

NACC Statutory Officers Meeting
Monday 3 July 2023
MINUTES

Attendees: Justice Brereton, Jaala Hinchcliffe, Ben Gauntlett, Nicole Rose, Philip Reed

Apologies:

1. Conflicts of interest

PB raised a potential conflict of interest **Section 47E - Certain operations of agencies**

As a result, he advised that he would delegate decision-making in these such matters involving persons well-known to him to a Deputy Commissioner ~~to manage~~.

Section 22 - Irrelevant Material

Released pursuant to the Freedom of Information Act 1982 (Cth)

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2.2.4 – Robodebt

PB proposed that ^{Section} might take carriage of this but that we needed to await receipt of the material from the Robodebt Royal Commission later that week.

PB advised that the Secretary to the Robodebt RC was coming to see him on Thursday. It was highly possible he could be conflicted as he knows ^{Section 47F - Personal privacy, Section 47E - Certain operations of agency}

^{Section 47E - Certain operations o} well. If ^{Section 47} ~~they are~~ is in the subject of a referral, then he would not be involved in ~~the consideration of the material~~ decision-making concerning ^{Section 47E}

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Section 22 - Irrelevant Material

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PB advised that the Secretary to the Robodebt RC was coming to see him on Thursday. It was highly possible he could be conflicted as he knows ^{Section 47E - Certain operations of agencies, Section 47F - Personal privacy} well. If ^{Section 47F} is the subject of a referral, then he would not be involved in decision-making concerning ^{Section 47F}

Section 22 - Irrelevant Material

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Released pursuant to the Freedom of Information Act 1982 (Cth)

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Released pursuant to the Freedom of Information Act 1982 (Cth)

Section 22 - Irrelevant Material

Released pursuant to the Freedom of Information Act 1982 (Cth)

From: Paul Brereton
Sent: Friday, 7 July 2023 2:42 PM
To: Section 47F - Personal privacy, Section 47E - Certain operations of agencies
Cc:
Subject: RE: Robodebt - Conflict of Interest [SEC=OFFICIAL:Sensitive]

~~OFFICIAL:Sensitive~~

Colleagues,

As I have already indicated to most of you, I also have a conflict, relating to one of the six individuals the subject of referrals, ^{Section 47F - Personal privacy, Section 47E - Certain o} who is well known to me.

For that reason, ^{Section 47F - Persona} will be the lead Commissioner on these referrals. I will not be involved in any decisions concerning ^{Section 47F - Personal privacy, Sec} However, I will retain an overall interest in the policy questions that arise concerning these referrals generally, because those questions – particular the scope of “corrupt conduct” – will necessarily have ongoing ramifications for us.

Best regards,

PBrereton

The Hon PLG Brereton AM RFD SC
Commissioner

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

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Section 22 - Irrelevant Material

Section 22 - Irrelevant Material

Released pursuant to the Freedom of Information Act 1982 (Cth)

Released pursuant to the Freedom of Information Act 1982 (Cth)



Australian Government
National Anti-Corruption Commission

CM Ref: 23#34184

11 August 2023

Hon Mark Dreyfus KC, MP
Attorney-General
PO Box 6022
Parliament House
CANBERRA ACT 2600

Dear Attorney,

DECLARATION OF MATERIAL PERSONAL INTERESTS

The purpose of this letter is to provide you with my declaration of material personal interests that relate to the affairs of the National Anti-Corruption Commission (Commission), for the purposes of s 29 of the *Public Governance, Performance and Accountability Act 2013* and s 247 of the *National Anti-Corruption Commission Act 2022*, pursuant to which I must disclose to you any material personal interest that I have that relate to the affairs of the Commission. In accordance with that requirement, I disclose the following matters.

Section 22 - Irrelevant Material

Section 22 - Irrelevant Material

Relationship with Section 47F - Personal privacy, Section 47E - Certain ope

In particular, as I also declared at the meeting of the Statutory Officers of the Commission on 3 July 2023 (prior to the publication of the report of the Robodebt Royal Commission report), Section 47F - Personal priva is one of those with whom I have had a close association Section 47F - Personal privacy, Section 47E - Cer and if Section 47 were to be the subject of a referral to the Commission, I would recuse myself from decision-making concerning Section 47 and allocate the matter to a Deputy Commissioner.

