

Anti-Corruption Policies in Asia and the Pacific *Self-Assessment Report Australia*

Over the last decade, societies have come to realize the extent to which corruption and bribery has undermined their welfare and stability. Governments, the private sector and civil society alike have consequently declared the fight against corruption to be of highest priority.

In the Asia-Pacific region, twenty-one countries have expressed their commitment to fight corruption by endorsing an anti-corruption action plan within the framework of the ADB/OECD Anti-Corruption Initiative for Asia and the Pacific, a first-of-its-kind partnership between all stakeholders of Asian and Pacific countries. The Action Plan comprehensively promotes the regions' objectives and needs for reform to develop effective and transparent systems for public service, to strengthen anti-bribery initiatives, to promote integrity in business operations, and to support citizens' involvement.

In order to gain a comprehensive and structured overview of the endorsing countries' legal and institutional framework in place to ensure and enhance transparency in the public sector, combat bribery and promote transparency in business operations, and facilitate public involvement in the fight against corruption, endorsing countries of the Action Plan have decided to take stock of their relevant legal and institutional provisions in place.

The following report reflects the Anti-Corruption Policies that Australia has reportedly in place as of January 2004. Organized along the topics of the Anti-Corruption Action Plan for Asia and the Pacific, it outlines the legal and institutional framework governing each of its issues, the respective implementing agencies and recent of planned reforms.

Self-assessment reports provided by the other countries that have endorsed the Anti-Corruption Action Plan for Asia-Pacific as well as a summarizing overview of the anti-corruption policies in the region are available at the Initiative's website (www1.oecd.org/daf/asiacom/stocktaking.htm). For further information about the Anti-Corruption Initiative for Asia-Pacific and its work, please refer to www1.oecd.org/daf/asiacom/.



Pillar I: Developing Effective and Transparent Systems for Public Service

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<p>Integrity in Public Service: Establish systems of government hiring of public officials that assure openness, equity, and efficiency and promote hiring of individuals of the highest levels of competence and integrity through:</p>			
<p>a) Development of systems for compensation adequate to sustain appropriate livelihood and according to the level of the economy of the country in question</p>	<p>Public Service Salary payments are made in accordance with:</p> <ul style="list-style-type: none"> • Australian Public Service (APS) Code of Conduct • APS Values • Work Value Standards • Australian Work Force Agreement, under the Work Place Relations Act 1996; • superannuation contributions under Superannuation Guarantee legislation (9%) <p>Remuneration of Australian Public Service Employees is determined within the APS classification structure through agency bargaining arrangements.</p> <p>More information can be found at the Dept of Employment and Workplace Relations Website: http://www.dewr.gov.au</p>	<p>Department of Employment and Workplace Relations</p>	
<p>b) Development of systems for transparent hiring and promotion to help avoid abuses of patronage, nepotism, and favouritism, help foster the creation of an independent civil service; and help promote a proper balance between political and career</p>	<p>APS Agency Heads must uphold and promote the APS Values. The Values are set out in section 10 of the Public Service Act 1999 http://scaleplus.law.gov.au/html/pasteact/3/3322/top.htm Among other things, they require APS agencies to make employment decisions based on merit (merit is defined in the Act at s10(2)), promote equity in employment,</p>	<p>The Public Service Commissioner is required under the PS Act to issue directions about the APS Values to ensure that APS agencies incorporate and uphold the Values and to evaluate the extent to which agencies do so. http://scaleplus.law.gov.au/html/instruments/0/26/0/2004011301.htm The Commissioner reports</p>	



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<p>appointments</p>	<p>provide a reasonable opportunity for all eligible members of the community to apply for APS employment and provide workplaces that are free from discrimination and utilise diversity. The Values also require the APS to be apolitical and perform its functions in an impartial and professional manner. The Public Service Commissioner's Directions provide guidance to agencies on the scope and application of the Values. The APS Commission also issues advice to agencies about the Values.</p> <p>Section 19 of the PS Act says that an Agency Head is not subject to Ministerial Direction in exercising his or her employment powers.</p>	<p>on these and other matters in the annual State of the Service Report.</p> <p>http://www.apsc.gov.au/apsprofile/index.html</p> <p>The Merit Protection Commissioner is able, under the Public Service Regulations, to review certain APS promotion decisions on the grounds of merit.</p> <p>http://scaleplus.law.gov.au/html/pastereg/3/1557/top.htm</p>	
<p>c) Development of systems to provide appropriate oversight of discretionary decisions and of personnel with authority to make discretionary decisions</p>	<p>The APS Values and Code of Conduct set out in sections 10 and 13 of the PS Act provide guidance for APS employees with discretionary decision making powers. Chapter 5 of the APS Commission publication APS Values and Code of Conduct in Practice provides more information about decision making. The publication Embedding the values also provides guidance. http://www.apsc.gov.au/values/values.htm</p> <p>Example: ASIC Structure and oversight The ASIC Act regulates the structure, appointment and termination of ASIC staff that have discretionary authority ASIC Act: Part 4: ASIC's Business s. 95: ASIC to establish offices; s. 96: Regional Commissioners;</p>	<p>The Australian Public Service Commission ASIC Commission / Exec Directors</p> <p>ASIC's corporate governance arrangements set the framework by which ASIC is directed, controlled and held to account.</p> <p>The Commission is a body corporate with perpetual succession, normally consisting of three members. It sets the directions, framework and accountability for the organisation.</p> <p>ASIC has established an Audit Committee to review and advise the Commission</p>	

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	<p>s. 97: Divisions; s. 102: Delegation; s. 108: Term of office: a member holds office for at most 5 years s. 111: Termination of appointment by Governor-General</p>		
<p>d) Development of personnel systems that include regular and timely rotation of assignments to reduce insularity that would foster corruption</p>	<p>The APS Values provide that the APS is a career based service to enhance the effectiveness and cohesion of Australia's democratic system of government. APS agencies are responsible for developing schemes to foster mobility of employees in their agency. Example: ASIC Risk Management Policy ASIC has established and institutes a Risk Management Policy</p>	<p>APS Commission and Agency Heads ASIC Risk Management Unit The Risk Management Policy provides that the Commission, program and business unit managers are accountable for applying risk management principles and strategies in their known processes that includes the supervision of assignments that would reduce any insularity that might foster corruption.</p>	
<p>Integrity in Public Service: Establish ethical and administrative codes of conduct that proscribe conflicts of interest, ensure the proper use of public resources, and promote the highest levels of professionalism and integrity through:</p>			
<p>a) Prohibitions or restrictions governing conflicts of interest</p>	<p>The APS Code of Conduct is set out in section 13 of the PS Act. The Code requires APS employees to disclose, and take reasonable steps to avoid, any conflict of interest (real or apparent) in connection with APS employment. The APS Commission publication APS Values and Code of Conduct in Practice provides more information about conflict of interest (chapter 9). http://www.apsc.gov.au/conduct/index.html</p>	<p>ASIC Risk Management Unit (RMU) ASIC staff are required to disclose, and take reasonable steps to avoid, any real or apparent conflict of interest in relation to their employment. Staff in ASIC must make a biannual disclosure of interests in securities, derivatives, and non-ASIC contributed superannuation funds. Staff must also disclose any outside employment or pecuniary or other interests which conflicts or may conflict with</p>	



