

STATEMENT OF CLAIM

COURT DETAILS

Court SUPREME COURT OF NEW SOUTH WALES
Division Common Law
List General
Registry Sydney
Case number 2015/201089

TITLE OF PROCEEDINGS

First Plaintiff EDWARD MOSES OBEID SNR
Second Plaintiff MOSES EDWARD OBEID
Third Plaintiff PAUL EDWARD OBEID
Fourth Plaintiff EDWARD JOSEPH OBEID JNR
First Defendant THE HONOURABLE DAVID ANDREW IPP AO QC
No. of Defendants 10 (See Schedule)

FILED

9 JUL 2015

S.G.



FILING DETAILS

Filed for First, Second, Third, and Fourth Plaintiffs
Legal representative Timothy Joseph Breene, Breene & Breene Solicitors
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TYPE OF CLAIM

TORTS – OTHER – MISFEASANCE IN PUBLIC OFFICE

This matter has been listed before the Court

on 14/10/2015

at 9:00am

Clerk of the Court

RELIEF CLAIMED

1. A declaration that each of the following officers of the Tenth Defendant, the State of New South Wales, being officers of the Independent Commission Against Corruption (the "ICAC") engaged in misfeasance in public office:
 - (a) The First Defendant, the Honourable David Andrew Ipp AO QC;
 - (b) The Second Defendant, Geoffrey Watson SC;
 - (c) The Third Defendant, Sharon Loder;
 - (d) The Fourth Defendant, Tim Fox;
 - (f) The Fifth Defendant, Lisa Stockley;
 - (g) The Sixth Defendant, Grant Lockley;
 - (h) The Seventh Defendant, Roy Waldon;
 - (i) The Eighth Defendant, Paul Grainger;
 - (j) The Ninth Defendant, Darren Curd.

2. A declaration that each of the following reports issued by the ICAC was *ultra vires*:
 - (a) Operation Indus Report, July 2013;
 - (b) Operation Jasper Report, July 2013, and December 2013;
 - (c) Operation Meeka and Cabot Reports, June 2014;
 - (d) Operation Cyrus Report, June 2014.

3. A declaration that each of the following inquiries carried out by the ICAC, to the extent that they concerned the Plaintiffs, or any of them, was *ultra vires*:
 - (a) Operation Credo, public inquiry which commenced on 17 March 2014;
 - (b) Operation Spicer public inquiry which commenced on 28 April 2014.

4. A declaration that each of the following reports issued by the ICAC, to the extent that they made findings of corruption against the First and/or Second Plaintiff(s) was not made according to law and is a nullity:
 - (a) Operation Indus Report, July 2013;
 - (b) Operation Jasper Report, July 2013;
 - (c) Operation Meeka and Cabot Reports, June 2014;
 - (d) Operation Cyrus Report, June 2014.

5. A declaration that each of the following reports issued by the ICAC, to the extent that they made findings that any of the First and/or Second and/or Third Plaintiff(s) gave false or misleading evidence to the ICAC, was not made according to law and is a nullity:
 - (a) Operation Indus Report, July 2013;
 - (b) Operation Jasper Report, July 2013;
 - (c) Operation Meeka and Cabot Reports, June 2014;
 - (d) Operation Cyrus Report, June 2014.

6. An order permanently restraining the ICAC from issuing reports in relation to any of the following ICAC inquiries to the extent that such reports concern the Plaintiffs, or any of them:
 - (a) Operation Credo, which commenced on 17 March 2014;
 - (b) Operation Spicer which commenced on 28 April 2014.

7. An order that the Defendants pay to each of the Plaintiffs damages including:
 - (a) General damages;
 - (b) Aggravated damages;
 - (c) Special damages;

- (d) Exemplary damages.
- 8. Interest pursuant to s.100 and 101 of the *Civil Procedure Act* 2005, including interest on costs.
- 9. Costs.

PLEADINGS AND PARTICULARS

The Plaintiffs rely on the following facts and assertions:

Defendants

1. The Tenth Defendant is and was at all material times capable of being sued by reason of s.5 of the *Crown Proceedings Act 1988* (NSW).
2. The ICAC is and was at all material times:
 - (a) a statutory body that has the functions conferred or imposed on it by the *Independent Commission Against Corruption Act 1988* (NSW) (the “**ICAC Act**”);
 - (b) an independent and accountable body;
 - (c) established to promote the integrity and accountability of public administration;
 - (d) established to investigate, expose and prevent corruption involving public authorities and public officials;
 - (e) established to educate public authorities, public officials and members of the public about corruption and its detrimental effects on public administration and on the community;
 - (f) established to inquire into allegations of corruption;
 - (g) empowered to seek and execute search warrants on private premises;
 - (h) empowered to seek and seize documents and things;
 - (i) empowered to require witnesses to attend and be examined;
 - (j) empowered to hold public inquiries;
 - (k) empowered to determine the scope and terms of a public inquiry;
 - (l) required to regard the protection of the public interest and the prevention of breaches of public trust as its paramount concerns;

- (m) required to be satisfied that it is in the public interest to hold a public inquiry;
 - (n) required to take into account any risk of undue prejudice to a person's reputation in determining public interest;
 - (o) empowered to report findings to the Parliament of the State of New South Wales.
3. The First Defendant, the Honourable David Andrew Ipp AO QC (hereinafter "**Commissioner Ipp**") was, from 14 November 2009 to 28 January 2014:
- (a) the Commissioner of the ICAC;
 - (b) appointed to carry out the functions of the ICAC;
 - (c) required to exercise his functions and duties as Commissioner in accordance with the ICAC Act;
 - (d) required to comply with the ICAC Code of Conduct in exercising his duties as Commissioner of the ICAC;
 - (e) required to exercise his duties honestly and ethically;
 - (f) an employee and/or agent of the Tenth Defendant;
 - (g) the holder of a public office;
 - (h) in his position as the Commissioner of the ICAC, a person for whom the Tenth Defendant was vicariously liable.
4. The Second Defendant, Geoffrey Watson SC is and was at all material times:
- (a) Senior Counsel;
 - (b) Counsel Assisting the ICAC in Operations Indus, Jasper, Credo and Spicer;
 - (c) required to exercise his functions and duties in accordance with the ICAC Act;
 - (d) required to comply with the ICAC Code of Conduct in exercising his duties as Counsel Assisting;
 - (e) required to exercise his duties honestly and ethically;

- (f) the holder of a public office;
 - (g) an employee and/or agent of the Tenth Defendant;
 - (h) a person for whom the Tenth Defendant was vicariously liable.
5. The Third Defendant, Sharon Loder is and was at all material times:
- (a) the Executive Director of Investigations of the ICAC;
 - (b) required to exercise her functions and duties in accordance with the ICAC Act;
 - (c) required to comply with the ICAC Code of Conduct in exercising her duties;
 - (d) required to exercise her duties honestly and ethically;
 - (e) the holder of a public office;
 - (f) an employee and/or agent of the Tenth Defendant.
 - (g) a person for whom the Tenth Defendant was vicariously liable.
6. The Fourth Defendant, Tim Fox is and was at all material times:
- (a) a Chief Investigator of the ICAC;
 - (b) required to exercise his functions and duties in accordance with the ICAC Act;
 - (c) required to comply with the ICAC Code of Conduct in exercising his duties;
 - (d) required to exercise his duties honestly and ethically;
 - (e) the holder of a public office;
 - (f) an employee and/or agent of the Tenth Defendant;
 - (g) a person for whom the Tenth Defendant was vicariously liable.
7. The Fifth Defendant, Lisa Stockley is and was at all material times:
- (a) an Investigator of the ICAC;
 - (b) required to exercise her functions and duties in accordance with the ICAC Act;
 - (c) required to comply with the ICAC Code of Conduct in exercising her duties;

- (d) required to exercise her duties honestly and ethically;
 - (e) the holder of a public office;
 - (f) an employee and/or agent of the Tenth Defendant;
 - (g) a person for whom the Tenth Defendant was vicariously liable.
8. The Sixth Defendant, Grant Lockley is and was at all material times:
- (a) a Senior Financial Investigator and/or a Senior Forensic Accountant;
 - (b) required to exercise his functions and duties in accordance with the ICAC Act;
 - (c) required to comply with the ICAC Code of Conduct in exercising his duties;
 - (d) required to exercise his duties honestly and ethically;
 - (e) the holder of a public office;
 - (f) an employee and/or agent of the Tenth Defendant;
 - (g) a person for whom the Tenth Defendant was vicariously liable.
9. The Seventh Defendant, Roy Waldon is and was at all material times:
- (a) Solicitor to and Principal Lawyer of the ICAC;
 - (b) required to exercise his functions and duties in accordance with the ICAC Act;
 - (c) required to comply with the ICAC Code of Conduct in exercising his duties;
 - (d) required to exercise his duties honestly and ethically;
 - (e) the holder of a public office;
 - (f) an employee and/or agent of the Tenth Defendant;
 - (g) a person for whom the Tenth Defendant was vicariously liable.
10. The Eighth Defendant, Paul Grainger is and was at all material times:
- (a) an Investigator of the ICAC;

- (b) required to exercise his functions and duties in accordance with the ICAC Act;
 - (c) required to comply with the ICAC Code of Conduct in exercising his duties;
 - (d) required to exercise his duties honestly and ethically;
 - (e) the holder of public office;
 - (f) an employee or agent of the Tenth Defendant;
 - (g) a person for whom the Tenth Defendant was vicariously liable.
11. The Ninth Defendant, Darren Curd is and was at all material times:
- (a) an Investigator of the ICAC;
 - (b) required to exercise his functions and duties in accordance with the ICAC Act;
 - (c) required to comply with the ICAC Code of Conduct in exercising his duties;
 - (d) required to exercise his duties honestly and ethically;
 - (e) the holder of public office;
 - (f) an employee or agent of the Tenth Defendant;
 - (g) a person for whom the Tenth Defendant was vicariously liable.

A. The Search Warrant

A1. Execution of the Search Warrant

12. On or about 22 November 2011, Grant Lockley made an application and obtained Search Warrant Number 355 of 2011 from Stephen Lister, Registrar of the Newtown Local Court in the State of New South Wales (the “**Search Warrant**”).
13. On or about 22 November 2011, officers of the ICAC attended an operational briefing in relation to the execution of the Search Warrant at the premises of Locaway Pty Limited, located at Suite 501 – 501A, Henry Lawson Business Centre, Roseby Street Drummoyne, in the State of New South Wales (the “**Premises**”).

