National Anti-Corruption Commission

Information for persons interacting with the NACC

This fact sheet provides information for people who have contact with the Commission about corruption issues. This includes people who have made a referral, been asked to provide information or attend an interview or hearing, or who have become aware the Commission is conducting an investigation that could affect their interests.

It is about their rights and obligations under the *National Anti-Corruption Commission Act 2022* (Cth) (NACC Act).

Who can I tell?

The Commission will generally not disclose what matters have been referred to it, or who has referred a matter.

It is important to note that publicising referrals has the potential to prejudice investigations and can cause unfair damage to reputations.

However, **unless there is a non-disclosure notation under s 95 of the NACC Act or direction under s 100(1)**, you are able to tell others about your contact with the Commission, that you have made a referral, have been asked to attend an interview, or have received a request for information.

What if there is a non-disclosure notation under s 95 of the NACC Act?

A **non-disclosure notation** is a requirement included in a notice to produce or a private hearing summons that **prohibits disclosure of information** about the notice or summons, or any official matter connected with the notice or summons.

If a notice to produce or private hearing summons includes a non-disclosure notation, **you must comply with its requirements**. Any such notice or summons will be accompanied by a statement setting out your rights and obligations under s 98 of the NACC Act (offence—failure to comply with non-disclosure notations). You should read this document carefully.

If there is a non-disclosure notation, **you cannot tell anyone** anything about the notice or summons (including anything about a preliminary investigation or corruption investigation), **except**:

- in the circumstances, if any, permitted by the notation
- to a legal practitioner, for the purpose of obtaining legal advice or representation
- to a legal aid officer, for the purpose of seeking assistance
- to a medical practitioner or psychologist, for the purpose of obtaining medical or psychiatric care, treatment or counselling (including psychological counselling)
- if you are a body corporate, to an officer or agent of the body corporate, for the purpose of ensuring compliance with the notice or summons
- if you are a legal practitioner, for the purpose of giving legal advice to, or making representations on behalf of, the recipient of the notice
- if the information has already been lawfully published.

What if a non-disclosure or use direction in relation to investigation material has been made under s 100(1) of the NACC Act?

If you are notified of a non-disclosure or use direction under s 100(1) of the Act, **you must comply with its requirements**. Any such direction will be accompanied by a statement setting out your rights and obligations under s 101 of the NACC Act (Offence—use or disclosure of investigation material). You should read this document carefully.

If there is a direction under s 100(1), you are only permitted to disclose investigation material to:

- a legal practitioner, for the purpose of obtaining legal advice or representation
- a legal aid officer, for the purpose of seeking assistance
- a medical practitioner or psychologist, for the purpose of obtaining medical or psychiatric care, treatment or counselling (including psychological counselling).

If you think you need to tell your employer, for example in order to obtain leave so you can comply with the notice or summons, then you should **contact the Commission**.

Engaging with the Commission

Even where there is a non-disclosure requirement, you can:

- tell a lawyer about it, for the purpose of obtaining legal advice or assistance
- tell a health worker about it, for the purpose of obtaining medical or psychological assistance, including counselling.

If you have a disability or vulnerability that could affect your ability to comply with a direction, you should also contact the Commission.

If you think you need to tell your employer, for example in order to obtain leave so you can comply with the notice or summons, then you should contact the Commission.

The notice, summons or direction will be accompanied by contact details of a Commission officer you can speak to.

For agency heads

The Commission will often, as a matter of courtesy and to mitigate any risk in the agency, inform agency heads if there is an investigation affecting their agency. However, this is not a requirement and depends on operational considerations. For example, this would not happen if doing so might compromise the integrity of the investigation.

If an agency head is informed of a NACC investigation (including a preliminary investigation), then there is no prohibition on the agency head informing the relevant Minister, or the Minister informing the Prime Minister, or confirming this if questioned by a parliamentary committee – **unless there is a non-disclosure notation or non-disclosure direction**.

If there is a non-disclosure notation or direction, the agency head **must comply** with it.

Allowances for witness expenses and legal financial assistance

Witness expenses

Where a witness is required to appear at a hearing, some or all of the travel, accommodation and/or meal arrangements and expenses may be arranged and paid for by the Commission.

If no expenses have been arranged and met by the Commission, a witness appearing at a hearing is entitled to be paid an allowance for travel, accommodation and meals. Details of these entitlements can be found in s 93 of the NACC Act and regs 6, 7 and 8 of the National Anti-Corruption Commission Regulations 2023 (NACC Regulations).

Legal financial assistance

If you are summoned to attend a hearing, you may apply for financial assistance in respect of your legal representation at the hearing.