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	<p>The Code of Conduct requires that an employee must: behave honestly and with integrity in the course of APS employment; and when acting in the course of APS employment, comply with all applicable Australian laws.</p> <p>Example: Conflicts of interest ASIC Act s. 123: Members to disclose certain interests to minister; s. 124: Members to disclose certain interests to chairperson s. 125 Notification of interest to ASIC, including matters in which the person has a direct or indirect pecuniary or other interest that could involve a conflict Commonwealth Authorities and Companies Act 1997 s. 22 Care and diligence (civil) s. 23: Good faith (civil) s. 24: Use of position (civil) s. 25: Use of information (civil) s. 26: Good faith, use of position and use of information (criminal)</p>	<p>performance of their work at ASIC. This is done by completion of the Disclosure of Interests Declaration.</p>	
<p>b) Systems to promote transparency through disclosure and/or monitoring of, for example, personal assets and liabilities</p>	<p>Agency heads, Statutory Office holders and SES employees in the APS are required to declare their private interests. The APS Commission publication APS Values and Code of Conduct in Practice provides more information (Declarations of interests, in chapter 9).</p>	<p>APS Commission ASIC's Risk Management Unit (RMU) The RMU advises and develops appropriate risk management strategies to suit ASIC's environment.</p>	



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	<p>Example: Disclosure ASIC Act s. 123: Members to disclose certain interests to minister; s. 124: Members to disclose certain interests to chairperson s. 125 Notification of interest to ASIC, including matters in which the person has a direct or indirect pecuniary or other interest Policy and Procedure ASIC staff complete disclosure forms, at the commencement of employment that includes police check, confidentiality forms and conflicts of interest forms</p>	<p>This involves: conducting risk assessments developing ASIC's Fraud Control and Risk Management Plans developing policies and strategies for ASIC's fraud control, protective security, business continuity and insurance needs reviewing the application and effectiveness of the above policies and strategies. The RMU reports to the Executive Director Infrastructure and Strategic Planning.</p>	
<p>c) Sound administrative systems which ensure that contact between government officials and business services users, notably in the area of taxation, customs and other corruption-prone areas, are free from undue and improper influence</p>	<p>The APS Values and Code of Conduct apply to the interaction of APS employees with the public. Chapters 6 (working with the private sector and other stakeholders), 8 (using Commonwealth resources) and 9 (conflict of interest) of the APS Commission publication APS Values and Code of Conduct in Practice contain more information. Example: ASIC: Undue and improper influence ASIC seeks to mitigate undue and improper influence through:</p> <ul style="list-style-type: none"> • APS Conduct of Conduct, • ASIC's Gift Policy 	<p>The Public Service Commissioner has a statutory responsibility to evaluate the adequacy of agency systems for ensuring compliance with the Code of Conduct Agencies are required to have in place a fraud control strategy in accordance with the Commonwealth Fraud Control Guidelines 2002, issued by the Minister for Justice and Customs. ASIC's Risk Management Unit (RMU) In response to the risk that staff might possibly collude with business/market participants, and frequent client contact may generate a risk of unethical or inappropriate behaviour, ASIC's RMU undertakes initial and ongoing assessment of</p>	

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<p>d) Promotion of codes of conduct taking due account of the existing relevant international standards as well as each country's traditional cultural standards, and regular education, training and supervision of officials to ensure proper understanding of their responsibilities</p>	<p>One of the APS Commission's key priorities is promoting the APS Code of Conduct, including recently through the 2003 publication APS Values and Code of Conduct in Practice.</p> <p>Agencies are responsible also for promoting the Code and ensuring employees understand their responsibilities. SES employees have a specific responsibility under the PS Act to promote the Code of Conduct (s.35(c)).</p> <p>Example: ASIC</p> <p>All staff, contractors and consultants are required to comply with:</p> <ul style="list-style-type: none"> • Australian Public Service (APS) Code of Conduct • APS Values • Work Value Standards 	<p>potential conflicts of interest supported by a continuous disclosure regime and code of conduct / policy training</p> <p>The Public Service Commissioner has a statutory responsibility to evaluate the adequacy of agency systems for ensuring compliance with the Code of Conduct.</p> <p>ASIC Directory of Programs</p> <p>The DOP is a key strategic tool used to enhance the skills and knowledge of ASIC staff through formal learning programs in alignment with ASIC's business needs. The DOP identifies three specific areas for development: Core skills — relevant whole-of-ASIC skills; Functional skills — technical skills required for our core business; Leadership skills — programs that develop the skills of ASIC's current and future leaders</p>	

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<p>e) Measures which ensure that officials report acts of corruption and which protect the safety and professional status of those who do</p>	<p>See section on protection of whistleblowers (Pillar III, below). The Public Service Act requires that an agency head must establish procedures to determine a breach of the Code of Conduct and that these procedures must be in accordance with the Public Service Commissioner's Directions 1999.</p>		
<p>Accountability and Transparency: Safeguard accountability of public service through effective frameworks, management practices, and auditing procedures through</p>			
<p>a) Measures and systems to promote fiscal transparency</p>	<p>Example: ASIC ASIC's business standards and supporting practices set the benchmarks for assessing and measuring ASIC's performance; and promoting fiscal transparency ASIC's financial standards and practices are based on the Commonwealth's best practice financial management framework. This framework allows ASIC to provide managers with the flexibility to achieve results as well as increasing transparency and accountability. Example: Dept of Finance and Administration Financial Management and Accountability Act 1997 Commonwealth Authorities and Companies Act 1997</p>	<p>ASIC - Internal Audit Committee ASIC established the internal audit unit to examine and evaluate ASIC activities to: reassure it and management of the adequacy of our controls and compliance advise it and managers on the relationship and balance between risk and control assist it to: use resources effectively, safeguard assets and assess the reliability and accuracy of management information; to comply with agreed policies, plans, procedures, laws and regulations, and generally accepted accounting principles. Department of Finance and Administration (framework oversight and whole-of-Government reporting). Australian Bureau of Statistics (financial reporting in accordance with IMF Government Finance Statistics).</p>	<p>Development of a single accrual accounting framework for Government entities based on accounting pronouncements of the International Accounting Standards Board and the IMF's Government Finance Statistics framework by 2005-06</p>

