



National Anti-Corruption Commission Regulations 2023

I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 8 June 2023

David Hurley
Governor-General

By His Excellency's Command

Mark Dreyfus KC
Attorney-General

Contents

Part 1—Preliminary	1
1 Name.....	1
2 Commencement	1
3 Authority.....	1
4 Definitions	1
Part 2—Allowances for travelling and other expenses for witnesses	3
5 Purpose of this Part	3
6 Allowance for travel	3
7 Allowance for accommodation and meals	4
8 No allowances payable where costs are met by the NACC.....	5
Part 3—Legal aid officers	6
9 Purpose of this Part	6
10 Legal aid officers—certain staff members of agencies that provide financial assistance under this instrument	6
11 Legal aid officers—certain staff members of agencies that provide other financial assistance.....	6
Part 4—Financial assistance (general)	7
12 Purpose of this Part	7
13 Financial assistance for representation at hearing by legal practitioner	7
14 Financial assistance for applications for administrative review	7
15 Conditions on financial assistance	8
Part 5—Financial assistance for parliamentarians	9
16 Purpose of this Part	9
17 Eligible matter.....	9
18 Application for financial assistance	9
19 Approving official.....	9
20 Financial assistance to an applicant	9
21 General conditions	10
22 Other conditions—recovery of costs etc.	10
23 Ineligibility for financial assistance—false or misleading application.....	11
24 Monitoring	11
25 Reporting	11
Part 6—Annual report by Commissioner	13
26 Purpose of this Part	13
27 Particulars about corruption issues referred to the Commissioner	13
28 Particulars about corruption issues dealt with by the Commissioner	13
29 Particulars about corruption investigations	14
30 Particulars about corruption issues referred to Commonwealth agencies for investigation.....	14
31 Particulars about public inquiries	14
32 Particulars about certificates	14
Part 7—Annual report by Inspector	16
33 Purpose of this Part	16
34 Information about referrals and complaints	16
35 Information about NACC corruption issues dealt with by the Inspector.....	16
36 Information about NACC corruption investigations	17
37 Information about complaint investigations	17
38 Information about audits by the Inspector.....	17

39	Information about judicial review and other court proceedings	17
40	Information about certificates	18
41	Financial information.....	18
Part 8—Delegation		19
42	Delegation by the Attorney-General of certain functions, powers and duties under this instrument.....	19
43	Delegation by the Secretary of certain functions, powers and duties under this instrument	19

Part 1—Preliminary

1 Name

This instrument is the *National Anti-Corruption Commission Regulations 2023*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	1 July 2023.	1 July 2023

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *National Anti-Corruption Commission Act 2022*.

4 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including the following:

- (a) Commissioner;
- (b) Commonwealth agency;
- (c) corruption investigation;
- (d) corruption issue;
- (e) Inspector;
- (f) NACC Act process;
- (g) NACC complaint investigation;
- (h) NACC corruption issue;
- (i) parliamentarian;
- (j) staff member.

In this instrument:

Act means the *National Anti-Corruption Commission Act 2022*.

agency maladministration has the same meaning as in section 184 of the Act.

approving official for an application under section 18: see section 19.

Section 4

Commissioner's annual report for a financial year: see section 26.

eligible matter: see section 17.

Finance Minister means the Minister administering the *Public Governance, Performance and Accountability Act 2013*.

Inspector's annual report for a financial year: see section 33.

officer misconduct has the same meaning as in section 184 of the Act.

official travel determination means the *Remuneration Tribunal (Official Travel) Determination 2022*, as in force on 1 July 2023.

Secretary means the Secretary of the Attorney-General's Department.

Part 2—Allowances for travelling and other expenses for witnesses

5 Purpose of this Part

For the purposes of section 93 of the Act, this Part prescribes allowances for travelling and other expenses that a witness appearing at a hearing is entitled to be paid by the Commonwealth.

Note: This Part applies to a witness appearing at a hearing regardless of whether the witness is summoned to attend the hearing.

