

Bribery Bill 2012
Third Reading approved

1. Mr Crowe to move:

That the Bribery Bill 2012 be read a third time and do pass.

The President: We now move to the Bribery Bill for Third Reading. I call on Mr Crowe.

Mr Crowe: Thank you, Madam President.

I am grateful to Hon. Members for their support for the Bill through the First and Second Readings and throughout the clauses stage. In moving the Third Reading, I propose to summarise the purpose of the Bill and underline a few key points relating to it.

Madam President, the Department of Home Affairs has promoted this Bill with a threefold purpose: firstly, to criminalise action, inaction or other activities amounting to the offering or acceptance of bribes, whether in business and commerce or by public officials; secondly, by so doing to ensure there is a level playing field for the conduct of business and commerce by virtue of the fact there is no doubt it is illegal to seek or gain advantage through bribery, rather than free and fair trading relationships; thirdly, the international community expects high standards and the Island is committed to promoting open, transparent and modern relationships within the legislative framework fit for the 21st century.

The Department based this Bill on the UK's Bribery Act 2010, because it represents developing best practice and it will mean Island businesses and those from the UK will be doing business with one another, following similar legislation in this matter. In preparing this Bill, the Department took into account responses to the consultation and the response of the OECD in particular.

Accordingly, the Bill contains three provisions from the Corruption Act 2008, which require a public official to report bribery or attempted bribery, and the associated offences of failing to do so and of interference with any person who fulfils or attempts to fulfil their duty.

During the clauses stage, there was some discussion around the subject of whistleblowing. Clauses 13, 14 and 15 deal with this matter and provide specific legal protection for the public official who reports bribery.

One other issue was the period of 21 years within which a prosecution for an offence under this Act must be brought. Whilst this is a long time, it was recognised that there are many serious offences where there is no limitation of time. It was accepted that 21 years was, in all the circumstances, an appropriate period of time within which to bring a prosecution for an offence.

Finally, Madam President, in the event this Bill is approved and passes today, the Department will prepare guidance material to assist commercial organisations in preparing procedures designed to prevent persons associated with them from being involved in bribery offences.

Madam President, I move that the Third Reading of the Bribery Bill 2012 be approved and the Bill do pass.

Mr Braidwood: I beg to second and reserve my remarks.

The President: The Hon. Member, Mr Butt.

Mr Butt: Thank you, Madam President.

I would just like to support the Third Reading of this Bill. Once again, it is one of many Bills that we have had recently where we are being kept up to date with international standards, and this is another Bill that actually shows that we do maintain our standards as high a level as anywhere else. That is very important for us.

I would like to congratulate the mover of the Bill for his presentation, in particular last week, which I was not able to respond to – his amazing anticipation of my question over section 323 of the Criminal Code and him having a ready response to that. That was a truly impressive piece of work! I think his response showed what lovely language was used in the Bills of those days.

So I will support Third Reading, Madam President.

The President: The mover to reply.

Mr Crowe: Thank you, Madam President.

I thank Mr Braidwood for seconding the Third Reading.

I thank Mr Butt for supporting the Bill and for his praiseworthy comments about my anticipating the questions. It is interesting, in Legislative Council, how we are usually get some debate on these Bills or more

debate than probably another place. So it is interesting to try and anticipate where the questions will come from and it involves sometimes more research in the background to the Bill, which is very good because it puts the onus on the mover to have the information at the fingertips.

Having said that, I did have a standby, Mr Tom Bateman, Legislation Manager at the Department of Home Affairs, and I thank him for that.

I also put on record the Hon. Minister, Mr Watterson, for being here to listen to the Third Reading, so he will be pleased too, I am sure, that this will now hopefully pass its Third Reading.

So with those comments, Madam President, I beg to move.

The President: The motion is, Hon. Members, that the Bill be read a third time and do pass. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.