



New South Wales



Office of the Inspector

**of the Independent Commission
Against Corruption**

**Report Pursuant to
the Premier's
Reference: Section
77A Independent
Commission Against
Corruption Act 1988**

June 2015

INTRODUCTION AND CONTEXT

By Letters Patent issued by the Governor on 27 May 2015, what hereafter will be described as the "Panel" was established under the Chairmanship of the Hon Anthony Murray Gleeson AC QC with Mr Bruce McClintock SC, it being commissioned to conduct an inquiry to review matters relating to the jurisdiction of the ICAC. On 15 April 2015, the High Court of Australia had handed down its decision in *ICAC v Cunneen & Others* [2015] HCA 14. I was formally advised of the establishment of the Independent Panel by letter dated 15 June 2015 from the Premier's General Counsel, Mr Paul Miller.

The Terms of Reference for the Independent Panel are as follows:

In light of the decision of the High Court of Australia in ICAC v Cunneen [2015] HCA 14, the Panel is commissioned to consider, and report to Our Governor, on:

- 1. the appropriate scope for the ICAC's jurisdiction,*
- 2. any legislative measures required to provide the ICAC with the appropriate powers to prevent, investigate and expose serious corrupt conduct and/or systemic corrupt conduct involving, or affecting, public authorities and/or public officials, and*
- 3. whether any limits or enhancements, substantive or procedural, should be applied to the exercise of the ICAC's powers,*

taking into account:

- 1. the jurisdiction, responsibilities and roles of other public authorities and/or public officials in the prevention, detection, investigation, determination, exposure and prosecution of corrupt conduct, and*
- 2. any report of the Inspector of the ICAC completed and available during the course of this inquiry which includes consideration of:*
 - a. the conduct of past and current investigations of the ICAC,*
 - b. whether the ICAC's powers, and its exercise of its powers, are consistent with the principles of justice and fairness,*
 - c. the extent to which ICAC investigations give rise to prosecution and conviction, and*
 - d. whether any limits or enhancements, substantive or procedural should be applied to the exercise of the ICAC's powers.*

The Panel is to report to the Governor by 31 July 2015 and any Report from myself to the Parliament is required by 20 June 2015.

The presently relevant terms of Part 5A of the ICAC legislation which relate to the Office of the Inspector are:

Part 5A – Inspector of the Independent Commission Against Corruption

57A Inspector of the Independent Commission Against Corruption

(1) Appointment The Governor may appoint an Inspector of the Independent Commission Against Corruption...

57AA Assistant Inspector

(1) The Governor may, with the concurrence of the Inspector, appoint an Assistant Inspector of the Independent Commission Against Corruption.

(2) An Assistant Inspector may, to the extent to which he or she is directed by the Inspector to do so, exercise any function of the Inspector and for that purpose is taken to be the Inspector.

57AB Dual appointments

A person may hold both the office of Inspector or Assistant Inspector and the office of Inspector or Assistant Inspector of the Police Integrity Commission at the same time.

57B Principal functions of Inspector

(1) The principal functions of the Inspector are:

(a) to audit the operations of the Commission for the purpose of monitoring compliance with the law of the State, and

(b) to deal with (by reports and recommendations) complaints of abuse of power, impropriety and other forms of misconduct on the part of the Commission or officers of the Commission, and

(c) to deal with (by reports and recommendations) conduct amounting to maladministration (including, without limitation, delay in the conduct of investigations and unreasonable invasions of privacy) by the Commission or officers of the Commission, and

(d) to assess the effectiveness and appropriateness of the procedures of the Commission relating to the legality or propriety of its activities.

(2) The functions of the Inspector may be exercised on the Inspector's own initiative, at the request of the Minister, in response to a complaint made to the Inspector or in response to a reference by the Joint Committee or any public authority or public official.

(3) The Inspector is not subject to the Commission in any respect.

(4) For the purposes of this section, conduct is of a kind that amounts to maladministration if it involves action or inaction of a serious nature that is:

(a) contrary to law, or

(b) unreasonable, unjust, oppressive or improperly discriminatory, or

(c) based wholly or partly on improper motives.

(5) Without affecting the power of the Inspector to make a report under Part 8, the Inspector may, at any time:

(a) make a recommendation or report concerning any matter relating to the functions of the Inspector under this section that the Inspector considers may effectively be dealt with by recommendation or report under this section, and

(b) provide the report or recommendation (or any relevant part of it) to the Commission, an officer of the Commission, a person who made a complaint or any other affected person.

[Note Part 8 concerns Reports to the Parliament: see below]

57C Powers of Inspector

The Inspector:

(a) may investigate any aspect of the Commission's operations or any conduct of officers of the Commission, and

(b) is entitled to full access to the records of the Commission and to take or have copies made of any of them, and

(c) may require officers of the Commission to supply information or produce documents or other things about any matter, or any class or kind of matters, relating to the Commission's operations or any conduct of officers of the Commission, and

(d) may require officers of the Commission to attend before the Inspector to answer questions or produce documents or other things relating to the Commission's operations or any conduct of officers of the Commission, and

(e) may investigate and assess complaints about the Commission or officers of the Commission, and

(f) may refer matters relating to the Commission or officers of the Commission to other public authorities or public officials for consideration or action, and

(g) may recommend disciplinary action or criminal prosecution against officers of the Commission.

57D Inquiries

(1) For the purposes of the Inspector's functions, the Inspector may make or hold inquiries.

(2) For the purposes of any inquiry under this section, the Inspector has the powers, authorities, protections and immunities conferred on a commissioner by Division 1 of Part 2 of the Royal Commissions Act 1923 and that Act (section 13 excepted) applies to any witness summoned by or appearing before the Inspector in the same way as it applies to a witness summoned by or appearing before a commissioner...

(3) The Inspector may engage persons as consultants to the Inspector or to perform services for the Inspector.

- (4) *The Inspector may arrange for the use of the services of:*
- (a) *any staff or facilities of the Commission, a Department or a local or public authority, or*
 - (b) *any staff who are employed by or for or assigned to the person who is Inspector, in his or her capacity as the holder of some other position (for example, as a Judge).*

57F Incidental powers

- (1) *The Inspector has power to do all things necessary to be done for or in connection with, or reasonably incidental to, the exercise of the Inspector's functions. Any specific powers conferred on the Inspector by this Act are not taken to limit by implication the generality of this section.*
- (2) *Section 40 of the Surveillance Devices Act 2007 does not apply to the use, publication or communication of protected information within the meaning of that Act in relation to the exercise of the Inspector's functions under section 57B.*

In addition, Part 8 contains the following relevant provision:

77A Special reports

The Inspector may, at any time, make a special report to the Presiding Officer of each House of Parliament on:

- (a) *any matters affecting the Commission, including, for example, its operational effectiveness or needs, and*
- (b) *any administrative or general policy matter relating to the functions of the Inspector, and*
- (c) *any other matter relating to the exercise of a function to audit, deal with or assess any matter under section 57B that the Inspector considers warrants the making, in the public interest, of a special report.*

THE REPORT TO THE PANEL.

2(a) *The conduct of past and current investigations of the ICAC*

The conduct of past and current investigations of the ICAC as a subject of consideration is a demanding task not only, with respect, to the resources available to this Inspectorate but to the issue of necessary relevance to the Terms of Reference for the Panel.

The ICAC Act was enacted in 1988 and the best source for the identification of past and current investigations is its website: icac.nsw.gov.au. The website of the ICAC is of utility to the extent that investigations from approximately a little over the past 10 years are available online, and details of investigations prior thereto can be applied for via an online facility. I am of the opinion that there may well be little value in examining investigations that occurred more than 5 to 6 years ago: the catalyst for the creation of the Panel and my participation being the decision of the High Court in *Cunneen* (15 April 2015) which itself appears to have been initiated as a subject for investigation by ICAC after 31 May 2014.

It is to be borne in mind that this Inspectorate only came into existence in 2005 and that its own website discloses a small number of reports from that date to 2014.

The Office of Inspector was vacant from 1 October 2013 to 9 February 2014. In the sixteen months I have occupied the Office I have chosen not to adopt the provision of audit reports of my predecessor, which, with respect, were essentially identical in content save for the variation in the type of warrants that were the subject of the audit. (It will be seen that prior to 2009 audit reports were few and far between.)

The Inspector functions proactively or reactively. Proactively the Inspector can embark upon an audit on his own initiative or, reactively, do so pursuant to a complaint, or at the request of the Minister (section 57B(2)).

Section 57B(3) states: "*The Inspector is not subject to the Commission in any way*" – a profoundly important provision.

Thus I have chosen what is described as "**NSW Public Sector -Allegations Concerning Mining Exploration Licenses (Operations Jasper and Acacia)**" as examples of Reports which by their very terms speak more of the operation of the ICAC than I can comment upon independently.

Operation Hale (Cunneen) has for all intents and purposes, as far as I am aware, come to an end, by reason of the ICAC referring such evidence as it has acquired to the Director of Public Prosecutions (NSW). That reference has not precluded, and will not preclude, me continuing my inquiries into Operation Hale, especially relating to how it came about that it was initiated, given the notoriety of the apparent triggering event (a motor vehicle accident) and the alleged collateral involvement in that event and its aftermath of a Deputy Senior Crown Prosecutor.

At the time of preparing this Report I have yet to reach a decision as to whether to conduct an inquiry under section 57D of the legislation. I add that hitherto the ICAC has accommodated me in relation to all requests I have made for information save in one area: the Commonwealth legislation *Telecommunications (Interception and Access) Act 1979* as to which see below.

Taking into account the general historical observations I have just made, the real issue flowing from those observations and recent events over the past sixteen months of my tenure compel more attention to Term of Reference 2(b). The observations thereunder, shortly stated, are founded upon the communication of reactions to the Reports in Operations **Jasper** and **Acacia**, to some extent the absence of Reports in Operations **Credo** and **Spicer** and the disposition referred to above of Operation **Hale**, or merely involvement in some way in an ICAC inquiry.

2(b) whether the ICAC's powers, and its exercise of its powers, are consistent with the principles of justice and fairness.

To provide a context for what follows, the provisions of section 17 of the ICAC Act are to be noted.

17 Evidence and procedure

- (1) *The Commission is not bound by the rules or practice of evidence and can inform itself on any matter in such manner as it considers appropriate.*
- (2) *The Commission shall exercise its functions with as little formality and technicality as is possible, and, in particular, the Commission shall accept written submissions as far as is possible and compulsory examinations and public inquiries shall be conducted with as little emphasis on an adversarial approach as is possible.*

It is trite to remark that the inquisitorial nature of the ICAC in conducting an inquiry stands in stark contrast to the traditionally accepted and generally understood mechanisms of adversarial litigation. I am of the view that it is fair to say that many people involved, and I do not exclude members of the legal profession, do not appreciate this fundamental distinction.

The firm views held by the Hon David Ipp AO QC on such matters are evident in the appendices to the Report in **Operation Acacia** (August 2013), being an investigation into the conduct of Ian McDonald, John Maitland and others; and in the Report in **Operation Jasper** (July 2013) being an investigation into the conduct of Ian McDonald, Edward Obeid Snr, Moses Obeid and others.

In appendix 3 to the Report in Operation Jasper the former Commissioner said:

"The Commission conducts a public inquiry as part of its investigation. It is not a stand-alone procedure. Typically, months of preliminary enquiries, as part of the overall investigation, are required before it can be determined whether or not a public inquiry should be held. If an by the ICAC Act – to justify a public inquiry, a public inquiry may be held. The Commission can conduct a public inquiry only "if it is satisfied that it is in the public interest to do so": s 31(1) of the ICAC Act. That level of satisfaction can be arrived at only after the Commission has formed a provisional view as to the credibility of some of the witnesses and after a careful consideration of the facts, which at that stage have been uncovered. The prior investigations determine the approach to the public inquiry that the Commission decides is appropriate and necessary. That is, the general direction of the investigation is determined by the Commission by reference to the provisional views it has formed in consequence of all the material it has discovered before the inquiry commences. And, relevance of evidence, generally, is determined by reference to these provisional views and the direction that the Commission has determined when deciding to hold a public inquiry. Of course, that does not mean that exculpatory evidence is excluded, or that possible new lines of inquiry are eschewed. But the Commission will not allow questions to be asked

directed to issues that it deems to be irrelevant. And, in this regard, it is Counsel Assisting who has a major responsibility in determining that the inquiry remains within reasonable bounds. The submissions suggesting that Counsel Assisting had a closed mind, fail to understand this feature of inquiries undertaken by the Commission.

Counsel Assisting, when commencing his or her role in assisting the Commission, is made aware of the provisional views the Commission has formed and the reasons for them. It is the duty of Counsel Assisting to bear these views in mind when conducting the inquiry. In particular, these views bear upon decisions that may be taken in determining what evidence is to be adduced. Of course, Counsel Assisting and the Commission must act fairly, and reveal any material that in their view is reasonably exculpatory.

The foregoing is a major point of difference between an ICAC public inquiry, on the one hand, and royal commissions, inquiries of a nature similar to royal commissions, and criminal trials, on the other.

Of course, nothing in what has been said so far implies that Counsel Assisting (or the Commission) is entitled to act unfairly. But fairness is a relative concept that can be determined only in its own context and circumstances and by reference to any relevant statute applicable. The context and circumstances involving an investigation by the Commission are unique. Within these boundaries, it is for the Commission, and not parties affected, to determine what questions are relevant and what lines of enquiry are to be followed."

See also the Report in Operation Jasper of December 2013 "*Operations Jasper and Acacia –Addressing outstanding questions*" and in particular Chapter 4 "*The procedural fairness issue*".

In the context of 2(b) of the Terms of Reference for the Independent Panel I have made particular mention of these reports as they have been the subject of many communications to this Inspectorate.

It is important that I state that none of the communications received by this Inspectorate relating to the above matters reported on by the ICAC, relating to Operations Spicer and Credo which have not been reported on by the ICAC and relating to Operation Hale (Cunneen) which is no longer in the hands of the ICAC, has been assessed by me for the purpose of determining whether there is any function (save for an audit thus far in Operation Hale) under section 57B I will perform, to determine what powers under section 57C will be exercised or to determine whether a section 57D inquiry will be warranted.

I have formed no view, nor come to any conclusion, as to recommendations relating to the abuse of power, impropriety, misconduct, maladministration or any matter of a cognate kind referred to in section 57B.

At the time of being required to prepare this Report, the sheer bulk of material with which this Inspectorate has been inundated is daunting. To take for example Operations **Jasper** and **Acacia**, the number of folders of evidence and exhibits that would have to be examined is almost countless and indeed yet to be obtained if a decision is made to seek them.

Essentially, therefore, in dealing with 2(b) I am concerned with what others perceive as to the exercise by ICAC of its powers and have asserted as to the want of consistency with principles of justice and fairness.

The perception can be founded in an uninformed view or actual knowledge of the nature of the proceedings of the ICAC under section 17, its investigative stages and its coercive powers. The perception as to the want of justice and fairness can arise even with knowledge that the forensic model of the ICAC is starkly different to the traditionally understood adversary system.

The communications overall convey the following themes:

1. The publicity that attends public hearings and the damaging nature thereof not only to the reputation of the person involved but to the person's ability to "*present*" an alternate face and case to the public and to the Commission itself. The opening statement of Counsel Assisting at a public hearing sets the theme, presents a case or a case theory and is often delivered with offending flamboyance and extravagance in the eyes of those who have communicated with this Inspectorate.

In this context I must remark that the "*conduct of Counsel Assisting*" is a recurrent theme in the communications I have received, not only concerning conduct during the course of public (and private) hearings but, so it is contended, publicity given to Counsel Assisting *dehors* the proceedings of the ICAC. Each such complaint will have to be examined in context, (I add that the complaints about Counsel Assisting are not limited to one such person) and in due course, if I so decide, some recommendation might well be made.

2. I have referred to the media coverage of public hearings and the consequential publicity: people have communicated concerns that there are press briefings by the ICAC – I do not know- but the concern is that the public hearings inevitably tip the scales in favour of whatever has been opened by Counsel Assisting as being the case, the whole case and nothing but the case concerning the person involved.
3. Many communications refer to the conduct of the Commissioner (again these communications are not concerned with just one Commissioner). The communications are concerned with perceptions as to the demeanour of the Commissioners at one end of the scale, and at the other a lack of comprehension as to how, so it is said, the Commissioner could have rationally come to certain conclusions, particularly a finding that a person is "*corrupt*". Each one of these allegations, serious as it is in nature, may

require in effect the examination of a particular inquiry from beginning to end with a sanction available to me that amounts to no more than a "recommendation" or if not a recommendation merely a reference in an Annual report or exceptionally the delivery of a Special report.

4. Trial by ambush (by a "star chamber") is often the substance of communication to this Inspectorate. The ambush it being said being constituted by, for example, a change in the statement of the general scope and purpose of inquiry or the inundation of documentation in circumstances where it is said there was a breach by Counsel Assisting of the Commission's directions and the sheer weight of the material provided so late in the day (often on the evening before the relevant material would be deployed).
5. One communication yet to be investigated by me involves the suggestion of impropriety on the part of a Commissioner in requiring separate representation of parties which necessitated a 7-fold increase in legal costs where there was no rational or procedural basis therefor.
6. Limitations on the eliciting of evidence from affected people by their own Counsel imposed by the Commission have been the subject of communication and will be the subject of examination.
7. Several communications recently received but not yet explored are concerned with what is said to be improper communications between a Commissioner and a Premier. On their face such communications might be said to raise a very serious matter; one point being that the communications, if they took place, took place prior to the conclusion of the inquiry and as far as I understand it were concerned with preferred outcomes.
8. The frequent communication of concern about the rules of evidence not applying of course have to be viewed in the light of section 17 and the particular party having an understanding or having any understanding as to the existence of that provision.
9. Communications have been received expressing concern at the fact that the ICAC has failed to produce any Reports in relation to Operations **Spicer** and **Credo**. Whilst I as Inspector appreciate the concern of those who have been publically identified as involved in those investigations by the fact that the ICAC has failed to report, the ICAC has been confronted by both the decision in the High Court in *Cunneen*, has made representations to the Premier to have the *ICAC Act* amended purportedly to overcome the effect of *Cunneen* and this current Inquiry all might constitute, though minds might differ, a good reason for the failure of the ICAC of which complaint has been made.
10. By letter dated 10 June 2015 Nichigas (Nippon Gas Co Limited) wrote to the Premier of New South Wales expressing its concerns about Operations **Jasper** and **Acacia**. A copy of that letter was sent to me in my capacity as Inspector; it was also sent to 12 other recipients being Ministers or other officials in and connected with the Australian Federal Government, and the NSW State

Government and 7 high officials in the Japanese Government. By reason of the recency of this communication I have not been in a position to consider its detail but I take some comfort from the fact that no doubt many others who were recipients of the letter are giving it the consideration it warrants. It can be stated in general terms that thematically it does not differ from the matters referred to above.

11. There has been a call for what can be described as a judicial inquiry in relation to Operations **Jasper** and **Acacia**. This was made publically in an address to The Sydney Mining Club by Mr John McGuigan on 4 June 2015, the text of which has been publically disseminated.
12. A communication has been received on behalf of representatives of private shareholders in Cascade Coal Pty Limited (Operation **Jasper**); this communication of some length was received on 15 June. This is another matter of some substance which will have to be independently assessed by this Inspectorate.
13. A communication dated 15 June has been received from NuCoal Resources Limited. Although this communication is not unconnected with other communications referred to above in relation to this particular Inquiry, at present it behoves me to consider it as a separate one requiring its own particular attention.
14. I have been informed that it was at the suggestion of the Director of Public Prosecutions that another matter be referred to me more in the context of Operation **Hale** but of general interest and significance. It is this: on 27 May a media release was issued by the ICAC concerning the reference of the *Cunneen* matter to the Director of Public Prosecutions. A question has been raised in the media as to whether that constitutes a breach of s.111 of the *ICAC Act*. I can say that although I remember reading press releases in relation to the opinions held by others as to the media release of 27 May, I have a completely open mind on the issue and it has in effect been "added to the pile" of the communications to this Inspectorate giving rise to complex and curious considerations.

The above, I trust, give some indication as to the reality of the perceptions that people hold in respect of justice and fairness in the way the ICAC goes about its business. I stress that all communications are still being assessed.

To be juxtaposed against the above narrative of the themes of communications received by this Inspectorate is what I understand to be the most recent public statement of the ICAC as to how it approaches its work under the legislation: *"The Commission does not and cannot shirk its responsibility to investigate allegations of serious corrupt conduct when it receives reliable information to that effect, no matter where that investigation might lead. The last year is proof of that commitment. I am confident that the next year will also demonstrate that pledge"* (statement of the Hon Megan Latham: *"My First Year as Commissioner"* in *"Corruption Matters"* June 2015/issue 45 published on the ICAC website on 11 June 2015).

Additionally, my attention has been drawn to a paper delivered at a public seminar entitled "ICAC: Lessons from the First Twelve Months" convened by the Institute of Criminology at Sydney University Law School, 29 August 1990. The paper was presented by Peter McClellan QC in March 1991. The last paragraph reads:

"The ICAC will ultimately be effective only if its performance justifies its extraordinary powers. If the Commission is to justify those powers it must be scrupulously fair, value the rights of individuals and accept that persons should only be convicted after due process in the relevant court. The experience of the first twelve months is that as a result of the ICAC's actions, some of which are a direct result of the legislation, great harm has been done to many innocent people."

2(c) The extent to which ICAC investigations give rise to prosecution and conviction

The material available is limited. Appended hereto are sample documents (double-sided) produced by the ICAC relating to prosecution outcomes and briefs with the DPP. These are provided to the Inspectorate as a matter of course. However, the records in this form have only been kept since July 2014. Information concerning prosecution action taken with respect to reports published before 2009 is available in respect of Reports published after 1 January 2005 in the "Investigations" section of the ICAC website.

Information with respect to Reports published prior to 1 January 2005 is published in each year's Annual report. I do not consider it unreasonable for the ICAC not to have embarked upon the not insubstantial task of recovering and collating and certainly this Inspectorate does not have the resources to do so. It is my view that the recent material in its present form is of value.

This Inspectorate's role, of course, comes to an end in relation to auditing once the ICAC refers matters to a prosecuting authority. Its reactive jurisdiction can continue for years even after that stage and the Inspectorate does receive communications in relation to investigations, referrals and outcomes going back many many years.

2(d) Whether any limits or enhancements, substantive or procedural, should be applied to the exercise of the ICAC's powers.

