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Government Lawyers Conference

ACT LAW SOCIETY

WEDNESDAY 15 OCTOBER 2025

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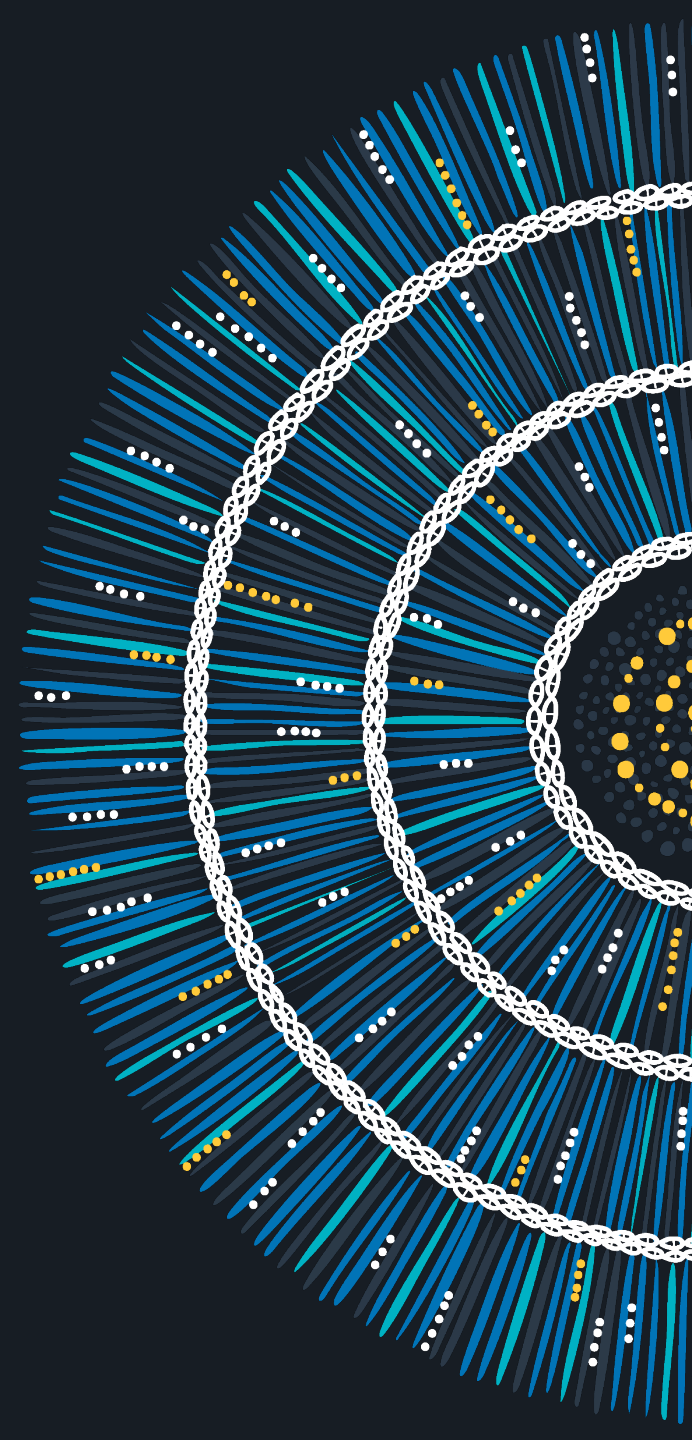
National Anti-Corruption Commission

