

**From:** [NACC - Media](#)  
**To:** [Philip Reed](#); [Paul Brereton](#)  
**Cc:** [Rebekah O'Meagher](#); [s 47F\(1\)](#); [s 47F\(1\)](#); [NACC - Media](#)  
**Subject:** RE: AFR Media Enquiry [SEC=OFFICIAL]  
**Date:** Friday, 9 February 2024 12:44:17 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)

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OFFICIAL

Thank you all. The response has been provided.

Kind regards

[s 47F\(1\)](#)

Assistant Director, Media and Communications

---

**From:** Philip Reed <[s 47E\(d\)](#) @nacc.gov.au>  
**Sent:** Friday, February 9, 2024 12:35 PM  
**To:** Paul Brereton [s 47E\(d\)](#) @nacc.gov.au>; NACC - Media <[Media@nacc.gov.au](#)>  
**Cc:** Rebekah O'Meagher <[s 47E\(d\)](#) @nacc.gov.au>; [s 47F\(1\)](#) <[s 47F\(1\)](#) @nacc.gov.au>; [s 47F\(1\)](#) <[s 47F\(1\)](#) @nacc.gov.au>  
**Subject:** RE: AFR Media Enquiry [SEC=OFFICIAL]

OFFICIAL

Hi [s 47F\(1\)](#) – fine by me. Regards, Philip

---

**From:** Paul Brereton <[s 47E\(d\)](#) @nacc.gov.au>  
**Sent:** Friday, February 9, 2024 12:04 PM  
**To:** NACC - Media <[Media@nacc.gov.au](#)>; Philip Reed <[s 47E\(d\)](#) @nacc.gov.au>  
**Cc:** Rebekah O'Meagher <[s 47E\(d\)](#) @nacc.gov.au>; [s 47F\(1\)](#) <[s 47F\(1\)](#) @nacc.gov.au>; [s 47F\(1\)](#) <[s 47F\(1\)](#) @nacc.gov.au>  
**Subject:** RE: AFR Media Enquiry [SEC=OFFICIAL]

OFFICIAL

Hi [s 47F\(1\)](#)

I've just inserted a comma, highlighted below, before "unless". Subject to that, CLEARED, thank you.

Best regards,

*PBrereton*

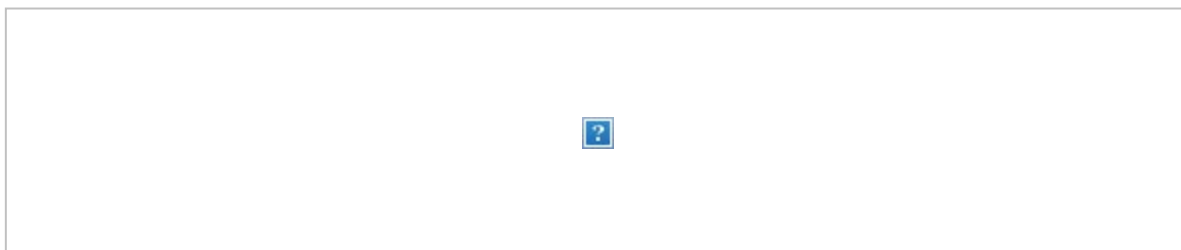
The Hon PLG Brereton AM RFD SC  
Commissioner

P. [s 47E\(d\)](#)

M. s 47E(d)  
E. s 47E(d) @nacc.gov.au  
EA: s 47F(1) s 47F(1) @nacc.gov.au



[nacc.gov.au](http://nacc.gov.au)



---

**From:** NACC - Media <[Media@nacc.gov.au](mailto:Media@nacc.gov.au)>  
**Sent:** Friday, February 9, 2024 11:48 AM  
**To:** Paul Brereton <s 47E(d) @nacc.gov.au>; Philip Reed <s 47E(d) @nacc.gov.au>  
**Cc:** Rebekah O'Meagher <s 47E(d) @nacc.gov.au>; s 47F(1) <s 47F(1) @nacc.gov.au>; s 47F(1) <s 47F(1) @nacc.gov.au>  
**Subject:** RE: AFR Media Enquiry [SEC=OFFICIAL]

**OFFICIAL**

Thank you, Commissioner.

Amended version below, which reflects your request:

---

Dear s 47F(1)

**Thank you for your enquiry.**

**The Commission does not provide public comment on the existence or status of FOI applications made to it.**

**If the Commission provides access to a document under section 11A of the *Freedom of Information Act 1982* (Cth) the document will be published on the Commission's website as required by subsection 11C(3), unless one of the exceptions in subsection 11C(1) applies.**

**Kind regards  
NACC Media**

---

Kind regards

s 47F(1)

Assistant Director, Media and Communications

---

**From:** Paul Brereton <s 47E(d) @nacc.gov.au>

**Sent:** Friday, February 9, 2024 11:46 AM

**To:** NACC - Media <Media@nacc.gov.au>; Philip Reed <s 47E(d) @nacc.gov.au>

**Cc:** Rebekah O'Meagher <s 47E(d) @nacc.gov.au>; s 47F(1)

<s 47F(1) @nacc.gov.au>; s 47F(1) <s 47F(1) @nacc.gov.au>

**Subject:** RE: AFR Media Enquiry [SEC=OFFICIAL]

**OFFICIAL**

Thanks s 47F(1)

Because in this case we will not be publishing on the website, the focus needs to be on the exception, rather than on the timeframe – so I'd prefer to omit the words in green in this case.

Best regards,

*PBrereton*

**The Hon PLG Brereton AM RFD SC**  
Commissioner

P. s 47E(d)

M. s 47E(d)

E. s 47E(d) @nacc.gov.au

EA: s 47F(1) s 47F(1) @nacc.gov.au



[nacc.gov.au](http://nacc.gov.au)



---

**From:** NACC - Media <Media@nacc.gov.au>

**Sent:** Friday, February 9, 2024 11:31 AM

**To:** Paul Brereton <[s.47E\(d\)@nacc.gov.au](mailto:s.47E(d)@nacc.gov.au)>; Philip Reed <[s.47E\(d\)@nacc.gov.au](mailto:s.47E(d)@nacc.gov.au)>  
**Cc:** Rebekah O'Meagher <[s.47E\(d\)@nacc.gov.au](mailto:s.47E(d)@nacc.gov.au)>; [s.47F\(1\)@nacc.gov.au](mailto:s.47F(1)@nacc.gov.au)>; [s.47F\(1\)@nacc.gov.au](mailto:s.47F(1)@nacc.gov.au)>; [s.47F\(1\)@nacc.gov.au](mailto:s.47F(1)@nacc.gov.au)>  
**Subject:** FW: AFR Media Enquiry [SEC=OFFICIAL]

**OFFICIAL**

Good morning Commissioner and Philip

Please see below a media enquiry we have received from [s.47F\(1\)@nacc.gov.au](mailto:s.47F(1)@nacc.gov.au) from the Australian Financial Review. [s.47F\(1\)@nacc.gov.au](mailto:s.47F(1)@nacc.gov.au) has not set a deadline, but we are keen to respond by this afternoon.

We propose the following response, which is in line with an answer we recently provided The Australian on the same topic, but also includes general details from the FOI Act as to time limits of publishing documents on the Commission's disclosure log (coloured in green):

---

Dear [s.47F\(1\)@nacc.gov.au](mailto:s.47F(1)@nacc.gov.au)

**Thank you for your enquiry.**

**The Commission does not provide public comment on the existence or status of FOI applications made to it.**

**If the Commission provides access to a document under section 11A of the *Freedom of Information Act 1982* (Cth) the document will be published on the Commission's website **within 10 working days** as required by subsection 11C(3) and 11C(6), unless one of the exceptions in subsection 11C(1) applies.**

**Kind regards**  
**NACC Media**

---

If you have any suggestions or concerns, please let me know.

Kind regards

[s.47F\(1\)@nacc.gov.au](mailto:s.47F(1)@nacc.gov.au)  
Assistant Director, Media and Communications

---

**From:** [s.47F\(1\)@nacc.gov.au](mailto:s.47F(1)@nacc.gov.au) <[s.47F\(1\)@nacc.gov.au](mailto:s.47F(1)@nacc.gov.au)>  
**Sent:** Friday, February 9, 2024 10:47 AM  
**To:** NACC - Media <[Media@nacc.gov.au](mailto:Media@nacc.gov.au)>  
**Subject:** AFR Media Enquiry

You don't often get email from [s.47F\(1\)@nacc.gov.au](mailto:s.47F(1)@nacc.gov.au). [Learn why this is important](#)

Good morning,

Could you please provide guidance about when you expect the NACC documents referred to in *The Australian* on February 5 in the article by David Ross titled "NACC watchdog eyes former ASIC deputy chief Karen Chester" to be made available on your FOI disclosure log?

Sincerely,

 s 47F(1)

  
Senior Reporter



M s 47F(1)

A s 47F(1), Parliament House, Canberra, ACT, 2600

E s 47F(1) @afr.com



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**From:** [Paul Brereton](#)  
**To:** [Rebekah O'Meagher](#); [Nicole Rose](#); [s 47F\(1\)](#); [s 47F\(1\)](#)  
**Subject:** RE: Complaint re material in preliminary investigation [SEC=OFFICIAL]  
**Date:** Sunday, 4 February 2024 10:07:23 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)

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OFFICIAL

Thanks Rebekah,

I've just read the article, which is pretty speculative - and in which I think the matters associated with NACC are probably the least detrimental to Ms Chester.

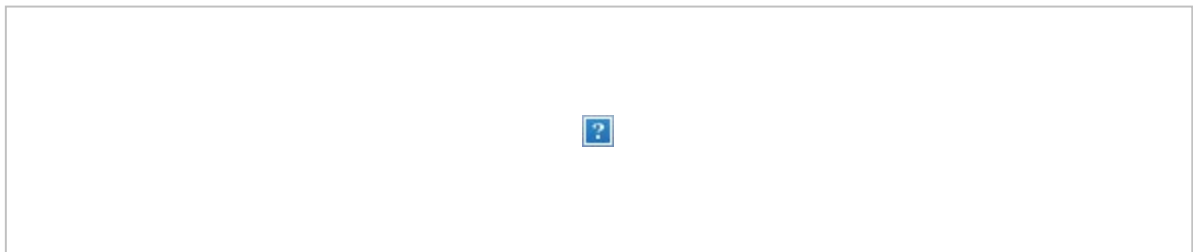
*PBrereton*

**The Hon PLG Brereton AM RFD SC**  
 Commissioner

P. [s 47E\(d\)](#)  
 M. [s 47E\(d\)](#)  
 E. [s 47E\(d\)](#) [@nacc.gov.au](#)  
 EA: [s 47F\(1\)](#) [s 47F\(1\)](#) [@nacc.gov.au](#)



[nacc.gov.au](#)




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**From:** Rebekah O'Meagher <[s 47E\(d\)](#) [@nacc.gov.au](#)>  
**Sent:** Friday, February 2, 2024 7:13 PM  
**To:** Paul Brereton <[s 47E\(d\)](#) [@nacc.gov.au](#)>; Nicole Rose <[s 47E\(d\)](#) [@nacc.gov.au](#)>; [s 47F\(1\)](#) <[s 47F\(1\)](#) [@nacc.gov.au](#)>; [s 47F\(1\)](#) <[s 47F\(1\)](#) [@nacc.gov.au](#)>  
**Subject:** Re: Complaint re material in preliminary investigation [SEC=OFFICIAL]

OFFICIAL

Thank you Commissioner for all your assistance - we appreciate this has taken a lot your time!