In my view, the inquisitorial system is more often than not considered offensive to those more used to the traditional adversarial process. It is clear to me as Inspector that for those involved in ICAC proceedings, publicity is the most damaging feature irrespective of whether any ultimate criminal sanction is imposed and the more so when no criminal prosecution is in fact instituted, or if commenced, fails. The finding of "corruption" once made and published, sticks. The damage to reputation (and, as is often the case, health, family relationships, business relationships and cognate matters) occurs, so it is perceived, as soon as there is reference in the instruments of mass and social communication of a person's mere involvement in an ICAC matter.

One particular matter that has come to this Inspectorate's attention is the concern relating to suppression orders made by the Commission. From time to time a person who wishes to communicate with this Inspectorate to raise matters concerning the ICAC is troubled by the existence of the suppression orders preventing communication by that complainant to this Inspectorate. In several cases, a variation of the suppression order has been sought and granted.

I consider that at the very least the ICAC Act should be amended to incorporate a provision similar to section 44(3) of the *Independent Broad-based Anti-corruption Commission Act, 2011 (Vic)* which is in the following terms:

"Despite subsection (1), a restricted matter specified in a confidentiality notice may be disclosed if the disclosure is made for the purposes of making a complaint to the Victorian Inspectorate about the conduct of the IBAC or of an IBAC officer."

I note also section 50 of the *Independent Commissioner Against Corruption Act 2012 (SA)* is in the following terms:

"No obligation to maintain secrecy or other restriction on the disclosure of information applies for the purposes of a complaint, report, assessment, investigation or referral under this Act, except an obligation or restriction designed to keep the identity of an informant secret."

There is one matter which I feel appropriate to raise although it is arguably not directly relevant either to the matters the Panel is to consider or the matters I am to discuss. It is a matter which affects at least 4 states (Western Australia, Victoria, Queensland and New South Wales) and it is this: an interpretation is adhered to both by the ICAC and indeed the PIC of that excruciating piece of legislation of the Commonwealth the *Telecommunications (Interception and Access) Act, 1979*. Shortly stated that interpretation results in information relating to applications for telephone intercepts and the product of any such intercepts being unavailable to this Inspectorate and cognate bodies in the other States. I mention this merely to state that it is an existing problem and the only matter that stands in the way of full cooperation by the ICAC with this Inspectorate as to the provision of information. It may well be that litigation will be the mechanism for the resolution of the present impasse.

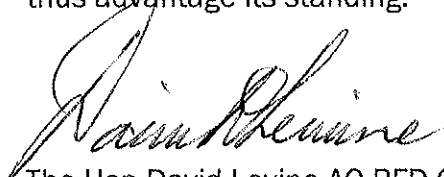
CONCLUSION

From my perspective as Inspector I see the following progression as a desirable outcome of the reference to the Panel by the Governor, if the Panel sees any need therefor:

1. Clarification of the definition of "corrupt conduct".
2. Clarification of the definition of "serious corrupt conduct".
3. Clarification of the definition of "systemic corrupt conduct".

4. Clarification of the ambit of the jurisdiction of the ICAC in relation to serious/systemic corruption as opposed to non-serious/non-systemic corruption with clarification of the criteria to be applied by the ICAC in making its decisions as to whether or not to investigate an allegation.
5. The facilitation of reference of matters to the Inspector of the ICAC by legislative clarity that suppression or cognate orders do not preclude such references.

The above matters have been written in the context first, that the function of the Panel is concerned with substantive questions of law and legislation; and secondly, my contribution is concerned with the present state, as I see it from received communications, of public understanding of the process and culture of the ICAC. If the Panel were to recommend a legal restructuring of the ICAC in an extreme way, for example, to eliminate the inquisitorial process and substitute for it some other model, then consideration will still have to be given to mechanisms which would eliminate public misconceptions about and advance public knowledge of ICAC's purpose and powers and thus advantage its standing.



The Hon David Levine AO RFD QC
Inspector of the Independent Commission Against Corruption
18 June 2015

ICAC prosecution outcomes

The following table contains information on outcomes in relation to Director of Public Prosecution (DPP) advice or prosecutions in relation to ICAC investigations. It was last updated on 21 May 2015 (see highlights for latest outcomes information).

The Commission must seek the advice of the DPP on whether any prosecution should be commenced. The DPP determines whether any criminal charges can be laid, and conducts all prosecutions. The Commission provides information on its website in relation to the status of prosecution recommendations and outcomes as advised by the DPP. The progress of matters is generally within the hands of the DPP. Accordingly, the Commission does not directly notify persons affected of advice received from the DPP or the progress of their matters generally.

Report and date	ICAC recommendations	Status/outcome
<p>05/06/2014</p> <p><i>Investigation into the conduct of the Hon Edward Obeid MLC and others concerning Circular Quay Retail Lease Policy (Operation Cyrus)</i></p>	<p>The Commission is of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of Edward Obeid Sr for common law criminal offences of misconduct in public office in relation to his representations to: Ministers Michael Costa and the Hon Eric Roozendaal with respect to Circular Quay leases without disclosing to them that his family had interests in Circular Quay leases and would benefit from a change in policy; Minister the Hon Joseph Tripodi to change government policy with respect to Circular Quay leaseholders knowing that such a change would benefit Mr Obeid's family interests in Circular Quay leases.</p>	<p>On 19 November 2014, the DPP advised the Commission that there is sufficient evidence to prosecute Mr Obeid for one offence of misconduct in public office. The DPP decided to proceed with the charge in the absence of committal proceedings which are conducted before the Local Court. On 19 March 2015, the DPP presented an ex officio indictment (that is, a bill of indictment found for an offence in respect of which there has been no committal for trial) before the District Court. The DPP also sought and obtained the permission of the Chief Justice of the Supreme Court to have the charge removed to the Supreme Court. The matter is listed for trial on 12 October 2015 before the Supreme Court.</p>
<p>28/05/2014</p> <p><i>Investigation into the conduct of the Commissioner of the</i></p>	<p>The Commission is of the opinion that the advice of the DPP should be obtained with respect to the prosecution of Murray Kear for an offence under section 20 of the <i>Public Interest Disclosures Act 1994</i> (the PID Act) of taking detrimental action in reprisal for a person making a public interest disclosure.</p>	<p>A brief of evidence was provided to the DPP on 10 September 2014.</p> <p>On 3 February 2015, the DPP advised that there is sufficient evidence to charge Mr Kear with one</p>

<p>NSW State Emergency Service (Operation Dewar)</p>	<p>24/01/2014</p> <p><i>Investigation into false certifications of heavy vehicle competency-based assessments by a Roads and Maritime Services-accredited assessor (Operation Nickel)</i></p>	<p>The Commission is of the opinion that the advice of the DPP should be obtained with respect to the prosecution of Christopher Binos for offences under section 249B(1) of the <i>Crimes Act 1900</i> of corruptly soliciting or receiving a benefit and to the prosecution of Alexander Daubney, Mark McDonagh, Shane Florio, Peter Friend-Ngui and Jacqueline Riley for offences under section 249B(2) of the <i>Crimes Act</i> of corruptly giving a benefit to Mr Binos.</p>	<p>charge of taking detrimental action in reprisal for a person making a public interest disclosure. The matter is listed for mention at the Downing Centre Local Court on 9 June 2015.</p> <p>On 13 October 2014, the DPP advised the Commission that there is sufficient evidence to charge Mr Christopher Binos for offences under section 249B(1) of the <i>Crimes Act</i> for corruptly receiving a benefit from Shane Florio, Jacqueline Riley and Mark McDonagh; and for corruptly soliciting a benefit from Simon Hay.</p> <p>Mr Binos has indicated that he will not contest the charges and will plead guilty. He will be sentenced in the Downing Centre Local Court on 17 July 2015.</p> <p>The DPP further advised that there is insufficient evidence to proceed with charges against Jacqueline Riley, Shane Florio, Mark McDonagh, Peter Friend-Ngui and Alexander Daubney.</p> <p>The DPP's advice has been accepted by the Commission</p>
<p>26/09/2013</p> <p><i>Investigation into the possession and supply of steroids and other matters involving a corrections officer (Operation Torino)</i></p>	<p>The ICAC is of the opinion that the advice of the DPP should be obtained with respect to the prosecution of Robert Di-Bona for six offences of giving false evidence to the Commission, contrary to section 87 of the <i>Independent Commission Against Corruption Act 1988</i>.</p>	<p>On 4 June 2014, the DPP advised the Commission that there is sufficient evidence to charge Mr Di-Bona with 5 counts of giving false or misleading evidence at a compulsory examination, contrary to section 87(1) of the <i>ICAC Act</i>. On 4 June 2014, the DPP advised the ICAC that there is sufficient evidence to charge Mr Di-Bona with five counts of giving false or misleading evidence at a compulsory examination, contrary to section 87(1) of the <i>ICAC Act</i>.</p>	

		<p>Act.</p> <p>Mr Di-Bona was prosecuted for these five counts. On 23 September 2014, Mr Di-Bona pleaded guilty to all counts. Mr Di-Bona was sentenced on 20 November 2014 to imprisonment for 12 months with a non-parole period of six months in respect of four counts. Those sentences are to be served concurrently, commencing on 20 November 2014. In respect of the fifth count, Mr Di-Bona was sentenced to imprisonment for 12 months with a non-parole period of six months, commencing on 20 April 2015.</p> <p>Mr Di-Bona lodged an appeal with the District Court against the severity of his sentence and his sentence was stayed pending the outcome of that appeal. On 21 January 2015, the appeal was dismissed and the sentence imposed in the local court confirmed.</p>
<p>30/08/2013</p> <p><i>Investigation into the conduct of Ian Macdonald, John Maitland and others (Operation Acacia)</i></p>	<p>The Commission is of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of Ian Macdonald, John Maitland, Craig Ransley and Andrew Poole for various offences as follows.</p> <p>Ian Macdonald, for the common law offence of misconduct in public office in relation to his conduct in granting Doyles Creek Mining Pty Ltd (DCM) consent to apply for an exploration licence (EL) and granting the EL to DCM, both grants being substantially to benefit Mr Maitland.</p> <p>John Maitland, for offences under section 178BB of the <i>Crimes Act 1900</i> in relation to his making and publishing to the Department of Primary Industries (DPI) false or misleading statements, and for offences under section 112(2) and section 87(1)(a)</p>	<p>John Maitland – section 87 ICAC Act offence</p> <p>On 2 September 2014, the DPP advised the Commission that there is sufficient evidence to prosecute Mr Maitland for an offence of giving false or misleading evidence under section 87 of the ICAC Act. This charge is listed for mention on 16 June 2015 at the Downing Centre Local Court.</p> <p>Messrs Macdonald and Maitland – misconduct in public office offences</p> <p>On 5 November 2014, the DPP advised the Commission that there is sufficient evidence to</p>

of the *Independent Commission Against Corruption Act 1988* in relation to his conduct in discussing the evidence he gave at a compulsory examination with Archibald Tudehope and testifying at the public inquiry that he sought to comply with the obligation imposed on him to keep secret the evidence he gave at the compulsory examination.

Craig Ransley, for offences under section 178BB of the Crimes Act in relation to his agreeing to Mr Maitland publishing to the DPI certain false or misleading statements.

Andrew Poole, for offences under section 178BB of the Crimes Act in relation to his agreeing to Mr Maitland publishing to the DPI certain false or misleading statements.

The Commission will also furnish to the Commonwealth DPP evidence that may be admissible in the prosecution of Mr Maitland, Mr Ransley and Mr Poole for offences under section 184(1) of the *Corporations Act 2001* in relation to their relevant conduct with respect to the false or misleading statements.

prosecute Mr Macdonald for two offences of misconduct in public office and Mr Maitland for two offences of accessory before the fact to misconduct in public office.

After the proceedings were commenced, the DPP decided to proceed with the charges against Messrs Macdonald and Maitland in the absence of committal proceedings. Such proceedings are preliminary to any trial and are normally conducted before the Local Court. In order to dispense with the need for committal proceedings, the DPP found an ex officio indictment in relation to the charges (that is, a bill of indictment found for offences in respect of which there has been no committal for trial). The DPP then sought and gained the permission of the Chief Justice of the Supreme Court to have the charges tried before the Supreme Court. The matters have been listed for trial on 14 March 2016 at the Sydney Supreme Court, and listed for mention on 6 July 2015.

Having found an ex officio indictment, on 16 April 2015 the DPP sought to discontinue the Local Court proceedings, commenced by the Commission on the advice of the DPP, against Messrs Macdonald and Maitland. On that day, legal representatives for Messrs Macdonald and Maitland applied for costs order against the DPP on the basis that the Commission has no power to initiate criminal proceedings against any person. The DPP argued that the Commission has such powers. That application has been adjourned for a decision on

		<p>22 May 2015 at Downing Centre Local Court.</p> <p>The Commission is awaiting the DPP's decision on whether proceedings will be taken with respect to the remaining individuals.</p>
<p>27/03/2013</p> <p><i>Investigation into allegations that a Manager at the UTS solicited and accepted money, gifts and other benefits from UTS contractors (Operation Stark)</i></p>	<p>The ICAC is of the opinion that the advice of the DPP should be obtained with respect to the prosecution of Nabil Faysal for offences of soliciting and receiving corrupt benefits pursuant to section 249B of the <i>Crimes Act 1900</i>.</p>	<p>On 24 September 2014, the DPP advised that there is sufficient evidence to charge Nabil Faysal with 9 counts of agent corruptly receiving benefit under section 249(1)(a) of the Crimes Act and 10 counts of make false statement to obtain money under section 178BB of the Crimes Act.</p> <p>On 10 December 2014, upon his return to Australia from Qatar, Mr Faysal was charged with 9 counts of agent corruptly receiving benefit under section 249(1)(a) of the Crimes Act and 10 counts of make false statement to obtain money under section 178BB of the Crimes Act. On 24 March 2015, Mr Faysal's case was mentioned before the Downing Centre Local Court. No pleas were entered. The case was adjourned until 12 May 2015 in order for Mr Faysal to seek further legal advice.</p> <p>On 12 May 2015, Mr Faysal's case was mentioned before the Downing Centre Local Court. The case was adjourned until 9 June 2015 in order to allow Mr Faysal's legal representative further time to prepare.</p>
<p>25/01/2013</p> <p><i>Investigation into the smuggling of contraband into the</i></p>	<p>The ICAC is of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of Karaha Pene Te-Hira for offences of corruptly receiving a reward contrary to section 249B(1) of the <i>Crimes Act 1900</i>.</p>	<p>The DPP's advice not to commence any prosecution against Mr Te-Hira has been accepted by the Commission.</p>

<p><i>Metropolitan Special Programs Centre at the Long Bay Correctional Complex (Operation Drake)</i></p>	<p>29/10/2012</p> <p><i>Investigation into allegations that staff from a number of local councils and other public authorities accepted secret benefits from suppliers (Operation Jarek)</i></p>	<p>The ICAC 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 nine people for various offences, as follows:</p> <p>Phillip Burnie for the offence of giving false or misleading evidence at a hearing of the Commission under section 87(1) of the ICAC Act</p> <p>Mathew Kelly for the offence of making a false statement to an officer of the Commission under section 80(c) of the ICAC Act, and the offence of giving false or misleading evidence at a hearing of the Commission under section 87(1) of the ICAC Act</p> <p>Glen Lapham for the offence of wilfully obstructing or hindering the Commission's exercise of its functions under section 80(a) of the ICAC Act, the offence of making a false statement to an officer of the Commission under section 80(c) of the ICAC Act, and the offence of giving false or misleading evidence at a hearing of the Commission under section 87(1) of the ICAC Act</p> <p>John Morgan for the offence of offering a corrupt benefit under section 249B(2) of the <i>Crimes Act 1900</i> and the offence of giving false or misleading evidence at a hearing of the Commission under section 87(1) of the ICAC Act</p> <p>Richard Pearce for the offence of offering a corrupt benefit under section 249B(2) of the <i>Crimes Act</i></p> <p>Kerry Smith for the offence of receiving a corrupt benefit under section 249B(1) of the <i>Crimes Act</i>, the offence of obtaining financial advantage by deception under section 178BA of the <i>Crimes Act</i>, and the offence of obtaining financial advantage</p>		<p>On 27 November 2013, Mr Burnie was convicted of 1 count of knowingly give false or misleading evidence contrary to section 87(1) of the ICAC Act. He was sentenced to 9 months imprisonment suspended pursuant to his entering into a good behaviour bond.</p> <p>On 19 August 2014, Mr Morgan was convicted and sentenced to 9 months imprisonment for the offence of wilfully making a false statement to the officer of the Commission contrary to section 80(c) of the ICAC Act; and a further sentence of 9 months imprisonment for the offence of knowingly give false or misleading evidence contrary to section 87(1) of the ICAC Act. Both sentences were suspended under section 12 of the <i>Crimes (Sentencing Procedure) Act 1999</i> on the condition that Mr Morgan enters into good behaviour bonds for the period. The sentences are to be served concurrently.</p> <p>On 13 May 2014, Mr Smith pleaded guilty to 7 counts of agent corruptly receive benefit pursuant to section 249B(1) of the <i>Crimes Act</i> (5 counts of agent corruptly receive benefit less than \$2,000, and 2 counts of agent corruptly receive benefit greater than \$2,000 but less than \$5,000). On 15 July 2014, Mr Smith was sentenced as follows:</p>
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by false or misleading statements under section 178BB of the Crimes Act

Michael Stokes for the offence of offering a corrupt benefit under section 249B(2) of the Crimes Act, the offence of obtaining financial advantage by deception under section 178BA of the Crimes Act, and the offence of obtaining financial advantage by false or misleading statements under section 178BB of the Crimes Act

Jacqueline Verdeyan for the offence of giving false or misleading evidence at a hearing of the Commission under section 87(1) of the ICAC Act

Paul Wright for the offence of offering a corrupt benefit under section 249B(2) of the Crimes Act, the offence of obtaining financial advantage by deception under section 178BA of the Crimes Act, the offence of obtaining financial advantage by false or misleading statements under section 178BB of the Crimes Act, the offence of making a false statement to an officer of the Commission under section 80(c) of the ICAC Act, and the offence of giving false or misleading evidence at a hearing of the Commission under section 87(1) of the ICAC Act.

1. Fine \$1,000
2. Fine \$1,500
3. Fine \$1,500

4. 9 months imprisonment with a 6-month non-parole period
5. 9 months imprisonment with a 6-month non-parole period (4 and 5 to be served concurrently)
6. 14 months imprisonment with an 8-month non-parole period

7. 14 months imprisonment with an 8-month non-parole period (6 and 7 to be served concurrently but partially consecutive to 4 and 5).

On 26 August 2014, the court ordered that his sentences be served by way of home detention.

On 19 June 2014, **Mr Lapham** was convicted and sentenced to a section 9 good behaviour bond of 2 years for an offence of make false statement to a Commission officer under section 80(c) of the ICAC Act. He was also convicted and sentenced to 6 months imprisonment, and 9 months imprisonment with a 3-month non-parole period, for two counts of give false evidence to the Commission under section 87 of the ICAC Act. All sentences are to be served consecutively. An appeal against the latter two sentences was lodged. On 10 July 2014, at the Sydney District Court, the appeal lodged by Mr Lapham was dismissed and the convictions confirmed.

On 19 June 2014, **Ms Verdeyan** was convicted and sentenced to 6 months imprisonment, and a

further 9 months imprisonment with a non-parole period of 3 months, for offences of give false evidence to the ICAC contrary to section 87 of the ICAC Act. The sentences are to be served consecutively. On 19 August 2014, the magistrate directed that the sentences be served by way of home detention.

On 5 June 2014, **Mr Wright** pleaded guilty to: 19 charges of obtaining money by deception contrary to section 178BA of the Crimes Act; 4 charges of make false statement to an ICAC officer contrary to section 80(c) of the ICAC Act; and 5 charges of knowingly give false or misleading evidence contrary to section 87(1) of the ICAC Act. The matters were committed for sentence to the Sydney District Court for sentencing on 21 August 2014.

On 21 August 2014, **Mr Wright** was convicted and sentenced as follows:

1. sentenced to 9 months imprisonment on each of the 19 counts of obtain money by deception under section 178BA Crimes Act 1900;
2. sentenced to 12 months imprisonment on each count of the 5 counts of knowingly give false or misleading evidence contrary to section 87(1) ICAC Act 1988; and
3. In relation to the section 80 (c) of the ICAC Act offences, no further penalty was imposed.

