



National Anti-Corruption Commission

## National Anti-Corruption Commission Senior Assessment Panel Terms of Reference

### National Anti-Corruption Commission Senior Assessment Panel Terms of Reference

**Date** Monday, 11 November 2024

**File Ref** 24#41268DOC

<b>Purpose</b>	The National Anti-Corruption Commission Senior Assessment Panel (NSAP) supports the Commissioner to fulfil their statutory obligations in making decisions regarding corruption issues in accordance with the <i>National Anti-Corruption Commission Act 2022</i> (NACC Act).
<b>Role</b>	<p>The role of the NSAP is to consider recommendations from the Director Assessments regarding information received by the National Anti-Corruption Commission (the Commission), usually in the form of mandatory referrals from heads of agencies and voluntary referrals from others, and to support the Commissioner to decide:</p> <ul style="list-style-type: none"> <li>• whether there is a corruption issue,</li> <li>• whether or not to deal with the corruption issue, and</li> <li>• how to deal with the corruption issue.</li> </ul> <p>The recommendations provided to the NSAP are the result of a two-tier assessment process that considers:</p> <ul style="list-style-type: none"> <li>• whether the referral raises an issue that appears to be within the jurisdiction of the Commission (i.e., that it involves a Commonwealth public official),</li> <li>• whether the referral appears to raise an issue of corrupt conduct, and</li> <li>• whether the corrupt conduct is serious or systemic.</li> </ul> <p>Recommendations for the NSAP are developed in accordance with the relevant sections of the NACC Act, the Assessment of Corruption Issue Policy<sup>1</sup>, and the NACC Management of Corruption Issue Referrals Standard Operating Procedure.<sup>2</sup></p> <p>The Director Assessments will present to the NSAP:</p> <ul style="list-style-type: none"> <li>• for decision, an Assessment Summary for each case (or set of related cases) progressed to Tier 2 Assessments and <u>recommended for Commission action</u> (including for referral to another agency). The NSAP will consider and discuss those recommendations and advise the Commissioner; and</li> </ul>

<sup>1</sup> NACC Assessment of Corruption Issues Policy, CM 24#41268DOC

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

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

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

## Approval

These NSAP Terms of Reference are approved.

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The Hon PLG Brereton, AM, RFD, SC

Commissioner

National Anti-Corruption Commission

11/11/2024

## Version history

Version	Authorised by	Revision date	Author	Description of change
1	The Hon PLG Brereton, AM, RFD, SC, Commissioner.	11/07/23	22 Director Assessments	Final Draft
2	The Hon PLG Brereton, AM, RFD, SC, Commissioner.	12/07/23	22 Director Assessments	Approved Version
3	The Hon PLG Brereton, AM, RFD, SC, Commissioner.	11/11/24	Secretariat and Commissioner	Panel membership and conflict of interests updated





National Anti-Corruption Commission

## Decision minute – NFA Decisions under s 41(6) of the Act to NSAP

<b>To</b>	Hon Paul Brereton, Commissioner
<b>CC</b>	Deputy Commissioner Ben Gauntlett, Deputy Commissioner Nicole Rose, Deputy Commissioner Kylie Kilgour, Chief Executive Officer Philip Reed
<b>Through</b>	22 [REDACTED] Divisional Manager Evaluations and Operational Capability
<b>From</b>	22 [REDACTED] General Manager Evaluations
<b>Date</b>	25/10/2024
<b>File Ref</b>	24#38051DOC
<b>Priority</b>	Response sought by 28/11/2024
<b>Topic</b>	Guidance on referring matters to NFA decisions under s 41 (6) to NSAP

### 1. Decision required

- 1.1 The purpose of this minute is to seek your approval for the implementation of the guidance on No Further Action (NFA) matters where a corruption issue (CI) has been identified (referred to below as a CI-NFA), as discussed at the Evaluations Update Meeting on 17 October 2024.
- 1.2 Once endorsed, this minute will serve as the agreed guidance parameters for CI-NFA matters which may need to be presented to the NACC Senior Assessment Panel (NSAP) for decision. The document is intended to be guidance only, and Assessment Section staff members will be encouraged to use discretion and consult leadership as required.
- 1.3 The secondary purpose of this minute is to seek your approval for the Assessment Section to trial the parameters set out in the guidance and refine or update as required.

### 2. Authority for decision

- 2.1 We are seeking your approval as the Head of the Agency, and in line with your responsibilities for approving relevant operational procedures, including those of the Evaluation Branch.

### 3. Reasons for recommended decision

#### Context

- 3.1 Under the current delegation instrument, the Director Assessments has been specifically delegated the power to under s 41 (6) of the Act to decide to take no action in relation to a corruption issue. It has been agreed that when using this delegation, the Director Assessments will provide the relevant matters to the NSAP for noting.
- 3.2 It is acknowledged, however, there are certain Assessments where it has been determined by the EL2 that an NFA recommendation under s 41 (6) of the Act should be presented at the NSAP for decision.
- 3.3 To maximise efficiencies and utilise the delegations available to the Director Assessments while appropriately managing potential risks, the Assessments leadership have developed guidance for circumstances where approval of a CI-NFA under section 41(6), may need to be presented to NSAP for approval.
- 3.4 The development of guidelines for determining the appropriate delegation on a CI-NFA matter also assists the Assessment Section with consistency in case recommendations, noting that individual case circumstances may vary.

### 4. Proposed Guidance

- 4.1 It is proposed that on a trial basis, the Assessment Section will consider sending CI-NFA matters to NSAP for decision (as opposed to "for noting") in circumstances where the referral meets one or more of the following criteria:
1. **Matters that may be a COI for the usual delegates:**
    - A referral which has alleged corrupt conduct and may involve a real, potential or perceived conflict of interest with the Director Assessments and the GM Evaluations in which it has been determined that the relevant delegation shouldn't be exercised, regardless of the recommended outcome.
  2. **Mandatory Referrals:**
    - All Mandatory Referrals, regardless of whether it has been determined that a CI-NFA or NCI-NFA exists.
  3. **Referrals that directly involve people in significant leadership positions**

- A referral where a corruption issue has been identified and directly involves an Agency head, Statutory Office Holder, Member of Parliament or other equivalent position.
- Note: A referral which references an Agency head, Statutory Office Holder, Member of Parliament or other equivalent, but the referral does not involve an allegation against them, or the referral does not amount to a corruption issue may be signed off at EL2/GM **delegation**.

4. **Matters that have been prominent in public or political sphere**

- A referral where a corruption issue has been identified and relates to a matter which:
  - Is, or may be the subject to significant media and/or political scrutiny.
  - Involves high profile persons, schemes or topics.

5. Matters that are directly related to three or more strategic corruption priorities

- A referral where a corruption issue has been established, which is directly related to three or more of the Commission's strategic corruption priorities.

6. Matters which are currently or have previously been subject to a corruption investigation

- **A referral relating to a matter which:**
  - Is currently or has previously been brought to the NACC Inspector and raised with the Commission,
  - Has previously been subject to a NFA decision,  
And contains new or unique information that did not form part of the previous determination.

7. Matters that involve allegations of egregious crime

- A referral relating to a matter which involves allegations of serious crime, such as the cover up of sex crimes.

## 5. Recommendation

I recommend that you approve the introduction of the above guidance.

**Approved / ~~Not approved~~ / ~~Discuss~~**

Comments: *I note that this Minute now incorporates amendments following feedback from DC Rose and DC Kilgour, with which I agree. I am happy to trial criterion 5 as above on the basis that if it is found to capture too many cases it can later be refined.*

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**The Hon PLG Brereton AM RFD SC**

Commissioner

13/11/2024



# Assessment of Corruption Issues Policy

## Policy

**File Ref** 23#22972DOC

**Issued** Thursday, 20 February 2025

**Authoriser** The Hon PLG Brereton, AM, RFD, SC, Commissioner

### 1. Application

- 1.1 This policy applies to staff members of the National Anti-Corruption Commission (the Commission).<sup>1</sup>
- 1.2 Staff members of the Commission must have regard to this policy when assessing corruption issues under delegation of the Commissioner. In this policy, except where the context otherwise indicates, a reference to the Commissioner includes a staff member of the Commission performing functions as a delegate of the Commissioner.

### 2. Purpose

- 2.1 The Commission conducts investigations into corruption issues.<sup>2</sup> A corruption issue is an issue of whether a person has engaged, is engaging, or will engage, in corrupt conduct.<sup>3</sup> The Commissioner may decide not to deal with a corruption issue, or to deal with it in one or more of several ways. Assessment is the process which informs that decision. The timely and consistent assessment of corruption issues of which the Commissioner becomes aware is fundamental to the performance of the functions of the Commission.
- 2.2 The purpose of this policy is to provide authoritative guidance to staff members performing functions as a delegate of the Commissioner as to the manner in which relevant decisions are to be made, in order to facilitate the timely and consistent assessment of corruption issues.

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<sup>1</sup> Terms used in this policy are the same as terms used in the *National Anti-Corruption Commission Act 2022*. The term staff member of the NACC is defined under s 266 of that Act.

<sup>2</sup> *National Anti-Corruption Commission Act 2022*, sub-s 17(c).

<sup>3</sup> *National Anti-Corruption Commission Act 2022*, s 9.

### 3. Three step assessment process

#### Introduction

- 3.1 All assessment decisions are to be made on a case-by-case basis, having regard to the particular features of the information and circumstances. The assessment process contained in this policy is intended to ensure that a consistent approach that has regard to relevant considerations is applied to the assessment of corruption issues.
- 3.2 The process for assessing information about a corruption issue involves three stages:
- first, determine whether there is a corruption issue,
  - secondly, decide whether or not to deal with the corruption issue, and
  - thirdly, decide how to deal with the corruption issue.

#### Information gathering for assessments

- 3.3 The Commissioner may deal with a corruption issue that has been referred, or that the Commissioner becomes aware of in any other way.<sup>4</sup>
- 3.4 In the assessment process, the Commissioner is not limited to the information provided by the person who makes a referral, or the person on whose behalf the referral was made, and the Commissioner may inform themselves as they think fit.<sup>5</sup>
- 3.5 Additional information may be gained through:
- seeking further information from the referrer,
  - searching for information in the Commissioner's existing holdings, to the extent allowed by law,
  - searching for information in the public domain, and
  - seeking further information from third parties.