It has been a bit frustrating as it feels this week we have been diverted from the main game.

I got a phone call from Mr Savundra (GC ASIC) on my way home. s 47F(1)

He asked whether there was anything that ASIC needed to know. He is looking to brief the ASIC Commissioner about what may be published. I apologised and said I wasn't in a position to provide any information about the matter. s 47F(1)

I said to be honest we don't know what may be published. Mr Savundra advised that he appreciated the Commission's position.

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**From:** Paul Brereton <s 47E(d) @nacc.gov.au>

**Sent:** Friday, February 2, 2024 5:17 pm

**To:** Rebekah O'Meagher <s 47E(d) @nacc.gov.au>; Nicole Rose <s 47E(d) @nacc.gov.au>; s 47F(1) <s 47F(1) @nacc.gov.au>; s 47F(1) <s 47F(1) @nacc.gov.au>

**Subject:** RE: Complaint re material in preliminary investigation [SEC=OFFICIAL]

**OFFICIAL**

Thanks Rebekah.

I think that leaves us in as good a position a possible. Well done to you and your team – and thanks for all you have all done this week!

Have a good weekend!

Best regards,

*PBrereton*

**The Hon PLG Brereton AM RFD SC**  
Commissioner

P. s 47E(d)  
M. s 47E(d)  
E. s 47E(d) @nacc.gov.au  
EA: s 47F(1) s 47F(1) @nacc.gov.au



[nacc.gov.au](http://nacc.gov.au)



**From:** Rebekah O'Meagher <s 47E(d) @nacc.gov.au>  
**Sent:** Friday, February 2, 2024 5:05 PM  
**To:** Paul Brereton <s 47E(d) @nacc.gov.au>; Nicole Rose <s 47E(d) @nacc.gov.au>; s 47F(1) @nacc.gov.au <s 47F(1) @nacc.gov.au>; s 47F(1) @nacc.gov.au <s 47F(1) @nacc.gov.au>  
**Subject:** FW: Complaint re material in preliminary investigation [SEC=OFFICIAL]

**OFFICIAL**

Dear All

By way of update (and file note) I just got off the phone to Janet Whiting (JW). In response to her email below I advised I was unsure what the Australian was referring to – I can only confirm that the Commission does not have the report referred to in her correspondence. I said that for a number of documents an exemption pursuant to section 42 was claimed in respect of internal legal advice. It is also possible that confusion has arisen because sometimes report and referral are used interchangeably.

s 47F(1) [Redacted]

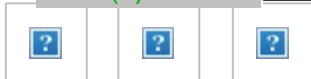
JW asked if I had spoken to ASIC about the issue. I said I hadn't. JW said that it was a matter for me but she recommended I speak to ASIC General Counsel Chris Savundra – she would provide me with his contact details. I did not commit one way or the other to calling Mr Savundra.

Kind regards,

**Rebekah O'Meagher**  
General Manager Legal

M. s 47E(d) [Redacted]  
E. s 47E(d) [Redacted] @nacc.gov.au

EA. s 47F(1) [Redacted]  
M. s 47F(1) [Redacted]  
P: s 47F(1) [Redacted]  
E. s 47F(1) [Redacted] @nacc.gov.au



[nacc.gov.au](http://nacc.gov.au)



---

**From:** Janet Whiting <[JWhiting@gtlaw.com.au](mailto:JWhiting@gtlaw.com.au)>  
**Sent:** Friday, February 2, 2024 4:33 PM  
**To:** Rebekah O'Meagher <[s 47E\(d\)@nacc.gov.au](mailto:s 47E(d)@nacc.gov.au)>  
**Cc:** [s 47F\(1\)@gtlaw.com.au](mailto:s 47F(1)@gtlaw.com.au); [s 47F\(1\)@gtlaw.com.au](mailto:s 47F(1)@gtlaw.com.au); [s 47F\(1\)@gtlaw.com.au](mailto:s 47F(1)@gtlaw.com.au)  
**Subject:** Re: Complaint re material in preliminary investigation [SEC=OFFICIAL]

You don't often get email from [jwhiting@gtlaw.com.au](mailto:jwhiting@gtlaw.com.au). [Learn why this is important](#)

**OFFICIAL**

Rebekah, as discussed.

Regards

Janet

**JANET WHITING**  
**PARTNER | GILBERT + TOBIN**

**T** [+61 3 8656 3387](tel:+61386563387) | **M** [+61 417 500 001](tel:+61417500001)  
**F** [+61 3 8656 3400](tel:+61386563400) | **E** [JWhiting@gtlaw.com.au](mailto:JWhiting@gtlaw.com.au)

Level 25 101 Collins Street Melbourne VIC 3000  
GPO Box 90 Melbourne VIC 3001 AUS

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On 2 Feb 2024, at 2:36 pm, Janet Whiting <[JWhiting@gtlaw.com.au](mailto:JWhiting@gtlaw.com.au)> wrote:

Dear Rebekah,

we shall respond to your letter shortly.

In the interim, the journalist from The Australian who has a copy of the documents released by the NACC asserts the NACC has taken legal advice about the NACC's

consideration of a report related to our client.

Is this correct? **s 47F(1)**

Please respond by return.

Regards  
Janet

**s 22**

s 22

S 22

S 22

S 22

**From:** [Janet Whiting](#)  
**To:** [Rebekah O'Meagher](#)  
**Cc:** [s 47F\(1\)](#); [s 47F\(1\)](#)  
**Subject:** Complaint re material in preliminary investigation [SEC=OFFICIAL]  
**Date:** Thursday, 8 February 2024 2:19:14 PM

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You don't often get email from [jwhiting@gtlaw.com.au](mailto:jwhiting@gtlaw.com.au). [Learn why this is important](#)

OFFICIAL

Dear Ms O'Meagher

We refer to our communications last week. [s 47F\(1\)](#)

A defamatory article has been written about our client as a result of the release of the documents pursuant to the NACC decision as to how it responded to the FOI request.

It is clear that the referrer/FOI applicant has now put these documents in the public domain. [s 47F\(1\)](#)

Regards  
Janet

**JANET WHITING**  
**PARTNER | GILBERT + TOBIN**

---

**T** +61 3 8656 3387 | **M** +61 417 500 001  
**F** +61 3 8656 3400 | **E** [JWhiting@gtlaw.com.au](mailto:JWhiting@gtlaw.com.au)

Level 25 101 Collins Street Melbourne VIC 3000  
GPO Box 90 Melbourne VIC 3001 AUS

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This email and any attachment is confidential between Gilbert + Tobin and the addressee. If it has been sent to you in error, please delete it and notify us. Any opinion expressed in it is not the opinion of Gilbert + Tobin unless that is stated or apparent from its terms.

**From:** s 47F(1)  
**To:** [Rebekah O'Meagher](#)  
**Subject:** RE: FOI Briefing [SEC=OFFICIAL:Sensitive]  
**Date:** Monday, 12 February 2024 5:08:39 PM  
**Attachments:** [image005.png](#)  
[image006.png](#)  
[image007.png](#)  
[image008.png](#)  
[image009.png](#)  
[image010.png](#)

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OFFICIAL:Sensitive

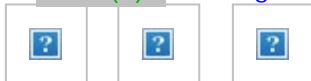
Hi Rebekah,

No problem, I'll add it in and send an updated pack once I've done so. I am just finalising another pack so will be about half an hour or so.

Thanks

s 47F(1)  
Assistant Director - Governance

M. s 47F(1)  
E. s 47F(1) [@nacc.gov.au](mailto:s 47F(1)@nacc.gov.au)



[nacc.gov.au](http://nacc.gov.au)



---

**From:** Rebekah O'Meagher <s 47E(d)@nacc.gov.au>  
**Sent:** Monday, February 12, 2024 5:06 PM  
**To:** s 47F(1) <s 47F(1)@nacc.gov.au>  
**Subject:** FOI Briefing [SEC=OFFICIAL:Sensitive]

OFFICIAL:Sensitive

Dear s 47F(1)

Apologies this is coming very late. The Commissioner has approved the following additions to the FOI brief:

**FOI request in relation to former Deputy Commissioner ASIC Karen Chester reported in article in the Australian on 3 February 2024**

The Commission does not usually comment on referrals or the status or existence of FOI requests however certain details relating to a referral to the Commission and a related FOI request have been made public through a news article in the Australian. As a result, the Commission confirms that a referral in relation to Ms Chester has been received by the Commission which is currently under assessment. In addition, an FOI request was made in relation to that referral which was processed in accordance with the Commission's obligations under the FOI Act and a number of documents released to the applicant.

It is important to stress that the fact that a referral has been received that is under assessment does not mean that the Commission is conducting an investigation. The Commission receives and assesses a diverse range of referrals from the public, more than 90% of which do not proceed to investigation.

We are not in a position to provide further details in relation to the referral or the FOI request due to privacy considerations, unfair impact to reputations and compromise to operational activities.

*If asked about whether there is any restriction on referrers making referrals public the Commission's standard response will be provided:*

Unless there is a non-disclosure notation under section 95 of the National Anti-Corruption Commission Act 2022, or direction under section 100(1) or section 233(2), there is no restriction in the NACC Act on persons reporting their contact with the Commission. This means there is no prohibition on someone telling another they have made a referral to the Commission, or have been asked to attend an interview, or received a request for information.

Can this still go into the brief?

Kind regards,

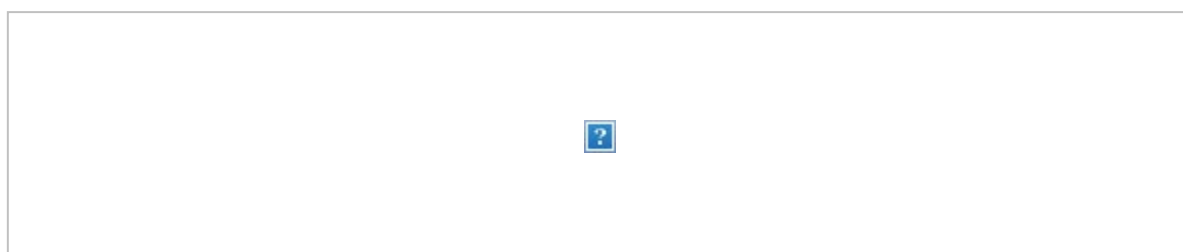
**Rebekah O'Meagher**  
General Manager Legal

M. s 47E(d) [REDACTED]  
E. s 47E(d) [REDACTED] [@nacc.gov.au](mailto:[REDACTED]@nacc.gov.au)

EA. s 47F(1) [REDACTED]  
M. s 47F(1) [REDACTED]  
P: s 47F(1) [REDACTED]  
E. s 47F(1) [REDACTED] [@nacc.gov.au](mailto:[REDACTED]@nacc.gov.au)