Due to the large number of offences an aggregate sentence was imposed under section 53A Crimes

		<p>(Sentencing Procedure) Act 1999 of 4 years imprisonment with a non parole period of 2 years.</p> <p>The DPP's advice not to proceed against Messrs Kelly, Pearce or Stokes has been accepted by the Commission.</p>
<p>24/10/2012</p> <p><i>Investigation into the recruitment of contractors and other staff by a University of Sydney IT manager (Operation Citrus)</i></p>	<p>The ICAC is of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of Atilla "Todd" Demiralay and his wife, Virginia Kantarzis, for offences of giving false or misleading evidence pursuant to the ICAC Act.</p>	<p>Mr Demiralay and Ms Kantarzis were being prosecuted for offences of giving false or misleading evidence to the Commission pursuant to section 87 of the ICAC Act. The charges were listed for hearing at the Downing Centre Local Court on 27 October 2014.</p> <p>On 29 October 2014, Ms Kantarzis pleaded guilty to one count of giving misleading evidence to the Commission. On 19 December 2014, she was directed to perform 180 hours of community service work.</p> <p>On 5 February 2015, the charges against Mr Demiralay were withdrawn by the DPP and the hearing date listed for 12 February 2015 vacated.</p>
<p>14/08/2012</p> <p><i>Investigation into the conduct of a University of New England (UNE) procurement officer and UNE contractors (Operation Crusader)</i></p>	<p>The Commission is of the opinion that the advice of the DPP should be sought with respect to the prosecution of Colin McCallum for offences under sections 178BB(1) and 192E(1) of the <i>Crimes Act 1900</i>. The relevant offences would be his conduct in approving payment of the SNP invoices and dishonestly arranging for Sport UNE to waive payment by NERU of venue hire fees.</p> <p>The Commission is of the opinion that the advice of the DPP should be sought with respect to the prosecution of Martin McLean for offences under section 178BB(1) of the <i>Crimes Act</i> in relation to his issuing instructions to the SNP billing and payroll officer to include charges of "alarm service" work in invoices to UNE when he knew that no such work was in fact performed by SNP.</p>	<p>On 22 July 2014, Colin McCallum pleaded guilty to one count of embezzle as a clerk or servant under section 157 of the <i>Crimes Act 1900</i>, and one count of dishonestly obtain financial benefit by deception under section 192E of the <i>Crimes Act</i>. He was sentenced on 7 October 2014. He received a \$2,000 fine for the offence of embezzle as a clerk, and a \$500 fine for the offence of dishonestly obtain a financial benefit.</p> <p>Mr McLean pleaded guilty to 3 counts of</p>

		<p>concurring in publishing a statement he knew to be false in a material particular with intent to obtain financial advantage under section 178BB of the Crimes Act. Seven counts of the same charge were placed on a Form 1 schedule and taken into account on sentencing. He was sentenced on 1 April 2014. On 2 of the counts, he was dealt with under section 10A of the <i>Crimes (Sentencing Procedure Act) 1999</i> whereby a conviction is recorded but no penalty applies. On the remaining count, with the matters on the Form 1 taken into account, he was sentenced to a \$1,000 fine.</p>
<p>14/06/2012 <i>Investigation into the payment of \$4,500 to a councillor of Auburn City Council (Operation Barrow)</i></p>	<p>The Commission is of the opinion that the advice of the DPP should be sought with respect to the prosecution of Jack Au for offences under section 249B of the <i>Crimes Act 1900</i> comprising his receipt of money as a reward for what he had done for Shu Xian Liang with respect to her development application and his acceptance of money as an inducement to help expedite council determination of that application.</p>	<p>On 13 May 2013, Mr Au was charged with 1 count of corruptly receiving a benefit contrary to section 249B(1)(b) of the Crimes Act.</p> <p>On 20 December 2013, Mr Au was convicted of this offence and sentenced to 200 hours community service. Mr Au appealed against his conviction.</p> <p>On 7 July 2014, Mr Au's appeal against his conviction was dismissed and the conviction and sentence of the Local Court was confirmed.</p>
<p>18/01/2012 <i>Investigation into alleged fraud on the former NSW Department of Education and Communities (Operation Barcoo)</i></p>	<p>The Commission is of the opinion that the advice of the DPP should be sought with respect to the prosecution of David Johnson for offences of obtaining money by false or misleading statements contrary to section 178BB of the <i>Crimes Act 1900</i> in relation to: misrepresentations contained in the contractor agreement and selection forms for each of five Ogawie contractors; misrepresentations contained in two submissions in respect of Catalina IT and the purported authorisation of payment of two invoices; and misrepresentations contained in the timesheets completed by two contractors.</p>	<p>Mr Johnson pleaded guilty and was convicted of 2 counts of obtaining money by deception under section 178BA of the Crimes Act and 2 counts of making a false statement to obtain money under section 178BB of the Crimes Act. The total benefit obtained was about \$437,000.</p> <p>Two further counts under section 178BB of the Crimes Act were taken into account on sentence. On 20 January 2014, Mr Johnson was sentenced to</p>

		<p>18 months imprisonment with a non-parole period of 11 months. His sentence is to be served as home detention. On 26 June 2014, the DPP's appeal against sentence on the grounds of inadequacy was allowed by the Sydney District Court and the sentence of home detention set aside. Mr Johnson was sentenced to full-time imprisonment for 3 years and 3 months with a non-parole period of 1 year and 11 months. The sentence dates from the commencement of the previous home detention sentence.</p>
<p>16/12/2011 <i>Investigation into the undisclosed conflict of interest of a senior executive of the Sydney Harbour Foreshore Authority (Operation Vesta)</i></p>	<p>The ICAC is of the opinion that the advice of the DPP should be sought with respect to the prosecution of Andrew Kelly for the common law offence of misconduct in public office in relation to his failure to disclose his conflict of interest.</p> <p>The ICAC is of the opinion that the advice of the DPP should be sought with respect to the prosecution of Charif Kazal for an offence under the <i>Independent Commission Against Corruption Act 1988</i> of giving false evidence to the Commission that he never intended to settle Mr Kelly's accommodation account for the May 2007 trip.</p>	<p>The DPP's advice not to proceed against Mr Kelly or Mr Kazal has been accepted by the Commission.</p>
<p>12/12/2011 <i>Investigation into the unauthorised purchase of property at Currawong by the Chief Executive of the Land and Property Management Authority (Operation Napier)</i></p>	<p>The Commission is of the opinion that the advice of the DPP should be sought with respect to the prosecution of Warwick Watkins for five offences of using a false document pursuant to section 254 of the <i>Crimes Act 1900</i> in relation to his use of the backdated letter; an offence under section 80(c) of the <i>Independent Commission Against Corruption Act 1988</i> of making wilfully false statements to the Commission or attempting to mislead the Commission; and for two offences of making a publication in contravention of a direction given under section 112 of the ICAC Act in relation to disclosing to his chief of staff that he had given evidence at the Commission on 3 June 2011 and disclosing to his chief of staff that he had given evidence at the Commission concerning the backdated letter.</p>	<p>Mr Watkins was prosecuted for 2 counts of using a false document pursuant to section 254 of the Crimes Act, and 2 counts of attempting to mislead the Commission, contrary to section 80 of the ICAC Act. The charges were heard at the Downing Centre Local Court between 2 and 5 December 2013. At the commencement of the hearing, Mr Watkins pleaded guilty to the 2 charges of attempting to mislead the Commission. Mr Watkins was acquitted of the remaining charges of using a false document. On 19 December 2013, Mr Watkins was sentenced in relation to the 2 charges of attempting to mislead the Commission. He was</p>

	<p>The Commission is of the opinion that the advice of the DPP should be sought with respect to the prosecution of Anthony Kelly for: an offence under section 253 of the Crimes Act in relation to signing and backdating the letter; an offence under section 254 of the Crimes Act in relation to referring to and relying on the backdated letter in an interview with the IAB on 24 March 2011; and an offence of misconduct in public office in relation to the making and use of the backdated letter.</p> <p>The Commission is of the opinion that the advice of the DPP should be sought with respect to the prosecution of Robert Costello for an offence under section 254 of the Crimes Act in relation to the use of the backdated letter in an attachment to an email sent to the then director general of the Department of Premier and Cabinet on 25 March 2011.</p>	<p>placed on concurrent good behaviour bonds for 12 months pursuant to section 9 of the <i>Crimes (Sentencing Procedure) Act 1999</i>. The DPP's advice that there is insufficient evidence to support criminal charges against Mr Kelly has been accepted by the Commission.</p> <p>The DPP's advice not to proceed against Mr Costello has been accepted by the Commission.</p>
<p>31/08/2011 <i>Investigation into corrupt conduct involving alleged fraud on two Sydney Hospitals (Operation Charity)</i></p>	<p>The ICAC is of the opinion that the advice of the DPP should be obtained with respect to the prosecution of Sandra Lazarus for <u>several offences</u> under the <i>Crimes Act 1900</i> including obtaining money by false or misleading statements, and with respect to the prosecution of Michelle Lazarus for offences of giving false or misleading evidence, contrary to the <i>Independent Commission Against Corruption Act 1988</i>.</p>	<p>Sandra Lazarus was prosecuted for 42 offences of making or using false instruments contrary to section 300(1) of the Crimes Act and 16 offences of obtaining money by false or misleading statements contrary to section 178BB of the Crimes Act. On 27 November 2014, Sandra Lazarus was found guilty of 16 section 178BB offences and 27 section 300(1) offences under the Crimes Act. She was found not guilty of 15 offences under section 300(1) of the Crimes Act. The matter was adjourned for sentence at the Downing Centre Local Court on 9 February 2015. The magistrate stated that a pre-sentence report was not required as a custodial sentence was the only option available.</p> <p>Sandra Lazarus was also referred to the Supreme Court of NSW for contempt charges under section 24(1) of the <i>Local Court Act 2007</i> for her conduct and refusal to answer questions put to her when</p>

directed to do so by the Local Court magistrate. On 5 February 2015, Sandra Lazarus commenced proceedings in the Supreme Court seeking judicial review of the magistrate's decision. The Local Court proceedings were adjourned until 20 April 2015 for sentence or other appropriate action.

The Supreme Court proceedings were dismissed by Garling J on 16 April 2015 and Sandra Lazarus' sentence proceeded in the Local Court on 20 April 2015. The magistrate heard submissions on sentence and reserved her decision to 27 April 2015.

On 27 April 2015, Sandra Lazarus was sentenced in the Downing Centre Local Court for 28 offences of making false instruments (contrary to section 300 of the Crimes Act) and 16 offences of obtaining money by false instruments (contrary to section 178BB of the Crimes Act) to an aggregate term of 21 months imprisonment with a non-parole period of 16 months. Sandra Lazarus has lodged an all grounds appeal.

On 14 February 2015, **Michelle Lazarus** was convicted and sentenced in the Local Court for 7 offences of giving false or misleading evidence to the Commission contrary to section 87(1) of the ICAC Act. Her cumulative sentence of 9 months imprisonment was wholly suspended. She appealed against verdict and sentence to the District Court and, on 15 May 2015, her appeal was set down to commence on 16 November 2015.

<p>22/06/2011</p> <p><i>Investigation into the corrupt conduct of a Willoughby City Council Officer (Operation Churchill)</i></p>	<p>The Commission is of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of Edward Karkowski for: receiving corrupt benefits under section 249B of the <i>Crimes Act 1900</i> in relation to soliciting or Bath House was operating as a brothel; an offence under section 192E of the <i>Crimes Act</i> in relation to dishonestly submitting a claim for overtime and accepting payment for that claim for hours worked between 5.15 pm and 6.50 pm on 6 July 2010; offences under section 249B of the <i>Crimes Act</i> in relation to soliciting or receiving corrupt benefits in return for writing an Alternative Solution Report in respect of shop P8 at Chatswood Central; offences under section 249B of the <i>Crimes Act</i> in relation to receiving corrupt benefits in return for exercising his official functions to favour the interests of the Red Chilli Sichuan Restaurant; and common law offences of misconduct in public office for providing Council information for private purposes in return for receipt of benefits in the form of free meals, wines, gifts and visits to massage parlours and brothels where he received massage and sexual services.</p>	<p>On 26 July 2012, Mr Karkowski was sentenced to imprisonment for 6 months in relation to 5 counts of corruptly receive a benefit contrary to section 249B(1) of the <i>Crimes Act</i>. On 6 September 2012, Mr Karkowski was assessed as being suitable to serve the sentence by way of home detention.</p> <p>Mr Karkowski was given a good behaviour bond for a period of 2 years under the provisions of section 9 of the <i>Crimes (Sentencing Procedure) Act 1999</i> in relation to two counts of fraud contrary to section 192E(1)(b) of the <i>Crimes Act</i>.</p>
<p>12/05/2011</p> <p><i>Investigation into the solicitation of a corrupt payment by a Strathfield Municipal Council officer (Operation Danby)</i></p>	<p>The Commission is of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of Michael Chau an offence of soliciting a corrupt payment under section 249B(1) of the <i>Crimes Act 1900</i>.</p>	<p>The DPP's advice not to proceed has been accepted by the ICAC.</p>
<p>20/04/2011</p> <p><i>Investigation into alleged corrupt conduct involving Burwood Council's General Manager and others (Operation Magnus)</i></p>	<p>The Commission is of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of Pasquale (Pat) Romano as follows: four offences of giving false or misleading documents to the Council with intent to defraud the Council, contrary to section 249C of the <i>Crimes Act 1900</i>; four common law offences of misconduct in public office; one offence of obtaining financial advantage by false or misleading statements, contrary to section 178BB of the <i>Crimes Act</i>; two offences of causing detrimental action to be taken against a person who made protected disclosures, contrary to the <i>Public Interest Disclosures Act 1994</i> (the PID Act); three offences of causing or procuring disadvantage to</p>	<p>The DPP's advice not to proceed in relation to the offences under section 20 of the PID Act has been accepted by the ICAC.</p> <p>On 16 May 2014, Mr Romano pleaded guilty to 3 counts of misconduct in public office, 3 counts of give false or misleading evidence pursuant to section 87(1) of the ICAC Act, and 1 count of fraudulent appropriation pursuant to section 124</p>

	<p>persons for or on account of those persons assisting the ICAC, contrary to section 93 of the <i>Independent Commission Against Corruption Act 1988</i>, and two offences of providing false or misleading evidence to the Commission contrary to section 87 of the ICAC Act.</p>	<p>of the Crimes Act. The Court was asked to take into account matters contained on a Form 1. This contained 6 counts of obtain financial advantage by deception pursuant to section 187BA of the Crimes Act, and 3 counts of give false or misleading evidence pursuant to section 87(1) of the ICAC Act.</p> <p>On 7 November 2014, His Honour Justice Arnott SC sentenced Mr Romano to imprisonment for an aggregate term of 2 years and 6 months with a non-parole period of 20 months.</p>
<p>22/03/2011</p> <p><i>Investigation into corrupt conduct of Sydney Water employees and others (Operation Siren)</i></p>	<p>The Commission is of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of: Kenneth John Buckley for offences under section 249B of the <i>Crimes Act 1900</i> of soliciting and/or receiving corrupt payments from Sydney Water accredited constructors; Robert Funovski for offences under section 249B of the Crimes Act of soliciting and receiving a corrupt payment from a Sydney Water accredited constructor and an offence under section 87 of the <i>Independent Commission Against Corruption Act 1988</i>; Bryan Kane for offences under section 249B of the Crimes Act of receiving corrupt payments from accredited constructors; Edward Harvey for offences under section 178BA of the Crimes Act of obtaining money for another by deception and an offence of misconduct in public office; and Paul Makuha for offences under section 178BA of the Crimes Act of obtaining money or a financial advantage for himself.</p>	<p>The Commission has been notified that Mr Romano has lodged a notice of intention to appeal.</p> <p>The DPP's advice not to proceed against Messrs Buckley, Kane, Harvey and Makuha has been accepted by the Commission.</p> <p>On 10 January 2013, Mr Funovski pleaded guilty in the Downing Centre Local Court to 1 offence pursuant to section 249B(1) of the Crimes Act for receiving a corrupt benefit and one offence pursuant to section 87 of the ICAC Act for lying to the Commission.</p> <p>He was sentenced to a term of imprisonment of 6 months which was suspended upon entering a good behaviour bond under the provisions of section 12 of the <i>Crimes (Sentencing Procedure) Act 1999</i> for the offence of receiving a corrupt benefit. He was given a good behaviour bond for a period of 5 years under the provisions of section 9 of the <i>Crimes (Sentencing Procedure) Act</i> for the</p>

<p>15/12/2010</p> <p><i>Investigation into the acceptance of corrupt benefits by a city of Canada Bay council employee (Operation Challenger)</i></p>	<p>The Commission is of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of Peter Higgs for the offences of: receiving corrupt rewards from Thomas Turner and Ahmad Hraichie, contrary to section 249B(1) of the <i>Crimes Act 1900</i>; giving false and misleading evidence, contrary to section 87(1) of the <i>Independent Commission Against Corruption Act 1988</i>; and fabricating a document with the intent to mislead the Commission, contrary to section 88(3) of the ICAC Act.</p> <p>The Commission is also of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of Mr Turner for the offences of: giving a corrupt benefit to Mr Higgs, contrary to section 249B(2) of the <i>Crimes Act</i>; giving false or misleading evidence, contrary to section 87(1) of the ICAC Act; and fabricating a document with the intent to mislead the Commission, contrary to section 88(3) of the ICAC Act.</p> <p>The Commission is satisfied that without Mr Hraichie's allegations and evidence, the corrupt conduct that Mr Higgs and Mr Turner engaged in would not have been exposed. The Commission therefore decided to exercise its discretion not to make a finding of corrupt conduct against Mr Hraichie, or seek the opinion of the DPP with respect to prosecuting him for any specified criminal offence.</p>	<p>offence of lying to the Commission.</p> <p>On 14 November 2012, at the Sydney District Court, Mr Higgs pleaded guilty to 4 counts pursuant to section 87 of the ICAC Act for giving false and misleading evidence to the Commission. Two further offences contrary to section 87 were taken into account upon sentence. Mr Higgs was given a good behaviour bond for a period of 2 years under the provisions of section 9 of the <i>Crimes (Sentencing Procedure) Act 1999</i>. A 400-hour community service order was also imposed under the provisions of section 8 of the <i>Crimes (Sentencing Procedure) Act</i>.</p> <p>On 28 March 2012, Mr Turner pleaded guilty to 2 charges, being 1 count pursuant to section 87 of the ICAC Act and 1 count pursuant to section 80 of the ICAC Act. Two further offences contrary to section 87 of the ICAC Act were taken into account upon sentence. On 29 June 2012, a 400-hour community service order was also imposed under the provisions of section 8 of the <i>Crimes (Sentencing Procedure) Act 1999</i>.</p>
<p>07/12/2010</p> <p><i>Investigation into the submission of false claims for sitting day relief entitlement by Angela D'Amore MP and some members of her staff (Operation Syracuse)</i></p>	<p>The ICAC is of the opinion that the advice of the DPP should be sought with respect to the prosecution of Angela D'Amore for two common law offences of misconduct in public office.</p>	<p>The DPP's advice not to proceed has been accepted by the Commission.</p>

<p>01/09/2010</p> <p><i>Investigation into the misuse of resources by a NSW Maritime Legal Services Branch officer (Operation Vargus)</i></p>	<p>The Commission is of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of Tonette Kelly for various offences including the common law offence of misconduct in public office in relation to several matters, and an offence of making a false instrument under section 300(1) of the <i>Crimes Act 1900</i>. Certain matters, including the false statements of gross fee income for the purposes of public indemnity insurance and the preparation of a false or misleading reference for Nicholai Dacombe, have been referred to the Legal Services Commissioner.</p> <p>The Commission is also of the opinion that consideration should be given to obtaining the advice of the DPP with respect to prosecuting Mr Dacombe for an offence of giving false evidence under section 87(1) of the <i>Independent Commission Against Corruption Act 1988</i> in relation to conveyancing work done for Ms Kelly.</p>	<p>Ms Kelly was prosecuted for 2 offences of giving false evidence at a public inquiry contrary to section 87(1) of the ICAC Act. She was found guilty on 1 May 2013 on both counts following a hearing in the Local Court and sentenced to 12 months imprisonment to be served by home detention. An appeal against the convictions and sentence was lodged in the District Court. The appeal against the convictions was dismissed on 9 December 2013. On 24 February 2014, Ms Kelly withdrew her appeal against the severity of her sentence.</p> <p>Mr Dacombe was prosecuted for 1 offence of giving false evidence to the ICAC contrary to section 87(1) of the ICAC Act. He pleaded guilty and was convicted and sentenced on 7 February 2012 to imprisonment for a fixed term of 4 months. On appeal, the sentence of 4 months was suspended pursuant to section 12 of the <i>Crimes (Sentencing Procedure) Act 1999</i>.</p>
<p>12/08/2010</p> <p><i>Investigation into attempted corrupt payment and submission of false resumes to public authorities (Operation Avoca)</i></p>	<p>The Commission is of the opinion that the advice of the DPP should be sought with respect to the prosecution of Don Gamage for: an offence under section 249B of the <i>Crimes Act 1900</i> in relation to the offer of \$15,000 to Stephen Blackadder; two offences under section 87 of the <i>Independent Commission Against Corruption Act 1988</i> in relation to giving false evidence at his compulsory examination and the public inquiry by denying that he had offered \$15,000 to Mr Blackadder; two offences under section 178BA of the <i>Crimes Act</i> in relation to publishing of false and misleading documents with the intention of obtaining a financial advantage in his applications for employment to Lithgow City Council, Harden Shire Council, Goulburn Mulwaree Council, Bland Shire Council and Upper Lachlan Shire Council; an offence under section 192G of the <i>Crimes Act</i> in relation to dishonestly publishing a statement that was false or misleading in a material particular with the intention of obtaining a financial advantage in his application to Lachlan Shire</p>	<p>Mr Gamage is being prosecuted for 1 count of corruptly offering a reward pursuant to section 249(2) of the <i>Crimes Act</i>; 2 counts of knowingly give false and misleading evidence pursuant to section 87(1) of the <i>ICAC Act</i>; 1 count of hindering an officer of the ICAC pursuant to section 80(a) of the <i>ICAC Act</i>; 7 counts of make false statement with intent to obtain advantage pursuant to section 178BB of the <i>Crimes Act</i>; and 1 count of make false statement with intent to defraud pursuant to section 192G of the <i>Crimes Act</i>. On 20 October 2011, the Downing Centre Local Court issued an arrest warrant for Mr Gamage.</p>

<p>27/07/2010</p> <p><i>Investigation into the smuggling of contraband into the John Morony Correctional Centre (Operation Cicero)</i></p>	<p>Council; and an offence under section 80(c) of the ICAC Act of misleading a Commission officer.</p> <p>The Commission is of the opinion that the advice of the DPP should be sought with respect to the prosecution of Sebastian Wade for: offences of receiving corrupt payments from the inmate associates A1, A2 and A3 on behalf of the inmates P1, P2 and P3 respectively contrary to section 249B of the <i>Crimes Act 1900</i>; and offences under section 87 of the <i>Independent Commission Against Corruption Act 1988</i> of giving false or misleading evidence to the Commission.</p>	<p>On 15 April 2011, Mr Wade was sentenced to a term of 12 months imprisonment with a non-parole period of 6 months for each count of corruptly receive a benefit contrary to section 249B(1) of the Crimes Act. In relation to the 4 counts of giving false evidence to the ICAC contrary to section 87(1) of the ICAC Act, Mr Wade was sentenced to a term of 15 months imprisonment with a non-parole period of six months.</p>
<p>13/07/2010</p> <p><i>Investigation into the false claims for Sitting Day Relief payments by a NSW MP and members of her electorate staff (Operation Corinth)</i></p>	<p>The Commission is of the opinion that the advice of the DPP should be sought with respect to the prosecution of Karyn Paluzzano for: the common law offence of misconduct in public office; obtaining a valuable thing for herself contrary to section 178BA of the Crimes Act 1900 (NSW); obtaining money for Jennifer Launt, contrary to section 178BA of the Crimes Act; and offences under section 87 of the ICAC Act of giving false or misleading evidence to the ICAC.</p>	<p>On 21 September 2011, the DPP advised the Commission that there was sufficient evidence to charge Ms Paluzzano with one charge of misconduct in public office, two charges under section 178BB of the Crimes Act and two charges under section 87 of the ICAC Act.</p> <p>On 18 October 2013 Ms Paluzzano, having pleaded guilty to 3 charges under section 178BA of the Crimes Act and one charge under section 87 of the ICAC Act, was sentenced by the Downing Centre Local Court to 18 months home detention.</p> <p>Ms Paluzzano appealed to the District Court against her sentence. On 15 February 2013, Ms Paluzzano was sentenced to a 14-month suspended sentence in lieu of the sentence imposed in the Local Court.</p>
<p>10/06/2010</p> <p><i>Report on the use of TAFE funds to pay for</i></p>	<p>The Commission is of the opinion that the advice of the DPP should be sought with respect to the prosecution of Garrie Cooper for offences of concurring in the publishing of a false statement for the purpose of obtaining a benefit contrary to section 178BB of the <i>Crimes Act 1900</i> and offences of giving false or misleading</p>	<p>The DPP's advice not to proceed has been accepted by the Commission.</p>

<p><i>work on a dog kennel complex (Operation Corsair)</i></p>	<p>evidence to the Commission contrary to section 87(1) of the <i>Independent Commission Against Corruption Act 1988</i>.</p>	
<p>02/06/2010 <i>Investigation into a Housing NSW officer's failure to declare conflicts of interest and secondary employment (Operation Coral)</i></p>	<p>The Commission is of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of Mr Garzaniti for the common law offence of misconduct in public office.</p>	<p>The DPP's advice not to proceed has been accepted by the Commission.</p>
<p>13/05/2010 <i>Investigation into the offer of a corrupt payment to an officer of Strathfield Municipal Council (Operation Centurion)</i></p>	<p>The Commission is of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of David Pyo for an offence of offering a corrupt benefit contrary to section 249B of the <i>Crimes Act 1900</i>.</p>	<p>Mr Pyo pleaded not guilty to 1 count of corruptly offer an inducement pursuant to section 249B(2) of the Crimes Act. On 23 February 2012, the charge was dismissed by the Downing Centre Local Court.</p>
<p>15/03/2010 <i>Report on corrupt conduct affecting the administration of justice in the Wagga Wagga and other local court areas (Operation Segomo)</i></p>	<p>The Commission has recommended that the advice of the DPP be sought with respect to the prosecution of John Hart for 10 offences of perverting the course of justice contrary to the <i>Crimes Act 1900</i>, and 4 offences of false pretences contrary to the Crimes Act.</p> <p>The Commission also recommends DPP advice be sought with respect to the prosecution of Anthony Paul for an offence of perverting the course of justice, and each of Jason Kelly, Christopher Trinder and Jeffrey Nankivell for an offence of offering a corrupt benefit and an offence of perverting the course of justice.</p>	<p>The Department of Attorney General and Justice commenced proceedings against Mr Hart for 10 counts of the offence of acting with intent to pervert the course of justice under section 319 of the Crimes Act, and one count of the offence of obtaining property with false pretence under section 179 of the Crimes Act. On 18 November 2013, Mr Hart pleaded guilty to five section 319 offences.</p> <p>On 22 August 2014 Mr Hart was convicted and sentenced to 2 years 9 months imprisonment, non-parole period of 1 year 10 months, for 5 counts of pervert the course of justice under section 319</p>

ICAC prosecution outcomes

The following table contains information on outcomes in relation to Director of Public Prosecution (DPP) advice or prosecutions in relation to ICAC investigations. It was last updated on 19 December 2014 (see [highlights](#) for latest outcomes information).

