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HEARING

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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER M. HALL QC  
CHIEF COMMISSIONER

PUBLIC HEARING

OPERATION AERO

Reference: Operation E18/0093

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON MONDAY 9 SEPTEMBER, 2019

AT 1.30PM

Any person who publishes any part of this transcript in any way and to any person contrary to a Commission direction against publication commits an offence against section 112(2) of the Independent Commission Against Corruption Act 1988.

This transcript has been prepared in accordance with conventions used in the Supreme Court.

THE COMMISSIONER: Just before you continue, Mr Robertson, in questions I put to Mr Robertson I referred to the Search Warrants Act for 1985. I note that the search warrant in question that was executed on the ALP NSW Branch was issued in fact under section 40 of the Independent Commission Against Corruption Act 1988. That provision contains similar stated requirement for the authorising officer to be satisfied of reasonable grounds for issuing a search warrant. I notice the Search Warrants Act of 1985 has now been overtaken by the Law Enforcement (Powers and Responsibilities) Act of 2002.

Yes, Mr Robertson.

MR ROBERTSON: Mr Robertson, I now want to ask you some questions about the alleged meeting between you and Ms Murnain on 16 September, 2016. You were present during the public gallery whilst Ms Murnain was giving evidence in relation to that alleged meeting. Correct?---Yes.

And you have heard what she said about a meeting that she alleged took place on that date. Correct?---Yes.

And you've reviewed and read the transcript of her evidence in relation to that issue. Correct?---No, I haven't read the transcript.

So you were here during the oral evidence but you haven't read the transcript of that evidence. Is that right?---That's correct.

Before we get to the detail of 16 September, I just want to spend some time on the question of the other things that you were doing in that week, the week commencing 12 September, 2016, for NSW Labor, and can we start, please, operator, by having the section 35(2) bundle on the screen, page 2, which is a document that you and I discussed this morning, Mr Robertson, which was the email from Mr Garcia to you of 14 September, 2016, and you'll remember that you and I discussed this email and the attachment this morning. Correct?---Yes.

And so one of the things you were doing in the week beginning the 12<sup>th</sup> was giving advice as to whether Senator Dastyari had breached NSW Labor rules or the ALP National Constitution by accepting money from Top Education Institute and Yuhu Group. Is that right?---That's correct.

And you gave a written advice in relation to that matter?---Yes.

And if we can turn, please, to page 6 of that bundle, and we've redacted the detail of the advice, but is it consistent with your recollection that on 15 September, 2016, you gave certain advice regarding the matter that Mr

Garcia asked you for advice on?---I don't have a recollection but it's my belief based on my records.

Now, did anything happen – I withdraw that. In the week beginning 12 September, 2016, other than rendering the written advice that we can see on the page, did you have any other involvement in the question of Senator Dastyari and whether or not he had breached NSW Labor rules or the ALP Constitution?---Not in respect – later in the week I gave, on the, on the Saturday, two days later, I gave further advice on that issue after obtaining a view from somebody in my firm who knows more about the ALP National Constitution than I do. I think I may have also given advice that week about the issue of whether a donation in the form of a cheque which was never cashed is actually a donation. Both of those matters concerned Senator Dastyari.

Now, in terms of urgency in relation to advice, were you given any indication by anyone from NSW Labor as to the urgency of the matter of Senator Dastyari?---I don't recall, but usually when advice is sought in response to media publicity, it needs to be dealt with quickly.

But do you have any recollection of anything arising for example on 16 September, 2016, in relation to Senator Dastyari?---As I've said, I don't have a recollection of the events of 16 September, 2016, and I don't believe anything else arose about Senator Dastyari, apart from the fact that I had unfinished further advice to provide about him.

And that unfinished further advice you ultimately provided on the weekend of the week beginning 12 September, is that right?---Yes, I provided it, I believe, on the Saturday, 17 September.