14. On or about 23 November 2011, officers of the ICAC executed the Search Warrant at the Premises.
15. The Search Warrant was executed by the following officers of the ICAC:
 - (a) Anthony Jones;
 - (b) Katherine Kyriakopoulos;
 - (c) Tim Fox;
 - (d) Andrew Tran;
 - (e) Ron Hillier;
 - (f) Ervana Hart;
 - (g) Andrew Browning;
 - (h) Grant Lockley;
 - (i) Paul Grainger;
 - (j) Darren Curd;
 - (k) Gavin Whalebone.
16. The execution of the Search Warrant at the Premises was electronically video recorded by officers of the ICAC.
17. Edward Obeid Snr, the First Plaintiff, was present during the execution of the Search Warrant at the Premises.
18. Moses Obeid, the Second Plaintiff was present during the execution of the Search Warrant at the Premises.
19. Paul Obeid, the Third Plaintiff was present during the execution of the Search Warrant at the Premises.
20. Damien Obeid was present during the execution of the Search Warrant at the Premises.

21. Sam Achie was present during the execution of the Search Warrant at the Premises.
22. Documents and items were seized from the Premises by the ICAC officers pursuant to the Search Warrant.
23. Each of the documents and items seized were recorded on a property seizure record signed by Ronald Hillier on behalf of the ICAC and Moses Obeid (the "**Property Seizure Record**").
24. During the execution of the Search Warrant at the Premises, ICAC officer Paul Grainger and/or Grant Lockley found a document in the safe of the Premises entitled "*Heads of Agreement*".
25. Paul Grainger and/or Grant Lockley examined the document and formed the view, knew and/or ought to have known that it fell outside the scope of the Search Warrant and could not be seized.
26. Despite the matters set out in the preceding paragraph, Paul Grainger and/or Grant Lockley instructed the officer electronically video recording the execution of the Search Warrant, Darren Curd, to closely video tape each page of the Heads of Agreement and Darren Curd did so.
27. The conduct of Paul Grainger and/or Grant Lockley and/or Darren Curd set out in the preceding paragraph was:
 - (a) outside the scope of the Search Warrant;
 - (b) amounted to a seizure of a document that fell outside of the Search Warrant;
 - (c) malicious;
 - (d) illegal;
 - (e) contrary to the obligations of Paul Grainger and/or Grant Lockley and/or Darren Curd to carry out his functions and duties under the ICAC Act and the ICAC Code of Conduct;

- (f) contrary to the obligations of Paul Grainger and/or Grant Lockley and/or Darren Curd to carry out his functions and duties honestly and ethically;
 - (g) intended to cause injury, reputational, and financial harm to Edward Obeid Snr, Moses Obeid, and/or Paul Obeid.
28. During the execution of the Search Warrant at the Premises, ICAC officer Paul Grainger and/or Grant Lockley found a document in the safe of the Premises, being a *Crown Solicitor Memorandum of Advice 18 October 2009* ("**Advice**").
29. Paul Grainger and/or Grant Lockley examined the document and formed the view, knew and/or ought to have known that the Advice fell outside the scope of the Search Warrant and could not be seized.
30. Despite the matters set out in the preceding paragraph, Paul Grainger and/or Grant Lockley instructed the officer electronically video recording the execution of the Search Warrant, Darren Curd, to closely video tape each page of the Advice and Darren Curd did so.
31. The conduct of Paul Grainger and/or Grant Lockley and/or Darren Curd set out in the preceding paragraph was:
- (a) outside the scope of the Search Warrant;
 - (b) amounted to a seizure of a document that fell outside of the Search Warrant;
 - (c) malicious;
 - (d) illegal;
 - (e) contrary to the obligations of Paul Grainger and/or Grant Lockley and/or Darren Curd to carry out his functions and duties under the ICAC Act and the ICAC Code of Conduct;
 - (f) contrary to the obligations of Paul Grainger and/or Grant Lockley and/or Darren Curd to carry out his functions and duties honestly and ethically;

- (g) intended to cause injury, reputational, and financial harm to Edward Obeid Snr, Moses Obeid, and/or Paul Obeid.
32. The only documents seized from the office of Paul Obeid at the Premises were:
- (a) an Envelope containing various documents marked "*To be collected Gerard Obeid*";
 - (b) various documents first marked "*Coalworks Limited*".
33. The Property Seizure Record did not record that any manila folder was found in and/or seized from the office of Paul Obeid at the Premises.
34. The Property Seizure Record did not record that any maps were found in and/or seized from the office of Paul Obeid (or elsewhere) at the Premises.
35. The electronic video recording of the execution of the Search Warrant at the Premises did not record that any maps were found in and/or seized from the office of Paul Obeid (or elsewhere) at the Premises.
36. There were no maps located in and/or seized from the office of Paul Obeid, or from elsewhere in the Premises by the ICAC officers pursuant to the Search Warrant.
- A2. The Chain of custody – E11/0363/36/48
37. On 23 November 2011, Ronald Hillier was the property officer who recorded the documents and items seized on the Property Seizure Record.
38. On 23 November 2011, Ronald Hillier recorded Item No. E11/0363/36/48 as "*Envelope containing various documents Marked 'To be collected Gerard Obeid'*".
39. On 23 November 2011, officers of the ICAC, Tim Fox, Raymond Kwan, Andrew Browning and Ronald Hillier attended the ICAC's property division and lodged 55 items of property that had been seized from the Premises.
40. On 23 November 2011, Manuel Azaola was the Property and Records Officer of the ICAC, and secured the items referred to in the preceding paragraph in the ICAC's

property vault to await registration of the items on the ICAC's computerized record system known as MOCCA.

41. On 24 November 2011, Manuel Azaola with the assistance of Julie Parrot registered the items seized from the Premises on MOCCA.
42. On 24 November 2011, Julie Parrot, then a Records and Property Officer of the ICAC, changed the description of one of the items found in Paul Obeid's office during the execution of the Search Warrant at the Premises from the words recorded by Ron Hillier in the Property Seizure Record "*Envelope contained various documents Marked 'To be collected Gerard Obeid'*" to "*Envelope containing various documents Marked 'To be collected Gerard Obeid' – containing various documents incl. plain folder marked DULUX.*"
43. On 24 November 2011, Item No. E11/0363/36/48 was placed in the ICAC's property vault.
44. On 22 February 2012, at the request of Lisa Stockley, Item No. E11/0363/36/48 was removed for the first time from the ICAC's property vault by Lynette Kennedy, Senior Property and Information Officer of the ICAC and was handed to Lisa Stockley.
45. On 5 March 2012, Lisa Stockley returned Item No. E11/0363/36/48 to the ICAC's property vault.
46. On 12 March 2012, Lisa Stockley removed Item No. E11/0363/36/48 from the ICAC's property vault, and returned it on the same day.
47. On 1 August 2012, Lisa Stockley removed Item E11/0363/36/48 from the ICAC's property vault and returned it on the same day.
48. On 12 September 2012, Tim Fox asked Manuel Azaola to create a property folio number E11/0363/36/48/1 to identify a document that was to be sent out for forensic handwriting analysis.

49. On 12 September 2012, in accordance with the instructions set out in the preceding paragraph Manuel Azaola created a property item with the notation "*E11/0363/36/48/1 – Memorandum of Understanding (Mt Penny, NSW) dated October 2008*".
50. On 17 September 2012, Manuel Azaola made a note on the MOCCA system as follows, "*E11/0363/36/48/1 – Original MOU document to T Fox for external examination on 17/9/12*".
51. On 23 November 2012, at the request of Lisa Stockley, Manuel Azaola altered the description of property folio E11/0363/36/48/1 to "*E11/0363/36/48/1 – Memorandum of Understanding (Mt Penny, NSW) dated October 2008; including Manila folder marked 'Dulux'*".
52. On 14 November 2012, Lisa Stockley removed Item No. E11/0363/36/48 from the ICAC's property vault and returned it on the same date.
53. On 23 November 2012, Lisa Stockley removed Item No. E11/0363/36/48 from the ICAC's property vault, and as at 6 February 2013 had not returned it to the ICAC property vault.
54. At all material times, Lisa Stockley:
 - (a) was aware that no maps were contained in property Item No. E11/0363/36/48 as seized during the execution of the Search Warrant at the Premises;
 - (b) knew or ought to have known that officers of the ICAC, including Commissioner Ipp and Geoffrey Watson, would falsely allege in the course of compulsory examinations and/or a public hearing that two maps were seized during the execution of the Search Warrant at the Premises;
 - (c) acted with malice, or recklessly amounting to willful blindness for the purpose of securing a corruption finding against Edward Obeid Snr and Moses Obeid;
 - (d) acted with malice, or recklessly with the intent to cause injury, reputational and financial harm to Edward Obeid Snr, Moses Obeid, and/or Paul Obeid.

55. At all material times, Tim Fox:
- (a) was aware that no maps were contained in property Item No. E11/0363/36/48 as seized during the execution of the Search Warrant at the Premises;
 - (b) knew or ought to have known that officers of the ICAC, including Commissioner Ipp and Geoffrey Watson would falsely allege in the course of compulsory examinations and/or a public hearing that two maps were seized during the course of the execution of the Search Warrant at the Premises;
 - (c) acted with malice, or recklessly amounting to willful blindness for the purpose of securing a corruption finding against Edward Obeid Snr and Moses Obeid;
 - (d) acted with malice, or recklessly with the intent to cause injury, reputational and financial harm to Edward Obeid Snr, Moses Obeid, and/or Paul Obeid.

A3. Compulsory Examination

56. On or about 21 August 2012, Paul Obeid gave evidence at a compulsory examination conducted by Commissioner David Ipp, pursuant to section 30 of the ICAC Act, with the assistance of Geoffrey Watson.
57. In the course of the compulsory examination, Geoffrey Watson asserted to Paul Obeid that a manila folder with two maps inside were found in his office during the execution of the Search Warrant at the Premises.
58. The assertion made by Geoffrey Watson in the preceding paragraph was false to the knowledge of Tim Fox, Lisa Stockley, and the other ICAC officers listed in paragraph 15, above.
59. Geoffrey Watson was aware or ought to have been aware, such that he was willfully blind, that the assertion made in the above paragraph 57 was false.
60. In the course of the compulsory examination, it was asserted by Commissioner Ipp to Paul Obeid that the video recording of the Search Warrant at the Premises disclosed

that the maps had been seized from his (Paul Obeid's) office from a manila folder found on his desk.

