on whether to formally make a PII claim regarding the information that would be provided if the question was to be answered. In the Commission's case, the Minister will be the Attorney-General. As set out in paragraph 6(d) below, the Minister can decide that it is inappropriate that they make this decision.

<sup>1</sup> [AGS Legal Briefing No. 109](#) (2017) page 5.

<sup>2</sup> [Witness Guidelines](#) at 4.5.1 to 4.55.

<sup>3</sup> See: discussion at paragraph 17-18 of Appendix A of the [Witness Guidelines](#).

- c. Subject to the circumstances in paragraph 6(d) below, having considered the referral, if the Minister decides it is appropriate to make a PII claim, they must provide a statement to the Committee setting out the ground for the PII claim and specifying the harm to the public interest which could result from the disclosure. In that statement the Minister should indicate whether the harm would result from providing the information to the Committee or whether the harm would also occur, equally or only in part, from the disclosure occurring to the Committee as in camera evidence (i.e. if the information was provided in private).

This is the formal PII claim. Notwithstanding the requirement that the statement must address the harm of providing the information in camera, please note that Estimates hearings must occur in public.<sup>4</sup>

- d. In certain circumstances it will not be appropriate for the Minister to be the person who makes the formal PII claim, including where the relevant agency is an independent statutory agency, as is the case in relation to the Commission. Where the Minister decides this is the case, upon receiving the referral in 6(b) above, the Minister must provide a statement to the Committee which states that because of the independence of the agency the PII claim should be dealt with by the agency head. The agency head is then required to provide the statement in 6(c) above to the Committee.<sup>5</sup>

This becomes the formal PII claim by the agency head. We note that the referral will need to be provided to the Attorney-General in first instance on every occasion the Committee requests a formal claim be made.

## How a PII claim is resolved

6. If, having considered the Minister's (or head of agency's) statement, the Committee decides that the statement does not sufficiently justify the withholding of the information or document, the Committee will report the matter to the Senate. Even if the Committee decides not to report the matter to the Senate, a Senator on the Committee can still raise the matter with the Senate in accordance with other Senate procedures.<sup>6</sup>

## Grounds for making a PII claim

7. Public interest immunity should be raised where you are satisfied that the public interest in the information remaining confidential outweighs the public interest in its disclosure.<sup>7</sup>
8. Paragraph 4.5.2 of the [Witness Guidelines](#) state that Officials who consider they have been asked to provide information or a document that might properly be the subject of a claim of PII should either:
  - (a) advise the committee of the grounds for that belief and specify the damage that might be done to the public interest if the information or document were disclosed; or
  - (b) ask to take the question on notice to allow discussion with the Minister.

## *Grounds which PII can be claimed*

9. According to paragraph 4.6.1 of the [Witness Guidelines](#), PII claims may be made in relation to information or documents the disclosure of which could, or might reasonably be expected to:
  - a. damage Australia's national security, defence or international relations

<sup>4</sup> [Witness Guidelines](#) at 4.12.1.

<sup>5</sup> See also: *Ibid* at 4.6.3.

<sup>6</sup> [AGS Legal Briefing No. 109](#) (2017) page 5.

<sup>7</sup> Senate Order of 13 May 2009  
23/09/2025

- b. damage relations between the Commonwealth and the States
  - c. disclose the deliberations of Cabinet (other than a decision that has been officially published)
  - d. *prejudice the investigation of a possible breach of the law or the enforcement of the law in a particular instance*
  - e. *disclose, or enable a person to ascertain, the existence or identity of a confidential source or information, in relation to the enforcement or administration of the law*
  - f. endanger the life or physical safety of any person
  - g. *prejudice the fair trial of a person or the impartial adjudication of a particular case*
  - h. *disclose lawful methods or procedures for preventing, detecting, investigating, or dealing with matters arising out of breaches or evasions of the law, the disclosure of which would, or would be reasonably likely to, prejudice the effectiveness of those methods or procedures*
  - i. prejudice the maintenance or enforcement of lawful methods for the protection of public safety.
10. In particular the grounds in paragraph (d), (e), (g), and (h) highlighted above may be potentially relevant to questions asked in relation to the Commission. A table of these grounds can be found at Appendix A.
11. The Senate has indicated that where a PII claim is sought to be made by relying on 'prejudice to law enforcement investigations' grounds, it will be necessary to establish there are investigations in progress and the disclosure of that information would interfere with those investigations.<sup>8</sup> In our view a public interest claim could also be validly made if the disclosure of the information would prejudice matters that are being contemplated for investigation.

### *Grounds which cannot be relied on to make a PII claim*

12. The 13 May 2009 Order makes clear at paragraph 7 that, in the absence of specifying the harm which would result from the disclosure, a claim for PII cannot be made simply on the basis that the relevant information and/or document:
- a. is not published,
  - b. is confidential, or
  - c. consists of advice to, or internal deliberations of, government.
13. Further, according to the Witness Guidelines:
- a. a PII claim cannot be made over classified documents simply on the basis of their classification, one of the grounds above would also need to be raised,<sup>9</sup>
  - b. where information has been released under the FOI Act there is no basis to make a PII claim over that information. Conversely, just because information was not released in response to a FOI request does not mean a PII claim will necessarily be upheld in relation to the information. The public interest in favour of disclosure to an estimates committee may be considered to be stronger than the public interest for release under the FOI Act. That said, the exemptions in the FOI Act provide guidance on the types of reasons it would be reasonable not to answer a particular question,<sup>10</sup>
  - c. there is no general basis (e.g. informal PII claim) to refuse to disclose commercial (including commercial-in-confidence) information. If you do not think it is appropriate to disclose commercial-in-confidence information it will be necessary to make a formal PII claim and

<sup>8</sup> [Procedural Information Bulletin: Grounds for PII](#) at page 2.

<sup>9</sup> [Witness Guidelines](#) at 4.7.1.

<sup>10</sup> *Ibid* at 4.9.1.



the Minister's (or agency head's) statement will need to include details about the commercial harm that would arise from the disclosure,<sup>11</sup>

- d. generally there is no basis for refusing to answer questions about whether legal advice has been sought (and obtained) on a particular issue and questions about from whom or when the advice was obtained unless there are 'compelling reasons' to keep that information confidential. However, if asked about the contents of a legal advice, it may appropriate to raise a PII claim.<sup>12</sup> Although it should be noted that a May 2005 resource produced by the Clerk of the Senate states that it is not accepted that legal professional privilege (LPP) provides a ground for refusing to provide information to Parliament. In short, this is because in the Commonwealth context the right to claim the privilege sits with the Commonwealth itself. As such, instead of claiming LPP, where the advice requested by an Estimates Committee was provided to the agency it is necessary to establish some other harm (for example prejudice to legal proceedings),<sup>13</sup> and
  - e. the fact an official appearing at an Estimates hearing is bound by secrecy provisions does not automatically exempt them from providing information to the Committee unless the particular secrecy provision makes clear that a person cannot be required to provide information to Parliament (see discussion below). However, the existence of secrecy provisions could be raised with the Committee as part of the reason why you think a particular question should not be answered.<sup>14</sup>
14. The Clerk of the Senate has also indicated that the fact a document requested is a 'working document' is not a ground to claim PII, nor do 'confusing the public debate' or 'prejudicing policy considerations' constitute grounds for claiming PII.<sup>15</sup>

## Waiver of Legal professional privilege (LPP)

15. As stated above, it is not accepted that legal professional privilege (LPP) provides a ground for refusing to provide information to Parliament. Advising the Committee that the Commission has received legal advice will not automatically waive LPP. Partial disclosure of legal advice, including disclosing the substance or conclusion of the advice, can amount to a waiver of LPP over the whole advice. Disclosing a summary of a legal advice in a public hearing before a Parliamentary Committee may waive LLP because doing so could be inconsistent with the maintenance of LPP (*Mann v Carnell* (1999) 201 CLR 1).
16. However, there is some authority for the proposition that the partial disclosure of legal advice for the purpose of explaining the reasonableness of the process adopted by government may not amount to a waiver of privilege, at least where the disclosure is unconnected with the respective positions of the parties in litigation (*Osland*, 298-299 [48]-[49]; *British American Tobacco v Department of Health & Ageing* (2011) 281 ALR 75).
17. Further, at common law, there may be no waiver of privilege where the disclosure is made under compulsion of law [*AWB v Cole* (No. 5), 69].

s 42(1)

<sup>11</sup> [Senate Order – claims of commercial confidentiality](#) 30 October 2003; [Witness Guidelines](#) at 4.10.1 to 4.10.6.

<sup>12</sup> [Witness Guidelines](#) at 4.8.1 to 4.8.3 (noting that AGDs must be consulted before disclosing any legal advice regarding constitutional, international or national security law matters).

<sup>13</sup> [Procedural Information Bulletin: Grounds for PII](#) at page 5.

<sup>14</sup> *Ibid* at 4.11.1 to 4.11.3.

<sup>15</sup> [Procedural Information Bulletin: Grounds for PII](#) at page 6.

§ 42(1)

S 42(1)

## Appendix A – Grounds

Grounds for claiming PII	
a.	Disclosure of the information or document could, or might reasonably be expected to damage Australia's national security, defence or international relations
b.	Disclosure of the information or document could, or might reasonably be expected to damage relations between the Commonwealth and the States
c.	Disclosure of the information or document could, or might reasonably be expected to disclose the deliberations of Cabinet (other than a decision that has been officially published)
d.	Disclosure of the information or document could, or might reasonably be expected to prejudice the investigation of a possible breach of the law or the enforcement of the law in a particular instance
e.	Disclosure of the information or document could, or might reasonably be expected to disclose, or enable a person to ascertain, the existence or identity of a confidential source or information, in relation to the enforcement or administration of the law
f.	Disclosure of the information or document could, or might reasonably be expected to endanger the life or physical safety of any person
g.	Disclosure of the information or document could, or might reasonably be expected to prejudice the fair trial of a person or the impartial adjudication of a particular case
h.	Disclosure of the information or document could, or might reasonably be expected to disclose lawful methods or procedures for preventing, detecting, investigating, or dealing with matters arising out of breaches or evasions of the law, the disclosure of which would, or would be reasonably likely to, prejudice the effectiveness of those methods or procedures
i.	Disclosure of the information or document could, or might reasonably be expected to prejudice the maintenance or enforcement of lawful methods for the protection of public safety.

Cleared by:

Action officer:

## National Anti-Corruption Commission BRIEF

### OC - National Intelligence Community Engagement

21

Engaging with the National Intelligence Community presents a range of challenges, mainly around working with highly classified material. The Commission has taken proactive steps to ensure any matters received from the community can be dealt with securely and efficiently.

#### Key Points

- Section 239 of the *National Anti-Corruption Commission Act 2022* (Cth) (NACC Act) requires an agreement between the Commissioner and the head of an intelligence agency to be established prior to the Commission handling intelligence information.
- The establishment of s239 agreements is being coordinated by through the Office of National Intelligence (ONI) on behalf of the intelligence community. Final consultation is taking place with the ONI, and we anticipate completion of the agreements in the near future. We are waiting for final comments from ONI in relation to the 9th iteration.
- The NACC Act also requires the Commission to undertake consultation with specified heads of intelligence agencies under certain circumstances, including via the Office of the Inspector General of Intelligence and Security (OIGIS), if an investigation relates to a security matter, if an investigation requires information to be produced by the OIGIS or if the investigation is dealing with intelligence information.

