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**PERTH CASINO ROYAL COMMISSION**

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**PUBLIC HEARING - DAY 17**

**10.00 AM THURSDAY, 29 JULY 2021**

**COMMISSIONER N J OWEN**

**COMMISSIONER C F JENKINS**

**COMMISSIONER C MURPHY**

**HEARING ROOM 3**

**MS PATRICIA CAHILL SC and MR NICK WERNER as Counsel Assisting the Perth Casino Royal Commission**

**MR KANAGA DHARMANANDA SC and MR TIM RUSSELL as Counsel for Crown Resorts Ltd; Burswood Limited; Burswood Nominees Limited; Burswood Resort (Management) Limited; Crown Sydney Gaming Pty Ltd; Southbank Investments Pty Ltd; Riverbank Investments Pty Ltd and Crown Melbourne Limited**

**MR ANTHONY POWER as Counsel for Ms Maryna Fewster**

**MR PAUL A. WALKER as Counsel for Consolidated Press Holdings Pty Ltd and CPH Crown Holdings Pty Ltd**

**MS JOANNE SHEPARD as Counsel for Mr Barry Felstead**

**MR DEAN GRONDAL as Counsel for Mr Joshua Preston**

**DR ELIZABETH BOROS as Counsel for Mr Ken Barton**

**MR PAUL D. EVANS as Counsel for the Gaming and Wagering Commission of Western Australia**

**MS FIONA SEAWARD as Counsel for the Department of Local Government, Sport and Cultural Industries**

08:29AM

COMMISSIONER OWEN: Please be seated. Ms Fewster? Ms Fewster, would you mind just stating your full name for the record?

5 WITNESS: Maryna Fewster.

**MS MARYNA FEWSTER, SWORN**

10

COMMISSIONER OWEN: Thank you, Ms Fewster, please sit down. Mr Power.

**EXAMINATION-IN-CHIEF BY MR POWER**

15

MR POWER: Thank you, Commissioner.

Ms Fewster, you appear as a witness today under a summons of 6 July 2021, don't you?

20

MS FEWSTER: Yes.

MR POWER: And in that summons there was a sell that had a list of topics which you were asked to address in a written witness statement. Did you do that?

25

MS FEWSTER: Yes.

MR POWER: Do you have in front of you a copy of that witness statement dated 22 July 2021.

30

MS FEWSTER: Yes.

MR POWER: And it numbers some 64 paragraphs, has 21 documents appended to it; is that correct?

35

MS FEWSTER: Yes.

MR POWER: Would you go to page 24 of that witness statement for me, please. And look at topic number 55. See that?

40

MS FEWSTER: Yes, I do.

MR POWER: And in line one of the answer to that topic, you will see the name Bossi, spelt B-O-S-S-I-E. Is that incorrect?

45

MS FEWSTER: Yes.

10:03AM

MR POWER: Should it be B-O-S-S-I?

MS FEWSTER: Correct.

5

MR POWER: That correction aside, have you recently read this witness statement?

MS FEWSTER: I have, Mr Power.

10

MR POWER: And having read it, are its contents true and correct?

MS FEWSTER: I believe it is.

15

MR POWER: Commissioner, the document number that has been given to this witness statement is FEW.0001.0001.0001 and I tender it.

COMMISSIONER OWEN: Thank you, Mr Power. The witness statement dated 22 July of Maryna Fewster with the document identifier which Mr Power has just read out will be admitted as an exhibit.

20

**EXHIBIT #FEW.0001.0001.0001 - WITNESS STATEMENT OF MARYNA FEWSTER DATED 22 JULY 2021** MR POWER: Thank you, Commissioner.

25

I have one further question for you, Ms Fewster. Are you here today to assist this Commission in the best way that you can?

MS FEWSTER: Yes, I am.

30

COMMISSIONER OWEN: Mr Feutrill.

### **CROSS-EXAMINATION BY MR FEUTRILL**

35

MR FEUTRILL: May it please the Commission. I would like to take you through your statement, Ms Fewster, largely to clarify in some respects and expand on your answers on a number of topics. There might be times when I go a little beyond what is strictly speaking in your statement but you will have the opportunity to provide your evidence on those topics as we go.

40

Could I ask you if you have it in front of you your statement, to begin with, I want to understand a little bit about some of the terminology you've used in your statement. You start with A(ii). I draw your attention to (ii) "Burswood Nominees Ltd", and the

10:05AM

paragraph ends with a definition of a number of companies as Crown Perth, and you have described them as Burswood Nominees Ltd, Burswood Resort (Management) Ltd, Burswood Hotel Pty Ltd, Burswood Catering and Entertainment Pty Ltd and  
5 Burswood Property Holdings Pty Ltd, which are all, as you understand it, subsidiaries of Burswood Ltd?

MS FEWSTER: That's correct.

10 MR FEUTRILL: And you are referring to Burswood Ltd itself within that group of companies, is that correct?

MS FEWSTER: That's correct.

15 MR FEUTRILL: So, putting to one side the precise legal arrangements between the various companies and whether they are directly or indirectly owned by Burswood Ltd, are you describing each of those companies as Crown Perth because each of them in some way has a connection to the commercial activities carried out at the Perth Casino?

20

MS FEWSTER: Yes, I do.

MR FEUTRILL: And is it your understanding that each of those companies has its principal place of business in WA at the Perth Casino location?

25

MS FEWSTER: Yes, I do.

MR FEUTRILL: As a director of Burswood Ltd, are you familiar with the commercial activities carried out by each of those subsidiary companies?

30

MS FEWSTER: Not in detail, Mr Feutrill.

MR FEUTRILL: In your time as a director, have you provided with a structure diagram or something of that nature that identifies, if you like, who's who in the zoo, if you excuse the expression?

35

MS FEWSTER: Yes, yes. I have requested the structure detail as a result of so many people leaving and joining and moving positions within the bigger Crown Group. I have in the last couple of months asked to get an update of, if we can say, who's who in the zoo.

40

MR FEUTRILL: Have you been provided with that?

MS FEWSTER: I have been provided with who the directors of those companies are.

45

MR FEUTRILL: But without an explanation of what each company does?

10:07AM

MS FEWSTER: Without an explanation of what each company does, yes.

5 MR FEUTRILL: So have you had any opportunity to inform yourself of, for example, what Burswood Nominees Ltd's activities are?

MS FEWSTER: Apart from the fact that I know Nominees holds the casino licence and is the operating business, I don't have further exact detail.

10 MR FEUTRILL: Okay. So you understand that Burswood Nominees holds the casino licence for the Perth Casino.

MS FEWSTER: Correct.

15 MR FEUTRILL: Do you have any understanding of the Burswood Resort (Management) Ltd's activities?

20 MS FEWSTER: It does employ the employees and I know that from dealing with an employee matter which was employed by Burswood Resort (Management). I think, Mr Feutrill, if I look at those companies, technically they are all different companies, but at the end of the day Burswood Ltd, in my mind, is the overarching company that should be managing the Crown Perth operations.

25 MR FEUTRILL: You have used the expression "should"; what do you mean by that? That is a conditional word. Do you mean it does or do you mean in your mind it does not at the moment do that?

30 MS FEWSTER: In my mind there are deficiencies in how the structure is set up and how Crown Perth runs. There is a parent company, Crown Resorts Ltd. Burswood Ltd is obviously owned by Crown Resorts Ltd. There is a two-way street of a lot of activity between Crown Perth management and Crown Resorts Ltd, and then there is Burswood Ltd on the side which from time to time comes into the fray in a very limited capacity.

35 MR FEUTRILL: Okay. I want to come back and explore something you said in a moment, but if I could just stick with this, what your appreciation of the activities of each company for a moment.

40 As a director of Burswood Ltd, you receive reports from time to time as part of the board papers, referred to as Crown Perth reports?

MS FEWSTER: Yes.

45 MR FEUTRILL: Is it your understanding that those papers are dealing with all of the companies that you've described as Crown Perth in your statement?

MS FEWSTER: I would assume so, yes.

10:10AM

MR FEUTRILL: In a consolidated way.

MS FEWSTER: I would assume so, yes.

5

MR FEUTRILL: So, for example, I can take you to an example if you need me to but you may know this without me having to show you a document. So, for example, the financial statements that are provided with each board pack are presented in a consolidated way and described as Crown Perth.

10

MS FEWSTER: That's correct.

MR FEUTRILL: Is it your understanding that Burswood Ltd itself carries out any of the activities as Burswood casino?

15

MS FEWSTER: No.

MR FEUTRILL: As in it does not?

20

MS FEWSTER: It does not. It is a (inaudible).

MR FEUTRILL: Is it your understanding that it has any employees of its own?

MS FEWSTER: I don't know that. I don't know if it has any employees of its own.

25

MR FEUTRILL: And so I think you have said somewhere in your statement, just confirm this for me, do you understand who employees, I think you said earlier that Burswood Resort (Management) employs some people who work at the Perth Casino. Do you have understanding of who employs the management, the people who are actually responsible for managing it?

30

MS FEWSTER: I don't know who the employing entity is.

MR FEUTRILL: Have you made any inquiries during the course of your tenure on the board about those matters?

35

MS FEWSTER: Not about who the employing entities is. I've --- I have in my limited tenure on this board seen Burswood Ltd as the company in charge of overseeing Crown Perth. I can't tell you who the employing entity of each person is.

40

MR FEUTRILL: We'll take, for example, the person occupying the position you describe as CEO of Crown Perth. Do you understand who has a direct employment relationship with that person?

45

MS FEWSTER: I don't know who the employing entity of Mr Bossi is.

MR FEUTRILL: To best of your knowledge, is that not Burswood Ltd?

10:13AM

MS FEWSTER: I just don't know, Mr Feutrill. I don't know.

MR FEUTRILL: Okay.

5

Are you familiar with the name of a company Crown (Western Australia) Pty Ltd?

MS FEWSTER: (Nods head).

10 MR FEUTRILL: How would you describe the commercial activity of Burswood Ltd as a company, leaving aside the governance arrangements, to be?

MS FEWSTER: It is a board there for the oversight of all Crown Perth.

15 MR FEUTRILL: I'm referring here to the specific business of Burswood Ltd itself. What does it do? What is its business in your mind?

MS FEWSTER: It --- it's a business that looks after Crown Perth, which is a casino and entertainment hub, hotels, restaurants.

20

MR FEUTRILL: I think in answering an earlier question, I think you said you agreed that Burswood Ltd does not carry out those activities directly itself.

MS FEWSTER: Yes.

25

MR FEUTRILL: So in what way does it, in your mind, operate or be involved in the Perth Casino business?

MS FEWSTER: It has oversight of the people managing the Perth Casino business.

30

MR FEUTRILL: I've just been handed a note so say could you please speak up because the transcribers are finding it hard to hear you.

35 MS FEWSTER: Sorry. It has oversight of the people managing the different properties' entities' products of Crown Perth.

40 MR FEUTRILL: In the schedule to the letter you received with your summons, I can take you to the paragraph, I just want to refer to the name of a company which I expect you will be familiar with, it is a reference in topic 39 to a company called Riverbank Investments Pty Ltd. Are you familiar with the name of that company?

MS FEWSTER: Yes, I am.

45 MR FEUTRILL: Do you also understand that to be a subsidiary of Burswood Ltd?

MS FEWSTER: I do now.

MR FEUTRILL: Okay. You've not included a description of that company in what

10:15AM

you have described as Crown Perth in the opening part of your statement.

MS FEWSTER: Is there a reason for that?

5

MS FEWSTER: I can't think of the reason why I didn't include that, and I have to say when I think of Riverbank Investment Ltd and my limited knowledge of it, I'm thinking of it as a bank account more so than a company. That is probably why the --  
- the reason why I didn't include that in the namings of the companies listed.

10

MR FEUTRILL: Okay. Coming back to the broad idea of companies operating out of the Perth Casino precinct, it would fall into that group, in your mind?

MS FEWSTER: Yes, it would.

15

MR FEUTRILL: So it would even form part of, broadly speaking, Crown Perth?

MS FEWSTER: It would, from what I now know, yes.

20

MR FEUTRILL: I understand.

Can I just ask you --- I wanted to ask you some general questions around the state of your knowledge of the casino industry or business, which is the subject of one of the topics, and you have quite candidly said that at least at the time that you joined the board you didn't have a great deal of experience or knowledge of those things.

25

Perhaps you can answer these questions by reference as to whether you've since acquired that knowledge, but you can also say whether you understood at the time you joined. By way of example, at the time you joined the board of Burswood Ltd, were you, or did you have an understanding or were you aware of any vulnerabilities of casino operations to criminal infiltration?

30

MS FEWSTER: I would answer that in saying, yes, the casino where a lot of money changes hands is naturally just by reading and is a place that is more vulnerable to that activity.

35

MR FEUTRILL: Did you at that time have any idea of the specific ways in which a casino is or may be vulnerable to criminal infiltration?

40

MS FEWSTER: Not specifically at the time of joining.

MR FEUTRILL: And have you learned about that subject matter since you have joined?

45

MS FEWSTER: I have.

MR FEUTRILL: And how have you become educated about that topic?



MS FEWSTER: In the first few months after joining Crown, which was in the latter part of 2019 --- and Burswood Ltd --- I had a briefing session with Mr Preston who took me through AML/CTF, the framework, the different regulators, the different ways or examples of ways money laundering can happen in a casino business. During I think it is March of this year, Mr Steven Blackburn gave a training session to the directors and senior management, and further to that updates were in a board pack.

MR FEUTRILL: Okay. So that is a description of I think you referred to AML/CTF, that is the money laundering and counter-terrorism financing regulatory environment. Is that what you are referring to?

MS FEWSTER: Yes, and part of that is the different ways in how people --- why a casino is vulnerable to money laundering.

MR FEUTRILL: And what is your understanding of the different ways in which it is vulnerable to money laundering?

MS FEWSTER: There are various ways. Structuring, cuckoo smurfing, patron-to-patron activity.

MR FEUTRILL: What do you understand structuring to be?

MS FEWSTER: It is where different people --- money comes in from different people at different times and as a separate transaction it does not look suspicious. But if you look at it as a whole you can see that it is a suspicious transaction.

MR FEUTRILL: Okay. I think you mentioned cuckoo smurfing.

