

PLANNED REGULATORY CHANGE

Title	Possible changes to anti-foreign bribery laws to remove the facilitation payments defence and other technical measures.
Description of issue	<p>In November 2011 the Government released a public consultation paper on possible amendments to Australia's laws criminalising the bribery of foreign public officials. The paper raised the possibility of removing the facilitation payments defence in section 70.4 of the <i>Criminal Code Act 1995</i> to the foreign bribery offence. The paper raised three other possible technical measures concerning Australia's anti-foreign bribery laws.</p> <p>The facilitation payments defence may only be raised in relation to the offence of foreign bribery if the value of the bribe was of a minor nature and was offered or provided for the sole or dominant purpose of expediting or securing the performance of a routine government action.</p> <p>A decision has not been taken about the possible amendments.</p> <p>If Australia's foreign bribery laws were amended, the changes may affect some Australians who conduct business overseas.</p>
Consultation opportunities	<p>The public consultation period formally ended on 15 December 2011 and the Attorney-General's Department accepted late submissions until 20 February 2012. The Government will consider all submissions received in the consultation process in reaching a decision.</p> <p>Information will be made available on the Attorney-General's Department's website at <www.ag.gov.au/foreignbribery>.</p>
Expected timetable	Information will be provided as the timetable develops.
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