



**One step ahead – Obtaining
and maintaining the edge**

Deloitte Bribery and
Corruption Survey 2017
Australia and New Zealand

About this report

This report presents selected results from a survey conducted by Deloitte Australia and New Zealand from January to February 2017.

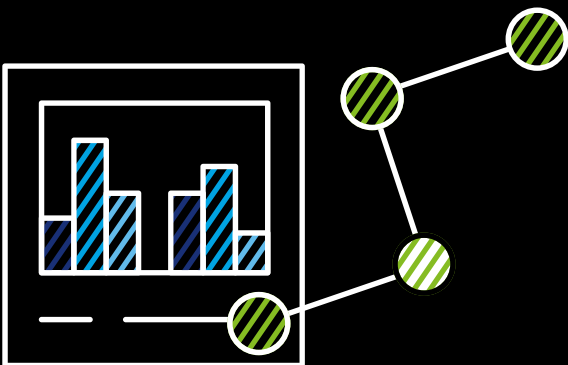
CEOs, CFOs, CROs, other executives, Board members, risk managers and others were asked to anonymously respond to a series of questions relating to their experiences and perception of bribery and corruption risk affecting their enterprises.

The survey was completed by 145 respondents. These represented a cross-section of sectors, including ASX200 and NZX50 companies, Australian subsidiaries of foreign companies, public sector organisations and other listed and private companies

Unless otherwise stated, all percentages refer to the results from survey responses.

Deloitte makes no representation or warranty about the accuracy of the information or how closely the information gathered in the survey resembles actual instances and experiences of bribery and corruption. Circumstances may have changed since the time this information was gathered, and the survey does not take such matters into account.

All responses are anonymous and confidential, and only aggregate responses have been reported. We have compiled selected information into a series of graphs and have drawn certain conclusions about domestic and foreign bribery and corruption based on a weighting that we have allocated to these responses. The graphs and our conclusions are based on the answers we received in the survey and the allocated weightings.



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Introduction

Welcome to the report on Deloitte's third Australia and New Zealand bribery and corruption survey.

Bribery and corruption is a multi-dimensional issue, where incidents can damage an organisation's reputation, culture, regulatory standing and even profitability. Beyond organisational borders, this insidious force damages people, communities, economies and countries. It is not a 'victimless' crime – far from it.

We assist organisations worldwide to prevent, detect and respond to fraud and corruption. On the frontline we are seeing significant developments in Anti-Bribery and Corruption (ABC) regulation, research and trends across the Asia Pacific region and the broader global community, with this rapid evolution echoing current conditions of global uncertainty.

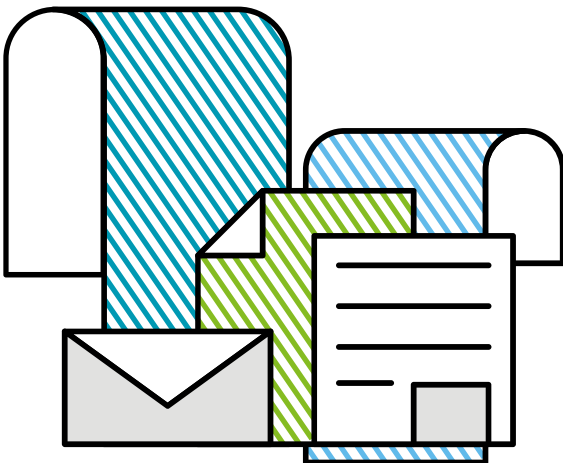
While your ABC program is inherently valuable, in this time of increased uncertainty and change, its value has never been greater.

Maximising this value and maintaining the edge mean finding fresh ways to invigorate your efforts.

In this report we explain the experiences of our survey respondents in relation to preventing, detecting and responding to foreign and domestic bribery and corruption. We also describe how respondents perceived bribery and corruption risks, and the types of incidents they disclosed.

In doing so, we hope that these insights will help readers to better understand their own bribery and corruption risks, and how to enhance their organisational ABC programs.

After all, it has never been more important to get – and stay – one step ahead of the bribery and corruption challenge.





Barry Jordan

Lead Partner, Forensic

Bribery and corruption are still not well understood in New Zealand. It is though, as the survey shows, an obvious reality of doing business within both domestic and foreign markets. In an ever-changing world with changing political influences and continuous advancement in technology, organisations need to stay at the forefront of marketplace trends. Identifying actually how bribery and corruption occurs in practice, and not just thinking about the broad risk, is the next phase of bribery and corruption we need to focus on.

Since Deloitte's last Bribery and Corruption Survey in 2015, New Zealand has seen the Serious Fraud Office lay charges with respect to bribery and corruption investigations. The investigation and prosecution of perpetrators for this type of conduct is a reality.

With this change, we are also seeing new instances of bribery and corruption emerging within the marketplaces we operate. There is no evidence there is more offending rather we are starting to get better at identifying the symptoms of commercial and political bribery or corruption, and then having both the skills and appetite to address it. Clients we work with are quickly adapting to the change, using advancements in detection and training to help. What has also shifted is the penalties for the organisations and the perpetrators.

Based on international trends New Zealand still has some further way to travel for our ability to detect (and continue to detect) bribery and corruption to continue to be perceived as a low corruption marketplace in which to work within. But the good news – we have already moved the dial. It's now time to move it a bit further.



Chris Noble

Lead Partner, Forensic

In Australia, we are currently witnessing an elevated government response to the risk of bribery and corruption plus active initiatives on a number of related financial crime fronts. In particular regulators are actively enforcing agendas to minimise money laundering, terrorist financing, corporate misconduct and fraud. Regulatory global and local efforts will have an indisputable impact upon organisations' ABC frameworks. It will require them to take a proactive approach including consideration of holistic efforts to deal with not just corruption but the various other financial crime themes.

Boards and executives need to set the tone – but middle management need to effectively execute ABC programs on the ground.

The majority of our respondents cited organisational culture as key to preventing corruption incidents. In our experience, there is real opportunity for Boards and Executives to drive an effective ABC program and culture, as it is a very positive asset that is at the front-end of promoting your reputation and goodwill amongst your workforce, customers, suppliers and in financial markets and the broader community.

The changing ABC landscape

On the frontline, we are seeing that the ABC global regulatory framework continues to change and adapt, with some highlights including.

France

Introducing new transparency and ABC legislation to make way for an anti-corruption agency.

South Korea

Joining the growing list of countries re-examining their ABC legislation.

New Zealand

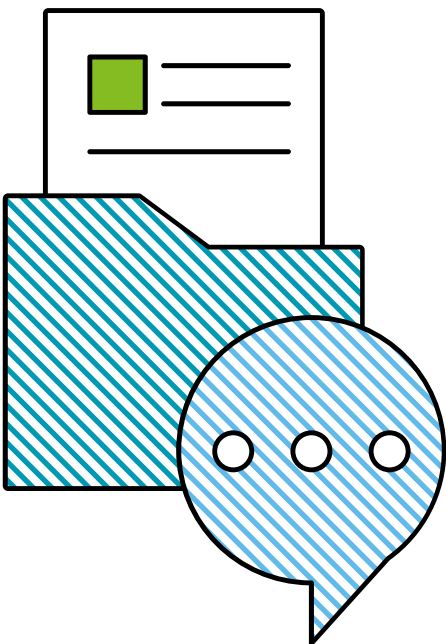
Clarifying penalties for foreign corruption and setting circumstances in relation to the liability for companies.

