

# MinterEllison

11 March 2020

Mr Adam Ockwell  
Director, Compliance

Mr Scott May  
Director Legal Services & General Counsel

Victorian Commission for Gambling and Liquor Regulation  
Level 3, 12 Shelley Street  
RICHMOND VIC 3121

Dear Messrs Ockwell and May

**Notice issued under section 26 of the Casino Control Act 1991 (Vic) dated 27 February 2020 (Notice)**

We refer to our letter dated 2 March 2020 and to the Notice.

This letter responds to the matters raised in paragraphs 2 and 3 of the Notice.

The documents produced in response to paragraphs 2 and 3 of the Notice (**Documents**) are hyperlinked. Particulars regarding the Documents are set out in Annexure A.

The Documents are confidential, contain private personal information relating to third parties, and are in some respects commercially sensitive. The documents are provided to the VCGLR on the basis that they will be treated as such, and in particular that the VCGLR will not disclose their contents to any third party.

**Clarifications to the Notice**

Many of the references to documents in paragraphs 2 and 3 of the Notice are references to separate pages of the same document.

For simplicity, Crown has particularised its claims of legal professional privilege on a document by document basis in Annexure A, other than where there are multiple claims being made. Please let us know if you would like further clarification.

Similarly, where the Notice refers to a document ID which does not identify a document, the correct document ID is listed in Annexure A.

Documents referred to in the Notice were provided to the VCGLR in redacted form, where applicable, when they were originally produced. As such, to the extent that any claim for privilege continues to be maintained by Crown over a document, Crown relies on the redacted version provided to the VCGLR previously.

**Other matters**

Paragraphs 3.5 to 3.11 of the Notice appear to repeat requests contained in the section 26 notice dated 23 August 2018, which were responded to by Crown on 5 September 2018, with minor redactions for privilege only. In any event, to assist the VCGLR we have re-provided these documents on the bases set out in the Annexure.



If you would like to discuss any aspect of this response, please contact us or Josh Preston at Crown.

Yours faithfully  
**MinterEllison**

A handwritten signature in blue ink, appearing to read 'R Murphy', with a large, stylized flourish at the bottom.

**Richard Murphy**  
**Partner**

Contact: Richard Murphy [REDACTED]

[REDACTED]  
OUR REF: RDM 1047099

## Annexure A – Particulars

No.	VCGLR paragraph reference	Corrected document ID	Status of Crown redaction claims	Particulars
1.	2.a.1 to 2.a.2	<a href="#">CWN.514.050.0209</a>	Not maintained	We have assumed that paragraph 2.a.1 intended to refer to <a href="#">CWN.514.050.0209</a> . This is the covering email to CWN.514.050.0212, which was produced in unredacted form on 21 September 2018. A technical error resulted in the covering email being missed in that production. Crown confirms that it did not intend assert a claim for legal professional privileged in respect of the document, and apologises for any inconvenience caused.
2.	2.a.3	<a href="#">CWN.502.032.8809</a>	Not maintained	This document is now produced in unredacted form.
3.	2.a.4	<a href="#">CWN.502.016.9047</a>	Not maintained	This document is now produced in unredacted form.
4.	2.a.5	<a href="#">CWN.502.053.7603</a>	Not maintained	This document is now produced in unredacted form.
5.	2.a.6	<a href="#">CWN.502.069.4518</a>	Not maintained	This document is now produced in unredacted form.
6.	2.a.7	<a href="#">CWN.502.016.8469</a>	Not maintained	This document is now produced in unredacted form.
7.	2.a.8	<a href="#">CWN.514.054.8257</a>	Not maintained	This document is now produced in unredacted form.
8.	2.a.9	<a href="#">CWN.502.040.3592</a>	Not maintained	This document is now produced in unredacted form.
9.	2.a.10	<a href="#">CWN.502.032.0112</a>	Not maintained	This document is now produced in unredacted form.
10.	2.a.11	<a href="#">CWN.502.049.6605</a>	Not maintained	This document is now produced in unredacted form.
11.	2.a.12	<a href="#">CWN.502.049.7300</a>	Not maintained	This document is now produced in unredacted form.
12.	2.a.13	<a href="#">CWN.502.068.5816</a>	Not maintained	This document is now produced in unredacted form.
13.	2.a.14	<a href="#">CWN.514.035.2262</a>	Not maintained	This document is now produced in unredacted form.
14.	2.a.15	<a href="#">CWN.502.047.1312</a>	Not maintained	This document is now produced in unredacted form.
15.	2.a.16	<a href="#">CWN.514.019.6099</a>	Not maintained	This document is now produced in unredacted form.
16.	2.a.17 to 2.a.28	<a href="#">CWN.502.038.8861</a>	Maintained	Crown confirms that this document is subject to a claim of legal professional privilege which has not been waived.  Michael Chen, on behalf of Crown, sought legal advice from Kenneth Zhou of Wilmer Hale on a number of matters regarding the detention of Crown's China staff. The advice the subject of the claim for legal

