



Australian Government

AUSTRAC

AUSTRAC Information Circular No. 42

Financial Transaction Reports Act 1988

Bribery of Foreign Public Officials

The Australian Government Attorney-General's Department has released a website dealing with the issue of bribery of foreign public officials. Since 1999 it has been a criminal offence under the Commonwealth *Criminal Code Act 1995* to bribe a foreign public official, whether in Australia or in another country.

Bribery includes providing, causing, offering or promising to provide any advantage to another person where the advantage is not legitimately due. The intention of the bribe must be to influence a foreign public official in the exercise of his or her official duties to obtain or retain business or a business advantage that is not legitimately due to that Australian person or Australian company.

An Australian in another country who bribes or attempts to bribe an official of that country can be prosecuted for bribery in an Australian court. Under Australian law, this means that a person or company can be prosecuted for bribery in Australia for acts that potentially took place overseas. The penalties include a term of imprisonment of up to 10 years and/or a fine of up to \$66,000 for individuals, and a fine of up to \$330,000 for companies.

The Attorney-General's Department's website as mentioned above, can be viewed at: <www.ag.gov.au/foreignbribery>.

Members of the public who suspect that an Australian has committed an offence under the foreign bribery legislation may report the matter to Crime Stoppers on 1800 333 000, contact the Australian Federal Police in their capital city, or write to:

Australian Federal Police
GPO Box 401
CANBERRA ACT 2601
AUSTRALIA

Cash dealers should take the above issue into account when considering whether particular transactions should be reported to AUSTRAC as suspicious. Where a transaction is reportable as significant, or because it is an international funds transfer instruction, cash dealers should remember that a suspect transaction report may be required in addition to the other report type where grounds for suspicion exist.

Suspect transaction reports (SUSTRs) should be made via EDDSWeb, or on Suspect Transaction Report Form 16. For urgent SUSTR reporting, EDDSWeb logon information, or to order report form supplies, contact the AUSTRAC Help Desk (details below).

Further Information or Assistance

AUSTRAC officers are able to assist cash dealers, solicitors, their staff and the general public in relation to the FTR Act and the obligations it imposes. Enquiries can be directed to the AUSTRAC Help Desk via:

- e-mail to help_desk@austrac.gov.au
- telephone (02) 9950 0827 or 1800 021 037.

Please be aware that AUSTRAC is not in a position to provide legal advice. The contents of this document do not constitute legal advice or opinions and should not be regarded as such.

Cash dealers should also keep in mind that they may have obligations under the *Privacy Act 1988*. To determine whether you are covered by this Act and what your obligations might be, please go to <http://www.privacy.gov.au> or call 1300 363 992 for further information.

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