The Commission must seek the advice of the DPP on whether any prosecution should be commenced. The DPP determines whether any criminal charges can be laid, and conducts all prosecutions. The Commission provides information on its website in relation to the status of prosecution recommendations and outcomes as advised by the DPP. The progress of matters is generally within the hands of the DPP. Accordingly, the Commission does not directly notify persons affected of advice received from the DPP or the progress of their matters generally.

Report and date	ICAC recommendations	Status/outcome
<p>05/06/2014</p> <p><i>Investigation into the conduct of the Hon Edward Obeid MLC and others concerning Circular Quay Retail Lease Policy (Operation Cyrus)</i></p>	<p>The Commission is of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of Edward Obeid Sr for common law criminal offences of misconduct in public office in relation to his representations to: Ministers Michael Costa and the Hon Eric Roozendaal with respect to Circular Quay leases without disclosing to them that his family had interests in Circular Quay leases and would benefit from a change in policy; Minister the Hon Joseph Tripodi to change government policy with respect to Circular Quay leaseholders knowing that such a change would benefit Mr Obeid's family interests in Circular Quay leases.</p>	<p>On 19 November 2014, the DPP advised the Commission that there is sufficient evidence to prosecute Mr Obeid for one offence of misconduct in public office. The matter is listed for mention on 19 February 2015 at the Downing Centre Local Court.</p>
<p>24/01/2014</p> <p><i>Investigation into false certifications of heavy vehicle competency-based assessments by a Roads and Maritime Services-accredited assessor (Operation Nickel)</i></p>	<p>The Commission is of the opinion that the advice of the DPP should be obtained with respect to the prosecution of Christopher Binos for offences under section 249B(1) of the <i>Crimes Act 1900</i> of corruptly soliciting or receiving a benefit and to the prosecution of Alexander Daubney, Mark McDonagh, Shane Florio, Peter Friend-Ngui and Jacqueline Riley for offences under section 249B(2) of the <i>Crimes Act</i> of corruptly giving a benefit to Mr Binos.</p>	<p>On 13 October 2014, the DPP advised the Commission that there is sufficient evidence to charge Mr Christopher Binos for offences under section 249B(1) of the <i>Crimes Act</i> for corruptly receiving a benefit from Shane Florio, Jacqueline Riley and Mark McDonagh; and for corruptly soliciting a benefit from Simon Hay.</p> <p>Mr Binos' matter will be mentioned at the Downing Centre Local Court on 29 January 2015.</p>

		<p>The DPP further advised that there is insufficient evidence to proceed with charges against Jacqueline Riley, Shane Florio, Mark McDonagh, Peter Friend-Ngui and Alexander Daubney.</p> <p>The DPP's advice has been accepted by the Commission</p>
<p>26/09/2013</p> <p><i>Investigation into the possession and supply of steroids and other matters involving a corrections officer (Operation Torino)</i></p>	<p>The ICAC is of the opinion that the advice of the DPP should be obtained with respect to the prosecution of Robert Di-Bona for six offences of giving false evidence to the Commission, contrary to section 87 of the <i>Independent Commission Against Corruption Act 1988</i>.</p>	<p>On 4 June 2014, the DPP advised the Commission that there is sufficient evidence to charge Mr Di-Bona with 5 counts of giving false or misleading evidence at a compulsory examination, contrary to section 87(1) of the ICAC Act. On 4 June 2014, the DPP advised the ICAC that there is sufficient evidence to charge Mr Di-Bona with five counts of giving false or misleading evidence at a compulsory examination, contrary to section 87(1) of the ICAC Act.</p> <p>Mr Di-Bona was prosecuted for these five counts. On 23 September 2014, Mr Di-Bona pleaded guilty to all counts. Mr Di-Bona was sentenced on 20 November 2014 to imprisonment for 12 months with a non-parole period of six months in respect of four counts. Those sentences are to be served concurrently, commencing on 20 November 2014. In respect of the fifth count, Mr Di-Bona was sentenced to imprisonment for 12 months with a non-parole period of six months, commencing on 20 April 2015.</p>
<p>30/08/2013</p> <p><i>Investigation into the</i></p>	<p>The Commission is of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of Ian Macdonald, John Maitland, Craig Ransley and Andrew Poole for various offences as follows.</p>	<p>Ian Macdonald: On 5 November 2014, the DPP advised the Commission that there is sufficient</p>

<p><i>conduct of Ian Macdonald, John Maitland and others (Operation Acacia)</i></p>	<p>Ian Macdonald, for the common law offence of misconduct in public office in relation to his conduct in granting Doyles Creek Mining Pty Ltd (DCM) consent to apply for an exploration licence (EL) and granting the EL to DCM, both grants being substantially to benefit Mr Maitland.</p> <p>John Maitland, for offences under section 178BB of the <i>Crimes Act 1900</i> in relation to his making and publishing to the Department of Primary Industries (DPI) false or misleading statements, and for offences under section 112(2) and section 87(1)(a) of the <i>Independent Commission Against Corruption Act 1988</i> in relation to his conduct in discussing the evidence he gave at a compulsory examination with Archibald Tudehope and testifying at the public inquiry that he sought to comply with the obligation imposed on him to keep secret the evidence he gave at the compulsory examination.</p> <p>Craig Ransley, for offences under section 178BB of the <i>Crimes Act</i> in relation to his agreeing to Mr Maitland publishing to the DPI certain false or misleading statements.</p> <p>Andrew Poole, for offences under section 178BB of the <i>Crimes Act</i> in relation to his agreeing to Mr Maitland publishing to the DPI certain false or misleading statements.</p> <p>The Commission will also furnish to the Commonwealth DPP evidence that may be admissible in the prosecution of Mr Maitland, Mr Ransley and Mr Poole for offences under section 184(1) of the <i>Corporations Act 2001</i> in relation to their relevant conduct with respect to the false or misleading statements.</p>	<p>evidence to prosecute Ian Macdonald for two offences of misconduct in public office. The matter is listed for mention on 24 February 2015 at the Downing Centre Local Court.</p> <p>John Maitland: On 5 November 2014, the DPP advised the Commission that there is sufficient evidence to prosecute John Maitland for two offences of accessory before the fact to misconduct in public office. The matter is listed for mention on 24 February 2015 at the Downing Centre Local Court. The charge of giving false and misleading evidence before the Commission has been adjourned to 24 February 2015 at the Downing Centre Local Court for mention.</p> <p>The Commission is awaiting the DPP's decision on whether proceedings will be taken with respect to the remaining individuals.</p>
<p>27/03/2013</p> <p><i>Investigation into allegations that a Manager at the UTS solicited and accepted</i></p>	<p>The ICAC is of the opinion that the advice of the DPP should be obtained with respect to the prosecution of Nabil Faysal for offences of soliciting and receiving corrupt benefits pursuant to section 249B of the <i>Crimes Act 1900</i>.</p>	<p>On 24 September 2014, the DPP advised that there is sufficient evidence to charge Nabil Faysal with 9 counts of agent corruptly receiving benefit under section 249(1)(a) of the <i>Crimes Act</i> and 10 counts of make false statement to obtain money under section 178BB of the <i>Crimes Act</i>.</p>

<p><i>money, gifts and other benefits from UTS contractors (Operation Stark)</i></p>	<p>The ICAC is of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of Karaha Pene Te-Hira for offences of corruptly receiving a reward contrary to section 249B(1) of the <i>Crimes Act 1900</i>.</p>	<p>The DPP's advice not to commence any prosecution against Mr Te-Hira has been accepted by the Commission.</p>
<p>25/01/2013 <i>Investigation into the smuggling of contraband into the Metropolitan Special Programs Centre at the Long Bay Correctional Complex (Operation Drake)</i></p>	<p>The ICAC 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 nine people for various offences, as follows: Phillip Burnie for the offence of giving false or misleading evidence at a hearing of the Commission under section 87(1) of the ICAC Act Mathew Kelly for the offence of making a false statement to an officer of the Commission under section 80(c) of the ICAC Act, and the offence of giving false or misleading evidence at a hearing of the Commission under section 87(1) of the ICAC Act Glen Lapham for the offence of wilfully obstructing or hindering the Commission's exercise of its functions under section 80(a) of the ICAC Act, the offence of making a false statement to an officer of the Commission under section 80(c) of the ICAC Act, and the offence of giving false or misleading evidence at a hearing of the Commission under section 87(1) of the ICAC Act John Morgan for the offence of offering a corrupt benefit under section 249B(2) of</p>	<p>On 27 November 2013, Mr Burnie was convicted of 1 count of knowingly give false or misleading evidence contrary to section 87(1) of the ICAC Act. He was sentenced to 9 months imprisonment suspended pursuant to his entering into a good behaviour bond. On 19 August 2014, Mr Morgan was convicted and sentenced to 9 months imprisonment for the offence of wilfully making a false statement to the officer of the Commission contrary to section 80(c) of the ICAC Act; and a further sentence of 9 months imprisonment for the offence of knowingly give false or misleading evidence contrary to section 87(1) of the ICAC Act. Both sentences were suspended under section 12 of the Crimes (Sentencing Procedure) Act 1999 on the condition that Mr Morgan enters into good behaviour bonds for the period. The sentences are to be served</p>
<p>29/10/2012 <i>Investigation into allegations that staff from a number of local councils and other public authorities accepted secret benefits from suppliers (Operation Jarek)</i></p>	<p>The ICAC 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 nine people for various offences, as follows: Phillip Burnie for the offence of giving false or misleading evidence at a hearing of the Commission under section 87(1) of the ICAC Act Mathew Kelly for the offence of making a false statement to an officer of the Commission under section 80(c) of the ICAC Act, and the offence of giving false or misleading evidence at a hearing of the Commission under section 87(1) of the ICAC Act Glen Lapham for the offence of wilfully obstructing or hindering the Commission's exercise of its functions under section 80(a) of the ICAC Act, the offence of making a false statement to an officer of the Commission under section 80(c) of the ICAC Act, and the offence of giving false or misleading evidence at a hearing of the Commission under section 87(1) of the ICAC Act John Morgan for the offence of offering a corrupt benefit under section 249B(2) of</p>	<p>On 27 November 2013, Mr Burnie was convicted of 1 count of knowingly give false or misleading evidence contrary to section 87(1) of the ICAC Act. He was sentenced to 9 months imprisonment suspended pursuant to his entering into a good behaviour bond. On 19 August 2014, Mr Morgan was convicted and sentenced to 9 months imprisonment for the offence of wilfully making a false statement to the officer of the Commission contrary to section 80(c) of the ICAC Act; and a further sentence of 9 months imprisonment for the offence of knowingly give false or misleading evidence contrary to section 87(1) of the ICAC Act. Both sentences were suspended under section 12 of the Crimes (Sentencing Procedure) Act 1999 on the condition that Mr Morgan enters into good behaviour bonds for the period. The sentences are to be served</p>

	<p>the <i>Crimes Act 1900</i> and the offence of giving false or misleading evidence at a hearing of the Commission under section 87(1) of the ICAC Act</p> <p>Richard Pearce for the offence of offering a corrupt benefit under section 249B(2) of the Crimes Act</p> <p>Kerry Smith for the offence of receiving a corrupt benefit under section 249B(1) of the Crimes Act, the offence of obtaining financial advantage by deception under section 178BA of the Crimes Act, and the offence of obtaining financial advantage by false or misleading statements under section 178BB of the Crimes Act</p> <p>Michael Stokes for the offence of offering a corrupt benefit under section 249B(2) of the Crimes Act, the offence of obtaining financial advantage by deception under section 178BA of the Crimes Act, and the offence of obtaining financial advantage by false or misleading statements under section 178BB of the Crimes Act</p> <p>Jacqueline Verdeyen for the offence of giving false or misleading evidence at a hearing of the Commission under section 87(1) of the ICAC Act</p> <p>Paul Wright for the offence of offering a corrupt benefit under section 249B(2) of the Crimes Act, the offence of obtaining financial advantage by deception under section 178BA of the Crimes Act, the offence of obtaining financial advantage by false or misleading statements under section 178BB of the Crimes Act, the offence of making a false statement to an officer of the Commission under section 80(c) of the ICAC Act, and the offence of giving false or misleading evidence at a hearing of the Commission under section 87(1) of the ICAC Act.</p>	<p>concurrently.</p> <p>On 13 May 2014, Mr Smith pleaded guilty to 7 counts of agent corruptly receive benefit pursuant to section 249B(1) of the Crimes Act (5 counts of agent corruptly receive benefit less than \$2,000, and 2 counts of agent corruptly receive benefit greater than \$2,000 but less than \$5,000). On 15 July 2014, Mr Smith was sentenced as follows:</p> <ol style="list-style-type: none"> 1. Fine \$1,000 2. Fine \$1,500 3. Fine \$1,500 4. 9 months imprisonment with a 6-month non-parole period 5. 9 months imprisonment with a 6-month non-parole period (4 and 5 to be served concurrently) 6. 14 months imprisonment with an 8-month non-parole period 7. 14 months imprisonment with an 8-month non-parole period (6 and 7 to be served concurrently but partially consecutive to 4 and 5). <p>On 26 August 2014, the court ordered that his sentences be served by way of home detention.</p> <p>On 19 June 2014, Mr Lapham was convicted and sentenced to a section 9 good behaviour bond of 2 years for an offence of make false statement to a Commission officer under section 80(c) of the ICAC Act. He was also convicted and sentenced to 6 months imprisonment, and 9 months imprisonment with a 3-month non-parole period, for two counts of give false evidence to the</p>
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Commission under section 87 of the ICAC Act. All sentences are to be served consecutively. An appeal against the latter two sentences was lodged. On 10 July 2014, at the Sydney District Court, the appeal lodged by Mr Lapham was dismissed and the convictions confirmed.

On 19 June 2014, **Ms Verdeman** was convicted and sentenced to 6 months imprisonment, and a further 9 months imprisonment with a non-parole period of 3 months, for offences of give false evidence to the ICAC contrary to section 87 of the ICAC Act. The sentences are to be served consecutively. On 19 August 2014, the magistrate directed that the sentences be served by way of home detention.

On 5 June 2014, **Mr Wright** pleaded guilty to: 19 charges of obtaining money by deception contrary to section 178BA of the Crimes Act; 4 charges of make false statement to an ICAC officer contrary to section 80(c) of the ICAC Act; and 5 charges of knowingly give false or misleading evidence contrary to section 87(1) of the ICAC Act. The matters were committed for sentence to the Sydney District Court for sentencing on 21 August 2014.

On 21 August 2014, **Mr Wright** was convicted and sentenced as follows:

1. sentenced to 9 months imprisonment on each of the 19 counts of obtain money by deception under section 178BA Crimes Act 1900;

		<p>2. sentenced to 12 months imprisonment on each count of the 5 counts of knowingly give false or misleading evidence contrary to section 87(1) ICAC Act 1988; and</p> <p>3. In relation to the section 80 (c) of the ICAC Act offences, no further penalty was imposed.</p> <p>Due to the large number of offences an aggregate sentence was imposed under section 53A Crimes (Sentencing Procedure) Act 1999 of 4 years imprisonment with a non parole period of 2 years.</p> <p>The DPP's advice not to proceed against Messrs Kelly, Pearce or Stokes has been accepted by the Commission.</p>
<p>24/10/2012</p> <p><i>Investigation into the recruitment of contractors and other staff by a University of Sydney IT manager (Operation Citrus)</i></p>	<p>The ICAC is of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of Atila "Todd" Demiralay and his wife, Virginia Kantarzis, for offences of giving false or misleading evidence pursuant to the ICAC Act.</p>	<p>Mr Demiralay and Ms Kantarzis are being prosecuted for offences of giving false or misleading evidence to the Commission pursuant to section 87 of the ICAC Act. The charges were listed for hearing at the Downing Centre Local Court on 27 October 2014.</p> <p>On 29 October 2014, Ms Kantarzis pleaded guilty to one count of giving misleading evidence to the Commission. She will be sentenced on 19 December 2014. The charges against Mr Demiralay will be relisted for hearing after that date.</p>
<p>14/08/2012</p> <p><i>Investigation into the conduct of a University of New England (UNE) procurement officer</i></p>	<p>The Commission is of the opinion that the advice of the DPP should be sought with respect to the prosecution of Colin McCallum for offences under sections 178BB(1) and 192E(1) of the <i>Crimes Act 1900</i>. The relevant offences would be his conduct in approving payment of the SNP invoices and dishonestly arranging for Sport UNE to waive payment by NERU of venue hire fees.</p>	<p>On 22 July 2014, Colin McCallum pleaded guilty to one count of embezzle as a clerk or servant under section 157 of the <i>Crimes Act 1900</i>, and one count of dishonestly obtain financial benefit by deception under section 192E of the <i>Crimes Act</i>. He was sentenced on 7 October 2014. He received a</p>

<p><i>and UNE contractors (Operation Crusader)</i></p>	<p>The Commission is of the opinion that the advice of the DPP should be sought with respect to the prosecution of Martin McLean for offences under section 178BB(1) of the Crimes Act in relation to his issuing instructions to the SNP billing and payroll officer to include charges of "alarm service" work in invoices to UNE when he knew that no such work was in fact performed by SNP.</p>	<p>\$2,000 fine for the offence of embezzle as a clerk, and a \$500 fine for the offence of dishonestly obtain a financial benefit.</p> <p>Mr McLean pleaded guilty to 3 counts of concurring in publishing a statement he knew to be false in a material particular with intent to obtain financial advantage under section 178BB of the Crimes Act. Seven counts of the same charge were placed on a Form 1 schedule and taken into account on sentencing. He was sentenced on 1 April 2014. On 2 of the counts, he was dealt with under section 10A of the <i>Crimes (Sentencing Procedure Act) 1999</i> whereby a conviction is recorded but no penalty applies. On the remaining count, with the matters on the Form 1 taken into account, he was sentenced to a \$1,000 fine.</p>
<p>14/06/2012 <i>Investigation into the payment of \$4,500 to a councillor of Auburn City Council (Operation Barrow)</i></p>	<p>The Commission is of the opinion that the advice of the DPP should be sought with respect to the prosecution of Jack Au for offences under section 249B of the <i>Crimes Act 1900</i> comprising his receipt of money as a reward for what he had done for Shu Xian Liang with respect to her development application and his acceptance of money as an inducement to help expedite council determination of that application.</p>	<p>On 13 May 2013, Mr Au was charged with 1 count of corruptly receiving a benefit contrary to section 249B(1)(b) of the Crimes Act.</p> <p>On 20 December 2013, Mr Au was convicted of this offence and sentenced to 200 hours community service. Mr Au appealed against his conviction.</p>
<p>18/01/2012 <i>Investigation into alleged fraud on the former NSW</i></p>	<p>The Commission is of the opinion that the advice of the DPP should be sought with respect to the prosecution of David Johnson for offences of obtaining money by false or misleading statements contrary to section 178BB of the <i>Crimes Act 1900</i> in relation to: misrepresentations contained in the contractor agreement and selection forms for each of five Ogawie contractors; misrepresentations contained</p>	<p>On 7 July 2014, Mr Au's appeal against his conviction was dismissed and the conviction and sentence of the Local Court was confirmed.</p> <p>Mr Johnson pleaded guilty and was convicted of 2 counts of obtaining money by deception under section 178BA of the Crimes Act and 2 counts of making a false statement to obtain money under section 178BB of the Crimes Act. The total benefit</p>

