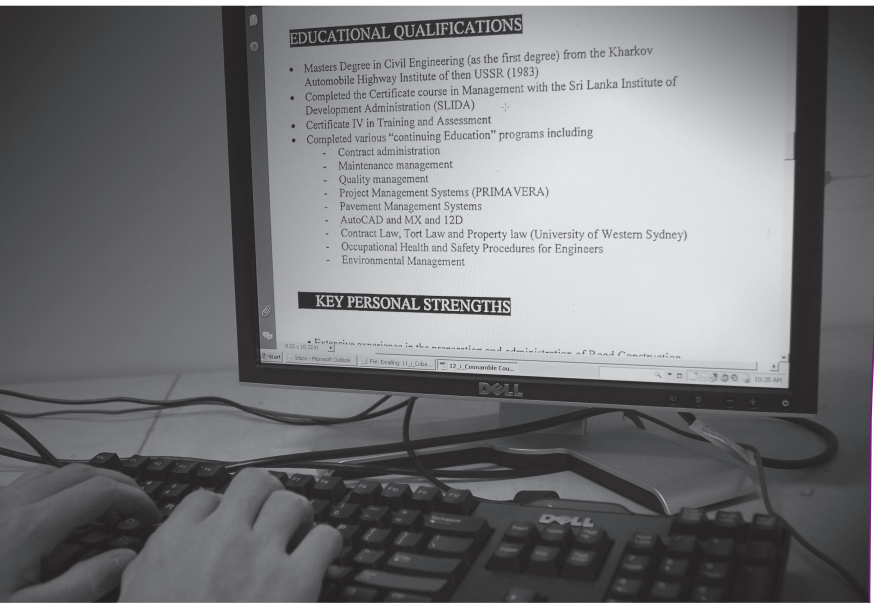


# I·C·A·C

INDEPENDENT COMMISSION  
AGAINST CORRUPTION



## INVESTIGATION INTO ATTEMPTED CORRUPT PAYMENT AND SUBMISSION OF FALSE RESUMÉS TO PUBLIC AUTHORITIES

**ICAC REPORT**  
**AUGUST 2010**

**ICAC**

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INDEPENDENT COMMISSION  
AGAINST CORRUPTION

**INVESTIGATION INTO  
ATTEMPTED CORRUPT  
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Sydney NSW 2000

Madam President  
Mr Speaker

In accordance with section 74 of the *Independent Commission Against Corruption Act 1988* I am pleased to present the Commission's report on its investigation into an attempted corrupt payment in order to secure a position at the Woollahra Municipal Council and submission of false resumés to public authorities.

I presided at the public inquiry held in aid of this investigation.

The Commission's findings and recommendations are contained in the report.

I draw your attention to the recommendation that the report be made public forthwith pursuant to section 78(2) of the *Independent Commission Against Corruption Act 1988*.

Yours faithfully

A handwritten signature in black ink, appearing to read 'D Ipp'.

The Hon David Ipp AO QC  
Commissioner

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# Summary of investigation and results

This investigation by the Independent Commission Against Corruption (“the Commission”) primarily concerned an allegation that Don Gamage (also known as Sisira Kumara Kumaragamage Don or Don Kumaragamage) offered \$15,000 to Stephen Blackadder, in order to secure employment as Director Technical Services at Woollahra Municipal Council. It also concerned a counter allegation made by Mr Gamage that Mr Blackadder sought a payment from him in order to secure the position. The investigation also examined admissions by Mr Gamage that he had applied for, and in some cases gained, employment in the NSW public sector using fabricated employment histories and references and had lied to Commission officers concerning the whereabouts of computers.

## Results

A finding is made in chapter 2 of the report that Mr Gamage engaged in corrupt conduct by offering \$15,000 to Mr Blackadder with the intention that Mr Blackadder would act in a way favourable to Mr Gamage in order to secure Mr Gamage’s employment with Woollahra Municipal Council as Director Technical Services. The report notes that the Commission’s investigation was assisted by Mr Blackadder’s cooperation and that Mr Blackadder acted appropriately at all times in this matter.

Chapter 3 of the report contains findings that Mr Gamage engaged in corrupt conduct in relation to the submission of false employment histories and references to a number of local councils.

Statements are made pursuant to section 74A(2) of the *Independent Commission Against Corruption Act 1988* (“the ICAC Act”) that 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 Mr Gamage for:

- an offence under section 249B of the *Crimes Act 1900* (“the Crimes Act”) in relation to the offer of \$15,000 to Mr Blackadder;

- two offences under section 87 of the ICAC Act in relation to giving false evidence at his compulsory examination and the public inquiry by denying that he had offered \$15,000 to Mr Blackadder;
- two offences under section 178BA of the Crimes Act in relation to the presentation of false information to obtain employment with Coonamble Shire Council and Cobar Shire Council;
- five offences under section 178BB of the Crimes Act in relation to publishing of false and misleading documents with the intention of obtaining a financial advantage in his applications for employment to Lithgow City Council, Harden Shire Council, Goulburn Mulwaree Council, Bland Shire Council and Upper Lachlan Shire Council;
- an offence under section 192G of the Crimes Act in relation to dishonestly publishing a statement that was false or misleading in a material particular with the intention of obtaining a financial advantage in his application to Lachlan Shire Council; and
- an offence under section 80(c) of the ICAC Act of misleading a Commission officer.

Chapter 4 sets out the Commission’s corruption prevention analysis of this investigation. Mr Gamage’s resumé falsification remained undetected because both Cobar Shire Council and Coonamble Shire Council failed to adequately check Mr Gamage’s employment application details and relied too much on his status as a member of Engineers Australia. Furthermore, the principal officer of Cobar Shire Council failed to report Mr Gamage’s resumé falsification to the Commission when it was detected by the council.

Evidence gathered by the Commission suggests that resumé falsification occurs in approximately one-quarter of applications of NSW public sector applications. Given

this, and the fact that Mr Gamage deliberately targeted rural councils because of the staff shortages they face, the lack of checking by these councils puts them at considerable risk of hiring inappropriately skilled or experienced staff. The hiring of such individuals can result in public authorities incurring a range of costs.

The Commission has made the following recommendations in response to the conduct disclosed during the investigation:

### Recommendation 1

That Cobar Shire and Coonamble Shire councils ensure that:

- adequate employment screening checks are performed on preferred applicants in line with the current Australian Standard on Employment Screening (AS 4811-2006) and
- applicants for positions complete a form indicating that:
  - they consent to employment screening checks being conducted on them
  - the information provided in support of their application is true and
  - they acknowledge that any employment or offer of employment may be withdrawn if they have provided false information in support of their application.

