

GOVERNMENT RESPONSE

TO THE

JOINT STANDING COMMITTEE ON TREATIES

REPORT

‘OECD CONVENTION ON COMBATING BRIBERY AND DRAFT

IMPLEMENTING LEGISLATION’

1. RECOMMENDATION, at paragraph 3.42 (page 20)

1.1 The Joint Standing Committee on Treaties recommends that the Australian Government:

- undertake through diplomatic channels the cooperation of other OECD members to work towards increasing the number of adherents to the OECD Convention and, in particular, the adoption of complementary domestic legislation;
- raise the issue of adherence to the OECD Convention, and the passing of complementary domestic legislation, at the next meeting of the South Pacific Forum, and
- raise with members of the Association of South East Asian Nations the desirability of adherence to the Convention, and the passage of complementary domestic legislation (paragraph 3.42);

Government Response

1.2 The Government accepts the recommendation with regard to bringing to the attention of other Governments the fact of Australia's signature of the Convention and the reasons for having taken that step, and in particular, our view that the Convention is a step towards dealing with an international phenomenon which is detrimental to economic development and also to the interests of countries, including Australia, that are working to promote fairer market access and trade liberalisation generally.

1.3 The Government agrees to raise the desirability of adherence to the Convention and the passing of complementary domestic legislation at appropriate meetings in the South Pacific Forum context. The focus over the past few years on economic reform and good governance in the Pacific region has included measures to make government more transparent and accountable. While the provisions of the Convention complement the general thrust of the reform agenda set by Forum leaders, the Government remains mindful of the size of the regional agenda and the capacity of Forum island countries to meet their current commitments.

1.4 Priority in the region is currently being accorded to the enactment of legislation on extradition, proceeds of crime and mutual criminal assistance in line with the Honiara Declaration on law enforcement made by Forum leaders following the 1991 South Pacific Forum meeting. The issues concerned are dealt with in the Forum context by the Forum Regional Security Committee, and by three regional bodies which focus specifically on criminal activity and law enforcement cooperation in the region: the Pacific Islands Law Officers Meeting (PILOM), the Customs Heads Administration Regional Meeting (recently renamed the Oceania Customs Organisation) and the South Pacific Chiefs of Police Conference. At the last meeting of the PILOM, held in Canberra in September 1998, the Australian delegation made a presentation on the Convention and its role in tackling global corruption. With the current focus on the Forum island countries achieving the year 2000 deadline for implementation of the Honiara Declaration, the Australian delegation encouraged the Forum members to implement the three pieces of legislation which would provide vital tools for tackling corruption. The Government considers there would be merit in again raising the issue of adherence to the Convention and the enactment of complementary domestic legislation at the next meeting of the PILOM, which is likely to take place in late 1999.

1.5 The Government considers that as the Honiara Declaration law enforcement legislation remains the region's agreed priority goal, Forum island countries are unlikely to look favourably on Australia pressing the issue of adherence to the Convention at meetings of Heads of Government or Ministers. Additionally, there is concern in the region to ensure that the agendas for such meetings remain tightly-focussed on the main issues for the region.

1.6 The Government agrees to take appropriate opportunities to raise with member countries of the Association of South East Asian Nations (ASEAN) the desirability of adherence to the Convention and the passage of complementary domestic legislation. The Government is not, however, in a position to encourage ASEAN as an organisation to accede to the Convention, nor can we seek to include the issue on the ASEAN agenda, as we are not a member of the Association. We will also be conscious in raising the issue, that it is likely to be a sensitive subject.

1.7 The Government welcomes and continues to encourage as appropriate, ASEAN policies that lead to improved transparency, good governance and liberalisation of international trade and investment and that contribute to the elimination of bribery and corruption. In this regard, we welcomed the aspects of ASEAN's Hanoi Action Plan that promote transparency in government procurement, in the application of customs procedures and in the rules and policies relating to investment.

1.8 The Government will continue to encourage the efforts of both ASEAN and South Pacific Forum member countries towards improved transparency and good governance and take appropriate opportunities to raise the issue of adherence to the Convention and passage of complementary legislation.

2 RECOMMENDATION, at paragraph 5.47 (at p. 38)

2.1 The Joint Standing Committee on Treaties recommends that the offence proposed to be created in the *Criminal Code Amendment (Bribery of Foreign Public Officials) Bill 1998* be amended to broaden the fault elements under paragraph 14.1(1)(c) to include the element of recklessness.