<p><i>Department of Education and Communities (Operation Barcoo)</i></p>	<p>in two submissions in respect of Catalina IT and the purported authorisation of payment of two invoices; and misrepresentations contained in the timesheets completed by two contractors.</p>	<p>obtained was about \$437,000.</p> <p>Two further counts under section 178BB of the Crimes Act were taken into account on sentence. On 20 January 2014, Mr Johnson was sentenced to 18 months imprisonment with a non-parole period of 11 months. His sentence is to be served as home detention. On 26 June 2014, the DPP's appeal against sentence on the grounds of inadequacy was allowed by the Sydney District Court and the sentence of home detention set aside. Mr Johnson was sentenced to full-time imprisonment for 3 years and 3 months with a non-parole period of 1 year and 11 months. The sentence dates from the commencement of the previous home detention sentence.</p>
<p>16/12/2011 <i>Investigation into the undisclosed conflict of interest of a senior executive of the Sydney Harbour Foreshore Authority (Operation Vesta)</i></p>	<p>The ICAC is of the opinion that the advice of the DPP should be sought with respect to the prosecution of Andrew Kelly for the common law offence of misconduct in public office in relation to his failure to disclose his conflict of interest.</p> <p>The ICAC is of the opinion that the advice of the DPP should be sought with respect to the prosecution of Charif Kazal for an offence under the <i>Independent Commission Against Corruption Act 1988</i> of giving false evidence to the Commission that he never intended to settle Mr Kelly's accommodation account for the May 2007 trip.</p>	<p>The DPP's advice not to proceed against Mr Kelly or Mr Kazal has been accepted by the Commission.</p>
<p>12/12/2011 <i>Investigation into the unauthorised purchase of property at Currawong by the Chief Executive of the Land and Property</i></p>	<p>The Commission is of the opinion that the advice of the DPP should be sought with respect to the prosecution of Warwick Watkins for five offences of using a false document pursuant to section 254 of the <i>Crimes Act 1900</i> in relation to his use of the backdated letter; an offence under section 80(c) of the <i>Independent Commission Against Corruption Act 1988</i> of making wilfully false statements to the Commission or attempting to mislead the Commission; and for two offences of making a publication in contravention of a direction given under section 112 of the ICAC Act in relation to disclosing to his chief of staff that he had given evidence at</p>	<p>Mr Watkins was prosecuted for 2 counts of using a false document pursuant to section 254 of the Crimes Act, and 2 counts of attempting to mislead the Commission, contrary to section 80 of the ICAC Act. The charges were heard at the Downing Centre Local Court between 2 and 5 December 2013. At the commencement of the hearing, Mr Watkins pleaded guilty to the 2 charges of</p>

<p><i>Management Authority (Operation Napier)</i></p>	<p>the Commission on 3 June 2011 and disclosing to his chief of staff that he had given evidence at the Commission concerning the backdated letter.</p> <p>The Commission is of the opinion that the advice of the DPP should be sought with respect to the prosecution of Anthony Kelly for: an offence under section 253 of the Crimes Act in relation to signing and backdating the letter; an offence under section 254 of the Crimes Act in relation to referring to and relying on the backdated letter in an interview with the IAB on 24 March 2011; and an offence of misconduct in public office in relation to the making and use of the backdated letter.</p> <p>The Commission is of the opinion that the advice of the DPP should be sought with respect to the prosecution of Robert Costello for an offence under section 254 of the Crimes Act in relation to the use of the backdated letter in an attachment to an email sent to the then director general of the Department of Premier and Cabinet on 25 March 2011.</p>	<p>attempting to mislead the Commission. Mr Watkins was acquitted of the remaining charges of using a false document. On 19 December 2013, Mr Watkins was sentenced in relation to the 2 charges of attempting to mislead the Commission. He was placed on concurrent good behaviour bonds for 12 months pursuant to section 9 of the <i>Crimes (Sentencing Procedure) Act 1999</i>. The DPP's advice that there is insufficient evidence to support criminal charges against Mr Kelly has been accepted by the Commission.</p> <p>The DPP's advice not to proceed against Mr Costello has been accepted by the Commission.</p>
<p>31/08/2011 <i>Investigation into corrupt conduct involving alleged fraud on two Sydney Hospitals (Operation Charity)</i></p>	<p>The ICAC is of the opinion that the advice of the DPP should be obtained with respect to the prosecution of Sandra Lazarus for <u>several offences</u> under the <i>Crimes Act 1900</i> including obtaining money by false or misleading statements, and with respect to the prosecution of Michelle Lazarus for offences of giving false or misleading evidence, contrary to the <i>Independent Commission Against Corruption Act 1988</i>.</p>	<p>Sandra Lazarus was prosecuted for 42 offences of making or using false instruments contrary to section 300(1) of the Crimes Act and 16 offences of obtaining money by false or misleading statements contrary to section 178BB of the Crimes Act. On 27 November 2014, Sandra Lazarus was found guilty of 16 section 178BB offences and 27 section 300(1) offences under the Crimes Act. She was found not guilty of 15 offences under section 300(1) of the Crimes Act. The matter has been adjourned for sentence at the Downing Centre Local Court on 9 February 2015. The magistrate stated that a pre-sentence report was not required as a custodial</p>

		<p>sentence was the only option available.</p> <p>Sandra Lazarus was remanded in custody until such time as she meets bail conditions requiring her to surrender her passports and an acceptable person enters into a surety in the amount of \$10,000 to be forfeited if Ms Lazarus breaches her bail or fails to appear.</p> <p>Sandra Lazarus was also referred to the Supreme Court of NSW for contempt charges under section 24(1) of the <i>Local Court Act 2007</i> for her conduct and refusal to answer questions put to her when directed to do so by the Local Court magistrate.</p> <p>Michelle Lazarus is being prosecuted for seven offences of giving false or misleading evidence contrary to section 87(1) of the ICAC Act. On 23 May 2014, all offences were found to have been proven.</p> <p>On 14 July 2014, Ms Lazarus was sentenced to four months imprisonment in relation to sequence 1. A further sentence of five months imprisonment was imposed in relation to each of sequences 2, 3, 4, 5, 6 and 7. Those sentences are to be served concurrently.</p> <p>They are to commence at the expiration of sentence in respect of sequence 1. All sentences were suspended pursuant to section 12 of the <i>Crimes (Sentencing Procedure) Act 1999</i> on condition that Ms Lazarus enter into a good behaviour bond. Ms Lazarus has lodged an appeal against conviction. The appeal will be heard in March 2015.</p>
22/06/2011	The Commission is of the opinion that consideration should be given to obtaining	On 26 July 2012, Mr Karkowski was sentenced to

<p><i>Investigation into the corrupt conduct of a Willoughby City Council Officer (Operation Churchill)</i></p>	<p>the advice of the DPP with respect to the prosecution of Edward Karkowski for: offences under section 249B of the <i>Crimes Act 1900</i> in relation to soliciting or receiving corrupt benefits in return for not reporting to the Council that the Oriana Bath House was operating as a brothel; an offence under section 192E of the <i>Crimes Act</i> in relation to dishonestly submitting a claim for overtime and accepting payment for that claim for hours worked between 5.15 pm and 6.50 pm on 6 July 2010; offences under section 249B of the <i>Crimes Act</i> in relation to soliciting or receiving corrupt benefits in return for writing an Alternative Solution Report in respect of shop P8 at Chatswood Central; offences under section 249B of the <i>Crimes Act</i> in relation to receiving corrupt benefits in return for exercising his official functions to favour the interests of the Red Chilli Sichuan Restaurant; and common law offences of misconduct in public office for providing Council information for private purposes in return for receipt of benefits in the form of free meals, wines, gifts and visits to massage parlours and brothels where he received massage and sexual services.</p>	<p>imprisonment for 6 months in relation to 5 counts of corruptly receive a benefit contrary to section 249B(1) of the <i>Crimes Act</i>. On 6 September 2012, Mr Karkowski was assessed as being suitable to serve the sentence by way of home detention.</p> <p>Mr Karkowski was given a good behaviour bond for a period of 2 years under the provisions of section 9 of the <i>Crimes (Sentencing Procedure) Act 1999</i> in relation to two counts of fraud contrary to section 192E(1)(b) of the <i>Crimes Act</i>.</p>
<p>12/05/2011 <i>Investigation into the solicitation of a corrupt payment by a Strathfield Municipal Council officer (Operation Danby)</i></p>	<p>The Commission is of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of Michael Chau an offence of soliciting a corrupt payment under section 249B(1) of the <i>Crimes Act 1900</i>.</p>	<p>The DPP's advice not to proceed has been accepted by the ICAC.</p>
<p>20/04/2011 <i>Investigation into alleged corrupt conduct involving Burwood Council's General Manager and others (Operation Magnus)</i></p>	<p>The Commission is of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of Pasquale (Pat) Romano as follows: four offences of giving false or misleading documents to the Council with intent to defraud the Council, contrary to section 249C of the <i>Crimes Act 1900</i>; four common law offences of misconduct in public office; one offence of obtaining financial advantage by false or misleading statements, contrary to section 178BB of the <i>Crimes Act</i>; two offences of causing detrimental action to be taken against a person who made protected disclosures, contrary to the <i>Public Interest Disclosures Act 1994</i> (the PID Act); three offences of causing or procuring disadvantage to persons for or on account of those persons assisting the ICAC, contrary to section</p>	<p>The DPP's advice not to proceed in relation to the offences under section 20 of the PID Act has been accepted by the ICAC.</p> <p>On 16 May 2014, Mr Romano pleaded guilty to 3 counts of misconduct in public office, 3 counts of give false or misleading evidence pursuant to section 87(1) of the ICAC Act, and 1 count of fraudulent appropriation pursuant to section 124 of the <i>Crimes Act</i>. The Court was asked to take into</p>

	<p>93 of the <i>Independent Commission Against Corruption Act 1988</i>; and two offences of providing false or misleading evidence to the Commission contrary to section 87 of the ICAC Act.</p>	<p>account matters contained on a Form 1. This contained 6 counts of obtain financial advantage by deception pursuant to section 187BA of the Crimes Act, and 3 counts of give false or misleading evidence pursuant to section 87(1) of the ICAC Act.</p> <p>On 7 November 2014, His Honour Justice Arnott SC sentenced Mr Romano to imprisonment for an aggregate term of 2 years and 6 months with a non-parole period of 20 months.</p>
<p>22/03/2011 <i>Investigation into corrupt conduct of Sydney Water employees and others (Operation Siren)</i></p>	<p>The Commission is of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of: Kenneth John Buckley for offences under section 249B of the <i>Crimes Act 1900</i> of soliciting and/or receiving corrupt payments from Sydney Water accredited constructors; Robert Funovski for offences under section 249B of the Crimes Act of soliciting and receiving a corrupt payment from a Sydney Water accredited constructor and an offence under section 87 of the <i>Independent Commission Against Corruption Act 1988</i>; Bryan Kane for offences under section 249B of the Crimes Act of receiving corrupt payments from accredited constructors; Edward Harvey for offences under section 178BA of the Crimes Act of obtaining money for another by deception and an offence of misconduct in public office; and Paul Makucha for offences under section 178BA of the Crimes Act of obtaining money or a financial advantage for himself.</p>	<p>The Commission has been notified that Mr Romano has lodged a notice of intention to appeal.</p> <p>The DPP's advice not to proceed against Messrs Buckley, Kane, Harvey and Makucha has been accepted by the Commission.</p> <p>On 10 January 2013, Mr Funovski pleaded guilty in the Downing Centre Local Court to 1 offence pursuant to section 249B(1) of the Crimes Act for receiving a corrupt benefit and one offence pursuant to section 87 of the ICAC Act for lying to the Commission.</p> <p>He was sentenced to a term of imprisonment of 6 months which was suspended upon entering a good behaviour bond under the provisions of section 12 of the <i>Crimes (Sentencing Procedure) Act 1999</i> for the offence of receiving a corrupt benefit. He was given a good behaviour bond for a period of 5 years under the provisions of section 9 of the <i>Crimes (Sentencing Procedure) Act</i> for the offence of lying to the Commission.</p>

<p>15/12/2010</p> <p><i>Investigation into the acceptance of corrupt benefits by a city of Canada Bay council employee (Operation Challenger)</i></p>	<p>The Commission is of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of Peter Higgs for the offences of: receiving corrupt rewards from Thomas Turner and Ahmad Hraichie, contrary to section 249B(1) of the <i>Crimes Act 1900</i>; giving false and misleading evidence, contrary to section 87(1) of the <i>Independent Commission Against Corruption Act 1988</i>; and fabricating a document with the intent to mislead the Commission, contrary to section 88(3) of the ICAC Act.</p> <p>The Commission is also of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of Mr Turner for the offences of: giving a corrupt benefit to Mr Higgs, contrary to section 249B(2) of the <i>Crimes Act</i>; giving false or misleading evidence, contrary to section 87(1) of the ICAC Act; and fabricating a document with the intent to mislead the Commission, contrary to section 88(3) of the ICAC Act.</p> <p>The Commission is satisfied that without Mr Hraichie's allegations and evidence, the corrupt conducted that Mr Higgs and Mr Turner engaged in would not have been exposed. The Commission therefore decided to exercise its discretion not to make a finding of corrupt conduct against Mr Hraichie, or seek the opinion of the DPP with respect to prosecuting him for any specified criminal offence.</p>	<p>On 14 November 2012, at the Sydney District Court, Mr Higgs pleaded guilty to 4 counts pursuant to section 87 of the ICAC Act for giving false and misleading evidence to the Commission. Two further offences contrary to section 87 were taken into account upon sentence. Mr Higgs was given a good behaviour bond for a period of 2 years under the provisions of section 9 of the <i>Crimes (Sentencing Procedure) Act 1999</i>. A 400-hour community service order was also imposed under the provisions of section 8 of the <i>Crimes (Sentencing Procedure) Act</i>.</p> <p>On 28 March 2012, Mr Turner pleaded guilty to 2 charges, being 1 count pursuant to section 87 of the ICAC Act and 1 count pursuant to section 80 of the ICAC Act. Two further offences contrary to section 87 of the ICAC Act were taken into account upon sentence. On 29 June 2012, a 400-hour community service order was also imposed under the provisions of section 8 of the <i>Crimes (Sentencing Procedure) Act 1999</i>.</p>
<p>07/12/2010</p> <p><i>Investigation into the submission of false claims for sitting day relief entitlement by Angela D'Amore MP and some members of her staff (Operation Syracuse)</i></p>	<p>The ICAC is of the opinion that the advice of the DPP should be sought with respect to the prosecution of Angela D'Amore for two common law offences of misconduct in public office.</p>	<p>The DPP's advice not to proceed has been accepted by the Commission.</p>
<p>01/09/2010</p>	<p>The Commission is of the opinion that consideration should be given to obtaining</p>	<p>Ms Kelly was prosecuted for 2 offences of giving</p>

<p><i>Investigation into the misuse of resources by a NSW Maritime Legal Services Branch officer (Operation Vargus)</i></p>	<p>the advice of the DPP with respect to the prosecution of Tonette Kelly for various offences including the common law offence of misconduct in public office in relation to several matters, and an offence of making a false instrument under section 300(1) of the <i>Crimes Act 1900</i>. Certain matters, including the false statements of gross fee income for the purposes of public indemnity insurance and the preparation of a false or misleading reference for Nicholai Dacombe, have been referred to the Legal Services Commissioner.</p> <p>The Commission is also of the opinion that consideration should be given to obtaining the advice of the DPP with respect to prosecuting Mir Dacombe for an offence of giving false evidence under section 87(1) of the <i>Independent Commission Against Corruption Act 1988</i> in relation to conveyancing work done for Ms Kelly.</p>	<p>false evidence at a public inquiry contrary to section 87(1) of the ICAC Act. She was found guilty on 1 May 2013 on both counts following a hearing in the Local Court and sentenced to 12 months imprisonment to be served by home detention. An appeal against the convictions and sentence was lodged in the District Court. The appeal against the convictions was dismissed on 9 December 2013. On 24 February 2014, Ms Kelly withdrew her appeal against the severity of her sentence.</p> <p>Mr Dacombe was prosecuted for 1 offence of giving false evidence to the ICAC contrary to section 87(1) of the ICAC Act. He pleaded guilty and was convicted and sentenced on 7 February 2012 to imprisonment for a fixed term of 4 months. On appeal, the sentence of 4 months was suspended pursuant to section 12 of the <i>Crimes (Sentencing Procedure) Act 1999</i>.</p>
<p>12/08/2010 <i>Investigation into attempted corrupt payment and submission of false resumes to public authorities (Operation Avoca)</i></p>	<p>The Commission is of the opinion that the advice of the DPP should be sought with respect to the prosecution of Don Gamage for: an offence under section 249B of the <i>Crimes Act 1900</i> in relation to the offer of \$15,000 to Stephen Blackadder; two offences under section 87 of the <i>Independent Commission Against Corruption Act 1988</i> in relation to giving false evidence at his compulsory examination and the public inquiry by denying that he had offered \$15,000 to Mr Blackadder; two offences under section 178BA of the <i>Crimes Act</i> in relation to publishing of false and misleading documents with the intention of obtaining a financial advantage in his applications for employment to Lithgow City Council, Harden Shire Council, Goulburn Mulwaree Council, Bland Shire Council and Upper Lachlan Shire Council; an offence under section 192G of the <i>Crimes Act</i> in relation to dishonestly publishing a statement that was false or misleading in a material particular with the intention of obtaining a financial advantage in his application to Lachlan Shire Council; and an offence under section 80(c) of the ICAC Act of misleading a</p>	<p>Mr Gamage is being prosecuted for 1 count of corruptly offering a reward pursuant to section 249(2) of the <i>Crimes Act</i>; 2 counts of knowingly give false and misleading evidence pursuant to section 87(1) of the ICAC Act; 1 count of hindering an officer of the ICAC pursuant to section 80(a) of the ICAC Act; 7 counts of make false statement with intent to obtain advantage pursuant to section 178BB of the <i>Crimes Act</i>; and 1 count of make false statement with intent to defraud pursuant to section 192G of the <i>Crimes Act</i>. On 20 October 2011, the Downing Centre Local Court issued an arrest warrant for Mr Gamage.</p>

<p>27/07/2010</p> <p><i>Investigation into the smuggling of contraband into the John Morony Correctional Centre (Operation Cicero)</i></p>	<p>Commission officer.</p> <p>The Commission is of the opinion that the advice of the DPP should be sought with respect to the prosecution of Sebastian Wade for: offences of receiving corrupt payments from the inmate associates A1, A2 and A3 on behalf of the inmates P1, P2 and P3 respectively contrary to section 249B of the <i>Crimes Act 1900</i>; and offences under section 87 of the <i>Independent Commission Against Corruption Act 1988</i> of giving false or misleading evidence to the Commission.</p>	<p>On 15 April 2011, Mr Wade was sentenced to a term of 12 months imprisonment with a non-parole period of 6 months for each count of corruptly receive a benefit contrary to section 249B(1) of the <i>Crimes Act</i>. In relation to the 4 counts of giving false evidence to the ICAC contrary to section 87(1) of the <i>ICAC Act</i>, Mr Wade was sentenced to a term of 15 months imprisonment with a non-parole period of six months.</p>
<p>13/07/2010</p> <p><i>Investigation into the false claims for Sitting Day Relief payments by a NSW MP and members of her electorate staff (Operation Corinth)</i></p>	<p>The Commission is of the opinion that the advice of the DPP should be sought with respect to the prosecution of Karyn Paluzzano for: the common law offence of misconduct in public office; obtaining a valuable thing for herself contrary to section 178BA of the <i>Crimes Act 1900 (NSW)</i>; obtaining money for Jennifer Lant, contrary to section 178BA of the <i>Crimes Act</i>; and offences under section 87 of the <i>ICAC Act</i> of giving false or misleading evidence to the ICAC.</p>	<p>On 21 September 2011, the DPP advised the Commission that there was sufficient evidence to charge Ms Paluzzano with one charge of misconduct in public office, two charges under section 178BB of the <i>Crimes Act</i> and two charges under section 87 of the <i>ICAC Act</i>.</p> <p>On 18 October 2013 Ms Paluzzano, having pleaded guilty to 3 charges under section 178BA of the <i>Crimes Act</i> and one charge under section 87 of the <i>ICAC Act</i>, was sentenced by the Downing Centre Local Court to 18 months home detention.</p> <p>Ms Paluzzano appealed to the District Court against her sentence. On 15 February 2013, Ms Paluzzano was sentenced to a 14-month suspended sentence in lieu of the sentence imposed in the Local Court.</p>
<p>10/06/2010</p> <p><i>Report on the use of TAFE funds to pay for work on a dog kennel</i></p>	<p>The Commission is of the opinion that the advice of the DPP should be sought with respect to the prosecution of Garrie Cooper for offences of concurring in the publishing of a false statement for the purpose of obtaining a benefit contrary to section 178BB of the <i>Crimes Act 1900</i> and offences of giving false or misleading evidence to the Commission contrary to section 87(1) of the <i>Independent</i></p>	<p>The DPP's advice not to proceed has been accepted by the Commission.</p>

<p>complex (Operation Corsair)</p>	<p>Commission Against Corruption Act 1988.</p>	
<p>02/06/2010 Investigation into a Housing NSW officer's failure to declare conflicts of interest and secondary employment (Operation Coral)</p>	<p>The Commission is of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of Mr Garzaniti for the common law offence of misconduct in public office.</p>	<p>The DPP's advice not to proceed has been accepted by the Commission.</p>
<p>13/05/2010 Investigation into the offer of a corrupt payment to an officer of Strathfield Municipal Council (Operation Centurion)</p>	<p>The Commission is of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of Davd Pyo for an offence of offering a corrupt benefit contrary to section 249B of the <i>Crimes Act 1900</i>.</p>	<p>Mr Pyo pleaded not guilty to 1 count of corruptly offer an inducement pursuant to section 249B(2) of the <i>Crimes Act</i>. On 23 February 2012, the charge was dismissed by the Downing Centre Local Court.</p>
<p>15/03/2010 Report on corrupt conduct affecting the administration of justice in the Wagga Wagga and other local court areas (Operation Segomo)</p>	<p>The Commission has recommended that the advice of the DPP be sought with respect to the prosecution of John Hart for 10 offences of perverting the course of justice contrary to the <i>Crimes Act 1900</i>, and 4 offences of false pretences contrary to the <i>Crimes Act</i>.</p> <p>The Commission also recommends DPP advice be sought with respect to the prosecution of Anthony Paul for an offence of perverting the course of justice, and each of Jason Kelly, Christopher Trinder and Jeffrey Nankivell for an offence of offering a corrupt benefit and an offence of perverting the course of justice.</p>	<p>The Department of Attorney General and Justice commenced proceedings against Mr Hart for 10 counts of the offence of acting with intent to pervert the course of justice under section 319 of the <i>Crimes Act</i>, and one count of the offence of obtaining property with false pretence under section 179 of the <i>Crimes Act</i>. On 18 November 2013, Mr Hart pleaded guilty to five section 319 offences.</p> <p>On 22 August 2014 Mr Hart was convicted and sentenced to 2 years 9 months imprisonment, non-parole period of 1 year 10 months, for 5 counts of pervert the course of justice under section 319 <i>Crimes Act 1900</i>. Mr Hart has filed a notice of</p>

intention to appeal.

Mr Paul pleaded guilty to the offence of acting with intent to pervert the course of justice under section 319 of the Crimes Act. On 2 August 2013, he was sentenced in the NSW District Court to 16 months imprisonment, which was suspended upon his entering a good behaviour bond for the period.