61. The assertion made by Commissioner Ipp referred to in the preceding paragraph to Paul Obeid was false to the knowledge of Tim Fox, Lisa Stockley, and the other ICAC officers listed in the above paragraph 15.
62. Commissioner Ipp was aware or ought to have been aware, such that he was willfully blind, that the assertion made in the above paragraph 60 was false.
63. Paul Obeid denied ever seeing the maps before being shown them during his evidence in the compulsory examination.
64. Paul Obeid was present when the ICAC searched his office and was present when documents were seized from his office in the course of the execution of the Search Warrant.
65. In the course of the compulsory examination, Paul Obeid denied ever previously seeing the maps, and denied seeing any officer of the ICAC seize any manila folder or maps from his office.
66. No questions were put to Edward Obeid Snr about maps allegedly found at the Premises during his compulsory examination on or about 20 August 2012.
67. No questions were put to Moses Obeid about maps allegedly found at the Premises during his compulsory examination on or about 21 August 2012.
- A4. ICAC officers swear statements one year after events
68. On or about 22 August 2012, Ronald Hillier signed a statement (on oath) in which he claimed that he was the property officer during the execution of the Search Warrant at the Premises, and that officers of the ICAC handed items that had been seized to him, and that he recorded the items onto a Property Seizure Record form and allocated each item a unique sequential number.

69. On or about 27 September 2012, Katherine Kyriakopoulos signed a statement (on oath) in which she claimed that during the execution of the Search Warrant at the Premises she recalled recovering a manila envelope and folder containing various documents that related to the purchase of properties in the Mount Penny area and that the manila folder contained a document relating to a Chinese company and an old looking newspaper clipping.
70. Katherine Kyriakopoulos did not state that she had found any maps in Paul Obeid's office, or elsewhere at the Premises.
71. The statement of Katherine Kyriakopoulos was drafted by an unknown officer(s) of the ICAC with the intention of:
- (a) falsely maintaining the allegation that the maps were found during the execution of the Search Warrant in the office of Paul Obeid at the Premises;
 - (b) providing a (false) factual basis for Commissioner Ipp to make a finding that the maps were found during the execution of the Search Warrant in the office of Paul Obeid at the Premises;
 - (c) providing a (false) factual basis for Commissioner Ipp to make a corruption finding against Edward Obeid Snr and Moses Obeid;
 - (d) providing a (false) factual basis for Commissioner Ipp to make a finding that Paul Obeid gave false and misleading evidence.
72. At all material times, the conduct of the unknown officer(s) in drafting the statement of Katherine Kyriakopoulos was:
- (a) malicious;
 - (b) contrary to that officer's obligation to conduct himself/herself honestly and ethically;
 - (c) intended to cause injury, reputational and financial harm to Edward Obeid Snr, Moses Obeid, and/or Paul Obeid.

73. At all material times, Katherine Kyriakopoulos was aware and/or ought to have been aware that her statement would be used by officers of the ICAC, including Commissioner Ipp and Geoffrey Watson, in aid of a corruption finding against Edward Obeid Snr and Moses Obeid based on the premise that the maps were seized during the execution of the Search Warrant at the Premises.

A5. Public hearings

74. On or about 1 February 2013, in the course of a public hearing as part of Operation Jasper, Geoffrey Watson put to Moses Obeid that the two maps were seized during the execution of the Search Warrant at the Premises.

75. During his cross examination, Moses Obeid stated that the maps did not appear on the Property Seizure Record and asked Geoffrey Watson whether there was a video proving that the maps were found at the Premises.

76. In response to the evidence referred to in the preceding paragraph, Geoffrey Watson informed Moses Obeid that there was a video proving that the maps were seized from the Premises.

77. The assertion made by Geoffrey Watson to Moses Obeid as set out in the preceding paragraph was false and misleading to the knowledge of Commissioner Ipp, Geoffrey Watson, Tim Fox, Lisa Stockley, and the other ICAC officers listed in the above paragraph 15.

78. Moses Obeid gave evidence that he had not seen the maps prior to being shown them on 1 February 2013.

79. On or about 1 February 2013, during the course of Moses Obeid's evidence, Geoffrey Watson stated to Moses Obeid that Gardner Brook had given evidence that Moses Obeid had given him the maps that were confidential government documents.

80. The assertion made by Geoffrey Watson to Moses Obeid in the preceding paragraph was false and misleading, in that the evidence given by Gardner Brook on 27 November 2012 was that he was not sure where he got the maps – it was either from Monaro Mining or Moses Obeid.
81. Geoffrey Watson elicited the evidence from Gardner Brook referred to in the preceding paragraph and was thus aware of it, and knowingly misled Moses Obeid and the ICAC.
82. Counsel Assisting thereafter submitted that Moses Obeid's evidence about the maps was false.
83. Despite the evidence given by Gardner Brook about the possible source of the maps, being from Monaro Mining, the ICAC failed to properly investigate that evidence further, which, if correct would be exculpatory of the Plaintiffs, or one or more of them.
84. On 4 February 2013, in the course of the public hearing as part of Operation Jasper, Geoffrey Watson asked Edward Obeid Snr to assume that the maps were found in Paul Obeid's office.
85. In the course of his evidence, Edward Obeid Snr denied ever seeing the maps before that day.
86. Geoffrey Watson thereafter submitted that Edward Obeid Snr's evidence about the maps was false.
87. On 6 February 2013, in the course of the public hearing as part of Operation Jasper, Geoffrey Watson put to Paul Obeid that two maps were found in his office as part of the execution of the Search Warrant at the Premises.
88. No evidence was adduced or any other material produced in the course of the public hearing as part of Operation Jasper that the maps were found at the Premises, during the execution of the Search Warrant or otherwise.
89. Geoffrey Watson was aware or ought to have been aware that the maps had not been found in Paul Obeid's office, or elsewhere at the Premises.

90. By reason of the preceding paragraph, Geoffrey Watson knowingly misled Paul Obeid in the course of his evidence.
91. Commissioner Ipp was aware or ought to have been aware that the maps had not been found in Paul Obeid's office, or elsewhere at the Premises.
92. By reason of the preceding paragraph, Commissioner Ipp permitted and/or acquiesced to Geoffrey Watson misleading Paul Obeid in the course of his evidence.
93. Each of the officers of the ICAC listed in paragraph 15 above, were aware that the maps had not been found in Paul Obeid's office, or elsewhere at the Premises.
94. By reason of the preceding paragraph, each of those officers, to the extent that they were aware that Geoffrey Watson was going to allege to Paul Obeid that the maps were found in his office, knowingly acted in breach of s.91 of the ICAC Act.
95. Paul Obeid gave evidence that:
 - (a) he had never seen the manila folder or the maps before;
 - (b) he did not see Katherine Kyriakopoulos find a manila folder or any maps in his office;
 - (c) the Property Seizure Record did not record that any manila folder or maps were found.
96. Paul Obeid, and his counsel Mr Graham Turnbull SC, requested, in the course of Paul Obeid's evidence, that he be shown the electronic video recording of the execution of the Search Warrant at the Premises.
97. Geoffrey Watson declined to show the electronic video recording to Paul Obeid during his evidence, or at all.
98. Despite the matters set out in the above paragraphs 96 and 97, Commissioner Ipp failed to properly investigate where the maps were found and instead directed Geoffrey Watson to move onto the next topic.

99. Sharon Loder as the Executive Director of Investigations was obliged, by reason of her duties under the ICAC Act and the ICAC Code of Conduct, and in particular because of the significance of the maps as evidence in Operation Jasper, to make enquiries in relation to the electronic video recording of the execution of the Search Warrant and the Property Seizure Record.
100. Tim Fox as the Chief Investigator was obliged, by reason of his duties under the ICAC Act and the ICAC Code of Conduct, and in particular because of the significance of the maps as evidence in Operation Jasper, to make enquiries in relation to the electronic video recording of the execution of the Search Warrant and the Property Seizure Record.
101. Roy Waldon as the Principal Lawyer of the ICAC was obliged, by reason of his duties under the ICAC Act and the ICAC Code of Conduct, and in particular because of the significance of the maps as evidence in Operation Jasper, to make enquiries in relation to the electronic video recording of the execution of the Search Warrant and the Property Seizure Record.
102. Commissioner Ipp, Geoffrey Watson, Sharon Loder, Roy Waldon, and/or Tim Fox were obliged, by reason of their respective duties under the ICAC Act and the ICAC Code of Conduct, and as a matter of procedural fairness and natural justice to recall Paul Obeid and to inform him that the video recording of the execution of the Search Warrant did not demonstrate that the maps were found in his (Paul Obeid's) Office and nor did the Property Seizure Record and thus to withdraw the allegations made against Edward Obeid Snr, Moses Obeid and Paul Obeid in relation to the maps.
103. The conduct of Commissioner Ipp, Geoffrey Watson, Sharon Loder, Roy Waldon, and Tim Fox set out in the above paragraphs 89 – 94, and 97 – 102 was malicious, or reckless with intent to cause injury, reputational and financial harm to Edward Obeid Snr, Moses Obeid, and/or Paul Obeid.

104. The conduct of Sharon Loder, Roy Waldon, and/or Tim Fox in maintaining that the maps were found during the execution of the Search Warrant at the Premises was malicious, and contrary to their respective duties to act honestly and ethically, and in accordance with their functions and duties under the ICAC Act and the ICAC Code of Conduct.
105. Further and in the alternative to the matters set out in the preceding paragraph the conduct of Sharon Loder, Roy Waldon, an/or Tim Fox in maintaining that the maps were found during the execution of the Search Warrant at the Premises was reckless such as to amount to willful blindness and thus contrary to their respective duties to act honestly and ethically, and in accordance with their functions and duties under the ICAC Act and the ICAC Code of Conduct.
106. The conduct of Sharon Loder, Roy Waldon, and/or Tim Fox as set out in the above paragraphs 104 and 105 was malicious, or reckless with the intent to cause injury, reputational and financial harm to Edward Obeid Snr, Moses Obeid, and/or Paul Obeid.
107. Despite the matters set out in the above paragraphs 32 – 36, 54 and 55, 57 – 67, 69 – 83, and 87 - 98, Commissioner Ipp published a report in July 2013 on behalf of the ICAC in which he:
- (a) asserted that the manila folder and the maps were seized from Paul Obeid's office on 23 November 2011;
 - (b) made no mention of the evidence of Paul Obeid to the effect that those documents were not seized from his office;
 - (c) made no mention of the electronic video recording of the execution of the Search Warrant which tended to evidence that the manila folder and the map were not seized from Paul Obeid's office;
 - (d) made no mention of the Property Seizure Record which did not record any manila folder or maps as being seized from the office of Paul Obeid.