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<p>b) Adoption of existing relevant international standards and practices for regulation and supervision of financial institutions</p>	<p>ASIC recently entered the IOSCO Multilateral Memorandum of Understanding. ASIC also supports the implementation of the International Accounting Standards</p>	<p>ASIC's Office of Regional and International Relations OIR facilitated ASIC's signing of the MMOU IOSCO ASIC's input into IOSCO is through:</p> <ul style="list-style-type: none"> • Responding to surveys about regulator requirements and practice in Australia. • Contribute to the identification and development of new IOSCO mandates. • Contributing to debate about IOSCO mandates. • Assisting in the drafting of IOSCO reports. • Participating in Technical Committee meetings at which the reports are considered. <p>Financial Services Regulation Regulate financial advice and retail financial products.</p>	
<p>c) Appropriate auditing procedures applicable to public administration and the public sector, and measures and systems to provide timely public reporting on performance and decision making</p>	<p>The Auditor-General Act 1997 (the Act) provides a legislative framework for the Office of the Auditor-General and the ANAO. The Act establishes the Auditor-General as an independent officer of the Parliament. The Act also outlines the mandate and powers of the Auditor-General, as the external auditor of Commonwealth public sector entities. Example: ASIC Annual Report ASIC Act s. 138: Matters to be included in Annual Report,</p>		<p>ANAO is committed to harmonisation with international auditing standards under the International Auditing and Assurance Standards Board (IAASB). Under the Corporate Law and Economic Reform Program (CLERP 9) proposals for reform, the Government has indicated it will expand the responsibilities of the Financial Reporting Council (FRC) to oversee auditor independence requirements in Australia, including auditing standard setting arrangements. No timeframe is available at this stage. The ANAO is a member of both INTOSAI and</p>

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	<p>including</p> <ul style="list-style-type: none"> (a) specific goals ASIC has pursued; (b) what progress ASIC has made; (c) any matters that have adversely affected ASIC's effectiveness; (d) performance indicators used by ASIC <p>Commonwealth Authorities and Companies Act 1997</p> <p>s. 9: Annual report and reporting obligations</p> <p>Commonwealth Procurement Guidelines available at: http://www.finance.gov.au/ctc/publications/purchasing/cpg/commonwealth_procurement_guide.html</p> <p>The Guidelines detail:</p> <ul style="list-style-type: none"> Reporting of publicly available business opportunities; Reporting of contracts, agency agreements and standing offers to the value of \$2,000 or more; and Government policy on listing contracts of \$100,000 or more on the Internet. 		<p>IFAC.</p> <p>The Department of Finance and Administration is considering a proposal to transfer reporting of publicly available business opportunities to a new system, AusTender. The system will provide stakeholders with improved search capability and automatic notification of business opportunities matching their registered area of interest.</p> <p>The Gazette Publishing System, used to report procurement arrangements, has been upgraded to provide for reporting of additional information. New mandatory data is expected to take effect from 1 April 2004.</p> <p>In January 2004, guidance was issued to assist agencies to comply with the Government's policy on listing of contracts of \$100,000 or more on the internet</p>
<p>d) Appropriate transparent procedures for public procurement that promote fair competition and deter corrupt activity, and adequate simplified administration procedures</p>	<p>Commonwealth Procurement Guidelines available at: http://www.finance.gov.au/ctc/publications/purchasing/cpg/commonwealth_procurement_guide.html</p> <p>Example: ASIC Public Procurement</p> <p>ASIC has adopted the following procedures for public</p>	<p>All Australian Government departments and agencies subject to the Financial Management and Accountability Act 1997</p> <p>ASIC Risk Management Unit</p> <p>ASIC's Risk Management Unit (RMU) advises and develops appropriate risk management strategies to suit ASIC's environment.</p>	<p>The Commonwealth Procurement Guidelines set out the principles governing procurement, including Accountability and Transparency, and Ethics. The Guidelines are currently being reviewed by the administering agency (the Department of Finance and Administration) with a view to:</p> <ul style="list-style-type: none"> updating them to take account of developments;

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	<p>procurement and public contracts: Compliance with Commonwealth tendering guidelines and ASIC procedures Use of standardised contract conditions and clauses Availability of advice from either the Risk Management Unit and/or in house counsel on legal and commercial risks for contracts.</p>		<p>and more clearly articulating the procurement framework and addressing identified issues. Implementation of any changes to the Guidelines is subject to ministerial agreement. However, it is anticipated that the updates will take effect from 1 July 2004.</p>
<p>e) Enhancing institutions for public scrutiny and oversight</p>	<p>Example: Scrutiny of ASIC The Commonwealth Authorities and Companies (CAC) Act 1997, the Financial Management and Accountability (FMA) Act 1997, and the Auditor-General Act 1997, require the Auditor-General (through the ANAO) to provide to the Treasurer an opinion on whether ASIC's financial statements: give a true and fair view have been prepared in accordance with the Finance Minister's Orders.</p>	<p>Australian National Audit Office In addition to its annual review of financial statements, ANAO periodically undertakes performance audits, financial control and assurance audits, fraud control and protective security audits</p>	
<p>f) Systems for information availability including on issues such as application processing procedures, funding of political parties and electoral campaigns and expenditure</p>			
<p>g) Simplification of the regulatory environment by abolishing overlapping, ambiguous or excessive regulations that burden business</p>	<p>Corporations Law Economic Reform Program (CLERP) • The Corporate Law Economic Reform Program (CLERP) was initiated in 1997 as a vehicle for the ongoing review and reform of Australia's corporate and</p>	<p>Government In its 2003-2004 Budget, the Government announced that the Australian Securities and Investments Commission (ASIC) would be provided</p>	<p>CLERP 9 CLEPR 9 Proposals include: Auditor independence</p>

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	business regulation to ensure that it is modern, responsive and promotes business activity.	with funding of \$12.3 million over 4 years for its role in the implementation of CLERP 9. This funding will enable ASIC to conduct surveillance, investigate and take enforcement action in relation to alleged contraventions of the CLERP 9 provisions.	Informed market Accountability of parties within the financial reporting framework Remuneration of executives and directors Operating and financial review Management of conflicts of interest by financial services licensees