Australia

Introducing new false accounting legislation.

The International Organisation for Standardisation (ISO)

Releasing a global standard for the design and management of ABC programs, ISO 37001:2016.



We are also seeing greater international cooperation, collaboration and benchmarking between law enforcement agencies to facilitate cross-jurisdictional investigations.

Australia

Australia is on the precipice of change, with the announcement of initiatives such as:

- Australia's first Open Government National Action Plan, an ambitious agenda that includes the improvement of business transparency and accountability, open data and digital transformation, access to government information, public sector integrity and public participation engagement
- A Senate Committee into the adequacy of the Australian legislative, institutional and policy framework in addressing corruption, as well as the appointment of a federal national integrity commission
- The consideration of Deferred Prosecution Agreements as a tool to combat corporate crimes
- Proposed whistle-blower protection reforms for corporate, public and not-for-profit sectors, with an inquiry due to report by June 2017
- Proposed changes to beneficial ownership legislation, where submissions are under consideration and reporting is expected later this year.

The most significant development in Australia may be the Attorney-General's proposed amendments to the existing foreign bribery offence. This could include the introduction of a new foreign bribery offence based on the fault element of recklessness, and a new corporate offence of failing to prevent foreign bribery.

The offence of failing to prevent foreign bribery, which may reflect Section 7 of the UK Bribery Act 2010, would be likely to have a significant impact on the legislative landscape and consequently on the organisations that completed our survey.

We noted that the announcement by the Auditor-General was made after our survey closed, and we are mindful that these changes have not been considered.

The results of these initiatives are yet to crystallise, as they are mostly in consultation phase, but the message from law makers is clear – Australia recognises the risk and will not tolerate bribery and corruption.

New Zealand

Last year, Transparency International's Corruption Perceptions Index, which ranks countries according to how corrupt their public sectors are perceived to be, reported that New Zealand and Denmark were jointly perceived to be the least corrupt in the world. Despite this, New Zealand had its biggest ever bribery prosecution, 'Borlase and Noone' in 2016, which was the first where the judgement included specific guidance for organizations looking at what should and should not be offered (or accepted) by New Zealand public officials.

Meanwhile, the tone of public discourse in both New Zealand and Australia is clear – bribery and corruption are in focus, and not acceptable ways of doing business. Whether your organisation chooses to adapt to developing expectations, or deploys the bare minimum to remain compliant in a regulatory sense, will determine whether it stays one step ahead.

Executive summary

Our respondents



62%

of our respondents were at C-Suite Board level



16

industries were represented

Domestic corruption



4 out of 5

Almost 4 out of 5 considered organisational culture key to preventing corruption



1 out of 5

Only 1 out of 5 detected an incident of bribery or corruption



Tip-offs

were the most common domestic detection method reported



21%

of incidents related to conflicts of interest



Two-thirds

About two-thirds saw reputational risk as the key downside of a bribery or corruption incident

If you haven't identified and prioritised your risks, how can you know that any part of your ABC framework is effective?

Unless an ABC framework is subject to continuous development and regular review, how can you be sure it is keeping track of your developing risk profile?

Does your organisation appreciate the array of consequences that can stem from a bribery and corruption incident, or a series of incidents?

Foreign corruption



20%

For respondents for whom foreign bribery was relevant, only 20% rated it as a top five risk to their organisation



55%

of respondents expect to implement or upgrade their ABC framework in the next five years



More than half

of respondents had not conducted a foreign bribery and corruption risk assessment



1 in 5

Almost 1 in 5 experienced a known incident of foreign corruption



Effective detection is important to help inform the right preventative controls. Is your organisation detecting enough? Do you have a coherent detection plan with a range of mechanisms?

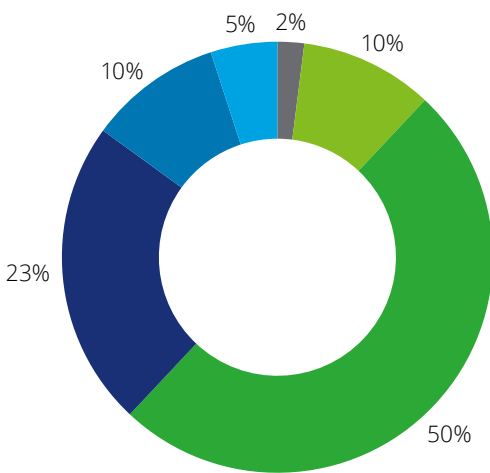
Developing the right organisational culture is critical. Does your organisation have a program of ABC cultural development?

Safeguarding reputation starts before an incident has happened. Do you invest in an ABC framework to help proactively and sustainably manage reputational risk?

Who were our respondents?

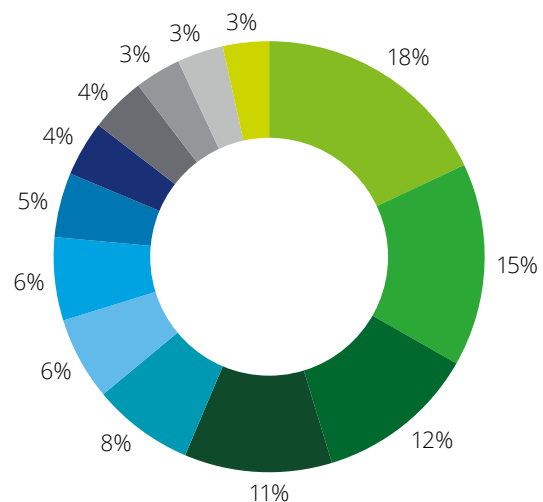
The majority of our 145 respondents were at executive, 'C-suite' or Board level, and operating across a broad range of sectors and organisational sizes. Our survey, therefore, represents a helpful snapshot of management thinking and perceptions on bribery and corruption across Australian and New Zealand organisations today.

Position/role of respondents



- Board non-executive ■ Board executive
- Executive/C-Suite (CFO, COO, etc.) ■ Senior management
- Middle/line management ■ Operational

Industry in which the organisation operates



- Government/public sector ■ Manufacturing/engineering
- Others ■ Financial services ■ Energy/resources
- Education ■ Property/building/construction
- Technology ■ Not-for-profit ■ Transportation/logistics
- Agriculture, forestry and fishing ■ Health/allied health
- Tourism, hospitality and leisure

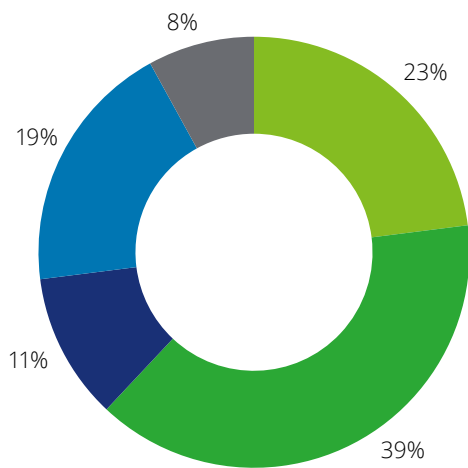
“An urgent emerging challenge for Australia is to implement a new register of Ultimate Beneficial Ownership for all companies except listed ones. Like the UK model this register should be open access.