#### Commission facilities

- The Commission moved into a new Canberra premises in early 2024.
- The Canberra premises has s 47E(d) [REDACTED].

#### Commission security clearances

- The Commission has a number of staff with the required security clearance to handle intelligence information.
- The Commission prioritised the uplift of security clearances to ensure there is a spread of staff across the lifecycle of an investigation who can handle intelligence information, to ensure a sensitive investigation can be conducted if needed.
- See **SB25-000070 Security Clearances and Upgrades** for further details on security clearances.

#### Use of Office of Inspector General of Intelligence and Security facilities

- The Commission engaged with the OIGIS to establish interim processes that could be implemented should an investigation relating to the intelligence community have commenced prior to the Commission's new premises being ready for use.
- The processes established have covered the whole lifecycle of an investigation, from the initial receipt of information through to the final reporting of an investigation.
- Multiple intelligence community agencies have offered their facilities and resources to the Commission to support sensitive investigations should that be required.

- I am not in a position to comment on whether the Commission has received any referrals from any intelligence agencies to avoid prejudice to operational activities or unfair damage to reputations.

Liaison with intelligence agencies
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- The drafting of an 'Arrangement between the National Anti-Corruption Commissioner and heads of Intelligence Agencies' in relation to the obtaining, storing, accessing, using, or disclosing intelligence information relating to an Intelligence Agency is still underway. We are waiting for final comments from s 47E(d) in relation to the 9th iteration.
- Agencies involved in the Commission's engagement are:
  - the Director-General of the Australian Secret Intelligence Service,
  - the Director-General of the Australian Signals Directorate,
  - the Director-General of Security,
  - the Director-General of National Intelligence,
  - the Director of the Defence Intelligence Organisation, and
  - the Director of the Australian Geospatial-Intelligence Organisation.
- Once signed, the agreement will be circulated to Commission staff, supported by a short training session.
- SES and EL2 level contacts have been established within various NIC agencies, including OIGIS to ensure referrals are managed appropriately and efficiently, enabling deconfliction of any security matters where necessary.
- More broad-based education briefings have been given, or offered, to staff of those agencies to ensure they are able to identify and refer corrupt conduct to the Commission through an appropriate pathway. Those given have been well-received and led to further communication around specific issues.
- The Commission regularly presents on courses run by the National Security College.

Cleared by: Peter Ratcliffe, s 22	Action officer: s 22
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## National Anti-Corruption Commission BRIEF

22

### OC - Corruption Survey

There have been various media reports in relation to the Commonwealth Integrity Survey, including some proactively generated by the Commission.

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#### Key Points

- On 7 May 2024, the Commissioner obtained the support of the Secretaries Board to undertake a survey of staff perceptions of corruption in the Commonwealth public sector.
- The survey ran from 19 August to 20 September 2024 and was designed by the Commission in consultation with anti-corruption partners. It was delivered via a survey provider, procured through a limited tender advertised on AusTender.
- The survey collected observations and perceptions of integrity and corruption within the Commonwealth public sector from Commonwealth public sector employees. The survey provided an opportunity for employees to provide anonymised feedback to their agency and the Commission about integrity and corruption issues.
- The survey was made available to approximately 278,363 public officials in the Commonwealth public sector. Of the sample group, 58,309 public officials accessed and provided at least 1 answer (a response rate of 21 per cent). However, due to partial completions the response rate to individual survey questions varied.
- All data collected was de-identified and participation in the survey was completely voluntary.
- The Commission has published a de-identified summary of the data on its website. The data has informed internal Commission risk assessments, corruption education and prevention programs, and has been the focus of meetings with agencies to discuss their results and opportunities to improve their integrity maturity.
- The Commission provided each agency head with a de-identified report outlining their agency's results to help them target their corruption prevention activities. Agency heads were also provided with analysis of the overall results to support their understanding of how their agency's results compared with those of the broader sector.
- The Commission intends to conduct the survey every two years to identify trends and opportunities in the Commonwealth public sector's integrity maturity, with the next survey to be run in late 2026.

<b>Key Facts, Figures and Funding</b>
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## OFFICIAL

- The survey included over 200,000 public officials across the entire Commonwealth public sector. This is much wider than just the Australian Public Service. Around 50,000 public officials submitted responses.
- The survey cost \$408,595.00 (GST incl).

Cleared by: Pete Ratcliffe GM Operational Capabilities	Action officer: s 22 Director Intelligence
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## National Anti-Corruption Commission BRIEF

### MCCPE - Corruption Prevention and Education

23

This brief provides a summary of the Commission's national engagements and website analytics for the period 1 July 2024 to 31 August 2025, profiled by financial year.

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#### Key Points

- Our mission is to enhance integrity in the Commonwealth public sector, by deterring, detecting and preventing corrupt conduct involving Commonwealth public officials, through education, monitoring, investigation, reporting and referral.
- To achieve that mission, the Commission has 2 main lines of operation: deterring corrupt conduct through detection, investigation and exposure; and preventing corrupt conduct through education and engagement.
- In the 2025-26 financial year through to 31 August, the Commission undertook 21 engagements (18 national and 3 international) and updated 1 factsheet.
- During this period, the Commission has focused on the prevention of corrupt conduct through education and engagements on key topics including:
  - the Commission's first two years of operation and recent outcomes of investigations
  - corruption risks and vulnerabilities for parliamentarians
  - defining the expectations of integrity across the Commonwealth public sector
  - ethical decision-making.
- The Commission continues to deliver presentations to Commonwealth agency leadership and staff, members of Parliament and their staff, governance professionals, lawyers, business leaders and international audiences.
- To provide parliamentarians and their staff with advice on reporting obligations, corruption risks and vulnerabilities and how to avoid them, the Commission published a guide with advice on managing specific corruption risks and vulnerabilities that parliamentarians may face, including grants, public sector appointments and the use of parliamentary resources and staff.
- The Commission updated the following factsheet in August 2025:
  - Information for persons interacting with the NACC.

#### 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.

- The Commission delivered a workshop in July 2024 on ethical decision-making. Senior researchers and subject matters experts in the fields of anti-corruption, integrity and other related areas were invited to participate. The following attended:
  - s 47F(1), Monash University.
  - s 47F(1), ANU.
  - s 47F(1), Reviewer for Qld Public Service.
  - s 47F(1), ANU.
  - s 47F(1), ANU.
  - s 47F(1), Monash University.
  - s 47F(1), ACT Supreme Court.
  - s 47F(1), University of Sydney.
  - s 47F(1), University of Melbourne.
  - s 47F(1), University of Qld.
  - s 47F(1), Charles Darwin University.
- Representatives from the Commission attended the Koori Knockout in October 2024. The Koori Knockout is the largest Indigenous sporting and cultural event in Australia and one of the largest Rugby League carnivals globally. The Commission shared an 'Integrity Tent' with staff from the NSW Independent Commission Against Corruption, the NSW Law Enforcement Conduct Commission and the Energy and Water Ombudsman NSW. This was the Commission's first community outreach event. Two Commission representatives engaged with members of the public to raise awareness of the Commission's jurisdiction, powers and priorities.
- Representatives from the Commission attended the Defence Integrity Conference in November 2024. The conference was organised by the Department of Defence and was open to Australian Public Service (APS) officers by invitation. Commission staff, manning a booth outside the main auditorium, engaged with members of the APS about the Commission's jurisdiction and discussed opportunities for collaboration and future engagement.
- The Commission also developed corruption prevention and education resources available on its webpage including:
  - Videos
  - E-learning module
  - Commonwealth Integrity Maturity Framework.

## A - Commission national engagements (1 July 2024 to 30 June 2025) \*

No.	PRESENTATIONS TO	DATE
1	Department of Climate Change, Energy, the Environment & Water	4 July 2024
2	Department of Defence	8 July 2024
3	APS Academy	9 July 2024
4	Australian Signals Directorate	10 July 2024
5	Australian Institute of Administrative Law	18 July 2024
6	Services Australia	19 July 2024
7	Department of the House of Representatives	23 July 2024
8	Department of Social Services	25 July 2024
9	Australian Graduate School of Management	25 July 2024
10	NT ICAC (Australian Public Sector Anti-Corruption Conference)	29 July 2024
11	Parliamentary Workplace Support Service	30 July 2024
12	Department of Education	1 August 2024
13	Attorney-General's Department	6 August 2024
14	APS Academy	6 August 2024
15	Australian National University (National Security College)	6 August 2024
16	United Nations Global Compact Network Australia	7 August 2024
17	Victoria Police	14 August 2024
18	Australian Federal Police	19 August 2024
19	APS Academy	20 August 2024
20	Department of Home Affairs	20 August 2024
21	Australian Transaction & Analysis Centre	21 August 2024
22	Australian Federal Police	25 August 2024
23	Department of Climate Change, Energy, the Environment & Water	28 August 2024
24	Department of Infrastructure, Transport, Regional Development, Communications & the Arts	28 August 2024
25	Thomson Reuters	29 August 2024
26	Public Sector Network and the Australian Digital Transformation Agency	2 Sept 2024
27	Department of Finance	3 Sept 2024
28	Department of Agriculture, Fisheries and Forestry	5 Sept 2024
29	Australian National University, Crawford School of Public Policy	9 Sept 2024

30	Australian National University	11 Sept 2024
31	Australian Public Service Commission	12 Sept 2024
32	Australian Centre for International Agricultural Research	12 Sept 2024
33	Department of Infrastructure, Transport, Regional Development, Communications and the Arts	18 Sept 2024
34	Corruption Prevention Network	23 Sept 2024
35	APS Academy	23 Sept 2024
36	APS Academy	1 October 2024
37	Australian Public Service Commission – (1/2)	2 October 2024
38	Australian Public Service Commission – (2/2)	2 October 2024
39	Council of Australasian Tribunals	11 October 2024
40	Australian Federal Police	14 October 2024
41	Australian National University	15 October 2024
42	Office of the Australian Information Commissioner	15 October 2024
43	Australian Federal Police	17 October 2024
44	Attorney General's Department	18 October 2024
45	New South Wales Police Force	18 October 2024
46	Norton Rose Fullbright	22 October 2024
47	APS Academy	22 October 2024
48	Australian Federal Police	28 October 2024
49	APS Academy	29 October 2024
50	Australian National University	05 November 2024
51	National Anti-Corruption Investigation Network – (1/2)	07 November 2024
52	National Anti-Corruption Investigation Network – (2/2)	07 November 2024
53	Australian Federal Police & Australian Institute of Police Management	08 November 2024
54	Department of Defence	12 November 2024
55	Australian Transaction Reports & Analysis Centre	14 November 2024
56	Australian Federal Police	14 November 2024
57	New South Wales Independent Commission Against Corruption	14 November 2024
58	Australian Capital Territory Integrity Commission	15 November 2024
59	Governance Institute of Australia	15 November 2024
60	Australian Public Service Commission	15 November 2024

