

ICAC prosecution outcomes

The following table contains information on outcomes in relation to Director of Public Prosecution (DPP) advice or prosecutions in relation to ICAC investigations. It was last updated on 28 March 2024 (see highlights for recent updates). The Commission must seek the advice of the DPP on whether any prosecution should be commenced. The DPP determines whether any criminal charges can be laid, and conducts all prosecutions. The Commission provides information on its website in relation to the status of prosecution recommendations and outcomes as advised by the DPP. The progress of matters is generally within the hands of the DPP. Accordingly, the Commission does not directly notify persons affected of advice received from the DPP or the progress of their matters generally.

Report and date	ICAC recommendations	Status/outcome
<p>11 May 2021</p> <p><i>Investigation into the conduct of a Service NSW officer (Operation Mistral)</i></p>	<p>The ICAC is satisfied that there is sufficient admissible evidence to seek the advice of the DPP with respect to the prosecution of Diana Benyamin and Fahad Al-Dakak for various criminal offences. View more details here under “Recommendations for prosecutions”.</p>	<p>A brief of evidence was provided to the DPP on 22 December 2022.</p> <p>On 28 September 2023, the DPP advised that there was sufficient evidence to charge Ms Benyamin and Mr Al-Dakak for the following offences:</p> <p>Diana Benyamin</p> <ol style="list-style-type: none"> 1. Two counts of soliciting corrupt commissions or rewards, contrary to s 249B(1)(a)(i) of the Crimes Act 1900 (“the Crimes Act”). 2. Three counts of giving false and misleading evidence, contrary to s 87 of the <i>Independent Commission Against Corruption Act 1988</i> (“the ICAC Act”). <p>Fahad Al-Dakak</p>

		<p>1. Two counts of offering to agent corrupt commissions or rewards, contrary to s 249B(2)(a)(i) of the Crimes Act.</p> <p>The DPP also advised the Commission that the following other charges were considered in relation to Ms Benjamin and Mr Al-Darek, however, no further charges were recommended due to the expiry of the statutory time limits, insufficient evidence and/or the public interest:</p> <p>Diana Benjamin</p> <ul style="list-style-type: none"> • Conspiring to contravene s 62(1) of the Privacy and Personal Information Protection Act 1998 Act ("the PPIP Act"); s 307A and s 308H of the Crimes Act. • Corrupt disclosure and use of personal information by public sector officials contrary to s 62(1) of the PPIP Act. <p>Fahad Al-Dakak</p> <ul style="list-style-type: none"> • Conspiring to contravene s 62(1) of the PPIP Act; s 307A and s 308H of the Crimes Act. • Induce public official to disclose personal information contrary to s 62(2) of the PPIP Act.
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		<p>The Commission accepts this advice.</p> <p>The court attendance notices have been filed and served on 12 December 2023 in relation to the offences concerning Ms Benyamin and that matter is listed at the Downing Centre Local Court on 18 January 2024.</p> <p>The court attendance notices have been filed and served on 22 December 2023 in relation to the offences concerning Mr Al-Dakak, and that matter is listed at the Downing Centre Local Court on 1 February 2024.</p> <p>On 18 January 2024, Ms Benyamin's matter was adjourned until 1 February 2024 to align with Mr Al-Dakak's proceedings.</p> <p>On 1 February 2024, Ms Benyamin and Mr Al-Dakak's substantive Crimes Act matters and Ms Benyamin's section 87 ICAC Act matters were all listed and adjourned for mention in reply to the briefs of evidence until 28 March 2024 at the Downing Centre Local Court.</p>
22 March 2021	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 Michael Hawatt, Pierre Azzi, Spiro Stavis,	A brief of evidence relating to the <i>Crimes Act 1900</i> and common law offences for Michael Hawatt, Pierre Azzi and Spiro