#### Preliminary investigations

##### *When the Commissioner conducts preliminary investigations*

- 3.6 To inform the assessment process, the Commissioner may conduct a preliminary investigation in order to:<sup>6</sup>
- confirm the existence or nature of a corruption issue (at the first stage),
  - assist in deciding whether to deal with a corruption issue (at the second stage), and
  - assist in deciding how to deal with a corruption issue (at the third stage).

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<sup>4</sup> *National Anti-Corruption Commission Act 2022*, s 40.

<sup>5</sup> *National Anti-Corruption Commission Act 2022*, s 42(5).

<sup>6</sup> *National Anti-Corruption Commission Act 2022*, s 42.

- 3.7 A preliminary investigation begins when the Commissioner decides that it is necessary or desirable to conduct a preliminary investigation for one of the purposes listed at paragraph 3.6 above.
- 3.8 Generally, the Commissioner will only decide that it is necessary or desirable to conduct a preliminary investigation if it has not been possible otherwise to obtain sufficient information to make the relevant decision (including from the measures referred to in paragraph 3.5 above), and it appears likely that the additional powers of a preliminary investigation may produce information that will better enable an informed assessment.
- 3.9 Generally, the Commissioner will not:
- notify the referrer before conducting a preliminary investigation, or
  - notify the referrer of the outcome of a preliminary investigation, unless the outcome is a decision to take no further action on the referral.

## 4. Deciding if there is a corruption issue

### Authority to make a decision under the NACC Act

- 4.1 The Commissioner only has jurisdiction to deal with a “corruption issue”.<sup>7</sup> A corruption issue is an issue of whether a person has engaged, is engaging, or will engage, in corrupt conduct.<sup>8</sup>
- 4.2 Corrupt conduct means:<sup>9</sup>
- a. any conduct of any person that could adversely affect the honest or impartial exercise or performance of any public official’s powers, duties or functions,
  - b. any conduct of a public official that constitutes or involves a breach of public trust,
  - c. any conduct of a public official that constitutes, involves or is engaged in for the purpose of abuse of the person’s office as a public official, or
  - d. any conduct of a public official, or former public official, that constitutes or involves the misuse of information or documents acquired in the person’s capacity as a public official.
- 4.3 Conduct can include doing or omitting to do something, conspiring with another person to do something and attempting to do something.<sup>10</sup>
- 4.4 A public official means a parliamentarian (of the Australian Parliament), a staff member of a Commonwealth agency, a staff member of the Commission, and any person who is acting for and on behalf of, or as a deputy or delegate of, any of those persons.<sup>11</sup> A staff member of a Commonwealth agency includes an individual

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<sup>7</sup> *National Anti-Corruption Commission Act 2022*, ss 40, 41.

<sup>8</sup> *National Anti-Corruption Commission Act 2022*, s 9.

<sup>9</sup> *National Anti-Corruption Commission Act 2022*, sub-s 8(1).

<sup>10</sup> *National Anti-Corruption Commission Act 2022*, sub-ss 8(9) and (10).

<sup>11</sup> *National Anti-Corruption Commission Act 2022*, s 10.

who is employed by or engaged in assisting the agency, or a contracted service provider under a contract administered by the agency.<sup>12</sup>

The elements of corrupt conduct

- 4.5 There will be a *corruption issue* capable of investigation, only if each of the elements of one or more of the types of *corrupt conduct* defined under the NACC Act *could* be established. At the assessment stage, the question is only whether they *could* ultimately be established, not whether they *are* established. Those elements vary depending on the type of corrupt conduct.
- 4.6 A single referral may raise more than one type of corrupt conduct.
- 4.7 The elements of the type of corrupt conduct referred to at paragraph 4.2(a) above (conduct that adversely affects the honest or impartial exercise of a public official's powers) are:
- that a person engaged, is engaging or will engage in conduct
  - that the conduct actually had an adverse effect (directly or indirectly) on the honest or impartial exercise of powers, functions or duties
- or*
- the conduct could have an adverse effect (directly or indirectly) on the honest or impartial exercise of powers, functions or duties, and
- that those powers, duties or functions were the powers, duties or functions of a public official as a public official.
- 4.8 The elements of the type of corrupt conduct referred to at paragraph 4.2(b) above (breach of public trust by a public official) are:
- that a person engaged, is engaging or will engage in conduct
  - that at the time of the conduct, the person held an office as a public official
  - that the conduct relates to a matter of public trust, and
  - that the conduct constitutes or involves a breach of that public trust.
- 4.9 The elements of the type of corrupt conduct referred to at paragraph 4.2(c) above (abuse of office by a public official) are:
- that a person engaged, is engaging or will engage in conduct
  - that at the time of the conduct, the person held an office as a public official, and
  - that the conduct constitutes or involves an abuse of that office.
- 4.10 The elements the type of corrupt conduct referred to at paragraph 4.2(d) above (misuse of information by a current or former public official) are:
- that a person acquired information or a document
  - that at the time the person acquired the information or document, the person was a public official

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<sup>12</sup> *National Anti-Corruption Commission Act 2022*, s 12.

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- that at the time the person acquired the information or document, the information or document was acquired by the person in their capacity as a public official, and
- that the person engaged, is engaging or will engage in conduct that constitutes or involves the misuse of the information or document.

4.11 If it appears that one (or more) elements of a type of corrupt conduct *could not* be established, then there is no corruption issue to be investigated.

*Political activity*

4.12 Further, if the conduct in question involves political activities, then there is no corruption issue to be investigated if the conduct does not involve or affect:<sup>13</sup>

- the exercise of a power or the performance of a function or duty, by a public official (including a parliamentarian); or
- the use of public resources.

*NACC Corruption Issues*

4.13 A NACC Corruption Issue is a question of whether:

- a staff member of NACC has engaged, is engaging, or will engage, in corrupt conduct, while or before they were a NACC staff member; or
- a person does something that adversely affects a NACC staff member's honest or impartial exercise of powers or performance of public duties. The person does not have to be a public official.

4.14 Only the Inspector can deal with a NACC Corruption Issue. To the extent that a referral raises a NACC Corruption Issue, it is not within the jurisdiction of the Commission, and should be excluded as out of jurisdiction.

4.15 However, the Commissioner has mandatory referral obligations to the Inspector in relation to NACC corruption issues. Referrals that potentially involve NACC corruption issues must be immediately provided to the Commissioner, so that the Commissioner can consider whether they raise a NACC Corruption Issue and if so refer them to the Inspector.

4.16 In addition, the MOU between the Inspector and the Commission provides that the Commission will notify the Inspector of all complaints it receives or of which it becomes aware, which raise an issue of agency maladministration or officer misconduct in relation to the conduct or activities of the Commission or a staff member of the Commission. Accordingly, any referral that potentially involves a complaint of maladministration or officer misconduct by a NACC staff member must be immediately provided to the Commissioner, so that the Commissioner can consider whether they raise an issue of maladministration or officer misconduct and if so refer them to the Inspector. This does not apply to requests for review.

*Additional provisions for referrals relating to Statutory Office Holders*

4.17 In addition, the MOU between the Inspector and the Commission provides that the Commission will also notify the Inspector of all referrals received by the Commission that contain a complaint of corrupt conduct or officer misconduct by a statutory office holder, as soon as reasonably practicable after becoming aware of it, regardless of whether a NACC corruption issue or officer misconduct is raised.

4.18 Where a referral includes a complaint about the Commissioner, regardless of whether it raises a NACC corruption issue or issue of officer misconduct, it must ~~be isolated from the Commissioner and immediately escalated to the CEO, so they~~

can notify the Inspector in accordance with the MOU.

- 4.19 Where a referral contains a complaint about the CEO or a Deputy Commissioner (DC), regardless of whether it raises a NACC corruption issue or issue of officer misconduct, it must be isolated from the relevant CEO or DC and immediately escalated to the Commissioner, so they can notify the Inspector in accordance with the MOU.

## 5. Deciding whether or not to deal with a corruption issue

### Authority to make a decision under the NACC Act

- 5.1 The Commissioner may decide to take no action in relation to a corruption issue.<sup>14</sup> Authority to make this decision has been delegated to staff in the Intake and Assessment Section at the level of EL2.<sup>15</sup>

### No obligation to consider dealing with a corruption issue

- 5.2 The Commissioner does not have a duty to consider whether to deal with a corruption issue, whether the Commissioner is requested to do so by the referrer or by any other person, or in any other circumstances.<sup>16</sup>

### Relevant considerations in deciding whether or not to deal with a corruption issue

- 5.3 When deciding whether or not to deal with a corruption issue, potentially relevant considerations include (but are not limited to):

- a. ***The nature of the allegation, including its inherent plausibility and objective seriousness, and relationship to NACC priorities –***

The nature of an allegation is relevant to its plausibility. Impossible or implausible allegations are less amenable to investigation and ultimately findings of fact.

The objective seriousness of a corruption issue is a highly relevant consideration; the more serious the issue, the more likely it is to require

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<sup>13</sup> Section 8(13) of the *National Anti-Corruption Commission Act 2013*

<sup>14</sup> NACC Act, s 41(6).

<sup>15</sup> National Anti-Corruption Commission (National Anti-Corruption Commission Act 2022) Delegation 2023, CM23#1226DOC.

<sup>16</sup> *National Anti-Corruption Commission Act 2022*, sub-par 41(7).



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investigation. The objective seriousness of an allegation will also interact with other considerations. For example, the objective seriousness of an allegation may warrant the Commission making a final and decisive determination of an issue, notwithstanding that it has already been investigated by an agency internally, whereas a less serious allegation might not.

The Commission will from time to time have priority areas of interest. An issue that falls within a priority area of interest is more likely to warrant investigation.

b. ***The cogency, clarity and particularity of the allegation –***

The particularity of an allegation is relevant to the capacity of the matter to be determined. Focussed and precise allegations are more amenable to investigation and findings, than vague, imprecise or incoherent allegations.

c. ***The completeness and credibility of the information provided by the referrer, informed by the referrer's capacity to provide such information –***

Allegations that are corroborated by information that is within the capacity of the referrer to provide are inherently more plausible than unsupported, bare allegations. The unexplained withholding of information that would ordinarily be within the capacity of the referrer to lawfully obtain and provide to the Commission may be relevant to the credibility of any information that the referrer provides in support of their allegation, although care must be taken to the application of this in the context of whistle-blowers.

The thoroughness and completeness of information that is contained within a referral will also inform other considerations in this list.

