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the legal profession

**International Bar Association  
Anti-Corruption Committee**

**Submission to the Australian Attorney General's  
Department on Proposed Amendments to the  
Foreign Bribery Offences in  
The Criminal Code Act 1995**

**26 April 2017**

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# International Bar Association Anti-Corruption Committee

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### 1 Introduction

#### 1.1 *International Bar Association*

- (a) The International Bar Association (**IBA**) is the global voice of the legal profession and includes over 80,000 of the world's leading lawyers and 190 Bar Associations and Law Societies worldwide as its members.
- (b) The IBA has had a longstanding interest in, and advocacy of, issues concerning transparency and probity in the public and private sectors and steps that countries around the world can take to combat foreign bribery and corruption and serious financial crime. Critical to this work is the manner by which governments consider and respond to suggested legislative reforms to update national laws to target the ever-changing environment of serious corporate crime.

#### 1.2 *IBA Anti-Corruption Committee*

- (a) The IBA's Anti-Corruption Committee (the **Committee**) draws its members from around the world made up of anti-corruption lawyers (in private practice and in the public sector), academics, prosecutors, investigators, judges and forensic accountants with legal qualifications. This membership gives the Committee a unique opportunity to comment upon important initiatives that affect anti-bribery and anti-corruption laws, policies and how they are implemented and enforced around the world and in particular countries.
  - (b) The Committee has established a working group to review the Public Consultation Paper dated April 2017 issued by the Australian Government Attorney General's Department (**AGD**) entitled *Proposed Amendments to the Foreign Bribery Offence and The Criminal Code Act 1995* (the **Consultation Paper**). Members of the working group are listed in Annexure A to this submission.
  - (c) The Committee is pleased to make this submission.
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### 2 Proposed Foreign Bribery Offence Amendments

#### 2.1 *Introduction and Recommendations*

- (a) For the reasons and subject to the comments set out in this submission, the Committee broadly supports the proposed amendments to the Foreign Bribery offences currently set out in the *Criminal Code Act 1995* (Cth) (the **Criminal Code**).
- (b) The Committee makes the following recommendations for consideration by the AGD for the proposed legislative amendments:

- (i) **Recommendation 1** – the definition of “foreign public official” be extended to capture candidates for public office;
- (ii) **Recommendation 2** – while the change from “not legitimately due” to “improperly influencing” a foreign public official in the foreign bribery offences is a welcome improvement, the Committee considers the preferable course is to adopt the alternative proposal and to use the well-established concept of “dishonesty” as the qualifying test;
- (iii) **Recommendation 3** – the new proposed offence of bribery for a personal advantage be adopted;
- (iv) **Recommendation 4** – the new proposed offence of foreign bribery based on recklessness be adopted;
- (v) **Recommendation 5** – the new corporate offence of failing to prevent foreign bribery be adopted subject to further consideration be given to the definition of an “associate”, reflecting the definition of “associated person” under section 8 of the UK Bribery Act 2010 (the **Bribery Act**);
- (vi) **Recommendation 6** – further consideration be given to the extent of a foreign public official acting “in their official capacity” consistent with the Bribery Act;
- (vii) **Recommendation 7** – the proposed amendment dealing with the receipt or obtaining of business or an advantage by another person be adopted; and
- (viii) **Recommendation 8** – the proposed amendment noting there need not be a specific business or advantage intended to be secured (by the bribe) be adopted.

## 2.2 **Extended Definition of a “Foreign Bribery Official”**

- (a) The Crimes Legislation Amendment Bill 2017 Exposure Draft (the **Draft Bill**) proposes to extend the definition of a foreign public official to include a “candidate for office”, which is consistent with the anti-bribery provisions of the US *Foreign Corrupt Practices Act (FCPA)*.
- (b) This extension of the existing definition is not however, reflected in, for example, the definition of “foreign public official” under the UK *Bribery Act 2010* (the **Bribery Act**). In looking at the section 1 offence under the Bribery Act, a person who made a payment to a candidate for office could be prosecuted if it could be proved, for example, that the payer offered, promised or gave a financial or other advantage to another person and intended the advantage to induce a person to improperly perform a relevant function. However, the section 1 offence under the Bribery Act, unlike the section 6 offence, relies on evidence from a foreign state concerning a recipient's functions which might be difficult to obtain. Much of the success of a prosecution would depend upon the available evidence.
- (c) The Committee agrees with the proposed amendment on the basis that, while legitimate donations to candidates are and should be permissible (subject to any laws concerning donations including those covering the disclosure of donations), the offence would be made out if the prosecution could show that a benefit was provided, offered or promised to, and improperly influenced (assuming that term is enacted) the candidate in order to obtain or retain business or an advantage.

