COMMITTEE ON THE

INDEPENDENT COMMISSION AGAINST CORRUPTION

Review of the Report of the Inspector of the New South Wales Independent Commission Against Corruption regarding Operation Hale

Submission by Margaret Cunneen SC

The Conflict of Interest Issue

1. The Commissioner, Ms Latham, stated, in proceedings before the Committee on 18 March 2016: *"I am sorry Mr Chair, as a matter of objective fact I had nothing whatsoever to do with Ms Cunneen since 1994. I had absolutely no contact with her other than what we might have had at the occasional professional function where there might have been 50, 60 other people".*
2. I first met Ms Latham in mid-1986 when I applied for a position in the Child Sexual Assault Unit of the Office of the Solicitor for Public Prosecutions. She was the Solicitor in charge of that Unit and the convenor of the selection committee and I was successful in obtaining the position of Senior Solicitor. We worked together closely and harmoniously, Ms Latham allocating all my work, until she was appointed a Crown Prosecutor, in the same organisation, late in 1987. I applied for and was appointed to the position she vacated. At around that time I found that I was expecting my first child (Stephen Wyllie) and Ms Latham was sufficiently confident in the closeness of our friendship/working relationship that she gave me certain personal advice about the pregnancy. My husband, Greg Wyllie, met Ms Latham at a number of social functions in the 1980s and recalls having quite long conversations with her, including when he invited her to speak at the school at which he was then teaching.
3. I was appointed a Crown Prosecutor in February 1991 and we were both in the Crowns' Chambers until 1994 when Ms Latham was appointed Crown Advocate. In 1991 I recall that Ms Latham told me how she had raised with the Senior Crown Prosecutor her view that it presented a difficulty for me doing criminal trials at Campbelltown as, by then, I had two young children with a third on the way and was required to drive 4 hours per day. I was very grateful for her unsolicited intercession on my behalf. I bought the house in which my family and I still reside in 1991 and I recall discussing the purchase with Ms Latham, who then lived in r[redacted] and drawing her a floor-plan of the house.

   She asked me to take over an annual lecturing obligation that she had at the University of New South Wales, which I did.

4. In the mid-1990's my husband told me he was teaching Megan's son, [redacted], taekwondo at [redacted] After School Care (of which he was in charge for several years). On several occasions Ms Latham arrived to collect [redacted], and the two spoke cordially.
5. After Ms Latham was appointed a judge I appeared before her in both the District (eg in R v Svenson) and in the Supreme Courts (eg R v Michael Kanaan). I enclose a copy of a letter I sent to her upon her elevation to the Supreme Court, and her reply.
6. Between 2003 and 2009 Ms Latham was a regular visitor to the house next door to mine as she was both a client and friend of my neighbour, [redacted]. We spoke or waved to each other on numerous occasions. When I saw Ms Latham at Crown Christmas parties and DPP functions (where I made a point of introducing her, as an early mentor of mine, to younger members of staff who had not worked with her) and other legal functions, we discussed [redacted] and other social matters.
7. At the end of 2013, my husband and I spoke to Ms Latham for at least half an hour, in the company of only one other person, at the Samuel Griffith Chambers Annual Celebration. Greg asked Ms Latham about [redacted] and we discussed all our children. She certainly did not act as though she did not know us - indeed we reminisced how long it had been that we had all known one another.
8. In considering how to manage even an apparent or potential conflict of interest, it is no answer to say that "we are not best friends" any more than it would be an answer to say "we are best friends (and thus I am only doing this to her because she deserves it)". It is axiomatic that we in public positions may not make decisions of this nature about people we know. It is impossible to guard against the risk that aspects of a person's life with which one has become familiar, and which one may or may not endorse, will subconsciously influence the decision. In this case we know from Dr Waldersee's dissent, that the decision to investigate was a borderline one. The risk of over-compensation (ie "I can't NOT proceed or people may say it's because I know her and then I'll be in strife for "covering" for her) is obvious.
9. Moreover in this case, the long history between Ms Latham and my family produced an extraordinary circumstance, on the morning when ICAC staff came to my home with Notices to Produce, demanding production of phones forthwith. On that morning, Wednesday 30 July 2014, I was at home alone, asleep and quite seriously unwell. It was before 8 am when I awoke to a loud rap on the front door. I went to the door wearing only a nightgown and saw through the glass two grim looking people with clipboards. I went into a swoon of panic as I thought they were there to deliver a death message about one of my children. I could barely summon the courage to open the door. When they said they were from ICAC I was puzzled, as I had not worked as a Crown Prosecutor for 21 months, being on leave after having finished as Commissioner of the Special Commission of Inquiry into matters relating to the police investigation into certain child sexual abuse allegations in the Catholic Diocese of Maitland-Newcastle. I also had a very close friend, [redacted], who was at that time seconded to ICAC from the DPP.
10. When the Notice to Produce was handed to me, I immediately saw Ms Latham's signature, with which I was of course well familiar. I frankly thought that it was a practical joke cooked up by [redacted], whom I knew worked closely with Ms Latham, and both knew where I lived. The fact that it was immediately obvious to me that theofficers did not have a warrant added to this suspicion. My offer of a cup of tea was in keeping with showing that I was not a bad sport. When the mood did not change to hilarity, I said: "I've known Megan Latham for many, many years. There's no way she would sign this in relation to me. It'd be a