Can we go, please, to the, I'll describe it as the CCR document, because I now want to focus on 16 September itself. And what I'm about to show you are some call charge records coming from your telephone and from Ms Murnain's telephone as well. To explain the document you see on the screen, the date obviously enough is the date, the time is the originating time of the phone making the call, Phone Service A is the originating telephone, Phone Service user A is the registered user of the telephone, Phone Service B is the recipient of the telephone, duration is the duration in seconds, and there is then locations in the remainder of the table, Party A being the originating telephone and Party B being the recipient telephone. Can I ask you to first direct your attention to rows 1 and 2, and can I just draw your attention to the fact that rows 1 and 2 seem to overlap in the sense that the call that appears to have been made between you and Ms Butler goes for 1,113 seconds, and within a few minutes later, see row 2, there's a call with Ms Murnain of 825 seconds. And so it appears, at least from these records, that those two calls may well have been merged. Having me just given that explanation, do you have any recollection as to what you may have been discussing with Ms Murnain in the telephone call that we can see in row 2

that appears to have gone for about 825 seconds?---Oh, as I've said, I don't have a recollection, but it's my belief based on my records that I was discussing with Ms Murnain the political donation difficulties of a State Labor MP, Mr Lalich.

So just to be clear about that, you don't have a specific recollection of that telephone call, but you've reviewed your records, and your best guess based on that is that the conversation must have been about Mr Lalich, is that right?---That is my belief.

10

Can we go, please, to ILR 1 at page 8, please? Now, is it right that during the course of that week of 12 September, 2016, your senior associate Ms Butler prepared a draft advice for your review in relation to what you've just described as an issue concerning Mr Lalich?---Yes, that's correct.

And is what you can see on the screen, page 8 of ILR 1, is that the cover email under which the draft advice was provided to you?---Yes.

20 And just have a look at the first paragraph, see it says, "I'm having a few issues with my remote access to FileSite," do you see that there?---Yes.

Now, does that refresh your memory as to whether Ms Butler was in the office or not in the office on 16 September at 7.04pm?---Ms Butler was on annual leave in Noosa Heads.

But you were still in contact with her for the purposes of her assisting in providing advice to NSW Labor, correct?---Yes.

30 And I take it then that sometime on 16 September, 2016, you asked her for assistance in drafting advice in relation to what I'll call the Lalich issue, is that right?---Yes, it would be unusual for me to disturb someone on leave, but my belief is the matter was very urgent, and I needed some assistance with it.

And you use the word "belief". Do you have a specific recollection of anyone saying to you that the Lalich issue required urgent attention?---I don't have a specific recollection.

40 But are you saying that you wouldn't disturb Ms Butler on leave absent some indication from the client that they wanted advice with some degree of haste?---That's my belief, and when you look at the surrounding documents, I think it's very obvious that it was urgent.

Following 7.04pm and then you ultimately providing the final advice to NSW Labor, do you recall whether there were any other dealings on 16 September regarding the Lalich matter?---I don't recall. It's my belief that I may have had another telephone conversation or telephone conversations with Ms Murnain about it.

So we referred to the longer telephone conversation a moment ago, and we'll perhaps just get the CCR document back on the screen. Your belief is that that concerned what we've described as the Lalich issue. Correct?  
---Yes.

10 And are you saying you don't have a specific recollection of any further telephone communications regarding the Lalich issue, but you think you may well have. Is that a fair summary of what you say?---Yes, that is my belief.

And the particular telephone calls you're now referring to, if we just turn the page, are you referring to the telephone calls that we can see in rows 8 and row 9?---Yes.

And so are you saying that at least your belief is that one or both of those telephone calls concerned the Lalich issue?---Yes.

20 Now, you ultimately provided a final advice in relation to the Lalich issue to Ms Murnain. Is that right?---Yes.

And can we go, please, back to ILR 1, and we'll start back on page 8, which is Ms Butler's email to you. And if we just turn the page, I'll just ask you to draw your attention to the first paragraph of that draft, "Further to our telephone conversation this afternoon."---Yes.

30 And then can we go to page 14, please, of the same document. Now, do you now see a copy of the email as you ultimately sent to Ms Murnain on Saturday, 17 September, 2016?---Yes.

Now, you in preparation of this examination have closely looked at the draft that Ms Butler prepared and the final version that we can now see on the screen. Correct?---Yes, I have.

40 And is it right to say that the only differences between those two documents is that the commencement of your email of Saturday, 17 September, says, "We refer to our telephone conversations," plural, and you've added, "Yesterday afternoon and evening." Have I got that right?---Yes. There are some other minor changes to the version I sent to our client compared to the draft. I think I'm right in saying that in the third line of the first paragraph I added in the words, "Or an entity associated with him."

And other than that were there any changes of substance between the two?  
---I don't, not of substance I don't think, no.

