

What you need to know about the National Anti-Corruption Commission

WHAT IS THE NACC?

The National Anti-Corruption Commission (NACC) will be an independent agency responsible for preventing, detecting, investigating and reporting on corruption in the Commonwealth public sector.

The NACC will operate independently of government and will investigate serious or systemic corruption, including corruption that occurred before its establishment. This includes the power to investigate parliamentarians – including Senators and Ministers – and their staff, statutory office holders, and employees and contractors of all government entities.



WHEN WILL THE NACC BE ABLE TO INVESTIGATE?

The NACC will be able to investigate allegations of **corrupt conduct involving a public official** if that conduct could be **serious or systemic** corrupt conduct. Corrupt conduct is when:

- a public official **breaches public trust**
- a public official **misuses information acquired in their official capacity**
- a public official **abuses their office**
- **any person** does something that could **affect the honesty or impartiality of a public official**.

It will be for the Commissioner of the NACC to determine whether corrupt conduct could be serious or systemic.

The NACC may investigate following a referral, or on its own initiative. If the NACC cannot investigate an issue, it may deal with it in other ways, such as by referring it to another agency.



WILL PARLIAMENTARIANS AND THEIR STAFF BE COVERED BY THE NACC?

Yes - under the *National Anti-Corruption Commission Act 2022* (NACC Act), parliamentarians, including ministers, and people they employ or engage as consultants under the *Members of Parliament (Staff) Act 1984* (MoPS Act) are **public officials**.

This means the NACC may be able to investigate corrupt conduct in connection to parliamentarians, MoPS Act staff, and consultants in parliamentary offices.



WHO WILL OVERSEE THE NACC?

It is important that somebody oversees the NACC to make sure it uses its powers appropriately and complies with the law.

The NACC will be overseen by a Parliamentary Joint Committee, which will review the NACC's performance and budget; and approve the appointments of the Commissioner, Deputy Commissioners, and Inspector.

The NACC will also be overseen by an independent Inspector. The Inspector will investigate corruption issues and complaints about the NACC, and look at how the NACC uses its powers.



WHO WILL BE ABLE TO REFER ISSUES TO THE NACC?

Once it is established, **any person** (including members of the public) will be able to refer a corruption issue or provide other information about a corruption issue to the NACC. Referrals may be made anonymously.

Protections apply to any person who makes a disclosure to the NACC about a corruption issue. The protections include immunity from civil, criminal and administrative liability; privilege in defamation proceedings; and protection from contract termination. It is a criminal offence to take or threaten to take a reprisal action against a person who has made, or may make, a disclosure to the NACC.

These protections will not apply if a person discloses their own corrupt conduct in the hope of avoiding liability for that conduct. Additionally, a person who knowingly makes a false or misleading disclosure to the NACC can also still be liable for false or misleading statements.

