

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 28 September 2018. 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
<p>23 February 2017</p> <p><i>Investigation into the conduct of a Casino Boolangle Local Aboriginal Land Council CEO and administrative officer (Operation Nestor)</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 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>.</p>	<p>A brief of evidence was provided to the DPP on 21 April 2017.</p> <p>On 7 December 2017, the DPP advised that there was sufficient evidence to charge Linda Stewart with:</p> <ul style="list-style-type: none"> • 21 counts of dishonestly obtaining a financial advantage, pursuant to section 192E of the <i>Crimes Act</i> • 12 counts of forgery under section 253 of the <i>Crimes Act</i> • 11 counts of making a false statement under section 192G of the <i>Crimes Act</i>. <p>On 20 February 2018, Ms Stewart was served with court attendance notices for these offences. The charges were mentioned at the Downing Centre Local Court on 22 March 2018. Ms Stewart was granted conditional bail and orders were made for service of the brief by 3 May 2018.</p>

		<p>On 2 May 2018, Ms Stewart died. Prosecution proceedings against Ms Stewart were formally discontinued on 6 September 2018.</p> <p>On 7 December 2017, the DPP advised that there was sufficient evidence to charge Veronica Skinner with:</p> <ul style="list-style-type: none"> • 2 counts of dishonestly obtaining a financial advantage pursuant to section 192E of the Crimes Act • 2 counts of forgery under section 253 of the Crimes Act. <p>On 30 July 2018, Ms Skinner was served with court attendance notices for these offences. The charges were mentioned at the Downing Centre Local Court on 13 September 2018. Ms Skinner was granted conditional bail and orders were made for service of the brief by 25 October 2018. The matter is next listed for reply on 8 November 2018.</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 criminal offences.</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.</p> <p>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>4 March 2016</p> <p><i>Investigation into the</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 Ronald Cordoba for the criminal offences of:</p>	<p>A brief of evidence was provided to the DPP on 11 March 2016.</p>