complete conflict". I well knew that, were I to be given a brief to prosecute Ms Latham and her son, I would return it immediately without breaching their privacy or my ethics by so much as lifting the cover.

11. Perhaps 20 minutes later, while I was drinking the tea refused by the ICAC staff, and after I had rung [redacted], who convinced me she knew nothing about it, my husband Greg Wyllie returned home from an early morning training. I said "These people are from ICAC and they want my phones". He said "well I hope they don't want mine because I'll be needing it to know where to work today". Then Greg was handed a Notice to Produce for his phone. The first thing he said was: "Look who's signed this, surely this couldn't have been signed by Megan Latham, we've known her for years".
12. I asked what this could possibly be about. The ICAC staff indicated that they knew, but couldn't tell me, but it was not too bad. I was quite convinced it would all be soon seen as a dreadful mistake and that apologies would be forthcoming.
13. After the ICAC people had left with our phones, promising they would all be back within the day, we found out that our eldest son, Stephen Wyllie and his girlfriend, Sophia Tilley, had been called to the concierge at their apartment block and Notices to Produce had been served on them in front of other residents. They do not work in Government and did not know what ICAC was and, when Ms Tilley asked "Are you the Police?" was told, by one Paul Grainger: "We're above the police. We're the ones who got the Obeids". The four of us could not imagine what linked us all that could possibly be of interest to ICAC. We had no idea until 8 days later when search warrants were produced, to my son, and to me, in order to enter our homes by compulsion and video record us without our consent, for phones already in the possession of the people who had brought them to our respective homes. The young people were shortly after evicted from their home and Ms Tilley, who was that day served at her workplace with an ICAC summons, was asked by her employer to find a new job.
14. The conflict issue extends to another ICAC officer. When I attended for compulsory examination, I was astonished to see that the instructing solicitor was Patrick Broad. I am unable to say how long he worked at the ODPP but it was many, many years. I saw him most days while we were both "fixtures" in the Office and conversed with him often. I certainly considered that we were friends and very long-term workmates. I was, frankly, humiliated when I read in the Inspector's report that it was Mr Broad who busied himself with the task of reading all my personal SMS messages going back four years before the date of the car crash. It is not just my privacy but that of many other people he knows which has been breached by this prurient process, the only reason for which must be a desperate search for something to justify ICAC's conduct after they found there was in fact no message sent by me, either directly or indirectly, to tell Ms Tilley to feign chest pain.