Government Response

2.2 The recommendation that the fault element in paragraph 14.1(1)(c) be ‘recklessness’ has been considered by the Government which has decided not to accept it but notes that tacit approval of bribery is already covered.

2.3 Paragraph 14.1(1)(c) of the Bill is consistent with Article 1(1) of the Convention which requires each Party to the Convention to provide “that it is a criminal offence under its law for any person *intentionally* to offer, promise or give any undue pecuniary or other advantage, ..to a foreign public official...”.(italics added).

2.4 Intention is a fault element which is consistent with the terminology of the OECD Convention and the existing and proposed *Criminal Code* domestic Commonwealth bribery offences. The use of recklessness would broaden the offence beyond recognised standards for an offence of this type and in any case the *Criminal Code* already catches tacit authorisation by other means.

2.5 The fault element recommendation would go beyond the requirements of the Convention. It would also go further than the domestic offence based on the Model Criminal Code which was approved by the Government for domestic implementation and which proposes that the equivalent fault element be intention. The penalty of 10 years imprisonment is significant and that the definition of intention covers results meant to be brought about or where there is awareness that the result will occur in the ordinary course of events.

2.6. In any case, tacit authorisation of bribery is also covered by the *Criminal Code* general principles in relation to corporate criminal responsibility (Part 2.5) which provides that if an employee commits a physical element of the offence (eg offers a bribe) within the apparent scope of his or her employment or authority, that element

will be attributed to the body corporate; and the fault element of intention in relation to that physical element (in this case intention to influence the official) must also be attributed to a body corporate that 'tacitly or impliedly authorised or permitted the commission of the offence.' The means by which authorisation or permission may be established include proving tacit authorisation on the part of directors or a high managerial agent; proof that a corporate culture existed which encouraged, tolerated or led to non-compliance with the requirement not to bribe; or proof that the body corporate failed to create and maintain a corporate culture that required compliance with *the requirement not to bribe*.

3. RECOMMENDATION, at paragraph 6.39 (at p.46)

3.1 The Joint Standing Committee on Treaties recommends that the definitions included in the *Criminal Code Amendment (Bribery of Foreign Public Officials) Bill 1998* be re-examined with a view to ensuring that, consistent with the scope of the proposed legislation, these definitions are comprehensive and that they are expressed with the greatest possible clarity to ensure certainty in the proposal Bill.

Government Response

3.2 The definitions have been reviewed and the Bill amended accordingly.

3.3 All the definitions have been reviewed and, while not all suggestions have been accepted, definitions have been revised where appropriate.

4. RECOMMENDATION at paragraph 7.57 (at p. 59)

4.1 The Joint Standing Committee on Treaties recommends that the *Criminal Code Amendment (Bribery of Foreign Public Officials) Bill 1998* be amended so that the basis for the exercise of jurisdiction in relation to the proposed offence is extended to include any of territoriality, nationality, residence, place of incorporation or business operation.

Government Response

4.2 The Government accepts the recommendation and agrees to extended jurisdiction in relation to conduct outside Australia on the basis of nationality and place of incorporation. The Government has not accepted the recommendation to exercise jurisdiction on the basis of residency or business operations in relation to corrupt conduct which occurs outside Australia.

4.3. The JSCOT's recommendation that the proposed offences extend to conduct by any person or body corporate with Australian nationality, residence, place of incorporation or business operation arose out of its concern that the requirement in the exposure draft that some of the conduct must be shown to occur in Australia would make it too easy for people to avoid the proposed legislation. The JSCOT also recommends extensions in relation to the ancillary offences. Any amendments to the jurisdiction provision in the principal offence will need to be reflected in the jurisdictional provisions relevant to the ancillary offences.

4.4. The position taken in the original draft of the Bill to require proof of some conduct in Australia is permitted by the OECD Convention and is consistent with our own common law tradition and with the position taken by other common law jurisdictions (for example the UK and Canada).

4.5. However the JSCOT recommendation proposes that we abandon that approach in favour of one which is more consistent with US and European law.

4.6 Most of those who gave evidence to the Committee, including some from the business sector, favoured extending jurisdiction to all Australian nationals and cited

the equivalent US legislation and the *Crimes (Child Sex Tourism) Amendment Act 1994* in support of their position.