### Recommendation 2

That Cobar Shire and Coonamble Shire councils engage the use of an employment screening company if they are recruiting senior staff and are having difficulty in verifying the information supplied by the preferred applicant.

### Recommendation 3

That Cobar Shire and Coonamble Shire councils ensure that they know and are satisfied with the:

- verification checks performed by professional bodies before they rely on membership of them as evidence of a candidate's skills or experience and
- process used in relation to a migrant skills assessment before they rely on that assessment as evidence of a candidate's skills or experience.

### Recommendation 4

That Coonamble Shire and Cobar Shire councils:

- obtain consent from employment applicants to verify memberships or other status that they claim to hold with professional bodies and
- ensure that this consent has been provided to these professional bodies.

As part of the performance of its statutory functions, the Commission will monitor the implementation of these recommendations.

The recommendations will be communicated to Cobar and Coonamble Shire councils with a request that each council provide an implementation plan to the Commission for the recommendations. The Commission will also request progress reports and a final report from the councils on the implementation of the recommendations.

These reports will be posted on the Commission's website, [www.icac.nsw.gov.au](http://www.icac.nsw.gov.au), for public viewing.

### Recommendation that this report be made public

Pursuant to section 78(2) of the ICAC Act, the Commission recommends that this report be made public forthwith. This recommendation allows either presiding officer of the Houses of Parliament to make the report public, whether or not Parliament is in session.

# Chapter 1: Background

This report concerns the Commission's investigation into whether Don Gamage offered \$15,000 to Stephen Blackadder on 26 October 2009 in an effort to secure the position of Director Technical Services at Woollahra Municipal Council.

The Commission also investigated whether Mr Gamage falsified employment applications, such as employment history, and provided false references in order to secure employment with Cobar Shire Council and Coonamble Shire Council. It was also examined whether Mr Gamage falsified details in employment applications submitted to Lithgow City Council, Harden Shire Council, Goulburn Mulwaree Council, Bland Shire Council, Upper Lachlan Shire Council and Lachlan Shire Council.

## How the investigation came about

Mr Blackadder was engaged by Woollahra Municipal Council to conduct a recruitment process for the position of Director Technical Services at the Council. On 31 October 2009 Mr Blackadder reported to the Commission that on 26 October, Mr Gamage had offered him a payment of \$15,000 in an attempt to secure the position at the Council.

Subsequent inquiries by the Commission revealed that the resumé submitted by Mr Gamage to Mr Blackadder contained apparently false claims about his employment history. As a result, investigations were made into previous applications for employment by Mr Gamage which indicated the likelihood that a number contained false information as to his work history and references.

## Why the Commission investigated

These matters were serious and would, if established, constitute corrupt conduct within the meaning of the ICAC Act. Mr Gamage held senior engineering positions with a number of local councils which demanded a high level of expertise, experience and skill. If he had obtained these positions on the basis of false information the potential consequences to public safety could be serious.

In these circumstances, the Commission decided that it was in the public interest to conduct an investigation for the purpose of establishing whether corrupt conduct had occurred and whether there were any corruption prevention issues which needed to be addressed.

The Commission's role is set out in more detail in the Appendix.

## Conduct of the investigation

The Commission's investigation involved obtaining information and documents from various sources by issuing notices under sections 21 and 22 of the ICAC Act as well as interviewing and obtaining statements from a number of witnesses. The Commission also arranged for Mr Blackadder to telephone Mr Gamage in order to discuss their previous conversation and obtain further evidence of Mr Gamage's intention. This conversation took place on 16 December 2009 and was lawfully recorded.

In addition, Mr Gamage participated in an interview with Commission officers on 23 December 2009 in which he denied offering a \$15,000 payment to Mr Blackadder and alleged that Mr Blackadder had solicited a \$15,000 payment from him to secure the position at Woollahra Municipal Council. The Commission also conducted a compulsory examination of Mr Gamage on 28 May 2010. During the examination, Mr Gamage admitted to falsifying his employment history and references in almost all of his applications for employment but again denied offering \$15,000 to Mr Blackadder and confirmed his counter allegation that Mr Blackadder had solicited a \$15,000 payment from him.

## The public inquiry

The Commission reviewed the information that had been gathered during the investigation and the evidence given at the compulsory examination. After taking into account this material and each of the matters set out in section 31(2) of the ICAC Act, the Commission determined that it was in the public interest to hold a public inquiry. In making the determination the Commission had regard to the following considerations:



- Masters Degree
- Completed the Certificate course in Management Development Administration (SLIDA)
- Certificate IV in Training and Assessment
- Completed various "continuing Education" courses
  - Contract administration
  - Maintenance management
  - Quality management
  - Project Management System

- The allegation that Mr Gamage offered \$15,000 to secure a position with a public authority was serious.
- The allegations that Mr Gamage falsified his employment history and references in order to obtain a number of positions in the NSW public sector were serious.
- The public interest in exposing the matters was not outweighed by any other factor, including the public interest in preserving the privacy of the persons concerned.
- Public exposure of the matters may educate the public and serve as an important deterrence to others who might be tempted to engage in similar conduct.

The public inquiry took place over three days between 31 May and 2 June 2010. The Hon David Ipp AO QC, Commissioner, presided at the inquiry and Carolyn Davenport SC acted as Counsel Assisting the Commission.

Evidence was taken from six witnesses. Mr Gamage openly admitted to falsifying his employment history and references in applications for positions with NSW public authorities but maintained his position that he did not offer \$15,000 to Mr Blackadder and that Mr Blackadder had in fact attempted to solicit a payment of \$15,000 from him to secure the position at Woollahra Municipal Council.

At the conclusion of the public inquiry Counsel Assisting the Commission prepared submissions setting out the evidence and the findings and recommendations the Commission could make based on the evidence. These submissions were provided to Mr Gamage and other persons and the responses received by the Commission have been taken into account in preparing this report.

## Don Gamage

Mr Gamage was born in Sri Lanka on 3 June 1956. Between 1977 and 1982, he studied at the Kharkov Automobile Highway Institute in the former USSR, where he obtained his Masters in Civil Engineering. After completing his studies, Mr Gamage returned to Sri Lanka where he claims to have worked for a private company, Bil Gilberts Engineers, and government authorities, including the Colombo Municipal Council and the Highways Department. He migrated to Australia with his wife under a skilled migrants program in 1988. He has worked in various positions in NSW, Queensland, Western Australia and Victoria. When this investigation commenced, he was employed as Director of Engineering at Coonamble Shire Council and was a public official for the purposes of the ICAC Act.