108. The conduct of Commissioner David Ipp set out in the preceding paragraph was, malicious, and contrary to his obligations to:
- (a) exercise his functions and duties as Commissioner in accordance with the ICAC Act and the ICAC Code of Conduct; and
 - (b) exercise his functions and duties honestly and ethically.
109. Further and in the alternative to the matters set out in the preceding paragraph, the conduct of Commissioner Ipp in finding that the maps were found during the execution of the Search Warrant at the Premises was reckless such as to amount to willful blindness and thus contrary to each of his obligations to:
- (a) exercise his functions and duties in accordance with the ICAC Act and the ICAC Code of Conduct; and
 - (b) exercise his functions and duties honestly and ethically.
110. The conduct of Commissioner Ipp as set out in the above paragraphs 108 and 109 was intended to cause injury, reputation and financial harm to Edward Obeid Snr, Moses Obeid and/or Paul Obeid.

B. Failure to properly investigate

B1. Section 31 of the ICAC Act

111. In about February 2011, the officers of the ICAC commenced the investigation in Operation Jasper.
112. In about March 2011, the officers of the ICAC commenced the investigation in Operation Indus.
113. The Operation Jasper investigation included the execution of the Search Warrant.
114. In early August 2012, the ICAC began serving summonses to witnesses to appear and give evidence at the public inquiry as part of Operations Jasper, and Indus.

115. In early August 2012, Edward Obeid Snr was served with a summons dated 3 August 2012 to appear and give evidence at the public inquiry on 1 November 2012.
116. In early August 2012, Moses Obeid was served with a Summons dated 3 August 2012 to appear and give evidence at the public inquiry on 1 November 2012.
117. In early August 2012, Paul Obeid was served with a Summons dated 3 August 2012 to appear and give evidence at the public inquiry on 1 November 2012.
118. On or about 7 August 2012, the ICAC issued a press release announcing a public inquiry commencing on 1 November 2012 as part of Operations Jasper, Acacia, and Indus (the "**Press Release**").
119. By the Press Release the ICAC informed the public that the public inquiry concerned allegations of corruption against Edward Obeid Snr and Moses Obeid.
120. As at the date of the Press Release, Commissioner Ipp had already formed a preliminary view of the credibility of some of the witnesses.
121. As at the date of the Press Release, Edward Obeid Snr had not been summoned by the ICAC to give evidence at a compulsory examination.
122. As at the date of the Press Release, Moses Obeid had not been summoned by the ICAC to give evidence at a compulsory examination.
123. As at the date of the Press Release, Paul Obeid had not been summoned by the ICAC to give evidence at a compulsory examination.
124. As at the date of the Press Release, Ian Macdonald had not been summoned by the ICAC to give evidence at a compulsory examination.
125. The Press Release caused substantial damage to the reputation of Edward Obeid Snr.
126. The Press Release caused substantial damage to the reputation of Moses Obeid.
127. On or about 7 August 2012 Edward Obeid Snr telephoned Tim Fox:

- (a) Edward Obeid Snr enquired of Tim Fox why he had not been summoned to a compulsory examination so as to be afforded the opportunity to provide exculpatory evidence prior to the announcement of a public inquiry;
 - (b) Tim Fox informed Edward Obeid Snr that the decision not to summon Edward Obeid Snr prior to deciding to hold a public inquiry and issuing the Press Release was made by Commissioner David Ipp;
 - (c) Edward Obeid Snr complained to Tim Fox that the sequence of events was inappropriate;
 - (d) Edward Obeid Snr requested to Tim Fox that he should be given the opportunity to be heard at a compulsory examination, prior to a decision being made to hold the public inquiry, and the issuing of the Press Release.
128. On or about 14 August 2012, Edward Obeid Snr was served with a summons, dated 23 July 2012, to give evidence at a compulsory examination.
129. On or about 17 August 2012, Moses Obeid was served with a summons, dated 23 July 2012, to give evidence at a compulsory examination.
130. On or about 17 August 2012, Paul Obeid was served with a summons, dated 23 July 2012, to give evidence at a compulsory examination.
131. Edward Obeid Snr gave evidence at a compulsory examination of the ICAC on 20 August 2012, presided over by Commissioner David Ipp.
132. Moses Obeid gave evidence at a compulsory examination of the ICAC on 21 August 2012, presided over by Commissioner David Ipp.
133. Paul Obeid gave evidence at a compulsory examination of the ICAC on 21 August 2012, presided over by Commissioner David Ipp.
134. Commissioner Ipp conducted operations Jasper and Indus, and the public inquiry related to those operations, by reference to the preliminary views that he had formed

about the evidence – namely views formed without giving the Plaintiffs an opportunity to be heard by way of evidence at a compulsory examination.

135. The conduct of Commissioner David Ipp set out in paragraphs 120 - 134 above, was:

- (a) contrary to his obligations to exercise his functions and duties as Commissioner in accordance with the ICAC Act and the ICAC Code of Conduct;
- (b) contrary to his obligations to exercise his functions and duties honestly and ethically;
- (c) contrary to his obligations to be satisfied, in accordance with section 31 of the ICAC Act, that it is in the public interest to hold a public inquiry;
- (d) contrary to his obligations to take into account any risk of undue prejudice to a person's reputation in determining public interest;
- (e) malicious;
- (f) reckless with the intent to cause harm;
- (g) designed to ensure that adverse findings were made in his report against Edward Obeid Snr, Moses Obeid, and Paul Obeid.

B2. Undisclosed deals with witnesses

136. On a date unknown to the Plaintiffs in about 2011 or 2012 but prior to August 2012, officers of the ICAC questioned Gardner Brook in relation to his business dealings with the Plaintiffs, Monaro Mining and Cascade Coal, in connection with Operation Jasper.

137. In the course of communicating with Gardner Brook, officers of the ICAC informed him that if he cooperated with the ICAC, those officers had flexibility in relation to the content of the final report and the focus of the findings.

138. The conduct referred to in the preceding paragraph was admitted to by Counsel Assisting Geoffrey Watson and his junior Greg O'Mahoney and ICAC officer Don

McKenzie during a conference on 23 July 2014 with Operation Spicer witness Andrew Cornwell.

139. On about 23 July 2014 Geoffrey Watson, Greg O'Mahoney and Don McKenzie offered a similar deal to Andrew Cornwell, namely that his cooperation would be rewarded with no adverse findings against him, witnesses against Mr Cornwell would be severely discredited, and potential misconduct by Mr Cornwell would not be focused upon at the public inquiry.
140. The ICAC did not disclose the arrangement it had entered into with Gardner Brook to any person affected by Operation Jasper, to their lawyers, or to the public.
141. The ICAC did not disclose the arrangement it had entered into with Andrew Cornwell to any person affected by Operation Spicer, to their lawyers, or to the public.
142. By reason of the arrangement that the ICAC entered into with Gardner Brook, it failed to investigate Monaro Mining as a potential source of the confidential maps said to have come from the Department of Mining and Industry.
143. By reason of the matters set out above, officers of the ICAC, the identities of whom are currently unknown to the Plaintiffs intended to manipulate and did manipulate evidence in order to achieve a predetermined outcome, namely corruption findings against the Plaintiffs, or one or more of them.
144. The conduct of Commissioner Ipp, Geoffrey Watson and other officers of the ICAC the identities of whom are unknown to the Plaintiffs was:
 - (a) contrary to his/her obligations to exercise his/her functions and duties in accordance with the ICAC Act and the ICAC Code of Conduct;
 - (b) contrary to his/her obligations to exercise his/her functions and duties honestly and ethically;
 - (c) malicious;
 - (d) reckless with intent to cause harm.

C. Heads of agreement

145. On or about 1 February 2013, Moses Obeid was summoned to give evidence at the public inquiry as part of Operation Jasper.
146. The terms of reference of Operation Jasper were:
- (a) The circumstances surrounding a decision made in 2008 by the Minister for Primary Industries and Minister for Mineral Resources, the Hon Ian Macdonald MLC, to open a mining area in the Bylong Valley for coal exploration, including whether the decision was influenced by the Hon Edward Obeid MLC.
 - (b) The circumstances under which the Department of Primary Industries around September 2008 called for expressions of interest for the awarding of exploration licences in respect of the coal mining areas known as Mount Penny, Glendon Brook and Yarrawa, and whether confidential information in respect of the expression of interest process was provided to, and used by, the Hon Edward Obeid MLC, members of his family and associates.
 - (c) The circumstances surrounding the decision by the Department of Primary Industries in November 2008 to re-open the expression of interest process for the awarding of exploration licences areas and extend further invitations to additional mining companies including Cascade Coal Pty Ltd.
 - (d) The circumstances in which exploration licences were awarded in respect of Mount Penny (EL 7406) and Glendon Brook (EL 7405).
 - (e) Whether confidential information relating to the expression of interest process in respect of Mount Penny (EL 7406) and Glendon Brook (EL 7405) was provided to, and used by, persons associated with Cascade Coal Pty Ltd.
 - (f) The circumstances in which Monaro Coal Pty Ltd was awarded an exploration licence in respect of Yarrawa (EL 7430), and how it has dealt with that exploration licence.
147. Operation Jasper did not involve an enquiry into Australian Water Holdings Pty Limited ("**Australian Water**"), or any interest that the Obeid Family may have had in that entity.

