



6 May 2019

Mr Bruce McClintock SC  
Inspector of the Independent Commission Against  
Corruption  
PO Box 5341  
SYDNEY NSW 2001

Partner Ian Robertson  
Direct Line (02) [REDACTED]  
Email [ian.robertson@holdingredlich.com](mailto:ian.robertson@holdingredlich.com)  
Senior Associate Sarah Butler  
Our Ref ILR:SLB 14660005

By email [oiicac\\_executive@oiicac.nsw.gov.au](mailto:oiicac_executive@oiicac.nsw.gov.au)

Private & Confidential

Dear Mr McClintock

**Investigation by the ICAC into political donations received by NSW Labor in 2015 from Chinese Friends of Labor**

We act on behalf of the Australian Labor Party (NSW Branch) (ALP NSW) and Country Labor.

As you may be aware, the ICAC is conducting an investigation into donations received by the ALP NSW and/or Country Labor from Chinese Friends of Labor in 2015. The NSW Electoral Commission referred the investigation to the ICAC on 15 January 2018 and the ICAC executed a search warrant (enclosed), which was the subject of extensive media coverage, 11 months later on 17 December.

The ICAC also issued two notices to attend and produce documents addressed to the General Secretary of the ALP NSW and Country Labor dated 17 December 2018 and 20 December 2018 respectively (enclosed). The notices to attend and produce cover largely the same information and documents as the search warrant.

Our clients have fully complied with the investigation of the ICAC to date. The issues being investigated have also been investigated extensively by the NSW Electoral Commission and, again, our clients fully cooperated with that investigation and provided all relevant documents and information.

Given that the search warrant and the notices to produce cover largely the same documents and information, and that this matter has been previously investigated by the NSW Electoral Commission, as set out in the enclosed letter of 19 December from the President of the ALP NSW, Mr Mark Lennon, our clients are surprised that the ICAC chose to issue a search warrant in these circumstances. We enclose the ICAC's response of 21 December 2019 to our clients' letter.

Our clients are also surprised that the ICAC would choose to issue the search warrant and the notices to produce approximately eleven months after the referral and three months prior to the NSW State election. The senior officers of our clients are a small group and compliance with the search warrant and notices to produce while they were otherwise fully-occupied with the NSW State campaign placed immense pressure on them.

In addition, our clients are concerned about the extensive media coverage of the ICAC's search of our clients' premises and, in particular, the source from which the leak emanated.

Sydney . Melbourne . Brisbane . Cairns

Level 65 MLC Centre 19 Martin Place Sydney NSW 2000 DX 529 Sydney  
GPO Box 4118 Sydney NSW 2001 T +61 2 8083 0388 [www.holdingredlich.com](http://www.holdingredlich.com)

ABN 15 364 527 724

In light of these circumstances, we are instructed to request that you conduct an investigation of the ICAC and the officers of the ICAC in accordance with section 57C(e) of the *Independent Commission Against Corruption Act 1988 (NSW) (ICAC Act)*.

In particular, our clients are of the view that the search warrant may have been issued for purposes other than the proper exercise of the ICAC's investigative powers and may amount to maladministration under section 57B(1)(c) of the ICAC Act. As you know, section 57B(4) of the ICAC Act provides that conduct will amount to maladministration if it involves action or inaction of a serious nature that is "unreasonably, unjust, oppressive or improperly discriminatory" or "based wholly or partly on improper motives".

If you would like to discuss this matter, please contact Ian Robertson of this firm.

Yours sincerely



**Holding Redlich**

Enclosures: 4