## Stephen Blackadder

Stephen Blackadder is the director of Blackadder Associates, a company that has operated since 2007 and provides management consulting services to local government clients. In September 2009 Mr Blackadder was engaged by Woollahra Municipal Council to conduct the recruitment process for the position of Director Technical Services at the Council. He has over 36 years experience in local government. Between 2002 and March 2007, Mr Blackadder was the General Manager at Warringah Council. Prior to that he was the General Manager at Rockdale City Council between 1988 and 2002. He is currently the acting General Manager at Burwood Council. While carrying out the recruitment process for Woollahra Municipal Council he was a public official for the purposes of the ICAC Act.

The Commission's investigation was assisted by Mr Blackadder's cooperation. For reasons set out later in this report the Commission is satisfied Mr Blackadder acted appropriately at all times in this matter.

## Chapter 2: The \$15,000 offer

This chapter examines the allegation that Don Gamage offered \$15,000 to Stephen Blackadder, in order to secure employment as Director Technical Services at Woollahra Municipal Council. It also examines the counter allegation by Mr Gamage that Mr Blackadder had solicited a payment from him to secure the position.

In September 2009 Mr Blackadder was engaged by Woollahra Municipal Council to conduct the recruitment process for the position of Director Technical Services at the Council. Mr Blackadder arranged for the position to be advertised. On 25 October 2009, Mr Blackadder received a phone call from Mr Gamage inquiring about the position. At 2am, on 26 October 2009, Mr Gamage sent an email to Mr Blackadder attaching a copy of his resumé and requesting a meeting.

Mr Gamage's resumé falsely claimed that he had worked for Fremantle Project Managers, Global Management and Engineer Solutions, Boonah Shire Council and Yass Shire Council for extended periods of time. Mr Gamage admitted to the Commission that these claims were false.

Mr Blackadder sent him an email in reply, attaching an information package for the position and inviting Mr Gamage to call him to discuss the position, as he was not available to attend a meeting.

### The alleged offer of \$15,000

On 26 October 2009 Mr Gamage telephoned Mr Blackadder. Mr Blackadder said that Mr Gamage asked him to act as his "agent" to secure the position at Council, and offered him \$15,000. Mr Blackadder said he told Mr Gamage that the offer was a bribe, the Council had already paid him to find a person for the position, and he would not act as his "agent". Mr Blackadder said he made notes of the conversation but due to work commitments he was not able to report the matter until later that week. On 31 October 2009 he finalised a letter to the Commission and sent a copy to the Council outlining his version of the conversation with Mr Gamage. Around that time, he also

advised the General Manager of Woollahra Council, Gary James, of the incident with Mr Gamage and sent him a copy of the letter sent to the Commission.

On 7 November 2009 Mr Gamage rang Mr Blackadder and asked whether the position was still open. Mr Blackadder advised that the position had closed and that a shortlist had been submitted to the Council for its consideration.

### The telephone conversation of 16 December 2009

At the Commission's request, Mr Blackadder agreed to telephone Mr Gamage so their conversation could be recorded. The purpose of doing this was to obtain direct evidence of Mr Gamage's conduct. In that conversation, Mr Gamage mentioned that he had been contacted by Commission officers requesting an interview and asked Mr Blackadder whether he had any idea why Commission officers wanted to interview him. Mr Blackadder told Mr Gamage that he had mentioned their earlier conversation to people Mr Blackadder dealt with at Woollahra Council and suggested that the Commission's request might have something to do with their earlier conversation. Mr Blackadder then asked Mr Gamage what he would say about offering Mr Blackadder \$15,000 "to be your agent" to which Mr Gamage responded: "So if they will ask about that so I will tell yes, I did. I – I can't see anything wrong it (sic)". Mr Blackadder asked what he should say if Commission officers asked him why Mr Gamage had offered him \$15,000. Mr Gamage responded: "So I – I offered so you said 'no'. That was the end of the matter wasn't it?" Mr Gamage also suggested that Mr Blackadder was a private consultant and that therefore the Commission "doesn't have any jurisdiction on you..." Towards the end of the conversation Mr Gamage said he would tell the Commission that he had offered money to Mr Blackadder and that Mr Blackadder had declined the offer.

It was submitted by Mr Gamage's counsel that there was an issue in relation to the legality of the recording of this telephone conversation. The warrant authorising the recording of the conversation was issued under the *Surveillance Devices Act 2007* and authorised the use of a listening device to record conversations between Mr Blackadder and Mr Gamage. It was submitted that a warrant was required under the *Telecommunications (Interception and Access) Act 1979* to lawfully authorise the recording. The Commission rejects this submission. A warrant under the *Telecommunications (Interception and Access) Act 1979* is required only where a conversation is being recorded during its passage over a telecommunications system. In the present case the relevant conversation was audio recorded after its passage over the relevant telecommunications system. In these circumstances it was necessary to have a warrant under the *Surveillance Devices Act 2007* to legally record the conversation.

## What Mr Gamage told the Commission

On 23 December 2009 Mr Gamage was interviewed by Commission officers, some seven days after his last telephone conversation with Mr Blackadder. In the interview he denied offering \$15,000 to Mr Blackadder and claimed Mr Blackadder had solicited \$15,000 from him. He alleged that Mr Blackadder had said that he "could make it happen" if he paid him 10% of the salary package, which he claimed he had seen was between \$150,000 and \$180,000. He said he "outright rejected" the proposal because he did not have the money and because he knew that it would be an "uphill battle" for him to obtain the position.

He admitted to speaking to Mr Blackadder on subsequent occasions but claimed that they did not discuss the Commission's enquiries. He claimed he had contacted Mr Blackadder because a friend had applied for the position and he wanted to find out who the successful applicant had been. He would not disclose the identity of this friend. He agreed that offering money to a public official to secure a position would be considered to be a bribe, but claimed there was nothing improper in the payment of money for assistance in a recruitment process because Mr Blackadder was a private consultant. Mr Gamage said that he did not discuss Mr Blackadder's offer with anyone else and did not make any notes of the conversation.

At his compulsory examination and the public inquiry, Mr Gamage maintained the position that Mr Blackadder had solicited \$15,000 from him. At the public inquiry, he maintained this position even after the recording of his telephone conversation of 16 December 2009 with Mr Blackadder had been played. Mr Gamage challenged the authenticity of the recording and denied that the conversation had taken place. He was not able to offer any evidence to substantiate these claims.

## Analysis of the evidence

The telephone conversation of 16 December 2009 makes it clear that Mr Gamage had offered \$15,000 to Mr Blackadder. It is significant that throughout that conversation Mr Gamage referred to the offer of payment as having been made to Mr Blackadder by him and at no time claimed or suggested in any way that Mr Blackadder had sought any payment from him. The Commission is satisfied that the recording is an accurate recording of the conversation.

