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Australia

Bribery & Corruption

Contributor

Nyman Gibson Miralis

Dennis Miralis

Principal of NGM, International Criminal Defence Lawyer | dm@ngm.com.au

Dr. Emma Collins

Special Counsel – International Criminal Law | ejc@ngm.com.au

Henry Yu

Senior Lawyer | hy@ngm.com.au

Richard Boesel

Senior Lawyer | rtb@ngm.com.au

This country-specific Q&A provides an overview of bribery & corruption laws and regulations applicable in Australia.

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Australia: Bribery & Corruption

1. What is the legal framework (legislation/regulations) governing bribery and corruption in your jurisdiction?

Australia is a federation of states and territories and, as such, there are laws at both the Commonwealth (federal) and state levels addressing bribery and corruption.

At the Commonwealth federal level, the principal instrument is the Criminal Code (Schedule 1 to the Criminal Code Act 1995 (Cth)). It contains the offences of bribing a foreign public official (Division 70), bribery of, and corrupting benefits given to, a Commonwealth public official (Divisions 141 and 142), and the rules attributing criminal responsibility to corporations (Part 2.5). These provisions were substantially recast by the Crimes Legislation Amendment (Combatting Foreign Bribery) Act 2024 (Cth), which broadened the foreign bribery offence and introduced a new corporate offence of failing to prevent foreign bribery (s 70.5A).

Other key Commonwealth instruments include the National Anti-Corruption Commission Act 2022 (Cth); the Anti-Money Laundering and Counter-Terrorism Financing Act 2006 (Cth), as amended by the Anti-Money Laundering and Counter-Terrorism Financing Amendment Act 2024 (Cth); the Corporations Act 2001 (Cth) (directors' duties and the whistleblower regime in Part 9.4AAA); the Public Interest Disclosure Act 2013 (Cth); the Proceeds of Crime Act 2002 (Cth); the Commonwealth Electoral Act 1918 (Cth); and the Director of Public Prosecutions Act 1983 (Cth).

Bribery of State officials and corruption in the private sector are dealt with under State and Territory criminal law, such as Part 4A of the Crimes Act 1900 (NSW), the Crimes Act 1958 (Vic), the Criminal Code 1899 (Qld), and the Criminal Code 1913 (WA). Each jurisdiction also has a standing anti-corruption commission (see Question 2).

Australia's domestic regime seeks to implement its obligations under the Organisation for Economic Co-operation and Development (OECD) Anti-Bribery Convention (1997), the UN Convention against Corruption (2003), and the UN Convention against Transnational Organized Crime (2000).

2. Which authorities have jurisdiction to investigate and prosecute bribery and corruption in your jurisdiction?

Investigation and prosecution are shared between Commonwealth and State/Territory authorities depending on the conduct and the location.

- The Australian Federal Police (AFP) investigates offences under the Commonwealth Criminal Code, including foreign bribery, exercising powers of search and arrest. State and Territory police investigate bribery within their jurisdictions (other than foreign bribery and bribery of Commonwealth officials). In October 2025, the AFP established 'Taskforce Solaris', a dedicated taskforce focused on foreign bribery and grand corruption investigations, reflecting an increased enforcement focus on complex international corruption matters.
- The Commonwealth Director of Public Prosecutions (CDPP) prosecutes Commonwealth offences; the State and Territory Directors of Public Prosecutions prosecute offences under their own laws.
- The National Anti-Corruption Commission (NACC), operating since mid-2023, investigates serious or systemic corruption in the Commonwealth public sector, and whilst it has no power to lay charges or prosecute, it can refer matters for prosecution, civil action, or disciplinary action.
- Standing State and Territory corruption commissions investigate public-sector corruption: the NSW Independent Commission Against Corruption (ICAC,) Victoria's Independent Broad-based Anti-Corruption Commission (IBAC), the Queensland Crime and Corruption Commission (CCC), the Western Australia CCC, the South Australian ICAC, the Tasmanian Integrity Commission, the ACT Integrity Commission, and the NT ICAC. These bodies hold coercive investigative powers but cannot lay charges; rather, they refer matters to their state prosecutors (DPPs).

- The Australian Transaction Reports and Analysis Centre (AUSTRAC), the financial intelligence regulator, tracks suspicious transactions relevant to corruption and money laundering, and the Australian Securities and Investments Commission (ASIC) may pursue civil penalties for related breaches of directors' duties under the Corporations Act 2001 (Cth).