MS FEWSTER: Yes. I knew you were going to ask me that one. Cuckoo smurfing is basically where the money --- it's a bit like --- I think of it in my mind like when you try and trace on TV on mobile phones and it hops to this place and that place and you are never directly with the person who paid the money versus getting the money. There is a lot of hops in between in different businesses before the money hits the casino and they could look legitimate.

MR FEUTRILL: Do you understand how the casino guards against that risk of criminals wishing to use the casino as a place to facilitate cuckoo smurfing?

MS FEWSTER: I can't give you the specific detail, but obviously in my papers I think as of March of this year there has been a much more structured plan in terms of AML/CTF, which incorporates the management of this and implementing ways to identify, managed and deterred in future, but I can't give you the specific ins and outs. Part of that is training, people, systems, analytics into the data.

MR FEUTRILL: You mentioned a third thing, I think you said patron-to-patron.

MS FEWSTER: Yes, patron-to-patron. You are pushing me on operational matters, but I will do my best.

5 MR FEUTRILL: What do you understand that vulnerability to be?

MS FEWSTER: If you have \$200,000, if 50 people play \$8,000 each, go in, I pay black, you play red, and through that way you get to circulate the money through the casino.

10

MR FEUTRILL: What is your understanding of the way that is addressed by the Perth Casino?

MS FEWSTER: That is part of the AML/CTF program. As part of that program there are many measures that are implemented at the operational side. You've got Know Your Customer, details about customers, there are various measures in which they can now try and detect: surveillance, reporting from the tables. So in terms of analysis of what people are doing, there are various ways the program looks at that to combat that.

20

MR FEUTRILL: In your monthly meeting, so in your meetings of Burswood Ltd, is there a reporting to Burswood Ltd on specific AML activities?

MS FEWSTER: Yes, there is.

25

MR FEUTRILL: What is the nature of that reporting to the board?

MS FEWSTER: Firstly to inform us of the implementation of the AML/CTF joint program, which started in 2019, had a rebirth in 2020, there was a rebirth in 2021 as well. So the implementation of the steps in that program, and then looking at unusual activities, highlighting reporting and, if you want to call it, audits and tracking within the casino.

30

MR FEUTRILL: When you say "audit" and "tracking", what is your understanding of that process?

35

MS FEWSTER: The process, if I can come back to the AML risk management process, is pretty much set, the framework and the implementation and the management of the process is set from Crown Resorts Ltd. It does get reported to the Burswood Ltd board, when we have board meetings, as to where it is at. So as part of that process and as part of the Risk Committee, the audit committee, the Responsible Gambling committees, which are committees of Crown Resorts Ltd, those reports are added to the Burswood Ltd board pack for noting and discussion when a board meeting is held.

45

MR FEUTRILL: All right. I have digressed, I was trying to deal with this in a more general level. You've gone to some detail. Thank you for that.

MS FEWSTER: I'm not sure I am going to get full marks for my explanation!

5 MR FEUTRILL: Aside from vulnerabilities to criminal infiltration, at the time you joined the board of Burswood Ltd, were you aware or have any understanding of any harmful effects that gambling may have on the casino's patrons?

MS FEWSTER: Not specifically, but gambling is addictive.

10 MR FEUTRILL: Yes, you mentioned in your statement that as a director of the West Coast Eagles ---

MS FEWSTER: West Coast Eagles.

15 MR FEUTRILL: --- you had some training on problem gambling. Has that at all been a focus of the board of Burswood Ltd in your time on its board?

MS FEWSTER: No.

20 MR FEUTRILL: Have you become more educated about aspects of the casino's operations that may cause harm to members the public?

25 MS FEWSTER: I think I've become more educated in the Responsible Gambling function, which --- also during my tenure, undergoing remediation. So to answer your question I think I have a better understanding of the program that Crown runs in terms of Responsible Gaming.

30 MR FEUTRILL: So we will come back to this, but you have an understanding, or an appreciation of, if you like, the risk of harm to members of the public who utilise Crown Perth's services for which there is a program of Responsible Gambling program to address?

MS FEWSTER: (Nods head).

35 MR FEUTRILL: More broadly, I assume you understand there are different types of games played at the Perth Casino and they fall into table games and electronic gaming machines?

MS FEWSTER: Yes.

40

MR FEUTRILL: With respect to each of those, do you have any understanding of whether one or other of those has a more addictive quality?

MS FEWSTER: I don't.

45

MR FEUTRILL: During your time as a director of Burswood Ltd, has there been any discussion at the board level concerning specific games or types of games that might have more addictive qualities than others?

10:29AM

MS FEWSTER: Not that I'm aware of.

5 MR FEUTRILL: I think in answer to one of my earlier questions you said you understood that Burswood Nominees holds the casino licence. Either at the time of your appointment or since, have you familiarised yourself with the legislative framework in which that licence was granted and operates?

10 MS FEWSTER: No, I have not.

MR FEUTRILL: Are you aware at all of the Casino Control Act?

MS FEWSTER: I know there is the Casino Control Act.

15 MR FEUTRILL: Are you aware of the Burswood Island State Agreement Act?

MS FEWSTER: I have heard of the Burswood Island State Agreement Act.

20 MR FEUTRILL: Were you appointed with either of those acts at the time of your appointment?

MS FEWSTER: No.

25 MR FEUTRILL: Have you been provided with them since?

MS FEWSTER: Not to my knowledge.

30 MR FEUTRILL: Have you asked for a summary or description of that framework in your time as a director of Burswood Ltd?

MS FEWSTER: No, I have not.

35 MR FEUTRILL: As part of the oversight, I think you said earlier you see Burswood Ltd has, at least in part, oversight of the casino operations. Has it occurred to you at all that there is a responsibility on the licensee to mitigate the risks associated with vulnerability for criminal infiltration?

40 MS FEWSTER: Yes. Yes. And to give context of that, I joined a board that had an enormous amount of experience on it. It was well known from day one that my background is not in casinos. I understood that it was a higher risk business than many other businesses, and was comforted by the fact that there were regulatory bodies being the watchdogs, comforted by fact that the people running the casino had decades of experience in running casinos, comforted by the fact that the parent company, Crown Resorts Ltd, had massive experience on their board and also  
45 numerous subcommittees dealing specifically with, and in many other committees your audit and risk would be one committee, but in this company they are two separate companies because risk is of a higher nature. You have a Responsible

Gambling separate committee at Resorts level. And that is, since I've joined the board, where the policy framework and direction has been set from.

5 MR FEUTRILL: The last part of that answer is, are you there referring to the policy direction and framework being set by Crown Resorts Ltd?

MS FEWSTER: Correct.

10 MR FEUTRILL: And do I understand you to be saying in effect that you were comforted in terms of the obligations, if any, of Burswood Ltd, would be discharged through Crown Resorts Ltd and the various individuals with long-standing management experience?

15 MS FEWSTER: I was comforted with the fact that I came into a business with a lot of experience in an area that I was not an expert in. I was comforted with the fact that at the time, from where I sat, there were a lot of structures around the areas that I would see as important to running a casino business. And that there was a lot of activity happening in areas. I mean, my first board meeting was about a joint and  
20 renewed AML/CTF program. In those papers we had external people reviewing, we had a company, Initialism, which apparently is an expert in AML/CTF in the business reviewing the program, advising on the program going forward. Yes, as a newborn member that did give me comfort at the time.

25 MR FEUTRILL: Just to come back to the nub of the original question is, as you sit here today, do you consider the Burswood Ltd board has responsibility for mitigating, if you like, vulnerabilities of the Perth Casino for criminal infiltration?

30 MS FEWSTER: It should have responsibility for it and should be set up in a way that it can manage that, yes.

MR FEUTRILL: When you say it "should", are you suggesting by way of that that it does not presently --- it is not set up that way?

35 MS FEWSTER: I don't think, in my experience and from what I can see, that the Burswood Ltd board is able to execute the duties that is required to run the Crown Perth Casino.

40 MR FEUTRILL: I would like to come back to what you've just said. I think we need some more concrete examples of what you are describing in a general sense. Before I do though, could I ask you in a similar way about responsibility of Burswood Ltd for the potential harmful effects of gambling at the Perth Casino. Do you consider that Burswood Ltd has responsibility for taking appropriate steps to  
45 mitigate that harm?

MS FEWSTER: Yes.

MR FEUTRILL: And, in a similar way, is it your view that as it is presently

structured, it is not fulfilling that function?

5 MS FEWSTER: It is my view at the moment that it is not equipped, structured correctly to be able to fulfil that.

10 MR FEUTRILL: All right. I know you've said you are not familiar with the terms of the Casino Control Act, but I just wanted to ask you whether you are aware, in a general sense, that in WA within the framework there is a prohibition on authorising the use of poker machines for operation at the Crown Casino?

MS FEWSTER: Yes, I do know that.

15 MR FEUTRILL: Do you understand the reason for that to be that poker machines are seen to be a potential harmful form of gambling?

MS FEWSTER: Yes.

20 MR FEUTRILL: And in that context has there been at the Burswood Ltd board level any discussion you can recall whereby electronic gaming machines have been discussed in the context of their potential harmful affects?

25 MS FEWSTER: No. My knowledge about the pokies comes from my time as a West Coast Eagles board member and understanding how clubs in other States obtain revenue. So I have not been in any discussion at Burswood Ltd about EGMs or the harmful nature of EGMs.

30 MR FEUTRILL: My understanding of your last answer, are you equating the "pokies" with EGMs in your last answer?

MS FEWSTER: No, there is a difference. I don't equate them with EGMs.

35 MR FEUTRILL: So the answer is in reality, although you use the word "pokie", you are referring to EGMs?

MS FEWSTER: The prohibition of pokies.

MR FEUTRILL: Yes.

40 MS FEWSTER: I come back to that. I shouldn't have said EGMs. The prohibition on pokies comes from a previous life of dealing with .....

45 MR FEUTRILL: I see. Again, at a general level, do you consider that it is important for the operations of the Perth Casino to be operated in a way that maintains public confidence in the integrity of those operations?

MS FEWSTER: Yes. I think it is a privilege for Crown to get the licence. It is a Western Australian licence issued by Western Australian government. It should be

managed with the utmost respect to WA and should have the focus of West Australians as a priority.

5 MR FEUTRILL: In that vein, in order for the Western Australian public to have the confidence in the operations of the Perth Casino, do you consider the character of those who run it should be of the utmost integrity?

MS FEWSTER: Yes.

10

MR FEUTRILL: Can I ask you, if I may, some questions, around, and I think you mentioned there has been quite a bit of change at the board level. Just to understand that change, you became a member of the Burswood Ltd board in mid-2019?

15 MS FEWSTER: Correct.

MR FEUTRILL: And at that time the directors were Mr Alexander, who was the chair ---

20 MS FEWSTER: Yes.

MR FEUTRILL: --- and Mr Poynton?

MS FEWSTER: Correct.

25

MR FEUTRILL: Mr Felstead and Mr Barton?

MS FEWSTER: Correct.

30 MR FEUTRILL: And at that time Mr Alexander was also the Executive Chair of Crown Resorts Ltd?

MS FEWSTER: That's right.

35 MR FEUTRILL: Mr Poynton was a member of the Board of Crown Resorts?

MS FEWSTER: That's right.

MR FEUTRILL: Mr Felstead was the CEO of Australian Resorts?

40

MS FEWSTER: That's right.

MR FEUTRILL: So he occupied essentially an executive management position within the Crown Resorts structure?

45

MS FEWSTER: That's right.

MR FEUTRILL: And Mr Barton was the CFO of Crown Resorts?

10:41AM

MS FEWSTER: That's right. He might have also been referred to as the CEO of Crown Resorts. I don't know if that was at or just after Mr Barton.

5 MR FEUTRILL: I see. Again he occupied an executive management position within the Crown Resorts structure?

MS FEWSTER: Absolutely. Correct.

10 MR FEUTRILL: To be clear about the changes that have happened in the composition of the board since that time, Mr Alexander resigned in 2020?

MS FEWSTER: Correct.

15 MR FEUTRILL: And Mr Poynton became chair?

MS FEWSTER: That's right.

20 MR FEUTRILL: Earlier this year Mr Felstead resigned, in January this year?

MS FEWSTER: Correct.

MR FEUTRILL: And Mr Barton and Mr Poynton resigned in January of this year?

25 MS FEWSTER: Correct.

MR FEUTRILL: At that time Ms Coonan was appointed a director and the chair of Burswood Ltd?

30 MS FEWSTER: Correct.

MR FEUTRILL: And she is the executive chair again of Crown Resorts?

MS FEWSTER: Correct.

35

MR FEUTRILL: Mr Bossi was appointed a director of Burswood Ltd in February of this year?

MS FEWSTER: Correct.

40

MR FEUTRILL: Throughout that time essentially you are the last person standing from mid-2019 on the board; correct?

MS FEWSTER: Correct.

45

MR FEUTRILL: Now, at the time --- I call it the pre-2021 period, Mr Preston and Ms Manos were company secretaries of Burswood Ltd?



MS FEWSTER: Correct.

MR FEUTRILL: Again they resigned earlier this year?

5

MS FEWSTER: Correct. I just can't remember whether Mr Preston resigned early this year or last year, but correct, around then.

10 MR FEUTRILL: Certainly that is probably right. And Mr McGregor was appointed the company secretary of Burswood Ltd?

MS FEWSTER: Correct.

15 MR FEUTRILL: Now, I just want to clarify something in your statement because if I could ask you to refer to --- the easiest way, I will refer to page 2, which is the last digit in the top right-hand corner of the long reference number. There is a paragraph with (iv) that starts "from December 2020" and ends --- the bit I want you to focus on is, you said that you "have not had any involvement in decisions regarding the departure of these individuals or the appointment of any replacements". Do you  
20 recall signing any resolutions around that time?

MS FEWSTER: I do.

25 MR FEUTRILL: And the circular resolutions dealt with the appointment of Ms Coonan and Mr Bossi?

MS FEWSTER: Correct.

30 MR FEUTRILL: And Mr McGregor?

MS FEWSTER: Correct.

MR FEUTRILL: And you signed each of those circular resolutions?

35 MS FEWSTER: Correct.

40 MR FEUTRILL: I'm just wanting to know, when you say you had no involvement, obviously you had involvement in the sense that you signed the circular resolutions so what do you mean by you had "no involvement" in those decisions?