The Commission rejects Mr Gamage's claim that Mr Blackadder asked him for \$15,000. The Commission is satisfied that Mr Gamage offered Mr Blackadder \$15,000 to help him secure the position of Director Technical Services at Woollahra Municipal Council. The Commission is also satisfied that Mr Gamage denied making the offer because he knew that doing so was wrong.

It was submitted on behalf of Mr Gamage that, even if the Commission accepted Mr Blackadder's evidence that Mr Gamage offered him \$15,000 to act as his "agent", that of itself did not establish that Mr Gamage was endeavouring to unlawfully or improperly reward Mr Blackadder in his capacity as a public official.

The Commission rejects this submission. Mr Blackadder was engaged by Woollahra Municipal Council to undertake the recruitment process for the position. As such, he was a "public official" for the purposes of the ICAC Act. The position information Mr Blackadder sent to Mr Gamage clearly indicated that he had been engaged by Woollahra Municipal Council to undertake the recruitment process. The position information referred potential applicants to Mr Blackadder for further information and required any application for the position to be sent to Mr Blackadder. The Commission is satisfied that Mr Gamage clearly understood that if he wanted to influence the recruitment process he would need to do so through Mr Blackadder.

## Finding of fact

In making findings of fact and corrupt conduct the Commission applies the civil standard of proof of reasonable satisfaction taking into account the decisions in *Briginshaw v Briginshaw* (1938) 60 CLR 336 at 362 and *Neat Holdings Pty Ltd v Karajan Holdings Pty Ltd* (1992) 67 ALJR 170 at 171.

The Commission is satisfied that Mr Gamage's offer of \$15,000 to Mr Blackadder was made with the intention that it would influence Mr Blackadder to act in a way favourable to Mr Gamage with the result that Mr Gamage would be engaged by Woollahra Municipal Council as its new Director Technical Services.

## Corrupt conduct

Three steps are involved in determining whether corrupt conduct has occurred in a particular matter. The first is to make findings of the relevant facts. The second is to determine whether the conduct, which has been found as a matter of fact, comes within the terms of section 8(1) or 8(2) of the ICAC Act. The third and final step is to determine whether the conduct also satisfies the requirements of section 9 of the ICAC Act.

Mr Gamage engaged in corrupt conduct by offering \$15,000 to Mr Blackadder with the intention that it would influence Mr Blackadder to act in a way favourable to Mr Gamage with the result that Mr Gamage would be engaged by Woollahra Municipal Council as its new Director Technical Services. For the purpose of section 8(2)(b) of the ICAC Act this is conduct that could adversely affect the exercise of official functions by a public official and involves bribery. For the purposes of section 9 of the ICAC Act it is conduct that could constitute or involve the criminal offence of corruptly offering a reward to an agent (Mr Blackadder) contrary to s249B(2) of the Crimes Act.

## Section 74A(2) statement

Section 74A(2) of the ICAC Act provides that any report prepared by the Commission pursuant to section 74 of the Act must include, in respect of each “affected” person, a statement as to whether or not, in all the circumstances, the Commission is of the opinion that consideration should be given to, a number of matters including, obtaining the advice of the Director of Public Prosecutions (DPP) with respect to the prosecution of the person for a specified criminal offence.

Mr Gamage is the only “affected” person for the purposes of section 74A(2) against whom the Commission is making findings of corrupt conduct.

In all the circumstances, the Commission is of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of Mr Gamage for an offence under section 249B of the *Crimes Act 1900* (NSW) in relation to the offer of \$15,000 to Mr Blackadder.

The Commission is also of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of Mr Gamage for two offences under section 87 of the ICAC Act for giving false evidence at this compulsory examination and the public inquiry in relation to his denials that he offered \$15,000 to Mr Blackadder.

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## Chapter 3: Misleading conduct

This chapter examines Mr Gamage's falsification of his employment history and references in order to obtain employment with various NSW public sector agencies. Mr Gamage openly admitted that many of his applications for employment contained false work histories and references. Mr Gamage also admitted to misleading Commission officers in relation to the whereabouts of his computers, which were sought by the Commission in the course of its investigation.

### Mr Gamage's relevant work history

Upon Mr Gamage's arrival in Australia in 1988 he obtained employment as an engineer with the Brewarrina Shire Council. He worked there between 14 November 1988 and 31 March 1989.

On 3 April 1989 Mr Gamage commenced work at the Coonamble/Dubbo office of the NSW Roads and Traffic Authority (RTA). On 15 January 1990 he secured the position of Traffic Project Manager at the Blacktown office of the RTA. On 16 August 1993 he was registered on a program to assist RTA employees to obtain alternative employment.

Between January 1994 and December 1995 he worked as Senior Road Construction Engineer for the Fiji Road Upgrade Program Stage 2. He returned to work for the RTA on 2 January 1996, applying for various positions without success, eventually accepting voluntary redundancy on 5 July 1996.

Between 1996 and 2006, Mr Gamage pursued various business interests, including operating a boarding house and short-term loans business in the Liverpool area in Sydney.

In 2006, Mr Gamage decided to return to the engineering profession. On 4 June 2006 he applied for the position of Director of Engineering at Torres Shire Council, claiming that he had been the Chief Engineer with a business called Global Management and Engineer Solutions (GMES) since 1995 and had managed projects worth between \$1 million and \$50 million. In fact, GMES had only been registered as

a business by Mr Gamage's friend on 2 June 2006. He was successful in his application and commenced work on 10 July 2006. He negotiated his resignation on 20 September 2006.

### Cobar Shire Council

After briefly working in Queensland, Mr Gamage returned to NSW and applied for the position of Director of Engineering Services at Cobar Shire Council on 24 November 2006. He was successful in his application and commenced with the Council on 2 January 2007. In his application, he claimed to have worked in the following positions:

- Chief Engineer of GMES in Liverpool, NSW, from 1999.
- Shire Engineer at Cook Shire Council, from 1996 to 1999.
- Senior Engineer at Yass Shire Council, from 1990 to 1996.
- Project Engineer at Brewarrina Shire Council, from 1988 to 1990.

He claimed that he increased GMES' annual profits from \$4 million in 1996 to \$22 million in 2005. He also provided two written references purporting to be from Don Perera, as Chief Executive Engineer at GMES, and Asela Manam, as Asset Management Engineer at Sydney City Council.

Mr Perera was subsequently contacted by Cobar Shire Council's General Manager and provided a false verbal reference.

