

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S DEPARTMENT

Output 2.1

Question No. 55

Senator Ludwig asked the following question at the hearing on 31 October 2006:

With reference to page 112 of the Annual Report and regarding the Phase II Review under the OECD Convention on the Bribery of Foreign Officials:

- (a) Please explain what legislative change the Government has agreed to progress as a result of this Review?
- (b) Are these measures intended to be tacked on to the AML/CTF reform measures?
- (c) Is there a timetable for implementation? If so, please specify.
- (d) Is the Department intending to wait for such legislative recommendations that the present Cole inquiry may make before proceeding with the legislation?
- (e) When is the next Review due to (i) commence; and (ii) report?

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

- (a) The recommendations from the Phase II report are still under consideration by the Government.
- (b) The response to any recommendations in the Phase II report which require legislative amendment will be handled through appropriate legislative vehicles.
- (c) Australia is required to provide a written report to the OECD Foreign Bribery Working Group in October 2007 on its response to the recommendations. The Government would expect to report substantial progress at that time.
- (d) The Phase II report was approved and adopted by the OECD Foreign Bribery Working Group on 4 January 2006. The timing of the implementation of government decisions in response to that report is not tied to any process associated with the Cole Inquiry.
- (e) The OECD Convention monitoring mechanisms established by the Foreign Bribery Working Group proposed a Phase I and Phase II review. The Phase II country reviews are progressing. While it is open to the Foreign Bribery Working Group to consider the need for a Phase III review, no decisions for a further review process have been made by the Working Group.