6 Allowance for travel

- (1) A witness appearing at a hearing is entitled to be paid the expenses of travel that the witness needs to undertake in order to appear, up to the maximum travel allowance worked out under subsection (2).
- (2) For the purposes of this section, the *maximum travel allowance* is the cost of the most economical form of transport that is reasonable, having regard to the following:
 - (a) the distance required to be travelled;
 - (b) the time spent travelling;
 - (c) the forms of transport reasonably available to the witness for the purpose of the travel;
 - (d) the directness and practicality of the route;
 - (e) the safety of the witness;
 - (f) any need to maintain the confidentiality of the hearing;
 - (g) any reasonable adjustments that may be required to accommodate the health or disability requirements of the witness.

Application for allowance

- (3) A witness who is entitled to be paid expenses under subsection (1) may apply to the NACC for the payment of the expenses.
- (4) The application must include the following:
 - (a) evidence that the travel was or will be undertaken for the purposes of appearing as a witness at the hearing;
 - (b) evidence of the expenses incurred or likely to be incurred by the witness;
 - (c) evidence as to why a particular mode of transport was or is required;
 - (d) evidence of any health or disability requirements, or adjustments required to accommodate those requirements, that affected, or will affect, the cost of the travel.
- (5) The application may be granted by a person (the *decision-maker*) who is any of the following:
 - (a) the CEO;
 - (b) a staff member of the NACC who is an APS employee and:

Section 7

- (i) an SES employee; or
 - (ii) an acting SES employee; or
 - (iii) classified as Executive Level 2 or equivalent, or higher; or
 - (iv) acting in a position usually occupied by an APS employee who is so classified.
- (6) The decision-maker may grant the application only if the decision-maker is satisfied that the application complies with subsection (4).
- (7) If the decision-maker grants the application, but is not satisfied that the expenses applied for are equal to or less than the maximum travel allowance, the decision-maker must reduce the amount payable to the witness to the amount of the maximum travel allowance.
- (8) If the application is granted, allowance is payable in accordance with the grant, subject to this instrument.

7 Allowance for accommodation and meals

- (1) A witness appearing at a hearing who:
- (a) in order to appear as a witness at the hearing, needs to travel with one or more overnight absences; and
 - (b) stays in commercial accommodation for at least one of those overnight absences;
- is entitled to be paid, for each overnight absence that the witness stays in commercial accommodation, the expenses that the witness incurs or is likely to incur for accommodation and meals, up to the maximum accommodation and meals allowance worked out under subsection (2).
- (2) For the purposes of this section, the **maximum accommodation and meals allowance** for an overnight absence is the rate set out in Table 6A or 6B of the official travel determination for a tier 3 office holder who undertakes the same travel as the witness.
- (3) No expenses are payable under this section in relation to travel that does not require an overnight absence.

Application for allowance

- (4) A witness who is entitled to be paid expenses under subsection (1) may apply to the NACC for the payment of the expenses.
- (5) The application must include the following:
- (a) evidence that the witness was or will be absent overnight in order to appear as a witness at the hearing;
 - (b) evidence of the expenses incurred or likely to be incurred by the witness.
- (6) The application may be granted by a person (the **decision-maker**) who is any of the following:
- (a) the CEO;
 - (b) a staff member of the NACC who is an APS employee and:
 - (i) an SES employee; or

- (ii) an acting SES employee; or
 - (iii) classified as Executive Level 2 or equivalent, or higher; or
 - (iv) acting in a position usually occupied by an APS employee who is so classified.
- (7) The decision-maker may grant the application only if the decision-maker is satisfied that the application complies with subsection (5).
- (8) If the decision-maker grants the application, but is not satisfied that the expenses applied for are equal to or less than the maximum accommodation and meals allowance, the decision-maker must reduce the amount payable to the witness to the amount of the maximum accommodation and meals allowance.
- (9) If the application is granted, allowance is payable in accordance with the grant, subject to this instrument.

8 No allowances payable where costs are met by the NACC

Despite anything else in this Part, no amounts are payable under this Part to a witness appearing at a hearing if the NACC meets some or all of the travelling, accommodation or meal expenses of the witness for the hearing.