Section 22 - Irrelevant Material

Released pursuant to the Freedom of Information Act 1982 (Cth)

Conclusion

I note that there is a continuing duty to disclose material personal interests relating to the affairs of the Commission. Should I become aware of any material personal interest that relates to the affairs

of the Commission, I will disclose it to you in accordance with the requirements in section 247 of the *National Anti-Corruption Commission Act 2022*.

I would be happy to discuss this letter with you or your office. [Section 47E - Certain operations of agencies](#)

Yours sincerely,

A handwritten signature in black ink, appearing to read 'PLG Brereton', with a horizontal line extending to the right.

The Hon PLG Brereton AM RFD SC
Commissioner

Released pursuant to the Freedom of Information Act 1982 (Cth)

~~PROTECTED~~

Australian Government
National Anti-Corruption Commission

NSAP Meeting

NACC Senior Assessment Panel (NSAP)

Date Thursday, 19 October 2023

Time 1130 – 1230

Location Robert Garran Room, 3-5 National Circuit, Barton / Microsoft Teams

Attendees Commissioner Brereton (Chair),
Section 47F - Personal privacy, Section 47E - Certain operations of agencies
Section 47F - Personal privacy, Section 47E - Certain operations of agencies

Item No	Topic	Action	Presenter
1.	Introduction, Conflicts of Interest and Apologies	Note	Commissioner

Section 22 - Irrelevant Material

Meeting agenda

~~PROTECTED~~

Section 22 - Irrelevant Material

Thursday 19 October 2023.

Section 22 - Irrelevant Material

Released pursuant to the Freedom of Information Act 1982 (Cth)

~~PROTECTED~~

Section 22 - Irrelevant Material

Released pursuant to the Freedom of Information Act 1982 (Cth)

Meeting agenda

~~PROTECTED~~

~~PROTECTED~~

Notes

Agenda Item No	Notes
1.	<p>Introduction, Conflicts of Interest and Apologies</p> <p>The meeting commenced at 11.33 am.</p> <p>The Commissioner welcomed members to the NSAP meeting.</p> <p><u>Conflicts of Interest:</u></p> <ul style="list-style-type: none"> • Section 47F - Personal privacy, Section 47E - Certain operations of agencies • In relation to ^{Section 47E - Certain operations of agencies} Commissioner the Hon Paul Brereton ^{Section 47F - Personal pr} notified the Panel of a previously disclosed conflict relating to ^{Section 47F - Personal privacy, Sect} The Commissioner stated that he would not be the ^{Section 47F - Personal privacy, Section 47E - Certain operations of agencies} decision maker for the matters, ^{Section 47F - Personal pr} would be the ultimate decision maker and that he would make comments as the matter was discussed. This was NOTED by the Panel. • Section 47F - Personal privacy, Section 47E - Certain operations of agencies <p>Section 22 - Irrelevant Material</p>

Section 22 - Irrelevant Material

~~PROTECTED~~

Section 22 - Irrelevant Material

3.

Assessments – Cases for Decision

Section 47E - Certain operations of agencies

Section 47E - Certain operations of agencies ROBODEBT

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

Released pursuant to the Freedom of Information Act 1982 (Cth)

~~PROTECTED~~

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

Released pursuant to the Freedom of Information Act 1982 (Cth)

~~PROTECTED~~

~~PROTECTED~~

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

Released pursuant to the Freedom of Information Act 1982 (Cth)

~~PROTECTED~~

~~PROTECTED~~

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

Released pursuant to the Freedom of Information Act 1982 (Cth)

	The Commissioner excused himself from the meeting Section 47C - Deliberative processes
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Meeting agenda

~~PROTECTED~~

~~PROTECTED~~

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

Released pursuant to the Freedom of Information Act 1982 (Cth)

- The Commissioner rejoined the meeting

Section 47C - Deliberative processes

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

Meeting agenda

~~PROTECTED~~

~~PROTECTED~~

Section 47C - Deliberative processes, Section 47E - Certain operations of agencies

Section 22 - Irrelevant Material

Released pursuant to the Freedom of Information Act 1982 (Cth)

Meeting agenda

~~PROTECTED~~

~~PROTECTED~~

Section 22 - Irrelevant Material

Released pursuant to the Freedom of Information Act 1982 (Cth)

Meeting agenda

~~PROTECTED~~

From: Section 47F - Personal privacy, Section
Sent: Friday, 11 August 2023 12:18 PM
Section 47F - Personal privacy, Section 47E - Certain operations of agencies
To:
Cc: Philip Reed; Ben Gauntlett; Nicole Rose; Jaala Hinchcliffe;
Section 47F - Personal privacy, Section 47E - Certain operations of agencies
Subject: Declaration of Personal Interests - Commissioner Brereton
(NACC) [SEC=OFFICIAL]
Attachments: 11.08.2023 - Commr Brereton - COI declaration.pdf

OFFICIAL

Section 47F - Personal privacy

Dear

Please find attached Declaration of Material Personal Interests from Commissioner Brereton of the National Anti-Corruption Commission for the attention of the Attorney-General.