<p><i>conduct of a TAFE NSW ICT manager (Operation Sonet)</i></p>	<p>fraud, pursuant to section 192E of the <i>Crimes Act 1900</i>, in relation to \$55,000 paid by Cloud People to Mr Cordoba's business, ITD Systems, in or after February 2014; fraud, pursuant to section 192E of the Crimes Act, in relation to the \$1,709,904.90 paid by the SWSI to ITD Systems between February and July 2014; wilfully making a false statement to mislead a Commission officer, pursuant to section 80 of the <i>Independent Commission Against Corruption Act 1988</i> in relation to information provided by him to a Commission officer during a search of his (Mr Cordoba's) home on 10 March 2015; making a false or misleading statement during a compulsory examination, pursuant to section 87 of the ICAC Act, in relation to evidence given by him during two compulsory examinations by the Commission to the effect that he had used an incorrect Australian Business Number (ABN) on SWSI documentation by accident.</p>	<p>On 8 December 2016, the DPP advised that there is sufficient evidence to charge Ronald Cordoba with:</p> <ul style="list-style-type: none"> • 51 counts of fraud pursuant to section 192E of the Crimes Act • 1 count of wilfully lying to a Commission officer pursuant to section 80(c) of the ICAC Act • 1 count of giving false evidence at a compulsory examination pursuant to section 87 of the ICAC Act. <p>The matter was mentioned at the Downing Centre Local Court on 11 July 2017. Mr Cordoba entered pleas of guilty to one count of dishonestly causing a financial disadvantage by deception, one count of dishonestly obtaining a benefit by deception (encompassing all 51 offences charged), and one count of giving false evidence at a compulsory examination. A further charge of wilfully lying to a Commission officer will also be taken into account on sentencing. Mr Cordoba was committed for sentence to the Sydney District Court, where the matter was listed for mention on 28 July 2017. On that day, Mr Cordoba adhered to his guilty plea and the matter was listed for sentence at the Sydney District Court on 20 April 2018. The matter was adjourned to 6 June 2018 to determine application for plea reversal on 1 x section 192E offence.</p> <p>Mr Cordoba failed to appear on 6 June. The application for plea reversal was dismissed on that date and a warrant issued for Mr Cordoba's arrest.</p>
<p>25/06/2015</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>A brief of evidence was provided to the DPP on 2 December 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>Brett Roberts, 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 Crimes Act (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 Crimes Act; using a false document, namely his curriculum vitae, to obtain employment at the University of Sydney, 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 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 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; 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 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; 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>On 2 March 2017, the DPP advised that there is sufficient evidence to charge Brett Roberts with:</p> <ul style="list-style-type: none"> • 4 counts of dishonestly obtaining a benefit by deception, contrary to section 192E(1)(b) of the Crimes Act • 4 counts of making a false or misleading statement, contrary to section 192G of the Crimes Act • 1 count of using a false document to influence the exercise of a public duty, contrary to section 254 of the Crimes Act • 3 counts of giving false or misleading evidence at a public inquiry before the Commission, contrary to section 87(1) of the ICAC Act. <p>On 17 March 2017, Mr Roberts was served with court attendance notices for these offences. The charges were listed for mention at the Downing Centre Local Court on 9 May 2017.</p> <p>At the Local Court mention on 9 May 2017, the Court ordered that a brief of evidence was to be served by 20 June 2017 and adjourned the matter to 13 July 2017 for a further mention. The Court also imposed bail conditions on Mr Roberts, requiring him to reside at an identified address and prohibiting any contact directly or indirectly with any prosecution witnesses, except through his legal representative.</p> <p>The matter was mentioned on 10 August 2017. It was adjourned for one week for further discussions between</p>
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	<p>Christopher Killalea, 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 parties. On 17 August 2017, Mr Roberts entered pleas of guilty to two counts of dishonestly obtaining a financial advantage by deception, with a further three offences taken into account on sentencing. He also pleaded guilty to two counts of giving false or misleading evidence before the Commission, with a further offence to be taken into account on sentencing. The matter was listed for sentence before the Downing Centre Local Court on 20 October 2017. On that date, the sentence was adjourned to 21 December 2017. On 21 December 2017, the matter was further adjourned to 12 April 2018. On 12 April 2018, sentence was further adjourned to 25 July 2018.</p> <p>Sentencing was further adjourned to 31 July 2018, on which date Mr Roberts was sentenced to 14 months imprisonment with a non-parole period of 12 months for the section 192E Crimes Act offences, and 17 months imprisonment with a non-parole of period of 12 months for the section 87 ICAC Act offences. Mr Roberts filed an appeal against severity. The appeal is listed for hearing on 20 November 2018.</p> <p>On 2 March 2017, the DPP advised that there is sufficient evidence to charge Christopher Killalea with:</p> <ul style="list-style-type: none"> • 3 counts of dishonestly obtaining a benefit by deception, contrary to section 192E(1)(b) of the Crimes Act • 1 count of using a false document to influence the exercise of a public duty, contrary to section 254 of the Crimes Act.
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		<p>which date Mr Killalea was sentenced to a good behaviour bond for five years and fined a total of \$4,500.</p>
<p>03/06/2015</p> <p><i>Investigation into allegations that an Ausgrid engineer corruptly solicited and accepted benefits from Ausgrid contractors and subcontractors (Operation Jarah)</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>Phillip Cresnar: for offences of receiving corrupt commissions or rewards pursuant to section 249B(1)(a) of the <i>Crimes Act 1900</i> in relation to the benefits he received from Jason Bastow, John Madden and Fergal McGann; offences of receiving corrupt commissions or rewards pursuant to section 249B(1)(b) of the Crimes Act in relation to the benefits he received from Dennis Twomey, Eamon Burke and Patrick Miskelly; attempting to procure the giving of false testimony at a compulsory examination or public inquiry contrary to section 89(a) of the <i>Independent Commission Against Corruption Act 1988</i> in relation to a letter sent to Mr Bastow; and giving false or misleading evidence at a compulsory examination on 17 April 2014, contrary to section 87(1) of the ICAC Act, in relation to his evidence that he had done nothing in exchange for the benefits that were provided to him by Mr Bastow.</p> <p>Dennis Twomey for: offences under section 249B(2)(b) of the Crimes Act in relation to the benefits he supplied Mr Cresnar; and an offence under section 114(1) of the ICAC Act of disclosing information about a Commission summons that was likely to prejudice a Commission investigation.</p> <p>Eamon Burke: for offences under section 249B(2)(b) of the Crimes Act in relation to four cheques he supplied to Mr Cresnar; and an offence under section 112 of the ICAC Act for disclosing information about his attendance at a compulsory examination.</p> <p>Patrick Miskelly: for offences under section 249B(2)(b) of the Crimes Act in relation to airline tickets he supplied to Mr Cresnar.</p>	<p>A brief of evidence was provided to the DPP on 17 July 2015.</p> <p>On 18 July 2017, the DPP advised that there is sufficient evidence to charge the following people with the following offences:</p> <ul style="list-style-type: none"> • Phillip Cresnar for offences of receiving corrupt commissions or rewards pursuant to section 249B(1)(a) of the Crimes Act in relation to the benefits he received from Messrs Bastow, Madden and McGann; offences of receiving corrupt commissions or rewards pursuant to section 249B(1)(b) of the Crimes Act in relation to the benefits he received from Messrs Twomey, Burke and Miskelly; attempting to procure the giving of false testimony at a compulsory examination or public inquiry contrary to section 89(a) of the ICAC Act in relation to a letter sent to Mr Bastow; giving false or misleading evidence at a compulsory examination on 17 April 2014, contrary to section 87(1) of the ICAC Act, in relation to his evidence that he had done nothing in exchange for the benefits that were provided to him by Mr Bastow. • Dennis Twomey for offences under section 249B(2)(b) of the Crimes Act in relation to the benefits he supplied Mr Cresnar; and an offence under section 114(1) of the ICAC Act of disclosing information about a Commission summons that was likely to prejudice a Commission investigation. • Eamon Burke for offences under section 249B(2)(b) of

