

MinterEllison

5 April 2018

BY EMAIL

Stephen Berriman
 Director, Compliance
 Victorian Commission for Gambling and Liquor Regulation
 49 Elizabeth Street
 Richmond VIC 3121

Dear Mr Berriman

CONFIDENTIAL | Documents and information requested by the VCGLR pursuant to a notice issued under s 26 of the *Casino Control Act* ('Act') dated 22 March 2018

We refer to the notice dated 22 March 2018 (Notice) issued to Crown Resorts Limited and Crown Melbourne Limited pursuant to s 26 of the Act, which seeks information in respect of a letter dated 9 July 2015 concerning former Crown Resort Pte Ltd (Crown Singapore) employee Xiong Bin (Benny Xiong), which was signed on behalf of Crown Singapore by Mr Tim Spearman (Letter).

For the sake of completeness, we confirm that the Chief Legal Officer – Australian Resorts was not (as stated in the Notice) arrested or convicted of offences in mainland China.

We are otherwise instructed to provide the following information and documents in response to the Notice:

1. As to the circumstances that led to the Letter being provided:
 - (a) late in the afternoon on or about 9 July 2015, Benny Xiong was invited by local police in mainland China to attend an interview. Enclosed is:
 - (i) an email from Mr Xiong to Michael Chen, then President – International Marketing, with an account of the interview; and
 - (ii) a translation of Mr Xiong's account provided by an employee of Crown based in Melbourne, Fred Lu, at the request of Crown's internal legal team. (Mr Lu is not an accredited translator and it is possible there are errors in his translation),

(collectively, the **Records of Interview**).
 - (b) as noted below, the **Records of Interview** are provided on a confidential basis. To the extent the provision of these emails involves any implied waiver of privilege:
 - (i) the disclosure of these emails:
 - (A) is made for the limited and specific purposes of providing information to the VCGLR to enable it to perform its regulatory functions, and on the **Records of Interview** and information contained therein will be treated as confidential and will not be shared with any third party whatsoever, aside from the Minister, on a confidential need-to-know basis; and
 - (B) is not intended to lead to a loss of any privilege in the emails as against any third parties, including any person opposed to Crown in litigation; and

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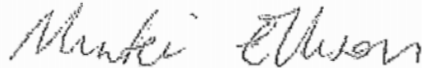
- (ii) any implied waiver of privilege vis-a-vis the VCGLR is to be limited strictly to the communications recorded in these Records of Interview (and does not constitute a waiver of privilege in any other records of communications with internal or external lawyers that are in Crown's possession);
 - (c) as noted in the Records of Interview, at the conclusion of his interview, the police requested that a letter be provided by Crown confirming Mr Xiong was an employee;
 - (d) Mr Xiong reported the incident to his manager, who in turn reported it to Michael Chen;
 - (e) Mr Chen engaged a local lawyer in mainland China, Wilmer Hale. The communications that passed between Crown and Wilmer Hale are confidential and privileged. Crown does not waive privilege in that correspondence;
 - (f) the position is the same in respect of subsequent confidential communications that occurred between Mr Chen and in Crown's in house lawyers on 9 and 10 July 2013, which are also subject to privilege that Crown does not waive;
 - (g) on 10 July 2015, Mr Barry Felstead (a director of Crown Resorts Pte Limited, Mr Xiong's employer) authorised Mr Spearman to sign the Letter on behalf of Crown Resorts Pte Limited.

We enclose a redacted email chain between Mr Felstead and Jan Williamson, Senior Legal Counsel Crown Melbourne by which Mr Felstead provided this approval. (The redated portions of this email chain are confidential communications between Crown employees, Wilmer Hale and Crown internal lawyers that are subject to privilege, which Crown does not waive.)
 - (h) Mr Spearman was asked to sign the Letter by Crown's internal legal team. Mr Spearman was made aware (in advance of signing the letter) of the circumstances summarised above, and of the effect of confidential and privileged communications between Crown and Wilmer Hale, in respect of which Crown does not waive privilege. Mr Spearman was made aware that the Letter would be provided to authorities in mainland China;
 - (i) the signed Letter was emailed by Michael Chen to Mr Xiong on or about 10 July 2015. We enclose a copy of an email chain that includes the email under cover of which it was provided. Mr Xiong presumably then provided the Letter to the police; and
 - (j) we understand the original Letter was supplied to Mr Xiong in hard copy subsequently. It appears this occurred by hand when Mr Xiong subsequently visited Melbourne (rather than by courier, as suggested in the enclosed email).
2. The Letter was provided in response to the request that Crown understands was made of Mr Xiong by police in China (described above). It was made for the purposes of communicating the matters set out in the Letter.
 3. Mr Spearman does not recall providing a similar letter in respect of any other employees of Crown Resorts Pte Ltd based in China.
 4. In response to your request for documents that relate to the Letter, we:
 - (a) enclose emails between Mr Spearman and Crown's internal legal team concerning Mr Xiong's address (to which it was originally intended the original Letter would be posted); and
 - (b) otherwise note that Crown also has documents in its possession that record confidential communications made between Crown employees and internal and external lawyers concerning the interview of Mr Xiong and the Letter. These communications are subject to privilege, which Crown does not waive. Accordingly, they are not enclosed.

This correspondence and the enclosed documents are confidential, and in some respects contain information that is commercially sensitive and/or contains private information about a former Crown employee. The information set out in this letter and the enclosed documents are provided pursuant to s 26 of the Act, on the basis they will be treated as confidential and be subject to the protections afforded by s 10.1.31 of the *Gambling Regulations Act 2003*.

If you have any questions regarding this correspondence, please contact Richard Murphy or Catherine Macrae of our office.

Yours faithfully
MinterEllison



Contact: Catherine Macrae T: [REDACTED]

Partner: Richard Murphy T: [REDACTED]

OUR REF: RDM 1147099

enclosure

Tim Bryant

From: Catherine Macrae [REDACTED]
Sent: Thursday, 5 April 2018 4:26 PM
To: Tim Bryant
Cc: Richard Murphy; Joshua Preston
Subject: RE: Crown | Response to VCGLR information request dated 22 March 2018 | CONFIDENTIAL [ME-ME.FID3631280]

Dear Mr Bryant

The password to the documents attached to the email below is 13572468.

If you have any difficulties accessing these documents, please let us know and we can arrange to get them to you in hard copy.

Regards
 Catherine

—
Catherine Macrae
 Senior Associate

[REDACTED]
 [REDACTED]
MinterEllison Rialto Towers 525 Collins Street Melbourne VIC 3000
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From: Catherine Macrae
Sent: Thursday 5 April 2018 04:24 pm
To: [REDACTED]
Cc: Richard Murphy [REDACTED]; 'Joshua Preston' [REDACTED]
Subject: Crown | Response to VCGLR information request dated 22 March 2018 | CONFIDENTIAL [ME-ME.FID3631280]

Dear Mr Bryant

Please see the attached letter and enclosures provided in response to VCGLR's letter to Crown Resorts Limited and Crown Melbourne Limited dated 22 March 2018.

Regards
 Catherine

—
Catherine Macrae
 Senior Associate

[REDACTED]
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