<p><i>Investigation into the conduct of councillors of the former Canterbury City Council and others (Operation Dasha)</i></p>	<p>Charbel Demian, Daryl Maguire and Marwan Chanine for various criminal offences. View more details here under “Recommendations for prosecutions”.</p>	<p>Stavis was provided to the DPP on 29 July 2021. A further brief of evidence relating to Michael Hawatt, Daryl Maguire, Charbel Demian and Marwan Chanine for offences contrary to section 87 of the ICAC Act was provided to the DPP on 16 November 2021.</p> <p>On 19 April 2023, the DPP advised that there is sufficient evidence to charge Mr Demian and Mr Maguire with one count each, and Mr Hawatt with three counts, of giving false and misleading evidence pursuant to section 87 of the ICAC Act. The DPP advised that there is insufficient evidence to charge Mr Chanine with offences contrary to section 87 of the ICAC Act. The Commission accepts this advice.</p> <p>The DPP also advised the Commission there is insufficient evidence to charge Mr Hawatt or Mr Azzi with Crimes Act or common law offences. The DPP advised it would not proceed with charges due to witness credibility issues, admissible evidence not meeting the requisite criminal standard of proof and additional discretionary factors. The Commission accepts this advice.</p>
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		<p>The DPP advised there is insufficient evidence to charge Mr Stavis with the common law offence of misconduct in public office as it is not sufficiently serious as to warrant criminal punishment. The Commission accepts this advice.</p> <p>Daryl Maguire A court attendance notice was served on Daryl Maguire on 2 June 2023 for one count of giving false and misleading evidence pursuant to section 87 of the ICAC Act.</p> <p>The matter was before the Downing Centre Local Court on 21 August 2023. Brief service orders were made for 18 September 2023 and the matter was adjourned to 12 October 2023 for reply to the brief. The matter was before the Downing Centre Local Court on 12 October 2023. Extended brief service orders were made to 16 November 2023 and the matter was adjourned to 23 November 2023 for reply to the brief.</p> <p>On 23 November 2023, the matter was adjourned until 8 February 2024 for further negotiations.</p>
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		<p>trial on 3 February 2025 for 3 days. A readiness hearing was set down for 25 November 2024.</p> <p>Michael Hawatt Three court attendance notices were served on Michael Hawatt on 30 June 2023 for three counts of giving false and misleading evidence pursuant to section 87 of the ICAC Act.</p> <p>The period of time between the Commission's receipt of the DPP's advice and service of the court attendance notices was attributable to the Commission seeking clarification of the advice from the DPP, other competing operational priorities, and issues encountered when attempting to locate Mr Hawatt.</p> <p>The matter was before the Downing Centre Local Court on 21 August 2023. Brief service orders were made for 18 September 2023 and the matter was adjourned to 12 October 2023 for reply to the brief. The matter was before the Downing Centre Local Court on 12 October 2023. Extended brief service orders were made to 16 November 2023 and the matter was adjourned to 23 November 2023 for reply to the brief.</p>
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<p>Allegation concerning then Moree Local Aboriginal Land Council Chief Executive Officer, Susan Leslie-Briggs (Operation Kronos)</p>	<p>The ICAC examined an allegation that, between November 2013 and July 2017, the then Moree Local Aboriginal Land Council (Moree LALC) Chief Executive Officer (CEO), Susan Leslie-Briggs, dishonestly and partially exercised her public official functions as CEO of the Moree Local Aboriginal Land Council to misappropriate around \$122,000 for the benefit of herself and others. It was also alleged that she attempted to misappropriate \$8,000 for the benefit of herself and others. Ms Leslie-Briggs was the CEO of the Moree LALC between November 2013 and May/June 2017.</p> <p>Operation Kronos did not proceed to a public inquiry or public report, and the investigation was discontinued. However, on 9 April 2021, the advice of the Director of Public Prosecutions was sought in relation to possible criminal prosecutions pursuant to section 14(1) of the <i>Independent Commission Against Corruption Act 1988</i>.</p>	<p>The Commission furnished a brief of evidence to the DPP on 9 April 2021.</p> <p>On 8 February 2023, the DPP advised that there is sufficient evidence to charge Susan Leslie-Briggs with the following offences:</p> <ul style="list-style-type: none"> • 21 charges of dishonestly obtain a financial advantage by deception pursuant to section 192E(1)(b) of the <i>Crimes Act 1900</i> • 19 charges of dishonestly make false or misleading statement with intention of obtaining a financial advantage pursuant to section 192G(b) of the <i>Crimes Act</i> • 2 charges of giving false evidence to the Commission pursuant to section 87 of the <i>Independent Commission Against Corruption Act 1988</i>.