4.7 The Committee considered jurisdiction was the central issue on which the effectiveness of the Bill would be judged. It concluded that the conduct sought to be proscribed is essentially international criminal activity likely to take place wholly outside Australia and that the objectives and intent of the Bill will not be met unless jurisdiction for the offence is broader.

4.8 The Government accepts the JSCOT recommendation insofar as it agrees to extended jurisdiction on the basis of nationality and place of incorporation but not on the basis of residency or business operations where the conduct is outside Australia. The Government considers that foreign businesses which conduct operations in Australia and residents who are citizens of other countries should be the responsibility of their home jurisdictions in relation to corrupt conduct which occurs outside Australia.

5. RECOMMENDATION, at paragraph 8.25 (p. 65)

5.1 The Joint Standing Committee on Treaties recommends that the ancillary offences set out in the *Criminal Code Amendment (Bribery of Foreign Public Officials) Bill 1998* be redrafted so that the basis for the exercise of jurisdiction in respect of ancillary offences be any of territoriality, nationality, residence, place of incorporation or business operation.

Government Response

5.2 The Government accepts this recommendation, subject to the same limitations detailed at paragraph 7.57; namely jurisdiction should be exercised on the basis of nationality and place of incorporation but not on the basis of business operations in Australia or residence in Australia if the corrupt conduct occurs outside Australia.

6. RECOMMENDATION at paragraph 9.87 (at p. 85)

6.1 The Joint Standing Committee on treaties recommends that

- **neither of the options put forward in the *Criminal Code Amendment (Bribery of Foreign Public Officials) Bill 1998* to address facilitation benefits be adopted;**
- **the *Criminal Code Amendment (Bribery of Foreign Public Officials) Bill 1998* adopt in lieu a purposive approach to facilitation benefits in terms similar to those included in the *US Foreign Corrupt Practices Act of 1977*, and**
- **payment or provision of a facilitation benefit to secure a routine governmental action be a defence to a charge under the *Criminal Code Amendment (Bribery of Foreign Public Officials) Bill 1998***

Government Response

6.2 The Government considers that there should be a specific defence based on the ‘routine governmental payments’ provision in the *US Foreign Corrupt Practices Act 1977* but modified to limit the availability of the defence to payments

- **related to routine government actions of a minor nature, and**
- **of which a record was made as soon as practicable after the payment occurred.**

6.3. The JSCOT recommends that there should be a defence where the payment is to secure a routine government action such as is contained in the *US Foreign Corrupt Practices Act 1997* (FCPA). The majority of those who made submissions (mainly business and legal representatives) favoured aligning the defence to the FCPA because they perceive it to be tested and they want consistency because of the role of that country in world trade and the fact that those laws already apply to large Australian corporations which issue stock in the US. It is noted that the Canadian implementing legislation also takes a similar approach.

6.4. The FCPA provides that it will not apply to any facilitating or expediting payment to a foreign public official if the purpose is to expedite or secure performance of a 'routine governmental action' by the official. The term 'routine governmental action' is defined:

“A The term 'routine governmental action' means only an action which is ordinarily and commonly performed by a foreign official in:

- (i) obtaining permits, licenses, or other official documents to qualify a person to do business in a foreign country;
- (ii) processing governmental papers, such as visas and work orders;
- (iii) providing police protection, mail pick-up and delivery, or scheduling inspections associated with contract performance or inspections relating to the transit of goods across the country;
- (iv) providing phone service, power and water supply, loading and unloading cargo, or protecting perishable products or commodities from deterioration; or
- (v) actions of a similar nature.

B The term 'routine governmental action' does not include any decision by a foreign official whether, or on what terms, to award new business to or to continue business with a particular party, or any action taken by a foreign official involved in the decision-making process to encourage a decision to award new business or to continue business with a particular party.”

6.5. In fact the 'routine governmental action' test in the FCPA is an imprecise test. US commentators on their country's law have criticised it for:

- allowing the briber to structure the transaction to make it 'routine';
- extending to “actions of a similar” nature which allows it to apply to a very broad undefined category of activities;
- allowing an official to re-order priorities which in itself can be significantly against the best interests of the government;

- excluding from the defence minor but sporadic requests and payments which may not be 'routine' but not as significant as other bribes which are 'routine';
- drawing a line between someone expediting a service and actually ensuring the service is provided at all, a difference which is difficult to distinguish and open to misunderstanding and retrospective reconstruction of what was actually happening.