John Madden and **Fergal McGann** each for an offence under section 249B(2)(a) of the Crimes Act in relation to the \$2,500 payment to Mr Cresnar.

the Crimes Act in relation to the four cheques he supplied to Mr Cresnar; and an offence under section 112 of the ICAC Act for disclosing information about his attendance at a compulsory examination.

- **Patrick Miskelly** for offences under section 249B(2)(b) of the Crimes Act in relation to the airline tickets he supplied to Mr Cresnar.
- **John Madden** for an offence under section 249B(2)(a) of the Crimes Act in relation to the \$2,500 payment to Mr Cresnar.
- **Fergal McGann** for an offence under section 249B(2)(a) of the Crimes Act in relation to the \$2,500 payment to Mr Cresnar.

On 1 February 2018, Mr Burke entered a plea of guilty. On 29 May 2018, he was sentenced to an intensive corrections order for a period of 12 months.

Mr Madden and Mr McGann appeared at the Downing Centre Local Court on 17 April 2018. Following a plea of guilty, and after a number of adjournments, on 7 August 2018 they were each sentenced to an intensive correction order for a period of 7 months.

Mr Twomey pleaded guilty to his charge and on 27 September 2018 he was sentenced to an intensive correction order for a period of 8 months.

On 21 September 2018, Mr Cresnar's matters were listed for a contested committal. Those matters have been adjourned to 15 October 2018 for judgment.

		Mr Miskelly's matters have been adjourned to 9 October 2018 for committal proceedings.
17/12/2015 <i>Investigation into the conduct of officers of the NSW Rural Fire Service and others (Operation Vika)</i>	The Commission is of the opinion that the advice of the DPP should be obtained with respect to the prosecution of: Arthur John Hacking, Scott Homsey and Gay Homsey for various offences .	A brief of evidence was provided to the DPP on 20 January 2016. Arthur John Hacking The Commission received advice from the DPP on 7 June 2016 that there is sufficient evidence to charge Arthur John Hacking with the following 23 charges: <ul style="list-style-type: none"> • 14 offences of corruptly receiving a benefit, contrary to section 249B(1)(b) of the Crimes Act • 2 offences of dishonestly making statements, contrary to section 192G(b) of the Crimes Act • 1 offence of giving to the office of the NSW Rural Fire Service a document which was misleading in a material respect contrary to section 249C(1) of the Crimes Act • 1 offence of dealing with proceeds of crime contrary to section 193B(1) of the Crimes Act • 2 offences of wilfully making a false statement to an officer of the Independent Commission Against Corruption contrary to section 80(c) of the ICAC Act • 3 offences of larceny by a person in the public service contrary to section 159 of the Crimes Act. On 11 July 2016, court attendance notices were served on Mr Hacking. Mr Hacking has entered pleas of guilty in relation to: <ul style="list-style-type: none"> • 12 offences of corruptly receiving a benefit, contrary to section 249B(1)(b) of the Crimes Act