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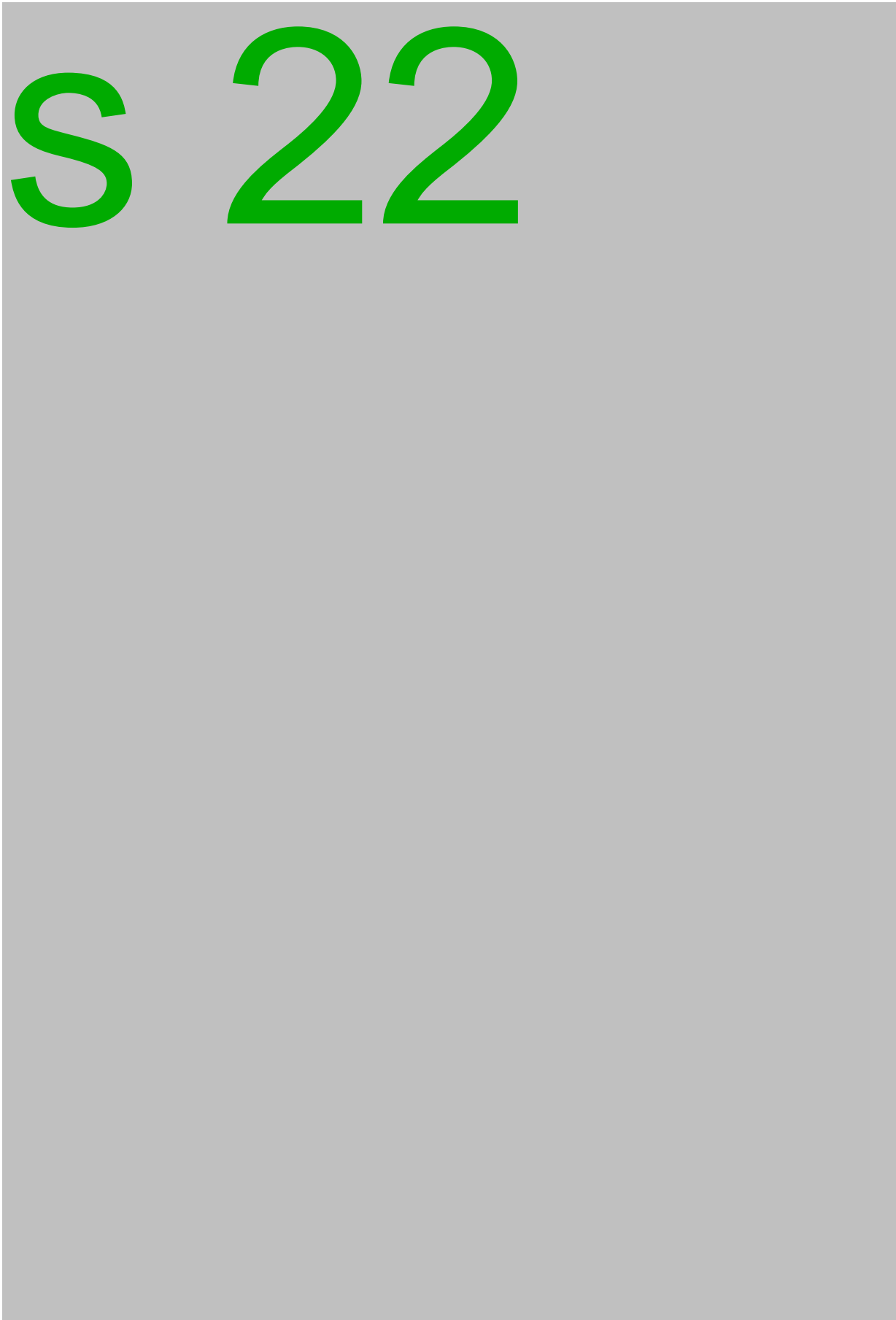


National Anti-Corruption Commission

## Recent key issues and media coverage

Topic	Key points	Coverage Links / PDF Bookmark reference
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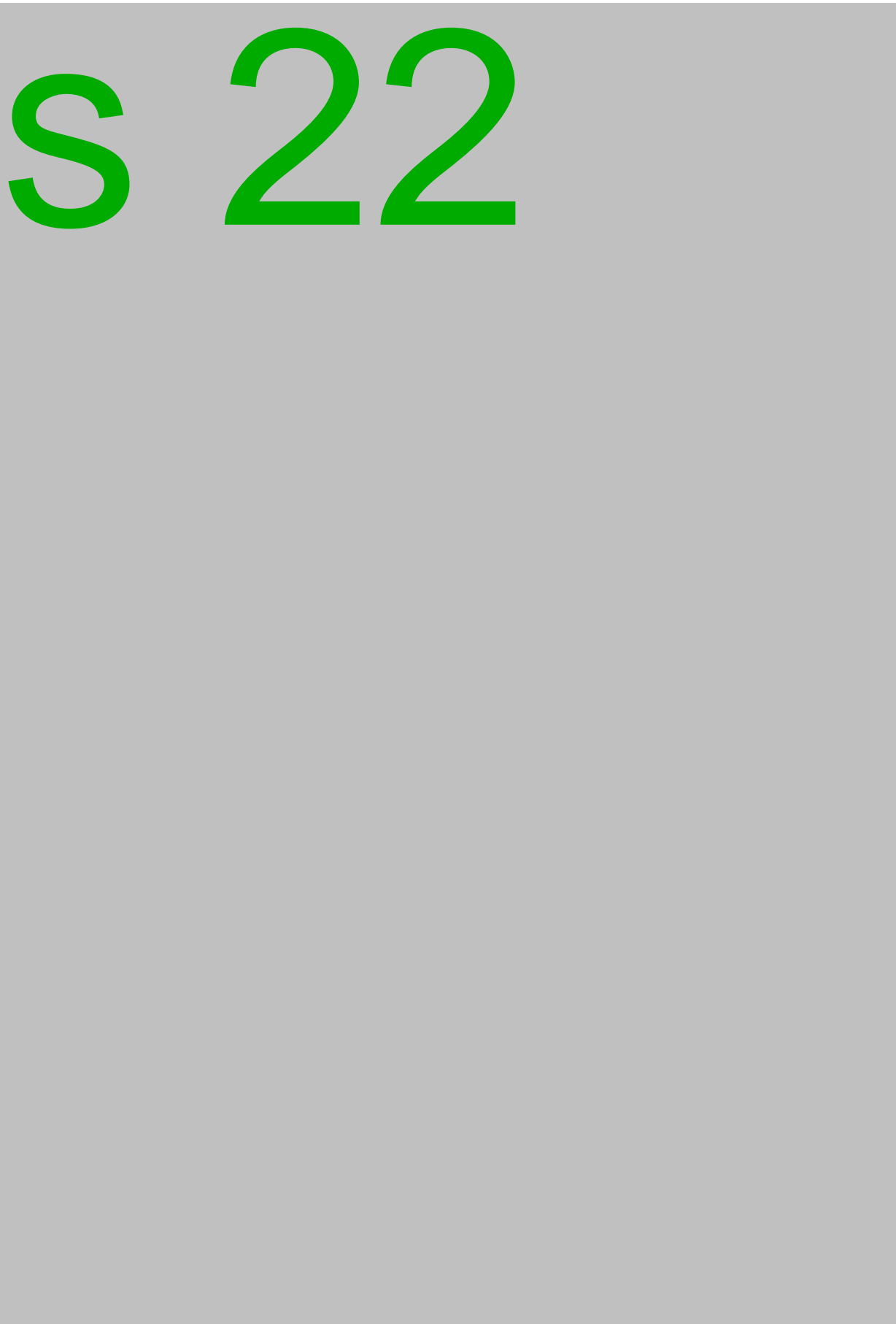
s 22

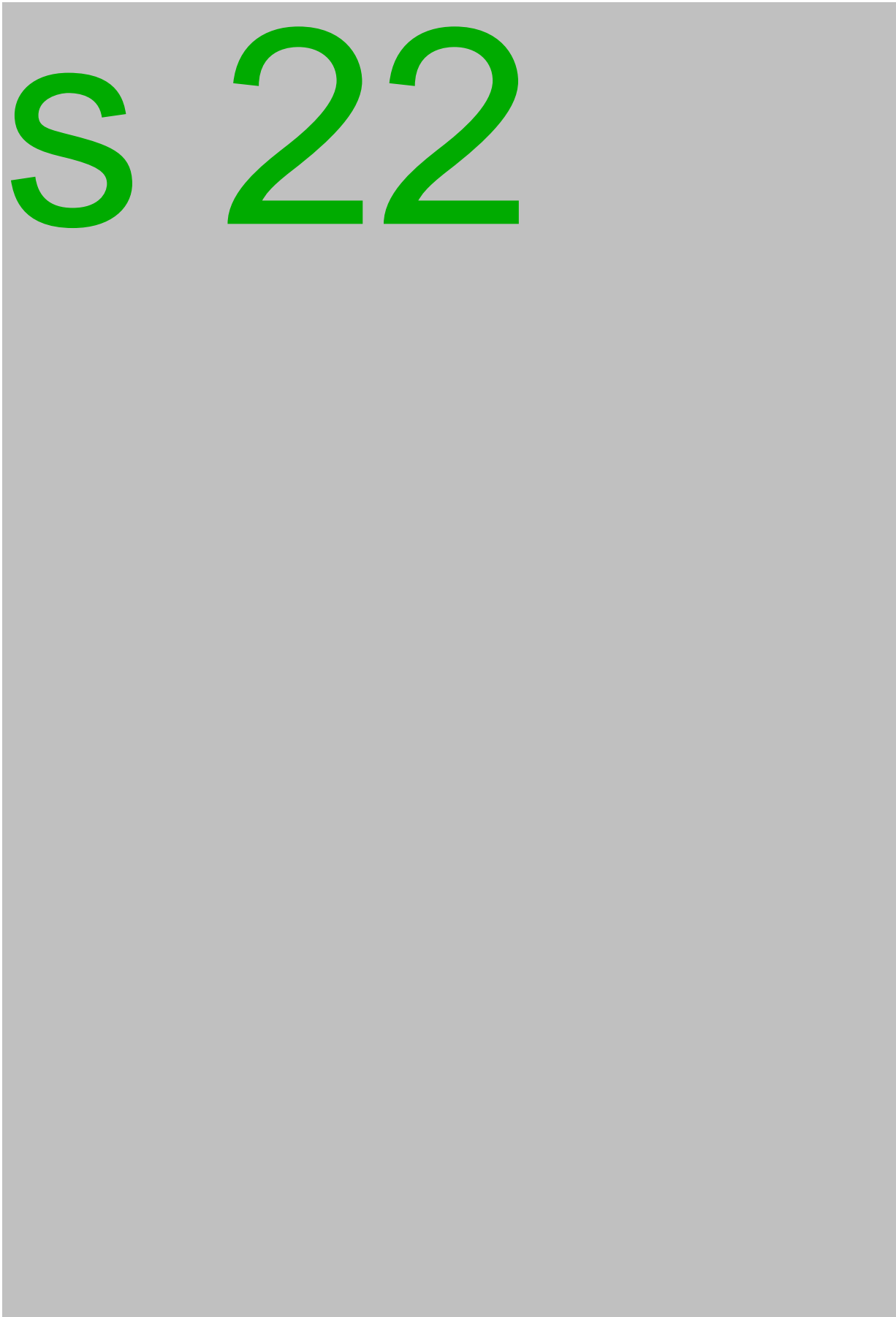


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22

# s 22

<p>Karen Chester</p>	<ol style="list-style-type: none"> <li>1. On 5 February 2024, the Australian reported on documents released under FOI, detailing the NACC was considering a probe into Karen Chester, the former Deputy Chair of ASIC, over potential issues related to her time in the role.</li> <li>2. It was reported that in August 2023, the NACC undertook an initial legal assessment and advised staff to "put in a formal request for legal advice to address the question".</li> <li>3. It was reported the NACC met in November to discuss how to</li> </ol>	<ul style="list-style-type: none"> <li>• M1: <a href="#">NACC watchdog eyes former ASIC deputy chief Karen Chester</a></li> </ul>
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	<p>progress with the matter concerning Ms Chester.</p> <p>4. The article stated: The Australian is not suggesting any allegation of corruption only that the NACC was considering whether to investigate a complaint in November.</p>	
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s 22

