



Additional Estimates – February 2026

Date updated Monday, 2 February 2026

#	Title	GM	Data Date to
1	Key Issues	CEO	<u>SB25-000095</u>
2	Intake and Assessments	EVAL	<u>SB25-000096</u>
3	Finalised NACC investigations	LEGAL	<u>SB25-000100</u>
4	Robodebt Referrals Investigation	LEGAL	<u>SB25-000101</u>
5	Conflict of interest	LEGAL/GOV	<u>SB25-000102</u>
6	Freedom of Information	LEGAL	<u>SB25-000103</u>
7	Budget and Finance	ES	<u>SB25-000104</u>
8	Procurements	ES	<u>SB25-000105</u>
9	Human Resources	ES	<u>SB25-000106</u>
10	Statutory Office Holder arrangements	ES	<u>SB25-000107</u>
11	Staff Travel	ES	<u>SB25-000108</u>
12	NACC office accommodation overview	ES	<u>SB25-000109</u>
13	Current Investigations	OP	<u>SB25-000110</u>
14	Warrants and notices	OP/OPCAP	<u>SB25-000111</u>
15	Agency investigations	OPCAP	<u>SB25-000112</u>
16	Witness welfare	OPCAP	<u>SB25-000113</u>
17	Whistleblower protection reform	LEGAL	<u>SB25-000114</u>
18	Financial assistance for witnesses	LEGAL	<u>SB25-000115</u>
19	NACC Inspector	LEGAL	<u>SB25-000116</u>
20	National Intelligence Community Engagement	OPCAP	<u>SB25-000118</u>
21	Corruption Survey	OPCAP	<u>SB25-000119</u>
22	Corruption Prevention and Education	MCCPE	<u>SB25-000120</u>
23	Commissioner's international engagements	MCCPE	<u>SB25-000121</u>
24	Secure and independent ICT	ES	<u>SB25-000122</u>
25	Security clearances and upgrades	ES	<u>SB25-000123</u>
26	Significant non-compliance with finance law	ES	<u>SB25-000124</u>
27	Policy consultations and requests	CEO	<u>SB25-000125</u>
28	Memoranda of Understanding	CEO	<u>SB25-000126</u>
29	2024-25 Annual Report	CEO	<u>SB25-000127</u>

National Anti-Corruption Commission BRIEF

01 - CEO - Key Issues

01

This brief provides a short summary of recent key issues.

New guidance and case studies published

News – 10 December 2025

- We launched a new guide, *Government Business Enterprises: What the NACC means for you*, at the OECD-Asia Network on Corporate Governance of State-Owned Enterprises meeting in Melbourne.
- Government Business Enterprises (GBE) may face particular corruption risks and vulnerabilities due to their position at the public-private interface and their close relationships with industry – especially in high-risk sectors such as infrastructure, defence and national security – as well as the size and national significance of their projects and their complex governance structures.
- We also published 3 case studies on our website, based on investigations (Operations Angelo, Roe and Overbeek), to assist with identifying corruption risks and to provide real-world examples to better understand vulnerabilities and threats.

Commonwealth employee among three people charged over alleged multi-million dollar fraud scheme

Media releases – 17 November and 20 November 2025

- A Commonwealth employee, his spouse and a director of a local building company were charged on 14 November 2025 for allegedly conspiring to influence the awarding of tenders to their company, with the intention of dishonestly gaining a benefit from the Commonwealth, namely the Department of Defence.
- The charges stem from an AFP-led joint agency investigation named Operation Panton Hill – involving the National Anti-Corruption Commission and Department of Defence – which began in March 2025, after the AFP received a report of crime from the Department of Defence.
- It concerned irregularities identified through an internal investigation in relation to the awarding of contracts by Defence with a value of almost \$71 million to a Northern Territory business.
- On 20 November, a fourth person was charged for their alleged role in the scheme.

Annual Report 2024-25

Inspector of the NACC Annual Report – 5 November 2025

- On Wednesday 5 November, the NACC Inspector's Annual Report 2024-25 was tabled in Parliament.
- Queries about the Inspector's Annual Report are for the Inspector of the NACC, not for the Commission.

News – 31 October 2025

- On 31 October, the National Anti-Corruption Commission's Annual Report 2024-25 was tabled by the Attorney-General.
- The Annual Report serves the purpose to inform the Parliament and the public about the achievements, non-financial performance and financial position of Commonwealth entities and companies at the end of each reporting year, and operational activity.

Management of Defence referrals

News – 31 October 2025

- The recent attention the Commissioner's Defence service and connections have attracted in some quarters has become a distraction from the Commission's work.
- Relinquishing those connections would not remove the potential for conflicts to arise, because of the historic relationships.
- As a result, the Commissioner has decided that he will not participate in consideration of any referrals which involve the interests of any Defence or ADF individual or unit that is or comes before the Commission, regardless of whether it might reasonably be perceived to involve a conflict.

Commissioner Brereton's assistance to the IGADF

News – 2 October 2025

- Since June 2023, Commissioner Brereton has continued to respond, on an informal and honorary basis, when consulted by the Office of the Inspector-General of the ADF, to occasional requests for advice and information about the Afghanistan Inquiry and Report, of which he has unique knowledge.
- At no time has the Commissioner sought, received or expected payment or any other form of compensation for this.
- However, to avoid any perception of a conflict, the Commissioner has not and does not participate in matters before the Commission which involve or affect the IGADF.
- The then Attorney-General was aware and acknowledged at the time of the Commissioner's appointment that after resigning as an Assistant IGADF he would continue to provide advice and respond, on a strictly informal basis, to requests for information from the Office of the IGADF about the Afghanistan Inquiry.

Appeal dismissed in Operation Barker case

News – 2 October 2025

- On Wednesday 24 September, the NSW Court of Criminal Appeal dismissed an appeal from former Australian Taxation Office (ATO) employee Wenfeng Wei against his sentence of 5 years

imprisonment for receiving a bribe, unauthorised access to restricted data, and unrelated offences of abuse of public office and 2 other unauthorised access to restricted data offences.

- The sentencing outcome stemmed from Operation Barker, a joint investigation commenced by the former Australian Commission for Law Enforcement Integrity (ACLEI) and the ATO.
- The matter transitioned to the National Anti-Corruption Commission on 1 July 2023.

Former ATO employee sentenced for misuse of taxpayer information, fraud - Op Hay

Media release – 15 September 2025

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

New guide: Conflicts of interest and corrupt conduct

News – 10 September 2025

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

Guide for parliamentarians and their staff

News – 6 August 2025

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

NACC secures conviction of corrupt airport official – Op Pelican

Media release – 28 July 2025

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

Update on Robodebt referrals investigation

DC Kilgour appearance at Anti-Corruption Commissions Conference – 13 October 2025

- Deputy Commissioner Kylie Kilgour joined the *Does the NACC framework deliver for the Australian community?* panel discussion and Q&A.
- DC Kilgour provided a brief update on the Robodebt referrals investigation and said she would be as open and transparent as she could be when the investigation was complete.
- DC Kilgour was quoted in the media as saying “I will speak more about that investigation when it is done. I will be as transparent and as public and as open as I can be, when I can be, about that investigation. I do understand the community sentiment about what happened in Robodebt and our decision not to investigate.”

News – 1 July 2025

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

The NACC two years on: Strengthening integrity in the Commonwealth

News – 1 July 2025

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

Former immigration officer sentenced for approving family member's visa – Op Caribunup

Media release – 30 June 2025

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

NACC finds corrupt conduct in Home Affairs recruitment – Op Kingscliff

Media release – 30 June 2025

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

Statement on the settlement between Ms Brittany Higgins and the Commonwealth

Media release – 12 June 2025

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

Operation Elektra investigation report published

News – 11 June 2025

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

Former ABF officer sentenced following guilty plea – Op Harvey

Media release – 17 April 2025

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

The Commission at 20 months

News – 19 March 2025

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

Open letter on corruption risks in federal elections

Media release – 7 March 2025

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

National Anti-Corruption Commission to investigate Robodebt referrals

Media release – 18 February 2025

- As a result of the decision made by its independent reconsideration delegate, Mr Geoffrey Nettle AC KC, on 10 February 2025, the Commission will investigate the 6 referrals it received from the Royal Commission into the Robodebt Scheme.
- The purpose of the investigation is to determine whether or not any of the 6 referred persons engaged in corrupt conduct.
- Consistent with its usual practice, the Commission does not publish reasons for commencing an investigation, as doing so may prejudice the investigations, disclose information which the Commission is required by law to keep confidential, compromise investigative pathways or unfairly impact reputations and rights of individuals to impartial adjudication.
- The Commission is now making arrangements to ensure the impartial and fair investigation of the referrals, as it did with the appointment of Mr Nettle as independent reconsideration delegate.
- The Commissioner and those Deputy Commissioners who were involved in the original decision not to investigate the referrals are not participating in the investigation.

Overview of NACC and ACLEI sentencing outcomes

There have been 11 convictions since the Commission commenced operations (arising from 9 investigations):

- 1 conviction (Op Pelican) related to a Commission-initiated operation
- 10 convictions related to 8 ACLEI legacy operations.

Table 1: Overview of sentencing outcomes (as at 18 January 2026)

Sentencing outcomes since 1 July 2023	
Nambung	1-Sep-23
Roe	30-Jan-24
Barker (1 of 3)	12-Mar-24
Meda	6-Sep-24
Barker (2 of 3)	19-Aug-24
Angelo	29-Oct-24
Barker (3 of 3)	5-Dec-24
Harvey	17-Apr-25
Carbunup	30-Jun-25
Pelican	28-Jul-25
Hay	12-Sep-25

4 active court cases

As at 18 January 2026 the Commission has 4 matters before the court.

Operation Mint

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

Operation Hay

- This investigation concerned the misuse of sensitive taxpayer information by a former ATO employee to fraudulently obtain government payments.
- The former ATO employee plead guilty to 10 charges, including obtaining financial advantage by deception and aiding and abetting another person to attempt to commit an offence. In September 2025, they were convicted and sentenced to a total effective term of 5 months imprisonment.
- The former ATO employee appealed the sentence and is currently on bail. The hearing is listed before the County Court of Victoria on 9 February 2026.

Operation Freshwater

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

Operation Rottnest

- Operation Rottnest was a joint investigation by the NACC, the Australian Federal Police and the Department of Defence into allegations of irregularly awarded Defence contracts valued at almost \$71 million to a Northern Territory business.
- On 14 November 2025, multiple search warrants were executed on businesses and homes across Darwin, resulting in a Commonwealth employee, his spouse and directors of a local building company being charged with fraud and corruption offences.
- On 20 November 2025, a fourth person was charged in connection to the alleged fraud and corruption offences.

National Anti-Corruption Commission BRIEF

02

02 - EVAL - Intake and Assessments

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

Key points as at 18 January 2026:

- Since commencement the Commission has received a total of **6,988** referrals of which **5,923** (84.76%) have been assessed
- The Commission's Intake and Triage Team has answered **6,979** phone calls
- Key themes observed relating to referrals are:
 - Employment or recruitment
 - Procurement
 - Administrative grievances
 - Topics subject to media reporting or other similar high profile matters
 - Matters relating to court outcomes or proceedings

Referrals received and assessed as at 18 January 2026

Referrals received by FY

All Referrals Received	FY2023-24*	FY2024-25	FYTD	TOTAL
Voluntary referrals - total	3,025	2,160	1,452	6,637
Mandatory referrals - total	118	107	71	296
Other – Own initiative	10	3	1	14
<i>Other - existing matter**</i>	41	N/A	N/A	41
Total Referrals	3,194	2,270[^]	1,524	6,988

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

[^] 2271 was reported in annual report and has since been adjusted

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

Referrals received – FY2024-25 and FYTD

All referral types received by subtype	FY2024-25	FYTD
Mandatory Cth Agency	106	68
Mandatory Intelligence Agencies	1	1
Public Interest Disclosures	N/A	2
Own Initiative	3	1
Voluntary Cth Agency	22	25
Voluntary Public Report	2,139	1,427
Total	2,271	1,524

Referral assessments completed - FY24-25 and FYTD

Closed cases	FY2024-25	FYTD
Closed Tier 1	1,743	1,102
Closed Tier 2	261	162
Total	2,004	1,264

Referrals open for FYTD as at 18 January 2026

Open cases	Total
Open at Triage (T1)	565
Open at Assessment (T2)	459
Total	1,024

A breakdown of status of referrals is in **Attachment A**.

About the Commission's approach
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If asked about providing outcomes to referrers

- The Commission is not a complaints-handling authority and does not adjudicate individual complaints or provide an avenue for appealing previous decisions of other bodies.
- Under the Act, the Commission has no obligation to investigate any referral, and the Commission can decide to take no further action in relation to a referral at any time.
- When the Commission does commence a corruption investigation, we do so as a matter of public interest and not on behalf of a particular referrer.

If asked to provide an update on any specific referrals

- Revealing whether referrals have been made can lead to speculation about the specific matters, put those being investigated on notice or unduly harm the reputations of individuals involved.
- To avoid potential prejudice to NACC investigations, it would not be appropriate to comment on the subject matter or status of any referrals made, to ensure the integrity of the investigation process.

How long does it typically take for the Commission to consider a referral?

- The Commission has established a target of assessing referrals within 90 days, and on average we complete these assessments in less time.
- There is no 'typical' timeframe for the Commission's handling of a referral through the triage or assessment phases, with a range of factors impacting the time it takes to consider each one. These factors include:
 - Complexity, coherence, completeness, uniqueness of the source information, similarity with other referrals received, relative priorities and more.

How does the Commission decide what referrals to prioritise?

- Prioritisation of referrals progressing to the assessment phase is usually completed by the Assistant Directors of Assessments using the prioritisation framework that contains standard guidance and procedures.
- The procedures take into consideration a range of factors including, but not limited to:
 - Whether the conduct may be serious and/or systemic
 - Consideration of any operational risk or urgency

- Sensitivities associated with the referral such as an imminent risk of harm to an individual and impacts on vulnerable persons
- Whether a related matter is under assessment or investigation
- Whether it meets any or several of the Commission's strategic priorities.

Attachments:

- **Attachment A** – Status of referrals as at 18 January 2026

Attachment A - Status of referrals as at 18 January 2026

Triage Status as at 18 January 2026	
<i>Triage matters with a status that is 'Open'</i>	
Awaiting Information (Tier 1)	4
Awaiting Legal Advice (Tier 1)	2
Pending Triage	240
Triage	274
Return to Triage Queue	31
Pending Triage decision review requests ¹	14
Total open at Triage	565
<i>Triage matters with a status that is 'Closed'</i>	
Closed Tier 1 (closed after triage)	1,102
Total Closed FYTD – Tier 1	1,102

Assessment Status as at 18 January 2026	
<i>Assessment matters with a status that is 'Open'</i>	
<i>(in a status of)</i> Active Prelim Investigation	25
Assistant Director Review	15
Awaiting Information (Tier 2)	4
Awaiting Legal Advice (Tier 2)	N/A
Director Review	28
NSAP Decision Prep Queue	N/A
Finalisation Queue	24
Pending Allocation	130
Under Assessment	102
T2 Prioritisation	7
Pending Related Matters	10
Active Related Matters	34
NSAP Noting Prep Queue	N/A
Pending NSAP Signoff	57
Pending Assessment decision review requests ¹	23
Total open at Assessment	459
<i>Assessment matters with a status that is 'Closed'</i>	
Closed Tier 2 (closed after an assessment)	162
Total Closed FYTD – Tier 2	162

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

National Anti-Corruption Commission BRIEF

03 - LEGAL - Finalised Investigations

03

This brief summarises the finalised National Anti-Corruption Commission (NACC) and Australian Commission for Law Enforcement Integrity (ACLEI) reports.

NACC Reports

- The Commission has finalised one National Anti-Corruption Commission investigation (Operation Kingscliff) resulting in corruption findings. The investigation report was provided to the Minister on 23 June 2025.
- In 15 investigations commenced under the NACC Act, the Commissioner decided that further investigation was not warranted and to take no further action.

ACLEI Reports

- Since the Commission's establishment 3 ACLEI reports have been provided to the Minister. Two of these reports made corruption findings.
- In 7 investigations, the Commissioner decided to take no further action and finalise without an investigation report on the ground that the corrupt conduct has been the subject of proceedings before a court, resulting in convictions and the completion of an investigation report would serve little value.
- In 4 investigations, the Commissioner decided that further investigation was not warranted and to take no further action.

Operation Kingscliff

- Operation Kingscliff was a Commission-only investigation into whether a Senior Executive Service (SES) staff member in the Department of Home Affairs (Home Affairs) had used her position to influence the recruitment of her sister's fiancé into the department.
- On 23 June 2025, the Commissioner provided an investigation report to the Minister.
- On 30 June 2025, the Commission published a public version of the report where pseudonyms were applied.
- The evidence established the SES staff member was involved in the recruitment of her sister's fiancé by proposing the s 26 transfer, creating the recruitment requisition, promoting his candidacy and qualities to other staff and taking steps to have the onboarding prioritised.
- The evidence also revealed the SES staff member assisted her sister in another recruitment process by sharing official information in the form of interview questions.
- The Commissioner found the SES staff member engaged in corrupt conduct by abusing her office and misusing information.
- The conduct of the sister and fiancé were examined but the Commissioner found neither engaged in corrupt conduct.

What was the impact of the findings in Operation Kingscliff on Joanne?

- Joanne was promoted to her first substantive SES position in August 2023. By February 2024, she had been stood down pending the outcome of this investigation. In June 2024, she resigned from Home Affairs.
- In her submissions, Joanne explained that she had made the decision to resign from the public service (and take up a more junior position in the private sector), which has resulted in financial loss, including of benefits, and also in the non-fulfilment of her longstanding aspiration to serve her entire career in the public service.
- In addition, Joanne submitted her mental health has suffered significantly, and her family members have also suffered as a result of her actions.

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

- The Commission explains its decision on the use of pseudonyms in the report. The test for publication is in section 156 of the *National Anti-Corruption Commission Act 2022* (Cth) (NACC Act) and requires the Commissioner to be satisfied that publication (in whole or in part) is in the public interest.
- The Commissioner engaged in procedural fairness consultations with the SES staff member, her sister and her sister's fiancé by providing statements setting out potential findings, opinions and recommendations.
- The Commissioner considered the submissions made about the consequences of publication on the wellbeing of the protagonists and that publicly naming the SES staff member would make other protagonists and witnesses significantly more identifiable.
- The SES staff member did not occupy a high-profile position, and the detailed public report could still achieve the imperatives of accountability, transparency and education.
- There are references in the report which may enable protagonists and witnesses to be identified but are considered necessary to provide an understanding of the relevant facts.

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

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

ACLEI investigation - Operation Elektra

- A joint investigation by ACLEI, the then Department of Immigration and Border Protection (IBP) and Australian Federal Police (AFP) into whether a Serco officer located at the Christmas Island Immigration Detention Centre (IDC) abused their office by selling mobile phones to detainees.
- On 12 March 2025, an investigation report was provided to the Minister.
- On 11 June 2025, a report was published on the Commission's website.
- The evidence established the Serco officer provided SIM cards to two detainees, with whom they had an intimate relationship with, and routinely paid for a telephone service for one of the detainees.
- When the detainee was transferred to Yongah Hill IDC, they commenced a relationship with a second Serco officer, who accessed and disclosed official information to the detainee.
- The Commissioner found both Serco officers engaged in abuse of office.
- On 29 September 2017, the first Serco officer was convicted and fined \$2,000, following a guilty plea to an abuse of office contrary to subsection 142.2(2) of the Criminal Code.
- On 2 November 2022, the second Serco officer was discharged without conviction, following a guilty plea to the making a record of or disclosing IBP information contrary to subsection 42(1) of the *Australian Border Force Act 2015* (Cth).
- The conduct of a third Serco officer in disclosing information to the detainee was examined but no corruption findings were made, and the prosecution did not recommend charges.

ACLEI investigation - Operation Wilson

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

ACLEI investigation - Operation Bannister

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

Meaning of a 'finalised' investigation

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

Transitional arrangements surrounding ACLEI legacy investigations

- The investigation reports prepared for Operations Elektra, Wilson and Bannister were prepared in accordance with item 38 of Schedule 2 of the *National Anti-Corruption Commission (Consequential and Transitional Provisions) Act 2022* (NACC C&T Act).
- For ACLEI investigations completed but not yet reported on before the transition, item 38 of requires the Commissioner to prepare an investigation report as if the *Law Enforcement Integrity Commissioner Act 2006* (Cth) (LEIC Act) had not been repealed.
- Under s 209 of the LEIC Act, ACLEI investigation reports cannot be published unless it is in the public interest.