148. In the course of examining Moses Obeid, Geoffrey Watson asked Moses Obeid questions about Australian Water.
149. Moses Obeid gave evidence that his family did not have an interest, namely a shareholding, in Australian Water.
150. Moses Obeid gave evidence that it was his belief that a loan agreement was entered into and that shares for Australian Water were held as security for that loan.
151. In the course of examining Moses Obeid, Geoffrey Watson showed Moses Obeid a document entitled "Heads of Agreement – Australian Water" (the "**Heads of Agreement**").
152. The Heads of Agreement, which referred to a share sale, also included terms about interest payments and consultancy, which evidenced that the Heads of Agreement could be interpreted as a loan agreement.
153. In the course of the evidence of Moses Obeid, Geoffrey Watson sought a suppression order over the clauses of the Heads of Agreement concerning Interest and Consultancy.
154. Geoffrey Watson sought the suppression order on the grounds of "*security purposes*".
155. Commissioner Ipp made the suppression order sought by Geoffrey Watson.
156. Geoffrey Watson was aware that there were no "*security purposes*" for the seeking of the suppression order.
157. Geoffrey Watson was aware that the consequence of the suppression order was to alter the nature of the document such that it could only be read as a share sale agreement, and not as a loan agreement.
158. Geoffrey Watson was aware that once the redacted version of the Heads of Agreement was made public that the media would publish an article alleging that the Obeid family held shares in Australian Water.

159. Geoffrey Watson sought the suppression order, and publicly made available the redacted version of the Heads of Agreement in order to:

- (a) portray Moses Obeid as a liar;
- (b) create public hatred and ridicule against Edward Obeid Snr, Moses Obeid, Paul Obeid, Edward Obeid Jnr, and other members of the Obeid family;
- (c) cause irreparable damage to Edward Obeid Snr, Moses Obeid, Paul Obeid, Edward Obeid Jnr, and other members of the Obeid family.

160. The conduct of Mr Watson set out in paragraphs 154 - 159 above, was:

- (a) contrary to his obligations to exercise his functions and duties in accordance with the ICAC Act and the ICAC Code of Conduct;
- (b) contrary to his obligations to exercise his functions and duties honestly and ethically;
- (c) malicious;
- (d) reckless with the intent to cause injury, reputational, and financial harm to Edward Obeid Snr, Moses Obeid, Paul Obeid, and Edward Obeid Jnr.

D. Evidence of Tunks

161. In about January 2011, Peter Tunks attempted to extort money from Moses Obeid and Paul Obeid and other members of the Obeid family by:

- (a) providing to them documents in which allegations were made about the Plaintiffs, including a document entitled "*Statement of Arlo Murray Selby 11 January 2011*" (the "**Selby statement**");
- (b) threatening to provide those documents to the ICAC;
- (c) demanding a payment of \$2 million to prevent him from delivering the documents to the ICAC.

162. Moses Obeid and Paul Obeid refused to comply with the demands of Peter Tunks as set out in the preceding paragraph.
163. In about February or March 2011, Peter Tunks provided the Selby Statement to unknown officers of the ICAC.
164. On about 26 November 2012, Arlo Selby was called to give evidence at the public inquiry in relation to Operation Jasper in the course of which he was shown the Selby statement.
165. In the course of his evidence Arlo Selby asked Geoffrey Watson, where the Selby statement had come from and Geoffrey Watson declined to respond to that query.
166. In the course of his evidence at the public inquiry, Arlo Selby alleged that the Selby statement was prepared with Peter Tunks in order to extort money from Gardner Brook and the Obeids.
167. On 27 November 2012, in the course of his evidence at the public inquiry, Gardner Brook stated that the Arlo Selby statement was an extortion attempt.
168. On about 28 November 2011, Geoffrey Watson called Peter Tunks to give evidence at the public inquiry in relation to Operation Jasper.
169. Geoffrey Watson asked Peter Tunks if he had ever seen the Selby statement prior to being shown it that day. Peter Tunks said he had not.
170. The evidence of Peter Tunks referred to in the preceding paragraph was false to the knowledge of the ICAC officers who were aware of the matters set out in paragraph 163, above.
171. Despite the matters referred to in the preceding paragraph, no officer of the ICAC informed the public inquiry that the evidence of Mr Tunks was false.
172. The conduct of the ICAC officers referred to in paragraphs 170 and 171 above was:
 - (a) malicious;

- (b) contrary to his/her obligations to exercise his/her functions and duties in accordance with the ICAC Act and the ICAC Code of Conduct;
- (c) contrary to his/her obligations to exercise his/her functions and duties honestly and ethically.

173. Commissioner Ipp, Geoffrey Watson, and Tim Fox were aware or should have been aware that Peter Tunks gave false evidence as referred to in the above paragraph 169.

174. The conduct of Commissioner Ipp, Geoffrey Watson, and Tim Fox referred to in the preceding paragraph was:

- (a) malicious;
- (b) reckless with intent to harm;
- (c) contrary to their respective obligations to exercise their functions and duties in accordance with the ICAC Act and the ICAC Code of Conduct;
- (d) contrary to their respective obligations to exercise their functions and duties honestly and ethically;
- (e) intended to cause injury, reputational, and financial harm to Edward Obeid Snr,
Moses Obeid, Paul Obeid, and Edward Obeid Jnr.

E. Evidence of Grant Lockley and the collateral purpose (ATO and ACCC)

175. On 22 November 2011, Grant Lockley swore the Application for the Search Warrant.

176. On 5 November 2012, in the course of the public hearing in relation to Operation Indus, Grant Lockley was called to give evidence.

177. In the course of Grant Lockley's evidence an affidavit signed by Grant Lockley on 31 October 2012 was tendered and marked Exhibit I-17.

178. On 5 March 2013, in the course of the public hearing in relation to Operation Jasper, Grant Lockley was called to give evidence.

179. In the course of Grant Lockley's evidence an affidavit signed by Grant Lockley on 9 November 2012 was tendered and marked Exhibit J-154.
180. In the course of Grant Lockley's evidence an affidavit signed by Grant Lockley on 25 February 2013 was tendered and marked Exhibit J-155.
181. In the course of Grant Lockley's evidence an affidavit signed by Grant Lockley on 29 November 2012 December 2012 was tendered and marked Exhibit J-156.
182. In the course of Grant Lockley's evidence an affidavit signed by Grant Lockley on 4 December 2012 was tendered and marked Exhibit J-157.
183. In the course of Grant Lockley's evidence an affidavit signed by Grant Lockley on 4 December 2012 was tendered and marked Exhibit J-158.
184. In each of Grant Lockley's affidavits he gave evidence and swore that:
- (a) he was an expert forensic accountant able to express opinions about accounting matters;
 - (b) in preparing his affidavit he complied with the expert code of conduct as set out in the Federal Court Practice Note;
 - (c) in preparing his affidavit he conducted himself in accordance with the Professional Standards of the Institute of Chartered Accountants in Australia and the Institute of Public Accountants including forensic Accounting Standard APES215
185. On 5 March 2013, in the course of the public hearing in relation to Operation Jasper, Grant Lockley gave evidence that he prepared his affidavits:
- (a) seeking to comply with the Professional Accounting Code of Ethics known as APES110;
 - (b) complying with the obligation of objectivity set out in the Accounting Code of Ethics.

186. On 5 March 2013, in the course of the public hearing in relation to Operation Jasper, Grant Lockley gave evidence that:

- (a) he accepted that the purpose behind the Federal Court Practice Note and the code of ethics are principals of independence and objectivity;
- (b) his first obligation was to the ICAC;
- (c) he was employed by the ICAC;
- (d) he was one of the principal investigators of the ICAC in relation to Operation Jasper;
- (e) he had experience giving reports to Courts and Tribunals, including for the Supreme Court;
- (f) he formulated his own tasks in preparing his affidavits;
- (g) he did not comply with the obligation under the Federal Court Practice Note to identify all of the documents he relied on in preparing his affidavits;
- (h) he did not comply with the Federal Court Practice Note in preparing his affidavits;
- (i) the title used to describe himself of "*forensic accountant*" was not earned through study or experience, but was a term that the ICAC had bestowed upon its senior forensic investigators in the last 12 months;
- (j) as at the date of his evidence he had never practiced as an accountant.

187. Grant Lockley, knowingly swore false affidavits to the extent that he gave evidence that he was complying with expert witness codes and standards.

188. Grant Lockley, knowingly swore false affidavits to the extent that he gave evidence that he was an independent expert.

189. On about 6 March 2013 Grant Lockley, in the middle of being cross-examined, sought to withdraw part of a concession he made the previous day on the basis that the issue

had been brought to his attention by another accountant working for the ICAC overnight.

190. The conduct of Grant Lockley set out in paragraphs 176 – 189 was:

- (a) providing false and misleading evidence to the ICAC contrary to s.87 of the ICAC Act and the ICAC Code of Conduct;
- (b) malicious;
- (c) contrary to his obligations to exercise his functions and duties in accordance with the ICAC Act and the ICAC Code of Conduct;
- (d) contrary to his obligations to exercise his functions and duties honestly and ethically;
- (e) designed to ensure that adverse findings by Commissioner Ipp would be referred to both the Australian Taxation Office (“**ATO**”), and the Australian Consumer and Competition Commission (“**ACCC**”);
- (f) designed to ensure irreparable damage to the Plaintiffs and other members of the Obeid family by improperly referring false and misleading evidence to the ATO and ACCC.

191. The conduct of Grant Lockley in paragraph 176 – 189 above was done with the knowledge and consent of Commissioner Ipp, Geoffrey Watson, Sharon Loder, Tim Fox and Roy Waldon.

192. At the time that Grant Lockley swore his affidavits as set out in paragraph 176 – 184 above and at the time they were tendered, each of Commissioner Ipp, Geoffrey Watson, Sharon Loder, Tim Fox and Roy Waldon knew that it was false that:

- (a) he was an expert forensic accountant able to express opinions about accounting matters;

- (b) in preparing his affidavit he complied with the expert code of conduct as set out in the Federal Court Practice Note;
- (c) in preparing his affidavit he conducted himself in accordance with the Professional Standards of the Institute of Chartered Accountants in Australia and the Institute of Public Accountants including forensic Accounting Standard APES215.

193. The conduct of each of Commissioner Ipp, Geoffrey Watson, Sharon Loder, Tim Fox and Roy Waldon set out in paragraphs 191 and 192 above was:

- (a) contrary to his/her obligations to exercise his/her functions and duties in accordance with the ICAC Act and the ICAC Code of Conduct;
- (b) contrary to his/her obligations to exercise his/her functions and duties honestly and ethically.

