

Alleged corrupt conduct of Burwood Council's General Manager and others**ICAC FINDINGS**

The ICAC has made 17 corrupt conduct findings against former Burwood Council General Manager, Pasquale (Pat) Romano. The corrupt conduct in which Mr Romano engaged included:

- using his position at the Council to engage IPP Consulting Pty Ltd for personal purposes to conduct surveillance on a work colleague of his wife, and knowingly causing the invoices for the work, which amounted to over \$35,000, to be paid by the Council
- using IPP Consulting to conduct surveillance on candidates for the 2008 council elections, although he knew this fell outside the proper performance of his functions as the General Manager, and knowingly causing the \$15,485 invoice for this work to be paid by the Council
- failing to manage appropriately his conflict of interest in the recruitment to Council of his friend, Albert Becerra, and in the payment of \$41,400 to Mr Becerra above his contracted remuneration
- procuring work on units in which he had a personal interest from Council officers during Council time
- taking adverse managerial action against four Council whistleblowers.

ICAC RECOMMENDATIONS

The ICAC recommends that the advice of the Director of Public Prosecutions (DPP) should be obtained with regard to the prosecution of Mr Romano for several offences including:

- four of giving false or misleading documents to the Council with intent to defraud the Council, contrary to section 249C of the *Crimes Act 1900*
- four common law offences of misconduct in public office
- an offence of obtaining financial advantage by false or misleading statements, contrary to section 178BB of the *Crimes Act*
- two offences of causing detrimental action to be taken against a person who made protected disclosures, contrary to the *Protected Disclosures Act 1994* (now named the *Public Interest Disclosures Act 1994*)
- three offences of causing or procuring disadvantage to persons for or on account of those persons assisting the ICAC, contrary to section 93 of the *Independent Commission Against Corruption Act 1988*
- two offences of providing false or misleading evidence to the Commission.

CORRUPTION PREVENTION

The Commission has made 31 corruption prevention recommendations including that:

- the NSW Division of Local Government be authorised through legislative amendment to require NSW councils to adopt policy and practice considered to be of state-wide significance by the Division's Chief Executive
- the NSW Minister for Local Government seeks legislative amendment to the *Local Government Act 1993* to establish internal audit for local authorities as a statutory function
- Burwood Council policies should be amended to prohibit the General Manager from having any involvement or giving directions to staff in relation to any formal complaints where he/she is the subject of the complaint.

BACKGROUND

- The Commission's investigation arose as a result of information provided by Burwood Council officers. It involved a wide range of allegations spanning many years about Mr Romano and other Council officers. Many of the allegations arose from complaints about Mr Romano made by Council staff to the Mayor of Burwood, the Commission and the *Sydney Morning Herald*.
- The full report can be accessed from the ICAC website at www.icac.nsw.gov.au.

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