The Commission has been advised by the Crown Solicitor's Office that the Department of Attorney General and Justice has commenced proceedings against **Mr Kelly** for 1 count of the offence of corruptly offering a benefit to an agent under section 249B(2)(a) of the Crimes Act. Mr Kelly pleaded not guilty to this charge and the matter was listed for hearing at the Downing Centre Local Court on 17 and 20 May 2013. On 20 May 2013, the Court dismissed the charge on the basis of there being no prima facie case and awarded costs in favour of Mr Kelly.

The Commission has received advice from the Crown Solicitors' Office that the Crown Solicitor has decided there was insufficient admissible evidence to prosecute **Mr Nankivell**.

The Commission has been advised by the Crown Solicitor's Office that the Department of Attorney General and Justice has determined that the charges against **Mr Wheaton** for two counts of the offence of making an omission with intent to pervert the course of justice under section 319 of

<p>09/12/2009</p> <p><i>Report on corruption in the provision and certification of security industry training (Operation Columba)</i></p>	<p>The Commission is of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of Ahmed Moosani, Ali Merchant, Hamdi Alqudsi, Dru Hyland, Shane Camilleri, Craig Wheeler, Tibi Brandusoiu and Vivek Raghavan for various criminal offences.</p>	<p>the Crimes Act be withdrawn.</p> <p>The Commission has been advised by the Crown Solicitor that as no appeal will be filed against the court's decision in the Kelly matter, proceedings against Mr Trinder will not be commenced. The Commission has accepted that advice.</p> <p>On 6 July 2012 at the Downing Centre Local Court, Mr Moosani having pleaded guilty was sentenced to 300 hours of community service and a 9-month suspended prison sentence in relation to 2 counts of make false statement contrary to section 178BB of the Crimes Act 1900 and 2 counts of make false instrument contrary to section 300 of the Crimes Act.</p> <p>On 2 April 2013, Mr Brandusoiu having pleaded guilty was sentenced to a 3-year good behaviour bond on relation to 1 count of accessory before the fact to make false statement contrary to section 178BB of the Crimes Act. On 16 December 2013, Mr Brandusoiu appealed against his conviction at the Sydney District Court. His appeal was upheld and his conviction was quashed.</p> <p>On 6 July 2012 at the Downing Centre Local Court, Mr Merchant having pleaded guilty was sentenced to 450 hours of community service and a 9-month suspended prison sentence in relation to 10 counts of make false instrument contrary to section 300 of the Crimes Act and 3 counts of accessory before the fact to make false statement contrary to section 178BB of the Crimes Act.</p>
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Mr Camilleri was prosecuted for 1 count of make false statement contrary to section 178BB Crimes Act and pleaded guilty to this offence. On 28 February 2012, Mr Camilleri was placed on an 18-month good behaviour bond.

Mr Alqudsi was prosecuted for 2 counts of make false statement contrary to section 178BB of the Crimes Act and 3 counts of accessory before the fact to make false statement contrary to sections 178BB and 346 of the Crimes Act and pleaded guilty to these offences. On 7 June 2012, Mr Alqudsi was placed on a 3-year good behaviour bond and fined \$1,000.

On 25 September 2012 at the Downing Centre Local Court, **Mr Hyland** was sentenced to 150 hours of community service and a 9-month suspended prison sentence in relation to 7 counts of make false statement contrary to section 178BB of the Crimes Act, and 1 count of accessory before the fact to make false statement contrary to section 178BB of the Crimes Act.

Mr Raghavan was prosecuted for 1 count of make false statement contrary to section 178BB of the Crimes Act and pleaded guilty to this offence. On 16 August 2012, Mr Raghavan was sentenced to a 12-month good behaviour bond.

The DPP advised that there was insufficient admissible evidence to proceed against Mr

<p>04/11/2009</p> <p><i>Investigation into the misuse of Sydney Ferries corporate credit cards (Operation Argyle)</i></p>	<p>The Commission is of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of Geoffrey Smith for offences under the <i>State Owned Corporations Act 1989</i> and misconduct in public office.</p> <p>The ICAC is also of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of former Sydney Ferries Chief Financial Officer Vincenzo Rossello for an offence under the <i>Independent Commission Against Corruption Act 1988</i> of giving false or misleading evidence.</p>	<p>Wheeler.</p> <p>Mr Smith was prosecuted for 1 count of Director defrauding a body corporate contrary to section 176A of the <i>Crimes Act 1900</i>, 1 count of Misconduct in public office and 1 count of knowingly making a false statement to a voting shareholder contrary to Clause 11(2)(a) of Schedule 10, Part 1 <i>State Owned Corporations Act 1989</i>. On 16 August 2013, Mr Smith was committed for trial.</p> <p>The trial was set down to commence in the Sydney District Court on 26 May 2014. On 12 May 2014, Mr Smith pleaded guilty to one offence contrary to section 176A of the Crimes Act. The offence under the <i>State Owned Corporations Act 1989</i> was taken into account on sentence.</p> <p>Mr Smith was sentenced on 25 August 2014 to a period of imprisonment of 3 years, 4 months and 24 days with a non-parole period of 18 months.</p> <p>Mr Rossello was prosecuted for one count of making a false statement to an officer of the Commission contrary to section 80(c) of the ICAC Act, and one count of giving false evidence at a public inquiry contrary to section 87(1) of the ICAC Act. Both charges were dismissed.</p>
<p>24/09/2009</p> <p><i>Investigation into the solicitation and receipt of corrupt payments</i></p>	<p>The Commission is of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of Wasim Khan, Mohammed Ali and Tabrez Khan for specified offences.</p>	<p>On 12 April 2011, Wasim Khan was charged with 1 count of corruptly solicit a benefit contrary to section 249B(1) of the <i>Crimes Act 1900</i> and 1 count of corruptly receive a benefit contrary to section 249B(1) of the Crimes Act. On 1 September 2011,</p>

<p>from a RailCorp contractor (Operation Chaucer)</p>	<p>he pleaded guilty to both charges. On 15 February 2012, Wasim Khan was sentenced to two years of imprisonment to be served by way of Intensive Correctional Order.</p> <p>On 15 September 2011, Mr Ali pleaded guilty to a charge of accessory before the fact to solicit a corrupt benefit contrary to section 249B(1) of the Crimes Act. He was sentenced to home detention for a period of 12 months.</p> <p>On 12 April 2011, Tabrez Khan was charged with 1 count of accessory before the fact to solicit a corrupt benefit contrary to section 249B(1) of the Crimes Act. On 19 May 2011 a first instance arrest warrant was issued for his arrest.</p>
<p>09/11/2009 Investigation into corrupt conduct associated with tendering for TransGrid work (Operation Tambo)</p>	<p>The Commission is of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of Goran Pevec, Domenic Murdocca and Linda Pevec for specified offences.</p> <p>On 5 April 2012, Mr Pevec pleaded guilty to 3 counts of wilfully making a false statement to the Commission under section 80(c) of the ICAC Act and 6 counts of giving false evidence under section 87 of the ICAC Act.</p> <p>On 31 May 2012, Mr Pevec was convicted and sentenced to a good behaviour bond under section 9 of the <i>Crimes (Sentencing Procedure) Act 1999</i> for 12 months for each of the 2 counts of the offence of wilfully making a false statement to an officer of the Commission under section 80(c) of the <i>Independent Commission Against Corruption Act 1988</i>, with 1 further count of this offence having been placed on Form 1 (to be taken into account in the overall sentencing of the defendant). He was also convicted and sentenced</p>

		<p>to a good behaviour bond under section 9 of the Crimes (Sentencing Procedure) Act for 12 months and fined \$2,000 (in the total amount of \$8,000) for each of the 4 counts of the offence of knowingly giving false or misleading evidence at a hearing of the Commission under section 87 of the ICAC Act, with 2 further counts of this offence having been placed on Form 1.</p> <p>The DPP's advice not to proceed against Ms Pevec and Mr Murdocca has been accepted by the Commission.</p>
<p>30/06/2009 Investigation into attempts to improperly influence Warringah Council officers (Operation Bauer)</p>	<p>The Commission is of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of Jin Hua Chen and Yu Ling Sun for offences of corruptly offering an inducement contrary to section 249B(2) of the Crimes Act 1900.</p>	<p>On 16 March 2010, Mr Chen was convicted of 3 counts of offering a corrupt inducement under section 249B(2)(a)(ii) of the Crimes Act and fined \$1,000 for each offence, being a total fine of \$3,000.</p> <p>On 16 March 2010, Ms Sun was convicted of 2 counts of offering a corrupt inducement under section 249B(2)(a)(ii) of the Crimes Act and fined \$1,000 for each offence being a total fine of \$2,000.</p>
<p>26/02/2009 Attempts to improperly influence a Ku-ring-gai Council officer (Operation Capella)</p>	<p>The Commission is of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of Diana Huang for two offences of corruptly offering an inducement contrary to section 249B(2) of the Crimes Act 1900.</p>	<p>Ms Huang pleaded not guilty to the charge of 1 count of corruptly offer an inducement under section 249B(2) of the Crimes Act. On 12 August 2010, the charge was dismissed by the Downing Centre Local Court.</p>

12/02/2009

Report on an attempt to obtain entry to a selective public high school through payment of money (Operation Bellin)

The Commission is of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of Xiaodong Lu and Qinghua Pei for an offence of offering a corrupt benefit contrary to section 249B(2) of the Crimes Act 1900.

Qinghua Pei was discharged conditionally from proceedings at the Downing Centre Local Court on 23 October 2010 relating to an alleged offence in contravention of section 249B of the Crimes Act 1900 pursuant to section 32 of the Mental Health Act 2007.

Xiaodong Lu was convicted at the Downing Centre Local Court on 17 August 2010 of an offence under section 249B of the Crimes Act. A 150-hour community service order imposed. An appeal on all grounds was heard in the District Court on 23 March 2011. The appeal was dismissed and the conviction and sentence were confirmed.

ICAC prosecution briefs with the DPP

The following table contains information on the status of prosecution briefs that are currently with the Director of Public Prosecutions (DPP) in relation to ICAC investigations. It was last updated on 19 December 2014 (see [highlights](#) for latest information).

The Commission must seek the advice of the DPP on whether any prosecution should be commenced. The DPP determines whether any criminal charges can be laid, and conducts all prosecutions. The Commission provides information on its website in relation to the status of prosecution recommendations and outcomes as advised by the DPP. The progress of matters is generally within the hands of the DPP. Accordingly, the Commission does not directly notify persons affected of advice received from the DPP or the progress of their matters generally.

Report and date	ICAC recommendations	Status/outcome
13/10/2014 <i>Investigation into the conduct of a RailCorp manager and a Housing NSW employee (Operation Spector)</i>	The Commission is of the opinion that consideration should be given to obtaining the advice of the Director of Public Prosecutions (DPP) with respect to the prosecution of: Joseph Camilleri for offences of corruptly receiving a benefit contrary to section 249B(1) of the <i>Crimes Act 1900</i> ; Kevin McCarthy for offences of corruptly giving a benefit contrary to section 249B(2) of the <i>Crimes Act</i> ; Sam Cassar for offences of corruptly giving a benefit contrary to section 249B(2) of the <i>Crimes Act</i> ; Carmen Attard for offences of corruptly soliciting or receiving a benefit contrary to section 249B(1) of the <i>Crimes Act</i> ; Jessica Camilleri for an offence under section 351A of the <i>Crimes Act</i> of recruiting Mir Camilleri to carry out a criminal activity, being the destruction of documents or other things relating to the subject matter of the Commission's investigation contrary to section 88(2) of the <i>Independent Commission Against Corruption Act 1988</i> .	A brief of evidence was provided to the DPP on 17 December 2014. The Commission is awaiting the DPP's decision on whether proceedings will be taken.
30/06/2014 <i>Investigation into the conduct of certain City of Ryde Councillors and others (Operation Cavill)</i>	The Commission is of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of Ivan Petch, John Goubran, Anthony Stavrinou, John Booth, Richard Henricus, Justin Li, Jeffrey Salvestro-Martin, Terry Perram and Victor Tagg for <u>various offences</u> .	A brief of evidence was provided to the DPP on 15 July 2014. The Commission is awaiting the DPP's decision on whether proceedings will be taken.
05/06/2014	The Commission is of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of Edward Obeid Sr for common law offences of	A brief of evidence was provided to the DPP on 7 October 2014.

<p><i>Investigations into the Conduct of the Hon Edward Obeid MLC and others in relation to influencing the granting of water licences and the engagement of Direct Health Solutions (Operations Cabot and Meeka)</i></p>	<p>misconduct in public office in relation to his use of his position to influence the actions of Steve Dunn and Mark Duffy.</p>	<p>The Commission is awaiting the DPP's decision on whether proceedings will be taken.</p>
<p>28/05/2014 <i>Investigation into the conduct of the Commissioner of the NSW State Emergency Service (Operation Dewar)</i></p>	<p>The Commission is of the opinion that the advice of the DPP should be obtained with respect to the prosecution of Commissioner Murray Kear for an offence under section 20 of the <i>Public Interest Disclosures Act 1994</i> (the PID Act) of taking detrimental action in reprisal for a person making a public interest disclosure.</p>	<p>A brief of evidence was provided to the DPP on 10 September 2014.</p> <p>The Commission is awaiting the DPP's decision on whether proceedings will be taken.</p>
<p>26/09/2013 <i>Investigation into allegations of corrupt conduct in the provision of security products and services (Operation Tilga)</i></p>	<p>The ICAC is of the opinion that the advice of the DPP should be obtained with respect to the prosecution of: Daniel Paul for a criminal offence of corruptly receiving a benefit (\$13,000) from Peter (Charles) Diekman contrary to section 249B(1) of the <i>Crimes Act 1900</i>; Peter (Charles) Diekman for a criminal offence of corruptly giving a benefit to Mr Paul contrary to section 249B(2) of the <i>Crimes Act</i>, criminal offences of corruptly giving rewards to Robert Huskic contrary to section 249B(2) of the <i>Crimes Act</i>, the criminal offence of fraud under section 192E of the <i>Crimes Act</i> or the criminal offence of using a false document under section 254 of the <i>Crimes Act</i> in relation to authorising the preparation and submission of the two dummy quotes; and Robert Huskic for a criminal offence of using a false document under section 254 of the <i>Crimes Act</i> in relation to his use of the two dummy quotes.</p>	<p>Briefs of evidence have been provided to the DPP.</p> <p>The Commission is awaiting the DPP's decision on whether proceedings will be taken.</p>
<p>30/08/2013 <i>Investigation into the conduct of Ian Macdonald, John</i></p>	<p>The Commission is of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of Ian Macdonald, John Maitland, Craig Ransley and Andrew Poole for various offences as follows.</p> <p>Ian Macdonald, for the common law offence of misconduct in public office in relation to his</p>	<p>Briefs have been provided to the DPP. Updates regarding Ian Macdonald and John Maitland are available in the "Prosecutions outcomes" table.</p>

<p><i>Maitland and others (Operation Acacia)</i></p>	<p>conduct in granting Doyles Creek Mining Pty Ltd (DCM) consent to apply for an exploration licence (EL) and granting the EL to DCM, both grants being substantially to benefit Mr Maitland.</p> <p>John Maitland, for offences under section 178BB of the <i>Crimes Act 1900</i> in relation to his making and publishing to the Department of Primary Industries (DPI) false or misleading statements, and for offences under section 112(2) and section 87(1)(a) of the <i>Independent Commission Against Corruption Act 1988</i> in relation to his conduct in discussing the evidence he gave at a compulsory examination with Archibald Tudehope and testifying at the public inquiry that he sought to comply with the obligation imposed on him to keep secret the evidence he gave at the compulsory examination.</p> <p>Craig Ransley, for offences under section 178BB of the Crimes Act in relation to his agreeing to Mr Maitland publishing to the DPI certain false or misleading statements.</p> <p>Andrew Poole, for offences under section 178BB of the Crimes Act in relation to his agreeing to Mr Maitland publishing to the DPI certain false or misleading statements.</p> <p>The Commission will also furnish to the Commonwealth DPP evidence that may be admissible in the prosecution of Mr Maitland, Mr Ransley and Mr Poole for offences under section 184(1) of the <i>Corporations Act 2001</i> in relation to their relevant conduct with respect to the false or misleading statements.</p>	<p>The Commission is awaiting the DPP's decision on whether further proceedings will be taken.</p>
<p>31/07/2013</p> <p><i>Investigation into the conduct of Ian Macdonald, Edward Obeid Senior, Moses Obeid and others (Operation Jasper)</i></p>	<p>The Commission is of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of Ian Macdonald, Edward Obeid Sr, Moses Obeid, Travers Duncan, John McGuigan, John Atkinson and Richard Poole for various offences as follows.</p> <p>Ian Macdonald, for the common law criminal offences of conspiracy to defraud or misconduct in public office in relation to his conduct in agreeing with Edward Obeid Sr and Moses Obeid to act contrary to his public duty as a minister of the Crown by arranging for the creation of the Mount Penny tenement to financially benefit Edward Obeid Sr, Moses Obeid and other members of the Obeid family and his conduct in agreeing with Edward Obeid Sr and Moses Obeid to act contrary to his public duty as a minister of the Crown by</p>	<p>A brief of evidence has been provided to the DPP.</p> <p>The Commission is awaiting the DPP's decision on whether proceedings will be taken.</p>

	<p>providing Moses Obeid or other members of the Obeid family with confidential information to financially benefit Edward Obeid Sr, Moses Obeid and other members of the Obeid family.</p> <p>Edward Obeid Sr and Moses Obeid, each for the criminal offence of conspiracy to defraud in relation to the agreement that Mr Macdonald would create the Mount Penny tenement and criminal offences of conspiracy to defraud in relation to Mr Macdonald's provision of confidential information, or aiding and abetting or conspiracy to commit the offence of misconduct in public office in relation to Mr Macdonald's provision of confidential information.</p> <p>Travers Duncan, John McGuigan, John Atkinson and Richard Poole for offences under section 192E of the <i>Crimes Act 1900</i> of obtain financial advantage by deception.</p> <p>The Commission will also furnish to the Commonwealth DPP evidence that may be admissible in the prosecution of Mr Duncan, Mr McGuigan, John Kinghorn and Mr Atkinson for offences under section 184(1) of the <i>Corporations Act 2001</i>.</p> <p>The Commission is of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of Moses Obeid, Rocco Trulicio, Rosario Trulicio and Paul Obeid for offences of providing false or misleading evidence contrary to section 87 of the <i>Independent Commission Against Corruption Act 1988</i>.</p>		
<p>31/07/2013</p> <p><i>Investigation into the conduct of Moses Obeid, Eric Roozendaal and others (Operation Indus)</i></p>	<p>The Commission is of the opinion that the advice of the DPP should be obtained with respect to the prosecution of Ian Macdonald for the offence of corruptly receiving a benefit from Ronald Medich and Fortunato (Lucky) Gattellari as a reward for showing favour to Mr Medich contrary to section 249B(1) of the <i>Crimes Act 1900</i> and an offence of misconduct in public office.</p> <p>The Commission is also of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of Mr Medich for an offence of corruptly giving a benefit to Mr Macdonald as a reward for Mr Macdonald showing favour to him</p>	<p>The Commission is awaiting the DPP's decision on whether proceedings will be taken.</p>	<p>The Commission is awaiting the DPP's decision on whether proceedings will be taken.</p>

<p>27/09/2013</p> <p><i>Investigation into the conduct of officers of the Wagonga Local Aboriginal Land Council and others (Operation Petrie)</i></p>	<p>under section 249B(2) of the Crimes Act.</p> <p>The ICAC is of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of: Ron Mason, Ken Foster and Vanessa Mason for offences of corruptly receiving benefits contrary to section 249B(1) of the <i>Crimes Act 1900</i> and offences of misconduct in public office; and Ron Medich for offences of aiding and abetting the provision of corrupt benefits to Mr Mason, Mr Foster and Ms Mason contrary to section 249F of the Crimes Act.</p>	<p>The Commission is awaiting the DPP's decision on whether proceedings will be taken.</p>
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ICAC prosecution briefs with the DPP

The following table contains information on the status of prosecution briefs that are currently with the Director of Public Prosecutions (DPP) in relation to ICAC investigations. It was last updated on 20 November 2014 (see highlights for latest information).

The Commission must seek the advice of the DPP on whether any prosecution should be commenced. The DPP determines whether any criminal charges can be laid, and conducts all prosecutions. The Commission provides information on its website in relation to the status of prosecution recommendations and outcomes as advised by the DPP. The progress of matters is generally within the hands of the DPP. Accordingly, the Commission does not directly notify persons affected of advice received from the DPP or the progress of their matters generally.

Report and date	ICAC recommendations	Status/outcome
30/06/2014 <i>Investigation into the conduct of certain City of Ryde Councillors and others (Operation Cavill)</i>	The Commission is of the opinion that consideration should be given to obtaining the advice of the Director of Public Prosecutions (DPP) with respect to the prosecution of Ivan Petch, John Goubran, Anthony Stavrinou, John Booth, Richard Henricus, Justin Li, Jeffrey Salvestro-Martin, Terry Perram and Victor Tagg for <u>various offences</u> .	A brief of evidence was provided to the DPP on 15 July 2014. The Commission is awaiting the DPP's decision on whether proceedings will be taken.
05/06/2014 <i>Investigation into the conduct of the Hon Edward Obeid MLC and others concerning Circular Quay Retail Lease Policy (Operation Cyrus)</i>	The Commission is of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of Edward Obeid Sr for common law criminal offences of misconduct in public office in relation to his representations to: Ministers Michael Costa and the Hon Eric Roozendaal with respect to Circular Quay leases without disclosing to them that his family had interests in Circular Quay leases and would benefit from a change in policy; Minister the Hon Joseph Tripodi to change government policy with respect to Circular Quay leaseholders knowing that such a change would benefit Mr Obeid's family interests in Circular Quay leases.	A brief of evidence was provided to the DPP on 11 August 2014. The Commission is awaiting the DPP's decision on whether proceedings will be taken.
05/06/2014 <i>Investigations into the Conduct of the Hon</i>	The Commission is of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of Edward Obeid Sr for common law offences of misconduct in public office in relation to his use of his position to influence the actions of Steve Dunn and Mark Duffy.	A brief of evidence was provided to the DPP on 7 October 2014.