		<p>Court attendance notices were served on Ms Leslie-Briggs on 8 March 2023.</p> <p>The matters were listed before Moree Local Court on 11 April 2023. On 11 April 2023, the matters were adjourned for mention on 9 May 2023.</p> <p>On 9 May 2023, the matters were mentioned at Moree Local Court and orders were made for the service of the brief of evidence on the defence by 20 June 2023. The matters were mentioned at Moree Local Court on 11 July 2023, when they were adjourned for mention on 29 August 2023.</p> <p>On 29 August 2023, the matters were adjourned for mention on 10 October 2023. On 10 October 2023, the matters were adjourned for mention on 14 November 2023. On 14 November 2023, the matters were adjourned for mention on 6 February 2024. On 6 February 2024, the matter was adjourned for mention on 5 March 2024.</p> <p>On 5 March 2024, the matter was adjourned for mention on 19 March 2024. On 19 March 2024, the parties confirmed that the defendant will plead not guilty to all charges and a hearing</p>
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		date will be required. The matter was adjourned for mention on 2 April 2024 at which time the hearing date will be set down.
<p>23 March 2016</p> <p><i>Investigation into the conduct of a Mine Subsidence Board district manager (Operation Tunic)</i></p>	<p>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 Darren Bullock for various criminal offences. View more details here under “Recommendations for prosecutions”.</p>	<p>A brief of evidence was provided to the DPP on 9 August 2016.</p> <p>On 16 December 2021, the DPP advised that there is sufficient evidence to charge Darren Bullock with 123 offences. Mr Bullock is being prosecuted for 99 offences of corruptly receiving a benefit pursuant to section 249B of the <i>Crimes Act 1900</i>, 17 offences of misconduct in public office, five offences of giving false or misleading evidence pursuant to section 87 of the <i>Independent Commission Against Corruption Act 1988</i>, one offence of procuring false testimony of a witness pursuant to section 89 of the ICAC Act and one offence of recruiting other to assist in carrying out a criminal activity pursuant to section 351A of the Crimes Act. The DPP elected to have the matters dealt with indictment.</p> <p>On 26 May 2022, the matter was adjourned to 4 August 2022 for charge certification and the service of the briefs of evidence. On 4 August 2022, the matter was adjourned to 1 September</p>

		<p>2022 for the charge certification process to take place.</p> <p>On 1 September 2022, the matter was adjourned to 20 September 2022 for mention of the substantive offences, and for charge certification for the five offences of giving false or misleading evidence. On 20 September 2022, the matter was adjourned to 13 October 2022 for mention of the substantive offences and charge certification for the five offences of giving false or misleading evidence.</p> <p>On 13 October 2022, the matter was adjourned to 10 November 2022 for mention of the substantive offences and charge certification for the five offences of giving false or misleading evidence.</p> <p>On 10 November 2022, the matters were adjourned until 17 November 2022. On 17 November 2022, the matters were adjourned to 12 January 2023 for a case conference or committal. On 12 January 2023, Mr Bullock's matters were adjourned to 2 March 2023 for a case conference mention or committal. On 2 March 2023, the matters were adjourned to 27 April 2023 for negotiations to take place.</p>
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		Bullock complete 300 hours of community service.