61	Department of Agriculture, Fisheries & Forestry	19 November 2024
62	Department of Infrastructure, Transport, Regional Development, Communications and the Arts	19 November 2024
63	Department of Employment & Workplace Relations	19 November 2024
64	Department of Climate Change, Energy, the Environment & Water	20 November 2024
65	Department of Finance	21 November 2024
66	Department of Finance	25 November 2024
67	State Integrity Commissioners' Meeting	27 November 2024
68	Australian Government Legal Services	27 November 2024
69	Melbourne Law School	28 November 2024
70	Zines Symposium	01 December 2024
71	Australian National Audit Office	06 December 2024
72	Transparency International Australia	12 December 2024
73	Australian Federal Police	07 January 2025
74	Department of Social Services	21 January 2025
75	Australian Border Force	03 February 2025
76	Department of Veterans' Affairs	04 February 2025
77	Australian Centre for International Agricultural Research	11 February 2025
78	New South Wales Independent Commission Against Corruption	13 February 2025
79	Attorney-General's Department	17 February 2025
80	APS Academy – Australian Public Service Commission	18 February 2025
81	New South Wales Independent Commission Against Corruption	20 February 2025
82	Bribery Prevention Network	26 February 2025
83	Australian National University - National Security College	04 March 2025
84	Australian Public Service Commission - APS Academy	04 March 2025
85	Inspector-General of the Australian Defence Force	05 March 2025
86	Australian Sports Commission	06 March 2025
87	Australian Border Force	13 March 2025
88	Australian Institute of Professional Investigators	13 March 2025
89	Australian Public Service Commission – APS Academy	17 March 2025
90	Australian Public Service Commission – (1/2)	20 March 2025
91	Australian Public Service Commission (2/2)	20 March 2025



92	Legalwise Seminars	24 March 2025
93	Australian Skills Quality Authority	25 March 2025
94	Department of Climate Change, Energy, the Environment & Water	26 March 2025
95	Australian Academy of Law	02 April 2025
96	Department of Veterans' Affairs	07 April 2025
97	Parliamentary Budget Office	07 April 2025
98	National Health & Medical Research Council	10 April 2025
99	Australian Federal Police	15 April 2025
100	Australian Public Service Commission – APS Academy	30 April 2025
101	Fair Work Commission	01 May 2025
102	The Hatchery	06 May 2025
103	Department of Health & Aged Care	13 May 2025
104	CEA Technologies	19 May 2025
105	Digital Transformation Agency	21 May 2025
106	Australian Public Service Commission	22 May 2025
107	Australian National University – National Security College	23 May 2025
108	State-based Integrity Agencies	27 May 2025
109	Australian Federal Police	27 May 2025
110	Australian National University – National Security College	05 June 2025
111	Australian Public Service Commission – APS Academy	10 June 2025
112	Australian Public Service Commission	11 June 2025
113	Australian Public Service Commission – APS Academy	16 June 2025
114	Transparency International Australia	18 June 2025
115	Alvarez & Marsal	23 June 2025
116	National Disability Insurance Agency	24 June 2025
117	Australian Skills Quality Authority	25 June 2025
118	Services Australia	25 June 2025
119	Department of the House of Representatives	25 June 2025

\* the NSW ICAC / NSW EWON / NSW LECC – Koori Knockout 2024 in October 2024 is not in above list as it was not in finalised Fy24-25 data for KPI 1.3 but would otherwise appear in this list.

## B - Commission national engagements (1 July 2025 to 31 August 2025)

No.	PRESENTATIONS TO	DATE
1	Department of the Senate	02 July 2025
2	Australian Public Service Commission – APS Academy	08 July 2025
3	National Disability Insurance Agency / Australian Federal Police	09 July 2025
4	Australian Sports Commission	10 July 2025
5	Australian National University – National Security College	16 July 2025
6	Services Australia	18 July 2025
7	Department of Climate Change, Energy, the Environment & Water	22 July 2025
8	Australian Public Service Commission – APS Academy	29 July 2025
9	Australian Financial Review	29 July 2025
10	KPMG Canberra	29 July 2025
11	The Institute of Internal Auditors	31 July 2025
12	Australian Institute of Administrative Law	31 July 2025
13	Commonwealth Director of Public Prosecutions	12 August 2025
14	Australian National University - National Security College	13 August 2025
15	Transparency International Australia – (1/2)	21 August 2025
16	Transparency International Australia – (2/2)	21 August 2025
17	Department of Finance – GBE Forum	27 August 2025
18	Services Australia	29 August 2025

Cleared by: Peta Hegarty, GM MCCPE

Action officer: s 22

Website analytics
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The Commission utilises social media alongside the Commission's website and reviews analytics monthly to inform communication strategies. The following figures are cumulative and correct as at the point in time shown.

Commission website analytics – 24/25 financial year (1 July 2024 – 30 June 2025)

Website

- Total pageviews = 348,007
- Total website users visiting the site = 132,804
- Number of user engagements (includes multiple visits from same user) = 223,070
- Average time on site = 56 seconds (standard benchmark is 54 seconds)
- Top pages:
  - Homepage – 59,386
  - Careers – 19,486
  - What is corrupt conduct? – 16,173
  - News and Media – 15,562
  - Commonwealth Integrity Survey 2024 – 11,946
  - Report Corrupt Conduct – 11,871
  - /about-nacc/news-and-media – 11,867
  - How to make a report – 10,593
  - Leadership – 8,902
  - Overview – 8,587

Commission website analytics financial year to date (1 July 2025 – 31 August 2025)

Website

- Total pageviews = 94,776
- Total website users visiting the site = 45,529
- Number of user engagements (includes multiple visits from same user) = 52,110
- Average time on site = 41 seconds (standard benchmark is 54 seconds)

Top pages

- Former immigration officer sentenced for approving family members visa – 16,513
- Homepage – 12,256
- Careers – 5,435
- Investigation reports – 4,420
- News and Media – 3,840
- NACC finds corrupt conduct in Home Affairs recruitment – 2,896
- Report corrupt conduct – 2,497
- What is corrupt conduct? – 2,424
- Overview – 2,021
- Statement – settlement between Ms Brittany Higgins and Commonwealth – 1,959

Social Media Key Facts and Figures
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Social media analytics 24/25 financial year (1 July 2024 – 30 June 2025)

- X (formerly known as Twitter)
  - Number of posts = 62
- LinkedIn
  - Number of posts = 86

Social media analytics financial year to date (1 July 2025 – 31 August 2025)

- X (formerly known as Twitter)
  - Number of posts = 9
- LinkedIn
  - Number of posts = 13

## Number of followers (as at 15 September 2025)

- X (formerly known as Twitter) = 2,872
- LinkedIn = 7,949

Cleared by: Peta Hegarty, GM MCCPE	Action officer: s 22
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## National Anti-Corruption Commission BRIEF

### MCCPE – Commission international engagements

24

This brief provides information regarding the Commission's international engagements between 1 July 2024 and 31 August 2025, profiled by financial year.

#### Key points

- In 2025–26, the Commission's objectives for international engagement focus on knowledge sharing, capacity building, cooperation and collaboration on matters of mutual benefit, particularly with neighbouring countries in Asia and the Pacific.
- On 1 August, the Commissioner delivered a virtual presentation to senior executives in the New Zealand Public Sector as part of the Leaders Integrity Forum, organised by Transparency International New Zealand and supported by the New Zealand Office of the Auditor-General.
- Between 25–27 August, Commission officers, alongside officers from the Attorney-General's Office, virtually attended the Pacific Pre-Conference of the States Parties to the United Nations Convention against Corruption, hosted by the United Nations Office on Drugs and Crime and the Pacific Islands Forum Secretariat in Suva, Fiji.
- On 27 August, the Commission supported delivery of the Asia-Pacific Integrity School in Brisbane, a joint initiative of Griffith University and Transparency International Australia. This included a presentation to participants from 10 countries, including Indonesia, Papua New Guinea, Vanuatu.
- Staff attendance at these events was funded within standard travel budgets.
- The Commissioner has not undertaken any international travel in 2025–26 (up to 31 August 2025) and did not undertake any international travel in 2024–25. Details on Commissioner travel in 2023–24 are in **Attachment A: Background – FY 2023–24** (SB25-000026)

#### Commission international engagements (1 July 2024 to 31 August 2025)

#### Overview

NO.	2023-24	2024-25	2025-26 (to 31 August 2025)	Total
Number of Engagements	50	19	3	72

1 July 2024 to 30 June 2025

NO.	ENGAGEMENT	ENTITY	LOCATION	DATE
1	Welcome reception in the margins of APSACC 2024	Cook Islands, Federates States of Micronesia, Fiji, Kiribati, Nauru, Niue, Papua New Guinea (PNG), Samoa, the Solomon Islands, Tonga and Tuvalu	Darwin, Australia	28 July 2024
2	Workshop in the margins of APSACC 2024	Cook Islands, Federates States of Micronesia, Fiji, Kiribati, Nauru, Niue, PNG, Samoa, the Solomon Islands, Tonga and Tuvalu	Darwin, Australia	29 July 2024
3	Meeting of all Commissioners in the margins of APSACC 2024	Fiji, PNG, Solomon Islands, Tonga, New Zealand	Darwin, Australia	29 July 2024
4	Panel participation at APSACC 2024	Commission coordinated panel with Fiji, PNG, Solomon Islands and Tonga	Darwin, Australia	31 July 2024
5	Bilateral meeting in the margins of APSACC 2024	Kiribati	Darwin, Australia	31 July 2024
6	Presentation	University of Queensland International Development and Fiji (working level public officials)	Canberra, Australia	15 August 2024
7	Panel participation	Asia Pacific Integrity School (Griffith University and Transparency International)	Brisbane, Australia	20 August 2024
8	Presentation	Anti-Corruption and Civil Rights Commission of South Korea	Canberra, Australia	3 September 2024
9	Presentation	Republic of Maldives	Canberra, Australia	16 September 2024
10	Presentation	High Commission of Fiji to Australia	Canberra, Australia	17 September 2024
11	Interview	Organisation for Economic Co-operation and Development	Canberra, Australia	2 October 2024
12	Conference presentation	Anti-Corruption Commission of the Republic of Maldives	Virtual	10 December 2024

13	14 <sup>th</sup> General Meeting	International Association of Anti-Corruption Authorities	Virtual	6 February 2025
14	Meeting	Vanuatu Office of the Public Prosecutor	Virtual	8 April 2025
15	Meeting	United Arab Emirates Accountability Authority	Canberra, Australia	28 April 2025
16	Workshop	Organisation for Economic Co-operation and Development	Virtual	4 June 2025
17	Meeting	Embassy of France to Australia	Canberra, Australia	4 June 2025
18	Presentation	New Zealand Serious Fraud Office	Virtual	5 June 2025
19	Podcast Interview	Professor Robert Barrington (University of Sussex) – KickBack Podcast	Virtual	10 June 2025

1 July 2025 to 5 September 2025

NO.	ENGAGEMENT	ENTITY	LOCATION	DATE
1	Presentation	Transparency International New Zealand and New Zealand Office of the Auditor-General	Virtual	1 August 2025
2	Pre-briefing	United Nations Office on Drugs and Crime and Pacific Islands Forum	Virtual	25 – 27 August 2025
3	Presentation	Asia-Pacific Integrity School (Griffith University and Transparency International Australia)	Brisbane, Australia	27 August 2025
4	Presentation	Following the Asia Pacific Integrity School, senior representatives from the Commission presented a 2-hour program to a visiting delegation of 27 Indonesian public sector and civil society anti-corruption practitioners, accompanied by Professor A J Brown of Griffith University. The visit was funded through the Australia Awards Indonesia.	Canberra, Australia	4 September 2025

Cleared by: Peta Hegarty,  
GM MCCPE

Action officer: s 22



## BACKGROUND – FY 2023-24

SB25-000026

## MCCPE - Commissioner's international engagements (Attachment A)

This brief provides information regarding the Commission's international engagements between 1 July 2023 and 30 June 2024.