194. On 6 March 2013, in the course of the public hearing in relation to Operation Jasper, Commissioner Ipp made a statement that the evidence of Grant Lockley would have limited relevance, namely it could not prove benefits received by Edward Obeid Snr from the Mount Penny transaction and that those matters would need to be resolved by other evidence or legal argument.

195. Despite the statement referred to in the preceding paragraph, in addressing the Commission in closing submissions, Geoffrey Watson relied on Mr Lockley's evidence to prove the benefits received by Edward Obeid Snr from the Mount Penny transaction.

196. The conduct of Geoffrey Watson set out in the preceding paragraph was:

- (a) malicious;
- (b) reckless with the intent to harm;
- (c) contrary to his obligations to exercise his functions and duties in accordance with the ICAC Act and the ICAC Code of Conduct;

(d) contrary to his obligations to exercise his functions and duties honestly and ethically;

(e) intended to cause injury, reputational, and financial harm to Edward Obeid Snr, Moses Obeid, Paul Obeid, Edward Obeid Jnr, and other members of the Obeid family.

F. Appointment of Counsel Assisting

197. Geoffrey Watson was counsel assisting for Operations Jasper, Indus and Acacia.

F1. Questioning of witnesses

198. In the course of questioning Edward Obeid Snr during the public hearing on 4 and 5 February 2013 relating to Operation Jasper, Geoffrey Watson:

- (a) behaved towards Edward Obeid Snr in an aggressive, threatening and intimidating manner;
- (b) yelled at Edward Obeid Snr during questioning;
- (c) angrily pointed and waved his finger at Edward Obeid Snr;
- (c) made sarcastic comments to Edward Obeid Snr;
- (d) interrupted Edward Obeid Snr when he was attempting to respond to questions;
- (e) hectorated and bullied Edward Obeid Snr.

199. On 11 December 2012, the solicitors for Edward Obeid Snr wrote a letter to Commissioner Ipp complaining about the conduct of Geoffrey Watson set out in the preceding paragraph.

200. On 14 December 2012, the ICAC responded to the complaint to the effect that Geoffrey Watson held no "*antipathy*" towards the First Plaintiff.

F2. Submissions

201. In the course of Geoffrey Watson's submissions in Operation Jasper dated 22 March 2013 Geoffrey Watson:

- (a) invited Commissioner Ipp to find that each of Edward Obeid Snr, Moses Obeid, and Paul Obeid were not credible, not reliable and that they gave deliberately dishonest evidence on critical issues;
- (b) alleged that Edward Obeid Snr was aggressive, avoided questions, and made irrelevant, self-serving speeches and that he repeatedly resorted to obfuscation when confronted with difficult questions;
- (c) alleged that Moses Obeid had entered into an agreement with Paul Obeid in relation to answering questions at the public hearing, irrespective of the questions;
- (d) pejoratively referred to Edward Obeid Snr as "*Eddie*";

F3. Press interviews

202. In about late July 2013, Counsel Assisting Mr Watson gave an interview to the Australian Broadcasting Corporation in relation to his appearance at the public hearing into Operation Jasper (the "**ABC interview**").

203. During the course of the ABC interview, Geoffrey Watson:

- (a) described how he came up with the "pretty good line" concerning the Plaintiffs that they were involved in "*Corruption on a scale probably unexceeded since the days of the Rum Corps*";
- (b) informed the interviewer that he had "*great fun*" interrogating people at the ICAC, including the Plaintiffs;
- (c) described how he "*got the better*" of a witness;
- (d) described how he was "*trying to provoke*" the witnesses;
- (e) informed the interviewer that he "*never had any doubt that we would fail in establishing those matters...I was always confident*" in relation to the allegations of corruption against the Plaintiffs;

- (f) agreed with the interviewer that it was “from fairly early on” that he knew that “the outcome that we ended up getting was the likely one”.
 - (g) described his enjoyment when witnesses lied when giving evidence and he could prove them wrong;
 - (h) described how people called out to him in the street “*get the bastards*”.
204. In about August 2013, Geoffrey Watson gave a lengthy interview to the *Sydney Morning Herald* in relation to his appearance at the public hearing into Operation Jasper (the “**SMH interview**”).
205. The SMH interview was conducted over lunch at Beppi’s restaurant with Fairfax journalist Michaela Whitbourn.
206. During the course of the SMH interview, Geoffrey Watson:
- (a) described how people thanked him in the street for his role in Operation Jasper;
 - (b) described how he was “*proud*” of his opening statement at the public hearing into Operation Jasper;
 - (c) described how he was “shocked” to discover the corruption extended beyond politicians to businessmen;
 - (d) stated that “*he had a ball*” working with his junior Mr Chen.
207. By reason of the matters set out in paragraphs 198, 201, and 202 - 206 above, it was apparent that Geoffrey Watson, held antipathy towards the Plaintiff.
208. By reason of the matters set out in paragraphs 202 - 206 above, it was apparent that Geoffrey Watson, had a very close relationship with the press.
209. By reason of the matters set out in paragraphs 198, 201, and 202 - 206 above, Geoffrey Watson was unsuited to carry out the function of Counsel Assisting the ICAC in any future inquiry concerning the Plaintiffs, or one or more of them.

210. In the course of submissions in relation to Operation Jasper, counsel representing affected parties, including counsel for Ian Macdonald and counsel for Edward Obeid Snr, made criticism of the conduct of Geoffrey Watson in his role as Counsel Assisting in Operation Jasper.
211. In about July 2013, in the report of the ICAC in relation to Operation Jasper, Commissioner Ipp was highly critical of the submissions referred to in the preceding paragraph and threatened, in future, to *“take whatever steps are available...to have the authors of such submissions called to account.”*
212. In or about early 2013, Commissioner Ipp appointed Geoffrey Watson as counsel assisting in relation to Operations Credo and Spicer.
213. The conduct of Commissioner Ipp referred to in the preceding paragraph was:
- (a) contrary to his obligations to exercise his functions and duties in accordance with the ICAC Act and the ICAC Code of Conduct;
 - (b) contrary to his obligations to exercise his functions and duties honestly and ethically;
 - (c) malicious;
 - (d) reckless with intent to harm;
 - (e) intended to cause injury, reputational, and financial harm to the Plaintiffs.
214. As at the date of his appointment, Geoffrey Watson was aware that he was neither a fit and proper person, nor suitable to act as Counsel Assisting in Operations Credo and Spicer.
215. The conduct of Geoffrey Watson in accepting the role of counsel assisting was:
- (a) malicious;
 - (b) premised on a desire for self-promotion;
 - (c) premised on a desire to cause further irreparable damage on the Plaintiffs.

216. On about 18 February 2014 the ICAC announced the following terms of reference in Operations Credo and Spicer:

Credo:

- (a) whether, between 2004 and 2012, persons having an interest in Australian Water Holdings Pty Ltd (its predecessors and its subsidiaries) obtained a financial benefit as a result of adversely affecting official functions of Sydney Water Corporation by inflating charges made to Sydney Water Corporation and deliberately preventing Sydney Water Corporation from ascertaining whether the charges were justifiable;
- (b) whether, in 2010, public officials and others were involved in the falsification of a cabinet minute relating to a public private partnership proposal made by Australian Water Holdings Pty Ltd, with the intention of misleading the NSW Government Budget Cabinet Committee and obtaining a benefit for Australian Water Holdings Pty Ltd;
- (c) whether, in 2010, the Hon Edward Obeid MLC, the Hon Joseph Tripodi, and the Hon Anthony Kelly MLC misused their positions as members of parliament to attempt to influence public officials to exercise their official functions with respect to a public private partnership proposal by Australian Water Holdings Pty Ltd submitted to the NSW Government Budget Cabinet Committee;
- (d) whether, on or about 20 November 2012, Nicholas Di Girolamo and Edward Obeid Junior created a false instrument, namely a deed of confirmation, with a view to misleading the ICAC and any future investigation into whether the Hon Edward Obeid MLC misused his position as a member of parliament to attempt to influence public officials to exercise their official functions with respect to a public private partnership proposal by Australian Water Holdings Pty Ltd submitted to the NSW Government Budget Cabinet Committee in 2010;

- (e) The circumstances in which false allegations of corruption were made against senior executives of Sydney Water Corporation (see also Operation Spicer);
- (f) The circumstances that led to the signing of the current contract between Sydney Water Corporation and the successor to Australian Water Holdings Pty Ltd.

Spicer:

- (a) whether, between April 2009 and April 2012, certain members of parliament, including Christopher Hartcher, Darren Webber and Christopher Spence, and others, including Timothy Koelma and Raymond Carter, corruptly solicited, received and concealed payments from various sources in return for certain members of parliament agreeing to favour the interests of those responsible for the payments;
- (b) whether, between December 2010 and November 2011, certain members of parliament, including Christopher Hartcher, Darren Webber and Christopher Spence, and others, including Raymond Carter, solicited, received and failed to disclose political donations from companies, including prohibited donors, contrary to the *Election Funding, Expenditure and Disclosures Act 1981*;
- (c) whether Eightbyfive, a business operated by Timothy Koelma, and Australian Water Holdings Pty Ltd, through its chief executive officer, Nicholas Di Girolamo, entered into an agreement whereby Australian Water Holdings Pty Ltd made regular payments to Eightbyfive, purportedly for the provision of media, public relations and other services and advice, in return for which Christopher Hartcher favoured the interests of Australian Water Holdings Pty Ltd;
- (d) the circumstances in which false allegations of corruption were made against senior executives of Sydney Water Corporation (see also Operation Credo).

217. Edward Obeid Jnr was an affected person with respect to Operation Credo.

218. Edward Obeid Snr was an affected person with respect to Operation Credo and Spicer.

219. On about 14 March 2014, the solicitors for Edward Obeid Snr wrote to the ICAC to express the concerns of Edward Obeid Snr that he would not be treated fairly by Geoffrey Watson in the inquiry of Operations Credo and Spicer.
220. On about 17 March 2014, Roy Waldon informed the solicitors for Edward Obeid Snr that the ICAC “*sees no need to take any action in relation to the matters raised in your letter*”.
221. The conduct of Roy Waldon was:
- (a) malicious;
 - (b) reckless with the intent to cause harm;
 - (c) contrary to his obligations to exercise his functions and duties in accordance with the ICAC Act and the ICAC Code of Conduct;
 - (d) contrary to his obligations to exercise his functions and duties honestly and ethically;
 - (e) intended to cause injury, reputational, and financial harm to the Plaintiffs.

