

**Invitation List**

Secretary, Parliament & Cabinet

Secretary, Attorney-General's Department

Deputy Secretary Simon Newman?

Deputy Secretary Lucinda Atkinson ?? plus (who to invite)

AFP Commissioner,

APS Commissioner, Dr Gordon de Brouwer

IGIS

IGADF

Chief Commissioners of State & Territory Integrity Commissions (virtual)

Inspector Gail Furness & Section 47 ??

Deputy Commissioner Ben Gauntlett (who to invite)

Deputy Commissioner Nicole Rose PSM (who to invite)

Deputy Commissioner Jaala Hinchcliffe (who to invite)

Section 47 = 18 staff & 12-18 Media

Sonja = 1 x APS5 and 1 x APS6

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

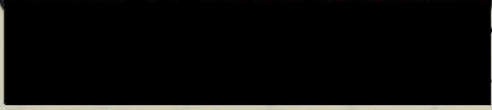
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

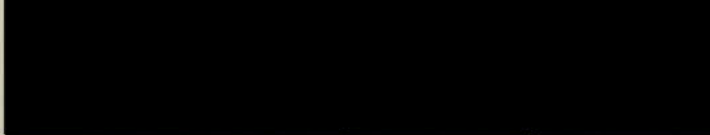
Section 22 - Irrelevant Material



1/2 junior staff

AGD - align

Section 22 - Irrelevant Material

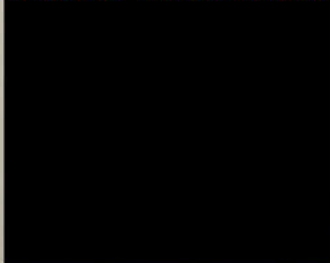


9+  
CC

invitees

sec PMG Glyn  
sec AG Kath

Section 22 - Irrelevant Material



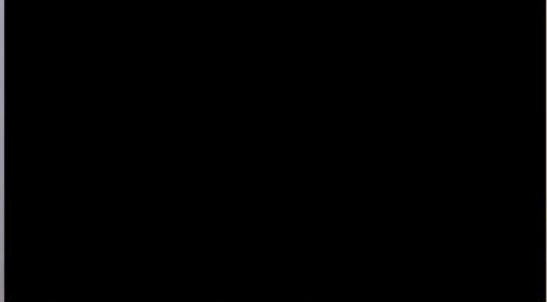
Depsec Simon - +?  
Ars sec Luci

AFP commissnr  
IGS insp g security  
IGADF insp g ADF

Section 22 - Irrelevant Material



Section 22 - Irrelevant Material



insp g chief  
Comm of  
state/territ  
Ian Temby  
NACC inspector

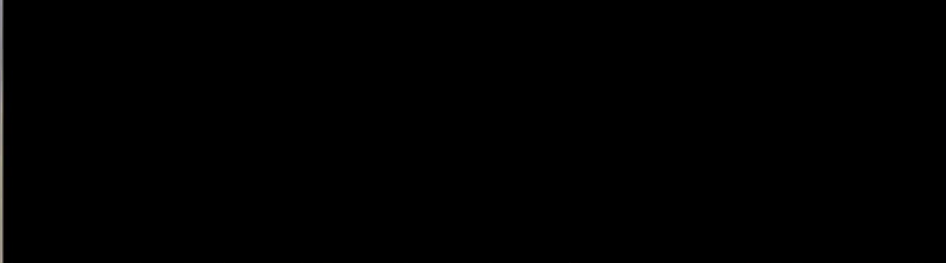
Section 47F - Personal privacy



all staff get a link

Deputy invitees  
Commissioners

Section 22 - Irrelevant Material



Section 47F - Personal privacy, Section 22 - Impeachment

**From:** [Redacted]  
**Sent:** Friday, 23 June 2023 12:38 PM  
**To:** [Redacted]  
**Subject:** RE: DRAFT Opening invite text [SEC=OFFICIAL]

**OFFICIAL**

Hi [Redacted], the list I provided earlier this morning you contains the DC's invitees too. Please see below.

Also in that email I asked if you would be able to issue these invites and cc myself, so we can track RSVPs. Please let me know if you are unable to coordinate this today.

We will not finalise the staff list until we are certain of how many distinguished guests are attending, as the numbers will impact how many can fit in the room.

Thanks and talk soon,

**All invitees:**

- Secretary PM&C Glyn Davis
- Secretary AGD Katherine Jones
- Secretary APSC Gordon de Brouwer
- Deputy Secretary Integrity and International Group Simon Newnham
- Assistant Secretary AGD Luci Atkinson
- AFP Commissioner Reece Kershaw
- Inspector General of Intelligence and Security Christopher Jessup
- Inspector General Australian Defence Force James Gaynor
- Mr Ian Temby
- NACC Inspector Gail Furness
- [Redacted]
- Greg Melick – Tasmania Integrity Commission
- Stephen Farrow – IBAC Victoria
- Ann Vanstone – ICAC South Australia
- Michael Adams – ACT Integrity Commission
- Bruce Barbour – CCC QLD
- John Hatzistergos – NSW ICAC
- John McKechnie – CCC WA
- Michael Riches – ICAC NT
- Peter Johnson – LECC NSW

Section 47F - Personal privacy

**Section 47F - Personal privacy**

Section 47E - Certain operations of agencies, Section 47F - Personal

**OFFICIAL**

**From:** [Redacted]  
**Sent:** Friday, 23 June 2023 12:35 PM  
**To:** [Redacted]  
**Subject:** RE: DRAFT Opening invite text [SEC=OFFICIAL]

**OFFICIAL**

Sorry [redacted]

I lost connectivity at 4:30 yesterday

Do you need anything further from me at this stage?

For completeness can I have the names of the DCs' invitees please

And, when available, could I have a full list of acceptances (including staff) please

Many thanks

[redacted]

[redacted]

[redacted]

ational Anti-Corruption Commission

**Section 47E - Certain operations of agencies**

[redacted]

**OFFICIAL**

**From:** [redacted]

**Sent:** Friday, 23 June 2023 7:38 AM

**To:** [redacted]

**Subject:** RE: DRAFT Opening invite text [SEC=OFFICIAL]

**OFFICIAL**

Thank you very much [redacted].

Philip discussed the invite list with Deputy Commissioners last night and there are three additions.

You are correct about Greg Melick for the Tasmanian Integrity Commission, I apologise for that error, I had listed the CEO. We are also adding Gordon de Brouwer and Peter Johnson, the LECC Commissioner.

The updated list is below. Are you comfortable sending out the email invitation today, and cc-ing myself? Just give me a call if there are worries with this.

PS I added the full room number into the invite for you below.

**Invitees:**

Secretary PM&C Glyn Davis

Secretary AGD Katherine Jones

Secretary APSC Gordon de Brouwer

Deputy Secretary Integrity and International Group Simon Newnham

Assistant Secretary AGD Luci Atkinson

AFP Commissioner Reece Kershaw

Inspector General of Intelligence and Security Christopher Jessup

Inspector General Australian Defence Force James Gaynor

Mr Ian Temby

NACC Inspector Gail Furness

[redacted]

Greg Melick – Tasmania Integrity Commission  
Stephen Farrow – IBAC Victoria  
Ann Vanstone – ICAC South Australia  
Michael Adams – ACT Integrity Commission  
Bruce Barbour – CCC QLD  
John Hatzistergos – NSW ICAC  
John McKechnie – CCC WA  
Michael Riches – ICAC NT  
Peter Johnson – LECC NSW

Section 47F - Personal privacy

Section 47F - Personal privacy

Section 47E - Certain operations of agencies, Section 47F - Personal

OFFICIAL

From: Section 47E - Certain operations of agencies, Section 47F - Personal privacy

Sent: Thursday, 22 June 2023 4:08 PM

To: Section 47E - Certain operations of agencies, Section 47F - Personal privacy

Subject: RE: DRAFT Opening invite text [SEC=OFFICIAL]

OFFICIAL

Section 22 - Irrelevant Material

[Redacted content]

OFFICIAL

From: Section 47E - Certain operations of agencies, Section 47F - Personal privacy

Sent: Thursday, 22 June 2023 3:27 PM

To: Section 47E - Certain operations of agencies, Section 47F - Personal privacy

Subject: RE: DRAFT Opening invite text [SEC=OFFICIAL]

OFFICIAL

Section 22 - Irrelevant Material

Also confirming the list from what I understand, please let me know if I may have missed anything or made errors.

- Secretary PM&C Glyn Davis
- Secretary AGD Katherine Jones
- Deputy Secretary Integrity and International Group Simon Newnham
- Assistant Secretary AGD Luci Atkinson
- AFP Commissioner Reece Kershaw
- Inspector General of Intelligence and Security Christopher Jessup
- Inspector General Australian Defence Force James Gaynor
- Mr Ian Temby
- NACC Inspector Gail Furness
- **Section 47F - Personal privacy**
- Michael Easton – Tasmania Integrity Commission
- Stephen Farrow – IBAC Victoria
- Ann Vanstone – ICAC South Australia
- Michael Adams – ACT Integrity Commission
- Bruce Barbour – CCC QLD
- John Hatzistergos – NSW ICAC
- John McKechnie – CCC WA
- Michael Riches – ICAC NT

**Section 47F - Personal privacy**

**Section 47F - Personal privacy**

**Section 47E - Certain operations of agencies, Section 47F - Personal**

[Redacted]

**OFFICIAL**

**Section 22 - Irrelevant Material**

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Section 22 - Irrelevant Material

[Redacted]

[Redacted] Section 47F - Personal



[Redacted]



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Australian Commission for  
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We acknowledge the Traditional Owners and Custodians of Country throughout Australia.  
We recognise their continuing connection to land, waters and community.  
We pay our respects to the people, the cultures and the Elders past, present and emerging.

[Redacted]

[Redacted]



Section 47F - Personal privacy, Section 22 - Irrelevant

**From:** [redacted]  
**Sent:** Monday, 26 June 2023 9:10 AM  
**To:** Sonja Pase; Reed, Philip  
**Cc:** [redacted]  
**Subject:** RE: Day 1 - VIP invitations - status 7:30am Monday [SEC=OFFICIAL]

**OFFICIAL**

Philp / Sonja

The Commissioner is happy to include her, if you think she should be on the list.

**OFFICIAL**

**From:** Pase, Sonja [redacted]  
**Sent:** Monday, 26 June 2023 8:10 AM  
**To:** Reed, Philip [redacted]; [redacted]  
**Cc:** [redacted]  
**Subject:** Day 1 - VIP invitations - status 7:30am Monday [SEC=OFFICIAL]

**OFFICIAL**

Good morning Philip and [redacted]

We had a few more RSVPs late Friday evening. I don't have access to the [redacted] inbox but I'll check with the NACC team later today and send an update.