Mr Gamage admitted to providing false information in his application to Cobar Shire Council. He said he worked for GMES for only a few months and that whilst it tendered for work to a couple of councils, it never carried out any work as described in his application. He also admitted that he did not work for either Cook Shire Council or Yass Shire Council, and that he worked for Brewarrina Shire Council for just over four months.

Mr Gamage also admitted that he had created the written references purporting to be from Mr Perera and Mr Manam. He also admitted that he had asked Mr Perera to provide a false verbal reference on his behalf.

Inquiries made by Cobar Shire Council revealed some of the false claims made by Mr Gamage and led to his dismissal. He then moved to Western Australia and commenced work as a civil engineer at a private company.

### Coonamble Shire Council

Mr Gamage returned to NSW and applied for the position of Director of Engineering at Coonamble Shire Council on 13 February 2009. He was successful in his application and commenced with the Council on 6 April 2009.

Once again he submitted a resumé with a substantially false work history and references. He made the following claims:

- Operations Manager for Fremantle Project Managers from 2004. He claimed to have managed projects worth between \$1 million and \$20 million and to have been responsible for the overall management of the department.
- Manager of Civil Engineering for GMES between 2000 and 2004. He claimed to have managed projects worth between \$1 million and \$200 million. He also claimed that the company was involved in the construction of buildings, roads, bridges and land development.
- Director of Technical Services for the Boonah Shire Council between 1997 and 2000.
- Senior Engineer at the Yass Shire Council between 1993 and 1997.
- Senior Engineer at the Brewarrina Shire Council between 1991 and 1993.
- Road Construction and Maintenance Engineer at the NSW RTA between 1988 and 1991.

The Council's General Manager, John Griffiths, contacted Mr Gamage's referee, who was listed as Nalin Harsha of Fremantle Project Managers. A person purporting to be Nalin Harsha gave Mr Gamage a glowing reference.

At both the compulsory examination and public inquiry, Mr Gamage admitted that this application was largely false. He worked for Fremantle Project Managers for only two days. He worked at GMES for a few months and the company never carried out work as claimed in his application. Mr Gamage admitted that he was never employed by Boonah Shire Council or Yass Shire Council. He only worked for Brewarrina Shire Council for just over four months between November 1988 and March 1989. He had only worked for the RTA between April 1989 and July 1996 (excluding the two years he was seconded to work in Fiji).

Mr Gamage's friend, Mr Perera, admitted to giving a false verbal reference and holding himself out to be Nalin Harsha of Fremantle Project Managers (see page 14).

### Other applications for employment

Mr Gamage unsuccessfully applied for positions with a number of other local councils, in each case using a substantially fabricated work history. These applications were:

- Lithgow City Council on 16 July 2009.
- Harden Shire Council on 23 July 2009.
- Goulburn Mulwaree Council on 20 September 2009.
- Bland Shire Council on 25 November 2009.
- Upper Lachlan Shire Council on 4 February 2010.
- Lachlan Shire Council on 9 April 2010.

Mr Gamage admitted that the information contained in each of the applications was substantially fabricated by him.

## False references

Mr Gamage admitted that he had enlisted Mr Perera to provide him with false verbal references.

Mr Perera met Mr Gamage when they were both studying in Kharkov in the former USSR. Mr Perera obtained a Masters of Chemical Engineering from the Lenin Polytechnical Institute in Kharkov. After returning to Sri Lanka he maintained sporadic contact with Mr Gamage. When he migrated to Australia in 2000, he moved into a boarding house operated by Mr Gamage in the Liverpool area. When Mr Perera was residing at one of Mr Gamage's boarding houses, he was approached by Mr Gamage to be a referee.

Mr Perera agreed he provided false verbal references for Mr Gamage but said he did not provide written references. From time to time he received phone calls from various prospective employers. He was given the names of companies he was supposed to be associated with, including Advantage Australasia, GMES and Fremantle Project Managers. In fact, he was not associated with those entities. Mr Perera had never worked with Mr Gamage nor did he have any knowledge of his work performance.

In his application to Cobar Shire Council, Mr Gamage provided an unsigned written "reproduction" reference from Mr Manam, who supposedly worked as an Asset Management Engineer at Sydney City Council. The reference stated that he had come to know Mr Gamage through contracting work he did for the Council. Mr Manam never worked for Sydney City Council and has since passed away. Mr Gamage admitted that this reference was false.

The unsigned written "reproduction" reference from Mr Perera claimed that he was the Chief Executive Engineer for GMES and that he held a PhD and a Bachelor of Science from London. This reference was also false. Mr Perera never worked for GMES and does not hold a PhD or a degree from London. When Mr Gamage applied to Coonamble Shire Council, Mr Perera provided a verbal reference to the General Manager. Mr Gamage asked Mr Perera to hold himself out to be Nalin Harsha of Fremantle Project Managers. Mr Perera told the Commission he pretended to be Nalin Harsha and gave Mr Gamage a positive reference.

Mr Perera expressed regret for having provided false verbal references for Mr Gamage, stating that he did it "in the spirit of friendship" and assumed that Mr Gamage had the capacity to do the job for which he was applying.

## Motivation

At the compulsory examination Mr Gamage explained that his motivation for providing false employment history and references to prospective employers was because of competition for positions. At the public inquiry, Mr Gamage stated that he falsified details on his applications to "impress the employer, saying that this man he is coming with a great deal of experience and, and this man is the right person for us". In preparing applications for employment, Mr Gamage admitted to falsifying his applications stating: "I completely disregard my past and I prepare a job application for them to have a good impression of me". He intentionally omitted previous positions of employment as he knew he would not receive positive feedback from them, whilst inventing other positions in which he never worked. He manipulated the recruitment process and presented false information to employers, specifically targeting rural councils.

This course of conduct enabled him to obtain senior engineering positions at Cobar Shire Council and Coonamble Shire Council. In both these positions, Mr Gamage was afforded a significant degree of trust, respect and responsibility within the rural communities in which he worked.

## Misleading Commission officers

On 8 April 2010, Commission investigators went to Coonamble and served Mr Gamage with a notice under section 22 of the ICAC Act. The notice required him to produce certain things, including his computers, "at the time and date of service of this notice" or by arrangement with the Commission investigator. The conversation between Mr Gamage and the Commission officers who served the notice was lawfully recorded. Mr Gamage told investigators that the computers were in Sydney and could not be produced. In fact, they were in his house. After Commission investigators left he removed the computers from his house and hid them in the car of a colleague from the Council. He later admitted that he had lied to Commission investigators about the whereabouts of the computers.