The great value of such a register, apart from locating who owns what, is a needed boost to reporting efficiency for suspicious transactions in AML.”



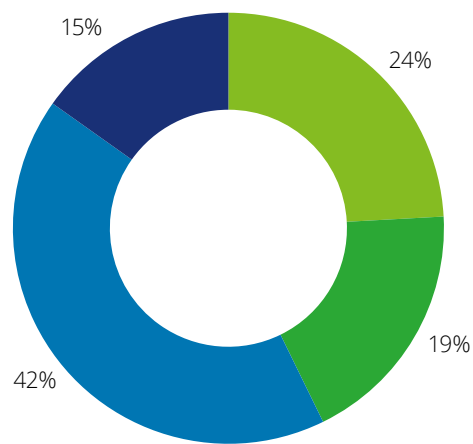
Anthony Whealy Q.C.
Chair of Transparency International Australia

Number of employees in organisation



■ 1 to 49
 ■ 50 to 499
 ■ 500 to 999
■ 1,000 to 4,999
 ■ 5,000 plus

Organisation category



■ Government/public sector organisation/state owned enterprise
■ Public company
 ■ Private company
 ■ Other

Domestic corruption

Australia and New Zealand are not immune to bribery and corruption – it is a home-grown problem too. Organisations need to consider, identify and respond to these risks. Respondents told us about their perceptions and experiences of domestic corruption and their response. The results suggest that more organisations need to recognise domestic corruption as a real risk.

Perception

The profile of domestic corruption has not changed; it is no more prominent than it was five years ago, with only one in five respondents considering it a top five risk. However, more respondents are recognising reputational risk as the key downside; nearly two-thirds recognised this adverse impact above others such as investigation costs, diversion of management time and fines.

Prevention

People remain at the heart of preventing domestic corruption, with an overwhelming majority (close to four in five respondents) considering organisational culture key to preventing corruption incidents.

Measures such as process controls and risk assessments, which also featured highly, are useful in limiting the opportunities for staff to commit an act. However, behavioural based activities are key to addressing the 'rationalisation' of employee behaviour to ensure that in times of intense pressure, they make the right decision.

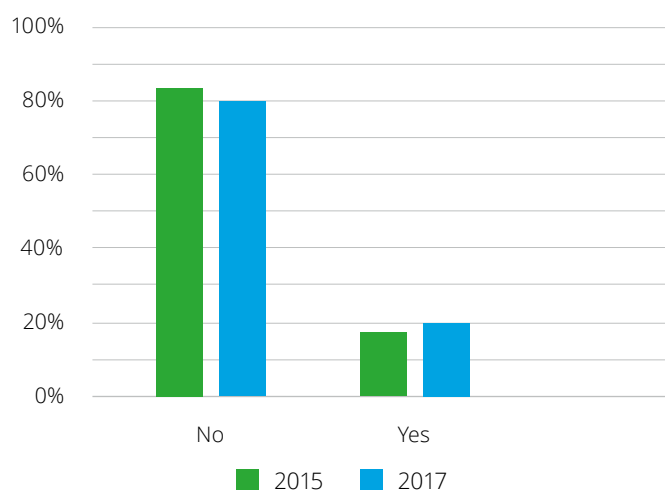
Detection and response

The results reflect those of the 2015 survey, with domestic corruption incidents being detected by one in five respondents. Respondents with effective detection frameworks are operating in a slipstream; as they gain more visibility of the risks, they can accelerate and deploy a more informed and effective strategy. Organisations with no detection framework risk being left at the start line.

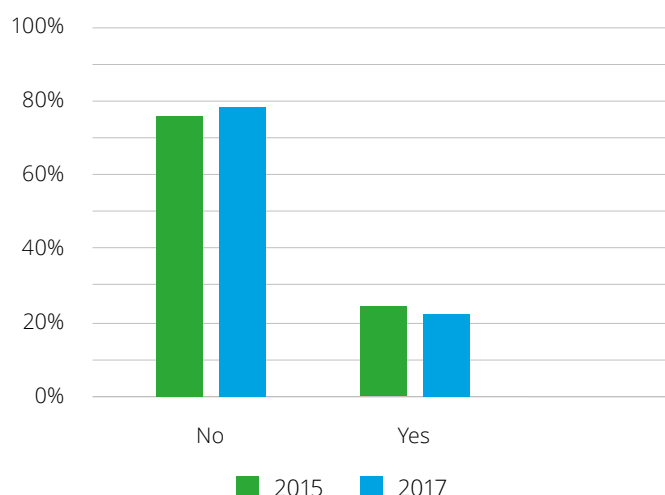
As may be expected, tip-offs are the most common method of domestic detection. This may underline the value of the right reporting culture – employees, suppliers and even customers need to be aware of the appropriate reporting channels, empowered to raise concerns, and have confidence in management response. Detection via data analytic and internal controls processes have slightly increased since 2015, suggesting that organisations may increasingly use data driven detection methods.

Undisclosed conflicts of interest remain the most common type of corruption (21%) and are increasing in prevalence, along with excessive commissions.

