

Public comments regarding investigations

It is the policy of the Anti-Corruption Commission (ACC) that it will neither confirm nor deny that it is undertaking, or that it has undertaken, an investigation into particular issues, allegations or persons.

The ACC restricts its public commentary primarily for the following two reasons:

1. To protect persons who may be subject to an investigation, because such persons are entitled to benefit from the presumption of innocence, and the maintenance of their privacy, until an investigation (and any criminal prosecution which may result) has concluded;
2. To ensure that the effectiveness and integrity of an investigation (and any trial) is not jeopardised by dissemination of information that may tend to suggest that an investigation is, or is not, being undertaken.

The ACC often undertakes investigations that are self-initiated based on reports in the media or based on complaints filed with the ACC. Some, but by no means all, of those investigations result in criminal proceedings being initiated, against one or more persons, by the Office of the Director of Public Prosecutions (ODPP).

It is the nature of the ACC's work, that its investigators will often spend many hours exploring suspected corruption only to conclude that a submission should not be made by the ACC to the ODPP. Our investigators will be led by the evidence, and it is just as important to determine that prosecutions should not be instituted, as it is to determine that alleged offenders should face legal proceedings. The reasons for reaching a determination that an investigation should not be referred to the ODPP are many and varied, but they may include a finding by the ACC that the allegations are without merit or that there is insufficient evidence to support further investigation or prosecution of corruption related offences.

In cases which are referred by the ACC to the ODPP, the ODPP will decide whether charges should be laid by applying the evidential and public interest tests set out in the Code for Crown Prosecutors. This information will rarely make its way into the public domain for obvious reasons.

It is for all of the above reasons that the ACC continues to have a longstanding policy of not responding to enquiries in relation to whether it is investigating allegations of corruption. This does not mean, however, that the ACC is secretive about its function and purpose. On the contrary, it is an important part of the ACC's remit that it strives to educate the public about its role under the Constitution, and promote its activities, whenever practicable, in such a manner that will serve to enhance confidence and trust in the integrity and good governance of government and public institutions through just, fair and effective investigations.

ACC ANTI-CORRUPTION COMMISSION

The ACC reserves the right to comment where it is in the public interest do so (such as where the circumstances in question render it absolutely necessary and will not threaten to endanger the integrity of any investigation or prosecution).