

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 2 August 2017 (transfer of Operation Jarah 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>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 Crimes Act.</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>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</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>

	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> .	
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 Cornwall, Timothy Gunasinghe, William Saddington, Timothy Koelma, Christopher Hartcher and Joseph Tripodi for these criminal offences .	Briefs of evidence were provided to the DPP on 20 February 2017. The Commission is awaiting the DPP's decision on whether proceedings will be taken.
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 criminal offences .	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 of Sydney ICT manager (Operation Elgar)</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 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.	A brief of evidence was provided to the DPP on 22 June 2016. 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.
17/12/2015 <i>Investigation into the conduct of officers of the NSW Rural Fire Service and others</i>	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: Arthur John Hacking , for the criminal offences of: receiving corrupt commissions or rewards which he knew would tend to influence him to show favour to Scott Homsey in relation to the affairs or business of the NSW Rural Fire Service (RFS), contrary to s 249B(1)(a) of the	A brief of evidence was provided to the DPP on 20 January 2016. The Commission received advice from the DPP on 7 June 2016 that there is sufficient evidence to charge

<p><i>(Operation Vika)</i></p>	<p><i>Crimes Act 1900</i> in respect of payments he received from Mr Homsey between March 2012 and February 2015; by deception, dishonestly obtaining a financial advantage from the RFS or causing a financial disadvantage to the RFS pursuant to section 192E(1)(b) of the Crimes Act, in relation to representations he made to the RFS in respect of Mr Homsey's snack pack invoices in the 2012 to 2013 fire season; attempting to commit an offence against section 192E(1)(b) of the Crimes Act in relation to documents he created for the purpose of issuing an order for 100,000 snack packs to Mr Homsey in August 2014, and for representations he made to the RFS when facilitating payment of Mr Homsey's invoices against that order; and larceny by a person in the public service under section 159 of the Crimes Act, in respect of the taking of mobile phones and other electronic devices.</p> <p>Scott Homsey, for the criminal offences of: corruptly making payments to John Hacking which he knew would tend to influence him to show favour to Mr Homsey in relation to the affairs or business of the RFS, contrary to section 249B(2)(b) of the Crimes Act, in respect of payments he made to John Hacking between March 2012 and February 2015; attempting to obtain a financial advantage, or cause a financial disadvantage, by issuing false invoices to the RFS between September and December 2014 contrary to section 192E(1)(b) of the Crimes Act; giving evidence that was false or misleading at a compulsory examination on 14 April 2015 regarding Gay Homsey's knowledge of the payments to John Hacking, contrary to section 87(1) of the <i>Independent Commission Against Corruption Act 1988</i>; and making false statements, or misleading or attempting to mislead, the Commission or an officer of the Commission, on 14 February 2015, in respect of the payment of cash to John Hacking, contrary to section 80(c) of the ICAC Act.</p> <p>Gay Homsey, for the criminal offences of: aiding Mr Homsey to pay corrupt commissions or rewards to John Hacking, in respect of payments made between November 2014 and February 2015, contrary to section 249F(1) of the Crimes Act; giving evidence that was false or misleading at a compulsory examination on 14 April 2015, regarding her knowledge of payments to John Hacking, contrary to section 87(1) of the ICAC Act.</p>	<p>Arthur John Hacking for 23 offences (see the prosecution outcomes table for details).</p> <p>The Commission is awaiting the DPP's decision on whether proceedings will be taken in relation to Scott Homsey and Gay Homsey.</p>
<p>25/06/2015</p> <p><i>Investigation into the conduct of a university</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>Brett Roberts, for the criminal offences of: obtaining money by deception from the</p>	<p>A brief of evidence was provided to the DPP on 2 December 2015.</p> <p>The Commission received advice</p>

<p><i>IT manager and others in relation to false invoicing (Operation Misto)</i></p>	<p>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 <i>ICAC Act</i>, 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 agreement and concocted emails, to influence the exercise of a public duty by staff members at Macquarie University, contrary to section 254 of the <i>Crimes Act</i>; 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 <i>Crimes Act</i>; giving false and misleading evidence, contrary to section 87 of the <i>ICAC Act</i>, by giving evidence during a compulsory examination that MAPS did work for Macquarie University.</p> <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 <i>Crimes Act</i> (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 <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>; 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</p>	<p>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>The Commission is awaiting the DPP's decision on whether proceedings will be taken in relation to Christopher Killalea.</p>
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27/09/2013 <i>Investigation into the conduct of officers of the Wagonga Local Aboriginal Land Council and others (Operation Petrie)</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: 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.	The Commission is awaiting the DPP's decision on whether proceedings will be taken.