National Anti-Corruption Commission BRIEF 04 - LEGAL - Robodebt referrals investigation

04

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

Robodebt referrals investigation

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

Background into the Robodebt Scheme

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

Referrals to the Commission

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

- On 16 April 2024, a decision was recorded by the delegated Deputy Commissioner to take no further action pursuant to s 41(6) of the *National Anti-Corruption Commission Act 2022* (NACC Act).
- On 6 June 2024, the Commission released a public statement regarding the decision not to investigate the Robodebt referrals.
- On 26 September 2024, the Inspector of the National Anti-Corruption Commission commenced an investigation into the Commission's decision not to investigate the Robodebt referrals.
- Following the publication of the Inspector's report, on 30 October 2024 the Commission decided to have an independent reconsideration of its decision relating to the Robodebt referrals (**Attachment A**).
- A team of Australian Government Solicitor (AGS) lawyers were engaged by the Commission to assist Mr Nettle.
- On 10 February 2025, Mr Nettle provided the Commission with his decision to investigate the 6 Robodebt referrals.
- On 18 February 2025, the Commission published a media release announcing its decision to investigate the referrals made by the Robodebt Royal Commission (**Attachment B**).

Engagement of Australian Government Solicitor (AGS)

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

FOI

- As at 31 December 2025, the Commission has received 25 FOIs relating to the Inspector's Inquiry and the Robodebt referrals.

Lessons Learnt

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

¹ ACT Government Lawyers' conference on 11 August 2023; At 'The Mandarin' Conference on 22 February 2024; Law Council of Australia address on 23 February 2024, Clayton Utz address on 29 February 2024.
2/02/2026 **SB25-000101**

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

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

Attachments:

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



Wednesday, 30 October 2024

NACC to reconsider decision not to investigate Robodebt referrals

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



Date Tuesday, 18 February 2025

National Anti-Corruption Commission to investigate Robodebt referrals

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

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

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

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

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

National Anti-Corruption Commission BRIEF

05 - LEGAL - Conflict of interest

05

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

Key points

- The Commission manages internal conflicts of interest in a number of ways.
- The Commissioner, Deputy Commissioners, Chief Executive Officer and staff of the Commission are required to declare any real, apparent or potential conflicts of interests prior to commencing their duties. An updated declaration is required to be made if and when circumstances change, or at least annually.
 - APS staff are required by section 29 of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act)
 - Statutory Office Holders (SOHs) are made subject to the requirements of section 29 of the PGPA Act by s247 and s261(2)(d) of the *National Anti-Corruption Commission Act 2022* (NACC Act)
- Prior to meetings of the Commissioner, Deputies and senior Commission staff, where referrals are considered, conflicts are called for, declared and recorded.
- The Evaluations Branch also have a guidance document for staff that applies to staff involved in the triage and assessment process. This guidance requires staff to assess whether any real, apparent or potential conflicts exists when allocated a case and provides instruction on how these are to be declared, noted and managed.
- Investigators are required to complete declarations at the time they are assigned to an investigation, which they have an obligation to update if necessary, throughout the investigation. The review and management of conflicts is the responsibility of the Team Leader with oversight of the investigation.
- The Commission has the following policies and forms relating to the management of conflict of interest:
 - *NACC Integrity Policy* (issued 18 July 2023)
 - *Private Interest, Declarable Associations, and Contact Reporting Policy* (issued 18 July 2023)
 - *Secondary Employment Policy* (issued 6 July 2023) – reviewed and issued 29 September 2025
 - *SES Declaration of Interests and Related Parties* (issued 1 July 2023)
 - *NACC Gifts and Benefits Policy* (issued 6 July 2023)
 - *Personal Use of Social Media Policy* (issued 6 July 2023)

- Procedures for managing conflicts of interest by Commission employees are set out in the *NACC Private Interest, Declarable Associations, and Contact Reporting Policy*.
 - *Private Interests* are any interests that prevent, potentially prevent or could be seen as preventing or potentially preventing an employee from impartially carrying out their duties.
 - *Declarable Associations* are any relationship that creates or could create a perceived or real conflict of interest between staff and their position with the NACC.

If asked

Will the Commissioner recuse himself from any matters concerning Defence (the Commissioner's announcement in relation to defence matters)

- As a result of his service in the ADF Reserves, many members of the Australian Defence Force and the Department of Defence are known to the Commissioner. The Commissioner also retains an affiliation with some units or agencies (in particular, the Royal New South Wales Regiment and the University of New South Wales Regiment, of which he remains (honorary) Colonel Commandant; the Sydney University Regiment (of which he remains a member of the Regimental Council); and the Inspector-General of the ADF.
- The Commissioner announced in a media release (**Attachment A**) on 31 October 2025 that he will not participate in consideration of any referrals which involve the interests of any Defence or ADF individual or unit that is or comes before the Commission, regardless of whether it might reasonably be perceived to involve a conflict. Those matters will be allocated to a Deputy Commissioner.
- The Commissioner will not be involved in the decision making process for Defence matters.
- On 22 October 2025, the Commissioner provided an updated annual declaration of material personal interests to the Attorney-General.¹

How are conflicts of interest managed in relation to referrals?

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

Changes to NSAP Terms of Reference

¹ CEO Philip Reed and Deputy Commissioners Rose and Kilgour provided updated annual declarations of material personal interests to the Attorney-General on 16 September 2025. DC Gauntlett provided an updated annual declaration on 26 March 2025.

- On 11 November 2024, the Commission made changes to the NSAP Terms of Reference (**Attachment B**) so that where a member has an actual or perceived conflict, they will not participate in consideration of the matter and will leave the meeting while the matter is discussed and determined.
- Changes to the NSAP Terms of Reference involved removing the use of a prescribed form for declaring conflicts of interests, and adding the following paragraphs:
 - A member making a disclosure must also declare whether in the member's opinion the interest or relationship amounts to a conflict of interest, actual or perceived. The NSAP may discuss, and the Chair may rule, whether a disclosed interest or relationship is such as to amount to an actual or perceived conflict of interest. Where it is the Chair making a declaration, the Chair will vacate the Chair and appoint a Deputy Commissioner to assume the Chair and rule on the matter.
 - All such declarations and rulings must be recorded in the minutes. Where a member declares, or the Chair rules, that the member has an actual or perceived conflict of interest, the member will not participate in consideration of the matter and will leave the meeting while the matter is discussed and determined. The minutes must record the departure and return of the member.

Reviews of policies & forms

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

Internal conflict of interest reporting

- The Commission's integrity function has recorded the following in relation to the Commission's integrity framework (1 July 2023 – 31 December 2025) (Note: figure does not include other reports such as conflict of interest in recruitment and procurement exercises):

Category 1: Annual declaration forms which declare private interests and/or declarable associations.

This is captured via:

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

FY23-24	161
FY24-25	196
FY25-26 (to date)	195
Total since start of NACC	552

Category 2: Any additional declarations made including those related to:

- a. Changes to or additional private interests
- b. Changes to or additional declarable associations
- c. Changes in circumstances e.g. personal or financial
- d. International travel plans for noting

FY23-24	47
FY24-25	45
FY25-26 (to date)	11
Total since start of NACC	103

Category 3: Contact reporting

FY23-24	37
FY24-25	22
FY25-26 (to date)	12
Total since start of NACC	71

*Note the FY25-26(to date) only includes reporting up until 31/12/2025.

Attachments

- **Attachment A** – NACC Monthly Update – November 2025 – Media Release
- **Attachment B** – NSAP Terms of Reference
- **Attachment C** – Conflicts of interest and corrupt conduct: A guide for public officials



Date Friday, 31 October 2025

November 2025

This is the Commission's monthly update for November, providing visibility to the media and the public on our key activities and work underway.

Since 1 June 2023, we have received over 6,000 referrals, of which we have completed assessment of more than 4,700 (85%). As at 29 October 2025, we are conducting 32 preliminary investigations and 38 corruption investigations. Of the 40 corruption investigations we had commenced by 30 June 2025, 9 have been finalised on the basis that corrupt conduct would not be established, and we decided to prepare investigation reports under s 149 of the NACC Act for another 3. Our first s 149 report was in Operation Kingscliff and was provided to the Attorney-General on 23 June 2025 and published on 30 June 2025. Reports in two other investigations, including Operation Pelican, are in the course of preparation. These are in addition to 3 reports we have prepared and provided in relation to matters we inherited from ACLEI.

Since our commencement, 11 convictions have been secured as a result of investigations we have commenced or continued, and 3 matters are currently before the courts.

PJC-NACC members visit Commission office

The Commission today welcomed members of the Parliamentary Joint Committee on the National Anti-Corruption Commission (PJC-NACC) for an informal briefing on our operations and current priorities and a tour of our Canberra premises.

The briefing was designed to assist Committee members, and especially those who are new to the Committee since the recent election, in their important oversight role. We look forward to continued engagement with the Committee.

See [Oversight](#).

Management of Defence referrals

Commissioner Brereton's longstanding association with the Australian Defence Force (ADF) as a Defence Reservist for over 45 years, and his work as an Assistant Inspector-General of the Australian Defence Force (IGADF) on the Afghanistan Inquiry, was a matter of public record and well-known before his appointment as Commissioner. This meant that there would always be the potential for conflicts to arise from past relationships, which would need to be managed.

Upon appointment and since commencing as Commissioner, he has declared and appropriately managed any perceived or actual conflicts of interest relating to Defence referrals. When a referral to the Commission has potentially affected any ADF unit or individual with whom the Commissioner is or has been associated in a way that might reasonably be perceived to create a conflict, he has delegated it to a Deputy Commissioner. In particular, he has not participated in consideration of any matter involving the interests of the IGADF.

However, the recent attention the Commissioner's Defence service and connections have attracted in some quarters has become a distraction from the Commission's work. Relinquishing those connections would not remove the potential for conflicts to arise, because of the historic relationships.

As a result, the Commissioner has decided that he will not participate in consideration of any referrals which involve the interests of any Defence or ADF individual or unit that is or comes before the Commission, regardless of whether it might reasonably be perceived to involve a conflict. Those matters will be allocated to a Deputy Commissioner.

Defence represents only about 3% of our referrals, which can comfortably be covered by our three Deputy Commissioners.

The Commissioner is taking this step, although it is unnecessary from the perspective of properly managing actual or apparent conflicts, solely in an endeavour to recentre the focus on our important operational and educational work.

2024-25 Annual Report

This afternoon the National Anti-Corruption Commission's Annual Report 2024-25 has been tabled by the Attorney-General and is now available on [the Commission's website](#).

The Annual Report serves the purpose to inform the Parliament and the public about the achievements, non-financial performance and financial position of Commonwealth entities and companies at the end of each reporting year, and operational activity, including:

- receiving 2,271 corruption referrals, and finalising the assessment of 2,004 referrals
- commencing 33 preliminary investigations, to help us decide whether or not to conduct a corruption investigation
- commencing 14 corruption investigations, including 5 joint investigations
- making 3 public disclosures that no corruption issue arose, to clear the air
- publishing our first investigation report under the NACC Act
- holding 138 engagements with public officials and civil society, to help prevent corrupt conduct through education and engagement.

How we finalise our investigations

When we complete an investigation, we are required to prepare a report for the Attorney-General setting out our findings on the corruption issue, a summary of the evidence, and any recommendations we see fit to make.

If we are satisfied it is in the public interest to do so, we can publish a public-facing version of this report.

At any time during an investigation, we can also decide to take no further action and discontinue an investigation. This may be the case where, for example, it becomes clear that corrupt conduct within our jurisdiction will not be found. There is no requirement to prepare an investigation report in these circumstances.

For more information, [visit our website](#).



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

Purpose	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).
Role	<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"> • whether there is a corruption issue, • whether or not to deal with the corruption issue, and • how to deal with the corruption issue. <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"> • 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), • whether the referral appears to raise an issue of corrupt conduct, and • whether the corrupt conduct is serious or systemic. <p>Recommendations for the NSAP are developed in accordance with the relevant sections of the NACC Act, the Assessment of Corruption Issue Policy¹, and the NACC Management of Corruption Issue Referrals Standard Operating Procedure.²</p> <p>The Director Assessments will present to the NSAP:</p> <ul style="list-style-type: none"> • for decision, an Assessment Summary for each case (or set of related cases) progressed to Tier 2 Assessments and <i>recommended for Commission action</i> (including for referral to another agency). The NSAP will consider and discuss those recommendations and advise the Commissioner; and

¹ NACC Assessment of Corruption Issues Policy, CM 24#41268DOC

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

	<ul style="list-style-type: none"> 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. <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>
Matters not requiring NSAP consideration	Matters in respect of which the Director Intake and Triage (I&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.
Legislative Basis	<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"> Part 2 (Key concepts), which defines 'corrupt conduct', 'corruption issue', and 'public official'. Part 3 (The National Anti-Corruption Commission) which establishes the functions of the Commissioner, the Deputy Commissioners, the constitution and functions of the Commission. Part 5 (Referring corruption issues) which facilitates the reporting of corrupt conduct, details exceptions, identifies exceptions, and timing and information requirements. 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.
Membership	<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>
Secretariat	<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"> consulting internally, as necessary, on individual matters, preparing and circulating to NSAP members information to support consideration of matters, including Assessment Summaries and other relevant material, in advance of meetings, recording and documenting decisions and the reasons given for them, following up on actions arising, and

	<ul style="list-style-type: none"> • preparing the post-meeting material for the Commissioner or Delegate, including drafting required correspondence.
<p>Operation of the NSAP</p>	<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>
<p>Conflicts of Interest</p>	<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"> • 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, • 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, • If an NSAP member has any relationship with journalists who may be involved in reporting on the matter, • 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, • 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. <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>
<p>Review</p>	<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.



The Hon PLG Brereton, AM, RFD, SC

Commissioner

National Anti-Corruption Commission

11/11/2024

Version history

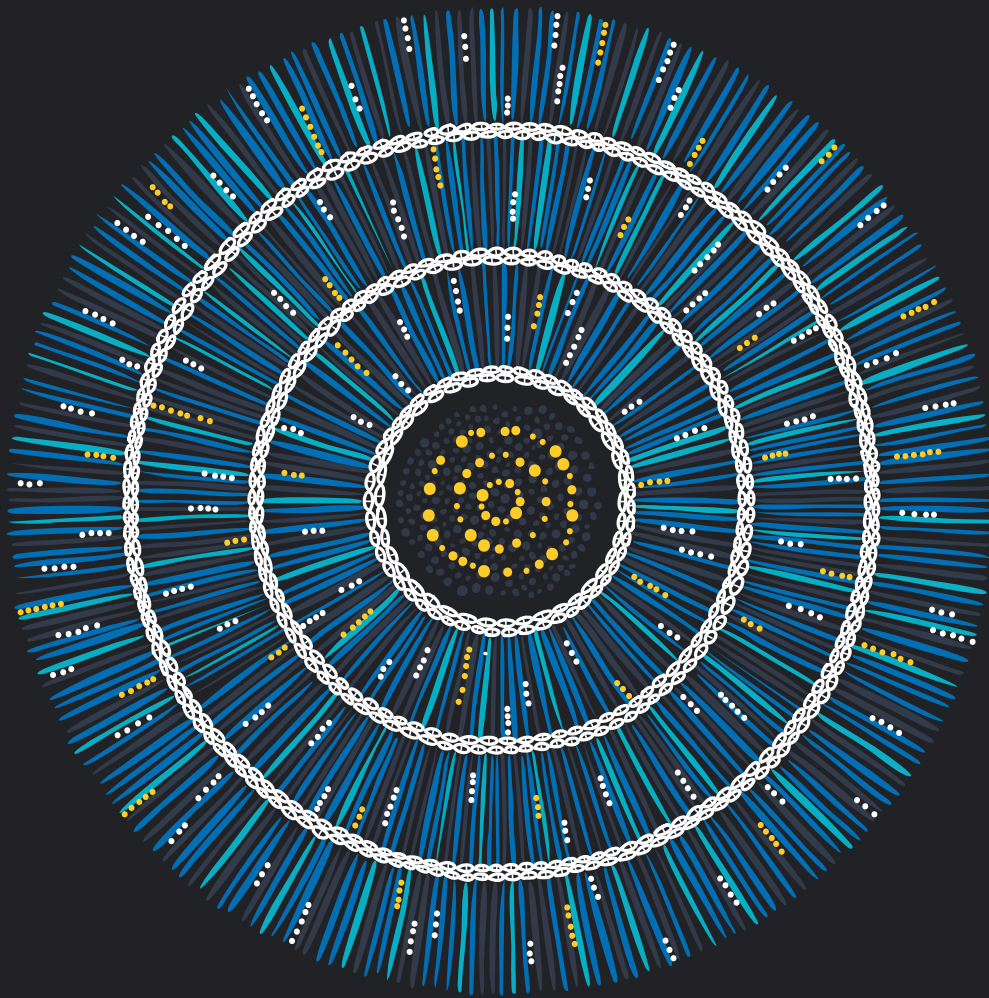
Version	Authorised by	Revision date	Author	Description of change
1	The Hon PLG Brereton, AM, RFD, SC, Commissioner.	11/07/23	Michael Howard, Director Assessments	Final Draft
2	The Hon PLG Brereton, AM, RFD, SC, Commissioner.	12/07/23	Michael Howard, Director Assessments	Approved Version
3	The Hon PLG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



National Anti-Corruption Commission

Conflicts of interest and corrupt conduct

A guide for public officials



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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Introduction

All public officials will encounter situations in which they have a personal interest, or another duty, which could affect, or be affected by, how they perform their public functions or duties (or could reasonably be perceived to do so).

Most of these do not result in corrupt conduct. However, because corruption generally involves the abuse of a public power, position or privilege for a private purpose, most corrupt conduct starts with a conflict of interest.

Purpose of this guide

This guide is designed to help Commonwealth public officials identify and properly manage conflicts of interest, and thereby reduce the risk of corrupt conduct in the Commonwealth public sector.

It aims to strike a practical balance: protecting public decision-making from corrupting influences, while recognising that conflicts of interest can be managed appropriately.

This is general guidance: each conflict of interest needs to be considered on a case-by-case basis.

Why managing conflicts of interest matters

Public officials must perform their duties in the public interest and without regard to personal interests. When this does not happen, confidence in government and the public service is undermined.

Undeclared and unmanaged conflicts of interest may result in allegations of impropriety, undermine confidence in the decision-making process, and bring the validity of decisions into question.

Public officials should remember that perceptions in relation to conflicts of interest, as well as real conflicts of interest, can impact the legitimacy of government, and trust and confidence in institutions and our democratic system.

Who this guide is for

This guide is intended for Commonwealth public officials involved in public administration.

Most people who work for, exercise the powers of, or perform functions for, the Australian Government or the Australian Parliament are [public officials](#) under the *National Anti-Corruption Commission Act 2022* (Cth) (NACC Act). This includes consultants and contracted service providers under Commonwealth contracts administered by Commonwealth agencies.

This guide is not concerned with judicial or quasi-judicial decision-making, for which there are special rules.

What is a conflict of interest?

A conflict of interest exists when a public official or other person has a personal interest, or another duty, that could affect or be affected by how the public official or person performs their public or official functions or duties (or could reasonably be perceived as doing so).

Corrupt conduct and conflicts of interest

There are 4 types of corrupt conduct under the NACC Act, and conflicts of interest are relevant to all of them:

1. breach of public trust by a public official.¹
This happens when a public official exercises a power in bad faith or for an improper purpose²
2. abuse of office by a public official. This happens when a public official uses their position improperly to benefit themselves or harm someone else³
3. misuse of official information by a current or former public official⁴
4. conduct of any person, including a public official's own conduct, that could adversely affect the honest or impartial exercise of a public official's powers, functions or duties as a public official.⁵

Each type of corrupt conduct generally involves a public official acting in their own interest or the interest of someone else rather than in accordance with their public or official duty.

1 Under the NACC Act, public officials include parliamentarians and their staff, staff members of Commonwealth agencies (including Australian Government departments, Commonwealth companies and statutory bodies), contracted service providers under Commonwealth contracts administered by Commonwealth agencies, and National Anti-Corruption Commission staff members.

2 NACC Act, s 8(1)(b).

3 NACC Act, s 8(1)(c).

4 NACC Act, s 8(1)(d).

5 NACC Act, s 8(1)(a), and see *Berejikian v Independent Commission Against Corruption* [2024] NSWCA 177 at [243], where the NSW Court of Appeal observed: 'The ... prohibition of the "partial exercise" of official functions is directed to any exercise of those functions which is influenced by a personal interest conflicting with that public duty.'

Disclosing, declaring and managing conflicts of interest

When a public official has a personal interest or relationship that could be relevant to the performance of their public or official duty, there are 3 crucial steps they should follow:

1. **disclose** the personal interest or relationship
2. **assess** the circumstances and (if appropriate) **declare** the conflict of interest
3. **manage** the conflict of interest.