## Findings of fact

The Commission is satisfied to the requisite degree that the following facts have been established:

1. Mr Gamage provided a false employment history and references purporting to be from work colleagues when he applied for positions at Cobar Shire Council on 24 November 2006 and Coonamble Shire Council on 13 February 2009.
2. Mr Gamage provided a false employment history when he applied for positions at Lithgow City Council on 16

July 2009, Harden Shire Council on 23 July 2009, Goulburn Mulwaree Council on 20 September 2009, Bland Shire Council on 25 November 2009, Upper Lachlan Shire Council on 4 February 2010 and Lachlan Shire Council on 9 April 2010.

## Corrupt conduct

The Commission is satisfied that Mr Gamage's conduct as set out in findings of fact 1 and 2 is corrupt conduct. For the purposes of section 8(2)(e) of the ICAC Act it is conduct that could adversely affect the exercise of official functions by a public official and involves fraud or matters of a similar nature. For the purposes of section 9 of the ICAC Act such conduct could constitute a criminal offence under section 178BA of the Crimes Act of dishonestly obtaining a financial advantage by deception and criminal offences under section 178BB of the Crimes Act of publishing a false document with intent to obtain a financial advantage, knowing that the statements therein were false and misleading in a material particular. A further criminal offence under section 192G of the Crimes Act for dishonestly publishing any statement that is false or misleading in a material particular with the intention of obtaining a financial advantage could also be considered in relation to his application to Lachlan Shire Council, which occurred on 9 April 2010 after changes to the Crimes Act.

## Section 74A(2) statement

The Commission is of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of Mr Gamage for: offences under section 178BA of the Crimes Act in relation to the presentation of false information to obtain employment with Coonamble Shire Council and Cobar Shire Council; offences under section 178BB of the Crimes Act in relation to the publishing of false and misleading documents with the intention of obtaining a financial advantage in relation to Lithgow City Council, Harden Shire Council, Goulburn Mulwaree Council, Bland Shire Council and Upper Lachlan Shire Council. An offence under section 192G of the Crimes Act for dishonestly publishing any statement that is false or misleading in a material particular with the intention of obtaining a financial advantage could also be considered in relation to his application to Lachlan Shire Council which occurred on 9 April 2010 after changes to the Crimes Act.

Although Mr Gamage admitted that these applications contained false information, his evidence was given under a declaration made pursuant to section 38 of the ICAC Act. The effect of that declaration is that his evidence cannot be used against him in any criminal prosecution (except for an offence under the ICAC Act). There is, however, other

admissible evidence that is available concerning the falsity of the information contained in the applications.

The Commission is also of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of Mr Gamage for an offence under section 80(c) of the ICAC Act in relation to the false information he gave Commission officers concerning the whereabouts of his computers. His admission that he gave false information is admissible in evidence against him for this offence.



- Master's Degree
- Completed the Certificate course in Management Development Administration (SLIDA)
- Certificate IV in Training and Assessment
- Completed various "continuing Education" courses
  - Contract administration
  - Maintenance management
  - Quality management
  - Project Management System

## Chapter 4: Corruption prevention

Falsified applications for employment are prevalent and costly to the community. Mr Gamage made several employment applications for various positions within the local government, presenting false work histories and references. He succeeded in obtaining senior engineering positions at Cobar Shire Council and Coonamble Shire Council.

In both cases there were fundamental flaws in the recruitment processes used to hire him. Mr Gamage made false claims that he worked for councils that no longer existed and deliberately omitted former employers for whom he had worked and left on unfavourable terms. Mr Gamage targeted rural councils because he was aware of the serious difficulties they face in recruiting staff.

Mr Gamage also produced false information and references in his applications for membership of Engineers Australia, a national professional association of engineers. Engineers Australia did not conduct adequate checks of the information he provided.

### Why employment screening checks need to be conducted

In 2003 the Commission conducted an investigation into resumé falsification and made findings that Glen Oakley engaged in corrupt conduct by falsely claiming academic qualifications in applications for public sector employment.

In relation to this investigation, the Commission obtained expert advice which indicated that resumé fraud is commonplace in the NSW public sector. Guy Underwood, co-author of Standard Australia's *Employment Screening Handbook* (Standards Australia HB 323-2007), has estimated that approximately 20 to 30% of employment applications contain serious falsehoods, most commonly concerning qualifications and employment history. Mr Underwood indicated that employment screening was rarely performed with any

consistency or rigour in the NSW public sector and he was therefore unable to estimate the extent of resumé falsification specifically for public sector organisations.

Dr George Brown, an academic in the field of qualification authenticity, has estimated that approximately 25% to 30% of senior executives actively falsify their qualifications in prospective employment applications. He believes that the incidence of qualifications falsification in the NSW public sector is likely to be consistent with this figure.

Both Cobar and Coonamble Shire councils incurred significant costs as a result of their employment of Mr Gamage. Ray Smith, the former General Manager of Cobar Shire Council, told the Commission that the cost of hiring Mr Gamage far exceeded any benefit to the community. Mr Smith stated that the actions of Mr Gamage whilst at the Council had detrimental effects on staff morale. John Griffiths, the General Manager of Coonamble Shire Council, indicated that Mr Gamage's work ethic and ability were lacking and that he did not perform his duties at the Council properly. Mr Griffiths stated that Mr Gamage's management had a detrimental effect on staff morale at Coonamble Shire Council.

The prevalence and potential costs of resumé falsification present a significant risk to NSW public authorities. An incompetent or inexperienced engineer could potentially cause significant damage to a community.

### Verification of supplied information

#### Employment screening by public authorities

It is important for employers to conduct checks on the information and references supplied by applicants. Mr Gamage's falsifications remained undetected because Cobar Shire Council, Coonamble Shire Council and Engineers Australia failed to conduct adequate checks on the information and references supplied by him.

Employment screening checks should be conducted on preferred applicants for all NSW public sector positions. The types of checks conducted will be dependent upon the risk profile of the position in question. These checks should be conducted prior to the commencement of employment with the relevant agency.

Both Cobar Shire Council and Coonamble Shire Council accepted the information contained in Mr Gamage’s employment applications as genuine. The policies of both councils do not discuss the issue of verifying the information contained in employment applications. Mr Smith indicated that he had worked for other councils and that to the best of his knowledge, other councils do not have procedures for checking the validity of an applicant’s resumé.

Thorough employment screening checks would have exposed Mr Gamage’s lies at an earlier stage. Mr Smith indicated that he believed that employment screening checks were prohibited because of privacy legislation. Section 4(3)(j) of the *Privacy and Personal Information Protection Act 1998*, however, provides that “information or an opinion about an individual’s suitability for appointment or employment as a public sector official” is not considered personal information for the purposes of that Act.

