

<u>Individual</u> - maximum fine increases to \$2,100,000 <u>Bodies Corporate</u> - maximum fine increases to \$21,000,000

Foreign Bribery ACT AMENDMENT CHART



OFFENCE PROVISION: BRIBING A FOREIGN PUBLIC **GENERAL PROVISIONS OFFICIAL - S70.2** 1997 **1 JANUARY 1997 CRIMINAL CODE, INCLUDING DIVISION 11, COMMENCES** 7 APRIL 1997 1998 Maximum penalty unit \$110 1999 **17 DECEMBER 1999** 2000 **OFFENCE PROVISION COMMENCES** Max Penalty at time of commencement: Individual - 10 years imprisonment and/or fine not exceeding 600 penalty units (\$66,000)2001 - 24 MAY 2001 Bodies Corporate - fine not exceeding 3,000 penalty units (\$330,000) Complicity & Common Purpose (s11.2); Incitement (s11.4); and Conspiracy (s11.5) Any special liability provisions attaching to the substantive offence also apply where 2002 an offence is committed via Complicity & Common Purpose, Incitement, or Conspiracy **15 DECEMBER 2001** Division 11 applies to all Commonwealth offences 2003 2004 **28 SEPTEMBER 2004** Complicity & Common Purpose - s11.2 2005 The trier of fact may find the person guilty even when they are unsure whether the person committed the offence, or whether the person aided, abetted, counselled or procured the commission of the offence 2006 2007 **25 SEPTEMBER 2007** Clarified that the prosecution need not establish that business or a business advantage was actually obtained/retained *CDPP view is that this was always the case 2009 **20 FEBRUARY 2010 20 FEBRUARY 2010 MAX PENALTY INCREASED: Complicity & Common Commission by Proxy** Joint Commission -Individual - 10 years imprisonment and/or fine not exceeding 10,000 penalty units Purpose - s11.2 "Innocent agency" renamed s11.2A (\$1,100,000) Clarified that s11.2 does Bodies Corporate - fine not exceeding 100,000 penalty units (\$11,000,000); or "Commission by Proxy" 2011 **COMMENCES** not create a standalone o Fine not exceeding 3x the value of the benefit obtained; or o Fine not exceeding 10% of the annual turnover of the Body Corporate offence 2012 **28 DECEMBER 2012 28 DECEMBER 2012** 2013 **PENALTY UNIT INCREASED:** Penalty unit increased to \$170 Individual - maximum fine increases to \$1,700,000 $\underline{\text{Bodies Corporate}} \text{ - maximum fine increases to $17,000,000}$ 2014 31 JULY 2015 -2015 **PENALTY UNIT INCREASED:** Individual - maximum fine increases to \$1,800,000 Bodies Corporate - maximum fine increases to \$18,000,000 31 JULY 2015 Penalty unit increased to \$180 **27 NOVEMBER 2015** Clarified that the prosecution need not establish which particular foreign public official was subject of the bribe *CDPP view is that this was always the case 10 MARCH 2016 Incitement (s11.4); and Conspiracy (s11.5) 2017 Wording changed ("is guilty of" replaced by "commits") to achieve legislative 10 MARCH 2016 consistency Wording changed ("is guilty of" replaced by "commits") to achieve legislative consistency 1 JULY 2017 1 JULY 2017 PENALTY UNIT INCREASED: Penalty unit increased to \$210