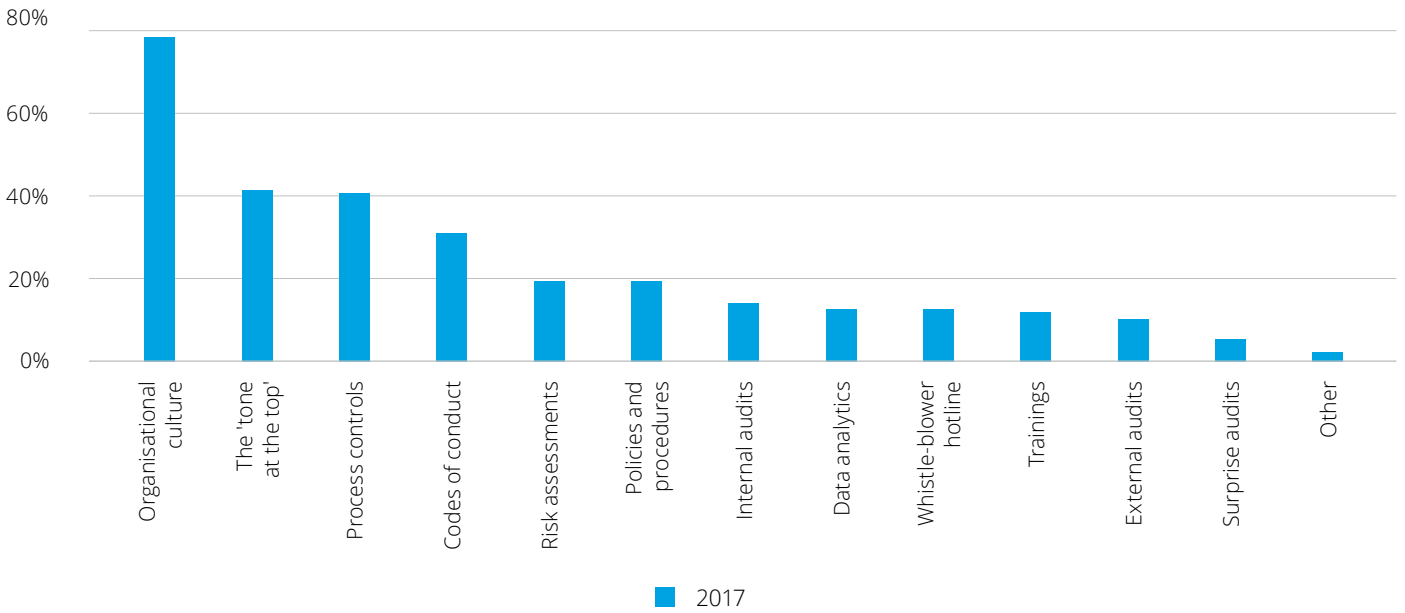
Do you see domestic corruption as one of the top five risks to your organisation?



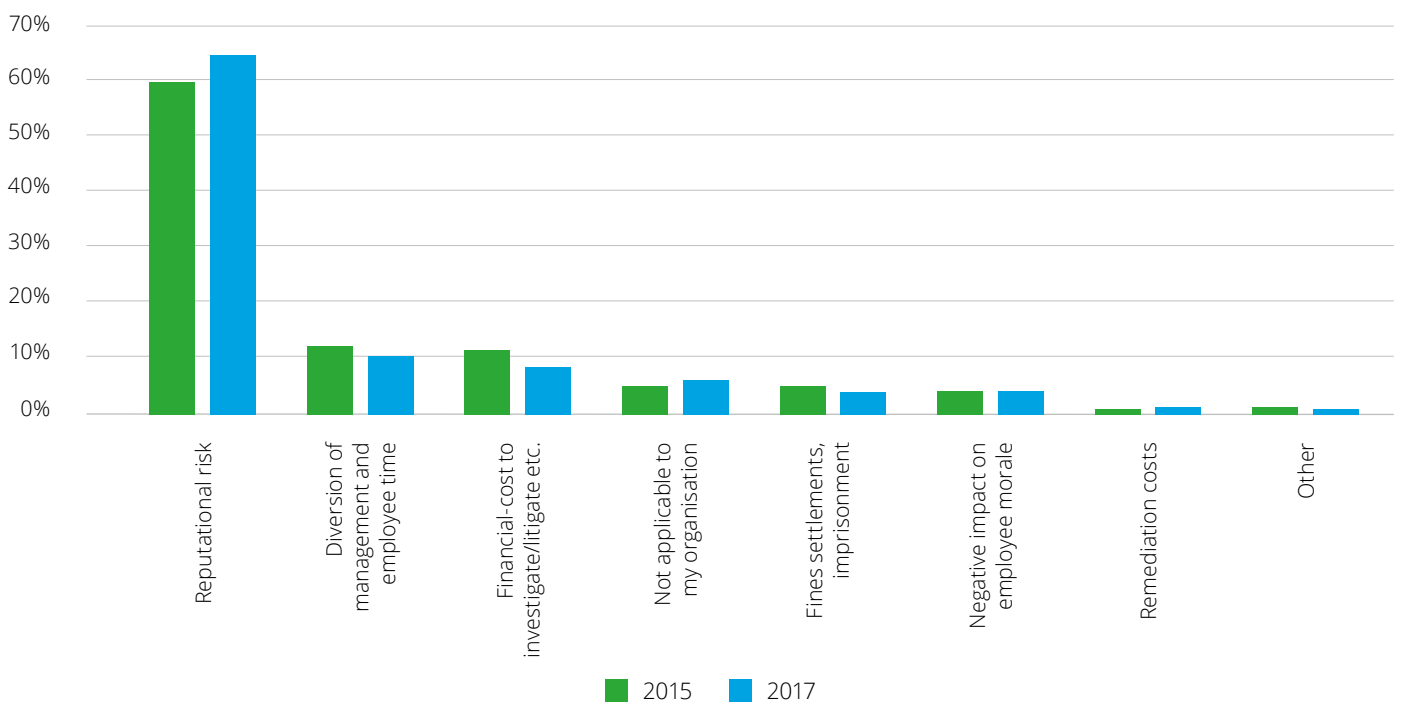
Has your organisation experienced any known instances of domestic corruption in the past five years?



What in your opinion are the top three factors that can help prevent corruption incidents?



What in your opinion is the key downside posed by a domestic corruption incident to your organisation?



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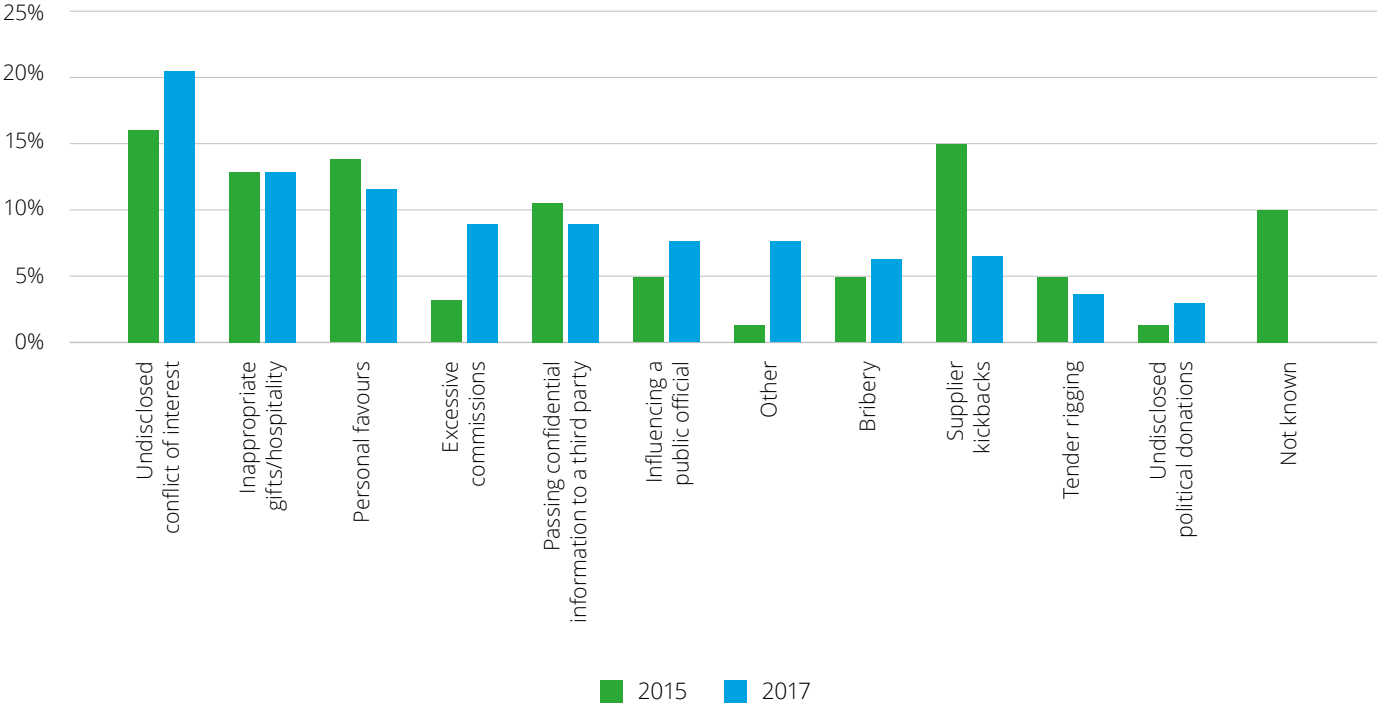
Improving detection