				<p>professional privilege in respect of this document was sought and obtained between 14 and 15 October 2016.</p> <p>Crown has previously provided a partially redacted copy of this document to the VCGLR with the matters the subject of its claim for privilege masked, and maintains its claim as set out in that document.</p>
17.	2.a.29 to 2.a.39	<a href="#">CWN.502.038.8873</a>	Maintained	<p>Crown confirms that this document is subject to a claim of legal professional privilege which has not been waived.</p> <p>Michael Chen, on behalf of Crown, sought legal advice from Kenneth Zhou of Wilmer Hale on a number of matters regarding the detention of Crown's China staff. The advice the subject of the claim for legal professional privilege in respect of this document was sought and obtained between 14 and 15 October 2016.</p> <p>Crown has previously provided a partially redacted copy of this document to the VCGLR with the matters the subject of its claim for privilege masked, and maintains its claim as set out in that document.</p>
18.	2.a.40	<a href="#">CWN.502.038.9110</a>	Maintained	<p>Crown confirms that this document is subject to a claim of legal professional privilege which has not been waived.</p> <p>Michael Chen, on behalf of Crown, sought legal advice from Kenneth Zhou of Wilmer Hale on a number of matters regarding the detention of Crown's China staff. The advice the subject of the claim for legal professional privilege in respect of this document was sought and obtained on 14 October 2016.</p> <p>Crown has previously provided a partially redacted copy of this document to the VCGLR with the matters the subject of its claim for privilege masked, and maintains its claim as set out in that document.</p>
19.	2.a.41	<a href="#">CWN.502.029.9133</a>	Not maintained	<p>This document is now produced in unredacted form.</p>
20.	2.a.42 to 2.a.47	<a href="#">CWN.502.029.9676</a>	Varied	<p>Crown confirms that this document is subject to a claim of legal professional privilege which has not been waived.</p> <p>Michael Chen, on behalf of Crown, sought legal advice from Kenneth Zhou of Wilmer Hale on a number of matters regarding the detention of Crown's China staff. The advice the subject of the claim for legal professional privilege in respect of this document was sought and obtained on 14 October 2016.</p> <p>Crown has otherwise previously provided a partially redacted copy of this document to the VCGLR reflecting the scope of its claims for privilege. On review, Crown has limited the scope of its privilege claim as set out in this table, and now produces a further redacted version of the document which reflects the entirety of its claim for privilege.</p>
21.	2.a.48 to 2.a.50	<a href="#">CWN.502.001.9294</a>	Maintained	<p>Crown confirms that this document is subject to a claim of legal professional privilege which has not been waived.</p> <p>Michael Chen, on behalf of Crown, sought legal advice from Kenneth Zhou of Wilmer Hale on a number of matters regarding the detention of Crown's China staff. The advice the subject of the claim for legal professional privilege in respect of this document was sought and obtained on 14 October 2016.</p>



