

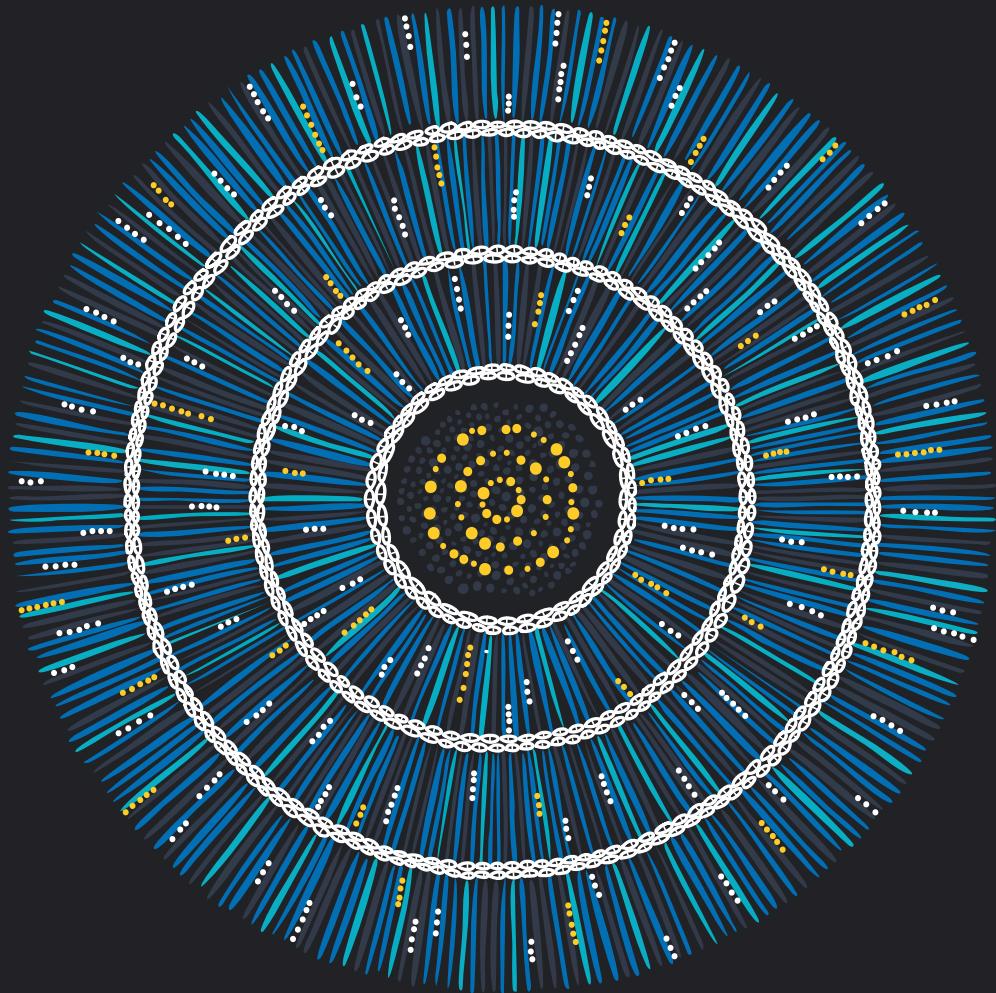


National Anti-Corruption Commission

# Parliamentarians and their staff

What the NACC means for you





In the spirit of reconciliation, the National Anti-Corruption Commission acknowledges the Traditional Custodians of Country throughout Australia and their connections to land, sea and community. We pay our respect to their Elders past and present and extend that respect to all Aboriginal and Torres Strait Islander peoples today.

This artwork tells the story of the National Anti-Corruption Commission's mission to enhance integrity within the Commonwealth public sector.

It is made up of many multicoloured strokes, depicting our team's many weaving histories. At the core of the artwork are three white patterned rings, representing detecting, deterring, and preventing corruption. Our approach is fearless but fair and we work towards our goals with integrity, determination, and courage. We are on a journey to build a culture of unity, inclusion, and trust as we grow.

Our people working together are represented by white dots between each of the lines. At the heart of the artwork is the central element, encapsulating our commitment to contributing to reconciliation as we work to create a culturally safe environment where First Nations staff and partners feel respected and included.

#### **Integrity at Our Heart**

The artwork concept and narrative were developed by Navada Currie. Navada is a Mununjali and Kabi Kabi artist at Gilimbaa.

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**This guide provides advice for parliamentarians and their staff about the National Anti-Corruption Commission, reporting obligations, and corruption risks and vulnerabilities and how to avoid them.**

## What and who the Commission can investigate

Established under the *National Anti-Corruption Commission Act 2022* (the NACC Act), the Commission investigates issues of **serious or systemic corrupt conduct** involving **public officials** in the **Commonwealth public sector**.