Detecting incidents early is critical to ensuring that risk is managed and visibility is maintained. Do you, for example:

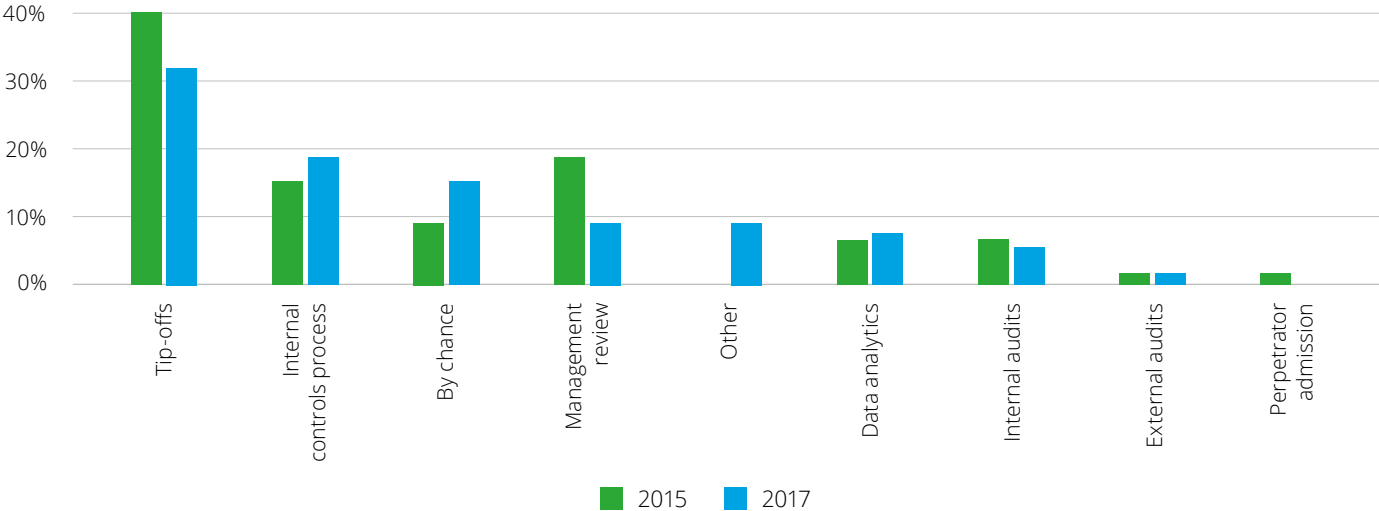
- Make best use of retrospective and real time data analytics?
- Conduct proactive reviews of high-risk functions and processes?
- Have the right information-sharing protocols between businesses and business units?
- Have a range of reporting mechanisms for staff, customers and other stakeholders?
- Educate your team on what 'red flags' look like?



What type(s) of corruption have occurred?



How was/were the instances of domestic corruption discovered?



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Developing the right organisational culture

Culture happens in an organisation, whether it is intended or not, but you can steer it in the right direction.

Do you, for example:

- Define and articulate the desired internal culture?
- Gather data to measure the development of culture?
- Integrate ABC cultural development with wider organisational culture programs?
- Customise and carry out ABC training for different functions and levels?
- Recognise that while tone at the top is important, so is 'tone at the middle' and 'tone from the bottom'?
- Align ABC cultural development with wider cultural development initiatives?
- Build the trust of your staff in how you handle concerns?



"The AFP has experienced an increase in the willingness of Australian companies to engage the AFP and our partners on a number of the challenges that exist in the anti-corruption space. Law enforcement and our regulatory partners cannot meet these challenges alone – the commitment of private sector partners to a change in culture is critical to the sustainability of anti-corruption strategies.

The AFP and our partners accept Australian companies will seek opportunities in locations that present challenges to their anti-corruption frameworks and strategies. Through acknowledging the operating environment and ensuring a strong commitment to the legislative and regulatory requirements and applying their own organisational values, companies are well positioned to contribute to an anti-corruption culture which continues to enhance Australia's reputation in international business activities."



**Commander
Peter Crozier**

Manager, Criminal Assets,
Fraud and Anti-Corruption
Organised Crime and Cyber
Australian Federal Police

Foreign corruption

Australian and New Zealand organisations need to be cognizant of the risks of operating abroad, and that includes the risks of bribery and corruption.

Sometimes, organisations can fail to appreciate the extent of their exposure and be unprepared for the landscape that lies ahead. We drew a number of insights from the perception and experiences of our respondents.

Perception

For respondents for whom foreign bribery was relevant, only 20% of respondents rate foreign corruption as a top five risk to their operations in the next 5 years. Of even more concern is that just 55% of all respondents expect to implement or upgrade their ABC compliance framework within the next five years. An effective framework should be the subject of ongoing review and regular development – organisations that do not maintain this cycle will be unprepared for the risks. The results may look different if organisations are held criminally liable for failing to prevent foreign bribery.

Interestingly, enforcement action by regulators is not the key driver for our respondents. Reputational risk is overwhelmingly identified as the key downside posed by respondents who view foreign corruption as applicable

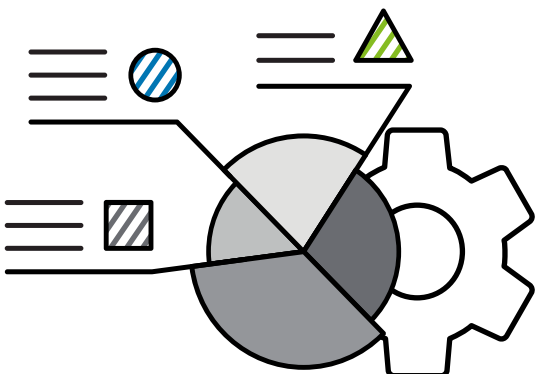
to their organisation – less than 10% of respondents for whom foreign bribery was relevant saw fines, settlements and imprisonment this way.