Philip – Sue Robertson, head of the APS Integrity Taskforce wasn't on the guest list. Can you confirm if that is correct or was it an oversight

Sonja**OFFICIAL**

Name of invitee	Email address	Invitation sent Y/N Date	RSVP accepted
Secretary PM&C Glyn Davis	[redacted]	Y 23/6/2023	Declined 23/06/2023
Secretary AGD Katherine Jones	[redacted]	Y 23/6/2023	
Secretary APSC Gordon de Brouwer	[redacted]	Y 23/6/2023	
Deputy Secretary Integrity and International Group Simon Newnham	[redacted]	Y 23/6/2023	Accepted 23/06/2023
Assistant Secretary AGD Luci Atkinson	[redacted]	Y 23/6/2023	

AFP Commissioner Reece Kershaw	Section 47E - Certain operations of agencies, Section 22 - Irrelevant Material	Y 23/6/2023	
Inspector General of Intelligence and Security Christopher Jessup	Section 47E - Certain operations of agencies, Section 22 - Irrelevant Material	Y 23/6/2023	
Inspector General Australian Defence Force James Gaynor	Section 47E - Certain operations of agencies, Section 22 - Irrelevant Material	Y 23/6/2023	
Mr Ian Temby	Section 22 - Irrelevant Material, Section 47F - Personal privacy	Y 23/6/2023	Accepted 23/06/2023
NACC Inspector Gail Furness	Section 22 - Irrelevant Material	Y 23/6/2023	Accepted 23/06/2023
Section 47F - Personal privacy	Section 22 - Irrelevant Material, Section 47F - Personal privacy	Y 23/6/2023	Accepted 23/06/2023
Greg Melick – Tasmania Integrity Commission	Section 22 - Irrelevant Material, Section 47F - Personal privacy	Y 23/6/2023	Declined 23/06/2023
Stephen Farrow – IBAC Victoria	Section 22 - Irrelevant Material, Section 47F - Personal privacy	Y 23/6/2023 (sent to ea)	
Ann Vanstone – ICAC South Australia	Section 47F - Personal privacy, Section 22 - Irrelevant Material	Y 23/6/2023	
Michael Adams – ACT Integrity Commission	Section 47F - Personal privacy, Section 22 - Irrelevant Material	Y 23/6/2023	
Bruce Barbour – CCC QLD	Section 47F - Personal privacy, Section 22 - Irrelevant Material	Y 23/6/2023	
John Hatzistergos – NSW ICAC	Section 47F - Personal privacy, Section 22 - Irrelevant Material	Y 23/6/2023	
John McKechnie – CCC WA	Section 47F - Personal privacy, Section 22 - Irrelevant Material	Y 23/6/2023	
Michael Riches – ICAC NT	Section 47F - Personal privacy, Section 22 - Irrelevant Material	Y 23/6/2023	Declined 23/06/2023 Wants link to live stream
Peter Johnson – LECC NSW	Section 47F - Personal privacy, Section 22 - Irrelevant Material	Y 23/6/2023	

**OFFICIAL**

Section 47F - Personal privacy, Section 22 - Impeachment

**From:** Brereton, Paul  
**Sent:** Monday, 26 June 2023 10:55 AM  
**To:** Reed, Philip  
**Cc:** Sonja Pase; Jaala Hinchcliffe; [redacted]  
**Subject:** RE: 3 July Opening event - Deputy Commissioner invitees [SEC=OFFICIAL]

**OFFICIAL**

I'm happy for Scott to be invited.

PB

**OFFICIAL**

**From:** Reed, Philip [redacted]  
**Sent:** Monday, 26 June 2023 9:58 AM  
**To:** Brereton, Paul [redacted]  
**Cc:** Pase, Sonja [redacted]; Hinchcliffe, Jaala [redacted]  
**Subject:** FW: 3 July Opening event - Deputy Commissioner invitees [SEC=OFFICIAL]

Hi – another possible invitation. Regards, Philip

**From:** Hinchcliffe, Jaala [redacted]  
**Sent:** Monday, 26 June 2023 9:57 AM  
**To:** Reed, Philip [redacted]  
**Subject:** RE: 3 July Opening event - Deputy Commissioner invitees [SEC=OFFICIAL]

**OFFICIAL**

The Legal team has also raised whether A/CDPP Scott Bruckard PSM should be invited, particularly given the CDPP received additional funding to deal with NACC matters.

Jaala

**Jaala Hinchcliffe**  
Integrity Commissioner

[redacted signature]

EA. [redacted]



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**OFFICIAL**

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**From:** Hinchcliffe, Jaala Section 47E - Certain operations of agencies  
**Sent:** Thursday, 22 June 2023 6:01 PM  
**To:** Reed, Philip Section 47E - Certain operations of agencies  
**Subject:** Re: 3 July Opening event - Deputy Commissioner invitees [SEC=OFFICIAL]

And I would also invite Peter Johnson from LECC who is also a part of the Anti Corruption Commissioners forum

**OFFICIAL**

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**From:** "Reed, Philip" Section 47E - Certain operations of agencies  
**Date:** Thursday, 22 June 2023 at 5:57:52 pm  
**To:** "Hinchcliffe, Jaala" Section 47E - Certain operations of agencies  
**Subject:** RE: 3 July Opening event - Deputy Commissioner invitees [SEC=OFFICIAL]

**OFFICIAL**

Yes thank you for picking that up. Regards, Philip

**OFFICIAL**

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**From:** Hinchcliffe, Jaala Section 47E - Certain operations of agencies  
**Sent:** Thursday, 22 June 2023 5:57 PM  
**To:** Reed, Philip Section 47E - Certain operations of agencies; Ben Gauntlett Section 47E - Certain operations of agencies; Nicole Rose Section 47E - Certain operations of agencies  
**Subject:** RE: 3 July Opening event - Deputy Commissioner invitees [SEC=OFFICIAL]

**OFFICIAL**

For Tasmania Integrity Commission, it should be Greg Melick rather than Michael Easton.

I would also suggest that the APS Commissioner Gordon de Brouwer be invited given his role in relation to integrity in the Commonwealth.

Jaala

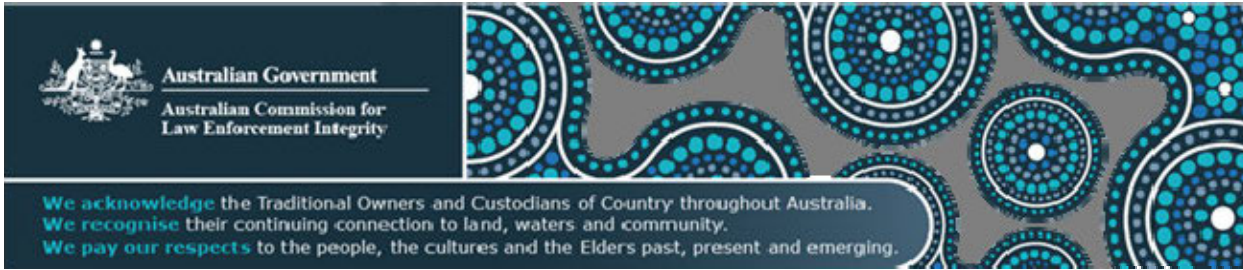
**Jaala Hinchcliffe**  
Integrity Commissioner

Section 47E - Certain operations of agencies  
[Redacted signature]

EA. Section 47E - Personal privacy, Section 47E - Certain operations of agencies



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**OFFICIAL**

**From:** Reed, Philip Section 47E - Certain operations of agencies  
**Sent:** Thursday, 22 June 2023 5:55 PM  
**To:** Ben Gauntlett home Section 47E - Certain operations of agencies; Hinchcliffe, Jaala Section 47E - Certain operations of agencies; Nicole Rose Section 47E - Certain operations of agencies  
**Subject:** FW: 3 July Opening event - Deputy Commissioner invitees [SEC=OFFICIAL]  
**Importance:** High

**OFFICIAL**

Hi – as discussed in the meeting, below is the current invitation list for non-NACC staff to the Day one event. Please let me know if there are other people you think should be invited to the event. Regards, Philip

**OFFICIAL**

**From:** Section 47E - Certain operations of agencies, Section 47F - Personal privacy  
**Sent:** Thursday, 22 June 2023 3:23 PM  
**To:** Reed, Philip Section 47E - Certain operations of agencies  
**Cc:** Pase, Sonja Section 47E - Certain operations of agencies  
**Subject:** 3 July Opening event - Deputy Commissioner invitees [SEC=OFFICIAL]  
**Importance:** High

**OFFICIAL**

Good afternoon Philip,

**Section 22 - Irrelevant Material**  
[Redacted]

[Redacted]

I have already heard from Deputy Secretary Newnham’s EA asking if he will be invited, and a coordinator for Ms Gail Furness asking if Section 47F - Personal privacy will be extended an invite. I have confirmed they will receive an invitation shortly.

**I was hoping you may ask the Deputy Commissioners in your weekly meeting this afternoon if there is anyone else they are very keen to have attend**, so that way we can try our best to accommodate them too. If you prefer I email them directly or if you feel it is not necessary to ask them for invitees, please just let me know.

**For reference, the list of invitees based on our meeting yesterday are as follows:**

- Secretary PM&C Glyn Davis
- Secretary AGD Katherine Jones
- Deputy Secretary Integrity and International Group Simon Newnham
- Assistant Secretary AGD Luci Atkinson
- AFP Commissioner Reece Kershaw

Inspector General of Intelligence and Security Christopher Jessup  
Inspector General Australian Defence Force James Gaynor  
Mr Ian Temby  
NACC Inspector Gail Furness

Section 47F - Personal privacy

Michael Easton – Tasmania Integrity Commission  
Stephen Farrow – IBAC Victoria  
Ann Vanstone – ICAC South Australia  
Michael Adams – ACT Integrity Commission  
Bruce Barbour – CCC QLD  
John Hatzistergos – NSW ICAC  
John McKechnie – CCC WA  
Michael Riches – ICAC NT

Any changes or corrections please let me know and speak soon,

Section 47F - Personal privacy

Section 47F - Personal privacy

Section 47E - Certain operations of agencies, Section 47F - Personal

[Redacted]



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Name of invitee	Email address	Invitation sent Y/N Date	RSVP accepted
Professor Glyn Davis AC  Secretary PM&C	Section 22 - Irrelevant Material	Y 23/6/2023	Declined 23/06/2023
Ms Katherine Jones PSM  Secretary AGD	Section 47E - Certain operations of agencies, Section 22	Y 23/6/2023	Accepted 27/06/2023
Dr Gordon de Brouwer PSM  APS Commissioner	Section 47E - Certain operations of agencies, Section 22 - Irrelevant M	Y 23/6/2023	Declined 28/06/2023
Mr Simon Newnham  Deputy Secretary Integrity and International Group, AGD	Section 22 - Irrelevant Material	Y 23/6/223	Accepted 23/06/2023
Ms Lucinda Atkinson  Assistant Secretary AGD	Section 22 - Irrelevant Material	Y 23/6/2023	Accepted 26/06/2023  Wants the link
Mr Reece Kershaw  Commissioner AFP	Section 47E - Certain operations of agencies, Section 22	Y 23/6/2023	Accepted 28/03/2023  Will also bring his Close personal Protection Officer
Section 47F - Personal privacy  Staff Officer, AFP	Additional invitee will come with AFP Commissioner  Section 47F - Personal privacy	-  At request of AFP Commissioner	Accepted 28/03/2023
The Hon Christopher Jessup KC  Inspector General of Intelligence and Security	Section 47E - Certain operations of agencies, Section 22 - Irrelevant M	Y 23/6/2023	Accepted 26/06/2023
Mr James Gaynor CSC  Inspector General	Section 47E - Certain operations of agencies, Section 22 - Irrelevant M	Y 23/6/2023	Accepted 28/03/2023