Pillar II: Strengthening Anti-bribery Actions and Promoting Integrity in Business Operations

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Effective Prevention, Investigation and Prosecution: Take effective measures to actively combat bribery by			
a) Ensuring the existence of legislation with dissuasive sanctions which effectively and actively combat the offence of bribery of public officials	Bribery Criminal Code Act 1995 s. 70.2 Bribing a foreign public official Penalty: Imprisonment 10 years Corporations Act 2001 s. 596: Fraud by Officers Directors' duties s. 180: Care and diligence - civil s. 181: Good faith - civil s. 182: Use of position - civil	The Commonwealth Attorney General's Department (CDPP) enforces the Criminal Code and the Extradition Regulations in Australia; The Australian Federal Police (AFP) has responsibilities for investigating serious and complex fraud committed on Commonwealth agencies and their programs. For 2003/2004, the AFP has allocated 15% of its domestic investigation resources to the investigation of fraud, including the investigation of corruption. The Attorney-General's Department (AGs) facilitates cross-border enforcement under the Criminal Code, the Extradition Regulations and the Mutual	



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	<p>s. 183: Use of information - civil</p> <p>s. 184: Good faith, use of position and use of information – criminal offences</p> <p>Licensing</p> <p>s. 911: Requirement to be licensed</p> <p>s. 915B: Immediate suspension or cancellation, if the person (c) is convicted of serious fraud</p> <p>s. 991A: Financial Services Licensee not to engage in unconscionable conduct</p> <p>Managed investment schemes</p> <p>s. 601ED When a managed investment scheme must be registered</p> <p>s. 601FC: Duties of: Responsible Entity, its officers –</p> <p>s. 601FD: Employees – s. 601FE; Members of compliance committee – s. 601JD; Members – s. 601JD to:</p> <p>(a) act honestly, (c) act in the best interests of members (d) not make improper use of information, including (i) gaining an improper advantage for itself or another; or (ii) cause detriment to the members of the scheme</p> <p>Penalties</p> <p>s. 1317E: Declarations of Contravention</p> <p>s. 1317G: Pecuniary penalty orders</p> <p>s. 1317H: Compensation orders</p> <p>s. 1323 Power of court to prohibit payment or transfer of money, financial products or other property</p> <p>s. 1324: Injunctions</p>	<p>Assistance in Criminal Matters Act.</p> <p>The Australian Securities and Investments Commission (ASIC) is empowered to investigate a contravention of the Corporations legislation and a contravention of a law of the Commonwealth in this jurisdiction, that concerns the management and affairs of a body corporate or managed investment scheme; or that involves fraud or dishonesty and relates to a body corporate or managed investment scheme.</p>	

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	<p>s. 1324B: Order to disclose information or publish advertisements</p> <p>s. 1325: Other orders</p> <p>s. 1325C Unfair or unconscionable agreements, payments or benefits</p> <p>Australian Securities and Investments Commission Act 2001</p> <p>Unconscionable conduct</p> <p>s. 12CA(1): A person must not, in trade or commerce, engage in conduct in relation to financial services if the conduct is unconscionable</p> <p>s. 12CB(1) in connection with the supply or possible supply of financial services</p> <p>s. 12CC (1) in connection with the acquisition or possible acquisition of financial services</p> <p>Penalties</p> <p>s. 12GB(1): Fines:</p> <p>s. 12GC: Compensation</p> <p>s. 12GD: Injunctions</p> <p>s. 12GF: Damages</p> <p>s. 12GL: Non-punitive orders</p> <p>s. 12GLB: Punitive orders requiring adverse publicity</p> <p>s. 12GM: Other orders, compensation</p> <p>s. 12GN: Power of court to prohibit payment or transfer of money or other property</p> <p>s. 12HD: Declarations and other orders</p>		

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<p>b) Ensuring the existence and effective enforcement of anti-money laundering legislation that provide for substantial criminal penalties for the laundering of the proceeds of corruption and crime consistent with the law of each country</p>	<p>Enforcement ASIC Act s.13: Powers of investigation ASIC may investigate suspected breaches of a law of the Commonwealth, concerning management or affairs of a body corporate, or involves fraud or dishonesty s. 49: Powers of prosecution ASIC may cause prosecution to be begun, for an offence against corporations legislation (nb: definition – Money Laundering = Unconscionable conduct) s. 12CA(1): A person must not, in trade or commerce, engage in conduct in relation to financial services if the conduct is unconscionable s. 12CB(1) in connection with the supply or possible supply of financial services s. 12CC (1) in connection with the acquisition or possible acquisition of financial services Penalties s. 12GB(1): Fines: s. 12GC: Compensation s. 12GD: Injunctions s. 12GF: Damages s. 12GL: Non-punitive orders s. 12GLB: Punitive orders requiring adverse publicity s. 12GM: Other orders, compensation</p>	<p>Enforcement directorate of ASIC The Enforcement directorate investigate and act against suspected illegal conduct</p>	<p>AFP Australia's domestic systems implement all of the counter money laundering commitments under UNGASS · Furthermore, the Australian Government is strongly committed to combating money laundering on a worldwide and regional basis. · Australia is an active and foundation member of the Financial Action Task Force on Money Laundering (the FATF) and played a major role in drafting the 40 Recommendations (which form the basis of internationally accepted anti money laundering standards). · Australia has been a key player in developing a regional response to money laundering, playing a leading role in the creation of the Asia-Pacific Group on Money Laundering (APG) and providing significant resource support, including accommodation and funding for the APG secretariat and assuming the role of permanent Co-Chair. · Australia's ability to assume a leading role as an anti-money laundering nation has been greatly assisted by our strong domestic record. Australia was among the first countries to enact comprehensive anti-money laundering legislation and to put in place a robust regulatory framework (through the Financial Transactions Reports Act 1988 and the Proceeds of Crime Act 1987). · Both pieces of legislation were updated last year to further strengthen Australia's anti-money</p>