But at least one of the changes was that the draft advice referred to a singular telephone conversation in the afternoon whereas the final referred

to plural telephone conversations in the afternoon and evening. Is that right?---Yes, that's correct.

And is that the basis for the belief you mentioned a moment ago that there was more than one telephone conversation with Ms Murnain on 16 September, 2016?---Yes, it is.

10 Having been through the contemporaneous documents around 16 September, 2016, do you now accept that you had a meeting with Ms Murnain on the evening of 16 September at around 7.20pm?---I have no recollection of the meeting but I believe I had the meeting.

And you believe you had the meeting because you have reviewed the contemporaneous material and it seems that in light of that, you must have had that meeting. Is that right?---Yes, that is correct.

But is it fair to say that you don't have a specific recollection of that meeting?---Yes, I do not.

20 Is it also correct that you've searched your files with a view to finding a file note in relation to any meeting that occurred at about 7.20pm on 16 September, 2016?---Yes, I have.

And is it correct to say that there is no file note that you've been able to identify?---That is correct.

30 Do you have any recollection as to why you were still in the office on Friday evening of 16 September, 2016, or at least why you might have been, at about 7.20pm?---I, my belief is that I was preparing to go on three weeks' annual leave commencing on the Sunday, and that was overseas, and also I had a great deal of work to complete, much of it for NSW Labor.

Is it your firm's practice to have Friday night drinks regularly on a Friday night?---Yes.

Is it possible that one of the reasons you were in the office on 16 September was Friday night drinks?---I don't know whether I attended. I just simply don't know. I would not usually attend if I had a great deal of work on.

40 You would accept, wouldn't you, and I think you accepted this this morning, that having a meeting with Ms Murnain at 7.20pm on a Friday evening would be an unusual thing to do?---Yes. I think that is the only occasion.

Would you agree that that would be sufficiently unusual that it's unlikely that the meeting on 16 September at 7.20pm, if it happened, it's unlikely that it would be about the Lalich issue or the Dastyari issue?---No, I don't accept that.

Senator Dastyari, by the time you were giving advice in the week beginning 12 September, 2016, had already resigned from the front bench a little while earlier, correct?---Yes.

And it would be fair to say, wouldn't it, that the advice in relation to that issue couldn't be described as so urgent that one would need a meeting on a Friday, an unusual meeting on a Friday evening, is that fair?---That would, it would seem unlikely.

10

And would a similar answer apply in relation to Mr Lalich, in other words at that point in time a draft advice had already been prepared and it would be unlikely, wouldn't it, that you would need to meet with Ms Murnain at the unusual time of 7.20pm on a Friday evening, do you agree with that?---My belief is that I would not have wanted to meet with Ms Murnain but the Lalich matter involved the office of the Leader of the Opposition and my belief is that office was handling media enquiries about it and I believe that that would have made it particularly urgent. And it was very unusual for me to be involved in an issue that involved the leader's office.

20

THE COMMISSIONER: Could I just ask you, Mr Robertson, it's no criticism of you, but in that answer you prefaced it by saying, "It's my belief," and you've used that formulation a number of times. Sometimes the difficulty is understanding what the belief is based on. So if we need to drill down to find out what the basis is in relation to the last answer you've just given, what is it?---My belief – firstly sir, I should say that I, I have no recollection of these events. My belief is based by, upon a careful analysis of all of the surrounding information that I had or have been able to obtain.

30 Which is, what, wholly documentary, I imagine, is it?---No. It's not.

What is it then? You understand I just need to understand what you rely upon so that we do have a clear understanding of your evidence and how is it's derived.---I obtained the, the lift access card and record for my security card in the MLC Centre.

40 So that would fix the time at which you would have activated the door to let Ms Murnain in?---Yeah, it shows, which shows that I activated the lift at 19 minutes past 7.00 on Friday, 16 September, which would be consistent with her coming to my office and me taking her up in the lift.

That doesn't tell us much though about the belief that you expressed in that previous answer. Again, I'm not being critical but I thought you were relying on documents, but you say there was more to it than that and I'm just trying to find out what it is, what the extra - - -?---The, the, to the best of my belief, the work that was being performed for Ms Murnain, at her request, on the Friday afternoon was about the Lalich matter. I know that the leader's office was involved because the advice that was sent on 17

September is copied to the chief of staff of the leader and that is very usually. I know from the media report of 20 December, and by then I was overseas, that the leader's office reported Mr Lalich to the Electoral Commission. I know from emails I have reviewed that lawyers in my office continued working on the Lalich matter after I went overseas to actually work out, with greater certainty, as to the legal position.