Overview of international engagements FY2023-24
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- In its first year of operations, the objectives of international engagement focused on building relationships, learning from established commissions, and exploring opportunities for cooperation and collaboration.
- In 2023–24, the Commissioner undertook 3 overseas visits and 50 international engagements.
- The Commissioner travelled to:
  - Vienna, Austria in September 2023 to undertake a series of bilateral and multilateral meetings while also attending the United Nations Commission on Crime Prevention and Criminal Justice (CCPCJ) panel discussions, held 21–23 September 2023.
  - Atlanta U.S.A. in December 2023 as Head of the Australian delegation to the 10<sup>th</sup> Conference of States Parties to the United Nations Convention against Corruption.
  - Hong Kong, Special Administrative Region of the People's Republic of China, between 21-24 May 2024 to speak at the 8th ICAC Symposium being hosted by the Independent Commission Against Corruption (ICAC) of Hong Kong.
    - The Hong Kong visit marks the 50<sup>th</sup> anniversary of Hong Kong ICAC, one of the world's first anti-corruption commissions.
    - The success of Hong Kong ICAC has been considered a model by many governments setting up anti-corruption commissions.
    - As one of the world's youngest national anti-corruption commissions, the National Anti-Corruption Commission has much to learn from Hong Kong ICAC.
- The Commissioner's travel for the:
  - Vienna program was approved by the Attorney-General on 12 September 2023, following a request by way of Ministerial Submission from the Commission.
  - Atlanta program was approved by the Attorney-General on 27 November 2023, following a request by way of a whole-of-portfolio Ministerial Submission from AGD.
  - Hong Kong program was approved by the Attorney-General on 24 April 2024, following a request by way of Ministerial Submission from the Commission.
- Total costs of international travel up to 30 June 2024 is \$75,609.17. This includes:

- the Commissioner - \$52,758
  - Commission staff - \$22,851.17
- The Commission presented to parliamentary delegations visiting Canberra from the Philippines (16 January 2024), Palau (24 January 2024) and Indonesia (9 April 2024).
  - These presentations supported an official program coordinated by the Department of Foreign Affairs and Trade.
- The Commission presented to senior public officials visiting Canberra from Vanuatu (25 March 2024), Tonga (10 April 2024), Samoa (1 May 2024) and New Zealand (1 May 2024).
  - These presentations supported an official program coordinated by the Australian Public Service Commission as part of its Pacific Institutional Linkages Program
- The Commission welcomed US Coordinator on Global Anti-Corruption, Richard Nephew to the Canberra office for senior level meetings and an all-staff address (14 May 2024).
  - This presentation supported an official program coordinated by the US Department of State and Australian Department of Foreign Affairs and Trade.

Vienna meeting program – September 2023
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### *Outcomes*

- In July 2023, the Commission was asked by AGD whether Commissioner Brereton would be available and interested to be nominated to be a panellist at the CCPCJ Thematic Discussions on 'Promoting the rule of law', to be held in Vienna in September 2023. Commissioner Brereton agreed to be nominated and was subsequently selected.
- The Commission, DFAT and Australian Embassy in Vienna personnel coordinated a meeting program for the Commissioner while he was in Vienna to participate in the panel discussions.
- This program enabled the Commissioner to formally register the Commission as Australia's anti-corruption authority for the purposes of the United Nations Convention against Corruption (UNCAC) with senior representatives of the United Nations Office on Drugs and Crime (UNODC).
- The Commissioner's meeting program also enabled learning and information exchanges to support the benchmarking of operational practices.

### *Agencies/personnel with whom the Commissioner met*

- Ms Alma Zadić - Minister for Justice, Austria

- Personnel from the Central Office for Prosecuting Economic Crimes and Corruption in the Austrian Federal Ministry of Justice
- Mr Jaroslaw Pietrusiewicz, Officer-in-Charge, and senior representatives - the International Anti-Corruption Academy (IACA)
- Mr John Brandolino, Director for Treaty Affairs and Ms Brigitte Strobel-Shaw, Chief, Corruption and Economic Crime Branch - United Nations Office of Drugs and Crime (UNODC)
- Ambassador Laura Holgate - US Ambassador to the Vienna Office of the United Nations and to the International Atomic Energy Agency
- Mr Yonatan Yakir, Programme Manager and UN Affairs Lead, UNCAC Coalition - Association for the Implementation of the UNCAC
- The Commissioner attended a lunch hosted by the Head of Mission, Ambassador Ian Biggs, with the following attendees:
  - US Ambassador Laura Holgate
  - Ambassador Manizha Bakhtari - Ambassador of the Islamic Republic of Afghanistan (the former government) to Austria,
  - Mr Gregor Schusterschitz - former Head of the Permanent Representation of Austria to the European Union
  - Mr John Brandolino - Director for Treaty Affairs, United Nations Office of Drugs and Crime (UNODC)
  - Mr Jaroslaw Pietrusiewicz - Officer-in-Charge, International Anti-Corruption Academy (IACA)
  - Mr Yonatan Yakir - Programme Manager and UN Affairs Lead, UNCAC Coalition - Association for the Implementation of the UNCAC.

*Cost of travel*

- Flights - \$15,001.53.
- Accommodation - \$4,625
- Taxis/transport (Vienna and Sydney) - \$569.
- TOTAL: \$20,196

A travel allowance was not paid to the Commissioner.

The Commissioner incurred expenses for meals and incidentals privately.

Atlanta meeting program – December 2023
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*Outcomes*

- The Commissioner and one supporting officer (Assistant Director, Corruption Prevention & Education) undertook approved international travel to attend the 10th Conference of the States Parties the UN Convention against Corruption in Atlanta, USA from 11 – 15 December 2023, and related meetings.
  - The Conference also coincided with the 20th anniversary of the UN Convention against Corruption and International Anti-Corruption Day.
- As the most senior office-holder in attendance, the Commissioner led the Australian delegation as the Head of Delegation (HOD). The assumption of the HOD role was on the advice of DFAT and AGD. The Attorney-General approved a total portfolio delegation of 5 representatives, comprising AGD, AFP and Commission staff. Two additional officers from DFAT and one officer from Sports Integrity Australia also participated in the delegation.
- Any questions about the outcomes of the Conference of States Parties for Australia should be directed to the Attorney-General's Department in the context of its responsibility for integrity policy and activities.
- The Commissioner participated in two high-level side events at the Conference:
  - Teieniwa Vision: From Strategy to Action – organised by the Pacific Islands Forum and UNODC. Participants included:
    - Marie Pegie Cauchois, UN Office on Drugs and Crime
    - Taneti Maamau, President of Kiribati
    - Henry Puna, Secretary General of Pacific Island Forum Secretariat
    - Samiu Kuita Vaipulu, Minister of Justice, Tonga
    - Leilani Ngirturong-Reklai, Pacific Anti-Corruption Journalists Network.
  - To Catch a Thief: A conversation about Tax and Corruption – organised by the World Bank/UN Office on Drugs and Crime Stolen Asset Recovery (StAR) Initiative. Participants included:
    - Ms Yara Esquivel, World Bank
    - Ms Mona Ransedokken, Ministry of Justice, Norway
    - Mr Jorge Messias, Attorney General, Brazil
    - Mr Renson Ingonga, Director of Public Prosecutions, Office of the Kenya

*Agencies/personnel with whom the Commissioner met*

- The Commissioner undertook a comprehensive bilateral meeting program to build networks and share knowledge.
  - This included meetings with 23 delegations in attendance at COSP10.
- Pacific Island Countries (PICs) delegations were a key focus of the bilateral meeting program. PICs requested support and assistance from Australia to better enable the implementation of the UN

Convention against Corruption and the Pacific Island Forum's anti-corruption strategy, the Teieniwa Vision. Australia is a party to both.

- The bilateral program also included other meetings of strategic significance, including with likeminded agencies from the United States and United Kingdom.

*If asked: Did the Commissioner meet with the Chinese delegation?*

- The Commissioner met with representatives from the Chinese Ministry of Foreign Affairs in the margins of the Conference (see table below).
  - China expressed a desire to cooperate with Australia. Discussions included membership of international anti-corruption networks, the draft extradition treaty (referred to AGD) and specific cases (referred to AFP).

#### *Cost of travel*

##### Commissioner Brereton

- Flights: \$19,688.19 (including \$171.67 booking and service fees).
- Accommodation: \$3,000.
- US Visa application - \$149.08.
- Airport Transfers – Sydney (x2) - \$441.00.
- TOTAL: \$23129.19 (excluding US Visa application).

A travel allowance was not paid to the Commissioner.

The Commissioner incurred expenses for meals and incidentals privately.

##### Assistant Director (Policy and International), Corruption Prevention and Education:

- Flights: \$16,515.17
- Accommodation: \$3,197.94
- US Visa and postage: \$183.00
- Official passport: \$562.00
- Meals and incidental expenses were within the total approved by the Attorney-General, as set out in Tax Determination 2022/10:
  - Meals
    - Actual expenses: \$1,521.55
    - Provisional amount: \$2,000.00
  - Incidentals (includes clothing equipment/passport photos etc)
    - Actual expenses: \$250.22
    - Provisional allowance: \$400.00
- Taxis/Rideshare (includes transport for pre-departure duties): \$621.30
- TOTAL: \$22,851.17

A travel allowance was not paid to the Assistant Director.

Hong Kong meeting program – May 2024
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*Outcomes*

- The Commissioner undertook approved international travel to speak at the Hong Kong ICAC 8<sup>th</sup> Symposium from 21-24 May 2024, and related meetings.
- Hong Kong ICAC invited the Commissioner to address the 8<sup>th</sup> ICAC Symposium's 2<sup>nd</sup> plenary session in a panel discussion on 'Contemporary challenges in fighting corruption' in December 2023.
- This followed the Commissioner's attendance at the 10<sup>th</sup> Conference of States Parties in Atlanta in December 2023, where a bilateral meeting took place with Hong Kong ICAC in the margins of the conference.
- The Commissioner undertook bilateral meetings to build relationships with the United Nations Office on Drugs and Crime, Hong Kong ICAC and United Arab Emirates Accountability Authority, and delegations from the Philippines and Saudi Arabia.
- The Commission will inform the Attorney-General's Department and Department of Foreign Affairs and Trade regarding the outcomes of the visit, as part of ensuring that the Commission's international engagements remain consistent with Australia's broader international anti-corruption policy commitments and objectives.

*Cost of travel*

## Commissioner Brereton

- Flights: \$7,263
- Accommodation: \$1,152
- Airport Transfers – Sydney x2
  - Airport transfer 1: \$462
  - Airport transfer 2: \$556.50
- Airport transfers x2 Hong Kong: nil
- TOTAL: \$9,434

A travel allowance was not paid to the Commissioner.

The Commissioner incurred expenses for meals and incidentals privately.