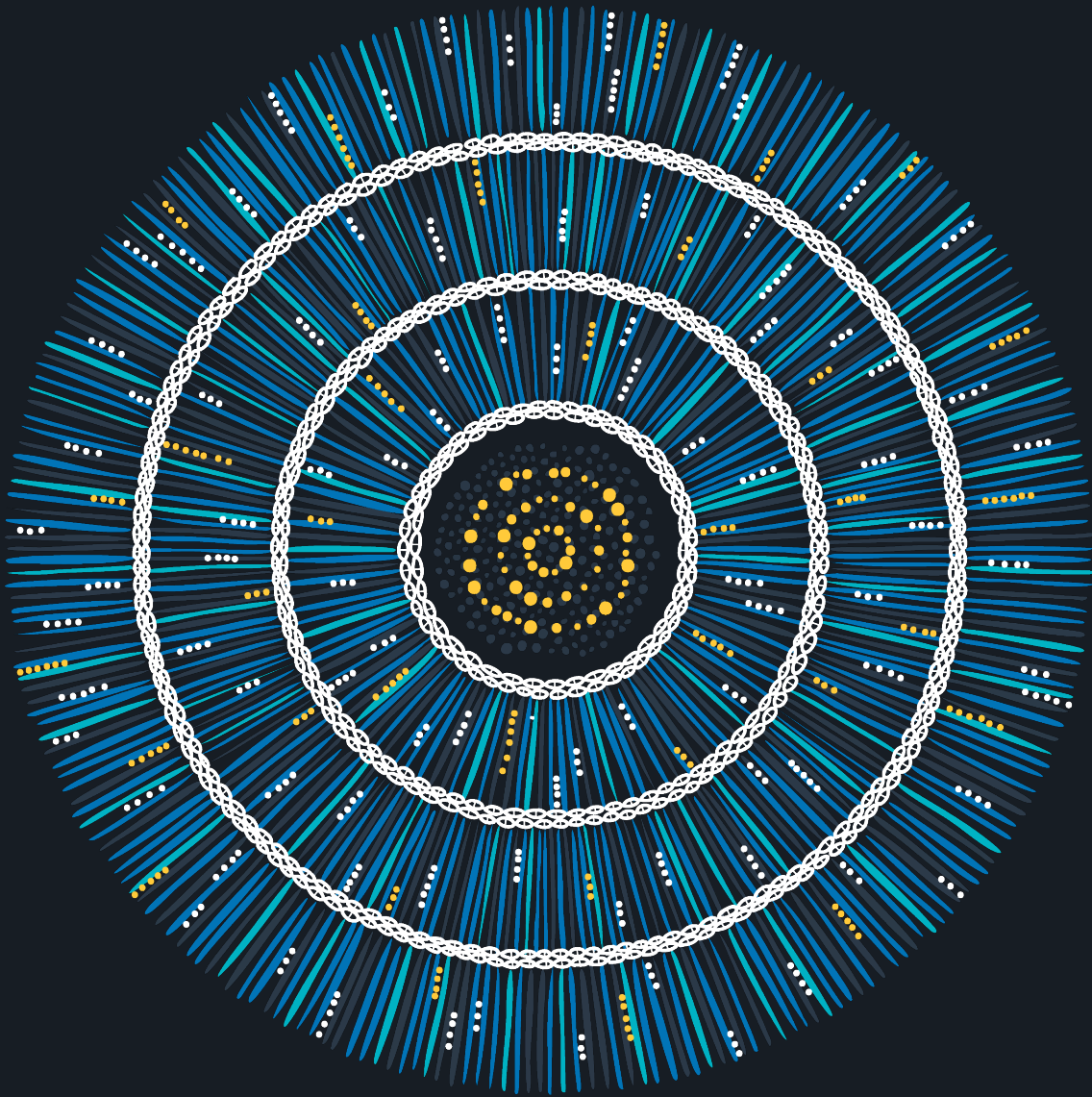
The NACC Now: Insights & Implications

ACT Law Society

15 October 2025

nacc.gov.au





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.

Integrity at Our Heart

This artwork was created for the Commission by Navada Currie. Navada is a Mununjali and Kabi Kabi artist at Gilimbaa.

The integrity branch of government



Alongside the legislature, the executive and the judiciary, a fourth branch of government can be recognised



The Commonwealth integrity branch comprises a number of 'guardrail institutions'



These include the Auditor-General, the Ombudsman, the Information Commissioner, the Public Service Commissioner and the National Anti-Corruption Commission.

