



Uniting Church in Australia
SYNOD OF VICTORIA AND TASMANIA

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**Justice and International Mission Unit
Synod of Victoria and Tasmania, Uniting Church in Australia**

**Submission to inquiry into
Crimes Legislation Amendment (Powers, Offences and Other
Measures) Bill 2015
May 2015**

The Justice and International Mission Unit, Synod of Victoria and Tasmania, Uniting Church in Australia (the Unit) welcomes this opportunity to make a submission on the *Crime Legislation Amendment (Powers, Offences and Other Measures) Bill 2015*.

This submission is focussed on Schedule 2 of the Bill, which the Unit urges the Committee to support the passage of.

The Justice and International Mission Unit believes there is a need to combat corruption, which is a factor in efforts to eradicate poverty globally. The Uniting Church in Australia at its Inaugural Assembly in 1977 stated that in response to the Christian gospel:

We pledge ourselves to seek the corrections of injustices wherever they occur. We will work for the eradication of poverty and racism in our society and beyond.

The 2007 annual meeting of representatives of the Synod of Victoria and Tasmania passed a resolution acknowledging “*there is a need to address corruption within developing countries to work towards the eradication of poverty*” and “*some wealthy countries continue to maintain laws and practices that foster, reward and allow them to benefit from corruption in developing countries*”. The resolution commended the Australian Government for the steps it had taken to combat corruption globally and urged that a number of further measures be taken. It also lamented that church members had been the beneficiaries of corruption in developing countries largely through the purchase of goods at lower prices due to corruption being involved in their production.

In March 2008, the Justice and International Mission Unit published a report on global corruption, *From Corruption to Good Governance*, which outlined Australia’s performance in tackling corruption and what further actions could be taken. The report was endorsed by TEAR Australia, the Christian World Service of the National Council of Churches in Australia and Transparency International Australia.

Transparency International's *Global Corruption Report 2009* has found that business continues to play a very exposed role as the supplier of corrupt payments to civil servants, members of government and political parties. Kickbacks may be actively solicited, extorted or offered proactively. Irrespective of the degree of coercion involved, the fact remains that bribery fosters a culture of impunity and repeat corruption, undermines the functioning of public institutions and fuels a public perception that governments and bureaucracies are up for sale to the highest bidder.¹

TI stated in the 2009 report that:²

The scale and scope of bribery in business is staggering. Nearly two in five polled business executives have been asked to pay a bribe when dealing with public institutions. Half estimated that corruption raised project costs by at least 10%.

TI states that the cost is measured in more than money as when bribes allow reckless companies to disregard the law, the consequences range from exploitative work conditions in China or illegal logging in Indonesia to unsafe medicines in Nigeria and poorly constructed buildings in Turkey that collapse with deadly consequences.

Given the serious nature of bribery and its wider impact on the communities in which it occurs, the Unit fully supports amending the Criminal Code to that under Division 70.2 that proof of an intention to influence a particular official is not required to establish the offence. The issue was raised again in the OECD Working Group on Bribery report 'Australia: Follow-up to the Phase 3 Report & Recommendations' which was released in April 2015.³ The OECD Working Group on Bribery noted that the change was yet to be implemented (having been recommendation 2b of the Phase 3 evaluation of Australia in October 2012).⁴ The Unit is pleased the Government is moving on this amendment and hopes it will have universal support in the Parliament.

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¹ Transparency International, 'Global Corruption Report 2009: Corruption and the Private Sector', p. xxv.

² Transparency International, 'Global Corruption Report 2009: Corruption and the Private Sector', p. xxv.

³ OECD Working Group on Bribery, 'Australia: Follow-up to the Phase 3 Report & Recommendations', April 2015, pp. 5, 9.

⁴ OECD Working Group on Bribery, 'Australia: Follow-up to the Phase 3 Report & Recommendations', April 2015, p. 5.