Disclosing

Disclosing the interest or relationship identifies the nature and scope of your personal interest(s).⁶ It helps ensure that you are not the sole judge of whether it gives rise to a conflict of interest. It is good practice to formally disclose that you have no competing interests or duties, if that is the case.

Assessing and declaring

Assessing and declaring the conflict ensures that you and everyone involved in decision-making consider the conflict and its implications. The importance of requiring formal declarations, whether oral or written, is that it requires officials to turn their mind to whether their interests or relationships create a relevant conflict in the context of the process in question. It also alerts others involved to the existence of any conflict, so they can take it into account. For example, views expressed by a person who has declared a conflict can be considered and weighed in the light of that knowledge.

Managing

The purpose of managing the conflict is to ensure, as far as possible, that performance of the relevant function is not, and can be shown not to be, influenced by the personal interest.

⁶ Section 29 of the *Public Governance Performance and Accountability Act 2013* (Cth) and section 13(7) of the Code of Conduct contained in the *Public Service Act 1999* (Cth), impose general obligations to make disclosures of personal interests.

Do not self-manage your conflict

Self-managing a conflict involves public officials attempting to deal with integrity issues by themselves and failing to disclose to or seek assistance from management or their agency's integrity framework.

Self-managing conflicts can expose public officials to compromise and denies the agency the opportunity to understand, appreciate and deal with risk holistically. Senior and experienced public officials may be particularly vulnerable if they decide to self-manage conflicts of interest, given their ability to influence agency decision-making.

You are not the best judge of how your conflict of interest should be managed. Announce your management plan, consult others, seek advice, and ensure that the management plan is recorded.

Determining appropriate management

What is appropriate management depends on the circumstances, including the nature of the conflict, the nature of the process, and the role or function of the official.

In some cases, it may be necessary for the official to be completely excluded from the process. In others, it may be sufficient for the official not to be the decision-maker, without being completely excluded from the process.⁷

This must be determined on a case-by-case basis, considering the factors described above, and the operating context, including the respective roles of the conflicted official and of the ultimate decision-maker.

⁷ However, where the function involves a quasi-judicial or administrative decision to which the rules of procedural fairness apply, the official must be completely excluded, in order to avoid the decision being affected by apprehended bias.

Identifying a conflict of interest

A conflict of interest exists when a public official or other person has a personal interest, or another duty, that could affect or be affected by how the public official or person performs their public or official functions or duties.⁸

Types of interest and duty

Conflicts of interest can arise from:

- personal financial interests
- personal non-financial interests
- competing duties, which can be public or personal.

Financial interests

If you could directly or indirectly personally benefit or be adversely affected financially by the way you perform your public functions, you have a financial interest.

Examples:

- If the decision could result in assets you own increasing or decreasing in value, you have a financial interest.
- If a funding or procurement decision you are making will result in a financial benefit to you or your family, you have a financial interest.
- If you could receive a financial benefit as a result of the way you perform your public functions, such as concessions, discounts, gifts or hospitality, you have a financial interest.

- If your prospective employer after leaving the Australian Public Service could benefit or be adversely affected by the way you perform your public functions, you have a financial interest because there could be an effect on your prospective employment.
- On the other hand, a very small shareholding in a very large public company whose interests might be affected by a decision would not generally be regarded as a material financial interest.

Managing conflicts of interest arising from financial interests

Any material financial interest creates a real conflict of interest and must be disclosed, declared and managed as such, as described above. **You must disclose** the relationship or interest, and you must not be the decision maker.

⁸ There are various definitions in Commonwealth public sector legislation, regulations, guides and policies. If you are unsure whether your personal interest or competing duty creates a conflict and what actions you need to take to avoid, disclose, declare or manage it, and seek advice within your agency about your obligations. You may also find it useful to refer to guidance produced by the Australian Public Service Commission and the Department of Finance.

Non-financial interests

Non-financial interests typically concern relationships: family, friends and associates (including relationships formed through work or community engagement, sporting, cultural, social or voluntary activities). They can also arise from prior association with or attachment to an issue or organisation: for example, a political, social or professional group.

A relationship gives rise to a material interest if it is of such significance that a desire to maintain, foster, enhance or salvage the relationship could influence the way you perform your public function. If you have a significant relationship which could affect or be affected by the way you perform your public function, you have a non-financial interest. If you have a significant association or attachment which could affect or be affected by the way you perform your public function, you have a non-financial interest.

The question of whether a relationship is strong or proximate enough to give rise to a conflict depends on an assessment of the nature of the relationship – whether and to what extent the relationship is personal or professional, and close or remote. Broadly:

- The closer and more personal the relationship, the more likely it is to be a material interest. An immediate family or close personal relationship will almost invariably qualify.
- If the relationship has any financial implications, it is likely to be a relevant material interest. A partner or dependent would almost invariably qualify.
- On the other hand, merely knowing a person professionally would usually not.

If the relationship, association or attachment is such that a desire to maintain, foster, enhance or salvage it actually could influence the performance of your functions, there is a real conflict.

However, in this area, the perception as well as the reality is important: even if the relationship would not really influence your decision, there is an apparent conflict if a reasonable informed observer might think that the impact of the performance of your function on the relationship could do so.

Managing conflicts arising from non-financial interests

You must disclose any potentially relevant relationship to a relevant third party.

In consultation with the relevant third party, you must assess whether the relationship is such as to give rise to a real or apparent conflict and if so declare that you have a conflict.

In the case of a real conflict, **you must not be the decision-maker.**

In the case of an apparent conflict, **you should not be the decision-maker.** If you do remain the decision-maker, **you must record the steps you have taken to disclose and assess** with a relevant third party and set out the reasons why there is no real conflict of interest and why you and the relevant third party have determined you are able to make a decision that is unaffected by the apparent conflict.

Competing duties

A duty is a legal or moral obligation that you owe to someone else, whether or not it is associated with your job.

A competing duty exists where you have a duty to another public or private organisation or individual, that could be inconsistent with your public or official duty. This can happen if you have 2 or more roles with competing priorities. It can arise in the context of secondary or future employment.

Examples:

- the director of a private company owing duties to the shareholders
- the trustee of a charity owing duties to the trust
- a government representative on a board
- secondary or outside employment.

In each of those capacities, you have a duty to act in the best interests of the company, the trust, the board or the secondary employer.

This is often not a problem. However, sometimes that duty might be in competition, and cause you to act inconsistently with, your public or official duty – or could reasonably be perceived to do so. The interests of your competing duty might differ from those of the public interest.

For example, in your public role you might have access to confidential information you are required to protect. But that same information might be valuable to the organisation you have a duty to in your other role.

Managing conflicts of duties

Competing duties must be disclosed in accordance with the policies and procedures of your Commonwealth public sector employer and the other person or organisation you owe a duty to.

You should inform any person or organisation to whom you owe a conflicting duty that your paramount obligation is to the Commonwealth and that you can accept the other role only on the condition that you are not required to act inconsistently with your duty to the Commonwealth. Should your competing duty require you to act inconsistently with your duty to the Commonwealth, you must relinquish the competing duty. Should your competing duty be to another Commonwealth public sector entity (for example, a board role), you must disclose, assess and manage the conflict of interest with both entities.

This does not apply to professional duties inherent in your role. For example, a government lawyer still owes a duty to the court, and a medical practitioner still owes a duty of care to their patients. It is understood and permitted that officials in such positions will carry out their professional duties.

Types of conflict of interest

Conflicts of interest can be classified as:

- real (sometimes called ‘actual’)
- apparent (sometimes called ‘perceived’)
- potential.

Real conflicts of interest

A real conflict of interest exists where you have a personal interest or competing duty that could affect or be affected by the way you perform your public powers, functions or duties.

Example:

- A public official owns land, the value of which could increase or decrease depending on what decision the official makes. As the official’s personal interest could affect or be affected by how they perform their public powers, functions or duties, there is a real conflict of interest.

Real conflicts, if not declared and appropriately managed, present a corruption risk.

Disclosing, declaring and managing real conflicts of interest

You must disclose the relevant personal interest or relationship as soon as reasonably practicable to a relevant third party.

The identity of the relevant third party will depend on your role, responsibilities and the internal requirements of your organisation, but should ordinarily be someone in a senior supervisory or integrity role in your agency.

This disclosure needs to occur early enough in the process to enable any conflict of interest to be effectively managed. You may need to obtain consent if the declaration contains personal information as required by the *Privacy Act 1988* (Cth).

In consultation with the relevant third party, **you must assess** whether those circumstances give rise to a conflict and if so **declare** that you have a conflict.

In consultation with the relevant third party, **you must manage** your conflict of interest. Except in a case of impossibility (that is, where there is no process by which an alternative decision-maker can be appointed), **you must not be the decision maker**. This may require delegating the decision-making to a delegate of sufficient seniority and experience to make an independent decision, making clear that the delegated decision-maker is expected to make their own independent decision, and ensure that the delegate is able to do so.

In the case of a real conflict, **you should not participate at all in the decision-making process**.

If the decision or process is one from which you could gain information that could be used to advantage your competing personal interest, then **you must be isolated from the relevant information**. This will often be the case where the competing interest is financial. However, this is not necessary where the information could not be used to the advantage of your competing interest.

Apparent conflicts of interest

An apparent conflict of interest exists where a reasonable informed observer might think that you have a personal interest, relationship or competing duty that could affect, or be affected by, the way you perform your public or official powers, duties or functions, even though there is no real conflict of interest.

Apparent conflicts of interest can arise in the context of both financial and non-financial interests.

Examples:

- A public official has had a longstanding professional and social relationship with a person who is applying for a position, where the official is on the selection panel. Although the official is interested only in selecting the most appropriate candidate, a reasonable informed observer might think that the relationship was such that the official has an interest in their colleague being successful, and so there is an apparent conflict of interest.
- A public official involved in administering a grants scheme is a member of a community organisation that has applied for a grant. Although the official has no personal interest in the success or failure of the application, a reasonable informed observer might think that their association with the community group gives them an interest in the success of the application, and so there is an apparent conflict of interest.

Apparent conflicts as distinct from real conflicts present a low risk of corruption. However, as explained above, perceptions are important because they affect the perceived legitimacy of, and therefore confidence in, public decision-making.

Disclosing, declaring and managing apparent conflicts

You must disclose the relevant personal interest or relationship as soon as reasonably practicable to a relevant third party (as described above).

In consultation with the relevant third party, **you must assess** whether those circumstances give rise to a conflict and if so **declare** that you have a conflict.

In consultation with the relevant third party, **you must manage** your conflict of interest. Except in a case of impossibility (that is, where there is no process by which an alternative decision-maker can be appointed), **you should not be the decision-maker**. This may require delegating the decision-making to a delegate of sufficient seniority and experience to make an independent decision.

If you remain the decision maker, **you must record the steps you have taken to disclose and assess** with a relevant third party and set out the reasons why there is no real conflict of interest and why you and the relevant third party have determined you are able to make a decision that is unaffected by the apparent conflict.

In the case of an apparent conflict, depending on the nature of the apparent conflict and the nature of the process, **it is preferable not to participate at all in the decision-making process**. If you do participate (for example by making a recommendation), you must disclose your apparent interest to the decision-maker, make clear that any delegated decision-maker is expected to make their own independent decision, and ensure that the delegate is able to do so.

If the process involves a quasi-judicial or administrative decision to which the rules of procedural fairness apply, **you must not participate at all in the decision-making process**, in order to avoid the decision being affected by apprehended bias.

If the decision or process is one from which you could gain information that could be used to advantage your apparent personal interest, then **it is prudent to be isolated from the relevant information.** This will often be the case where the competing interest is financial. However, this is not necessary where the information could not be used to the advantage of the apparent competing interest.

Potential conflicts of interest

A potential conflict of interest is where there is a real possibility that you will have a personal interest, relationship or competing duty that could affect the way you exercise your public powers, perform your public functions or discharge your public or official duties. The possibility may arise because you may in the future have to make decisions of a particular type that could impact the interest or competing duty that you already have; or because you may in the future acquire interests or duties that could be impacted by the types of decision that you are required to make.

Example:

- A public official who assesses visa applications becomes aware that family members intend to apply for a visa. As there is a real possibility that the official might be required to consider their family members' applications and would have an interest in those applications being successful, there is a potential conflict of interest.

Potential conflicts of interest require management to avoid them becoming real conflicts.

Managing potential conflicts of interest

You should disclose the potential conflict of interest so the agency is aware of the potential for a conflict of interest to arise and if it does, a conflict of interest can be avoided, or appropriately managed.

Materiality

A conflict of interest exists only if the personal interest is material.⁹

The word 'material' conveys the idea that the interest must be of some substance or value, rather than merely a slight interest. Personal interests do not give rise to a conflict of interest unless there is a real or sensible possibility that they will influence your decision, and not simply a remote or theoretical possibility.¹⁰

Assessing the materiality of a conflict of interest

Factors to be weighed in assessing the materiality of the interest include the:

- type or size of your personal interest, real or apparent
- nature or significance of the decision
- extent to which the decision could be affected by (or affect) your personal interest
- nature or extent of your current or intended involvement in the decision.

⁹ Relevant provisions of the *Public Service Act 1999*, the *Public Governance, Performance and Accountability Act 2013* and *Public Governance, Performance and Accountability Rule 2014* require that persons must disclose details of any material personal interest.

¹⁰ APS Values and Code of Conduct in Practice, Section 5.2.2: Section 5: Conflict of Interest ([apsc.gov.au](https://www.apsc.gov.au)). For there to be a possibility of conflict requires that a reasonable person 'looking at the relevant facts and circumstances of the particular case would think that there was a real sensible possibility of conflict': *Phipps v Boardman* [1967] 2 AC 46 at 124.

How do I know if I have a conflict of interest?

This guide provides general advice on how to identify, disclose, assess and manage conflicts of interest, but each case will require specific consideration.

You should consider the responsibilities associated with your role, your agency or public office.

If in doubt, disclose your personal interests and seek advice on how to assess and manage any conflict.

If you do not think you have a conflict of interest, disclose that you have no conflicts of interest. Speak to your manager, your agency's integrity area or ethics contact officer or consult the APSC Ethics Advisory Service for advice.

The conflict of interest test

- ❑ **Could you be better or worse off financially as a result of the way you perform your powers, functions or duties as a public official?**
If yes, declare it, and you must not be the decision-maker and should not participate in the process.
- ❑ **Could the way you perform your powers, functions or duties as a public official be affected by or affect a significant relationship, association or attachment you have?**
If yes, declare it, and you must not be the decision-maker and should not participate in the process.
- ❑ **Might a reasonable informed observer think the way you perform your powers, functions or duties as a public official could be affected by or affect a significant relationship, association or attachment?**
If yes, declare it, and you should not be the decision-maker. If you do participate, you must disclose your apparent interest to the decision-maker, make clear that any delegated decision-maker is expected to make their own independent decision, and ensure that the delegate is able to do so.

Conflict of interest management in practice

You must continually assess how your interests could conflict with all aspects of your powers, functions or duties as a public official, or could reasonably be perceived to do so: for example, in recruitment and procurement processes, administrative decision-making, investigative or supervisory activities, policy development and advice, and when your role or duties change.

Failing to declare a conflict of interest does not of itself amount to corrupt conduct, but conflict of interest disclosures are important for transparency. An undisclosed conflict of interest can result in corrupt conduct if the official prefers their personal interest to their public or official duty.

Disclosing personal interests and relationships, and declaring conflicts of interest, are important steps, but they are not the solution. Declaring a conflict of interest does not mean it goes away.

Conflicts of interest must be actively managed and monitored to ensure that the competing interest does not affect the decision and to avoid the risk of corrupt conduct.

If you suspect on reasonable grounds that an undisclosed, unmanaged or poorly managed conflict of interest has resulted in serious or systemic corrupt conduct involving a Commonwealth public official, you should report this to the Commission. Your report will be treated confidentially, and you are entitled to a range of protections.

Mandatory referrals

Agency heads and Public Interest Disclosure officers of Commonwealth agencies and of Intelligence agencies have mandatory obligations to refer suspected serious or systemic corrupt conduct arising from undeclared, unmanaged or poorly managed conflicts of interest, unless they believe on reasonable grounds that the Commission is already aware of it.

[Mandatory referrals](#) must be made as soon as reasonably practicable.



National Anti-Corruption Commission

nacc.gov.au

National Anti-Corruption Commission BRIEF

06 - LEGAL - Freedom of Information

06

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

Key Points

- Since the Commission commenced on 1 July 2023, 177 Freedom of Information (FOI) requests have been received.
- All but 2 of the Commission's FOI requests have been processed within the applicable statutory timeframes (with those 2 being overdue by a single day).
- The Commission has received **12** requests for internal review under the *Freedom of Information Act 1982* (FOI Act).
- The Commission is currently a respondent to **1** judicial review application filed in the Federal Court. The application relates to the internal review decision issued by the Commission.
- Two applicants requested external review by the Information Commissioner of three decisions made by the Commission. The Information Commissioner decided that a review would not be undertaken in these matters (one in July 2024 and two in May 2025).
- One applicant requested an external review by the Information Commissioner of a decision made by Australian Commission for Law Enforcement Integrity (ACLEI). This matter was closed by the Information Commissioner on 26 February 2025.
- One applicant requested external review by the Information Commissioner of a decision made by the Commission. The Commission made a revised decision under s 55G of the FOI Act in July 2025 and is awaiting a response from either the applicant or the Information Commissioner.
- The Commission is currently the respondent to 2 matters before the Information Commissioner.

FOI Statistics (1 July 2023 – 31 December 2025)

Table 1: Breakdown of FOI Requests received

Quarter	2023-24	2024-25	2025-26	
Q1	7	22	26	
Q2	4	24	34	
Q3	12	18	-	
Q4	16	14	-	
Total	39	78	60	177

Table 2: FOI requests received – by Request source

Source of request	2023-24	2024-25	2025-26	
Journalists/media	9	27	13	
Politicians	-	4	1	
Academics	3	1	-	
Referrers seeking information about their referrals	9	20	14	
Members of public	15	21	19	
Other/unknown/not specified	3	5	13	
Total	39	78	60	177

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

Status	2023-24	2024-25	2025-26	
Finalised	34	67	48	
Withdrawn	4	11	2	
Deemed withdrawn	1	-	-	
Ongoing	-	-	10	
Total	39	78	60	177

Outcome of finalised requests

- The Commission has finalised a total of **149** FOI requests.
- Of these, **95** resulted in documents being released either wholly or in part (**21** in FY23-24, **40** in FY24-25 and **34** in FY25-26) with:
 - **48** published on the Commission’s Disclosure Log (11 in FY23-24, 24 in FY24-25 and 13 in FY25-26)
 - **2** outstanding to be published on the Commission’s Disclosure Log
 - **44** not published on the Disclosure Log due to containing personal information (10 in FY23-24, 15 in FY24-25 and 19 in FY25-26).
 - **1** not published on the Disclosure Log due to containing business information.
- Of the **54** finalised requests (out of 149) which did not result in documents being released at all:
 - **13** were refused access under Part IV exemptions (2 in FY23-24, 8 in FY24-25 and 3 in FY25-26)
 - **21** were refused accessed due to no documents existing (4 in FY23-24, 13 in FY24-25 and 4 in FY25-26)
 - **13** were refused access due to s 25 - neither confirm nor deny existence of documents (7 in FY23-24, 2 in FY24-25 and 4 in FY25-26)
 - **5** were refused on a practical refusal basis (3 in FY24-25 and 2 in FY25-26)
 - **2** were transferred (1 in FY24-25 and 1 in FY25-26)

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

2023-24

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

2024-25

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

2025-26

Outcome	Released	Not released	N/A	Total
Published on disclosure log	13	-	-	13
To be published	2	-	-	2
Not published on disclosure log	19	13	-	32
Transferred	-	-	1	1
Total - Finalised	34	13	1	48
<i>Withdrawn or deemed withdrawn</i>	-	-	2	50

Transfers to/from other agencies

- The Commission received **8** requests transferred from other agencies (3 within Q1, 2023-24, 1 within Q2, 2024-25, 1 within Q1, 2025-26 and 3 within Q2, 2025-26).
- Of these:
 - **3** requests were transferred from the Attorney-General's Department (AGD)
 - **1** request was transferred from the Office of the Commonwealth Ombudsman
 - **1** request was transferred from the Inspector of the National Anti-Corruption Commission (via AGD)
 - **1** request was transferred from the Department of Defence
 - **1** request was transferred from the National Disability Insurance Agency
 - **1** request was transferred from the Department of Foreign Affairs and Trade
- The Commission has transferred **2** requests:
 - **1** to the Inspector (received by the Commission on 26 September 2024 and transferred on 14 October 2024); and
 - **1** to the Department of Prime Minister and Cabinet (received 13 November 2025 and transferred on 18 December 2025).

