



Information for persons interacting with the NACC

This fact sheet provides information for people who have contact with the Commission about corruption issues. This includes people who have made a referral, been asked to provide information or attend an interview or hearing, or who have become aware the Commission is conducting an investigation that could affect their interests.

It is about their rights and obligations under the *National Anti-Corruption Commission Act 2022* (Cth) (NACC Act).

Who can I tell?

The Commission will generally not disclose what matters have been referred to it, or who has referred a matter.

It is important to note that publicising referrals has the potential to prejudice investigations and can cause unfair damage to reputations.

However, **unless there is a non-disclosure notation under s 95 of the NACC Act or direction under s 100(1)**, you are able to tell others about your contact with the Commission, that you have made a referral, have been asked to attend an interview, or have received a request for information.

What if there is a non-disclosure notation under s 95 of the NACC Act?

A **non-disclosure notation** is a requirement included in a notice to produce or a private hearing summons that **prohibits disclosure of information** about the notice or summons, or any official matter connected with the notice or summons.

If a notice to produce or private hearing summons includes a non-disclosure notation, **you must comply with its requirements**. Any such notice or summons will be accompanied by a statement setting out your rights and obligations under s 98 of the NACC Act (offence—failure to comply with non disclosure notations). You should read this document carefully.

If there is a non-disclosure notation, **you cannot tell anyone** anything about the notice or summons (including anything about a preliminary investigation or corruption investigation), **except**:

- in the circumstances, if any, permitted by the notation
- to a legal practitioner, for the purpose of obtaining legal advice or representation
- to a legal aid officer, for the purpose of seeking assistance
- to a medical practitioner or psychologist, for the purpose of obtaining medical or psychiatric care, treatment or counselling (including psychological counselling)

- if you are a body corporate, to an officer or agent of the body corporate, for the purpose of ensuring compliance with the notice or summons
- if you are a legal practitioner, for the purpose of giving legal advice to, or making representations on behalf of, the recipient of the notice
- if the information has already been lawfully published.

What if a non-disclosure or use direction in relation to investigation material has been made under s 100(1) of the NACC Act?

If you are notified of a non-disclosure or use direction under s 100(1) of the Act, **you must comply with its requirements**. Any such direction will be accompanied by a statement setting out your rights and obligations under s 101 of the NACC Act (Offence—use or disclosure of investigation material). You should read this document carefully.

If there is a direction under s 100(1), you are only permitted to disclose investigation material to:

- a legal practitioner, for the purpose of obtaining legal advice or representation
- a legal aid officer, for the purpose of seeking assistance
- a medical practitioner or psychologist, for the purpose of obtaining medical or psychiatric care, treatment or counselling (including psychological counselling).

If you think you need to tell your employer, for example in order to obtain leave so you can comply with the notice or summons, then you should **contact the Commission**.

Engaging with the Commission

Even where there is a non-disclosure requirement, you can:

- tell a lawyer about it, for the purpose of obtaining legal advice or assistance
- tell a health worker about it, for the purpose of obtaining medical or psychological assistance, including counselling.

If you have a disability or vulnerability that could affect your ability to comply with a direction, you should also contact the Commission.

If you think you need to tell your employer, for example in order to obtain leave so you can comply with the notice or summons, then you should contact the Commission.

The notice, summons or direction will be accompanied by contact details of a Commission officer you can speak to.

For agency heads

The Commission will often, as a matter of courtesy and to mitigate any risk in the agency, inform agency heads if there is an investigation affecting their agency. However, this is not a requirement and depends on operational considerations. For example, this would not happen if doing so might compromise the integrity of the investigation.

If an agency head is informed of a NACC investigation (including a preliminary investigation), then there is no prohibition on the agency head informing the relevant Minister, or the Minister informing the Prime Minister, or confirming this if questioned by a parliamentary committee – **unless there is a non-disclosure notation or non-disclosure direction.**

If there is a non-disclosure notation or direction, the agency head **must comply** with it.

Allowances for witness expenses and legal financial assistance

Witness expenses

Where a witness is required to appear at a hearing, some or all of the travel, accommodation and/or meal arrangements and expenses may be arranged and paid for by the Commission.

If no expenses have been arranged and met by the Commission, a witness appearing at a hearing is entitled to be paid an allowance for travel, accommodation and meals. Details of these entitlements can be found in s 93 of the NACC Act and regs 6, 7 and 8 of the National Anti-Corruption Commission Regulations 2023 (Regulations).

Legal financial assistance

Under reg 13 of the Regulations, you may apply to the Attorney-General for legal financial assistance if you:

- are summoned to attend a hearing of the Commission
- are not giving evidence at a hearing but are being represented at the hearing by a legal practitioner with the consent of the Commissioner
- have applied, or propose to apply to the Federal Court or the Federal Circuit and Family Court of Australia (Division 2) under the [Administrative Decisions \(Judicial Review\) Act 1977](#) for an order in respect of a matter arising under the Act.

The Attorney-General may provide a grant of legal financial assistance if they are satisfied that:

- refusing the application would result in serious financial difficulty for you, or
- the circumstances of the case are of such a special nature that the application should be granted.

For further information on financial assistance, see [National Anti-Corruption Commission General Scheme | Attorney-General's Department \(ag.gov.au\)](#)

Medical or mental health support

There are no special provisions for seeking health or mental health support, but you can access your organisation's ordinary support arrangements, including Employee Assistance Plan.

A non-disclosure notation or direction does not prohibit disclosure to a health worker for the purpose of obtaining medical or psychological assistance, including counselling.

Further information

1. *National Anti-Corruption Commission Act 2022* (Cth), ss 93, 95, 98, 100, 101.
2. *National Anti Corruption Commission Regulations 2023*, ss 6, 7, 8, 13, 14, 15.

Contact us

To make a report or general enquiry please call us on **1300 489 844**.

For non-English, dial **131 450** for the Translating and Interpreting Service.

For the deaf or hard of hearing, dial **133 677** for the National Relay Service and request to connect to **1300 489 844**.

Visit our website or complete the online reporting form at nacc.gov.au

Write to us at GPO Box 605, Canberra ACT 2601