



14 June 2021

Kate Gill-Herdman
Solicitor Assisting
C/- Corrs Chambers Westgarth
Level 25, 567 Collins Street
MELBOURNE VIC 3000

By email: contact@rccol.vic.gov.au

Private and confidential

Dear Ms Gill-Herdman,

ROYAL COMMISSION INTO THE SUITABILITY OF CROWN MELBOURNE LIMITED TO HOLD A CASINO LICENCE

1. We act for **Confidential**
Confidential
2. We refer to the Notice to Attend at a Royal Commission dated 10 June 2021 ("Notice") that was served on our client.
3. The Notice requires that our client attend the Royal Commission to give evidence at 10am on 17 June 2021. The Notice also states that if our client objects to the same then he may write to you by no later than 14 June 2021 advising of the objection.
4. We are instructed that for the reasons set out in this letter, our client requests that the Notice be revoked or alternatively that the Commissioner make an order prohibiting or restricting:
 - a. the publication of information that may identify **Confidential**; or
 - b. any information or evidence given by **Confidential** to the Royal Commission for the purposes of this inquiry.
5. Despite our client's objection, we are further instructed that both **Confidential** and **Confidential** intend to continue to cooperate with the Commissioner in good faith as long as their involvement does not prejudice their clients' identity or their safety.

WHY ANONYMITY IS IMPORTANT TO THE **Confidential**

6. **Confidential**

7. **Confidential**

Confidential

8. Given the format of the Royal Commission our client is concerned that any form of questioning may illicit highly private and confidential information **Confidential** which may jeopardise their engagement and safety.

OUR CLIENT'S COOPERATION TO DATE

9. We are instructed that on 17 May 2021 **Confidential** met with you at your offices during which meeting he advised that Protective Group was happy to cooperate with the Royal Commission. Our client took this meeting in good faith and in expectation that their anonymity would be protected. Given the limited amount of information and documentation that **Confidential** had in its possession that was relevant to the Terms of Reference, our client voluntarily provided documents to the Royal Commission.
10. Replying to Notice to Produce dated 2 June 2021 served on **Confidential**, the company than discovered the following documents:
- a. Email dated 3 June 2021 attaching:
 - i. Deposit slip from NAB account dated 20 September 2016 for account number ending 2276 for the sum of \$750,000
 - ii. Copy of Contract of Sale of Real Estate for 707 Murrindindi Road, Murrindindi
 - iii. Email chain with subject line *Re: Balaclava Murrindindi* from 27 July 2016 to 9 September 2016
 - b. Email dated 3 June 2021 attaching:
 - i. Copy of tickets for flights with Qantas and Jetstar
 - ii. Certificates of Completion for RSA
 - iii. Certificate of Licensee's First Step
 - iv. Email with subject line *Qantas missing points claim* dated 1 September 2016
 - v. Email with subject line *FW: Position regarding Director's Status with Chinatown Group* dated 2 June 2021
 - vi. Email chain with subject line *FW: Chinatown International Pty Ltd – Crown Casino Liquor Licence Application and Lease Review* dated 1 June 2016 to 2 November 2016
 - vii. Email with subject line *Re: Chinatown International Pty Ltd – Crown Lease* dated 26 October 2016
 - viii. Email with subject line *Liquor Licence application* dated 13 October 2016
 - ix. Document titled Floor Plan
 - x. Document titled Jian-ping Background Inquiries dated 18 October 2016

- xi. Draft document titled Lease Premises: Melbourne Casino and Entertainment Complex
- xii. Draft document titled Shop 60 – Primary Commercial Terms of Arrangement dated 24 June 2016

(“Discovered Documents”)

11. Our client states that his evidence on Thursday will hold little probative value to the Royal Commission particularly given that **Confidential** have already disclosed all that they know about the Discovered Documents or the contents therein.

SECTIONS 18 AND 26 OF THE *INQUIRES ACT 2014 (VIC)*

12. The premise for our client’s objection and request is founded in sections 18 and 26 of the *Inquires Act 2014 (VIC)* (the “Act”).

13. Pursuant to section 18 of the Act, our client requests that the Notice be revoked in its entirety. Section 18 of the act states the following:

(1) A person on whom a notice to produce or notice to attend in relation to a Royal Commission is served may make a claim to the Royal Commission—

(a) that the person has or will have a reasonable excuse for failing to comply with the notice; or

(b) in the case of a notice to produce, or a notice to attend under section 17(1)(b) or (d), that a document or other thing specified in the notice is not relevant to the subject matter of the inquiries.

(2) Without limiting what may be a reasonable excuse for the purposes of subsection (1)(a), it is a reasonable excuse for a person to fail to comply with a notice by refusing to give information to a Royal Commission if the information—

.....

(3) If the Royal Commission is satisfied that the person's claim is made out, the Royal Commission, by further written notice served on the person, may vary or revoke the notice.

14. If in the event the Commissioner rejects our client’s request for the Notice be revoked, we ask in the alternatively that pursuant to section 26 of the Act that the Commissioner make an order prohibiting or restricting:

- a. the publication of information that may identify **Confidential**; or
- b. any information or evidence provided given by **Confidential** to the Royal Commission for the purposes of this inquiry.

15. Section 26 of the Act states:

(1) Subject to subsection (2), a commissioner may make an order prohibiting or restricting the publication of—

(a) any information that may enable the identity of a person who has given, or is to give, information or evidence to the Royal Commission for the purposes of an inquiry to be ascertained; or


(b) any information or evidence given to the Royal Commission for the purposes of an inquiry.

- (2) A commissioner may make an order prohibiting or restricting the publication of information or evidence if—
- (a) prejudice or hardship might be caused to any person, including harm to their safety or reputation; or
 - (b) the nature and subject matter of the information is sensitive; or
-


FURTHER REASONS CITED IN FAVOUR OF REVOKING THE NOTICE AND/OR MAKING AN ORDER PROHIBITING EVIDENCE TO BE PUBLISHED

16. Both Confidential fully understand the purpose of holding the inquiry in public. However, our client believes that damage that may be caused by the publication of their evidence and the evidence already disclosed by Confidential strongly outweighs any probative value of the evidence Confidential is compelled to attend on 17 June 2021.
17. Further to the reasons already outlined in this letter, the following causes support the premise of the objection:
- a. Neither Confidential have any further information pertaining to Mr Tom Zhou or any working notes or other such things that will assist the Commissioner in his enquires concerning the purchase of the “Murrindindi property”;
 - b. Neither Confidential have any further information pertaining to commissioning of the “Hong Kong Investigation Report”; and
 - c. Confidential relationship with Mr Zhou lasted all but five months and he never met Mr Simon Pan.

18. Confidential



19. Confidential



20. It is our client's submission that for these reasons the Commissioner should exercise his discretion and make the order/s sought herein.

CONCLUDING REMARKS

21. As stated before both Confidential [REDACTED] are happy to continue assisting the Commissioner with his inquiry but prefer that this be done privately.
22. If you have any question please contact your writer, otherwise we wait for your reply.

Yours sincerely

BlueRock Law

BlueRock Law

Wojtek Randla

Director