

2 August 2021

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Our ref: 2021.1209
Contact: Dan Mackay
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Dear Ms Gill-Herdman

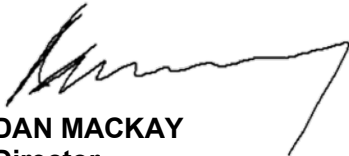
Debra Tegoni - Royal Commission into the Casino Operator and Licence (the Commission)

1. We refer to your letter dated 26 July 2021 sent by email at 3.32pm (**26 July Letter**).
2. By the 26 July Letter, the Commission raises with Ms Tegoni, for the first time, serious proposed findings of an historical nature and provides five business days to provide submissions in response to those proposed findings.
3. Ms Tegoni cannot fairly be expected to respond on those matters in circumstances where:
 - a. Ms Tegoni is a former employee of Crown Melbourne Limited (**Crown**) having resigned over four years ago. She has had no prior involvement in the course of the Commission. She was not called by the Commission as a witness and was not afforded the opportunity to cross-examine any witness.
 - b. Prior to the 26 July Letter, Ms Tegoni had no legal representation in respect of the Commission.
 - c. Ms Tegoni does not have access to relevant materials necessary to respond, including contemporaneous file notes, emails and Ms Fielding's unredacted transcript relied on in Counsel Assisting's Closing Submissions dated 20 July 2021. **Enclosed**, by way of example, is a list of the materials referred to in other materials provided by the Commission to Ms Tegoni to which she does not have access.
 - d. The proposed findings do not constitute a finding of any breach or contravention of any specific obligation, rather they are vague in nature and are not stated with sufficient specificity to afford Ms Tegoni an opportunity to properly respond. Furthermore, the matters on which each of the proposed findings (including the proposed findings enumerated at 1 to 5 of the 26 July Letter) are based are unspecified.
 - e. By way of example, it is entirely unclear what obligations are alleged to have been not carried out in a proper manner and when and how the unidentified obligations are said to have been not carried out in a proper manner. It is equally unclear what conduct is alleged to be improper, including when it is asserted to have occurred and how it is said to be improper.
 - f. To assist in the preparation of submissions, Ms Tegoni has been provided with copies of only 25 documents, comprising 23 exhibits and two hearing transcripts, on the basis that those documents, including the Memorandum of Advice of Christopher Archibald QC, Chris Carr SC and Anna Dixon dated 1 June 2021 (the **Joint Advice**) may be relevant to Ms Tegoni's submissions.
 - g. It is unclear what relevance if any the Joint Advice commissioned for the benefit of the directors of Crown Resorts Limited in 2021, is asserted to have in respect of the proposed findings against Ms Tegoni. It is inappropriate to treat the Joint Advice as in

any way constituting evidence or findings before the Commission to which Ms Tegoni must respond.

- h. In light of the matters referred to above, it is not apparent why the proposed findings, being findings about the historical conduct of a former employee who has no ongoing connection with Crown, are necessary or appropriate to the Commission's primary task of determining Crown's present suitability to hold a license as specified in the Terms of Reference.
4. We respectfully submit that in all of the above circumstances, and having regard to s 36 of the *Inquiries Act 2014* (Vic), the Commission should not make the proposed findings.
If you wish to discuss this matter please don't hesitate to contact Dan Mackay on +61 3 8596 8196 or at dan.mackay@mackaychapman.com.au.

Yours sincerely



DAN MACKAY
Director
MACKAY CHAPMAN

Enc.

1. List of documents referred to in other documents provided by the Commission to which Ms Tegoni does not have access.