

**Corrupt conduct affecting the administration of justice in the Wagga Wagga
and other local court areas****ICAC FINDINGS**

- The ICAC has made findings of corrupt conduct against John Hart, Anthony Paul, Jason Kelly, Christopher Trinder and Jeffrey Nankivell.
- The corrupt conduct findings against Mr Hart and Mr Paul relate to Mr Hart misleading various courts, and to Mr Paul misleading the Downing Centre Local Court, by providing false information about their clients and for seeking to obtain money improperly from the Attorney General's Department (AGD) by agreeing to submit an artificially inflated costs claim. The corrupt conduct findings against Mr Kelly also relate to the costs claim.
- Corrupt conduct findings are also made against Mr Kelly, along with Christopher Trinder and Jeffrey Nankivell for providing money to Mr Hart they intended he would use to pay to an officer of the Director of Public Prosecutions (DPP) to ensure that no prosecution would commence against them arising from a sexual assault allegation.

ICAC RECOMMENDATIONS

- 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 Hart for 10 offences of perverting the course of justice contrary to the *Crimes Act 1900*, and four offences of false pretences contrary to the Crimes Act.
- It also recommends DPP advice be sought with respect to the prosecution of Mr Paul for an offence of perverting the course of justice, and each of Messrs Kelly, Trinder and Nankivell for an offence of offering a corrupt benefit and an offence of perverting the course of justice.
- The Commission is of the opinion that consideration should be given to the taking of disciplinary action under the *Legal Profession Act 2004* against Mr Hart and Mr Paul for unsatisfactory professional conduct or professional misconduct. Although Mr Hart and Mr Paul have surrendered their practising certificates, without any formal such finding each may be entitled to seek the re-issuing of a practising certificate.

CORRUPTION PREVENTION

- The investigation raised corruption prevention issues concerning: the management and control of sensitive files within courts, such as court lists; the manipulation of friendships to have matters moved to a magistrate who is viewed as more lenient; and the method of costs assessment by the Attorney General's Department.
- The inquiry did not show that any public official had acted corruptly in relation to these issues, so no corruption prevention recommendations are made in regard to the first two issues above. Although no public official was found to have acted corruptly within the AGD, the method of costs assessment appears to have been vulnerable to corruption in that Mr Hart, Mr Paul and Mr Kelly were able to seek to obtain money from the Department to which they were not entitled, without the collusion of any departmental official.
- The Commission has received a letter from the Director General of the Department about measures it intends to take to address this issue, and the ICAC will monitor the progress of the Department's review.

BACKGROUND

- The Commission's investigation arose as a result of information provided by the NSW Police which indicated that Mr Kelly may have paid money to Mr Hart to pass on to a DPP officer to ensure a sexual assault allegation made against Mr Kelly and others did not proceed to prosecution. During the course of the ICAC's investigation, other information came to light that identified the additional allegations investigated by the Commission. Read the full report at www.icac.nsw.gov.au.

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