

1998-99

The Parliament of the
Commonwealth of Australia

THE SENATE

Criminal Code Amendment (Bribery of Foreign Public Officials) Bill 1999

(Amendments to be moved by the Opposition in committee of the whole)

- (1) Schedule 1, item 2, page 8 (after line 14), after paragraph (3)(a), insert:
(aa) the value of the business advantage;

[section 70.2—value of advantage to be disregarded]

- (2) Schedule 1, item 2, page 11 (after line 11), before paragraph (a), insert:
(aa) the value of the benefit was of a minor nature; and

[section 70.4—defences]

- (3) Schedule 1, item 2, page 13 (after line 14), after subparagraph (i), insert:
(ia) at the time of the alleged offence, the person is a resident of Australia; or

[section 70.5—residence requirement]

- (4) Schedule 1, item 2, page 13 (after line 19), after subsection (1), insert:

(1A) Proceedings for an offence against section 70.2 must not be commenced without the Attorney-General's written consent if:

- (a) the conduct constituting the alleged offence occurs wholly outside Australia; and
(b) at the time of the alleged offence, the person alleged to have committed the offence is:
(i) a resident of Australia; and
(ii) not an Australian citizen.

(1B) However, a person may be arrested for, charged with, or remanded in custody or released on bail in connection with an offence against section 70.2 before the necessary consent has been given.

- (5) Schedule 1, page 14 (after line 14), at the end of the Schedule, add:

4 The Dictionary of the *Criminal Code*

Insert:

resident of Australia means an individual who is a resident of Australia.

[Dictionary—residence requirement]