<p>16 January 2019</p> <p><i>Investigation into the conduct of a Department of Finance, Services and Innovation ICT project manager (Operation Yarrow)</i></p>	<p>The ICAC 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 Steven Prestage for the criminal offences of: publishing false statements with an intention to obtain a financial advantage contrary to section 192G of the <i>Crimes Act 1900</i>; wilfully preventing or wilfully endeavouring to prevent a witness from attending the Commission, contrary to section 92 of the <i>Independent Commission Against Corruption Act 1988</i>; procuring the giving of false testimony at a compulsory examination, contrary to section 89 of the ICAC Act; giving false or misleading evidence to the Commission contrary to section 87 of the ICAC Act.</p> <p>More details are available on the Operation Yarrow Prosecution web page.</p>	<p>Briefs of evidence were provided to the DPP on 9 January 2019.</p> <p>On 25 June 2020, the DPP advised that there is sufficient evidence to charge Mr Prestage with 18 counts of dishonestly obtain financial advantage by deception pursuant to section 192E(1)9b) of the <i>Crimes Act 1900</i>, 12 counts of giving false and misleading evidence pursuant to section 87 of the <i>Independent Commission Against Corruption Act 1988</i>, and one count of procuring false testimony contrary to section 89 of the ICAC Act.</p> <p>Mr Prestage's matters were first listed at the Downing Centre Local Court for mention on 20 August 2020. On that date, brief service orders were made, bail conditions granted, and the matters adjourned to 15 October 2020. On that date, the matters were adjourned for charge certification to 26 November 2020.</p> <p>On 26 November 2020, Mr Prestage's legal representative advised he was recently briefed and needed to brief counsel. Accordingly, the matters were</p>

		<p>adjourned for Case Conference Mention to 11 March 2021, with a case conference to take place on 25 February 2021. Bail was continued.</p> <p>During the adjournment period, Mr Prestage engaged new lawyers. Accordingly, on 11 March 2021 the matter was adjourned until 15 April 2021. A case conference was ordered to take place prior to the next mention date.</p> <p>On 15 April 2021, the charges laid under the Crimes Act were adjourned to 6 May 2021 to allow a case conference to take place. On the same date, the ICAC Act offences were adjourned to 27 May 2021 for committal (either for sentence or trial).</p> <p>On 27 May 2021, upon application by Mr Prestage's newly-appointed lawyers who sought additional time to brief counsel, the ICAC Act offences were again adjourned to 17 June 2021 for committal (either for sentence or trial). The ICAC Act offences were further adjourned on application by defence to 1 July 2021.</p> <p>On 6 May 2021, the charges laid pursuant to the Crimes Act were committed for trial to the Sydney District Court. Those</p>
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		<p>matters were listed for arraignment in that court on 11 June 2021. On that date, a further adjournment was ordered with the matter listed for arraignment in the Sydney District Court on 25 June 2021.</p> <p>On 25 June 2021, defence in the Crimes Act matters sought leave to withdraw to act. Mr Prestage then sought an adjournment to brief new legal representatives. The matters were stood over to 16 July 2021. A further adjournment was then sought by defence and granted to 30 July 2021. On that date, the matters were adjourned again for arraignment on 27 August 2021.</p> <p>On 27 August 2021, the matters were listed for a further arraignment date on 24 September 2021.</p> <p>On 1 July 2021, the ICAC Act offences were before the court. Defence in that matter had filed a notice to withdraw. The matters were stood over for a final committal date to 22 July 2021. As there was no appearance by Mr Prestage, a warrant was issued for his arrest. On 22 July 2021, those matters were again adjourned on application by defence to 5 August 2021. On that date, the matters were committed for trial to the Sydney</p>