		<ul style="list-style-type: none"> • 2 offences of larceny by a person in the public service contrary to section 159 of the Crimes Act. <p>The DPP withdraw two charges of corruptly receiving a benefit, contrary to section 249B(1)(b) of the Crimes Act, and one charge of dealing with proceeds of crime contrary to section 193B(1) of the Crimes Act.</p> <p>On 25 August 2017, Mr Hacking was sentenced to an aggregate sentence of two years imprisonment to be served by way of an intensive corrections order pursuant to section 7(1) of the <i>Crimes (Sentencing Procedure) Act 2009</i>.</p> <p>The following charges were placed on a Form 1 and taken into account on sentence:</p> <ul style="list-style-type: none"> • 2 offences of dishonestly making statements, contrary to section 192G(b) of the Crimes Act • 1 offence of giving to the office of the NSW Rural Fire Service a document which was misleading in a material respect contrary to section 249C(1) of the Crimes Act • 1 offence of larceny by a person in the public service contrary to section 159 of the Crimes Act. <p>The offences of wilfully making a false statement to an officer of the Independent Commission Against Corruption contrary to section 80(c) of the ICAC Act were placed on a certificate under section 166 of the <i>Criminal Procedure Act 1986</i> and taken into account.</p> <p>Scott Homsey and Gay Homsey On 21 December 2017, the DPP advised that there is</p>
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		<p>sufficient evidence to charge Scott Homsey with:</p> <ul style="list-style-type: none"> • 12 offences of corruptly giving a benefit, contrary to section 249B(2)(b) of the Crimes Act • 3 offences of making a misleading statement with attempt to defraud, contrary to section 192G(b) of the Crimes Act • 1 offence of giving misleading evidence in a Commission compulsory examination, contrary to section 87(1) of the ICAC Act • 2 offences of wilfully making a false statement to a Commission officer, contrary to section 80(c) of the ICAC Act • 1 offence of wilfully attempting to mislead a Commission officer, contrary to section 80(c) of the ICAC Act. <p>On 21 December 2017, the DPP advised that there is sufficient evidence to charge Gay Homsey with:</p> <ul style="list-style-type: none"> • 4 offences of being an accessory before the fact to corruptly giving a benefit, contrary to sections 249B(2)(b) and 346 of the Crimes Act • 1 offence of giving misleading evidence in a Commission compulsory examination, contrary to section 87(1) of the ICAC Act. <p>On 19 January 2018, court attendance notices were served on Mr Homsey and Mrs Homsey. Both accused have been committed for trial, by waiver, to the Sydney District Court for first mention/arraignment on 14 September 2018.</p>
13/10/2014	The Commission is of the opinion that consideration should be given to	On 16 December 2014, the Commission sent a brief of