<p>Edward Obeid MLC and others in relation to influencing the granting of water licences and the engagement of Direct Health Solutions (Operations Cabot and Meeka)</p>	<p>28/05/2014 Investigation into the conduct of the Commissioner of the NSW State Emergency Service (Operation Dewar)</p>	<p>The Commission is of the opinion that the advice of the DPP should be obtained with respect to the prosecution of Commissioner Murray Kear for an offence under section 20 of the <i>Public Interest Disclosures Act 1994</i> (the PID Act) of taking detrimental action in reprisal for a person making a public interest disclosure.</p>	<p>The Commission is awaiting the DPP's decision on whether proceedings will be taken.</p>
<p>26/09/2013 Investigation into allegations of corrupt conduct in the provision of security products and services (Operation Tilga)</p>	<p>The ICAC is of the opinion that the advice of the DPP should be obtained with respect to the prosecution of: Daniel Paul for a criminal offence of corruptly receiving a benefit (\$13,000) from Peter (Charles) Diekman contrary to section 249B(1) of the <i>Crimes Act 1900</i>; Peter (Charles) Diekman for a criminal offence of corruptly giving a benefit to Mr Paul contrary to section 249B(2) of the <i>Crimes Act</i>, criminal offences of corruptly giving rewards to Robert Huskic contrary to section 249B(2) of the <i>Crimes Act</i>, the criminal offence of fraud under section 192E of the <i>Crimes Act</i> or the criminal offence of using a false document under section 254 of the <i>Crimes Act</i> in relation to authorising the preparation and submission of the two dummy quotes; and Robert Huskic for a criminal offence of using a false document under section 254 of the <i>Crimes Act</i> in relation to his use of the two dummy quotes.</p>	<p>Briefs of evidence have been provided to the DPP. The Commission is awaiting the DPP's decision on whether proceedings will be taken.</p>	
<p>30/08/2013 Investigation into the conduct of Ian Macdonald, John Maitland and others (Operation Acacia)</p>	<p>The Commission is of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of Ian Macdonald, John Maitland, Craig Ransley and Andrew Poole for various offences as follows. Ian Macdonald, for the common law offence of misconduct in public office in relation to his conduct in granting Doyles Creek Mining Pty Ltd (DCM) consent to apply for an exploration licence (EL) and granting the EL to DCM, both grants being substantially to benefit Mr</p>	<p>Briefs have been provided to the DPP. Updates regarding Ian Macdonald and John Maitland are available in the "Prosecutions outcomes" table. The Commission is awaiting the</p>	

	<p>Maitland.</p> <p>John Maitland, for offences under section 178BB of the <i>Crimes Act 1900</i> in relation to his making and publishing to the Department of Primary Industries (DPI) false or misleading statements, and for offences under section 112(2) and section 87(1)(a) of the <i>Independent Commission Against Corruption Act 1988</i> in relation to his conduct in discussing the evidence he gave at a compulsory examination with Archibald Tudehope and testifying at the public inquiry that he sought to comply with the obligation imposed on him to keep secret the evidence he gave at the compulsory examination.</p> <p>Craig Ransley, for offences under section 178BB of the <i>Crimes Act</i> in relation to his agreeing to Mr Maitland publishing to the DPI certain false or misleading statements.</p> <p>Andrew Poole, for offences under section 178BB of the <i>Crimes Act</i> in relation to his agreeing to Mr Maitland publishing to the DPI certain false or misleading statements.</p> <p>The Commission will also furnish to the Commonwealth DPP evidence that may be admissible in the prosecution of Mr Maitland, Mr Ransley and Mr Poole for offences under section 184(1) of the <i>Corporations Act 2001</i> in relation to their relevant conduct with respect to the false or misleading statements.</p>	<p>DPP's decision on whether further proceedings will be taken.</p>
<p>31/07/2013</p> <p><i>Investigation into the conduct of Ian Macdonald, Edward Obeid Senior, Moses Obeid and others (Operation Jasper)</i></p>	<p>The Commission is of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of Ian Macdonald, Edward Obeid Sr, Moses Obeid, Travers Duncan, John McGuigan, John Atkinson and Richard Poole for various offences as follows.</p> <p>Ian Macdonald, for the common law criminal offences of conspiracy to defraud or misconduct in public office in relation to his conduct in agreeing with Edward Obeid Sr and Moses Obeid to act contrary to his public duty as a minister of the Crown by arranging for the creation of the Mount Penny tenement to financially benefit Edward Obeid Sr, Moses Obeid and other members of the Obeid family and his conduct in agreeing with Edward Obeid Sr and Moses Obeid to act contrary to his public duty as a minister of the Crown by providing Moses Obeid or other members of the Obeid family with confidential information to financially benefit Edward Obeid Sr, Moses Obeid and other members of the Obeid</p>	<p>A brief of evidence has been provided to the DPP.</p> <p>The Commission is awaiting the DPP's decision on whether proceedings will be taken.</p>

	<p>family.</p> <p>Edward Obeid Sr and Moses Obeid, each for the criminal offence of conspiracy to defraud in relation to the agreement that Mr Macdonald would create the Mount Penny tenement and criminal offences of conspiracy to defraud in relation to Mr Macdonald's provision of confidential information, or aiding and abetting or conspiracy to commit the offence of misconduct in public office in relation to Mr Macdonald's provision of confidential information.</p> <p>Travers Duncan, John McGuigan, John Atkinson and Richard Poole for offences under section 192E of the <i>Crimes Act 1900</i> of obtain financial advantage by deception.</p> <p>The Commission will also furnish to the Commonwealth DPP evidence that may be admissible in the prosecution of Mr Duncan, Mr McGuigan, John Kinghorn and Mr Atkinson for offences under section 184(1) of the <i>Corporations Act 2001</i>.</p> <p>The Commission is of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of Moses Obeid, Rocco Triulcio, Rosario Triulcio and Paul Obeid for offences of providing false or misleading evidence contrary to section 87 of the <i>Independent Commission Against Corruption Act 1988</i>.</p>	
<p>31/07/2013</p> <p><i>Investigation into the conduct of Moses Obeid, Eric Roozendaal and others (Operation Indus)</i></p>	<p>The Commission is of the opinion that the advice of the DPP should be obtained with respect to the prosecution of Ian Macdonald for the offence of corruptly receiving a benefit from Ronald Medich and Fortunato (Lucky) Gattellari as a reward for showing favour to Mr Medich contrary to section 249B(1) of the <i>Crimes Act 1900</i> and an offence of misconduct in public office.</p> <p>The Commission is also of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of Mr Medich for an offence of corruptly giving a benefit to Mr Macdonald as a reward for Mr Macdonald showing favour to him under section 249B(2) of the <i>Crimes Act</i>.</p>	<p>The Commission is awaiting the DPP's decision on whether proceedings will be taken.</p>
<p>31/07/2013</p> <p><i>Investigation into the conduct of Ian Macdonald, Ronald Medich and others (Operation Jarilo)</i></p>	<p>The Commission is of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of Mr Medich for an offence of corruptly giving a benefit to Mr Macdonald as a reward for Mr Macdonald showing favour to him under section 249B(2) of the <i>Crimes Act</i>.</p>	<p>The Commission is awaiting the DPP's decision on whether proceedings will be taken.</p>
<p>27/09/2013</p>	<p>The ICAC is of the opinion that consideration should be given to obtaining the advice of the</p>	<p>The Commission is awaiting the</p>

<p><i>Investigation into the conduct of officers of the Wagonga Local Aboriginal Land Council and others (Operation Petrie)</i></p>	<p>DPP with respect to the prosecution of: Ron Mason, Ken Foster and Vanessa Mason for offences of corruptly receiving benefits contrary to section 249B(1) of the Crimes Act 1900 and offences of misconduct in public office; and Ron Medich for offences of aiding and abetting the provision of corrupt benefits to Mr Mason, Mr Foster and Ms Mason contrary to section 249F of the Crimes Act.</p>	<p>DPP's decision on whether proceedings will be taken.</p>
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ICAC prosecution briefs with the DPP

The following table contains information on the status of prosecution briefs that are currently with the Director of Public Prosecutions (DPP) in relation to ICAC investigations. It was last updated on 15 August 2014 (see [highlights](#) for latest information).

The Commission must seek the advice of the DPP on whether any prosecution should be commenced. The DPP determines whether any criminal charges can be laid, and conducts all prosecutions. The Commission provides information on its website in relation to the status of prosecution recommendations and outcomes as advised by the DPP. The progress of matters is generally within the hands of the DPP. Accordingly, the Commission does not directly notify persons affected of advice received from the DPP or the progress of their matters generally.

Report and date	ICAC recommendations	Status/outcome
30/06/2014 <i>Investigation into the conduct of certain City of Ryde Councillors and others (Operation Cavill)</i>	The Commission is of the opinion that consideration should be given to obtaining the advice of the Director of Public Prosecutions (DPP) with respect to the prosecution of Ivan Petch, John Goubran, Anthony Stavrinou, John Booth, Richard Henricus, Justin Li, Jeffrey Salvestro-Martin, Terry Perram and Victor Tagg for <u>various offences</u> .	A brief of evidence was provided to the DPP on 15 July 2014. The Commission is awaiting the DPP's decision on whether proceedings will be taken.
05/06/2014 <i>Investigation into the conduct of the Hon Edward Obeid MLC and others concerning Circular Quay Retail Lease Policy (Operation Cyrus)</i>	The Commission is of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of Edward Obeid Sr for common law criminal offences of misconduct in public office in relation to his representations to: Ministers Michael Costa and the Hon Eric Roozendaal with respect to Circular Quay leases without disclosing to them that his family had interests in Circular Quay leases and would benefit from a change in policy; Minister the Hon Joseph Tripodi to change government policy with respect to Circular Quay leaseholders knowing that such a change would benefit Mr Obeid's <u>family interests in Circular Quay leases</u> .	A brief of evidence was provided to the DPP on 11 August 2014. The Commission is awaiting the DPP's decision on whether proceedings will be taken.
24/01/2014 <i>Investigation into false certifications of heavy</i>	The Commission is of the opinion that the advice of the DPP should be obtained with respect to the prosecution of Christopher Binos for offences under section 249B(1) of the <i>Crimes Act 1900</i> of corruptly soliciting or receiving a benefit and to the prosecution of Alexander Daubney, Mark McDonagh, Shane Florio, Peter Friend-Ngui and Jacqueline Riley for offences	A brief of evidence has been provided to the DPP. The Commission is awaiting the

<p>vehicle competency-based assessments by a Roads and Maritime Services-accredited assessor (Operation Nickel)</p>	<p>under section 249B(2) of the Crimes Act of corruptly giving a benefit to Mr Binos.</p>	<p>DPP's decision on whether proceedings will be taken.</p>
<p>26/09/2013 Investigation into allegations of corrupt conduct in the provision of security products and services (Operation Tilga)</p>	<p>The ICAC is of the opinion that the advice of the DPP should be obtained with respect to the prosecution of: Daniel Paul for a criminal offence of corruptly receiving a benefit (\$13,000) from Peter (Charles) Diekman contrary to section 249B(1) of the Crimes Act 1900; Peter (Charles) Diekman for a criminal offence of corruptly giving a benefit to Mr Paul contrary to section 249B(2) of the Crimes Act, criminal offences of corruptly giving rewards to Robert Huskic contrary to section 249B(2) of the Crimes Act, the criminal offence of fraud under section 192E of the Crimes Act or the criminal offence of using a false document under section 254 of the Crimes Act in relation to authorising the preparation and submission of the two dummy quotes; and Robert Huskic for a criminal offence of using a false document under section 254 of the Crimes Act in relation to his use of the two dummy quotes.</p>	<p>Briefs of evidence have been provided to the DPP. The Commission is awaiting the DPP's decision on whether proceedings will be taken.</p>
<p>30/08/2013 Investigation into the conduct of Ian Macdonald, John Maitland and others (Operation Acacia)</p>	<p>The Commission is of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of Ian Macdonald, John Maitland, Craig Ransley and Andrew Poole for various offences as follows. Ian Macdonald, for the common law offence of misconduct in public office in relation to his conduct in granting Doyles Creek Mining Pty Ltd (DCM) consent to apply for an exploration licence (EL) and granting the EL to DCM, both grants being substantially to benefit Mr Maitland. John Maitland, for offences under section 178BB of the Crimes Act 1900 in relation to his making and publishing to the Department of Primary Industries (DPI) false or misleading statements, and for offences under section 112(2) and section 87(1)(a) of the Independent Commission Against Corruption Act 1988 in relation to his conduct in discussing the evidence he gave at a compulsory examination with Archibald Tudehope and testifying at the public inquiry that he sought to comply with the obligation imposed on him to keep secret the evidence he gave at the compulsory examination.</p>	<p>Briefs have been provided to the DPP. The Commission is awaiting the DPP's decision on whether proceedings will be taken.</p>

	<p>Craig Ransley, for offences under section 178BB of the Crimes Act in relation to his agreeing to Mr Maitland publishing to the DPI certain false or misleading statements.</p> <p>Andrew Poole, for offences under section 178BB of the Crimes Act in relation to his agreeing to Mr Maitland publishing to the DPI certain false or misleading statements.</p> <p>The Commission will also furnish to the Commonwealth DPP evidence that may be admissible in the prosecution of Mr Maitland, Mr Ransley and Mr Poole for offences under section 184(1) of the <i>Corporations Act 2001</i> in relation to their relevant conduct with respect to the false or misleading statements.</p>	
<p>31/07/2013</p> <p><i>Investigation into the conduct of Ian Macdonald, Edward Obeid Senior, Moses Obeid and others (Operation Jasper)</i></p>	<p>The Commission is of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of Ian Macdonald, Edward Obeid Sr, Moses Obeid, Travers Duncan, John McGuigan, John Atkinson and Richard Poole for various offences as follows.</p> <p>Ian Macdonald, for the common law criminal offences of conspiracy to defraud or misconduct in public office in relation to his conduct in agreeing with Edward Obeid Sr and Moses Obeid to act contrary to his public duty as a minister of the Crown by arranging for the creation of the Mount Penny tenement to financially benefit Edward Obeid Sr, Moses Obeid and other members of the Obeid family and his conduct in agreeing with Edward Obeid Sr and Moses Obeid to act contrary to his public duty as a minister of the Crown by providing Moses Obeid or other members of the Obeid family with confidential information to financially benefit Edward Obeid Sr, Moses Obeid and other members of the Obeid family.</p> <p>Edward Obeid Sr and Moses Obeid, each for the criminal offence of conspiracy to defraud in relation to the agreement that Mr Macdonald would create the Mount Penny tenement and criminal offences of conspiracy to defraud in relation to Mr Macdonald's provision of confidential information, or aiding and abetting or conspiracy to commit the offence of misconduct in public office in relation to Mr Macdonald's provision of confidential information.</p> <p>Travers Duncan, John McGuigan, John Atkinson and Richard Poole for offences under</p>	<p>A brief of evidence has been provided to the DPP.</p> <p>The Commission is awaiting the DPP's decision on whether proceedings will be taken.</p>

	<p>section 192E of the <i>Crimes Act 1900</i> of obtain financial advantage by deception.</p>	
<p>31/07/2013 <i>Investigation into the conduct of Moses Obeid, Eric Roazendaal and others (Operation Indus)</i></p>	<p>The Commission will also furnish to the Commonwealth DPP evidence that may be admissible in the prosecution of Mr Duncan, Mr McGuigan, John Kinghorn and Mr Atkinson for offences under section 184(1) of the <i>Corporations Act 2001</i>.</p> <p>The Commission is of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of Moses Obeid, Rocco Trulicio, Rosario Trulicio and Paul Obeid for offences of providing false or misleading evidence contrary to section 87 of the <i>Independent Commission Against Corruption Act 1988</i>.</p>	<p>The Commission is awaiting the DPP's decision on whether proceedings will be taken.</p>
<p>31/07/2013 <i>Investigation into the conduct of Ian Macdonald, Ronald Medich and others (Operation Jarilo)</i></p>	<p>The Commission is of the opinion that the advice of the DPP should be obtained with respect to the prosecution of Ian Macdonald for the offence of corruptly receiving a benefit from Ronald Medich and Fortunato (Lucky) Gattellari as a reward for showing favour to Mr Medich contrary to section 249B(1) of the <i>Crimes Act 1900</i> and an offence of misconduct in public office.</p> <p>The Commission is also of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of Mr Medich for an offence of corruptly giving a benefit to Mr Macdonald as a reward for Mr Macdonald showing favour to him under section 249B(2) of the <i>Crimes Act</i>.</p>	<p>The Commission is awaiting the DPP's decision on whether proceedings will be taken.</p>
<p>27/09/2013 <i>Investigation into the conduct of officers of the Wagonga Local Aboriginal Land Council and others (Operation Petrie)</i></p>	<p>The ICAC is of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of: Ron Mason, Ken Foster and Vanessa Mason for offences of corruptly receiving benefits contrary to section 249B(1) of the <i>Crimes Act 1900</i> and offences of misconduct in public office; and Ron Medich for offences of aiding and abetting the provision of corrupt benefits to Mr Mason, Mr Foster and Ms Mason contrary to section 249F of the <i>Crimes Act</i>.</p>	<p>The Commission is awaiting the DPP's decision on whether proceedings will be taken.</p>

ICAC prosecution briefs with the DPP

The following table contains information on the status of prosecution briefs that are currently with the Director of Public Prosecutions (DPP) in relation to ICAC investigations. It was last updated on 16 July 2014 (see [highlights](#) for latest information).

The Commission must seek the advice of the DPP on whether any prosecution should be commenced. The DPP determines whether any criminal charges can be laid, and conducts all prosecutions. The Commission provides information on its website in relation to the status of prosecution recommendations and outcomes as advised by the DPP. The progress of matters is generally within the hands of the DPP. Accordingly, the Commission does not directly notify persons affected of advice received from the DPP or the progress of their matters generally.

Report and date	ICAC recommendations	Status/outcome
30/06/2014 <i>Investigation into the conduct of certain City of Ryde Councillors and others (Operation Cavill)</i>	The Commission is of the opinion that consideration should be given to obtaining the advice of the Director of Public Prosecutions (DPP) with respect to the prosecution of Ivan Petch, John Goubran, Anthony Stavrinou, John Booth, Richard Henricus, Justin Li, Jeffrey Salvestro-Martin, Terry Periam and Victor Tagg for various offences.	A brief of evidence has been provided to the DPP. The Commission is awaiting the DPP's decision on whether proceedings will be taken.
24/01/2014 <i>Investigation into false certifications of heavy vehicle competency-based assessments by a Roads and Maritime Services-accredited assessor (Operation Nickel)</i>	The Commission is of the opinion that the advice of the DPP should be obtained with respect to the prosecution of Christopher Binos for offences under section 249B(1) of the <i>Crimes Act 1900</i> of corruptly soliciting or receiving a benefit and to the prosecution of Alexander Daubney, Mark McDonagh, Shane Florio, Peter Friend-Ngui and Jacqueline Riley for offences under section 249B(2) of the <i>Crimes Act</i> of corruptly giving a benefit to Mr Binos.	A brief of evidence has been provided to the DPP. The Commission is awaiting the DPP's decision on whether proceedings will be taken.
26/09/2013 <i>Investigation into</i>	The ICAC is of the opinion that the advice of the DPP should be obtained with respect to the prosecution of: Daniel Paul for a criminal offence of corruptly receiving a benefit (\$13,000) from Peter (Charles) Diekman contrary to section 249B(1) of the <i>Crimes Act 1900</i> ; Peter	Briefs of evidence have been provided to the DPP.

<p><i>allegations of corrupt conduct in the provision of security products and services (Operation Tilga)</i></p>	<p>(Charles) Diekman for a criminal offence of corruptly giving a benefit to Mr Paul contrary to section 249B(2) of the Crimes Act, criminal offences of corruptly giving rewards to Robert Huskic contrary to section 249B(2) of the Crimes Act, the criminal offence of fraud under section 192E of the Crimes Act or the criminal offence of using a false document under section 254 of the Crimes Act in relation to authorising the preparation and submission of the two dummy quotes; and Robert Huskic for a criminal offence of using a false document under section 254 of the Crimes Act in relation to his use of the two dummy quotes.</p>	<p>The Commission is awaiting the DPP's decision on whether proceedings will be taken.</p>
<p>30/08/2013 <i>Investigation into the conduct of Ian Macdonald, John Maitland and others (Operation Acacia)</i></p>	<p>The Commission is of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of Ian Macdonald, John Maitland, Craig Ransley and Andrew Poole for various offences as follows.</p> <p>Ian Macdonald, for the common law offence of misconduct in public office in relation to his conduct in granting Doyles Creek Mining Pty Ltd (DCM) consent to apply for an exploration licence (EL) and granting the EL to DCM, both grants being substantially to benefit Mr Maitland.</p> <p>John Maitland, for offences under section 178BB of the <i>Crimes Act 1900</i> in relation to his making and publishing to the Department of Primary Industries (DPI) false or misleading statements, and for offences under section 112(2) and section 87(1)(a) of the Independent Commission Against Corruption Act 1988 in relation to his conduct in discussing the evidence he gave at a compulsory examination with Archibald Tudehope and testifying at the public inquiry that he sought to comply with the obligation imposed on him to keep secret the evidence he gave at the compulsory examination.</p> <p>Craig Ransley, for offences under section 178BB of the Crimes Act in relation to his agreeing to Mr Maitland publishing to the DPI certain false or misleading statements.</p> <p>Andrew Poole, for offences under section 178BB of the Crimes Act in relation to his agreeing to Mr Maitland publishing to the DPI certain false or misleading statements.</p> <p>The Commission will also furnish to the Commonwealth DPP evidence that may be admissible in the prosecution of Mr Maitland, Mr Ransley and Mr Poole for offences under</p>	<p>With respect to John Maitland, a brief of evidence has been provided to the DPP in relation to the offences under section 112(2) and section 87(1)(a) of the ICAC Act and the Commission is awaiting the DPP's decision on whether proceedings will be taken.</p> <p>In relation to the remaining offences relating to Mr Maitland, and all matters pertaining to Messrs Macdonald, Ransley and Poole, part briefs have been provided to the NSW DPP and further statements are being obtained.</p>

