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CLERK

NA

# General Report

Section 48 - Independent Commissioner Against Corruption Act 2017

Office of the  
Independent  
Commissioner  
Against  
Corruption NT



## Letter of Transmittal

The Honourable Dheran Young MLA  
Speaker  
Legislative Assembly of the Northern Territory

Dear Speaker

I submit a report prepared in accordance with section 48 of the *Independent Commissioner Against Corruption Act 2017* (NT) (ICAC Act).

In accordance with section 49(3) of the ICAC Act I recommend that this report be made public immediately. If you do not accept that recommendation then I note section 49(2) of the ICAC Act requires you to table the report in the Legislative Assembly within six sitting days after you have received it. This is the final sitting week. Given the Legislative Assembly will not sit again until after the 2024 General Election, I respectfully request that this report be tabled before the Assembly rises on 23 May 2024.

Yours sincerely

A handwritten signature in blue ink, consisting of a long horizontal line with a stylized 'M' and 'R' above it.

Michael Riches  
**Independent Commissioner Against Corruption**

21 May 2024

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## Introduction

Section 48 of the *Independent Commissioner Against Corruption Act 2017* (ICAC Act) provides that I may make a General Report to the Legislative Assembly. I may make a General Report about 'systemic issues the ICAC has identified in one or more public bodies in relation to improper conduct'<sup>1</sup> and 'matters the ICAC believes may be affecting the incidence of improper conduct in one or more public bodies'<sup>2</sup>.

In the past I have commented upon the corruption and improper conduct risks associated with recruitment processes. In my General Report to the Legislative Assembly in July 2022, I said:

*An applicant who falsifies their application, or aspects of their application, alters what should be a level playing field. If their dishonesty is not detected at the earliest opportunity, fairness in the process can be lost and the true meritorious applicant may not be selected.*

*The risk of appointing a person to a position based upon a dishonest application places the organisation at risk of having to address the consequences, including having to engage in processes to remove the individual, and the time and cost associated with repeating the recruitment process. Moreover, the dishonest but successful applicant may not bring the skill and experience required for the position, further disadvantaging the organisation's productivity and effectiveness.*

*For those reasons, it is essential that public bodies develop and implement suitably robust recruitment processes to verify the accuracy of claims made by applicants. Where a suspicion arises regarding the veracity of an applicant's stated qualifications and experience, those suspicions must be addressed and the veracity of the claims properly tested.*

*Where it appears that an applicant has falsified aspects of their application, that fact should be brought to my attention.<sup>3</sup>*

On 18 May 2023 I made a public statement in respect of an investigation. The investigation identified that an individual had provided false information about qualifications said to support their application for employment as a public officer.

In my public statement, I said the following:

**Accordingly, I ask that all public bodies audit the personnel records of public officers whose employment or appointment is contingent upon the holding of a particular qualification.**

**Where records are deficient, steps should be taken to verify those qualifications.**

**Any anomalies identified should be reported to me.**

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<sup>1</sup> Section 48(1)(b).

<sup>2</sup> Section 48(1)(c).

<sup>3</sup> Pages 4 and 5.

In February 2024, ICAC Assistant Commissioner Naomi Loudon wrote to the heads of 21 public bodies enquiring as to whether such an audit had been conducted and, if so, the outcome of that audit.

The purpose of this General Report is to update the Legislative Assembly on the result of actions taken by public bodies as a result of my request.

## Audits on records of qualifications

The following 11 public bodies have conducted an audit of the kind suggested:

- Aboriginal Areas Protection Authority
- Department of the Chief Minister and Cabinet
- Department of Education
- Department of Environment, Parks and Water Security
- Department of the Legislative Assembly
- Department of Treasury and Finance
- Jacana Energy
- NT Ombudsman
- NT Auditor-General's Office
- Power and Water Corporation
- Territory Generation

The following five public bodies have indicated they intend to complete the audit in the future:

- Department of Attorney-General and Justice
- Department of Health
- Department of Infrastructure, Planning and Logistics
- Department of Territory Families, Housing and Communities
- Office of the Commissioner for Public Employment

The following public bodies advised that, for various reasons, they did not intend to conduct an audit:

- Department of Industry, Tourism and Trade
- Department of Corporate and Digital Development
- Land Development Corporation

As at the date of this General Report, we are awaiting a response from the Northern Territory Police, the Northern Territory Fire and Emergency Services,<sup>4</sup> and the Northern Territory Electoral Commissioner, as to whether those bodies have or will conduct an audit.

## Audit Findings

Of the 11 public bodies who have completed an audit, the following issues were identified:

- Two occasions where copies of qualifications provided had caused suspicion as to their authenticity.
- Numerous instances of evidence of qualifications not provided or qualification records not maintained.
  - For example, in one public body, a review of 50 recruitment processes found that, in 83% of cases where positions required certain qualifications, the successful candidate's qualifications had not been recorded.
- A number of inconsistencies relating to the where recruitment documents, including records of verified qualifications, were stored.
- Numerous instances where qualifications did not appear to have been verified prior to appointment, promotion or transfer.
- Numerous instances where there was an anomaly with the job description, including:
  - Job descriptions where an essential tertiary qualification for the role was not identified or listed; and
  - Incorrect job descriptions attached to recruitment process records.

## Self-initiated improvements

Pleasingly, a number of public bodies initiated self-improvement processes following the audit. Those self-improvement processes include:

- Enhancing the requirement for criminal history checks for certain roles.
- Mandatory verification of all relevant qualifications if listed on a resume.
- The requirement for qualification verification to be extended to public officers who are seconded from other public bodies.
- Reinforcing the requirement to maintain adequate records of both employee qualifications **and** evidence of verification steps undertaken.
- Dissemination of a communique to all staff reminding those involved in recruitment processes of the obligation to verify qualifications.
- Establishment of a qualifications register, capturing verified qualifications of all public officers within the public body.

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<sup>4</sup> Noting that when contact was made, there was one entity (Northern Territory Police, Fire and Emergency Services).

- Development of a pre-employment screening policy, which will include conflict of interest, criminal history and qualifications checks.

## Observations

First and foremost, I acknowledge and commend those public bodies who have completed an audit of the kind suggested. I am grateful to those public bodies for sharing with me the results of their audit, even where those results identified failings or weaknesses. Through their responses, and this General Report, all public bodies can learn from those audits.

The identified anomalies are unsurprising. I anticipate that a number of public bodies that are yet to complete an audit will identify similar issues.

While the vast majority of applicants for appointment to public positions will provide accurate and truthful information in their applications, regrettably some will seek appointment through the use of false information, including through assertions of non-existent qualifications and, in some cases, the presentation of falsified documents. It is important that all public bodies take reasonable steps to guard against such corrupt individuals from succeeding.

To that end, public officers involved in recruitment processes must remain vigilant, and insist upon such checks and verification processes as are necessary to satisfy the public officer that the applicant has provided truthful and accurate information.

## Conclusion

Leaders in all public bodies should take stock of the audit results summarised in this report, and consider how those results can inform local practices, policies and procedures.

In the coming months I will write to Chief Executive Officers of Local Councils, the Charles Darwin University and the Batchelor Institute of Indigenous Tertiary Education to ascertain whether those bodies have, or will, conduct an audit of personnel records.

For those public bodies who do not think it necessary to conduct an audit of the kind to which this report relates, I invite the leaders of those bodies to reconsider.

**Contact the ICAC**

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