				Crown has previously provided a partially redacted copy of this document to the VCGLR with the matters the subject of its claim for privilege masked, and maintains its claim as set out in that document.
22.	2.a.51	<a href="#">CWN.502.029.9133</a>	Not maintained	This document ID is repeated from row 19 (paragraph 2.a.41). Crown repeats its response as set out in row 19 above.
23.	2.a.52 to 2.a.57	<a href="#">CWN.502.029.9676</a>	Varied	This document ID is repeated from row 20 (paragraph 2.a.42 to 47). Crown repeats its response as set out in row 20 above.
24.	2.a.58 to 2.a.59	<a href="#">CWN.502.038.8391</a>	Maintained	<p>Crown confirms that this document is subject to a claim of legal professional privilege which has not been waived.</p> <p>Michael Chen, on behalf of Crown, sought legal advice from Kenneth Zhou of Wilmer Hale and from Li Haojun of Leezhou Law Office on a number of matters regarding the detention of Crown's China staff. The advice the subject of the claim for legal professional privilege in respect of this document was sought and obtained on 21 October 2016.</p> <p>Crown has previously provided a partially redacted copy of this document to the VCGLR with the matters the subject of its claim for privilege masked, and maintains its claim as set out in that document.</p>
25.	2.a.60	<a href="#">CWN.502.038.7534</a>	Not maintained	This document is now produced in unredacted form.
26.	2.a.61 to 2.a.62	<a href="#">CWN.530.001.0053</a>	Varied	<p>The redactions on page 7 and 9 of this document relate to legal advice by Crown from Mr Neil Young QC of counsel in respect of proposed changes to the Crown Subordinated Notes Trust Deed dated 13 August 2012 and a proposed transaction relating to the same matter.</p> <p>The redactions on page 10 of this document relate to market-sensitive pricing information which is not in the public domain, and is not relevant to the China Investigation.</p> <p>The redactions on pages 20 and 21 of this document relate to advice sought by the Board of Crown Resorts Limited from Mr Richard Murphy of MinterEllison relating to various legal issues flowing on from the investigation and prosecution of Crown employees by Chinese authorities. Mr Murphy was engaged to provide advice on 14 October 2016, and provided advice to Crown on an ongoing basis.</p> <p>Crown has otherwise previously provided a partially redacted copy of this document to the VCGLR reflecting the scope of its claims for privilege only. On review, Crown has limited the scope of its privilege claim as set out in this table, and now produces a further redacted version of the document which reflects the entirety of its claim for privilege.</p>
27.	2.a.63 to 2.a.64	<a href="#">CWN.510.001.0544</a>	Varied	<p>The redactions on page 3 relate to legal advice obtained by Melco Crown Entertainment Limited from its Taiwanese lawyers in relation to charges laid against Taiwanese employees of MCE for alleged breaches of Taiwanese law.</p> <p>Crown has otherwise previously provided a partially redacted copy of this document to the VCGLR reflecting the scope of its claims for privilege only. On review, Crown has limited the scope of its privilege claim as set out in this table, and now produces a further redacted version of the document which reflects the entirety of its claim for privilege.</p>

28.	2.a.65 to 2.a.67	<a href="#">CWN.514.035.2262</a>	Not maintained	This document ID is repeated from row 13 (paragraph 2.a.14). Crown repeats its response as set out in row 13 above.
29.	2.a.68	<a href="#">CWN.508.003.0248</a>	Varied	The redactions on page 23 of this document relate to a claim of without prejudice privilege, arising from a confidential settlement of a dispute between Crown Melbourne and a third party supplier. Crown has otherwise previously provided a partially redacted copy of this document to the VCGLR reflecting the scope of its claims for privilege only. On review, Crown has limited the scope of its privilege claim as set out in this table, and now produces a further redacted version of the document which reflects the entirety of its claim for privilege.
30.	2.a.69 to 2.a.70	<a href="#">CWN.508.003.0125</a>	Maintained	These redactions relate to a claim of without prejudice privilege, arising from a confidential settlement of a dispute between Crown Melbourne and a third party supplier.
31.	2.a.71 to 2.a.72	<a href="#">CWN.508.003.0047</a>	Maintained	The redactions on page 23 of this document relate to a claim of without prejudice privilege, arising from a confidential settlement of a dispute between Crown Melbourne and a third party supplier. The redactions on page 67 of this document relate to a claim of without prejudice privilege, arising from a confidential settlement of a dispute between Cannery Casino Resorts and a third party supplier
32.	2.a.73	Unknown	Unknown	Please provide further particulars regarding this document. It would appear that the reference to 'Agenda' in this paragraph is erroneous, as the agenda for the meeting of the Crown board referred to was only two pages in length.
33.	2.a.74	<a href="#">CWN.517.015.4121</a>	Not maintained	This document is now produced in unredacted form.
34.	2.a.75	<a href="#">CWN.541.002.0044</a>	Not maintained	This document is now produced in unredacted form.
35.	2.a.76	<a href="#">CWN.502.038.0225</a>	Not maintained	This document is now produced in unredacted form.
36.	3.1	<a href="#">CWN.529.001.1980</a>	No claim to maintain	Crown's records indicate that this document have been provided to the VCGLR in unredacted form. Notwithstanding, it is now reprovided in unredacted form.
37.	3.2	<a href="#">CWN.530.001.0053</a>	Varied	Crown repeats its response as set out in row 27 above.
38.	3.3	<a href="#">CWN.529.001.2303</a>	No claim to maintain	Crown's records indicate that this document have been provided to the VCGLR in unredacted form. Notwithstanding, it is now reprovided in unredacted form.
39.	3.4	<a href="#">CWN.519.002.1651</a>	Maintained	The redactions on pages 7, 8 and 9 of this document relate to advice sought by the Board of Crown Resorts Limited from Mr Richard Murphy of MinterEllison relating to various legal issues flowing on from the investigation and prosecution of Crown employees by Chinese authorities. Mr Murphy was engaged to provide advice on 14 October 2016, and provided advice to Crown on an ongoing basis. The redaction on page 11 relates to advice provided by Ms Mary Manos in respect of the application of Crown's 2014 Long Term Incentive Plan.