The Commission may give weight to the credibility and reliability of existing evidence. However, in doing so, the Commission must take care not to prejudge or prematurely close-off actionable information.

d. ***The availability of investigative pathways*** (including the various options open at stage 3, below) –

Where investigative pathways exist that may shed light on the truth of an allegation, it is more likely that the referral will put forward a question that can be determined, than where available investigative pathways offer a very small prospect of a conclusive outcome.

e. ***The extent to which the issue has previously been investigated*** (including any previous investigation, litigation or other scrutiny of the allegations) –

The history of the referral is relevant to whether further investigation of the allegation is appropriate, or likely to lead to a determination of the matter. Allegations that have not been scrutinised prior to their referral are more likely to leave questions to be investigated. Conversely, allegations that have already been fully investigated, scrutinised or litigated leading to a conclusive outcome are less likely to be appropriate for further investigation. However, in some cases a corruption investigation regarding the alleged conduct of a public official may be warranted, even if a Commonwealth integrity agency has previously concluded an investigation into that alleged conduct, having

regard to the public interest, the nature of the earlier investigation, the availability of new evidence, and other factors.

- 5.4 It will generally be appropriate to decide not to deal with a corruption issue and to take no further action if:
- a. There appears to be no real prospect that an investigation will obtain evidence of corrupt conduct. However, sometimes it will be in the public interest to proceed to investigation, in order to clear the air; or
  - b. There has been a previous adequate investigation of the conduct in question. However, it is necessary to maintain an open mind to the possibility that a previous investigation has failed to uncover the truth, and that referrals which may appear querulous not infrequently have at their origin a legitimate grievance which has not been adequately addressed.

## 6. Deciding how to deal with a corruption issue

### Authority to make a decision under the NACC Act

- 6.1 If the Commissioner decides to deal with a corruption issue, then the Commissioner can do so in any one or more of the following ways:<sup>17</sup>
- **investigate** – either alone or jointly with a Commonwealth agency or a State or Territory government entity, subject to some qualifications,<sup>18</sup> if the issue could involve corrupt conduct that is serious or systemic. These are called “corruption investigations”;
  - **refer for investigation** – to a Commonwealth agency to which the corruption issue relates, if the Commissioner is satisfied that the agency has appropriate capabilities to investigate the issue; or
  - **refer for consideration** – to a Commonwealth agency or a State or Territory government entity.
- 6.2 Authority to make this decision has been delegated to staff in the Intake and Assessment Section at the level of EL2.<sup>19</sup>

<sup>17</sup> *National Anti-Corruption Commission Act 2022*, sub-s 41(1).

<sup>18</sup> The *National Anti-Corruption Commission Act 2022* places some restrictions and qualifications on the Commissioner’s ability to investigate:

- matters that have already been investigated by Commonwealth integrity agencies: s 45
- certain matters that can be dealt with, are being dealt with, or have been dealt with, by Independent Parliamentary Expenses Authority: s 46,
- certain matters that can be dealt with, are being dealt with, or have been dealt with, by the Electoral Commissioner: s 47.

Those restrictions and qualifications are dealt with at paragraphs 6.13 – 6.15 below.

<sup>19</sup> National Anti-Corruption Commission (National Anti-Corruption Commission Act 2022) Delegation 2023, 23#1226DOC.

The Commissioner is to deal with corruption issues in the most appropriate way having regard to all the circumstances

- 6.3 When deciding between the options referred to at paragraph 6.1 above, the Commissioner may have regard to:
- a. whether the corruption issue could involve corrupt conduct that is serious or systemic;
  - b. the significance of the corruption issue, including:
    - i. to the public,
    - ii. to the referrer,
    - iii. to the agency concerned;
  - c. the need to ensure that the corruption issue is appropriately investigated;
  - d. any need for a perception of independence in the investigation;
  - e. the capability and capacity (including coercive powers) of the Commission to investigate the corruption issue;
  - f. the capability, capacity, expertise and willingness of any other relevant agency to investigate the corruption issue;
  - g. the desirability of oversight, including statutory reporting requirements; and
  - h. any other matter the Commissioner thinks fit in the circumstances.

Deciding to conduct a corruption investigation, alone or jointly

#### *When to investigate*

- 6.4 The Commissioner may not investigate a corruption issue unless the Commissioner is of the opinion that the issue could involve corrupt conduct that is serious or systemic.<sup>2021</sup>

#### *Corrupt conduct that is serious*

- 6.5 When deciding whether corrupt conduct is serious, the Commissioner will have regard to the weight or importance or significance of the conduct, and the gravity of its actual or potential consequences. Conduct is serious if it is significant or worrying, not slight or negligible, but it does not have to be "severe" or "grave".
- 6.6 When considering the weight or importance of corrupt conduct, regard may be had to:
- a. whether the conduct constitutes or enables, or would constitute or enable, the commission of an offence; if so, the seriousness of that offence, compared to other offences, using its maximum penalty as a guide;

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<sup>20</sup> *National Anti-Corruption Commission Act 2022*, sub-s 41(3).

<sup>21</sup> Refer also Standard Operating Procedure; Managing Corruption Issues, regarding serious and systemic considerations.

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- b. whether the conduct involves planning or coordination, and if so, the degree of planning or co-ordination;
  - c. the extent to which the conduct departs from accepted norms and practices;
  - d. the extent to which the person or persons responsible knew that they were engaging in corrupt conduct, including whether they had been warned previously;
  - e. whether the conduct was done covertly or involved deception; and
  - f. the actual or potential consequences of the conduct, including:
    - i. whether the conduct results, or would result, in an advantage or benefit, and if so, nature of that advantage or benefit, including who enjoys the advantage or benefit and its amount or value,
    - ii. whether the conduct results, or would result, in harm, loss or disadvantage, and if so, nature of that harm, loss or disadvantage, including who suffers and its amount or value,
    - iii. whether the conduct involves or affects, or would involve or affect, a person who is not party to the corrupt conduct; and
    - iv. whether and to what extent the conduct would significantly erode public faith in the individuals and institutions entrusted with the power.
- 6.7 The Commissioner may have regard to more specific considerations in some contexts. They do not exclude the general considerations set out above, which may exist alongside and overlap in some circumstances.
- 6.8 The following specific considerations may arise in cases of corrupt conduct that involves, or affects, an exercise of power:
- a. the nature of the power and the circumstances surrounding its exercise, including:
    - i. whether the power is exercised by one person, or a limited group of people (abuse of a power entrusted only to a few may be more serious than where entrusted to many),
    - ii. the character of the power, including whether it is general or technical in nature (abuse of a technical power may be more serious than of a general power),
    - iii. whether processes leading to, or surrounding, the exercise of power are transparent (abuses of a power that are not transparent may be regarded as more serious than of those which are transparent),
    - iv. whether the exercise of power involves a significant imbalance between the person exercising the power and other individuals (abuse of a power where there is an imbalance may be more serious than where there is not); and
  - b. institutional checks on exercises of the power (which may make abuse of the power less significant), including:
    - i. independent oversight, and

ii. a right to review exercises of the power on the merits.

6.9 The following specific considerations may arise in cases of corrupt conduct that involves the use of Commonwealth resources:

- a. whether those resources are resources that are only available to certain public officials; and
- b. whether the use of resources would result in loss.

6.10 The following specific considerations may arise in cases of corrupt conduct that involve misuse of information:

- a. whether the information was valuable or sensitive, and if so, the value of the information or reasons for its sensitivity;
- b. whether the information was put to any use beyond mere access, and if so what use; and
- c. whether the dealing involved circumvention of measures taken to secure the information, and if so, the level of sophistication involved in circumventing those measures.

#### *Corrupt conduct that is systemic*

6.11 When deciding whether corrupt conduct is systemic, regard may be had to whether the conduct:

- is other than an isolated occurrence;
- forms part of a pattern of conduct, or
- although a singular act, affects a system or organisation as a whole, such as a process undertaken by an agency, or an agency or the public service as a whole.

#### *Deciding to investigate*

6.12 Subject to paragraphs 6.15 - 6.17 below, the Commissioner will generally decide to investigate a corruption issue that could involve corrupt conduct that is serious or systemic if:

- the Commission has the capability and capacity to investigate the corruption issue, and
- there is no other agency with appropriate capabilities that is able and willing and appropriate to investigate the corruption issue.

#### *Joint or separate investigation*

6.13 The Commissioner may decide to investigate jointly with another Commonwealth agency. However, the Commissioner will not investigate jointly with an agency to which the corruption issue relates, if a joint arrangement might compromise the investigation, or be unworkable or impractical.

6.14 Generally, where there are cross-jurisdictional issues, the Commissioner will investigate jointly with a relevant State or territory government entity.

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*Restrictions on investigating certain parliamentary expense and electoral matters*

- 6.15 The Commissioner must not commence a corruption investigation into a corruption issue involving conduct that has been or could be dealt with by the Independent Parliamentary Expenses Authority or the Electoral Commissioner, except on referral by the Authority or the Electoral Commissioner respectively.<sup>22</sup>
- 6.16 If a referral relates to a corruption issue that the Commissioner is prevented from investigating because the referral was not made by the Independent Parliamentary Expenses Authority or the Electoral Commissioner, then the Commissioner may:
- refer the issue (under s 41(1)(d)) for consideration by the Independent Parliamentary Expenses Authority or the Electoral Commissioner; or
  - inform the referrer that the matter should be referred to the Independent Parliamentary Expenses Authority or the Electoral Commissioner, as the case may be.

*Public interest test where matter already dealt with by an integrity agency*

- 6.17 If a Commonwealth integrity agency has previously concluded an investigation into a matter regarding the conduct of a public official, then the Commissioner may only commence an investigation into a corruption issue involving the conduct if the Commissioner is satisfied that it is in the public interest to do so.<sup>23</sup> In making that decision, relevant considerations include, without limitation:
- the significance of the corruption issue;
  - the details of the investigation undertaken by the Commonwealth integrity agency;
  - any conclusions or findings of the integrity agency;
  - whether the Commissioner has any new evidence;
  - any unfairness to a person that may arise as a result of the Commissioner conducting a further investigation; and
  - the need to ensure that the corruption issue is fully investigated.

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<sup>22</sup> See *National Anti-Corruption Commission Act 2022*, ss 46, 47.

<sup>23</sup> Refer to s 45 of the *National Anti-Corruption Commission Act 2022*. Under sub-s 45(3), when determining whether it is in the public interest to investigate, the Commissioner may have regard to any matter including:

- the significance of the corruption issue
- the details of the investigation undertaken by the Commonwealth integrity agency
- any conclusions or findings of the integrity agency
- whether the Commissioner has any new evidence in relation to the corruption issue
- any unfairness to a person that may arise as a result of the Commissioner conducting a further investigation into the corruption issue, and
- the need to ensure that the corruption issue is fully investigated.



