

## 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 13 November 2018 (transfer of Operations Petrie and Scania to the “ICAC prosecution 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>26 July 2017</p> <p><i>Investigation into the conduct of the former City of Botany Bay Council chief financial officer and others (Operation Ricco)</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:</p> <ul style="list-style-type: none"> <li>• <b>Gary Goodman</b> for fraud pursuant to section 192E and section 178BB of the <i>Crimes Act 1900</i> and soliciting and receiving a corrupt commission or reward pursuant to section 249B(1)(a) of the Crimes Act</li> <li>• <b>Keith Mark</b> for offences of fraud pursuant to section 192E of the Crimes Act</li> <li>• <b>Aleksa Subeski</b> for offences of fraud pursuant to section 192E of the Crimes Act</li> <li>• <b>Zoran Gajic</b> for offences of fraud pursuant to section 192E of the Crimes Act and an offence under section 249B(2)(a) of the Crimes Act of corruptly giving a benefit to Mr Goodman</li> <li>• <b>Sam Alexander</b> for an offence of fraud pursuant to section 192E of the Crimes Act and an offence of giving false or misleading evidence to the Commission contrary to section 87(1) of the <i>Independent Commission Against Corruption Act 1988</i>, when he denied involvement in false invoicing</li> <li>• <b>Marny Baccam</b> for offences of fraud pursuant to section 192E of the Crimes Act and an offence of giving false or misleading evidence to the Commission contrary to section 87(1) of the ICAC Act, when she denied submitting false invoices to the Council other than the false invoices submitted through Ari Landscape Solutions</li> <li>• <b>Malcolm Foo</b> for offences of fraud pursuant to section 192E of the Crimes Act,</li> </ul>	<p>Briefs of evidence were provided to the DPP on 16 March 2018 in relation to Samuel Alexander, Marny Baccam, Lorraine Cullinane, Malcolm Foo, Zoran Gajic, Siddiq Hussein, Keith Mark, Suman Mishra and Aleksa Subeski.</p> <p>The Commission is awaiting the DPP's decision on whether proceedings will be taken.</p>

	<p>soliciting and receiving a corrupt commission or reward pursuant to section 249B(1)(a) of the Crimes Act, and an offence of giving false or misleading evidence to the Commission contrary to section 87(1) of the ICAC Act, when he denied involvement in or knowledge of false invoicing</p> <ul style="list-style-type: none"> <li>• <b>Siddik Hussein</b> for offences of fraud pursuant to section 192E of the Crimes Act</li> <li>• <b>Suman Mishra</b> for giving false evidence to the Commission contrary to section 87(1) of the ICAC Act, when she denied knowledge of Mr Goodman’s involvement in false invoicing</li> <li>• <b>Lorraine Cullinane</b> for an offence of misconduct in public office.</li> </ul> <p>The Commission has been advised by Mr Goodman's legal representative that Mr Goodman died on 21 November 2017. In the light of his death, the Commission will not be seeking advice from the DPP in relation to him, but will seek the DPP's advice in relation to the other persons mentioned above.</p>	
<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 lemma, 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</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>

	<p>family or an Obeid family entity acquired shares in AWH.</p> <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.</p>	
<p>3 August 2017</p> <p><i>Investigation into the conduct of a former NSW Department of Justice officer and others (Operation Artek)</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: 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 Crimes Act 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 Crimes Act by Mr Ghamrawi and an offence under section 87 of the ICAC Act.</p>	<p>A brief of evidence in relation to Leslie Reynolds was provided to the DPP on 23 August 2017.</p> <p>The Commission is awaiting the DPP's decision on whether proceedings will be taken.</p> <p>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.</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</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>

	<i>Act 1988.</i>	
30 August 2016  <i>Investigation into NSW Liberal Party electoral funding for the 2011 state election campaign and other matters (Operation Spicer)</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 Samantha Brooks, Andrew Cornwell, Timothy Gunasinghe, William Saddington, Timothy Koelma, Christopher Hartcher and Joseph Tripodi for these <a href="#">criminal offences</a> .	Briefs of evidence were provided to the DPP on 20 February 2017.  On 5 December 2017, the DPP advised that there was insufficient evidence to prosecute Samantha Brooks. The Commission has accepted that advice.  On 23 October 2018, the DPP advised that there was insufficient evidence to prosecute Andrew Cornwell or Timothy Gunasinghe. 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.
23 March 2016  <i>Investigation into the conduct of a Mine Subsidence Board district manager (Operation Tunic)</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 Darren Bullock for these <a href="#">criminal offences</a> .	A brief of evidence was provided to the DPP on 9 August 2016.  The Commission is awaiting the DPP's decision on whether proceedings will be taken.
11 May 2016  <i>Investigation into the conduct of a University</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 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	A brief of evidence was provided to the DPP on 22 June 2016.  On 3 February 2017, the DPP advised

<i>of Sydney ICT manager (Operation Elgar)</i>	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.	against the laying of charges in respect of Balu Moothedath until such time as certain witnesses become available.
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