45 MS FEWSTER: There was no discussion. So I didn't have input into discussion would it be A, B or C. It was like reappointing these people to have a quorum. I wrote to Ms Coonan and Mr Poynton in February when I was asked to sign a circular resolution to appoint Ms Coonan and Mr Bossi to the Burswood Ltd board stating that I was comfortable signing the appointment of Ms Coonan, however, felt completely uncomfortable and thought it not to be right to appoint Mr Bossi to the Burswood Ltd board in light of the fact that a Royal Commission in Perth has been

called, and in light of the fact that management will be called and will be scrutinised during this period. And I did put in the email that I didn't feel at that point that it was appropriate for us to appoint any management on to the board of Burswood Ltd.

5

MR FEUTRILL: Is that email referred to in your statement?

MS FEWSTER: I believe it is. It is the only email I sent them about it.

10 MR FEUTRILL: I don't remember reading it. Have you got that email available?

MS FEWSTER: I do have the email available.

15 MR FEUTRILL: Perhaps then at a later time we could make arrangements for that email to be produced?

MS FEWSTER: Yes, sure.

20 MR FEUTRILL: If it has not already been produced.

So, you mentioned in part of the answer that you had some discussions about --- to the effect that we are going to appoint so and so, in this case Ms Coonan and Mr Bossi to the board of Burswood Ltd for reasons of quorum. With whom did you have that conversation?

25

MS FEWSTER: That was an email from ..... Mr Feutrill, just let me have a think ..... I don't want to give you the wrong information.

30 So there was an email to appoint Ms Coonan. Yes, Mr Poynton was still on the board. So that was an email that came through from the company secretary, I think, at the time. I can't remember if that was Mary Manos or, if she left at some point, her replacement.

35 MR FEUTRILL: When you say the company secretary, can we be clear which company secretary?

MS FEWSTER: Crown Resorts Ltd.

40 MR FEUTRILL: Right.

MS FEWSTER: So it was an email that came through and we will need to provide you with these emails ---

45 MR FEUTRILL: Yes.

MS FEWSTER: --- with the circular resolution which from memory was late one night to do the appointment. I then wrote to Ms Coonan separately to ask if I can have a catch-up with her as I wanted to express my concerns. I never heard back

from Ms Coonan overnight. So the next morning I wrote her and Mr Poynton the email where I clearly expressed my concerns in appointing any management, including Mr Bossi, to the Burswood Ltd board.

5

MR FEUTRILL: Was your concern in respect of Mr Bossi only that this inquiry was about to take place or did you have a deeper concern in respect of Mr Bossi?

10 MS FEWSTER: Not necessarily towards Mr Bossi at the time, but towards the fact that it should be a board of, in my view, independent directors, and is becoming a board of executive managers, which again takes away the necessity or the usefulness of the board.

15 MR FEUTRILL: When you say "it is becoming a board of executive managers", isn't it the case it's always been in effect such a board with the exception of yourself and perhaps Mr Poynton?

20 MS FEWSTER: And Mr Poynton. Yes, but I'm now 18 months down the track. When I started, the first six months was look, learn and see in many ways. 2020 was a challenging year for Crown, and I'm sure most other businesses in terms of managing COVID and was an unusual year. I wouldn't use 2020 as a normal year to say that is what every year looks like at Crown, but coming out of the Bergin Inquiry, and obviously the latter part of 2020, during the latter part of the Bergin Inquiry and especially coming into 2021, it became clear that things aren't exactly  
25 where they needed to be, and I thought appointing more management on to the board just isn't going to get us there.

30 MR FEUTRILL: Would it be your preference as a member of the current director of Burswood Ltd that the board be comprised of a majority of, should we say, independent directors?

MS FEWSTER: Western Australian independent directors, yes.

35 MR FEUTRILL: You've mentioned the phrase "Western Australian" a couple of times. Is it your view that those who currently occupy the position on the board of Burswood Ltd, with the exception of yourself, are not characterised in that way?

40 MS FEWSTER: There are no other non-executive directors. I'm more saying going forward, for the focus and people's number one priority to be Crown Perth, and to put Crown Perth ahead in any decision because it is the number one priority. Your best chance of achieving that is starting at the top and having a majority of non-executive directors whose interest is WA firstly.

45 MR FEUTRILL: Okay. Now, do I understand then from what you said that in your mind, at least, you would see the current structure, or those who are currently on the board as a temporary or interim step towards what you are describing, a board comprising a majority of independent Western Australian directors?

MS FEWSTER: If I was to set it up, yes. I've been advised by Ms Coonan and Mr McCann, the new CEO of Crown Resorts Ltd, that an independent review is underway to look at the structures and the boards and the various entities to streamline and centralise functions and for a better outcome. I've not seen the review nor had any further information about the review.

MR FEUTRILL: Have you been invited in any way to contribute to the review? Have you sought to have that opportunity?

MS FEWSTER: I spoke to Ms Coonan the day of --- I spoke to Ms Coonan in March when she came over and provided my assistance in any way, shape or form to Perth, to Crown Perth. I spoke to Ms Coonan on, I think it is 16 April, after the April board meeting, where she again reiterated to me they are doing a review, and I said that if I could be of any help, I'm happy to help and wanted to be involved. She was very appreciative. But, no, I've had no involvement. I have provided Ms Coonan with some potential names to consider for board members in ---

MR FEUTRILL: Have you expressed to Ms Coonan what you have just said to the Commission regarding the composition of the board, your views about that?

MS FEWSTER: Maybe not in as much as I have here now. I have expressed my views of people who would be good on the board, and provided her in an email with names of people of what I thought they would bring to the board.

MR FEUTRILL: Those would be West Australians?

MS FEWSTER: Yes.

MR FEUTRILL: And would be independent of the Crown Resorts Ltd management?

MS FEWSTER: Yes.

MR FEUTRILL: Have you expressed to her though your view that the board should be comprised in that way for those reasons, in other words, independent of management and Western Australian focused?

MS FEWSTER: Western Australian focused, I definitely have spoken about. I don't know if I've spoken, I can't recall that I've specifically spoken of independent of management.

MR FEUTRILL: Again we've digressed somewhat. You have said that the board has met ten times since you became a director of Burswood Ltd, and the order in which the meetings take place is they are scheduled to take place after a Crown Resorts Ltd meeting. And they do take place in that order?

MS FEWSTER: I'm led to believe that, yes.

10:55AM

MR FEUTRILL: I see. You understand that from other people who have attended both meetings?

5 MS FEWSTER: Mr Bossi.

MR FEUTRILL: On the Burswood Ltd agenda there are a number of standing items. If I could perhaps, just to assist you here, take you to a specific example. Could I call up CRW.071.002.1393 which I think is the agenda pack for April this year. In  
10 case you need to have your memory referred to what the standing items are, I am not going to take you through each of them but this is a typical agenda paper for a Burswood Ltd meeting. One of the first items is the minutes of the previous meeting.

The first thing you typically do is approve the minutes of the previous meeting; is  
15 that correct?

MS FEWSTER: Correct. Is it your view that the minutes are an accurate reflection of what has transpired at each of the meetings? Is there any reason for you to doubt  
20 that?

MS FEWSTER: I think that is an accurate --- I don't believe there are any inaccuracies to it, but as company secretaries and people taking the minutes have changed in the time I joined the board until now, it has changed in the length or brevity of the minutes, and the 16 April 2021 board meeting, so not the minutes you  
25 are referring to there, but the minutes of this board meeting specifically was fairly short, upon which I wrote back to Ms Weir that I note the minutes are fairly short, that I hope that the issues are raised in the board meeting have been dealt with.

MR FEUTRILL: Okay. Who is Ms Weir? She is the notetaker?  
30

MS FEWSTER: Ms Weir is now the company secretary of Crown Resorts.

MR FEUTRILL: Crown Resorts Ltd?

35 MS FEWSTER: Crown Resorts Ltd.

MR FEUTRILL: I think you said in your statement that a typical length of a meeting is around an hour.

40 MS FEWSTER: Yes.

MR FEUTRILL: Possibly a little longer? And would it be fair to say that the majority of time taken up at Burswood Ltd meeting concerns the financial results and the CEO report?  
45

MS FEWSTER: Yes.

MR FEUTRILL: Would it also be fair to say that not --- typically not a great deal of time is devoted to the internal audit report or the legal risk and compliance reports?

5 MS FEWSTER: That would be correct.

MR FEUTRILL: They are typically taken as read or noted?

10 MS FEWSTER: They are typically taken as read. Maybe one or two things will be discussed on them but they are mostly taken as read.

15 MR FEUTRILL: You didn't meet in February this year. I know this is a point you've made in your statement. I will come to that. But the meeting was held in April of this year, 2021. It does appear that there were some papers circulated for February 2021. Do you recall whether you received a board pack for a meeting that was scheduled for February 2021?

MS FEWSTER: I requested a board pack for that meeting.

20 MR FEUTRILL: Okay. At the time of the meeting in April, when you did meet, which is 4.5 months after the previous meeting, you expressed concerns about essentially at least the delay in convening that meeting?

25 MS FEWSTER: I would be stronger with that. I expressed some serious concerns.

30 MR FEUTRILL: Yes, so if I could ask that we call up your attachment to your statement, which is FEW.0001.0001.0080. I just want to understand precisely what it is you mean by some of these points. They are not completely self-evident to me. The first one is obvious, that you didn't think it was acceptable to take 4.5 months to convene a meeting. Are you concerned more generally about the frequency of meetings of Burswood Ltd or only the period on this occasion of 4.5 months?

35 MS FEWSTER: Mr Feutrill, in my experience as an executive in a few companies and also serving on a few boards, when a company goes through a period of crisis, and I would call this a period of crisis for Crown, and that includes all of Crown, you would usually see activity lifting in terms of meetings, outcomes, schedules, tasks, dates. There is just a heightened level of activity. Where my experience since December 2020 was a complete vacuum until, after eight requests of a board meeting, eventually was held in April, with a board pack that arrived less than 48  
40 hours before the meeting. I would say substandard material in the board pack, and if you look at the board pack, it is very hard for someone who is a Burswood Ltd board member, and especially someone with no experience in the business, with very limited tenure in the business, to understand what is going on when Crown Sydney, Crown Melbourne and all other things are incorporated in the papers.

45 That is why I asked the chairman, Executive Chairman Helen Coonan, about this. Because it is not reasonable to expect a non-executive board member to deliver on their duties by the material provided, the timeliness. It's just not reasonable.

MR FEUTRILL: Okay. I want to come back to some of what you just said, but to return to the original part of the question, which was do you have a concern --- obviously here there is a concern, time of crisis, you feel you're not meeting  
5 frequently enough, but more generally is it the case that Burswood Ltd meets four or five times a year in a typical year?

MS FEWSTER: I don't think that is enough if that is the board that is governing and managing the Perth Casino.  
10

MR FEUTRILL: Would you expect to meet at least ten times a year, once a month?

MS FEWSTER: At least ten times a year. And when there is a crisis --- and this is the other thing. In this meeting I was told by Ms Coonan that the Crown Resorts Ltd board meeting since the ILGA --- the Bergin Report came out, which I think was  
15 start of February, to this date, which was 16 April, had met 18 times.

MR FEUTRILL: And did you receive at all, in that period, any communications from the Crown Resorts Ltd's company secretary or some other person giving you  
20 updates on what was taking place on the Crown Resorts Ltd level?

MS FEWSTER: No. No. I contacted Mr Poynton before his departure to understand, I think my wording was, when the Royal Commission in Perth was announced, that, I would assume we are going to meet as a matter of urgency. I  
25 didn't get a meeting and Mr Poynton left shortly thereafter. I spoke to Mr Bossi probably twice a week expressing my concerns. I spoke to Ms Coonan when she was over here in March expressing my concerns. I had no information, no updates on anything relating to remediation after the Bergin Report, let alone Royal Commission called in WA.  
30

Eventually Mr Bossi got me a meeting with Allens to give me an overview of what is going on, and at the time I asked Mr Bossi how the legal team was appointed if it was never discussed at the board meeting. And he said, well, that is done at Crown Resorts level.  
35

MR FEUTRILL: And is that, I think you may have answered my next question, but is that the point you are making in paragraph number 2 about the lack of briefing notes and informative proactive updates?

MS FEWSTER: That's my point. It is just not possible to be a diligent director when you are not provided with information or provided an opportunity to be part of a solution and that's exactly why I wrote this.  
40

MR FEUTRILL: And in your view where does the problem lie? Does it lie with those who are managing Burswood Ltd or those who are responsible to manage Crown Resorts Ltd?  
45

MS FEWSTER: There is a big crossover there. Ms Coonan is on every board. I think the issue lies with the fact that it is a structure that is not fit for purpose. And it obviously serves a purpose somewhere, but from where I'm sitting, and I am a bit of  
5 an outsider because I'm not an executive or on the Crown Resorts Ltd board, it is just not a structure fit for purpose.

MR FEUTRILL: Okay. I want to --- I want to come back to that because there are other parts I think we need to explore before we get a firmer understanding of what  
10 you are saying. I think you mentioned what your concern is with respect to paragraph 3a and timeliness. You mentioned you received the April board pack 48 hours before the meeting was scheduled. Is that a typical example of what occurs?

MS FEWSTER: Yes. And I did in Mr Poynton's --- Mr Alexander unfortunately  
15 was only the chairman for two meetings and, you know, I was there at the time, and the board packs also came out late. But in Mr Poynton's time I did message him on several occasions about board packs. I guess the people putting the packs together are the same people that had to do work for the Bergin Inquiry, which brings me right back to the point of --- for Crown Perth to get --- to be the number one priority,  
20 and get the attention required. You cannot have these central functions and these people that are being everything to everybody, because somebody will be the priority. And in the case of the Bergin Report, I understand that was a priority. But for me to discharge my duties as a director, I need to get my board pack in a reasonable time with information that is clear so I can be prepared for the meeting.

25 MR FEUTRILL: And is it your view, obviously you want a week at least, 48 hours is not enough?

MS FEWSTER: I think a week is pretty standard in my businesses. A week is  
30 normal. Especially the fact that most non-executive directors hold other positions.

MR FEUTRILL: Yes. Were you able to actually read all the material and be across it before meetings?

35 MS FEWSTER: No.

MR FEUTRILL: And so what did you focus your attention on in order to prepare?

MS FEWSTER: The financials, the CFO report, the risk and legals (inaudible -  
40 coughing).

COMMISSIONER OWEN: Mr Feutrill, could I clarify this.