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Deciding to refer to a Commonwealth agency for investigation

*When to refer to a Commonwealth agency for investigation*

- 6.18 The Commissioner may only refer a corruption issue for investigation to a Commonwealth agency to which the issue relates if the Commissioner is satisfied that the agency has appropriate capabilities to investigate the issue.<sup>24</sup>
- 6.19 In deciding whether the Commonwealth agency to which the issue relates Commissioner has appropriate capabilities to investigate the issue, the Commissioner will take into account:
- a. the nature of the corruption issue, including whether it is serious or systemic,
  - b. the existence, independence and expertise of investigators within the agency,
  - c. the investigatory powers of the agency,
  - d. any perceived need for independence from the agency,
  - e. the views of the agency head, and
  - f. any other matter that the Commissioner thinks fit.
- 6.20 The Commissioner will generally decide to refer a corruption issue to the Commonwealth agency to which the investigation relates for investigation if:
- a. the Commissioner considers that the corruption issue is one which warrants investigation but is not of the opinion that it could involve corrupt conduct that is serious or systemic; or
  - b. the Commissioner is of the opinion that the corruption issue could involve corrupt conduct that is serious or systemic, but the agency has relevant specialist knowledge or responsibility, and has the capacity and is willing to conduct an adequate investigation.

*When the Commissioner will oversee investigations*

- 6.21 If the Commissioner deals with a corruption issue by referring it to a Commonwealth agency for investigation, then the Commissioner may decide to oversee the investigation,<sup>25</sup> and may give the agency directions about the planning and conduct of the investigation.
- 6.22 Generally, the Commissioner will undertake the type of oversight referred to at paragraph 6.21 if the Commissioner is of the opinion that the corruption issue could involve corrupt conduct that is serious or systemic.
- 6.23 Generally, the Commissioner will not give the agency detailed directions about the planning and conduct of the investigation.

*When the Commissioner will direct final reports on investigations*

- 6.24 If the Commissioner deals with a corruption issue by referring it to a Commonwealth agency for investigation, then the Commissioner may require the

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<sup>24</sup> *National Anti-Corruption Commission Act 2022*, sub-par 41(1)(c).

<sup>25</sup> *National Anti-Corruption Commission Act 2022*, s 50.

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head of the agency to provide either or both or (a) progress reports from time to time, and (b) a report on the completion of the investigation (*completion report*).<sup>26</sup>

- 6.25 Generally, the Commissioner will require the head of the agency to provide a completion report if the Commissioner is of the opinion that the corruption issue could involve corrupt conduct that is serious or systemic.
- 6.26 Generally, the Commissioner will request that the completion report contains the following:
- the steps taken by the agency to investigate the corruption issue,
  - the agency's conclusions or findings on the corruption issue, and
  - action taken by the agency following the agency's investigation, if any.

#### Deciding to refer to a Commonwealth agency for consideration

- 6.27 Generally, the Commissioner will decide to refer a corruption issue to another agency for consideration where:
- a. the other agency has the capabilities to investigate the issue, and the Commissioner considers that whether it warrants investigation is best determined by the other agency; and
  - b. it would not be possible, necessary or otherwise appropriate to exercise any of the Commissioner's oversight or reporting powers in respect of the other agency.

#### Other powers

##### *Public comment*

- 6.28 The Commissioner may at any time issue a public statement about a corruption issue, subject to requirements of procedural fairness.<sup>27</sup>
- 6.29 Generally, the Commissioner will only make a public statement about a corruption issue if the Commissioner is satisfied that:
- a. it is appropriate and practicable to do so to avoid damage to a person's reputation, or
  - b. it is necessary to appeal to the public, or a section of the public, for information about the corruption issue, or
  - c. it is otherwise in the public interest to do so.

##### *Reconsideration*

- 6.30 The Commissioner may, at any time, reconsider whether or how to deal with a corruption issue.<sup>28</sup>

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<sup>26</sup> *National Anti-Corruption Commission Act 2022*, s 52.

<sup>27</sup> *National Anti-Corruption Commission Act*, s 48.

<sup>28</sup> *National Anti-Corruption Commission Act*, sub-s 41(5).

6.31 Generally, the Commissioner may reconsider whether or how to deal with a corruption issue if:

- new information warranting consideration of a different decision emerges; or
- the original decision no longer appears appropriate to the circumstances.

## 7. Review or variation of this policy

7.1 This policy will be reviewed every 2 years to ensure consistency with legislation, government policy, organisational changes within NACC, and change of working environment. It may also be reviewed as required, including at the request of staff.

### National Anti-Corruption Commission Assessment of Corruption Issues Policy



The Hon PLG Brereton, AM, RFD, SC  
Commissioner  
National Anti-Corruption Commission  
18/02/2025

## Version history

Version	Authorised by	Revision date	Author	Description of change
1	The Hon PLG Brereton, AM, RFD, SC, Commissioner.	15 June 2023	Senior Lawyer, Director Assessments	Final Draft
2	The Hon PLG Brereton, AM, RFD, SC, Commissioner.	5 July 2023	Senior Lawyer, Director Assessments	Approved Version provided by Commissioner
3	The Hon PLG Brereton, AM, RFD, SC, Commissioner.	20 February 2025	Senior Lawyer, Director Assessments	Approved Version provided by Commissioner



Australian Government  
National Anti-Corruption Commission

## Management of Corruption Issue Referrals

# Standard Operating Procedure

**Version** 3

**File Ref** 23#25945DOC

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## 1. Introduction

### Background

- 1.1 Pursuant to section 32 of the National Anti-Corruption Commission Act 2022 (NACC Act), any person (including members of the public and public officials) can voluntarily refer a corruption issue, or provide information about a corruption issue, to the Commission.
- 1.2 The heads of Commonwealth agencies and parliamentarians also have obligations under the NACC Act pursuant to section 33, and must refer certain issues to the Commission for potential investigation. These obligations are called mandatory referral obligations and are in addition to the ability to make voluntary referrals.
- 1.3 Additionally, the heads of certain Commonwealth intelligence agencies have mandatory referral obligations under the NACC Act and must refer certain issues to the Inspector-General of Intelligence and Security (IGIS) or the Commissioner.
- 1.4 Finally, individuals with responsibilities under the Public Interest Disclosure Act 2013 (the PID Act) also have mandatory referral obligations under the NACC Act and must refer certain issues to the Commission so the Commissioner can decide whether or not to investigate. For further information on PIDs see below at 1.8.
- 1.5 Referrals will be received by web form, phone, email, internal referrals including human source reporting, and walk ins to identified physical contact points once established.
- 1.6 Contacts by phone will be managed by Commission staff attached to the Intake and Triage section. Except in exceptional circumstances, all contacts will be directed to the Commission web form in the first instance, with a view to ensuring that the necessary information required to support assessment is obtained and recorded.
- 1.7 Intake and Triage section staff may complete and submit a webform on behalf of a phone contact.

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22 - Not Relevant



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<sup>1</sup> *National Anti-Corruption Commission Act 2022 (Cth)*, s 43(1) and (2).



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22 - Not Relevant



NACC Senior Assessment Panel (NSAP)

- 2.14 All matters progressed to a Tier 2 Assessment, recommended for Commission action (including referral to another agency) and endorsed by the Director Assessments, will be provided to the NSAP for consideration and decision. The NSAP will ordinarily be comprised of the Commissioner, Deputy Commissioners, the General Manager Investigations and the General Manager Corruption Prevention, Education & Evaluation.
- 2.15 Additionally, a list of all matters progressed to a Tier 2 assessment but recommended for no further action will be provided to the NSAP for information and to provide *visibility of the matters being assessed to support the Statutory Officers'* understanding of the environment.
- 2.16 The NSAP may require participation by other Commission staff for specific or specialist advice.
- 2.17 The Secretariat role for the NSAP will be performed by the AS. Those responsibilities will include:
- consulting internally, as necessary, on individual matters,
  - preparing and circulating information to support consideration of matters including Assessment Summaries and other relevant material to NSAP members,
  - following up on actions arising, and
  - preparing the post-meeting material for the Commissioner or Delegate

including drafting required correspondence.

2.18 Generally, the NSAP will receive and consider matters electronically in the first instance. If a meeting is required, the AS will be responsible for:

- scheduling meetings and booking appropriate meeting venues, and
- minute taking.

### 3. Procedures

3.1 The Commission applies the following three-step process when assessing information referred alleging corrupt conduct:

- at the first stage, determining whether there is a corruption issue,
- at the second stage, deciding whether or not to deal with the corruption issue, and
- at the third stage, deciding how to deal with the corruption issue<sup>5</sup>.

3.2 Detailed policy considerations at each decision point have been identified in the NACC Assessment of Corruption Allegations Policy<sup>6</sup>. The following is provided to supplement that policy and support the consideration of referrals across the Intake, Triage and Assessment continuum.

First Stage – Deciding if the information raises a corruption issue

3.3 A corruption issue is an issue of whether a person has engaged, is engaging or will engage in corrupt conduct.<sup>7</sup>

3.4 Corrupt conduct is defined in section 8, and can only be:

- a. Conduct by a public official; or
- b. Conduct by anyone that adversely affects, or that could adversely affect, the honest or impartial exercise or performance of a public **official's** powers, functions or duties<sup>8</sup>.

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<sup>5</sup> NACC Assessment of Corruption Issues Policy, CM 23#22972DOC p2.

<sup>6</sup> NACC Assessment of Corruption Issues Policy, CM 23#22972DOC.

<sup>7</sup> *National Anti-Corruption Commission Act 2022* (Cth), s 9(1).

<sup>8</sup> *National Anti-Corruption Commission Act 2022* (Cth), s 8(1).

- 3.5 There are several essential elements to be considered in assessing corrupt conduct. If any one of these elements cannot be satisfied, then the assessment would be that there is no corruption issue.

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- i) Identify the Conduct

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## 4. Authority

### **The *National Anti-Corruption Commission Act 2022* and *National Anti-Corruption Commission (Consequential and Transitional Provisions) Act 2022***

- 4.1 The legislation provides for the establishment of the National Anti-Corruption Commission (NACC) and the transitional arrangements for the Australian Commission for Law Enforcement Integrity (ACLEI) to be subsumed into the NACC.

### **NACC Assessment of Corruption Issues Policy**

- 4.2 The purpose of the Assessment of Corruption Issues Policy is to provide authoritative guidance to staff members performing functions as a delegate of the Commissioner as to the manner in which relevant decisions are to be made, in order to facilitate the timely and consistent assessment of corruption issues.

