

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN FEDERAL POLICE

Question No. 58

Senator Milne asked the following question at the hearing on 24 February 2014:

Senator MILNE: Can you tell me how many Australian companies operating overseas have relied upon the facilitation payment defence when accused of bribery in the last three financial years? If so, can you tell me how many in each of the last three years?

Mr Phelan: I will have to take that on notice, but only one case of foreign bribery has come to court. I am not sure whether they have raised that as a defence.

The answer to the honourable senator's question is as follows:

In the last three financial years, one foreign bribery matter has progressed to court.

This matter is progressing to trial at the end of the year. At this stage, the defence of facilitation payment has not been raised in this matter.

In relation to ongoing investigations, there have been no indications to date that the defence of facilitation payments is being considered.