Part 3—Legal aid officers

9 Purpose of this Part

The purpose of this Part is to prescribe, for the purposes of paragraph 98(5)(b) of the Act, classes of persons who are *legal aid officers* for the purposes of the Act.

10 Legal aid officers—certain staff members of agencies that provide financial assistance under this instrument

- (1) For the purposes of paragraph 98(5)(b) of the Act, the class of persons set out in subsection (2) of this section is prescribed.
- (2) For subsection (1), the class of persons consists of staff members of a Commonwealth agency who:
 - (a) are responsible for receiving applications for financial assistance made under Part 4 or 5 of this instrument; or
 - (b) are involved in assessing or making decisions in relation to such applications.

11 Legal aid officers—certain staff members of agencies that provide other financial assistance

- (1) For the purposes of paragraph 98(5)(b) of the Act, the class of persons set out in subsection (2) of this section is prescribed.
- (2) For subsection (1), the class of persons consists of staff members of a Commonwealth agency (other than a parliamentary office), that is responsible for providing financial assistance for legal expenses in relation to a matter arising under the Act, who:
 - (a) are responsible for receiving applications for financial assistance for legal expenses in relation to matters arising under the Act; or
 - (b) are involved in assessing or making decisions in relation to such applications.

Part 4—Financial assistance (general)

12 Purpose of this Part

The purpose of this Part is to prescribe, for the purposes of paragraph 280(2)(a) of the Act, arrangements for the Commonwealth to provide financial assistance in respect of the following:

- (a) a person's representation at a hearing by a legal practitioner;
- (b) an application, or proposed application, 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 of review in respect of a matter arising under the Act.

13 Financial assistance for representation at hearing by legal practitioner

- (1) A person who is summoned to attend a hearing may apply to the Attorney-General for financial assistance in respect of the person's representation at the hearing by a legal practitioner.
- (2) A person who:
 - (a) is not giving evidence at a hearing; and
 - (b) is being represented at the hearing by a legal practitioner with the consent of the Commissioner;may apply to the Attorney-General for financial assistance in respect of that representation.
- (3) If a person applies under subsection (1) or (2), the Attorney-General may, if the Attorney-General is satisfied that:
 - (a) refusing the application would result in serious financial difficulty for the person; or
 - (b) the circumstances of the case are of such a special nature that the application should be granted;authorise the Commonwealth to provide the person with financial assistance, determined by the Attorney-General, in respect of the person's representation at the hearing by a legal practitioner.
- (4) Financial assistance is payable in accordance with the authorisation, subject to this instrument.

14 Financial assistance for applications for administrative review

- (1) A person who has applied, or proposes 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 of review in respect of a matter arising under the Act may apply to the Attorney-General for financial assistance in respect of the application or proposed application.
- (2) If a person applies under subsection (1), the Attorney-General may, if the Attorney-General is satisfied that:

Section 15

(a) refusing the application would result in serious financial difficulty for the person; or

(b) the circumstances of the case are of such a special nature that the application should be granted;

authorise the Commonwealth to provide the person with financial assistance, determined by the Attorney-General, in respect of the person's application to the Federal Court or the Federal Circuit and Family Court of Australia (Division 2), as the case may be.

(3) Financial assistance is payable in accordance with the authorisation, subject to this instrument.

15 Conditions on financial assistance

Financial assistance under this Part is provided to a person subject to any conditions determined by the Attorney-General.

Part 5—Financial assistance for parliamentarians

16 Purpose of this Part

The purpose of this Part is to prescribe, for the purposes of paragraph 280(2)(a) of the Act, arrangements for the Commonwealth to provide financial assistance in respect of certain matters arising under, or in relation to, the Act to:

- (a) parliamentarians; and
- (b) former parliamentarians.

17 Eligible matter

For the purposes of this instrument, an *eligible matter* is any of the following:

- (a) any matter arising under the Act, other than a prosecution for an offence against the Act;
- (b) an application that any person has made, or proposes to make, 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 of review in respect of a matter arising under the Act.

