

Tuesday 30 August 2016

Investigation into NSW Liberal Party electoral funding for the 2011 state election campaign and other matters

ICAC FINDINGS OF FACT

The Commission's findings include that Raymond Carter, Andrew Cornwell, Garry Edwards, the Hon Michael Gallacher MLC, Nabil Gazal Jnr, Nicholas Gazal, Hilton Grugeon, Christopher Hartcher, Timothy Koelma, Jeffrey McCloy, Timothy Owen, Christopher Spence, Hugh Thomson and Darren Williams acted with the intention of evading laws under the *Election Funding, Expenditure and Disclosures Act 1981* (the election funding laws) relating to the disclosure of political donations and the ban on donations from property developers.

Messrs Grugeon, Hartcher, Koelma, McCloy, Owen, Thomson and Williams were also found to have acted with the intention of evading the election funding laws relating to caps on political donations. The Commission also found that Craig Baumann, Nicholas Di Girolamo, Troy Palmer and Darren Webber acted with the intention of evading the election funding laws relating to the disclosure of political donations and that Bart Bassett knowingly solicited a political donation from a property developer.

ICAC FINDINGS OF SERIOUS CORRUPT CONDUCT

The Commission makes a finding of serious corrupt conduct against Joseph Tripodi for, sometime prior to 16 February 2011, misusing his position as a member of Parliament to improperly provide an advantage to Buildev by providing to Darren Williams of that company a copy of the confidential 4 February 2011 NSW Treasury report, *Review of Proposed Uses of Mayfield and Intertrade Lands at Newcastle Port*.

ICAC RECOMMENDATIONS

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 Brookes, Andrew Cornwell, Timothy Gunasinghe, Timothy Koelma and William Saddington for offences under section 87 of the *Independent Commission Against Corruption Act 1988* of giving false or misleading evidence to the Commission
- Christopher Hartcher for an offence of larceny
- Joseph Tripodi for the common law offence of misconduct in public office.

BACKGROUND

In March 2011, LA Commercial Pty Ltd Director Matthew Lusted made a report to the Liberal Party of Australia (NSW Division) in respect of irregularities arising from a \$5,000 donation that he believed his private company had made to the NSW Liberal Party, but which had been paid to a business titled Eightbyfive. The circumstances of the donation involved Raymond Carter, an electorate officer working for Christopher Hartcher MP. Eightbyfive was a business owned by Timothy Koelma, one of Mr Hartcher's staff. The NSW Liberal Party reported Mr Lusted's concerns to the Election Funding Authority of NSW. On 17 May 2012, the Election Funding Authority reported the matter to the ICAC, which recognised that the circumstances appeared to involve a possible breach of electoral funding laws and embarked on an investigation.

The Commission held a public inquiry, as part of a composite investigation with Operation Credo. ICAC Commissioner the Hon Megan Latham presided at the public inquiry, at which the Operation Spicer segment involved the taking of evidence from 116 witnesses over 41 days. The report is available on the ICAC website at www.icac.nsw.gov.au.

