

Investigation into the conduct of a RailCorp manager and a Housing NSW employee

ICAC FINDINGS

The ICAC found that Joseph Camilleri engaged in corrupt conduct by:

- receiving \$428,000 from RailCorp contractor Kevin McCarthy between October 2012 and February 2013, the receipt of which Mr Camilleri knew would tend to influence him to exercise his official functions in favour of Mr McCarthy
- receiving \$57,000 from RailCorp contractor Terrance Coleman between November 2012 and January 2013, the receipt of which Mr Camilleri knew would tend to influence him to exercise his official functions in favour of Mr Coleman and which did influence him to exercise those functions by placing Mr Coleman in contact with other RailCorp employees
- receiving \$3,000 from RailCorp contractor Anthony Courtman on 13 August 2012, the receipt of which Mr Camilleri knew would tend to influence him to exercise his official functions in favour of Mr Courtman and which did influence him to exercise those functions by including the company for which Mr Courtman worked in a RailCorp tender panel and alerting Mr Courtman to an imminent RailCorp tender
- soliciting \$10,000 from RailCorp contractor Andrew Rogers on 14 February 2013, the receipt of which Mr Camilleri knew would tend to influence him to exercise his official functions in favour of Mr Rogers
- receiving \$36,000 from RailCorp contractor Mark Ross-Smith between 9 and 10 August 2012, the receipt of which Mr Camilleri knew would tend to influence him to exercise his official functions in favour of Mr Ross-Smith and which did influence him to exercise those functions to arrange for Mr Ross-Smith's engagement as a RailCorp project manager
- receiving \$2,000 from RailCorp employee Theodore Vavayis in July 2012, the receipt of which Mr Camilleri knew would tend to influence him to exercise his official functions in favour of Mr Vavayis
- receiving \$56,000 from RailCorp employee Saviour (Sam) Cassar between May and July 2012, the receipt of which Mr Camilleri knew would tend to influence him to exercise his official functions in favour of Mr Cassar and which did influence him to exercise those functions by facilitating Mr Cassar's application for a voluntary separation payment
- receiving \$32,000 from RailCorp employee Ray Oweis in October 2012, the receipt of which Mr Camilleri knew would tend to influence him to exercise his official functions in favour of Mr Oweis
- receiving \$5,000 from RailCorp employee Ray Furfaro on 22 May 2012 and soliciting further payments from Mr Furfaro a short time later, the receipt of which Mr Camilleri knew would tend to influence him to exercise his official functions in favour of Mr Furfaro
- receiving \$9,000 from RailCorp employee Pierre Rochecouste between June 2012 and September 2012, the receipt of which Mr Camilleri knew would tend to influence him to exercise his official functions in favour of Mr Rochecouste.

The ICAC found that Kevin McCarthy, Anthony Courtman, Mark Ross-Smith and Saviour Cassar engaged in corrupt conduct by providing money to Mr Camilleri for the purpose of influencing him to exercise his official functions in their favour.

The Commission did not make findings of corrupt conduct against Mr Coleman, Mr Rogers, Mr Vavayis, Mr Oweis, Mr Furfaro and Mr Rochecouste.

More.../2

The ICAC found that Carmen Attard engaged in corrupt conduct in 2012 by soliciting and receiving \$44,000 from her subordinate Housing NSW employees. Mrs Attard conceded at the public inquiry that she knowingly breached the Housing NSW code of conduct and ethics and that her actions could adversely affect, either directly or indirectly, the impartial exercise of her official functions. The evidence before the ICAC does not establish that any of the Housing NSW staff who provided money to Mrs Attard engaged in corrupt conduct

The ICAC did not find that Jessica Camilleri's conduct constitutes corrupt conduct. However, during the course of the inquiry evidence was presented that Ms Camilleri had counselled and incited Mr Camilleri to destroy documents or other things relating to the subject matter of the Commission's investigation.

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 Camilleri, Mr McCarthy, Mr Cassar and Mrs Attard for offences under s 249B of the *Crimes Act 1900*, and that the DPP advice should be obtained with respect to the prosecution of Ms Camilleri for an offence under s 351A of the Crimes Act.

The ICAC is of the opinion that consideration should be given by Housing NSW to the taking of disciplinary action against Mrs Attard for disciplinary offences of misconduct with a view to dismissing her, dispensing with her services or otherwise terminating her services.

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