Misconstruction of "doing no more than...a mother would do".

15. Mr G. E. Fitzgerald QC, in his Report of the Commission of Inquiry into the police of 3 July 1989 said:

"With the best of goodwill and personal probity, the Chairman of an investigative body, knowing and sharing in the beliefs and suspicions which are part and parcel of the investigative process, will inevitably be susceptible to exercising subjective judgment rather than making objective assessment of the need for the exercise of invasive powers."

Ms Latham's tone and language thoughout the proceedings before this Committee betray a prejudgment. She is convinced of the guilt of my son, his girlfriend and me even though the evidence against us is entirely absent. That is why she is so concerned to have the contents of a telephone call apparently involving me, but never to this day served on me or played to me or the transcript shown to me, disseminated to the public. In fact it has been. The problem however is it is a call from well after the event. Had I boasted in a phone call of having killed a Mr X the day before, I venture to suggest that a law enforcement body would first check whether Mr X was still extant. If he were, there would be no need to invade my home and my son's home and seize the property of us and our partners and relentlessly to proceed, even after the decisions of the Court of Appeal and the High Court that there was no jurisdiction and the decision of the Solicitor General (on the advice of the Chief Crown Prosecutor of Victoria) that there was no evidence – including from the phone call on a later date - to justify the preferring of any criminal charge against any of us.

16. I believe from what has been leaked to the newspaper that the telephone call which raised a suspicion was made during the afternoon or evening of the day after the car crash. On that day I was hosting a party for the staff of my Commission of Inquiry to thank them for working nights and weekends for many months in order to finish the Report and deliver it to Her Excellency on time. Champagne was consumed, in circumstances where there had been no opportunity for recreation for a considerable time. The mood was one of congratulations and somewhat exuberant gratitude. My son's girlfriend having been released healthy from hospital and not being found to have been at fault in any way, I chose to render the event to my guests in a wryly humorous way, along the lines of: "you look forward to the first weekend off in months and look what your kids and their mates do to mess it up". By the time the call came in from the car repairer to tell me the car was a write-off, I was obviously to a point in the party where I was elliding all possible features of the event to make (what must have seemed to me, at the time anyway) an amusing way to tell a "woe is me" story.

17. In fact the objectively established facts reveal an entirely innocuous, although extremely distressing, course of events. At about 6.20 pm on Saturday, 31 May 2014, Sophia Tilley, aged 24, was driving, alone in the car, from her work in an inner-city real estate office to my family home at Willoughby. When she was in Willoughby Road, a car "T-boned" the driver's side of the car and the car lifted on its side momentarily, suspending her by the seatbelt. The car was then propelled into two parked cars. Patrons and staff of the adjacent businesses were on the scene immediately, several calling 000 at the moment of impact. (Please see that attached extract from a piece by Greg Bearup and Dan Box of The Weekend Australian Magazine of 1 February 2015. Messrs Bearup and Box located and interviewed numerous witnesses to this event, including those who had rescued Ms Tilley from the car. Not one smelled alcohol on her).

18. After about 5 minutes Ms Tilley rang my son Stephen Wyllie, aged 25, who was at our family home. He left the house immediately, saying nothing to anyone else, and ran the two kilometres to the scene. When he arrived, he phoned his father, Greg, not me. (He was clearly not seeking legal advice). The ambulance had arrived, but not yet the police, and Sophia was placed in the back, having answered the ambulance officer's question: "Do you have any chest pain?" in the affirmative.