**From:** [Paul Brereton](#)  
**To:** [s 47F\(1\)](#); [Philip Reed](#); [Nicole Rose](#); [Rebekah O'Meagher](#)  
**Cc:** [s 47F\(1\)](#)  
**Subject:** RE: The Australian: NACC watchdog eyes former ASIC deputy chief Karen Chester [SEC=OFFICIAL]  
**Date:** Sunday, 4 February 2024 9:58:26 PM  
**Attachments:** [image005.png](#)  
[image006.png](#)  
[image007.png](#)  
[image008.png](#)  
[image009.png](#)  
[image010.png](#)

OFFICIAL

Thanks [s 47F\(1\)](#)

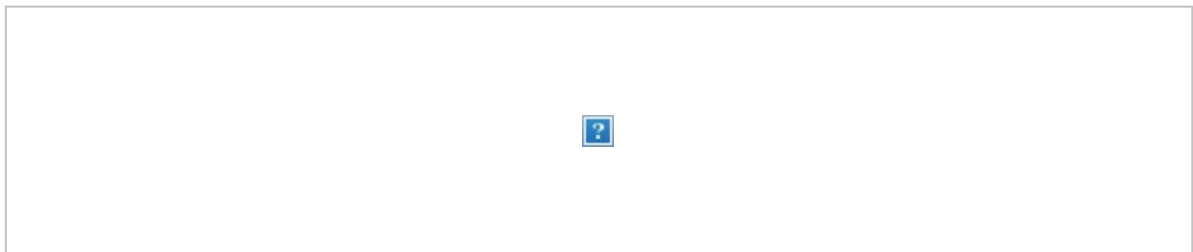
*PBrereton*

**The Hon PLG Brereton AM RFD SC**  
Commissioner

P. [s 47E\(d\)](#)  
M. [s 47E\(d\)](#)  
E. [s 47E\(d\)](#) [@nacc.gov.au](#)  
EA: [s 47F\(1\)](#) [s 47F\(1\)](#) [@nacc.gov.au](#)



[nacc.gov.au](#)



**From:** [s 47F\(1\)](#) <[s 47F\(1\)](#) [@nacc.gov.au](#)>  
**Sent:** Saturday, February 3, 2024 8:48 AM  
**To:** Paul Brereton <[s 47E\(d\)](#) [@nacc.gov.au](#)>; Philip Reed <[s 47E\(d\)](#) [@nacc.gov.au](#)>; Nicole Rose <[s 47E\(d\)](#) [@nacc.gov.au](#)>; Rebekah O'Meagher <[s 47E\(d\)](#) [@nacc.gov.au](#)>  
**Cc:** [s 47F\(1\)](#) <[s 47F\(1\)](#) [@nacc.gov.au](#)>  
**Subject:** The Australian: NACC watchdog eyes former ASIC deputy chief Karen Chester [SEC=OFFICIAL]

OFFICIAL

Good morning, please see attached the article published in the Australian last night.

s 47F(1)

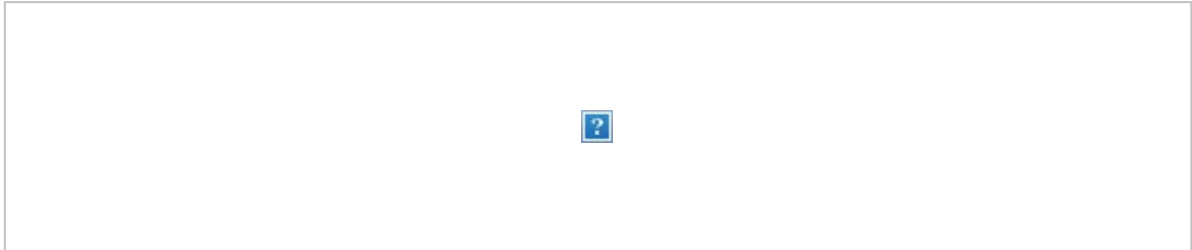
Director Media and Communications

M. s 47F(1)

E. s 47F(1) [@nacc.gov.au](mailto:)



[nacc.gov.au](http://nacc.gov.au)



**From:** s 47F(1)  
**To:** [Paul Brereton](#); [Philip Reed](#); [Nicole Rose](#); [Rebekah O'Meagher](#)  
**Cc:** s 47F(1)  
**Subject:** The Australian: NACC watchdog eyes former ASIC deputy chief Karen Chester [SEC=OFFICIAL]  
**Date:** Saturday, 3 February 2024 8:47:49 AM  
**Attachments:** [NACC watchdog eyes former ASIC deputy chief Karen Chester.pdf](#)  
[image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)

---

OFFICIAL

Good morning, please see attached the article published in the Australian last night.

s 47F(1)  
Director Media and Communications  
M. s 47F(1)  
E. s 47F(1) [@nacc.gov.au](mailto:s 47F(1)@nacc.gov.au)



[nacc.gov.au](http://nacc.gov.au)





Australian Government  
National Anti-Corruption Commission

## Weekly Open Source Review

### Weekly Open Source Review

CM Reference 24#3966DOC

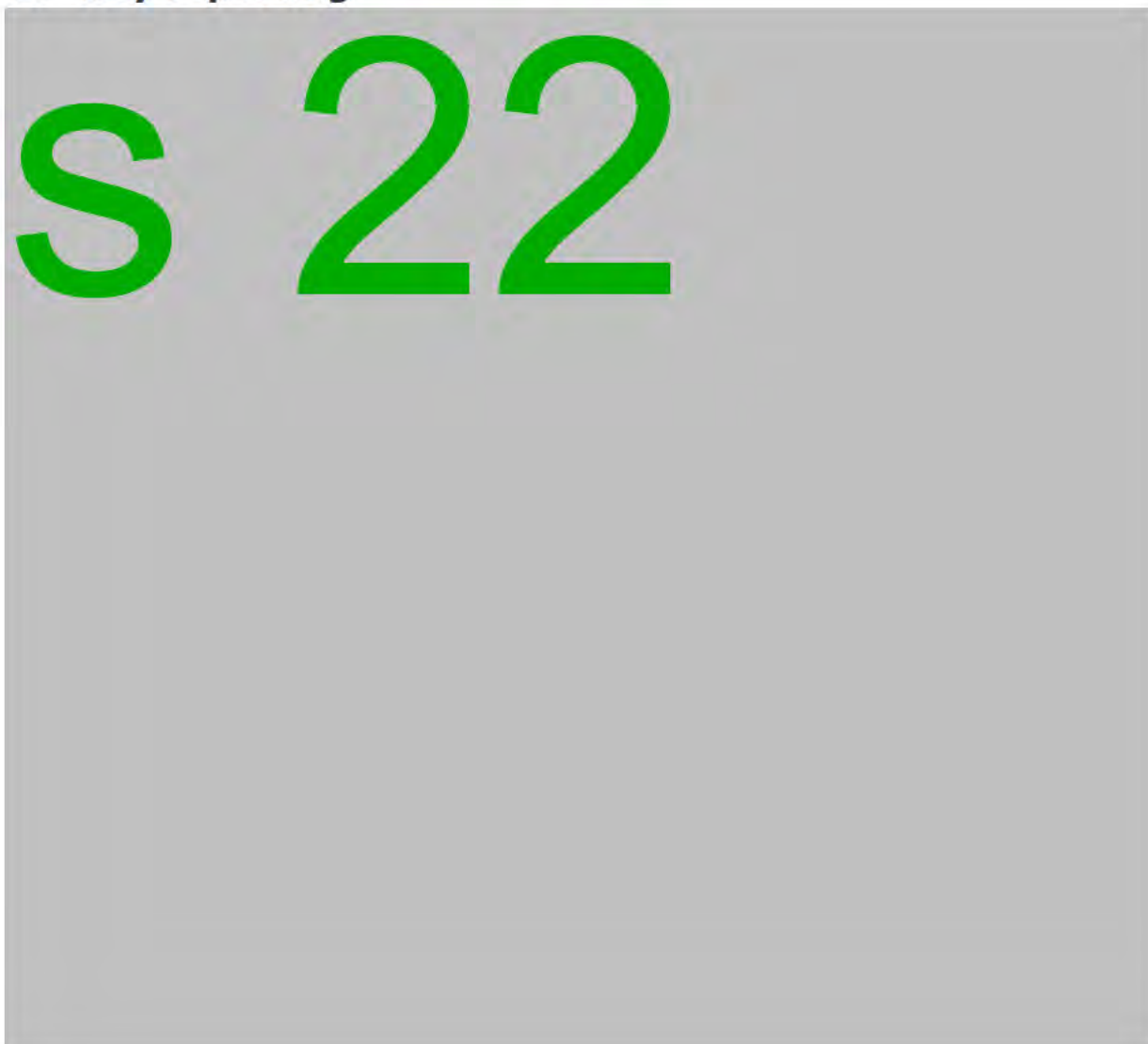
6 February 2024

#### Information

The National Anti-Corruption Commission (the Commission) conducts a proactive scan of open-source material on a weekly basis to identify relevant information on public domain corruption reporting. This review integrates public reporting with the agency holdings SIDA can access to identify existing or emerging themes and matters.

Below is a summary of the weekly reporting period ending 5 February 2024:

#### 1. Key reporting



s 22

## 2. Continuing themes

### Commission documents relating to ASIC ex-Deputy Chair Karen Chester

The article discusses documents released under Freedom of Information laws that are said to indicate the Commission was seeking legal advice in relation to a report made against ASIC ex-Deputy Chair Karen Chester. The article provides no further information other than a brief history of the public reporting on Ms Chester.

s 22

3/02/24	The Australian	<i>NACC watchdog eyes former ASIC deputy chief Karen Chester</i>	<a href="#">Link</a>
---------	----------------	--	----------------------

## Words of estimative probability

Certain words used in this report convey analytical judgement regarding the probability of an assessment being correct. Intelligence assessments are often based on incomplete information and are not fact or evidence. The figure below describes the relationships of the terms to each other and is a guide to the reader to understand these terms.



## Dissemination

This product is for the information of:

- The Commissioner

## Use Restrictions

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# s 42(1)

**From:** Rebekah O'Meagher <s 47E(d) @nacc.gov.au>  
**Sent:** Friday, February 2, 2024 2:53 PM  
**To:** Paul Brereton <s 47E(d) @nacc.gov.au>  
**Cc:** Nicole Rose <s 47E(d) @nacc.gov.au>; s 47F(1) <s 47F(1) @nacc.gov.au>; s 47F(1) <s 47F(1) @nacc.gov.au>  
**Subject:** FW: Complaint re material in preliminary investigation [SEC=OFFICIAL]  
**Importance:** High

**OFFICIAL**

Good afternoon

Please see below a further email from Ms Whiting. I don't know what she is referring to. Anyone else able to shed light?

Kind regards,  
Rebekah

---

**From:** Janet Whiting <[JWhiting@gtlaw.com.au](mailto:JWhiting@gtlaw.com.au)>  
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Please respond by return.  
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**JANET WHITING**  
**PARTNER | GILBERT + TOBIN**

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S 22

S 22

S 22



National Anti-Corruption Commission

## BACKPOCKET Topic Index – February 2024

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s 22

Legal	
4-1	Freedom of Information

s 22

# NATIONAL ANTI-CORRUPTION COMMISSION

## Freedom of Information (FOI)

**NACC 4-1**

This briefing note sets out statistical and other information regarding the Commission's FOI practice. The data period is 1 July 2023 to **31 January 2024**.