The Australian Standard on Employment Screening (AS 4811-2006), states that “An organisation shall only obtain information about a person for the purpose of employment screening with their knowledge and consent”. One way of obtaining this consent is to require applicants to sign a form indicating that they consent to these checks being performed. Mr Smith and Mr Griffiths commented that the use of such a form would be helpful in detecting resumé falsification.

Mr Underwood notes that such a form should also include a declaration that indicates that the information provided by the applicants is true and correct and that any

employment or offer of employment may be withdrawn should false information be provided.

### Recommendation 1:

**That Cobar Shire and Coonamble Shire councils ensure that:**

- a) **adequate employment screening checks are performed on preferred applicants in line with the current Australian Standard on Employment Screening (AS 4811-2006) and**
- b) **applicants for positions complete a form indicating that:**
  - **they consent to employment screening checks being conducted upon them**
  - **the information provided in support of their application is true and**
  - **they acknowledge that any employment or offer of employment may be withdrawn if they have provided false information in support of their application.**

This recommendation is relevant to all NSW public sector agencies and the Commission will write to public authorities to make them aware of it.

### Challenges in detection for public authorities

Mr Gamage was systematic in his method of falsifying his work history by submitting applications that included work experience that he did not have but that he believed the prospective employer wanted. He claimed falsely to have worked for organisations where he was never employed including Boonah Shire Council and Yass Shire Council. Mr Gamage stated that he had referred to Boonah Shire Council because it had been abolished in 2007 and amalgamated with another council and, accordingly, it

was difficult for prospective employers to verify who had worked there. He also omitted other previous employers because he left on unfavourable terms.

Internet searches can assist in checking the applicant's employment history. The Commission will be releasing a publication providing advice to public authorities on how to conduct employment screening and employers can readily obtain a copy of the Australian Standard on Employment Screening.

Additionally, specialist employment screening companies can conduct relevant checks for agencies for a fee. In cases where employment screening presents marked challenges for public authorities, they should utilise the services of such companies, especially if the position in question is a senior position.

## Recommendation 2

**That Cobar Shire and Coonamble Shire councils engage the use of an employment screening company if they are recruiting senior staff and are having difficulty in verifying the information supplied by the preferred applicant.**

This recommendation is relevant to all NSW public sector agencies and the Commission will write to public authorities to make them aware of it.

### Reliance on professional membership

The Commission's investigation has also highlighted the risks associated with relying on professional membership as evidence that a candidate holds certain skills or experience. The professional body relevant to this investigation is Engineers Australia (EA).

Engineers Australia, formerly known as the Institution of Engineers Australia, is the national professional association of engineers and offers a variety of memberships to appropriately qualified and experienced engineers. It is also contracted by the federal government to carry out migrant skills assessments for overseas trained engineers with unrecognised qualifications. Engineers Australia assessed Mr Gamage's application for membership when he migrated to Australia.

### Engineers Australia membership

Mr Gamage included his EA membership in many of his job applications. Mr Griffiths indicated that Mr Gamage's membership was viewed as evidence in support of his application, stating:

*"I still believe that they're a professional body and they require some, you know, they have some stringent rules as to how you gain membership there so you do need experience in addition to the qualifications".*

Engineers Australia's membership assessment processes should be thorough in order for public sector organisations to rely on EA membership as evidence that an applicant's qualifications and experience have undergone detailed checking. This investigation has, however, identified various weaknesses in their processes.

As part of his application for membership of EA, Mr Gamage's claimed Sri Lankan work history was "verified" by friend and fellow engineer, Smuttu Sivarasa. However, the information provided by Mr Sivarasa was not only false but inconsistent with his own EA membership application.

Stephen Finlay, Executive Director, Sydney Division of EA, confirmed that when a person applies for membership, claimed qualifications are not authenticated with the issuing institution. As a matter of course, EA accepts as genuine a copy of an original qualification certified by an existing member. Any work experience outlined in support of an application can also be verified by an existing EA member and is not authenticated independently by EA. Engineers Australia accepts the information presented to it at face value.

When accepting evidence from EA or any other professional body regarding a candidate's skills or ability, public authorities need to be aware of the reliability of the checks performed by that body. Weight should only be placed on the membership of any professional body if the NSW public sector agency has clarified the methods used to check professional standing.

Commission officers have explained the concerns it has about EA membership to Mr Finlay who has agreed to raise them with the National Office of EA.

### Engineers Australia's migrant skills assessment

The processes used by EA to check migrant skills assessments have changed significantly since Mr Gamage undertook assessment in 1987, prior to migrating to Australia in 1988. The EA's Migration Skills Assessment booklet indicates that EA examines the subjects studied by applicants in their university degrees and reviews their references and assesses detailed "career episodes" against the Australian Engineering Competency Standards Stage I competencies as well as International English Language Test (IELTS) scores.

However, EA continues to accept copies of original documents certified by EA members rather than originals and ignores the risk that EA members may falsely certify a document. Furthermore, academic qualifications do not appear to be independently verified by EA with the awarding institution and certified copies of references are accepted as proof of a person's work history. Engineers Australia uses "career episode reports" supplied by an applicant as evidence of his or her competence. While the subsequent interview may identify applicants who do not demonstrate the claimed skills and experience, this may not be adequate. Other than the written references noted above, there appears to be no other mechanism to verify that the applicant actually wrote these reports or that they correctly reflect the person's experience.

Applicants are required to sign a declaration that the information provided is true and correct, that the report is their own work and that they understand that any documents submitted may be passed to the Department of Immigration and Citizenship for integrity checking.

Engineers Australia's migration skills assessment process appears to have similar weaknesses to its membership process discussed earlier. When accepting evidence from a migrant skills assessment that a candidate has specific skills or experience, public authorities need to be aware of the standards used and checks performed by that body at the time of the assessment.

### **Recommendation 3:**

**That Cobar Shire and Coonamble Shire councils ensure that they know and are satisfied with the:**

- a) **verification checks performed by professional bodies before they rely on membership of them as evidence of a candidate's skills or experience and**
- b) **process used in relation to a migrant skills assessment before they rely on that assessment as evidence of a candidate's skills or experience.**

This recommendation is relevant to all NSW public sector agencies who deal with professional bodies and the Commission will write to all public authorities to make them aware of it.

### **Engineers Australia's Chartered Professional Engineer status**

In addition to membership, EA offers Chartered Professional Engineer (CPEng) status, which is designed to demonstrate that the member has satisfied the Australian Engineering Competency Standards Stage 2. Mr Finlay indicates that this is beneficial to engineers because it is designed to show that the engineer has been rigorously assessed and is held in high professional regard.

