

Adequate Procedure Guide – Supporting Resources

The *Crimes Legislation Amendment (Combatting Foreign Bribery) Act* 2024, came into force on 8 September 2024, making some significant updates to Australia's foreign bribery laws. Notably, the reforms introduced a new corporate offence of failure to prevent bribery of a foreign public official. The legislation mandates the Attorney-General to [publish guidance material](#) on what steps corporations can take to prevent an associate from bribing foreign public officials within 6 months.

A business will be able to assert a defence to the failure to prevent offence if it can establish that they had "adequate procedures" in place for preventing foreign bribery. The Attorney General's Department (AGD) has released an [Adequate Procedure Guide](#), setting out key principles that will assist corporations to satisfy the necessary elements of the adequate procedures defence.

This document is intended to be used as a companion piece to the Adequate Procedure Guide – providing quick access to practical resources to support businesses applying the adequate procedure principles in practice.

Adequate Procedure Principle	Supporting Resource
1. Fostering a control environment to prevent foreign bribery	<ul style="list-style-type: none"> ▪ Are your anti-bribery procedures adequate?
2. Responsibilities of top-level management	<ul style="list-style-type: none"> ▪ The tone set from the top
3. Risk assessment	<ul style="list-style-type: none"> ▪ Risk Assessments ▪ Inherent factors to consider in your bribery risk assessment ▪ Effective third party due diligence for small and medium enterprises
4. Communication and training	<ul style="list-style-type: none"> ▪ Training and Communication ▪ Train employees to prevent and address bribery and corruption
5. Reporting foreign bribery	<ul style="list-style-type: none"> ▪ Reporting ▪ Guide to establishing a whistleblower policy ▪ The business case for speaking up ▪ Australian Federal Police self-reporting guide for companies
6. Monitoring and Review	<ul style="list-style-type: none"> ▪ Practical guidance to monitoring and testing the effectiveness of compliance programs

Additional guidance and a checklist for anti-corruption programs is available here: [Adequate Procedures under Australia's foreign bribery regime](#)