With thanks,

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



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Australian Government
National Anti-Corruption Commission

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.



Australian Government

National Anti-Corruption Commission

National Anti-Corruption Commission (National Anti-Corruption Commission Act 2022) Delegation 2023

I, the Hon. Paul Brereton AM RFD SC, National Anti-Corruption Commissioner (the Commissioner), make the following delegations under the *National Anti-Corruption Commission Act 2022* (Cth) (the Act).

- (1) Under subsection 276(1) of the Act, I delegate all of my functions, powers and duties under the Act, other than my functions, powers and duties under section 254 of the Act (appointment of CEO), to:
- a) each National Anti-Corruption Deputy Commissioner, and
 - b) each staff member of the National Anti-Corruption Commission holding or acting in a position at the SES classification level, provided that, in accordance with subsection 276(3) of the Act, the delegation in paragraph (1)(b) does not apply to:
 - (i) a function, power or duty under Subdivisions A to D of Division 3 (hearings) of Part 7 of the Act, including those Subdivisions as applied by section 163 of the Act; or
 - (ii) a function, power or duty under Division 7 (search powers) of Part 7 of the Act, including that Division as applied by section 163 of the Act; or
 - (iii) a function, power or duty under Part 8 (reporting on corruption investigations) of the Act; or
 - (iv) a function, power or duty under Part 9 (public inquiries) of the Act, other than the provisions of Part 7 as applied by section 163 and not covered by subparagraph (i) or (ii); or
 - (v) a function, power or duty under section 230 (disclosure by authorised discloser in public interest) of the Act; or
 - (vi) a function, power or duty under section 276 of the Act; or
 - (vii) in relation to making an arrangement mentioned in subsection 239(1) (arrangements for dealing with intelligence information) of the Act.
- (2) Under subsection 276(1)(a) of the Act, I delegate my powers under subsection 110(2) of the Act to each staff member of the National Anti-Corruption Commission holding or acting in a position at the Executive Level 2 classification level.
- (3) Under subsection 276(2)(b) of the Act, I delegate my power under subsection 41(6) of the Act to each staff member of the National Anti-Corruption Commission in the Intake and Triage Team or the Assessments Team from time to time holding or acting in a position at the Executive Level 2 classification level.

Dated 03/07/2023

The Hon. Paul Brereton AM RFD SC
National Anti-Corruption Commissioner

Released pursuant to the Freedom of Information Act 1982 (Cth)

From: Paul Brereton
Sent: Wednesday, 16 August 2023 12:28 PM
To: Section 47F - Personal privacy, Section 47E - Certain operations of agencies
Cc:
Subject: ROBODEBT REFERRALS ~~[SEC=PROTECTED]~~

~~PROTECTED~~

Section 47F - Personal
Hi

To confirm our discussion, and in response to your below questions:

Section 22 - Irrelevant Material

- I will not be the decision-maker in respect of any of the Robodebt matters. However, because it is of obvious important to the Commission, I think it is important and appropriate that I be aware of what is happening. I do not think it is necessary to redact any material – it is perfectly normal to receive and read evidence and then not take it into account because it is not admissible etc.

Section 22 - Irrelevant Material

Very happy to discuss, if anyone has any concerns about this approach.

Best regards,

PBrereton

The Hon PLG Brereton AM RFD SC
Commissioner

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



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A dark blue rectangular banner containing the Australian Government coat of arms, the text 'Australian Government' and 'National Anti-Corruption Commission', and three lines of text: 'We acknowledge the Traditional Owners and Custodians of Country throughout Australia.', 'We recognise their continuing connection to land, waters and community.', and 'We pay our respects to the people, the cultures and the Elders past, present and emerging.'

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National Anti-Corruption Commission

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