National Anti-Corruption Commission

The investigation process

What can the Commissioner do with a corruption issue?

If the decision is made that referral to the NACC raises a corruption issue, the Commission then decides what to do with it. The Commission can:

- if the issue could involve serious or systemic corrupt conduct - investigate the issue alone, or jointly with a Commonwealth agency or a state or territory government entity
- refer the issue to the Commonwealth agency that the issue relates to for them to investigate
- refer the issue to a Commonwealth agency or state or territory government entity for consideration
- take no action.

How does the NACC conduct investigations?

NACC corruption investigations use a number of investigative methods to gather information relevant to the investigation.

The role of NACC's investigation teams is to investigate corruption issues and gather information to prove or disprove them. They do this by interviewing witnesses, obtaining documents and records, analysing information and interviewing persons of interest.

The NACC has a variety of information-gathering powers under the NACC Act and other relevant legislation. For example, we can:

- compel the production of documents or other things
- compel individuals to provide information, either by way of participating in a hearing or to produce documents and other things
- obtain warrants to search properties
- intercept telecommunications and use surveillance devices.

NACC hearings

Under the NACC Act, the Commissioner has the power to summon a person to attend a hearing to give evidence or produce a document or other thing relevant to a corruption investigation.

If you receive a summons from the NACC to attend a hearing, you must attend. Hearings are held in private except where there are exceptional circumstances and it is in the public interest that they be in public. Decisions about public hearings will be made on a case-by-case basis.

Finalising an investigation

The Commissioner can decide at any time during the course of a NACC investigation that no further action is required and to discontinue the investigation.

The NACC does not make findings of criminal guilt. If evidence of a criminal offence is found, a brief of evidence may be sent to the Commonwealth Department of Public Prosecutions (CDPP), for their consideration of whether there is sufficient evidence for charges to be laid.

At the completion of an investigation the Commissioner must prepare a report on the investigation for the Attorney-General (unless the report involves the conduct of the Attorney-General, in which case the report is to the Prime Minister).

The report must set out:

- the Commission's findings or opinions on the corruption issue
- a summary of the evidence and other material on which those findings or opinions are based
- any recommendations the Commission sees fit to make and the reasons for those recommendations.

Where the Commission has held a public hearing, the report must be tabled in Parliament. The Commissioner can publish reports if satisfied it is in the public interest to do so.

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.

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