<p><i>Investigation into the conduct of a RailCorp manager and a Housing NSW employee (Operation Spector)</i></p>	<p>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 Crimes Act; Sam Cassar for offences of corruptly giving a benefit contrary to section 249B(2) of the Crimes Act; Carmen Attard for offences of corruptly soliciting or receiving a benefit contrary to section 249B(1) of the Crimes Act; Jessica Camilleri for an offence under section 351A of the Crimes Act of recruiting Mr 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>.</p>	<p>evidence to the DPP.</p> <p>On 2 February 2016, the DPP advised the Commission that there is sufficient evidence to charge Joseph Camilleri with one count of misconduct in public office, and Jessica Camilleri with three counts of using a false document contrary to section 254 (b) (ii) of the Crimes Act and one count of the common law offence of inciting a crime by inciting Joseph Camilleri to destroy documents that relate to the Commission's investigation in contravention of section 88(2)(a) of the ICAC Act.</p> <p>On 4 October 2016, Mr and Ms Camilleri were committed to the Sydney District Court. The matters were set for trial on 3 October 2017.</p> <p>On 3 October 2017, Ms Camilleri indicated to the Court that she intended to plead guilty. The matter was adjourned to settle the facts. On 6 October 2017, pleas of guilty were formally entered to three counts of making a false statement to obtain a financial advantage and one count of incitement to commit a crime. On 25 May 2018, the matter was adjourned to 6 December 2018 for hearing on disputed facts.</p> <p>Also on 3 October 2017, the Crown advised the Court that the DPP had decided not to proceed with the prosecution of Mr Camilleri. The Crown sought leave to withdraw the charges, which was granted by the Court. The trial was vacated with no further proceedings to follow.</p> <p>The DPP did not consider that there was sufficient</p>
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		evidence to proceed with charges against Mr McCarthy, Mr Cassar or Mrs Attard. The DPP's advice has been accepted by the Commission.
05/06/2014 <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>	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 (Operation Cabot).	A brief of evidence was provided to the DPP on 7 October 2014. On 28 June 2017, the DPP advised that was either insufficient evidence or no reasonable prospects of conviction for any potential charges. The Commission has accepted that advice.
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.	On 19 November 2014, the DPP advised the Commission that there was 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 28 June 2016, following a Supreme Court trial, the jury returned a verdict of guilty to one count of misconduct in public office. On 15 December 2016, Mr Obeid was sentenced to imprisonment for a period of 5 years in total with a non-parole period of 3 years. Mr Obeid lodged an appeal against his conviction and sentence. Mr Obeid's appeal against his conviction and sentence was dismissed by the NSW Court of Criminal Appeal on 13 September 2017.

		<p>On 11 October 2017, Mr Obeid filed an application for special leave to appeal to the High Court seeking to appeal the Court of Criminal Appeal judgment of 13 September 2017. The application was dismissed by the High Court on 23 March 2018.</p>
<p>28/05/2014</p> <p><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 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 was sufficient evidence to charge Mr Kear with one charge of taking detrimental action in reprisal for a person making a public interest disclosure. The trial commenced on 12 October 2015 and was adjourned to 8 February 2016. On 16 March 2016, Mr Kear was acquitted of the charge. Following the trial, Mr Kear's legal representative made an application that the DPP pay Mr Kear's legal costs in the proceedings. On 25 May 2016, the application was granted and the DPP was ordered to pay Mr Kear's legal costs in defending the charge.</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 Crimes Act 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 Christopher Binos for offences under section 249B(1) of the Crimes Act for corruptly receiving a benefit from Shane Florio, Jacqueline Riley and Mark McDonagh; and for corruptly soliciting a benefit from Simon Hay.</p> <p>On 19 February 2016, Mr Binos pleaded guilty in the Sydney District Court. He was sentenced to two years imprisonment to be served by way of an intensive</p>

		<p>correction order.</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 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>On 17 April 2015, the DPP advised the Commission that there was sufficient evidence to charge: Peter (Charles) Diekman with five counts of corruptly giving a benefit to Robert Huskic pursuant to section 249B(2) of the <i>Crimes Act</i> Robert Huskic with five counts of corruptly receiving a benefit from Peter Diekman pursuant to section 249B(1) of the <i>Crimes Act</i> and two counts of using a false document pursuant to section 254(b)(iii) of the <i>Crimes Act</i>.</p> <p>The DPP further advised that there was insufficient evidence to proceed with charges against Daniel Paul.</p> <p>On 9 December 2016, all charges were dismissed in respect of Mr Diekman and Mr Huskic at the Downing Centre Local Court.</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</p>