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<p>c) Ensuring the existence and enforcement of rules to ensure that bribery offences are thoroughly investigated and prosecuted by competent authorities; these authorities should be empowered to order that bank, financial or commercial records be made available or be seized and that bank secrecy be lifted</p>	<p>s. 12GN: Power of court to prohibit payment or transfer of money or other property s. 12HD: Declarations and other orders</p>		<p>laundering regime.</p> <ul style="list-style-type: none"> · AUSTRAC, Australia's specialist financial intelligence unit, has an enviable reputation worldwide and has made a significant contribution in providing advice to countries in the region. · The Australian Federal Police has a significant operational capacity to investigate money laundering. This was recently enhanced by the passage of the Proceeds of Crime Act 2002, and consequential amendments to the Criminal Code 1995 which enhanced money laundering provisions.
<p>c) Ensuring the existence and enforcement of rules to ensure that bribery offences are thoroughly investigated and prosecuted by competent authorities; these authorities should be empowered to order that bank, financial or commercial records be made available or be seized and that bank secrecy be lifted</p>	<p>Bribery Offences: see (II)(a) Enforcement ASIC Act s.13: Powers of investigation ASIC may investigate suspected breaches of a law of the Commonwealth, concerning management or affairs of a body corporate, or involves fraud or dishonesty s. 49: Powers of prosecution ASIC may cause prosecution to be begun, for an offence against corporations legislation Powers to investigate and obtain: Inspection and production of books ASIC Act s. 29: ASIC may inspect books without charge; s. 20: Notice to produce books about affairs of body corporate or registered scheme;</p>	<p>Enforcement directorate of ASIC The Enforcement directorate investigate and act against suspected illegal conduct The TAA is administered by the Australian Taxation Office (ATO) which is a Commonwealth Treasury portfolio agency.</p>	<p>The TAA was amended in 2000 to reflect the changes made to the Criminal Code Act 1995 (the Criminal Code) and extend its application to the TAA. The Criminal Code was amended so as to:</p> <ul style="list-style-type: none"> - replace existing Crimes Act 1914 offences with a more modern and transparent scheme of theft, fraud, bribery, forgery and related offences based on Chapter 3 of the Model Criminal Code; - provide a modern and transparent scheme for the geographical jurisdiction of the Commonwealth criminal law by replacing the existing situation where the scope of offences is often not certain; - provide additional protection for Commonwealth public officials (including Ministers and former Ministers) from violence and harassment by providing for new offences based on Chapter 5 of the Model Criminal Code which will enable the Commonwealth to prosecute those who seek to cause them harm.

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	<p>s. 31: Notice to produce books about financial products;</p> <p>s. 32: Notice to produce books about futures contracts;</p> <p>s. 32A: Notice to produce books about financial services;</p> <p>s. 3: Notice to produce documents in persons possession</p> <p>APS Code of Conduct.</p> <p>The official conduct expected of people working in ASIC, and the APS, is based on the highest standards of probity, integrity and conduct. The Code of Conduct requires that an employee must:-</p> <p>not make improper use of:</p> <p>(a) inside information, or</p> <p>(b) the employee's duties, status, power or authority, in order to gain, or seek to gain, a benefit or advantage for the employee or for any other person.</p> <p>Tax Administration</p> <p>The Taxation Administration Act 1953 (TAA) details how tax law should be administered and enforced, including the offences, charges and penalties, prosecution, rulings, review and appeal of tax related criminal activities.</p>		<p>The consequential amendments to the TAA replace the reference in the definition of "tax-related offence" to the defraud and conspiracy provisions in the Crimes Act 1914 with a reference to the Criminal Code fraud related offences. It replaces the reference to fraud and conspiracy convictions under the Crimes Act 1914 with such convictions under the Criminal Code offences. It also includes reference to the strengthened Obstruction of Commonwealth public officials section of the Criminal Code.</p>
<p>d) Strengthening of investigative and prosecutorial capacities</p> <p>by fostering inter-agency co-operation, by ensuring that investigation and prosecution are free from improper influence and have effective means for</p>	<p>Australian Federal Police Act</p> <p>Proceeds of Crime Act</p> <p>ASIC Powers to gather evidence</p> <p>Powers to inspect and require production of books see (II)(c)</p>	<p>AFP and CDDP have roles, as do state and territory police services, prosecutors and anti-corruption bodies.</p> <p>Witness protection program may be applicable.</p> <p>Enforcement directorate of ASIC</p> <p>The Enforcement directorate investigate and act</p>	

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<p>gathering evidence, by protecting those persons helping the authorities in combating corruption, and by providing appropriate training and financial resources</p>	<p>Examinations and assistance: ASIC Act s. 19 ASIC Act: Notice requiring appearance of examination s. 19(2) "ASIC may, by written notice in the prescribed form given to the person, require the person: (a) to give to ASIC all reasonable assistance in connection with the investigation; (b) to appear before a specified member or staff member for examination on oath and to answer questions" s. 49(3) Assistance in prosecution if: (a) "If ASIC, on reasonable grounds, suspects or believes that a person can give information relevant to a prosecution for the offence; or (b) the offence relates to matters being, or connect, with affairs of a body corporate, or to matters including such matters, ASIC may, whether before or after a prosecution for the offence is begun, by writing, given to the person ... require the person or eligible person to give all reasonable assistance in connection with such a prosecution" Corporations Act s. 1317R ASIC Requiring Person to Assist s. 1317R(1) Provision of reasonable assistance "ASIC may require a person to give all reasonable assistance in connection with: (a) an application for a declaration of contravention or a pecuniary penalty order; or (b) criminal proceedings for an offence against this Act"</p>	<p>against suspected illegal conduct</p>	

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	<p>Hearings</p> <p>s. 52: General discretion to hold hearing in public or private</p> <p>s. 54: Certain hearings to take place in private</p> <p>s. 55: ASIC may restrict publication of certain material</p> <p>Confidentiality</p> <p>ASIC Act</p> <p>s. 127: "ASIC must take all reasonable measures to protect from unauthorised use or disclosure information".</p> <p>Policy Statement 103 Confidentiality and Release of Information</p> <p>PS 103 indicates the practices ASIC will adopt in relation to the disclosure of information obtained by the exercise of its compulsory powers</p> <p>Training</p> <p>Guideline 6 of the Commonwealth's Fraud Control Guideline (FCG) outlines training requirements, in particular:</p> <p>Competency implementation</p> <p>Training requirements</p> <p>Recognition of current competency</p>		
<p>e) Strengthening bi- and multilateral co-operation in investigations and other legal proceedings by developing systems which – in accordance with domestic legislation – enhance</p>	<p>Exchange of information</p> <p>Memoranda of Understanding ("MOUs")</p> <p>ASIC's bilateral and multilateral MOUs with domestic and international agencies provide a mechanism to share relevant information and evidence.</p>	<p>Office of Regional and International Relations</p> <p>The Office of Regional and International Relations coordinate international matters, State and Territory offices, including the negotiation and settlement of bilateral and multilateral MOUs.</p>	<p>Australia is currently considering including Assistance in Collection provisions in our DTCs. This would be consistent with Article 27 of the OECD model double tax convention. This will aid collection of tax liabilities arising out of the disallowance of deductions for bribes that may be</p>

