National Anti-Corruption Commission

Ref: CASE2023172

4 July 2024

Vincent O'GRADY
[redacted]

Dear Mr O'Grady,

Referral of information relating to the former Coalition Government.

Thank you for providing information to the National Anti-Corruption Commission (the Commission) pursuant to section 32 of the *National Anti-Corruption Commission Act 2022* (the Act) on 3 July 2023.

The information you have provided, along with other available information has been considered, and I note you have raised the following issues:

- The former Coalition Government intervened to award multiple Commonwealth grants to predominantly Coalition-held electorates and, conduct that constitutes or involves a breach of public trust, and;
- Unnamed Ministers of the previous Coalition Government failed to comply with the Constitution, and likely other legislation, conduct that adversely effected the honest or impartial performance of the public official's functions or duties.

Jurisdiction – corrupt conduct

The jurisdiction of this Commission is to inquire into issues of corrupt conduct concerning Commonwealth public officials. Corrupt conduct is conduct by a public official that is in breach of the public trust, abuse by a public official of their public office, misuse by a public

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official of official information, or conduct of any person that could cause a public official to act otherwise than honestly and impartially in the performance of their public functions. Maladministration is not of itself corrupt conduct. Normally, an element of personal benefit and/or dishonesty is necessary if conduct is to be characterised as corrupt.

Your referral has now been considered and the Commission has assessed the information available does not support the view that corrupt conduct has occurred as defined in the Act. Accordingly, the Commission has determined that your referral does not raise a corruption issue pursuant to section 9 of the NACC Act and no further action will be taken.

While we have decided to take no further action in relation to your referral, the information will be retained for intelligence purposes and to inform our educational and reporting activities.

The allocation of Commonwealth grants remain an area of significant interest to the Commission. While in this instance we did not find justification to conduct an investigation, we are actively looking at a number of other matters relating to the subject of Commonwealth Grant allocation. Your willingness to share your detailed work in this area is greatly appreciated.

Please accept my thanks for providing this information and informing the work of the Commission. We appreciate the level of work you have afforded to this matter, and the confidence you have placed in the Commission. I realise that this matter is very important to you, and that this outcome will, therefore, be disappointing. However, although ultimately, I have concluded that there is no *corruption* issue, it has been important that this matter be scrutinised.

Thank you again for providing this information. Further information about the service you can expect from us, and regarding the review of decisions, can be found in our Service Charter.

Yours sincerely,

Peter Ratcliffe

General Manager Evaluation
National Anti-Corruption Commission