18 Application for financial assistance

A parliamentarian or former parliamentarian may apply, in writing, to the Department for financial assistance under section 20 in relation to an eligible matter.

19 Approving official

- (1) Subject to this section, the *approving official* for an application under section 18 is the Attorney-General.
- (2) If an application is made to the Department under section 18:
 - (a) the Secretary must give the Commissioner a copy of the application; and
 - (b) the Commissioner may give the Secretary a certificate specifying any of the following as the *approving official* for the application:
 - (i) the Secretary;
 - (ii) the Prime Minister;
 - (iii) the Finance Minister.
- (3) If the Commissioner gives the Secretary a certificate under paragraph (2)(b), the *approving official* for the application is the person specified in the certificate.

20 Financial assistance to an applicant

- (1) Subject to this Part, the approving official may approve payment by the Commonwealth of the following:
 - (a) the cost of an applicant's legal representation in relation to an eligible matter;

Section 21

- (b) disbursements in relation to an eligible matter;
 - (c) costs awarded against an applicant in an eligible matter.
- (2) Before giving the approval, the approving official must:
- (a) be satisfied that:
 - (i) the applicant's involvement in the eligible matter arose only because the applicant is, or has been, a parliamentarian; or
 - (ii) the eligible matter relates to the performance or non-performance by the applicant of the applicant's duties as a parliamentarian; and
 - (b) be satisfied that it is appropriate to give financial assistance.
- (3) Financial assistance is payable in accordance with the approval, subject to this instrument.
- (4) The approving official may reduce the amount of financial assistance payable if the approving official is satisfied that the applicant has breached this instrument or a condition that the approval is subject to under section 21 or 22.
- (5) The approving official may defer making a decision whether to approve payment of financial assistance in whole or part until the eligible matter reaches a point at which the approving official considers it appropriate to make the decision.
- (6) Without limiting the matters the approving official may have regard to in deciding whether to give the approval, the approving official may have regard to whether there has been unreasonable delay in applying for financial assistance.

21 General conditions

- (1) An approval under section 20 for the provision of financial assistance to an applicant may be subject to conditions imposed by the approving official at any time.
- (2) The costs of an applicant's legal representation and disbursements will be paid only so far as they are certified by the Secretary to be reasonable.

22 Other conditions—recovery of costs etc.

Recovery of costs

- (1) An approval under section 20 for the provision of financial assistance to an applicant is subject to the condition that, if an award of costs is made in the applicant's favour in an eligible matter, the person must take all steps directed by the Commonwealth to recover the costs and must pay to the Commonwealth any costs recovered.
- (2) The approval includes approval for the payment of the reasonable expense, certified by the Secretary, of the steps reasonably taken or directed to be taken by the applicant to recover those costs.

Repayment of payment to ineligible applicant

- (3) An approval under section 20 for the provision of financial assistance to an applicant is subject to the condition that the applicant must repay the financial

assistance to the Commonwealth if the applicant is not eligible to receive the financial assistance because of section 23.

General conditions not limited

- (4) This section does not limit the conditions that may be imposed on an approval under section 21.

23 Ineligibility for financial assistance—false or misleading application

Despite anything in this Part, a person is not eligible to receive financial assistance under section 20 as a result of an application under section 18 if the application included information that the person knew to be false or misleading in a material particular.

24 Monitoring

The Secretary must:

- (a) monitor strategies adopted by an applicant in eligible matters for which financial assistance under this Part has been approved; and
- (b) unless the approving official is the Secretary—inform the approving official if the Secretary considers that proposed expenditure on the eligible matters is unreasonable.

25 Reporting

- (1) Subject to this section, the Attorney-General must:
- (a) inform each House of the Parliament of each decision to pay financial assistance under this Part, including reasons for the decision and any limits on expenditure, as soon as possible; and
 - (b) within 3 months after the end of each financial year, table in each House of the Parliament a consolidated statement of expenditure under this Part for that year specifying the expenditure for each matter.