OFFICIAL

Name of invitee	Email address	Invitation sent Y/N Date	RSVP accepted
Australian Defence Force			
Mr Ian Temby AO, KC	Section 47F - Personal privacy, Section 22 - Irrelevant Material	Y 23/6/2023	Accepted 23/06/2023
Ms Gail Furness SC  NACC Inspector	Section 22 - Irrelevant Material	Y 23/6/2023	Accepted 23/06/2023
Section 47F - Personal privacy	Section 47F - Personal privacy, Section 22 - Irrelevant Material	Y 23/6/2023	Accepted 23/06/2023
Mr Greg Melick AO SC  Chief Commissioner Integrity Commission Tasmania	Section 47F - Personal privacy, Section 22 - Irrelevant Material	Y 23/6/2023	Declined 23/06/2023
Mr Stephen Farrow  Acting Commissioner IBAC Victoria	Section 47F - Personal privacy, Section 22 - Irrelevant Material  (sent to ea)	Y 23/6/2023	Declined.28/06/2023  Send live stream  Section 47F - Personal privacy, Section 22 - Irrelevant Material  [Redacted]  [Redacted]  [Redacted]
The Hon Ann Vanstone KC  Commissioner ICAC South Australia	Section 47F - Personal privacy, Section 22 - Irrelevant Material	Y 23/6/2023	
Ms July Lind  CEO – ACT Integrity Commission	Section 47F - Personal privacy, Section 22 - Irrelevant Material  Mr Michael Adams KC Commissioner – ACT Integrity Commission was invited but he delegated to July Lind  Section 47F - Personal privacy, Section 22 - Irrelevant Material	Y 23/6/2023	Delegated to the CEO. Ms Judy Lind  Accepted 28 /06/2023
Mr Bruce Barbour  Chairperson – CCC QLD	Section 47F - Personal privacy, Section 22 - Irrelevant Material	Y 23/6/2023	Declined for in person attendance. 26/06/2023  Will attend via livestream



OFFICIAL

Name of invitee	Email address	Invitation sent Y/N Date	RSVP accepted
The Hon John Hatzistergos AM Chief Commissioner ICAC	Section 47F - Personal privacy, Section 22 - Irrelevant Material	Y 23/6/2023	Declined for in person attendance. 26/06/2023 Will attend via livestream
The Hon John McKechnie KC Commissioner CCC WA	Section 47F - Personal privacy, Section 22 - Irrelevant Material	Y 23/6/2023	
Mr Michael Riches Commissioner ICAC NT	Section 47F - Personal privacy, Section 22 - Irrelevant Material	Y 23/6/2023	Declined 23/06/2023 Wants link to live stream
Mr Peter Johnson SC Chief Commissioner – LECC NSW	Section 47F - Personal privacy, Section 22 - Irrelevant Material	Y 23/6/2023	Accepted 26/06/2023
Mr Scott Bruckard PSM – A/g CDPP	Section 47F - Personal privacy, Section 22 - Irrelevant Material	Y 26/06/2023	Accepted 27/06/2023
Ms Sue Robertson Head of APS Integrity Taskforce	Section 47E - Certain operations of agencies, Section 22 - Irrelevant Material	Y 26/06/2023	Accepted 26/06/2023

OFFICIAL

Name of invitee	Email address	RSVP accepted
Ms Katherine Jones PSM Secretary AGD	Section 47E - Certain operations of agencies, Section 22	Accepted 27/06/2023
Mr Simon Newnham Deputy Secretary Integrity and International Group, AGD	Section 22 - Irrelevant Material	Accepted 23/06/2023
Ms Lucinda Atkinson Assistant Secretary AGD	Section 22 - Irrelevant Material	Accepted 26/06/2023 Wants the link
Mr Reece Kershaw Commissioner AFP	Section 47E - Certain operations of agencies, Section 22	Accepted 28/03/2023 Will also bring his Close personal Protection Officer
Section 47F - Personal privacy [Redacted] Staff Officer, AFP	Additional invitee will come with AFP Commissioner Section 47F - Personal privacy [Redacted]	Accepted 28/03/2023
The Hon Christopher Jessup KC Inspector General of Intelligence and Security	Section 47E - Certain operations of agencies, Section 22 - Irrelevant Material [Redacted]	Accepted 26/06/2023
Mr James Gaynor CSC Inspector General Australian Defence Force	Section 47E - Certain operations of agencies, Section 22 - Irrelevant Material [Redacted]	Accepted 28/03/2023
Mr Ian Temby AO, KC	Section 22 - Irrelevant Material, Section 47F [Redacted]	Accepted 23/06/2023
Ms Gail Furness SC NACC Inspector	Section 22 - Irrelevant Material [Redacted]	Accepted 23/06/2023
Section 47F - Personal privacy [Redacted]	Section 22 - Irrelevant Material, Section 47E - Certain operations of agencies, Section 22 - Irrelevant Material [Redacted]	Accepted 23/06/2023

Name of invitee	Email address	RSVP accepted
<p><b>Ms July Lind</b>  CEO – ACT Integrity Commission</p>	<p>Section 22 - Irrelevant Material, Section 47F - Personal privacy                      Mr Michael Adams KC Commissioner – ACT Integrity Commission was invited but he delegated to July Lind                      Section 22 - Irrelevant Material, Section 47F - Personal privacy</p>	<p>Delegated to the CEO. Ms Judy Lind  Accepted 28 /06/2023</p>
<p><b>Mr Peter Johnson SC</b>  Chief Commissioner – LECC NSW</p>	<p>Section 22 - Irrelevant Material, Section 47F - Personal privacy</p>	<p>Accepted 26/06/2023</p>
<p><b>Mr Scott Bruckard PSM</b> – A/g CDPP</p>	<p>Section 22 - Irrelevant Material, Section 47F - Personal privacy</p>	<p>Accepted 27/06/2023</p>
<p><b>Ms Sue Robertson</b>  Head of APS Integrity Taskforce</p>	<p>Section 47E - Certain operations of agencies, section 22 - Irrelevant Material</p>	<p>Accepted 26/06/2023</p>

Section 22 - Irrelevant Material, Section 47F - Personal privacy

**From:** Section 47F - Personal privacy  
**Sent:** Wednesday, 5 July 2023 12:16 PM  
**To:** Section 47F - Personal privacy  
**Subject:** Fwd: FW: Opening Ceremony Address [SEC=OFFICIAL]  
**Attachments:** Opening Ceremony Address.docx

OFFICIAL

----- Forwarded message -----

**From:** Brereton, Paul Section 47E - Certain operations of agencies  
**Date:** Fri, 30 Jun 2023 at 17:01  
**Subject:** FW: Opening Ceremony Address [SEC=OFFICIAL]  
**To:** Section 47F - Personal privacy

OFFICIAL

Hi Section 47F - Personal privacy,

Here is a rough draft which can be provided to Sonja. There's still quite a bit of work to be done on it, but it will give them something to work with.

Best regards, and have a great weekend!

PB

OFFICIAL

**From:** Section 47F - Personal privacy  
**Sent:** Friday, 30 June 2023 4:57 PM  
**To:** Brereton, Paul Section 47E - Certain operations of agencies  
**Subject:** Opening Ceremony Address

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**OPENING  
OF THE  
NATIONAL ANTI-CORRUPTION COMMISSION**

**Room 8.06, Level 8**

**14 Moore Street, Canberra, ACT**

**Monday 3 July 2023**

**Opening Address**

**The Hon PLG Brereton AM RFD SC**

**Commissioner:**

**Acknowledgement of Country**

I respectfully acknowledge the traditional custodians of the land on which we assemble here, the Ngunnawal people, and all other First Nations people with connection to these lands. I pay my respects to their Elders past, present and emerging. I acknowledge also the traditional custodians of the various lands from which people are joining us virtually, and I extend my respect to all Aboriginal and Torres Strait Islander people participating in this ceremony. I recognise your continuing connection to land, waters, culture and community.

**Acknowledgement of distinguished guests**

We are honoured by the presence today of a number of distinguished guests. From the Attorney-General's department, which has played a major part in the work which has been undertaken to establish the Commission, Ms Katherine Jones PSM, Secretary of the Attorney-General's Department.

From other Commonwealth integrity agencies:

From the State and Territory Corruption Commissions:

Mr Ian Temby AO KC, who pioneered the establishment of a Corruption Commission in this Country, and from whose experience we have much to learn, albeit that the environment we enter is different in many ways,

Ms Gail Furness, the Inspector of the Commission, a crucial part of the oversight mechanisms

Ms Sue Robertson, Head of the APS Integrity Taskforce in PM&C; and

Staff of the NACC

### **Apologies**

I would also acknowledge the apologies of Dr Gordon de Brouwer, the Australian Public Service Commissioner, whose prior commitments preclude his attendance.

### **Introduction of Commissioners**

Seated with me on the Bench, to my immediate right, is Deputy Commissioner Nicole Rose, formerly CEO of Austrac; to my left, Deputy Commissioner Jaala Hinchliffe, formerly the Integrity Commissioner in ACLEI; and to me far right, Deputy Commissioner Ben Gauntlett, formerly the Disability Commissioner. Together with the Chief Executive Officer Mr Philip Reed, formerly CEO of the NSW ICAC, who is seated next to my associate Section 47F - Personal privacy on the cross-bench, we constitute the statutory officers of the Nation Anti-Corruption Commission. We have already been working together over the last month or so in anticipation of the commencement, and I am very grateful to have the support of these learned and experienced men and women who are so well suited for the large tasks that await us.

### **The realisation of the Commission**

The National Anti-Corruption Commission will commence operations on 1 July. For the first time, Australia has a national integrity agency with general jurisdiction pertaining to the Commonwealth public sector.

This is an historic moment, representing the alignment of several constellations. First, and foremost, the people of the Commonwealth are no longer prepared to tolerate practices which

might once have been the subject of, if not acceptance, at least acquiescence; and they have clearly expressed a desire for an integrity agency with jurisdiction over Commonwealth officials. Secondly, a government with a mandate to act on that desire, and with an agenda to strengthen integrity across the Commonwealth public sector, has legislated to establish this independent Commission. And thirdly, the leadership of the Australian Public Service, through the APS Reform Agenda and by the establishment of an Integrity Taskforce, has embraced the objective of ensuring that the APS is focused upon and delivering a pro-integrity culture at all levels. This confluence makes this potentially, an inflexion moment in the governance of the Commonwealth – and the people of the Commonwealth are watching, expectantly. Above all, this Commission is the realisation of an aspiration of the people of the Commonwealth, and we are very conscious that it is to you, the people, in whose interests we must exercise our functions.

### **What has been done and where we are at**

We commence operations today with the statutory officers I have mentioned having been selected and appointed, with an organisational structure in place, with 180 staff already recruited, with staff to receive, triage and assess referrals already on the phones and the internet to receive them, over the next twelve months we will grow to 260. At present they are dispersed between offices in Canberra, Sydney and Melbourne; in the next few months Brisbane and Perth, where premises have already been secured, will be added. Also in the next few months, we will occupy new purpose-designed offices, including a public hearing room, in Canberra, which are currently being fitted out. We have already established and implemented processes for receiving and assessing referrals; we are already building relationships with stakeholders and preparing educational materials for them.

That we can begin operations on the day we come into existence is due to the diligent work of a joint project between AGD and ACLEI.

The new Commission absorbs the former ACLEI, and the ongoing ACLEI investigations. It has become very evident to me that, under the leadership of now DC Hinchcliffe, ACLEI has undertaken some high quality but low visibility work of great importance in recent years, the fruits of which will be seen in the future. They have also been instrumental in setting in place the conditions for us to commence work immediately. The staff of ACLEI will become staff of the Commission; I have met many of them already and am struck by their professionalism,



and their enthusiasm. The work and heritage of ACLEI – include current investigations – will live on in the new Commission.

### **Corruption and integrity**

Commonwealth public officials wield great power that can impact, for the better or worse, on the lives of individuals and communities. They grant visas, distribute grants, acquire land for Commonwealth purposes, procure equipment and services, distribute benefits through pensions and other schemes.

Corruption is essentially about the misuse of public power and property, usually for private purposes. Corruption at least usually involves an element of dishonesty, and conduct can be corrupt without being criminal. It is important to appreciate that mere mistakes and even negligent maladministration are not in themselves corruption.