10 Was one of the, or perhaps the sole reason for having the advice done or the draft advice done, was to be able to determine that issue as to whether it should be referred by the ALP to the Electoral Commission or not?---Yes.

MR ROBERTSON: And was one of the reasons you asked for that draft advice to be done on that day, even though Ms Butler was away, was that you were trying to clear the decks, as it were, before you went on leave? ---Yes, correct.

20 Are you at least clear in your mind that if there was a meeting that happened on the evening of 16 September, it would have been arranged by Ms Murnain, or it would have been requested at least by Ms Murnain and not by you?---Yes, I cannot think of a reason I would have asked her to come and see me.

You said that the Lalich advice was unusual because of the involvement of the leader's office. Is that right?---Yes.

When you say the leader, you're referring to then Mr Foley. Is that right? ---Yes, yes.

30 Can you just explain why that was an unusual matter?---Oh, because over a long period very rarely have I had dealings with the office of the Leader of the Opposition and very rarely has advice, my firm has prepared, gone to the leader's office, as far as I'm aware.

Does that fact lead the matter, lead the question of advice to be considered more important or more urgent, is that - - -?---Yes, on both counts, important and urgent.

40 And is that one of the matters that you've taken into account in working at what your belief is as to what happened at the meeting on 16 September, if it happened?---Yes.

But it's true to say, is it, that you have no independent recollection at all of a meeting on that evening. Is that right?---That is correct, I have no independent recollection.

Do you have any recollection of Ms Murnain ever saying to you words to the effect of, "There has been a massive fuck-up?"---No, I don't recall it.

And to be clear, I'm not just asking about 16 September at the moment, I'm asking about any other time in your dealings with Ms Murnain.---I don't recall her using that specific language. There were more than a few occasions where I think she informed me that things weren't going well, but I don't recall her using profanity to me.

Do you ever recall her saying that she had met with Ernest Wong and that Ernest Wong told her that someone who said that they had donated money had not done so?---I don't recall that.

10

Do you ever recall her saying, do you ever recall saying to her words to the effect of whether she thought that Ernest Wong was telling the truth?---I don't recall that.

Do you recall ever saying to Ms Murnain words to the effect of, "Did Ernest give you any evidence"?---I don't recall that.

20

Do you recall ever saying to Ms Murnain words to the effect of, "There is no need to do anything from here"?---No, and I strongly deny that I would say such a thing.

What about, "Forget that the conversation happened with Ernest"?---It's the same thing. I would never advise a client to behave in that manner.

Same with, "Don't tell anyone about it"?---Yes. Absolutely.

"Don't record this meeting"?---Absolutely.

30

"Don't put it in your diary"?---Apart from minor point I'm not aware that she's ever had a diary, it's the same, I deny that.

And, "I won't charge you for this meeting"?---I deny that.

Do you recall Ms Murnain ever, whether on 16 September or at another time, seeking to discuss with you any matter concerning Mr Huang?  
---No, I don't recall it and perhaps I'd be permitted to say I very much wish she had.

40

Is it possible that at the meeting of 16 September, 2016, Ms Murnain uttered the words "Mr Huang"?---No, I don't think it's possible at all.

Well, you've accepted this morning that you knew who Mr Huang was as at 2016. Correct?---Yes, I did.

And you knew at that point in time what line of work Mr Huang was in?  
---Yes, and I had been looking at issues related to Mr Huang that week for involving Senator Dastyari, so he was sort of in my mind a bit.

But in circumstances where you don't have a clear recollection of whether there was a meeting on 16 September, 2016, and if so, what occurred at that meeting, you have to accept, don't you, that it's possible that Ms Murnain uttered the words "Mr Huang" at a meeting on that evening?---I don't recall that.

10 But you have to accept that it's possible that she did utter those words, in light of your lack of memory as to what, if anything, happened at a meeting on 16 September, correct?---With respect, I think it's got to be put in the context of the totality of what it, she alleges she said to me, and I strenuously deny that that occurred.