## Commission international engagements (1 July 2023 to 30 June 2024)

NO.	ENGAGEMENT	ENTITY	LOCATION	DATE
1	Panel participation	Intersessional meeting of Commission on Crime Prevention and Criminal Justice (CCPCJ)	Vienna, Austria	22 September 2023
2	Meeting in the margins of CCPCJ	Minister for Justice, Austria	Vienna, Austria	20-23 September 2023
3	Meeting in the margins of CCPCJ	Central Office for Prosecuting Economic Crimes and Corruption in the Austrian Federal Ministry of Justice	Vienna, Austria	20-23 September 2023
4	Meeting in the margins of CCPCJ	International Anti-Corruption Academy	Vienna, Austria	20-23 September 2023
5	Meeting in the margins of CCPCJ	United Nations Office of Drugs and Crime	Vienna, Austria	20-23 September 2023
6	Meeting in the margins of CCPCJ	US Ambassador to the Vienna Office of the United Nations and to the International Atomic Energy Agency	Vienna, Austria	20-23 September 2023
7	Meeting in the margins of CCPCJ	UNCAC Coalition - Association for the Implementation of the UNCAC	Vienna, Austria	20-23 September 2023
8	Working lunch in the margins of CCPCJ	Lunch attendees <ul style="list-style-type: none"> <li>• Australian Ambassador to Vienna (Host)</li> <li>• Ambassador of the Islamic Republic of Afghanistan (the former government) to Austria</li> <li>• former Head of the Permanent Representation of Austria to the European Union</li> <li>• Director for Treaty Affairs, United Nations Office of Drugs and Crime (UNODC)</li> <li>• Officer-in-Charge, International Anti-Corruption Academy (IACA)</li> <li>• Programme Manager and UN Affairs Lead, UNCAC Coalition - Association for the Implementation of the UNCAC</li> </ul>	Vienna, Austria	20-23 September 2023
9	Panel participation	Side event to the Conference of the States Parties to the UN Convention against Corruption in USA, titled 'Teieniwa Vision: From Strategy to Action' Organised by the Pacific Islands Forum and UNODC	Atlanta, USA	12 December 2023
10	Panel participation	Side event to the Conference of the States Parties to the UN Convention against Corruption	Atlanta, USA	12 December 2023



		in USA, titled 'To Catch a Thief: A conversation about Tax and Corruption' Organised by the World Bank and UN Office on Drugs and Crime Stolen Asset Recovery Initiative		
11	Speech	Intervention delivered to the plenary at the 10 <sup>th</sup> Conference of the States Parties to the UN Convention Against Corruption in USA, entitled 'Corruption Prevention'	Atlanta, USA	14 December 2023
12	Pre-brief received at COSP10 in Atlanta, USA	UNODC facilitated for Pacific Island Countries	Atlanta, USA	10 December 2023
13	Bilateral meeting in the margins of COSP10	International Anti-Corruption Coordination Centre	Atlanta, USA	11-15 December 2023
14	Bilateral meeting in the margins of COSP10	Global Operational Network of Anti-Corruption Law Enforcement Authorities	Atlanta, USA	11-15 December 2023
15	Bilateral meeting in the margins of COSP10	Organisation for Economic Cooperation and Development	Atlanta, USA	11-15 December 2023
16	Bilateral meeting in the margins	UN Office on Drugs and Crime	Atlanta, USA	11-15 December 2023
17	Bilateral meeting in the margins of COSP10	Kiribati delegation	Atlanta, USA	11-15 December 2023
18	Bilateral meeting in the margins of COSP10	Palau delegation	Atlanta, USA	11-15 December 2023
19	Bilateral meeting in the margins of COSP10	Papua New Guinea delegation	Atlanta, USA	11-15 December 2023
20	Bilateral meeting in the margins of COSP10	Solomon Islands delegation	Atlanta, USA	11-15 December 2023
21	Bilateral meeting in the margins of COSP10	Tonga delegation	Atlanta, USA	11-15 December 2023
22	Bilateral meeting in the margins of COSP10 in Atlanta, USA	Tuvalu delegation	Atlanta, USA	11-15 December 2023
23	Bilateral meeting in the margins of COSP10 in Atlanta, USA	Vanuatu delegation	Atlanta, USA	11-15 December 2023
24	Bilateral meeting in the margins of COSP10 in Atlanta, USA	Indonesia delegation	Atlanta, USA	11-15 December 2023
25	Bilateral meeting in the margins of COSP10 in Atlanta, USA	Korea delegation	Atlanta, USA	11-15 December 2023
26	Bilateral meeting in the margins of COSP10 in Atlanta, USA	Japan delegation	Atlanta, USA	11-15 December 2023
27	Bilateral meeting in the margins of COSP10 in Atlanta, USA	Vietnam delegation	Atlanta, USA	11-15 December 2023
28	Bilateral meeting in the margins of COSP10 in Atlanta, USA	Malaysia delegation	Atlanta, USA	11-15 December 2023
29	Bilateral meeting in the margins of COSP10 in Atlanta, USA	Hong Kong delegation	Atlanta, USA	11-15 December 2023
30	Bilateral meeting in the margins of COSP10 in Atlanta, USA	China delegation	Atlanta, USA	11-15 December 2023

31	Bilateral meeting in the margins of COSP10 in Atlanta, USA	Seychelles delegation	Atlanta, USA	11-15 December 2023
32	Bilateral meeting in the margins of COSP10 in Atlanta, USA	Maldives delegation	Atlanta, USA	11-15 December 2023
33	Bilateral meeting in the margins of COSP10 in Atlanta, USA	Greece delegation	Atlanta, USA	11-15 December 2023
34	Bilateral meeting in the margins of COSP10 in Atlanta, USA	United Arab Emirates delegation	Atlanta, USA	11-15 December 2023
35	Bilateral meeting in the margins of COSP10 in Atlanta, USA	United Kingdom delegation	Atlanta, USA	11-15 December 2023
36	Bilateral meeting in the margins of COSP10 in Atlanta, USA	United States of America delegation	Atlanta, USA	11-15 December 2023
37	Bilateral meeting with Philippine Congresswoman, Dr Stella Quimbo	Philippines	Sydney, Australia	16 January 2024
38	Presentation to parliamentary delegation	Palau delegation	Canberra, Australia	24 January 2024
39	Presentation to senior public official delegation	Vanuatu delegation	Canberra, Australia	25 March 2024
40	Presentation to parliamentary delegation	Indonesia delegation	Canberra, Australia	9 April 2024
41	Presentation to senior public official delegation	Tonga delegation	Canberra, Australia	10 April 2024
42	Presentation to senior public official	Samoa delegation	Canberra, Australia	1 May 2024
43	Presentation to senior public official	New Zealand delegation	Canberra, Australia	1 May 2024
44	Bilateral meeting and all-staff seminar	United States of America delegation	Canberra, Australia	14 May 2024
45	Panel participation	Hong Kong ICAC 8 <sup>th</sup> Symposium	Hong Kong	23 May 2024
46	Bilateral meeting in the margins of the Hong Kong ICAC 8 <sup>th</sup> Symposium	United Nations Office on Drugs and Crime	Hong Kong	22-24 May 2024
47	Bilateral meeting in the margins of the Hong Kong ICAC 8 <sup>th</sup> Symposium	United Arab Emirates delegation	Hong Kong	22-24 May 2024
48	Bilateral meeting in the margins of the Hong Kong ICAC 8 <sup>th</sup> Symposium	Hong Kong ICAC	Hong Kong	22-24 May 2024
49	Bilateral meeting in the margins of the Hong Kong ICAC 8 <sup>th</sup> Symposium	Philippines delegation	Hong Kong	22-24 May 2024
50	Bilateral meeting in the margins of the Hong Kong ICAC 8 <sup>th</sup> Symposium	Saudi Arabia delegation	Hong Kong	22-24 May 2024

<p>Outcomes documented by DFAT</p> <p>CCPCJ, Vienna – September 2023</p>
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- A summary cable marked OFFICIAL and provided by the Head of Mission in Vienna outlined the success of the visit and related meeting program.
- A key outcome of the meeting program was strategic relationship building to support the Commission to deliver on Australia's UNCAC commitments.
- The reporting cable confirms that the Commissioner's meetings with senior representatives at the UNODC, the International Anti-Corruption Academy (IACA), the UNCAC Coalition and Austrian government counterparts led to the following:
  - Greater awareness of UNODC resources and collaboration opportunities.
  - Training and capacity building opportunities in the South-West Pacific in partnership with IACA.
  - Learning from the success of the Austrian Government's online platform for anonymous disclosers.
  - Australia was commended as one of few State Parties to have published a full copy of its UNCAC implementation review report.

10th Conference of the States Parties the UN Convention against Corruption, Atlanta – December 2023

- The reporting cable marked OFFICIAL SENSITIVE provided by the Head of Mission Vienna confirms that there was considerable interest in meeting with Australia's inaugural National Anti-Corruption Commissioner.
- The Commission and DFAT co-authored a summary cable marked PROTECTED on the outcomes of the bilateral meeting program in early 2024.

Cleared by: Peta Hegarty, A/General Manager – Media, Communications, Corruption Prevention and Education	Cleared date: 05/11/2024	Action officer: s 22
Phone number: s 22		Action officer number: s 22

## National Anti-Corruption Commission BRIEF

### ES - Secure and Independent ICT

25

This report provides an overview of the NACC's current ICT arrangements.

#### Key Points

- The Commission has continued to build upon the base-level ICT capability that was delivered as part of the establishment of the National Anti-Corruption Commission.
- The Commission has provisioned a digital evidence review system as well as a secure file transfer system that can be used by the Commission to transfer large digital files securely.
- In October 2025, the Commission will commence a project to modernise information management capability. This project will include the transition to a contemporary M365 based EDRMS, increasing records management compliance and efficiency, and setting a foundation to take advantage of emerging technologies.
- The Commission has developed a data analytics roadmap that includes several initiatives to uplift data capture, quality and use. The Commission will build a centralised data platform and make it available for all Commission staff.

#### Governance

- An appropriate internal governance structure supports ICT, and Data and Information Management.
- Forums including a Technical Advisory Group (TAG), Change Advisory Board (CAB), ICT Steering Committee, Information and Data Management Committee, and the Corporate Governance Committee are all in place, geared toward ensuring the appropriate security, governance and effectiveness of the Commission's ICT and information environments.
- In February 2025, the Commission published its first Artificial Intelligence (AI) transparency statement. The statement outlines the Commission's open but cautious approach to exploring the use of AI.

#### Cyber Security

- Cyber security remains a key focus for the Commission. The Commission continues to work closely with contracted service providers and other Government agencies to enhance cyber security. To date, no serious cyber security incidents have been detected.
- A program of work focused on further enhancing cyber security capability within the Commission is in the latter stages of completion and has delivered significant updates to key control systems.

Cleared by: GP

Action officer: s 22

## National Anti-Corruption Commission BRIEF

### ES - Security Clearances and Upgrades

This report provides an overview of the NACC's current security arrangements.

#### Key Points

- Security clearance statistics are subject to change resulting from new onboarding requests, clearances being granted by the Australian Government Security Vetting Agency (AGSVA) and staff/contractors leaving the Commission.
- The Commission currently has [REDACTED] staff who hold a TS-PV clearance.
- The Commission's TS-PV staff will transition to TS-PA clearances in line with the related AGSVA pathway.
- The Commission continues to maintain a mix of clearance holders with appropriate security clearances to manage and handle materials at all levels.

