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Mr Craig Phillips
 Corrs Chambers Westgarth
 Solicitors Assisting the Royal Commission

31 May 2021

By Email : [REDACTED]

Dear Mr Phillips and Ms Gill,

**ROYAL COMMISSION INTO THE CASINO OPERATOR AND LICENCE –
 VICTORIAN COMMISSION FOR GAMBLING AND LIQUOR REGULATION
 (VCGLR) - CROWN AIDE MEMOIRE**

1. We refer to the email from Ms Isobel Farquharson dated 26 May 2021, which attached the Crown aide memoire in respect of the 20 Sixth Casino Review Recommendations.
2. We confirm that we were provided with a hyperlinked copy of Crown’s note by Allens on 24 May 2021.
3. The VCGLR has reviewed Crown’s note, and has the following comments.
 - a. Although Crown’s note was proposed to include “relevant comments” in respect of the Recommendations (transcript of hearing on 18 May at p 217-15:08), Crown’s note omits reference to relevant documents. For example:
 - i. In respect of Recommendation 2, the letter from the VCGLR to Crown dated 10 December 2018, in which the VCGLR asked Crown to provide details on how Crown has satisfied the completion of recommendations 1 and 2 by 17 December 2019: **VCG.0001.0003.0064**.
 - ii. In respect of Recommendation 8(a), Crown’s note omits the document number for the letter from the VCGLR to Crown dated 15 October 2020 regarding Professor Blaszczyński’s redacted report. The document number is **VCG.0001.0003.1124**, which is included in the list of materials relating to Recommendation 8 that was provided with the letter from DLA Piper dated 25 May 2021.
 - iii. In respect of Recommendation 10, the letter from the VCGLR to Crown dated 15 April 2021, which directed Crown in accordance with section 26 of the *Casino Control Act 1991* to provide the VCGLR with data to assist with ongoing monitoring of three and six-month TOPAs. The VCGLR required the TOPAs data to be provided in six-month tranches, commencing with the first tranche by 31 January 2022 (representing 1 July 2021 to 31 December 2021), the second tranche by 31 July 2022 (representing 1 January 2022 to 30 June 2022), and so on: **VCG.0001.0003.0105**.

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- iv. In respect of Recommendations 10 and 11, the minutes of the tripartite meeting between the VCGLR, VRGF, and Crown dated 17 April 2019, at which Recommendations 10 and 11 were discussed. A copy of the agreed minutes was provided by the VCGLR to Crown on 13 June 2019: **VCG.0001.0003.2180, VCG.0001.0003.2183.**
 - v. In respect of Recommendation 17, the letter from the VCGLR to Crown dated 21 August 2019 which requested a copy of Initialism Pty Ltd's report (**VCG.0001.0001.2124**), and the letter from Crown to the VCGLR dated 28 August 2019 which enclosed a copy of the report (**VCG.0001.0001.0072**).
 - vi. In respect of Recommendation 19, the email from Crown to the VCGLR dated 9 January 2020 which attached Crown's further proposed amendments to its Withdrawal of Licence – Exclusion/Self Exclusion and Unacceptable Behaviour policies (**VCG.0001.0002.8152, VCG.0001.0002.8153, VCG.0001.0002.8154**).
- b. Crown's note contains a column titled "Date on which VCGLR acknowledged completion", in which Crown has provided dates. The suggestion by Crown is that the VCGLR acknowledged completion of Crown's implementation of the Recommendations by the dates provided in that column. That suggestion is not entirely accurate, and the information provided in the column does not provide the Royal Commission with a complete picture of Crown's implementation of the Recommendations. For example:
- i. Crown's note states that the VCGLR acknowledged completion of Recommendation 2 in March 2019. To the contrary:
 - 1. In March 2019, the VCGLR wrote to Crown stating "In accordance with recommendation 2, Crown will also undertake a review of the required qualifications for committee chairs set out in the charters, and ensure that the appointees' actual qualifications match for all Crown Resorts Ltd committees", and that "Crown will provide a further submission to the Commission by 30 May 2019 in relation to the review of the Crown Resorts Ltd committee chairs": **CRW.510.029.1021.**
 - 2. Crown provided its further submission on 3 June 2019: **CRW.510.029.1591, CRW.510.029.1621.**
 - 3. At its meeting on 25 July 2019, the VCGLR noted that in relation to recommendation 2, Crown has conducted a review of the Crown Resorts Limited committee chairs: **CRW.510.029.5545.**
 - ii. Crown's note does not describe the further work required to be performed by Crown in respect of Recommendation 10 (see paragraph [3.a.iii] above).
 - iii. Crown's note states that the VCGLR acknowledged completion of Recommendation 19 on 6 August 2019. However, on 6 August 2019 the VCGLR informed Crown that "in relation to recommendation 19, Crown has implemented a policy (Corporate Policy Statement) to make an exclusion order under section 72 of the Casino Control Act 1991" and requested "Crown make further amendments to its Corporate Policy Statement" (**CRW.510.029.5545**). Crown proposed further amendments on 3 December 2019 (**CRW.510.029.9161**) and 9 January 2020 (**VCG.0001.0002.8152**). The VCGLR wrote to Crown on 20 February 2020 regarding Crown's proposed further amendments and stated that the VCGLR would "monitor Crown's implementation of the proposed amendments to both policies" (**CRW.510.029.9385**).
4. In its response to Question 184 of Confidential Schedule 1, the VCGLR has provided the Royal Commission with information and materials regarding the steps taken by Crown in respect of each of the Recommendations and the further work required in respect of those Recommendations. The



VCGLR refers the Royal Commission to paragraph 528 and Annexure C in **VCG.9999.0002.0001**.
Further:

- a. in respect of Recommendation 17, the VCGLR refers the Royal Commission to the evidence of Mr Jason Cremona; and
 - b. in respect of Recommendation 8, the VCGLR refers to the list of materials that was provided with the letter from DLA Piper dated 25 May 2021.
5. The VCGLR respectfully requests the Royal Commission to have regard to these materials and evidence when it considers Crown's aide memoire.
 6. Finally, in the course of reviewing Crown's aide memoire, the VCGLR has identified 11 emails which are responsive to Question 5 of Confidential Schedule 1. We will shortly provide you with an encrypted zip file containing the documents through your secure file transfer platform.
 7. Please contact me if you wish to discuss.

Yours faithfully



JOHN FOGARTY
Partner
DLA PIPER AUSTRALIA
Direct 

