

Wednesday 15 December 2010

**Investigation into the acceptance of corrupt benefits by a  
City of Canada Bay Council employee****ICAC FINDINGS**

- The ICAC has made findings of corrupt conduct against Hedley Peter Higgs and Thomas David Turner.
- Mr Higgs engaged in corrupt conduct in relation to arranging for Mr Turner to do free work at his house sometime between 2004 and 2005, in 2007 and 2009, and accepting the gift of a Quintrex 470 Top Ender boat and trailer, worth \$32,155. Mr Higgs accepted the work, boat and trailer as rewards for favouring Mr Turner's company in relation to the awarding of City of Canada Bay Council work.
- Mr Higgs also engaged in corrupt conduct by soliciting \$6,000 from Ahmad Hraichie and receiving \$4,000 from him in return for disclosing to Mr Hraichie how much he should quote to win the Council contract for work on the Wareemba Village project, and accepting other payments from Mr Hraichie relating to Council work.
- Mr Turner engaged in corrupt conduct in relation to providing benefits to Mr Higgs.

**ICAC RECOMMENDATIONS**

- 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 Mr Higgs for the offences of: receiving corrupt rewards from Mr Turner and Mr Hraichie, contrary to section 249B(1) of the Crimes Act 1900; giving false and misleading evidence, contrary to section 87(1) of the Independent Commission Against Corruption Act 1988; and fabricating a document with the intent to mislead the Commission, contrary to section 88(3) of the ICAC Act.
- The Commission is of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of Mr Turner for the offences of: giving a corrupt benefit to Mr Higgs, contrary to section 249B(2) of the Crimes Act; giving false or misleading evidence, contrary to section 87(1) of the ICAC Act; and fabricating a document with the intent to mislead the Commission, contrary to section 88(3) of the ICAC Act.

**CORRUPTION PREVENTION**

The Commission has made five corruption prevention recommendations to assist the Council to prevent similar conduct from happening in the future, including that:

- Council staff be prohibited from using preferred or regular Council contractors to carry out private works, except in exceptional circumstances approved by a senior manager;
- the Council develops methods to compel staff to justify their selection of preferred civil contractors, and to compel the creation of regular records concerning contractor performance and availability.
- the Council's Audit and Risk Committee identifies high-risk positions and, where practicable, rotates managers or places acting managers from outside the area into those positions on a regular basis.

**BACKGROUND/FURTHER INFORMATION**

- The investigation came about after Mr Hraichie made allegations to Council's General Manager and Mayor that Council contractors had made corrupt payments to a Council officer. The allegations were subsequently reported to the ICAC by the General Manager.
- The ICAC is satisfied that without Mr Hraichie's allegations and evidence, the corrupt conduct that Mr Higgs and Mr Turner engaged in would not have been exposed. The Commission has therefore decided to exercise its discretion not to make a finding of corrupt conduct against Mr Hraichie, or seek the opinion of the DPP with respect to prosecuting him for any specified criminal offence.

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