<p>31/07/2013</p> <p><i>Investigation into the conduct of Ian Macdonald, Edward Obeid Senior, Moses Obeid and others (Operation Jasper)</i></p>	<p>section 184(1) of the <i>Corporations Act 2001</i> in relation to their relevant conduct with respect to the false or misleading statements.</p> <p>The Commission is of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of Ian Macdonald, Edward Obeid Sr, Moses Obeid, Travers Duncan, John McGuigan, John Atkinson and Richard Poole for various offences as follows.</p> <p>Ian Macdonald, for the common law criminal offences of conspiracy to defraud or misconduct in public office in relation to his conduct in agreeing with Edward Obeid Sr and Moses Obeid to act contrary to his public duty as a minister of the Crown by arranging for the creation of the Mount Penny tenement to financially benefit Edward Obeid Sr, Moses Obeid and other members of the Obeid family and his conduct in agreeing with Edward Obeid Sr and Moses Obeid to act contrary to his public duty as a minister of the Crown by providing Moses Obeid or other members of the Obeid family with confidential information to financially benefit Edward Obeid Sr, Moses Obeid and other members of the Obeid family.</p> <p>Edward Obeid Sr and Moses Obeid, each for the criminal offence of conspiracy to defraud in relation to the agreement that Mr Macdonald would create the Mount Penny tenement and criminal offences of conspiracy to defraud in relation to Mr Macdonald's provision of confidential information, or aiding and abetting or conspiracy to commit the offence of misconduct in public office in relation to Mr Macdonald's provision of confidential information.</p> <p>Travers Duncan, John McGuigan, John Atkinson and Richard Poole for offences under section 192E of the <i>Crimes Act 1900</i> of obtain financial advantage by deception.</p> <p>The Commission will also furnish to the Commonwealth DPP evidence that may be admissible in the prosecution of Mr Duncan, Mr McGuigan, John Kinghorn and Mr Atkinson for offences under section 184(1) of the <i>Corporations Act 2001</i>.</p> <p>The Commission is of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of Moses Obeid, Rocco Triulcio, Rosario Triulcio and Paul Obeid for offences of providing false or misleading evidence contrary to section 87</p>	<p>A brief of evidence has been provided to the DPP.</p> <p>The Commission is awaiting the DPP's decision on whether proceedings will be taken.</p>
<p>31/07/2013</p> <p><i>Investigation into the</i></p>	<p>The Commission is of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of Moses Obeid, Rocco Triulcio, Rosario Triulcio and Paul Obeid for offences of providing false or misleading evidence contrary to section 87</p>	<p>The Commission is awaiting the DPP's decision on whether</p>

<p>conduct of Moses Obeid, Eric Roazendaal and others (Operation Indus)</p>	<p>of the Independent Commission Against Corruption Act 1988.</p>	<p>proceedings will be taken.</p>
<p>31/07/2013 Investigation into the conduct of Ian Macdonald, Ronald Medich and others (Operation Jarilo)</p>	<p>The Commission is of the opinion that the advice of the DPP should be obtained with respect to the prosecution of Ian Macdonald for the offence of corruptly receiving a benefit from Ronald Medich and Fortunato (Lucky) Gattellari as a reward for showing favour to Mr Medich contrary to section 249B(1) of the <i>Crimes Act 1900</i> and an offence of misconduct in public office.</p> <p>The Commission is also of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of Mr Medich for an offence of corruptly giving a benefit to Mr Macdonald as a reward for Mr Macdonald showing favour to him under section 249B(2) of the <i>Crimes Act</i>.</p>	<p>The Commission is awaiting the DPP's decision on whether proceedings will be taken.</p>
<p>27/03/2013 Investigation into allegations that a Manager at the UTS solicited and accepted money, gifts and other benefits from UTS contractors (Operation Stark)</p>	<p>The ICAC is of the opinion that the advice of the DPP should be obtained with respect to the prosecution of Nabil Faysal for offences of soliciting and receiving corrupt benefits pursuant to section 249B of the <i>Crimes Act 1900</i>.</p>	<p>The Commission is awaiting the DPP's decision on whether proceedings will be taken.</p>
<p>27/09/2013 Investigation into the conduct of officers of the Wagonga Local Aboriginal Land Council and others (Operation Petrie)</p>	<p>The ICAC is of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of: Ron Mason, Ken Foster and Vanessa Mason for offences of corruptly receiving benefits contrary to section 249B(1) of the <i>Crimes Act 1900</i> and offences of misconduct in public office; and Ron Medich for offences of aiding and abetting the provision of corrupt benefits to Mr Mason, Mr Foster and Ms Mason contrary to section 249F of the <i>Crimes Act</i>.</p>	<p>The Commission is awaiting the DPP's decision on whether proceedings will be taken.</p>

ICAC prosecution briefs with the DPP

The following table contains information on the status of prosecution briefs that are currently with the Director of Public Prosecutions (DPP) in relation to ICAC investigations. It was last updated on 10 July 2014 (see **highlights** for latest information).

The Commission must seek the advice of the DPP on whether any prosecution should be commenced. The DPP determines whether any criminal charges can be laid, and conducts all prosecutions. The Commission provides information on its website in relation to the status of prosecution recommendations and outcomes as advised by the DPP. The progress of matters is generally within the hands of the DPP. Accordingly, the Commission does not directly notify persons affected of advice received from the DPP or the progress of their matters generally.

Report and date	ICAC recommendations	Status/outcome
24/01/2014 <i>Investigation into false certifications of heavy vehicle competency-based assessments by a Roads and Maritime Services-accredited assessor (Operation Nickel)</i>	The Commission is of the opinion that the advice of the DPP should be obtained with respect to the prosecution of Christopher Binos for offences under section 249B(1) of the <i>Crimes Act 1900</i> of corruptly soliciting or receiving a benefit and to the prosecution of Alexander Daubney, Mark McDonagh, Shane Florio, Peter Friend-Ngui and Jacqueline Riley for offences under section 249B(2) of the <i>Crimes Act</i> of corruptly giving a benefit to Mr Binos.	A brief of evidence has been provided to the DPP. The Commission is awaiting the DPP's decision on whether proceedings will be taken.
26/09/2013 <i>Investigation into the possession and supply of steroids and other matters involving a corrections officer (Operation Torino)</i>	The ICAC is of the opinion that the advice of the DPP should be obtained with respect to the prosecution of Robert Di-Bona for six offences of giving false evidence to the Commission, contrary to section 87 of the <i>Independent Commission Against Corruption Act 1988</i> .	A brief of evidence has been provided to the DPP. The Commission is awaiting the DPP's decision on whether proceedings will be taken.
26/09/2013	The ICAC is of the opinion that the advice of the DPP should be obtained with respect to the	Briefs of evidence have been

<p><i>Investigation into allegations of corrupt conduct in the provision of security products and services (Operation Tilga)</i></p>	<p>prosecution of: Daniel Paul for a criminal offence of corruptly receiving a benefit (\$13,000) from Peter (Charles) Diekman contrary to section 249B(1) of the <i>Crimes Act 1900</i>; Peter (Charles) Diekman for a criminal offence of corruptly giving a benefit to Mr Paul contrary to section 249B(2) of the <i>Crimes Act</i>, criminal offences of corruptly giving rewards to Robert Huskic contrary to section 249B(2) of the <i>Crimes Act</i>, the criminal offence of fraud under section 192E of the <i>Crimes Act</i> or the criminal offence of using a false document under section 254 of the <i>Crimes Act</i> in relation to authorising the preparation and submission of the two dummy quotes; and Robert Huskic for a criminal offence of using a false document under section 254 of the <i>Crimes Act</i> in relation to his use of the two dummy quotes.</p>	<p>provided to the DPP.</p> <p>The Commission is awaiting the DPP's decision on whether proceedings will be taken.</p>
<p>30/08/2013</p> <p><i>Investigation into the conduct of Ian Macdonald, John Maitland and others (Operation Acacia)</i></p>	<p>The Commission is of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of Ian Macdonald, John Maitland, Craig Ransley and Andrew Poole for various offences as follows.</p> <p>Ian Macdonald, for the common law offence of misconduct in public office in relation to his conduct in granting Doyles Creek Mining Pty Ltd (DCM) consent to apply for an exploration licence (EL) and granting the EL to DCM, both grants being substantially to benefit Mr Maitland.</p> <p>John Maitland, for offences under section 178BB of the <i>Crimes Act 1900</i> in relation to his making and publishing to the Department of Primary Industries (DPI) false or misleading statements, and for offences under section 112(2) and section 87(1)(a) of the Independent Commission Against Corruption Act 1988 in relation to his conduct in discussing the evidence he gave at a compulsory examination with Archibald Tudehope and testifying at the public inquiry that he sought to comply with the obligation imposed on him to keep secret the evidence he gave at the compulsory examination.</p> <p>Craig Ransley, for offences under section 178BB of the <i>Crimes Act</i> in relation to his agreeing to Mr Maitland publishing to the DPI certain false or misleading statements.</p> <p>Andrew Poole, for offences under section 178BB of the <i>Crimes Act</i> in relation to his agreeing to Mr Maitland publishing to the DPI certain false or misleading statements.</p>	<p>With respect to John Maitland, a brief of evidence has been provided to the DPP in relation to the offences under section 112(2) and section 87(1)(a) of the <i>ICAC Act</i> and the Commission is awaiting the DPP's decision on whether proceedings will be taken.</p> <p>In relation to the remaining offences relating to Mr Maitland, and all matters pertaining to Messrs Macdonald, Ransley and Poole, part briefs have been provided to the NSW DPP and further statements are being obtained.</p>

	<p>The Commission will also furnish to the Commonwealth DPP evidence that may be admissible in the prosecution of Mr Maitland, Mr Ransley and Mr Poole for offences under section 184(1) of the <i>Corporations Act 2001</i> in relation to their relevant conduct with respect to the false or misleading statements.</p>	
<p>31/07/2013 <i>Investigation into the conduct of Ian Macdonald, Edward Obeid Senior, Moses Obeid and others (Operation Jasper)</i></p>	<p>The Commission is of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of Ian Macdonald, Edward Obeid Sr, Moses Obeid, Travers Duncan, John McGuigan, John Atkinson and Richard Poole for various offences as follows.</p> <p>Ian Macdonald, for the common law criminal offences of conspiracy to defraud or misconduct in public office in relation to his conduct in agreeing with Edward Obeid Sr and Moses Obeid to act contrary to his public duty as a minister of the Crown by arranging for the creation of the Mount Penny tenement to financially benefit Edward Obeid Sr, Moses Obeid and other members of the Obeid family and his conduct in agreeing with Edward Obeid Sr and Moses Obeid to act contrary to his public duty as a minister of the Crown by providing Moses Obeid or other members of the Obeid family with confidential information to financially benefit Edward Obeid Sr, Moses Obeid and other members of the Obeid family.</p> <p>Edward Obeid Sr and Moses Obeid, each for the criminal offence of conspiracy to defraud in relation to the agreement that Mr Macdonald would create the Mount Penny tenement and criminal offences of conspiracy to defraud in relation to Mr Macdonald's provision of confidential information, or aiding and abetting or conspiracy to commit the offence of misconduct in public office in relation to Mr Macdonald's provision of confidential information.</p> <p>Travers Duncan, John McGuigan, John Atkinson and Richard Poole for offences under section 192E of the <i>Crimes Act 1900</i> of obtain financial advantage by deception.</p> <p>The Commission will also furnish to the Commonwealth DPP evidence that may be admissible in the prosecution of Mr Duncan, Mr McGuigan, John Kinghorn and Mr Atkinson for offences under section 184(1) of the <i>Corporations Act 2001</i>.</p>	<p>A brief of evidence has been provided to the DPP.</p> <p>The Commission is awaiting the DPP's decision on whether proceedings will be taken.</p>
<p>31/07/2013</p>	<p>The Commission is of the opinion that consideration should be given to obtaining the advice</p>	<p>The Commission is awaiting the</p>

<p><i>Investigation into the conduct of Moses Obeid, Eric Roozendaal and others (Operation Indus)</i></p>	<p>of the DPP with respect to the prosecution of Moses Obeid, Rocco Triulcio, Rosario Triulcio and Paul Obeid for offences of providing false or misleading evidence contrary to section 87 of the <i>Independent Commission Against Corruption Act 1988</i>.</p>	<p>DPP's decision on whether proceedings will be taken.</p>
<p>31/07/2013 <i>Investigation into the conduct of Ian Macdonald, Ronald Medich and others (Operation Jarilo)</i></p>	<p>The Commission is of the opinion that the advice of the DPP should be obtained with respect to the prosecution of Ian Macdonald for the offence of corruptly receiving a benefit from Ronald Medich and Fortunato (Lucky) Gattellari as a reward for showing favour to Mr Medich contrary to section 249B(1) of the <i>Crimes Act 1900</i> and an offence of misconduct in public office.</p> <p>The Commission is also of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of Mr Medich for an offence of corruptly giving a benefit to Mr Macdonald as a reward for Mr Macdonald showing favour to him under section 249B(2) of the <i>Crimes Act</i>.</p>	<p>The Commission is awaiting the DPP's decision on whether proceedings will be taken.</p>
<p>27/03/2013 <i>Investigation into allegations that a Manager at the UTS solicited and accepted money, gifts and other benefits from UTS contractors (Operation Stark)</i></p>	<p>The ICAC is of the opinion that the advice of the DPP should be obtained with respect to the prosecution of Nabil Faysal for offences of soliciting and receiving corrupt benefits pursuant to section 249B of the <i>Crimes Act 1900</i>.</p>	<p>The Commission is awaiting the DPP's decision on whether proceedings will be taken.</p>
<p>27/09/2013 <i>Investigation into the conduct of officers of the Wagonga Local Aboriginal Land Council and others (Operation</i></p>	<p>The ICAC is of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of: Ron Mason, Ken Foster and Vanessa Mason for offences of corruptly receiving benefits contrary to section 249B(1) of the <i>Crimes Act 1900</i> and offences of misconduct in public office; and Ron Medich for offences of aiding and abetting the provision of corrupt benefits to Mr Mason, Mr Foster and Ms Mason contrary to section 249F of the <i>Crimes Act</i>.</p>	<p>The Commission is awaiting the DPP's decision on whether proceedings will be taken.</p>

ICAC prosecution briefs with the DPP

The following table contains information on the status of prosecution briefs that are currently with the Director of Public Prosecutions (DPP) in relation to ICAC investigations. It was last updated on 3 July 2014.

The Commission must seek the advice of the DPP on whether any prosecution should be commenced. The DPP determines whether any criminal charges can be laid, and conducts all prosecutions. The Commission provides information on its website in relation to the status of prosecution recommendations and outcomes as advised by the DPP. The progress of matters is generally within the hands of the DPP. Accordingly, the Commission does not directly notify persons affected of advice received from the DPP or the progress of their matters generally.

Report and date	ICAC recommendations	Status/outcome
24/01/2014 <i>Investigation into false certifications of heavy vehicle competency-based assessments by a Roads and Maritime Services-accredited assessor (Operation Nickel)</i>	The Commission is of the opinion that the advice of the DPP should be obtained with respect to the prosecution of Christopher Binos for offences under section 249B(1) of the <i>Crimes Act 1900</i> of corruptly soliciting or receiving a benefit and to the prosecution of Alexander Daubney, Mark McDonagh, Shane Florio, Peter Friend-Ngui and Jacqueline Riley for offences under section 249B(2) of the <i>Crimes Act</i> of corruptly giving a benefit to Mr Binos.	A brief of evidence has been provided to the DPP. The Commission is awaiting the DPP's decision on whether proceedings will be taken.
26/09/2013 <i>Investigation into the possession and supply of steroids and other matters involving a corrections officer (Operation Torino)</i>	The ICAC is of the opinion that the advice of the DPP should be obtained with respect to the prosecution of Robert Di-Bona for six offences of giving false evidence to the Commission, contrary to section 87 of the <i>Independent Commission Against Corruption Act 1988</i> .	A brief of evidence has been provided to the DPP. The Commission is awaiting the DPP's decision on whether proceedings will be taken.
26/09/2013	The ICAC is of the opinion that the advice of the DPP should be obtained with respect to the	Briefs of evidence have been

<p><i>Investigation into allegations of corrupt conduct in the provision of security products and services (Operation Tilga)</i></p>	<p>prosecution of: Daniel Paul for a criminal offence of corruptly receiving a benefit (\$13,000) from Peter (Charles) Diekman contrary to section 249B(1) of the <i>Crimes Act 1900</i>; Peter (Charles) Diekman for a criminal offence of corruptly giving a benefit to Mr Paul contrary to section 249B(2) of the <i>Crimes Act</i>, criminal offences of corruptly giving rewards to Robert Huskic contrary to section 249B(2) of the <i>Crimes Act</i>, the criminal offence of fraud under section 192E of the <i>Crimes Act</i> or the criminal offence of using a false document under section 254 of the <i>Crimes Act</i> in relation to authorising the preparation and submission of the two dummy quotes; and Robert Huskic for a criminal offence of using a false document under section 254 of the <i>Crimes Act</i> in relation to his use of the two dummy quotes.</p>	<p>provided to the DPP.</p> <p>The Commission is awaiting the DPP's decision on whether proceedings will be taken.</p>
<p>30/08/2013</p> <p><i>Investigation into the conduct of Ian Macdonald, John Maitland and others (Operation Acacia)</i></p>	<p>The Commission is of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of Ian Macdonald, John Maitland, Craig Ransley and Andrew Poole for various offences as follows.</p> <p>Ian Macdonald, for the common law offence of misconduct in public office in relation to his conduct in granting Doyles Creek Mining Pty Ltd (DCM) consent to apply for an exploration licence (EL) and granting the EL to DCM, both grants being substantially to benefit Mr Maitland.</p> <p>John Maitland, for offences under section 178BB of the <i>Crimes Act 1900</i> in relation to his making and publishing to the Department of Primary Industries (DPI) false or misleading statements, and for offences under section 112(2) and section 87(1)(a) of the Independent Commission Against Corruption Act 1988 in relation to his conduct in discussing the evidence he gave at a compulsory examination with Archibald Tudehope and testifying at the public inquiry that he sought to comply with the obligation imposed on him to keep secret the evidence he gave at the compulsory examination.</p> <p>Craig Ransley, for offences under section 178BB of the <i>Crimes Act</i> in relation to his agreeing to Mr Maitland publishing to the DPI certain false or misleading statements.</p> <p>Andrew Poole, for offences under section 178BB of the <i>Crimes Act</i> in relation to his agreeing to Mr Maitland publishing to the DPI certain false or misleading statements.</p>	<p>With respect to John Maitland, a brief of evidence has been provided to the DPP in relation to the offences under section 112(2) and section 87(1)(a) of the ICAC Act and the Commission is awaiting the DPP's decision on whether proceedings will be taken.</p> <p>In relation to the remaining offences relating to Mr Maitland, and all matters pertaining to Messrs Macdonald, Ransley and Poole, part briefs have been provided to the NSW DPP and further statements are being obtained.</p>

<p>31/07/2013</p> <p><i>Investigation into the conduct of Ian Macdonald, Edward Obeid Senior, Moses Obeid and others (Operation Jasper)</i></p>	<p>The Commission will also furnish to the Commonwealth DPP evidence that may be admissible in the prosecution of Mr Maitland, Mr Ransley and Mr Poole for offences under section 184(1) of the <i>Corporations Act 2001</i> in relation to their relevant conduct with respect to the false or misleading statements.</p> <p>The Commission is of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of Ian Macdonald, Edward Obeid Sr, Moses Obeid, Travers Duncan, John McGuigan, John Atkinson and Richard Poole for various offences as follows.</p> <p>Ian Macdonald, for the common law criminal offences of conspiracy to defraud or misconduct in public office in relation to his conduct in agreeing with Edward Obeid Sr and Moses Obeid to act contrary to his public duty as a minister of the Crown by arranging for the creation of the Mount Penny tenement to financially benefit Edward Obeid Sr, Moses Obeid and other members of the Obeid family and his conduct in agreeing with Edward Obeid Sr and Moses Obeid to act contrary to his public duty as a minister of the Crown by providing Moses Obeid or other members of the Obeid family with confidential information to financially benefit Edward Obeid Sr, Moses Obeid and other members of the Obeid family.</p> <p>Edward Obeid Sr and Moses Obeid, each for the criminal offence of conspiracy to defraud in relation to the agreement that Mr Macdonald would create the Mount Penny tenement and criminal offences of conspiracy to defraud in relation to Mr Macdonald's provision of confidential information, or aiding and abetting or conspiracy to commit the offence of misconduct in public office in relation to Mr Macdonald's provision of confidential information.</p> <p>Travers Duncan, John McGuigan, John Atkinson and Richard Poole for offences under section 192E of the <i>Crimes Act 1900</i> of obtain financial advantage by deception.</p> <p>The Commission will also furnish to the Commonwealth DPP evidence that may be admissible in the prosecution of Mr Duncan, Mr McGuigan, John Kinghorn and Mr Atkinson for offences under section 184(1) of the <i>Corporations Act 2001</i>.</p>	<p>A partial brief of evidence has been provided to the NSW DPP in relation to those offences. Further statements are being obtained.</p>
<p>31/07/2013</p>	<p>The Commission is of the opinion that consideration should be given to obtaining the advice</p>	<p>The Commission is awaiting the</p>

<p><i>Investigation into the conduct of Moses Obeid, Eric Roozendaal and others (Operation Indus)</i></p>	<p>of the DPP with respect to the prosecution of Moses Obeid, Rocco Triulcio, Rosario Triulcio and Paul Obeid for offences of providing false or misleading evidence contrary to section 87 of the <i>Independent Commission Against Corruption Act 1988</i>.</p>	<p>DPP's decision on whether proceedings will be taken.</p>
<p>31/07/2013 <i>Investigation into the conduct of Ian Macdonald, Ronald Medich and others (Operation Jarilo)</i></p>	<p>The Commission is of the opinion that the advice of the DPP should be obtained with respect to the prosecution of Ian Macdonald for the offence of corruptly receiving a benefit from Ronald Medich and Fortunato (Lucky) Gattellari as a reward for showing favour to Mr Medich contrary to section 249B(1) of the <i>Crimes Act 1900</i> and an offence of misconduct in public office.</p> <p>The Commission is also of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of Mr Medich for an offence of corruptly giving a benefit to Mr Macdonald as a reward for Mr Macdonald showing favour to him under section 249B(2) of the <i>Crimes Act</i>.</p>	<p>The Commission is awaiting the DPP's decision on whether proceedings will be taken.</p>
<p>27/03/2013 <i>Investigation into allegations that a Manager at the UTS solicited and accepted money, gifts and other benefits from UTS contractors (Operation Stark)</i></p>	<p>The ICAC is of the opinion that the advice of the DPP should be obtained with respect to the prosecution of Nabil Faysal for offences of soliciting and receiving corrupt benefits pursuant to section 249B of the <i>Crimes Act 1900</i>.</p>	<p>The Commission is awaiting the DPP's decision on whether proceedings will be taken.</p>
<p>27/09/2013 <i>Investigation into the conduct of officers of the Wagonga Local Aboriginal Land Council and others (Operation</i></p>	<p>The ICAC is of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of: Ron Mason, Ken Foster and Vanessa Mason for offences of corruptly receiving benefits contrary to section 249B(1) of the <i>Crimes Act 1900</i> and offences of misconduct in public office; and Ron Medich for offences of aiding and abetting the provision of corrupt benefits to Mr Mason, Mr Foster and Ms Mason contrary to section 249F of the <i>Crimes Act</i>.</p>	<p>The Commission is awaiting the DPP's decision on whether proceedings will be taken.</p>