6.6. The Commentaries to the Convention state "small facilitation payments" do not constitute payments made "to obtain or retain business or other improper advantage" (paragraph 9). It is believed that the basis on which the US considers its "routine governmental payments" defence complies with the Convention is that US courts apply the "sense on Congress" doctrine which effectively means that the US courts will only exempt such payments if they are small payments.

6.7. The US "routine governmental payments" defence is not a "tested" solution insofar as the Australian criminal courts are concerned. Australian criminal courts are cautious and interpret imprecise punitive provisions in favour of the accused. A wholesale transplantation of the FCPA provisions into our law could undermine the effectiveness of the offences.

6.8. However, the Government has taken into account that all the members of the multipartisan Committee were convinced by evidence from business that it was commercially important that Australia's rules in this area be on a par with those in the US. The facilitation benefits issue was one of the central issues which the JSCOT was required to consider and the Government accepts the view of the JSCOT that payment or provision of a facilitation benefit to secure a routine governmental action should be a defence (based on the FCPA provision) to a charge under the *Criminal Code Amendment (Bribery of Foreign Public Officials) Bill 1998*.

6.9. Having accepted the JSCOT's in-principle recommendation the Government must then consider how the defence should be framed. The Government agrees with the JSCOT's conclusion that it is probably not possible to set a specific \$ limit which is appropriate in all circumstances. Given the narrow interpretation by Australian courts of criminal legislation the Government considers that the only way for the Australian legislation to achieve the result which the Commentaries indicate is

required is to limit the availability of the defence to payments related to routine government actions of a minor nature, and where a record was made as soon as practicable after the payment occurred.

6.10. The Government has taken the recommendations at paragraphs 10.19 and 13.24 into account in framing its response to the recommendation at paragraph 9.87 (these particular recommendations are considered in more detail at paragraphs 10 and 14 below). The Recommendation at paragraph 10.19 states:

The Joint Standing Committee on Treaties, having concluded that payments to secure routine governmental action should be an available defence to a charge of bribery under the *Criminal Code Amendment (Bribery of Foreign Public Officials) Bill 1998*, and that there should be an obligation to record such payments in the accounts of organisations, recommends that the Minister for Justice consider the feasibility of imposing a penalty in the Bill for non-compliance and the penalty that should be imposed.

6.11. The Recommendation at paragraph 13.24 states:

The Joint Standing Committee on Treaties recommends that the Minister for Justice examine the benefits and practicalities of introducing a requirement that payments of bribes be disclosed in business accounts.

6.12 The Government considers that availability of the defence should be conditional upon the defendant having disclosed the transaction in the relevant accounting records and identified the transaction in the accounting records as a facilitation payment.

7. RECOMMENDATION, at paragraph 10.13 (p. 89)

7.1 The Joint Standing Committee on Treaties recommends that the penalties prescribed in the *Criminal Code Amendment (Bribery of Foreign Public Officials) Bill 1998* should be increased to provide for the imposition of a fine instead of imprisonment, or in addition to imprisonment, similar in magnitude to the term of fines prescribed in the *Trade Practices Act 1974*.

Government response

7.2 The Government considers that the criminal penalties of imprisonment and/or a fine proposed in the Bill are more appropriate than the civil penalties in the *Trade Practices Act 1974*.

7.3. The JSCOT concluded that the usual ratio of imprisonment to maximum fine provided for by section 4B of the *Crimes Act 1914* (10 years imprisonment = \$66,000 for an individual, \$330,000 for a corporation) may provide insufficient financial disincentive to individuals and corporations. The JSCOT recommends that the fine be the same as that provided in section 76, Part IV of the *Trade Practices Act 1974* (ie \$500,000 for an individual; \$750,000 to \$10,000,000 for a body corporate).

7.4 The Government notes that the *Trade Practices Act* penalties to which the JSCOT Report refers are civil pecuniary penalties applying where criminal proceedings may not be brought. An individual corporation prosecuted under Part IV *Trade Practices Act* does not receive a criminal conviction. It is therefore a soft option compared to the proposed offence - notwithstanding the more significant civil penalties- because the Bill would allow (pursuant to section 4B *Crimes Act 1914*) a court, upon recording a criminal conviction, to impose a sentence of imprisonment *and* a pecuniary penalty, or either a sentence of imprisonment or a pecuniary penalty.