Under the NACC Act, parliamentarians (including ministers) are ‘public officials’. So are people they employ or engage as consultants under the *Members of Parliament (Staff) Act 1984* (MOP(S) Act).

## Parliamentarians must refer certain matters to the Commission

All parliamentarians are agency heads in relation to their parliamentary office, and as such have a statutory obligation to make mandatory referrals to the Commission of corruption issues of which they become aware, as soon as reasonably practicable, if:

- the issue concerns the conduct of a person who is, or was, a staff member of their parliamentary office while that person is, or was, a staff member; and
- they suspect that the issue could involve corrupt conduct that is serious or systemic.

Referrals can be made via the Commission’s [webform](#).

If the parliamentarian becomes aware of any further relevant information, they must provide it to the Commission as soon as reasonably practicable.

However, a parliamentarian is not required to provide information to the Commission if they have reasonable grounds to believe the Commission is already aware of it, or if the Commission has advised that the information is not required.

To understand more about mandatory referrals, please see [Mandatory referrals](#).

## Types of corrupt conduct

For the purposes of the NACC Act, corrupt conduct means:

- conduct of **any person** that causes a public official to act other than honestly and impartially in the performance of their public functions – such as threats, bribes, or inducements. This includes a public official's own conduct
- breach by a **public official** of public trust: this means the use of a public power for an improper purpose (that is, a purpose for which the power was not conferred)
- abuse by a **public official** of their public office: this means using their official position improperly to gain a benefit or inflict a detriment
- misuse by a **public official or former public official** of official information: including unauthorised access, use or disclosure of information received in an official capacity.

However, conduct engaged in as part of ordinary political activity is not corrupt conduct, so long as it does not involve or affect the use of public resources or the performance of a public official's functions.

A person also engages in corrupt conduct if they try or plan to do any of those things or conspire with someone else to do them.

## Investigating serious or systemic corrupt conduct

The Commission may investigate whether a person has engaged in serious or systemic corrupt conduct.

### Serious corrupt conduct

- is corrupt conduct that is **significant**, more 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.

## Protections for people who refer to the Commission

Anyone who makes a referral, provides information or gives evidence to the Commission about a corruption issue is protected from civil, criminal or administrative liability (including disciplinary action) for doing so, and no contractual right or remedy can be taken against them.

It is a criminal offence punishable by imprisonment for anyone to take any reprisal action against a person for making a referral, providing information or giving evidence to the Commission.

These protections **override all other laws of the Commonwealth**.

The **only exception** is that action can still be taken for **making false or misleading statements** to the Commission.

For further information on protections that exist under the NACC Act, please see [Protections for whistleblowers and witnesses](#).

## Corruption risks for parliamentarians and their staff

The nature of the work of parliamentary staff means they can be exposed to particular corruption risks. They hold positions close to important decision makers, can influence decision making, are party to high level discussions, have access to official information, and are 'gatekeepers' in that they can decide or at least influence who will, and will not, have access to parliamentarians.

## Grants

The making of election commitments to electors, and the subsequent delivery of those commitments by an elected government, is a feature of Australia's representative democratic process. Conduct engaged in as part of a political activity is not corrupt conduct if it does not involve or affect the use of public resources or the performance of a public official's functions, and so the making of such commitments to electors is unlikely to involve corrupt conduct.

However, regardless of election promises, all grants awarded by a government must comply with the requirements of the [Public Governance, Performance and Accountability Rule 2014](#), with a particular focus on the proper use and management of public resources, and the [Commonwealth Grants Rules and Principles 2024](#). For that reason, it is important that consideration is given – when making commitments, and when implementing them – to the implementation of the commitment in a lawful way, and which complies with the relevant frameworks governing the administration of grants.

The approval and announcement of grants for a predominantly private or partisan purpose may involve a breach of public trust or an abuse of public office and therefore may be corrupt conduct under the NACC Act. So may the approval and announcement of grants other than in compliance with the frameworks mentioned above, as this may involve the unauthorised expenditure of public funds for a purpose for which they are not given.

Departmental officials have an obligation to clearly communicate any risk that a proposed grant may be non-compliant to the relevant Minister.

## Public sector appointments

Governments have a wide discretion in making appointments to judicial and representational positions, commissions and tribunals, and heads or board members of Commonwealth agencies in accordance with relevant governing legislation. Governments are entitled to have regard to policy considerations in making such appointments, and parliamentarians and former parliamentarians, including political affiliates of the government (such as former Ministers, former parliamentarians, and staff members) are not disqualified from consideration, and may sometimes have highly relevant experience. Absent specific legislative requirements, governments are not bound by recommendations made by selection panels or Departments and are entitled to depart from them.

