

**G20 Anti-Corruption Working Group**  
**Accountability Report Questionnaire 2014**



**SUMMARY OF NATIONAL PROGRESS**

1. Please provide a high-level summary of the most significant Anti-Corruption measures or initiatives that your country has introduced or implemented since the last progress report. (maximum 1 paragraph).

The 2013 Progress Report can be accessed at  
[http://en.g20russia.ru/docs/g20\\_russia/materials.html](http://en.g20russia.ru/docs/g20_russia/materials.html)

**UNITED NATIONS CONVENTION AGAINST CORRUPTION (UNCAC)**

2. Has your country ratified the UNCAC?

YES  NO

If no, is there a process underway to ratify the Convention?

Not applicable

3. Since the last progress report, has your country proposed or implemented any changes to its legislation to comply with the UNCAC?

YES  NO

If yes, please provide details.

Refer to response to question 6.

4. Has your country begun the UNCAC peer review process as a country under review?

YES  NO

If yes, please indicate what stage of review your country has completed and the date.

Australia's peer review was completed in 2012 and the full report was finalised by the review team in November 2012.

5. If yes, has your country made use of any of the UNCAC peer review voluntary options, or committed to do so (if the review is not already started)?

- a. Publication of full report      YES       NO       COMMITTED TO DO SO
- b. Involvement of civil society      YES       NO       COMMITTED TO DO SO
- c. Involvement of business      YES       NO       COMMITTED TO DO SO
- d. Allowing country visits      YES       NO       COMMITTED TO DO SO

If yes, please provide details (e.g., Web link for published report, how and when civil society / business was engaged during the review process, date of country visit)

Australia's self-assessment report and the executive summary of the review of Australia's compliance with UNCAC can be found on the Attorney-General's Department [website](#).

During the Country Visit in March 2012 Australia's Review Team met with representatives from civil society, including Non-Government Organisations, and the business community in Australia. Those representatives were invited to set their own agenda for the meeting with the Review Team and provide any materials to the Review Team.

Australia also undertook the following actions to facilitate civil society involvement:

- *Regular meetings with civil society representatives* — In the lead-up to the review, and throughout the development of Australia's Self-Assessment Report, Australian Government representatives met regularly with Transparency International (Australia) to ensure that civil society's input was used in the development of the Self-Assessment Report and the final report.
- *Participation of civil society in Australia's Country Visit* — Australia arranged meetings between the Review Team and representatives from non-governmental organisations as well as representatives from the private sector.
- NGO and private sector representatives were invited to set their own agenda for meetings with the UNCAC Review Team, and provide any materials to the Review Team.
- *Public consultation* — Australia invited members of the public and civil society to make submissions to the UNCAC Self-Assessment Report through a dedicated consultation webpage on the Attorney-General's Department website.

Submissions were asked to focus on Chapters III and IV of UNCAC and the input received was used to inform the Self-Assessment Report. Public submissions were also provided to the Review Team to assist the Desk Review. This process allowed all interested parties to highlight any challenges and good practices in Australia's anti-corruption regime.

6. Has your country taken steps to respond to recommendations identified in its UNCAC peer review report?

YES       YES TO SOME       NO       NOT YET RECEIVED THE REPORT

If yes, please indicate what steps your country has taken / is taking.

*Enactment of legislation establishing scheme for public sector whistleblower protection*  
In July 2013, the Australian Parliament enacted the *Public Interest Disclosure Act 2013*. The Act, which commenced in January 2014, provides a legislative framework for the management of public interest disclosures, including through the provision of robust protections for public sector whistleblowers.

*Public consultation on facilitation payment defence*

From November 2011 to February 2012, the Australian Government conducted a public consultation on the facilitation payments defence to the foreign bribery offence. The consultation raised possible changes to Australia's anti-bribery laws in the Criminal Code to remove the facilitation payments defence and other amendments to improve the operation of the laws. The Government is considering the facilitation payment defence as part of an ongoing process of ensuring Australia has appropriate foreign bribery laws in place.

*Mutual legal assistance framework*

Australia continually assesses the appropriateness of its legal frameworks for the provision of mutual legal assistance. In addition, the Attorney-General's Department has undertaken to initiate a review into the operation of amendments to the Australian mutual legal assistance framework introduced with the *Extradition and Mutual Assistance in Criminal Matters Legislation Amendment Act 2012*. This review will examine the operation of the amendments between the time of commencement (in September 2012) to three years after enactment.