## 5. Links

Title	Type	File Ref	Author
NACC Assessment of Corruption Issues Policy	Policy	23#22972DOC	22 [REDACTED], Senior Legal Officer and 22 - Not [REDACTED] Director Assessments.
NACC Response Guidelines for Contact Handling	SOP	23#25295DOC	22 [REDACTED], Intake and Triage.
Section 57 - Directions to Give Information Standard Operating Procedure	SOP	TBC	22 [REDACTED] Operations.
Section 58 - Directions to Give Information Standard Operating Procedure	SOP	TBC	22 [REDACTED] Operations.

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## 6. Templates

Title	File Ref	Author
NACC Preliminary Investigation Progress Report	23#30453DOC	22 [REDACTED] Director Assessments.
NACC Preliminary Investigation Final Report	23#30454DOC	22 [REDACTED] Director Assessments.

## 7. Version history

Version	Authorised by	Revision date	Author	Description of change
1	22 [REDACTED] General Manager Corruption Prevention, Education and Evaluation.	15 June 2023	22 [REDACTED] Director Assessments	Initial Version
2	22 [REDACTED] General Manager Corruption Prevention, Education and Evaluation.	04 July 2023	22 [REDACTED] Director Assessments	Final draft following engagement with the Commissioner and CEO
3	22 [REDACTED] General Manager Corruption Prevention, Education and Evaluation.	20 February 2025	Legal Branch	Amendments relating to SOH.

## 8. Approval

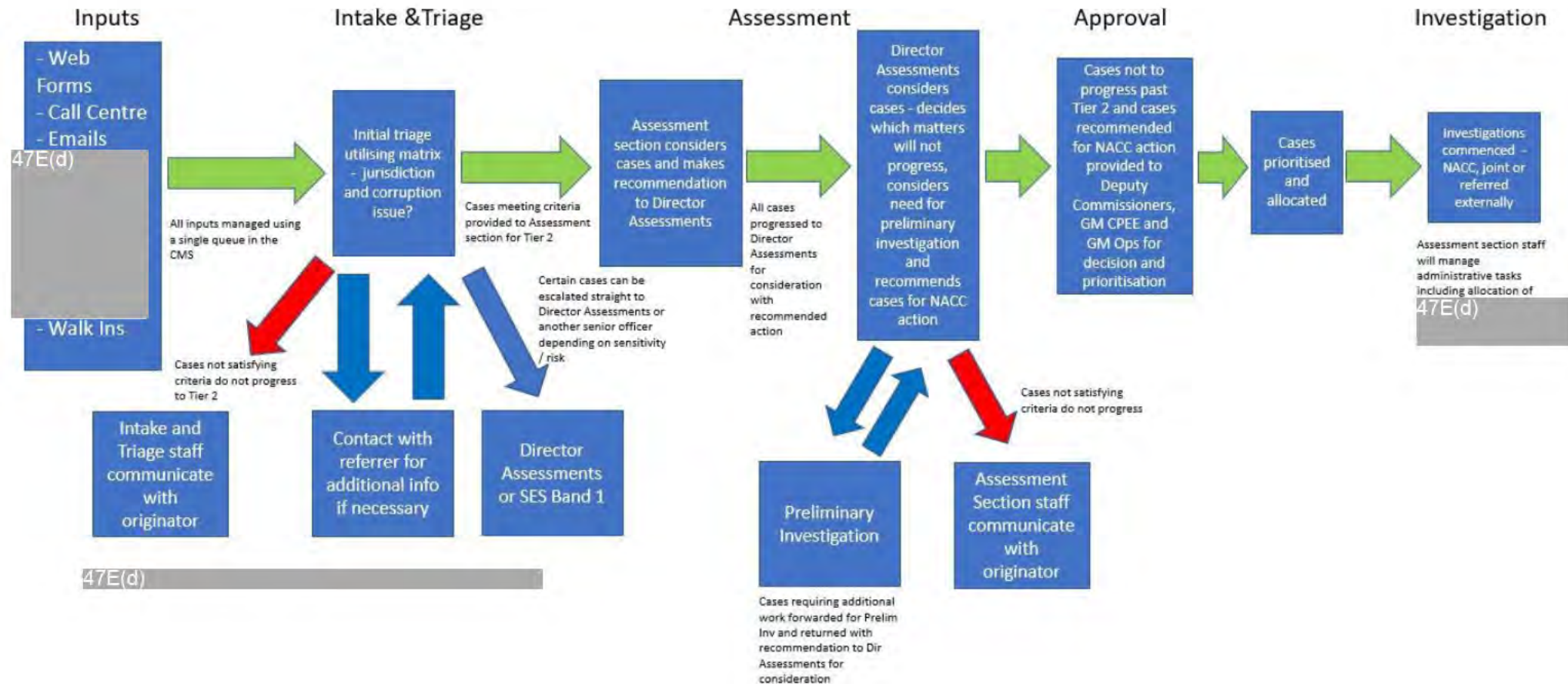
This Standard Operating Procedure is approved.

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General Manager Corruption Prevention, Education and Evaluation

## Attachment A – NACC Intake, Triage and Assessment Process





National Anti-Corruption Commission

## Briefing note – A/D approval to NSAP

<b>To</b>	Hon Paul Brereton, Commissioner
<b>CC</b>	Deputy Commissioner Ben Gauntlett, Deputy Commissioner Nicole Rose, Deputy Commissioner Kylie Kilgour, Chief Executive Officer Philip Reed
<b>From</b>	22 A/g GM Evaluations
<b>Date</b>	5/03/2025
<b>File Ref</b>	TBC
<b>Topic</b>	Assistant Director approvals to NSAP

### 1. Purpose of briefing note

- 1.1 The purpose of this briefing note is to provide you with an overview of circumstances where the Assistant Director Assessments (AD-A) may send referrals to NSAP, without work-flowing them through the Director Assessments (D-A), as briefed at the Evaluations Update Meeting on 27 February 2025.
- 1.2 This initiative will assist in managing the workloads of the Director Assessments, as well as ensuring that matters are presented and finalised at NSAP in a timely manner.
- 1.3 This will likely contribute to increasing the number of outcomes being provided to referrers within the 90-day timeframe (as set out in the service charter), as well as decreasing the Assessments backlog, which is an identified priority of the Evaluation Branch in 2025.
- 1.4 The following criteria are designed to be guidance only, and discretion should be applied. If an AD-A feels uncomfortable or uncertain about a referral which meets the criteria, they are encouraged to speak with the D-A or send through the standard approval pathways.
- 1.5 As discussed at the Evaluations Update Meeting, in circumstances where there is disagreement between the assessing officer and the AD-A as to the appropriate recommendation, this should be sent through the standard approval pathways for D-A consideration, regardless of the type or nature of the referral.



- 1.6 Given this recommendation does not align with the *Management of Corruption Issue Referrals* which requires all matters for the NSAP to be approved by the Director Assessments, we are seeking your approval of this change. Evaluation Branch will ensure the change is incorporated when the document is next reviewed and updated.

## 2. Key information

Circumstances where AD-**A's may send matters to NSAP.**

- 2.1 Mandatory referrals with a recommendation under s 41 (6), s 41 (1) (c) or s 41 (1) (d), which
- a) Have an ongoing investigation which is significantly progressed and is being conducted by an agency with sufficient capability to do so, and/or
  - b) Have a completed investigation report provided as part of the referral, or during the process of an Assessment, which Assessments has reviewed and is satisfied that the matter has been handled appropriately.

Examples:

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- 2.2 Referrals with a recommendation of NCI or 41(6) which are to be presented to the NSAP for decision only because of a requirement set out in the [NFAs to NSAP](#) Decision Minute, potentially including:
- a) Matters involving high profile members of the public or matters which have been prominent in the public or political sphere.
  - b) Mandatory referrals that are low priority and/or straightforward/non-complex in nature.

Examples:

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2.3 Referrals which have had significant AD-A and General Manager or Deputy Commissioner involvement and oversight, including complex pathway matters.

- a) For matters which the Director has not had significant involvement in but that has had higher level oversight, it is not an efficient use of their time to attempt to understand and approve the matter for NSAP, particularly in circumstances where the AD-A has developed a detailed level of expertise on the Assessment.

Example:

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### 3. Conclusion

3.1 I recommend that you approve the introduction of the above guidance.

Approved / ~~Not approved~~ / ~~Discuss~~

Comments: *I entirely agree with the approach proposed in this Minute.*

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The Hon PLG Brereton AM RFD SC  
Commissioner

Date: 13 March 2025



# NSAP Secretariat Guidance

## OFFICIAL

The purpose of this page is to provide additional guidance to the NACC Senior Assessment Panel (NSAP) Secretariat to assist them complete their parts of the [NSAP process](#).



Agenda Preparation



Agenda Circulation



Meeting Minutes/Notes



Update History

## Agenda Preparation

- Agenda preparation falls on Thursday and Friday of the week before NSAP.
- The NSAP Agenda template version is stored in the [NSAP Meeting - Administration Folder](#).
- There may be instances where feedback is received from the NSAP Panel that requires an update to the currently approved agenda. When this occurs, the updates should be made in the [SharePoint version](#), to prevent multiple or varied copies being used.
- Check the NSAP secretariat mailbox for any agenda related emails, for example, conflicts of interest, apologies, requests for access to the NSAP

SharePoint, additional attendees etc., and action as necessary.

- Where the NSAP meeting date and/or time have been adjusted, update the Agenda and check the Outlook calendar meeting invite displays the correct date/time. Liaise with the Commissioner's EA if updates are required.
- Populate the agenda template, noting:
  - Attendees and Apologies: Update as advised by panel members each fortnight.
  - Agenda Items: There may be instances where Commissioner decisions are made [out of session](#) and need to be formally recorded in the Minutes, or panel members raising topics for discussion, circulated via email. These are generally recorded under other general business.
  - Outstanding Action Items: Copy/paste the current outstanding action items from the master [NSAP Registers list](#) and paste into the agenda.
  - Assessments Cases for Decision: Director Assessments will workflow Cases for Decision before each NSAP and send a courtesy email to the General Manager confirming Cases prior to the agenda being circulated.
  - Assessments Cases for Noting: This is a stand-alone document that is prepared by the Assessment Officers once they have been advised a Case has been progressed to NSAP for Noting. Prior to sending out the agenda:
    - Check this document has been uploaded into the relative NSAP folder and opens correctly.
    - Check the AO has included everything in the Cases for noting document.
    - Ensure Cases that are being signed off by the delegate (Director Assessments, GM Evaluation or a DC for Complex Matters) under s 41(6) or are No Corruption Issue include a link to the Assessment Summary or Complex Pathway form.
  - Intake and Triage Director Updates: Insert the dates of the two previous Evaluation Productivity Reports shared in the Branch chat.

