

Wednesday 1 September 2010

**Investigation into the misuse of public resources by a  
NSW Maritime Legal Services Branch officer****ICAC FINDINGS**

- The ICAC has found that Tonette Kelly, Bonita (Bonnie) Dacombe and Nicholai Dacombe engaged in corrupt conduct
- Ms Kelly engaged in corrupt conduct in relation to: the extent of her secondary employment and use of NSW Maritime resources; her personal use of an online search facility paid for by NSW Maritime, the authority she gave for the payment of invoices for searches she made, and the preparation of two documents relating to that use; arranging for NSW Maritime to pay professional indemnity insurance on her behalf; and in the preparation of a reference for Nicholai Dacombe.
- Ms Dacombe acted corruptly by engaging in secondary employment without approval.
- Mr Dacombe acted corruptly by providing false information to the Legal Profession Admission Board in his application for registration as a student-at-law.

**ICAC RECOMMENDATIONS**

- The Commission is of the opinion that consideration should be given to obtaining the advice of the Director of Public Prosecutions (DPP) with respect to the prosecution of Ms Kelly for various offences including the common law offence of misconduct in public office in relation to several matters, and an offence of making a false instrument under section 300(1) of the *Crimes Act 1900* (NSW). Certain matters, including the false statements of gross fee income for the purposes of PII and the preparation of a false or misleading reference for Nicholai Dacombe, are to be referred to the Legal Services Commissioner.
- The Commission is also of the opinion that consideration should be given to obtaining the advice of the DPP with respect to prosecuting Mr Dacombe for an offence of giving false evidence under section 87(1) of the *Independent Commission Against Corruption Act 1988* in relation to conveyancing work done for Ms Kelly.

**CORRUPTION PREVENTION**

The Commission makes seven corruption prevention recommendations to NSW Maritime, including that all employees in a supervisory role undertake training, and refresher training, in the operation of policies on secondary employment, the use of public resources and recruitment processes. Other recommendations include that:

- NSW Maritime includes in its audit program an audit (by way of sampling) of segregation of duties to ensure there is no end-to-end control of financial approval processes
- NSW Maritime ensures that its Finance Branch is alert to the possibility of fraud and corruption, and takes steps to identify and report irregularities to the relevant general manager
- Supervisors monitor staff and be held accountable for the consistent adherence by staff to the policies relating to secondary employment, personal use of resources, recruitment, and performance management.

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