7. If you have responded to all or some of the recommendations, have you made those responses publicly available?

YES  NO  NOT YET

8. Has your country taken measures to promote, facilitate and support technical assistance in the prevention of and fight against corruption?

If yes, please provide a short overview indicating in which regions and topics you have provided technical assistance.

As part of the Australian aid program, Australian government agencies provide technical assistance to Asia-Pacific countries to combat corruption. Australia has assisted various countries to implement the anti-money laundering and asset recovery provisions of UNCAC and the FATF recommendations.

Australia carries out technical assistance and capacity building projects to reform and implement crime and policing laws in the Pacific, including modules on recovering the proceeds of corruption. Australia's Attorney-General's Department has been working with Cook Islands to develop a Bill to replace their outdated *Crimes Act 1969*. When completed later this year, the new Crimes Bill will include **provisions relating to corruption and money-laundering that are consistent with the UNCAC**. The Attorney-General's Department is also a member of the Pacific Islands Law Officers' Network (PILON) Corruption and Proceeds of

Crime working group, which is producing practical materials for PILON members to use in their anti-corruption and proceeds of crime efforts.

Under a Memorandum of Understanding on International Cooperation to Combat Corruption, the Australian Attorney-General's Department, Australian Commission for Law Enforcement Integrity and Australian Public Service Commission have partnered with Indonesia's Corruption Eradication Commission to strengthen Indonesia's ability to **recover the proceeds of corruption**.

The Attorney-General's Department, together with the Australian Transaction Reports and Analysis Centre (AUSTRAC), is delivering a program to assist Papua New Guinea meet its FATF action plan and to combat corruption. Australia is providing assistance in progressing **law reform on proceeds of crime and counter-financing of terrorism** and practical guidance on **proceeds of crime** cases. In addition, the Attorney-General's Department has deployed advisors in key Papua New Guinea law and justice agencies under Australia's Strongim Gavman Program, who contribute to anti-corruption work. This includes:

- advisor support to the Office of the Solicitor General and Office of the State Solicitor, focused on improving legal services to the State
- support to the PNG Office of the Public Prosecutor, including on serious fraud and corruption prosecutions and the recovery of proceeds of crime, and
- building the PNG Government's legal policy capability to develop anti-money laundering and anti-corruption legislation, including guiding the development of policy and legislation to support the creation of a PNG Independent Commission Against Corruption.

Australia also supports anti-corruption technical assistance through **financial contributions**. In particular, Australia supports the operation of the UN Convention against Corruption, by supporting UNODC and the UN Development Programme (UNDP) to help countries sign up, implement and review compliance with the Convention. This includes technical and capacity building assistance to support countries to develop policies, laws and institutional frameworks to advance the effective implementation of UNCAC. Australia has made the following financial contributions to support this work:

- US\$8.9m from 2012 to 2015 to UNODC's global program
- US\$10.6m from 2012 to 2015 to UNDP's global program, and
- US\$4.3m from 2012 to 2015 to the joint UNODC-UNDP Pacific Regional Anti-Corruption Project (UN-PRAC).

Australia has also assisted countries to recover assets stolen through corruption by contributing to the joint World Bank-UNODC Stolen Assets Recovery Initiative (\$4.6m from 2009 to 2013).

## **BRIBERY**

9. Has your country criminalized the domestic offer or payment of bribes (active bribery)?

YES  NO

10. Has your country criminalized the domestic solicitation or acceptance of bribes (passive bribery)?

YES  NO

11. If no, is your country taking steps to criminalize active and/or passive bribery?

YES  NO

If yes, please provide details.

Not applicable. See above

12. Has your country instituted measures to discourage the solicitation of bribes?

YES  NO

If yes, please provide details.

Australia has ratified the United Nations Convention against Corruption. Under the UNCAC, States Parties are required to prohibit their officials from seeking or receiving bribes.

The obligation is implemented in Part 7.6 of the *Criminal Code 1995* (Cth). Under these provisions, a Commonwealth public official is guilty of an offence if the official dishonestly asks for a benefit for himself, herself or another person (sections 141 and 142).

State and Territory laws criminalise corruptly giving or offering an inducement or reward to an agent for doing or not doing something in relation to the affairs of the agent's principal. Persons who aid, abet, counsel, procure, solicit or incite the commission of the offences are also guilty of an offence.