19. Greg Wyllie called to me through the bathroom door (I was getting ready to go out with the others) "Sophia's been in an accident near the Bridgeview. I'm running down there". When Greg arrived, Sophia was already in the ambulance and the police were just arriving

20. I hurriedly dressed and decided to drive to the crash site. By then the road was gridlocked as the crash had blocked traffic both ways. I started panicking. I drove around the long way and parked about 500 metres away. As I approached, I saw an ambulance, police cars and a fire brigade truck and then saw the crashed cars, the one in which Sophia had been driving being severely damaged. I burst into tears and was visibly distressed as I walked up to the many people there. Witnesses, of whom there were many, rushed toward me and assured me that "It was not her fault. He just came out of the side street and T-boned her". They told me she was being treated for chest pain. I approached the ambulance and asked if I could offer to call Sophia's parents. I asked her that question in front of two ambulance officers, one of whom was applying medical instruments to her upper body, and she answered: "No please don't, [redacted]'. There was no other conversation. The ambulance left. Some of the police were managing the traffic snarl and the others were interviewing the at-fault driver. Two policewomen confirmed that Sophia was not at fault, took down my name and phone number and told me they would soon go to the hospital to take Sophia's statement.

21. **There was absolutely no phone, text or verbal communication between Sophia and me, or between my son and me, before Sophia was placed into the ambulance where treatment was commenced upon her chest area.**

22. Sophia was subject to mandatory blood and urine testing upon arrival at nearby Royal North Shore Hospital. Her blood alcohol reading was 0.00. She was not charged with any offence whatsoever. There was thus no course of justice 'to attempt to pervert').

23. When Mr Levine, on 14 March 2015, remarked on "the vigorous pursuit, in secret, of a person of whom it might be reasonably be said was doing no more than what an ordinary member of the community as a mother would do upon learning of a motor accident involving her son's girlfriend", he did not mean that I really did advise Sophia to fake chest pain. He meant that I did not do it, but did only what any mother would have done.

24. **If there was any evidence whatsoever of a message, direct or indirect, in person or by phone or SMS about the faking of chest pain, the Committee would most certainly have been given it, as would the newspaper. Ms Latham's unyielding reliance, to this Committee, on a phone call with a smash repairer on a later date, clearly demonstrates that that is the high point of the "evidence" and that there is in fact no evidence whatsoever that any message about the feigning of chest pain was ever sent.**

25. As I said on oath in the compulsory examination I attended at ICAC on 14 August 2014, I am aware (from several courses I have attended conducted by Assistant Commissioner John Hartley APM, Traffic and Highway Patrol Commander, NSW Police) that a blood test at hospital, for a person who has alcohol in his/her system, invariably produces a 10-20% higher reading than a breath test. As I also said, it is, moreover, not correct to say that the trip to hospital would give the person more time than a breath test because a roadside breath test, if positive, is not admissible in court but must be confirmed on the official

breath test machine at the equally distant police station, where other forms and procedures contribute to an even greater delay.

26. Permit me to observe that few people who are parents, or plan to become parents, will offer themselves for public office if they need, for the rest of their lives, to be wary of reacting like an "ordinary mother" or "ordinary father" at the catastrophic scene of an unanticipated major motor vehicle accident involving their children or their partners.

27. As to the "relative triviality" of the allegation, it is important to bear firmly in mind that while the conduct **alleged** was said to be "relatively trivial", there is absolutely no proof that the conduct actually took place; it has been denied on oath by my son, Sophia and me; and the timing and eye witness accounts render the allegation impossible. That is why the Solicitor General determined that there should be no criminal charge preferred against any of us. I would respectfully urge the Committee to seek access to that determination and the advice upon which it was based, so that the Committee may correct the current public perception that there is some "new" material against us which proves some wrong-doing.

Jurisdiction

28. It is disingenuous of Ms Latham to say, as she did on 18 March 2016, that "there is now no dispute that the Commission was entitled to hold a preliminary investigation. The Inspector conceded as much on Monday". In fact what the Inspector said was: "It was not an unreasonable determination to conduct a preliminary inquiry as to whether it was within their jurisdiction." As there was never any corruption (ie the trading of entrusted authority for personal gain, which distorts the making of public policy or the implementation of public policy) alleged, as the High Court found, the matter should have been peremptorily dismissed.