7.5 Bribery is well recognised by the community to be a criminal activity and the Government does not consider the provision of civil penalties is an acceptable option.

7.6 The Government does not consider there is any objective justification for treating the penalty for these offences differently to penalties for other criminal offences.

8. RECOMMENDATION, at paragraph 10.15 (p. 89)

8.1 The Joint Standing Committee on Treaties recommends that the Minister for Justice consult with the Attorney-General for each of the States and Territories concerning inconsistencies that may need to be addressed between the provisions in the *Criminal Code Amendment (Bribery of Foreign Public Officials) Bill 1998* and in relevant legislation of the States and Territories.

Government response

8.2 The Government is already consulting with the States and Territories in a comprehensive way in the course of an ongoing project to establish a national uniform criminal code and will address this issue in that context.

9. RECOMMENDATION, at paragraph 10.17 (p. 90)

9.1 The Joint Standing Committee on Treaties recommends that the penalties for the offence of bribery created by the *Criminal Code Amendment (Bribery of Foreign Public Officials) Bill 1998* should include confiscation of property acquired from the proceeds of the bribery.

Government Response

9.2 The Government agrees with this recommendation and notes that the current law already provides for confiscation of the proceeds of crime.

9.3 The *Proceeds of Crimes Act 1987* already provides for the recovery of the proceeds arising from the commission of any indictable offence, including the offence proposed in the Bill.

10. RECOMMENDATION AT PARAGRAPH 10.19 (p. 90)

10.1 The Joint Standing Committee on Treaties, having concluded that payments to secure routine governmental action should be an available defence to a charge of bribery under the *Criminal Code Amendment (Bribery of Foreign Public Officials) Bill 1998*, and that there should be an obligation to record such payments in the accounts of organisations, recommends that the Minister for Justice consider the feasibility of imposing a penalty in the Bill for non-compliance and the penalty that should be imposed.

Government Response

10.2 The Government does not consider it appropriate to impose a statutory obligation to disclose facilitation payments and to provide a penalty for non-disclosure as it may suggest people are being forced to incriminate themselves. However, as stated in response to the facilitation benefits defence recommendation, the Government considers that the availability of the defence should be conditional upon the defendant having disclosed the transaction in the relevant accounting records and identified the transaction in the accounting records as a facilitation payment.

11. RECOMMENDATION AT PARAGRAPH 11.48 (p. 102)

11.1 The Joint Standing Committee on Treaties recommends that the Minister for Justice examine the viability of undertaking an education campaign with peak industry bodies such as the Australian Chamber of Commerce and Industry, the Business Council of Australia, the Minerals Council of Australia and the Australian Chamber of Manufacturers to inform Australian firms of the provisions of the *Criminal Code Amendment (Bribery of Foreign Public Officials) Bill 1998* .

Government Response

11.2 The Government sees benefit in an education campaign for business.

11.3 Education campaigns can be arranged through peak industry representative bodies. The Government notes that some businesses which currently operate internationally already have codes of conduct in place or are in the process of preparing such codes and already operate internal education programs in relation to those codes.

11.4 The Government is happy to assist in the provision of programs where necessary but considers it likely that businesses involved in international trade will have adequate resources of their own to ensure their own representative bodies are able to conduct appropriate education programs.

12. RECOMMENDATION AT PARAGRAPH 11.54 (p. 103)

12.1 The Joint Standing Committee on Treaties recommends that the Minister for Foreign Affairs request the Australian Agency for International Development to undertake an audit of its good governance programs to ensure that the objectives underpinning the *Criminal Code Amendment (Bribery of Foreign Public Officials) Bill 1998* are adequately incorporated in relevant development assistance projects.

Government Response

12.2 The Government agrees that some AusAID bilateral projects in the area of governance have scope for incorporation of activities or information relating to Australia's stance against bribery of foreign officials, including the objectives underpinning the *Criminal Code Amendment (Bribery of Foreign Public Officials) Bill 1998*. The Government believes it is important to consider these issues when designing and reviewing AusAID governance activities.