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<p>(i) effective exchange of information and evidence,</p> <p>(ii) extradition where expedient, and</p> <p>(iii) co-operation in searching and discovering of forfeitable assets as well as prompt international seizure and repatriation of these forfeitable assets</p>	<p>Attachment A provides a list of signatories to the IOSCO multilateral MOU</p> <p>Attachment B provides a list of ASIC's bilateral MOUs with international agencies</p> <p>Attachment C provides a list of ASIC's bilateral MOUs with domestic agencies</p> <p>Extradition</p> <p>Extradition (Bribery of Foreign Public Officials) regulations 1999</p> <p>Exchange of information / Cooperation in search and seizure</p> <p>Mutual Assistance in Business Regulation 1992 MABRA</p> <p>s. 2 The object of this Act is to enable Commonwealth regulators to render assistance to foreign regulators in their administration or enforcement of foreign business laws by obtaining from persons relevant information, documents or evidence and transmitting such information and evidence and copies of such documents to foreign regulators."</p> <p>Mutual Assistance in Criminal Matters Act 1987</p> <p>s. 5: Objects of the Act.</p> <p>The object of the Act is to regulate the provision of Australia of international assistance in criminal matters, including the taking of evidence</p> <p>Search and Seizure</p> <p>Search warrants may be issued by a Magistrate under section 3E of the Crimes Act 2001, section 36</p>	<p>The Office of International Relations also facilitates the exchange of information; and would assist in any extradition related processes</p> <p>The Department of Treasury is in charge of implementing both DTCs and TIEAs and administers the International Tax Agreements Act 1953.</p>	<p>claimed by the permanent establishment of a resident of the other country.</p> <p>In May 2003 the Australian Government agreed to complement its multilateral work on the Harmful Tax Practices and Bank Secrecy Initiatives with the bilateral negotiation of Tax Information Exchange Agreements (TIEAs) with tax havens.</p> <p>TIEAs are bilateral treaties which allow the tax administrations of countries to exchange information, upon request, to assist each other in administering and enforcing their own tax laws on both civil and criminal tax matters.</p> <p>These agreements will facilitate the exchange of tax information between countries, enabling Australia to obtain tax information which will help protect the integrity of our tax systems, protect businesses from unfair competition and contribute to efforts to counter money laundering, drug trafficking and the financing of terrorism. Australia intends to negotiate a network of such agreements including in the Pacific region.</p> <p>The policy position on exchange of information in the Australian Draft TIEA is consistent with current Australian treaty practices, but with the following features:</p> <ul style="list-style-type: none"> - In general, the scope of the TIEA is broader than the existing exchange of information powers available under the Double Tax Conventions. For example, Australia will be able to request information on all federal taxes administered by the Commissioner of Taxation.

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	<p>of the ASIC Act and section 38A of MACMA.</p> <p>ASIC Act</p> <p>s. 35: Application for Warrant to Seize Books Not Produced</p> <p>Where a member of staff member has reasonable grounds to suspect that there are books whose production has been required and that have not been produced in compliance with that requirement; he or she may apply for the issue of a warrant to search the premises for those books</p> <p>s. 36(2): Grant of Warrant</p> <p>The magistrate may issue a warrant authorising a member of the Australian Federal Police together with any member so named such as a member of ASIC with such assistance, and by such force, as is necessary and reasonable:</p> <p>(a) to enter on or in the premises; and</p> <p>(b) to search the premises; and</p> <p>(c) to break open and search anything ...; and</p> <p>(d) to take possess or, or secure against interference, books that appear to be any or all of those books.</p> <p>Crimes Act</p> <p>The powers attaching to a search warrant issued pursuant to section 3E of the Crimes Act are extensive. The executing officer is an Australian Federal Police Officer named in the search warrant. ASIC investigators can attend the execution of the warrant to provide assistance. However information obtained or seized under the Crimes Act cannot be</p>		<p>Domestic law (such as bank secrecy) or lack of dual criminality cannot operate as reasons for rejecting a request for information</p>

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	<p>provided to a foreign regulator.</p> <p>MACMA</p> <p>Part VIIA: Search, seizure and powers of arrest</p> <p>s. 38A provides "(a) for the issue and execution in Australia, at the request of a foreign country, of a search warrant in respect of evidential material in Australia relating to an investigation or proceeding in the foreign country that relates to a criminal matter involving a serious offence."</p> <p>International Tax Arrangements</p> <p>International Tax Agreements Act 1953 – allows for the negotiation of Exchange of Information under Australia's Double Tax Conventions (DTC) with overseas tax authorities.</p> <p>Australia has entered into Double Tax Conventions with over 40 countries to prevent double taxation and allow cooperation between Australia and overseas tax authorities in enforcing their respective tax laws, including the exchange of information. These treaties are enacted under the International Tax Agreements Act 1953.</p> <p>The exchange of information Article under the Australian DTC is consistent with Article 26 of the OECD model double tax convention.</p> <p>This Article allows the Competent Authorities to exchange information as is necessary to avoid double taxation and prevent fiscal evasion of domestic taxes to which the agreement applies. The obligation to supply requested information is mandatory except where the normal administrative practice or law of either State prevent this, or where</p>		

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	<p>the supply would disclose business secrets or be contrary to public policy.</p> <p>The Article provides that information exchanged shall be kept secret in the same manner as information obtained domestically and only allows for its disclosure to persons or authorities concerned with the assessment or collection, enforcement or prosecution, or in the determination of appeals in relation to the taxes to which the agreement applies.</p> <p>Australia maintains the position that information obtained in relation to income and substantially similar taxes cannot be used to assess taxes not covered by the DTC.</p> <p>Proceeds of Crime Act</p>		
Corporate Responsibility and Accountability : Take effective measures to promote corporation responsibility and accountability on the basis of existing relevant international standards through			
<p>a) Promotion of good corporate governance which would provide for adequate internal company controls such as codes of conduct, the establishment of channels for communication, the protection of employees reporting corruption, and staff training</p>	<p>Corporate Governance</p> <p>Essentially, ASIC's role in corporate governance is threefold:</p> <ol style="list-style-type: none"> 1. ASIC monitors, enforces and administers compliance with the broad range of corporate governance provisions in the Corporations Act; 2. ASIC has a public education or advocacy role; and 3. ASIC contributes to law reform in relation to corporate governance <p>Codes of Conduct</p> <p>Code of Banking Practice;</p> <p>Building Society Code of Practice;</p>	<p>Consumer Protection</p> <p>The Consumer protection identify and act on consumer issues, approve complaints schemes, review codes of practice.</p> <p>The ASX is a publicly owned company listed on its own exchange. It is responsible for the listing of companies and issues codes of conduct and listing rules for its members. The listing rules have the legislative backing of the Corporations Act 2000. It is responsible for sections of the disclosure regime and can issues sanctions for breaches of the listing rules.</p> <p>The Australian Securities and Investment Commission (ASIC) is the independent Government regulator. It oversees the operations of listed</p>	<p>The Australian Government has recently introduced the Corporate Law Economic Reform Program (Audit Reform and Corporate Disclosure) Bill 2003 (CLERP 9) into Parliament. The CLERP 9 bill contains provision for the protection of whistleblowers. A copy of the bill can be found at www.treasury.gov.au/documents/700/PDF/CLERP_Bill.PDF.</p> <p>A report is given each year by the ANCP on the implementation of the OECD Guidelines for Multinational Enterprises, at the annual meeting of the National Contact Points.</p>