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		<p>District Court for arraignment on 27 August 2021.</p> <p>On 27 August 2021, the matters were listed for a further arraignment date on 24 September 2021.</p> <p>The trial for the Crimes Act charges was set to commence on 21 November 2022. On 21 October 2022, Mr Prestage sought to vacate that date as he was legally unrepresented. His application was granted. A new trial date was set for 28 August 2023.</p> <p>The trial for the ICAC Act charges was set to commence on 20 February 2023. However, on 25 January 2023, Mr Prestage sought, and was granted, an adjournment. The trial is now listed to start on 20 November 2023. His Honour indicated that trial must proceed on that occasion whether or not Mr Prestage is legally represented. A readiness hearing for the ICAC Act charges was listed for 13 October 2023.</p> <p>On 18 August 2023, the trial for the Crimes Act charges listed for 28 August 2023 was vacated and a new trial date set for 1 July 2024 to allow Mr Prestage to further consider legal representation. The</p>
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		<p>matter is next listed for mention on 20 October 2023 in order for Mr Prestage to confirm whether or not he will be legally represented at trial. The matter is also listed for a readiness hearing on 3 May 2024 and a callover on 27 June 2024.</p> <p>On 10 November 2023, the trial for the ICAC Act charges listed for 20 November 2023 was vacated to commence on 30 September 2024 with a 3 week estimate. A readiness hearing for the ICAC Act charges is listed for 2 August 2024 and a call over is listed for 26 September 2024.</p>
<p>30 August 2016</p> <p><i>Investigation into NSW Liberal Party electoral funding for the 2011 state election campaign and other matters (Operation Spicer)</i></p>	<p>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 Brooks, Andrew Cornwell, Timothy Gunasinghe, William Saddington, Timothy Koelma, Christopher Hartcher and Joseph Tripodi for various criminal offences. View more details here under “Recommendations for prosecutions”.</p>	<p>Briefs of evidence were provided to the DPP on 20 February 2017.</p> <p>On 5 December 2017, the DPP advised that there was insufficient evidence to prosecute Samantha Brooks. The Commission has accepted that advice.</p> <p>On 23 October 2018, the DPP advised that there was insufficient evidence to prosecute Andrew Cornwell or Timothy Gunasinghe. The Commission has accepted that advice.</p> <p>On 2 November 2020, the DPP advised that there was sufficient evidence to charge Timothy Koelma with six offences of giving false evidence to the</p>

		<p>Commission contrary to section 87 of the ICAC Act. Court attendance notices were served on Mr Koelma on 7 December 2020. The brief was served on 26 February 2021. Mr Koelma was arraigned at Sydney District Court on 8 October 2021 and entered pleas of not guilty to all counts. The matter was next listed for a Readiness Hearing on 7 October 2022 and for trial on 28 November 2022 at Sydney District Court. On 23 November 2022 at Sydney District Court, Mr Koelma entered pleas of guilty to two section 87 offences with a third being placed on a Form 1. The sentence was listed on 17 March 2023 at the District Court. On 21 March 2023, Mr Koelma was convicted of two section 87 offences with a third being placed on a Form 1 to be taken into account when sentencing. Mr Koelma was sentenced for each offence to a term of imprisonment of 15 months. This sentence was partially accumulated to a total sentence term of 1 year and 6 months. The sentence is to be served by way of Intensive Corrections Order (ICO) and include 150 hours of community service, commencing on 21 March 2023 and ending on 20 September 2024.</p> <p>On 21 December 2020, the DPP advised that there was sufficient evidence to</p>
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		<p>charge William Saddington with one offence of giving false evidence to the Commission contrary to section 87 of the ICAC Act. A court attendance notice was served on Mr Saddington on 15 February 2021. The matter was mentioned at the Downing Centre Local Court on 3 December 2021 and the hearing listed on that day was vacated. The matter was adjourned for summary hearing on 24 January 2022, however, the hearing date was again vacated. The matter was mentioned at the Downing Centre Local Court on 24 January 2022 and listed for hearing on 31 May 2022. On 31 May 2022, the hearing was adjourned to 24 October 2022 as the part-heard magistrate was not available to hear the matter. On 24 October 2022, the hearing commenced and was to continue on 1 March 2023 at the Downing Centre Local Court. On 1 March 2023, the DPP directed that there be no further proceedings against Mr Saddington. The single charge of giving false evidence to the Commission contrary to section 87 of the ICAC Act was subsequently withdrawn and dismissed.</p> <p>By letter dated 15 November 2022, the DPP advised the Commission that the</p>
