

# MinterEllison

10 December 2019

Mr Adam Ockwell  
Director, Compliance  
Victorian Commission for Gambling and Liquor Regulation  
Level 3, 12 Shelley Street  
RICHMOND VIC 3121

Dear Mr Ockwell

## **VCGLR - China Investigation – Section 26 Notice**

We refer to your letter dated 2 December 2019 in response to our letter dated 16 October 2019.

We and our client are somewhat surprised by the form and content of your letter.

As to the basis for the confidentiality obligations of the former Crown group staff listed in the attachment to our letter dated 16 October 2019, Crown will provide copies of any employment contracts and any separation/settlement deeds which contain confidentiality provisions.

We do not understand the basis for, or relevance of, the information and documents sought in paragraphs numbered 2 and 3 on page 2 of your letter. They relate to people the VCGLR has already interviewed, with Crown's cooperation and assistance. Our letter of 16 October 2019 did not raise any current issue in relation to their confidentiality obligations to Crown. We would therefore like to discuss these requests with you.

In relation to the issue of legal professional privilege, Crown no longer presses the issue as a potential impediment to the scope of any inquiries the VCGLR may make of the former Crown group staff. We will write further to you in relation to the broader issue of privilege in the contemporaneous legal advice obtained by Crown.

Crown nevertheless maintains its request to be involved in any further interviews, as a matter of procedural fairness. If the content of interviews may be relied on to make findings potentially adverse to Crown's interests, fairness dictates that Crown be offered a reasonable opportunity to respond to it. The most efficient means of this occurring is for Crown to participate.

The attendance of Josh Preston and the writer in previous interviews did not impede their progress; to the contrary we endeavoured to facilitate them logistically and to clear up any misunderstandings which might otherwise have arisen. The only interview that occurred without Crown's involvement, that of Jerry Xuan, resulted in a statement which Crown disputes in material respects.

We seek a meeting with you and Scott May to discuss the above. When would be convenient to you?

We look forward to hearing from you.

Yours faithfully  
**MinterEllison**



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