

Nicholas Di Girolamo – Opening Statement

NSW Parliamentary Committee On The ICAC – Inquiry Into Reputational Damage

2 December 2020

Madam Chair and Members of the Committee,

Thank you for the opportunity to share my story with you. I hope it assists with your important deliberations in this inquiry.

I come from a proud Italian migrant family. My mother, Catherine was a long serving School Principal. My father, Frank was a hard-working blue-collar man. Together, they instilled in their children the core values of honesty, integrity, and hard work.

They have been longstanding pillars of the Italo-Australian community in Sydney.

Of paramount importance to my family's existence is our reputation.

As at 2012, I had enjoyed an impeccable professional reputation. I had been:

- Managing Partner of a leading Sydney Law Firm, Colin Biggers and Paisley
- Chief Executive Officer of Australian Water Holdings
- Chairman of the Italian Chamber of Commerce in Sydney
- Chairman of the Wests Tigers
- Board member of the state-owned corporation State Water
- Board member of the European Australian Business Chamber, and
- Member of the University of NSW Faculty of Science Advisory Board.

I believe I served all those positions with distinction. I had dealt with senior executives across a broad range of industries. I had dealt with senior Ministers and shadow Ministers across both major parties in Federal Parliament and NSW State Parliament. Never once had my integrity been called into question.

And then an ICAC investigation known as Operations Credo and Spicer changed my life forever.

By 2013, a perfect storm had arrived at the doorstep of the ICAC. The following forces appeared to have created a culture of infallibility:

- firstly, the ICAC had received little if any public criticism, and as a body was aware that the statutory imposed oversight on it was limited to:

- (i) the part-time office of the Inspector of the ICAC, and
 - (ii) review by the Supreme Court only in relation to jurisdictional error rather than a merit-based review.
- secondly, an unholy alliance had formed with select members of the print media. A few favoured journalists appeared to get scoops which led to Walkley's and the ICAC in return got salacious headlines which attracted a cult following; and
 - thirdly, the appointment of Geoffrey Watson SC as Counsel Assisting. A man who had become intoxicated with his newfound stardom, and descended into acting in a reckless and cavalier manner which at the end of the day greatly undermined the standing of the ICAC.

The State of NSW ended up with a corruption watch dog that with its absolute power appeared to have become absolutely compromised. There was a clear lack of proper accountability.

The timeline of what I experienced is demonstrative of this appalling behaviour.

During the course of late 2012 and throughout 2013, I was exposed to a plethora of damaging articles printed in the Sydney Morning Herald which referred to the fact that I was part of a "graft investigation" being conducted by the ICAC. I can only assume that the publication of what seems to be an illegal leak was sanctioned from someone within the ICAC.

In February 2014, the ICAC announced a public hearing in Operations Credo and Spicer. I am convinced and believe that I can demonstrate that prior to that announcement Counsel Assisting, Mr Watson had failed to fulfil his obligations to ascertain whether there was any proper basis to make the corruption allegations that were made against me. They simply should not have been made. There was no evidence – because I never acted improperly.

On the day of that announcement, my life had spun out of control. The pressure on my family was at breaking point. Within an hour, I had received two phone calls. The first from the office of the Treasurer seeking my resignation from the Board of State Water. The second from a fellow board member seeking my resignation from the UNSW Faculty of Science Advisory Board.

I was unceremoniously forced to resign when I had done nothing wrong.

Four weeks later, I undertook the walk of shame, to the ICAC public hearing. It still rocks me to this day that a fellow human being would yell out to me as I entered the building, "suicide is an option, Nick".

Mr Watson then delivered his opening address. It was savage. I had no ability to respond. My Counsel couldn't deny the allegations in public. And so the one sided

narrative was published. The next morning, I received a phone call from my employer asking me not to return to work.

During the public hearing the lack of evidence to support the allegations made Mr Watson became clear. My barrister, Mr Todd Alexis SC on several occasions asked Mr Watson to withdraw the allegations. Inexplicably, he refused.

The Operation Credo public hearing concluded in April 2014.

I then had to wait in purgatory for another three years.

In August 2017, the ICAC delivered its report in Operation Credo and I was unequivocally cleared.

Yet my life and reputation has not been restored. The mental and financial strain on my family and children remain.

I have not yet received a phone call from the Treasurer's office, nor from anyone else in Government offering to reinstate the board position from which I should never have been asked to resign.

And even as recent as this year, 6 years later, the reputational damage continues. I was in the mix for a role at tier 1 law firm. I was interviewed by a panel of three partners. They unanimously supported my appointment. Unfortunately, their decision was vetoed after the Managing Partner conducted a "Google search" of my name.

That is the real and practical ramification of the reputational damage I have suffered – as an innocent person.

I hope that this Committee accepts that the three things that I am after are not only reasonable but necessary in the circumstances:

- (i) Reputational rehabilitation.
- (ii) Restoration/compensation for the damage suffered; and
- (iii) Accountability.

I refer you to a short extract from a speech delivered by the Federal Attorney General, the Honourable Christian Porter in the House of Representatives, on 11 November 2020. The speech was delivered in relation to the proposed Commonwealth Integrity Commission. The Attorney General took the extraordinary step of singling out the treatment by Mr Watson of former NSW Police Minister, Michael Gallacher in Operation Spicer:

"So I must say that Mr Watson's objections to our model tell me that the model's probably about right, because that cowboy behaviour that you had from Mr Watson in that hearing destroyed a career without due process, without any fairness and without any of the protections that all of us have enjoyed in this country for many years."

I sincerely hope that this Committee recognises the need to recommend to Parliament for the introduction of an exoneration protocol that contains the characteristics outlined in my written Submission. Such a protocol will not only help the innocent like myself, but also provide an imperative dual purpose. Namely, to ensure accountability of the ICAC.

Hopefully then, no-one else suffers my living nightmare.

Thank you.