

Tuesday 11 May 2021

Investigation into the conduct of a Service NSW officer

ICAC FINDINGS

The ICAC found that Diana Benyamin and Fahad Al-Dakak engaged in serious corrupt conduct. Read the full findings [here](#).

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 ICAC is of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of Ms Benyamin and Mr Al-Dakak for various [offences](#).

RECOMMENDATIONS FOR DISCIPLINARY ACTION

The Commission is of the opinion that Service NSW should give consideration to the taking of disciplinary action against Ms Benyamin.

CORRUPTION PREVENTION

The Commission has made [4 corruption prevention recommendations](#) to help Service NSW prevent the conduct identified in the investigation from recurring.

BACKGROUND

The NSW Police Force (NSWPF) disseminated by letter dated 30 January 2019 the contents of a number of lawfully intercepted telephone communications, including text messages, pursuant to section 68 of the Telecommunications (Interception and Access) Act 1979 (Commonwealth). The lawfully intercepted communications were between Ms Benyamin and Mr Al-Dakak. The contents of the communications indicated that: Ms Benyamin had discussed with Mr Al-Dakak the transfer of a motor vehicle registration to be completed by her in exchange for money; it appeared she was an associate of Mr Al-Dakak, who had called to ask for certain favours because of her employment status at Service NSW; it appeared she may have signed false affidavits for registration transfers on behalf of Mr Al-Dakak, and potentially others unknown to NSWPF; and NSW was concerned about the inappropriate release of confidential information by Ms Benyamin.

The Commission commenced a preliminary investigation in February 2019, the evidence gathered during which tended to corroborate the matters brought to its attention by NSWPF. It also revealed other matters suggesting Ms Benyamin and Mr Al-Dakak may have engaged in corrupt conduct. In April 2019, the Commission decided to undertake a more extensive investigation.

After taking into account matters set out in section 31 of the *Independent Commission Against Corruption Act 1988*, the Commission determined it was not satisfied it was in the public interest to hold a public inquiry, but that the matters raised in the investigation could be addressed satisfactorily through a public report pursuant to section 74(1) of the ICAC Act. In making that determination, the Commission had regard to the following considerations: a substantial amount of cogent evidence was obtained in the course of the investigation that indicated the likelihood of serious corrupt conduct; based on the evidence obtained during the investigation, it was unlikely that a public inquiry would uncover new evidence relevant to the investigation; the evidence obtained by the Commission indicated that the alleged corrupt conduct was limited to Ms Benyamin and Mr Al-Dakak; and a public report would make the public sufficiently aware of the relevant conduct and system weaknesses as well as the Commission's corruption prevention recommendations. Read the full report [here](#).

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