Part of the process of obtaining CPEng status requires applicants to submit an Engineering Practice Report, which includes extensive documentation to demonstrate that the competencies required of a professional engineer have been satisfied. The validity of the claims in this report is assessed by a face-to-face interview with experts in the field. This is a more stringent process than for ordinary membership.

However, Mr Findlay notes that not all CPEng members have been required to undergo this assessment process; when CPEng status was introduced in 1989, all Members of EA at this time were automatically granted CPEng status.

In addition to this grandfathering provision, the assessment process described above did not commence until 1995. This brings into question the weight that a prospective employer can give to CPEng status if an engineer earned it prior to 1995.

Mr Gamage obtained CPEng status via the "grandfathering provision". However, his CPEng status was lost when his membership lapsed in 1991. Mr Gamage's membership has since been reinstated but he never reapplied for CPEng status. He has, however, continued to claim CPEng status in a number of job applications.

That Mr Gamage has continued to claim CPEng status despite it having lapsed in 1991 indicates the need for public authorities to directly confirm this status with EA and to determine the means by which it was granted.

It should be noted that the candidate's permission must be obtained for EA to confirm either membership or CPEng status. Public authorities should ensure that applicants for public sector positions have provided consent to confirm the membership or other status that they claim to hold with a professional body.

### **Recommendation 4:**

**That Coonamble Shire Council and Cobar Shire Council:**

- a) **obtain consent from employment applicants to verify memberships or other status that they claim to hold with professional bodies and**
- a) **ensure that this consent has been provided to these professional bodies.**

This recommendation is relevant to all NSW public sector agencies who deal with professional bodies and the Commission will write to public authorities to make them aware of it.

- Masters Degree
- Completed the Certificate course in Management Development Administration (SLIDA)
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## Failure to report resumé falsification under Section 11 of the ICAC Act

When Mr Smith detected Mr Gamage’s falsification, he sought advice from the Local Government and Shires Associations of NSW as to whether or not he could dismiss Mr Gamage. On the basis of this advice, Mr Gamage’s employment was terminated.

While Mr Gamage’s dismissal was appropriate, Section 11 of the ICAC Act places a duty on a general manager of a local council to report to the Commission “any matter that the person suspects on reasonable grounds concerns or may concern corrupt conduct”.

Mr Smith did not report Mr Gamage’s resumé falsification to the Commission despite the fact that his enquiries provided reasonable grounds for suspicion. He indicated that it never crossed his mind to report the matter to the Commission and that it did not arise in his discussions with the Local Government and Shires Associations’ Industrial Relations Manager.

If principal officers of public authorities do not report corrupt conduct to the Commission, corruption will remain undetected. Furthermore, the principal officer of Cobar Shire Council, Mr Smith, breached his statutory duty to inform the Commission.

The Commission will write to principal officers to remind them of their obligations under section 11 of the ICAC Act and discuss a range of conduct that may constitute corrupt conduct, including resumé falsification.

## Targeting of rural and regional councils

Mr Gamage specifically targeted his applications towards rural councils because of the difficulty they face in recruiting staff. In addition to his successful applications to Cobar Shire and Coonamble Shire councils, Mr Gamage applied unsuccessfully for positions at Lachlan Shire, Lithgow Shire, Harden Shire, Goulburn Mulwaree, Bland Shire and Upper Lachlan Shire councils.

Mr Smith stated that there are “extreme challenges” in recruiting staff to isolated areas such as Cobar. After Mr Gamage was dismissed, Cobar Shire Council was unable to recruit another qualified engineer for almost two years despite extensive efforts to recruit a replacement. Mr Griffiths agreed that it can be difficult to fill a range of positions at rural councils.

Rural and regional councils find it very difficult to fill vacancies and come under heavy pressure from the community to do so. This encourages individuals such as Mr Gamage to target these organisations. Rural and regional councils need to be made aware of this vulnerability and the NSW government should develop a strategy to alleviate the recruitment difficulties that they face.

The Commission will write to general managers of rural and regional councils advising them that they may be targeted by falsified applicants because of the difficulties they face in filling vacancies.

## Appendix: The role of the Commission

The ICAC Act is concerned with the honest and impartial exercise of official powers and functions in, and in connection with, the public sector of New South Wales, and the protection of information or material acquired in the course of performing official functions. It provides mechanisms which are designed to expose and prevent the dishonest or partial exercise of such official powers and functions and the misuse of information or material. In furtherance of the objectives of the ICAC Act, the Commission may investigate allegations or complaints of corrupt conduct, or conduct liable to encourage or cause the occurrence of corrupt conduct. It may then report on the investigation and, when appropriate, make recommendations as to any action which the Commission believes should be taken or considered.

The Commission can also investigate the conduct of persons who are not public officials but whose conduct adversely affects or could adversely affect, either directly or indirectly, the honest or impartial exercise of official functions by any public official, any group or body of public officials or any public authority. The Commission may make findings of fact and form opinions based on those facts as to whether any particular person, even though not a public official, has engaged in corrupt conduct.

The ICAC Act applies to public authorities and public officials as defined in section 3 of the ICAC Act.

The Commission was created in response to community and Parliamentary concerns about corruption which had been revealed in, inter alia, various parts of the public service, causing a consequent downturn in community confidence in the integrity of that service. It is recognised that corruption in the public service not only undermines confidence in the bureaucracy but also has a detrimental effect on the confidence of the community in the processes of democratic government, at least at the level of government in which that corruption occurs. It is also recognised that corruption commonly indicates and promotes inefficiency, produces waste and could lead to loss of revenue.

The role of the Commission is to act as an agent for changing the situation which has been revealed. Its work involves identifying and bringing to attention conduct which is corrupt. Having done so, or better still in the course of so doing, the Commission can prompt the relevant public authority to recognise the need for reform or change, and then assist that public authority (and others with similar vulnerabilities) to bring about the necessary changes or reforms in procedures and systems, and, importantly, promote an ethical culture, an ethos of probity.

The principal functions of the Commission, as specified in section 13 of the ICAC Act, include investigating any circumstances which in the Commission's opinion imply that corrupt conduct, or conduct liable to allow or encourage corrupt conduct, or conduct connected with corrupt conduct, may have occurred, and co-operating with public authorities and public officials in reviewing practices and procedures to reduce the likelihood of the occurrence of corrupt conduct.

The Commission may form and express an opinion as to whether consideration should or should not be given to obtaining the advice of the Director of Public Prosecutions with respect to the prosecution of a person for a specified criminal offence. It may also state whether it is of the opinion that consideration should be given to the taking of action against a person for a specified disciplinary offence or the taking of action against a public official on specified grounds with a view to dismissing, dispensing with the services of, or otherwise terminating the services of the public official.



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