3. How is 'bribery' or 'corruption' (or any equivalent) defined?

Bribery is defined through the elements of the relevant offences. Broadly, the giving of a bribe involves providing, offering, or causing a 'benefit' to another person where the benefit is not legitimately due (for domestic bribery) or is intended to improperly influence a foreign public official (for foreign bribery, following the 2024 reforms), with the intention of influencing an official in the exercise of their duties in order to obtain or retain business or an advantage. A 'benefit' is defined broadly under the Commonwealth Criminal Code as any advantage and is not limited to property or money. A 'business advantage' is an 'advantage in the conduct of business'.

There is no single statutory definition of 'corruption'. It is a broader concept than bribery, generally understood as the abuse of entrusted power for private gain, and can include nepotism, kickbacks, and the misuse of public resources or official information. The State and Territory anti-corruption commissions each apply their own statutory definitions of 'corrupt conduct'. For example, sections 7, 8, and 9 of the Independent Commission Against Corruption Act 1988 provides a detailed definition of what amounts to corrupt conduct.

4. Does the law distinguish between bribery of a public official and bribery of private persons? If so, how is 'public official' defined? Is a distinction made between a public official and a foreign public official? Are there different definitions for bribery of a public official and bribery of a private person?

Yes. The Commonwealth Criminal Code separately addresses bribery of a Commonwealth public official (Divisions 141 and 142) and bribery of a foreign public official (Division 70), whereas State and Territory legislation addresses bribery and corruption in the private sector.

The definitions of 'Commonwealth public official' and 'foreign public official' are broad: the former includes Commonwealth employees, office-holders, and contracted service providers under a Commonwealth contract; the latter extends to employees and officials of foreign governments and of public international organisations and, since the 2024 reforms, to candidates for public office.

The elements for the relevant Commonwealth offences differ depending on whether the conduct relates to domestic or foreign bribery: the foreign bribery offence now turns on 'improperly influencing' a foreign official, whereas domestic bribery of a Commonwealth official requires that the benefit be provided dishonestly and with the intention of influencing the official in the exercise of their duties.

Part 4A of the Crimes Act 1900 (NSW) deals with corruption in the private sector and also criminalises a range of bribery offences, both public and private. Under section 249B, concerning the offence of corrupt commissions or rewards, it is a crime for an agent to receive or solicit, or for a person to give or offer, any benefit in the following circumstances:

As an inducement or reward for doing something or showing favour to any person in relation to the agent's affairs or business, or

Where the receipt of the benefit would "tend to influence" the agent to show favour to any person in relation to the agent's affairs or business.

The term "agent" is defined in section 249B and includes but is not limited to:

- Any person employed by or acting on behalf of another person (thereby encompassing conduct in the private sector),
- Any person serving under the Crown,
- A police officer, or
- A councillor under the Local Government Act 1993 (NSW).

5. Who may be held liable for bribery? Only individuals, or also corporate entities?

Under federal law, both individuals and corporate entities may be held criminally liable. Under Part 2.5 of the Criminal Code, the physical element of an offence may be attributed to a body corporate where it is committed by an employee, agent, or officer acting within the actual or apparent scope of their employment or authority. The fault element may be attributed where the body corporate expressly, tacitly, or impliedly authorised or permitted the

offence, including through proof of a corporate culture that directed, encouraged, or tolerated non-compliance, or a failure to maintain a culture of compliance.

In addition, the new offence in section 70.5A of the Criminal Code makes a corporation directly liable for failing to prevent foreign bribery committed by an 'associate' (including employees, contractors, agents, and subsidiaries), subject to the 'adequate procedures' defence.

6. What are the civil consequences of bribery and corruption offences in your jurisdiction?

Bribery is primarily a criminal matter, and there is no specific civil cause of action for "bribery" available to private parties. However, regulatory bodies such as ASIC can pursue civil penalties for breaches of directors' duties under the Corporations Act 2001 (Cth) – particularly where corruption involves misuse of position, failure to act in good faith, or causing harm to the corporation (for example, sections 180-184). In addition to pecuniary penalties, ASIC may seek compensation orders and the disqualification of directors.