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		<p>evidence in relation to Mr Hartcher has been considered and that:</p> <p>a) There is insufficient evidence to prosecute Mr Hartcher for the offence of larceny pursuant to section 117, <i>Crimes Act 1900</i> in relation to his dealings with the three bank cheques payable to the NSW Liberal Party totalling \$4,000.</p> <p>b) Whilst there is a prima facie case for the offence of fraudulent appropriation pursuant to section 124 <i>Crimes Act 1900</i> in relation to his dealings with the above three bank cheques and it cannot be said that there is no reasonable prospect of conviction, because section 124 is a strict statutory alternative to the offence of larceny and there is insufficient evidence to prosecute Mr Hartcher for the offence of larceny, the statutory alternative is not available.</p> <p>The Commission has accepted the DPP advice.</p> <p>On 17 December 2021, the DPP advised that, subject to complying with a number of requisitions, there was sufficient evidence to charge Mr Tripodi with a common law offence of misconduct in public office. After completing the requisitions, the Commission accepted</p>
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		<p>this advice. On 19 October 2023, a court attendance notice was filed at Downing Centre Local Court. The matter was first mentioned on 28 November 2023 at Downing Centre Local Court. On 15 February 2024, at Downing Centre Local Court, the charge was certified and adjourned for mention to 16 May 2024.</p>
<p>12/08/2010</p> <p><i>Investigation into attempted corrupt payment and submission of false resumes to public authorities (Operation Avoca)</i></p>	<p>The Commission is of the opinion that the advice of the DPP should be sought with respect to the prosecution of Don Gamage for:</p> <ul style="list-style-type: none"> • an offence under section 249B of the <i>Crimes Act 1900</i> in relation to the offer of \$15,000 to Stephen Blackadder • two offences under section 87 of the <i>Independent Commission Against Corruption Act 1988</i> in relation to giving false evidence at his compulsory examination and the public inquiry by denying that he had offered \$15,000 to Mr Blackadder • two offences under section 178BA of the Crimes Act in relation to publishing of false and misleading documents with the intention of obtaining a financial advantage in his applications for employment to Lithgow City Council, Harden Shire Council, Goulburn Mulwaree Council, Bland Shire Council and Upper Lachlan Shire Council • an offence under section 192G of the Crimes Act in relation to dishonestly publishing a statement that was false or misleading in a material particular with the intention of obtaining a financial advantage in his application to Lachlan Shire Council • an offence under section 80(c) of the ICAC Act of misleading a Commission officer. 	<p>On 20 January 2011, the DPP advised that there was sufficient evidence to charge Mr Gamage with one section 249B Crimes Act offence, seven section 178BB Crimes Act offences, one section 192G Crimes Act offence, two section 87 ICAC Act offences, one section 80(a) ICAC Act offence and one section 80(c) ICAC Act offence.</p> <p>The Commission made several attempts to contact Mr Gamage to serve the court attendance notices (CANs). On 8 July 2011, the then Federal Department of Immigration and Citizenship advised the Commission that Mr Gamage had departed Australia on 26 December 2010 and had not returned. On 17 October 2011, the CANs were issued and a warrant issued for Mr Gamage's arrest.</p> <p>On 19 November 2020, Mr Gamage was deported from the USA to Australia. On 8 September 2021, Mr Gamage was</p>

		<p>granted bail by the Supreme Court of NSW.</p> <p>By Notice of Motion dated 18 October 2021, Mr Gamage applied to have the criminal proceedings permanently stayed. The application was refused by Magistrate Price on 16 June 2022.</p> <p>By summons filed in the Supreme Court on 8 July 2022, Mr Gamage sought leave to appeal that decision. Although an ICAC officer was named in the summons as respondent, by Notice of Motion filed on 9 August 2022, the DPP sought to have the ICAC officer removed as the defendant and the DPP joined as the defendant. On 1 September 2022, the Registrar of the Supreme Court made orders to join the DPP as a party to the proceedings and to remove the ICAC officer as a respondent to the summons. On 13 September 2022, Mr Gamage filed a notice of motion seeking to set aside the orders of 1 September 2022. On 11 November 2022, Rothman J determined that the DPP was a proper party but also re-joined the ICAC officer.</p> <p>On 31 January 2023, Yehia J dismissed Mr Gamage's application for leave to appeal the 16 June 2022 decision (on the basis</p>