Prevention, detection and response

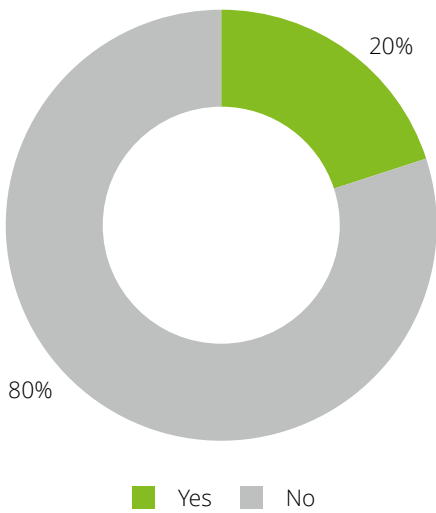
Organisations are still not recognising the value of conducting a formal foreign bribery and corruption risk assessment, with over half of all respondents never having conducted one, whether they have had an incident or not.

Risk assessments are the cornerstone of an effective ABC program. They are the guide for proportionate and effective decision making. They put organisations on the front foot, and if something does go wrong, document a decision-making trail. It would be challenging to show meaningful preventative activity without one – of particular relevance should the proposed offence of failing to prevent foreign bribery become law in Australia.

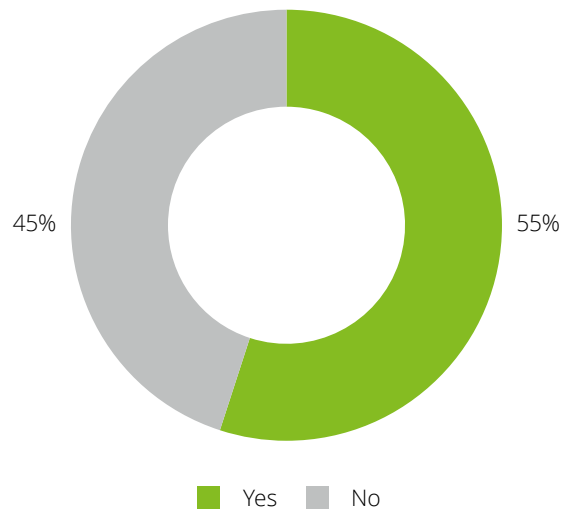
Almost one in five respondents experienced a known incident of foreign corruption. Incidents were distributed across a range of industries.



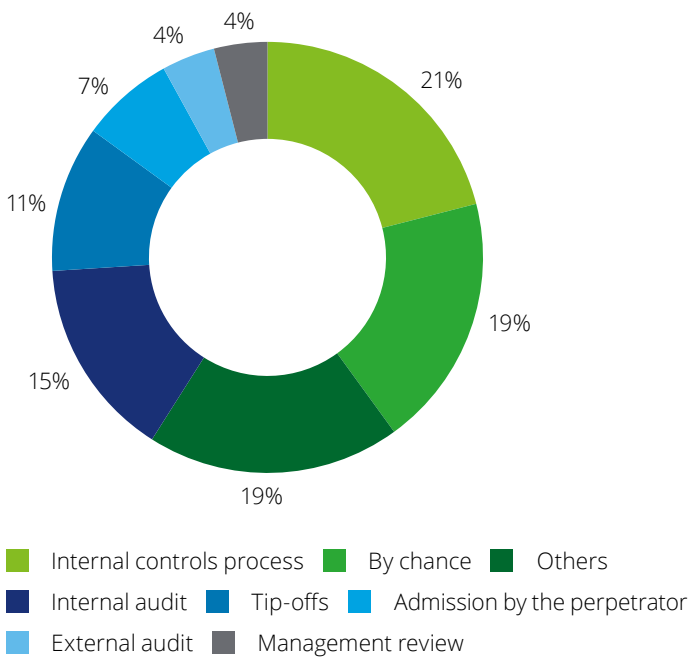
In the next five years, do you regard foreign corruption as one of the top five risks to your business?



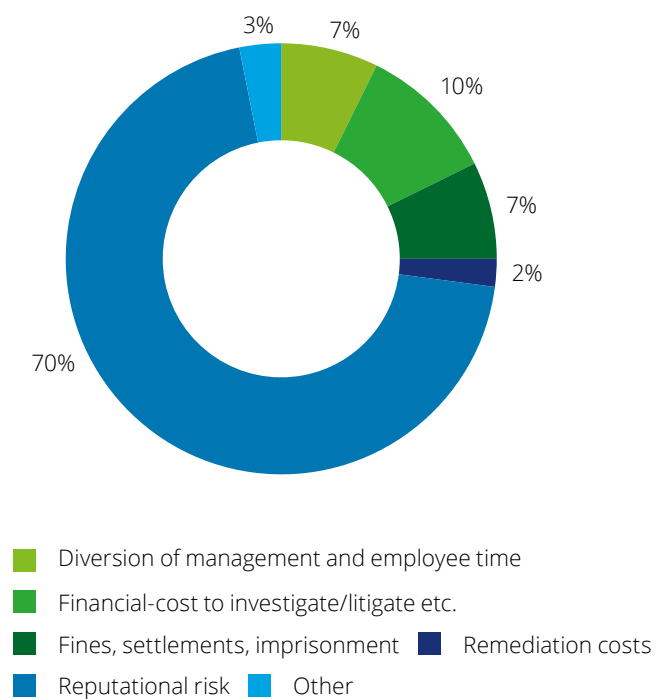
In the next five years, do you expect your organisation to implement or upgrade its anti-bribery and corruption compliance framework?



How was/were the instances of foreign corruption discovered?



What in your opinion is the key downside posed by a foreign corruption incident to your organisation?



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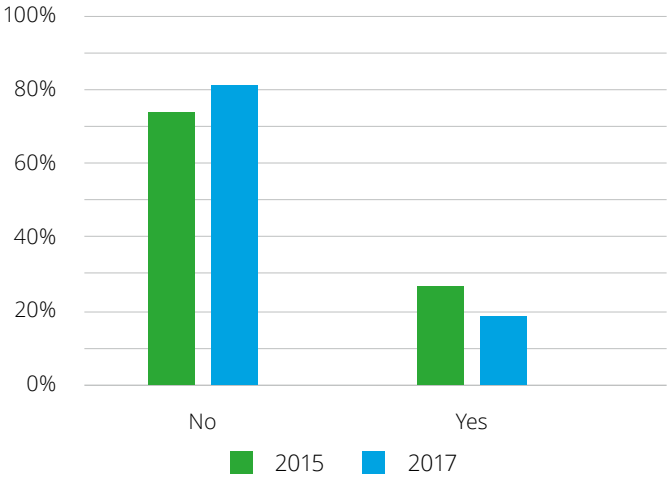
Improving risk assessments