29. Ms Latham refers to the eye witnesses and emergency personnel at the scene of the crash as "peripheral". In fact they were central. They were in a position to attest that there was no evidence of alcohol consumption and that any conversation I had with Sophia was after she was in the ambulance and witnessed by ambulance officers and others. It was a catastrophic scene. Life and limb were of central importance. **The timing was demonstrably such that I did not even know of the crash until Sophia was in the back of the ambulance being treated for chest pain, the genuineness of which would, and could, never be disputed by any of the eyewitnesses to such a serious car accident.**

30. I would respectfully remind the Committee that ICAC tried to assert jurisdiction over not only me, but also the other two respondents in the High Court case: my son, who was nowhere near the crash and a young woman who was a not at fault, completely sober, car crash victim who has never been a public official.

31. Ms Latham refers to "*peripheral* witnesses such as other people who attended at the scene who had no other connection to Ms Cunneen at all". I respectfully submit that these witnesses are far from peripheral. They are of central importance in establishing the truth of what occurred. They saw the crash, they saw or helped with Sophia's rescue from the

wreck, they were in a position to smell her breath, they saw the ambulance arrive, then my son, husband and the police, then me, arrive. They were able to attest that Sophia did not receive any message, direct or indirect, at the relevant time. The ambulance officers could also give evidence about Sophia's alcohol free breath, the genuineness of her chest pain and the fact that she was in the ambulance, bound for the hospital, before the police even arrived.

32. I understand that each of the so-called "peripheral" witnesses, including the ambulance officers, who were questioned by ICAC were handed their summonses as they each left after their private hearings on 28 and 29 October 2014 (the day before the public inquiry was announced all over the media). It is thus perfectly clear that, regardless of a calm assessment of what those important witnesses had said, including the police officers who must have said that no charge whatever was laid against Sophia, and ambulance officers who must have said that Sophia's chest pain was genuine, ICAC had already determined to press on with the public inquiry. ICAC announced, in effect, that it needed to inquire into this matter in public before it was in a position to make any recommendation. Yet, before this Committee, and indeed in the 622 word press release ICAC issued after its defeat in the High Court, Ms Latham continues to condemn us as though the allegation has been proven. It has not. It cannot be. The alleged conduct simply did not occur.

33. I submit that this is regrettably a case commenced on a flawed hypothesis and the Commission has endeavoured only to gather material that it thinks advances the hypothesis while discarding the vast body of material which is entirely exculpatory. In this connection, it was quite clear to me that counsel assisting in my compulsory examination on 14 August 2014 had no idea that Sophia Tilley's blood test result was 0.00. I submit that this investigation was commenced on the misapprehension that she had not been tested at all. Having commenced, it was as though ICAC had to press on to find something, anything, to justify their massive overreach and avoid having to make an apology.

Notice to Produce instead of Warrant

34. Ms Latham has stated that if she had sought a search warrant to obtain our phones it would have been "*a complete overkill in the circumstances*" as "neighbours of Ms Cunneen would have had the unedifying sight of five or six ICAC officers wearing ICAC vests at her premises at six o'clock in the morning, issuing a search warrant for the purposes of going through and effectively searching every room". However there are several flaws in this contention.

35. Firstly, when search warrants were executed, they were only executed by two officers, without vests, but with cameras, both at my home and my son's home. Secondly, there would never have been a need to search every room in circumstances where the only item on the warrant was a phone because as soon as the phone is produced or located, the officers have no right to remain on the premises. (That is why it was an egregious abuse of power to come to our homes and terrify us with authority to break in and search, cameras filming inside, when the only object on the search warrant was the phone they already had. If ICAC was so sensitive to the neighbours, they should have executed the warrants on the premises of ICAC where they well knew the phones were). Thirdly, my neighbours were much more affronted by the presence all day, on 12 separate days, of vans of media

representing every outlet in front of my house (in circumstances where I have gone to great lengths with the electoral roll and RTA to keep my address secret) from early on the morning the public inquiry was announced and on every day there was some salacious leak to the media.