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		<p>that Magistrate Price had no power to determine an application for a permanent stay of proceedings in committal proceedings).</p> <p>On 3 May 2023, Mr Gamage served the Commission with a subpoena to produce the affidavit made in support of an application for a surveillance device warrant (see below). The Commission's application to have the subpoena set aside was set down for hearing on 5 June 2023. Before that date, Mr Gamage served an ICAC officer with a subpoena to give evidence at that hearing. On 5 June 2023, both subpoenas were set aside on the basis that neither served a legitimate forensic purpose. On 19 June 2023, Mr Gamage filed a summons in the NSW Supreme Court seeking leave to appeal the decision to set aside the subpoenas. This matter was heard before Rothman J on 8 February 2024 and judgment was reserved.</p> <p>On 13 June 2023, Mr Gamage filed a summons in the NSW Supreme Court seeking an order of mandamus in the Supreme Court to require the Local Court to issue subpoenas for seven witnesses to give evidence, among other related orders. On 21 June 2023, Mr Gamage</p>
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		<p>filed a notice of motion for an injunction to compel the Local Court to vacate the hearing for the criminal proceedings and sought leave to amend the summons. On 23 June 2023, Button J rejected the application for an injunction and declined to intervene on the basis that Mr Gamage's complaints can and should be dealt with by the Local Court. This summons was listed for hearing on 8 February 2024. The matter was heard before Rothman J and judgment was reserved.</p> <p>On 26 June 2023, Mr Gamage's applications to issue subpoenas were refused by the Local Court. At the same time, his application for dismissal and a permanent stay of proceeding was refused. His application that the hearing be adjourned was refused. His application that the Magistrate recuse himself from hearing the matter was refused. The hearing commenced on 27 June 2023 and is currently part heard before the Local Court. The matter will be mentioned on 5 March 2024, with the hearing set down to continue between 25 and 28 March 2024. The matters relating to offences pursuant to the ICAC Act, are listed on 11 April 2024 for mention, with the hearing</p>
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		<p>set down to continue between 6 and 8 May 2024.</p> <p>On 18 July 2023, Mr Gamage filed a further summons seeking leave to appeal to the Supreme Court from the Local Court's decision on 26 June 2023 to refuse his application for dismissal and permanent stay of the proceedings, and from a further Local Court decision on 27 June 2023 to admit into evidence a recording of a telephone call made in reliance on the surveillance devices warrant referred to above. He also seeks an order that certain named persons be required to give evidence at the hearing of the summons. This summons was listed for hearing on 8 February 2024. The matter was heard before Rothman J and judgment was reserved.</p> <p>Gamage v Riashi & Anor (Supreme Court application): On 21 November 2022, Mr Gamage filed a summons in the Supreme Court seeking access to an application for a surveillance device warrant made by an ICAC officer on 16 December 2009. The Commission was subsequently joined as the second defendant and a submitting appearance filed on behalf of the ICAC officer. On 20 March 2023, Mr Gamage filed a notice of motion to issue three</p>
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		<p>subpoenas. The notice of motion was partially dismissed on 22 March 2023 (<i>Gamage v Riashi</i> [2023] NSWSC 277). The summons and the balance of the notice of motion were dismissed on 19 April 2023 (<i>Gamage v Riashi & Anor</i> [2023] NSWSC 390).</p>