Risk assessments are not always well regarded by stakeholders, but this is avoidable. Do you, for example:

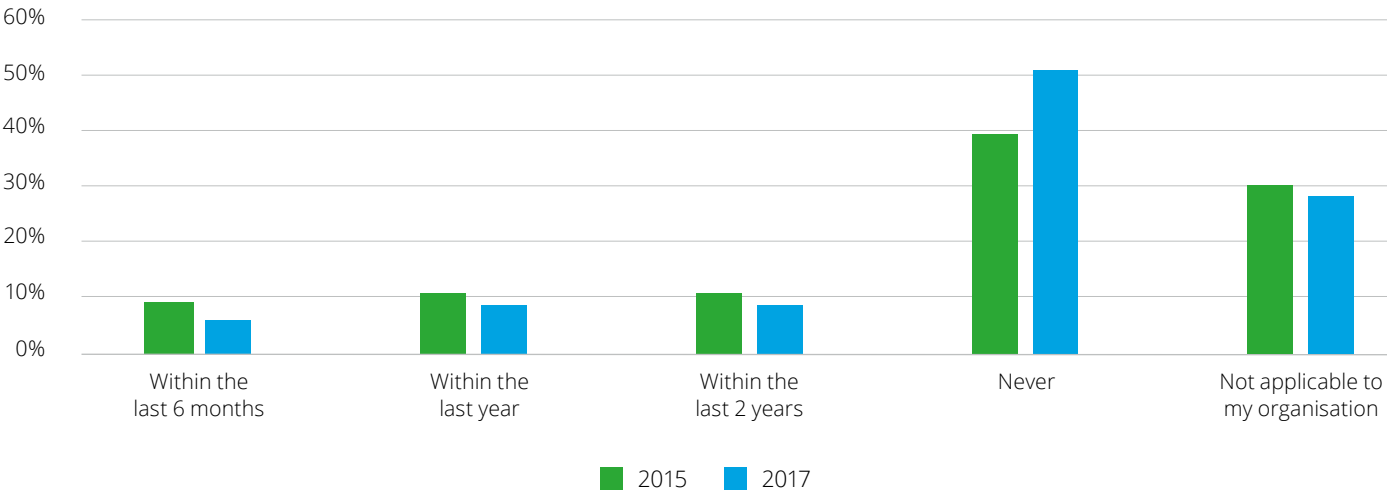
- Make the risk assessment a participative and creative process – using techniques like ‘red cell thinking’ and engaging workshops?
- Leverage all available internal and external information to assess your risks?
- Frame risk management messaging positively?
- Embed risk management into the life of your business, allocating sufficient resources for it to take its place in our project and program life cycles?



Has your organisation had any known instances of foreign corruption in the past five years?



How recently has your organisation conducted a formal foreign bribery and corruption risk assessment



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Enhancing your ABC program

As respondents look again at their ABC frameworks over the next five years, there are some key developments to take into account that can improve effectiveness. Considerations might include:

- Asking how your risk profile has changed. How do these changes impact upon the effectiveness of your current framework?
- Conducting a maturity assessment of your framework.
- Harnessing economies and uplifting effectiveness by integrating your ABC framework with wider financial crime and risk frameworks.
- Maintaining visibility of your obligations in other jurisdictions through an obligations register.
- Introducing and improving risk assessments.
- Using and investing in detection and monitoring technology.



"We are fortunate in New Zealand to have high levels of integrity in both the public and private sectors. This is a major advantage for our country. But the world is more connected and New Zealand society is changing so we need to stay aware of current and emerging risks. My personal experience of dealing with someone who abused a position of trust and was dishonest and corrupt has highlighted for me the often unseen effects of such behaviour. I know the damage and effect these things can have on public trust, an organisation's reputation, and on other innocent people. The costs are huge. We need to be vigilant and conscientious if we are going to retain a high-integrity culture in New Zealand."



Martin Matthews
New Zealand's Controller
and Auditor-General

The inherent value of managing bribery and corruption

Effective ABC is its own reward. In an uncertain and rapidly-changing world, there are good reasons why building and maintaining a program is a critical part of the sustainability and success of your organisation. Here are six reasons that suggest why getting and staying one step ahead, by investing in an ABC program, is valuable.

Reduce reputational risk

While respondents appreciated the rising reputational risk of bribery and corruption incidents, half had never conducted a foreign bribery and corruption risk assessment. Identifying the nature of the risk and deciding what to do about it is the first step to preventing incidents, which in turn helps us to manage reputational risk.

Having a clear understanding of an organisation's bribery and corruption risks allows it to respond proportionately to its risk profile. Key questions to ask our organisations might include, for example, whether we have a clear policy on bribery and corruption, as well as a suite of preventative and detective controls informed by a risk assessment? Do we stress-test those controls, and include 'think perpetrator' exercises to identify gaps?

Detect early

Early detection puts your organisation in a position to manage risks, prepare a response and get a head-start at securing the best possible outcome.

Key questions to ask our organisations might include, for example, what use do we make of retrospective or real-time data analytics and filtering, whistleblowing reporting mechanisms, proactive reviews of high-risk areas and information-sharing with other bodies?

Take control in a world of uncertainty

As C-Suites sense a rise in global uncertainty, the danger of being blindsided by a suspected corruption incident that risks eclipsing your brand is ever-present. Investing in a meaningful ABC program can help to improve your confidence that the unexpected is being managed.

Key questions to ask our organisations might include, for example, do we make use of anonymous staff surveys to identify vulnerabilities? Do we benchmark our incident detection performance? Is our risk management approach sophisticated enough to keep track of emerging issues?

Evidence your stewardship

As public scrutiny of financial crime management rises, questions are increasingly being asked of how we steward our resources, missions and values. Being able to articulate a clear and effective ABC program can help us to do that, especially if an incident occurs.

Increasingly, a 'tick-box' compliance approach is not enough – the question now is, how do we most effectively implement and monitor the components of our framework? To use a metaphor, we may have put the plant in the pot, but is it bearing fruit – and how do we know?

Some key questions to ask our organisations might include, for example, to what standard do we benchmark our ABC program and is that standard reflective of our organisation's regulatory environment, structure, culture and risk profile? Is a culture of stewardship embedded throughout our organisation? Is clear messaging and direction delivered from the top and middle, with the visibility of culture and risks supported by regular surveys and campaigns?

