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7 January 2020

Our ref: CF/16/788-1

Mr Richard Murphy
Partner, MinterEllison
Level 23, Rialto Towers
525 Collins St
Melbourne VIC 3001

Dear Mr Murphy

Section 26 Notice – Request for information

I refer to your letter dated 10 December 2019 in response to our letter dated 2 December 2019 (the Notice).

I note your comment that you and your client (Crown Melbourne Ltd and Crown Resorts Ltd (together "Crown")) are surprised at the form and content of the Notice. The Notice was issued given your request, in your 16 October 2019 correspondence to the Commission, that Crown be "involved in all discussions with them" [being former Crown Group staff] and where you cited confidentiality obligations and legal professional privilege to support that request. The Commission therefore wished to understand the nature of the purported confidentiality obligations and legally privileged information that would be affected by speaking to staff or former staff directly without Crown present.

I have considered your letter dated 10 December 2019. In relation to paragraphs 2 and 3 of the Notice, I have formed the view that Crown need not comply with the provision of this information at this time. However, the Commission reserves the right to revisit this matter if the Commission decides to proceed to further interview those individuals referred to in paragraphs 2 and 3 of the Notice.

I also note that Crown no longer "presses the issue" in relation to legal professional privilege and intend to write to the Commission further in relation to this matter. Further, in your email dated 18 December 2019, you stated that Crown "will also be writing in the new year about waiver of legal professional privilege as a result of the filing yesterday of evidence in the class action". We await your correspondence in this regard. In the interim, again, I have formed the view that Crown need not comply with the provision of information under the Notice relating to legal professional privilege but, again, we reserve the right to request this information if required.

Despite the above, I understand that you maintain Crown's request to be "involved in further interviews, as a matter of procedural fairness". This request has been carefully considered but I do not consider it necessary nor appropriate at this time that Crown be present at interviews or meetings conducted with the former Crown staff members, unless they specifically request that you or Crown be present.

This is because, in my view, any information obtained during any interviews, which the Commission seeks to rely on, can be provided to Crown for comment subsequent to the interview process. That is, Crown can and will be given a reasonable opportunity to respond to any such material following the conclusion of any interviews. This can be done without

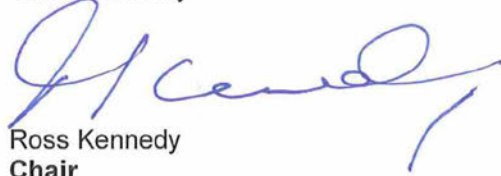
attendance by yourself or Crown at the interview itself. I am concerned that making attendance by Crown mandatory at interviews with Crown's former employees (who would be doing so voluntarily) may make those individuals less likely to engage with the Commission and provide potentially relevant information.

I am aware that Crown was present at previous interviews, but that this occurred where staff had requested that Crown be present at those interviews. Individuals who attend an interview before the Commission can request legal representatives or support persons be present. Again, should any of the former Crown staff members (whom agree to speak to the Commission) wish to have Crown/yourself present at any interviews/meetings, the Commission will facilitate that request.

In light of the above, the Commission does not consider a meeting with Crown or yourself is necessary at this time regarding this topic. We have commenced the process of contacting relevant former Crown staff and, as per the above, will contact you regarding an opportunity for your client to respond to any information obtained during interviews that the Commission seeks to rely upon.

If you have any questions, please feel free to contact Mr Scott May on [REDACTED]

Yours sincerely



Ross Kennedy
Chair

CC: Mr Joshua Preston, Chief Legal Officer, Crown Resorts
CC: Mr Adam Ockwell, Director, Compliance, VCGLR.
CC: Mr Scott May, Director Legal Services & General Counsel VCGLR.