

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 1 April 2025 (see highlights for latest information). 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>27 August 2020</p> <p><i>Investigation into the alleged corrupt practices of a headlease coordinator at the NSW Department of Family and Community Services (Operation Cygnet)</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 Chanse Baynham for the following offences:</p> <ul style="list-style-type: none"> • misconduct in public office in relation to his involvement in the works carried out on headleased properties, including the authorisation of payments totalling \$1,673,330 ultimately received by his company, Sardonyx Project Management Pty Ltd, and the misuse of information or material he acquired in the course of his official functions • fraud pursuant to section 192E of the <i>Crimes Act 1900</i> in relation to obtaining a financial benefit through the creation of two 	<p>A brief of evidence was provided to the DPP on 22 November 2022.</p> <p>On 6 August 2024, the DPP advised that there is sufficient evidence to charge Chanse Baynham with nine offences of misconduct in public office and two offences of fraud contrary to s 192E(1) of the <i>Crimes Act NSW 1900</i> subject to the finalisation of requisitions.</p> <p>On 20 February 2025, Mr Baynham was served with Court Attendance Notices. Mr Baynham is being prosecuted for the above-named offences. The matter was listed before the Downing Centre Local Court on 27 March 2025. On that date, the matter was adjourned to the Downing Centre Local Court on 3 July 2025.</p>

	<p>invoices dated 2 February 2017 and 10 March 2017 purportedly from contractor AJ Frankfort, which he knew to be false.</p>	
<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 Benjamin 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 Benjamin and Mr Al-Dakak for the following offences:</p> <p>Diana Benjamin</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 <i>Crimes Act 1900</i> (“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> <ol style="list-style-type: none"> 1. Two counts of offering to agent corrupt commissions or rewards, contrary to s 249B(2)(a)(i) of the Crimes Act. <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. <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> <p>On 28 March 2024, Ms Benyamin and Mr Al-Dakak’s substantive Crimes Act matters and Ms Benyamin’s section 87 ICAC Act matters were all adjourned until 9 May 2024 in order for the DPP to confirm compliant brief service.</p> <p>On 9 May 2024, Ms Benyamin and Mr Al-Dakak’s substantive Crimes Act matters and Ms Benyamin’s section 87 ICAC Act matters were all adjourned to 11 July 2024 for Charge Certification.</p> <p>On 26 September 2024, Mr Al-Dakak and Ms Benyamin’s matters were listed at the Downing Centre Local Court. Mr Al-Dakak’s matters were adjourned for committal for trial</p>
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		<p>or sentence at the Downing Centre Local Court on 17 October 2024. Ms Benyamin’s matters were listed for committal for trial or sentence at the Downing Centre Local Court on 24 October 2024.</p> <p>On 7 November 2024, Mr Al-Dakak pleaded guilty two counts of offering to an agent corrupt commissions or rewards under section 249B(2) of the Crimes Act.</p> <p>On 15 November 2024, Mr Al-Dakak was sentenced to a Community Corrections Order for each count, amounting to a total of 22 months.</p> <p>On 14 November 2024, Ms Benyamin pleaded guilty to two counts of soliciting corrupt commissions or rewards under section 249B(1) of the Crimes Act, of which one count of giving false and misleading evidence under section 87 of the ICAC Act was added as a consideration on sentencing for one of those offences. Ms Benyamin also pleaded guilty to a rolled-up count for the two other counts of giving false and misleading evidence under section 87 of the ICAC Act.</p> <p>On 29 January 2025, Ms Benyamin was convicted and sentenced as follows:</p> <ul style="list-style-type: none"> a) A \$2,200 fine for one count of soliciting corrupt commissions or rewards under section 249B (1) of the Crimes Act. b) A Community Corrections Order for a period of 2 years plus 150 hours of community service work for the other count of soliciting corrupt commissions or rewards under section 249B (1) of the Crimes Act. c) A \$2,200 fine for a rolled-up count of giving false and misleading evidence under section 87 of the ICAC Act.
<p>22 March 2021</p> <p><i>Investigation into the conduct of councillors of the former</i></p>	<p>The ICAC is of the opinion that the advice of the DPP should be obtained with respect to the prosecution of Michael Hawatt, Pierre Azzi, Spiro Stavis, Charbel Demian, Daryl Maguire and Marwan Chanine for various criminal offences. View more details here</p>	<p>A brief of evidence relating to the <i>Crimes Act 1900</i> and common law offences for Michael Hawatt, Pierre Azzi and Spiro 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><i>Canterbury City Council and others (Operation Dasha)</i></p>	<p>under “Recommendations for prosecutions”.</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> <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> <p>On 8 February 2024, the matter was further adjourned to 21 March 2024. On 21 March 2024, the matter was further adjourned to 18 April 2024 to set a hearing date. On 18 April</p>
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<p><i>Allegation concerning then Moree Local Aboriginal Land Council</i></p>	<p>The ICAC examined an allegation that, between November 2013 and July 2017, the then Moree Local Aboriginal Land</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>