At common law and in equity, a principal whose agent has taken a bribe or secret commission may have remedies independent of the criminal law, including recovery of the bribe from the agent, rescission of contracts procured by bribery, and claims for breach of fiduciary duty.

7. What are the criminal consequences of bribery and corruption offences in your jurisdiction?

Offender / offence	Maximum penalty
Individual – foreign bribery (s 70.2) or bribery of a Commonwealth official (s 141.1)	10 years' imprisonment and/or 10,000 penalty units (approx. AUD 3.3 million)
Corporation – the same offences and the failure-to-prevent offence (s 70.5A)	The greatest of: 100,000 penalty units (approx. AUD 33 million); three times the value of the benefit obtained; or 10% of annual turnover for the relevant 12-month period

Penalties are calculated by reference to the Commonwealth penalty unit, which is AUD 330 for offences committed on or after 7 November 2024 (and is indexed, with the next increase due on 1 July 2026).

State and Territory offences carry their own penalties (for example, a maximum of seven years' imprisonment under section 249B of the Crimes Act 1900 (NSW)). Convictions may also lead to confiscation of proceeds and disqualification of directors.

8. Does the law place any restrictions on hospitality, travel and/or entertainment expenses? Are there specific regulations restricting such expenses for foreign public officials? Are there specific monetary limits for such expenses?

The Criminal Code makes no specific reference to hospitality, travel, and entertainment expenses in relation to either domestic or foreign bribery. However, these types of expenses could fall within the concept of a "benefit" under the definition of both offences. Whether such expenses were caught by the offence would depend on whether the other elements of the offence were also satisfied – most importantly, the intent behind the provision and whether the benefit was intended to improperly influence a public official.

There is no monetary limitation on what could be considered a benefit, however, the Australian Trade Commission ('Austrade'), in its Anti-Bribery & Corruption Guide for Australians doing business offshore ('ABC Corruption Guide') notes that these types of expenses, particularly when "extravagant", can be a common red flag. Austrade recommends that small to medium businesses include in their anti-bribery and corruption programs policies on hospitality, gift giving, sponsored travel, and entertainment to help identify and reduce risk. The Attorney-General's guidance on adequate procedures addresses the same risks.

9. Are political contributions regulated? If so, please provide details.

At the federal level, contributions to political parties or associated entities are regulated under Part XX of the Commonwealth Electoral Act 1918 (Cth). Political contributions are permitted but both the donors and receivers must comply with funding and disclosure requirements administered by the Australian Electoral Commission (AEC). The disclosure threshold is indexed;

for 1 July 2025 to 30 June 2026 it is more than AUD 17,300.

This regime is undergoing major reform. The Electoral Legislation Amendment (Electoral Reform) Act 2025 (Cth), which received Royal Assent on 20 February 2025, will sharply lower the disclosure threshold (to AUD 5,000), introduce caps on donations and electoral expenditure, and require faster, near real-time disclosure. The commencement of these changes was deferred from 1 July 2026 to 1 January 2027.

States and Territories also have their own laws regulating donations, which can be more restrictive.

In New South Wales, the Electoral Funding Act 2018 (NSW) imposes caps on political donations. For the 2025 – 2026 financial year, the yearly limit for political donations or indirect campaign contributions to "a registered party or group of candidates" is AUD 8,100. It also prohibits donations from certain donors, including property developers or tobacco, liquor, and gambling industry business entities.

10. Are facilitation payments prohibited or regulated? If not, what is the general approach to such payments?

Facilitation payments are not prohibited outright but are addressed through a narrow defence to the foreign bribery offence. Under section 70.4 of the Criminal Code, the facilitation payment defence to foreign bribery applies only where the value of the benefit was of a minor nature:

the benefit was offered "for the sole or dominant purpose of expediting or securing performance of a routine government action of a minor nature"; and

as soon as practicable, the person made a record of the payment.

Despite this legal defence, the Australian Government advises individuals and companies to avoid making facilitation payments. Such payments pose significant business risks, are challenging to distinguish from bribes, and may not be permissible under the laws of other jurisdictions.

As of November 2022, the Australian Government advised the OECD that "the facilitation payment defence has not been an impediment to Australia's enforcement of the foreign bribery offence".