Corruption erodes public trust in government and institutions and undermines democracy. Corruption diverts government resources, which means there is less available to provide the services Australians need.

Integrity in governance is fundamental to ensuring that decisions are made in the public interest, unaffected by private interest; and that resources are applied for the benefit of the people for whom they are intended, and not eroded or diverted. Integrity involves making decisions and giving advice *honestly* and *impartially*, on the *evidence* and the *merits*, in the *public interest* and without regard to *personal interest*; accepting responsibility for it, including for mistakes; and reporting honestly. ‘Integrity is fundamentally about giving advice and making decisions on the evidence and the merits, without regard to personal or political interests, and accepting responsibility for it.’

A good starting point for public officials is to remember that their duty is owed to the Government and People of the Commonwealth. That is not to deny that the role necessarily involves supporting the Government of the day to achieve its intent, within lawful constraints, rather than finding obstacles to their doing so: the Government of the day represents the people of the Commonwealth, and is entitled to implement its policies, within the law. But that does not extend to circumventing the laws, which constrain governments as they do individuals; nor to extracting private benefits from their decisions. ‘Public servants must be fearless in giving advice, especially when it is known that will not be well-received.’

‘From time to time, mistakes will be made. We all make mistakes. It is almost always the cover-up, rather than the original error, that leads to grief. Duties of honesty and integrity oblige public servants to take responsibility for their mistakes, and to rectify what they can.’ leaders must cultivate an environment in which subordinates feel safe to adhere to these precepts. It is important that those in leadership positions are seen to model this behavior; that they are receptive to honest if unwelcome advice; and that the careers of those who act with unpopular propriety are seen to prosper.

### **What we will do - Functions**

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.

The Commission’s jurisdiction is concerned with corrupt conduct that involves Commonwealth public officials. Much of the public debate has been concerned with parliamentarians, but I expect that they will form only a small, though inevitably salacious, part of our work. The Commission will also be concerned with corrupt conduct involving public servants, individuals engaged in assisting Commonwealth agencies, consultants, and contracted service providers under Commonwealth contracts.

The Commission’s primary function is to investigate and report on serious and systemic corruption in the Commonwealth public sector. The detection, investigation and reporting of corrupt conduct will be an important part of our role. It is through detection, investigation and reporting that corrupt conduct is exposed, and through the risk of such exposure that other corrupt conduct is deterred.

Anyone can refer a question of whether there has been corrupt conduct involving a public official to us, preferably by our on-line webform, or by telephone. We will listen to you. In my experience, the seed of most apparently querulous complaints is a legitimate grievance that was not properly addressed at the outset. All referrals will be assessed, to see if they are within jurisdiction (that is, that a Commonwealth public official is involved), and whether the conduct alleged could amount to corrupt conduct

If they do, the Commission can decide to investigate independently, or jointly with another agency, if it could involve serious or systemic corruption; or, refer the matter to another agency; or to take no action. We will not investigate every matter that is referred to us. The

experience of other Corruption Commissions is that only a very small proportion of matters referred ultimately reach the stage of full investigation.

Significant factors in deciding whether and if so how to deal with a matter will include the gravity and scale of the conduct, whether there is a realistic prospect of a finding of corrupt conduct, and whether there have been other investigations of it, or more suitable agencies to investigate it. Above all, I will be concerned with whether a corruption investigation by the Commission is likely to add value in the public interest, and that will be particularly relevant where other inquiries or investigations into the same matter are on foot, or the matter has already been adequately investigated.

Our focus will be on issues of corruption that could be serious or systemic. But in short, to my mind, though “serious” falls a little short of “severe” or “grave”; it requires something well above “slight” or “minor”. It would not be satisfied by a conspiracy to raid the cookie jar, or the use of items of stationery for personal purposes. It might well not be satisfied by the mere unauthorised accessing of information, where no further use of it is contemplated. “Systemic” means something that is more than an isolated case; it involves something that affects or is embedded in a system.

We are likely to favour joint investigations where there is another agency with specialist skills or knowledge relevant to the issue. I believe that organisations are often best investigated by those who know them. Especially where there is a specialist integrity agency, I would favour remitting matters to them for investigation, or investigating jointly with them; but only where they have the capacity, and after consultation. I will be influenced by the capacities of the agency, by whether the additional powers of the NACC might be useful, by any risk of a perceived lack of independence, and by the agency’s own views.

So it is important to appreciate that the fact that we open an investigation does not imply that there is necessarily corrupt conduct. We may open investigations to ‘clear the air’, and I will use the power to make public statements about corruption issues.

Generally it will not be appropriate for the Commission to comment on a corruption issue being considered for investigation, or on the progress of the investigation; to do so could compromise the integrity of the investigation, and risk unfair harm to persons involved where an allegation might turn out to have no substance.

Not only can anyone refer corruption issues to the Commission, the Commission can also investigate matters of its own motion.

The Commission is obviously aware of a number of matters which have been mentioned in the media as potential subjects for investigation. The Commission will assess all the matters of which it is aware to decide whether they should be investigated. Again, relevant considerations include whether a corruption investigation by the Commission would be in the public interest, especially in the light of any other inquiries or investigations that are happening, and whether there is any real prospect of a finding of corrupt conduct.

Should it be sought to “weaponise” the Commission through inappropriate referrals, I will not hesitate to use the power to make public statements about corruption issues, if necessary, to avoid damage to reputations and to discourage inappropriate referrals.

The Commission recognises the benefits of exposing corrupt conduct to the public, and making the public aware of corrupt conduct. And also of the importance that our work be subject to public scrutiny. But we are not a Court, and we do not make findings of criminal guilt. The Commission will operate with as much transparency as we can; the public is entitled to no less. However, there are necessarily constraints on what can permissibly or properly be done openly. We will conduct public hearings in accordance with the legislation, only where the circumstances and the public interest justify an exception to the general rule that they be held in private. It is not possible to give a comprehensive definition of the public interest, and often there are considerations that weigh in both directions. On the one hand, it is not in the public interest to have the reputations of people damaged by allegations which might turn out to have no substance; on the other, there is public interest in being informed of evidence of corrupt conduct by or affecting public officials, government departments, and politicians; and in public scrutiny of the Commission’s activities. These will be weighed on a case-by-case basis. The main considerations will be the significance of the alleged corrupt conduct, and the desirability of exposing evidence of it, and of public scrutiny of the Commission’s activities; weighed against any *unfair* prejudice to a person’s reputation, privacy, safety or wellbeing that would be likely to be caused if the hearing is held in public.

## **Education**

Our work will not only involve the detection and investigation of corrupt conduct, but also its prevention through educating the public sector (and the public) about corruption, including risks and vulnerabilities, to prevent corruption in the future. What we *will* do in public is to conduct inquiries into corruption risks and vulnerabilities, and measures to prevent corruption, in Commonwealth agencies. In that way, and through our education function, we can help agencies and Government avoid falling off the integrity track, and I see that as a very important aspect of our role. The Commission will provide guidance and information to support the public sector to understand the concept of corrupt conduct, and to identify and address vulnerabilities to corruption. Through enhancing a culture of transparency and integrity in the federal public sector, this will harden the Commonwealth public sector against corruption and support the APS-wide integrity reform agenda.

### **Workplace**

To our staff, I promise that the Commission will be a respectful, diverse, inclusive workplace. Naturally, as an Anti-Corruption Commission, integrity will be at the forefront of our values.

### **Conclusion**

democracy.

I want the Commission to have the reputation of being fearless but fair. Our independence supports us to be fearless. The Commission is impartial and independent from government.

The prevention of corruption is critical to ensuring that public power is exercised honestly, impartially and in the public interest. It is also critical to ensuring that programmes that are intended to deliver benefits to the people do so, and that their potential benefits are not eroded by the diversion of resources along the way for improper purposes. By enhancing integrity in the Commonwealth public sector, we restore the trust of the people in our

I undertake to you, the people of the Commonwealth, that I will do my best.

After the Commission adjourns, distinguished guests are invited to join us in the adjacent room 8.07 for morning tea; the Associate will show you the way.

The Commission will now adjourn.

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Section 22 - Irrelevant Material, Section 47F - Personal privacy

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**From:** Section 47F - Personal privacy  
**Sent:** Sunday, 2 July 2023 9:43 PM  
**To:** Section 47F - Personal privacy  
**Cc:** Section 47F - Personal privacy  
**Subject:** Opening Ceremony Address  
**Attachments:** Opening Ceremony Address.docx

Hi Section 47F - Personal privacy,

Here it is.

PB



**OPENING  
OF THE  
NATIONAL ANTI-CORRUPTION COMMISSION**

**Room 8.06, Level 8**

**14 Moore Street, Canberra, ACT**

**Monday 3 July 2023**

**Opening Address**

**The Hon PLG Brereton AM RFD SC**

**COMMISSIONER:**

**Acknowledgement of Country**

I respectfully acknowledge the traditional custodians of the land on which we here assemble, the Ngunnawal people, and all other First Nations people with connection to these lands. I pay my respects to their Elders past, present and emerging. I acknowledge also the traditional custodians of the various lands from which viewers are joining us virtually, and I extend my respects to all Aboriginal and Torres Strait Islander people participating in this ceremony. I recognise your continuing connection to land, waters, culture, and community.

This, the first week of July, is NAIDOC Week, during which celebrations are held across Australia to recognise and celebrate the cultures, histories, and achievements of Aboriginal and Torres Strait Islander peoples. It is also an opportunity for Australians of all backgrounds to learn about First Nations

cultures and histories, and to participate in the celebrations of the oldest continuous living cultures on earth,

### **Acknowledgement of distinguished guests**

We are honoured by the presence today of the following distinguished guests.

- From the Attorney-General's Department, which has played a major part in the work which has been undertaken to establish the Commission: Secretary Katherine Jones PSM, Deputy Secretary Simon Newnham, and Assistant Secretary Lucinda Atkinson.
- From other Commonwealth integrity agencies, with whom this Commission will have important relationships: Mr Reece Kershaw, Commissioner of the Australian Federal Police; The Hon Christopher Jessup KC, Inspector General of Intelligence and Security; Mr James Gaynor CSC, Inspector General Australian Defence Force; and Mr Scott Bruckard PSM, Acting CDPP.
- From the State and Territory Corruption Commissions, with whom we will cooperate and from whom we have much to learn: Ms July Lind, CEO representing the Hon Michael Adams Commissioner of the ACT Integrity Commission; and the Hon Peter Johnson SC, Chief Commissioner of the NSW Law Enforcement Conduct Commission; others are participating virtually, including I believe Mr Greg Melick AO SC, Chief Commissioner of the Tasmanian Integrity Commissioner, who spent last night at Lords.
- Ms Gail Furness SC, the Inspector of the Commission.
- Ms Sue Robertson, Head of the APS Integrity Taskforce in PM&C.
- Mr Ian Temby AO KC, the inaugural commissioner of the NSW ICAC, the first Corruption Commission in this Country. Since it was established 34



years ago, every state and territory has established a similar Commission. The environment we enter is significantly different, partly due to his pioneering work. As a result, there will be differences in our work and the way we go about it; but there is still much to be learned from his experience.

Also present are members of the staff of the Commission; many more around the country are participating virtually; together, today, we introduce to the people of Australia the National Anti-Corruption Commission.

