

Thursday 25 June 2015

Investigation into the conduct of a university manager and others in relation to false invoicing

ICAC FINDINGS

The ICAC found that Brett Roberts, Christopher Killalea and Emiel Temmerman engaged in corrupt conduct as follows:

Brett Roberts, by dishonestly exercising his public official functions in order to obtain a financial benefit by: in November 2006, authorising the payment by the University of Newcastle of three Management and Professional Services Pty Ltd invoices totalling (MAPS) \$27,750 for work he knew not to have been done; in December 2010, by certifying the payment of the University of Sydney of nine invoices totalling \$43,065, which he knew to be false; in December 2012, by raising and signing a recommendation-for-purchase form to authorise a MAPS invoice for \$32,450 paid by Macquarie University into a MAPS bank account, knowing that MAPS had not done any work for the university and that the invoice was false; and in January 2013, by raising and signing a recommendation to authorise payment by Macquarie University of an invoice for \$10,450 submitted to iPath Pty Ltd, knowing that iPath had not conducted the work described in the invoice. In May 2013, Mr Roberts also engaged in corrupt conduct by submitting three false MAPS invoices, each for \$32,450, to Macquarie University in an attempt to obtain a financial benefit and between May and June 2013, by creating and signing a false licensing agreement and creating false emails to falsely represent that MAPS had done work for Macquarie University.

Christopher Killalea, by adversely affecting the honest exercise of Mr Roberts' public official functions by collaborating with him in the conduct described above, with the exception of the December 2010 matter concerning the University of Sydney, knowing that work had not been done and that Mr Roberts would misuse his positions to dishonestly authorise payment or use false documents in the case of false licensing agreement and emails to Macquarie University to falsely answer queries made of him by university staff.

Emiel Temmerman, by adversely affecting the honest exercise of Mr Roberts' public official functions by agreeing with Mr Roberts to send an iPath invoice for \$10,450 to Macquarie University, knowing that the work described in the invoice had not been done, and knowing that Mr Roberts would exercise his public official functions to dishonestly arrange payment of the invoice.

ICAC RECOMMENDATIONS

The ICAC is of the opinion that the advice of the Director of Public Prosecutions (DPP) should be obtained with respect to the prosecution of Mr Roberts, for offences including: obtaining money by deception from the University of Newcastle for himself and Mr Killalea, contrary to section 178BA of the *Crimes Act 1900* (as it was at the time); giving false or misleading evidence to the Commission, contrary to section 87 of the *Independent Commission Against Corruption Act 1988*; using a false document (his curriculum vitae) to obtain employment at the University of Sydney and Macquarie University, contrary to section 192E of the *Crimes Act*; and fraud, by dishonestly obtaining \$43,065 from the University of Sydney and \$32,450 from Macquarie University. The ICAC is of the opinion that the advice of the DPP should be obtained with respect to the prosecution of Mr Killalea for offences including: obtaining money by deception from the University of Newcastle for himself and Mr Roberts, contrary to section 178BA of the *Crimes Act* (as it was at the time); fraud, by dishonestly causing a financial disadvantage of \$32,450 to Macquarie University; and using false documents, namely a false licensing agreement and concocted emails, to influence the exercise of a public duty by staff members at Macquarie University, contrary to section 192E of the *Crimes Act*.

CORRUPTION PREVENTION

The Commission recommends that the University of Sydney implement measures to safeguard the integrity of vendor banking details when new vendors are created and invoices are processed for payment, and expands its measures to enhance its ability to detect potential order-splitting. The ICAC recommends that all three universities ensure that employment screening checks are performed on preferred applicants in line with the Australian Standard on Employment Screening (AS 4811-2006).

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