11. Are there any defences available to the bribery and corruption offences in your jurisdiction?

For foreign bribery, the available defences are:

- the facilitation payment defence, set out above in question 10;
- the defence under section 70.3, where written law in force governing the foreign public official expressly permitted or required the benefit to be given; and
- for the new failure to prevent foreign bribery offence under section 70.5A, a defence exists if the corporation can show they had adequate procedures in place to prevent the commission of the offence. The Australian Attorney-General's Office has published guidance on adequate procedures to prevent the commission of foreign bribery, as was required under the Crimes Legislation Amendment (Combatting Foreign Bribery) Act 2024 (Cth) (see above).

Domestic bribery and corruption offences do not have equivalent specific defences, although the general defences available under the criminal law apply.

12. Are compliance programs a mitigating factor to reduce/eliminate liability for bribery and corruption offences in your jurisdiction?

As stated in question 11 above, a complete defence exists to the offence of failure to prevent foreign bribery if the corporation can show they had "adequate procedures" in place. Adequate procedures, in effect, require corporations to establish an effective anti-bribery compliance program. The Attorney-General's Department (AGD) Guidance on Adequate Procedures states that such programs should be organised around six key elements:

- Fostering a control environment to prevent foreign bribery (which includes information on the proportionality and effectiveness of procedures)
- Responsibilities of top-level management
- Risk assessment (which includes details on due diligence)
- Communication and training
- Reporting foreign bribery
- Monitoring and review

For other offences, legislation does not provide for stand-alone mitigation based on a compliance program.

However, because corporate fault under Part 2.5 of the Criminal Code can be established through a corporate culture that tolerated non-compliance (section 123), the existence and effectiveness of an anti-bribery compliance program is directly relevant to whether liability is attributed to the company, and is also relevant to sentencing.

13. Has the government published any guidance advising how to comply with anti-bribery and corruption laws in your jurisdiction?

Other than the AGD's Guidance on Adequate Procedures (see question 10, above), the National Anti-Corruption Commission has provided guidance on how to comply with anti-corruption and bribery laws. Known as the 'Integrity Maturity Framework', it is a set of eight principles for Commonwealth agencies on how to comply with commonwealth integrity laws, practice, and procedures. Those principles are as follows:

- 1st principle: Values and codes of conduct
- 2nd principle: Integrity knowledge and performance management
- 3rd principle: Integrity policies, resources and systems
- 4th principle: Integrity risk management
- 5th principle: Prevent, detect and manage fraud and corruption
- 6th principle: Integrity in public resource management
- 7th principle: Protect people, information and assets
- 8th principle: Monitor and evaluate organisational integrity

There are also four levels of maturity to assess levels of compliance with each principle.

These levels improve the abilities of a commonwealth agency to self-assess its compliance status with anti-corruption laws. They also provide a clear roadmap for an agency on where they need to improve.

14. Are mechanisms such as Deferred Prosecution Agreements (DPAs) or Non-Prosecution Agreements (NPAs) available for bribery and corruption offences in your jurisdiction?

No. There are currently no mechanisms such as DPAs or NPAs for bribery and corruption offences in Australia. Although earlier bills in 2017 and 2019 had proposed a Commonwealth DPA scheme, the Crimes Legislation Amendment (Combatting Foreign Bribery) Bill 2023 (which became the 2024 Act and introduced the failure-to-prevent offence) deliberately did not include DPA provisions. In his second-reading speech, the Attorney-General explained that the Government did not wish to allow companies engaged in serious corporate crime to negotiate their way out of prosecution in a manner not available to ordinary offenders.

15. Does the law in your jurisdiction provide protection to whistle-blowers? Do the authorities in your jurisdiction offer any incentives or rewards to whistle-blowers?

Yes. In the public sector, the Public Interest Disclosure Act 2013 (Cth) establishes a framework for reporting suspected wrongdoing, including corruption, and provides protections for those who make public interest disclosures. Amendments that took effect in July 2023 strengthened those protections, including by expanding reprisal protections to capture indirect threats. State and Territory public interest disclosure regimes operate alongside it.

In the corporate sector, the whistleblower protection regime in Part 9.4AAA of the Corporations Act 2001 (Cth) was expanded in 2019 under the Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019. The new laws broaden who qualifies as a whistleblower, allow anonymous disclosures, permit disclosure to a regulator without first raising the matter internally, provide greater protection to whistleblowers, and require certain companies (public, large proprietary, registrable superannuation entities) to implement clear and accessible whistleblower policies.