# Agenda Circulation

Key points for circulating the agenda:

- Send the agenda to the NSAP distribution list <sup>22 - Not</sup> [@nacc.gov.au](mailto:@nacc.gov.au)
- Include additional attendees as required (ensure you check the [Observer Roster](#)).
- Add the agenda to the relevant [NSAP folder](#).

## Additional NSAP Attendees

There will be occasions where there are additional attendees, for example attending on behalf of a panel member who is an apology or Investigators presenting a Preliminary Investigation Report.

When this occurs, ensure they are added into relevant NSAP correspondence for that week including:

- forwarding the NSAP meeting invite
- granting access to the [NSAP SharePoint site](#)
- providing a link to the current NSAP folder, and
- forwarding a copy of the circulated Agenda.

## Meeting Minutes/Notes

Use the following points to help when drafting the NSAP Minutes.


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## Update History

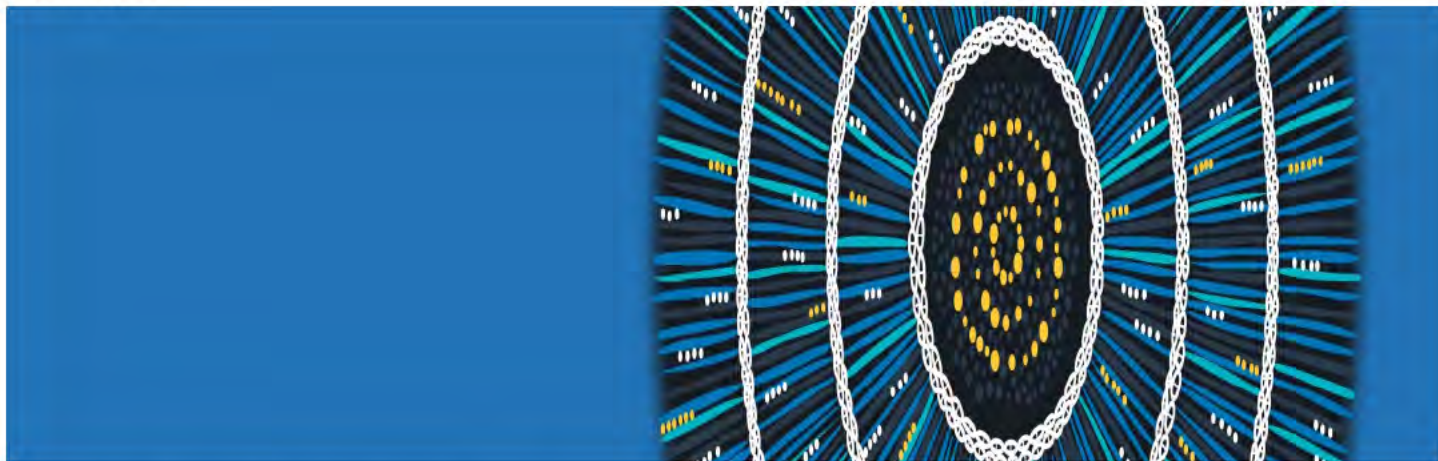
Date Updated	Approved By	Details of Updates	CM Reference
10 April 2025	22 	Page created from existing content	25#27807DOC

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Assessments Team Processes and Guidance

Edit





# Introduction to the NACC

## OFFICIAL

The purpose of this page is to provide new starters in the Assessments Section with some broad information about the National Anti-Corruption Commission (NACC). It also provides links to additional information about the NACC which should be reviewed as part of the [Induction](#) process.

***Note:** The following information not a comprehensive outline of every aspect of the NACC. It is designed to give you an overview in the context of the Assessments Section and additional information will be provided throughout Induction. Please ensure you ask questions as needed.*



Creation of the NACC



The Commissioner and NACC Structure



Oversight of the NACC



The National Anti-Corruption Act 2022



NACC Jurisdiction



Corrupt Conduct



Serious and Systemic



Referring Matters to the NACC



Update History

# Creation of the NACC

The NACC commenced operations on 1 July 2023, replacing the Australian Commission for Law Enforcement Integrity (ACLEI). The NACC is an independent Commonwealth agency - meaning the Government is not able to tell the NACC what to investigate or how to do its job.

Established under the *National Anti-Corruption Act 2022* (Cth) (the Act), the NACC'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.

## For Action

Please complete all actions below:

- read the profiles on the [leadership team](#), as well an overview of their experience - on the NACC website (nacc.gov.au)
- complete the [Introduction to the National Anti-Corruption Commission e-module](#)
- watch a video of the [Commissioner's keynote address](#) at the Australian Public Sector Anti-Corruption Conference on 31 July 2024 (a written copy of the Commissioner's speech is available on the [NACC website](#))
- read [The NACC two years on: Strengthening integrity in the Commonwealth](#).

## The Commissioner and NACC Structure

The NACC is led by the Honourable Justice Paul Brereton AM RFD SC (the Commissioner), Mr Philip Reed (CEO), and three Deputy Commissioners – Ms Nicole Rose PSM, Dr Ben Gauntlett and Ms Kylie Kilgour.

The NACC is split into 6 branches, each led by a General Manager. In total, there are currently about 200 staff employed by the NACC in a variety of roles. A detailed description of each section's role is outlined on the intranet - [Agora](#) under **Resources by Section**.

## For Action

Review the NACC [Organisational Chart](#) which is found on Agora at the bottom of the [Home Page](#).

## Oversight of the NACC

The NACC is overseen by the Parliamentary Joint Committee on the National Anti Corruption Commission (PJC NACC) and an Inspector of the NACC, Ms Gail Furness (the Inspector). Further information on:

- the role and membership of the PJC-NACC can be found on their [website](#), and
- the Inspectors role and functions can be found on their [website](#).

## For Action

Review the information available on the NACC website about the [Overview of the NACC](#).

## The National Anti-Corruption Act 2022

The NACC operates under the Act, which defines the jurisdiction of the NACC and what corrupt conduct is.

The Act underpins the foundation of our work at the NACC and is an important piece of legislation to understand.

Additional time will be spent on the Act later in the Induction process.

In the meantime, be aware the Act lives on the [Federal Register of Legislation](#) website and there is a link to the Act available on this site (the [Assessments Site](#)) under the menu **Reference Material > Legislation > NACC Act**.

## Explanatory Memorandum

The Revised Explanatory Memorandum is a resource which helps interpret the Act.

At the moment you just need to be aware it exists and that there is a link to the Act available on this site (the [Assessments Site](#)) under the menu **Reference Material > Legislation > [Revised Explanatory Memorandum](#)**.

# NACC Jurisdiction

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

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

The NACC can only investigate corrupt conduct that involves a public official in some way. People who can be investigated by the NACC are 'in the NACC's jurisdiction'.

It is important to note that the NACC can investigate matters both before and after its establishment, and the NACC can investigate any person, even if they are not a public official, if they do something that might cause a public official to carry out their official role other than honestly or impartially.

## Public Officials

A Public Official encompasses the following groups:

- members and senators of the Australian Parliament, including ministers, and the people who work for them
- staff members of Commonwealth agencies, including employees of and persons engaged in assisting Australian Government departments, Commonwealth companies and statutory bodies
- contracted service providers (such as consultants, independent contractors, and labour-hire contractors) under Commonwealth contracts administered by Commonwealth agencies, and
- staff members of the NACC.

For the purposes of the Act, the following groups are **not Public Officials** subject to the NACC's jurisdiction:

- judges
- the Governor-General and Deputy Governor-General
- a Royal Commissioner
- the Inspector of the NACC or a person assisting the Inspector, and
- foreign governments (including their contracted service providers).

## For Action

Review the information available on the NACC website about [What the NACC can investigate](#) which includes more information about the definitions of a public official.

## Corrupt Conduct

Section 8 of the Act sets out that each of the following meet the definition of corrupt conduct:

- a. any conduct of any person (whether or not a public official) that adversely affects, or that could adversely affect, either directly or indirectly:
  - i. the honest or impartial exercise of any public official's powers as a public official; or
  - ii. the honest or impartial performance of any public official's functions or duties as a public official
- b. any conduct of a public official that constitutes or involves a breach of public trust
- c. any conduct of a public official that constitutes, involves or is engaged in for the purpose of abuse of the person's office as a public official
- d. any conduct of a public official, or former public official, that constitutes or involves the misuse of information, or documents acquired in the person's capacity as a public official.

A person also engages in corrupt conduct if they try or plan to do any of those things. Corrupt conduct by a public official may involve one or more types of corrupt conduct.

## Corruption Issue

The term Corruption Issue will come up a lot. It is defined in section 9 of the Act as an issue of whether a person:

- has engaged in corrupt conduct,
- is engaging in corrupt conduct, or
- will engage in corrupt conduct.

To establish a Corruption Issue, you must first identify the corrupt conduct.



## For Action

Review the information available on the NACC website about [What is corrupt conduct](#).

## Serious and Systemic

As a broad definition, the following applies:

- Serious corrupt conduct:
  - Is corrupt conduct that is significant, more so than negligible or trivial.
  - Does not have to be severe or grave.
- Systemic corrupt conduct:
  - Is corrupt conduct that involves more than an isolated case, involves a pattern of behaviour, or affects or is embedded in a system.
  - Can occur in one or multiple agencies and can involve one or multiple individuals.
  - Does not have to be coordinated.

## For Action

Review the information available on the NACC website about [What is serious or systemic corrupt conduct](#).

## Referring Matters to the NACC

Under section 32 of the Act, **any person** (including members of the public and public officials) can **voluntarily** refer a corruption issue, or provide information about a corruption issue, to the NACC.

Under section 33 of the Act, **heads of Commonwealth agencies and parliamentarians** have obligations to refer certain issues to the NACC for potential investigation. These obligations are called **mandatory referral obligations** and are separate from the ability to make voluntary referrals under the Act.

Commonwealth agency heads have a responsibility to tell the NACC about a corruption issue in their agency if:

- it concerns the conduct of a current or former staff member while they were a staff member of the agency, and
- they suspect the issue could involve serious or systemic corrupt conduct.

