

Wednesday 27 March 2013

Allegations that a University of Technology, Sydney (UTS) manager solicited and accepted money, gifts and other benefits from UTS contractors**ICAC FINDINGS**

The ICAC found that Nabil Faysal engaged in corrupt conduct by:

- soliciting and receiving money from Michael Cady on five occasions between around 6 April 2006 and 17 October 2007
- soliciting and receiving money from Keith Boobyer on five occasions between around 19 April 2006 and 15 November 2007
- soliciting and receiving money from Wayne Hood on nine occasions between around 19 April 2006 and 2 May 2008
- soliciting and receiving money from Ramsey Franjeh on four occasions between around 1 December 2006 and 11 October 2007
- soliciting and receiving paid travel for himself and/or his family from Mr Franjeh on four occasions between around June 2006 and August 2011
- accepting and failing to disclose to UTS travel paid for by Targetti for himself and his wife on six occasions between April 2006 and April 2011 in breach of UTS policies
- failing to disclose to UTS that he was undertaking work for Webster Wagner in breach of UTS policies
- disclosing confidential UTS information to assist two UTS contractors in breach of UTS policies.

A finding is also made that Wayne Hood engaged in corrupt conduct by giving \$41,305 to Mr Faysal.

ICAC RECOMMENDATIONS

The ICAC is of the opinion that the advice of the Director of Public Prosecutions should be obtained with respect to the prosecution of Mr Faysal for offences of soliciting and receiving corrupt benefits pursuant to section 249B of the *Crimes Act 1900*. Mr Faysal was dismissed by UTS in April 2012 and has commenced proceedings against his dismissal. The ICAC is also of the opinion that consideration should be given by UTS to taking disciplinary action against Mr Faysal with a view to his dismissal in the event that he succeeds in being reinstated to the service of UTS.

CORRUPTION PREVENTION

The Commission has made three corruption recommendations to UTS, as follows:

- employs strategies, such as return to work management plans, to address any residual risks associated with staff returning to duties and to ensure an appropriate level of support for line managers with regard to overseeing a plan and/or other strategies
- continues its program to identify and implement procurement best practice for supplier and contractor panels and other supplier agreements
- develops a strategy to engage and communicate with suppliers and contractors regarding UTS procurement and probity requirements.

BACKGROUND

In February 2011, the ICAC commenced an investigation after receiving an anonymous complaint that Mr Faysal, then the manager of engineering services in the Facilities Management Office (FMO) of UTS, had received illicit payments from persons or companies contracted to provide services to UTS. The investigation later examined whether Mr Faysal and members of his family might also have corruptly received other benefits from such persons or companies. The ICAC held a public inquiry as part of the investigation over four days, from 24 to 27 September 2012. Assistant Commissioner Theresa Hamilton presided at the public inquiry, at which nine witnesses gave evidence. The report is available on the ICAC website at www.icac.nsw.gov.au.

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