Reasons for Withdrawn requests

- The Commission received **18** requests which were later withdrawn or deemed withdrawn. Of these:
 - **9** requests were withdrawn after an administrative access process.

- **1** request was deemed withdrawn after a practical refusal consultation process under section 24AB of the FOI Act was unable to elicit further clarity from the applicant as to what they were seeking to access.
- **1** withdrawal was a duplicate request which the applicant confirmed had been made in error and was happy to withdraw.
- **1** withdrawal was a duplicate request having been transferred to the Commission from the Inspector.
- **3** requests were withdrawn following consultation with the applicant confirming that the information sought was publicly available.
- **1** request was withdrawn following consultation with the applicant in which the premise of the request was corrected.
- **1** request was withdrawn following a media response.
- **1** request was withdrawn at the applicant's request.

How the Commission handles FOI requests

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

Why generally documents released are not published on our website?

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

How the FOI regime is impacting upon the Commission

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

Background information on FOI processing

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

Proposed FOI changes - *Freedom of Information Amendment Bill 2025*

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

National Anti-Corruption Commission BRIEF

07 - ES - Budget and Finance

07

This brief provides a summary of NACC financial position as at 30 June 2025, a summary of the December 2025 result and an overview of funding for the Commission in 2025-26 Additional Estimates.

Key Points

2024-25 Financial Statements as at 30 June 2025

The financial statements were published in the 2024-25 annual report tabled in Parliament on 31 October 2025.

Total expenditure as at 30 June 2025 totals \$60.492 million against the original published 2024-25 budget of \$70.452 million - a \$9.960 million underspend.

When excluding depreciation, expenses of \$51.677 million were incurred - a \$10.492 million underspend compared to budget. Key impacts were:

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

The Commission is in a sound financial position with financial assets of \$53.057 million compared to total liabilities of \$27.805 million. Financial assets include cash at bank and appropriations receivable from Government.

December 2025 results

The December year to date result is lower than the budget profile recognised in the Central Budget Management System (CBMS) as part of the 2025-26 PBS budget round. ASL and employee expenses are below budget by \$1.25 million, and supplier expenses are below budget by \$0.8m.

Portfolio Additional Estimates 2025-26

The Commission's appropriations provided in the 2025-26 Budget have been amended by \$7.049m, from \$66.505m to \$73.554m, comprising:

- -\$0.109m to ordinary annual services, reflecting the election commitment saving to non-wages expenses (decreased from \$65.987m to \$65.878m)
- +\$7.158m equity injection, moved from 2024/25 (increased from \$0.168m to \$7.326m).

The above is shown in Table 1.1, PAES.

The estimate of the Commission’s ordinary annual services appropriations in 2025-26 to 2028-29 have been reduced to reflect the election commitment saving to non-wages expenses, and parameter changes (price and wages index increase). The reductions, and updated appropriation estimates, are:

	2026-27 \$'000	2027-28 \$'000	2028-29 \$'000
2025-26 Budget ordinary annual services appropriation estimate	67,217	68,401	69,959
<i>Additional Estimates movements</i>			
Savings from 2025 EC to reduce non-wage expenses	(2,270)	(2,285)	(2,234)
Parameter changes	(183)	(61)	(63)
2025-26 PAES ordinary annual services appropriation estimate	64,764	66,055	67,662

The above is shown in Table 1.3 (movement) and Table 2.1.1 (PAES appropriation estimates), PAES.

Attachments

Attachment A – NACC Actuals to Budget 2024-25

Attachment B – NACC December 2025 results

Attachment C – NACC Actuals and 2025-26 PAES funding

Attachment A – NACC Actuals to Budget 2024-25

Funding/Expenditure	Category	2024-25 Actual (\$m)	2024-25 PBS (\$m)	2024-25 Variance (\$m)
Departmental Expenses	Employees	35.3	39.9	4.6
	Suppliers	15.2	22.0	6.8
	Depreciation and amortisation	8.8	8.3	(0.5)
	Finance costs (interest on office leases)	0.7	0.2	(0.5)
	Write-down and impairment of other assets	0.5	0.0	(0.5)
	Total Expenses	60.5	70.4	9.9
Other operating costs	Principal lease payments (for all offices)	2.9	3.5	0.6
	Total Operating Costs	63.4	73.9	10.5
Operating Funding	Revenue from Government	65.6	65.6	0.0
Revenue	Other (Resources received free of charge)	0.1	0.1	0.0
	Surplus / (Deficit)	2.3	(8.2)	10.5
Capital Expenditure	ICT and property	2.3	11.0	8.7
	Total Capital Costs	2.3	11.0	8.7
Average Staffing Level*		213	266	53

*Excludes Statutory Office Holders

Attachment B – NACC December 2025 results

Funding/Expenditure	Category	2025-26 Dec YTD Actual (\$m)	2025-26 Dec YTD Budget (\$m)	2025-26 Variance (\$m)
Departmental Expenses	Employees	19.5	20.7	1.2
	Suppliers	10.0	10.8	0.8
	Depreciation and amortisation	3.6	3.9	0.3
	Finance costs (interest on office leases)	0.3	0.3	0.0
	Total Expenses	33.4	35.7	2.3
Other operating costs	Principal lease payments (for all offices)	1.2	1.2	0.0
	Total Operating Costs	34.6	36.9	2.4
Operating Funding	Revenue from Government	33.0	33.0	0.0
	Surplus / (Deficit)	(1.6)	(3.9)	(2.3)
Capital Expenditure	ICT and property	0.1	0.2	0.1
	Total Capital Costs	0.1	0.2	0.1
Average Staffing Level*		235	266	31

*Excludes Statutory Office Holders

Attachment C – NACC 2024-25 Actuals and 2025-26 PAES funding

Funding / Expenses		2024-25	2025-26	2026-27	2027-28	2028-29
		Actual	Budget (PAES 25-26)	Budget (PAES 25-26)	Budget (PAES 25-26)	Budget (PAES 25-26)
		(\$m)	(\$m)	(\$m)	(\$m)	(\$m)
Departmental Expenses	Employees	35.3	42.2	42.6	43.0	43.5
	Suppliers	15.2	20.0	18.4	19.4	20.3
	Depreciation and Amortisation	8.8	7.2	7.5	7.5	7.5
	Finance Costs	0.7	0.6	0.6	0.5	0.4
	Write-down and impairment of other assets	0.5	-	-	-	-
	Total Expenses	60.5	70.0	69.1	70.4	71.7
Revenue	Revenue from Government	65.6	65.9	64.8	66.1	67.7
	Other (Resources received free of charge)	0.1	0.1	0.1	0.1	0.1
	Surplus / (Deficit)	5.2	(4.0)	(4.2)	(4.2)	(3.9)
Other Comprehensive Income	Changes in asset revaluation reserve	1.6	0.0	0.0	0.0	0.0
Total Comprehensive Income/(loss)	Total Comprehensive Income/(loss)	6.7	(4.0)	(4.2)	(4.2)	(3.9)
Impact of net cash appropriation arrangements	Plus: Depreciation/Amortisation funded through appropriations	5.8	4.4	5.1	5.4	5.4
	Plus: ROU Depreciation/Amortisation	3.0	2.8	2.4	2.1	2.1
	Less: Lease principal repayments	(2.9)	(3.2)	(3.3)	(3.3)	(3.6)
	NET Cash Operating Surplus	12.6	0.0	0.0	0.0	0.0

Capital Funding	ICT and Property	2.3	7.7	0.5	0.4	0.4
	TOTAL	2.3	7.7	0.5	0.4	0.4
Average Staffing Level *		213	266			

*Excludes Statutory Office Holders

National Anti-Corruption Commission BRIEF 08 - ES - Procurements

08

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

Key points

- The National Anti-Corruption Commission (the Commission) undertakes all procurement in accordance with the PGPA Act, the PGPA Rule, the Commonwealth Procurement Rules and the Commission's Accountable Authority Instructions.
- The Commonwealth Procurement Rules were updated, effective 17 November 2025, with the following key changes:
 - **Procurement threshold increase:** The threshold for non-construction procurement was lifted from \$80,000 to \$125,000.
 - **Australian business prioritisation:**
 - Non-corporate Commonwealth Entities (NCEs) must only invite Australian businesses to make submissions for procurements (excluding those from a standing offer) valued at or above \$10,000 and below \$125,000 for non-construction procurement.
 - Only Small and Medium Enterprises (SMEs) are to be invited to tender for government contracts valued below \$125,000 when procuring from the Management Advisory Services (MAS) and People Panels, and Digital Transformation Agency (DTA) standing offers.
 - The definition of an Australian business has been included in Appendix B, and the definition of an SME has been aligned with the Australian business definition.
 - **Negotiations:** A new section on 'negotiations' has been added in Division 2 of the CPRs. The section allows for situations where negotiations can take place and provides clarity that negotiations for relevant procurements fall within domestic review procedures (*Government Procurement (Judicial Review) Act 2018 (GPJR Act)*).
 - **Sharing of confidential information:** The CPRs have been amended to clarify that submissions and confidential information provided as part of tendering may be shared within the Commonwealth for compliance monitoring and other legitimate, non-commercial purposes.
 - **Secondments:** Clarification that secondments within and between Australian government entities are not procurements. This approach ensures secondment of staff between entities is treated consistently while supporting the Australian Public Service Commission's Mobility Framework and is consistent with our international obligations.
- The Commission communicated the changes on its intranet (Agora) on Monday 3 November 2025.
- The Commission has updated all procurement templates and guidance to align with the updated CPRs. These were published on the Commission's intranet (Agora) on Friday 14 November 2025.
- The Commission's purchasing framework ensures:
 - value for money is achieved

- procurements are ethical, economical, efficient and effective and take account of the Commission’s security needs, specialised role and size
- participation in mandatory whole-of-government coordinated procurement (such as travel, management advisory services, legal services, and property services)
- support for SME participation
- use of the Commonwealth Contracting Suite for low-risk procurements valued between \$10,000 and \$200,000 (GST inclusive)
- timely payment to suppliers, including using payment cards when possible and appropriate, and
- compliance with the mandatory requirements of the Indigenous Procurement Policy (IPP) as well as considering use of Indigenous suppliers outside of the IPP Mandatory Set Aside requirements.

Use of Small and Medium Enterprises

- The Commonwealth Procurement Rules (CPRs) include specific targets for the engagement of SMEs by Commonwealth entities. For the 2024-25 financial year, non-corporate Commonwealth entities (NCEs) were required to:
 - source at least 25 per cent of procurement by value, with a value up to \$1 billion, from SMEs; and
 - to procure 40 per cent of contracts, by value, with a value of up to \$20 million, from SMEs.
- The NACC well exceeded both these targets in 2024-25.

Table 1: Small and Medium Enterprise Procurement Targets

Target	Per Cent Awarded to SMEs for 2024/25 (NACC)	Per Cent Awarded to SMEs for 2024/25 (Commonwealth)
25% of procurement by value of \$1b or less	82.4%	20.7%
40% of contracts by value of \$20m or less	72.1%	51.9%

Note: individual entity calculations exclude values under \$10,000 to avoid confidentiality limitations.

Summary of Total Procurements

Table 2: Summary of Procurements (1 July 2024 to 30 June 2025)

Procurement Type	Category	Number	Value (GST Incl) \$*
Total Open Tender	ICT	11	\$1,737,125
	Non-ICT	17	\$4,246,982
Total Limited Tender	ICT	7	\$802,315
	Non-ICT	30	\$3,555,282
TOTAL		65	\$10,341,704

*values are rounded to the nearest dollar

Table 3: Summary of Procurements (1 July 2025 to 31 December 2025)

Procurement Type	Category	Number	Value (GST Incl) \$*
Total Open Tender	ICT	6	\$1,481,930
	Non-ICT	10	\$2,492,568
Total Limited Tender	ICT	2	\$81,591
	Non-ICT	10	\$287,054
TOTAL		28	\$4,343,143

*values are rounded to the nearest dollar

Summary of Limited Tender Procurements

Table 4: Summary Top 5 Contract Values - Limited Tender ICT (1 July 2024 to 30 June 2025)

Supplier Name	Suppliers invited	Value (GST Incl) * \$	Proportion of 2024-25 total Limited Tender ICT contract value	Proportion of 2024-25 total ICT contract value
Epiq Australia	3	\$316,800	39%	12%
Securest	2	\$251,240	31%	10%
Grace Record Management	2	\$74,553	9%	3%
Secom	1	\$58,664	7%	2%
Pursuit Technologies	1	\$47,819	6%	2%
TOTAL Top 5	9	\$749,076	92%	29%

*values are rounded to the nearest dollar

Table 5: Summary Top 5^ Contract Values - Limited Tender ICT (1 July to 31 Dec 2025)

Supplier Name	Suppliers invited	Value (GST Incl) * \$	Proportion of 2025-26 total Limited Tender ICT contract value	Proportion of 2025-26 total ICT contract value
Fulcrum Management	2	\$71,555	88%	5%
ConnectWise	1	\$10,035	12%	1%
TOTAL Top 5^	3	\$81,590	100%	6%

^ there are only 2 contracts in this category | *values are rounded to the nearest dollar

Table 6: Summary Top 5 Contract Value - Ltd Tender Non-ICT (1 July 2024 to 30 June 2025)

Supplier Name	Suppliers invited	Value (GST Incl) * \$	Proportion of 2024-25 total Limited Tender non-ICT contract value	Proportion of 2024-25 total non-ICT contract value
Geoffrey Arthur Nettle	1	\$1,138,000	32%	15%
Gary Bruce Hevey	1	\$660,000	19%	8%
Jennifer Helen Croxford	1	\$318,000	9%	4%
National Convention Centre Canberra	2	\$285,610	8%	4%
LexisNexis	1	\$182,361	5%	2%
TOTAL Top 5	6	\$2,583,971	73%	33%

*values are rounded to the nearest dollar

Table 7: Summary Top 5 Contract Value - Ltd Tender Non-ICT (1 July 2025 to 31 Dec 2025)

Supplier Name	Suppliers invited	Value (GST Incl) * \$	Proportion of 2025-26 total Limited Tender non-ICT contract value	Proportion of 2025-26 total non-ICT contract value
Lasch Pty Ltd	7	\$92,026	32%	3%
Hellweg Pty Ltd	10	\$43,489	15%	2%
Christine Ernst	1	\$29,425	10%	1%
Sixth Floor Limited	3	\$25,000	9%	1%
Delta Building Automation	1	\$20,423	7%	1%
TOTAL Top 5^	22	\$210,363	73%	8%

*values are rounded to the nearest dollar

Reporting Compliance

Table 8: Aus Tender 42-day compliance reporting by contract start date

Compliance/Non-compliance	1 Jul 2024 – 30 Jun 2025 (# - %)	1 Jul 2025 – 31 December 2025 (# - %)
Compliant	57 - 88%	27 - 96%
Non-compliant	8 - 12%	1 - 4%

Attachments:**Attachment A** - Procurement list - 1 July 2024 to 31 December 2025

NATIONAL ANTI-CORRUPTION COMMISSION**ES – Procurements – Attachment A****Procurement from 1 July 2024 – 31 December 2025 (NACC)**

CN ID	Supplier Name	Description	Category	Procurement method	ICT / Non - ICT	Start Date	End Date	Value (AUD)
CN4074658	Leidos Security Detection & Automation Australia Group	Security Equipment	Security surveillance and detection	Open	ICT	1-Jul-24	31-Oct-24	42,669.00
CN4068798	Indigitise Pty Ltd	Temporary Personnel Services	Temporary personnel services	Open	Non ICT	1-Jul-24	31-Dec-24	97,240.00
CN4074656	WINC Australia Pty Ltd	Office Stationery	Stationery	Open	Non ICT	2-Jul-24	5-Sep-24	25,000.00
CN4079908	B-Sealed	Exhibit Supplies	Stationery	Limited	Non ICT	12-Jul-24	31-Jul-24	24,550.02
CN4082934	Secom Technical Services	Fire Door Works	Doors and windows and glass	Limited	Non ICT	12-Jul-24	30-Jul-24	23,594.76
CN4081636	Epiq Australia	Software Supply & Support	Platform software as a service	Limited	ICT	22-Jul-24	21-Jul-27	316,800.00
CN4092906	CPM Reviews	HR Services	Human resources services	Limited	Non ICT	24-Jul-24	31-Oct-24	28,133.00
CN4133821	Maddocks	WHS Analysis	Human resources services	Limited	Non ICT	24-Jul-24	27-Feb-25	13,324.74
CN4082931	Zenith Interiors	Supply & Installation of Office Equipment	Office supplies	Limited	Non ICT	25-Jul-24	30-Sep-24	26,822.40
CN4084282	Service Quality	ITSM Platform	Platform software as a service	Open	ICT	29-Jul-24	31-Jul-26	216,265.28
CN4082928	Canon Business Services Australia	Mail Security Screening Services	Mailing or mail pick up or delivery services	Open	Non ICT	29-Jul-24	27-Jun-26	87,788.00
CN4091678	LexisNexis	Legal Research Resource Subscription	Online database information retrieval systems	Limited	Non ICT	26-Aug-24	25-Aug-26	182,361.22
CN4094043	Executive Central Group	Learning and Development	Education and Training Services	Open	Non ICT	26-Aug-24	30-Jun-25	14,850.00
CN4091693	Thomson Reuters	Legal Research Resources Subscription	Online database information retrieval systems	Limited	Non ICT	28-Aug-24	27-Aug-26	48,392.30
CN4099599	Ashurst Australia	Legal Services	Legal services	Open	Non ICT	30-Aug-24	30-Jun-25	12,500.00
CN4082885	MA Services Group	Security Guard Services	Security guard services	Open	Non ICT	2-Sep-24	30-Nov-25	1,146,081.64

CN4099140	Zelie Heger	Legal Services	Legal services	Limited	Non ICT	6-Sep-24	30-Jun-25	15,187.50
CN4107792	Pursuit Technology Pty Ltd	Educational and Training Services	Education and Training Services	Limited	ICT	15-Sep-24	14-Sep-27	47,819.20
CN4101006	List A Barristers	Legal Services	Legal services	Limited	Non ICT	18-Sep-24	30-Oct-25	40,000.00
CN4096530	HP PPS Australia Pty Ltd	ICT Equipment	Electronic hardware and component parts and accessories	Open	ICT	19-Sep-24	31-Oct-24	55,674.30
CN4107733	Forcefield	Security Consulting	Risk management consultation services	Limited	Non ICT	10-Oct-24	31-Mar-26	67,142.90
CN4107731	Lucid Consulting	Engineering Services	Professional engineering services	Limited	Non ICT	10-Oct-24	30-Jun-25	58,938.00
CN4059216	MCAA Pty Ltd	Training Course	Education and Training Services	Limited	Non ICT	14-Oct-24	25-Oct-24	26,400.00
CN4102420	Converge Australia	Support Services	Healthcare provider support persons	Open	Non ICT	17-Oct-24	30-Jun-26	40,000.00
CN4103416	Gilimbaa	First Nations Digital Artwork	Graphic design	Limited	Non ICT	22-Oct-24	31-May-25	21,758.00
CN4117024	Dell Australia Pty Ltd	Hardware (monitors)	Electronic hardware and component parts and accessories	Open	ICT	23-Oct-24	15-Nov-24	14,575.00
CN4118394	Grace Record Management	File Digitisation Services	Management information systems MIS	Limited	ICT	30-Oct-24	30-May-25	74,553.83
CN4106513	Securest Pty Ltd	Software as a Service	Software as a Service (SaaS - Cloud)	Limited	ICT	11-Nov-24	4-Dec-27	251,240.00
CN4106079	Expense8	Travel & Expense Management System	Software as a Service (SaaS - Cloud)	Open	ICT	11-Nov-24	14-Jul-26	388,300.88
CN4106077	Health at Work	WHS Education and Training	Education and Training Services	Limited	Non ICT	18-Nov-24	30-Jun-25	59,427.50
CN4117028	Safeguard Safes Pty Ltd	Secure Hardware Storage	Locks and security hardware and accessories	Limited	Non ICT	28-Nov-24	20-Dec-24	42,636.54
CN4157306	Secom Technical Services Pty Ltd	Security Alarm System	Security or access control systems	Limited	ICT	1-Dec-24	1-Dec-27	58,664.10
CN4111081	ICONINC HOLDINGS PTY LTD	Website Support Services	Telecommunications media services	Open	ICT	1-Dec-24	30-Nov-25	19,008.00
CN4111069	Chalfont Consulting	Temporary Personnel	Temporary personnel services	Open	Non ICT	9-Dec-24	8-Dec-25	368,520.00
CN4117037	Clicks Recruit Pty Ltd	Recruitment Placement Fee	Personnel recruitment	Open	Non ICT	12-Dec-24	12-Dec-24	10,890.00
CN4121770	WINC Australia Pty Ltd	Stationery and Office Supplies	Stationery	Open	Non ICT	14-Dec-24	13-Dec-29	50,000.00

