



COMMONWEALTH OF AUSTRALIA

03/353

Mr Frédéric Wehrlé
Co-ordinator
Anti-Corruption Initiatives
Anti-Corruption Division
Directorate for Financial, Fiscal and Enterprise Affairs
2 Rue Andre Pascal
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FRANCE

31 OCT 2003

Dear Mr Wehrlé

Australia is pleased to announce its endorsement of the ADB-OECD Anti-Corruption Action Plan for Asia and the Pacific (the Action Plan), subject to two qualifications:

- (i) any technical assistance in support of the initiative under the aid program would be from within existing country or regional programs where agreed with partner governments; and
- (ii) Australia's contributions to the Trust Fund set up under the initiative are voluntary.

Australia actively promotes anti-corruption activities, both at the domestic and international level, and is already in substantial compliance with the standards and principles enshrined in the Action Plan.

Pillar One

In recent years, Australia has undertaken a series of reforms to the Australian Public Service at the Commonwealth level to ensure it is an effective and transparent service. The *Public Service Act 1999 (Cth)* and the *Financial Management and Accountability Act 1997* are particularly notable.

The *Public Service Act 1999* contains the Australian Public Service (APS) Values and the APS Code of Conduct. The Values and the Code of Conduct set out standards that ensure transparency and effectiveness and promote anti-corrupt practices. All APS employees are required to uphold the Values and are bound by the Code of Conduct. Sanctions may be imposed for breaches of the Code of Conduct.

The *Financial Management and Accountability Act 1997* sets out the requirements for agencies to observe for the management and accountability of government funds. Australia has also implemented further policies and programmes to prevent corruption occurring in the public service.

Pillar Two

Australian policies and laws also comply with the second pillar of the Action Plan.

All Australian jurisdictions have criminalised bribery and have implemented anti-money laundering legislation. The Commonwealth Director of Public Prosecutions (which is responsible for all prosecutions at the Commonwealth level) is independent, appropriately resourced, and staffed by trained and experienced prosecutors. No impediments exist to limit the effectiveness of investigations or prosecutions conducted for corruption offences in Australia.

A number of inter-agency cooperation agreements have been developed at the national, regional and global levels that further increase the effectiveness of investigations and prosecutions.

Australia also has extradition and mutual assistance arrangements in place with a wide range of countries. These arrangements can be utilised for corruption offences in most cases. Extradition and mutual assistance in Australia is conducted in accordance with the *Extradition Act 1988* and the *Mutual Assistance in Criminal Matters Act 1987* respectively.

Pillar Three

Australia's programs and policies are consistent with the third pillar of the Action Plan.

Australia has detailed transparency and reporting requirements for the budget, taxation and government expenditure. Australia has also implemented a freedom of information scheme that ensures the highest level of public access to government decision-making processes.

Non-governmental organisations (NGOs) participate in a range of government activities in Australia. The Department of Foreign Affairs and Trade holds regular human rights consultations with NGOs, hosted by the Minister for Foreign Affairs; and the Attorney-General also hosts a similar NGO forum annually. NGOs are also involved in Parliamentary inquiries and committees.

The Australian Government's nominated focal person for the Action Plan is:

Ms Robin Warner
Assistant Secretary
International Crime Branch
Attorney-General's Department
Robert Garran Offices
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Australia provides significant support for improved governance in the Asia Pacific region through its overseas aid program, including activities addressing the three pillars of the Action Plan. Aid expenditure on governance is estimated to be AUD \$370 million in 2003/04, or 21 per cent of the total aid program.

For matters relating to technical assistance through the Initiative in support of participating governments' efforts to achieve Action Plan objectives, the nominated Australian Government contact is:

Mr Peter Versegi
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Corporate Policy Branch
AusAID
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The Australian Government looks forward to developing further anti-corruption projects for Australia in association with the Secretariat in the near future.

Yours sincerely



CHRIS ELLISON
Minister for Justice and Customs



ALEXANDER DOWNER
Minister for Foreign Affairs