G. Improper findings of Commissioner

222. Moses Obeid, repeats the allegations in paragraphs 111 – 135, above.
223. In his report in Operation Indus, Commissioner Ipp made the following findings:
- That the advice of the DPP should be sought with respect to the prosecution of Moses Obeid on the following bases:
- (a) Moses Obeid for the offence of giving false or misleading evidence at the public inquiry under s.87 of the ICAC Act, when he gave evidence that the Honda CR-V obtained by Mr Fitzhenry from Peter Warren Automotive was originally intended for Mrs Re.
 - (b) Moses Obeid for the offence of giving false or misleading evidence at the public inquiry under s.87 of the ICAC Act, when he gave evidence that his first

conversation with Mr Roozendaal about purchasing the Honda CR-V was on 18 June 2007 when Rocco Triulcio decided that he did not want to acquire the Honda CR-V for Mrs Re.

- (c) Moses Obeid for the offence of giving false or misleading evidence at the public inquiry under s.87 of the ICAC Act, when he said that he instructed Mr Fitzhenry to locate two cars – one for Rocco Triulcio and one for Mr Roozendaal.
- (d) Moses Obeid for the offence of giving false or misleading evidence at the public inquiry under s.87 of the ICAC Act, when he denied that he arranged for Rocco Triulcio to provide a cheque to purchase the Honda CR-V that was intended for the Roozendaals.

224. Despite making a finding about Moses Obeid, Commissioner Ipp did not make any finding about the alleged recipient of the corrupt gift, namely Minister Roozendaal.

225. The findings referred to in paragraph 223 above were improperly made:

- (a) given the matters set out above, and
- (b) because a corruption finding against Moses Obeid was incongruous given the lack of any finding against Mr Roozendaal.

226. In his report in Operation Jasper, Commissioner Ipp made the following findings:

- (a) that Edward Obeid Snr and Ian Macdonald entered into a corrupt agreement to enable Ian Macdonald to pass onto the Obeid family confidential information in relation to the Mt Penny mining tenement;
- (b) the conduct of Edward Obeid Snr, Moses Obeid, Paul Obeid and members of the Obeid family should be referred to the ATO and ACCC.

227. By reason of the conduct of Commissioner Ipp and the other Defendants as set out above, the findings referred to in the preceding paragraph were improperly made.

228. The conduct of Commissioner Ipp as set out in the preceding paragraph was:

- (a) malicious;
- (b) designed to cause irreparable damage;
- (c) contrary to his obligations to exercise his functions and duties in accordance with the ICAC Act and the ICAC Code of Conduct;
- (d) contrary to his obligations to exercise his functions and duties honestly and ethically;
- (f) intended to cause injury, reputational, and financial harm to the Plaintiffs.

H. ~~Disclosure of information to the press~~

H1. Disclosure of trip to Matrite

229. During the course of the public inquiry relating to Operation Jasper, on about 12 November 2012, Senior Counsel for Edward Obeid Snr, Mr Littlemore, informed Geoffrey Watson, in the presence of other officers of the ICAC, that his client was considering postponing an overseas trip to Lebanon depending on when he was required to give evidence at the public inquiry.

230. Prior to informing the ICAC officers of the fact referred to in the preceding paragraph, the only persons who were aware of that fact were Edward Obeid Snr, Mr Littlemore, and Messrs Breene and Tipple, the solicitors for Edward Obeid Snr.

231. On about 28 November 2012, Edward Obeid Snr was telephoned by Anne Davies, a journalist for the *Sydney Morning Herald* who told him that she had heard that he was going to Lebanon for a holiday. Edward Obeid Snr asked her where she had heard that information and asserted that she must have heard it from the ICAC.

232. On about 29 November 2012, the *Sydney Morning Herald* published an article by journalist Anne Davies asserting that Edward Obeid Snr had postponed an overseas trip in anticipation of giving evidence at the public inquiry before Christmas (the "**Matrite Article**").

233. None of Edward Obeid Snr, Mr Littlemore, Mr Breene or Mr Tipple informed Anne Davies, or any other person of the matters that appeared in the Matrite Article.
234. The matters set out in the preceding paragraphs were raised with Commissioner Ipp on 30 November 2012.
235. Commissioner Ipp said that he could not investigate the allegations.
236. On about 30 November 2012, Geoffrey Watson tendered a note prepared by Sydney Morning Herald journalist Kate McClymont (the "**McClymont note**").
237. In the course of tendering the McClymont note, Geoffrey Watson asserted that Edward Obeid Snr was the source of the information that led to the Matrite Article.
238. The assertion made by Geoffrey Watson referred to in the preceding paragraph was false.
239. As a result of Geoffrey Watson's false assertion, Edward Obeid Snr was ridiculed in the press on 30 November 2012, including in an article published on www.abc.net.au entitled "*ICAC blamed, but Obeid revealed own travel plans.*".
240. The conduct of Geoffrey Watson, referred to in paragraphs 236 and 237 above was contrary to his obligations to:
- (a) exercise his functions and duties in accordance with the ICAC Act and the ICAC Code of Conduct;
 - (b) exercise his functions and duties honestly and ethically.
241. The McClymont note asserted that the source of the information was a "*rumour*" from "*members of the extended Obeid Family*", and that Edward Obeid Snr "*freely told*" Anne Davies about when she asked him about it.
242. Kate McClymont was not the author of the Matrite Article.

243. On 11 December 2012, the solicitors for Edward Obeid Snr wrote to Commissioner Ipp setting out the matters in paragraphs 229 - 242 above and requested that Commissioner Ipp investigate the improper disclosure of information to the press.
244. By letter dated 14 December 2012, Roy Waldon declined the request of Edward Obeid Snr.
245. The conduct of Roy Waldon in the preceding paragraph was contrary to his obligations to:
- (a) exercise his functions and duties in accordance with the ICAC Act and the ICAC Code of Conduct;
 - (b) exercise his functions and duties honestly and ethically.

I. *Ultra vires*

246. By reason of the matters set out in paragraphs 1 - 245 above, the conduct of the said officers of the ICAC in conducting:
- (a) Operation Indus;
 - (b) Operation Jasper;
 - (c) Operation Meeka;
 - (d) Operation Cabot;
 - (e) Operation Cyrus;
 - (f) Operation Spicer; and
 - (g) Operation Credo,

to the extent that each of those operations involved the First and/or Second Plaintiff and/or Third Plaintiff and/or Fourth Plaintiff was not done so according to law.

247. By reason of the matters set out in paragraphs 1 – 245 above, officers of the ICAC, including Commissioner Ipp and Geoffrey Watson, had formed the view prior to announcing the public inquiry in Operation Jasper, on 7 August 2012, that corruption

findings would be made in Operation Jasper and Indus against the Plaintiffs, or one or more of them, despite the availability of exculpatory evidence and the failure to properly investigate.

248. By reason of the matters set out in paragraphs 1 – 245 above, officers of the ICAC had formed the view, prior to announcing the public inquiry, that corruption findings would be made in Operations Meeka, Cabot, and Cyrus against the Plaintiffs, or one or more of them, despite the availability of exculpatory evidence and the failure to properly investigate.

249. By reason of the matters set out in the paragraphs 247 and 248 above, each of the following reports of the ICAC:

- (a) Operation Indus Report, July 2013;
- (b) Operation Jasper Report, July 2013, and December 2013;
- (c) Operation Meeka and Cabot Report, June 2014;
- (d) Operation Cyrus Report, June 2014.

was not prepared and published according to law and is a nullity.

J. Bad faith

250. In conducting and reporting on Operations Indus, Jasper, Meeka, Cabot and Cyrus officers of the ICAC were motivated by a purpose or purposes foreign to their functions and duties under the ICAC Act and the ICAC Code of Conduct, namely:

- (a) an intention to harm the Plaintiffs, or one or more of them;
- (b) an intention to publicly humiliate the Plaintiffs, or one or more of them;
- (c) an intention to find the Plaintiffs, or one of more of them corrupt, regardless of any exculpatory evidence;

- (d) an intention to cause the Plaintiffs, or one or more of them, injury, reputational and financial harm.

251. Further and in the alternative to the allegations in the preceding paragraph, in conducting and reporting on Operations Indus, Jasper, Meeka, Cabot and Cyrus officers of the ICAC acted in the knowledge:

- (a) that their conduct was beyond power; and
- (b) that their conduct was likely to harm the Plaintiffs, or one or more of them.

252. Further and in the alternative to the allegations in the preceding paragraph, in conducting and reporting on Operations Indus, Jasper, Meeka, Cabot and Cyrus officers of the ICAC acted with reckless disregard as to whether:

- (a) their conduct was beyond power; and
- (b) their conduct was likely to harm the Plaintiffs, or one or more of them.

253. In conducting Operations Credo and Spicer officers of the ICAC were motivated by a purpose or purposes foreign to their functions and duties under the ICAC Act and the ICAC Code of Conduct, namely:

- (a) an intention to harm the Plaintiffs, or one or more of them;
- (b) an intention to publicly humiliate the Plaintiffs, or one or more of them;
- (c) an intention to find the Plaintiffs, or one of more of them corrupt, regardless of any exculpatory evidence;
- (d) intention to cause the Plaintiffs, or one or more of them, financial harm.

254. Further and in the alternative to the allegations in the preceding paragraph, in conducting Operations Credo and Spicer officers of the ICAC acted in the knowledge:

- (a) that their conduct was beyond power; and
- (b) that their conduct was likely to harm the Plaintiffs, or one or more of them.

255. Further and in the alternative to the allegations in the preceding paragraph, in conducting Operations Credo and Spicer officers of the ICAC acted with reckless disregard as to whether:

- (a) their conduct was beyond power; and
- (b) their conduct was likely to harm the Plaintiffs, or one or more of them.

Damage

256. As a result of the conduct of the Defendants set out above, each of the Plaintiffs has suffered loss and damage.

Particulars of damage

- (a) Each of the Plaintiffs has suffered reputational harm by reason of the conduct of and reporting of each of the ICAC operations referred to in this Statement of Claim.
- (b) Each of the Plaintiffs incurred irrecoverable legal expenses for the purpose of protecting their interests in relation to each of the ICAC operations referred to in this Statement of Claim.
- (c) Each of the Plaintiffs suffered economic loss as a result of the conduct of the Defendants, particulars of which will be provided if an inquiry into damages is ordered, after liability is determined.
- (d) Each of the Plaintiffs has suffered significant stress, mental anxiety, and injury.