Session overview:

- **The Commission's mission and jurisdiction**
- **What the Commission is doing**
- **Dealing with referrals**
- **Reflections after two years & emerging trends**
- **Emerging trends**
- **Commonwealth Integrity Survey**

NACC Purpose and Mission

Purpose: To provide independent assurance to the Australian community that corrupt conduct involving Commonwealth public officials is prevented, detected, investigated, and responded to appropriately.

Mission: To enhance integrity in the Commonwealth public sector, by **detering, detecting** and **preventing** corrupt conduct involving Commonwealth public officials, through **education, monitoring, investigation, reporting** and **referral**.

Lines of operation



Detering

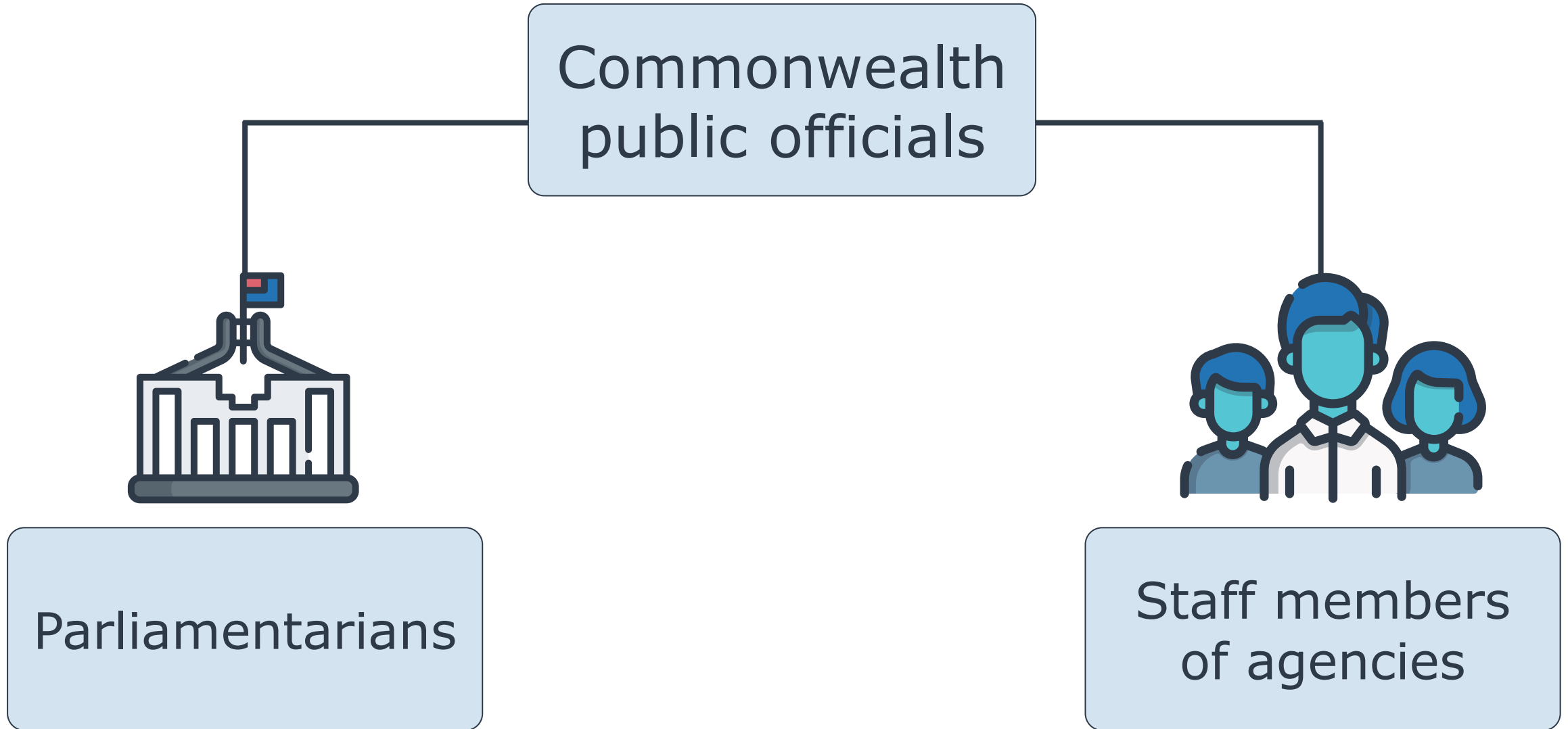
through detection,
investigation and
exposure



Preventing

through education
and engagement

Jurisdiction of the NACC



Staff members



An official
of the entity

An individual who
is employed by or
engaged in
assisting an agency
(includes
consultants, and
volunteers)

An individual
involved in
providing services
to or for an
agency under a
Commonwealth
contract

What is corrupt conduct?