## 2.3 “Improperly Influencing” a Foreign Public Official

- (a) It is proposed that the term “not legitimately due” be removed from the Criminal Code and replaced with the concept of “improperly influencing” a foreign public official. This is said to be because there are challenges in showing that the benefit offered/provided/promised (the bribe) and the business advantage sought was “not legitimately due”, particularly where payments are disguised as legitimate business transactions. It is noted that other significant countries with foreign bribery laws, including the US, the UK, Canada and New Zealand do not require a benefit (that is, the bribe) or a business advantage to be “not legitimately due”.
- (b) In the US, the FCPA anti-bribery provisions require that a defendant act corruptly, and that for a payment to be made corruptly, the person must intend to induce the recipient to “*misuse his official position*”. Relevant US Senate and House Congressional review reports for the original 1977 legislation noted that for a payment to be made corruptly, the defendant must have an “*evil motive or purpose*”<sup>1</sup>. The US Supreme Court has held that an act is corruptly done if done voluntarily and intentionally, and with the purpose of accomplishing either an unlawful end or result, or a lawful end or result by some unlawful method or means. The term “corruptly” is intended to note that the offer, payment or promise was intended to induce the recipient to misuse his official position<sup>2</sup>.
- (c) In the Committee’s experience, proving corrupt intent as set under US law raises many of the challenges Australian prosecutors currently face in enforcing the foreign bribery offences under the Criminal Code. This is particularly so in obtaining relevant evidence from jurisdictions outside Australia to establish this element. However, given the Deferred Prosecution Agreement regime in the US, and despite a similar problem confronting the US authorities, the majority of cases in the US are settled and these concepts are rarely if even litigated with judicial judgments following. In terms of whether influence is “improper”, the criteria listed in the Draft Bill at section 70.2B are similar to the types of factors prosecutors in the US consider when determining whether a defendant acted with a corrupt intent.
- (d) In the UK under the Bribery Act, the bribery of foreign public officials can be prosecuted:
- (i) either under section 1, which requires evidence of improper performance of the official's public functions; or
  - (ii) under section 6, which is intended to be more straightforward, simply requiring evidence of the offer, promise or giving of an advantage with the intention of:
    - (A) influencing the official in their capacity as a foreign public official; and
    - (B) to retain business or an advantage in business.

The section 6 offence, requiring an intention to influence, was deliberately drafted with no requirement to prove impropriety. Rather, it has to be proved that the official was not

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<sup>1</sup> Senate Rep No 95-114, at 10 (1977), reprinted in 1977 U.S.C.C.A.N 4098, 4108 and H.R. Rep No 95-640 at 7-8 (1977).

<sup>2</sup> *Bryan v United States*, 118 S.Ct. 1939, 1945 (1998), noting that *Bryan* was not an FCPA case.

permitted by written law to be influenced by the advantage. This can be evidenced by a suitable qualified expert on foreign law.

- (e) Under the Criminal Code, it appears accepted that the concept of “not legitimately due” is problematic. It has proved from experience to be a difficult concept for prosecutors to establish and the requirement to obtain evidence, from the relevant offshore jurisdiction, of the duties of the official to determine whether the benefit is or is not legitimately due in circumstances where international cooperation might not be forthcoming, might be delayed or might be the subject of some political debate in the foreign country, has and continues to cause problems in this area. The Committee supports the move away from requiring evidence of fact from the jurisdiction to which the official belongs as a relevant test to determine whether or not a benefit was due or to use the proposed terminology, the extent to which the official may or may not have been improperly influenced.
- (f) However, the Committee has some concerns as to whether the concept of “improperly influencing” a foreign public official is the appropriate test and whether it will resolve the prosecutor’s problems in establishing the necessary proof in foreign bribery cases. Under section 1 of the Bribery Act, where the conduct is improper, it is measured by reference to UK expectations of functions that the bribe recipient is expected to perform in good faith, impartially or arising from a position of trust. There is no requirement to prove that anything is improper for the purposes of the section 6 offence. The approach to “improper” in the Draft Bill is different. Rather than identifying the expected behaviour and the measure of breach as the Bribery Act does, whether the conduct is to be identified as “improperly influencing” is dependent upon the benefit offered to the foreign public official. The Draft Bill therefore sets out a non-exhaustive list of factors (in the Draft Bill, section 70.2B(3)), the presence or absence of which the court can take into account when determining whether or not there has been improper influence. Ultimately, whether or not any of the identified factors are present or not in a particular case, a court must determine the question without any statutory definition of that word.
- (g) The alternative approach, noted in the Consultation Paper, is to look at whether the conduct was objectively dishonest and whether subjectively, the defendant knew the conduct was dishonest. While the Bribery Act eschews the idea that offences of bribery and corruption are offences of dishonesty, the concept of dishonesty applies in a range of other domestic criminal offences. The concept of dishonesty is known and understood in Australian criminal law as recognised in the Consultation Paper and by the High Court of Australia<sup>3</sup>.
- (h) The use of the word “dishonest” in theft and other legislation resulted in much jurisprudence as to its meaning: whether it has a specialised meaning or has its normal English meaning<sup>4</sup>. The need to eradicate bribery of foreign public officials cannot, and must not, be left to the ultimate – and potentially time delaying – determination of the High Court or some other