36. I do not accept that Ms Latham had my neighbours' or family's sensitivities in mind in issuing a Notice rather than applying for a search warrant. I submit that, having illegally obtained our phones with a Notice, ICAC searched through them to find some material to justify their search warrant application and try to crystallise an allegation. (The Committee will recall that when ICAC first arrived with the Notices to Produce there was no allegation on them. Arguably, at that time, they had no idea what they were looking for). I further submit that advice that the subsequent search warrant process, when the phones were brought back onto the premises for the purpose of appearing to seize them, rendered the seizure legal, is incorrect. The downloading or access to the phones after they were illegally seized on the strength of a Notice represents a "tamper" with the evidence by ICAC which would be fatal to the use of any of the phone material in any proper legal proceedings because it was been contaminated by that unlawful access and downloading.

37. Ms Latham's statement at page 16.2 of the Committee's hearing of 18 March 2016: ***"the notice to produce was a very low-key, unobtrusive way of obtaining the phones and when we had access to the content of the phones, we could determine whether or not there was anything we needed to pursue"*** constitutes an extraordinary admission. She admits that ICAC had no basis for seeking Search Warrants to obtain the phones at the time she used Notices to Produce illegally to seize the phones *to search for something to justify obtaining a Search Warrant.* It is trite to observe that law enforcement agencies are simply not permitted to take a citizen's phone without a warrant in order to conduct a fishing expedition to find something upon which to justify seeking a warrant for the same phone. (The Notice to Produce contained no allegation because none had yet been formulated. A Search Warrant must contain an allegation). The penalty, in the courts, will always be that any product from the phone seized by Notice will be deemed illegally obtained and a later Search Warrant will not cure the contamination and tampering to which the phone product was subject while the phone was held and accessed illegally.

38. I would respectfully ask the Committee to bear in mind that the execution of a search warrant on the home of a citizen is an extraordinary interference in the rights and liberties of that citizen. As Lockhart J said in *Crowley v Murphy* [1981] FCA 326, *"The (issuing) Justice must remember that he is exercising wide powers ex parte, and must take into account the rights of the citizen who is not before him in a proceeding that cuts across the ancient principle that t person's home is inviolable. It is a power to be exercised with great care and circumspection. The warrant is not to be lightly granted".* This dread power should never have been used to enter our homes by compulsion and to film us and what was inside during the contrived seizure of phones which ICAC officers brought with them to our homes (having already seized them, illegally, by the use of a Notice 8 days before). It was an extraordinary abuse of an extraordinary power.

Conclusion

39. As The Inspector said in the conclusions of his Report at page 62,

"Whatever was captured by happenstance as having been said or done by Ms Cunneen, finds no support in reliable, credible or cogent material, let alone material elevated to constitute evidence, of any conduct on her part, let alone of her son or his girlfriend warranting the intervention and intrusive exploration of one of the most powerful agencies of this State."

40. Because ICAC was subject to criticism in the Report by the Inspector for its treatment of my family, this Parliamentary Committee initiated the current Review. Regrettably, my family and I have suffered a great deal more since the Committee commenced its review because of the intercepted conversation the subject of continued reference by Ms Latham and the fact of its leaking to the press, with the inference that it was new material not considered by the Solicitor General. (I respectfully do not suggest that the leak was by any member of the Parliamentary Committee).

41. I respectfully request that the Committee seek access to the Solicitor General's decision (and the advice he received) so that the Committee is in a position to endorse the exoneration of my son, Ms Tilley and myself from any allegation of illegality.

[redacted]

Margaret Cunneen SC

18 April 2016

l to evade conviction…
the most honest thing
ourt is a plea of guilty."
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Collision course: Sophia Tilley

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ner Homicide Squad
worked with Cunneen
that defeat was not her

tor, who did a brilliant job, it was just an unfortunate thing." In fact, Rupp says, as a police officer, "you know … if you've got Margaret Cunneen you're a winner. You start doing high-fives because you're onto a good path."