20 You've strenuously denied a series of sentences that Ms Murnain has said that you've said, but is it possible that you said something somewhat more qualified than what Ms Murnain has said that you've said, for example, "There is no reason for further action at this stage"?---No, because if she had come to tell me about false donors, Huang, \$100,000 in cash, that is simply extraordinary, and I am certain I would remember it, and I'm equally certain I would have told her that it would have to be dealt with quickly involving the Electoral Commission.

But absent Ms Murnain being in a position to give you or to present substantial evidence, isn't it at least possible that you said words to the effect of, "We don't have to do anything just yet," but reserving the possibility that something may need to be done at some later stage?---No, I don't accept that.

30 So are you quite clear in your mind that words to the effect of what I've just summarised including, "There is no need to do anything from here," and "Don't tell anyone about it," are you quite sure that you never uttered words of that kind to Ms Murnain?---I've already said that I don't have a recollection of the meeting. I am very firmly of the view that if Ms Murnain, who was the General Secretary of NSW Labor and one of the most important people in Labor nationally, had come to see me to tell me about fake donors and donations and Mr Huang, et cetera, that I would firstly remember it, and I categorically deny telling her or advising her in any way that that should be covered up in any way.

40 That's the examination at this point in time, Chief Commissioner.

THE COMMISSIONER: Now, Mr Robertson, what program do you envisage from this point, just so that Mr Robertson knows where he stands, and others?

MR ROBERTSON: I propose to recall him for the purposes of cross-examination for anyone with leave to do so next week and probably on Monday, subject to any availability difficulties. There's some force, though, in you, Chief Commissioner, dealing with any applications for leave

to cross-examine now, and any rough time estimates, so that we can program that accordingly. I assume my learned friend, Mr Neil, is one of those applicants, but there may well be others.

THE COMMISSIONER: Yes, very well. Mr Robertson, you've heard what's been said. Is Monday doable for you?---Tuesday morning would be a great deal more convenient, Commissioner, if that were possible.

10 You already have some other fixed arrangement, have you, for Monday?---I am expected to be interstate for a number of meetings, but if it is necessary for me to be here, I will alter them.

MR ROBERTSON: Tuesday will cause no difficulty to me at all, subject to any difficulties any of my learned friends have.

THE COMMISSIONER: Very well. Well, Mr Robertson, subject to availability of counsel and suchlike matters, it looks like it'll be Tuesday, and not Monday.---Thank you, Commissioner.

20 All right. Now, yes, Mr McInerney – well, perhaps we should find out who else might want to make application. Mr Neil, you are one?

MR NEIL: I am an applicant, yes.

THE COMMISSIONER: Now, what sort of estimate of time are you able to give us?

MR NEIL: Two to three hours.

30 THE COMMISSIONER: Sorry?

MR NEIL: Two to three hours.

THE COMMISSIONER: All right. Mr Neil, I think if you wouldn't mind endeavouring, without too much elaborate detail, outlining the areas that you wish to deal with. If there's a problem in you doing so, you can speak to Counsel Assisting. But in general terms, it does assist if I have some indication.

40 MR NEIL: I understand. May we do that in writing?

THE COMMISSIONER: Yes, if you would.

MR NEIL: Yes.

THE COMMISSIONER: Thank you. Yes, is there anyone else who was going to – yes, Mr Moses.

MR MOSES: Yes, Chief Commissioner. A half an hour in terms of examination of Mr Robertson, and again, we'll reduce to writing the topic areas and provide them to those assisting you.

THE COMMISSIONER: Thank you, Mr Moses.

MR MOSES: Chief Commissioner, can I just put something on the record about the 6 May, 2019 letter to the inspector?

10 THE COMMISSIONER: I'm sorry, could you just speak in the microphone.

MR MOSES: Can I just put something on the record in relation to the 6 May, 2019 letter to the inspector of ICAC. Just so that there's no misunderstanding, the NSW ALP accepts that, properly advised, that letter should not have been sent to the inspector. Because you have asked a question about that, Chief Commissioner. This is the letter of 6 May, 2019, sir. The position of the NSW ALP, so there's no misunderstanding, is that, properly advised, that letter should not have been sent. And also, to answer  
20 that question that you directly raised, Chief Commissioner, there was no evidence that the search warrant was issued for purposes other than the proper exercise of the ICAC's investigative powers when that letter was sent. Just to be clear about it. Thank you, Chief Commissioner,

THE COMMISSIONER: Thank you, Mr Moses. I should note that in respect that the report of the inspector is a published report tabled at parliament, dated 17 July, 2019.