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<sup>3</sup> *Peters v R* (1998) 192 CLR 493 at 504.

<sup>4</sup> For example, see and consider the approaches in *R v Feely* [1973] 1 QB 530; *R v Salvo* [1980] VR 401; *Petres v R* (1998) 192 CLR 493.

superior court. The Criminal Code resolved the problem concerning “dishonest: by adopting the *Ghosh* test in section 130.3 of the Code.

- (i) The Criminal Code definition of dishonesty is well understood and encompasses both a subjective and an objective test. Whilst it can be accepted that some conduct will have been carried out with the intention of obtaining a benefit for a business (for example a normal dinner at a restaurant), it does not follow that it was done with an ulterior or improper intention. However, a dinner at a very expensive restaurant with rare and expensive wines may not lead to a similar conclusion. The concept of “dishonest” as defined in the Criminal Code permits a trier of facts to make a well informed decision with respect to such factual situations. Ultimately, whether the test is one based on “dishonest” or “improperly”, result may not differ but the adoption of the former test (already defined in the Criminal Code) removes the possible unintended results of the curial process.
- (j) A further concern is that there appears to be two considerations within the non-exhaustive list of factors which include:
  - (i) the absence of a legal obligation to provide the benefit (section 70.2B(3)(e)); and
  - (ii) whether the conduct would be contrary to a written law in the place where it occurs (section 70.2B(3)(i)).
- (k) The potential consequence of including what may be described as “legality” factors amongst a list of many may mean that the presence (or absence) of other factors could be adjudged to outweigh the “legality” factors and lead to findings that the provision of an advantage pursuant to no legal obligation, payment and receipt of which would be contrary to the written laws in the country concerned, could still fall short of “improperly influencing”. The Committee is concerned that this concept has the potential, until resolved at an appellate level, or ultimately by the High Court of Australia, to cause confusion and uncertainty as to what does or does not constitute “improper influencing” a foreign public official.
- (l) A further factor is whether the criteria in the Draft Bill, section 70.2B(3)(d), referring to the value of the benefit being disproportionate to the value of any consideration should be included. This factor appears designed to address and capture “the larger payment” (the bribe). However, smaller payments with less “disproportion” make escape sanction. Besides the question of against what or whose standard the question of value is determined (as against an Australian yardstick of value or the yardstick or value to a person in the country concerned), surely the better view is that a bribe is a bribe, no matter its size, and no bribe of any amount should be countenanced, whether small, medium or large in value irrespective of its relationship to the consideration.
- (m) While there is some difference of opinion amongst members of the working group, the Committee agrees that the concept of “not legitimately due” should be amended, and that on balance, while the notion of “improperly influencing” has its attractions, the more settled concept of “dishonesty” in Australian criminal law should be favoured.

#### **2.4 *Bribery to Obtain a Personal Advantage***

- (a) The Draft Bill proposes to create an offence where the bribe is offered, paid or given to the foreign public official in order to obtain a personal advantage. This could include, as the Consultation Paper notes, where a foreign official is improperly influenced in the bestowal of

personal titles or honours or in the processing of visa or immigration requests. The Consultation Paper also notes that if the offence is extended, the existing defences would be available and the Commonwealth Director of Public Prosecutors (**CDPP**) would retain a discretion under the Commonwealth Prosecution Policy to prosecute matters which are or are not in the public interest.

- (b) The Committee supports this proposed amendment to the Draft Bill as a sensible extension of liability to ensure that there is a prohibition of payment of bribes to foreign public officials for personal as well as business purposes.