Particulars of exemplary damages

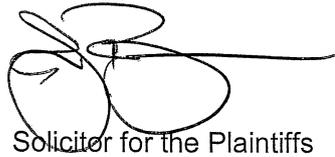
- (a) The conduct of the ICAC and its officers as set out in this Statement of Claim was carried out in contumelious disregard of the Plaintiffs' rights.

SIGNATURE OF LEGAL REPRESENTATIVE

I certify under section 347 of the Legal Profession Act 2004 that there are reasonable grounds for believing on the basis of provable facts and a reasonably arguable view of the law that the claim for damages in these proceedings has reasonable prospects of success.

I have advised the Plaintiffs that court fees may be payable during these proceedings. These fees may include a hearing allocation fee.

Signature



Capacity

Solicitor for the Plaintiffs

Date of signature

3 July 2015

NOTICE TO DEFENDANT

If you do not file a defence within 28 days of being served with this statement of claim:

- **You will be in default in these proceedings.**
- **The court may enter judgment against you without any further notice to you.**

The judgment may be for the relief claimed in the statement of claim and for the plaintiff's costs of bringing these proceedings. The court may provide third parties with details of any default judgment entered against you.

HOW TO RESPOND

Please read this statement of claim very carefully. If you have any trouble understanding it or require assistance on how to respond to the claim you should get legal advice as soon as possible.

You can get further information about what you need to do to respond to the claim from:

- A legal practitioner.
- LawAccess NSW on 1300 888 529 or at www.lawaccess.nsw.gov.au.
- The court registry for limited procedural information.

You can respond in one of the following ways:

- 1 **If you intend to dispute the claim or part of the claim**, by filing a defence and/or making a cross-claim.
- 2 **If money is claimed, and you believe you owe the money claimed**, by:

- Paying the plaintiff all of the money and interest claimed. If you file a notice of payment under UCPR 6.17 further proceedings against you will be stayed unless the court otherwise orders.
- Filing an acknowledgement of the claim.
- Applying to the court for further time to pay the claim.

3 If money is claimed, and you believe you owe part of the money claimed, by:

- Paying the plaintiff that part of the money that is claimed.
- Filing a defence in relation to the part that you do not believe is owed.

Court forms are available on the UCPR website at www.lawlink.nsw.gov.au/ucpr or at any NSW court registry.

REGISTRY ADDRESS

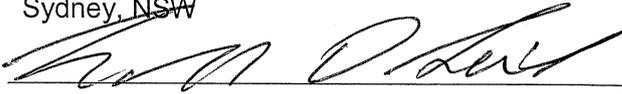
Street address	Law Courts Building, 184 Phillip Street, Sydney
Postal address	Supreme Court of NSW, GPO Box 3, Sydney NSW 2001, Australia
Telephone	1300 679 272

AFFIDAVIT VERIFYING

Name Edward Moses Obeid, Snr
 Address 1 Passy Avenue, HUNTERS HILL NSW 2110
 Occupation Retired
 Date > July 2015

I say on oath:

- 1 I am the First Plaintiff.
- 2 I believe that the allegations of fact in the statement of claim are true.

SWORN at Sydney, NSW
 Signature of deponent 
 Name of witness Robert Oliwer Szuszkiewicz
 Address of witness Level 12, 111 Elizabeth Street, SYDNEY NSW 2000
 Capacity of witness Solicitor

And as a witness, I certify the following matters concerning the person who made this affidavit (the **deponent**):

- 1 I saw the face of the deponent.
- 2 I have confirmed the deponent's identity using the following identification document:

NSW DRIVER LICENSE #2916LV

Identification document relied on

Signature of witness



Note: The deponent and witness must sign each page of the affidavit. See UCPR 35.7B.

AFFIDAVIT VERIFYING

Name Moses Edward Obeid
 Address 32 Serpentine Road, VAUCLUSE NSW 2030
 Occupation Real Estate Developer
 Date 7 July 2015

I say on oath:

- 1 I am the Second Plaintiff.
- 2 I believe that the allegations of fact in the statement of claim are true.

SWORN at Sydney, NSW

Signature of deponent



Name of witness

Robert Oliwer Szuszkiewicz

Address of witness

Level 12, 111 Elizabeth Street, SYDNEY NSW 2000

Capacity of witness

Solicitor

And as a witness, I certify the following matters concerning the person who made this affidavit (the **deponent**):

- 1 I saw the face of the deponent.
- 2 I have confirmed the deponent's identity using the following identification document:

NSW DRIVER LICENCE #8487CW
 Identification document relied on

Signature of witness



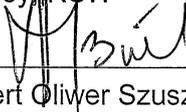
Note: The deponent and witness must sign each page of the affidavit. See UCPR 35.7B.

AFFIDAVIT VERIFYING

Name Paul Edward Obeid
 Address 16A Alfred Street, WOOLWICH NSW 2110
 Occupation Real Estate Developer
 Date 7 July 2015

I say on oath:

- 1 I am the Third Plaintiff.
- 2 I believe that the allegations of fact in the statement of claim are true.

SWORN at Sydney NSW
 Signature of deponent 
 Name of witness Robert Oliver Szuszkiewicz
 Address of witness Level 12, 111 Elizabeth Street, SYDNEY NSW 2000
 Capacity of witness Solicitor

And as a witness, I certify the following matters concerning the person who made this affidavit (the **deponent**):

- 1 I saw the face of the deponent.
- 2 I have confirmed the deponent's identity using the following identification document:

NSW DRIVER LICENCE
 Identification document relied on

Signature of witness



Note: The deponent and witness must sign each page of the affidavit. See UCPR 35.7B.

AFFIDAVIT VERIFYING

Name Edward Joseph Obeid, Jnr
 Address 54 Blaxland Street, HUNTERS HILL NSW 2110
 Occupation Real Estate Developer
 Date

I say on oath:

- 1 I am the Fourth Plaintiff.
- 2 I believe that the allegations of fact in the statement of claim are true.

SWORN at Sydney, NSW

Signature of deponent

Name of witness Robert Oliwer Szuszkiewicz

Address of witness Level 12, 111 Elizabeth Street, SYDNEY NSW 2000

Capacity of witness Solicitor

And as a witness, I certify the following matters concerning the person who made this affidavit (the **deponent**):

- 1 I saw the face of the deponent.
- 2 I have confirmed the deponent's identity using the following identification document:

 Identification document relied on

Signature of witness

Note: The deponent and witness must sign each page of the affidavit. See UCPR 35.7B.

PARTY DETAILS**PARTIES TO THE PROCEEDINGS****Plaintiffs****EDWARD MOSES OBEID SNR**

The First Plaintiff

MOSES EDWARD OBEID

The Second Plaintiff

PAUL EDWARD OBEID

The Third Plaintiff

EDWARD JOSEPH OBEID JNR

The Fourth Plaintiff

Defendants**THE HON. DAVID ANDREW IPP AO QC**

The First Defendant

GEOFFREY MAURICE WATSON SC

The Second Defendant

SHARON LODER

The Third Defendant

TIMOTHY NEIL FOX

The Fourth Defendant

LISA STOCKLEY

The Fifth Defendant

GRANT LOCKLEY

The Sixth Defendant

ROY WALDON

The Seventh Defendant

PAUL ANTHONY GRAINGER

The Eight Defendant

DARREN JOHN CURD

The Ninth Defendant

THE STATE OF NEW SOUTH WALES

The Tenth Defendant

FURTHER DETAILS ABOUT PLAINTIFFS**First Plaintiff**

Name Edward Moses Obeid, Snr
Address 1 Passy Avenue
HUNTERS HILL NSW 2110

Second Plaintiff

Name Moses Edward Obeid
Address 32 Serpentine Road
VAUCLUSE NSW 2030

Third Plaintiff

Name Paul Edward Obeid
Address 16A Alfred Street
WOOLWICH NSW 2110

Fourth Plaintiff

Name Edward Joseph Obeid, Jnr
Address 54 Blaxland Street
HUNTERS HILL NSW 2110

Legal representative for Plaintiffs

Name Timothy Joseph Breene
Practising certificate number 31342
Firm Breene & Breene Solicitors
Address Level 12, St James Centre
111 Elizabeth Street
SYDNEY NSW 2000
Telephone (02) 9232 5811
Fax (02) 9232 5822
Email timbreene@breene.com.au

DETAILS ABOUT DEFENDANT**First Defendant**

Name The Honourable David Andrew Ipp AO QC
Address The Independent Commission Against Corruption
Level 7, 255 Elizabeth Street
SYDNEY NSW 2000

Second Defendant

Name Geoffrey Maurice Watson SC
Address The Independent Commission Against Corruption
Level 7, 255 Elizabeth Street
SYDNEY NSW 2000

Third Defendant

Name Sharon Loder
Address The Independent Commission Against Corruption
Level 7, 255 Elizabeth Street
SYDNEY NSW 2000

Fourth Defendant

Name Timothy Neil Fox
Address The Independent Commission Against Corruption
Level 7, 255 Elizabeth Street
SYDNEY NSW 2000

Fifth Defendant

Name Lisa Stockley
Address The Independent Commission Against Corruption
Level 7, 255 Elizabeth Street
SYDNEY NSW 2000

Sixth Defendant

Name Grant Lockley
Address The Independent Commission Against Corruption
Level 7, 255 Elizabeth Street
SYDNEY NSW 2000

Seventh Defendant

Name Roy Waldon
Address The Independent Commission Against Corruption
Level 7, 255 Elizabeth Street
SYDNEY NSW 2000

Eight Defendant

Name Paul Anthony Grainger
Address The Independent Commission Against Corruption
Level 7, 255 Elizabeth Street
SYDNEY NSW 2000

Ninth Defendant

Name Darren John Curd
Address The Independent Commission Against Corruption
Level 7, 255 Elizabeth Street
SYDNEY NSW 2000

Tenth Defendant

Name The State of New South Wales
Address Crown Solicitor's Office
60-70 Elizabeth Street
SYDNEY NSW 2000