#### NACC Security Clearances as at 16 September 2025

**Table 1: Current clearances for staff – Ongoing, non-ongoing & Statutory Office Holders**

Clearance Level	Held	In process
Internal Temporary Access	[REDACTED]	-
Baseline	[REDACTED]	-
Negative Vetting Level 1	[REDACTED]	[REDACTED]
Negative Vetting Level 2	[REDACTED]	
Top Secret –Positive Vetting Privileged Access	[REDACTED]	-
<b>Total</b>	[REDACTED]	[REDACTED]

**Table 2: Current clearances – Contracted Service Providers, Labour hire, and Audit Committee members**

Clearance Level	Held	In Process
Internal Temporary Access	[REDACTED]	-
Baseline	[REDACTED]	
Negative Vetting Level 1	[REDACTED]	[REDACTED]
Negative Vetting Level 2	[REDACTED]	-
Top Secret – Positive Vetting	[REDACTED]	-
<b>Total</b>	[REDACTED]	[REDACTED]

Table 3: Total combined security clearances

Clearance Level	Held	In Process
Internal Temporary Access	s 47E(d)	-
Baseline	s 47E(d)	-
Negative Vetting Level 1	s 47E(d)	s 47E(d)
Negative Vetting Level 2	s 47E(d)	
Top Secret – Positive Vetting	s 47E(d)	-
Total	s 47E(d)	s 47E(d)

- Clearances for contracted service providers, labour hire, and audit committee members include four Audit Committee members and seven labour hire staff. The remaining clearances primarily relate to service providers (ICT, external legal counsel, digitisation & security guarding and services, secondees, and cleaners).
- The cost of clearances held by contracted service providers are recovered from the respective suppliers through charge back arrangements.
- The number of clearances 'In Process' are for current clearance holders being upgraded to a higher-level clearance or for new staff and/or service providers and contractors.
- Internal Temporary Access clearances are where the Commission has undertaken a risk assessment to grant or provide continued access whilst formal clearance processes are being undertaken by AGSVA.

#### Highly Classified/Sensitive referrals

- To support investigations for highly sensitive and classified referrals, the Commission has staff with the appropriate security clearance level to manage and handle such material.
- The Commission's secure and independent ICT environment is at the 'Protected Level'. Highly classified material is not stored on the Commission's 'Protected Level' systems.
- A Sensitive Compartmented Information Facility (SCIF) and a Security Zone 4 workspace has been constructed in the Commission's s 47E(d) accommodation. The SCIF was accredited by the Australian Signals Directorate on 30 December 2024.

Cleared by: GP

Action officer: s 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:
  - 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
  - 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,
  - various approvals had been given throughout the project lifecycle,
  - ongoing scrutiny of invoices before payment, and
  - 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
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- The Commission implemented several remediation actions to address this non-compliance including:
  - 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:
  - Internal audits (credit cards and procurement)
  - Management reports (including variance and exception reports)
  - Financial systems, including policies and procedures
  - 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: s 22



National Anti-Corruption Commission

CEO

Ref: EC24-000006

2 October 2024

The Hon Mark Dreyfus KC MP  
Attorney-General

By email: [attorney@ag.gov.au](mailto:attorney@ag.gov.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

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





### 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 s 47E(d) Canberra, initially for s 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 s 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 s 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 s 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 s 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.



National Anti-Corruption Commission

CEO

Ref: EC24-000007

2 October 2024

Senator the Hon Katy Gallagher  
Minister for Finance

By email: [FinanceMinister@finance.gov.au](mailto:FinanceMinister@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

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



### 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 s 47E(d) Canberra, initially for levels s 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 s 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 s 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 s 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 s 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: [s47E\(d\)@nacc.gov.au](mailto:s47E(d)@nacc.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:

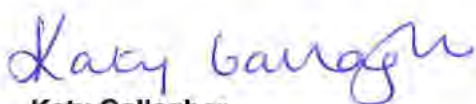
- when the NACC anticipates finalising the implementation of the contracts module in the NACC's financial system, and
- what the NACC has done to improve its end-to-end procurement processes and understanding of responsibilities under the PGPA Act, the Commonwealth Procurement Rules and other relevant 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, [s47E\(d\)@finance.gov.au](mailto:s47E(d)@finance.gov.au), or [s47E\(d\)](mailto:s47E(d)@finance.gov.au)

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

Yours sincerely

  
Katy Gallagher

31 OCT 2024



National Anti-Corruption Commission

CEO

Ref: 24#38727DOC

26 November 2024

Senator the Hon Katy Gallagher  
Minister for Finance

By email: s 47E(d) [@finance.gov.au](mailto:s47E(d)@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:

1. 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 in-system 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:
  - a. Mandating as part of induction to the Commission, the completion of APS Induction: Money and Resources;
  - b. 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;
  - d. The use and consideration of the Indigenous Procurement Policy Mandatory Set Aside provision in procurements where this would not otherwise be considered mandatory; and

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- 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 s 47F(1) or by email at s 47F(1) [@nacc.gov.au](mailto:s 47F(1)@nacc.gov.au).

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Philip Reed', with a stylized flourish at the end.

Philip Reed  
Chief Executive Officer

This brief provides a list of submissions that the NACC has made to Commonwealth Departments, agencies, or other entities (state/territory) in response to requests for input (e.g. consultation papers, reviews, reports etc.)

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Key Points

- The Commission regularly receives requests for input from Commonwealth Departments and agencies.
- The Commission also receives requests for input from entities outside of Commonwealth Departments and agencies.
- **Table 1** contains a summary of all policy consultations and requests the Commission provided a response to between 1 July 2024 and 31 August 2025. This includes Commonwealth Departments, agencies and other entities (for example state and territory entities).
- **From 1 July 2024 to 31 August 2025**, the Commission has provided responses on the following matters:
  1. Strengthening Australia's Democracy report
  2. State of the Service Report 2023-24
  3. Australia's Country Report to the Pacific Island Law Officers' Network (PILON)
  4. UNTOC COP12 – Australia's National Statement
  5. August: Training for government lawyers
  6. Engagement with the Public Integrity and Anti-Corruption (PIAC) Working Group of the Organisation for Economic Co-operation and Development (OECD)
  7. Fraud and Corruption Capability Self-Assessment Tool
  8. Draft cable: Update on the Combatting Foreign Bribery Act
  9. UNTOC (United Nations Convention against Transnational Organized Crime) thematic brief on corruption, organised fraud and foreign bribery
  10. Louder than Words (LTW) implementation report
  11. OECD (The Organisation for Economic Co-operation and Development) Integrity Review of Jordan: Together for an Accountable and Transparent Public Administration
  12. Correspondence from APS Commissioner inviting submission in response to APS Reform Stage 2 integrity initiatives public consultation
  13. Correspondence from Finance Minister re non-compliance with finance law | PGPA Act Notification
  14. OECD (The Organisation for Economic Co-operation and Development) Country Study on drivers of trust in Australian public institutions - 1st draft
  15. Endorsement sought of the Minimum Requirements for Aboriginal and Torres Strait Islander Children's Commissioner
  16. Feedback on APS values and MOPS Act employment
  17. Review of tax secrecy regulator secrecy exceptions
  18. Potential persona designate authorisations under s15GG(1) of the *Crimes Act 1914*

19. Guidance in relation to determinations under the *Parliamentary Business Resources Act 2017* and *Members of Parliament (Staff) Act 1984*
20. Handling Misconduct Guide
21. Operation of directions to agency heads under the NACC Act
22. Electronic Surveillance Reform
23. Commonwealth Integrity Strategy
24. Amendments to Part 9.1 of the Criminal Code
25. Amendments to Part IAB of the *Crimes Act 1914*
26. Integrity Data Governance Framework and viable integrity metrics set
27. Whole of Government Transnational, Serious and Organised Crime (TSOC) talking points
28. State of the Service Report 2024-25
29. Abu Dhabi Declaration and negotiation instructions
30. Whistleblower protection reforms
31. Draft cable for UNODC/PIFS Pacific (pre-COSP)

Table 1: Responses to all external requests – APS requests and others - 1 July 2024 – 31 August 2025

	Sub date	Entity	Public?	Title and item summary
1	3/06/24	Home Affairs	Yes Published 15/06/24	Home Affairs –Strengthening Australian democracy report <ul style="list-style-type: none"> <li>On 2 July 2024, Home Affairs requested the Commission’s approval for language relating to the NACC in its Strengthening Australian Democracy report.</li> <li>On 3 July 2024, the Commission provided feedback and updates to the language used.</li> </ul>
2	14/08/24	APSC	Yes Published 26/11/24	State of the Service Report 2023-24 <ul style="list-style-type: none"> <li>On 9 July 2024, the APSC requested the Commission’s input into the 2023-24 State of the Service Report.</li> <li>On 14 August 2024, the Commission provided its response which outlined the Commission’s achievements during its first twelve months of operation, mission and lines of operation.</li> </ul>
3	26/08/24	AGD	Yes Published 28/20/24	United Nations Convention against Transnational Organized Crime - COP12 - Australia’s National Statement <ul style="list-style-type: none"> <li>On 19 August 2024, AGD requested the Commission’s input to Australia’s National Statement ahead of the 12th session of the Conference of Parties (COP) to the United Nations Convention Against Transnational Organized Crime (UNTOC), which occurred 14 – 18 October 2024.</li> <li>On 26 August 2024, the Commission provided a paragraph regarding the Commission’s engagement work.</li> </ul>
4	26/08/24	AGD	No	Training for government lawyers <ul style="list-style-type: none"> <li>On 21 August 2024, AGD requested the Commission’s assistance to develop a training module on the role of government lawyers.</li> <li>On 26 August 2024, the Commission provided AGD’s requested information with a focus on integrity and ethics.</li> </ul>
5	2/09/24	AGD	No	Engagement with the Public Integrity and Anti-Corruption (PIAC) Working Group of the Organisation for Economic Co-operation and Development (OECD) <ul style="list-style-type: none"> <li>On 27 August 2024, AGD requested the Commission’s input ahead of the of a meeting on PIAC of the OECD Working Group.</li> </ul>



				<ul style="list-style-type: none"> <li>On 2 September 2024, the Commission provided feedback on the PIAC's Public Integrity Indicators.</li> </ul>
6	6/09/24	AGD	No	<p>Australia's Country Report to the Pacific Island Law Officers' Network (PILON)</p> <ul style="list-style-type: none"> <li>On 20 August 2024, AGD asked for input for the Pacific Islands Law Officers' Network (PILON) Annual Meeting and information on the Commission's engagement in the Pacific.</li> <li>On 6 September 2024, the Commission provided the requested information to AGD.</li> </ul>
7	9/09/24	AGD CFPC	Yes Published 10/24	<p>Fraud and Corruption Capability Self-Assessment Tool</p> <ul style="list-style-type: none"> <li>On 16 August 2024, the AGD Commonwealth Fraud Prevention Centre requested the Commission to review its new Fraud and Corruption Capability Self-Assessment Tool.</li> <li>On 9 September 2024, the Commission provided a response to AGD</li> </ul>
8	13/09/24	DFAT	No	<p>Draft cable: Update on the Combatting Foreign Bribery Act</p> <ul style="list-style-type: none"> <li>On 13 September 2024, DFAT requested the Commission review a draft cable aiming to provide an update to Posts on the recent changes to Australian foreign bribery offences.</li> <li>On 13 September 2024, the Commission responded with no objections or suggestions to the content.</li> </ul>
9	23/09/24	AGD	No	<p>United Nations Convention against Transnational Organized Crime - thematic brief on corruption, organised fraud and foreign bribery</p> <ul style="list-style-type: none"> <li>On 16 September 2024, AGD requested input to compile a thematic brief on 'Corruption, organised fraud and foreign bribery' to support Australia's delegation to the 12th session of the Conference of Parties (COP) on the United Nations Convention against Transnational Organized Crime.</li> <li>On 23 September 2024, the Commission provided the requested input to AGD.</li> </ul>
10	1/11/24	APSC	No	<p>Louder than Words implementation report</p> <ul style="list-style-type: none"> <li>On October 2024, APSC requested input to an implementation progress report on the 16 actions for all APS agencies arising from the Louder than Words: An APS Integrity Action Plan published in November 2023.</li> <li>On 1 November 2024, the Commission provided consolidated input to the APSC.</li> </ul>
11	11/11/24	AGD	No	<p>The Organisation for Economic Co-operation and Development - Integrity Review of Jordan: Together for an Accountable and Transparent Public Administration</p>



