

TRANS-PACIFIC PARTNERSHIP AGREEMENT

CHAPTER SUMMARY: TRANSPARENCY AND ANTI-CORRUPTION

The Transparency and Anti-corruption Chapter promotes greater transparency in the making and implementation of laws, regulations and government decisions.

A first for Australia in a trade agreement, this Chapter also contains provisions on anti-corruption measures, reflecting our commitment to combatting corruption and bribery in the region.

The Chapter will provide greater transparency and certainty to Australian individuals and businesses seeking to trade and invest in other TPP Parties.

MORE INFORMATION ON THE CHAPTER

Transparency

The Chapter requires TPP Parties to ensure that their laws, regulations, procedure, and administrative rulings of general application regarding any matter covered by the TPP are made publicly available. To the extent possible, TPP Parties are also required to provide:

- advance publication of any measure proposed for adoption; and
- interested persons and other TPP Parties with opportunities to comment on proposed measures.

The Chapter provides clear guidance for administrative proceedings that are initiated concerning any measures relevant to the TPP. Parties are required to provide notice of, and information about, the proceeding to directly affected persons from other TPP Parties, and afford those persons the opportunity to present facts and arguments in support of their positions on the issue. TPP Parties must also provide for judicial, quasi-judicial or administrative tribunals or procedures that enable parties to a proceeding to apply for review of a decision.

TPP Parties are required to give information to each other in the event that they consider a proposed or actual measure could affect another TPP Party's interests under the TPP.

Anti-corruption

The Chapter acknowledges TPP Parties' resolve to combatting bribery and corruption in international trade and investment. Parties undertake to become parties to the *2003 United Nations Convention against Corruption*.

The Chapter provisions will sit alongside TPP Parties' existing obligations under the *Convention Against Transnational and Organized Crime*, *Convention on Combating Bribery of Foreign Public Officials in International Business Transactions* and the *Inter-American Convention Against Corruption*.



The Chapter recognises that public and private sectors both have a role to play in addressing corruption and bribery, and TPP Parties reaffirm their commitment to adhere to the *APEC Conduct Principles for Public Officials* and encourage observance of the *APEC Anti-corruption Code for Business: Business Integrity and Transparency Principles for the Private Sector*.

The Chapter requires Parties to have domestic provisions which criminalise (and appropriately sanction) corrupt behaviour when committed intentionally and if that behaviour affects trade or investment.

The Chapter requires Parties to adopt and maintain measures regarding the maintenance of books and records, financial statement disclosures and accounting and auditing standards to further guard against corruption. Parties are also encouraged to consider adopting whistle-blower's protection laws.

The Chapter encourages Parties to promote integrity, honesty and responsibility among its public officials and to adopt a range of related measures, including:

- training of individuals in public positions considered especially vulnerable to corruption;
- promoting transparency amongst officials in the exercise of their public functions; and
- requiring senior and other public officials to make public declarations on relevant matters including their outside investments, assets or gifts received.

The Chapter encourages Parties to promote the active participation of individuals and organisations (such as civil society groups and community based organisations) in fighting corruption in matters affecting trade or investment.

The Chapter encourages Parties to support companies, taking into account their structure and size, adopting internal controls and measures to prevent corruption affecting trade and investment.

The TPP Dispute Settlement Chapter applies to most of the provisions of the Transparency and Anti-corruption Chapter, when a Party considers that a measure of another Party does not meet its obligations under those provisions, or that another Party has failed to carry out its obligations, in a manner affecting trade or investment between Parties.