CN4121647	Green Cloud Consulting	TechnologyOne Support Services	Information technology consultation services	Open	Non ICT	1-Jan-25	31-Dec-26	257,256.00
CN4119979	National Convention Centre Canberra	Conference	Conference centres	Limited	Non ICT	6-Jan-25	30-Sep-26	285,610.00
CN4125306	Aurion Corporation Pty Ltd	Payroll Services	Human resources services	Open	ICT	29-Jan-25	28-Jan-28	627,813.20
CN4136835	Greens List Barristers	Legal Services	Legal services	Limited	Non ICT	31-Jan-25	30-Jun-26	111,800.00
CN4111049	Axiom Associates	Provision of Internal Audit Services and Annual Corporate Planning Services	Internal audits	Open	Non ICT	16-Feb-25	15-Feb-28	497,476.80
CN4122013	Janine McMinn	Audit Committee Member Services	Audit services	Limited	Non ICT	21-Feb-25	20-Feb-27	40,000.00
CN4128917	Stroom Pty Ltd	Media Monitoring Services	Telecommunications media services	Open	ICT	21-Feb-25	20-Feb-26	34,650.00
CN4130550	Simplified Consulting	Financial Statements Services	Public enterprises management or financial services	Limited	Non ICT	24-Feb-25	31-Oct-25	132,000.00
CN4133861	DFP Recruitment	Recruitment Support Services	Personnel recruitment	Open	Non ICT	4-Mar-25	3-Mar-26	157,260.00
CN4133859	Australian Institute of Management (AIM)	Training Services	Education and Training Services	Limited	Non ICT	5-Mar-25	31-Mar-25	11,650.58
CN4138404	Delta Q	Energy Management Plan	Energy conservation	Limited	Non ICT	27-Mar-25	31-Dec-27	18,744.00
CN4138746	AMA Projects	Office Refurbishment	Building construction and support and maintenance and repair services	Open	Non ICT	27-Mar-25	30-Jun-25	1,038,094.92
CN4137586	Eleven Wentworth Chambers	Legal Services	Legal services	Limited	Non ICT	1-Apr-25	31-Dec-25	51,000.00
CN4142830	GARY BRUCE HEVEY	Legal services	Legal services	Limited	Non ICT	4-Apr-25	28-Feb-26	660,000.00
CN4142834	Jennifer Helen Croxford	Legal services	Legal services	Limited	Non ICT	4-Apr-25	28-Feb-26	318,000.00
CN4142826	Geoffrey Arthur Nettle	Legal Services	Legal services	Limited	Non ICT	7-Apr-25	28-Feb-26	1,138,000.00
CN4138095	Chalfont Consulting	Temporary Personnel - ICT Services	Temporary personnel services	Open	Non ICT	7-Apr-25	6-Oct-25	202,752.00
CN4148381	Clayton Utz Lawyers	Legal services	Legal services	Open	Non ICT	11-Apr-25	30-Jun-25	12,231.45
CN4149560	Jones Lang Lasalle Advisory Services	Asset revaluation services	Management advisory services	Limited	Non ICT	6-May-25	30-Jun-26	22,880.00

CN4151381	VideoPro	Audio visual equipment	Audio and visual equipment	Limited	ICT	15-May-25	31-Dec-25	41,237.90
CN4151644	Grosvenor Engineering Group	Ventilation services	Heating and ventilation and air circulation	Limited	Non ICT	19-May-25	6-Jun-25	25,409.54
CN4166383	Christopher Tran	Legal services	Legal services	Limited	Non ICT	1-Jun-25	1-Jun-26	34,000.00
CN4155213	Patch My PC	Software	Software maintenance and support	Limited	ICT	1-Jun-25	31-May-28	12,000.00
CN4155242	Australian Institute of Management Education and Training Pty Limited	Training	Education and Training Services	Limited	Non ICT	4-Jun-25	31-Aug-25	14,101.20
CN4152413	Billigence Pty Ltd	Software Licenses	Software	Open	ICT	6-Jun-25	5-Jun-26	42,056.30
CN4163758	Data#3 Limited	Licenses	Software	Open	ICT	8-Jun-25	7-Jun-28	107,662.50
CN4159287	Data#3 Limited	Hardware (laptops)	Computers	Open	ICT	11-Jun-25	30-Jun-25	188,450.90
CN4157298	Outback Talent	Labour Hire	Temporary personnel services	Open	Non ICT	23-Jun-25	23-Dec-25	229,041.00
CN4155218	Broadbean Catering & Events	Catering	Banquet and catering services	Limited	Non ICT	24-Jun-25	26-Jun-25	13,418.50
CN4154168	Converge International	Trainings	Education and Training Services	Open	Non ICT	1-Jul-25	31-Dec-25	40,150.00
CN4149531	Cushman and Wakefield	Property Management	Property management services	Open	Non ICT	1-Jul-25	30-Jun-29	200,000.00
CN4149532	Cushman and Wakefield	Property Operating Expenses	Property management services	Open	Non ICT	1-Jul-25	30-Jun-26	776,981.00
CN4166796	Lasch Pty Ltd	Conference services	Conference centres	Limited	Non ICT	3-Jul-25	30-Sep-26	92,026.00
CN4171516	Epiq Australia	Legal services	Legal services	Open	Non ICT	5-Aug-25	31-Oct-25	130,000.00
CN4181088	Christine Ernst	Legal Services	Legal services	Limited	Non ICT	14-Aug-25	28-Feb-26	29,425.00
CN4181539	Matthew Varley	legal Services	Legal services	Limited	Non ICT	14-Aug-25	14-Nov-25	14,600.00
CN4180477	CPM Reviews Pty Ltd	HR Services	Human resources services	Open	Non ICT	15-Aug-25	31-Dec-25	19,106.10
CN4183431	Delta Building Automation	HVAC services	Heating and cooling and air conditioning HVAC construction and maintenance services	Limited	Non ICT	29-Aug-25	29-Nov-25	20,422.60
CN4186030	The Trustee for Kirra services Unit Trust	Hardware	Phone and video conference equipment and hardware and controllers	Open	ICT	4-Sep-25	30-Sep-25	14,482.55
CN4185520	Ricoh Australia Pty Ltd	SaaS Cloudstream services	Software as a Service (SaaS - Cloud)	Open	ICT	16-Sep-25	16-Sep-28	21,131.00
CN4194018	Centre for Leadership and Management Pty Ltd	Education and Training Services	Education and Training Services	Limited	Non ICT	23-Sep-25	31-Mar-26	19,579.00

CN4139579	Novotel Sydney Darling Harbour	Conference venue	Conference centres	Limited	Non ICT	23-Sep-25	24-Sep-25	15,000.00
CN4187428	ConnectWise	Software	Software	Limited	ICT	24-Sep-25	23-Sep-29	10,035.56
CN4207829	Clayton Utz	Legal Services	Legal services	Open	Non ICT	30-Sep-25	30-Sep-26	40,018.00
CN4191946	The Architecture Practice	Temporary Personnel	Temporary personnel services	Open	ICT	3-Oct-25	2-Oct-26	438,240.00
CN4185526	Solstice IT	Software	Software	Open	ICT	6-Oct-25	5-Oct-26	437,932.00
CN4194016	Fulcrum Management Pty Ltd	Workstations and office packages	Workstations and office packages	Limited	ICT	8-Oct-25	30-Nov-25	71,555.00
CN4190485	Nisus Australia	Temporary personnel services	Temporary personnel services	Open	ICT	13-Oct-25	12-Oct-26	342,144.00
CN4191689	Horizon One Recruitment Pty Ltd	Temporary personnel services	Temporary personnel services	Open	Non ICT	13-Oct-25	12-Apr-26	137,136.00
CN4189882	Ethos CRS Consulting Pty Ltd	Training Services	Education and Training Services	Open	Non ICT	1-Nov-25	30-Jun-26	13,995.00
CN4207970	Jancis Cuncliffe	Counsel Assist	Legal services	Limited	Non ICT	5-Nov-25	4-Nov-26	12,512.50
CN4200821	Certis Security Australia	Security Guarding Services	Security guard services	Open	Non ICT	10-Nov-25	9-Nov-26	1,085,424.47
CN4194024	Hellweg Pty Ltd	Workplace safety training aids and materials	Workplace safety training aids and materials	Limited	Non ICT	30-Nov-25	31-Jan-26	43,488.72
CN4201610	Reserve Bank of Australia	Banking Services	Banking and investment	Limited	Non ICT	1-Dec-25	30-Nov-30	15,000.00
CN4207172	Oxide Interactive	Website Services	Telecommunications media services	Open	Non ICT	9-Dec-25	30-Jun-26	49,757.00
CN4208686	Sixth Floor Limited	Legal Services	Legal services	Limited	Non ICT	15-Dec-25	14-Dec-26	25,000.00
CN4207920	Optus Networks	Telecommunication Services	Local and long distance telephone communications	Open	ICT	21-Dec-25	20-Dec-27	228,000.00

National Anti-Corruption Commission BRIEF

09 - ES - Human Resources

09

This brief contains HR metrics and other staffing information.

STAFFING

	30 June 2024	30 June 2025	1/7/25 – 31/12/25
Headcount*	221	231	247
Average Staffing Level (ASL)*	189	217.8	235.2
Full Time Equivalent (FTE)*	211.9	225.6	240.5
Secondes**	3	5	4
Labour Hire**	7	7	11

*Includes Statutory Office Holders

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

Employment arrangements for NACC Australian Public Service staff*

Category	30 June 2024		30 June 2025		31 December 2025	
	Headcount	FTE	Headcount	FTE	Headcount	FTE
Ongoing	206	193.3	217	212.4	235	228.9
Non-ongoing	10	13.6	9	8.2	7	6.6
Total	216	206.9	226	220.6	242	235.5

*Does not include Statutory Office Holders

Staffing Levels by Branch

Branch	30 June 2024		30 June 2025		31 December 2025	
	Headcount	FTE	Headcount	FTE	Headcount	FTE
Enabling services	37	37.2	46	44.2	45	43.4
Operations	61	61.2	60	59.6	62	61.3
Operational Capability	32	30.7	34	34	39	37.9
Evaluation	33	30.8	35	33.4	39	37.6
Legal	16	11.4	20	18.8	23	22.2
MCCPE	20	18.6	20	20	21	20.6
Executive and Business Support	17	17	11	10.6	13	12.6
Statutory Office Holders	5	5	5	5	5	5
Total	221	211.9	231	225.6	247	240.5

Staffing by sex as at 30 June 2024

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

Staffing by sex as at 30 June 2025

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

Staffing by sex as at 31 December 2025

	APS 3	APS 4	APS 5	APS 6	EL 1	EL 2	SES Band 1	Statutory Officers	Total
Female	0	7	14	51	50	14	4	2	142
Male	1	1	10	24	43	18	4	3	104
X	0	0	0	1	0	0	0	0	1
Total	1	8	24	76	93	32	8	5	247

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

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

Staffing – Diversity

30 June 2025

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

31 December 2025

Aurion HRMIS	#
Employees identifying as First Nations	3
Employees identifying as having a disability	13

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

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

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

*180 NACC employees responded to the 2024 APS Census and 194 responded to the 2025 APS Census.

Staffing by location and classification 30 June 2024

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

Staffing by location and classification 30 June 2025

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

Staffing by location and classification 31 December 2025

Classification	Canberra	Sydney	Brisbane	Melbourne	Perth
APS 1-6	46	15	15	24	9
EL 1	40	15	13	17	8
EL 2	10	7	3	9	3
SES	7	1	0	0	0
Stat Officer	2	1	1	1	0
Total	105	39	32	51	20

COMMENCEMENTS and RECRUITMENT

	2023-2024	2024-2025	1 July 2025 – 31 December 2025
New commencements	111	66	30
Positions advertised	48 (+11 EOIs)	51(+17 EOIs)	31 (+ 5 EOIs)
Current recruitment underway	-	-	8 (jobs advertised but the selection report was not finalised as at 31 December 2025)
Total Positions Advertised	59	68	36

TOTAL NACC SEPARATIONS

	2023-2024	2024-2025	1 July 2025 – 31 December 2025
Transferred to another APS agency	24	32	6
Resignation	16	19	4
Retired (Age)	1	2	1
Completion of casual contract	0	2	0
Completion of temporary transfer	0	0	2
Incentive to retire	0	0	1
Completion of non-ongoing contract	1	1	1
Total	42 (22%)	56	15

WORKPLACE BEHAVIOUR AND WHS

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

National Anti-Corruption Commission BRIEF 10 - ES - Statutory Office Holder arrangements

10

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

Key Points

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

Statutory Office Holder Remuneration and office locations

- Information relating to the remuneration of all NACC Statutory Office Holders is publicly available and is outlined in *Remuneration and Allowances for Holders of Full Time Public Office Determination 2025*.
- The total remuneration for each of the NACC Statutory Office Holders includes salary and superannuation:
 - Commissioner: \$803,440
 - Deputy Commissioner: \$627,700
 - Chief Executive Officer: \$470,800
- If asked why the remuneration is higher in the annual report compared to the Remuneration Tribunal Determination; one is an entitlement, the other is a cost.¹
- The notional primary office locations of the NACC Statutory Office Holders are:

¹ The Remuneration Tribunal sets the annual total remuneration for statutory officeholders. In contrast, financial statements must report the full cost of employing the officeholder during the year, which includes salary paid, superannuation, and all accruals for leave entitlements. Because accounting rules require us to include future obligations, such as increases in annual and long service leave provisions, the accounting total remuneration will never equal the Tribunal determined remuneration.

- Commissioner Brereton: Canberra
 - Deputy Commissioner Gauntlett: Sydney
 - Deputy Commissioner Kilgour: Melbourne
 - Deputy Commissioner Rose: Canberra
 - Chief Executive Officer Reed: Brisbane
 - *Former Deputy Commissioner Hinchcliffe: Canberra*
- The notional primary office location of each Statutory Office Holder allows for the appropriate determination and calculation of travel allowance to be paid during official travel.

Statutory Office Holder Travel

- Information relating to the travel entitlements and allowances of all NACC Statutory Office Holders is publicly available and is outlined in *Remuneration Tribunal (Official Travel) Determination 2025*.
- Travel allowance is paid during official travel only. The *Official Travel* determination does not apply for travel between the place of residence and the primary office location.
- Travel undertaken by Statutory Office Holders is in accordance with the Whole of Australian Government travel policy and guidelines.
- **Total Statutory Office Holder travel** for the period 1 July 2025 to 31 December 2025 is **\$52,642 (GST exclusive)**.
 - Flights: \$31,257
 - Accommodation and allowances: \$20,211
 - Transport costs: \$650
 - Booking and credit card fees: \$524
- **Total Statutory Office Holder travel** for the period 1 July 2024 to 30 June 2025 is **\$113,629 (GST exclusive)**:
 - Flights (including booking and credit card fees): \$59,614
 - Accommodation and allowances: \$46,199
 - Transport costs: \$7,816

- **Total Statutory Office Holder travel** for the period 1 July 2023 to 30 June 2024 is **\$194,833 (GST exclusive)**:
 - Flights (including booking and credit card fees): \$123,431
 - Accommodation and allowances: \$57,982
 - Transport costs: \$13,420

Refer to brief **SB25-000108 Staff Travel** for further information on costs.

Complimentary Airline Lounge Memberships

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

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

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

National Anti-Corruption Commission BRIEF

11 – ES – Staff Travel

11

Overview of travel for the Commission from 1 July 2025 to 31 December 2025 and prior financial year (2024-25).

Key Points

There were 3 international trips between 1 July 2025 and 31 December 2025:

- Commissioner Brereton and one staff member: Doha, 11-21 December 2025
- Staff member: Jakarta, 22-25 September 2025

Total Commission Travel Costs (including Statutory Office Holders) – 1 July 2025 to 31 December 2025

Cost Item	Amount (GST exclusive)
Flights	\$351,022
Accommodation/Travel Allowances	\$311,059
Transportation	\$66,446
Booking fees	\$12,267
Total travel costs*	\$740,794

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

Total Commission Travel Costs (excluding Statutory Office Holders) – 1 July 2025 to 31 December 2025

Cost Item	Amount (GST exclusive)
Flights	\$319,765
Accommodation/Travel Allowances	\$290,847
Transportation	\$65,796
Booking fees	\$11,690
Total travel costs*	\$688,098

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

Travel for Statutory Office Holders – 1 July 2025 to 31 December 2025

Traveller	Flights	Accommodation & Travel Allowances	Transport	Booking fees	Total
Comm. Brereton	\$12,958	\$9,460	\$59	\$227	\$22,704
CEO Reed	\$7,320	\$4,683	\$303	\$122	\$12,428
DC Kilgour	\$2,689	\$1,798	\$166	\$52	\$4,705
DC Gauntlett	\$0	\$0	\$0	\$0	\$0
DC Rose	\$5,324	\$2,523	\$0	\$54	\$7,901
Peter Ratcliff (acting CEO)	\$2,966	\$1,747	\$122	\$69	\$4,904
Total travel costs	\$31,257	\$20,211	\$650	\$524	\$52,642

* SOH receive Travel Allowance to pay for their own Accommodation

Total Commission choice of carriers – 1 July 2025 to 31 December 2025

	Total for Commission (incl SOH)	Commission staff (excl SoH)
Cost Item	1 July 2025 – 31 December 2025	
Number of trips	538	519
QANTAS	61%	62%
Virgin	37%	37%
Other	2%	1%

Total Commission Travel Costs (including Statutory Office Holders) – 1 July 2024 to 30 June 2025

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

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

Total Commission Travel Costs (excluding Statutory Office Holders) – 1 July 2024 to 30 June 2025

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

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

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

Traveller	Commissioner	CEO	DC Gauntlett	DC Kilgour	DC Rose	Totals
Flights	\$24,492	\$12,611	\$5,773	\$13,780	\$2,957	\$59,614
Accommodation & Travel allowance	\$9,193	\$14,065	\$3,638	\$16,493	\$2,811	\$46,200*
Transport	\$288	\$1,801	\$2,535	\$2,688	\$504	\$7,816
Total Travel Costs	\$33,973	\$28,477	\$11,946	\$32,961	\$6,272	\$113,629

*Rounding error of \$1.

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

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

National Anti-Corruption Commission BRIEF 12 - ES - NACC office accommodation overview

12

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

Key Points

- The Commission has completed the establishment of its national presence with offices operating in Perth, Brisbane, Melbourne, Sydney and its headquarters in Canberra.
- The Canberra office provides functional hearing room facilities to conduct both private and public hearings, and a will provide a reception for members of the public to access the Commission in person when these facilities become publicly disclosed.
- Only the publicly accessible location for Canberra has been disclosed in the 2024-25 Annual Report. All other office locations remain and will continue to remain, undisclosed.

Detail by Office location

Canberra

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

Sydney

- The existing Sydney office lease expires on **14 September 2026**. A new non-binding Heads of Agreement was signed on Friday 22 August 2025 for the current site and the additional space on the current floor consisting of 993.6m² of net lettable area.
- Current site consists of 724.1 m², additional adjacent space consists of 269.5m².
- Fit-out project for the Sydney office is projected to start 1 February 2026, subject to approved engagement of dedicated Project Manager.
- Prior to signing the non-binding Heads of Agreement, alternative accommodation options were considered. This included:
 - On behalf of the Commission, Colliers submitted a business case to the Commonwealth Strategic Property Advisor (Deloitte) and a submission to the Department of Finance for consideration in October 2023.
 - An Expression of Interest (EOI) that went out to market seeking potential properties, closed 15 December 2023. This EOI was terminated, and a new market approach initiated. The new EOI closed on 17 September 2024.

- On 20 August, an expression of interest was released to the Sydney market with responses due by 17 September. When the process closed and following final review by Colliers, 21 responses were received.
- As part of the initial due diligence work by Colliers and the Commission, an assessment of Tender Compliance was undertaken. Following this assessment, 13 non-compliant submissions were excluded.
- Site inspections occurred 05 December 2024 and the final shortlisted properties were re-inspected with the recommended site referred to the CEO for decision.

Melbourne

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

Brisbane

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

Perth

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

Property Profile – Snapshot

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

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

National Anti-Corruption Commission BRIEF

13 - OP - Investigations

13

This brief provides a summary of the Commission's ongoing Investigations as at 18 January 2026.