Information that may compromise a NACC Act process

- (2) The Attorney-General:
- (a) must, before disclosing information to the Parliament under paragraph (1)(a), consult the Commissioner and the Inspector about whether disclosing the information may compromise a NACC Act process; and
 - (b) if the Commissioner or the Inspector considers that disclosing particular information may compromise a NACC Act process—must not disclose that information to the Parliament under paragraph (1)(a).
- (3) The Attorney-General:
- (a) must, before tabling a statement under paragraph (1)(b), consult the Commissioner and the Inspector about whether disclosing any of the information to be included in the statement may compromise a NACC Act process; and

Section 25

- (b) if the Commissioner or the Inspector considers that disclosing any of that information may compromise a NACC Act process—must exclude that information from the statement before tabling it.

Information that would no longer compromise a NACC Act process

- (4) If:
- (a) particular information was not disclosed to the Parliament under paragraph (1)(a), or was excluded from a statement tabled under paragraph (1)(b), because:
 - (i) either the Commissioner or the Inspector (the *relevant official*); or
 - (ii) both the Commissioner and the Inspector (the *relevant officials*);considered that disclosing the information may compromise a NACC Act process; and
 - (b) the relevant official or the relevant officials, as the case requires, no longer consider that disclosing the information may compromise a NACC Act process;
- then:
- (c) the relevant official or the relevant officials, as the case requires, must inform the Attorney-General that the relevant official or the relevant officials no longer consider that disclosing the information may compromise a NACC Act process; and
 - (d) the Attorney-General must:
 - (i) give the information to each House of the Parliament as soon as possible after being so informed; and
 - (ii) if the information is information relating to expenditure that was excluded from a statement tabled under paragraph (1)(b)—include the information in the next consolidated statement tabled under paragraph (1)(b), which must specify the financial year in which the expenditure occurred.

Part 6—Annual report by Commissioner

26 Purpose of this Part

The purpose of this Part is to prescribe, for the purposes of paragraph 271(2)(a) of the Act, particulars that must be included in the annual report on the performance of the Commissioner's functions during a financial year (the **Commissioner's annual report** for the financial year).

Note: Some information must be excluded from the Commissioner's annual report (see section 272 of the Act).

27 Particulars about corruption issues referred to the Commissioner

For the purposes of subparagraph 271(2)(a)(i) of the Act, the Commissioner's annual report for a financial year must include the following:

- (a) the number of corruption issues referred to the Commissioner under Division 1 (voluntary referrals) of Part 5 of the Act during the financial year;
- (b) the number of corruption issues referred to the Commissioner under Division 2 (mandatory referrals) of Part 5 of the Act during the financial year.

28 Particulars about corruption issues dealt with by the Commissioner

Total number of corruption issues dealt with by the Commissioner

- (1) For the purposes of subparagraph 271(2)(a)(ii) of the Act, the Commissioner's annual report for a financial year must include the number of corruption issues that the Commissioner dealt with under Division 1 of Part 6 of the Act during the financial year.

Corruption issues dealt with under particular provisions

- (2) For the purposes of subparagraph 271(2)(a)(ii) of the Act, the Commissioner's annual report for a financial year must include the following:
 - (a) the number of corruption issues that the Commissioner investigated, as mentioned in paragraph 41(1)(a) of the Act, during the financial year;
 - (b) the number of corruption issues that the Commissioner investigated jointly with a Commonwealth agency or a State or Territory government entity, as mentioned in paragraph 41(1)(b) of the Act, during the financial year;
 - (c) the number of corruption issues that the Commissioner referred to a Commonwealth agency for investigation, as mentioned in paragraph 41(1)(c) of the Act, during the financial year;
 - (d) the number of corruption issues that the Commissioner referred to a Commonwealth agency or a State or Territory government entity for consideration, as mentioned in paragraph 41(1)(d) of the Act, during the financial year;

Section 29

- (e) the number of corruption issues in relation to which the Commissioner decided, during the financial year, to take no action, as mentioned in subsection 41(6) of the Act.