The [Australian Government Appointments Framework](#) (the Framework) outlines the Government's approach to the identification and appointment of suitable candidates to Commonwealth public offices including departmental secretaries, other agency heads, statutory office holders and Government boards except for those positions which are specified as exempt in the Framework. The enabling legislation of some entities specifies appointment processes for relevant officeholders.

An appointment that involves an abuse of office, or is made predominantly for an improper purpose, may be corrupt conduct.

More commonly, there is a risk of a perception of corrupt conduct when a government appoints political affiliates, including former Ministers, parliamentarians and their staff members.

This perception can be damaging both to the individual appointee, and to the institution to which the appointment is made. This risk can be minimised by adhering to the appointment principles, roles and responsibilities, appointment pathways and other guidance set out in the Framework.

## Use of parliamentary resources and staff

Under the [Parliamentary Business Resources Act 2017](#), parliamentarians are personally responsible and accountable for their use of public resources for conducting their parliamentary business. They must be prepared to justify publicly their use of those resources, and they must act ethically and in good faith in using and accounting for them.

Resources provided by the Commonwealth must not be used other than for the dominant purpose of conducting the member's parliamentary business. The use of staff and resources for purposes that are unrelated to a member's parliamentary business could constitute corrupt conduct.

## Parliamentary staff

Staff employed under the MOP(S) Act are engaged to assist parliamentarians to carry out their parliamentary business and other duties as a Member of Parliament and are remunerated by the Commonwealth on that basis.

Among other things, 'parliamentary business' includes a limited scope of party political duties. These are defined in the [Parliamentary Business Resources \(Parliamentary Business\) Determination 2025](#), and include, for example, the parliamentarian, in their capacity as an elected senator or member:

- participating in a formal meeting of a political party or a national, state or territory conference of a political party; and
- as a member of a political party or in collaboration with another group of members, developing policies, proposals and plans and engaging or working with an administrative support function or headquarters used by a political party or by a group of members; including in the context of a federal election.

The Members of Parliament (Staff) (Employee Direction) Determination 2025 provides that parliamentarians may direct their staff to undertake activities that support, assist or facilitate the parliamentarian's duties, including the conduct of their parliamentary business.

A parliamentarian must not direct MOP(S) Act employees to undertake activities that do not support, assist or facilitate the conduct of the employing parliamentarian's parliamentary business or other duties.

### Parliamentary expenses

The Independent Parliamentary Expenses Authority (IPEA) is an independent authority responsible for providing advice and administering travel expenses and travel allowances, and also for auditing and reporting on the work expenses of parliamentarians and their staff. IPEA provides a single, consistent source of guidance, advice and rulings for travel expenses and allowances.

Under section 46 of the NACC Act, the Commission can only investigate a corruption issue involving conduct of a parliamentarian or staff member that could be the subject of an IPEA audit, review or ruling (under subsection 37(1) of the *Parliamentary Business Resources Act 2017*, concerning conduct by the parliamentarian or the staff member in relation to travel expenses or allowances), if IPEA refers the issue to the Commission.

### Lobbying, gifts and donations

Parliamentarians and their staff work in proximity to lobbyists, political donors, the private sector and businesses.

Donations (and gifts or other benefits) to political parties and campaigns are an inherent part of our political system.

Donations and other gifts must be reported and disclosed to the AEC in accordance with the Commonwealth Electoral Act 1918.

Soliciting, giving and receiving donations is not of itself corrupt conduct, but receiving or making a donation or a gift of any kind with the intention of acting, or influencing a recipient to later act, other than honestly or impartially as a public official could constitute corrupt conduct.

Parliamentarians and staff should take care to avoid creating or incurring any actual or implied reciprocal obligation to a donor that could compromise the integrity of an elected parliamentarian.

Parliamentarians and their staff must be vigilant to these risks, consider their position and access to information, and question influences that are inappropriate.

### Misuse of information

Parliamentarians and parliamentary staff have access to official information and documents in the course of their duties and because of the position they hold.

The misuse of official information by a current or former public official is corrupt conduct under section 8(1)(d) of the NACC Act. This can include downloading official documents to personal devices for personal or non-official use, and unauthorised destruction of official documents. It can also include the use of personal contact information held by agencies of grantees, suppliers, non-government entity stakeholders and other individuals to distribute messaging for personal or party political purposes.

## The public trust and conflicts of interest

Parliamentarians are given legislative and executive power for use in the interests of the public, and not primarily in the interests of the parliamentarians, or the parties to which they belong. Parliamentarians are subject to a public trust. The public trust requires a public officer to advance the public interest, as opposed to personal interests.

Parliamentarians have a duty not to use their position to promote their own interests (or those of their family or associates) in circumstances where there is a conflict, or a real or substantial possibility of conflict, between those interests and their duty to the public.