Key points

- Since 1 July 2023, the Commission has commenced **51 NACC investigations** (including **35** Commission-only and **16** joint investigations).
- Of these, as at 18 January 2026 the Commission has:
 - **35 Current NACC investigations**, comprising:
 - 26 Commission-only
 - 9 joint investigations
 - **16 finalised investigations (10 in FY24-25, 6 FYTD)**
 - **15** concluding that no corruption issue arose (NCIA), and no further action was taken
 - **1** where a corruption finding was made and report provided to the Minister
- Of the 22 ACLEI legacy matters, 14 have been finalised and 8 remain ongoing.
 - The oldest ongoing ACLEI legacy matter is Op Young, which commenced in 2019-2020.
 - The s 54 report is currently underway for this matter.
 - See **3 - Finalised investigations** for details.

Ongoing NACC investigations

- Between 1 July 2025 to 18 January 2026, the Commission has commenced **11 investigations**, including **3 joint investigations**.

Table 1: Status of ongoing NACC & Joint Investigations (as at 18 January 2026)

	Status	NACC	Joint	Total
Ongoing	Active/ Investigation underway	24	6	30
	Under consideration by CDPP	1	1	2
	Before the Court	-	1	1
	Pending finalisation / s149 Reporting underway	1	1	2
	TOTAL	26	9	35

ACLEI inherited matters - outcomes & status

Status of ongoing ACLEI inherited Investigations (as at 18 January 2026)

Status	Transitioned	LEIC	Total	
Ongoing	Active/ Investigation underway	1	-	1
	Under consideration by CDPP	-	-	-
	Before the Court	2	1	3
	Pending finalisation/ s54/s149 Reporting underway	1	3	4
	Subtotal	4	4	8

What can the Commission investigate?

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

Joint investigations

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

- expertise, capacity and mutual interest of the partner agency to fully investigate the alleged corrupt conduct
- benefit of the specialised skills in the other agency
- benefits and risks of information sharing
- economies of sharing resources, particularly in complex or resource-intensive investigations
- powers of the partner agency and the utility of the Commission's additional powers.

Attachments

- **Attachment A** - Status of investigations tables – 18 January 2026

Attachment A - Status of investigations tables – 18 January 2026

Table 1: Investigations commenced by the NACC (1 July 2023 to 18 January 2026)

Status of NACC Act investigations	NACC	Joint	Total
Ongoing	27	9	35
Finalised (total)	9	7	16
Total	35	16	51

Table 2: Breakdown of when investigations were finalised

Status of NACC Act investigations	NACC	Joint	Total
Finalised in 2023-24	0	0	0
Finalised in 2024-25	7	3	10
Finalised in 2025-26	2	4	6
Total investigations	9	7	16

Table 3: Status of NACC investigations by commencement year

Status of NACC investigation	2023-24	2024-25	2025-26	Total
Ongoing	10	8	8	26
Finalised in 2023-24	-	N/A	N/A	0
Finalised in 2024-25	7	-	N/A	7
Finalised in 2025-26	1	1	-	2
Total	18*	9	8	35

*One NACC only investigation commenced in 2023-24, is now a joint investigation.

Table 4: Status of joint investigations by commencement year (at 9 November 2025)

Status of joint investigation	2023-24	2024-25	2025-26	Total
Ongoing	2	4	3	9
Finalised in 2023-24	-	N/A	N/A	0
Finalised in 2024-25	3	-	N/A	3
Finalised in 2025-26	1	3	-	4
Total	6*	7	3	16

*One NACC only investigation commenced in 2023-24, is now a joint investigation

ACLEI investigations**Table 5: ACLEI legacy investigations conducted by the NACC**

Status of NACC investigation	Transitioned	LEIC	Total
Ongoing	4	4	8
Finalised (total)	2	12	14
Total conducted in the period	6	16	22

Table 6: Status of ACLEI inherited investigations

Status of Investigation	Transitioned	LEIC	Total
Ongoing	4	4	8
Finalised in 2023-24	-	1	1
Finalised in 2024-25	1	8	9
Finalised in 2025–26	1	3	4
Total	6	16	22

Table 7: Status of transitioned investigations by commencement date (at 9 November 2025)

Status of transitioned investigations	2021– 22	2022– 23	Total
Ongoing	1	3	4
Finalised in 2023-24	-	-	-
Finalised in 2024-25	1	-	1
Finalised in 2025–26	1	-	1
Total conducted in the period	3	3	6

Table 8: Status of LEIC Act investigations by commencement date (at 9 November 2025)

Status of LEIC Act investigations	2015 – 16	2018– 19	2019– 20	2020– 21	2021– 22	2022– 23	Total
Ongoing	-	-	1*	1	1	1	4
Finalised in 2023-24	-	-	1	-	-	-	1
Finalised in 2024-25	1^	1	1	3	2	-	8
Finalised in 2025–26	N/A	N/A	-	1	1	1	3
Total conducted in the period	1	1	3	5	4	2	16

*Op Young is the oldest ongoing ACLEI legacy matter remaining.

^Op Overbeek was the oldest of all ACLEI legacy matters. It was finalised in 2024-25.

National Anti-Corruption Commission BRIEF

14 - OP - Warrants and notices

14

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

Key Points

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

Key facts and figures

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

Directions and Notices issued	2023-24	2024-25	FYTD	Total
Directions to Produce <i>pursuant to subsection 57(2) of the NACC Act</i>	11	18*	27	56
Notices to Produce <i>pursuant to subsection 58(2) of the NACC Act</i>	110^	164**	63	337
Confidentiality Notices <i>pursuant to subsection 233(2) of the NACC Act</i>	38	63	32	133

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

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

Warrants and Production orders issued	2023-24	2024-25	FYTD	Total
Surveillance Device Warrants <i>pursuant to section 27A or Section 14 of the SD Act</i>	11	6	0	17
Telecommunication Interception Warrants <i>pursuant to sections 46/46A of the TIA Act</i>	13	9	2	24
Stored Communications Warrant <i>pursuant to section 116 of the TIA Act</i>	0	3	0	3
Search Warrants <i>pursuant to section 3E of the Crimes Act</i>	28	22	13	63
Production orders (to provide information, access or assistance to an electronic device) <i>pursuant to section 3LA of the Crimes Act</i>	23	21	12	56

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

National Anti-Corruption Commission BRIEF**15****15 - OPCAP - Agency Investigations**

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

Key Points

- The Commission has the power under the *National Anti-Corruption Commission Act 2022* (NACC Act) to refer matters to jurisdictional agencies for investigation. This can include with oversight (s 50), the giving of Directions (s 51), mandatory progress and/or completion reporting (s 52) requirements. All of these are collectively referred to as being subject to 'oversight'.
 - Where an agency investigation was commenced by ACLEI and continued by the Commission, it is referred to as an investigation the Commission is 'monitoring'.
- As of **18 January 2026**, there are 19 ongoing agency investigations across 8 jurisdictional agencies. The Commission is monitoring 3 of those investigations and has oversight of 16 of those investigations.

Overview of Agency investigations (of 18 January 2026)

Status	NACC Act	Transitioned	LEIC Act	TOTAL
Ongoing	16	3	0	19

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

[^]A further 15 agency investigations were inherited from ACLEI where the decision was taken that no report was required.

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

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

2025-26	NACC Act	Transitioned	LEIC Act	TOTAL
<i>Carried over 2024-25</i>	11	8	1	20
Commenced (or inherited)	9	N/A	N/A	9
Completed	4*	5**	1	10
Ongoing of 18 January 2026	16	3	0	19

*includes 1 agency investigation commenced in 2025-26 which was reconsidered under section 41(5) to a NACC investigation and is considered finalised.

**includes 2 ACLEI transitioned agency investigations commenced in 2020-21 which were reconsidered under section 41(5) and are considered finalised.

Oversight and Directions

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

Type of oversight or direction	Ongoing Agency investigations
s 50 oversight	0
s 51 give directions	2
s 52(a) mandatory progress report	4
s 52(b) mandatory completion report	19
s 53 make recommendations	0
s 54 require a follow up report	0

COMMISSION APPROACH TO AGENCY INVESTIGATIONS

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

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

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

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

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

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

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

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

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

Background - ACLEI inherited agency investigations

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

Transitional pathways under the NACC Act:

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

National Anti-Corruption Commission BRIEF

16 - OPCAP - Witness welfare

16

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

Key Points

- The Commission currently employs two Witness Liaison Officers. (1 x full time, 1 x part time)
- The Commission has a witness welfare policy and Standard Operating Procedure. The policy was finalised on 8 March 2024. The Standard Operating Procedure was finalised on 13 June 2025. Both are currently being reviewed as part of standard processes to ensure they are up to date and align to best practice.
- The witness welfare policy mandates the following to try and reduce the impact of its activities on those that interact with the Commission:
 - **mental health awareness training** for all staff who regularly interact with referrers, witnesses and persons of interest;
 - **the central coordinating role of a Witness Liaison Officer (WLO);**
 - the provision of an **information document** to referrers, witnesses and persons of interest in certain circumstances;
 - **risk assessment** of Commission investigation and reporting activities if there are concerns about the potential impact of these activities on the mental health or general welfare of a witness or person of interest; and
 - arrangement of a **police welfare check** if the mental health or welfare of a referrer, witness or person of interest is of immediate concern.
- The Commission has completed mental health awareness training for all staff who regularly interact with referrers, witnesses and persons of interest.
- The Commission has secured the services of a specialised witness support service provider to ensure the services outlined in the policy can be provided to those who come into contact with the Commission during its investigative work, should they require it.
- The Commission has developed detailed procedures, guidance material and tailored training to ensure staff have a trauma informed approach to witness welfare.
- Witnesses are provided with an information document about Witness Liaison Officer support and specialised witness support services at key investigation touchpoints, including at interview, search warrant and when served a summons.

- Witness Liaison Officers attend coercive hearings to provide witness support throughout the hearing process and to refer to external specialised witness support services if required.
- The Commission is engaged with partner agencies in a witness welfare community of practice.

Key events

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

**National Anti-Corruption Commission BRIEF
17 - LEGAL - Whistleblower Protection Reform****17**Key Points

- The Attorney General's Department (AGD) publicly consulted on further stage 2 public sector whistleblowing reforms.
- Policy and legal reform questions are best put to the AGD as they are a matter for government.
- However, the Commission has publicly made general comments relating to whistleblowers including the importance of there being a "no wrong door" approach to disclosure and made recommendations to amend the *National Anti-Corruption Commission Act 2022* (NACC Act) to better protect whistleblowers.
- The Commission has previously commented on whistleblower reform. The Commission's CEO and General Manager Legal appeared before the Legal and Constitutional Affairs Legislation Committee's inquiry into the *Whistleblower Protection Authority Bill 2025* on 13 August 2025.
- The Commission made a submission on 12 January 2024 to the AGD's public consultation on the stage 2 public sector whistleblowing reforms.
- The Commission also made an informal submission to the AGD's exposure draft legislation amending the *Public Interest Disclosure Act 2013* (PID Act) as part of stage 2 reforms. The submission was not published on AGD's website as it was not provided to AGD before the 1 October 2025 cut-off date.
- The Bill is yet to be introduced to Parliament.

Importance of whistleblower protections

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

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

- The Commission did not provide a written submission to the inquiry, however the CEO and General Manager Legal appeared before the Committee to give evidence at the public hearing on 13 August 2025.
- The Commission received 2 questions on notice arising from the inquiry:
 - Senator Shoebridge: "*any distinct identified protections that the NACC has put in place to protect whistleblowers*".
 - The Commission's response outlined the protections in place for persons interacting with the Commission, including whistleblowers (**Attachment A**).
 - The Commission subsequently updated its website to better inform referrers, whistleblowers and witnesses of the support and protections available to them – see [Protections for referrers, whistleblowers and witnesses](#).
 - Senator Pocock: "*If the WPA's functions were housed in your office instead, how would you see that working in practice?*".
 - The Commission's response outlined such reform would significantly change the Commission's remit and would require structural overhaul (**Attachment B**).
- The Committee ultimately recommended the Senate not pass the Bill and instead consider the evidence given as part of the stage 2 reforms to the PID Act, the statutory review of the *Corporations Act 2001*, and the *Taxation Administration Act 1953* frameworks.

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

- On 12 January 2024, the Commission provided a submission to AGD on the Stage 2 Public Sector Whistleblowing Reforms (**Attachment C**).
- The Commission made the following recommendations to amend the NACC Act:
 - To clarify that the protections in the NACC Act apply even where the whistleblower has reported conduct that does not meet the definition of 'corrupt conduct' or 'corruption issue' for the purposes of the NACC Act.
 - To strengthen the protections in section 24 of the NACC Act so that whistleblowers can access professional advice such as financial, legal and counselling services without liability.
 - To clarify that the Commission is not obliged to report whistleblowers to the police or prosecutors even if the disclosure reveals a potential breach of criminal law.
- The Commission also recommended extending standing to apply for orders under section 15 of the *Public Interest Disclosure Act 2013* (PID Act) to integrity agencies such as the Commission, so that they can apply for remedies for reprisal actions on a discloser's behalf if needed.

- The submission acknowledged that a Whistleblower Authority could serve as a first port-of-call for potential disclosers who may be uncertain as to the correct reporting pathway.
- The Commission agreed with the observations of the recent Queensland review of the *Public Interest Disclosure Act 2010* (Qld) regarding the need for caution in adding a new body to an already crowded integrity landscape.
- Potential conflicts of interest could also arise in housing all the relevant functions, including provision of advice and support, in one agency.
- The Commission was of the view that reform should be on ensuring:
 - effective 'no wrong door' policies and procedures (including provision for transfer between agencies and regimes without prejudice to protections); and
 - greater effective, practical support for disclosers prior to, during and after making a disclosure, regardless of the legislative framework that applies; for example, referrals for psychological support and legal advice, advocacy services for whistleblowers, assistance in relation to taking action for civil remedies, and assistance in relation to whom and how to report reprisal action.
- The submission noted the Commission was at the time disinclined to be supportive of a rewards scheme (distinct from a compensation scheme) for whistleblowers under the PID Act – noting it was the Commission's experience that people do not need an incentive or a reward to report matters of concern to the Commission. Though, this may differ in other contexts.

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

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

- 'NACC disclosures' are defined in section 23 of the NACC Act. They are limited to referring corruption issues to the Commissioner or IGIS or NACC corruption issues to the Inspector; as well as giving information and evidence to the Commissioner, IGIS or the Inspector.
- Section 24 of the NACC Act would not apply to, for example, people telling a lawyer about their suspicions in the lead up to or during the process of referring a corruption issue to the Commission, nor if they sought counselling during or after the process. Such disclosures are not protected under the NACC Act and could therefore be used against the person and potentially deter them from referring issues.
- Clarifying there is no obligation for the Commission to report whistleblowers
 - Section 229 of the NACC Act provides that the Commissioner and Commission staff may disclose information they have obtained to exercise their powers or perform functions or duties in limited circumstances. Only the Commissioner may disclose information to the head of a Commonwealth, State or Territory agency such as a police force or Director of Public Prosecutions, and then only if it is appropriate to do so.
 - A breach of section 229 of the NACC Act may lead to a conviction for an offence for the individual involved. Despite these provisions, persons wishing to make a referral may still be deterred by the thought that the Commission may report them to the police.

The Commission's submission to AGD on the exposure draft legislation of the PID Act

- On 10 September 2025 the Attorney General's Department opened consultation on exposure draft legislation that would improve the accessibility, operation and administration of the *Public Interest Disclosure Act 2013* (PID Act) as part of stage 2 reforms.
- Submissions were due 1 October 2025. The Commission provided an informal submission on 3 October 2025.
- The Commission was supportive of:
 - The establishment of a Whistleblower Ombudsman
 - Providing broader immunities to whistleblowers for disclosing information to certain professionals (e.g. legal practitioners, medical practitioners, union associations)
 - Reversing the burden of proof in proceedings for reprisals
 - Further aligning the PID Act with the NACC Act by treating all NACC disclosures made by public officials as PIDs.
- The Commission made two recommendations:
 - The Bill make clear the Whistleblower Ombudsman's jurisdiction does not extend to the Commission's handling of NACC disclosures

- Consideration be given to further harmonise inconsistencies between the Bill and the NACC Act.
- The Commission continued to consult with AGD about the Bill and its Explanatory Memorandum from 3 October 2025 until 19 December 2025. This consultation focused on the relationship between the Bill and NACC Act.
- The Bill is yet to be introduced to Parliament (as at 19 January 2026).

Attachments

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

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

Hearing date: 13 Aug 2025

Type: verbal question on notice

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

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

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

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

National Anti-Corruption Commission response:

Protections for Whistleblowers

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

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

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

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

Confidentiality

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

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

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

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

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

Policies and Procedures

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

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

Witness Liaison Team

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

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

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

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

Case studies

Matter One

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

Matter Two

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

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

Hearing date: 13 Aug 2025

Type: written question on notice

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

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

National Anti-Corruption Commission response:

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

However, the Commission provides the following observations.

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

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

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

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

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

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

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

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



National Anti-Corruption Commission

Submission to Stage 2 Public Sector Whistleblowing Reforms

Submission by the National Anti-Corruption Commission

12 January 2024

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

1. Introduction

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

The National Anti-Corruption Commission

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

The importance of whistleblower protection in combating corruption

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

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

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

Summary of submission

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

2. Background

Existing protections for NACC disclosers

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

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

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

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

Protections from liability and reprisals

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

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

2.3 Where a witness provides information to the Commission as a result of the use of the Commission's coercive powers (such as in response to a notice to produce or at a hearing) this information is also a NACC disclosure⁶ and thus attracts the liability and reprisal protections.

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

Confidentiality

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

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

³ NACC Act, s 24.

⁴ NACC Act, s 30.

⁵ NACC Act, s 29.

⁶ NACC Act, s 23(c).

⁷ NACC Act, s 25.

⁸ NACC Act, s 26.

⁹ See Section 3 below.

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

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

Other support for NACC disclosers

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

¹⁰ NACC Act, s 228(1).

¹¹ NACC Act, s 229(1).

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

- 2.10 In addition, witnesses are permitted to disclose information to legal and medical professionals despite non-disclosure notations or directions being in place for a notice, summons or investigation material.
- 2.11 When reporting persons contact the Commission regarding a voluntary referral, they are informed of the protections available to them (as outlined on the Commission's website¹³) and requested to provide information and contact details via a web form. They are informed that if the Commission requires any further information, they will be contacted directly.
- 2.12 Although the Commission is not under any legal duty to consider whether to deal with any corruption issue that is referred to it, as a matter of policy the Commission provides referrers with short reasons for decisions not to investigate matters referred. If a matter is progressed to investigation, a Commission case officer is allocated who is responsible for managing any contact with the referrer. Should further engagement with a referrer be required, wherever possible, that case officer is the ongoing point of contact.
- 2.13 Section 158 of the NACC Act provides that the Commissioner may advise a person of the outcome of an investigation of a corruption issue that was raised by that person.

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

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

Mandatory referrals: NACC Act s 35

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

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

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

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

3. Clarification of NACC Act protections

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

When an allegation or information raises a corruption issue

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

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

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

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

¹⁴ NACC Act, s26.

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

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

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

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

4.2 We have not identified a requirement for *additional* pathways for protected disclosures by public sector whistleblowers. However, it is important that there be “no wrong door”. This means that:

- a. a disclosure made under one protected disclosure regime or agency, even if not the appropriate regime or agency, attracts the protections that attach to a disclosure under that regime or to that agency; and
- b. where a disclosure is made under an inappropriate regime or to an inappropriate agency, it may be transferred to the more appropriate regime and/or agency, and if so transferred retains the protections it originally attracted.

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

4.3 The Commission is inclined to the view that for internal disclosures to a competent authority, protections should not be conditioned on the disclosure objectively tending to reveal misconduct, or on the discloser believing on reasonable grounds that it does so. Such conditions may deter disclosers who harbour suspicions but have no proof, and for internal disclosures to a competent authority, are unnecessary. Sufficient protection from vexatious disclosures is provided by preserving liability for intentionally false or misleading statements.

4.4 The Commission supports the expansion of the agencies that can receive internal complaints to include all the Commonwealth integrity agencies listed in section 15 of the NACC Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7. Conclusion

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



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

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Prevention

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

Protection of reporting persons

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

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

Reaffirming the commitment of States parties to the United Nations Convention against Corruption¹ as the most comprehensive, legally binding universal instrument on corruption, and the need for the full and effective use of the Convention,

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

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

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

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

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

¹ United Nations, *Treaty Series*, vol. 2349, No. 42146.