45 What you are saying about the adequacy of the board packs and the timeliness of their delivery to you to enable you to prepare, can I split this into time periods in your tenure on the board. The second half of calendar year 2019, say the whole of what you've regarded, explained as an atypical year, which is 2020, and then the period of 2021. If you can split it into those three periods, is your complaint, if I can



describe it that way, the same, similar or different in each of those three periods?

5 MS FEWSTER: From where I sit today, my complaint would probably be the same. I don't think --- I think it might actually have deteriorated because for me, in 2019 I was new so I was trying to get to how this works and how they run it. What I know now I probably by the second meeting would have said the board packs need a revamp.

10 In 2020, because of the different circumstances the business was operating in and it was more about ensuring we continued to have a business, a lot of the focus of certain things like staff were stood down so there weren't internal and external audits done, so a lot of that --- but the packs were still sloppy, I would call it. Tardiness has been there throughout the period.

15 And in 2021 the board meeting was cancelled in February, which I think the board meeting was supposed to be around the week or the week before the ILGA report came out. I went back and said, well, we still need to know what is going on and need a board pack. That came later than the board meeting was even scheduled, 20 although it was cancelled.

And then the April board meeting, that pack just --- yeah, that was just the last pack that I could read in such a short amount of time, with just no idea, am I noting this, do I need to make a decision about it, what am I doing with this, what is it saying to 25 me?

COMMISSIONER OWEN: Thank you.

30 MR FEUTRILL: Just to finish off on that, was there any difference for the meeting in --- June 2021, is that correct?

MS FEWSTER: Correct.

35 MR FEUTRILL: Was there any difference at that time after you had made your views clear?

40 MS FEWSTER: Yes. So the pack came out earlier and Mr Bossi let me know there was a slight delay which was fine. And there was --- the things I did raise through this was taken care of and not to the extent that it should be. It is the first company where I've seen a board pack with no matters arising, and I don't know how you keep track of what people are supposed to do and the outcomes and dates people are supposed to deliver by if you don't have a matters arising, so it has been a new phenomenon for me.

45 The matters arising was in there, but again there are no dates as to when things are due. So there is still a lot of work, there are still matters about other entities which I find interesting but it needs to be clearly labelled as to where it fits in the scope of Burswood Ltd.

MR FEUTRILL: Which presumably you would know if you were an executive of Burswood Ltd and Crown?

5 MS FEWSTER: And especially the people that are executives have be there for a very long time, so, yes, you would.

MR FEUTRILL: Given those constraints, I think you said earlier you really just can't read everything before meetings if you are receiving it in less than two days  
10 beforehand. Approximately how long does it take you to prepare for these meetings? If you have other commitments on?

MS FEWSTER: I think you need --- I like to get it before the weekend and spend a good day of my weekend preparing for that. It also then gives me time, if it comes  
15 early enough, that I could ask questions prior to the board meeting, where now I'm asking questions after the board meetings, after the fact.

MR FEUTRILL: The duration of these meetings is about an hour, I think you said?

20 MS FEWSTER: The last one was two hours.

MR FEUTRILL: More recently a longer duration. Do you --- is it scheduled for one hour? Is that the reason they are typically that length?

25 MS FEWSTER: It is now scheduled for two hours. And that's a hard two hours.

MR FEUTRILL: And when was that change implemented?

MS FEWSTER: The April board meeting and the June board meeting were  
30 scheduled for two hours.

MR FEUTRILL: And is that the result of complaints you made about the ability to get through the business in the allocated time?

35 MS FEWSTER: I don't know. I just get the diary invite.

MR FEUTRILL: So, in your view, is two hours sufficient time to deal with the typical board packs you have been receiving?

40 MS FEWSTER: Not if you are going to have a board meeting every quarter, or in our case 4.5 months since a board meeting. I think to run a business like Crown Perth you need to have, as we've probably agreed, at least ten --- without a crisis --- at least ten meetings a year, and if I was running the board it would be a half-a-day minimum set aside for that.

45 MR FEUTRILL: Thank you.

11:15AM

Commissioners, I have quite a bit to go on this particular document. Do you want me to keep going or have a break now?

5 COMMISSIONER OWEN: I think we'll take a break and come back at 11.30.  
Thank you.

10 **ADJOURNED** [11.15AM]

**RESUMED** [11.31AM]

15 COMMISSIONER OWEN: Thank you, be seated.

Thank you, Ms Fewster.

20 Yes, Mr Feutrill.

MR FEUTRILL: May it please the Commission.

25 Before the break we were going through one of the attachments to your statement. I will just take you back to that document. I think you've just finished with the paragraph 3a, timeliness. In the next paragraph you are referring to a calendar. You may have already answered the questions I had in respect of this in one of your earlier statements regarding having a clear view of what is coming up in the future. Is that the nature of the complaint there, that you don't have a clear idea of when meetings will be held and the schedules?

30 MS FEWSTER: Correct, and this was at the point where I was waiting for 4.5 months. So, yes, I would like --- I am personally a pretty structured person, so I would like to see a calendar --- I can then also give feedback if I don't think there's enough meetings, but without a calendar I don't know what is coming up.

35 MR FEUTRILL: I think you've already explained probably in answer to one of the questions that either I asked or Commissioner Owen asked you concerning the nature of the papers being presented to you. Earlier you gave evidence about the absence of clarity in respect of why you were reading some of the papers. Is that the point you are making in 3c?

45 MS FEWSTER: Yes, I think there needs to be clear purpose. Some of the papers were merely telling me what executives had for breakfast. I don't think those matters need to be in a board report. To me it felt like the reports, and again I can only tell you my experience, but it felt like the reports went to other meetings or other committees and were slapped together for the Burswood Ltd board meeting where many of the matters in that report needed the attention or the oversight of the Burswood Ltd board.

MR FEUTRILL: Would it be fair to say your complaint is a lack of focus on Burswood Ltd and its specific needs?

5 MS FEWSTER: Correct.

MR FEUTRILL: With respect to this particular topic, I have a question for you. A little earlier today we were dealing with some of the subsidiaries of Burswood Ltd, in particular I made reference to Burswood Ltd Nominees and Burswood Resort  
10 (Management). Would it be your expectation that the minutes of the meetings of the subsidiaries should appear in the board pack for the parent company?

MS FEWSTER: Yes. Yes. I would expect the minutes of that should appear in the board pack. I would expect there would be an annual calendar where the committees  
15 from the parent company presents to Burswood Ltd. They are the people setting structure and frameworks, the interaction with Burswood Ltd, if they are the people setting structure and framework where there is a two-way conversation and input, instead of how it feels at the moment is that those decisions are made and they are put into a pack, be it 4.5 months later, for noting. That's why the whole timeliness,  
20 information and the structure of which meetings come before others need to be sorted out.

I think there is a huge task for the people to do to sort out what the structure is going forward to optimally look at every entity by the regulations that should be run by.  
25 My purpose and my focus is Crown Perth. And I want to make sure the best happens for Crown Perth and the staff and those involved in Crown Perth.

MR FEUTRILL: So do I understand from that that to the best of your recollection, you have not received, in the course of your time as a member of the board of  
30 Burswood Ltd, minutes of meetings of the subsidiaries or summaries of resolutions passed by the boards of those companies?

MS FEWSTER: On your first question of minutes I cannot recollect seeing any minutes of those. I am also trying to think really hard if I've seen circular resolutions  
35 for them. I doubt I have.

MR FEUTRILL: Have you made any inquiries or asked for those to be provided to you?

40 MS FEWSTER: Not until I had this discussion with all of them where I've made it pretty clear that I expect papers that are going up to other boards to come to us first.

MR FEUTRILL: Yes, that is a sequencing issue in one sense. I'm really focusing here on what you believe you should receive in order for ---

45 MS FEWSTER: I do believe that if we are the company managing Crown Perth, that we should have input into who are directors on those boards and we should get

minutes, or there should be some structure where we know what is happening. I'm unsure how we are able to manage all of that without getting that information.

5 MR FEUTRILL: Okay. In c, I want to understand what you mean by some of these expressions. I understand "Resorts Board", that is Crown Resorts. The subcommittees you are referring to there, I think elsewhere in your evidence you said words to the effect that Burswood Ltd does not have any committees that you are aware?

10

MS FEWSTER: I'm not aware of any subcommittees of the Burswood Ltd board.

MR FEUTRILL: Yes. So the subcommittees you are referring to there, what are they?

15

MS FEWSTER: They are the subcommittees of Crown Ltd, the subcommittees in our annual report, I think there is five or six of them.

MR FEUTRILL: I see. So you are effectively saying there that before anything leaves Perth, if I can put it that way, and is considered by Crown Resorts or one of its management subcommittees, for example, Risk Management Committee or Responsible Gambling Committee, one of those committees, it should first pass through the board of Burswood Ltd?

25 MS FEWSTER: Yes. That's my opinion of how I would like to see it run, that Burswood Ltd is running Crown Perth, makes the decisions, those come to us before they are submitted to Crown Resorts Ltd.

MR FEUTRILL: And that presumably would also mean that if there is, and let's take an audit report as an example, if there is an audit to be undertaken, you should see the outcome of that audit first, formulate your own reaction and assessment of it, and effectively report to Crown Resorts on what steps Burswood Ltd is taking to deal with it?

35 MS FEWSTER: That would be a good way to run it, yes.

MR FEUTRILL: That is inconsistent with what you were suggesting earlier in terms of the way it ought to, in your view, be structured, in other words, the line of communication should be from Burswood Ltd up to Burswood Ltd resorts --- sorry, to Crown Resorts.

MS FEWSTER: I don't see it as different. In my head the Burswood Ltd board should have control to run Crown Perth. And, yes, we have a parent company, but in terms of managing it, we should have control of governance, setting direction. In most other companies, a company like this would have a strategy, an annual strategy session with directors, executives, we'd have a plan that they deliver against. In this situation everything for Limited, and let's call it Crown Perth, comes from the parent company for noting and implementation locally.

MR FEUTRILL: I see what you are saying. So you are summarising at the end of what you just said the current position, where essentially all direction is coming from Crown Resorts ---

5

MS FEWSTER: Yes.

MR FEUTRILL: And your view is that Burswood Ltd should operate semi-independently of Crown Resorts and effectively run the Crown Perth business and have oversight for it?

10

MS FEWSTER: Correct.

MR FEUTRILL: I think we've dealt with 3d. I don't need to take you through that. They are self-explanatory.

15

Earlier you started to say something about matters arising. I think you may have already said all you need to say about that, but is there anything you want to add to what you said earlier about typically having the matters arising list at the end of the minutes or part of the minutes that keep a record of what is to --- what steps to be taken following the meeting and by whom and keeping track of them?

20

MS FEWSTER: Firstly, I see I made some typing errors there, so apologies. Secondly, in terms of matters arising, and I'll actually address --- I know you are not asking me, but I think it goes hand in hand with my view of the management of the company and the principles of that. The matters arising is really important to ensure we keep track of what has been committed and what outcomes need to be achieved by who and by when. It is a really good measure to keep a company on track and keep the management focused. Which brings me to the last point, which is KPIs.

25

What are the KPIs, and you've seen the board packs, that the Burswood Ltd board is looking at to say is Crown Perth hitting its KPIs? I'm not just talking KPI, there is a budget for every year, I'm talking about the other KPIs in terms of social responsibility, culture, all of those things. Unless you have agreement with that, and it is clearly communicated from the board down, then it is very hard to keep a business on track that have got 4, 5,000 employees. People need to be very clear in what is expected from the top.

30

MR FEUTRILL: Are you aware if there are any KPIs for Crown Perth that have been determined by Crown Resorts Ltd?

35

MS FEWSTER: No. I have requested them and because of the turnover of management, Mr Bossi has informed me that Mr McCann, who is his direct manager, the CEO of Crown Resorts --- Crown Ltd, will look at that. I've not seen a budget for FY22, which is the current financial year we're in, ie an updated business plan that goes with that incorporating the KPIs for the business.

40

45

MR FEUTRILL: So is it your expectation that what you would see in the board papers somewhere is some form of measurement of KPIs agreed by the board at a particular point in the year, and then progress against those KPIs on an annual, monthly or quarterly basis.

MS FEWSTER: Yes, quarterly basis is probably ---

MR FEUTRILL: Sorry to interrupt you, as this stage there is no such measure being undertaken by Burswood Ltd; is that your evidence?

MS FEWSTER: Correct.

MR FEUTRILL: Can you scroll down in the document. There is a second last paragraph that states with "I have raised these issues ..... over the past 12 months", and you feel that you just get ignored. With whom did you raise the issues?

MS FEWSTER: The tardiness of the board packs I've been raising in 2020, and I remember one specific conversation with Mr Poynton where he said management are stretched because the same people are involved in producing the work for the Bergin Report.

In terms of the other issues here, most of them I've had some writings with Ms Coonan, and I've had numerous conversations with Mr Bossi about it during 2021.

MR FEUTRILL: So you have directed, if you like, the issues you've raised to the chair in most cases and more recently to Mr Bossi, who is currently the CEO of Crown Perth; correct? And when you say you feel you get ignored, what exactly do you mean by that?

MS FEWSTER: Well, if I was taken seriously then I think there would have been a total overhaul in the information. I feel like I'm more of a niggler than assistance. The business is operating at a very fast pace. As you've seen, most of the executives are board members on certain companies. I've explained to you that from what Ms Coonan told me, the Resorts --- the Crown Ltd board had 18 board meetings in a period of 2, 2.5 months. We had zero board meetings in a period of 4.5 months. So there is a lot of activity. The business has brought in this year I think some good executives, there is Mr Steven Blackburn, the AML/CTF, there is a lot of activity happening. There's just not a lot of activity happening to Burswood Ltd because I don't think the company understands what they want the structures --- maybe they do, but what they want the structures to deliver. I just don't think Burswood Ltd itself is adding much value at the moment to the way Crown as a whole is run.

MR FEUTRILL: Okay. You gave an example earlier, at least the timeliness of the papers for June was better. Have you been given any assurances by either Ms Coonan or Mr Bossi that some of the other things you've raised are going to be addressed in the future?

MS FEWSTER: Yes, Ms Coonan in the meeting after I raised this acknowledged it. She did address with the executive in the meeting and that is probably one of the changes for this year. Sorry, I'm digressing, but one of the changes this year is that  
5 you will note that there is now probably eight to ten executives that attend Burswood Ltd meeting. Most of them have centralised roles, so risk, obviously the CFO, you've got AML/CTF, so there is a lot more people from over east attending the Burswood Ltd meeting.