Develop the right organisational culture

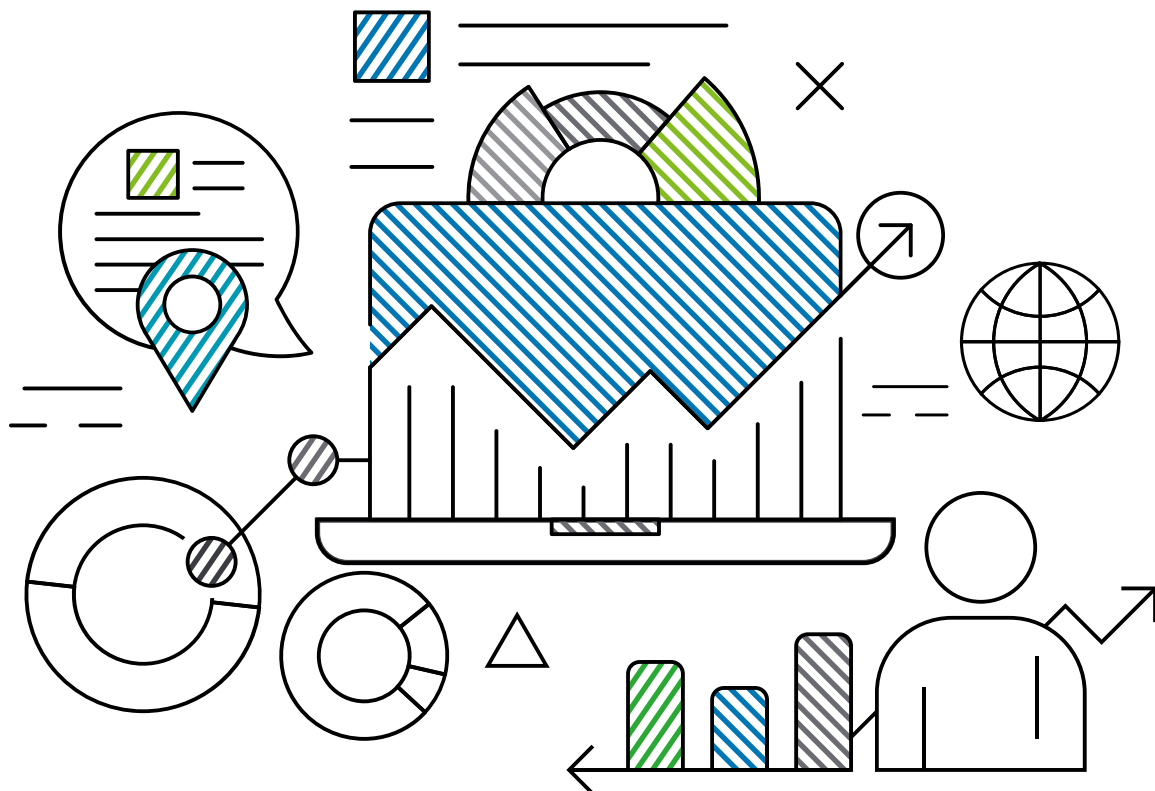
A high proportion of respondents saw organisational culture as an important factor in the reduction of bribery and corruption risk. Emphasis on the value of organisational culture for reducing conduct risk has risen in recent years, and ABC can be a facilitating – even driving – force in helping organisations to define, articulate and develop the cultures they seek. ABC incident data can help inform our assessment of our culture, and ABC controls can often align with cultural controls, for example.

Some key questions for our organisations might include, then, do we frame ABC in positive, constructive terms? How relevant and engaging is our ABC communication and awareness program? Do we fold ABC issues into our organisational development work?

Integrate with your financial crime response

Corruption is a wide, sprawling risk that can potentially taint many parts of our enterprises. The aims of different flavours of financial crime are often similar, and perpetrators do not necessarily keep themselves in neat little boxes – so neither should we. There can be significant improvements to economy, efficiency and effectiveness with integrating financial crime control programs such as fraud, Anti Money Laundering and Counter-Terrorism Financing, and wider conduct management.

Some key questions for our organisations might include, for example, how complete is the picture that our leadership team sees across these different pillars of financial crime control? At process level, do systems talk to each other? Have opportunities for synergy between owners of the pillars been exploited? Are similar threats handled consistently across our organisation?



One step ahead

Obtaining and maintaining the edge

In this report, we have seen how, despite one in five respondents experiencing a known incident of foreign corruption in the last five years (one in five for domestic corruption too), not all organisations are as prepared as they could be to meet these risks.

In a turbulent environment and developing regulatory landscape, how can your organisation get and stay one step ahead of reputational risk and regulatory action?

The right design principles

Three design principles help to ensure that an organisational ABC program can be a success. The program needs to be *proportionate* to its operational risk profile, *robust* enough to withstand external scrutiny, and *agile* by design to enable it to respond to the changing regulatory landscape. Organisations should avoid 'set and forget' – the requirements to satisfy each of these pillars change throughout an organisation's lifecycle and an effective ABC program is an ongoing commitment.

In Deloitte's experience, the most successful programs properly balance *prevention*, *detection* and *response* activities by siting them within a managed, strategic framework that is supported by work to develop the capability and culture of the organisation.

Getting the basics right

Getting and staying one step ahead means having the right basics in place. Minimum considerations for an ABC framework include:

- **Risk assessment:** Is your management of ABC underpinned by an assessment of the risks, their likelihood and consequences, and how you will manage them?
- **Due diligence:** Do you have processes and systems that help you to understand who you are doing business with and for?
- **Policies and proportionate procedures:** Is there a clearly articulated corporate policy that prohibits bribery and corruption, promotes compliance with bribery laws and is aligned with wider organisational policies? Does it cover all employees, contractors, agents, suppliers and other stakeholders? Are there accessible reporting channels for concerns, enabling confidential reporting – and are they promoted? Is a robust process (incorporating escalation, independent investigation, and incident recording) in place to respond to concerns?
- **Training and communication:** Are training needs identified and responded to?
- **The right management tone:** Do you articulate no tolerance for bribery and corruption? Are integrity and ethics messaging embedded not just into corporate communication, but in the management of functional and employee performance? Is the tone coming from the middle as well as the top?
- **Review:** Is there defined ownership of ABC in your organisation, and a process for monitoring and managing the effectiveness of your efforts to reduce the risk?

Keeping one step ahead

Proactivity and prediction are often the hallmarks of maturity for organisational ABC, but this can require a mind-set shift for leaders and key stakeholders. Some key question for reflection to determine our maturity might include:

- Do we observe trends to anticipate regulatory change and act now, or do we respond only when required?
- Do we invest in obtaining as accurate a picture as possible of the risk and responding to it, or do we do the minimum required by regulation?

- Does our Board see ethical business as fundamental to sustainability, or are bribery and corruption 'afterthoughts'?
- Are we proactive about managing reputational risk, or do we consider it only after an event has transpired?

As organisations move toward maturity, some of the opportunities to stay one step ahead might include:

- **Making best use of data analytics:** Utilising organisational data, red flags and predictive modelling can allow you to detect incidents that traditionally would not have been identified – and even predict incidents before they occur.

- **Enhancing due diligence:** For less mature organisations, due diligence might be confined to a desktop. But the use of local covert and overt surveillance techniques can provide a better understanding of your prospective partners – allowing you to tailor and enhance controls to mitigate risks identified.

- **Utilising awareness surveys:** A program of anonymous staff surveys can be a powerful tool to measure the effectiveness of your program, the alignment of organisational culture with your policies and aspirations, and how well staff are equipped to respond to potential bribery and corruption scenarios.



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