

PART II

Strengthening Australia's legal framework against foreign bribery

Overview of Part II

This part concentrates on what legislative reforms are required to overcome the current challenges of:

- establishing criminal liability for companies for the offence of foreign bribery;
- identifying instances of foreign bribery; and
- protecting whistleblowers who disclose foreign bribery.

It assesses the current bills before Parliament—the Crimes Legislation (Combatting Corporate Crime) Bill 2017 and the Treasury Laws Amendment (Enhancing Whistleblower Protections) Bill 2017)—what they seek to address and what they overlook.

It draws on the evidence received by the committee regarding the government's earlier consultations on proposed amendments to the foreign bribery offence and a model for a deferred prosecution agreement scheme in Australia. In particular, it examines how the proposed legislation correlates to the respective public consultations on these issues. It also considers how Australia's foreign bribery offence can be strengthened, and self-reporting encouraged, to facilitate a more effective and efficient response to foreign bribery.

This part then looks at the role of whistleblowers in identifying instances of foreign bribery. It evaluates Australia's current whistleblower protections and considers how they can be improved, as well as looking at the government's proposed amendments to the whistleblower protection regime for the corporate and financial sectors.