While Australian law provides a range of protections for whistleblowers, including the possibility of criminal penalties for individuals who cause, or threaten to cause, harm to a whistleblower, it does not provide for incentives. A 2017 parliamentary committee recommended incentives in some circumstances, but this has not been adopted. Reform in this area, including a possible dedicated whistleblower protection authority, remains under discussion. In 2025, ASIC publicly emphasised the importance of effective whistleblower

handling systems and encouraged Australian companies to strengthen internal reporting, investigation, and anti-retaliation procedures.

16. Does the law in your jurisdiction enable individual wrongdoers to reach agreement with prosecutors to provide evidence/information to assist an investigation or prosecution, in return for e.g. immunity or a reduced sentence?

Yes. The CDPP may give an individual an undertaking under section 9 of the Director of Public Prosecutions Act 1983 (Cth) in respect of a Commonwealth offence: an 'inducement' that evidence given by the person will not be used against them (s 9(6) or 9(6B)), or an 'indemnity' that the person will not be prosecuted for specified acts or omissions (s 9(6D)).

Under the CDPP's National Legal Direction on Undertakings (Indemnity from Prosecution) and Offers of Assistance, such undertakings are given only where the person's evidence is necessary to secure a conviction or fully disclose the offending and is not available from other sources, and where the person is significantly less culpable than the defendant.

However, such undertakings are difficult to obtain. The CDPP indicates that relatively few cases will have the necessary features to be considered eligible.xiii It also states that indemnities are very rarely given and will generally only be provided in "exceptional circumstances". Separately, cooperation and assistance can attract a sentencing discount.

17. How common are government authority investigations into allegations of bribery? How effective are they in leading to prosecutions of individuals and corporates?

At the State level, investigations are common, particularly in NSW where the NSW Independent Commission Against Corruption (ICAC) is very active. It was established in 1988 to "protect the public interest, prevent breaches of public trust and guide the conduct of public officials in the NSW public sector". It regularly investigates such conduct and often recommends that matters be referred to the DPP for further investigation and prosecution. The DPP must independently assess whether the evidence supports charges. Because evidence obtained under ICAC's coercive powers is generally inadmissible against a defendant, a referral does not guarantee a prosecution.

A prominent example of an ICAC investigation occurred in 2021 when the sitting NSW Premier was subject to an investigation into whether she had engaged in conduct that involved a breach of public trust by exercising public functions in circumstances where she was in a position of conflict between her public duties and her private interests. In June 2023, after a lengthy investigation and several public hearings, ICAC found that the NSW Premier had engaged in serious corrupt conduct.

At the same time, ICAC announced that its investigation had been severely hampered by the failure of individuals to report the conduct and advised that it would commence an educative campaign to increase awareness among government agencies of the importance of reporting suspected corrupt conduct.

At the federal level, the NACC commenced operations in mid-2023 and has received a substantial volume of referrals and is conducting and overseeing investigations. It has, however, been subject to considerable criticism regarding its effectiveness, transparency, and its handling of high-profile cases such as the Robodebt scheme scandal. Its commissioner has faced significant criticism, leading to a finding of misconduct in 2024 for his handling of a conflict of interest in the context of the Robodebt investigation and, more recently, further allegations of misconduct in relation to his association with the Australian Defence Force. This prompted the announcement of his resignation, with his final day being 6 July 2026, two years short of his five-year term.

For foreign bribery, specifically, enforcement has been limited (see question 24), although new offences are expected to change that.

18. What are the recent and emerging trends in investigations and enforcement in your jurisdiction?

Australia has moved towards comprehensive regulation and more assertive criminalisation of corporate conduct, accompanied by a growing expectation of corporate self-regulation and management. This stemmed, in part, from the 2017 Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry, which exposed weaknesses in corporate management, investigative, and reporting practices.

The clearest example of this trend is the failure to prevent foreign bribery offence (in force from September 2024), alongside the establishment and maturing of the NACC (notwithstanding the criticisms levelled at it, and the major expansion of the anti-money laundering regime).

19. Is there a process of judicial review for challenging government authority action and decisions? If so, please describe the key features of this process and remedy.

Yes. Administrative decisions can be the subject of judicial review under both the common law or under statute, including the Administrative Decisions (Judicial Review) Act 1977 (Cth) and equivalent State or Territory legislation. Judicial review of Commonwealth decisions is also available under section 75(v) of the Constitution and section 39B of the Judiciary Act 1903 (Cth), principally for jurisdictional error.