				Crown's records indicate that this document have been provided to the VCGLR with redactions only for legal professional privilege. Notwithstanding, it is now reprovided with redactions for claims of legal professional privilege.
40.	3.5	<a href="#">CWN.510.001.0460</a>	Varied	<p>The redactions on page 19 (other than the first portion of the second set of redactions) of this document relate to claims of without prejudice privilege, arising from negotiations of confidential settlements of disputes between Crown entities and third parties (each of the third parties being identified by the corresponding subheadings in the document).</p> <p>The first portion of the second set of redactions on page 19 of this document constitutes an update which came into existence as a consequence of litigation and was for the dominant purpose of providing updates in connection with litigation (in this case, the litigation between Crown and its tenant).</p> <p>The redactions on page 20 relate to legal advice obtained by Melco Crown Entertainment Limited from its Taiwanese lawyers in relation to charges laid against Taiwanese employees of MCE for alleged breaches of Taiwanese law.</p> <p>Crown has otherwise previously provided a partially redacted copy of this document to the VCGLR reflecting the scope of its claims for privilege only. On review, Crown has limited the scope of its privilege claim as set out in this table, and now produces a further redacted version of the document which reflects the entirety of its claim for privilege.</p>
41.	3.6	<a href="#">CWN.510.001.0544</a>	Varied	Crown repeats its response as set out in row 27 above.
42.	3.7	<a href="#">CWN.529.001.3104</a>	Maintained	Crown has previously provided a partially redacted copy of this document to the VCGLR reflecting the scope of its claims for privilege only. On review, Crown no longer maintains its claim for privilege and now produces the document in unredacted form
43.	3.8	<a href="#">CWN.529.001.3047</a>	Varied	<p>The first and fourth sets of redactions on page 18 of this document relate to claims of without prejudice privilege, arising from negotiations of confidential settlements of disputes between Crown entities and third parties (each of the third parties being identified by the corresponding subheadings in the document).</p> <p>All other redactions on page 18 of this document constitute updates which came into existence as a consequence of litigation and are for the dominant purpose of providing updates in connection with litigation (in each case being the litigious matters identified by the corresponding subheadings in the document).</p> <p>Crown has otherwise previously provided a partially redacted copy of this document to the VCGLR reflecting the scope of its claims for privilege only. On review, Crown has limited the scope of its privilege claim as set out in this table, and now produces a further redacted version of the document which reflects the entirety of its claim for privilege.</p>
44.	3.9	<a href="#">CWN.510.001.0460</a>	Varied	This document ID is repeated from row 40 (paragraph 3.5). Crown repeats its response as set out in row 19 above.



45.	3.10	<a href="#">CWN.514.027.0612</a>	No claim to maintain	Crown's records indicate that this document have been provided to the VCGLR in unredacted form. Notwithstanding, it is now reprovided in unredacted form.
46.	3.11	<a href="#">CWN.545.009.0657</a>	No claim to maintain	Crown's records indicate that this document have been provided to the VCGLR in unredacted form. Notwithstanding, it is now reprovided in unredacted form.
47.	3.12 to 3.13	<a href="#">CWN.530.001.0053</a>	Maintained	Crown repeats its response as set out in row 26 above.
48.	3.14 to 3.15	<a href="#">CWN.510.001.0544</a>	Varied	Crown repeats its response as set out in row 27 above.
49.	3.16 to 3.18	<a href="#">CWN.514.035.2262</a>	Maintained	Crown repeats its response as set out in row 28 above.
50.	3.19	<a href="#">CWN.508.003.0248</a>	Varied	Crown repeats its response as set out in row 29 above.
51.	3.20 to 3.21	<a href="#">CWN.508.003.0125</a>	Maintained	Crown repeats its response as set out in row 30 above.
52.	3.22 to 3.23	<a href="#">CWN.508.003.0047</a>	Maintained	Crown repeats its response as set out in row 31 above.
53.	3.24	Unknown	Unknown	Crown repeats its response as set out in row 32 above.