10 Coming back to your question, which was assurances, Ms Coonan did in the meeting give assurances and did raise with those people in the meeting that as I am the only non-executive person and have not worked in this business for decades, the reports really need to be written for the audience. And the audience is a non-executive  
15 person who does not operate and spend time in the business, who needs management to provide them with information and draw their attention to the things that needs attention from the board.

MR FEUTRILL: That is quality of papers. What about frequency and duration of meetings?

20 MS FEWSTER: That at this stage has not been addressed, as far as I know.

MR FEUTRILL: So at least since April there has been some progress in terms of ---

25 MS FEWSTER: Yes.

MR FEUTRILL: --- addressing your concerns?

MS FEWSTER: Yes. And I've had a discussion with Mr McCann, the newly-  
30 appointed CEO of Crown Ltd, where I have raised similar matters with him of this, and his response was positive in the sense of obviously Crown Ltd is looking and got external advisors in to look at the structure going forward of all these subsidiaries, boards, to form a more streamlined and centralised structure, and that he will personally after the results release and in the AGM look at these papers and what is  
35 submitted and agreed and there are things in the paper that is probably not relevant to Burswood Ltd.

MR FEUTRILL: Okay. I would like now become more specific about some of the statements you've made earlier concerning the way that Crown Perth is managed, if I  
40 could characterise it that way.

You have addressed many of the topics that we provided you in your witness statement. You might recall they were broken up into the three companies of interest for this Commission, which is Burswood Nominees Ltd, Burswood Ltd and  
45 Burswood Resort (Management). Essentially a series of questions were asked around each of those. If I could just draw your attention to --- because in response to the question dealing with the management structure applicable, you have more or



less said the same thing in response to each entity, so I just want to take you to those parts of your statement and I've got some questions for you that follow from that.

- 5 So if I could take you to your statement at, which is in the top right-hand corner, topic 12, which is the description of the management structure applicable to the activities of Burswood Nominees. At topic 19, which is on page 11, and that's for Burswood Ltd and topic 24, which is on page 13, that is for Burswood Resort (Management). I think in response to each of them your response has been that the  
10 structures applicable for all of this is included in Crown Perth, including those three, and it is led by Mr Bossi, the CEO of Crown Perth --

MS FEWSTER: Correct.

- 15 MR FEUTRILL: --- and he reports to Mr McCann, who is the CEO of Crown Resorts and Managing Director of Crown Resorts Ltd.

MS FEWSTER: Correct.

- 20 MR FEUTRILL: So there is a direct line of reporting from Mr Bossi to Mr McCann of Crown Resorts?

MS FEWSTER: Correct.

- 25 MR FEUTRILL: And you have said there are some other executive functions, many of which are centralised that have a dotted line responsibility to Mr Bossi. What exactly do you mean by dotted line?

- MS FEWSTER: Secondary responsibility, I guess if that's the right phrase to use  
30 that. So their direct manager --- so, for example, if we take Responsible Gaming. The executive who is part of the executive level that Mr Bossi sits on that reports to Mr McCann is for Responsible Gaming is over east. I think it is Ms Bauer. There is a general manager in Crown Perth who reports directly to Ms Bauer, and a dotted line to Mr Bossi.

- 35 MR FEUTRILL: I see. Sticking with that particular example you've given, does the person in Perth whose name I just (inaudible)?

MS FEWSTER: Melanie.

- 40 MR FEUTRILL: So the general manager of Responsible Gambling, does she report directly also --- is there a report from her to the Burswood Ltd board?

MS FEWSTER: Not as it is structured at the moment, no.

- 45 MR FEUTRILL: In what way, at all, does Burswood Ltd become aware of Responsible Gambling activities?

11:55AM

MS FEWSTER: Either through the CEO report or one of the other reports added on from head office. So you have your risk and compliance and AML/CTF, those reports are from central areas. Although there is sometimes a paragraph in the CRL report that might deal with that topic.

MR FEUTRILL: I started the day with understanding what you mean by "Crown Perth". Do I take it then from your description here of the functioning of Mr Bossi, as CEO of Crown Perth, that what you mean by that is that he has the principal executive management responsibility for the Perth Casino operation?

MS FEWSTER: I would say the principal responsibility management for Crown Perth because in my head I see casino, hotels, hospitality. So I call it Crown Perth.

MR FEUTRILL: Yes. For all those things though, Mr Bossi?

MS FEWSTER: If you are the CEO of the operation in Perth, I would say that you have responsibility for that, yes.

MR FEUTRILL: In your mind, at least, do you also see him as the Chief Executive Officer of Burswood Ltd itself?

MS FEWSTER: Yes.

MR FEUTRILL: And do you know when he was appointed as the CEO of Burswood Ltd?

MS FEWSTER: Can I say he was appointed as the CEO of Crown Perth in either December or January because it had to go through the regulator so I'm not exactly sure of the date it was approved.

MR FEUTRILL: December 2020 or January 2021?

MS FEWSTER: Yes.

MR FEUTRILL: Okay. Was that a decision made by the Board of Burswood Ltd, to your knowledge?

MS FEWSTER: Not to my knowledge.

MR FEUTRILL: No resolution was passed to that effect then, by Burswood Ltd?

MS FEWSTER: I can't recall a resolution being passed. I know there was an email from Mr Poynton to me on a different topic where he just said Mr Bossi will now be appointed as the CEO of Crown Perth.

MR FEUTRILL: So this is an example of where you have been told of an appointment that is taking place without ---

MS FEWSTER: Yeah, it was October 2020. I emailed Mr Poynton the day of the results released, the annual general meeting, raising my concerns, that I asked Mr Bossi if there was a link I could dial into to listen to the results, and I was told, no, you have to be a shareholder, by Mr Bossi. So I raised that with Mr Poynton, asked him how the meeting went, and as part of his response he said that Mr Felstead will be leaving and Mr Bossi will be appointed.

MR FEUTRILL: Okay. As far as you are aware, is there an employment contract between Burswood Ltd and Mr Bossi?

MS FEWSTER: I don't know.

MR FEUTRILL: Is there a document in which there is a job description provided for his role as the CEO of Burswood Ltd?

MS FEWSTER: Not that I'm aware of.

MR FEUTRILL: Are you aware of what his specific responsibilities are as CEO of Crown Perth?

MS FEWSTER: No, and I can only deduce that from his CEO report, but, no, I can't point you to a specific document.

MR FEUTRILL: And are you aware if there are any specific KPIs associated with his office and function at CEO of Crown Perth?

MS FEWSTER: I'm not aware of them. I requested them earlier this year.

MR FEUTRILL: I will summarise what I think your evidence is and feel free to correct me if I misstate this. I think you've already said this, in your statement Mr Bossi reports directly to Mr McCann, and I think you said earlier in answer to some questions that you understand that Mr Bossi reports directly to the Board of Crown Resorts at Crown Resorts meetings, and they are held immediately before Burswood Ltd meetings?

MS FEWSTER: Correct.

MR FEUTRILL: Does Mr McCann attend Burswood Ltd meetings at all?

MS FEWSTER: Mr McCann was an invitee to the June 2021 Burswood Ltd meeting. I think he only started, I think I have it somewhere in my evidence, I think he only started in June, at the start of June.

MR FEUTRILL: Of this year?

MS FEWSTER: Of this year, yes.

MR FEUTRILL: All right, in the previous person occupying the role of CEO of Crown Resorts, did that person ---

5 MS FEWSTER: It was Ms Coonan, Executive Chairman. So Mr Bossi reported to Ms Coonan. It was --- Mr Bossi reported to Mr Felstead. When Mr Felstead left he started reporting to Mr Barton. When Mr Barton left he reported to Ms Coonan, and now that Mr McCann has appointed he's reporting to Mr McCann. Mr Bossi has had four or five managers in the space of 18 months, more or less.

10

MR FEUTRILL: I see. Now, at the time Mr Felstead and Mr Barton were on the board of Burswood Ltd, were they reporting in their executive function as a director, was there an executive function at all to the board of Burswood Ltd?

15 MS FEWSTER: Yes.

MR FEUTRILL: And in what function were they reporting to the Burswood Ltd board?

20 MS FEWSTER: Well, Mr Felstead would attend to some of the matters in the CFO report --- in the CEO report. Mr Bossi would attend to the majority of them. Mr Barton --- I think it was 2019 --- I think Mr Barton spoke on some financial matters but the person who mostly, in the Burswood Ltd board meetings while Mr Barton and Mr Felstead was there, would talk to Crown Perth (inaudible).

25

MR FEUTRILL: Now, in that framework, I'm now referring to whether it is Mr Bossi currently or Mr Felstead or Mr Barton in earlier forms. Were there any directions given to them in their management capacity of Crown Perth by the Burswood Ltd board to your recollection? In other words, directions of authority to do, to take steps in the management of Crown Perth?

30

MS FEWSTER: Not that I would say directions. There were questions asked, there were --- in terms of the management of Crown Perth, I would say very little. Most, as I've explained to you, meetings are more noting of things that have already happened or have already been approved at a higher level.

35

MR FEUTRILL: That's the point of my question. I'm trying to get an understanding, an appreciation that what transpires at board level meetings or Burswood and after reading the minutes, it appears to be, as you said earlier and I think you agree with me, audit, generally noted, legal/compliance, generally noted and there is a report delivered by the CEO. And is the effect of what you said that it is more or less telling the board what is happening rather than seeking guidance or direction from the board as to what to do?

40

45 MS FEWSTER: Yes, absolutely. It is informing the board of what is happening and in many cases has happened. During my first few board meetings there was a lot of discussion about the economic state at that time. It was a tough time in Perth.

2020, I would say conversation was 90 per cent focused on COVID and COVID-related, standing up, standing down the staff, the facilities. Even coming out of lockdown the Perth Casino had massive restrictions around it, so that was a high  
5 priority and in huge focus. And then coming into this year there has been the two board meetings that we have had in 2021. There has been a lot of focus on the new plans, frameworks, policies, centralisation functions from Crown Resorts Ltd.

10 MR FEUTRILL: This is centralising many of the management functions that you referred to in your statement, such as risk management, Responsible Gambling, AML; is that what you are referring to?

15 MS FEWSTER: Yes. And the structure --- I mean, I'm not in the operations of the business, but clearly I'm heartened to hear there is a review happening because the structure is just not, in my experience, optimal to managing Crown Perth. I mean, the person in Perth who is the executive in charge of the three hotels as part of Crown Perth reports to the CEO of Sydney, who now subsequently in the last few weeks, have resigned. That makes it hard for Mr Bossi, I guess. If I was the CEO of Perth it would make it hard if the people that are in charge of big parts of your  
20 operation has a direct line and a different person barking orders at them.

MR FEUTRILL: I see. If I could take you back to your statement. There are a number of responses to some of the topics that I would like you to explain. Reading them together, there seems to be possibly some inconsistency, which I would like  
25 you to clarify. If I could take you first on page 8, topic 9. It may be that you have already in part answered my question on this. You said you were responsible for the governance, strategic direction and management of Burswood Ltd. But from the descriptions you have given of the way in which governance and strategic direction and management take place, it appears to be taking place at a higher level of Crown  
30 Resorts. Is it --- are you saying that "I feel responsible for that but in practice I'm not" ---

MS FEWSTER: I feel I should be responsible for that and I feel that to manage Crown Perth, the Burswood Ltd board, or whatever the entity is called at the end of  
35 the day should be responsible for the governance, strategic direction of management and should be responsible for what happens in Perth. And there is just no way, if you look at the circumstances at the moment, of how the board is structured, how the board operates, how it is equipped, that we are fulfilling the role that I honestly believe is what is needed, and is in my view the way it should be structured.  
40

MR FEUTRILL: Okay. So then thank you for that answer. It does clarify what you said under 9. In 15, on page 10, I just need to ask you some questions to make sure I understand directly. I think I now understand the first sentence which is dealing with Burswood Ltd's governance of Burswood Nominees, and you said it doesn't  
45 influence or direct Burswood Ltd Nominees. I presume that is by reason of what you said earlier about the direction coming from Crown Resorts and the managers having direct lines of reporting to the executives of Crown Resorts.

MS FEWSTER: Correct. And they are all in the business from the Executive Chairman down, on a daily basis. So in terms of being directed, monitored and things happening, yeah, it happens ---

5

MR FEUTRILL: Is it a higher level?

MS FEWSTER: --- at a higher level and at a faster pace than Burswood Ltd board meets.

10

MR FEUTRILL: I see. And that effectively is summarising the last paragraph dealing with the fact that Burswood Ltd receives reports on governance matters for noting.

15

MS FEWSTER: Yes, correct.

MR FEUTRILL: On page 12, topic 22, this is the one that I find mainly requires some clarification.

20

In the first sentence you have said that Burswood Ltd are responsible for the governance, strategy and oversight on commercial operations of the Perth Casino. In having regard to what you've already said, what does that mean?

25

MS FEWSTER: We should --- okay, we should be, I mean the Burswood Ltd --- we look after Crown Perth and all the entities under Crown Perth. The management of Crown Perth run the day-to-day. So I think what I'm trying to say there is the demarcation between the role of a board director versus an executive manager.

30

MR FEUTRILL: I see. So again this comes back to --- you are answering it from the perspective of a director of Burswood Ltd. You consider yourself responsible --

MS FEWSTER: Yes.

35

MR FEUTRILL: --- even though as a matter of practice it is not translating to the way the business is run?

MS FEWSTER: That's right.

40

MR FEUTRILL: And is that also true for the next paragraph which talks about the accountability of Mr Bossi? In light of what you said, and in light of Mr Bossi's direct reporting arrangements, in what manner is he accountable to the board of Burswood Ltd?

45

MS FEWSTER: Well, he should be accountable. He reports the CEO report and the operations of Crown Perth, and as the CEO you should be responsible to the Board that sets strategy, looks after governance of that operation.

MR FEUTRILL: Again you are using the word "should" again, is that aspirational rather than ---

5 MS FEWSTER: It is aspirational, absolutely. In my view I'm describing to you how I see the demarcation between the board and executive management, and the CEO leading that executive management team.

MR FEUTRILL: All right, but to be clear about the current arrangement ---

10

MS FEWSTER: The current arrangement does not work like that. Mr Bossi does, for all practical reasons, report in terms of turn up to a board meeting and deliver his CEO report, to the Burswood Ltd board meetings. But in terms of day-to-day activity or weekly activity or instructions or decisions made for him, that is from his direct manager who is the CEO of Crown Resorts Ltd.

