

## 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. Last updated 31 January 2018 (transfer of Operation Vika material to the “Outcomes” table).

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>3 August 2017</p> <p><i>Investigation into dealings between Australian Water Holdings Pty Ltd and Sydney Water Corporation and related matters (Operation Credo)</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 the following persons for common law criminal offences of misconduct in public office.</p> <p><b>Gilbert (Laurie) Brown</b>, in relation to his misuse of his public office in preparing the Kelly Cabinet minute to the Budget Committee of Cabinet with the intention if improperly favouring Edward Obeid Sr.</p> <p><b>Anthony Kelly</b>, in relation to his misuse of his public office by arranging for the preparation of the Kelly Cabinet minute and its submission to the Budget Committee of Cabinet with the intention if improperly favouring Edward Obeid Sr.</p> <p><b>Edward Obeid Sr</b>, in relation to: misusing his public office to promote Australian Water Holding’s (AWH) interests to each of Michael Costa, the Hon Nathan Rees, the Hon Morris Iemma, Phillip Costa and the Hon Kristina Keneally at a time when he knew that the advancement of those interests would financially benefit the Obeid family in the event a member of the Obeid family or an Obeid family entity acquired shares in AWH; misusing his public office to influence Mr Kelly, Mr Brown and Mr Tripodi to advance Obeid family interests by working towards the submission of a minute to the Budget Committee of Cabinet recommending the NSW Government enter into direct negotiations with AWH with respect to the AHW PPP proposal at a time when he knew that a successful outcome for that proposal would financially benefit the Obeid family in the event a member of the Obeid family or an Obeid family entity acquired shares in AWH.</p>	<p>A brief of evidence was provided to the DPP on 12 January 2018.</p> <p>The Commission is awaiting the DPP’s decision on whether proceedings will be taken.</p>

	<b>Joseph Tripodi</b> , in relation to his misuse of his public office to prepare a draft Cabinet minute and providing it for use by Mr Brown and Mr Kelly as the basis for a minute to be submitted by Mr Kelly to the Budget Committee of Cabinet with the intention of improperly favouring Edward Obeid Sr.	
3 August 2017 <i>Investigation into the conduct of a former NSW Department of Justice officer and others (Operation Artek)</i>	The ICAC is of the opinion that the advice of the Director of Public Prosecutions (DPP) should be obtained with respect to the prosecution of: Leslie Reynolds for offences under section 249B(1) of the <i>Crimes Act 1900</i> or the common law offence of misconduct in public office and section 87 of the <i>Independent Commission Against Corruption Act 1988</i> ; Khader (George) Ghamrawi for offences under section 249B(2) of the <i>Crimes Act</i> or aiding and abetting the common law offence of misconduct in public office by Leslie Reynolds and section 87 of the ICAC Act; Samantha Boyle for offences of being an accessory after the fact to an offence under section 249B(2) of the <i>Crimes Act</i> by Mr Ghamrawi and an offence under section 87 of the ICAC Act.	A brief of evidence in relation to Leslie Reynolds was provided to the DPP on 23 August 2017.  The Commission is awaiting the DPP's decision on whether proceedings will be taken.  Briefs of evidence in relation to Khader George Ghamrawi and Samantha Boyle were provided to the DPP on 24 November 2017. The Commission is awaiting the DPP's decision on whether proceedings will be taken.
21 June 2017 <i>Investigation into the conduct of a Regional Illegal Dumping Squad officer and others (Operation Scania)</i>	The ICAC is of the opinion that the advice of the Director of Public Prosecutions (DPP) should be obtained with respect to the prosecution of: Craig Izzard for offences under section 249B(1)(a) of the <i>Crimes Act 1900</i> and the common law offence of misconduct in public office; Nosir Kabite for offences under section 249B(2)(a) of the <i>Crimes Act</i> and an offence of aiding and abetting a common law offence of misconduct in public office; and Ibrahim Beydoun for an offence under s 249B(2)(a) of the <i>Crimes Act</i> .	Briefs of evidence were provided to the DPP on 8 September 2017.  The Commission is awaiting the DPP's decision on whether proceedings will be taken.
23 February 2017 <i>Investigation into the conduct of a Casino Boolangle Local Aboriginal Land Council CEO and administrative</i>	The ICAC is of the opinion that the advice of the Director of Public Prosecutions (DPP) should be obtained with respect to the prosecution of Linda Stewart and Veronica Skinner for offences of fraud pursuant to section 192E of the <i>Crimes Act 1900</i> or, in the alternative, for offences of larceny by a servant pursuant to section 156 of the <i>Crimes Act</i> .	Briefs of evidence were provided to the DPP on 21 April 2017.  The Commission is awaiting the DPP's decision on whether proceedings will be taken.