Where a foreign public official solicits or accepts an undue advantage, Australia's laws provide for sharing of evidence about the conduct of the official with their government with a view to the official being prosecuted under their domestic laws.

The *Corporations Act 2001* (Cth) also creates offences that may also apply to the solicitation of bribes. Section 184 of the Act which makes it an offence for a director, other officer or employee of a company to use their position dishonestly.

13. Does your country provide support for/work with business in resisting solicitation?

YES  NO

If yes, please provide details.

Australia actively encourages businesses to adopt good governance practices to help business resist bribe solicitation and extortion, through outreach activities and resources provided for businesses.

A range of Australian agencies provide outreach to the private sector, including the Attorney-General's Department, Australian Federal Police, AUSTRADE and the Department of Foreign Affairs and Trade. These activities seek to inform Australian businesses of their responsibilities to conduct activities in accordance with Australian and applicable foreign laws.

Australia also supports and promotes relevant international anti-bribery and anti-corruption frameworks including the APEC Code of Conduct for Business and OECD instruments including the Guidelines for Multinational Enterprises, the Anti-Bribery Convention and the Risk Awareness Tool. Australia promotes the OECD Guidelines for Multinational Enterprise, and the advice it provides on combating bribery, bribe solicitation and extortion.

Each year the Australian Government, through the Department of Foreign Affairs and Trade, conducts outreach to the private sector, including businesses and individuals, as well as to universities, on Australian extra-territorial offences, including foreign bribery and corruption. This outreach takes the form of biannual visits to state and territory capitals to provide businesses with training on their obligations under domestic legislation and to discuss key risks in international business transactions, including the provision of 'facilitation payments'.

14. Has your country instituted measures to discourage facilitation payments?

YES  NO

If yes, please provide details.

Through outreach activity and resources available for businesses, Australian agencies seek to raise awareness of the distinction between bribes and facilitation payments, and to encourage companies to prohibit or discourage the use of facilitation payments.

This approach is in line with our obligations under the *OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions* and the *United Nations Convention against Corruption*.

#### **ANTI-MONEY LAUNDERING**

15. Since the 2013 progress report, has your country taken any measures to implement the revised FATF standards on anti-money laundering?

YES  NO

If yes, please provide details.

In response to Revised Recommendation 10 on customer due diligence (CDD), the Government released for public consultation draft amendments to the *Anti-Money Laundering and Counter-Terrorism Financing Rules* to enhance CDD requirements in December 2013. The changes strengthen obligations to identify beneficial owners, identify politically exposed persons, consider the risks and nature of the business relationship and take reasonable measures to update customer information. The proposed amendments are intended to be in place by June 2014.

16. Since the last progress report, have changes to your country's anti-money laundering legislation been proposed or implemented?

YES  NO

If yes, please provide details.

As well as proposed changes to the AML/CTF Rules on CDD requirements, outlined above (at 15), a statutory review of the AML/CTF Act, Rules and Regulations also commenced in December 2013. The review provides Government with an opportunity to critically examine the operation of the regime, consider issues raised by regulated businesses and government agencies and determine any enhancements. The review will overlap with the mutual evaluation of Australia's AML/CTF regime by the Financial Action Task Force. The outcomes of this evaluation will be considered as part of the review.

#### DENIAL OF ENTRY

17. Have any changes to your country's legislation, regulations or powers to deny entry to foreign officials charged with or convicted of corruption offences been proposed/implemented since the last progress report?

YES  NO

If yes, please provide details.

Not applicable.

If no, is such legislation under consideration?

YES  NO

If yes, please provide details.

Not applicable.

## INTERNATIONAL COOPERATION

18. Is your country's administration of mutual legal assistance consistent with the G20 High Level Principles?

YES  NO

If your country's approach is not yet consistent, are you taking steps to implement the Principles?

YES  NO

If yes, please provide details.

Not applicable.

19. Are you aware of your country having used one or more of the G20 country Guides to Mutual Legal Assistance?

YES  NO

If yes, please provide details.

Not applicable.

20. Are you aware of non-G20 members having used the G20 Guide to Mutual Legal Assistance to request mutual assistance from your country?

YES  NO

If yes, please provide details.

Not applicable.

21. Have any changes to your country's legislation related to international cooperation been proposed since the last progress report?