15

MR FEUTRILL: Yes. So he is not in effect accountable to the Burswood Ltd board in that he wasn't appointed by the Burswood Ltd board, there is no contract which you are aware, there's no KPIs to which you are aware, there's no way even for you to keep track of what he's doing ---

20

MS FEWSTER: Correct.

MR FEUTRILL: --- against what the expectations are?

25

MS FEWSTER: Correct.

MR FEUTRILL: Again, this is mainly for clarification purposes, we will move to a different topic.

30

You might recall earlier today I asked you some questions about vulnerability and risks specifically to casinos. I want to now ask you some questions about risk generally. You have been directed to some topics about mismanagement of the three entities we've discussed, Burswood Nominees, Burswood Ltd and Burswood Resort (Management), which for the purposes of these questions that I'm going to pose are what I'm talking about when I say Crown Perth. You've described in answers under each of those, topic 11 on page 9, topic 18 on page 11, and here I think there needs to be another correction put into your evidence. The heading is "The risk management system applicable to Burswood Limited. In the second paragraph under that heading, you make reference to Burswood Ltd Nominees. Is that intended to be a reference there to Burswood Ltd?

35

40

MS FEWSTER: Sorry, I will just have a read.

45

MS FEWSTER: Yes, I would say so because my answers on all the Burswood companies are the same. Apologies for that.

MR FEUTRILL: Typographical errors happen. I just wanted to ensure that was

what was intended. So we should strike through "Nominees" and replace with "Limited"?

5 MS FEWSTER: Yes, please.

MR FEUTRILL: Under topic 23 on page 12, again it is a description of the risk management systems and in essence your answer to all of them is the same, which is it is a centralised function. You may have already answered the questions I'm about to ask you in the general sense already. I think there is a risk executive that reports to the CEO of Crown Resorts?

MS FEWSTER: Correct.

15 MR FEUTRILL: And the risk management framework forms part of --- the systems and framework are determined by the Crown Resorts Board?

MS FEWSTER: Correct. And the risk subcommittee.

20 MR FEUTRILL: And the Risk Management Committee, yes.

Burswood Ltd does not have its own separate Risk Management Committee?

MS FEWSTER: Not that I'm aware of.

25 MR FEUTRILL: And it doesn't have its own separate Audit Committee either?

MS FEWSTER: Not that I'm aware of.

30 MR FEUTRILL: You have referred in your statement in each of these answers to Crown Resorts Ltd's limited risk compliance culture framework, it was a relatively recent document.

MS FEWSTER: Correct.

35 MR FEUTRILL: Are you familiar with any other Crown Resorts risk management documents or policies?

MS FEWSTER: Not that I can recall right now. In saying so, there has been a lot of documents and updated and new people come on board, and a new document comes out and a new process is underway. Not that I can recall right now.

MR FEUTRILL: My expectation would be like what you said earlier, if you receive it, it would be for noting in potentially one of the board packs you've received? I will put some names to documents. If you are unaware of them, you are unaware of them. Are you aware of a risk management strategy?

MS FEWSTER: There has been papers in the last board meeting. I can't recall off



the top of my head.

MR FEUTRILL: What about a risk management policy document?

5

MS FEWSTER: I think there has been a policy document attached to either the April or June board pack.

MR FEUTRILL: And are you aware of the existence of any risk registers?

10

MS FEWSTER: We have material that is being reported to the board.

MR FEUTRILL: I beg your pardon?

15

MS FEWSTER: We have material that is being reported to the board, so in terms of other risk registers, not that I can recall or point you to.

MR FEUTRILL: So in terms of your --- I'm just talking at the level of your understanding, I'm asking you to review documents and this is what you can tell me now: do you have an understanding of the way in which risk is managed by Crown Perth?

20

MS FEWSTER: Well, the framework for risk has been updated. And that has been, I think, in the April board pack there is a paper that have looked at the changes that have been made. I can't exactly recall all of them right now. It is in there. The risk executive position has been raised out under a different executive position; it is now part of the executive leadership team reporting to Mr McCann. There has been audit, the audit and risk function has been separated internally. So, yes, there have been a lot of changes made to that and controls. I can't tell you the exact detail of it.

30

MR FEUTRILL: The answer you are giving there, you are referring to what is happening at the Crown Resorts Ltd level in terms of separation of function and renewal of the risk management process. My question really is directed as to whether you have an understanding of the way in which risk is specifically being managed at Crown Perth.

35

MS FEWSTER: No.

MR FEUTRILL: I guess I probably know what the answer will be to this question, but have you attended any risk management sessions where there are directors of Burswood Ltd and the executives of Burswood Ltd where they have a workshop, possibly with a third party facilitator to deal with risk and strategy?

40

MS FEWSTER: No.

45

MR FEUTRILL: And is it your expectation that if Burswood Ltd was being run, as you would have it run, that sessions of that nature would take place?

MS FEWSTER: Absolutely. My expectation would be there is a complete overhaul of the induction of board members. I don't know if there is an induction program at the Crown Resorts level, but in terms of what I went through, it needs to have an  
5 entire overhaul where people are actually properly inducted into the company that they are looking after, and the business of that company, and the different products associated with that company. And when I say products: casino, hotels, hospitality, theatre, convention. I think it is important and a responsibility of the people appointing the executive director to make sure that person is well versed in the  
10 business they are coming into. Yes, you can go find it out yourself, that has its own flaws. It would be good if there is an induction program and I think another thing for a business that is so regulated and the high risk nature of a casino is there should be an annual recertification of understanding where the business is at, especially if you look at risk, if you look at AML/CTF, which I was a complete novice when I started,  
15 and probably still a novice, but I know much better now than I did, those things as they do in the AFL world, where I have been, have an annual certification. So it assists in people keeping up to speed with what is happening. I mean, in terms --- we talked about AML earlier; that changes over time. People find loopholes, people find ways to do things differently, and unless you are updated regularly and keep  
20 educated on those matters, which you might not deal with in your normal life, it is not really optimal for being the people sitting across having to manage the operation.

MR FEUTRILL: Understand. So you mention there AML, are you aware of any  
25 specific risk registers associated with the money laundering and counterterrorism risk?

MS FEWSTER: No.

MR FEUTRILL: Is it fair to say that Burswood Ltd's management of risk at Crown  
30 Perth is left in the hands of the management of Crown Perth and the board of Crown Resorts?

MS FEWSTER: Absolutely. As a result of how the structure operates.

MR FEUTRILL: Amongst the many topics in your letter, one of the topics concerns  
35 the Riverbank Investments. And in your statement I think you said you became aware of the 60 Minutes article after it aired in July 2019, not as a director of Burswood Ltd so much but in your role as CEO of the Seven West Media?

MS FEWSTER: That's correct.

MR FEUTRILL: It is fair to say you probably had a baptism of fire at this point.

MS FEWSTER: I've had a few baptisms of fire in this role!

MR FEUTRILL: Yes, well, I think the first Burswood Ltd meeting you attended was  
45 after that program had aired. Were you keeping track, and did you have an interest in other publications around that time, in particular by the Fairfax Media?

MS FEWSTER: I am a regular reader of the press. I can't tell you exactly which articles I might have read at the time.

5 MR FEUTRILL: No, I'm just asking as a level of generality, given you were starting on the Burswood Ltd, there had been the 60 Minutes matter which you were aware, there was a fair amount of interest by the media in the topic at the time, I expect you would have been educating yourself about that information.

10 MS FEWSTER: Yes.

MR FEUTRILL: Can you recall, at that time, reading or becoming familiar with an article that dealt with laundering of money through an account referred to as a Riverbank Investments account?

15

MS FEWSTER: No, I can't.

MR FEUTRILL: So the name Riverbank Investments doesn't mean much to you if you put yourself back in a position in July 2019?

20

MS FEWSTER: No, it doesn't.

MR FEUTRILL: Okay. I think you said when you joined the board you had a conversation with Mr Alexander and you were given some comfort about the response to the allegations that was met by a fairly strong public denial by Crown Resorts.

25

MS FEWSTER: Yes.

30 MR FEUTRILL: And were you not at all --- was there any lingering doubt in your mind or concern that there may be some truth to the allegations?

MS FEWSTER: I think there always is. By nature I'm a sceptical person, so it was concerning, but the publication that the entire Crown Resorts Ltd board put in major publications in Australia refuting those claims signed by all board members gave me a level of comfort. Gave me a great deal of comfort at the time.

35

MR FEUTRILL: Do you recall --- you were obviously given a briefing around this time by Mr Preston who had primary responsibility for AML/CTF at Crown Perth at that time. Did you raise with him at all --- do you recall whether you raised with him at all the nature of any allegations made concerning money laundering given they were in the public domain at the time?

40

MS FEWSTER: I can't recall that I did have that conversation with Mr Preston at the time.

45

MR FEUTRILL: All right. In your statement you've pointed out that in the board

pack of December 2019, it was reported to Burswood Ltd that the CBA of Riverbank Investments had been closed or was going to be closed. You obviously mentioned that in your statement. Did that have any meaning to you or do you recall reading it at the time and did it have any significance to you then?

MS FEWSTER: It had no significance to me then. Looking at it subsequently, yes, it doesn't jump out to me, I can't remember it was a discussion point in the board meeting of, was it August or December 2020.

MR FEUTRILL: 2019?

MS FEWSTER: 2019, sorry. Unfortunately I can't put any light on the Riverbank investment account.

MR FEUTRILL: Do you recall having any reaction at all to an indication that an account was being closed by a bank?

MS FEWSTER: No, and even looking at it today, I don't know that that one line at that time of my tenure would have grabbed my attention. I probably would have thought it was a compliance matter that they need to report it. So, yes, unfortunately, I can't give you any other answer to that.

MR FEUTRILL: If the CBA bank had given an indication to the management of Crown Perth that the reason they were closing it was in connection with concerns about possible money laundering, is that something you expect would have been raised with you as a member of the present board?

MS FEWSTER: Absolutely, and I would have expected that as part of the board report there would have been an extra step or --- to that effect.

MR FEUTRILL: When the Bergin Inquiry was taking place, were you following that closely at the time?

MS FEWSTER: Not closely, not online. I did daily try and catch up on the media articles written on it.

MR FEUTRILL: Did you become aware of the examination of Mr Preston around the Riverbank Investments accounts around the middle of last year?

MS FEWSTER: I did --- I don't know if it was in the middle of last year, but it was through the Bergin Report that I did become aware of the Riverbank investment.

MR FEUTRILL: And the closure in 2014 by ANZ and then closure by CBA in 2019?

Were those matters, having been raised in the context of the publicity of the Bergin Inquiry, were they then brought to the attention of you on the Board of Burswood Ltd

in the middle of last year?

5 MS FEWSTER: I think those matters are lots of matters you would read labelled or has the word "historical" in it. It most definitely was not raised as an issue. I asked Mr Bossi about it. From my correct recollection on the conversation I had with Mr Bossi, which was a face-to-face conversation, he was also unaware of the Riverbank investment Ltd account. The treasury function sits at the parent company. I have not been in meetings where those matters have been discussed.

10 MR FEUTRILL: Did you become aware at all in the middle of last year that Mr Preston and Mr Stokes had written to AUSTRAC relating to some historical activity on the Riverbank accounts?

15 MS FEWSTER: I know there are reports, and I think if you look at those, and from memory it is written to AUSTRAC that they were reviewing it and we haven't heard back. It is now an ongoing point where there is obviously reviews --- there is a look-back review being done, however, there is no final report that I know of that has come out.

20 MR FEUTRILL: Were you made aware at Burswood Ltd meetings by Mr Preston or anyone else about the nature of what, under his supervision, he had uncovered about the way in which there had been a lack of reporting on certain transactions on the Riverbank Investments accounts?

25 MS FEWSTER: I can't remember any conversation with Mr Preston in relation to the Riverbank account.

30 MR FEUTRILL: Did he raise it at all during any of the meetings of Burswood Ltd?

MS FEWSTER: I can't remember any conversation where the issue was raised.

35 MR FEUTRILL: When you say you can't remember, are you saying you positively can't remember it didn't happen, or you are unsure whether it may or may not ---

MS FEWSTER: I just don't believe it happened.

40 MR FEUTRILL: Let's be clear. "Don't believe" is different to a concrete understanding it didn't take place.

MS FEWSTER: I have no recollection that there was a conversation at a Burswood Ltd board meeting about the nature or concerns in the Riverbank investment account.

45 MR FEUTRILL: Now, is it your expectation that if some unusual activity on the Riverbank investment account had been uncovered, even historically or subsequently, that it would have been --- should have been reported to the Burswood Ltd board?

12:35PM

MS FEWSTER: I believe it should be reported to the Burswood Ltd board.

5 MR FEUTRILL: Do you consider that as a director of Burswood Ltd you owed a duty to that company to consider and investigate the veracity of the allegations made during 2019, independently from the board of Crown Resorts?

10 MS FEWSTER: My answer is yes. The Bergin Report only came out in (inaudible) in February 2021. Obviously it raised quite a lot of concern with me, and I think my actions speak to that at the end of 2020 and through 2021.

15 MR FEUTRILL: Taking the position as it stands today, where we have the benefit of the Bergin Report, do you consider that Burswood Ltd itself has a responsibility to ensure that undertaking a proper review of Perth Casino operations to ascertain the full extent of any historical money laundering that may have taken place?

MS FEWSTER: Yes.

20 MR FEUTRILL: As part of that review, would you expect that any individuals who are responsible for failings in that process to be identified?

MS FEWSTER: Yes.

25 MR FEUTRILL: And would you expect there to be disciplinary action taken against them if they were at fault?

MS FEWSTER: Yes.

30 MR FEUTRILL: You mentioned in your statement again a short time ago that you had a conversation with Mr Bossi about the Riverbank accounts. If I could take you to your statement at page 20. I think it is page 20. I may have that reference incorrect. It starts on topic 39, page 19, and over the page you describe a little of what we've been dealing with. And in your second major paragraph you say "shortly after" and make reference to a conversation with Mr Bossi.

35

MS FEWSTER: Sorry, where are we?

MR FEUTRILL: We are in your statement at FEW.0001.0001.0020.

40 MS FEWSTER: Yes.

MR FEUTRILL: At the bottom of page 19 is where the topic is, and we start at page 20 in the second major paragraph. You make reference to a conversation with Mr Bossi, and you say that (inaudible).