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

National Anti-Corruption Commission BRIEF

18 - LEGAL - Financial assistance for witnesses

18

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

Key points

- The *National Anti-Corruption Commission Regulations 2023* (Cth) (NACC Regulations) provide for two separate financial assistance schemes:
 - The Part 4 'general' scheme is available to any person but is limited to the cost of legal representation at a **hearing** or an **application for administrative review**.
 - The Part 5 scheme is only available to parliamentarians and former parliamentarians and may cover the cost of **any matter** arising under the *National Anti-Corruption Commission Act 2023* (Cth) (NACC Act), including an application for administrative review.
- Both the Part 4 and Part 5 financial assistance schemes are managed by the Attorney-General's Department.
- The Attorney-General has an obligation to report to both Houses of Parliament on decisions to pay financial assistance under the Part 5 scheme. The consolidated statement of expenditure for 2024-25 was tabled in Parliament by the Attorney-General on 4 September 2025.¹
- The role of the National Anti-Corruption Commissioner (Commissioner) is limited to:
 - determining the *decision maker* for any application under the Part 5 scheme, and
 - advising the Attorney-General whether reporting to the Parliament may compromise a corruption investigation.
- Options for legal financial assistance depend on the office or position the relevant person holds or has held.

Part 4 'general' financial assistance scheme

Under Part 4 of the NACC regulations:

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

¹ [Tabled documents | Document 12411](#)
2/02/2026 **SB25-000115**

the Attorney-General for financial assistance in respect of the application or the proposed application.

Part 5 financial assistance scheme

Under Part 5 of the NACC regulations:

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

Where an application is made under the Part 5 scheme:

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

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

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

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

If asked/holding statements

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

- On 23 October 2023 and 13 May 2024, the Commissioner issued certificates under paragraph 19(2)(b) of the NACC Regulations specifying the Secretary of the Attorney-General's Department as the approving official in respect of applications for financial assistance.
- On 23 December 2024, Acting Commissioner Gauntlett issued a certificate under paragraph 19(2)(b) of the NACC Regulations specifying the Secretary of the Attorney-General's Department as the approving official in respect of an application for financial assistance.
- On 24 September 2025, Deputy Commissioner Rose issued a certificate under paragraph 19(2)(b) of the NACC Regulations specifying the Prime Minister as the approving official in respect of an application for financial assistance.
- On 30 September 2025, the Commissioner issued a certificate under paragraph 19(2)(b) of the NACC Regulations specifying the Secretary of the Attorney-General's Department as the approving official in respect of an application for financial assistance.
- The Commissioner has stated that in deciding whether or not to give a certificate he will take into account the desirability of the process not only being but also appearing to be impartial and independent of politics. In these cases, the concern was the appearance of being independent of politics.

Have statements been tabled by the Attorney-General in respect of applications for financial assistance under the NACC Act?

- On 16 May 2024 the Attorney-General tabled a statement informing the Parliament of the decision to provide financial assistance in a matter as required by Part 5 of the NACC Regulations. In the statement the Secretary is referred to as the approving official. The statement does not contain any information about who made the application or what it was for.
- On 12 September 2024 the Attorney-General tabled a second statement informing the Parliament of the decision to provide financial assistance in a matter (unrelated to the previous matter) as required by Part 5 of the NACC Regulations. In the statement the Secretary is referred to as the approving official. The statement states that the assistance is for the Hon Linda Reynolds CSC.
- On 26 March 2025, the Attorney-General tabled a third statement informing the Parliament of the decision to provide financial assistance in a matter as required by Part 5 of the NACC Regulations.²

² [Tabled documents | Document 10076](#)
2/02/2026 **SB25-000115**

In the statement the Secretary is referred to as the approving official. The statement does not contain any information about who made the application or what it was for.

- The Commission is not able to provide any further information about the statements in circumstances where the scheme is administered by the Attorney-General's Department (public interest immunity considerations may also apply– refer Senate Estimates briefing on PII).

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

- On 16 May 2024, 12 September 2024, and 26 March 2025, the Attorney-General tabled statements informing the Parliament of the decision to provide financial assistance in three matters as required by the NACC Regulations. As required by the NACC Regulations the Commissioner was consulted prior to tabling.
- Information was excluded from the 16 May 2024 and 26 March 2025 statements following consultation, specifically the names of the persons seeking financial assistance.
- On 21 July 2025, the Attorney-General consulted with the Commissioner regarding the disclosure of information in the consolidated statement of expenditure for 2024-2025.
- On 27 November 2025, the Attorney-General consulted with the Commissioner regarding the disclosure of information in a draft tabling statement relating to financial assistance. The Commissioner provided a response on 5 December 2025.
- The Commissioner is aware of his obligations under the NACC Regulations for matters where a decision is made by him that disclosing particular information may compromise a corruption investigation to inform that Attorney-General if he no longer holds concerns.

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

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

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

- On 4 September 2025, Mr Bruce Lehrmann (the Applicant) filed an application seeking relief under section 39B of the *Judiciary Act 1903* against the Commonwealth Special Minister of State and the National Anti-Corruption Commissioner.
- The application relates to a request by the Applicant for a grant of legal funding in relation to Commission investigations.
- The National Anti-Corruption Commission does not provide legal financial assistance to witnesses and does not make or is involved in any decisions regarding applications for legal financial assistance.

- All persons summoned to give evidence before the Commission are advised that they may apply to the Attorney-General for financial assistance in respect of their legal representation.
- As this matter is currently before the Court, it would not be appropriate to comment further.

National Anti-Corruption Commission BRIEF

19 - LEGAL - NACC Inspector

19

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

Key points

- The Inspector has the following oversight functions in relation to the Commission:
 - investigate NACC corruption issues that could involve corrupt conduct that is serious or systemic
 - investigate complaints of maladministration or officer misconduct relating to the Commission
 - audit the Commission's operations for compliance with Commonwealth laws.
- A NACC corruption issue includes:
 - where a staff member of Commission has engaged, is engaging, or will engage, in corrupt conduct or
 - where a person does something that adversely affects a Commission staff member's honest or impartial exercise of powers or performance of public duties.
- The Commissioner has a mandatory referral obligation to the Inspector under the *National Anti-Corruption Commission Act 2022* (Cth) (NACC Act) in relation to any NACC Corruption issues he becomes aware of.
- The Commissioner and Commission staff meet with the Inspector to discuss issues of relevance to both the Commission and Inspector.
- On 14 November 2024, the Inspector released her annual report for 2023-2024.¹
- On 5 November 2025, the Inspector released her annual report for 2024-2025.²

Memorandum of Understanding

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

Mandatory referrals of NACC corruption issues to the Inspector

- Where the Commissioner becomes aware of a NACC corruption issue, the Commissioner is required to make a mandatory referral to the Inspector as soon as reasonably practicable under sections 203 and 207 of the NACC Act.
- Section 34 of the National Anti-Corruption Commission Regulations 2023 requires the Inspector to include in her annual report the number of voluntary and mandatory referrals of NACC Corruption

¹ [Inspector of the National Anti-Corruption Commission Annual Report 2023-24](#)

² [Inspector of the National Anti-Corruption Commission Annual Report 2024-25](#)

Issues and complaints of agency maladministration and officer misconduct received by her during the year. It would not be appropriate to pre-empt the Inspector's report.

- It is not appropriate for the Commission to comment on any NACC corruption issue referrals that the Commissioner may make to the Inspector. It is for the Inspector to decide what if any public comments are made about referrals in accordance with the exercise of her functions, powers and obligations under the NACC Act.
- The Inspector's 2023-24 annual report identified that 2 NACC corruption issues were referred by the Commissioner to the Inspector during the reporting period under section 203 of the NACC Act.
- The Inspector's 2024-25 annual report identified that 1 NACC corruption issue was referred by the Commissioner to the Inspector during the reporting period under section 203 of the NACC Act.

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

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

Background

Definition of NACC corruption issue

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

Information sharing between the Commissioner and Inspector

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

Functions, duties and powers of the Inspector

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

National Anti-Corruption Commission BRIEF 20 - OPCAP - National Intelligence Community Engagement

20

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

Key Points

- Section 239 of the *National Anti-Corruption Commission Act 2022* (Cth) (NACC Act) requires an agreement between the Commissioner and the head of an intelligence agency to be established prior to the Commission handling intelligence information.
- The establishment of the s239 agreement was coordinated by the Office of National Intelligence (ONI) on behalf of the intelligence community. The agreement was executed on 29 January 2026.
- The NACC Act also requires the Commission to undertake consultation with specified heads of intelligence agencies under certain circumstances, including via the Office of the Inspector General of Intelligence and Security (OIGIS), if an investigation relates to a security matter, if an investigation requires information to be produced by the OIGIS or if the investigation is dealing with intelligence information.

Commission facilities

- The Commission moved into a new Canberra premises in early 2024.
- The Canberra premises has a Sensitive Compartmented Information Facility (SCIF) and is capable of storing and handling intelligence information.

Commission security clearances

- The Commission has a number of staff with the required security clearance to handle intelligence information.
- The Commission prioritised the uplift of security clearances to ensure there is a spread of staff across the lifecycle of an investigation who can handle intelligence information, to ensure a sensitive investigation can be conducted if needed.
- See **SB25-000123 Security Clearances and Upgrades** for further details on security clearances.

Use of Office of Inspector General of Intelligence and Security facilities

- The Commission engaged with the OIGIS to establish interim processes that could be implemented should an investigation relating to the intelligence community have commenced prior to the Commission's new premises being ready for use.
- The processes established have covered the whole lifecycle of an investigation, from the initial receipt of information through to the final reporting of an investigation.
- Multiple intelligence community agencies have offered their facilities and resources to the Commission to support sensitive investigations should that be required.
- I am not in a position to comment on whether the Commission has received any referrals from any intelligence agencies to avoid prejudice to operational activities or unfair damage to reputations.

Liaison with intelligence agencies

- The drafting of an 'Arrangement between the National Anti-Corruption Commissioner and heads of Intelligence Agencies' in relation to the obtaining, storing, accessing, using, or disclosing intelligence information relating to an Intelligence Agency was finalised in January 2026, and executed with the Commissioner's signature on 29 January 2026.
- Agencies involved in the Commission's engagement are:
 - the Director-General of the Australian Secret Intelligence Service,
 - the Director-General of the Australian Signals Directorate,
 - the Director-General of Security,
 - the Director-General of National Intelligence,
 - the Director of the Defence Intelligence Organisation, and
 - the Director of the Australian Geospatial-Intelligence Organisation.
- The agreement will be circulated to Commission staff, supported by a short training session.
- SES and EL2 level contacts have been established within various NIC agencies, including OIGIS to ensure referrals are managed appropriately and efficiently, enabling deconfliction of any security matters where necessary.
- More broad-based education briefings have been given, or offered, to staff of those agencies to ensure they are able to identify and refer corrupt conduct to the Commission through an appropriate pathway. Those given have been well-received and led to further communication around specific issues.
- The Commission regularly presents on courses run by the National Security College.

National Anti-Corruption Commission BRIEF**21****21 - OPCAP - Corruption Survey**

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

Key Points

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

Key Facts, Figures and Funding

- The survey was shared with almost 300,000 public officials across the entire Commonwealth public sector. This is much wider than just the Australian Public Service. Around 58,000 public officials submitted responses.
- The survey cost \$408,595.00 (GST incl).

National Anti-Corruption Commission BRIEF 22 - MCCPE - Corruption Prevention and Education

22

This brief provides a summary of the Commission's national engagements and website analytics for the period 1 July 2025 to 18 January 2026.

Key Points

- Our mission is to enhance integrity in the Commonwealth public sector, by deterring, detecting and preventing corrupt conduct involving Commonwealth public officials, through education, monitoring, investigation, reporting and referral.
- To achieve that mission, the Commission has 2 main lines of operation: deterring corrupt conduct through detection, investigation and exposure; and preventing corrupt conduct through education and engagement.
- In November 2024, the National Engagement Strategy (the Strategy) was endorsed. The Strategy was developed considering the Commission's strategic corruption priorities and corruption prevention thematic priorities to prioritise resource allocation and maximise impact for our jurisdiction and the broader Australian community.
- In the 2025-26 financial year through to 18 January 2026, the Commission undertook **82** engagements (**51** national and **31** international), published **3** guides, **4** case studies (Operations Kingscliff, Angelo, Overbeek and Roe) and updated **2** existing products.
- During this period, the Commission has focused on the prevention of corrupt conduct through education and engagements on key topics including:
 - the Commission's first two years of operation and recent outcomes of investigations
 - corruption risks and vulnerabilities for parliamentarians and their staff; and for Government Business Enterprises
 - defining the expectations of integrity across the Commonwealth public sector
 - guidance of identifying and managing conflicts of interest
 - ethical decision-making.
- The Commission continues to deliver presentations to Commonwealth agency leadership and staff, members of Parliament and their staff, governance professionals, lawyers, business leaders and international audiences.
- Given the Corruption Prevention and Education team has limited resources, engagements and educational products are guided by external requests and the Commission's priorities.

- To provide parliamentarians and their staff with advice on reporting obligations, corruption risks and vulnerabilities and how to avoid them, the Commission published a guide in July 2025 with advice on managing specific corruption risks and vulnerabilities that parliamentarians may face, including grants, public sector appointments and the use of parliamentary resources and staff.
- To assist Commonwealth public officials to recognise, disclose, declare, monitor, and manage real, apparent and potential conflicts of interest, the Commission published a guide in September 2025 with advice on managing conflicts of interest and associated corruption risks and vulnerabilities. The guide highlights that conflicts of interest are inevitable for public officials, but most do not result in corrupt conduct. However, most corrupt conduct arises from a conflict between an official's public duty and their private interest.
- The Commission has also developed targeted guidance for the 11 Commonwealth Government Business Enterprises, explaining how the NACC Act interacts with other frameworks that govern GBEs to support good governance and describing specific corruption risks and vulnerabilities. This has been shared with all GBEs and was launched at the 3 December 2025 meeting of the OECD Asia Network on Corporate Governance of State-Owned Enterprises in Melbourne.
- The Commission undertook a community outreach role at the Koori Knockout in October 2025, held in Tamworth NSW. The Koori Knockout is the largest Indigenous sporting and cultural event in Australia and one of the largest Rugby League carnivals globally. This was the second year that the Commission was invited to join the 'Integrity Tent' with staff from the NSW Independent Commission Against Corruption, the NSW Law Enforcement Conduct Commission and the Energy and Water Ombudsman NSW. A Commission representative engaged with members of the public to raise awareness of the Commission's jurisdiction, powers and priorities.
- The Commission updated the following guide in January 2026:
 - Parliamentarians and their staff – what the NACC means for you.
- The Commission updated the following factsheet in January 2026:
 - Contracted service providers, grant recipients and the NACC
- The Commission updated the following factsheet in August 2025:
 - Information for persons interacting with the NACC.

BACKGROUND

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

- The Commission delivered a workshop in July 2024 on ethical decision-making. Senior researchers and subject matters experts in the fields of anti-corruption, integrity and other related areas were invited to participate. The following attended:
 - s 47F(1), Monash University.
 - s 47F(1), ANU.
 - s 47F(1), Reviewer for Qld Public Service.
 - s 47F(1), ANU.
 - s 47F(1), ANU.
 - s 47F(1), Monash University.
 - s 47F(1), ACT Supreme Court.
 - s 47F(1), University of Sydney.
 - s 47F(1), University of Melbourne.
 - s 47F(1), University of Qld.
 - s 47F(1), Charles Darwin University.
- The Commission undertook its first community outreach event at the Koori Knockout in October 2024, held in Bathurst NSW. The Commission joined the 'Integrity Tent' with staff from the NSW Independent Commission Against Corruption, the NSW Law Enforcement Conduct Commission and the Energy and Water Ombudsman NSW. Two Commission representatives engaged with members of the public to raise awareness of the Commission's jurisdiction, powers and priorities.
- Representatives from the Commission attended the Defence Integrity Conference in November 2024. The conference was organised by the Department of Defence and was open to Australian Public Service (APS) officers by invitation. The Commission hosted a booth outside the main auditorium, where staff engaged with members of the APS about the Commission's jurisdiction and discussed opportunities for collaboration and future engagement.
- The Commission also developed corruption prevention and education resources available on its webpage including:
 - Videos
 - E-learning module (page views between 1 July 2025 to 18 January 2026 – 1,459)
 - Commonwealth Integrity Maturity Framework.

Website analytics

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

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

Website

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

Commission website analytics financial year to date (1 July 2025 – 18 January 2026)

Website

- Total pageviews = 223,198
- Total website users visiting the site = 96,305
- Number of user engagements (includes multiple visits from same user) = 136,485
- Average time on site = 49 seconds (standard benchmark is 54 seconds)

Top pages

- Homepage – 34,705
- Former immigration officer sentenced for approving family members visa – 17,795
- Careers – 12,104
- News and Media – 9,193
- What is corrupt conduct? – 7,363
- Investigation reports – 7,141
- Report corrupt conduct – 7,045
- Overview – 5,301
- Statement on the settlement between Ms Brittany Higgins and Commonwealth – 5,264

- NACC finds corrupt conduct in Home Affairs recruitment – 4,405

Social Media Key Facts and Figures

Social media analytics 24/25 financial year (1 July 2024 – 30 June 2025)

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

Social media analytics financial year to date (1 July 2025 – 18 January 2026)

- X (formerly known as Twitter)
 - Number of posts = 19
- LinkedIn
 - Number of posts = 55

Number of followers (as at 18 January 2026)

- X (formerly known as Twitter) = 2,886
- LinkedIn = 9,101

National Anti-Corruption Commission BRIEF 23 - MCCPE - Commission's international engagements

23

This brief provides information regarding the Commission's international engagements between 1 July 2024 and 18 January 2025, profiled by financial year.

Key points

- In 2025–26, the Commission's objectives for international engagement focus on knowledge sharing, capacity building, cooperation and collaboration on matters of mutual benefit, particularly with neighbouring countries in Asia and the Pacific. During this time, the Commission met with a number of visiting international delegations: Indonesia (4 September), Vietnam (30 September) and Korea (25 November).
- Between 25–27 August 2025, Commission officers, alongside officers from the Attorney-General's Office, virtually attended the Pacific Pre-Conference of the States Parties to the United Nations Convention against Corruption (UNCAC), hosted by the United Nations Office on Drugs and Crime and the Pacific Islands Forum Secretariat in Suva, Fiji.
- From 23 – 25 September 2025, a Commission officer travelled to Jakarta, Indonesia to participate in and present at the Organisation for Economic Co-operation and Development (OECD) Anti-Corruption Initiative for Asia and the Pacific Regional Conference and Law Enforcement Network (AP LEN) Annual Meeting. The Commission will co-chair the AP LEN from 2026.
- On 3 December 2025, the Commissioner addressed the OECD Asia Network on Corporate Governance of State-Owned Enterprises at its meeting in Melbourne and presented our guidance on how the NACC Act interacts with other frameworks that govern GBEs to support integrity and good governance.
- From 13 – 19 December 2025, the Commissioner and a Commission staff member (Assistant Director, Corruption Prevention and Education) travelled to Doha, Qatar to participate in the Eleventh Conference of the States Parties (COSP11) to the UNCAC, and the International Association of Anti-Corruption Authorities' (IAACA) 15th General Meeting and Annual Conference (see page 2 for further detail, including travel costs).
- Staff attendance at these events was funded within standard travel budgets.
- Details on Commissioner travel in 2023–24 are in **Attachment A: Background – FY 2023–24**.

Details and outcomes at COSP11 in Doha, Qatar

Outcomes

- The Commissioner's travel to Doha was approved by the Attorney-General on 1 December 2025, following a request by way of a Ministerial Submission from AGD.

- **[If asked about policy outcomes from COSP11]** Any questions about the outcomes of COSP11 from a whole-of-government perspective should be directed to the Attorney General’s Department in the context of its responsibility for integrity policy and activities.
- The Commissioner undertook a targeted bilateral meeting program to build networks and share knowledge with countries in Asia and the Pacific, and key international networks and organisations (see pages 3-4 for further details).
 - This included meeting with 12 delegations, with a particular focus on delegations from Pacific Island countries.
- The Commissioner also participated in panel discussions at 4 high-level Special Events:
 - Integrity is the Pacific’s crime firewall
 - Accountability Pathways for Climate Action
 - Asset Recovery Through Alternative Mechanisms
 - From Review to Reform: Strengthening Capacities to counter corruption, building on 15 years of country reviews under the UNCAC Implementation Review Mechanism.

Indicative costs of travel*

	Commissioner Brereton	Assistant Director, CPE
Flights	\$11,326.40	\$14,338.70
Accommodation	\$3,744.43	\$3,769.16
CTM fees	\$192.54	\$192.54
Official passports	N/A	\$750
On-ground transport	\$58.68	\$213.45
Allowances and incidentals	\$4,023.75**	\$3,375
Total	\$19,153.26	\$22,638.85

* Costs are indicative until final figures are reconciled in early 2026.

** The Commissioner received \$4,750 in allowances and will repay \$726.25 for meals provided. The Assistant Director received \$3,725 and repaid \$350 for meals provided.