YES  NO

If yes, please provide details.

22. Has your country either used UNCAC, or stated that it will allow the use of UNCAC, as the treaty basis for mutual legal assistance (MLA) and/or extradition?



- a. Has used as the treaty basis for MLA YES  NO
- b. Will allow use as the treaty basis for MLA YES  NO
- c. Has used as the treaty basis for extradition YES  NO
- d. Will allow use as the treaty basis for extradition YES  NO

23. Do domestic authorities in your country cooperate and share information with the integrity offices of international organizations?

- a. Cooperate and share information
- b. Could cooperate, but has not been asked
- c. Cannot cooperate

If you cannot cooperate, please provide details.

Not Applicable.

24. Has your country designated an appropriate authority responsible for mutual legal assistance and law enforcement requests relating to asset recovery (a point of contact)?

YES  NO

If yes, to which organizations:

- a. UNODC
- b. StAR/Interpol Focal Point Initiative
- c. Camden Asset Recovery Network
- d. Other(s)

If yes to 'Other(s)', please provide details.

Australia has also ratified more than 30 bilateral mutual assistance treaties with foreign countries which include the provision of assistance in proceeds of crime and asset recovery matters. Under these bilateral treaties the International Crime Cooperation Central Authority within the Attorney-General's Department is designated as the Central Authority for Mutual Assistance and Extradition matters.

## ASSET RECOVERY

25. Does your country have legislation allowing for asset recovery by foreign authorities or is such legislation proposed?

YES  NO

If yes, please provide details.

Australia has a comprehensive regime for identifying, locating, restraining and forfeiting property that is suspected to be proceeds of crime (including proceeds of corruption). Under the *Mutual Assistance in Criminal Matters Act 1987* (the MA Act) Australia can register both conviction-based and non-conviction-based foreign proceeds of crime orders. In response to a request for mutual legal assistance Australia can also use investigative powers—including search warrants, productions orders, monitoring orders and notices issued to financial institutions—to produce records and provide information relevant to foreign asset recovery proceedings. Australia can also take action to temporarily restrain assets pending receipt of a foreign order to be registered in Australia.

Under the *Proceeds of Crime Act 2002* Australia can also take domestic action to restrain and confiscate assets in connection with a foreign indictable offence. Under the Proceeds of Crime Act a foreign indictable offence means an offence which, if the conduct had occurred in Australia, would constitute an offence punishable by at least 12 months imprisonment.

26. Has your country established a specialist/dedicated unit for the recovery of the proceeds of corruption?

YES  NO

If yes, please provide the name of the specialist unit and contact details.

In 2012 the Criminal Assets Confiscation Taskforce (CACT) was established. The CACT is a multi-agency taskforce led by the Australian Federal Police (AFP) and includes the Australian Taxation Office and the Australian Crime Commission. The CACT was established to combat serious organised crime and is tasked with identifying and removing profits derived from criminal activity. The Commissioner of the AFP is authorised to commence and conduct court proceedings to recover proceeds of crime including proceeds of corruption offences.

The CACT can be contacted as follows:

Australian Federal Police  
Criminal Assets Confiscation Taskforce  
PO Box 401  
Canberra ACT 2601  
Ph: +61 2 6132 6141

Email: CACT-Canberra@afp.gov.au

27. Does your country publish or otherwise make publicly available details of amounts frozen, seized, recovered or returned?

YES  NO

If yes, please provide details.

The Australian Financial Security Authority (AFSA) acts as a special trustee for Australian Government agencies pursuant to court orders, particularly by locating, controlling and selling property under the proceeds of crime legislation.

The AFSA provides information on actions undertaken pursuant to its role in protecting and realising assets subject to the *Proceeds of Crime Act 2002* (Cth) and the *Proceeds of Crime Act 1987* (Cth) in its annual report (<https://www.afsa.gov.au/about-us/annual-report>).

Details of the quantum of receipts and payments from the Confiscated Assets Account are reported annually in the Commonwealth Attorney-General's Department's Portfolio Budget Statement (<http://www.ag.gov.au/Publications/Budgets/Budget2014-15/Pages/PortfolioBudgetStatements2014-15.aspx>).

28. Is your country providing technical assistance to developing countries aimed at helping the recovery and return of proceeds of corruption?

YES  NO

If yes, please provide details.