## **2.5 New Foreign Bribery Offence Based on Recklessness**

- (a) Traditionally, the foreign bribery offence in section 70.2 of the Criminal Code has required the prosecution to establish intention, both for the conduct of providing or promising a benefit and for influencing a foreign public official. The question arises whether an offence should be created based upon recklessness; that is, where a person is reckless as to whether that conduct would improperly influence (assuming that terminology is enacted) a foreign public official in relation to obtaining or retaining business or an advantage. Similar recklessness offences exist for money laundering and false accounting offences in Divisions 400 and 490 of the Criminal Code. These offences include both intention and recklessness (while the money laundering offences also include as an additional head of liability, negligence).
- (b) In the US, the FCPA does not make a distinction between intentional and reckless bribery of a foreign public official. In the US, it is generally the combination of relevant knowledge and corrupt intent that distinguish the heightened and culpable “knowing” state of mind from the lesser standards of “recklessness” or “negligence” which are generally left to civil or regulatory sanction<sup>5</sup>. In the US, in order to prosecute defendants who acted with wilful blindness, the prosecutors have imputed corrupt intent to defendants who take deliberate actions to avoid confirming a high probability of wrongdoing<sup>6</sup>.
- (c) In the UK, the Bribery Act does not criminalise recklessness in relation to the payment of bribes. It does criminalise the receipt of bribes in certain circumstances regardless of whether the recipient knows or believes that they would be performing a relevant function improperly but otherwise there is a requirement to prove intention. In the UK, it is generally considered by experienced members of the Committee that the section 7 corporate offence of failure to prevent bribery has acted as a significant deterrent to the payment of bribes and has encouraged greater vigilance and ethical compliance rather than any attempt to provide a lesser standard of reckless conduct to create criminal liability<sup>7</sup>. The question remains whether prosecutors will continue to pursue individuals as well as companies, particularly if a company succeeds in securing a DPA (assuming the proposed DPA scheme for Commonwealth offences is introduced). There has been criticism in the UK with the

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<sup>5</sup> See *Global-Tech Appliances In Et al, v SEB*, S.A. 131 S.Ct 2060 (2011).

<sup>6</sup> See *United States v Kozeny*, 667 F.3d 122 (2011).

<sup>7</sup> A good example of the practical steps taken by a company, after discovery illegal conduct, is set out in the DPA judgment by Sir Brian Leveson in *Serious Fraud Office v Roll-Royce Plc* dated 17 January 2017, Case U20170036 at [43] to [47].

Standard Bank DPA that no individuals were prosecuted. This may change with subsequent DPAs as the UK Serious Fraud Office have ongoing investigations open against a range of individuals. Ultimately, it must be remembered that no corporation can commit bribery offences without the actions of real persons. Thus, to deter corporate offending it is necessary to first deter the individual.

- (d) The Committee generally accepts and supports the proposed new offence of recklessness in bribing a foreign public official. However, it remains to be seen the extent to which such an offence will be used if the proposed corporate offence of failing to prevent foreign bribery is enacted and acts as a catalyst for a change in corporate compliance culture in Australia as occurred in the UK.

## **2.6 New Corporate Offence for Failing to Prevent Foreign Bribery**

- (a) The Draft Bill proposes a new corporate offence of failing to prevent foreign bribery. A company would be automatically liable for the bribery of its employees, contractors and agents, including those who might operate overseas except where the company can show it had a proper system of internal control and compliance in place to prevent such conduct. This offence is based on the section 7 offence in the Bribery Act. The Draft Bill makes it a requirement that the Minister for Justice publish “guidance” on the steps companies can take to prevent its employees, agents and contractors (or others generally defined as “associates”) from engaging in foreign bribery.
- (b) It is the Committee’s experience that the section 7 corporate offence in the Bribery Act has been the most successful feature of that legislation. It has come very close to creating a positive obligation on companies to ensure that they devise and maintain adequate procedures in place to prevent bribery.
- (c) The introduction of such an offence was supported by the Committee in its submission to the Senate Economics Reference Committee reviewing Australia’s foreign bribery laws in August 2015<sup>8</sup>. The Committee maintains its support for the introduction of such an offence.
- (d) The Draft Bill requires the Minister of Justice to issue guidance. There are a number of sources of guidance which are presently available to companies to devise and maintain an appropriate compliance program. They include the following:
  - (i) UK Ministry of Justice *Guidance* under the UK Bribery Act (published in 2010);
  - (ii) US Department of Justice (**DOJ**) *Sentencing Guidelines*;
  - (iii) US DOJ and the Securities and Exchange Commission *A Resources Guide to the US Foreign Corrupt Practices Act* (published 2012);
  - (iv) the OECD, UNODC and World Bank *Anti-Corruption Ethics and Compliance Handbook for Business* (published 2013);

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<sup>8</sup> Amended Submission to Australian Senate Economics Reference Committee on Australia’s Foreign Bribery Laws, pages 43 and 44, sections 4.14(a) to (e).

