

Question on notice no. 19

Portfolio question number: SBE24-240

2024-25 Supplementary budget estimates

Legal and Constitutional Affairs Committee, Attorney-General's Portfolio

Senator Barbara Pocock: asked the National Anti-Corruption Commission on 3 December 2024—

(18. The NACC recently said that "corruption in public sector procurement is one of the 3 predominant themes that have emerged in referrals to the Commission since it commenced in July 2023." Of the NACC's 29 current corruption investigations, 8 relate to procurement.

- a. Which departments or agencies were involved in these investigations?
- b. Is the APSC involved? If no, have they at least been informed?
- c. Have any investigations concluded? Have findings been made?

Answer —

Please see the attached answer.

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

ATTORNEY-GENERAL'S PORTFOLIO

SUPPLEMENTARY BUDGET ESTIMATES 2024-2025

PA-National Anti-Corruption Commission

SBE24-240 - Details of corruption in public sector procurement

Senator Barbara Pocock asked the following question on 03 December 2024:

18. The NACC recently said that “corruption in public sector procurement is one of the 3 predominant themes that have emerged in referrals to the Commission since it commenced in July 2023.” Of the NACC’s 29 current corruption investigations, 8 relate to procurement.
- a. Which departments or agencies were involved in these investigations?
 - b. Is the APSC involved? If no, have they at least been informed?
 - c. Have any investigations concluded? Have findings been made?

The response to the senator’s question is as follows:

It would be contrary to the public interest to disclose information about which departments or agencies are involved in investigations, as it may reasonably be expected to involve disclosure of information which the National Anti-Corruption Commission (NACC or the Commission) is required by law to keep confidential, prejudice current or potential investigations by the NACC or other agencies, and/or unfairly prejudice reputations and rights of individuals to impartial adjudication.

The Commission may disclose information to the Australian Public Service Commission (APSC) if satisfied that it is appropriate to do so (s 229(2)). Normally, it is not appropriate to do so before an investigation is complete, as premature disclosure may unfairly impact on reputations and careers.

Of the investigations initiated by the Commission (as distinct from those inherited from Australian Commission for Law Enforcement Integrity), three have been concluded, including two relating to procurement, in circumstances where the Commission decided that further investigation was not warranted in all the circumstances, as it became clear that corrupt conduct would not be found. In those circumstances, the Commission is not required to produce a report.