		<p>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>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) of the <i>Independent Commission Against</i></p>	<p>John Maitland – section 87 ICAC Act offence and section 178BB Crimes Act offences</p> <p>On 2 September 2014, the DPP advised that there was sufficient evidence to prosecute Mr Maitland under section 87 of the ICAC Act. The Commission accepted this advice and on 17 December 2014 proceedings were commenced in the Local Court. On 7 December 2015, Mr Maitland was convicted and was sentenced on 7 March 2016 to a two-year good behaviour bond and ordered to pay a \$3,000 fine. Mr Maitland subsequently appealed the decision and on 13 October 2016, the District Court dismissed the appeal and upheld the conviction and sentence.</p> <p>On 17 July 2015, the DPP advised that there was sufficient</p>

	<p><i>Corruption Act 1988</i> in relation to his conduct in discussing the evidence he gave at a compulsory examination 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 also furnished the DPP with briefs of evidence in relation to 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 Mr Maitland for five offences under section 178BB of the Crimes Act in relation to his making and publishing to the DPI false or misleading statements. The matter was listed for trial in the District Court on 6 September 2017. On 25 September 2017, the District Court ordered a permanent stay of the proceedings against Mr Maitland.</p> <p>Ian Macdonald and John Maitland – misconduct in public office offences</p> <p>On 30 March 2016, following a trial in the Supreme Court of NSW before Adamson J, a jury returned verdicts of guilty in relation to the following charges against Ian Macdonald and John Maitland.</p> <p>Ian Macdonald:</p> <ul style="list-style-type: none"> • Offence 1: Misconduct in public office in relation to the granting to Doyles Creek Mining Pty Ltd consent to apply for an exploration licence under the <i>Mining Act 1992</i> on or about 21 August 2008. • Offence 3: Misconduct in public office in relation to the granting to Doyles Creek Mining Pty Ltd Exploration Licence No. 7270 under the <i>Mining Act 1992</i> on or about 15 December 2008. <p>On 2 June 2017, Adamson J in the Supreme Court of NSW sentenced Mr Macdonald to full time imprisonment for a period of 10 years, commencing on 26 May 2017 and expiring on 25 May 2027, with a non-parole period of 7 years commencing 26 May 2017 and expiring 25 May 2024.</p> <p>The sentences that would have been imposed for each</p>
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		<p>offence if separate sentences had been imposed instead of an aggregate sentence are:</p> <ul style="list-style-type: none"> • Offence 1: a sentence of 8 years • Offence 3: a sentence of 7 years. <p>John Maitland:</p> <ul style="list-style-type: none"> • Offence 2: Accessory before the fact to misconduct in public office in relation to the granting to Doyles Creek Mining Pty Ltd consent to apply for an exploration licence under the <i>Mining Act 1992</i> on or about 21 August 2008. • Offence 4: Accessory before the fact to misconduct in public office in relation to the granting to Doyles Creek Mining Pty Ltd Exploration Licence No. 7270 under the <i>Mining Act 1992</i> on or about 15 December 2008. <p>On 2 June 2017, Adamson J in the Supreme Court of NSW sentenced Mr Maitland to full time imprisonment for a period of 6 years, commencing on 26 May 2017 and expiring on 25 May 2023, with a non-parole period of 4 years, commencing 26 May 2017 and expiring 25 May 2021</p> <p>The sentence imposed for each charge was as follows:</p> <ul style="list-style-type: none"> • Offence 2: a sentence of 5 years • Offence 4: a sentence of 4 years. <p>On 22 and 28 June 2017, Mr Maitland and Mr Macdonald respectively filed a notice of intention to appeal their conviction and sentence.</p>
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		<p>Craig Ransley On 17 July 2015, the DPP advised that there was sufficient evidence to prosecute Mr Ransley for three offences under section 178BB of the Crimes Act in relation to his making and publishing to the Department of Primary Industries false or misleading statements. The District Court trial took place from 4 September 2017 to 13 October 2017 before DCJ Zahra. On 27 November 2017, Zahra DCJ found Mr Ransley not guilty of the offences.</p> <p>On 14 December 2016, the DPP advised that there was sufficient evidence to prosecute Mr Ransley under section 87 of the ICAC Act for giving false or misleading evidence. The Commission accepted this advice.</p> <p>The matter was heard before Farnan LCM in the Local Court from 5 to 8 March 2018. On 20 March 2018, Farnan LCM found Mr Ransley not guilty of this offence.</p> <p>On 27 February 2018, the DPP advised that there was sufficient evidence to prosecute Mr Ransley in relation to a second charge under section 87 of the ICAC Act for giving false or misleading evidence. The Commission accepted this advice.</p> <p>On 1 March 2018, Mr Ransley was served a court attendance notice for this offence. The charge was listed for mention at the Downing Centre Local Court on 5 March 2018 at which time it was withdrawn by the DPP.</p> <p>Andrew Poole On 17 July 2015, the DPP advised that there was</p>
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		<p>insufficient evidence to proceed with charges against Mr Poole. The DPP's advice has been accepted by the Commission.</p> <p>Offences under the <i>Corporations Act 2001</i> The DPP has not recommended the commencement of proceedings in relation to offences under the <i>Corporations Act 2001</i>. The DPP's advice has been accepted by the Commission.</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 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>On 8 September 2016, the DPP advised that there is sufficient evidence to charge Moses Obeid with 16 counts of giving false evidence pursuant to section 87(1) of the ICAC Act and Rocco Triulcio with 18 counts of giving false evidence pursuant to section 87(1) of the ICAC Act.</p> <p>On 29 September 2017, an application was heard to decide whether the prosecutions would proceed jointly or separately. The application was adjourned for judgment to 3 November 2017.</p> <p>On 3 November 2017, the application to decide whether the prosecutions would proceed jointly was heard. The application was granted and the matters will be heard jointly. Following the judgment, Moses Obeid made an application to temporarily stay proceedings until the conclusion of an unrelated trial, in which he is also the defendant, list in March 2019. The application was heard on 28 March 2018. On 3 May 2018, the application was denied. The proceedings were set down for summary hearing from 3 to 14 September 2018 and 5 to 9 November 2018.</p>