### **Introduction of Commissioners**

Seated with me on the Bench of the Commission are, to my immediate right, Deputy Commissioner Ms Nicole Rose, formerly Chief Executive Officer of Austrac; to my left, Deputy Commissioner Ms Jaala Hinchliffe, formerly the Integrity Commissioner in the Australian Commission for Law Enforcement Integrity; and to my far right, Deputy Commissioner Dr Ben Gauntlett, formerly the Disability Commissioner. Together with the Chief Executive Officer Mr Philip Reed, formerly Chief Executive Officer of the NSW Independent Commission Against Corruption, who is seated on the crossbench, we constitute the statutory officers of the Commission. Each of them is eminently qualified and suited for the large tasks that await us by learning and integrity; together, they bring to the Commission diverse and extensive experience. We have already been working together over the last month or so in anticipation of the Commission's commencement, and I am very grateful and fortunate to have their support.

### **The realisation of the Commission**

Since Saturday 1 July, Australia has had a national anti-corruption agency with general jurisdiction pertaining to the Commonwealth public sector. Today is the

first weekday since the National Anti-Corruption Commission came into existence and commenced operations.

This is an historic moment, representing the convergence of several streams.

First, and foremost, the people of the Commonwealth are no longer prepared to tolerate practices which might once have been the subject of, if not acceptance, at least acquiescence. They have clearly expressed the desire for a Commonwealth anti-corruption agency.

Secondly, a government with a mandate to act on that desire, and with an agenda to strengthen integrity across the Commonwealth public sector, has legislated to establish this independent Commission. In doing so, it has enacted legislation which embodies the best practice principles for Corruption Commissions. These include:

- The ability to consider referrals from anyone
- The ability to commence an investigation on our own motion
- A requirement for the heads of Commonwealth agencies to refer allegations of corruption to us
- The ability to conduct hearings to obtain evidence, including the power to summons witnesses, the power to require production of information or documents, the power to take evidence under oath or affirmation, the abrogation of the rule against self-incrimination, with corresponding use immunity provisions to ensure that evidence so obtained cannot be used against the witness in a criminal prosecution
- The ability to require the production of information or documents
- The ability to refer matters to a prosecuting authority

- The ability to make recommendations
- The ability to report on investigations and make public statements
- A corruption prevention function
- A sufficient and predictable budget
- Transparency of appointments
- Appropriate oversight

And thirdly, the leadership of the Australian Public Service has adopted the objective of ensuring that the public service embraces a pro-integrity culture.

This confluence makes this potentially an inflexion moment, when we can make an enduring difference in the ethics and integrity of the governance of the Commonwealth. Above all, this Commission is the realisation of an aspiration of the people of the Commonwealth; we know that you are watching, expectantly; and we are very conscious that it is in your interests and for your benefit that we must exercise our functions.

### **What has been done and where we are at**

We commence operations today with the statutory officers I have mentioned having been selected and appointed; with an organisational structure in place, populated with 180 staff already recruited, to grow over the next twelve months to 260. We operate from existing premises in Canberra, Sydney, and Melbourne; and in the next few months this will extend to Brisbane and Perth, where premises have already been secured. Also in the next few months, our Canberra offices will move to a new purpose-designed facility, which is currently being fitted out, including a public hearing room. We have designed and implemented processes

for receiving and assessing referrals; by 5.00pm yesterday we had received 44 referrals on-line and 5 telephone requests for call-backs.

That we can begin operations in this way on the day we come into existence is due to the diligent work of a joint project team of the Attorney-General's Department and ACLEI, and I pay tribute to their enormous efforts, which have set the conditions for us to commence our work immediately.

The new Commission absorbs the former ACLEI. It has become very evident to me that in recent years, under the leadership of now DC Hinchcliffe, ACLEI has undertaken much high quality but low visibility work of great importance, some of the fruits of which are yet to be seen in public. The work and heritage of ACLEI will live on in the new Commission. Current ACLEI investigations will continue in the new Commission, and the staff of ACLEI are now staff of the Commission. I have met many of them already, and am struck by their enthusiasm and their professionalism, and their commitment to the new Commission. To our staff, I promise that the Commission will be a respectful, diverse, inclusive workplace. Naturally, as an Anti-Corruption Commission, integrity will be at the forefront of our values.

### **Our mission and functions**

The mission of the National Anti-Corruption Commission 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.

The Commission's jurisdiction is concerned with corrupt conduct that involves Commonwealth public officials. Much of the public debate has been concerned with parliamentarians, but the Commission will also be concerned with corrupt conduct involving public servants, individuals engaged in assisting

Commonwealth agencies, consultants, and contracted service providers under Commonwealth contracts.

Commonwealth public officials wield great power that can massively impact, for better or worse, the lives of individuals and communities. They determine visa applications, distribute grants, acquire land for Commonwealth purposes, procure equipment and services, make decisions about pensions and other benefits, and deliver services on behalf of Government.

Integrity in governance is fundamental to ensuring that decisions such as these are made in the public interest, unaffected by private interest; and that resources are applied for the benefit of the people for whom they are intended, and not eroded or diverted. Integrity involves making decisions and giving advice *honestly and impartially*, on the *evidence* and the *merits*, in the *public interest* and without regard to *personal interest*; accepting responsibility for it, including for mistakes; and reporting honestly.

Corruption is essentially about the misuse of public power, position, or property, usually for private purposes. Corruption diverts government resources, which means there is less available to provide the services and benefits those resources are intended to deliver. Corruption erodes public trust in government and the institutions of state, and undermines democracy. This is equally so whether it is done by those who are popular or those who are unpopular, those who are in government or those in opposition, by public servants or by consultants.

A primary function of the Commission is the investigation of conduct that could involve serious and systemic corruption. It is through detection, investigation and reporting that corrupt conduct is exposed, and through the risk of such exposure that more corrupt conduct is deterred.

Anyone can refer a question of whether there has been corrupt conduct involving a public official to us – preferably by our on-line webform, or by telephone. We will listen to you. In my experience, most apparently querulous complaints have their seed in a legitimate grievance that was not properly addressed at the outset. We will assess every matter that is referred to us, to see whether it is within jurisdiction (that is, that a Commonwealth public official is involved), whether the conduct alleged could amount to corrupt conduct, and whether it should be investigated.

That does not mean that we will investigate every matter that is referred to us. It is important to appreciate that mere mistakes and even negligent maladministration are not in themselves corruption. We cannot resolve disputes, or review decisions. The experience of other Corruption Commissions is that only a very small proportion of matters referred ultimately reach the stage of full investigation. In deciding whether and if so how to deal with a matter, we will consider the seriousness and scale of the conduct, whether there is a realistic prospect of finding corrupt conduct, whether there have been other investigations of it, and whether it is preferable that another agency investigate it. Above all, we will be concerned with whether and to what extent a corruption investigation by the Commission is likely to add value in the public interest.

Our focus will be on issues of corruption that are potentially serious or systemic. “Serious” requires something that is significant; it involves something more than “negligible” or “trivial”, but it does not have to be “severe” or “grave”. “Systemic” means something that is more than an isolated case; it involves a pattern of behaviour, or something that affects or is embedded in a system.

We will more likely be interested in investigating matters that have current practical relevance, rather than those that are historic.

Not only can anyone refer corruption issues to the Commission, we can also investigate matters of our own motion. The Commission is obviously aware of a number of matters which have been mentioned in the media and elsewhere as potential subjects for investigation. We will assess all the matters of which we are aware, to decide whether they should be investigated. Again, relevant considerations include above all whether a corruption investigation by the Commission would add value in the public interest, especially in the light of any other inquiries or investigations that are happening, and whether there is any real prospect of a finding of corrupt conduct. Again, we may decide to investigate some of these matters in order to clear the air even if there does not appear to be a significant prospect of a finding of corrupt conduct.

We conduct corruption investigations, not criminal investigations. There are other agencies for criminal investigations. If as a result of a corruption investigation we are satisfied there has been corrupt conduct, we will issue a report with a finding to that effect. Such a finding is a serious one, not lightly to be made. But it is important to recognise that conduct can be corrupt without being criminal, and that we do not make findings of criminal guilt, to which different rules of evidence and proof apply. If there is evidence of criminal conduct, we may refer it to a prosecuting agency. But it is precisely in the area where it may not be possible to establish criminal conduct to the high criminal standard of proof that the Commission's work can be most important in enhancing integrity by investigating and exposing corrupt conduct, even where it cannot be prosecuted in a criminal court.

It is important to appreciate that the fact that we decide to commence an investigation does not imply that there is necessarily corrupt conduct. It may sometimes be in the public interest that we open an investigation to 'clear the air', and I will use the power to make public statements about corruption issues to do so. Should it be sought to "weaponise" the Commission through inappropriate or

unfounded referrals, I will not hesitate to use the power to make public statements, if necessary, to avoid unfair damage to reputations and to say that the referral was inappropriate.

The Commission recognises the importance of exposing corrupt conduct to the public, and of making the public aware of corrupt conduct. We are also conscious that our work should be subject to public scrutiny. And so we will operate with as much transparency as we properly can. However, there are necessarily constraints on what can permissibly be done openly. Generally, it will not be appropriate for the Commission to comment on a corruption issue being assessed for investigation, or on the progress of an investigation; to do so could compromise the integrity of the investigation, and risk unfair harm to persons involved. We will conduct public hearings in accordance with the legislation, when the circumstances and the public interest justify an exception to the general rule that they be held in private. On the one hand, it is not in the public interest to have the reputations of people damaged by allegations which might turn out to be baseless; on the other, there is public interest in being informed of evidence of corrupt conduct by or affecting public officials, government departments, and politicians; and in public scrutiny of the Commission's activities. The main considerations will be the significance of the alleged corrupt conduct, the desirability of exposing evidence of it, and the appropriateness of public scrutiny of the Commission's activities; weighed against any *unfair* prejudice to a person's reputation, privacy, safety, or wellbeing that might be caused if the hearing were held in public.

We aim to complete 90% of investigations within 12 months; we expect there will be some more complex investigations in which it will take longer to elicit and establish the truth.



## **Education**

Our work will involve not only the detection and investigation of corrupt conduct, but also its prevention through educating the public sector (and the public) about corruption. The Commission will provide guidance and information to help public officials understand and address vulnerabilities to corruption. By enhancing a culture of transparency and integrity, we will harden the Commonwealth public sector against corruption, and support the APS-wide integrity reform agenda. We can help agencies and Governments avoid falling off the integrity track, and I see that as a very important aspect of our role.

One thing we *will* do in public is to conduct inquiries into corruption risks and vulnerabilities, and measures to prevent corruption, in Commonwealth agencies and in Commonwealth programs. For example, we may conduct a public inquiry into risks and vulnerabilities, not involving a specific allegation of corruption, in a program in which contractors are used by a government agency to deliver benefits intended for members of the public.

## **Conclusion**

The prevention of corruption is critical to ensuring that public power is exercised honestly, impartially and in the public interest, and that programmes intended to deliver benefits to the people do so, without their potential benefits being eroded by the improper diversion of resources along the way. The greater the integrity in the Commonwealth public sector, the greater the trust of the people in our democracy.

My aspiration is that this Commission become and be a respected part of the machinery of our democracy. I want the Commission to have the reputation of being fearless but fair, independent, and impartial. While the legislation gives us great powers, with that comes great responsibility. The legislation has inbuilt

guarantees of procedural fairness, and other oversight mechanisms, including the Inspector and the Parliamentary Joint Committee, to ensure that we use those powers responsibly and fairly. Our independence supports us to be fearless. The Commission is impartial and independent from government. I have been appointed for a fixed term of five years, without any possibility of reappointment; I cannot be dismissed, except for proved misbehaviour or incompetence, and I cannot be reappointed. I have nothing to gain from favouring, and nothing to lose from offending, any government of the day, present or future. I undertake to you, the people of the Commonwealth, that I will to the best of my ability fearlessly, fairly, and impartially discharge the duties of this office.