Commission international engagements (1 July 2024 to 18 January 2025)

Overview

NO.	2023-24	2024-25	2025-26 (to 18 January 2025)	Total
Number of Engagements	50	19	31	100

1 July 2025 to 18 January 2025

NO.	ENGAGEMENT	ENTITY	LOCATION	DATE
1	Presentation	Transparency International New Zealand and New Zealand Office of the Auditor-General	Virtual	1 August 2025
2	Pre-briefing	United Nations Office on Drugs and Crime and Pacific Islands Forum	Virtual	25 – 27 August 2025
3	Presentation	Asia-Pacific Integrity School (Griffith University and Transparency International Australia)	Brisbane, Australia	27 August 2025
4	Presentation	Following the Asia Pacific Integrity School, senior representatives from the Commission presented a 2-hour program to a visiting delegation of 27 Indonesian public sector and civil society anti-corruption practitioners, accompanied by Professor A J Brown of Griffith University. The visit was funded through the Australia Awards Indonesia.	Canberra, Australia	4 September 2025
5	Presentation	Indonesian Anti-Corruption Investigators Program	Virtual	16 September 2025
6	Conference attendance and presentation	Organisation for Economic Co-operation and Development (OECD) and Asian Development Bank (ADB) 12 th Regional Conference of the Anti-Corruption Initiative for Asia and the Pacific and Law Enforcement Network Annual Meeting	Jakarta, Indonesia	23-25 September 2025
7	Meeting	Vietnam Central Inspection Commission	Canberra, Australia	30 September 2025
8	Meeting	The Commission facilitated the virtual attendance of Pacific heads of anti-corruption and integrity agencies at the Australian Anti-Corruption Commissioner and CEOs meeting hosted by the South Australia Independent Commission Against Corruption	Adelaide, Australia	23 October 2025

9	Presentation	International Foreign Bribery Taskforce Annual Meeting	Sydney, Australia	28 October 2025
10	Meeting	Organisation for Economic Co-Operation and Development Open Government Unit	Virtual	6 November 2025
11	Presentation	Delegation from Korean Ministry of Justice	Canberra, Australia	25 November 2025
12	Presentation	NZ SFO Fraud Prevention Community of Practice	Virtual	27 November 2025
13	Presentation	OECD Asia Network on Corporate Governance of State-Owned Enterprises	Melbourne, Australia	3 December 2025
14	Conference	International Association of Anti-Corruption Authorities (IAACA) Annual Conference	Doha, Qatar	13 December 2025
15	Meeting	Meeting at the margins of COSP11 with the Independent Commission Against Corruption (ICAC) Hong Kong	Doha, Qatar	13 December 2025
16	General meeting	International Association of Anti-Corruption Authorities (IAACA) 15th General Meeting	Doha, Qatar	13 December 2025
17	Meeting	Meeting at margins of COSP11 with the secretariat for the Global Operational Network of Anti-Corruption Law Enforcement Authorities (GlobE Network)	Doha, Qatar	15 December 2025
18	Panel participation	COSP11 Special Event: Integrity is the Pacific's crime firewall	Doha, Qatar	15 December 2025
19	Meeting	Meeting at margins of COSP11 with Organisation for Economic Co-operation and Development (OECD)	Doha, Qatar	15 December 2025
20	Meeting	Meeting at the margins of COSP11 with Tongan delegation	Doha, Qatar	16 December 2025
21	Panel participation	COSP11 Special Event: Accountability Pathways for Climate Action	Doha, Qatar	16 December 2025
22	Meeting	Meeting at margins of COSP11 with Solomon Islands delegation	Doha, Qatar	17 December 2025
23	Meeting	Meeting at the margins of COSP11 with the Fijian delegation	Doha, Qatar	17 December 2025

24	Meeting	Meeting at the margins of COSP11 with the Kiribati delegation	Doha, Qatar	17 December 2025
25	Meeting	Meeting at the margins of COSP11 with Timor-Leste delegation	Doha, Qatar	17 December 2025
26	Meeting	Meeting at the margins of COSP11 with the International Anti-Corruption Coordination Centre (IACCC)	Doha, Qatar	18 December 2025
27	Meeting	Meeting at the margins of COSP11 with Papua New Guinea delegation	Doha, Qatar	18 December 2025
28	Panel participation	COSP11 Special Event: Asset Recovery Through Alternative Mechanisms	Doha, Qatar	18 December 2025
29	Meeting	Meeting at the margins of COSP11 with the International Anti-Corruption Academy (IACA)	Doha, Qatar	18 December 2025
30	Panel participation	COSP11 Special Event: From Review to Reform: Strengthening Capacities to counter corruption, building on 15 years of country reviews under the UNCAC Implementation Review Mechanism	Doha, Qatar	19 December 2025
31	Meeting	Meeting at the margins of COSP11 with the Malaysian delegation	Doha, Qatar	19 December 2025

1 July 2024 to 30 June 2025

NO.	ENGAGEMENT	ENTITY	LOCATION	DATE
1	Welcome reception in the margins of APSACC 2024	Cook Islands, Federates States of Micronesia, Fiji, Kiribati, Nauru, Niue, Papua New Guinea (PNG), Samoa, the Solomon Islands, Tonga and Tuvalu	Darwin, Australia	28 July 2024
2	Workshop in the margins of APSACC 2024	Cook Islands, Federates States of Micronesia, Fiji, Kiribati, Nauru, Niue, PNG, Samoa, the Solomon Islands, Tonga and Tuvalu	Darwin, Australia	29 July 2024
3	Meeting of all Commissioners in the margins of APSACC 2024	Fiji, PNG, Solomon Islands, Tonga, New Zealand	Darwin, Australia	29 July 2024
4	Panel participation at APSACC 2024	Commission coordinated panel with Fiji, PNG, Solomon Islands and Tonga	Darwin, Australia	31 July 2024

5	Bilateral meeting in the margins of APSACC 2024	Kiribati	Darwin, Australia	31 July 2024
6	Presentation	University of Queensland International Development and Fiji (working level public officials)	Canberra, Australia	15 August 2024
7	Panel participation	Asia Pacific Integrity School (Griffith University and Transparency International)	Brisbane, Australia	20 August 2024
8	Presentation	Anti-Corruption and Civil Rights Commission of South Korea	Canberra, Australia	3 September 2024
9	Presentation	Republic of Maldives	Canberra, Australia	16 September 2024
10	Presentation	High Commission of Fiji to Australia	Canberra, Australia	17 September 2024
11	Interview	Organisation for Economic Co-operation and Development	Canberra, Australia	2 October 2024
12	Conference presentation	Anti-Corruption Commission of the Republic of Maldives	Virtual	10 December 2024
13	14 th General Meeting	International Association of Anti-Corruption Authorities	Virtual	6 February 2025
14	Meeting	Vanuatu Office of the Public Prosecutor	Virtual	8 April 2025
15	Meeting	United Arab Emirates Accountability Authority	Canberra, Australia	28 April 2025
16	Workshop	Organisation for Economic Co-operation and Development	Virtual	4 June 2025
17	Meeting	Embassy of France to Australia	Canberra, Australia	4 June 2025
18	Presentation	New Zealand Serious Fraud Office	Virtual	5 June 2025
19	Podcast Interview	Professor Robert Barrington (University of Sussex) – KickBack Podcast	Virtual	10 June 2025

BACKGROUND – FY 2023-24

MCCPE - Commissioner's international engagements (Attachment A)

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

Overview of international engagements FY2023-24

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

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

Vienna meeting program – September 2023

Outcomes

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

Agencies/personnel with whom the Commissioner met

- Ms Alma Zadić - Minister for Justice, Austria

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

Cost of travel

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

A travel allowance was not paid to the Commissioner.

The Commissioner incurred expenses for meals and incidentals privately.

Atlanta meeting program – December 2023
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Outcomes

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

Agencies/personnel with whom the Commissioner met

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

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

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

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

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

Cost of travel

Commissioner Brereton

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

A travel allowance was not paid to the Commissioner.

The Commissioner incurred expenses for meals and incidentals privately.

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

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

A travel allowance was not paid to the Assistant Director.

Hong Kong meeting program – May 2024**Outcomes**

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

Cost of travel

Commissioner Brereton

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

A travel allowance was not paid to the Commissioner.

The Commissioner incurred expenses for meals and incidentals privately.

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

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

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

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

Outcomes documented by DFAT

CCPCJ, Vienna – September 2023

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

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

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

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

National Anti-Corruption Commission BRIEF 24 - ES - Secure and independent ICT

24

This report provides an overview of the Commission's current Information Communication Technology (ICT) arrangements.

Key Points

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

Governance

- An appropriate internal governance structure supports ICT, and Data and Information Management.
- Forums including a Technical Advisory Group (TAG), Change Advisory Board (CAB), ICT Steering Committee, Information and Data Management Committee, and the Corporate Governance Committee are all in place, geared toward ensuring the appropriate security, governance and effectiveness of the Commission's ICT and information environments.
- In February 2025, the Commission published its first Artificial Intelligence (AI) transparency statement. The statement was updated in October 2025 to reflect the Commission's intent to commence a trial of Microsoft Copilot for corporate productivity.

Cyber Security

- Cyber security remains a key focus for the Commission. The Commission continues to work closely with contracted service providers and other Government agencies to enhance cyber security. To date, no serious cyber security incidents have been detected.

A program of work focused on further enhancing cyber security capability within the Commission is in the latter stages of completion and has delivered significant updates to key control systems.

National Anti-Corruption Commission BRIEF
25 - ES - Security clearances and upgrades

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

Key Points

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

NACC Security Clearances as at 31 December 2025

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

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

*"In Process" clearances include revalidations and upgrades that may also be counted within the "Held" column.

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

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

*"In Process" clearances include revalidations and upgrades that may also be counted within the "Held" column.

Table 3: Total combined security clearances

Clearance Level	Held	In Process*
Internal Temporary Access	5	-
Baseline	5,47E(0)	5
Negative Vetting Level 1	5,47E(0)	5,47E(0)
Negative Vetting Level 2	5,47E(0)	
Top Secret – Positive Vetting	5,47E(0)	-
Total	5,47E(0)	5,47E(0)

*"In Process" clearances include revalidations and upgrades that may also be counted within the "Held" column.

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

Highly Classified/Sensitive referrals

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

National Anti-Corruption Commission BRIEF

26 - ES - Significant non-compliance with finance law

26

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

No significant non-compliance with the finance law occurred in 2024-25 nor in 2025-26 year to date.

2023-24 Key points

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

Budget

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

Construction Contracts

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

Identification of potential non-compliance

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

Determining significant non-compliance

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

Remedial Actions

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

2024-25 Key points

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

Attachments

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



National Anti-Corruption Commission

CEO

Ref: EC24-000006

2 October 2024

The Hon Mark Dreyfus KC MP
Attorney-General

By email: attorney@ag.gov.au

Dear Attorney-General,

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

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

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

These issues were self-identified by the Commission.

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

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

GPO Box 605
CANBERRA ACT 2601
ABN 47 446 409 542

P. 1300 489 844
E. ceo@nacc.gov.au

nacc.gov.au

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

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

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

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

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

Yours sincerely,



Philip Reed
Chief Executive Officer



Budget allocation

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

Relevant approvals

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

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

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

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

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

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

Engagement of Construction Managers

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

Canberra and Brisbane

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

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

Perth

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

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

Construction Contracts

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

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

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

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

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

Approval of payment of invoices

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

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

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

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

Identification of potential non-compliance

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

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

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

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

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

Determining significant non-compliance

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

Remediation actions

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

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

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



National Anti-Corruption Commission

CEO

Ref: EC24-000007

2 October 2024

Senator the Hon Katy Gallagher
Minister for Finance

By email: FinanceMinister@finance.gov.au

Dear Minister,

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

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

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

These issues were self-identified by the Commission.

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

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

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CANBERRA ACT 2601
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E. FOI@nacc.gov.au

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

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

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

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

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

Yours sincerely,



Philip Reed
Chief Executive Officer



Budget allocation

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

Relevant approvals

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

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

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

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

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

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

Engagement of Construction Managers

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

Canberra and Brisbane

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

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

Perth

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

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

Construction Contracts

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

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

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

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

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

Approval of payment of invoices

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

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

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

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

Identification of potential non-compliance

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

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

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

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

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

Determining significant non-compliance

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

Remediation actions

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

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

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



Senator the Hon Katy Gallagher

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

REF: MS24-001000

Mr Philip Reed
Chief Executive Officer
National Anti-Corruption Commission
Via email: [s47E\(d\)@nacc.gov.au](mailto:s47E(d)@nacc.gov.au)

Dear Mr Reed

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

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

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

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

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

The contact officer in my department for any advice is: Kim Baker, Assistant Secretary, PGPA and Digital Reporting Branch, Governance and Grants Division, [s47E\(d\)@finance.gov.au](mailto:s47E(d)@finance.gov.au), or [s47E\(d\)](mailto:s47E(d)@finance.gov.au)

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

Yours sincerely

A handwritten signature in blue ink that reads 'Katy Gallagher'.

Katy Gallagher

31 OCT 2024



National Anti-Corruption Commission

CEO

Ref: 24#38727DOC

26 November 2024

Senator the Hon Katy Gallagher
Minister for Finance

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

Dear Minister,

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

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

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

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

GPO Box 605
CANBERRA ACT 2601
ABN 47 446 409 542

P. 1300 489 844
E. s 47E(d) [REDACTED]@nacc.gov.au

nacc.gov.au

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

I would be happy to discuss this letter with you or your office. I can be contacted directly on s 47F(1) or by email at s 47F(1)@nacc.gov.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Philip Reed', written in a cursive style.

Philip Reed
Chief Executive Officer

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

Key Points

- The Commission regularly receives requests for input from Commonwealth Departments and agencies.
- The Commission also receives requests for input from entities outside of Commonwealth Departments and agencies.
- **Table 1** contains a summary of all policy consultations and requests the Commission provided a response to between 1 July 2024 and 31 August 2025. This includes Commonwealth Departments, agencies and other entities (for example state and territory entities).
- **From 1 July 2024 to 31 August 2025**, the Commission has provided responses on the following matters:
 1. Strengthening Australia’s Democracy report
 2. State of the Service Report 2023-24
 3. Australia’s Country Report to the Pacific Island Law Officers' Network (PILON)
 4. UNTOC COP12 – Australia’s National Statement
 5. August: Training for government lawyers
 6. Engagement with the Public Integrity and Anti-Corruption (PIAC) Working Group of the Organisation for Economic Co-operation and Development (OECD)
 7. Fraud and Corruption Capability Self-Assessment Tool
 8. Draft cable: Update on the Combatting Foreign Bribery Act
 9. UNTOC (United Nations Convention against Transnational Organized Crime) thematic brief on corruption, organised fraud and foreign bribery
 10. Louder than Words (LTW) implementation report
 11. OECD (The Organisation for Economic Co-operation and Development) Integrity Review of Jordan: Together for an Accountable and Transparent Public Administration
 12. Correspondence from APS Commissioner inviting submission in response to APS Reform Stage 2 integrity initiatives public consultation
 13. Correspondence from Finance Minister re non-compliance with finance law | PGPA Act Notification
 14. OECD (The Organisation for Economic Co-operation and Development) Country Study on drivers of trust in Australian public institutions - 1st draft
 15. Endorsement sought of the Minimum Requirements for Aboriginal and Torres Strait Islander Children’s Commissioner
 16. Feedback on APS values and MOPS Act employment
 17. Review of tax secrecy regulator secrecy exceptions
 18. Potential persona designate authorisations under s15GG(1) of the *Crimes Act 1914*
 19. Guidance in relation to determinations under the *Parliamentary Business Resources Act 2017* and *Members of Parliament (Staff) Act 1984*

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

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

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

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

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

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

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

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

National Anti-Corruption Commission BRIEF 28 - CEO - Memoranda of Understanding

28

This brief provides a list of Memoranda of Understanding currently under development or that the NACC is currently party to (at 23 January 2026).

Key points

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

Table 1: Number and status of MOUs (at 23 January 2026)

Status	Number of MOUs
Current	22
Under development	12

MOUs currently in place – Total of 22

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

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

MOUs currently under development – Total of 12

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

* *Not an MOU, but for awareness*

National Anti-Corruption Commission BRIEF 29 - CEO - 2024-25 Annual Report

29

The Commission submitted the 2024-25 Annual Report to the Attorney-General on 8 October 2025. The report was tabled out of session with the President of the Senate on Friday 31 October 2025. The Commission met its targets for all 3 KPIs.

Key points

- In accordance with section 46(2)(a) of the *Public Governance, Performance and Accountability Act 2013* (Cth), the annual report must be given to the responsible Minister by the 15th day of the fourth month after the end of the reporting period for the entity (**15 October**).

2024-25 Annual Report

- On **8 October 2025**, the Commission submitted its 2024-25 Annual Report to the Attorney-General.
- On **31 October 2025**, the report was tabled out of session with the President of the Senate.
- On **3 November 2025**, it was tabled in the House of Representatives.
- The Commission's monthly update for November 2025, published on 31 October 2025, announced the tabling of the Commission's annual report. The timing of this announcement was subject to some criticism (see **01 - Key Issues Brief**).
- The NACC Inspector's report and the Commission's reconsideration of the Robodebt referrals are addressed in the Analysis of Performance on page 50, and under External Scrutiny on page 103.
- Information related to the engagement and remuneration of Mr Nettle is in SES Remuneration on pages 95-97 (Table 3.3).

Addendum

- Following a reconciliation of preliminary investigation data, the Commission identified corrections to the preliminary investigation data included in the 2024-25 Annual Report (page xiv, 29 and 58).
- The addendum for this data was provided to the Attorney General's Department for tabling out of session 7 January 2026. As of 2 February 2026 it has not been tabled.
- Originally reported figures did not include a number of preliminary investigations which had been closed during the report period.
- This was attributable to a manual failure to identify and count a number of preliminary investigations which had been closed during the reporting period.
- The error has no impact on the Commission's performance against its key performance indicators or mandatory reporting under the Commissioner's annual report, required by s 271 of the *National Anti-Corruption Commission Act 2022*.

2023-24 Annual Report

- The Commission's inaugural annual report – the 2023-24 Annual Report – did not meet the deadline to provide to the Attorney-General by 15 October, due to delays with ANAO's audit. A chronology outlining the submission timeline of this report and the review of the report by both the PJC-NACC and the Legal and Constitutional Affairs Legislation Committee is provided at **Attachment A**.

Results

Performance

- In 2024-25, the Commission **met** all 3 of its KPIs.

PBS	Corporate plan	KPI	Target	Result
1.1	1.1	Percentage of referrals assessed within 90 days of receipt	80%	86.5%
1.2	1.2	Percentage of investigations finalised within 2 years	60%	100%
1.3	1.3	Number of corruption prevention and education (CPE) products and engagements	100	149

1.1 KPI – Referral assessments finalised in less than 90 days from receipt

- The Commission had 2,765 referrals on foot for assessment during the reporting period, comprising 2,271 referrals received in 2024-25 and 494 carried forward from 2023-24. The Commission finalised the assessment of 2,004 referrals in 2024-25, of which 1,733 were finalised in less than 90 days from receipt (86.5%).

1.2 KPI – Investigations finalised in less than 2 years

- During 2024-25, the Commission commenced 14 corruption investigations. Twenty-six investigations commenced in 2023-24 were ongoing at the beginning of the reporting period meaning a total of 40 corruption investigations commenced under the *National Anti-Corruption Commission Act 2022* (Cth) (NACC Act) were on foot during 2024-25. Of these, 10 were finalised in the reporting period. All 10 were finalised in less than 2 years (100%).

1.3 KPI – Corruption prevention and education products and engagements

- During the reporting period, the Commission produced 11 corruption prevention and education products and participated in 138 engagements with jurisdictional agencies, the public, and national and international partners (total of 149 products and engagements).

Financial results

- In 2024-25, the Commission recorded a surplus of \$6.7 million, including depreciation and amortisation. The Commission is in a sound financial position at 30 June 2025, with financial assets of \$53.1 million which is in excess of total liabilities of \$27.8 million.
- Total assets at 30 June 2025, showed an increase of \$4.9 million from 2023-24, due primarily to an increase in appropriation receivable, resulting from the surplus, offset by a decrease in property, plant and equipment from depreciation of those assets. Total liabilities remained relatively stable, with the small decrease due to the reduction in present value of lease liabilities over time.

- The Commission's total operating expenditure was \$10.0 million under budget, primarily due to employee benefits and supplier expenses being below budget, \$4.6 million and \$6.8 million respectively. The employee benefits were below budget because ASL was 53 below the budgeted ASL of 266.

Attachments

- **Attachment A** – Chronology of 2023-24 Annual Report

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