Hospital orderly James Schramm ducked out of the Bridgeview Hotel to have a quick ciggie on the footpath. It was around 6.30pm on May 31 last year. The traffic heading south towards the city was bumper to bumper. Across the street, factory manager Jeroen Denouden was walking up Willoughby Road. Denouden says he watched as a woman in a southbound white SUV stopped, leaving a break in the traffic for a pizza delivery truck to exit from a side street. The pizza guy poked out and then made a run for the northbound lane. Sophia Tilley was heading north. *Bang!* Her vehicle collided with the nose of the pizza van. The van slammed into the white SUV while Tilley's vehicle careered into a row of parked cars. "I heard the crash," says Schramm, "and then turned and saw [Tilley's car] become airborne and I was thinking, 'Wow, this is serious'… He just T-boned her."

Denouden helped Tilley from the wreck. "We put her down on the kerb," he says. "She was very distressed and in shock." In the background, someone was abusing the pizza guy for causing the accident. The manager of the One Earth Cafe, Peter, says he and his daughter, a trainee nurse, were also assisting. "She was very, very distressed," Peter says, and was rocking back and forth in the gutter. "She kept repeating, 'It's not my car, what am I going to do?'" She was trying to call someone, he says. Denouden went and turned off the engine, fearing it may catch fire. None of them recalls smelling alcohol on Tilley's breath. None of these witnesses has been interviewed by ICAC.

Officers helped Tilley into the back of an ambulance and began treating her. The police arrived, as did the Wyllies and then Cunneen, who comforted Tilley before she was taken to hospital.

"This whole thing is a load of codswallop," says Denouden when we meet at the Bridgeview Hotel. They are trying to destroy this woman's career over nothing, he says. The girl was taken to hospital, she was tested – end of story. She hadn't been drinking, and she was not at fault; where's the crime, he asks.

At this stage, ICAC appears to be losing in the pub test. But it is known for thorough inves-

advised Tilley to fake chest pains i
avoid a breath-test – emanates from
tled relative who heard a muddled
conversation. This relative, Cunnee
sister Carol, outed herself to the m
one being blamed but denied sh
source. Regardless, Cunneen says sh
to the bitter end. But can she reco
reputation already sullied?

But ICAC, too, is in the fram
much-admired institution for its e
corruption on a colossal scale by t
NSW minister Eddie Obeid and
Labor spivs and crooked coal barons;
exposure of the NSW Liberals over d
paign financing, which unintentional
down premier Barry O'Farrell. But
who was the driving force in setting
a quarter of a century ago, Gary Stu
there are "a lot of people in business ar
sides of politics who'd like to pull ICA

ICAC was established to deal wi
and endemic corruption, says Sturges
director-general of the NSW Cabin
"Corruption is behaviour between c
adults done in private," he says. "It is
the powerful." ICAC can hold open h
shine a light into dark corners, and it
ordinary powers, but these powers n
exercised with great care. "So for me
question is, was this a wise use of those

Cunneen is challenging ICAC's
pursue the allegation against her. NSW
of Appeal found in her favour in I
ruling that ICAC has "no power to i
allegations that the applicants had per
course of justice". The court found 2-
"alleged conduct did not fall within t
ing of 'corrupt conduct'." ICAC app
decision, and the High Court will now
final say in the matter.

ICAC's stock in trade is the phon
listening device and the recovered em
evidence that is devastating when pl
witness or projected onto a screen.
believe it has something good to take
way to the High Court. But can it con
politicians, the public and even stau
porters such as Sturgess that this was a
of its extraordinary powers?

It is not just Cunneen's reputation,
of her son and his girlfriend, that
tarnished. And it all hinges on what, if a