Breach of
public trust

*Improper purpose
or bad faith*

Abuse of
public office

*Private purpose or
benefit*

Misuse of
official
information or
documents

Conduct to cause a public official to act other than
honestly and impartially in performing public functions

What is not corrupt conduct

Errors

Wrong decisions

Negligent maladministration

Fraud that does not involve a
public function

Serious or systemic

Serious

Something that is significant; something more than 'negligible' or 'trivial', but it does not have to be 'severe' or 'grave'

Systemic

Something that is more than an isolated case and involves a pattern of behaviour, or something that affects or is embedded in a system

Referrals to the Commission

Voluntary

Anyone can make a referral to the Commission or provide information about a corruption issue

Mandatory

If an agency head suspects serious or systemic corruption involving a staff member, they must refer it to the Commission

Own motion

The Commission can investigate a corruption issue it becomes aware of on its own motion without a referral

Protections

Not subject to civil, criminal, or administrative liability (including disciplinary action) for making disclosure

Activity of the NACC – 2025-26FY

Fast facts as at 8 October 2025

32

Preliminary
investigations
underway

38

Corruption
investigations
underway

12

Joint corruption
investigations
underway

3

Matters before the
court

20

Investigations by
other agencies
being overseen or
monitored by the
Commission

886

Referrals received
this financial year



Activity of the NACC – 2025-26FY

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Dealing with referrals

- If it could be serious or systemic:
 - Investigation by Commission (s41(1)(a))
 - Joint investigation with another Commonwealth or State agency (s41(1)(b))
- Refer to relevant agency for investigation (s41(1)(c))
- Refer to another agency for consideration (s41(1)(d))
- Take no further action (s41(6))
- No duty to consider dealing with a referral (s41(7))

Legal thresholds



Can only investigate conduct that raises a corruption issue within jurisdiction.



May conduct a corruption investigation only if the Commission is of the opinion that a corruption issue could involve corrupt conduct that is serious or systemic (section 41(3))



There are circumstances that may prevent the Commission from investigating a corruption issue under ss 45-47 of the NACC Act.

Assessment of referrals

Triage

- Does the referral concern a Commonwealth public official?
- Does the referral raise a corruption issue?

Assessment

- Serious or systemic?
- Should the Commission deal with the issue and if so, how?
 - Preliminary investigation?