'The Attorney-General's Department conducts regional activities, including co-hosting the Regional Asset Forfeiture Conference with the Indonesian Corruption Eradication Commission, United States Department of Justice and the Kingdom of the Netherlands, held in May 2014 in Indonesia. The importance of locating and repatriating stolen assets was a key priority which was examined along with recently revised FATF and UNCAC standards and assessment measures. The Attorney-General's Department is also co-hosting a series of Judges' Dialogues with Indonesia's Corruption Eradication Commission to assist Indonesian judges to effectively use Indonesia's criminal asset recovery laws.'

## TRANSPARENCY OF LEGAL ENTITIES

29. Does your country have transparency requirements for legal persons, including companies, bodies corporate, foundations and partnerships?

YES  NO

If yes, please provide details.

Australian companies are required to disclose details of their directors and shareholders to Australia's corporate Regulator, the Australian Securities and Investment Commission. Where a company or person holds a legal but not beneficial interest in shares then the Corporations Act 2001 provides a mechanism (at s.672) to require the beneficial interest to be disclosed. The *Corporations Act* makes provision for tracing the beneficial ownership of interests in a company by means of sending a notice to the legal owner to provide details of their own beneficial interests in the company and full details of any other person who has a beneficial interest in the shares or interest held by the legal owner. Tracing notices may be issued by the company or the Australian Securities and Investments Commission.

Partnerships are regulated at a State rather than Federal level.

Companies and other legal persons are required to be transparent to the extent that:

- All shareholders and directors are required to be recorded in a register which is publically available,
- A company is required to have a physical registered office in Australia, and
- All companies (other than small companies) are required to prepare annual accounts which are publicly available.

30. Does your country require that the beneficial ownership and company formation of all legal persons organized for profit be reported by the legal person?

YES  NO

If yes, to whom is it reported?

Company formation information is reported to the Australian Securities and Investment Commission. See response to question 29.

31. If yes, is this information available to the public?

YES  NO

32. If this information is not available to the public, is it available to law enforcement?

YES  NO

#### **WHISTLE BLOWER PROTECTION**

33. Does your country have legislation to protect whistleblowers:

a. In the public sector YES  NO

b. In the private sector YES  NO

34. Have changes to whistle blower protection legislation been proposed or implemented since the last monitoring report?

YES  NO

If yes, please provide details.

On 15 January 2014 the new scheme under the *Public Interest Disclosure Act 2013* (PID Act) came into force. The PID Act establishes a framework to encourage and facilitate reporting by public officials (includes contracted service providers to government) and former public officials of wrongdoing in the Commonwealth public sector, ensure that Commonwealth agencies properly investigate and respond to public interest disclosures and provide protections to public officials who make qualifying public interest disclosures. The scheme facilitates disclosures being reported to, and investigated, within government. There are also circumstances where disclosures could be made outside government.

Under the PID Act, government agencies are required to develop and implement procedures and appointed authorised officers to facilitate public interest disclosures for public officials that belong to their agency.

The Commonwealth Ombudsman (and the Inspector General for Intelligence and Security [IGIS] in relation to intelligence agencies) oversees and monitors the implementation of the PID scheme, provides assistance, education and awareness raising about the scheme. The Commonwealth Ombudsman (and the IGIS) can also investigate public interest disclosures made public officials (and former public officials) or allocated by agencies. The Commonwealth Ombudsman will be reporting annually to the Minister and Parliament on the operations of the PID Act.

In addition, Australia's corporate, markets and financial services regulator, the Australian Securities and Investments Commission (ASIC), recently announced that it will establish an Office of the Whistleblower. The Office will monitor the handling of all whistleblower reports, manage staff development and training and handle the relationship with whistleblowers on more complex matters. The Office will build on improvements that ASIC has made to its whistleblower arrangements through the adoption of a centralised monitoring procedure.

35. Since the last progress report, has your country implemented any measures to protect journalists reporting incidents of corruption?

YES  NO

If yes, please provide details

## PROCUREMENT

36. Does your country publish online any of the following?

- a. Procurement laws and policies including any legislation defining the use of exceptions YES  NO
- b. Selection and evaluation criteria YES  NO
- c. Awards of contracts and modifications of contracts YES  NO

Please provide details.

Information on Australian Government public sector procurement can be found on the following website: [www.finance.gov.au](http://www.finance.gov.au)

This includes the Commonwealth Procurement Rules which provide the fundamental rule-set for Government procurement.