The Commission will now adjourn. Distinguished guests are invited to join us in the adjacent room for light refreshments; the Associate will show you the way.

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Section 22 - Irrelevant Material, Section 47F - Personal privacy

**From:** [Redacted]  
**Sent:** Sunday, 2 July 2023 10:24 PM  
**To:** [Redacted]; Sonja Pase  
**Subject:** RE: [Redacted]  
**Attachments:** Opening Ceremony Address (003) [Redacted].proof.docx; Section 22 - Irrelevant Material

Hi [Redacted], I have attached my proof, if this helps you.

The two key things to fix is the spelling of Judy Lind's name (not July) and to amend where he discusses the staff increase to 260 over 12 months – it is over 24 months.

Section 22 - Irrelevant Material

[Redacted]

- | [Redacted]
- | [Redacted]
- | [Redacted]
- | [Redacted]

Section 47F - Personal privacy

Section 47F - Personal privacy

Section 47E - Certain operations of agencies, Section 47F - Personal privacy

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**From:** Section 47F - Personal privacy  
**Sent:** Sunday, July 2, 2023 10:02 PM  
**To:** [Redacted] Sonja Pase [Redacted]  
**Subject:** [Redacted]

While I'm proofing the speech, Section 22 - Irrelevant Material .

Section 22 - Irrelevant Material

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**OPENING  
OF THE  
NATIONAL ANTI-CORRUPTION COMMISSION**

**Room 8.06, Level 8  
14 Moore Street, Canberra, ACT  
Monday 3 July 2023**

**Opening Address  
The Hon PLG Brereton AM RFD SC**

**COMMISSIONER:**

**Acknowledgement of Country**

I respectfully acknowledge the traditional custodians of the land on which we here assemble, the Ngunnawal people, and all other First Nations people with connection to these lands. I pay my respects to their Elders past, present and emerging. I acknowledge also the traditional custodians of the various lands from which viewers are joining us virtually, and I extend my respects to all Aboriginal and Torres Strait Islander people participating in this ceremony. I recognise your continuing connection to land, waters, culture, and community.

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cultures and histories, and to participate in the celebrations of the oldest continuous living cultures on earth.

### **Acknowledgement of distinguished guests**

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- From the State and Territory Corruption Commissions, with whom we will cooperate and from whom we have much to learn: Ms Judy Lind, CEO representing the Hon Michael Adams Commissioner of the ACT Integrity Commission; and the Hon Peter Johnson SC, Chief Commissioner of the NSW Law Enforcement Conduct Commission; others are participating virtually, including I believe Mr Greg Melick AO SC, Chief Commissioner of the Tasmanian Integrity Commissioner, who spent last night at Lords.
- Ms Gail Furness SC, the Inspector of the Commission.
- Ms Sue Robertson, Head of the APS Integrity Taskforce in PM&C.
- Mr Ian Temby AO KC, the inaugural commissioner of the NSW ICAC, the first Corruption Commission in this Country. Since it was established 34

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years ago, every state and territory has established a similar Commission. The environment we enter is significantly different, partly due to his pioneering work. As a result, there will be differences in our work and the way we go about it; but there is still much to be learned from his experience.

Also present are members of the staff of the Commission; many more around the country are participating virtually; together, today, we introduce to the people of Australia the National Anti-Corruption Commission.

### **Introduction of Commissioners**

Seated with me on the Bench of the Commission are, to my immediate right, Deputy Commissioner Ms Nicole Rose, formerly Chief Executive Officer of Austrac; to my left, Deputy Commissioner Ms Jaala Hinchliffe, formerly the Integrity Commissioner in the Australian Commission for Law Enforcement Integrity; and to my far right, Deputy Commissioner Dr Ben Gauntlett, formerly the Disability Commissioner. Together with the Chief Executive Officer Mr Philip Reed, formerly Chief Executive Officer of the NSW Independent Commission Against Corruption, who is seated on the crossbench, we constitute the statutory officers of the Commission. Each of them is eminently qualified and suited for the large tasks that await us by learning and integrity; together, they bring to the Commission diverse and extensive experience. We have already been working together over the last month or so in anticipation of the Commission's commencement, and I am very grateful and fortunate to have their support.

### **The realisation of the Commission**

Since Saturday 1 July, Australia has had a national anti-corruption agency with general jurisdiction pertaining to the Commonwealth public sector. Today is the

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First, and foremost, the people of the Commonwealth are no longer prepared to tolerate practices which might once have been the subject of, if not acceptance, at least acquiescence. They have clearly expressed the desire for a Commonwealth anti-corruption agency.

Secondly, a government with a mandate to act on that desire, and with an agenda to strengthen integrity across the Commonwealth public sector, has legislated to establish this independent Commission. In doing so, it has enacted legislation which embodies the best practice principles for Corruption Commissions. These include:

- The ability to consider referrals from anyone
- The ability to commence an investigation on our own motion
- A requirement for the heads of Commonwealth agencies to refer allegations of corruption to us
- The ability to conduct hearings to obtain evidence, including the power to summons witnesses, the power to require production of information or documents, the power to take evidence under oath or affirmation, the abrogation of the rule against self-incrimination, with corresponding use of immunity provisions to ensure that evidence so obtained cannot be used against the witness in a criminal prosecution
- The ability to require the production of information or documents
- The ability to refer matters to a prosecuting authority

- The ability to make recommendations
- The ability to report on investigations and make public statements
- A corruption prevention function
- A sufficient and predictable budget
- Transparency of appointments
- Appropriate oversight

And thirdly, the leadership of the Australian Public Service has adopted the objective of ensuring that the public service embraces a pro-integrity culture.

This confluence makes this potentially an inflexion moment, when we can make an enduring difference in the ethics and integrity of the governance of the Commonwealth. Above all, this Commission is the realisation of an aspiration of the people of the Commonwealth; we know that you are watching, expectantly; and we are very conscious that it is in your interests and for your benefit that we must exercise our functions.

#### **What has been done and where we are at**

We commence operations today with the statutory officers I have mentioned having been selected and appointed; with an organisational structure in place, populated with 180 staff already recruited, to grow over the next twelve months to 260. We operate from existing premises in Canberra, Sydney, and Melbourne; and in the next few months this will extend to Brisbane and Perth, where premises have already been secured. Also in the next few months, our Canberra offices will move to a new purpose-designed facility, which is currently being fitted out, including a public hearing room. We have designed and implemented processes

**Commented** [redacted]: Twenty four months? I think that figure is over two years, need to check



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6

for receiving and assessing referrals; by 5.00pm yesterday we had received 44 referrals on-line and 5 telephone requests for call-backs.

That we can begin operations in this way on the day we come into existence is due to the diligent work of a joint project team of the Attorney-General's Department and ACLEI, and I pay tribute to their enormous efforts, which have set the conditions for us to commence our work immediately.

The new Commission absorbs the former ACLEI. It has become very evident to me that in recent years, under the leadership of now DC Hinchcliffe, ACLEI has undertaken much high quality but low visibility work of great importance, some of the fruits of which are yet to be seen in public. The work and heritage of ACLEI will live on in the new Commission. Current ACLEI investigations will continue in the new Commission, and the staff of ACLEI are now staff of the Commission. I have met many of them already, and am struck by their enthusiasm and their professionalism, and their commitment to the new Commission. To our staff, I promise that the Commission will be a respectful, diverse, inclusive workplace. Naturally, as an Anti-Corruption Commission, integrity will be at the forefront of our values.

### **Our mission and functions**

The mission of the National Anti-Corruption Commission 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.

The Commission's jurisdiction is concerned with corrupt conduct that involves Commonwealth public officials. Much of the public debate has been concerned with parliamentarians, but the Commission will also be concerned with corrupt conduct involving public servants, individuals engaged in assisting

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Commonwealth agencies, consultants, and contracted service providers under Commonwealth contracts.

Commonwealth public officials wield great power that can massively impact, for better or worse, the lives of individuals and communities. They determine visa applications, distribute grants, acquire land for Commonwealth purposes, procure equipment and services, make decisions about pensions and other benefits, and deliver services on behalf of Government.

Integrity in governance is fundamental to ensuring that decisions such as these are made in the public interest, unaffected by private interest; and that resources are applied for the benefit of the people for whom they are intended, and not eroded or diverted. Integrity involves making decisions and giving advice *honestly* and *impartially*, on the *evidence* and the *merits*, in the *public interest* and without regard to *personal interest*; accepting responsibility for it, including for mistakes; and reporting honestly.

Corruption is essentially about the misuse of public power, position, or property, usually for private purposes. Corruption diverts government resources, which means there is less available to provide the services and benefits those resources are intended to deliver. Corruption erodes public trust in government and the institutions of state, and undermines democracy. This is equally so whether it is done by those who are popular or those who are unpopular, those who are in government or those in opposition, by public servants or by consultants.

A primary function of the Commission is the investigation of conduct that could involve serious and systemic corruption. It is through detection, investigation and reporting that corrupt conduct is exposed, and through the risk of such exposure that more corrupt conduct is deterred.

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8

Anyone can refer a question of whether there has been corrupt conduct involving a public official to us – preferably by our on-line webform, or by telephone. We will listen to you. In my experience, most apparently querulous complaints have their seed in a legitimate grievance that was not properly addressed at the outset. We will assess every matter that is referred to us, to see whether it is within jurisdiction (that is, that a Commonwealth public official is involved), whether the conduct alleged could amount to corrupt conduct, and whether it should be investigated.

That does not mean that we will investigate every matter that is referred to us. It is important to appreciate that mere mistakes and even negligent maladministration are not in themselves corruption. We cannot resolve disputes, or review decisions. The experience of other Corruption Commissions is that only a very small proportion of matters referred ultimately reach the stage of full investigation. In deciding whether and if so how to deal with a matter, we will consider the seriousness and scale of the conduct, whether there is a realistic prospect of finding corrupt conduct, whether there have been other investigations of it, and whether it is preferable that another agency investigate it. Above all, we will be concerned with whether and to what extent a corruption investigation by the Commission is likely to add value in the public interest.

Our focus will be on issues of corruption that are potentially serious or systemic. “Serious” requires something that is significant; it involves something more than “negligible” or “trivial”, but it does not have to be “severe” or “grave”. “Systemic” means something that is more than an isolated case; it involves a pattern of behaviour, or something that affects or is embedded in a system.

We will more likely be interested in investigating matters that have current practical relevance, rather than those that are historic.

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It is important to appreciate that the fact that we decide to commence an investigation does not imply that there is necessarily corrupt conduct. It may sometimes be in the public interest that we open an investigation to 'clear the air', and I will use the power to make public statements about corruption issues to do so. Should it be sought to "weaponise" the Commission through inappropriate or

unfounded referrals, I will not hesitate to use the power to make public statements, if necessary, to avoid unfair damage to reputations and to say that the referral was inappropriate.

The Commission recognises the importance of exposing corrupt conduct to the public, and of making the public aware of corrupt conduct. We are also conscious that our work should be subject to public scrutiny. And so we will operate with as much transparency as we properly can. However, there are necessarily constraints on what can permissibly be done openly. Generally, it will not be appropriate for the Commission to comment on a corruption issue being assessed for investigation, or on the progress of an investigation; to do so could compromise the integrity of the investigation, and risk unfair harm to persons involved. We will conduct public hearings in accordance with the legislation, when the circumstances and the public interest justify an exception to the general rule that they be held in private. On the one hand, it is not in the public interest to have the reputations of people damaged by allegations which might turn out to be baseless; on the other, there is public interest in being informed of evidence of corrupt conduct by or affecting public officials, government departments, and politicians; and in public scrutiny of the Commission's activities. The main considerations will be the significance of the alleged corrupt conduct, the desirability of exposing evidence of it, and the appropriateness of public scrutiny of the Commission's activities; weighed against any *unfair* prejudice to a person's reputation, privacy, safety, or wellbeing that might be caused if the hearing were held in public.