29 Particulars about corruption investigations

For the purposes of subparagraph 271(2)(a)(iii) of the Act, the Commissioner's annual report for a financial year must include the following:

- (a) the number of corruption investigations completed during the financial year;
- (b) the number of corruption investigations that were commenced during or before the financial year and, at the end of the financial year, had not been completed.

30 Particulars about corruption issues referred to Commonwealth agencies for investigation

For the purposes of subparagraph 271(2)(a)(iv) of the Act, the Commissioner's annual report for a financial year must include the following:

- (a) the number of corruption issues that the Commissioner referred to a Commonwealth agency for investigation, as mentioned in paragraph 41(1)(c) of the Act, during the financial year, where:
 - (i) the Commonwealth agency investigated the corruption issue; and
 - (ii) the Commissioner is aware that the investigation was completed during the financial year;
- (b) the number of corruption issues that the Commissioner referred to a Commonwealth agency for investigation, as mentioned in paragraph 41(1)(c) of the Act, during the financial year, where:
 - (i) the Commonwealth agency investigated, or is investigating, the corruption issue; and
 - (ii) the Commissioner oversaw, or is overseeing, the investigation under Division 2 of Part 6 of the Act.

31 Particulars about public inquiries

- (1) For the purposes of subparagraph 271(2)(a)(v) of the Act, the Commissioner's annual report for a financial year must include the following:
 - (a) the number of public inquiries that were completed during the financial year;
 - (b) the number of public inquiries that were commenced during or before the financial year and, at the end of the financial year, had not been completed.
- (2) The Commissioner's annual report must include a description of the kinds of corruption risks, corruption vulnerabilities or measures to prevent corruption into which the public inquiry or inquiries were conducted.

32 Particulars about certificates

- (1) For the purposes of subparagraph 271(2)(a)(vi) of the Act, the Commissioner's annual report for a financial year must include the total number of certificates

Section 32

issued by the Attorney-General under section 235 of the Act during the financial year.

- (2) For the purposes of subparagraph 271(2)(a)(vii) of the Act, the Commissioner's annual report for a financial year must include the total number of international relations certificates issued by the Attorney-General under section 236 of the Act during the financial year.

Part 7—Annual report by Inspector

33 Purpose of this Part

The purpose of this Part is to prescribe, for the purposes of subsection 198(3) of the Act, the information that must be included in the annual report relating to the performance of the Inspector's functions during a financial year (the *Inspector's annual report* for the financial year).

Note: Some information must be excluded from the Inspector's annual report (see section 199 of the Act).

34 Information about referrals and complaints

The Inspector's annual report for a financial year must include the following:

- (a) the number of NACC corruption issues referred to the Inspector under section 202 (voluntary referrals) of the Act during the financial year;
- (b) the number of NACC corruption issues referred to the Inspector under section 203 or 204 (mandatory referrals) of the Act during the financial year;
- (c) the number of complaints of agency maladministration or officer misconduct received by the Inspector during the financial year in relation to the conduct or activities of:
 - (i) the NACC; or
 - (ii) a staff member of the NACC.

35 Information about NACC corruption issues dealt with by the Inspector

Total number of NACC corruption issues dealt with by the Inspector

- (1) The Inspector's annual report for a financial year must include the number of NACC corruption issues that the Inspector dealt with under Subdivision C of Division 3 of Part 10 of the Act during the financial year.

NACC corruption issues dealt with under particular provisions

- (2) The Inspector's annual report for a financial year must include the following:
 - (a) the number of NACC corruption issues that the Inspector investigated, as mentioned in paragraph 210(1)(a) of the Act, during the financial year;
 - (b) the number of NACC corruption issues that the Inspector investigated jointly with a Commonwealth agency, the NACC or a State or Territory government entity, as mentioned in paragraph 210(1)(b) of the Act, during the financial year;
 - (c) the number of NACC corruption issues that the Inspector referred to the NACC for investigation, as mentioned in paragraph 210(1)(c) of the Act, during the financial year;
 - (d) the number of NACC corruption issues that the Inspector referred to a Commonwealth agency, the NACC or a State or Territory government

-
- entity for consideration, as mentioned in paragraph 210(1)(d) of the Act, during the financial year;
- (e) the number of NACC corruption issues in relation to which the Inspector decided, during the financial year, to take no action, as mentioned in subsection 210(6) of the Act.