45

I would like you to be as specific as you can about that conversation and what you said to him, when the conversation took place, and precisely what words you said in response.

MS FEWSTER: So the conversation took place at TWR, which is a bar at Crown Towers after the Bergin Report was released where I said to Mr Bossi "I'm surprised, do you know anything about this Riverbank account because I think Ms Manos made a statement of" what she expected to be on and she was going through bank statements, whatever ---

MR FEUTRILL: Sorry?

MS FEWSTER: Ms Manos made a statement in the Bergin Inquiry, something along the lines of were people expecting her to be on her knees going through bank statements to see what is happening in the account. I said, "Do we know what is happening with that?" And Mr Bossi was very clear to me that he does not have access or manage or see any of the bank accounts. That is part of the finance function. That is a centralised function, it has no board representation in Perth. Also that the bank account was closed in 2019, and that obviously was used as part of the VIP program, which is a program everybody has been very clear with me on is completely run, managed and conducted out of Crown Melbourne.

MR FEUTRILL: When you say "VIP program", so I understand what you are talking about, this is the Very Important Person program for international visitors, essentially?

MS FEWSTER: Correct.

MR FEUTRILL: And is it your understanding that the Riverbank Investments account was operated in connection with the VIP program?

MS FEWSTER: Correct.

MR FEUTRILL: Did you ask Mr Bossi any questions about who did have authority to operate Riverbank Investments account in Crown Perth?

MS FEWSTER: Not in Crown Perth. I didn't ask the specific person in Crown Perth, but we did discuss the responsibilities with the CFO.

MR FEUTRILL: Who was that at the material time, do you know?

MS FEWSTER: At the material time it would have been Mr Barton, I believe. I could be corrected but I believe at that time it was Mr Barton.

MR FEUTRILL: Again, I just want to be as clear as you can be about what Mr Bossi said to you about his knowledge of the Riverbank account?

MS FEWSTER: I remember him having a shock on his face going, "I didn't know about the Riverbank account either". So I got no --- I didn't feel I got resistance from Mr Bossi on it, or he was trying to talk a (inaudible). He seemed to have been as

surprised as I was.

5 MR FEUTRILL: I ask you to turn to a different topic. Some of the topics we have referred you to I have mentioned a little earlier harm minimisation of casino operations. And I think you have said you've described the centralised function for Responsible Gambling framework essentially of Crown Resorts.

10 Having regard to the evidence you have already given, (inaudible) --- can you go to your statement at page 23 and look at topic 51. You may recall there were a series of topics, and they start at 45 and end over the page at 57. They are primarily directed to your knowledge as it related to Burswood Nominees and its involvement with problem gambling and electronic gaming machines.

15 It may be that the topics were directed to Burswood Nominees and not Burswood Ltd. I'm interested in what the answer to, or what your expression, explanation would be for 51 if you were referring there to Burswood Ltd.

20 MS FEWSTER: I think if it was Burswood Ltd my answer would be the oversight is as much as the update from Mr Bossi on the financial performance of the electronic gaming machine business.

25 MR FEUTRILL: So there were occasions, were there not, where reports came to the Burswood Ltd meeting from the CEO that explained developments that were taking place at Perth Casino in terms of additional games that were to be played?

MS FEWSTER: Yes.

30 MR FEUTRILL: And do you recall in one period there was a change in speed of the games ---

MS FEWSTER: Spin rate, yes.

35 MR FEUTRILL: --- from five seconds to three. And he was reporting to the board of what had been the outcome of applications to the Gaming and Wagering Commission and what that meant, what the implications were financially for Burswood Ltd, for Crown Perth.

40 MS FEWSTER: I can't remember that there has been a report on what the financial implications of it was, I do remember new games being purchased. I do remember the five to three and now 3.5-second spin rate, and that the GWC approved that, and that the trial with that started. I'm not exactly sure I can recall the financial impact of that.

45 MR FEUTRILL: It wasn't really the focus on my question. It was more about whether the reports were being received from the management of Crown Perth as regarding new games and (inaudible) what they would do if they were --- is it the case, in answer to the same question if you were Burswood Ltd, it was not exercising



oversight as to the structure and operation of the EGM business at the Perth Casino?  
It's another example where it has already been decided and done?

5 MS FEWSTER: Yes, it was --- there was no collaboration meeting or strategy session where we decided one of the strategies would be to do that. It is pretty much a fait accompli it is happening.

10 MR FEUTRILL: Stepping into the Western Australian context for a moment and looking at the harm minimisation to the public of WA, in your mind, was any consideration given to the possible impacts from harm from gaming associated with the introduction of new EGMs into the Perth Casino?

15 MS FEWSTER: Not that I can recall, no.

MR FEUTRILL: Is it something about which you are now aware and would consider to be something Burswood Ltd should take into account?

20 MS FEWSTER: I think that it is very important because there needs to be a great balance between providing that in what it does to people, and the Responsible Gaming program is extremely important as a mitigating factor and assisting people that have a problem.

25 MR FEUTRILL: Yes. Really what I'm focusing on here is cause and effect. So if you take, for example, the Responsible Gambling program --

MS FEWSTER: Yes.

30 MR FEUTRILL: --- that is a remediation, it is after someone has already got a problem or may have a problem. So you are looking at how you manage people who effectively are unable, for whatever reason, to control their gambling habits. But there is a cause and effect aspect to that in terms of the type of games that are offered at a casino. In other words, the more addictive the game is, the more likely it is that a person will develop an addiction. Would you accept that as a proposition?

35 MS FEWSTER: Yes.

40 MR FEUTRILL: So in terms of the design of games and introduction of new games to Perth Casino, is it your view that Burswood Ltd has a role to play in minimising the harm caused by the introduction of new games?

MS FEWSTER: Absolutely.

45 MR FEUTRILL: Is it your view that that decision is to be made and a balance struck between the financial implications of that and the public harm aspects?

MS FEWSTER: Yes.

MR FEUTRILL: In your view, who should be setting the risk appetite, if I can use that expression, for that kind of balancing act?

5 MS FEWSTER: Well, in my world it would be the Burswood Ltd board.

MR FEUTRILL: It would be Burswood Ltd for the reasons you have already said, that it ought to be ---

10 MS FEWSTER: It is a licence issue. It is the community we look after in WA. It is the responsibility of the WA company to run this in the best interests of the people of WA.

15 MR FEUTRILL: Okay. On that topic, in your statement you have made reference on page 7 under topic 7, to having received certain documents at the time of your appointment. Some of the documents you refer to there are attached to your statement. I would like to take you to PUB.0026.0002.0001. This is the constitution of Burswood Ltd. I just ask --- you should have been given notice of this document before today, but if you can familiarise yourself with it and confirm it is the  
20 document you are referring to in (ii) of that part of your statement?

MS FEWSTER: Yes, I'm happy that I have a copy of the Constitution.

25 MR FEUTRILL: Now, can I draw your attention to article 3.12 of that document, which is on page ---

MS FEWSTER: It is there.

30 MR FEUTRILL: One step ahead of me. Thank you. I won't ask you to interpret the article, but I will ask you some questions about your current understanding of the position of Burswood Ltd.

I think you said Mr Bossi, the CEO of Perth Casino reports to Mr McCann of Crown Resorts and otherwise to the Crown Resorts Ltd Board.  
35

MS FEWSTER: Correct.

MR FEUTRILL: Risk appetite is centralised by Crown Resorts?

40 MS FEWSTER: Correct.

MR FEUTRILL: The AML/CTF policy is centralised and determined by Crown Resorts?

45 MS FEWSTER: Yes.

MR FEUTRILL: Responsible Gambling policy is centralised and determined by Crown Resorts?

MS FEWSTER: Yes.

5 MR FEUTRILL: Would it be fair to say, you can disagree with this proposition if you wish, that the central management and control of Crown Resorts Ltd is not located in WA?

MS FEWSTER: Correct.

10 MR FEUTRILL: Sorry, I will rephrase that, Burswood Ltd is not located in WA?

MS FEWSTER: Correct.

15 MR FEUTRILL: Can I also draw your attention to another article which is article 3.20. To your knowledge, has a member of the GWC, you will know who I'm referring to, the Gaming and Wagering Commission of WA, attended any meeting of directors of Burswood Ltd?

MS FEWSTER: No.

20

MR FEUTRILL: To your knowledge, are you aware of any member of the GWC having received notice of a directors' meeting?

MS FEWSTER: No.

25

30 MR FEUTRILL: In your statement on page 14 you might recall there was a topic concerning the agreement between Crown Melbourne and the Victorian Commission for Liquor and Gambling Regulation and for particular clauses of that. I think you said that you were not aware of that provision and you became aware of it more recently. I just want you to cast your mind back as to whether at any time during the period that you have been a director of Burswood Ltd you became aware of or had knowledge of that agreement and those clauses before the Victorian Royal Commission commenced?

35 MS FEWSTER: No, I didn't.

40 MR FEUTRILL: If I could ask you to turn to topic 63, which is on page 27 of your statement, and you've in response to a topic dealing with personal relationships between employees and officers of the Crown Group and the GWC, you've made reference to becoming aware through media publications of a relationship between Mr Connolly, who was the Chief Casino Officer and Mr Paul Hulme and Mr Claude Marais. Do you know of or have you met Mr Hulme and Mr Marais and understand what their roles are in the Crown Perth management structure.

45 MS FEWSTER: Yeah, I've met once. I have met Mr Marais a couple --- three or four times.

MR FEUTRILL: And to the best of your knowledge do they remain employees of what you call Crown Perth?

5 MS FEWSTER: I don't know if Mr Hulme is still a member of Crown Perth. Mr Marais definitely is.

MR FEUTRILL: Now, at the Burswood Ltd meeting in April or in June, was this --- was the nature of any relationships between employees of Crown Perth (inaudible) I  
10 will use that as the entity, and the GWC, discussed?

MS FEWSTER: Sorry, Mr Feutrill, can you just ask me the start of the question. What period?

15 MR FEUTRILL: In either of the meetings you've attended this year, April or June, was there any discussion around the media --- what have been raised in the media concerning the relationship between Mr Connolly and those two other people?

MS FEWSTER: No.

20

MR FEUTRILL: Is it of interest or concern to you as a director of Burswood Ltd to understand the nature of any relationships that might exist between employees of Crown Perth and the regulator, GWC?

25 MS FEWSTER: That is of interest. I did raise --- I think I said in here, actually, when I read the article, I have raised this with Mr Bossi at the time that the article came out. Mr Bossi confirmed to me that the Director-General, Mr Ord, at the time was fully aware of the relationship, it was a fully declared relationship and that there was no concern about it.

30

MR FEUTRILL: Was that enough to satisfy your inquiry?

MS FEWSTER: I think subsequent matters to people being removed has clearly shown that there could have been a perceived conflict of interest.

35

MR FEUTRILL: One of the documents you were provided I think when you joined the board was a Crown Resorts Ltd Code of Conduct for directors. Are you aware of the existence of any Code of Conduct that applies to employees and managers?

40 MS FEWSTER: Am I aware of the policy?

MR FEUTRILL: Yes.

MS FEWSTER: Yes, I am.

45

MR FEUTRILL: Is there --- given the public nature of the information, is it your view that there ought to be an internal investigation or inquiry into the nature of any relationship between Mr Connolly and those individuals?

01:01PM

A. Yes, if --- yes.

5 MR FEUTRILL: So what, if any, steps have been taken by you to put that into effect?

10 MS FEWSTER: I have not taken any steps to put that into effect. I discussed it with Mr Bossi, satisfied myself that the relationship was declared prior, or that these people were working together, and that all parties were comfortable with that.

MR FEUTRILL: Is this a convenient time?

COMMISSIONER OWEN: Yes, it is.

15 Ms Fewster, we will resume at 2 pm.

**ADJOURNED** **[1.02PM]**

20 **RESUMED** **[2.00PM]**

25 COMMISSIONER OWEN: Thank you, Ms Fewster.

MR FEUTRILL: May it please the Commissioner, I don't have any further questions.

30 COMMISSIONER OWEN: Thank you. Does anyone wish to cross-examine?

MR DHARMANANDA: I applied for leave to cross-examine.

COMMISSIONER OWEN: Mr Dharmananda?

35 **CROSS-EXAMINATION BY MR DHARMANANDA**

40 MR DHARMANANDA: Thank you.

Ms Fewster, you expressed in your witness statement your desire to serve on the board of Burswood Ltd; do you recall that, paragraph 2?

45 MS FEWSTER: Yes, Mr Dharmananda, I do.

MR DHARMANANDA: And you expressed that interest because you saw the Crown Perth complex as an iconic part of the fabric of WA?

02:00PM

MS FEWSTER: Yes.

COMMISSIONER OWEN: Sorry, Mr Dharmananda, I think I overlooked this.  
5 Perhaps you could just remind Ms Fewster for whom you are acting or for whom you represent.

MR DHARMANANDA: I think Ms Fewster knows, but I will. You do know, Ms  
10 Fewster?

MS FEWSTER: You do act for Crown.

MR DHARMANANDA: Yes.

15 COMMISSIONER OWEN: And if each counsel could do that as they come to the floor.

MR DHARMANANDA: Ms Fewster, you mention in your statement that you also  
20 see the Crown Perth as an important employer in the state of WA?

MS FEWSTER: Absolutely.

MR DHARMANANDA: And to your knowledge, Crown Perth does charitable  
25 works in the community in WA?

MS FEWSTER: Yes, it does.

MR DHARMANANDA: And you are aware that earlier this year, Mr Bossi made  
30 available accommodation at the Crown Resorts hotels in Perth for family and staff affected by the bushfire in WA?

MS FEWSTER: Yes, I do.

MR DHARMANANDA: In answer to Commissioner Owen's questions, you said  
35 that the position with respect to board packs had deteriorated since --- as time advanced. Do you recall that?

MS FEWSTER: Yes, I do.

40 MR DHARMANANDA: Was that a comment about the timeline for delivery and failures in form, such as there were no matters arising section in the board pack?

MS FEWSTER: I think, Mr Dharmananda, my expectation of board packs when a  
45 company goes through a crisis period, and I would call the current period a crisis period, is that the information in there is very clear to what is expected of the board and very clearly reported to the board.

Since the Bergin Report and since the inquiry at the end of 2020, and now into 2021,

I do not believe that that has been sufficiently addressed. And although Crown Resorts Ltd have centralised and beefed up the centralised functions, I walk --- my April board meeting I walked into, and I didn't know who the people are. They don't address themselves to who they are in the company. I've not met these people.