**Former Deputy Commissioner ASIC Karen Chester - *The Australian* on 3 February 2024**

- The Commission does not usually comment on referrals or the status or existence of FOI requests however certain details relating to a referral to the Commission and a related FOI request have been made public through a news article in the Australian. As a result, the Commission confirms that a referral in relation to Ms Chester has been received by the Commission which is currently under assessment. In addition, an FOI request was made in relation to that referral which was processed in accordance with the Commission's obligations under the FOI Act and a number of documents released to the applicant.
- It is important to stress that the fact that a referral has been received that is under assessment does not mean that the Commission is conducting an investigation. The Commission receives and assesses a diverse range of referrals from the public, more than 90% of which do not proceed to investigation.
- We are not in a position to provide further details in relation to the referral or the FOI request due to privacy considerations, unfair impact to reputations and compromise to operational activities.

*If asked about whether there is any restriction on referrers making referrals public the Commission's standard response will be provided:*

- Unless there is a non-disclosure notation under section 95 of the National Anti-Corruption Commission Act 2022, or direction under section 100(1) or section 233(2), there is no restriction in the NACC Act on persons reporting their contact with the Commission. This means there is no prohibition on someone telling another they have made a referral to the Commission, or have been asked to attend an interview, or received a request for information.

### Article at Attachment A

S 22

# § 22

# S 22

Wednesday, February 7, 2024 | Today's Paper | Mind Games

# NACC watchdog eyes former ASIC deputy chief Karen Chester

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**EXCLUSIVE**

By **DAVID ROSS**  
JOURNALIST

2:22PM FEBRUARY 5, 2024

National anti-corruption investigators have taken legal advice over one of the corporate regulator's top commissioners, with the public watchdog considering a probe after a complaint over potential issues related to her time at the top.

Documents released under Freedom of Information reveal the National Anti-Corruption Commission has taken legal advice as it considers a report against Australian Securities & Investments Commission deputy chair Karen Chester.

An initial legal assessment from August prepared by the NACC reveals the investigative agency advised its staff to "put in a formal request for legal advice to address the question".

The Australian understands the NACC was reviewing a complaint relating to concerns over Ms Chester's behaviour while deputy chair at ASIC. The documents show the NACC met in November to discuss the probe concerning Ms Chester noting staff were considering "how to progress with matter".

"It would be great if we could get some movement on some of these matters if possible," a NACC staff member wrote.

It is unclear if the matter has progressed since. The Australian is not suggesting any allegation of corruption only that the NACC was considering whether to investigate

a complaint in November.

The NACC revealed on Thursday that it has received over 2444 referrals since it opened its doors last July, of which 358 were under assessment including 11 which have progressed to preliminary investigation.

The NACC is also conducting 11 corruption investigations and monitoring or overseeing 31 investigations by other agencies. The NACC told The Australian it does not provide comment on individual referrals.

Ms Chester did not respond to a request for comment.

At its preliminary stages the NACC can use some of its investigative powers to compel the provision of information or documents.

Ms Chester, who left ASIC on Sunday after a year of mounting criticism, has faced a number of probes over her conduct at ASIC, while others have raised concerns she sought to involve herself in enforcement matters seen as outside her remit.

Ms Chester, who flagged in May she would not seek another term at ASIC, leaves after being the subject of unwanted attention over her time at the top, both as deputy chair and when acting in the top job after the temporary departure of James Shipton.

She has been the subject of repeated skirmishes in the Senate after ASIC faced questions over investigations into her conduct as well as undisclosed communications with market participants and concerns over influence over enforcement matters.

Treasury commissioned law firm Seyfarth Shaw to run an investigation after bullying complaints were made against her by ASIC executives. It found a number of alleged incidents in late 2020 and early 2021, were “wholly or partially substantiated”.

ASIC’s HR team also investigated a complaint against Ms Chester by its then chief operating officer, Warren Day, who was allegedly subjected to a barrage of abuse after questioning her over her expenses records.

As revealed in *The Australian*, Mr Day told colleagues he was “carpeted with F-bombs” by Ms Chester, who warned him his attempts to quiz her over expenses claims were “not sustainable”.

Ms Chester told the Senate this did not happen, and ASIC also noted in responses to the Senate “Chester denies she ‘carpeted Mr Day with ‘F-bombs’ as reported by *The Australian*”.

ASIC in its response to the Senate Economics Committee said Mr Day did report the deputy chair to others over an incident.

“While Mr Day did inform an ASIC senior executive of his interaction with Ms Chester, ASIC did not undertake a formal investigation into matters concerning ... Ms Chester and Mr Day in March 2021, and did not make any findings about the conduct of Ms Chester,” it said. ASIC declined to reveal material concerning the alleged incident, noting its disclosure “may detail or otherwise refer to comments made about ASIC officials concerning workplace matters ... made on a private and confidential basis”.

ASIC has trod a wary path, amid criticism over its enforcement record and moves by chair Joseph Longo to put to bed earlier matters concerning Ms Chester.

Mr Longo previously told the Senate he did not see any conduct from Ms Chester that concerned him, noting the matters dredged up in Treasury’s review had been “historical” and he did not intend to take further action.

But Ms Chester faced further criticism, with the revelation she exchanged several WhatsApp messages with Bronte Capital boss John Hempton, a short seller and friend. Mr Hempton also personally emailed Ms Chester about Mayfair 101 boss James Mawhinney, who views Mr Hempton as a key instigator of ASIC’s actions against him.

Ms Chester played a key role in ASIC’s pursuit of Mayfair 101, with Mr Mawhinney firing off legal warnings to her over some of her public comments. ASIC sources said this sat at odds with Ms Chester’s responsibilities, with enforcement the remit of other commissioners.

Court documents also suggest she played a role in the commission’s pursuit of ASX-listed payments company iSignThis; ASIC disputes this.

Court documents filed by iSignThis in both matters with the ASX and ASIC allege a representative of ASIC told the ASX on October 1, 2019 they would discuss a meeting about suspending the company from trade “with Karen Chester and others”.

The documents note ASIC senior market surveillance Tom Veidners and ASX chief compliance officer Kevin Lewis, among others, were “spitballing” the “suspension pending inquiries by ASX and ASIC”.

ASIC sources have indicated this meeting, which was also attended by commission investigator Colin Luxford, was unusual as the iSignThis matters concerned ASIC’s enforcement arm headed up by deputy chair Dan Crennan.

But an ASIC spokesman told The Weekend Australian Ms Chester “had no operational involvement in the iSignThis matter other than at a commission level” and noted the document “incorrectly refers to deputy chair Chester, rather than the then commissioner, Cathie Armour”.

Documents released under FOI reveal Ms Chester declared two tranches of WhatsApp messages from Mr Hempton to ASIC general counsel Chris Savundra in October 2022. Files on her ASIC device were wiped in 2021 before moving WhatsApp to her personal phone in July that year, soon after Seyfarth Shaw commenced its investigation.

In the lead-up to ASIC’s Annual Forum in November, Ms Chester faced veiled criticism by former boss Mr Shipton, appearing before a Senate committee.

Mr Longo refused to comment on questions about Ms Chester at the Annual Forum, but paid tribute to her and farewelled her in an email to staff.

#### **DAVID ROSS, JOURNALIST**

David Ross is a Sydney-based journalist at The Australian. He previously worked at the European Parliament and as a freelance journalist, writing for many publications including Myanmar Business Today where he was ... [Read more](#)



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TRENDING

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**From:** [Janet Whiting](#)  
**To:** [Rebekah O'Meagher](#)  
**Cc:** [s 47F\(1\)](#); [s 47F\(1\)](#)  
**Subject:** RE: Complaint re material in preliminary investigation [SEC=OFFICIAL]  
**Date:** Friday, 2 February 2024 2:36:44 PM  
**Attachments:** [image007.png](#)  
[image008.png](#)  
[image009.png](#)  
[image010.png](#)

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Please respond by return.

Regards  
Janet

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**Subject:** Re: Complaint re material in preliminary investigation [SEC=OFFICIAL]  
**Date:** Friday, 2 February 2024 4:33:36 PM  
**Attachments:** [Chris Savundra.vcf](#)

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Rebekah, as discussed.  
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**Date:** Friday, 2 February 2024 5:05:00 PM  
**Attachments:** [Chris Savundra.vcf](#)  
[image001.png](#)  
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Dear All

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[s 47F\(1\)](#)

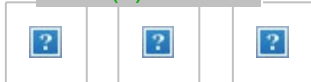
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Kind regards,

**Rebekah O'Meagher**  
General Manager Legal

M. [s 47E\(d\)](#)  
E. [s 47E\(d\)](#) [@nacc.gov.au](#)

EA. [s 47F\(1\)](#)  
M. [s 47F\(1\)](#)  
P: [s 47F\(1\)](#)  
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**Sent:** Friday, February 2, 2024 4:33 PM  
**To:** Rebekah O'Meagher <s 47E(d) @nacc.gov.au>  
**Cc:** s 47F(1) <s 47F(1)@gtlaw.com.au>; s 47F(1) <s 47F(1)@gtlaw.com.au>  
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Rebekah, as discussed.

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**Subject:** RE: Complaint re material in preliminary investigation [SEC=OFFICIAL]  
**Date:** Friday, 2 February 2024 5:17:13 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)

OFFICIAL

Thanks Rebekah.

I think that leaves us in as good a position a possible. Well done to you and your team – and thanks for all you have all done this week!

Have a good weekend!

Best regards,

*PBrereton*

**The Hon PLG Brereton AM RFD SC**  
Commissioner

P. [s 47E\(d\)](#)  
M. [s 47E\(d\)](#)  
E. [s 47E\(d\)](#) [@nacc.gov.au](#)  
EA: [s 47F\(1\)](#) [s 47F\(1\)](#) [@nacc.gov.au](#)



[nacc.gov.au](#)



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**To:** Paul Brereton <[s 47E\(d\)](#) [@nacc.gov.au](#)>; Nicole Rose <[s 47E\(d\)](#) [@nacc.gov.au](#)>; [s 47F\(1\)](#) <[s 47F\(1\)](#) [@nacc.gov.au](#)>; [s 47F\(1\)](#) <[s 47F\(1\)](#) [@nacc.gov.au](#)>  
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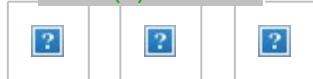
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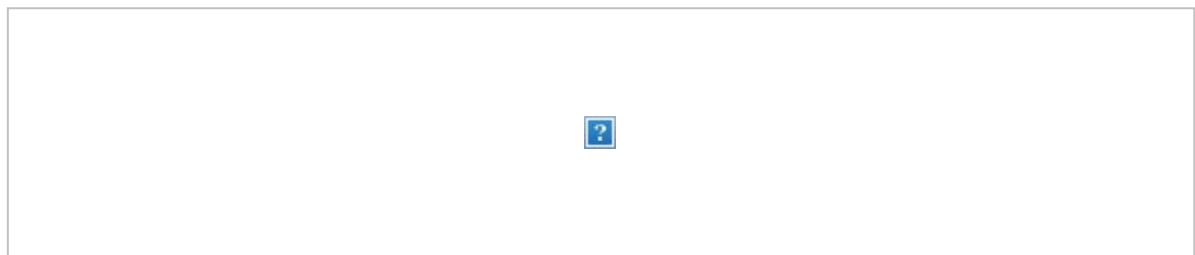
**Rebekah O'Meagher**  
General Manager Legal

M. s 47E(d)  
E. s 47E(d) @nacc.gov.au

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Is this correct? s 47F(1)

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Regards  
Janet

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**Sent:** Friday, 2 February 2024 2:29 PM  
**To:** Janet Whiting <[JWhiting@gtlaw.com.au](mailto:JWhiting@gtlaw.com.au)>  
**Cc:** s 47F(1) <s 47F(1)@gtlaw.com.au>; s 47F(1) <s 47F(1)@gtlaw.com.au>  
**Subject:** RE: Complaint re material in preliminary investigation [SEC=OFFICIAL]  
**Importance:** High

OFFICIAL

Dear Janet

Please find attached a response to your latest correspondence.