<p>officer (Operation Nestor)</p>		
<p>22 November 2016</p> <p><i>Investigation into the conduct of a senior officer of the NSW department of justice and others (Operation Yancey)</i></p>	<p>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: Anthony Andjic, Shadi Chacra and Fayrouz Hammoud for offences under section 192E(1) and section 192G of the <i>Crimes Act 1900</i>, and of Mr Chacra and Fayrouz Hammoud with offences under section 193B(2) of the Crimes Act, of knowingly dealing with the proceeds of crime in relation to their dealings with the money improperly obtained from the Department; Fatima Hammoud with an offence under section 193C(2) of the Crimes Act of dealing with property where there are reasonable grounds to suspect the property is proceeds of crime in relation to her dealing with part of the money improperly obtained from the Department; Mr Andjic and Fatima Hammoud for an offence of conspiracy to commit an offence under section 192G of the Crimes Act in relation to the publishing of a false application for the position of project development officer; Mr Andjic, Fatima Hammoud and her mother, Hakime Hammoud for offences under section 87 of the <i>Independent Commission Against Corruption Act 1988</i>.</p>	<p>Briefs of evidence were provided to the DPP on 21 April 2017.</p> <p>The Commission is awaiting the DPP's decision on whether proceedings will be taken.</p>
<p>30 August 2016</p> <p><i>Investigation into NSW Liberal Party electoral funding for the 2011 state election campaign and other matters (Operation Spicer)</i></p>	<p>The ICAC is of the opinion that the advice of the Director of Public Prosecutions (DPP) should be obtained with respect to the prosecution of Samantha Brooks, Andrew Cornwell, Timothy Gunasinghe, William Saddington, Timothy Koelma, Christopher Hartcher and Joseph Tripodi for these <a href="#">criminal offences</a>.</p>	<p>Briefs of evidence were provided to the DPP on 20 February 2017.</p> <p>On 5 December 2017, the DPP advised that there was insufficient evidence to prosecute Samantha Brooks. The Commission has accepted that advice. The Commission is awaiting the DPP's decision on whether proceedings will be taken in relation to the other persons referred to at left.</p>
<p>23 March 2016</p> <p><i>Investigation into the conduct of a Mine</i></p>	<p>The ICAC is of the opinion that the advice of the Director of Public Prosecutions (DPP) should be obtained with respect to the prosecution of Darren Bullock for these <a href="#">criminal offences</a>.</p>	<p>A brief of evidence was provided to the DPP on 9 August 2016.</p> <p>The Commission is awaiting the</p>

