

From: NACC - Media
Sent: Tuesday, 23 September 2025 10:04 AM
To: [REDACTED]
Subject: RE: Media request - The ABC [SEC=OFFICIAL]

Hi [REDACTED]

Thanks again for being flexible with your deadline – we really appreciate it. Please find our response below, which you can attribute to a NACC spokesperson.

Mr Vesper was engaged as Counsel Assisting for an investigation in accordance with the National Anti-Corruption Commission Act, the Legal Services Directions 2017, the Commonwealth Procurement Rules and the Commission's standard processes for engaging Counsel. The Commission selects external barristers based on several factors – particularly their expertise, the nature of the relevant corruption investigation, and their availability.

Mr Vesper was shortlisted by General Manager Legal after considering several Counsel identified by the legal branch.

Mr Vesper was selected by General Manager Legal given his direct experience with inquiries and in the exercise of compulsory questioning powers. Further, Mr Vesper had a proven ability to work effectively with the Commissioner, which was important as the matter was the Commission's first hearing with external Counsel and was conducted by the Commissioner.

Generally, it is usual practice for the Commissioner to be consulted regarding the selection of Counsel for hearings before the Commissioner.

A recommendation was made by the legal case officer to the CEO who approved Mr Vesper's engagement.

The Commissioner was not advised that Mr Vesper had been selected as Counsel assisting until after the decision had been made.

A prior professional association with Counsel is not of itself a conflict of interest and was not in this matter. Prior knowledge is relevant to an assessment of Counsel's suitability for a matter.

A limited tender procurement can be conducted when the value of the procurement is below \$80,000 and an exemption in the Commonwealth Procurement Rules applies. In Mr Vesper's case, the 'engagement of an expert or neutral person, including engaging counsel or barristers, for any current or anticipated litigation or dispute' is this exemption. Limited

tenders using this exemption are extensively used by Commonwealth agencies when engaging Counsel.

Mr Vesper's engagement was one of the early procurement processes conducted by the Commission for Counsel assisting, and due to an oversight was not reported within the 42-day timeframe for AusTender. The matter was not reported in the 2023-24 Annual Report because no expenditure was incurred under the contract in that financial year.

The Commission has engaged a variety of Counsel since its commencement, and Mr Vesper has been engaged only in the one investigation.

Thanks,

NACC Media



nacc.gov.au



From: NACC - Media <Media@nacc.gov.au>
Sent: Monday, 22 September 2025 3:13 PM
To: [REDACTED] <@abc.net.au>
Subject: RE: Media request - The ABC [SEC=OFFICIAL]

Thanks [REDACTED] appreciate you accommodating and we'll let you know if any issues meeting that revised deadline.

NACC Media



nacc.gov.au



National Anti-Corruption Commission

From: [REDACTED] [@abc.net.au>](mailto:@abc.net.au)

Sent: Monday, 22 September 2025 3:05 PM

To: NACC - Media <Media@nacc.gov.au>

Subject: Re: Media request - The ABC [SEC=OFFICIAL]

OFFICIAL

Hey there,

Does 10am tomorrow morning work? On the proviso you don't publish something online first.

Many thanks

[REDACTED]

From: NACC - Media <Media@nacc.gov.au>

Sent: Monday, September 22, 2025 2:55 PM

To: [REDACTED] [@abc.net.au>](mailto:@abc.net.au)

Subject: RE: Media request - The ABC [SEC=OFFICIAL]

OFFICIAL

Hi [REDACTED]

Acknowledging receipt of your enquiry, thank you for sending it through. Hoping you may have a bit of flexibility in your deadline – would it be at all possible to get back to you tomorrow?

Thanks,

NACC Media



nacc.gov.au



National Anti-Corruption Commission

From: [REDACTED] [@abc.net.au>](mailto:@abc.net.au)

Sent: Monday, 22 September 2025 2:35 PM

To: NACC - Media <Media@nacc.gov.au>

Subject: Media request - The ABC

Hi there,

My name is [REDACTED] and I'm a reporter at the ABC - hope you're well.

I am seeking comment from the NACC in regards to [this contract](#) awarded to Matthew Vesper - a Sydney barrister with long-standing professional ties to Paul Brereton, via the Afghanistan war crimes inquiry.

FOI documents (attached) show Mr Vesper was “recommended” for the position, a limited tender procurement was chosen “given the expertise required for the Counsel Assisting role” and that both Commissioner Brereton and GM Legal were “consulted with” to “identify suitable barrister”.

The email says NACC CEO Philip Reed provided approval for the hires and it took five months for the national anti-corruption commission’s senior lawyer to notify the procurement team of the decision to hire the two lawyers, including Mr Vesper.

“I don’t believe I have notified the procurement team for either procurements – apologies for the oversight,” the email reads.

Given the integrity watchdog’s decision this month to release a new guide on conflicts of interest and corrupt conduct and Mr Brereton’s mishandling of the robodebt referral, I have these questions for the commission.

Questions for the NACC

- 1. Did Paul Brereton recommend Matthew Vesper for this job, if so did he declare a potential conflict of interest?**
- 2. Did Paul Brereton recuse himself from the selection process? If not, why not?**
- 3. What was the nature of the “consultation” of which Commissioner Brereton and GM Legal provided to “identify suitable barrister” (see attached document 6)?**
- 4. Why did this particular contract warrant limited tender?**
- 5. Why did it take five months for the senior lawyer to notify the procurement team of the hires? Is that best practice?**
- 6. Procurement rules require contract details to be reported within 42 days. The records show a discrepancy with contract's correct value was identified on 27 September**

2024. This was shortly before the annual report was finalised on 25 October 2024. Why was this omitted from the NACC's annual report?

Deadline for comment is 5pm today. Let me know if any issues with meeting that timeframe. I'm on [REDACTED] if you have any questions.

Many thanks,

[REDACTED]



[REDACTED]
Federal Political Reporter, Parliament House

M: [REDACTED]

E: [REDACTED] @abc.net.au

We acknowledge Aboriginal and Torres Strait Islander peoples as the First Australians and Traditional Custodians of the lands where we live, learn and work.

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