

**Investigation into the submission of false claims for sitting day relief entitlement by Angela D'Amore MP and some members of her staff****ICAC FINDINGS**

- The ICAC has made findings of corrupt conduct against Angela D'Amore MP and Agatha La Manna.
- Ms D'Amore engaged in corrupt conduct by instructing Karen Harbilas to represent falsely on the sitting day relief claim form for the period 24 to 26 October that David Nicoletti had worked at Parliament House on the sitting days claimed, and by signing that form and another for the period 14 to 16 November 2006, knowing that both forms contained false representations about the location of Mr Nicoletti and Ms Harbilas.
- Ms D'Amore also engaged in corrupt conduct by instructing or authorising Ms La Manna to represent falsely on three June 2007 sitting day relief claim forms that Mr Nicoletti had worked at Parliament House on the sitting days claimed and by signing the forms completed by Ms La Manna, knowing that they contained false representations about the location of Ms La Manna and Mr Nicoletti on the days, claimed.
- Ms La Manna engaged in corrupt conduct by falsely representing on the three June 2007 claim forms that Mr Nicoletti had worked at Parliament House and that she had worked at the electorate office, and by submitting the forms to Parliament for approval after they had been completed.

**ICAC RECOMMENDATIONS**

- The Commission is of the opinion that consideration should be given to obtaining the advice of the Director of Public Prosecutions with respect to the prosecution of Ms D'Amore for two common law offences of misconduct in public office.
- The Commission is of the opinion that consideration should be given to the taking of action against Ms La Manna with a view to dismissing, dispensing with the services of, or otherwise terminating her services.

**BACKGROUND**

- This investigation follows an earlier investigation this year into the conduct of the former Member for Penrith, Karyn Paluzzano. Evidence was given at that public inquiry held in May 2010 that the practice of falsely claiming sitting day relief entitlement may have been widespread. The Commission received other similar information. In order to examine this possibility and determine whether there were any further anomalies requiring further investigation, the Commission examined the use made of the allowance by all Members of the Legislative Assembly who claimed payments for five sitting days or more from 29 August 2006 to the end of June 2007.
- Concurrently with this report, the Commission is providing a report to the Speaker of the Legislative Assembly on the further investigations it carried out. That report explains that the Commission came to the conclusion that no further public inquiries should be held in relation to any sitting day relief payments, other than those referred to in the report entitled *Investigation into the submission of false claims for sitting day relief entitlement by Angela D'Amore MP and some members of her staff*.
- The Commission held a public inquiry as part of this investigation over four days in October 2010, at which Commissioner the Hon David Ipp AO QC presided and eight witnesses gave evidence.

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