The fundamental obligation of a parliamentarian is ‘the duty to serve and, in serving, to act with fidelity and with a single-mindedness for the welfare of the community’. This includes an obligation to act according to good conscience, uninfluenced by extraneous considerations, especially personal financial considerations. This is reflected in the Constitution – most particularly in s 44 – which seeks to prevent parliamentarians from being in a position in which their duty to the people they represent may be in conflict with their own personal interests.

All parliamentarians are required to register interests with the relevant Committee – the Senate Standing Committee of Senators’ Interests, and the Standing Committee of Privileges and Members’ Interests (House of Representatives) – contact details for which are provided below. Information concerning the resolutions setting out the requirements for declaring interests is available on the [Australian Parliament House website](#).

There are additional requirements for Ministers and their staff.

Ministers are personally responsible for the management and declaration of their private interests, the identification and declaration of any current or potential conflicts of interest with their official duties, and managing their interests in accordance with the *Code of Conduct for Ministers*.

Further information about the management of conflicts of interests in the context of Cabinet discussions is contained in the [Cabinet Handbook](#).

For ministerial staff, the Ministerial Staff Code of Conduct contains a personal declaration form. This can be found on the [Special Minister of State website](#).

### If in doubt, don't!

The best advice is to **avoid anything which might be interpreted as improper**. If in doubt about a course of action or decision, either:

- abstain
- make a different choice
- seek advice.

## Where to seek advice

There is a range of support services available for parliamentarians and their staff.

### Parliamentary Workplace Support Service (PWSS)

Parliamentarians and staff employed under the MOP(S) Act can access the PWSS for assistance with human resources and work health and safety matters, access support, resources and seek policy advice.

#### Contact PWSS

Phone: 1800 747 977

SMS: 0487 112 755

Email: [support@PWSS.gov.au](mailto:support@PWSS.gov.au)

### Ministerial and Parliamentary Services (MaPS)

MaPS is a division within the Department of Finance and administers the provision of non-travel work expenses and services to parliamentarians and their staff.

MaPS provides policy advice to assist parliamentarians and MOP(S) Act employees to understand their obligations in relation to work expenses of parliamentarians and the MOP(S) Act employment framework.

#### Contact MaPS

Phone: 02 6215 3333

Email: [mpshelp@finance.gov.au](mailto:mpshelp@finance.gov.au)

### Independent Parliamentary Expenses Authority (IPEA)

The IPEA provides advice and administers travel expenses and travel allowances for parliamentarians and MOP(S) Act staff.

The IPEA also prepares reports and conducts audits in relation to all work expenses, travel expenses and travel allowances claimed by parliamentarians and other MOP(S) Act staff.

#### Contact IPEA

Phone: 02 6215 3000

Email: [enquiries@ipea.gov.au](mailto:enquiries@ipea.gov.au)

## Relevant Parliamentary Committees

### Standing Committee of Privileges and Members' Interests (House)

The Standing Committee of Privileges and Members' Interest is appointed to inquire into and report on complaints of breach of privilege or contempt. Additionally, the Committee oversees the compilation, maintenance and accessibility of the Register of Members' Interests. The Committee also considers specific complaints about registering or declaring interests and whether specified persons (other than Members) should be required to register and declare their interests.

### Senate Standing Committee of Senators' Interests

The Senate Committee of Senators' Interests oversees and reports on the registration of senators' interests, undertaken in accordance with relevant resolutions of the Senate. Interests are primarily disclosed by way of statements of interests.

### Senate Standing Committee of Privileges

The Senate Standing Committee of Privileges investigates allegations of interferences with the functions of the Senate or its committees, or with senators undertaking their duties. The Committee conducts these inquiries only when it receives a reference from the Senate.

## Contact the Committee(s)

### Standing Committee of Privileges and Members' Interests (House)

Phone: 02 6277 4222

Email: [Members.Interests.Reps@aph.gov.au](mailto:Members.Interests.Reps@aph.gov.au)

### Senate Standing Committee of Senators' Interests

Phone: 02 6277 3020

Email: [senators.interests@aph.gov.au](mailto:senators.interests@aph.gov.au)

### Senate Standing Committee of Privileges

Phone: 02 6277 3360

Email: [priv.sen@aph.gov.au](mailto:priv.sen@aph.gov.au)

If you are concerned about your own position or welfare before reporting to the NACC, seek independent legal advice on the protections available to you and the best avenue to report.

## Contact the NACC

Please use our [webform](#) to make a report of corrupt conduct.

If in doubt about whether to refer a matter to the Commission, [contact us](#).

If you require further information or wish to request further engagement with the Commission, please reach out to the Commission's Corruption Prevention and Education team at [prevention@nacc.gov.au](mailto:prevention@nacc.gov.au).



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