12.3 Governance projects managed by AusAID encompass a wide range of activities, as illustrated by the examples listed in Appendix 7 of the Joint Standing Committee on Treaties' 16th Report. Some of these activities are directly related to the issue of corruption, including bribery, but the great majority are not.

12.4 Performance reviews are a regular feature of the AusAID project cycle. Where relevant current projects come up for major review, AusAID will consider the incorporation of anti-bribery objectives, components, activities and/or information in these projects, including the objectives underpinning the *Criminal Code Amendment (Bribery of Foreign Public Officials) Bill*.

12.5 In designing new projects in the area of governance, AusAID will consider including anti-bribery objectives, components, activities and/or information, including the objectives underpinning the *Criminal Code Amendment (Bribery of Foreign Public Officials) Bill*. Examples of project areas where it may be appropriate to incorporate such information/activities include:

- audit function support;
- establishment/development of ombudsman structures;

- electoral support/reform;
- public sector development/reform (including public sector management and public finance);
- legal sector development/reform (including law reform, law enforcement and correctional systems, judicial reform and legal education/training);
- private sector development.

13. RECOMMENDATION AT PARAGRAPH 12.21 (p. 108)

13.1 The Joint Standing Committee on Treaties recommends that the Director of Public Prosecutions and the Australian Federal Police keep under review costs incurred in implementing the *Criminal Code Amendment (Bribery of Foreign Public Officials) Bill 1998* to ensure that funds required for investigation and prosecution of alleged offences are adequate.

Government Response

13.2 The law enforcement agencies will review the costs incurred in implementing the *Criminal Code Amendment (Bribery of Foreign Public Officials) Bill 1998* and the costs will be taken into account in the budgetary process.

14. RECOMMENDATION AT PARAGRAPH 13.24 (p. 113)

14.1 The Joint Standing Committee on Treaties recommends that the Minister for Justice examine the benefits and practicalities of introducing a requirement that payments of bribes be disclosed in business accounts.

Government Response

14.2 The Government has carefully considered this recommendation but is mindful of the cost to business of imposing unnecessary administrative obligations. The Government has incorporated the essence of this recommendation in its response to the facilitation payments defence recommendation (see paragraph 6 above).

15. RECOMMENDATION AT PARAGRAPH 13.56 (p. 120)

15.1 The Joint Standing Committee on Treaties recommends that the Minister for Justice examine the scope for making available rulings on whether future conduct would infringe the provisions of the *Criminal Code Amendment (Bribery of Foreign Public Officials) Bill 1998*.

Government Response

15.2 The Government does not consider that the Recommendation that there be rulings on future conduct is appropriate for our judicial system.

15.3 .The JSCOT was attracted to the US system where the Department of Justice provides advisory opinions on whether proposed 'transactions' breach the legislation.

15.4. This recommendation proposes a costly system which is alien to Australia's system of justice. Under our system persons, and, where relevant, corporations, are expected to exercise caution and obtain independent advice from their own legal adviser where they have doubts about the scope of legislation. The proposal would create tensions between the roles of the Department, law enforcement, the Attorney-General and the DPP and have implications for other areas of criminal justice and government regulation.

15.5 The Government considers that those involved in international trade are likely to have sufficient resources to seek adequate advice on the operation of the proposed offences.

16. RECOMMENDATION AT PARAGRAPH 14.44 (p. 129).

16.1 The Joint Standing Committee on Treaties recommends that:

- **Australia sign and ratify the *OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions*, and**
- **the *Criminal Code Amendment (Bribery of Foreign Public Officials) Bill 1998* be amended in accordance with the recommendations set out in this Report, and**
- **the *Criminal Code Amendment (Bribery of Foreign Public Officials) Bill 1998* be introduced into the Parliament as soon as practicable .**

Government Response

16.2 Australia signed the Convention on 7 December 1998. The Government notes that the Convention will enter into force on 15 February 1999 and will synchronise ratification of the Convention with the commencement of implementing legislation.

16.3 The Government considers that

- **the *Criminal Code Amendment (Bribery of Foreign Public Officials) Bill 1998* should be amended in accordance with this response to the Committee's Report, and**
- **the amended *Criminal Code Amendment (Bribery of Foreign Public Officials) Bill 1999* should be introduced into the Parliament as soon as practicable.**