MR MOSES: No, of course. I thought you were owed the answers to those  
30 questions directly.

THE COMMISSIONER: Thank you for that. Now, anybody else? Mr McInerney.

MR McINERNEY: Chief Commissioner, I raise with Counsel Assisting the position of both my instructing solicitor, my junior and myself having any discussions with Mr Robertson between now and next Tuesday. I raise that.

THE COMMISSIONER: Yes. Very well. Well, Mr McInerney, I  
40 appreciate you won't be able to forecast exactly how much time you'll require until the examination is completed by Counsel Assisting. As to that matter, Mr Robertson, do you have anything to say?

MR ROBERTSON: I don't have any difficulty with my learned friend speaking to his client between now and next week.

THE COMMISSIONER: Yes. Nor do I.

MR McINERNEY: Thank you, Chief Commissioner,

THE COMMISSIONER: Thank you. Mr Robertson, that seems then to outline the program for Tuesday at least so far as Mr Robertson is concerned. Mr Robertson, you may step down if you wish. Thank you.

**THE WITNESS STOOD DOWN**

**[2.07pm]**

10

THE COMMISSIONER: Would you just confirm then, tomorrow is - - -

MR ROBERTSON: Tomorrow is Mr Tong followed by Mr Yip, and at the moment I apprehend proceeding in accordance with the timetable that was uploaded I think late last week.

THE COMMISSIONER: Fine. Thank you very much.

20

MR ROBERTSON: Can I just deal with some procedural matters?

THE COMMISSIONER: Yes.

MR ROBERTSON: Can I deal with some formal tenders of documents what I took Mr Robertson to. This may take a little while but it's probably convenient to be done now. First, I tender the email from Mr Robertson to Ms Murnain of 5 October, 2016, at 7.13pm, titled Holding Redlich Tax Invoice 438198, which appears in the bundle marked ILR 1 at page 67.

30

THE COMMISSIONER: Yes.

MR ROBERTSON: Chief Commissioner, I can hand up a list which will make life easier as I'm doing the formal tender.

THE COMMISSIONER: I do have the list. Yes, thank you. Yes. Well then, that will become, the tax invoice, 5 October, 2016, 7.13 will become exhibit 222.

40

**#EXH-222 – EMAIL FROM IAN ROBERTSON TO KAILA MURNAIN AND ORS ON 5 OCTOBER 2016 AT 7:13PM TITLED ‘HOLDING REDLICH TAX INVOICE 438198 – ALP’**

MR ROBERTSON: Next I tender the page described as About ACRI from the Australia-China Relations Institute website.

THE COMMISSIONER: That will become Exhibit 223

**#EXH-223 – ‘ABOUT ACRI’ PAGE FROM AUSTRALIA-CHINA  
RELATIONS INSTITUTE WEBSITE  
HTTPS://WWW.AUSTRALIACHINARELATIONS.ORG/ABOUT-US**

MR ROBERTSON: Next I tender the email from Pat Garcia, G-a-r-c-i-a, to Ian Robertson, 14 September, 2016, 8.12pm, attaching a Sydney Morning Herald article.

10

THE COMMISSIONER: Exhibit 224.

**#EXH-224 – EMAIL FROM PAT GARCIA TO IAN ROBERTSON  
ON 14 SEPTEMBER 2016 AT 8:12PM ATTACHING SMH ARTICLE  
PRODUCED IN RESPONSE TO A DIRECTION UNDER S35(2) OF  
THE ICAC ACT**

20 MR ROBERTSON: Next I tender the news article from The Australian, dated 9 September, 2016, described as or headed, “Dim Sam won’t stop Wong Show,” being at pages 10 to 14 of the media articles bundle prepared in relation to the cross-examination of Ms Murnain.

THE COMMISSIONER: Exhibit 225.

**#EXH-225 – THE AUSTRALIAN NEWS ARTICLE TITLED ‘DIM  
SAM WON’T STOP WONG SHOW’, DATED 9 SEPTEMBER 2016**

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MR ROBERTSON: Next I tender the document at pages 68 to 78 of bundle ILR 1, being an email from Ms Murnain to Mr Robertson of 8 December, 2016 at 11.46am.

THE COMMISSIONER: Exhibit 226.