<p><i>Chief Executive Officer, Susan Leslie-Briggs (Operation Kronos)</i></p>	<p>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>	<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 date will be required. The matter was adjourned for mention on 2 April 2024 at which time the hearing date would be set down. On 2 April 2024, the matter was adjourned for mention on 16 April 2024. On 16 April 2024, the matter was listed for hearing between 23 and 27 September 2024 at Moree Local Court. The hearing was part-heard and continued between 21 and 23 October 2024 at Moree Local Court. The hearing was adjourned to 10 and 11 March 2025 for closing submissions. On 11 March 2025, the matters were adjourned for judgment on 8 July 2025.</p>
<p>30 August 2016</p>	<p>The ICAC is of the opinion DPP should be obtained with respect to the prosecution of</p>	<p>Briefs of evidence were provided to the DPP on 20 February 2017.</p>

<p><i>Investigation into NSW Liberal Party electoral funding for the 2011 state election campaign and other matters (Operation Spicer)</i></p>	<p>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>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 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 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</p>
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		<p>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 evidence in relation to Mr Hartcher has been considered and that:</p> <ul style="list-style-type: none">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.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>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 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>On 16 May 2024, the matter was adjourned for Case Conference mention on 13 June 2024 at Downing Centre Local Court. On 13 June 2024, the matter was adjourned for a further Case Conference mention on 1 August 2024 at Downing Centre Local Court. On that date,</p>
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		<p>the matter was adjourned for a further Case Conference mention on 12 September 2024 at Downing Centre Local Court.</p> <p>On 12 September 2024, the matter was adjourned for a further Case Conference mention on 10 October 2024 at Downing Centre Local Court. On 10 October 2024, Mr Tripodi appeared and was committed for trial to the District Court on 15 November 2024 for arraignment.</p> <p>On 15 November 2024, the matter was mentioned at Downing Centre District Court for arraignment. The arraignment was adjourned to 6 December 2024. The indictment was presented in Court and Mr Tripodi is to be arraigned and listed for trial on the next occasion at Downing Centre District Court.</p> <p>On 6 December 2024, the matter was mentioned at Downing Centre District Court. The matter was adjourned to 12 February 2025 for arraignment. On 12 February 2025, on arraignment at Downing Centre District, Mr Tripodi pleaded not guilty. The trial has been set down to commence on 18 May 2026 for six weeks. The matter is next listed on 9 March 2026 for case management mention.</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 	<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 granted bail by the Supreme Court of NSW.</p>

	<p>and the public inquiry by denying that he had offered \$15,000 to Mr Blackadder</p> <ul style="list-style-type: none"> • 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>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 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. The matter was heard before Rothman J. On 8 August 2024, Rothman J granted leave to appeal on certain grounds but the appeal and summons were dismissed with costs.</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</p>
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		<p>include to be of good behaviour and to be subject to the supervision of Community Corrections.</p> <p>The matters relating to offences pursuant to the ICAC Act were listed for hearing commencing on 17 March 2025. The offences listed for hearing on 17 March 2025 were:</p> <ul style="list-style-type: none"> • two counts of knowingly give false and misleading evidence pursuant to section 87(1) of the ICAC Act (sequences 2 and 3) • one count of making a false statement to an officer of the ICAC pursuant to section 80(c) of the ICAC Act (sequence 4) • one count of hindering an officer of the ICAC pursuant to section 80(a) of the ICAC Act (sequence 5). <p>The hearing took place between 17 and 19 March 2025. A submissions timetable was set:</p> <ul style="list-style-type: none"> • DPP to file written submissions by 14 May 2025 • Mr Gamage to file submissions in reply by 4 June 2025 • DPP to file submissions in reply to Mr Gamage’s submissions by 11 June 2025 <p>The judgment will be handed down on 21 July 2025.</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. On 8 August 2024, Rothman J granted leave to appeal on certain grounds but the appeal and summons were dismissed with costs.</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</p>
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		<p>appearance filed on behalf of the ICAC officer. On 20 March 2023, Mr Gamage filed a notice of motion to issue three 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>
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