Options for legal financial assistance depend on the office or position you hold or have held.

Appendix E of the Legal Services Directions

If you are a Commonwealth public servant, you may be eligible for legal assistance from the agency where you worked at the time the matters were investigated. You may also be eligible if you worked for a Minister and were employed under the *Members of Parliament (Staff) Act 1984* (Cth). This is set out in Appendix E to the *Legal Services Directions 2017*.

If you worked for a corporate Commonwealth entity, Appendix E does not apply. However, the agency may still choose to provide you with legal assistance if they consider it appropriate. For a list of corporate Commonwealth entities, see PGPA Act Flipchart and List | Department of Finance.

Costs covered

Legal financial assistance can cover costs associated with:

- engaging with or appearing before the NACC in response to a summons (a NACC inquiry is an 'inquest or inquiry' covered by paragraph 16 of Appendix E), or
- responding to a Notice to Give or Produce information (these notices are treated as 'subpoenas' and are covered by paragraph 17 of Appendix E).

The agency you worked for at the time will assess your request and decide whether to approve assistance. If approved, the agency will also cover the associated costs.

All options for legal assistance must be exhausted through Appendix E before applying to the Attorney General's Department under Part 4 of the NACC Regulations (See General Scheme, below).

Parliamentarian Scheme

The Parliamentarian Scheme is established by Part 5 of the NACC Regulations.

Current or former parliamentarians may seek legal financial assistance in relation to:

- any matter arising under the NACC Act, other than a prosecution for an offence against the NACC Act
- 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 *Administrative Decisions (Judicial Review) Act 1977* (Cth) for an order of review in respect of a matter arising under the NACC Act.

To be eligible for financial assistance under the Parliamentarian Scheme, the approving official must be satisfied that:

- the involvement in the matter arose only because
  - the person is, or has been, a parliamentarian, or
  - the matter relates to the performance or non-performance of the person's duties as a parliamentarian
- it is appropriate to give the assistance.

Costs covered

Legal financial assistance can cover costs associated with:

- legal representation and disbursements in relation to any matter arising under the NACC Act, other than a prosecution for an offence under the NACC Act
- appearing at a hearing of the NACC and responding to a summons.

Legal financial assistance will not be granted in relation to a prosecution brought against a current or former parliamentarian for an offence of failing to comply with a notice to produce or summons under the NACC Act.

Ministers and Assistant Ministers eligible for legal financial assistance under the Parliamentarian Scheme would not be able to also seek assistance under the *Parliamentary Business Resources Regulations 2017* in relation to the same matter.

Current and former Parliamentarians must exhaust their options for legal assistance, including under the Part 5 Parliamentarian Scheme, before applying to the Attorney-General's Department under Part 4 of the NACC Regulations (further information below).

To apply for legal financial assistance under the Parliamentarian Scheme or for further information, email the Attorney-General's Department at NACC.parlassist@ag.gov.au.

General Scheme

If you are summoned to attend a hearing, you may apply to the Attorney-General for financial assistance in respect of your legal representation at the hearing. However, such assistance is only available if all other options for assistance have been exhausted.

The General Scheme established under Part 4 of the NACC Regulations funds the reasonable costs of legal representation for individuals who are:

- appearing at a hearing of the NACC
- applying, or proposing to apply, for administrative review of a matter arising under the NACC Act.

To apply for this scheme, the options for assistance outlined above must be exhausted.

The Attorney-General's Department may ask for evidence that you have exhausted all other options for assistance before it will consider an application under this scheme.

The decision-maker may approve legal financial assistance for reasonable legal representation costs if they are satisfied that either:

- refusing the application would result in serious financial difficulty for the applicant
- the circumstances of the case are of such a special nature that the application should be granted.

Further information on applying for assistance under the NACC General Scheme is available on the Attorney General's Department's website at National Anti-Corruption Commission General Scheme | Attorney-General's Department.

Medical or mental health support

There are no special provisions for seeking health or mental health support, but you can access your organisation's ordinary support arrangements, including Employee Assistance Plan.

A non-disclosure notation or direction does not prohibit disclosure to a health worker for the purpose of obtaining medical or psychological assistance, including counselling.

Further information

1. *National Anti-Corruption Commission Act 2022* (Cth), ss 93, 95, 98, 100, 101.
2. National Anti-Corruption Commission Regulations 2023, ss 6, 7, 8, 13, 14, 15.

Contact us

Please use our webform to make a report of corrupt conduct.

If in doubt about whether to refer a matter to the Commission, contact us.

Last updated: October 2026

© Commonwealth of Australia 2026