The *Financial Management and Accountability (FMA) Act 1997* provides the legislative framework for the proper management of public money and public property by the Commonwealth. From 1 July 2014, the FMA Act will be replaced by the *Public Governance Accountability Act 2013*. These legislative acts can be found at the following website: [www.comlaw.gov.au](http://www.comlaw.gov.au)

Details of Australian Government tenders and contracts are available at the following website: [www.tenders.gov.au](http://www.tenders.gov.au)

37. Since the last progress report, have any new initiatives to promote public procurement transparency and integrity been proposed or implemented?

If yes, please provide details.

N/A

38. Are there regulations and procedures for public procurement officials to govern conflicts of interest?

YES  NO

If yes, please provide details.

The Commonwealth Procurement Rules, available at [www.finance.gov.au](http://www.finance.gov.au), include information regarding regulations and procedures for public procurement officials governing conflicts of interest.

The Commonwealth Procurement Rule 6 requires that all procurement activity undertaken by Government be efficient, effective, economical and ethical. 6.5 defines ethical as relating to honesty, integrity, probity, diligence, fairness and consistency. Ethical behaviour identifies and manages conflicts of interest and requires that an individual does not make improper use of an individual's position.

39. Are companies that have been found to be involved in corrupt contracting practices excluded from future participation in public tenders?

YES  NO

If yes, please provide details.

Not Applicable.

40. If yes, is the debarment list of International Financial Institutions taken into account?

YES  NO

41. Are the names of companies excluded from future participation in public tenders made publicly available?

YES  NO

If yes, please provide details.

Not applicable.

## DISCLOSURE BY PUBLIC OFFICIALS

42. Does your country require disclosure by public officials of:

- a. Income YES  NO
- b. Assets YES  NO
- c. Conflicts of interest YES  NO
- d. Gifts YES  NO
- e. Other YES  NO

If yes, please provide details.

All Agency Heads and members of the Senior Executive Service (SES) in the Australian Public Service (APS) are required to complete a declaration of private and personal interests. Non SES employees who have responsibilities that require them to be particularly transparent about their private financial and personal interests may also be required to complete a declaration. The requirement is not specific about what must be declared but gives examples, including those listed plus trusts or nominee companies, company directorships or partnerships, significant sources of income, significant liabilities and outside employment.

All Agency Heads and APS employees have an obligation under subsection 13(7) of the *Public Service Act 1999* to disclose any real or apparent conflict of interest.

## PUBLIC OFFICIALS' IMMUNITIES

43. Does your country provide immunities from prosecution to individuals holding public offices for corruption related offences?

- a. All public office holders YES  NO
- b. Certain public office holders YES  NO



c. No immunities available to public office holders      YES       NO

d. While in office      YES       NO

e. Permanently      YES       NO

If yes, which public office holders are immune and if immunity is limited, please explain.

### EDUCATIONAL INITIATIVES

44. International Anti-Corruption Academy      YES       NO

UNODC Anti-Corruption Academic Initiative      YES       NO

Other international anti-corruption educational initiative(s)      YES       NO

If yes, please provide details.

Australia provides funding to U4 Anti-Corruption Resource Centre, which is a web-based resource centre for development practitioners who wish to effectively address corruption challenges in their work.

45. Does your country provide anti-corruption educational/training programs for officials, including public office holders?

YES       NO

If yes, please provide details.

The Australian Public Service Commissioner is responsible for promoting the Australian Public Service (APS) Values and Code of Conduct, and provides refresher training on the APS Values and Code of Conduct across APS and Executive levels. At Senior Executive Service (SES) level, ethics is integrated into the SES Orientation course and other SES leadership programs.

In July 2013, the Australian Public Service Commission released a refreshed version of the

APS Online Induction Program, including a module covering the APS ethical and legal framework. The online program is an easily accessible, flexible component of agency induction and graduate programs, and an essential means for experienced APS staff to update themselves on the changes to the *Public Service Act 1999* especially in the areas of Values, Ethics, Code of Conduct and the new Employment Principles.

46. Does your country or business associations in your country promote anti-corruption training for the private sector?

YES  NO

If yes, please provide details.

Several business associations and like bodies promote anti-corruption training, including Australia's chambers of commerce, the St James Ethics Centre, Australian Industry Group, International Trade Advisors, Australian Institute of Company Directors, and Australasian Compliance Institute.