				<ul style="list-style-type: none"> <li>On 4 November 2024, AGD requested the Commission on the draft OECD 'Integrity Review of Jordan' paper from the OECD Public Governance Committee.</li> <li>On 11 November, the Commission provided input to AGD.</li> </ul>
12	11/11/24	APSC	Yes	<p>APS Reform Stage 2 integrity initiatives public consultation</p> <ul style="list-style-type: none"> <li>On 2 October 2024, the APSC sent correspondence from the APS Commissioner to the Commissioner regarding the APS Reform Stage 2 integrity initiatives public consultation.</li> <li>On 11 November 2024, the Commission provided the Commissioner's response to the APSC.</li> </ul>
13	26/11/24	DoF	No	<p>Correspondence from Finance Minister re non-compliance with finance law   PGPA Act Notification</p> <ul style="list-style-type: none"> <li>On 1 November 2024, the Department of Finance provided a letter (dated 31/Oct) from the Minister for Finance in response to our correspondence of (2/Oct) advising of a significant issue affecting the Commission which involves a non-compliance with finance law.</li> <li>On 26 November 2024, the Commission CSO provided correspondence to DoF.</li> </ul>
14	12/12/24	APSC	No	<p>OECD (The Organisation for Economic Co-operation and Development) Country Study on drivers of trust in Australian public institutions - 1st draft</p> <ul style="list-style-type: none"> <li>On 29 November 2024, the APSC provided follow up correspondence on the draft OECD Country Study on Drivers of Trust in Australia (previous correspondence dated 11 November) and requested a review of sections related to the NACC and the integrity frameworks.</li> <li>On 12 December 2024, the Commission provided a letter from the Commissioner providing comment.</li> </ul>
15	12/12/24	DSS	No	<p>Endorsement sought of the Minimum Requirements for Aboriginal and Torres Strait Islander Children's Commissioners</p> <ul style="list-style-type: none"> <li>On 28 October 2024, the DSS sought the Commission's views on the redrafted Minimum Requirements for Aboriginal and Torres Strait Islander Children's Commissioners.</li> <li>On 12 December 2024, the Commission provided a response advising the proposed changes raised no issues for the Commission.</li> </ul>
16	10/02/25	APSC	TBA	<p>Feedback on APS Values and MOPS Act employment</p> <ul style="list-style-type: none"> <li>On 4 February 2025, the APSC requested the Commission provide feedback on a review of APS Values.</li> <li>On 10 February 2025, the Commission provided its input to the APSC.</li> </ul>

17	11/03/25	Treasury	TBA	<p>Review of tax secrecy regulator secrecy exceptions</p> <ul style="list-style-type: none"> <li>On 4 March 2025, Treasury request the Commission provide feedback on proposals to strengthen the regulatory framework.</li> <li>On 11 March 2025, the Commission provide Treasury with its feedback.</li> </ul>
18	30/04/25	PWSS	No	<p>Guidance in relation to determinations under the <i>Parliamentary Business Resources Act 2017</i> and <i>Members of Parliament (Staff) Act 1984</i></p> <ul style="list-style-type: none"> <li>On 29 April 2025, PWSS requested the Commission's input on a 'Guide for Parliamentarians – Employer Responsibilities.</li> <li>On 30 April 2025, the Commission provided its feedback.</li> </ul>
19	17/04/25	AGD	No	<p>Potential persona designations authorisations under s15GG(1) of the <i>Crimes Act 1914</i></p> <ul style="list-style-type: none"> <li>On 10 April 2025, AGD requested the Commission provide comment on the designations.</li> <li>On 17 April 2025, following a review, the Commission provided AGD with feedback.</li> </ul>
20	1/05/25	Parliament of Tasmania	Yes	<p>Inquiry into establishment of Parliamentary Privilege Protocol – Tasmanian Parliament</p> <ul style="list-style-type: none"> <li>On 14 March 2025, the Tasmanian Parliament invited the Commission to provide a submission to its Joint Standing Committee on Integrity.</li> <li>On 1 May 2025, the Commission provided a submission to the Tasmanian Parliament.</li> </ul>
21	28/05/25	AGD	No	<p>Operation of directions to agency heads under the s 55 of the NACC Act</p> <ul style="list-style-type: none"> <li>On 22 May 2025, AGD requested the Commission provide feedback on s 57 of the NACC Act.</li> <li>On 28 May 2025, the Commission provided its feedback to AGD.</li> </ul>
22	11/06/25	AGD APSC	Yes	<p>Handling Misconduct Guide</p> <ul style="list-style-type: none"> <li>On 5 May 2025, AGD requested the Commission provide feedback on proposed updates to the Handling Misconduct Guide.</li> <li>On 11 June 2025, the Commission provided its response to AGD.</li> </ul>
23	18/06/25	AGD	No	<p>Proposed amendments to the <i>Local Court Act 2007</i> (NSW)</p> <ul style="list-style-type: none"> <li>On 12 June 2025, AGD requested the Commission provide feedback on proposed amendments to the <i>Local Court Act 2007</i> (NSW).</li> <li>On 18 June 2025, the Commission provided a response to AGD.</li> </ul>

24	27/06/25	AGD	No	<p>S105D PGPA Act Determination</p> <ul style="list-style-type: none"> <li>On 21 March 2025, AGD requested the Commission provide input in relation to a s 47E(d)</li> <li>On 27 June 2025, the Commission provided a response to AGD.</li> </ul>
25	8/07/25	AGD	No	<p>Amendments to Part 9.1 of the Criminal Code – evidentiary certificates</p> <ul style="list-style-type: none"> <li>On 3 July 2025, AGD requested the Commission’s input on proposed amendments to Part 9.1 of the Criminal Code. This part relates to evidentiary certificates.</li> <li>On 8 July 2025, the Commission provided its response to AGD.</li> </ul>
26	11/07/25	AGD	No	<p>Amendments to Part IAB of the <i>Crimes Act 1914</i></p> <ul style="list-style-type: none"> <li>On 9 July 2025, AGD requested the Commission’s input on Part IAB of the <i>Crimes Act 1914</i>. This part relates to the threshold for controlled operations.</li> <li>On 11 July 2025, the Commission provided its response to AGD.</li> </ul>
27	25/07/25	AGD	No	<p>Whistleblower Protection Authority Bill</p> <ul style="list-style-type: none"> <li>On 24 June 2025, AGD requested the Commission provide input into its draft response to the LCA Committee.</li> <li>On 25 July 2025, the Commission provided AGD with input.</li> </ul>
28	25/07/25	APSC AGD	No	<p>Commonwealth Integrity Strategy</p> <ul style="list-style-type: none"> <li>On 11 July 2025, the Commission received a request to provide feedback on the APSC’s draft Commonwealth Integrity Strategy.</li> <li>On 25 July 2025, the Commission provided its feedback to AGD.</li> </ul>
29	25/07/25	AGD	No	<p>Integrity Data Governance Framework (IDGF) and viable integrity metrics set</p> <ul style="list-style-type: none"> <li>On 15 July 2025, AGD requested the Commission provide feedback on its draft IDGF.</li> <li>On 25 July 2025, the Commission provided its response to AGD.</li> </ul>
	11/08/25	Home Affairs	No	<p>Whole of Government Transnational, Serious and Organised Crime (TSOC) talking points</p> <ul style="list-style-type: none"> <li>On 25 July 2025, Home Affairs requested the Commission provide input on the whole of gov TSOC.</li> <li>On 8 August 2025, the Commission provide its input to Home Affairs.</li> </ul>
30	11/08/25	APSC	Yes	State of the Service Report 2024-25

				<ul style="list-style-type: none"> <li>On 5 August 2025, APSC requested the Commission provide input on the State of the Service Report for 2025-26.</li> <li>On 11 August 2025, the Commission provided its input to APSC.</li> </ul>
31	15/08/25	AGD	No	<p>Australia's Country Report to the Pacific Island Law Officers' Network (PILON)</p> <ul style="list-style-type: none"> <li>On 7 August 2025, AGD requested the Commission's input for the Pacific Islands Law Officers' Network (PILON) Annual Meeting and information on the Commission's engagement in the Pacific.</li> <li>On 15 August 2025, the Commission provided the requested information to AGD.</li> </ul>

Cleared by: s 22		Action officer: s 22	
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## National Anti-Corruption Commission BRIEF

### CEO – Memoranda of Understanding

29

This brief provides a list of Memoranda of Understanding currently under development or that the NACC is currently party to (at 17 September 2025).

#### Key points

- The NACC is party to a number of MOUs to support services being provided to the NACC or access for the NACC to a number of services provided by external agencies.
- Most MOUs previously in place between ACLEI and other agencies ceased on 30 June 2023 (when ACLEI ceased to exist), and new MOUs between the NACC and those agencies are either now in place or are currently under development.

**Table 1: Number and status of MOUs (at 17 September 2025)**

Status	Number of MOUs
Current	22
Under development	12

#### MOUs currently in place – Total of 22

#	Partner agency	Title of MOU	NACC Branch responsible	Date signed
1	Australian Criminal Intelligence Commission (ACIC)	MOU for controlled access by duly Accredited Bodies to Nationally Coordinated Criminal History Checks between the Commission and the ACIC	Enabling Services	20/07/2023
2	Australian Criminal Intelligence Commission (ACIC)	Head Agreement - For cooperation and information sharing	Enabling Services	24/07/2023
3	Registry of Births, Deaths and Marriages [QLD]	For the provision of Registration Information and Certificates	Operational capabilities	25/07/2023
4	Victorian Registry of Births, Deaths and Marriages [Vic]	<b>MOU between the VRBDM and NACC</b>	Operational capabilities	01/08/2023
5	Department of Home Affairs	For the provision of access, support, and maintenance services for the Australian Secret Network (ASN)	Enabling Services	25/09/2023
6	s 47E(d)	The administration and operation of a s 47E(d)	Operational capabilities	03/10/2023
7	s 47E(d)	MOU concerning arrangements relating to the provision of the s 47E(d)	Operational capabilities	13/10/2023