The **heads of certain Commonwealth intelligence agencies** have **mandatory referral obligations** under the Act and must refer certain issues to the Inspector-General of Intelligence and Security (IGIS) or the Commissioner for potential investigation.

Individuals with responsibilities under the *Public Interest Disclosure Act 2013* (**PID Act**) also have **mandatory referral obligations** under the Act and must refer certain issues to the NACC so the Commissioner can decide whether to investigate or not.


Public Interest Disclosure Officers have a responsibility to report internal disclosures about corruption issues to the NACC as soon as reasonably practicable if:

- they received the internal disclosure while performing their functions under the PID Act
- it concerns the conduct of a current or former staff member while they were a staff member of the agency, and
- they suspect the issue could involve serious or systemic corrupt conduct.

## For Action

Review the information available on the NACC website about [Mandatory Referrals](#).

## Update History

Date Updated	Approved By	Details of Updates	CM Reference
3 June 2025		Page created from existing content and updated.	25#27780DOC

Date Updated	Approved By	Details of Updates	CM Reference

**OFFICIAL**

Assessments Team Processes and Guidance

Edit





# Out of Session NSAP Process

## OFFICIAL

The purpose of this page is to establish a process to handle Cases through an out of session (OOS) National Anti-Corruption Commission (NACC) Senior Assessment Panel (NSAP). The term **out of session** refers to a circumstance where a decision is required on an **expedited** Case prior to the next scheduled NSAP.



Background Context



Stage 1: Determining Whether the Case Meets the Criteria



Stage 2: Completing the Assessment and Seeking the...



Stage 3: Decision, Action, Record



Out of Session Email Template



Out of Session NSAP Decision Template



Update History

## Background Context

In most circumstances, if a matter has been 'expedited' **during** a week that NSAP is being held, the most efficient use of resourcing would be to present the matter at the upcoming NSAP.

For instance, if Assessments receive the matter on Monday of an NSAP week and it can wait until Thursday for a decision, it may be best to follow the [standard process](#) with an updated agenda rather than undertaking an out of session process.

However, if a matter is prioritised as '[expedited](#)', careful consideration should be given to whether it needs a decision immediately, and in which case, a determination on the Case should be handled through an OOS NSAP.

The out of session process, which is set out in a 3 stage approach below, considers the following:

- Timeliness
- Decisions being decided by NSAP
- Sustaining NSAP process outside of the NSAP Meetings
- Ensuring this process can be recorded and good governance maintained
- Meeting the requirements of an expedited Case
- Consolidating the opinions of NSAP.

47E(d)













## Update History

Date Updated	Approved By	Details of Updates	CM Reference
9 July 2025	22 GM Evaluation	Changes made to reflect GM changes to the original document.	25#27803DOC
29 April 2025	22	Page created from existing content and updated.	TBA

OFFICIAL







# NSAP Related Decision Minutes

OFFICIAL

The purpose of this page is to provide copies of Decision Minutes (DMs) which have been approved and have resulted in changes to the processes and timings around the National Anti-Corruption Commission (NACC) Senior Assessment Panel (NSAP).



Move to Fortnightly NSAP Meetings



NFAs to NSAP



ADs Sending Matters to NSAP



Change to Decision-Making Process for Assessment Cases



Update History

## Move to Fortnightly NSAP Meetings

A DM proposing to change the frequency of the NSAP meetings from weekly to fortnightly was approved by the Commissioner on 5 September 2024 (Content Manager Record 25#12755DOC).

During the Evaluations Update Meeting on 10 April 2025, the Commissioner provided verbal approval to continue the fortnightly NSAP meetings.







OFFICIAL



National Anti-Corruption Commission

Decision

**To** Hon Paul Brereton, Commissioner

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**CC** Chief Executive Officer Philip Read

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**From** 22 - Not relevant acting General Manager Evaluation

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**Date** 31/07/2025

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**File Ref** 25#23847DOC

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**Priority** Response sought by 8/08/2025

PAGE 1 OF 5 NO LABEL

100%

## Update History

Date Updated	Approved By	Details of Updates	CM Reference
22 August 2025	22	Updated to include a new DM approved by the Commissioner on 4 August 2025.	25#27804DOC
03 July 2025	22	Updated to include note under relevant DMs about a change which was made on 12 July 2025 which replaces advice in some of the DMs.	25#15837DOC
15 May 2025	22	Page created from existing content	25#15837DOC

OFFICIAL



National Anti-Corruption Commission

## Decision minute

<b>To</b>	The Hon Paul Brereton AM RFD SC, Commissioner
<b>CC</b>	Deputy Commissioner Ben Gauntlett, Deputy Commissioner Nicole Rose, Deputy Commissioner Kylie Kilgour, Chief Executive Officer Philip Reed
<b>From</b>	22 Divisional Manager Evaluation & Ops Capabilities, 22 General Manager Evaluation
<b>File Ref</b>	23/863
<b>Priority</b>	Response sought by 20/08/2024
<b>Topic</b>	Proposal to move to fortnightly NSAP meetings

### 1. Decision required

- 1.1 We are seeking your approval to change the frequency of the NACC Senior Assessment Panel (NSAP) from weekly to fortnightly.
- 1.2 This recommendation extends the 'NSAP cycle', with the purpose being threefold:
- a. To allow the Assessments team to focus a proportion of their time on the Branch Reform work briefed to you on 7 August 2024;
  - b. To allow for Directorate and Branch management to spend more time refining and finalising assessments before they are released to panel members (which, in turn, will enhance quality of assessments and upskill Assessments staff);
  - c. To provide NSAP attendees more time to consider assessments and associated material in advance of the NSAP meetings.
- 1.3 We seek your approval to move to this arrangement initially for slightly over three months, with the first fortnightly cycle proposed to start after the NSAP of 29 August 2024. A review of the fortnightly NSAP cycle will be undertaken, and further guidance sought from you before the stand-down period starting on 24 December 2024.

## 2. Reasons for recommended decision

### Branch Reform Work

- 2.1 As detailed in our briefing to you on 7 August 2024, Evaluations Branch has analysed gaps and shortcomings in its functionality, which we will address through **the Branch's** program of reform.
- 2.2 Further details on this program will be provided to the Operational Governance Committee on 27 August. As discussed, this work will encompass the following key themes:
- a. Processes – review and documenting of detailed processes in support of Evaluation Branch output, including: Assessment workflows and decision paths, NSAP secretariat, Quality Assurance elements, and Request for Review processes.
  - b. Reporting/Documentation – review and amendment to key branch documents and records, including: the Assessment Summary document, correspondence templates and naming conventions.
  - c. Systems – reviews of how to optimise functionality in existing Commission systems, such as ARGUS, Sharepoint and Content Manager.
  - d. Recruitment – recruitment of officers at the APS5 and APS6 level to cover triage, assessment and Project Officer functions. It is worth noting that there is currently only one substantive APS6 in the Assessments team, and the total staffing at these levels is at an all-time low of six officers.
  - e. Capability – analysis of existing and required skills across the branch, preparing induction program, training continuum and identification of immediate uplift training in areas such as structured analytical techniques, effective writing, Cert IV.

47E(d)













47E(d)



### 3. Recommendation

3.1 We recommend that you agree to changing the frequency of the NSAP meeting to fortnightly from 29 August 2024, and

Approved / ~~Not approved~~ / ~~Discuss~~

3.2 We recommend that you agree to a review date of early December for this change.

Approved / ~~Not approved~~ / ~~Discuss~~

47E(d)



*I had considered disrupting the fortnightly schedule due to hearings schedule for 26 September, but have decided to retain that date for NSAP*

22 - Not Relevant

22 - Not Relevant

The Hon PLG Brereton AM RFD SC  
Commissioner

5/09/2024

## Appendix A – Current and Proposed NSAP Cycles

### Current NSAP Cycle – Weekly

Monday	Tuesday	Wednesday	Thursday	Friday
<p>Identification of matters for NSAP (Assessments EL1s)</p> <p>Case submissions (GM/Director)</p>	<p>Create agenda and Sharepoint folders (Secretariat)</p> <p>Case approvals (GM/Directors)</p> <p>Release agenda and Sharepoint folders (Secretariat)</p>	<p>Panel - case review</p>	<p>NSAP Meeting</p> <p>Minute taking (Secretariat)</p>	<p>Identification of matters for next week NSAP (Assessments EL1s)</p> <p>Meeting Minutes Due (Secretariat)</p> <p>Decision outcomes from NSAP allocated (various)</p>

**Proposed NSAP Cycle – Fortnightly**

Monday	Tuesday	Wednesday	Thursday	Friday
Ongoing assessment/case finalisation. (Assessments ELs)  Draft Meeting minutes provided (no later than) to Deputy Commissioner (Secretariat)	Ongoing assessment/case finalisation. (Assessments ELs)  Case approvals (GM)	Ongoing assessment/case finalisation. (Assessments ELs)  Endorsement of minutes (Secretariat)  Create agenda and Sharepoint folders (Secretariat)	Ongoing assessment/case finalisation. (Assessments ELs)	Ongoing assessment/case finalisation. (Assessments ELs)  Release agenda and Sharepoint folders (Secretariat)
Monday	Tuesday	Wednesday	Thursday	Friday
Ongoing assessment/case finalisation. (Assessments ELs)  Panel - case review	Ongoing assessment/case finalisation. (Assessments ELs)  Panel - case review	Ongoing assessment/case finalisation. (Assessments ELs)  Panel - case review	Ongoing assessment/case finalisation. (Assessments ELs)  NSAP Meeting  Minute taking (Secretariat)	Ongoing assessment/case finalisation. (Assessments ELs) ELs) Post-meeting administration (Secretariat) Decision outcomes from NSAP allocated (various)





# NSAP Secretariat Email Templates

## OFFICIAL

The purpose of this page is to provide the NSAP Secretariat with the email templates they will use it different stages of the [NSAP or DC process](#).



Email to Ops About Pls Going to NSAP



Email to GM Ops About Upcoming New Pls and INVs Fo...



Email to Agency Investigations About New INVs Coming Soon



Email to Ops Team About New PI Assigned



Email to Ops Team About New INV Created



Email to Agency Investigations About New INVs Created



Email to AOs and ADs After Workflow



Email to DCs for DC Process



Update History

## Email to Ops About Pls Going to NSAP

The NSAP Secretariat should use the below template when [emailing Operations](#) about a Case they completed the Preliminary Investigation (PI) on going to NSAP for decision.