<p>31/7/2013</p> <p><i>Investigation into the conduct of Ian Macdonald, Edward Obeid Senior, Moses Obeid and others (Operation Jasper)</i></p>	<p>The Commission stated its opinion in the report that consideration should be given to obtaining the advice of the Director of Public Prosecutions (DPP) with respect to the prosecution of seven individuals for various offences.</p> <p>Further information about the prosecution outcomes is provided at left. The investigation report on this matter may be requested here.</p>	<p>In February 2016, all material relating to the Operation Jasper investigation was removed from the ICAC website at the request of the DPP due to matters that were then before the courts. The DPP now holds no concerns in relation to the publication of the Supreme Court and Court of Criminal Appeal outcomes.</p> <p>The prosecution of Edward Obeid Senior, Moses Obeid, and Ian Macdonald, each on one charge of conspiracy to commit misconduct in public office, proceeded by way of a judge-alone trial in the NSW Supreme Court before Fullerton J.</p> <p>The trial commenced on 12 Feb 2020 and concluded with verdict on 19 Jul 2021. Edward Obeid Snr, Moses Obeid and Ian Macdonald were each convicted.</p> <p>Following a sentencing hearing on 21 October 2021, Edward Obeid Snr, Moses Obeid and Ian Macdonald were</p>

		<p>sentenced to the following terms of imprisonment:</p> <ul style="list-style-type: none"> • Edward Obeid Senior: 7 years, with a non-parole period of 3 years and 10 months; eligible for parole on 20 August 2025; sentence to expire on 20 October 2028. • Moses Obeid: 5 years, with a non-parole period of 3 years; eligible for parole on 20 October 2024; sentence to expire on 20 October 2026. • Ian Macdonald: 9 years and 6 months, with a non-parole period of 5 years and 3 months; eligible for parole on 20 January 2027; sentence to expire on 20 April 2031. <p>The Court of Criminal Appeal heard appeals against conviction by each of Edward Obeid Senior, Moses Obeid and Ian Macdonald on 17, 18, 19 and 20 April 2023 and an appeal by Ian Macdonald against sentence on 5 June 2023. The matter was reserved for judgment. On 6 October 2023, the Court of Criminal Appeal delivered judgment. All appeals were dismissed.</p>
<p>30/8/2013</p> <p><i>Investigation into the conduct of Ian</i></p>	<p>The Commission stated its opinion in the report that consideration should be given to obtaining the advice of the Director of Public Prosecutions (DPP) with respect to the prosecution of seven individuals for various offences.</p>	<p>In February 2016, all material relating to the Operation Acacia investigation was removed from the ICAC website at the request of the DPP due to matters that</p>

<p><i>Macdonald, John Maitland and others (Operation Acacia)</i></p>	<p>Further information about the prosecution outcomes is provided at left. The investigation report on this matter may be requested here.</p>	<p>were then before the courts. The DPP now holds no concerns in relation to the publication of the Supreme Court results.</p> <p>Following a hearing on 4 and 5 May 2015, Mr Maitland was convicted of a charge of giving false or misleading evidence under section 87 of the <i>Independent Commission Against Corruption Act 1988</i> (“the ICAC Act”). On 7 March 2016, he was sentenced to a good behaviour bond under section 9 of the <i>Crimes (Sentencing Procedure) Act 1999</i> (NSW) for a period of 2 years and was ordered to pay a fine of \$3,000. On 13 October 2016, Mr Maitland’s appeal against his conviction for the section 87 ICAC Act offence was dismissed.</p> <p>On 30 March 2016, following a trial in the NSW Supreme Court before Adamson J, a jury returned verdicts of guilty in relation to two charges of misconduct in public office against Mr Macdonald and two charges of being an accessory before the fact to misconduct in public office against Mr Maitland. Following a sentencing hearing, Adamson J imposed the following sentences of imprisonment on 2 June 2017:</p>
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		<p>sentenced to the follow terms of imprisonment:</p> <ul style="list-style-type: none"> • Count 1: 8 years, with a non-parole period of 5 years and 6 months; balance of 2 years and 6 months, to commence on 21 January 2020. • Count 3: 6 years and 6 months, with a non-parole period of 4 years and 6 months; balance of 2 years, to commence on 21 January 2020. <p>On 11 April 2023, Mr Macdonald filed a notice of intention to appeal against conviction and sentence.</p>
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