- (v) Transparency International *Countering Small Bribes: Principles and Good Practice Guidance* (published 2014);
  - (vi) the ISO 37001 standard on Anti-Bribery Management Systems (published 2016); and
  - (vii) the US DOJ Evaluation of Corporate Compliance Programs (published 2017).
- (e) The Committee considers that any guidance published by the Minister in accordance with the Draft Bill should be a guidance that draws upon the existing material publicly available. This guidance should make it clear that there are a number of sources of guidance as to what constitutes adequate procedures in a defence to a corporate bribery offence, and that companies should be encouraged to look at and consider all of them and determine which risk-based framework the most suitable for their business and their business operations.
- (f) The new offence is predicated upon a company committing an offence if “an associate” engages in conduct that constitutes the offence of intentional or reckless bribery of a foreign public official (the primary offences). An “associate” (in the proposed section 70.1 definition) is one of the following:
- (i) an employee, agent or contractor of the other person (the company);
  - (ii) a subsidiary of the other person (within the meaning of the Corporations Act 2001 (Cth) (**Corporations Act**);
  - (iii) is controlled by the other person (within the meaning of the Corporations Act); or
  - (iv) otherwise performs services for or on behalf of the other person (the company).
- (g) There is no reason why such an offence should be limited to corporations. It is not only corporations that do and will bribe or seek to bribe foreign public officials. Once this is recognised, it can be seen that the definition of “associate” appears potentially narrow and it might, in the Committee’s opinion, fail to capture indirect conduct or conduct, for example, of an individual or unincorporated association. These issues were addressed in the definition of an “associated person” under section 8 of the Bribery Act, to apply to the section 7 corporate offence. The issue should not, in the Committee’s opinion, be determined solely by reference to the nature of the relationship, whether by example or an exclusive list (as the proposed definition purports to do). Rather, the question of whether the payer of the bribe performs services on behalf of a company should be determined by reference to all the relevant circumstances<sup>9</sup>.

## **2.7 Foreign Official Acting “in their official capacity”**

- (a) The Draft Bill proposes that the foreign bribery offence remove the requirement that the foreign public official be influenced to act in their official capacity. This recognises that

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<sup>9</sup> See M Raphael QC *Bribery: Law and Practice*, Oxford University Press 2016, pages 65 and 66.

foreign public officials can be bribed to act outside their official duty to secure business or an advantage and that otherwise officials may seek to act beyond their official scope of their work. The current law requires the prosecution to investigate and establish the scope of duties and, invariably, this relies upon evidence from a foreign jurisdiction which can be difficult and/or time consuming to obtain.

- (b) The formulation in section 6(4) of the Bribery Act deals with this issue and reads as follows:

*“references in this section to influencing [a foreign public official] in [their] capacity as a foreign public official include:*

*(a) any omission to exercise those functions; and*

*(b) any use of the [foreign public official’s] position as such an official, even if not within [their] authority.”*

This wide definition permits prosecution without evidence of fact from the jurisdiction concerned as to the precise scope of the official’s duties.

- (c) The Committee considers that an extension of the definition of the foreign public official’s capacity along the lines of the Bribery Act might be preferable rather than the omission as is currently proposed. It will be desirable and presumably unintended, for example, for the offence to be extended to criminalise the payment of bribes to someone who is a foreign public official where the bribe related to a wholly personal or business matter, independent of their public office. The Committee believes that caution should be exercised to ensure that the criminal nature or otherwise of the bribe in a personal or business matter does not depend on the status of the recipient as a public official or private individual.

## **2.8 The Receipt or Obtaining of Business or an Advantage**

- (a) The Draft Bill proposes to clarify the extent to which business or a business advantage can be obtained or secured for another person.
- (b) The Committee supports the proposed clarification in the Draft Bill.