Judicial review concerns the legality, not the merits, of a decision. Typically, this involves consideration as to whether the decision-maker had the power to make the decision, whether they followed proper processes, and whether they acted in accordance with the law.

Remedies include orders quashing or setting aside the decision, remitting it for reconsideration in accordance with the court's directions, declarations as to the rights of the parties and prerogative relief such as mandamus or prohibition.

20. Have there been any significant developments or reforms in this area in your jurisdiction over the past 12 months?

Since the last issue of this publication, developments have included the continued implementation of the NACC framework, increasing enforcement attention toward corporate compliance systems, and preparation for the commencement of Tranche 2 AML/CTF reforms affecting lawyers, accountants, real estate professionals, and other designated services.

21. Are there any planned or potential developments or reforms of bribery and anti-corruption laws in your jurisdiction?

The main planned reform, which is due to come into force, is the Tranche 2 anti-money-laundering reforms. They take effect from 1 July 2026, extending AML/CTF obligations to lawyers, accountants, conveyancers, real estate professionals, and dealers in precious metals and stones, with AUSTRAC enrolment to be completed by 29 July 2026. In addition, the electoral funding reforms commence on 1 January 2027.

22. To which international anti-corruption conventions is your country party?

Australia is a party to the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (1997, ratified 1999), the United Nations Convention against Corruption (2003), and the United Nations Convention against Transnational Organized Crime (2000). Its domestic offences seek to implement these obligations, and its enforcement is subject to periodic peer review by the OECD Working Group on Bribery (Australia being in its Phase 4 cycle).

23. Do you have a concept of legal privilege in your jurisdiction which applies to lawyer-led investigations? If so, please provide details on the extent of that protection. Does it cover internal investigations carried out by in-house counsel?

Yes. Australia recognises client legal privilege (also called legal professional privilege) at common law, and in statutory form for the purposes of evidence (for example, sections 118 and 119 of the Evidence Act 1995 (Cth) and the equivalent NSW Act). It protects confidential communications and documents brought into existence for the dominant purpose of obtaining or giving legal advice, or for use in existing or anticipated litigation. The privilege belongs to the client, and only the client can waive it.

Privilege applies to lawyer-led investigations where the dominant purpose test is satisfied, and it can extend to communications with, and documents prepared by, in-house counsel. However, a higher level of scrutiny is applied to in-house counsel, both as to the independence of the legal function and as to whether the dominant purpose was truly legal rather than commercial or administrative. Investigators, including the AFP and the NACC, must respect valid privilege claims, with disputes resolved by the court.

24. How much importance does your government place on tackling bribery and corruption? How do you think your jurisdiction's approach to anti-bribery and corruption compares on an international scale?

As signified by the passing of the 2023 Foreign Bribery Bill and the establishment of the NACC, the federal government places high importance on tackling bribery and corruption, advising the OECD in November 2022 that

it "*is strongly committed to combatting corporate crime and bribery of foreign public officials*".

Australia's approach to anti–bribery and corruption is of a comparable international standard. Australia is a signatory to the *OECD Anti-Bribery Convention*. The Phase 4 review of Australia's implementation of the Anti-Bribery Convention was completed in December 2017, and the Phase 4 follow-up was in 2019. In the 2021 addendum, the OECD noted that Australia has continued to progress with its recommendations, with only a handful still considered unimplemented. Australia's implementation was further progressed with the implementation of the failure to prevent bribery offence.

Despite this, Australia still has scope to improve its performance in tackling bribery and corruption. While Australian government agencies have the tools required to act, there have been limited results in effectively carrying out prosecutions. As the OECD noted in their most recent report, since the entry into force of Australia's foreign bribery legislation 20 years ago, only two corporate entities and six individuals have been sanctioned. The OECD considers this a low enforcement rate, particularly given the size of Australia's economy and the high-risk sectors in which Australian companies operate.