**To:** Investigator and Ops Director

**CC:** Relevant AO and Assessments AD

**Subject:** PI Case Going to Next NSAP Meeting

Hi XX

47E(d)



Kind regards

NSAP Secretariat

## Email to GM Ops About Upcoming New PIs and INVs For Allocation

The NSAP Secretariat should use the below template when [emailing GM Operations](#) about Cases where it was decided at the latest NSAP meeting that Operations would complete a Preliminary Investigation (PI) or Investigation.

47E(f)



**To:** GM Ops

**CC:** Relevant AO and Assessments AD

**Subject:** New PIs and Investigations From Latest NSAP

Hi XX

47E(d)



Kind regards

NSAP Secretariat

## Email to Agency Investigations About New INVs Coming Soon

The NSAP Secretariat should use the below template when [emailing Agency Investigations](#) to advise them about Cases where it was decided at the latest NSAP meeting there would be a new Agency Investigation (with [oversight/direction/reports](#)).

To:  [@nacc.gov.au](#)

CC: Relevant AO and Assessments AD

47E(d)



Kind regards

NSAP Secretariat

## Email to Ops Team About New PI Assigned

The NSAP Secretariat should use the below template when [emailing Operations or Assessments](#) about Cases with an endorsed decision to complete a Preliminary Investigation (PI).

**To:** Ops Team OR assigned Assessments AO and AD

**CC:** Relevant AO and Assessments AD

**Subject:** New PI Case Allocation

Hi XX

47E(d)



47E(d)

Kind regards

NSAP Secretariat

## Email to Ops Team About New INV Created

The NSAP Secretariat should use the below template when [emailing Operations](#) about Cases with an endorsed decision to create a new NACC or joint Investigation.

**To:** Ops Team

**CC:** Relevant AO and Assessments AD

**Subject:** New INV Allocation

Hi XX

47E(d)

26/11/2025, 11:24

NSAP Secretariat Email Templates

47E(d)

Kind regards

NSAP Secretariat

## Email to Agency Investigations About New INVs Created

The NSAP Secretariat should use the below template when [emailing Agency Investigations](#) to advise them about Cases with an endorsed decision/DC process decision to create a new Agency Investigation (with **oversight/direction/reports**).

To: 22 - Not Relevant [@nacc.gov.au](#)

CC: Relevant AO and Assessments AD

**Subject:** New Agency INVs with s 50-52 Requirements

Hi Agency Investigations

47E(d)

47E(d)

Kind regards

NSAP Secretariat

## Email to AOs and ADs After Workflow

The NSAP Secretariat should use the below template when [emailing AOs and ADs](#) to advise them about the status of Cases which were sent to NSAP for Noting or Decision.

**To:** Relevant AO and Assessments AD

**CC:** NSAP Secretariat and Assessments Directors

**Subject:** NSAP/DC Process Noting Cases Update or NSAP/DC Process Decision Cases Update

Hi All

47E(d)

26/11/2025, 11:24

NSAP Secretariat Email Templates

Case ID	Assessment Officer	NSAP/Delegate Decision	Case Status	Additional Information - Including Actions Requested at NSAP

If you have any questions or concerns let me know as soon as possible.

Kind regards

NSAP Secretariat

## Email to DCs for DC Process

The NSAP Secretariat should use the below template when [emailing the relevant DC](#) to provide them with a link to the Meeting for the relevant DC process.

**To:** Relevant DC

**CC:** 22 - Not Relevant Relevant AOs and ADs, Directors and NSAP Secretariat

**Subject:** Delegate Decisions - due by COB DD MMM YYYY

Good afternoon DC XX

47E(d)











47E(d)

Kind regards

NSAP Secretariat

## Update History

Date Updated	Approved By	Details of Updates	CM Reference
26 September 2025	22 	47E(d) 	25#27806DOC
28 August 2028	22 		25#27806DOC
14 July 2025	22 		25#15835DOC

Date Updated	Approved By	Details of Updates	CM Reference
		47E(d) 	
3 July 2025			25#15835DOC
4 June 2025			25#15835DOC
09 April 2025		Page created from existing content	25#15835DOC

**OFFICIAL**



# NSAP Guidance

## OFFICIAL

The purpose of this page is to provide guidance on the requirements of all National Anti-Corruption Commission (NACC) staff involved in the cycle of the NACC Senior Assessment Panel (NSAP) and [Deputy Commissioner Process](#). In particular, what pre-NSAP/DC Process and post-NSAP/DC Process actions are required, who needs to complete them and when they need to be completed by.



About NSAP



Pre-NSAP Actions



NSAP Actions



DC Process Actions



Post-NSAP Actions



Approvers of Outcome  
Correspondence



NSAP Fortnightly Cycle



Update History

## About NSAP

The NSAP supports the Commissioner to fulfil their statutory obligations in making decisions regarding corruption issues in accordance with the *National Anti-Corruption Commission Act 2022* (NACC Act).

The NSAP is comprised of the Commissioner, the Deputy Commissioners, General Manager (GM) Evaluation, GM Operations, GM Legal, GM Operational Capabilities and GM Media, Communications, Corruption Prevention and Education. The Director and Assistant Directors from Assessments and Director Intake and Triage also attend NSAP, and occasionally so will other subject matter experts who can provide additional context or clarification on matters.

The NSAP Secretariat function is provided by the Assessment Capability Team, with the NSAP Secretariat currently 22 - Not Relevant

Further information about the NSAP can be found in the **NSAP Terms of Reference (ToR)** (Content Manager Record 24#41268DOC).

The [NSAP Fortnightly Cycle](#) provides a high-level overview of NSAP for each role.

GM Evaluation approval needs to be sought for any changes to the standard NSAP cycle or timeframes, including:

- where expedited or sensitive referrals may need to be considered during an [out of session NSAP](#), or
- if the provision of NSAP papers will be late i.e. not circulated to the panel by COB Friday before the meeting.

As outlined in the [DM approved by the Commissioner on 4 August 2025](#), decisions made on Assessment Cases will not always be made through NSAP. These Cases will have the Decision noted or made by a Deputy Commissioner. For further information, see [DC Decision and Noting](#).

## Pre-NSAP Actions

Select the relevant role below to see what they are required to do before an NSAP meeting or DC Process.

## NSAP Secretariat

The following table outlines the NSAP Secretariat actions required prior to the next NSAP meeting or DC Process, including when the action needs to be completed.

**Note:** *The actioner is repeated in the column on the right so if an action is linked directly to it is clear who the actioner is without needing to return to the top of the table.*

Actions	Actioner and Timeframe
47E(d)	





































































































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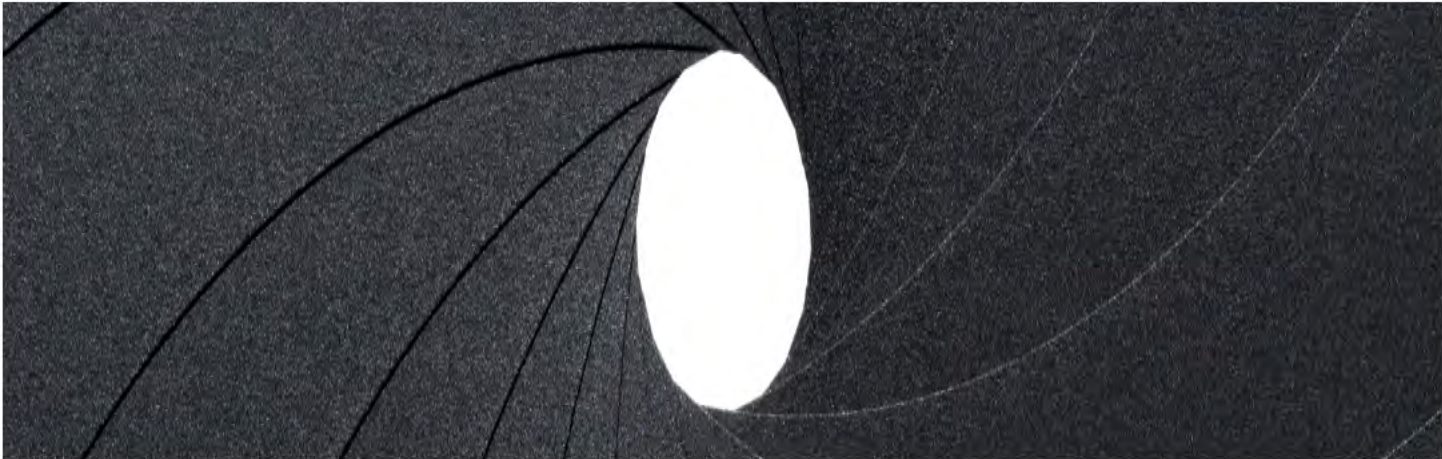
## Update History

Date Updated	Approved By	Details of Updates	CM Reference
4 November 2025	Commissioner	47E(d)	25#27809DOC

Date Updated	Approved By	Details of Updates	CM Reference
		47E(f)	
22 October 2025	22		25#27809DOC
28 August 2025	22		25#27809DOC
20 August 2025	22		25#15837DOC
25 July 2025	Assessments ELs		25#15837DOC
16 July 2025	Assessment ELs		25#15837DOC
14 July 2025	Assessment ELs		25#15837DOC
3 July 2025	22		25#15837DOC

Date Updated	Approved By	Details of Updates	CM Reference
		47E(d)	
08 April 2025	22 (Acting GM Evaluations)		25#15833DOC

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







# Managing NSAP Action Items

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The purpose of this page is to detail how the National Anti-Corruption Commission (NACC) Senior Assessment Panel (NSAP) Action Items need to be managed by the NSAP Secretariate and is designed to be read in conjunction with the [NSAP Guidance](#). The [NSAP Action Items Register](#) is updated at several points throughout the NSAP process, including capturing closed and new action items that occur during Minute taking, updates that occur in following meetings and during the [out of session process](#).

It is important to note that Action Items are frequently progressed and finalised in between NSAP meetings. NSAP is used to provide an update as to where each Action Item is at, rather than a decision making process.

-  Agenda Preparation
-  During NSAP
-  Post-NSAP: Preparing Minutes
-  Post-NSAP: Update Action Item Register
-  Changes to Action Items Outside of NSAP
-  Update History

## Agenda Preparation















47E(d)



Update History

Date Updated	Approved By	Details of Updates	CM Reference
5 November 2025	GM Evaluation	47E(d)	25#27805DOC
22 August 2025	22		25#27805DOC
28 April 2025	22	Page created from existing content and updated.	25#15836DOC

Date Updated	Approved By	Details of Updates	CM Reference

OFFICIAL