We aim to complete 90% of investigations within 12 months; we expect there will be some more complex investigations in which it will take longer to elicit and establish the truth.

**Education**

Our work will involve not only the detection and investigation of corrupt conduct, but also its prevention through educating the public sector (and the public) about corruption. The Commission will provide guidance and information to help public officials understand and address vulnerabilities to corruption. By enhancing a culture of transparency and integrity, we will harden the Commonwealth public sector against corruption, and support the APS-wide integrity reform agenda. We can help agencies and Governments avoid falling off the integrity track, and I see that as a very important aspect of our role.

One thing we *will* do in public is to conduct inquiries into corruption risks and vulnerabilities, and measures to prevent corruption, in Commonwealth agencies and in Commonwealth programs. For example, we may conduct a public inquiry into risks and vulnerabilities, not involving a specific allegation of corruption, in a program in which contractors are used by a government agency to deliver benefits intended for members of the public.

**Conclusion**

The prevention of corruption is critical to ensuring that public power is exercised honestly, impartially and in the public interest, and that programmes intended to deliver benefits to the people do so, without their potential benefits being eroded by the improper diversion of resources along the way. The greater the integrity in the Commonwealth public sector, the greater the trust of the people in our democracy.

My aspiration is that this Commission become and be a respected part of the machinery of our democracy. I want the Commission to have the reputation of being fearless but fair, independent, and impartial. While the legislation gives us great powers, with that comes great responsibility. The legislation has inbuilt

OFFICIAL

12

guarantees of procedural fairness, and other oversight mechanisms, including the Inspector and the Parliamentary Joint Committee, to ensure that we use those powers responsibly and fairly. Our independence supports us to be fearless. The Commission is impartial and independent from government. I have been appointed for a fixed term of five years, without any possibility of reappointment; I cannot be dismissed, ~~except~~ for proved misbehaviour or incompetence, and I cannot be reappointed. I have nothing to gain from favouring, and nothing to lose from offending, any government of the day, present or future. I undertake to you, the people of the Commonwealth, that I will to the best of my ability fearlessly, fairly, and impartially discharge the duties of this office.

The Commission will now adjourn. Distinguished guests are invited to join us in the adjacent room for light refreshments; the Associate will show you the way.

\*\*\*\*\*

OFFICIAL

Section 22 - Irrelevant Material, Section 47F - Personal privacy

**From:** Section 47F - Personal privacy  
**Sent:** Monday, 3 July 2023 7:44 AM  
**To:** Section 47F - Personal privacy  
**Subject:** Fwd: Section 22 - Irrelevant Material [SEC=OFFICIAL]  
**Attachments:** Opening Ceremony Address (003) Section 47F proof.docx

OFFICIAL

----- Forwarded message -----

**From:** Section 47F - Personal privacy  
**Date:** Sun, 2 Jul 2023 at 23:05  
**Subject:** RE: Section 22 - Irrelevant Material [SEC=OFFICIAL]  
**To:** Section 47F - Personal privacy

I've accepted most of the amendments to the speech, but not:

- "An historic" – I'm happy to go with "a" for the press release, but in my speech I'll stick with "an".
- "use immunities", not "use of immunities", is correct, it describes an immunity against use.
- The repeated use of "Again" highlighted by Section 47F is intended for rhetorical effect.

Could you please print and bring a copy for me – just in case I have trouble printing in the morning?

Many many thanks.

PB

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**From:** Section 47F - Personal privacy  
**Sent:** Sunday, July 2, 2023 10:43 PM  
**To:** Paul Brereton Section 47F - Personal privacy  
**Subject:** Fwd: Section 22 - Irrelevant Material [SEC=OFFICIAL]

Section 47F has found two additional corrections for the speech and Section 22 - Irrelevant Material



----- Forwarded message -----

From: [Redacted] Section 47F - Personal privacy, Section 47E - Certain operations of agencies

Date: Sun, 2 Jul 2023 at 22:24

Subject: RE: [Redacted] Section 22 - Irrelevant Material [SEC=OFFICIAL]

To: **Section 47F - Personal privacy**, Sonja Pase Section 47E - Certain operations of agencies

OFFICIAL

Hi [Redacted] Section 47F - Personal privacy I have attached my proof, if this helps you.

The two key things to fix is the spelling of Judy Lind's name (not July) and to amend where he discusses the staff increase to 260 over 12 months – it is over 24 months.

**Section 22 - Irrelevant Material**  
[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Section 47F - Personal privacy

**Section 47F - Personal privacy**

Section 47E - Certain operations of agencies, Section 47F - Personal pr

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**From:** Section 47F - Personal privacy

**Sent:** Sunday, July 2, 2023 10:02 PM

**To:** Section 47F - Personal privacy, Section 47E - Certain operations of agencies; Sonja Pase Section 47E - Certain operations of agencies

**Subject:** Section 22 - Irrelevant Material

While I'm proofing the speech, Section 22 - Irrelevant Material.

**Section 22 - Irrelevant Material**

1

If you have received this transmission in error please notify us immediately by return e-mail and delete all copies. If this e-mail or any attachments have been sent to you in error, that error does not constitute waiver of any confidentiality, privilege or copyright in respect of information in the e-mail or attachments.



**OPENING  
OF THE  
NATIONAL ANTI-CORRUPTION COMMISSION**

**Room 8.06, Level 8**

**14 Moore Street, Canberra, ACT**

**Monday 3 July 2023**

**Opening Address**

**The Hon PLG Brereton AM RFD SC**

**COMMISSIONER:**

**Acknowledgement of Country**

I respectfully acknowledge the traditional custodians of the land on which we here assemble, the Ngunnawal people, and all other First Nations people with connection to these lands. I pay my respects to their Elders past, present and emerging. I acknowledge also the traditional custodians of the various lands from which viewers are joining us virtually, and I extend my respects to all Aboriginal and Torres Strait Islander people participating in this ceremony. I recognise your continuing connection to land, waters, culture, and community.

This, the first week of July, is NAIDOC Week, during which celebrations are held across Australia to recognise and celebrate the cultures, histories, and achievements of Aboriginal and Torres Strait Islander peoples. It is also an opportunity for Australians of all backgrounds to learn about First Nations

cultures and histories, and to participate in the celebrations of the oldest continuous living cultures on earth.

### **Acknowledgement of distinguished guests**

We are honoured by the presence today of the following distinguished guests.

- From the Attorney-General's Department, which has played a major part in the work which has been undertaken to establish the Commission: Secretary Katherine Jones PSM, Deputy Secretary Simon Newnham, and Assistant Secretary Lucinda Atkinson.
- From other Commonwealth integrity agencies, with whom this Commission will have important relationships: Mr Reece Kershaw, Commissioner of the Australian Federal Police; The Hon Christopher Jessup KC, Inspector General of Intelligence and Security; Mr James Gaynor CSC, Inspector General Australian Defence Force; and Mr Scott Bruckard PSM, Acting CDPP.
- From the State and Territory Corruption Commissions, with whom we will cooperate and from whom we have much to learn: Ms Judy Lind, CEO representing the Hon Michael Adams Commissioner of the ACT Integrity Commission; and the Hon Peter Johnson SC, Chief Commissioner of the NSW Law Enforcement Conduct Commission; others are participating virtually, including I believe Mr Greg Melick AO SC, Chief Commissioner of the Tasmanian Integrity Commissioner, who spent last night at Lords.
- Ms Gail Furness SC, the Inspector of the Commission.
- Ms Sue Robertson, Head of the APS Integrity Taskforce in PM&C.
- Mr Ian Temby AO KC, the inaugural commissioner of the NSW ICAC, the first Corruption Commission in this Country. Since it was established 34

years ago, every state and territory has established a similar Commission. The environment we enter is significantly different, partly due to his pioneering work. As a result, there will be differences in our work and the way we go about it; but there is still much to be learned from his experience.

Also present are members of the staff of the Commission; many more around the country are participating virtually; together, today, we introduce to the people of Australia the National Anti-Corruption Commission.

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## **Conclusion**

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**OPENING  
OF THE  
NATIONAL ANTI-CORRUPTION COMMISSION**

**Room 8.06, Level 8**

**14 Moore Street, Canberra, ACT**

**Monday 3 July 2023**

**Opening Address**

**The Hon PLG Brereton AM RFD SC**

**COMMISSIONER:**

**Acknowledgement of Country**

I respectfully acknowledge the traditional custodians of the land on which we here assemble, the Ngunnawal people, and all other First Nations people with connection to these lands. I pay my respects to their Elders past, present and emerging. I acknowledge also the traditional custodians of the various lands from which viewers are joining us virtually, and I extend my respects to all Aboriginal and Torres Strait Islander people participating in this ceremony. I recognise your continuing connection to land, waters, culture, and community.

This, the first week of July, is NAIDOC Week, during which celebrations are held across Australia to recognise and celebrate the cultures, histories, and achievements of Aboriginal and Torres Strait Islander peoples. It is also an opportunity for Australians of all backgrounds to learn about First Nations

cultures and histories, and to participate in the celebrations of the oldest continuous living cultures on earth.

### **Acknowledgement of distinguished guests**

We are honoured by the presence today of the following distinguished guests.

- From the Attorney-General's Department, which has played a major part in the work which has been undertaken to establish the Commission: Secretary Katherine Jones PSM, Deputy Secretary Simon Newnham, and Assistant Secretary Lucinda Atkinson.
- From other Commonwealth integrity agencies, with whom this Commission will have important relationships: Mr Reece Kershaw, Commissioner of the Australian Federal Police; The Hon Christopher Jessup KC, Inspector General of Intelligence and Security; Mr James Gaynor CSC, Inspector General of the Australian Defence Force; and Mr Scott Bruckard PSM, Acting CDPP.
- From the State and Territory Corruption Commissions, with whom we will cooperate and from whom we have much to learn: Ms Judy Lind, CEO representing the Hon Michael Adams Commissioner of the ACT Integrity Commission; and the Hon Peter Johnson SC, Chief Commissioner of the NSW Law Enforcement Conduct Commission; others are participating virtually, including I believe Mr Greg Melick AO SC, Chief Commissioner of the Tasmanian Integrity Commission, who spent last night at Lords.
- Ms Gail Furness SC, the Inspector of the Commission.
- Ms Sue Robertson, Head of the APS Integrity Taskforce in PM&C.
- Mr Ian Temby AO KC, the inaugural commissioner of the NSW ICAC, the first Corruption Commission in this Country. Since it was established 34



years ago, every state and territory has established a similar Commission. The environment we enter is significantly different, due in no small part to his pioneering work. As a result, there will be differences in the nature of our work and the way we go about it; but there is still much to be learned from his experience.

Also present are members of the staff of the Commission; many more around the country are participating virtually; together, today, we introduce to the people of Australia your National Anti-Corruption Commission.

### **Introduction of Commissioners**

Seated with me on the Bench of the Commission are, to my immediate right, Deputy Commissioner Ms Nicole Rose, formerly Chief Executive Officer of Austrac; to my left, Deputy Commissioner Ms Jaala Hinchliffe, formerly the Integrity Commissioner in the Australian Commission for Law Enforcement Integrity; and to my far right, Deputy Commissioner Dr Ben Gauntlett, formerly the Disability Commissioner. Together with the Chief Executive Officer Mr Philip Reed, formerly Chief Executive Officer of the NSW Independent Commission Against Corruption, who is seated on the crossbench, we constitute the statutory officers of the Commission. Each of them is eminently qualified and suited for the large tasks that await us by learning and integrity; together, they bring to the Commission diverse and extensive experience. We have already been working together over the last month or so in anticipation of the Commission's commencement, and I am very grateful and fortunate to have their support.