47. Has your country disseminated G20 products and documents developed by the group with relevant domestic authorities?

YES  NO

If yes, please provide details.

Australia's G20 Anti-Corruption Working Group delegation has circulated and disseminated key G20 ACWG products to relevant domestic agencies, including:

- **The G20 High Level Principles on Mutual Legal Assistance** to Australia's International Crime Cooperation Central Authority at the Attorney General's Department,
- **The G20 Asset Recovery Guides** to the International Crime Cooperation Central Authority at the Attorney-General's Department and to the **CATF** (?), and
- **Guiding Principles to Combat Solicitation** and **Guiding Principles on the Enforcement of the Foreign Bribery Offence** to the Crime Justice Division at the AGD, to the Australian Federal Police and to Australia's corporate regulator, the Australian Securities and Investments Commission.

## JUDICIARY

48. Has your country taken any measures to promote and disseminate the Bangalore Principles for Judicial Integrity?

If yes, please provide details

The Federal Court of Australia has promoted and disseminated the Bangalore Principles for Judicial Integrity through its programme of international judicial education. Discussion about, and a copy of, the principles is incorporated into the Tool Kit for Review of Guidance on Judicial Conduct that was developed by the Court for use in its Pacific Judicial Development Programme.

49. Has your country taken other measures to promote the accountability and independence of the Judiciary?

If yes, please provide details

Several initiatives, which complement the Bangalore Principles for Judicial Integrity, have been recently undertaken in Australia. As outlined below, initiatives to promote the accountability and independence of the judiciary have been pursued by Government, court administration bodies, and members of judiciary.

*Government led initiatives*

Under the Australian Constitution, a federal judge may only be removed from office on the grounds of proved misbehaviour or incapacity.

Australia recently developed clear and transparent processes to assist both the Parliament and the Heads of each federal court to manage complaints about judicial officers which are referred to them for consideration. A new complaints scheme applying to federal judicial officers (other than High Court justices) was established by the *Courts Legislation Amendment (Judicial Complaints) Act 2012* (the Judicial Complaints Act) and the *Judicial Misbehaviour and Incapacity (Parliamentary Commissions) Act 2012* (the Parliamentary Commissions Act).

The Judicial Complaints Act supports a largely non-statutory framework for handling complaints within federal courts and reinforces the role of court heads of jurisdiction in overseeing the early resolution of complaints, particularly where a complaint does not warrant consideration of the removal of a judge from office.

The Parliamentary Commissions Act provides a separate additional mechanism to assist the Parliament if it is called upon to consider seeking the removal of a judge from office under section 72(ii) of the Constitution. A Parliamentary Commission would be established only in the very rare event that an inquiry into the conduct of a judge was required. Together these reforms provide a flexible framework to ensure that complaints about federal judicial officers can be resolved efficiently, transparently, and at the appropriate level.

*Court administration body led initiatives*

The National Judicial College of Australia, the Australasian Institute of Judicial Administration, the Judicial Commission of New South Wales, and the Judicial College of Victoria provide judicial education and development programs. These bodies are independent of the executive government and determine their own programs and content. The emphasis on judicial training is largely a matter of court practice and the individual judge, without interference from other arms of government.

Examples of National Judicial College of Australia Programs that promote the accountability

and independence of the Judiciary include the National Judicial Orientation Program, 'Dialogues on being a judge' and Judicial Leadership, which include topics on judicial conduct and ethics.

*Judiciary led initiatives*

The second edition of the 'Guide to Judicial Conduct' was published by the Australasian Institute of Judicial Administration on behalf of the Council of Chief Justices in 2007. The Guide is a comprehensive public statement, prepared by a committee of judges, about issues of independence and impartiality. Many of the statements outlined in this document are consistent with the values outlined in the Bangalore Principles

*Other mechanisms*

Other important mechanisms for ensuring judicial accountability and independence that are in place in Australian courts include the appeals process, open courts, procedural fairness, the provision by courts of reasons for decisions, and public and media scrutiny.

**SECTOR-SPECIFIC TRANSPARENCY INITIATIVES**

50. Is your country supporting or implementing any sector-specific initiatives?

Extractive Industries Transparency Initiative (EITI)

Implementing YES  NO

Support YES  NO

Construction Sector Transparency Initiative (CoST)

Implementing YES  NO

Support YES  NO

Other (specify below)

Implementing YES  NO

Support YES  NO

Please provide details on other sectoral initiatives supported by your country, or domestic measures taken in relation to specific sectors.

