



HIGH COURT OF AUSTRALIA

4 February 2026

EDWARD MOSES OBEID V THE KING
MOSES EDWARD OBEID V THE KING
IAN MICHAEL MACDONALD V THE KING
[2026] HCA 1

Today, the High Court unanimously dismissed three appeals from a judgment of the New South Wales Court of Criminal Appeal.

The appellants were charged on indictment with a single count of conspiring together that one of them, Mr Macdonald, would wilfully misconduct himself, without reasonable cause or justification, in public office, namely as the Minister for Mineral Resources in the Executive Government of the State of New South Wales, in connection with the granting of an exploration licence at Mount Penny in New South Wales. The appellants were tried by judge alone. The trial judge found each of the appellants guilty and sentenced each to a term of imprisonment.

At trial, the Crown did not provide a statement of the acts which it alleged the appellants agreed that Mr Macdonald would undertake. The Crown case was that there was an agreement to undertake acts falling within the cumulative elements of the charge. To that end, the Crown provided particulars of the acts said to have been undertaken by Mr Macdonald pursuant to, and in furtherance of, the agreement the appellants had reached. The Crown also provided further particulars in relation to other aspects of the indictment. Those particulars included specifying that the Crown case was that Mr Macdonald "would misconduct himself with the improper purpose of advancing the interests (primarily financial) of Edward and Moses Obeid and/or their family members and/or associates".

Each appellant appealed his conviction in the Court of Criminal Appeal, which dismissed the appeals. The appellants were each granted special leave to appeal to the High Court, limited to a single ground of appeal – whether the Crown put a case at trial capable at law of amounting to a conspiracy to commit misconduct in public office where the Crown did not allege an agreement for Mr Macdonald to do a particular act or particular acts that amounted to misconduct in public office.

The High Court unanimously held that the agreement alleged by the Crown in its indictment, as particularised during the trial, was a complete offence of conspiracy to commit misconduct in public office. The alleged agreement contemplated acts to be undertaken by Mr Macdonald that necessarily satisfied the elements of the predicate offence of misconduct in public office, albeit that it was not known and could not be known at the time the agreement was made what "particular acts" Mr Macdonald would undertake to bring about the objects of the agreement.

This statement is not intended to be a substitute for the reasons of the High Court or to be used in any later consideration of the Court's reasons.