		<p>On 16 August 2018, the court decided that the prosecution would be transferred from the local court to the district court. As a result, the hearing dates listed for 3 to 14 September and 5 to 9 November 2018 were vacated.</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 was sufficient evidence to charge Nabil Faysal with 9 counts of agent corruptly receiving benefit under section 249(1)(a) of the Crimes Act and 11 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. On 9 June 2015, Mr Faysal's trial was set down to commence in the Downing Centre Local Court on 16 November 2015. On that date, the trial was adjourned until 14 March 2016, for the conclusion of the defence case. On 15 March 2016, the hearing was further adjourned to 12 and 13 May 2016 for completion of re-examination and submissions.</p>

		<p>On 12 May 2016, all evidence and submissions were concluded. On 16 June 2016, Mr Faysal was found guilty of all charges.</p> <p>On 14 September 2016, Mr Faysal was sentenced to 12 months imprisonment with a non-parole period of 6 months. He was also ordered to pay a pecuniary penalty to the state of NSW. He immediately lodged an appeal and bail was granted. The matter was listed for an all grounds appeal in the Sydney District Court for three days from 31 July 2017 to 2 August 2017.</p> <p>On 31 July 2017, Mr Faysal decided to withdraw his conviction appeal and pursue only his severity appeal, for which he requested a pre-sentence report. The matter was listed for severity appeal in the Sydney District Court on 31 October 2017. The severity appeal was dismissed, and Mr Faysal was taken into custody to commence serving his 6 month non-parole period.</p>
<p>25/01/2013</p> <p><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 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>29/10/2012</p> <p><i>Investigation into</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>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</p>

<p><i>allegations that staff from a number of local councils and other public authorities accepted secret benefits from suppliers (Operation Jarek)</i></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 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</p>	<p>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 two offences 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 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</p>
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	<p>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>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 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.</p> <p>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.</p> <p>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.</p>
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<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</p>

		12 February 2015 vacated.
14/08/2012 <i>Investigation into the conduct of a University of New England (UNE) procurement officer and UNE contractors (Operation Crusader)</i>	<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 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>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 Crimes Act. 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 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>
14/06/2012 <i>Investigation into the payment of \$4,500 to a councillor of Auburn City Council (Operation Barrow)</i>	<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</p> <p><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 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>
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