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	<p>Credit Union Code of Practice; Electronic Funds Transfer Code of Practice; General Insurance Code of Practice; General Insurance Brokers Code of Practice; Life Insurance Code of Practice; Financial Planners Code of Ethics and Rules of Professional Conduct; Internet Code of Conduct; Consumer Credit Code</p> <p>The Australian Stock Exchange (ASX) has issued Corporate Governance Guidelines, which are non-binding best practices for listed companies to adhere to. The Guidelines follow a 'comply or explain model'. The Guidelines can be found at the ASX website, www.asx.com.au. The ASX also issues listing rules which cover the operations of the companies listed on the exchange.</p> <p>The Corporations Act 2000 governs the operations of companies in Australia from inception to insolvency. It has requirements for company accounts to be prepared and published in accordance with detailed accounting standards and to be independently audited.</p> <p>OECD Guidelines for Multinational Enterprises, to which the Australian Government is a signatory.</p>	<p>companies and can investigate and prosecute companies for breaches of the Corporations Act 2000.</p> <p>The Australian Treasury is responsible for policy and legislative initiatives regarding the Corporations Act 2000 as well as the oversight of ASIC.</p> <p>The Australian National Contact Point for the OECD Guidelines for Multinational Enterprises is responsible for their implementation. The website for Australia's National Contact Point (ANCP) is at www.ausncp.gov.au/default.asp.</p>	
<p>b) The existence and the effective enforcement of legislation to eliminate any indirect support of bribery such as tax deductibility of bribes</p>	<p>Income Tax Assessment Act 1997 (ITAA) – section 26-52 "Bribes to Foreign Public Officials", and section 26-53 "Bribes to Public Officials".</p> <p>These provisions ensure that no deduction is available for bribes paid to public officials and in</p>	<p>ITAA is administered by the Australian Taxation Office (ATO) which is a Commonwealth Treasury portfolio agency.</p>	



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	<p>addition, under section 110-25 of the ITAA, that such bribes do not form part of the cost base of any relevant asset for capital gains tax purposes.</p> <p>A taxpayer will be regarded as having made a bribe to a public official to the extent that:</p> <ul style="list-style-type: none"> an amount is incurred in providing a benefit to another person; and the benefit is not legitimately due to that person; and the amount is incurred with the intention of influencing a public official in the exercise of the official's duties in order to obtain or retain business or an advantage in the conduct of business. <p>This taxation policy gives effect to the recommendation by the Organisation for Economic Co-operation and Development (OECD) Council that member countries take effective measures to deter, prevent and combat the bribery of foreign public officials in connection with international business transactions. Amendments put forward by the Australian Senate (and subsequently included in the legislation) extended the non-deductibility of bribes to Australian public officials.</p> <p>Although the Government considers that the Australian business community has high ethical standards, it is supportive of OECD efforts to combat bribery in international business transactions. It shares the concerns of other member countries that the payment of bribes to foreign public officials causes economic and trade distortion. The Government, therefore, supports the recommendation to disallow deductions for bribes paid to foreign public officials.</p>		

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<p>c) The existence and thorough implementation of legislation requiring transparent company accounts and providing for effective, proportionate and dissuasive penalties for omissions and falsifications for the purpose of bribing a public official, or hiding such bribery, in respect of the books, records, accounts and financial statements of companies</p>	<p>These taxation provisions are consistent with sections in the Criminal Code which make it a criminal offence to pay bribes to foreign public officials. The criminalisation of bribery of foreign public officials now enshrined in the Criminal Code ensures that Australia complies with the key feature of the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, which came into force in Australia on 15 February 1999</p> <p>Annual Returns Corporations Act s. 292 Annual financial reports and directors reports, by all disclosing entities, public companies, proprietary companies and all registered schemes s. 296: Compliance with Accounting Standards and Regulations s. 345: A company must lodge an annual return each year s. 346: Solvency Resolution s. 301: Audit of annual report: a company, registered scheme or disclosing entity must have the financial report audited s. 1308: False of misleading statements s. 1308(2) Document required by the Act s. 1309: False information Penalties Corporations Act s. 1317E: Contravention of financial reporting provisions</p>	<p>Markets & Policy Regulation The Australian Securities and Investment Commission (ASIC) is the independent Government regulator. It oversees the operations of listed companies and can investigate and prosecute companies for breaches of the Corporations Act 2000. The Australian Treasury is responsible for policy and legislative initiatives regarding the Corporations Act 2000 as well as the overseeing ASIC. The Financial Reporting Council (FRC) is an independent authority and is responsible for policy and direction setting in regards to accounting standards in Australia. The FRC has responsibility for the AASB and the Auditing and Assurance Standards Board (AUASB). The FRC's website is www.frc.gov.au. The Australian Accounting Standards Board is an adjunct of the FRC. It develops and issues accounting standards in Australia. Its main task is adopting the International Accounting Standards to Australian standards. Its website is</p>	<p>The CLERP 9 Bill is designed to strengthen the reporting and disclosure regimes of companies and introduces new sanctions and independence of boards and auditor requirements. As part of the bill, the AUASB will be reconstituted as a part of the FRC. Australia is also in the process of adopting International Accounting Standards. It is expected to be fully implemented by 2005.</p>

