

Debra Tegoni

From: Debra Tegoni
Sent: Monday, 30 September 2013 4:55 PM
To: David Stoddart
Cc: Catherine Young; Roland Theiler; Jason O'Connor
Subject: RE: CUP Legally Privileged and Confidential legal advice NOT TO BE FORWARDED

*Inconsistent ?
 cash advice recall
 ATM provisions*

David,

Further to the below queries I should clarify that there are multiple aspects relevant to this matter. In summary they involve:

1. The Merchant (Bank) terms and conditions that for CUP card must be adhered to;
2. Compliance with the Casino Control Act namely involving S68 – dealing with mainly the provision of credit
3. Compliance with the Casino Control Act namely involving S81AA and AAA dealing with ATMs and EFTPOS and access to cash generally

Before the questions regarding CUP recently came up, the following applied and still applies:

- Crown can not, within 50 metres, of any entrance to the casino, provide access to cash facilities (ATMs, EFTPOS, credit or debit cards) that permit in any one transaction cash of more than \$200. Accordingly the hotel facilities were outside the 50 metres so it was thought that this service could be provided;
- There has and remains a risk that providing cash access via the hotel would breach these provisions on the basis that if the guest decides to purchase chips at the Cage to complete their transaction, then the transaction could be said to be concluded on casino footprint. We have assessed the risk as low. Also we view that we would have the better argument that it is not a prohibited transaction as the policy behind these ATM provisions is to ensure someone has a break from the casino floor and this would be very much the case here.
- Commercially I also understand it was decided that the risk was better managed if the guests were hotel guests, as if they accessed their funds via their hotel account, it is more feasible to argue that this is a normal hotel service not a gaming cash service. I think it was also seen as a better credit risk to provide the service only to hotel guests. This result is preferable from both a legal and commercial perspective.
- Further, S68 (2) of the Act prohibits Crown from providing money or chips as part of transaction involving a credit or a debit card unless exempted under S68(8) when the chips are provided on credit (there is no mention of debit card in this section) is provided to an International resident when participating in a Premium program agreement or a junket at the casino.
- Accordingly, this is a further reason why we may have required them to be hotel guests. Either way it is preferable that we check that they are International residents and on such a program before we allow them to transact in this manner – I understand that this is the case.
- It may well be argued that S68(2) does not apply for funds accessed at the hotel at all, as the section only deals with a transaction “in connection with gaming or betting in the casino” and providing access to funds at the hotel is not this type of transaction. Irrespective, we have taken the view that, it is preferable to ensure the customer is International and playing on a program just in case.
- I think Roland/ VIP will be issuing other commercial parameters as to limits etc to not only accord with the bank merchant rules for CUP cards in particular but also to deal with any commercial risks that a customer may refuse to ultimately pay. I have discussed that with him and will leave it with him to issue those internal rules.


I hope this assists to clarify the current situation and matters to deal with.

Please let me know if you have any further questions.

*→ Credit advanced
 → ~~all~~ quasi cash transaction*

Kind regards

Debra Tegoni | Executive General Manager, Legal & Regulatory Services | Crown Melbourne Limited
 w: www.crownmelbourne.com.au

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On 23/09/2013, at 1:13 PM, "David Stoddart" [REDACTED] wrote:

See first sentence below. Does the cardholder have to be staying in-house?

Regards,

David Stoddart
 General Manager - Commercial
 Crown Hotels, Retail and Food & Beverage
 8 Whiteman Street Southbank 3006 Melbourne Australia
 P: 03 9999 1884 F: 03 9999 6168 Mobile: 04 101 571 112 Email: [REDACTED]

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From: Kate Pickering
Sent: Monday, 23 September 2013 3:06 PM
To: David Stoddart
Subject: RE: CUP

Good afternoon David,
 I just reviewed the last month's worth of data and noticed that PM accounts are being set up for guests that are not staying in house (even though I have been advised that they must be an in-house guest).

I also noticed that a Paid Out was processed for a Visa. Isn't the process only supposed to apply to UnionPay?
 I'm assuming the card was a dual branded UnionPay Visa, so it was processed correctly, however do the same T&C's apply?

