

ICAC prosecution briefs with the DPP

The following table contains information on the status of prosecution briefs that are currently with the Director of Public Prosecutions (DPP) in relation to ICAC investigations. It was last updated on 10 July 2020 (removal of Operation Yarrow to the “Prosecution Outcomes” table). Please note that some items have been removed at the request of the DPP due to matters before the courts.

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
3 June 2019 <i>Investigation into the conduct of NSW Corrective Services officers at Lithgow Correctional Centre (Operation Estry)</i>	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 John O’Shea, Terrence Walker, Brian McMurtrie, Stephen Taylor, Elliot Duncan and Simon Graf for various criminal offences. View more details here under “Recommendations for prosecutions”.	Briefs of evidence were provided to the DPP on 17 December 2019. The Commission is awaiting the DPP’s decision on whether proceedings will be taken.
19 September 2018 <i>Investigation into the conduct of a principal officer of two non-government organisations and others (Operation Tarlo)</i>	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 Eman Sharobeem for various criminal offences. View more details here under “Recommendations for prosecutions”.	Briefs of evidence were provided to the DPP on 12 November 2019. The Commission is awaiting the DPP’s decision on whether proceedings will be taken.
26 July 2017	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:	Briefs of evidence were provided to the DPP on 16 March 2018 in

<p><i>Investigation into the conduct of the former City of Botany Bay Council chief financial officer and others (Operation Ricco)</i></p>	<ul style="list-style-type: none"> • Gary Goodman for fraud pursuant to section 192E and section 178BB of the <i>Crimes Act 1900</i> and soliciting and receiving a corrupt commission or reward pursuant to section 249B(1)(a) of the Crimes Act • Keith Mark for offences of fraud pursuant to section 192E of the Crimes Act • Aleksa Subeski for offences of fraud pursuant to section 192E of the Crimes Act • Zoran Gajic for offences of fraud pursuant to section 192E of the Crimes Act and an offence under section 249B(2)(a) of the Crimes Act of corruptly giving a benefit to Mr Goodman • Sam Alexander for an offence of fraud pursuant to section 192E of the Crimes Act and an offence of giving false or misleading evidence to the Commission contrary to section 87(1) of the <i>Independent Commission Against Corruption Act 1988</i>, when he denied involvement in false invoicing • Marny Baccam for offences of fraud pursuant to section 192E of the Crimes Act and an offence of giving false or misleading evidence to the Commission contrary to section 87(1) of the ICAC Act, when she denied submitting false invoices to the Council other than the false invoices submitted through Ari Landscape Solutions • Malcolm Foo for offences of fraud pursuant to section 192E of the Crimes Act, soliciting and receiving a corrupt commission or reward pursuant to section 249B(1)(a) of the Crimes Act, and an offence of giving false or misleading evidence to the Commission contrary to section 87(1) of the ICAC Act, when he denied involvement in or knowledge of false invoicing • Siddik Hussein for offences of fraud pursuant to section 192E of the Crimes Act • Suman Mishra for giving false evidence to the Commission contrary to section 87(1) of the ICAC Act, when she denied knowledge of Mr Goodman’s involvement in false invoicing • Lorraine Cullinane for an offence of misconduct in public office. <p>The Commission has been advised by Mr Goodman's legal representative that Mr Goodman died on 21 November 2017. In the light of his death, the Commission will not be seeking advice from the DPP in relation to him, but will seek the DPP's advice in relation to the other persons mentioned above.</p>	<p>relation to Samuel Alexander, Marny Baccam, Lorraine Cullinane, Malcolm Foo, Zoran Gajic, Siddiq Hussein, Keith Mark, Suman Mishra and Aleksa Subeski.</p> <p>The Commission is awaiting the DPP's decision on whether proceedings will be taken.</p>
<p>3 August 2017</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: Leslie Reynolds for offences under section</p>	<p>A brief of evidence in relation to Leslie Reynolds was provided to the</p>

<p><i>Investigation into the conduct of a former NSW Department of Justice officer and others (Operation Artek)</i></p>	<p>249B(1) of the <i>Crimes Act 1900</i> or the common law offence of misconduct in public office and section 87 of the <i>Independent Commission Against Corruption Act 1988</i>; Khader (George) Ghamrawi for offences under section 249B(2) of the <i>Crimes Act</i> or aiding and abetting the common law offence of misconduct in public office by Leslie Reynolds and section 87 of the <i>ICAC Act</i>; Samantha Boyle for offences of being an accessory after the fact to an offence under section 249B(2) of the <i>Crimes Act</i> by Mr Ghamrawi and an offence under section 87 of the <i>ICAC Act</i>.</p>	<p>DPP on 23 August 2017.</p> <p>The Commission is awaiting the DPP's decision on whether proceedings will be taken.</p> <p>Briefs of evidence in relation to Khader George Ghamrawi and Samantha Boyle were provided to the DPP on 24 November 2017. The Commission is awaiting the DPP's decision on whether proceedings will be taken.</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>The Commission is awaiting the DPP's decision on whether proceedings will be taken in relation to the other persons referred to at</p>

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23 March 2016 <i>Investigation into the conduct of a Mine Subsidence Board district manager (Operation Tunic)</i>	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”.	A brief of evidence was provided to the DPP on 9 August 2016. The Commission is awaiting the DPP's decision on whether proceedings will be taken.
11 May 2016 <i>Investigation into the conduct of a University of Sydney ICT manager (Operation Elgar)</i>	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 Balu Moothedath for the criminal offences of: giving false and misleading evidence, contrary to section 87 of the <i>Independent Commission Against Corruption Act 1988</i> , by giving evidence during a public inquiry that he did not discuss the Commission’s investigation with Pranav Shanker on 29 June 2015; giving false and misleading evidence, contrary to section 87 of the ICAC Act, by giving evidence during a public inquiry that Pooja Naik worked for Canberra Solutions; attempting to procure false evidence from Mr Shanker on 29 June 2015, contrary to section 89 of the ICAC Act.	A brief of evidence was provided to the DPP on 22 June 2016. On 3 February 2017, the DPP advised against the laying of charges in respect of Balu Moothedath until such time as certain witnesses become available.