Kind regards,

**Rebekah O'Meagher**  
General Manager Legal

M. [§ 47E\(d\)](#)  
E. [§ 47E\(d\)](#) [@nacc.gov.au](#)

EA. [§ 47F\(1\)](#)  
M. [§ 47F\(1\)](#)  
P: [§ 47F\(1\)](#)  
E. [§ 47F\(1\)](#) [@nacc.gov.au](#)  
[<image007.png>](#)

[<image008.png>](#)

[<image009.png>](#)

[nacc.gov.au](#)

[<image010.png>](#)

§ 22

S 22

**S 22**

S 22

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**To:** [Paul Brereton](#); [Nicole Rose](#); [s 47F\(1\)](#); [s 47F\(1\)](#)  
**Subject:** Re: Complaint re material in preliminary investigation [SEC=OFFICIAL]  
**Date:** Friday, 2 February 2024 7:12:59 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)

Thank you Commissioner for all your assistance - we appreciate this has taken a lot your time!

It has been a bit frustrating as it feels this week we have been diverted from the main game.

I got a phone call from Mr Savundra (GC ASIC) on my way home. [s 47F\(1\)](#)

[s 47F\(1\)](#) He asked whether there was anything that ASIC needed to know. He is looking to brief the ASIC Commissioner about what may be published. I apologised and said I wasn't in a position to provide any information about the matter. [s 47F\(1\)](#)

[s 47F\(1\)](#) I said to be honest we don't know what may be published. Mr Savundra advised that he appreciated the Commission's position.

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---

**From:** Paul Brereton <[s 47E\(d\)](#) @nacc.gov.au>  
**Sent:** Friday, February 2, 2024 5:17 pm  
**To:** Rebekah O'Meagher <[s 47E\(d\)](#) @nacc.gov.au>; Nicole Rose <[s 47E\(d\)](#) @nacc.gov.au>; [s 47F\(1\)](#) <[s 47F\(1\)](#) @nacc.gov.au>; [s 47F\(1\)](#) <[s 47F\(1\)](#) @nacc.gov.au>  
**Subject:** RE: Complaint re material in preliminary investigation [SEC=OFFICIAL]

OFFICIAL

Thanks Rebekah.

I think that leaves us in as good a position a possible. Well done to you and your team – and thanks for all you have all done this week!

Have a good weekend!

Best regards,

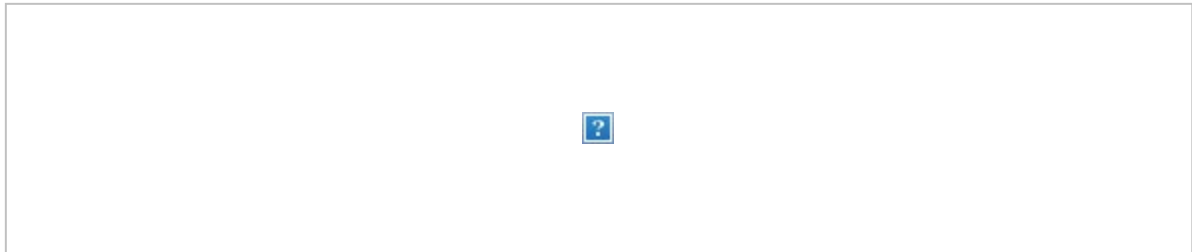
*PBrereton*

**The Hon PLG Brereton AM RFD SC**  
 Commissioner

P. [s 47E\(d\)](#)  
 M. [s 47E\(d\)](#)  
 E. [s 47E\(d\)](#) @nacc.gov.au  
 EA: [s 47F\(1\)](#) [s 47F\(1\)](#) @nacc.gov.au



[nacc.gov.au](http://nacc.gov.au)



---

**From:** Rebekah O'Meagher <[s 47E\(d\)@nacc.gov.au](mailto:s 47E(d)@nacc.gov.au)>  
**Sent:** Friday, February 2, 2024 5:05 PM  
**To:** Paul Brereton <[s 47E\(d\)@nacc.gov.au](mailto:s 47E(d)@nacc.gov.au)>; Nicole Rose <[s 47E\(d\)@nacc.gov.au](mailto:s 47E(d)@nacc.gov.au)>; [s 47F\(1\)@nacc.gov.au](mailto:s 47F(1)@nacc.gov.au); [s 47F\(1\)@nacc.gov.au](mailto:s 47F(1)@nacc.gov.au); [s 47F\(1\)@nacc.gov.au](mailto:s 47F(1)@nacc.gov.au)  
**Subject:** FW: Complaint re material in preliminary investigation [SEC=OFFICIAL]

**OFFICIAL**

Dear All

By way of update (and file note) I just got off the phone to Janet Whiting (JW). In response to her email below I advised I was unsure what the Australian was referring to – I can only confirm that the Commission does not have the report referred to in her correspondence. I said that for a number of documents an exemption pursuant to section 42 was claimed in respect of internal legal advice. It is also possible that confusion has arisen because sometimes report and referral are used interchangeably.

[s 47F\(1\)@nacc.gov.au](mailto:s 47F(1)@nacc.gov.au)

JW asked if I had spoken to ASIC about the issue. I said I hadn't. JW said that it was a matter for me but she recommended I speak to ASIC General Counsel Chris Savundra – she would provide me with his contact details. I did not commit one way or the other to calling Mr Savundra.

Kind regards,

**Rebekah O'Meagher**  
General Manager Legal

M. [s 47E\(d\)@nacc.gov.au](mailto:s 47E(d)@nacc.gov.au)  
E. [s 47E\(d\)@nacc.gov.au](mailto:s 47E(d)@nacc.gov.au)

EA. [s 47F\(1\)@nacc.gov.au](mailto:s 47F(1)@nacc.gov.au)  
M. [s 47F\(1\)@nacc.gov.au](mailto:s 47F(1)@nacc.gov.au)  
P: [s 47F\(1\)@nacc.gov.au](mailto:s 47F(1)@nacc.gov.au)

E. s 47F(1) @nacc.gov.au



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---

**From:** Janet Whiting <[JWhiting@gtlaw.com.au](mailto:JWhiting@gtlaw.com.au)>  
**Sent:** Friday, February 2, 2024 4:33 PM  
**To:** Rebekah O'Meagher <[s 47E\(d\)@nacc.gov.au](mailto:s 47E(d)@nacc.gov.au)>  
**Cc:** [s 47F\(1\)@gtlaw.com.au](mailto:s 47F(1)@gtlaw.com.au); [s 47F\(1\)@gtlaw.com.au](mailto:s 47F(1)@gtlaw.com.au); [s 47F\(1\)@gtlaw.com.au](mailto:s 47F(1)@gtlaw.com.au)  
**Subject:** Re: Complaint re material in preliminary investigation [SEC=OFFICIAL]

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**OFFICIAL**

Rebekah, as discussed.  
Regards  
Janet

**JANET WHITING**  
PARTNER | GILBERT + TOBIN

**T** +61 3 8656 3387 | **M** +61 417 500 001  
**F** +61 3 8656 3400 | **E** [JWhiting@gtlaw.com.au](mailto:JWhiting@gtlaw.com.au)

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On 2 Feb 2024, at 2:36 pm, Janet Whiting <[JWhiting@gtlaw.com.au](mailto:JWhiting@gtlaw.com.au)> wrote:

Dear Rebekah,

we shall respond to your letter shortly.

In the interim, the journalist from The Australian who has a copy of the documents released by the NACC asserts the NACC has taken legal advice about the NACC's consideration of a report related to our client.

Is this correct? **s 47F(1)**

Please respond by return.

Regards  
Janet

**s 22**

S 22

S 22

S 22

S 22

S 42(1)

FOI-26/57

Document 30 Page 1 of 7

# s 42(1)

**From:** Rebekah O'Meagher <s 47E(d) @nacc.gov.au>

**Sent:** Friday, February 2, 2024 2:53 PM

**To:** Paul Brereton <s 47E(d) @nacc.gov.au>

**Cc:** Nicole Rose <s 47E(d) @nacc.gov.au>; s 47F(1) <s 47F(1) @nacc.gov.au>;  
s 47F(1) <s 47F(1) @nacc.gov.au>

**Subject:** FW: Complaint re material in preliminary investigation [SEC=OFFICIAL]

**Importance:** High

**OFFICIAL**

Good afternoon

Please see below a further email from Ms Whiting. I don't know what she is referring to. Anyone else able to shed light?

Kind regards,

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**Sent:** Friday, February 2, 2024 2:36 PM  
**To:** Rebekah O'Meagher <[s 47E\(d\) @nacc.gov.au](mailto:s 47E(d) @nacc.gov.au)>  
**Cc:** [s 47F\(1\) @gtlaw.com.au](mailto:s 47F(1) @gtlaw.com.au); [s 47F\(1\) @gtlaw.com.au](mailto:s 47F(1) @gtlaw.com.au); [s 47F\(1\) @gtlaw.com.au](mailto:s 47F(1) @gtlaw.com.au)  
**Subject:** RE: Complaint re material in preliminary investigation [SEC=OFFICIAL]

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**OFFICIAL**

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Please respond by return.