## **2.9 Specific Business Advantage**

- (a) The Draft Bill proposes that the prosecution does not have to prove that the accused had to have a specific business or advantage in mind. In other words, the offence would cover situations where a person is, for example “currying favour” with the intention that a foreign public official would assist in providing an unspecified, undue or improper advantage in the future.
- (b) The Bribery Act says very relatively little about the business or business advantage element of the section 6 offence; merely that the payer must intend to obtain or retain business or an advantage in the conduct of business. It is considered that the latter phrase “an advantage in the conduct of business” is sufficiently wide to encompass the payment of bribes to “curry favour”.

- (c) The Committee supports the proposed recommendation in the Draft Bill to make it clear that the payer does not need to intend to obtain or retain any specific business or a business advantage.
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### **3 Other Matters**

#### **3.1 *OECD Anti-Bribery Convention***

- (a) The Committee has noted the comments in the Consultation Paper in relation to the OECD Anti-Bribery Convention.
- (b) The Committee, on the basis set out in the submission, supports the proposed amendments as being consistent with the scope and purposes of the Convention.

#### **3.2 *Consequential legislative amendments***

- (a) The Consultation Paper has noted that if the Draft Bill is enacted, consequential amendments may be required across other relevant Commonwealth laws. In particular, the *Income Tax Assessment Act 1997* and other provisions in the Criminal Code are noted.
- (b) The Committee supports any necessary consequential amendments to give proper effect to the intent and purpose underlying the Draft Bill and the proposed amendments to the existing Foreign Bribery offences and the proposed new offences.
- (c) The Committee has noted the terms of the proposed *Crimes Legislation Amendment (Powers, Offences and Other Measures) Bill 2017* together with the Explanatory Memorandum to that Bill. In particular, the Committee has noted the proposed increase in maximum penalties for breaches of the general dishonesty offences in sections 135.1(1), (3), (5) and (7) of the Criminal Code from 5 years imprisonment to 10 years imprisonment. The Committee supports this move to address the inconsistency between penalties for similar types of conduct in the Criminal Code.

**ANNEXURE**

**MEMBERS OF IBA ANTI-CORRUPTION COMMITTEE**

**WORKING GROUP ON SUBMISSION TO AUSTRALIAN ATTORNEY GENERAL  
ON PROPOSED AMENDMENTS TO THE FOREIGN BRIBERY OFFENCES  
UNDER THE CRIMINAL CODE ACT 1995**

NAME	POSITION & EMPLOYMENT	EXPERIENCE
Mr Robert R Wylde	Former Co-Chair, IBA Anti-Corruption Committee (ACC)  Partner, Johnson Winter & Slattery, Sydney Australia	Practised in bribery and corruption and economic crime cases for over 25 years in Australia, the Asia-Pacific region, the Middle East and South America. Author of numerous texts published in London and Germany on Australia's anti-corruption laws and compliance practices
Mr Brind Zichy-Woinarski QC	Barrister, Victorian Bar, Melbourne Australia	Barrister with over 40 years' experience in criminal law and economic crime cases, former Chairman of the Criminal Bar Association of Victoria, former Chairman of the Ethics Committee of the Victorian Bar and Consultant Editor to <i>Criminal Law, Investigation and Procedure Victoria</i>
Mr James Tillen	Former Co-Chair, IBA ACC  Partner, Miller & Chevalier, Washington DC, USA	Mr Tillen has over 15 years' experience advising clients on FCPA issues and representing clients before the DOJ and SEC. He is a frequent speaker on anti-corruption matters.

NAME	POSITION & EMPLOYMENT	EXPERIENCE
Ms Saskia Zandieh	Website Officer, IBA ACC  Counsel, Miller & Chevalier, Washington DC, USA	Ms Zandieh has nearly a decade of experience in conducting anti-corruption investigations and advising clients on FCOA compliance. She is a frequent speaker on anti-corruption matters.
Mr Neil Swift	Partner, Peters & Peters, London, UK	Solicitor practising in economic crime cases for 20 years, specialising in serious domestic and international fraud and corruption inquiries. He is a frequent speaker, writer and commentator on fraud, corruption and money laundering
Mr Monty Raphael QC	Special Counsel, Peters & Peters, London, UK	Mr Raphael has practised for nearly 50 years, specialising in corruption, tax delinquency, money laundering and FCA regulatory matters.  He has regularly given evidence to the Group of States Against Corruption (GRECO) and the OECD Working Group on Bribery peer reviews. He took part in the plenary working sessions of the Council of Europe in preparation for the first Council of Europe Criminal Law Convention on Corruption and in 2009 he was invited to give evidence on the Bribery Act to the UK Parliamentary Select Committee.