

Wednesday 12 October 2022

Investigation into dealings involving Awabakal Local Aboriginal Land Council land (Operation Skyline)

ICAC FINDINGS

The ICAC found that Nicholas Petroulis, Despina Bakis, Debbie Dates and Richard Green engaged in serious corrupt conduct. Read the full findings in the report summary chapter.

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 Green, Mr Petroulias and Ms Bakis for various offences (see report summary chapter).

CORRUPTION PREVENTION

The Commission has made [15 corruption prevention recommendations](#) (see the report summary chapter) to help prevent the conduct identified in the investigation from recurring.

BACKGROUND

By letter dated 28 April 2017, the solicitors retained by then Awabakal Local Aboriginal Land Council (ALALC) administrator, Terry Lawler, made a report to the Commission on Mr Lawler's behalf pursuant to section 11 of the *Independent Commission Against Corruption Act 1988* (the ICAC Act). This section of the ICAC Act requires the principal officer of a public authority to report to the Commission any matter which the person suspects on reasonable grounds concerns or may concern corrupt conduct.

The report concerned possible corruption by two former members of the ALALC board, Debbie Dates and Richard Green, as well as others. This conduct concerned allegedly unlawful and improper land dealings, using ALALC assets to obtain money by deception, and other deliberately deceptive conduct in relation to ALALC assets. Allegations were made concerning the purported grant of an option to purchase land held by the ALALC to a company called Gows Heat Pty Ltd (Gows) and the subsequent sale of this option to other companies.

Further allegations were made regarding the payment by these companies of a large amount of funds into the trust account of the ALALC's previous law firm, Knightsbridge North Lawyers (KNL), apparently for the benefit of the ALALC and Gows, in consideration for the option to acquire ALALC land, and the subsequent disappearance of those funds. It was reported that while Mr Green and Ms Dates appeared to have knowledge of or involvement in these dealings, the remaining ALALC board members had no knowledge of the purported land dealings with Gows and the other companies. Further, it was reported that the then chief executive officer of the ALALC, had never heard of Gows, or KNL, despite the agreement purporting to grant Gows the option over ALALC land having been drafted by KNL and entered into by the ALALC on 15 December 2014.

On 31 May 2017, after assessing the information provided on behalf of Mr Lawler, the Commission determined that it should conduct a preliminary investigation. The preliminary investigation suggested that serious corrupt conduct may have occurred and, accordingly, the matter was escalated to a full investigation on 30 September 2017. The Commission held a public inquiry in this investigation, with 53 hearing days in 2018, 2019 and 2020. Former Chief Commissioner the Hon Peter Hall QC presided at the public inquiry and 38 witnesses gave evidence. On 5 March 2021, the Chief Commissioner ruled that the public inquiry was concluded. Further information about the progress and delay in completion of the public inquiry is available in chapter 2 of the report. Read the full report at www.icac.nsw.gov.au.