Other: FLEGT (Forrest Law Enforcement, Governance and Trade)

The Australian Government announced in 2011 that it would undertake a domestic Pilot of the Extractive Industries Transparency Initiative (EITI). The Pilot is testing the EITI principles and criteria against Australia's existing financial and governance arrangements to inform a government decision whether Australia should move to fully implement the EITI. Financial information has been gathered from a sample of Australian government and Australian and multinational companies operating in Australia's extractives sector and reconciled.

The Pilot commenced in 2011 and Deloitte Touche Tohmatsu was appointed as Administrator (financial reconciler) for the Pilot. Deloitte has completed the collection and reconciliation of material payments and revenues using data from the 2011-12 Financial Year, or adjusted financial reporting periods where required. The Pilot's 21 member Multi-stakeholder Group (steering committee) is preparing its report to Government. Further information on Australia's Pilot of the EITI can be found at:  
<http://www.innovation.gov.au/resource/Programs/ExtractiveIndustriesTransparencyInitiative/Pages/default.aspx>

Australia is also a donor to the EITI and since 2006 the Australian Government has contributed a total of AUD 18 million towards the Initiative.

51. Does your government have integrity pacts with the business sector?

YES  NO

If yes, please provide details.

#### **FISCAL AND BUDGET TRANSPARENCY**

52. **Has your country taken steps to implement the IMF Good Practices in Fiscal Transparency?**

YES  NO

**If yes, please provide details.**

We have implemented the 'good practices' recommended in the IMF Good Practices in Fiscal Transparency, with a review of the following to be conducted as part of a broader forthcoming review announced by the Australian Government – the White Paper on Reform of the Australian Federation :

1.1.1: The structure and functions of government should be clear

1.1.3: The responsibilities of different levels of government and the relationships between them should be clearly specified.

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53. **Has your country taken steps to implement the OECD Best Practices on Budget Transparency?**

YES  NO

**If yes, please provide details.**

We have implemented all the 'best practices' recommended by the OECD except for the following:

**Budget reports**

**1.1: The Budget**

**'The government's draft budget should be submitted to Parliament far enough in advance to allow Parliament to review it properly. In no case should this be less than three months prior to the start of the fiscal year.....'** The Australian Government's budget is delivered on the second Tuesday in May every year; the financial year ends on 30 June. The budget goes through a rigorous review process involving Senate committee hearings in May/June.

**1.2: Pre-budget report (all points)** The Australian Government does not issue a pre-budget report.

**1.3 Monthly reports**

**Monthly reports 'should be released within four weeks of the end of each month'** – The Australian Government is currently issuing monthly reports within six weeks after the end of the month, noting that: –

- Four weeks is an exceptionally tight timeframe for regular monthly publication of full accrual-based information – as far as we can determine no other country does this (those that achieve four weeks provide a lower standard of information, and even then only about half the countries produce any form of monthly information). The private sector does not do it. We can do it at present if all our processes work exactly as intended !
  - Through internal improvements, the Department of Finance has improved to an average of about five weeks after the end of the month and our ultimate goal is to meet the four week target.
  - The timing of each release is also subject to clearance of the report by the Finance Minister's office, and is therefore subject to other pressing government priorities.
- Our monthly releases do not contain classifications by major expenditure units as recommended by the OECD. The Australian Government produces expenditure reports on two classifications – nature of expenditure (salaries, grants etc) and economic/functional classification. However, where there are major variances from forecast, the relevant agency or agencies will often be mentioned in the commentary.

**1.5: Year-end report**

The Australian Government issues two end of year reports – the Final Budget Outcome (FBO) report within three months after the end of the financial year and the Whole-of-Government financial statements. The latter report has a high degree of compliance with the OECD's recommendations – the main exception is expenditure by administrative unit. Because the FBO is produced within three months, it is less compliant with the OECD's recommendations.

**1.6: The pre-election report should contain the same information as the mid-year report.** This has been Implemented in part. The Australian Government's mid-year report typically provides more detailed information than the pre-election report because the latter needs to be issued within ten days of the issue of writs (authority) for each federal election.

**Thank you for your time in completing this questionnaire.**