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	<p>s. 1311: General Penalty provisions s. 131: Penalty Notices s. 1317E: Declarations of Contravention is conclusive s. 1317G: Pecuniary penalty orders s. 1317H: Compensation orders s. 1323 Power of court to prohibit payment or transfer of money, financial products or other property s. 1324: Injunctions s. 1324B: Order to disclose information or publish advertisements s. 1325: Other orders s. 1325C Unfair or unconscionable agreements, payments or benefits Australian Accounting Standards The Australian Accounting Standards Board (AABS) Standards are the current accounting standards in Australia</p>	<p>www.aasb.com.au.</p>	
<p>d) Review of laws and regulations governing public licenses, government procurement contracts or other public undertakings, so that access to public sector contracts could be denied as a sanction for bribery of public officials</p>	<p>Example: ASIC Public Procurement and Public Contracts ASIC has adopted the following procedures for public procurement and public contracts: Compliance with Commonwealth tendering guidelines and ASIC procedures Use of standardised contract conditions and clauses Availability of advice from either the Risk Management Unit and/or in house counsel on legal and commercial risks for contracts.</p>	<p>ASIC Risk Management Unit</p>	

Pillar III: Supporting Active Public Involvement			
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Public Discussion of Corruption: Take effective measures to encourage public discussion of the issue of corruption through			
a) Initiation of public awareness campaigns at different levels	<p>Example: ASIC Education ASIC Act</p> <p>s. 1: Objects: s. 1(2) In performing its functions and exercising its powers, ASIC must strive to:</p> <p>(b) promote the confident and informed participation of investors and consumers in the financial system ...; and</p> <p>(f) ensure that information is available as soon as practicable for access by the public</p> <p>Internet ASIC's FIDO website (http://fido.asic.gov.au/fido/fido.nsf) makes available information to educate the community, including news for investors and consumers, warnings, resources and information about ASIC</p> <p>Media and Information Releases ASIC provides information to the public via media and information releases on the ASIC website (www.asic.gov.au)</p>	Consumer protection Consumer protection identify and act on consumer issues, and undertake public awareness and education campaigns	



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<p>b) Support of non-governmental organisations that promote integrity and combat corruption by, for example, raising awareness of corruption and its costs, mobilising citizen support for clean government, and documenting and reporting cases of corruption</p>	<p>Example: ASIC Consumer Protection work ASIC conducts consumer protection work with Community and Industry groups to raise awareness of the integrity of financial services in Australia</p>	<p>Consumer protection Consumer protection identify and act on consumer issues, and undertake public awareness and education campaigns</p>	
<p>c) Preparation and/or implementation of education programs aimed at creating an anti-corruption culture</p>	<p>Anti-corruption education See (II)(a) Public awareness / education campaigns</p>	<p>Consumer protection Consumer protection identify and act on consumer issues, and undertake public awareness and education campaigns</p>	
<p>Access to information: Ensure that general public and the media have freedom to receive and impart public information and in particular information on corruption matters in accordance with domestic law and in a manner that would not compromise the operational effectiveness of the administration or, in any other way, be detrimental to the interest of governmental agencies and individuals, through</p>			
<p>a) Establishment of public reporting requirements for justice and other governmental agencies that include disclosure about efforts to promote integrity and accountability and combat corruption</p>	<p>Example: ASIC ASIC Annual Report ASIC Act s. 138: Matters to be included in Annual Report, including (a) specific goals ASIC has pursued; (b) what progress ASIC has made; (c) any matters that have adversely affected ASIC's effectiveness; (d) performance indicators used by ASIC Commonwealth Authorities and Companies Act 1997</p>		

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<p>b) Implementation of measures providing for a meaningful public right of access to appropriate information</p>	<p>s. 9: Annual report and reporting obligations</p> <p>Example: ASIC ASIC Public Database</p> <p>ASIC holds general company information. As the body responsible for regulating and registering Australian companies, ASIC's database contains extensive company search type information about the 1.2 million companies registered on our database. This is public information, and can be released to an overseas regulator without any formality. Such information includes the:</p> <ul style="list-style-type: none"> • company name/change of company name; director's names (and addresses?); • shareholder's names; charges; • annual returns; details of incorporation, and • the registered office of the company. <p>Internet ASIC's FIDO website (http://fido.asic.gov.au/fido/fido.nsf) makes available information to educate the community, including news for investors and consumers, warnings, resources and information about ASIC Media and Information Releases</p> <p>ASIC provides information to the public via media and information releases on the ASIC website (www.asic.gov.au)</p>		

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Public participation: Encourage public participation in anti-corruption activities, in particular through			
<p>a) Co-operative relationships with civil society groups such as chambers of commerce, professional associations, NGOs, labour unions, housing associations, the media, and other organisations</p>	<p>Example: ASIC ASIC Consumer Protection Consumer protection work with Community and Industry groups to raise awareness of the integrity of financial services in Australia The Australian National Contact Point (ANCP) for the OECD Guidelines for Multinational Enterprises holds bi-annual consultations. These sessions aim to provide a forum for NGOs to address issues under the Guidelines with the ANCP, facilitate discussion on OECD working papers, provide input into the ANCP annual report to the Committee on International Investment and Multinational Enterprises (CIME) and provide ideas for and assistance with promotion of the Guidelines.</p>	<p>ASIC Consumer protection Consumer protection, identify and act on consumer issues, and undertake public awareness and education campaigns. The ANCP for the OECD Guidelines for Multinational Enterprises</p>	
<p>b) Protection of whistleblowers</p>	<p>Section 16 of the Public Service Act provides legislative protection for whistleblowers in the APS and Division 2.2 of the PS regulations requires Agency Heads to put in place procedures for investigating reports by whistleblowers. Example: ASIC ASIC Policy Statement: Public Interest Whistleblowing Public Service Act 1999; Public Service Regulations 1999 This Policy applies to all persons performing functions in or for ASIC, including persons engaged</p>	<p>APS Commission and Agency Heads. ASIC Whistleblowing Policy This policy sets out the principles for handling reports made by ASIC members about breaches or alleged breaches of the APS Code of by other ASIC staff members or APS employees employed outside ASIC. The policy has been developed to ensure that such allegations are investigated promptly and fairly, and that the person making the report provided protection against victimisation and discrimination</p>	

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c) Involvement of NGOs in monitoring of public sector programmes and activities	<p>under the Public Service Act 1999, contract workers, consultants, managers, supervisors, temporary workers, persons employed on commission, persons seconded to ASIC, full time, part time and casual workers.</p> <p>Consumer protection Consumer protection work with Community and Industry groups to raise awareness of the integrity of financial services in Australia</p>	<p>Consumer protection Consumer protection identify and act on consumer issues, and undertake public awareness and education campaigns</p>	