36 Information about NACC corruption investigations

The Inspector's annual report for a financial year must include the following:

- (a) the number of NACC corruption investigations completed during the financial year;
- (b) the number of NACC corruption investigations that were commenced during or before the financial year and, at the end of the financial year, had not been completed.

37 Information about complaint investigations

- (1) The Inspector's annual report for a financial year must include the following:
- (a) the number of reportable complaint investigations that the Inspector completed during the financial year;
- (b) the number of reportable complaint investigations that were commenced during or before the financial year and, at the end of the financial year, had not been completed.
- (2) For the purposes of subsection (1), a **reportable complaint investigation** is a NACC complaint investigation into a complaint of agency maladministration or officer misconduct.

38 Information about audits by the Inspector

If the Inspector completed one or more audits under paragraph 184(1)(f) of the Act during a financial year, the Inspector's annual report for the financial year must include the following:

- (a) a description of the findings of the audits in relation to the NACC's compliance with the laws of the Commonwealth;
- (b) a description of the kinds of agency maladministration and officer misconduct detected as a result of the audits (if any);
- (c) a description of the recommendations (if any) made to the NACC on the outcomes of the audits.

39 Information about judicial review and other court proceedings

The Inspector's annual report for a financial year must include details of the number and results of:

- (a) applications made to the Federal Court or the Federal Circuit and Family Court of Australia (Division 2) under the *Administrative Decisions (Judicial Review) Act 1977* for orders of review in respect of matters arising under this Act in connection with the performance of functions or exercise of powers by the Inspector; and
- (b) other court proceedings involving the Inspector;

Section 40

being applications and proceedings that were determined, or otherwise disposed of, during the financial year.

40 Information about certificates

- (1) The Inspector's annual report for a financial year must include the total number of certificates issued by the Attorney-General under section 235 of the Act during the financial year.
- (2) The Inspector's annual report for a financial year must include the total number of international relations certificates issued by the Attorney-General under section 236 of the Act during the financial year.

41 Financial information

The Inspector's annual report for a financial year must include the following:

- (a) the Inspector's budgeted expenditure for the financial year;
- (b) the Inspector's actual expenditure for the financial year;
- (c) for an Inspector's annual report other than the first—a comparison of the Inspector's budgeted and actual expenditure for the financial year with the Inspector's budgeted and actual expenditure for the previous financial year.

Part 8—Delegation

42 Delegation by the Attorney-General of certain functions, powers and duties under this instrument

- (1) The Attorney-General may, in writing, delegate all or any of the Attorney-General's functions, powers or duties under Part 4 (financial assistance (general)) of this instrument to:
 - (a) the Secretary; or
 - (b) an APS employee in the Department who is:
 - (i) an SES employee; or
 - (ii) an acting SES employee; or
 - (iii) classified as Executive Level 1 or equivalent, or higher; or
 - (iv) acting in a position usually occupied by an APS employee who is so classified.

Note: Sections 34AA to 34A of the *Acts Interpretation Act 1901* contain provisions relating to delegations.

- (2) In performing or exercising a function, power or duty delegated under subsection (1), the delegate must comply with any written directions of the Attorney-General.

43 Delegation by the Secretary of certain functions, powers and duties under this instrument

- (1) The Secretary may, in writing, delegate all or any of the Secretary's functions, powers or duties under the following provisions of this instrument to an SES employee, or an acting SES employee, in the Department:
 - (a) section 19 (not including any functions, powers or duties the Secretary has as an approving official);
 - (b) sections 21, 22 and 24.

Note: Sections 34AA to 34A of the *Acts Interpretation Act 1901* contain provisions relating to delegations.

- (2) In performing or exercising a function, power or duty delegated under subsection (1), the delegate must comply with any written directions of the Secretary.
- (3) To avoid doubt, this section does not limit section 277 of the Act.