

The Commission must seek the advice of the Director of Public Prosecutions (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 this 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.

The Commission is of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of:

Tony Nguyen

- for a common law offence of wilful misconduct in public office (chapter 4)
- for offences of corruptly receiving or soliciting a benefit as an agent, contrary to s 249B(1) of the Crimes Act 1900 (NSW) (“the Crimes Act”) (chapter 4)
- for offences of forgery contrary to s 253 of the Crimes Act (chapter 4)
- for offences of intention to defraud by false or misleading statement contrary to s 192G(b) of the Crimes Act (chapter 4)
- for offences of corruptly giving a benefit pursuant to s 249B(2)(a) of the Crimes Act with regard to each of the Central Station (chapter 6), Lithgow Station (chapter 7) and Kingswood Station (chapter 8) matters.

Seng Du Laphai

- for offences of corruptly giving benefits or rewards to Mr Nguyen, contrary to s 249B(2) of the Crimes Act (chapter 4).

Monty Nguy

- for offences contrary to s 249B(2) of the Crimes Act of corruptly giving rewards to Mr Nguyen (chapter 4).

Raja Sanber

- for offences of corruptly giving a benefit pursuant to s 249B(2) of the Crimes Act (chapter 5)
- for offences of giving false or misleading evidence at the public inquiry pursuant to s 87(1) of the *Independent Commission Against Corruption Act 1988* (“the ICAC Act”) (chapter 5).

Sairam Pilli

- for an offence under s 249B(1) of the Crimes Act of corruptly receiving a benefit from Mr Abdi and Mr Nguyen in connection with manipulating the Downer tender process

to ensure the building and landscaping subcontracts were awarded to RJS Infrastructure (chapter 8).

Abdal Azziz

- for offences of receiving a corrupt benefit pursuant to s 249B(1) of the Crimes Act with regard to each of Victoria Street Station (chapter 5), Central Station (chapter 6) and Lithgow Station (Chapter 7)
- for offences of giving false or misleading evidence at the public inquiry pursuant to s 87(1) of the ICAC Act (chapter 5)
- for an offence under s 192E (fraud) of the Crimes Act in relation to the payments obtained from Downer by JTG Services for work that was never performed (chapter 12)
- for an offence under s 192E (fraud) of the Crimes Act (by way of joint criminal enterprise with Mr Abdi and Mr Panagakis) in relation to the payments obtained from Chandler Macleod for Jessica Tosh and Mr Panagakis for work that was never performed (chapter 12).

Nima Abdi

- for an offence under s 249B(2)(a) of the Crimes Act of, between 18 August 2019 and 19 November 2019, corruptly giving a benefit to Mr Aziz for Mr Aziz showing favour to RJS Infrastructure in relation to Downer's allocation of a Central Station subcontract on the TfNSW TAP project (chapter 6)
- for an offence under s 249B(2)(a) of the Crimes Act of, between 18 August 2019 and 19 November 2019, corruptly giving a benefit to Mr Aziz for Mr Aziz showing favour to RJS Infrastructure in relation to Downer's allocation of the Lithgow Station civil works package subcontract (chapter 7)
- for an offence under s 249B(1) of the Crimes Act (receiving corrupt commissions and rewards) in relation to the payment he received in connection with manipulating the Downer tender process on the building and landscaping subcontracts to ensure RJS Infrastructure was successful (chapter 8)
- for an offence under s 249B(2) of the Crimes Act (giving corrupt commissions and rewards) in relation to the payments he made to Mr Pilli in connection with manipulating the Downer tender process on the building and landscaping subcontracts to ensure RJS Infrastructure was successful (chapter 8)
- for an offence under s 192E of the Crimes Act in relation to the payments obtained from Downer by JTG Services for work that was never performed (chapter 12)
- for an offence under s 192E of the Crimes Act (by way of joint criminal enterprise with Mr Aziz and Mr Panagakis) in relation to the payments by Chandler Macleod to Ms Tosh and Mr Panagakis for work that was never performed (chapter 12).

George Panagakis

- for an offence under s 87(1) of the ICAC Act in relation to giving false evidence in relation to:

- having performed actual work in exchange for the money paid to him on behalf of Downer by Chandler Macleod (chapter 12)
- not having provided any of the money he received from Chandler Macleod to Mr Abdi and/or Mr Aziz (chapter 12).

Andrew Gayad

- for an offence under s 192E of the Crimes Act (fraud) in relation to the \$13,200 payment made by Downer to Avco in respect of lighting hire for the Wollstonecraft Station project, proof of which is established to a prima facie level by the Access Hire Pty Ltd invoice records, the invoices presented to Downer and the statements of Leanne Curtis and Yan (Shirley) Huang (chapter 11)
- for an offence under s 87(1) of the ICAC Act in relation to Mr Gayed's compulsory examination evidence that he did not send Mr Vardanega the bill of quantities document for the Wollstonecraft Station project (chapter 11)
- for an offence under 87(1) of the ICAC Act in relation to Mr Gayed's evidence that \$6,000 of the amount included on Avco's invoice in relation to lighting hire related to the (undisclosed) reimbursement of expenses he incurred in paying cash to the owners of a small newsagency at Wollstonecraft Station for ice cream when the power was cut off to their store during a planned outage (chapter 11).