### **The realisation of the Commission**

Since Saturday 1 July, Australia has had a national anti-corruption agency with general jurisdiction pertaining to the Commonwealth public sector. Today is the

first weekday since the National Anti-Corruption Commission came into existence and commenced operations.

This is an historic moment, representing the convergence of several streams.

First, and foremost, the people of the Commonwealth are no longer prepared to tolerate practices which might once have been the subject of, if not acceptance, at least acquiescence. They have clearly expressed the desire for a Commonwealth anti-corruption agency.

Secondly, a government with a mandate to act on that desire, and with an agenda to strengthen integrity across the Commonwealth public sector, has legislated to establish this independent Commission. In doing so, it has enacted legislation which embodies the best practice principles for Corruption Commissions. These include:

- The ability to consider referrals from anyone
- The ability to commence an investigation on our own motion
- A requirement for the heads of Commonwealth agencies to refer allegations of corruption to us
- The ability to conduct hearings to obtain evidence, including the powers to summons witnesses, to require production of information and documents, and to take evidence under oath or affirmation; the abrogation of the privilege against self-incrimination, but with corresponding use immunity provisions, to ensure that evidence so obtained cannot be used against the witness in a criminal prosecution
- The ability to require the production of information or documents
- The ability to refer matters to a prosecuting authority

- The ability to make recommendations
- The ability to report on investigations and make public statements
- A corruption prevention function
- A sufficient and predictable budget
- Transparency of appointments
- Appropriate oversight

Thirdly, the leadership of the Australian Public Service has adopted the objective of ensuring that the public service embraces a pro-integrity culture.

This confluence makes this potentially an inflexion moment, when we can make an enduring difference in the ethics and integrity of the governance of the Commonwealth. Above all, this Commission is the realisation of an aspiration of the people of the Commonwealth; we know that you are watching, expectantly; and we are very conscious that it is in your interests and for your benefit that we must exercise our functions.

### **What has been done and where we are at**

We commence operations today with the statutory officers I have mentioned having been selected and appointed; with an organisational structure in place, populated with 180 staff already recruited, to grow over the next two years to 260. We operate from existing premises in Canberra, Sydney, and Melbourne; and in the next few months this will extend to Brisbane and Perth, where premises have already been secured. Also in the next few months, our Canberra offices will move to a new purpose-designed facility, which is currently being fitted out, including a public hearing room. We have designed and implemented processes for receiving and assessing referrals; by 5.00pm yesterday we had received 44

referrals on-line and 5 telephone requests for call-backs, which will happen today. This morning, I signed instruments of delegation and authorisation so that decisions can be made and the powers vested in the Commission exercised by appropriate officers of the Commission.

That we can begin operations in this way on the day we come into existence is due to the diligent work of a joint project team of the Attorney-General's Department and ACLEI, and I pay tribute to their enormous efforts, which have set the conditions for us to commence our work immediately.

The new Commission absorbs the former ACLEI. It has become very evident to me that in recent years, under the leadership of now DC Hinchcliffe, ACLEI has undertaken much high quality but low visibility work of great importance, some of the fruits of which are yet to be seen in public. The work and heritage of ACLEI will live on in the new Commission. Current ACLEI investigations will continue in the new Commission, and the staff of ACLEI are now staff of the Commission. I have met many of them already, and am struck by their enthusiasm and their professionalism, and their commitment to the new Commission. To our staff, I promise that the Commission will be a respectful, diverse, inclusive workplace. Naturally, as an Anti-Corruption Commission, integrity will be at the forefront of our values.

### **Our mission and functions**

The mission of the National Anti-Corruption Commission 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.

The Commission's jurisdiction is concerned with corrupt conduct that involves Commonwealth public officials. Much of the public debate has been concerned

with parliamentarians, but the Commission will also be concerned with corrupt conduct involving public servants, individuals engaged in assisting Commonwealth agencies, consultants, and contracted service providers under Commonwealth contracts.

Commonwealth public officials wield great power that can massively impact, for better or worse, the lives of individuals and communities. They determine visa applications, distribute grants, acquire land for Commonwealth purposes, procure equipment and services, make decisions about pensions and other benefits, and deliver services on behalf of Government.

Integrity in governance is fundamental to ensuring that decisions such as these are made in the public interest, unaffected by private interest; and that resources are applied for the benefit of the people for whom they are intended, and not eroded or diverted. Integrity involves making decisions and giving advice *honestly and impartially*, on the *evidence* and the *merits*, in the *public interest* and without regard to *personal interest*; accepting responsibility for it, including for mistakes; and reporting honestly.

Corruption is essentially about the misuse of public power, position, or property, usually for private purposes. Corruption diverts government resources, which means there is less available to provide the services and benefits those resources are intended to deliver. Corruption erodes public trust in government and the institutions of state, and undermines democracy. This is equally so, whether it is done by those who are popular or those who are unpopular, those who are in government or those in opposition, by public servants or by consultants.

A primary function of the Commission is the investigation of conduct that could involve serious and systemic corruption. It is through detection, investigation and reporting that corrupt conduct is exposed, and through the risk of such exposure that more corrupt conduct is deterred.

Anyone can refer a question of whether there has been corrupt conduct involving a public official to us – preferably by our on-line webform, or by telephone. We will listen to you. In my experience, most apparently querulous complaints have their seed in a legitimate grievance that was not properly addressed at the outset. We will assess every matter that is referred to us, to see whether it is within jurisdiction (that is, that a Commonwealth public official is involved), whether the conduct alleged could amount to corrupt conduct, and whether it should be investigated.

That does not mean that we will investigate every matter that is referred to us. It is important to appreciate that mere mistakes and even negligent maladministration are not in themselves corruption. We cannot resolve disputes, nor review decisions. The experience of other Corruption Commissions is that only a very small proportion of matters referred ultimately reach the stage of full investigation. In deciding whether and if so how to deal with a matter, we will consider the seriousness and scale of the conduct, whether there is a realistic prospect of finding corrupt conduct, whether there have been other investigations of it, and whether it is preferable that another agency investigate it. Above all, we will be concerned with whether and to what extent a corruption investigation by the Commission is likely to add value in the public interest.

Our focus will be on issues of corruption that are potentially serious or systemic. “Serious” requires something that is significant; it involves something more than “negligible” or “trivial”, but it does not have to be “severe” or “grave”. “Systemic” means something that is more than an isolated case; it involves a pattern of behaviour, or something that affects or is embedded in a system.

We will more likely be interested in investigating matters that have current practical relevance, rather than those that are historic.

Not only can anyone refer corruption issues to the Commission, we can also investigate matters of our own motion. The Commission is obviously aware of a number of matters which have been mentioned in the media and elsewhere as potential subjects for investigation. We will assess all the matters of which we are aware, to decide whether they should be investigated. Again, relevant considerations include above all whether a corruption investigation by the Commission would add value in the public interest, especially in the light of any other inquiries or investigations that are happening, and whether there is any real prospect of a finding of corrupt conduct. Again, we may decide to investigate some of these matters in order to clear the air, even if there does not appear to be a significant prospect of a finding of corrupt conduct.

We conduct corruption investigations, not criminal investigations. There are other agencies for criminal investigations. If as a result of a corruption investigation we are satisfied there has been corrupt conduct, we will issue a report with a finding to that effect. Such a finding is a serious one, not lightly to be made. But it is important to recognise that conduct can be corrupt without being criminal, and that we do not make findings of criminal guilt, to which different rules of evidence and proof apply. If there is evidence of criminal conduct, we may refer it to a prosecuting agency. But it is precisely in the area where it may not be possible to establish criminal conduct to the high criminal standard of proof that the Commission's work can be most important in enhancing integrity by investigating and exposing corrupt conduct, even where it cannot be prosecuted in a criminal court.

It is important to appreciate that the fact that we decide to commence an investigation does not imply that there is necessarily corrupt conduct. It may sometimes be in the public interest that we open an investigation to 'clear the air', and I will use the power to make public statements about corruption issues to do so. Should it be sought to "weaponise" the Commission through inappropriate or

unfounded referrals, I will not hesitate to use the power to make public statements, if necessary, to avoid unfair damage to reputations and to say that the referral was inappropriate.

The Commission recognises the importance of exposing corrupt conduct to the public, and of making the public aware of corrupt conduct. We are also conscious that our work should be subject to public scrutiny. And so we will operate with as much transparency as we properly can. However, there are necessarily constraints on what can permissibly be done openly. Generally, it will not be appropriate for the Commission to comment on a corruption issue being assessed for investigation, or on the progress of an investigation; to do so could compromise the integrity of the investigation, and risk unfair harm to persons involved. We will conduct public hearings in accordance with the legislation, when the circumstances and the public interest justify an exception to the general rule that they be held in private. On the one hand, it is not in the public interest to have the reputations of people damaged by allegations which might turn out to be baseless; on the other, there is public interest in being informed of evidence of corrupt conduct by or affecting public officials, government departments, and politicians; and in public scrutiny of the Commission's activities. The main considerations will be the significance of the alleged corrupt conduct, the desirability of exposing evidence of it, and the appropriateness of public scrutiny of the Commission's activities; weighed against any *unfair* prejudice to a person's reputation, privacy, safety, or wellbeing that might be caused if the hearing were held in public.

We aim to complete 90% of investigations within 12 months; we expect there will be some more complex investigations in which it will take longer to elicit and establish the truth.



## **Education**

Our work will involve not only the detection and investigation of corrupt conduct, but also its prevention through educating the public sector (and the public) about corruption. The Commission will provide guidance and information to help public officials understand and address vulnerabilities to corruption. By enhancing a culture of transparency and integrity, we will harden the Commonwealth public sector against corruption, and support the APS-wide integrity reform agenda. We can help agencies and Governments avoid falling off the integrity track, and I see that as a very important aspect of our role.

One thing we *will* do in public is to conduct inquiries into corruption risks and vulnerabilities, and measures to prevent corruption, in Commonwealth agencies and in Commonwealth programs. For example, we may conduct a public inquiry into risks and vulnerabilities, not involving a specific allegation of corruption, in a program in which contractors are used by a government agency to deliver benefits intended for members of the public.

## **Conclusion**

The prevention of corruption is critical to ensuring that public power is exercised honestly, impartially and in the public interest, and that programmes intended to deliver benefits to the people do so, without their potential benefits being eroded by the improper diversion of resources along the way. The greater the integrity in the Commonwealth public sector, the greater the trust of the people in our democracy.

My aspiration is that this Commission become and be a respected part of the machinery of our democracy. I want the Commission to have the reputation of being fearless but fair, independent, and impartial. While the legislation gives us great powers, with that comes great responsibility. The legislation has inbuilt

guarantees of procedural fairness, and other oversight mechanisms, including the Inspector and the Parliamentary Joint Committee, to ensure that we use those powers responsibly and fairly. Our independence supports us to be fearless. The Commission is impartial and independent from government. I have been appointed for a fixed term of five years, without any possibility of reappointment; I cannot be dismissed, except for proved misbehaviour or incompetence, and I cannot be reappointed. I have nothing to gain from favouring, and nothing to lose from offending, any government of the day, present or future. I undertake to you, the people of the Commonwealth, that I will to the best of my ability fearlessly, fairly, and impartially discharge the duties of this office.

And now there is work to be done. The Commission will now adjourn. Distinguished guests are invited to join us in the adjacent room for light refreshments; the staff will show you the way.

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