<p><i>Subsidence Board district manager (Operation Tunic)</i></p>		<p>DPP's decision on whether proceedings will be taken.</p>
<p>11 May 2016</p> <p><i>Investigation into the conduct of a University of Sydney ICT manager (Operation Elgar)</i></p>	<p>The ICAC is of the opinion that the advice of the Director of Public Prosecutions (DPP) should be obtained with respect to the prosecution of Balu Moothedath for the criminal offences of: giving false and misleading evidence, contrary to section 87 of the <i>Independent Commission Against Corruption Act 1988</i>, by giving evidence during a public inquiry that he did not discuss the Commission's investigation with Pranav Shanker on 29 June 2015; giving false and misleading evidence, contrary to section 87 of the ICAC Act, by giving evidence during a public inquiry that Pooja Naik worked for Canberra Solutions; attempting to procure false evidence from Mr Shanker on 29 June 2015, contrary to section 89 of the ICAC Act.</p>	<p>A brief of evidence was provided to the DPP on 22 June 2016.</p> <p>On 3 February 2017, the DPP advised against the laying of charges in respect of Balu Moothedath until such time as certain witnesses become available.</p>
<p>25/06/2015</p> <p><i>Investigation into the conduct of a university IT manager and others in relation to false invoicing (Operation Misto)</i></p>	<p>The Commission is of the opinion that the advice of the Director of Public Prosecutions (DPP) should be obtained with respect to the prosecution of:</p> <p><b>Brett Roberts</b>, for the criminal offences of: obtaining money by deception from the University of Newcastle for himself and Christopher Killalea, contrary to section 178BA of the <i>Crimes Act 1900</i> (as it was at the time); using a false instrument, namely his curriculum vitae, to obtain employment at the University of Newcastle, contrary to section 300 of the <i>Crimes Act</i> (as it was at the time); giving false and misleading evidence, contrary to section 87 of the <i>Independent Commission Against Corruption Act 1988</i>, by giving evidence during a compulsory examination that MAPS did work for the University of Newcastle; fraud, by dishonestly obtaining \$43,065 from the University of Sydney contrary to section 192E of the <i>Crimes Act</i>; using a false document, namely his curriculum vitae, to obtain employment at the University of Sydney, contrary to section 254 of the <i>Crimes Act</i>; giving false and misleading evidence, contrary to section 87 of the ICAC Act, by giving evidence during a compulsory examination that MAPS did work for the University of Sydney; fraud, by dishonestly obtaining \$32,450 from Macquarie University by submitting a false invoice in December 2012, contrary to section 192E of the <i>Crimes Act</i>; fraud, by dishonestly causing a financial disadvantage of \$10,450 to Macquarie University through iPath Pty Ltd, contrary to section 192E of the <i>Crimes Act</i>; attempted fraud, by dishonestly attempting to obtain \$93,750 from Macquarie University by submitting three false invoices, contrary to section 192E and section 344A of the <i>Crimes Act</i>; using false documents, namely a false licensing</p>	<p>A brief of evidence was provided to the DPP on 2 December 2015.</p> <p>The Commission received advice from the DPP on 2 March 2017 that there is sufficient evidence to charge Brett Roberts for various offences (see the prosecution outcomes table for details).</p>

	<p>agreement and concocted emails, to influence the exercise of a public duty by staff members at Macquarie University, contrary to section 254 of the Crimes Act; using a false document, namely his curriculum vitae, to obtain employment at Macquarie University, and thereby obtain a financial advantage contrary to section 254 of the Crimes Act; giving false and misleading evidence, contrary to section 87 of the ICAC Act, by giving evidence during a compulsory examination that MAPS did work for Macquarie University.</p> <p><b>Christopher Killalea</b>, for the criminal offences of: obtaining money by deception from the University of Newcastle for himself and Mr Roberts, contrary to section 178BA of the Crimes Act (as it was at the time); fraud, by dishonestly causing a financial disadvantage of \$32,450 to Macquarie University by collaborating with Mr Roberts with respect to a false invoice that was submitted to the university in December 2012, contrary to section 192E of the Crimes Act; fraud, by dishonestly causing a financial disadvantage of \$10,450 to Macquarie University, through iPath Pty Ltd, contrary to section 192E of the Crimes Act; using false documents, namely a false licensing agreement and concocted emails, to influence the exercise of a public duty by staff members at Macquarie University, contrary to section 254 of the Crimes Act.</p>	<p>The Commission is awaiting the DPP's decision on whether proceedings will be taken in relation to Christopher Killalea.</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>The Commission 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>