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16 June 2021

Ms Abigail Gill
Mr Craig Phillips
The Solicitors Assisting the Royal Commission
Into the Casino Operator and Licence

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Dear Ms Gill and Mr Phillips

Royal Commission into the Casino Operator and Licence (Commission)

We refer to the following documents:

- notice to produce with reference NTP-164 (**Notice**);
- letter from the Commission to Allens dated 15 June 2021, requesting further information Mark Mackay agreed to provide the Commission (**Letter**); and
- our letter to the Commission dated 15 June 2021.

We will separately send you a link to a production which contains documents that are responsive to the Notice, as well as the additional information requested by the Commission the Letter. The Schedule to this letter contains a summary of the current status of production of documents responsive to both the Notice and the Letter. In relation to Categories 7 and 13 of the Notice, we are instructed that Crown is in process of preparing the requested information as a matter of urgency and will provide that information to the Commission as soon as possible.

Crown relies on section 32(2) of the *Inquiries Act 2014* and does not waive privilege by producing the documents.

Non-publication of certain information

Crown reserves its position in respect of any personal identifying information or other information in the document it has produced which may be the subject of an application for a non-publication or restricted publication order.

Please contact Andrew Maher, Belinda Thompson or Matthew McCarthy should you wish to discuss.

Yours sincerely

Personal Information

Andrew Maher
Partner
Allens

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Belinda Thompson
Partner
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Matthew McCarthy
Managing Associate
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The Solicitors Assisting the Royal Commission
into the Casino Operator and Licence

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Schedule

1 NTP-164 – Current position

Category number	Notice category	Documents previously produced	Documents produced now	Future items to be reviewed for production
Category 1	All correspondence with Xavier Walsh in relation to the preparation of CRW.510.059.0594		Not in current production.	Complete. Crown has undertaken searches of its repositories and confirms that there is no additional correspondence between Mark Mackay and Xavier Walsh in relation to the preparation of CRW.510.059.0594, other than that previously produced in response to Category 2.
Category 2	All calendar entries, file notes for any meeting with, and correspondence between, Mark Mackay and Ms Fielding, Mr Herring and Mr Walsh 10 days before and 10 days after 26 February 2021 that related to CRW.510.059.0594 or the information set out in CRW.510.059.0594	The production dated 15 June 2021 included: <ul style="list-style-type: none"> File note dated 24 Feb 2021 from a catch-up between Mark Mackay and Xavier Walsh; Correspondence between Mark Mackay and Peter Herring; and Entries extracted from Mark Mackay's calendar over the relevant period. 		Complete. Crown does not intend to produce anything further in response to this category.
Category 3	A calculation of the Crown Melbourne Limited's contribution to the seed amount for 'Jackpot payments' referred to in CRW.510.059.0594 for the period covering FY14 to present	We have been advised by Crown that all amounts in the columns labelled A, B, C of CRW.510.059.0594 were seeded by Crown Melbourne and no member contributions from		Complete. Crown does not intend to produce anything further in response to this category.

Category number	Notice category	Documents previously produced	Documents produced now	Future items to be reviewed for production
		turnover were included in the jackpot pools.		
Category 4	A spreadsheet covering the matters set out in both tables in CRW.510.059.0594 in which the 'Matchplay and others' and the 'Tax impact of Matchplay & others' columns are calculated deducting Jackpot Payments amounts	The production dated 15 June 2021 included an excel spreadsheet in respect of 'Bonus Jackpots' which covers the requested matters.		Complete. Crown does not intend to produce anything further in response to this category.
Category 5	Documents explaining each of the promotions referred to in CRW.510.059.0594	The production dated 15 June 2021 included: <ul style="list-style-type: none"> 'BJ Master' document which contains a table describing the relevant Bonus Jackpots promotions (CRW.512.131.0069); and Various approvals and Terms & Conditions / collateral associated with these promotions, each of which are referenced in the 'BJ Master' document referred to above. 		Complete. Crown does not intend to produce anything further in response to this category.
Category 6	The calculation of Bonus Points and Bonus Jackpots deductions and tax impact for FY20 and FY21 (YTD)	The production dated 15 June 2021 included an excel spreadsheet in respect of 'Bonus Jackpots' which covers the requested matters.		Complete. Crown does not intend to produce anything further in response to this category.

Category number	Notice category	Documents previously produced	Documents produced now	Future items to be reviewed for production
Category 7	The calculation of the supertax impact on deductions for Bonus Points and Bonus Jackpots for FY14-FY21 (YTD)		Not in current production.	Crown is in the process of preparing the requested information. Crown anticipates being in a position to produce responsive material to the Commission in the coming days.
Category 8	An explanation of how customers access gaming machines operating in unrestricted mode since the introduction of YourPlay	The production dated 15 June 2021 included personal correspondence of Mark Mackay to the Commission dated 11 June 2021, which includes Crown's response to this category.		Complete. Crown does not intend to produce anything further in response to this category.
Category 9	All correspondence with the VCGLR relating to changes to the Victorian Appendix to the Australian / New Zealand gaming machine National Standards	The production dated 15 June 2021 included email correspondence between Ms Fielding and Mr Cremona of the VCGLR, as well as related internal correspondence.		Complete. Crown does not intend to produce anything further in response to this category.
Category 10	The memorandum which advised staff of the requirement to reclaim Crown branded picks and to discourage patrons from playing with a pick	The production dated 15 June 2021 included: <ul style="list-style-type: none"> • WPI – Reclaiming Button Picks policy statement; • Button Picks Memorandum; and • Email correspondence from Mark Mackay dated 7 March 2019 circulating the above policy and memorandum. 		Complete. Crown does not intend to produce anything further in response to this category.

Category number	Notice category	Documents previously produced	Documents produced now	Future items to be reviewed for production
Category 11	Correspondence with Xavier Walsh, Mark Kelly and Luke Overman in relation to the review of the controls for responsible gaming when upgrading a patron of Crown Melbourne Limited's loyalty program to a high reward tier	The production dated 15 June 2021 included email correspondence with Xavier Walsh, Mark Kelly and Luke Overman in relation to the relevant review of controls.		Complete. Crown does not intend to produce anything further in response to this category.
Category 12	Details of the Black Tier Rewards Plus Program		The current production includes: <ul style="list-style-type: none"> • Black Tier Rewards Plus Program Operating Procedures document; and • Black Tier Rewards Plus Program Terms & Conditions. 	Complete. Crown does not intend to produce anything further in response to this category.
Category 13	The deductions and tax impact calculations in the spreadsheet set out in CRW.510.059.0594 for FY12 and FY13		Not in current production.	Crown is in the process of preparing the requested information. Crown anticipates being in a position to produce responsive material to the Commission in the coming days.

2 Letter from the Commission to Allens dated 15 June 2021

Number	Requested materials	Documents produced now	Future items to be reviewed for production
1	All calendar entries, file notes for any meetings and correspondence between Alan McGregor and Mark Mackay from 26 February 2021 forward (T1613)	We have been instructed by Crown that Mark Mackay does not recall discussing the contents of CRW.510.059.0594 with Alan McGregor, nor can he locate any calendar entries, file notes or correspondence with Alan McGregor pertaining to CRW.510.059.0594.	Complete. Crown has not identified any responsive materials.
2	Direction issued in January or February 2021 to the main gaming floor Riverside team to ensure customers are stopped from playing multiple machines (T1690)	The current production includes the email direction issued on 4 December 2020 to the Riverside team to ensure customers are stopped from playing multiple machines.	Complete. Crown does not intend to produce anything further in response to this request.