Evaluation of referrals

Pathways and Prospects

Scale and gravity

Strategic Corruption
Priorities

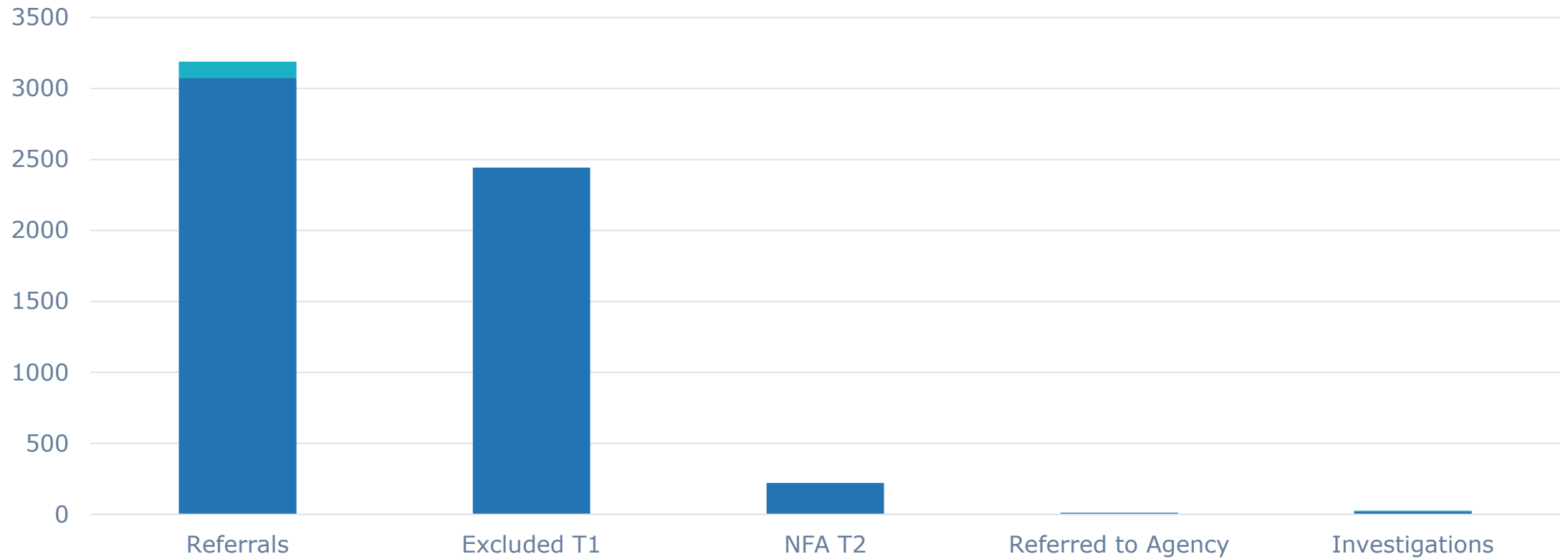
Public interest

Will a NACC
investigation add value?

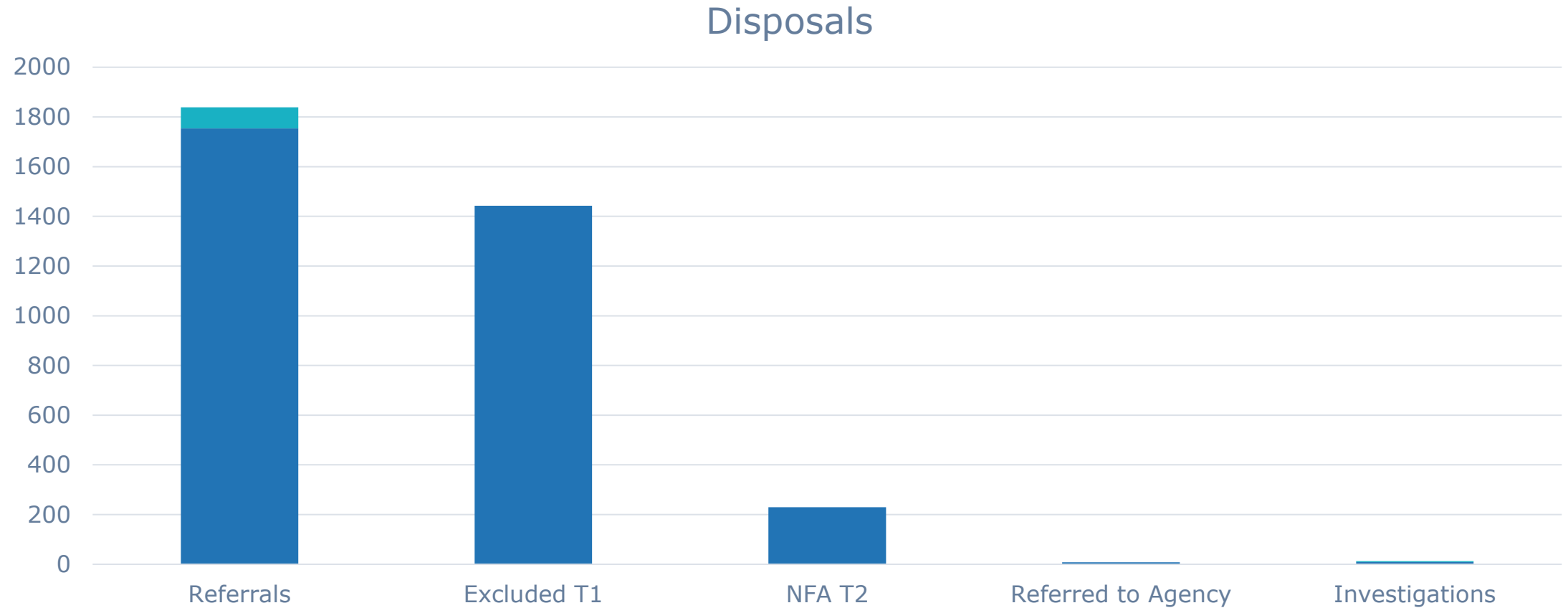
Will an inquiry
'clear the air'?