**#EXH-226 – EMAIL FROM KAILA MURNAIN TO IAN  
ROBERTSON AND ORS ON 8 DECEMBER 2016 AT 11:46AM  
ATTACHING NSWEC LETTER AND STATUTORY NOTICES  
DATED 6 DECEMBER 2016**

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MR ROBERTSON: Next I tender the document at bundle reference ILR 1 at pages 147 to 151, being a redacted Holding Redlich pre-bill and fee detail information in relation to December 2016.

THE COMMISSIONER: Exhibit 227

**#EXH-227 – REDACTED HOLDING REDLICH PRE-BILL AND FEE  
DETAIL INFORMATION FOR NSW ALP ADVICE IN DECEMBER  
2016**

10 MR ROBERTSON: I tender an unredacted page of Holding Redlich's  
prebill and fee detail information for NSW ALP advice in December 2016  
that I took Mr Robertson in his examination.

THE COMMISSIONER: Sorry, which one is that again?

MR ROBERTSON: The one marked 228 on the first page of the document  
I've given you, Chief Commissioner.

THE COMMISSIONER: Yes. That will become Exhibit 228.

20

**#EXH-228 – UNREDACTED PAGE OF HOLDING REDLICH  
PREBILL AND FEE DETAIL INFORMATION FOR NSW ALP  
ADVICE IN DECEMBER 2016**

MR ROBERTSON: Commissioner, I tender the document at pages 79 to 80  
of the bundle marked ILR 1, being an email from Ms Sibraa, S-i-b-r-a-a, to  
Mr Robertson, 16 December, 2016, 5.17pm.

30 THE COMMISSIONER: Exhibit 229.

**#EXH-229 – EMAIL FROM JULIE SIBRAA TO IAN ROBERTSON  
AND ORS ON 16 DECEMBER 2016 AT 5:17PM RE NOTICES TO  
PRODUCE**

40 MR ROBERTSON: Next I tender the document at pages 128 to 129 of  
bundle ILR 1, being an email from Mr Robertson to Mr [sic] Butler of 19  
December, 2016 at 8.25am.

THE COMMISSIONER: That will become Exhibit 230.

**#EXH-230 – EMAIL FROM IAN ROBERTSON TO SARAH BUTLER  
ON 19 DECEMBER 2016 AT 8:25AM RE NOTICES TO PRODUCE**

MR ROBERTSON: Next I tender the letter from Mr Ian Robertson – I withdraw that, the letter from Holding Redlich to the inspector of this Commission dated 6 May, 2019.

THE COMMISSIONER: Exhibit 231.

**#EXH-231 – LETTER FROM IAN ROBERTSON TO BRUCE MCCLINTOCK SC, INSPECTOR OF ICAC, DATED 6 MAY 2019**

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MR ROBERTSON: Just pardon me for a moment.

THE COMMISSIONER: That completes the tender?

MR ROBERTSON: Just pardon me for a moment, Chief Commissioner. Next I tender the document entitled Communications (Including CCRs) 169 September, 2016, between Mr Robertson and Ms Murnain.

20 THE COMMISSIONER: Yes, that becomes Exhibit 232.

**#EXH-232 – COMMUNICATIONS (INCLUDING CCRS) ON 16 SEPTEMBER 2016 BETWEEN IAN ROBERTSON AND OTHERS INCLUDING KAILA MURNAIN**

MR ROBERTSON: Next I tender the email of 16 September, 2016, 7.04pm, ILR 1 at page 8, being correspondence between Ms Butler and Mr  
30 Robertson.

THE COMMISSIONER: Exhibit 233.

**#EXH-233 – EMAIL FROM SARAH BUTLER TO IAN ROBERTSON ON 16 SEPTEMBER 2016 AT 7:04PM TITLED ‘EMAIL TO NSW ALP RE NICK LALICH MP’ ATTACHING DRAFT ADVICE**

40 MR ROBERTSON: And finally – just pardon me for a moment. That’s the end of those formal tenders for now. There may be one or two to tidy up but I’ll do that tomorrow.

THE COMMISSIONER: Yes. Very well. Thank you. Is there anything else?

MR ROBERTSON: Not from my part.

THE COMMISSIONER: I'll adjourn till tomorrow, 10 o'clock.

**AT 2.12PM THE MATTER WAS ADJOURNED ACCORDINGLY**  
**[2.12pm]**