Regards  
Janet

**JANET WHITING**  
**PARTNER | GILBERT + TOBIN**

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**F** [+61 3 8656 3400](tel:+61386563400) | **E** [JWhiting@gtlaw.com.au](mailto:JWhiting@gtlaw.com.au)

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**s 22**

s 22

FOI-26/57

Document 30 Page 4 of 7

S 22

FOI-26/57

Document 30 Page 5 of 7

S 22

FOI-26/57

Document 30 Page 6 of 7

S 22

FOI-26/57

Document 30 Page 7 of 7

s 42(1), s 47E(d), s 47F(1)

FOI-26/57

Document 31 Page 1 of 8

s 42(1), s 47E(d), s 47F(1)

FOI-26/57

Document 31 Page 2 of 8

**From:** Rebekah O'Meagher <[redacted]@nacc.gov.au>  
**Sent:** Friday, February 2, 2024 2:53 PM  
**To:** Paul Brereton <s 47E(d)@nacc.gov.au>  
**Cc:** Nicole Rose <s 47E(d)@nacc.gov.au>; s 47F(1) <s 47F(1)@nacc.gov.au>; s 47F(1) <s 47F(1)@nacc.gov.au>  
**Subject:** FW: Complaint re material in preliminary investigation [SEC=OFFICIAL]  
**Importance:** High

OFFICIAL

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Kind regards,

Rebekah

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**To:** Rebekah O'Meagher <s 47E(d)@nacc.gov.au>  
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Janet

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T +61 3 8656 3387 | M +61 417 500 001  
F +61 3 8656 3400 | E [JWhiting@gtlaw.com.au](mailto:JWhiting@gtlaw.com.au)

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S 22

S 22

FOI-26/57

Document 31 Page 5 of 8

S 22

FOI-26/57

Document 31 Page 6 of 8

S 22

FOI-26/57

Document 31 Page 7 of 8

S 22

FOI-26/57

Document 31 Page 8 of 8

s 42(1), s 47E(d), s 47F(1)

FOI-26/57

Document 32 Page 1 of 8

s 42(1), s 47E(d), s 47F(1)

s 42(1), s 47E(d), s 47F(1)

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**To:** Paul Brereton <s 47E(d) @nacc.gov.au>  
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s 47F(1) <s 47F(1) @nacc.gov.au>  
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OFFICIAL

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FOI-26/57

Document 32 Page 4 of 8

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S 22

FOI-26/57

Document 32 Page 5 of 8

# § 22

FOI-26/57

Document 32 Page 6 of 8

S 22

FOI-26/57

Document 32 Page 7 of 8

S 22

FOI-26/57

Document 32 Page 8 of 8

s 42(1), s 47E(d), s 47F(1)

FOI-26/57

Document 33 Page 1 of 8

s 42(1), s 47E(d), s 47F(1)

**From:** Rebekah O'Meagher <s 47E(d) @nacc.gov.au>  
**Sent:** Friday, February 2, 2024 2:53 PM  
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**Cc:** Nicole Rose <s 47E(d) @nacc.gov.au>; s 47F(1) <s 47F(1) @nacc.gov.au>;  
s 47F(1) <s 47F(1) @nacc.gov.au>  
**Subject:** FW: Complaint re material in preliminary investigation [SEC=OFFICIAL]  
**Importance:** High

OFFICIAL

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Rebekah

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**Sent:** Friday, February 2, 2024 2:36 PM  
**To:** Rebekah O'Meagher <s 47E(d) @nacc.gov.au>  
**Cc:** s 47F(1) <s 47F(1)@gtlaw.com.au>; s 47F(1) <s 47F(1)@gtlaw.com.au>

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**OFFICIAL**

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Regards  
Janet

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**PARTNER | GILBERT + TOBIN**

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s 22

FOI-26/57

Document 33 Page 5 of 8

S 22

FOI-26/57

Document 33 Page 6 of 8

S 22

FOI-26/57

Document 33 Page 7 of 8

S 22

FOI-26/57

Document 33 Page 8 of 8

**From:** [Rebekah O'Meagher](#)  
**To:** [Janet Whiting](#)  
**Cc:** [s 47F\(1\)](#); [s 47F\(1\)](#); [s 47F\(1\)](#)  
**Subject:** RE: Complaint re material in preliminary investigation [SEC=OFFICIAL]  
**Date:** Friday, 9 February 2024 7:12:00 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)

Dear Janet

I confirm receipt of your email [s 47F\(1\)](#)

[Redacted]

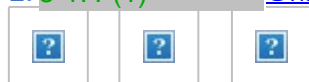
[Redacted]

Kind regards,

**Rebekah O'Meagher**  
General Manager Legal

M. [s 47E\(d\)](#)  
E. [s 47E\(d\)](#) [@nacc.gov.au](#)

EA. [s 47F\(1\)](#)  
M. [s 47F\(1\)](#)  
P. [s 47F\(1\)](#)  
E. [s 47F\(1\)](#) [@nacc.gov.au](#)



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**From:** Janet Whiting <[JWhiting@gtlaw.com.au](mailto:JWhiting@gtlaw.com.au)>  
**Sent:** Thursday, February 8, 2024 2:19 PM  
**To:** Rebekah O'Meagher <[s 47E\(d\)@nacc.gov.au](mailto:s 47E(d)@nacc.gov.au)>  
**Cc:** [s 47F\(1\)](#) <[s 47F\(1\)@gtlaw.com.au](mailto:s 47F(1)@gtlaw.com.au)>; [s 47F\(1\)](#) <[s 47F\(1\)@gtlaw.com.au](mailto:s 47F(1)@gtlaw.com.au)>  
**Subject:** Complaint re material in preliminary investigation [SEC=OFFICIAL]

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OFFICIAL

Dear Ms O'Meagher

We refer to our communications last week. [s 47F\(1\)](#)

A defamatory article has been written about our client as a result of the release of the documents pursuant to the NACC decision as to how it responded to the FOI request.

It is clear that the referrer/FOI applicant has now put these documents in the public domain. [s 47F\(1\)](#)

Regards  
Janet

**JANET WHITING**  
PARTNER | GILBERT + TOBIN

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[F +61 3 8656 3400](#) | [E \[JWhiting@gtlaw.com.au\]\(mailto:JWhiting@gtlaw.com.au\)](#)

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**From:** [Janet Whiting](#)  
**To:** [Rebekah O'Meagher](#)  
**Cc:** [s 47F\(1\)](#); [s 47F\(1\)](#); [s 47F\(1\)](#)  
**Subject:** RE: Complaint re material in preliminary investigation [SEC=OFFICIAL]  
**Date:** Monday, 12 February 2024 12:01:44 PM  
**Attachments:** [image007.png](#)  
[image008.png](#)  
[image009.png](#)  
[image010.png](#)

---

OFFICIAL

Dear Rebekah

Thank you for your email below. However, with respect, you do not know what documents that were supplied by the NACC pursuant to the FOI request have been released into the public domain or how widely they have been circulated. By way of example the journalist at The Australian may have all of the documents and has only chosen to report on some of them in the article published on 3 February 2024.

[s 47F\(1\)](#)

Regards  
Janet

**JANET WHITING**  
**PARTNER | GILBERT + TOBIN**

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**From:** Rebekah O'Meagher <[s 47E\(d\)](#) @nacc.gov.au>  
**Sent:** Friday, 9 February 2024 7:13 PM  
**To:** Janet Whiting <[JWhiting@gtlaw.com.au](mailto:JWhiting@gtlaw.com.au)>  
**Cc:** [s 47F\(1\)](#) <[s 47F\(1\)@gtlaw.com.au](mailto:s 47F(1)@gtlaw.com.au)>; [s 47F\(1\)](#) <[s 47F\(1\)@gtlaw.com.au](mailto:s 47F(1)@gtlaw.com.au)>; [s 47F\(1\)](#) <[s 47F\(1\)@nacc.gov.au](mailto:s 47F(1)@nacc.gov.au)>  
**Subject:** RE: Complaint re material in preliminary investigation [SEC=OFFICIAL]

OFFICIAL

Dear Janet

I confirm receipt of your email [s 47F\(1\)](#)

s 47F(1)

Kind regards,

**Rebekah O’Meagher**  
General Manager Legal

M. s 47E(d)  
E. s 47E(d) @nacc.gov.au

EA. s 47F(1)  
M. s 47F(1)  
P: s 47F(1)  
E. s 47F(1) @nacc.gov.au



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---

**From:** Janet Whiting <[JWhiting@gtlaw.com.au](mailto:JWhiting@gtlaw.com.au)>  
**Sent:** Thursday, February 8, 2024 2:19 PM  
**To:** Rebekah O'Meagher <[s 47E\(d\)@nacc.gov.au](mailto:s 47E(d)@nacc.gov.au)>  
**Cc:** [s 47F\(1\)@gtlaw.com.au](mailto:s 47F(1)@gtlaw.com.au); [s 47F\(1\)@gtlaw.com.au](mailto:s 47F(1)@gtlaw.com.au)  
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s 47F(1)

Regards  
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**From:** [Janet Whiting](#)  
**To:** [Rebekah O'Meagher](#)  
**Cc:** [s 47F\(1\)](#); [s 47F\(1\)](#); [s 47F\(1\)](#)  
**Subject:** RE: Complaint re material in preliminary investigation [SEC=OFFICIAL]  
**Date:** Wednesday, 14 February 2024 1:53:58 PM  
**Attachments:** [image007.png](#)  
[image008.png](#)  
[image009.png](#)  
[image010.png](#)

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OFFICIAL

Rebekah,  
[s 47F\(1\)](#)

Regards  
 Janet

**JANET WHITING**  
**PARTNER | GILBERT + TOBIN**

**T** +61 3 8656 3387 | **M** +61 417 500 001  
**F** +61 3 8656 3400 | **E** [JWhiting@gtlaw.com.au](mailto:JWhiting@gtlaw.com.au)

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**From:** Rebekah O'Meagher <[s 47E\(d\)](#) @nacc.gov.au>  
**Sent:** Friday, 9 February 2024 7:13 PM  
**To:** Janet Whiting <[JWhiting@gtlaw.com.au](mailto:JWhiting@gtlaw.com.au)>  
**Cc:** [s 47F\(1\)](#) <[s 47F\(1\)](#) @gtlaw.com.au>; [s 47F\(1\)](#) <[s 47F\(1\)](#) @gtlaw.com.au>; [s 47F\(1\)](#) <[s 47F\(1\)](#) @nacc.gov.au>  
**Subject:** RE: Complaint re material in preliminary investigation [SEC=OFFICIAL]

OFFICIAL

Dear Janet

I confirm receipt of your email [s 47F\(1\)](#)

[s 47F\(1\)](#)  
 [Redacted]  
 [Redacted]  
 [Redacted]  
 [Redacted]

Kind regards,

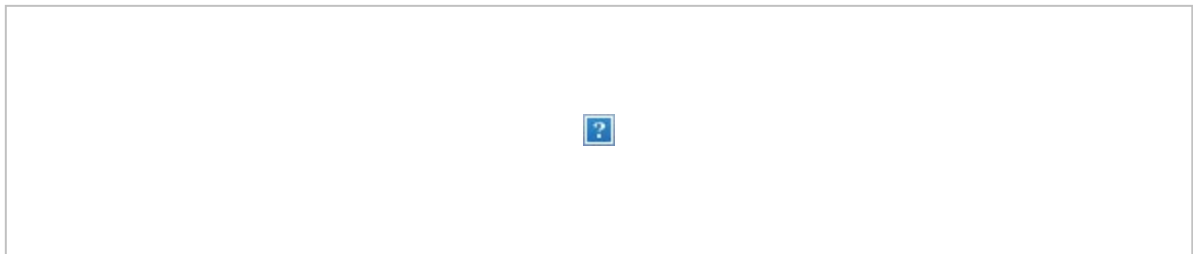
**Rebekah O’Meagher**  
General Manager Legal

M. s 47E(d)  
E. s 47E(d) @nacc.gov.au

EA. s 47F(1)  
M. s 47F(1)  
P: s 47F(1)  
E. s 47F(1) @nacc.gov.au



[nacc.gov.au](http://nacc.gov.au)



---

**From:** Janet Whiting <[JWhiting@gtlaw.com.au](mailto:JWhiting@gtlaw.com.au)>  
**Sent:** Thursday, February 8, 2024 2:19 PM  
**To:** Rebekah O'Meagher <[s 47E\(d\)@nacc.gov.au](mailto:s 47E(d)@nacc.gov.au)>  
**Cc:** [s 47F\(1\)@gtlaw.com.au](mailto:s 47F(1)@gtlaw.com.au); [s 47F\(1\)@gtlaw.com.au](mailto:s 47F(1)@gtlaw.com.au); [s 47F\(1\)@gtlaw.com.au](mailto:s 47F(1)@gtlaw.com.au)  
**Subject:** Complaint re material in preliminary investigation [SEC=OFFICIAL]

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**OFFICIAL**

Dear Ms O’Meagher

We refer to our communications last week. [s 47F\(1\)](#)

A defamatory article has been written about our client as a result of the release of the documents pursuant to the NACC decision as to how it responded to the FOI request.

