



National Anti-Corruption Commission



Inspector of the National  
Anti-Corruption Commission

## MEMORANDUM OF UNDERSTANDING

BETWEEN

THE NATIONAL ANTI-CORRUPTION COMMISSION

AND

THE INSPECTOR OF THE NATIONAL ANTI-CORRUPTION COMMISSION

This Memorandum of Understanding ("MOU") is made on the Fifth Day of February 2024 between the National Anti-Corruption Commission ("the Commission" or "NACC") and the Inspector of the National Anti-Corruption Commission ("the Inspector").

### BACKGROUND

- A. Under the *National Anti-Corruption Commission Act 2022* (Cth) ("the Act"), the Inspector oversees the work of the Commission, in particular regarding corruption issues and complaints relating to the Commission, and has the functions set out in s 184 of the Act.
- B. The Commission intends to co-operate fully, frankly and proactively with the Inspector and persons assisting the Inspector in order to facilitate the performance of the Inspector's functions under the Act.
- C. The purpose of this MOU is to set out the arrangements for interaction between the Commission and the Inspector to facilitate the performance of the Inspector's functions, in particular concerning referral of matters, access to information and points of contact between the parties.

## **1. DEFINITIONS**

1.1 In this MOU, words and phrases have the same meaning as in the Act.

## **2. INFORMATION CONCERNING THE INSPECTOR**

2.1. The Commission will publicise the Inspector's role and functions, including by:

- (a) informing the Commission's staff members about the Inspector's role, including as part of the Commission's induction program, and including that any person, including individual staff members of the Commission, can make a referral to the Inspector under s 202 of the Act;
- (b) placing appropriate information about the Inspector and a link to the Inspector's website on the Commission's public website;
- (c) informing complainants of the functions of the Inspector and providing the Inspector's contact details; and
- (d) providing appropriate information about the office, role and functions of the Inspector to any person who requests it.

## **3. NOTIFICATION OF NACC CORRUPTION ISSUES AND OTHER MALADMINISTRATION COMPLAINTS**

3.1. The Commission will refer NACC corruption issues (as defined in s 201 of the Act) of which it becomes aware to the Inspector (as required by s 203 of the Act, and in conformity with s 207 of the Act) in writing in accordance with paragraph 8.2 below.

3.2. The Commission will also notify the Inspector, in writing in accordance with paragraph 8.2 below, of all complaints it receives or of which it becomes aware, which raise an issue of agency maladministration or officer misconduct in relation to the conduct or the activities of the Commission or a staff member of the Commission:

- (a) as soon as reasonably practicable after becoming aware of the complaint; and

(b) including all information in the Commission's possession relevant to the complaint.

3.3. The Commission will include in its Public Interest Disclosure procedures, made under section 59(3) of the *Public Interest Disclosure Act 2013*, the circumstances in which disclosures must be referred to the Inspector in accordance with s 204 of the Act.

3.4. When making a referral under clause 3.1 or a notification under clause 3.2, the Commission will also inform the Inspector of what if any action the Commission has taken, is taking or proposes to take in relation to the matter the subject of the referral or notification.

#### **4. NOTIFICATION OF EXERCISE OF POWERS**

4.1. The Commission will provide to the Inspector:

- (a) a copy of any of summons to appear and the reasons for it (as required by s 63(8) of the Act); and
- (b) a copy of any warrant for arrest, the corresponding application and any information under s 90(2) in relation to the application that was given in writing (as required by s 91(4) of the Act);

in accordance with paragraph 8.2 below.

4.2. Where the Commissioner decides to hold a public hearing in accordance with section 73(2) of the NACC Act, the Commission will provide to the Inspector the reasons for that decision as soon as reasonably practicable after the decision has been made.

#### **5. CONSULTATION AND PROVISION OF OTHER INFORMATION**

5.1. The primary point of liaison will be between the Inspector and the National Anti-Corruption Commissioner ("the Commissioner").