8	Department of Finance (DoF)	For the provision of GovCMS Services	MCCPE	17/10/2023
9	Australian Transaction Reports and Analysis Centre (AUSTRAC)	Regarding access to, use and disclosure of AUSTRAC information	Operational capabilities	30/10/2023
10	Transport for NSW [NSW]	DRIVES24 Terms of Access - Law Enforcement, Investigative Agencies and Protection of Public Revenue	Enabling Services	09/11/2023
11	Department of Finance (DoF)	For delivery of Parliamentary Document Management System (PDMS) services	Office of the CEO (Governance)	14/11/2023
12	Inspector of the NACC	To set out arrangements for liaison between the Commission and the Inspector concerning referral of matters, access to information and points of contact between both parties	Legal	05/02/2024
13	Independent Commission Against Corruption (ICAC) [NSW]	s 47E(d)	Operational Capabilities	06/06/2024
14	Australian Criminal Intelligence Commission (ACIC)	Controlled access by duly Accredited Bodies to Nationally Coordinated Criminal History Checks	Enabling Services	1/07/2024
15	Commonwealth Ombudsman	In relation to the transfer of matters and co-operation	Legal	16/07/2024
16	Australian Electoral Commission (AEC)	For the Safeguard of Elector Information	Operational Capabilities	22/07/2024
17	Australian Federal Police (AFP)	MOU between AFP and NACC	Operations	22/07/2024
18	Department of Finance (DoF)	For the provision of membership and licences on GovTEAMS OFFICIAL	Enabling Services	26/07/2024
19	Department of Finance (DoF)	For the provision of membership and licences on GovTEAMS PROTECTED	Enabling Services	13/08/2024
20	The Attorney-General, the President of the Senate and the Speaker of the House of Representative - Maintaining parliamentary privilege	Parliamentary privilege	Legal	27/11/2024
21	Department of Finance (DoF)	For the provision of GovLINK and ICON	Enabling Services	28/02/2025
22	Attorney-General's Department (AGD)	For participation as a user in the National Document Verification Service	Enabling Services	04/09/2025

## MOUs currently under development – Total of 12

#	Partner agency	Title of MOU	NACC Branch responsible
1	Law Enforcement Conduct Commission (LECC) [NSW]	Concerning the provision of operational resources and facilities by the LECC to the NACC	Operational Capabilities
2	Department of Home Affairs	Access to specified Department of Home Affairs information systems for the purposes of conducting investigations in accordance with the <i>National Anti-Corruption Commission Act 2022</i> (Cth)	Enabling Services
3	Victoria Police	MOU between NACC and VicPol	Operational Capabilities
4	Papua New Guinea Independent Commission Against Corruption (PNG ICAC)	MOU between NACC and PNG ICAC in relation to inter-referral of corruption issues, parallel investigations and staff exchange	MCCPE
5	Department of Foreign Affairs and Trade (DFAT)	MoU between NACC and DFAT in relation re arrangements relating to foreign nations (s240 of NACC Act)	Legal
6	Independent Broad-based Anti-corruption Commission (IBAC) [VIC]	MOU for the shared provision of operational capabilities	Operational Capabilities
7	South Australia Police (SAPOL) [SA]	MOU for the shared provision of operational capabilities	Operational Capabilities
8	Corruption and Crime Commission (CCC) [WA]	MOU for the shared provision of operational capabilities	Operational Capabilities
9	NSW Crime Commission (NSWCC) [NSW]	MOU for the shared provision of operational capabilities	Operational Capabilities
10	Tasmania Police (TasPol) [TAS]	MOU for the shared provision of operational capabilities	Operational Capabilities
11	Northern Territory Police Force (NTPOL) [NT]	MOU for the shared provision of operational capabilities	Operational Capabilities
12	Australian Institute of Criminology (AIC)	MOU to access AIC academic resources for NACC research	MCCPE
*	<i>NIC agencies</i>	<i>Arrangement with NIC agencies pursuant to section 239 of the NACC Act</i>	<i>Legal</i>

\* Not an MOU, but for awareness

Cleared by: s 22	Action officer: s 22
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## National Anti-Corruption Commission BRIEF CEO – 2023-24 Annual Report

30

The Commission requested an extension to the 15 October 2024 deadline to provide its 2023-24 annual report to the responsible minister. The extension sought was to 8 November 2024. This brief includes key points from the 2023-24 annual report and provides an overview on the delay in submission.

### Key points

- Signing of the 2023-24 financial statements was held up by ANAO completing its audit of the Commission's financial statements.
- On **4 October 2024**, the CEO wrote to the Attorney-General seeking an extension to the 15 October deadline to provide the report to the Minister (letter dated 3 October 2024). The extension sought was to **Friday 8 November 2024**. The Attorney-General granted the extension on **8 October 2024**.
- The Commission submitted its annual report to the Attorney-General on **25 October 2024**.
- The Attorney-General tabled the Commission's annual report in the House of Representatives on **Tuesday 5 November 2024** and in the Senate on **18 November 2024**.
- The CEO's letter seeking extension was tabled on **5 November 2024** in the House of Representatives and **18 November 2024** in the Senate.

### Examination of the Commission's annual report

#### **PJC NACC**

- On **Friday 22 November 2024**, the PJC NACC held a public hearing on the Commission's annual report.
- On **27 March 2025**, the PJC NACC tabled its report on the *Examination of the National Anti-Corruption Commission Annual Report 203-24*.

#### **Legal and Constitutional Affairs Legislation Committee**

- On **24 March 2025**, the Legal and Constitutional Affairs Legislation Committee (LCA Committee) tabled *Annual Reports (No.1 of 2025)*. This report on annual reports provided an overview of the committee's examination of annual reports presented to parliament between 1 May 2024 and 31 October 2024. Whilst the Minister did not table the NACC Annual Report 2023-24 until Tuesday 5 November 2024, the Commission's report was included in this report.
- On **15 August 2025**, the LCA Committee tabled a corrigendum to *Annual Reports (No.1 of 2025)*. The majority of the corrections related to the Commission and the annual report delay. It included the addition of the following at paragraph 1.18: 'The Attorney-General does not appear to have tabled the statement required under subsection 34C(6) of the *Acts Interpretation Act 1901*.'
- On **21 August 2025**, the LCA Committee tabled *Annual Reports (No.2 of 2025)* which again included the examination of the NACC Annual Report 2023-24. This report on annual reports provided an overview of the committee's examination of annual reports presented to parliament between 1 November 2024 to 30 April 2025. The points raised on the Commission's Annual Report mirrored those from *Annual Reports (No.1 of 2025)*.

## Chronology

Date	Key decision, meeting or activity
27-30 September 2024	Initial scheduled completion date for financial statements audit
4 October 2024	Application for extension submitted to the Attorney-General's Department (AGD). Letter dated 3 October 2024.
8 October 2024	AGD provided Commission's submission to the Attorney-General's Office (AGO).
8 October 2024	Application for extension approved by the Attorney-General.
11 October 2024	ANAO provided draft Closing Letter for Financial Statement Audit.
15 October 2024	Extraordinary meeting of the Audit and Risk Committee. Chair provided endorsement of the financial and annual performance statements to the Accountable Authority.
16 October 2024	Accountable Authority signed financial statements and management representation letter.
17 October 2024	Signed independent auditor's report and notification of completion of audit received from ANAO (dated 16 October 2024).
25 October 2024	The Commission submitted its 2023-24 Annual Report to AGD, who confirmed same day submission to the AGO.
5 November 2024	The Commission's 2023-24 Annual Report was tabled in the House of Representatives and published on the Transparency Portal and the Commission's website. The CEO's letter to the Attorney-General seeking extension was also tabled on this day in the House of Representatives.
18 November 2024	The Commission's 2023-24 Annual Report was tabled in the Senate. The CEO's letter to the Attorney-General seeking extension was also tabled on this day in the Senate.
22 November 2024	PJC NACC public hearing on the Commission's 2023-24 Annual Report.
24 March 2025	Legal and Constitutional Affairs Legislation Committee tabled <i>Annual Reports (No. 1 of 2025)</i> .
27 March 2025	PJC NACC tabled its report on the <i>Examination of the National Anti-Corruption Commission Annual Report 203-24</i> .
15 August 2025	Legal and Constitutional Affairs Legislation Committee tabled a corrigendum to <i>Annual Reports (No. 1 of 2025)</i> .
21 August 2025	Legal and Constitutional Affairs Legislation Committee tabled <i>Annual Reports (No. 2 of 2025)</i> .

## Results

## Performance

- The Commission had 2 key performance indicators for 2023-24, as per the PBS and Corporate Plan.

## 1.1 KPI – Average time for assessment of referrals

Referral Type	Assessments finalised	Average time for assessment
NACC Act matters	2,690	89 days
Transitioned matters	28	125 days
LEIC Act matters	N/A	N/A

- In November 2023, the Commission refined its approach to recording the closure of referrals requiring the reclassification of approximately 1,600 referrals. The date the reclassification occurred became the recorded closure date in the Commission's case management system. As a result, the average time for the assessment of a referral has been inflated by this reclassification process.
- Results reported for KPI 1.1 includes the average assessment time for matters inherited in subsuming the Australian Commission for Law Enforcement Integrity (ACLEI). Some matters were transitioned to the *National Anti-Corruption Commission Act 2022* (Cth) (NACC Act) with other matters remaining under the *Law Enforcement Integrity Commissioner Act 2006* (Cth).

## 1.2 KPI – Average duration of finalised investigations

- While the Commission commenced 26 corruption investigations, no investigations under the NACC Act were finalised in the reporting period. One investigation inherited from ACLEI was completed, however this would not provide an average duration. This is not unexpected given it is the Commission's first year of operation.

## Commissioner's annual report

- The Commissioner's annual report, as required under s 271 of the NACC Act, is included in Part 2 of the report. It provides further information on the Commission's activities and performance in 2023-24.

## Financial statements

- Upon its establishment on 1 July 2023, net assets of \$37.443 million were transferred from the former ACLEI to the Commission.
- The Commission recorded a surplus of \$0.5 million, including depreciation and amortisation.
- The Commission is in a sound financial position at 30 June 2024, with financial assets of \$44.4 million which is in excess of total liabilities of \$28.9 million.
- Total operating expenditure was \$57.4 million, \$2.6 million under budget. This was primarily due to employee benefits and supplier expenses being below budget, \$3.9 million and \$3.0 million respectively, offset by the write down of assets of \$3.8 million due to an assessment of ICT infrastructure costs.

#### 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.

#### Attachments

- Governance team will carry copies of the following, should they be required:
  - CEO's letter dated 3 October 2024 to the Attorney-General seeking extension – Statement for the purposed of section 34C(4) of the *Acts Interpretation Act 1901*.
  - National Anti-Corruption Commission Annual Report 2023-24.
  - PJC NACC *Examination of the National Anti-Corruption Commission Annual Report 203-24*.
  - Legal and Constitutional Affairs Legislation Committee *Annual Reports (No. 1 of 2025)* and corrigendum.
  - Legal and Constitutional Affairs Legislation Committee *Annual Reports (No. 2 of 2025)*.

Cleared by:	Action officer: Director Governance
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National Anti-Corruption Commission

CEO

NACC Ref: MS24-000019

3 October 2024

The Hon Mark Dreyfus KC MP  
Attorney-General  
House of Representatives  
Parliament House  
CANBERRA ACT 2600

Dear Attorney-General,

**Statement for the purposes of section 34C(4) of the *Acts Interpretation Act 1901***

In accordance with section 34C(4) of the *Acts Interpretation Act 1901* (Cth), I am writing to seek an extension of time for the formal submission of the 2023-24 Annual Report of the National Anti-Corruption Commission (the Commission).

Due to delays in finalising the audit of the Commission's financial statements, the Commission is unable to complete its report for provision to you by 15 October 2024, as required under s46 of the *Public Governance, Performance and Accountability Act 2013*.


I am requesting an extension of time to Friday 8 November 2024 for the formal submission of the report but anticipate being able to provide the report sooner depending on when the audit is finalised and the subsequent work to ready the report for tabling is completed.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Philip Reed', is located below the 'Yours sincerely,' text.

Philip Reed  
Chief Executive Officer

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