Kind regards,

Kate Pickering
 Rooms Division Training Supervisor
 Crown Towers | Crown Metropol Melbourne | Crown Promenade Melbourne
 8 Whiteman Street Southbank 3006 Melbourne Australia
 [REDACTED]

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From: David Stoddart
Sent: Monday, September 23, 2013 2:46 PM
To: Kate Pickering
Subject: FW: CUP

Ignore last one, see below

Regards,
David Stoddart
General Manager - Commercial
Crown Hotels, Retail and Food & Beverage
8 Whiteman Street Southbank 3006 Melbourne Australia

[REDACTED]

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-----Original Message-----

From: Debra Tegoni
Sent: Monday, 23 September 2013 2:45 PM
To: David Stoddart
Cc: Debra Tegoni; Catherine Young
Subject: Re: CUP

Apologies
I meant just 'purchase main cage'

The Supporting CPV will suffice do chips not required to be mentioned

Kind Regards
Debra Tegoni
Executive General Manager
Legal & Regulatory Services
Crown Melbourne Limited

On 23/09/2013, at 12:43 PM, "Debra Tegoni" <[REDACTED]> wrote:

Thanks David
Can we just state that the transaction is

'Chip purchase - main cage'

Kind Regards
Debra Tegoni
Executive General Manager
Legal & Regulatory Services
Crown Melbourne Limited

On 18/09/2013, at 9:50 AM, "David Stoddart" [REDACTED] > wrote:

Hi Deb

I think based on your comments we probably need to change the transaction description?? Await your instruction

Regards,
David Stoddart
General Manager - Commercial
Crown Hotels, Retail and Food & Beverage
8 Whiteman Street Southbank 3006 Melbourne Australia

[REDACTED]:
[HCT10268-CT-Asia-Pacific-win_Footer-Template (4)] <<http://www.crownhotels.com.au/crown-towers-melbourne/default-en.html>>
[cid:image002.jpg@01CA0C56.432528F0] Please consider the environment before printing this email

From: Kate Pickering
Sent: Wednesday, 18 September 2013 11:36 AM
To: David Stoddart
Cc: Jessica Ramsden
Subject: RE: CUP

Good morning David,

At the moment the transaction code that is used in Opera is Main Cage Paid Out. Do you think this description is appropriate?
From the perspective of the cash that is paid out via the Main Cage, Hotels have nothing to do with how that money is then used – it is totally up to the Gaming employee who accompanies the guest to the Main Cage.

Also on the CUP topic, are you aware of whether these rules apply to both Credit and Debit cards? We are still waiting on confirmation on this (as the directive to Front Desk has changed a couple of times now).

Kind regards,

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[REDACTED]
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Hi Kate

Can you please see note below from Deb Tegoni and advise if procedures need changing

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From: Debra Tegoni
 Sent: Tuesday, 17 September 2013 1:51 PM
 To: David Stoddart
 Cc: Roland Theiler
 Subject: RE: CUP

Many thanks for checking David.

Roland will be in touch re further details about procedures and adhering to NAB terms and conditions but the main notable requirement from a Hotel perspective will be to ensure that the CUP card is NOT used for cash transactions under any circumstances (this will contravene the merchant rules). The notation on Hotel accounts should be to a Purchase transaction (which is in fact to purchase a CPV to exchange for chips at the Cage) and so a quasi-cash transaction apparently envisaged and allowed under the NAB Merchant terms.

Roland/you will have to get an updated Offer and Merchant terms to check there has been no change from the 2012 issued documentation.

Deb

Kind regards
 Debra Tegoni | Executive General Manager, Legal & Regulatory Services | Crown Melbourne Limited

www.crownmelbourne.com.au<<http://www.crownmelbourne.com.au/>>

P please consider the environment before printing this email

From: David Stoddart
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To: Debra Tegoni
Subject: CUP

Hi Deb

I've had a look through all my correspondence and there is nothing along the lines that you were asking about. And I definitely do not recall any conversations with anyone external suggesting that it wasn't an acceptable practice.

I have left a message with Jenny asking her to do the same

Regards,
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Subject:

Date:

MANUSCRIPTS CWP:

1. CWP card cannot be used for cash transfers - purchase
 purchase → transfer of & exchange of chips.

⊕ Credit & debit cards?

"Purchase Main Copy"

"PM Accounts" - goods not staying in house - must be in
 house - interest →

ATM out for VISA -

SBP - CC Act - add'l requirements.

↓
 (2) NO money or chips as part of a transaction
 (c) using a credit or debit card;

↓
 or extend system for of credit.

(8) inter player example

ETPS purchase & cash out - \$200 max per transaction

Debra Tegoni

From: Debra Tegoni
Sent: Monday, 23 September 2013 7:24 PM
To: David Stoddart
Cc: Catherine Young; Debra Tegoni
Subject: Re: CUP

David
I will call you to discuss this on Wednesday to ensure we are all clear on all aspects
Thanks
Debra

Sent from my iPad

On 23/09/2013, at 1:13 PM, "David Stoddart" [REDACTED] wrote:

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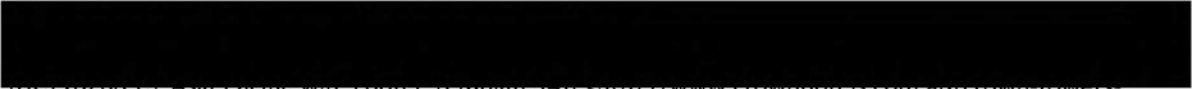
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