

Tuesday 30 April 2024

Investigation into the awarding of Transport for NSW and Inner West Council contracts (Operation Hector)

ICAC FINDINGS

The ICAC has found that Tony Nguyen, Monty Nguy, Nima Abdi, Raja Sanber, Seng Du Laphai, George Panagakis, Aidan Cox, Benjamin Vardanega, Abdal Aziz and Sairam Pilli engaged in [corrupt conduct](#).

ICAC RECOMMENDATIONS

The Commission seeks 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 is of the opinion that consideration should be given to obtaining the advice of the DPP about the prosecution of Mr Nguyen, Mr Laphai, Mr Nguy, Mr Sanber, Mr Pilli, Mr Aziz, Mr Abdi, Mr Panagakis and Andrew Gayed for [various offences](#).

CORRUPTION PREVENTION

The Commission has made seven [corruption prevention recommendations](#) to Inner West Council (IWC), and nine recommendations to Transport for NSW (TfNSW), to help prevent the conduct identified in the investigation from recurring. The Commission has also made a whole-of-government recommendation to the NSW Government to reduce the risk that a supplier involved in corrupt conduct is subsequently engaged by a public authority via considering a debarment scheme to assist public authorities to identify suppliers that have had previous issues with misconduct or breaches of relevant requirements..

BACKGROUND

On 15 October 2019, Inner West Council (IWC), notified the Commission that it had received an anonymous complaint that Mr Nguyen, a senior IWC project engineer, had received financial benefits from Mr Nguy in return for Mr Nguyen using his council position to provide insider information to Mr Nguy to ensure that Mr Nguy's company, Constructicon Pty Ltd, would be awarded IWC contracts. The notification was made under s 11 of the *Independent Commission Against Corruption Act 1988* ("the ICAC Act"), which requires the principal officer of a public authority to report to the Commission any matter that the person suspects on reasonable grounds concerns, or may concern, corrupt conduct. IWC also indicated that it would conduct an internal investigation.

Following further information and reporting from IWC, on 22 January 2020, after assessing the matter, the Commission determined to conduct a preliminary investigation, which was escalated to a full investigation on 8 April 2020. On 28 May 2020, the Commission expanded the scope of the investigation to Mr Abdi, a TfNSW project manager. Telecommunication intercepts between Mr Nguyen and Mr Abdi had revealed that, while employed at TfNSW, Mr Abdi was assisting Mr Nguyen to successfully tender for work on TfNSW infrastructure projects.

Further expansion of the investigation's scope ensued, which involved examining the conduct of further TfNSW employees, employees of Downer EDI Works Pty Ltd and others.

A public inquiry was held over 25 sitting days from 20 March 2023 to 10 May 2023. Chief Commissioner the Hon John Hatzistergos AM presided at the public inquiry, at which 16 witnesses gave evidence. Final substantive submissions were received on 23 November 2023, signalling completion of the public inquiry period.

The report is available on the ICAC website at www.icac.nsw.gov.au.