25. Generally, how serious are corporate organisations in your country about preventing bribery and corruption?

Corporate Australia is generally serious about prevention, supported by detailed governmental guidance, such as the Attorney-General's adequate procedures guidance, which provides detailed guidance on how to implement adequate procedures to prevent the commission of foreign bribery offences. In particular it details:

- Responsibilities of top-down management – which includes overseeing the development of anti-bribery codes of conduct, eliminating inappropriate incentives, as well as promoting and raising awareness of the organisation's program
- Communication and training – which includes it being provided continuously to all organisation employees
- Reporting foreign bribery – which includes whistleblower protections as well as timely and appropriately conducted reporting procedures

26. What are the biggest challenges corporate entities face when investigating bribery and corruption issues?

A lack of resources or internal infrastructure can limit a company's ability to conduct due diligence and to monitor and investigate the conduct of third parties, for which the Australian entity may ultimately be held accountable.

Depending on the size of the entity and the complexity of the issues involved, businesses must have the capacity to properly resource an investigation. External assistance may be required; independent counsel and legal advice can be advisable to ensure the impartiality of the investigation and, depending on the complexity of the money flows, forensic accountants may be beneficial.

Cross-border conduct adds further difficulty: diverse laws and languages, the risk of liability arising in multiple jurisdictions, the management of legal professional privilege across borders, and the preservation and review of what are likely to be large volumes of electronic evidence all need to be managed carefully.

27. What are the biggest challenges enforcement agencies/regulators face when investigating and prosecuting cases of bribery and corruption in your jurisdiction? How have they sought to tackle these challenges? What do you consider will be their areas of focus/priority in the next 12-18 months?

A longstanding challenge is attributing criminal responsibility to corporate actors.

In the Australian Law Reform Commission report on Corporate Criminal Responsibility, it was noted that corporations are most often prosecuted for only minor regulatory offences, smaller corporations are more likely to be prosecuted than larger corporations, and prosecutors withdraw a significantly higher number of charges against corporations than against individuals for corporate crimes. The report found that the complex mechanisms for attributing criminal responsibility to corporations under federal law pose real difficulties for prosecution. The inadmissibility of compelled evidence and the challenges of gathering evidence across borders compound the problem.

As in recent years, we see that a key area of focus will be progressing investigations and commencing prosecutions for foreign bribery and corruption offences.

In October 2025 the Australian Federal Police (AFP) announced the establishment of Taskforce Solaris, a dedicated multi-disciplinary team to prevent, detect, and investigate foreign bribery and grand corruption, reflecting an increased enforcement focus on complex international corruption matters.

28. How have enforcement agencies/regulators in your jurisdiction sought to address the challenges presented by the significant increase of electronic data in either investigations or prosecutions into bribery and corruption offences?

The authorities in Australia have not made any comment about the challenges of electronic data in relation to the investigation or prosecution of bribery and corruption offences.

29. What do you consider will be the most significant bribery and corruption-related challenges posed to businesses in your jurisdiction over the next 18 months?

One of the biggest corruption-related challenges businesses will face in the next 18 months is the effective development and implementation of practices and procedures in response to the changed legislative landscape. The broadened foreign bribery offence and the new failure-to-prevent offence significantly expand the conduct that may be caught and increase the exposure of any business with operations or counterparties outside Australia. Because a company can be held directly liable for the foreign bribery of its associates unless it can demonstrate adequate procedures, businesses will need to implement, document, and test anti-bribery procedures promptly.

In parallel, newly regulated professions must finalise their preparation for the Tranche 2 anti-money-laundering obligations that commence on 1 July 2026, and entities engaged in the political process will need to adjust to the forthcoming electoral funding reforms.

30. How would you improve the legal framework and process for preventing, investigating and prosecuting cases of bribery and corruption?

Introducing a Commonwealth deferred prosecution agreement scheme would help align Australia with comparable jurisdictions such as the United States and the United Kingdom, and could encourage self-reporting, cooperation, and corporate self-governance while improving the efficient resolution of complex matters.

In addition, adopting in full the Australian Law Reform Commission's 2020 recommendations on simplifying the attribution of misconduct to corporations would address a key obstacle to effective enforcement. Strengthening the whistleblower framework, and ensuring enforcement agencies are adequately resourced to bring matters under the new foreign bribery regime, would further improve outcomes.

Contributors

Dennis Miralis
Principal of NGM, International Criminal Defence Lawyer
dm@ngm.com.au

Dr. Emma Collins
Special Counsel – International Criminal Law
ejc@ngm.com.au

Henry Yu
Senior Lawyer
hy@ngm.com.au

Richard Boesel
Senior Lawyer
rtb@ngm.com.au