2023/24

Disposals



2024/25 (9 months)



Emerging trends

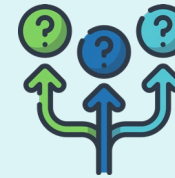
DOMAINS OF CORRUPT CONDUCT



Procurement



**Recruitment
& promotion**



**Decision-
making**



**Nepotism &
cronyism**

**Misuse of
information**



Risk area: procurement

- Cronyism and nepotism
- Secret Commissions
- Overcharging
- Limited tenders



CASE STUDY: Operation PELICAN

- Western Sydney Airport (Commonwealth company)
- Request for a secret commission
- 10-day investigation
- Plea of guilty, conviction and sentence



Risk area: recruitment and promotion

- Nepotism and cronyism
- Misuse of information
- Manipulation of redundancies





National Anti-Corruption Commission

Case study

Operation Kingscliff

This case demonstrates a good example
of a **pro-integrity** culture **working in
practice**



National Anti-Corruption Commission

Investigation Report

Operation Kingscliff

An investigation into a senior public
official's role in the recruitment of
a close relative to a position in the
Department of Home Affairs

nacc.gov.au

Mechanism: Misuse of official information



Unauthorised
access

Unauthorised
modification

Unauthorised
disclosure

Commonwealth Integrity Survey

- Between August and September 2024, the Commission conducted the inaugural Commonwealth Integrity Survey.
- We collected a total of 58,309 survey responses, about 21% of the audience, covering 171 of the 191 potential participating agencies.
- The survey was conducted over 5 weeks and included 54 evaluative questions.
- Participation was voluntary and anonymous.
- Results announced on International Anti-Corruption Day on 9 December 2024.

Perceptions and observations of corruption

- 15 per cent of respondents stated they have specific knowledge of corrupt conduct. The majority said they were aware of more than one incident.
- Nepotism and its close relative cronyism was the most common type of corruption, followed by fraud and conflicts of interest.
- The most frequently identified domain in which the corrupt conduct occurred was procurement.

Identifying and reporting behaviour

- A very high proportion of respondents (83 per cent) were confident they knew what to do should they identify corruption.
- There is a reasonably supportive reporting culture. Notably,
 - 64 per cent of respondents considered that colleagues would be supportive or very supportive of those who reported corrupt conduct.
 - In respect of the most recent incident of corrupt conduct of which they were aware in their agency, 64 per cent of those who responded took some action.
- Other than a lack of proof, fear of reprisals or other consequences were the main barriers to reporting corrupt conduct.

Tips for Government lawyers

- Government lawyers are still lawyers. The general professional precepts of behaviour and ethics apply with no less force to them.
- The requirement to maintain professional detachment is a constant.
- Lawyers in government service will sometimes need to make difficult ethical decisions.
- Legality is not optional.
- It is the duty of lawyers to provide a legal opinion, not a risk assessment.

The Commission's value, importance & effectiveness



As with other anti-corruption bodies, much of the Commission's work must remain confidential



Our existence has an impact. Integrity is on everyone's lips.



As the Commission enters its next phase, complex investigations will reach their completion and our achievements will become more visible.

Making a referral



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nacc.gov.au



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Questions?

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