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19 April 2021

Ms Abigail Gill and Mr Craig Phillips
 The Solicitors Assisting the Royal Commission
 Into the Casino Operator and Licence
 Corrs Chambers Westgarth
 Level 25, 567 Collins Street
 Melbourne VIC 3000

Dear Ms Gill and Mr Phillips

**Royal Commission into the Casino Operator and Licence (Royal Commission) –
 Responsible Gaming**

We refer to the Notice to Produce dated 8 April 2021, with reference NTP-045 (**Notice**).

For the purpose of assisting our clients to respond to the Notice, we seek clarification from the Commission in relation to the following categories set out in the Schedule to the Notice:

- 1 In relation to paragraph 4, the Responsible Gambling Register (the **Register**) is an electronic database accessible on our clients' internal systems which contains a log of activities pertaining to the service of responsible gaming at Crown Melbourne. The Register however is not able to be converted into a single document or documents capable of production to the Commission in the manner required by the Notice. By way of further information:
 - (a) The Register is used by Responsible Gaming staff at Crown Melbourne as an event-logging database and repository for information about patrons and employees in relation to responsible gaming interactions (which are referred to as 'events'). Various types of 'events' are recorded in the Register, including (among others matters) breaches of self-exclusions, interactions with unattended children, and referrals made to the chaplaincy or psychologist.
 - (b) For each 'event', the Register contains mandatory fields that must be completed, including details of the patron, the employee who referred the event to the Responsible Gaming team, and (where applicable) information relating to the patron's subsequent referral by the Responsible Gaming Team to an external service (or other Crown department).
 - (c) The Register has search capabilities which allow users to search for individual persons and/or types of events. Relevant personnel are able to generate certain reports from the Register in relation to responsible gaming, including:
 - (i) Barred List;
 - (ii) Nature of Service Report; and
 - (iii) Responsible Gaming Daily Operational Report.

Our Ref 120999183
 MIRM 514051136v2 120999183 19.4.2021

Your Ref Abigail Gill

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With that context, our clients request that the Commission consider amending the Notice to specify the types of information and / or records that would be relevant (and most useful) for the purpose of its inquiries. Such an approach would enable our clients to generate specific reports from the Register which contain relevant information and which could be produced to the Commission in the usual manner. Please let us know if the Commission is content to proceed on that basis.

2 In relation to paragraph 7, our clients consider the responsive documents to comprise the agendas, minutes of meetings, and reports to the relevant committees listed in paragraph 6 of the Notice. On that basis, our clients are not aware of any documents which are responsive to paragraph 7 that would not also be captured by paragraph 6. Please let us know if there are any other types of documents that the Commission anticipated might be produced in respect of paragraph 7 only.

3 Our clients note that there appears to be substantial commonality between the type of documents which are to likely to be responsive to paragraph 8 of the Notice on the one hand, and the information requested by the Commission in Question 7 of RF1-002 on the other. Specifically:

- Paragraph 8 of the Notice requires the production of: *'Documents that evidence or record contraventions or possible contraventions of Crown Melbourne's Responsible Gambling Code of Conduct.'*
- Question 7 of RF1-002 is in the following terms: *'Since 1 January 2010, has Crown Melbourne engaged in conduct that would, or might, breach any obligation in the Responsible Gambling Code of Conduct?'*

As you are aware, our clients are in the process of conducting an extensive review of documentary materials in order to respond to Question 7 of RF1-002. To enable our clients to respond to the Commission in a timely manner and to avoid unnecessary duplication of resources, our clients seek the Commission's consent to confine the scope of paragraph 8 of this Notice to require the production of one document evidencing each instance of non-compliance identified in our response to Question 7 of RF1-002. Our clients consider that this approach would avoid the substantial cost and delay involved in complying with the Notice in its current form, which would likely require the review and production of *all* documents that may evidence or record these contraventions.

4 Paragraph 14 requires production of 'Advice (including the notes or record of any oral advice) relating to the manner in which Crown Melbourne addresses Gaming Problems'. To the extent our clients identify a document containing advice that was presented at a committee meeting, we seek clarification from the Commission that compliance with paragraph 14 would *not* require the review of any handwritten notes that may have been taken by attendees at that meeting. Having regard to the time period and the number of people attending committee meetings, we anticipate that reviewing these materials would add substantial time and cost in circumstances where the substance of the advice is likely to be recorded in the document(s) presented at the meeting and in the minutes. In those circumstances, please let us know if this approach is acceptable to the Commission.

5 We note that the schedule to the Notice contains a note that states: 'Unless otherwise stated in this Schedule, the reference to Reports, communications and documents is confined to those made after 1 January 2010'. Our clients seek clarification as to the applicable period in relation to the following paragraphs which do not refer to reports, communications, or documents and for which no time period is specified in the Schedule:

- (a) Paragraph 14, which requires the production of 'Advice (including the notes or record of any oral advice) relating to the manner in which Crown Melbourne addresses Gaming Problems';
- (b) Paragraph 20, which requires production of 'All orders made under section 74 of the Casino Control Act 1991 (Vic)'.

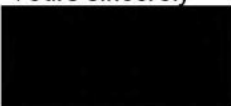
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We also request that the Commission clarify the applicable period in relation to Paragraph 13, which requires production of 'Analytical model created by Crown Melbourne to assist in the detection of Gaming Problems, and documents that describe or explain those model'.

We look forward to hearing from you.

Yours sincerely



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Partner
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Matthew McCarthy
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