It is clear that the referrer/FOI applicant has now put these documents in the public domain. [s 47F\(1\)](#)

Regards  
Janet

**JANET WHITING**  
PARTNER | GILBERT + TOBIN

---

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**From:** [Rebekah O'Meagher](#)  
**To:** s 47F(1)  
**Subject:** FW: Complaint re material in preliminary investigation [SEC=OFFICIAL]  
**Date:** Wednesday, 14 February 2024 4:03:00 PM  
**Attachments:** [image007.png](#)  
[image008.png](#)  
[image009.png](#)  
[image010.png](#)

FYI – can we discuss? s 47C(1), s 47F(1)

---

**From:** Janet Whiting <[JWhiting@gtlaw.com.au](mailto:JWhiting@gtlaw.com.au)>  
**Sent:** Wednesday, February 14, 2024 1:53 PM  
**To:** Rebekah O'Meagher <[s 47E\(d\)@nacc.gov.au](mailto:s 47E(d)@nacc.gov.au)>  
**Cc:** s 47F(1) <[s 47F\(1\)@gtlaw.com.au](mailto:s 47F(1)@gtlaw.com.au)>; s 47F(1) <[s 47F\(1\)@gtlaw.com.au](mailto:s 47F(1)@gtlaw.com.au)>; s 47F(1) <[s 47F\(1\)@nacc.gov.au](mailto:s 47F(1)@nacc.gov.au)>  
**Subject:** RE: Complaint re material in preliminary investigation [SEC=OFFICIAL]

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Rebekah,  
s 47F(1)

Regards  
Janet

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**From:** Rebekah O'Meagher <[Rebekah.OMeagher@nacc.gov.au](mailto:Rebekah.OMeagher@nacc.gov.au)>  
**Sent:** Friday, 9 February 2024 7:13 PM  
**To:** Janet Whiting <[JWhiting@gtlaw.com.au](mailto:JWhiting@gtlaw.com.au)>  
**Cc:** s 47F(1) <[s 47F\(1\)@gtlaw.com.au](mailto:s 47F(1)@gtlaw.com.au)>; s 47F(1) <[s 47F\(1\)@gtlaw.com.au](mailto:s 47F(1)@gtlaw.com.au)>; s 47F(1) <[s 47F\(1\)@nacc.gov.au](mailto:s 47F(1)@nacc.gov.au)>  
**Subject:** RE: Complaint re material in preliminary investigation [SEC=OFFICIAL]

OFFICIAL

Dear Janet

I confirm receipt of your email [s 47F\(1\)](#)

[Redacted]

[Redacted]

Kind regards,

**Rebekah O’Meagher**  
General Manager Legal

M. [s 47E\(d\)](#)  
E. [s 47E\(d\)](#) [@nacc.gov.au](mailto: @nacc.gov.au)

EA. [s 47F\(1\)](#)  
M. [s 47F\(1\)](#)  
P: [s 47F\(1\)](#)  
E. [s 47F\(1\)](#) [@nacc.gov.au](mailto: @nacc.gov.au)



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---

**From:** Janet Whiting <[JWhiting@gtlaw.com.au](mailto:JWhiting@gtlaw.com.au)>  
**Sent:** Thursday, February 8, 2024 2:19 PM  
**To:** Rebekah O'Meagher <[s 47E\(d\)](#) [@nacc.gov.au](mailto: @nacc.gov.au)>  
**Cc:** [s 47F\(1\)](#) <[s 47F\(1\)](#) [@gtlaw.com.au](mailto: @gtlaw.com.au)>; [s 47F\(1\)](#) <[s 47F\(1\)](#) [@gtlaw.com.au](mailto: @gtlaw.com.au)>  
**Subject:** Complaint re material in preliminary investigation [SEC=OFFICIAL]

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Dear Ms O'Meagher

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Regards  
Janet

**JANET WHITING**  
**PARTNER | GILBERT + TOBIN**

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**From:** s 47F(1)  
**To:** [Rebekah O'Meagher](#)  
**Subject:** RE: Complaint re material in preliminary investigation [SEC=OFFICIAL]  
**Date:** Wednesday, 14 February 2024 4:12:09 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)

---

OFFICIAL

Hi Rebekah

s 42(1), s 47C(1)

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Kind regards

s 47F(1)

---

**From:** Rebekah O'Meagher <s 47E(d)@nacc.gov.au>  
**Sent:** Wednesday, February 14, 2024 4:04 PM  
**To:** s 47F(1) <s 47F(1)@nacc.gov.au>  
**Subject:** FW: Complaint re material in preliminary investigation [SEC=OFFICIAL]

OFFICIAL

FYI – can we discuss? s 47F(1)

[Redacted]

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**From:** Janet Whiting <[JWhiting@gtlaw.com.au](mailto:JWhiting@gtlaw.com.au)>  
**Sent:** Wednesday, February 14, 2024 1:53 PM  
**To:** Rebekah O'Meagher <s 47E(d)@nacc.gov.au>  
**Cc:** s 47F(1) <s 47F(1)@gtlaw.com.au>; s 47F(1) <s 47F(1)@gtlaw.com.au>; s 47F(1) <s 47F(1)@nacc.gov.au>  
**Subject:** RE: Complaint re material in preliminary investigation [SEC=OFFICIAL]

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Rebekah,  
s 47F(1)

[Redacted]

Regards  
Janet

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**Cc:** [s 47F\(1\)@gtlaw.com.au](mailto:s 47F(1)@gtlaw.com.au); [s 47F\(1\)@gtlaw.com.au](mailto:s 47F(1)@gtlaw.com.au); [s 47F\(1\)@gtlaw.com.au](mailto:s 47F(1)@gtlaw.com.au); [s 47F\(1\)@nacc.gov.au](mailto:s 47F(1)@nacc.gov.au)  
**Subject:** RE: Complaint re material in preliminary investigation [SEC=OFFICIAL]

**OFFICIAL**

Dear Janet

I confirm receipt of your email [s 47F\(1\)@gtlaw.com.au](mailto:s 47F(1)@gtlaw.com.au)

[Redacted content]

Kind regards,

**Rebekah O'Meagher**  
General Manager Legal

**M.** [s 47E\(d\)@nacc.gov.au](mailto:s 47E(d)@nacc.gov.au)  
**E.** [s 47E\(d\)@nacc.gov.au](mailto:s 47E(d)@nacc.gov.au)

**EA.** [s 47F\(1\)@nacc.gov.au](mailto:s 47F(1)@nacc.gov.au)  
**M.** [s 47F\(1\)@nacc.gov.au](mailto:s 47F(1)@nacc.gov.au)  
**P.** [s 47F\(1\)@nacc.gov.au](mailto:s 47F(1)@nacc.gov.au)  
**E.** [s 47F\(1\)@nacc.gov.au](mailto:s 47F(1)@nacc.gov.au)



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---

**From:** Janet Whiting <[JWhiting@gtlaw.com.au](mailto:JWhiting@gtlaw.com.au)>  
**Sent:** Thursday, February 8, 2024 2:19 PM  
**To:** Rebekah O'Meagher <[s 47E\(d\)@nacc.gov.au](mailto:s 47E(d)@nacc.gov.au)>  
**Cc:** [s 47F\(1\)@gtlaw.com.au](mailto:s 47F(1)@gtlaw.com.au); [s 47F\(1\)@gtlaw.com.au](mailto:s 47F(1)@gtlaw.com.au)  
**Subject:** Complaint re material in preliminary investigation [SEC=OFFICIAL]

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**OFFICIAL**

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Regards  
Janet

**JANET WHITING**  
**PARTNER | GILBERT + TOBIN**

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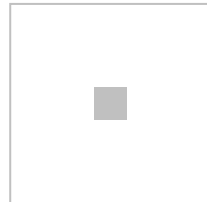


**From:** [NACC - Media Clips](#)  
**To:** [NACC - All Staff](#)  
**Subject:** FW: Morning Clips  
**Date:** Monday, 5 February 2024 6:36:02 AM

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S 22

**Morning Clips**  
**Monday 5th February 2024**  
61 total items



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**NACC**

18 items

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**S 22**

S 22

s 22



**Watchdog eyes ex-ASIC chief**

**The Australian** by David Ross

Saturday 3 February 2024, 12:12am AEDT - Pages 1 and 7  
**Keywords:** National Anti-Corruption Commission (1), NACC (9)

[VIEW PDF](#) [VIEW TEXT](#)

s 22



### **NACC watchdog eyes former ASIC deputy chief Karen Chester**

**The Australian** by David Ross  
Friday 2 February 2024, 8:07pm AEDT

National anti-corruption investigators have taken legal advice over one of the corporate regulator's top commissioners, with the public watchdog considering a probe after a complaint over potential issues related to her time at the top.

**Keywords:** NACC (10), National Anti-Corruption Commission (1)

[VIEW ONLINE](#)

s 22

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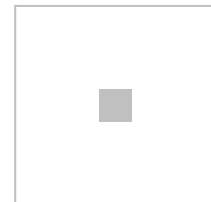
S 22

**From:** [NACC - Media Clips](#)  
**To:** [NACC - All Staff](#)  
**Subject:** FW: Morning Clips  
**Date:** Tuesday, 6 February 2024 6:35:32 AM

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S 22

**Morning Clips**  
**Tuesday 6th February 2024**  
29 total items



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NACC

6 items

A large, bold, green graphic consisting of the letter 'S' followed by the number '22', set against a light grey rectangular background.

### **NACC watchdog eyes former ASIC deputy chief Karen Chester**

**The Weekly Times** by David Ross  
Monday 5 February 2024, 2:22pm AEDT

National anti-corruption investigators have taken legal advice over one of the corporate regulator's top commissioners, with the public watchdog considering a probe after a complaint over potential issues related to her

time at the top.

**Keywords:** NACC (11), National Anti-Corruption Commission (1)

[VIEW ONLINE](#)

§ 22

S 22

S 22

S 22

S 22

S 22

S 22

S 22

**From:** [Philip Reed](#)  
**To:** [s 47F\(1\)](#); [Paul Brereton](#); [Nicole Rose](#); [Rebekah O'Meagher](#)  
**Cc:** [s 47F\(1\)](#)  
**Subject:** Re: The Australian: NACC watchdog eyes former ASIC deputy chief Karen Chester [SEC=OFFICIAL]  
**Date:** Saturday, 3 February 2024 9:10:29 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)

---

OFFICIAL

Hi [s 47F\(1\)](#) - thank you. Regards, Philip

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---

**From:** [s 47F\(1\)](#)  
**Sent:** Saturday, February 3, 2024 8:47:30 AM  
**To:** Paul Brereton ; Philip Reed ; Nicole Rose ; Rebekah O'Meagher  
**Cc:** [s 47F\(1\)](#)  
**Subject:** The Australian: NACC watchdog eyes former ASIC deputy chief Karen Chester [SEC=OFFICIAL]

OFFICIAL

Good morning, please see attached the article published in the Australian last night.

[s 47F\(1\)](#)

Director Media and Communications

M. [s 47F\(1\)](#)

E. [s 47F\(1\)](#) [@nacc.gov.au](mailto:s 47F(1)@nacc.gov.au)



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