

Friday 4 March 2016

Investigation into the conduct of a TAFE NSW ICT manager

ICAC FINDINGS

The ICAC found that Ronald Cordoba engaged in serious corrupt conduct by, in about February 2014, improperly exercising his official functions to ensure that the TAFE NSW South Western Sydney Institute (SWSI) engaged Cloud People Pty Ltd as its contractor to provide “virtual labs” with the intention of obtaining for his business, ITD Systems Pty Ltd, a benefit of \$55,000; a benefit that was received.

Mr Cordoba also engaged in serious corrupt conduct by improperly exercising his official functions to obtain \$1,709,904.90 from the SWSI for his business, ITD Systems.

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 Cordoba for the criminal offences of:

- fraud, pursuant to section 192E of the *Crimes Act 1900*, in relation to \$55,000 paid by Cloud People to Mr Cordoba's business, ITD Systems, in or after February 2014
- fraud, pursuant to section 192E of the *Crimes Act*, in relation to the \$1,709,904.90 paid by the SWSI to ITD Systems between February and July 2014
- wilfully making a false statement to mislead a Commission officer, pursuant to section 80 of the *Independent Commission Against Corruption Act 1988* in relation to information provided by him to a Commission officer during a search of his (Mr Cordoba's) home on 10 March 2015
- making a false or misleading statement during a compulsory examination, pursuant to section 87 of the ICAC Act, in relation to evidence given by him during two compulsory examinations by the Commission to the effect that he had used an incorrect Australian Business Number (ABN) on SWSI documentation by accident.

CORRUPTION PREVENTION

The Commission makes three corruption prevention recommendations, including that the SWSI:

- finance unit scrutinises expenditure involving out-of-contract suppliers on a periodic basis
- undertakes a regular analysis of vendor payments based on computer-aided audit reports to detect anomalies in the procure-to-pay system
- establishes formal project management and governance structures to oversee ICT projects and implement formal value-realisation analysis at the completion of projects.

BACKGROUND

In September 2014, the Commission received a report from the SWSI that Mr Cordoba had used his position of acting manager of information and communications technology (ICT) services to improperly raise purchase orders and authorise payments, totalling over \$1.7 million, in favour of ITD Systems Pty Ltd. It was alleged that Mr Cordoba deliberately concealed his ownership of ITD Systems by using the company name and ABN of ITD Pty Ltd, a company that was registered with the Australian Securities and Investments Commission, but with which he had no connection. He also corresponded with SWSI administrators using a false name and position title.

The Commission held a public inquiry, as part of the investigation, over three days on 17 August, 18 August and 7 September 2015. Commissioner the Hon Megan Latham presided at the public inquiry and six witnesses gave evidence. The report is available on the ICAC website at www.icac.nsw.gov.au.

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