5.2. The Inspector, the Commissioner, the Deputy Commissioners and the Chief Executive Officer of the Commission will meet quarterly, to discuss issues and matters concerning the work of the Commission relevant to the

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Inspector's functions. The time and place of each meeting will be agreed by the participants at the preceding meeting. Where necessary, participants may attend by audio-visual link or telephone. The Commission will provide a Secretariat to distribute agendas and record minutes. Any participant may place an item on the agenda by notifying the Secretariat in accordance with clause 8.3 below.

5.3. The Commission will provide the Inspector and persons assisting the Inspector with access to all information and documents that they may reasonably require in order to perform the functions of the Inspector.

5.4. In particular, the Commission will provide to the Inspector, as soon as reasonably practicable after the later of the execution of this MOU or they are created, copies of:

(a) all instruments of delegation of statutory powers made by the Commissioner, and all subsequent amendments or variations of them;

(b) the agenda, papers and minutes for meetings of the Commission's Audit and Risk Committee, Governance Committee, and Operations Committee; and

(c) such of the Commission's policies and standard operating procedures as the Inspector requests, and all subsequent amendments or variations of them.

**6. EXERCISE OF POWERS BY INSPECTOR**

6.1. Requests by the Inspector or persons assisting the Inspector for assistance from the Commission relating to the performance of the Inspector's functions will be raised in the first instance with the Commissioner.

6.2. Should the Inspector or persons assisting the Inspector propose to interview any staff member of the NACC in connection with an investigation, the Inspector will notify the Commissioner as soon as reasonably possible in the circumstances. The Commission acknowledges that there may be occasions where the Inspector and her staff may need to interview a staff member without prior notice to the Commissioner, in which case notice will be given

as soon as practicable after the interview has taken place. In any event, the Inspector will if feasible permit the staff member to be accompanied by a lawyer and/or a support person, and will inform the staff member of their entitlement to ask to be so accompanied.

## **7. REFERRAL OF MATTERS BY INSPECTOR**

7.1. Should individuals who wish to provide information to the Commission approach the Office of the Inspector, the Inspector:

(a) will so far as reasonably practicable in the circumstances:

- i. encourage them to use the Commission's webform to make any submission to the Commission, or to phone the Commission's 1300 number with any queries, and
- ii. advise those who may ask about the progress of their referral to the Commission or want to provide additional information that the Commission's website, and the acknowledgement they received when lodging the webform, states that the Commission aims to complete assessments within 90 days, and that the Commission will contact them if it needs more information in the meantime; and

(b) may, if those approaches are unsuccessful, provide the individual with the email address [REDACTED], to which they may forward their information.

## **8. COMMUNICATIONS AND NOTIFICATIONS**

8.1. Correspondence to the Commission will be addressed to the Commissioner, marked "PRIVATE AND CONFIDENTIAL", at:

GPO Box 605  
CANBERRA ACT 2601

[REDACTED]

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8.2. Correspondence to the Inspector will be addressed to the Inspector and marked "PRIVATE AND CONFIDENTIAL", at:

Office of the Inspector of the National Anti-Corruption Commission  
GPO Box 3164  
BRISBANE, QLD 4001  
Or by email at: [enquiries@naccinspector.gov.au](mailto:enquiries@naccinspector.gov.au).

8.3. Correspondence for the Secretariat will be addressed to the Commissioner's Executive Assistant, at:

GPO Box 605  
CANBERRA ACT 2601



**9. REVIEW AND VARIATION**

9.1. This MOU may be reviewed at any time at the request of either party.

9.2. This MOU may only be varied in writing signed by both parties.

**SIGNATURES**

Handwritten signature of Pauline G. Brereton in black ink.

**The Hon PLG Brereton AM RFD SC**

**National Anti-Corruption  
Commissioner**

Handwritten signature of Gail Furness in blue ink.

**Gail Furness SC**

**Inspector of the National  
Anti-Corruption Commission**