The board papers don't have who is representing the board paper, who's put it in, what is their position. Is the board paper there for noting, are we needing to make a decision. So yeah, I think I've made myself pretty clear on my expectation of a board pack, and I think when a company goes through a period of crisis, and they all do, there needs to be a heightened level of reporting and communication.

MR DHARMANANDA: Okay, you mentioned the April meeting. At that meeting, you received presentations from Mr Blackburn?

MS FEWSTER: Correct.

MR DHARMANANDA: Ms Siegers?

MS FEWSTER: Correct.

MR DHARMANANDA: And Mr Salomone?

MS FEWSTER: Correct.

MR DHARMANANDA: And there were also available at that meeting, Ms Fielding?

MS FEWSTER: Sorry, Mr Dharmananda, just remind me who Ms Fielding is, again?

MR DHARMANANDA: The Group Executive General Manager, Regulatory and Compliance.

Perhaps I'll take you to CRW.701.004.0370.

You will see there that's the cover page in respect of the pack for 16 April 2021, and there are certain people that are attending by invitation.

MS FEWSTER: Correct.

MR DHARMANANDA: And so you've confirmed that certain of those gave presentations and others were there attending and available should any matter within their portfolio be raised?

MS FEWSTER: Correct.

MR DHARMANANDA: Thank you. Ms Fewster, would it be fair to say that your

"complaints", to borrow a word that Commissioner Owen used, about board packs and the process, directed to improving Crown Perth and the way Burswood Ltd operates at the board level?

5

MS FEWSTER: Sorry, just repeat that. Would it be fair to say ---

MR DHARMANANDA: Would it be fair to say that your complaints ---

10

MS FEWSTER: Yes.

MR DHARMANANDA: --- are directed to improving Crown Perth ---

MS FEWSTER: Absolutely.

15

MR DHARMANANDA: --- and the way Burswood Ltd operates at the board level?

MS FEWSTER: Correct.

20

MR DHARMANANDA: And in that regard, you would be seen as a fiercely independent director?

MS FEWSTER: I believe so.

25

MR DHARMANANDA: And you, having met Ms Coonan, expressed support for her in the task that she faced in respect of Crown?

MS FEWSTER: Absolutely.

30

MR DHARMANANDA: And do you recall communicating with her in or around March 2021 expressing the view that you felt very confident about the road ahead and "look forward in supporting you with whatever you need from me"?

MS FEWSTER: Absolutely.

35

MR DHARMANANDA: And it was that context, that you felt that Ms Coonan acknowledged the matters you raised and gave you assurances about improvements.

MS FEWSTER: Correct.

40

MR DHARMANANDA: You mentioned in the course of your evidence when questioned by Mr Feutrill about certain attention, or lack thereof, with respect to risk at the level of Burswood Ltd?

45

MS FEWSTER: Yes.

MR DHARMANANDA: If I could take you please, just to perhaps assist your memory, to a Burswood Ltd board meeting pack, the first one from August 2019, and



02:07PM

that is CRW.703.001.2702.

5 That is the 8 August 2019 board pack. And that is your first meeting, isn't it, Ms Fewster?

MS FEWSTER: That's correct.

10 MR DHARMANANDA: And if you go, please, within that document to 2808, you see there is a reference there to the material risk update, and then some statements about risk profile?

MS FEWSTER: Yes.

15 MR DHARMANANDA: And thereafter there is, at page 2810, a risk appetite dashboard with tolerances?

MS FEWSTER: Correct.

20 MR DHARMANANDA: And then over the page --- not over the page, but at 2812, there is a corporate risk map. And this was at the level of Burswood Ltd.

MS FEWSTER: That's correct.

25 MR DHARMANANDA: And then in a similar way if we go, please, to a board pack for Burswood Ltd of August 2020, which is CRW.703.001.3302.

30 You can see there, that is the board pack for 13 August 2020 at 9.00 am, and you are listed as one of the attendees; do you see that?

MS FEWSTER: I do.

35 MR DHARMANANDA: And if we go, please, within that document to 3419, and there is again the standard item of material risk update in item 2. We will go through that in a short while.

But if I could ask the operator, please, to go back to 33 --- sorry, I beg your pardon, the stamp was at the wrong point, I can't read the number --- 3416.

40 You will see there a reference to the committee papers for the Executive Risk and Compliance Committee; do you see that?

MS FEWSTER: I do.

45 MR DHARMANANDA: I think Mr Feutrill asked about some committees that were relevant to the Burswood Ltd board. Are you familiar with the Executive Risk and Compliance Committee?

MS FEWSTER: I am now, in terms of I had a presentation from Responsible Gambling that I requested, and I know in that document it is mentioned.

5 MR DHARMANANDA: Thank you.

MS FEWSTER: I'm not aware if it is a subcommittee of the board or if it is an executive committee.

10 MR DHARMANANDA: That's a committee that reports into Burswood Ltd as these meeting minutes demonstrate. It says at the top of the page, for example ---

MS FEWSTER: The committee papers ---

15 MR DHARMANANDA: --- yes, "for the Executive Risk and Compliance Committee were circulated on 6 August 2020 to consider", amongst the reports, various things ---

MS FEWSTER: Was that circulated to the Burswood Ltd board?

20

MR DHARMANANDA: That's what this appears to indicate. Do you recall the minutes?

MS FEWSTER: I don't recall the minutes, Mr Dharmananda.

25

MR DHARMANANDA: Okay, but you are aware of the existence of that committee and you use that committee to obtain information?

30 MS FEWSTER: I am aware that it says Executive Risk and Compliance Committee and they --- that committee puts in reporting to Burswood Ltd board. I'm not aware of the minutes circulated of that meeting.

35 MR DHARMANANDA: Thank you. If we then go to 3426, you will see at 2.5, the material risks table which identifies certain material risks using a code, and then the following pages attends to those in more detail. If we take, for example, 3427, there is then a description of breaches and follow-ons. So that is a part of the Burswood Ltd board materials.

40 MS FEWSTER: And I think I acknowledged, Mr Feutrill[sic], that reporting for noting do come up and material risks --- I think I specifically said material risks do get reported to the Burswood Ltd board.

45 MR DHARMANANDA: Thank you. With respect to Responsible Gaming, which you identified as a topic of importance within Crown Perth, was that your evidence, Ms Fewster?

MS FEWSTER: Yes, indeed.

MR DHARMANANDA: You are aware that there is a new centre to be constructed?

MS FEWSTER: I am.

5

MR DHARMANANDA: And approval for that new centre has been sought?

MS FEWSTER: I am.

10 MR DHARMANANDA: And you also refer in your evidence to a document that sets out the framework for the task of attending to Responsible Gaming?

MS FEWSTER: I am.

15 MR DHARMANANDA: If we go, please, to FEW.001.001.0194.

COMMISSIONER JENKINS: While that's coming up, could we just have paragraph 5, from whom approval was to be sought?

20 MR DHARMANANDA: It's from the Minister, Commissioner.

COMMISSIONER JENKINS: Is that your understanding, Ms Fewster?

25 MS FEWSTER: Yes, yes. I didn't know if it was GWC or the minister, but that sounds right, yes.

MR DHARMANANDA: You will see that this is a framework which then goes through and attends to how that framework was to be deployed in WA.

30 MS FEWSTER: Yes.

MR DHARMANANDA: Is that correct?

MS FEWSTER: Correct.

35

MR DHARMANANDA: So it is a framework that --- it is created by those working at Crown Resorts but then it is applied for the purposes of WA ; is that correct?

MS FEWSTER: Sounds correct.

40

MR DHARMANANDA: Sorry, I couldn't hear you.

MS FEWSTER: Yeah no, that's correct.

45 MR DHARMANANDA: Yes.

Thank you, no more questions, Commissioner.

COMMISSIONER OWEN: Thank you. Does anyone else seek leave?

MR EVANS: I do. I have a couple of questions, Commissioner.

5

COMMISSIONER OWEN: Yes.

**CROSS-EXAMINATION BY MR EVANS**

10

MR EVANS: Ms Fewster, my name is Paul Evans, I act for the Gaming and Wagering Commission.

15

MS FEWSTER: Hello, Mr Evans.

MR EVANS: Could I ask you a couple of questions? The first two, in a sense, put the observations you've made to Mr Feutrill, in response to a large number of questions, in what I call a conventional context of good corporate governance.

20

Perhaps I could have brought up, document PUB.0027.0001.0097, page 0105.

Ms Fewster, you are familiar with the --- what I call the general governance principles?

25

MS FEWSTER: I am.

MR EVANS: You are? Are you familiar enough to know they are in their fourth revision?

30

MS FEWSTER: I have to say I didn't know that ---

MR EVANS: Published by the Australian Institute of Company Directors ---

35

MS FEWSTER: --- I am now.

MR EVANS: --- and ASX? This is the ASX corporate governance council version. Can I take you to page 105?

40

These are the recommendations of the ASX Corporate Governance Council. As to the framework for board, now admittedly this is for a publicly-listed company, not an unlisted company but a publicly-listed company, one that has a considerable scope of operations and considerable responsibilities to a number of stakeholders. Perhaps if I just get you to read the bullet pointed items that are listed on that page, starting halfway down the left-hand and progressing to about two-thirds way down the right-hand side. This described corporate governance views as to the role of a board of listed entity in a chart to be embodied in a formal charter.

45

Now putting one side the question of disclosure to the public, I take it from your evidence to the Commission over the course of the morning that there is no such formal charter in Burswood Ltd which deals with any of those matters?

5

MS FEWSTER: Not that I'm aware of.

MR EVANS: And it is in fact not your experience that the board of Burswood Ltd actually deals with any of those matters in the way contemplated by those principles?

10

MS FEWSTER: I probably see most of them, Mr Evans. I probably agree with most, they do not deal with most of them.

MR EVANS: Yes, thank you. I don't need to press them any further. Can I deal with one other topic ---

15

COMMISSIONER OWEN: Mr Evans.

20 Ms Fewster, while that document is on the screen, because I will ask you some questions about it later, could you remember the second and third bullet points, setting strategic objectives and statement of values and code of conduct to underpin culture.

25 Can you bear those in mind that they are in there? I will ask you some questions later about it.

MS FEWSTER: Yes, sure, Commissioner.

30 MR EVANS: Ms Fewster, to deal with one issue in your statement. In paragraph 58 of your statement, you were asked to address the question whether, how and to what extent management casino operations was given guidance or direction about dealings with the department and the Gaming and Wagering Commission; do you recall that? And you indicated in your reply that you were not aware of any direction or guidance  
35 given at any time by the board and Mr Bossi was responsible for reporting on interactions with the department and the Commission in management reports.

MS FEWSTER: Yes.

40 MR EVANS: Were you aware, prior to its happening, of a briefing which was provided to Gaming and Wagering Commission in December 2020, specifically on 15 December 2020?

45 MS FEWSTER: I was aware that Mr Barton came over from, I think, Sydney, and was meeting with Mr Bossi and the GWC, and I was under the understanding the chairman, but I'm not sure if it was the chairman of Burswood Ltd or the chairman of Crown Resorts Ltd.

MR EVANS: So you were aware of the fact of the meeting. Were you provided with a presentation?

5 MS FEWSTER: No, I became aware of the fact of the meeting when I caught up with Mr Barton on 14 December. It came into conversation that he was off to have a meeting with Mr Bossi, the chairman, and the GWC. We didn't go into any facts. For me, it sounded like an introductory meeting. Mr Barton had just taken on the role of CEO as Mr Bossi's new boss.

10 MR EVANS: You weren't provided with an advanced copy of the PowerPoint presentation which was provided to the GWC for that meeting?

MS FEWSTER: No.

15 MR EVANS: Did you see it subsequently?

MS FEWSTER: I don't believe I have.

20 MR EVANS: Were you aware that, shortly prior to that meeting, Crown or some entity in Crown --- could be Crown Resorts Limited --- had received reports from McGrathNicol, an accounts firm --- Grant Thornton, an accounting firm, and Initialism, a specialist in money laundering, in relation to sample testing of the Southbank and Riverbank bank accounts for money laundering?

25 MS FEWSTER: I can't say I was aware of it before that meeting, Mr Evans. I am obviously subsequently aware of it because I have read in subsequent board packs. I don't believe at the time I would have been. And the reason why I say that is that I raised with Mr Bossi the Riverbank Investments Ltd account in February of this year.  
30 So if I was aware of it, I would have raised it earlier.

MR EVANS: Thank you. Were you aware that on 23 February 2021, Ms Coonan and Mr Bossi also briefed GWC in relation to developments in relation to the Crown Group generally and Crown Perth in particular?

35 MS FEWSTER: I can't say I was. And in the April board pack, maybe Mr Bossi has made a comment of updating the GWC, or maybe I've read it in the Remediation Plan, but I can't say at that time I was. And, as I said earlier in my testimony, there was a bit of a hiatus on meetings in December and April.

40 MR FEUTRILL: And you were not briefed outside the meeting by Mr Bossi or Ms Coonan?

MS FEWSTER: No.

45 MR EVANS: Thank you, Commissioners, no further questions.

COMMISSIONER OWEN: Are there any other counsel who would like to ask

questions?

5 I'm aware that there are some counsel who are tuning in from other places. I take it that the silence means there is no other applications for leave?

Commissioner Jenkins?

10 **QUESTIONS BY THE COMMISSIONERS**

COMMISSIONER JENKINS: I have a few questions. Thanks, Commissioner, Ms  
15 Fewster, and in no particular order, you said that it is your understanding that Burswood Resort (Management) Ltd employs most of the employees at Burswood casino.

MS FEWSTER: I don't actually know. I know there was an employee employed  
20 through that through a board pack, but I honestly don't know who employs most of the employees.

COMMISSIONER JENKINS: Do I gather from that --- if it was Burswood Resort  
25 (Management) Ltd you wouldn't know why that entity employed them as opposed to one of the other entities?

MS FEWSTER: No, I don't.

COMMISSIONER JENKINS: You said in your view there was a greater effort to  
30 manage money laundering risk at Perth Casino than when you first joined the Board?

MS FEWSTER: Yes, I think Mr Blackburn has been a great addition to the Crown  
Resorts team. He seems to come with a lot of knowledge and experience and has  
taken an active interest in sharing that knowledge and experience, and is putting,  
35 from what I can see, limited knowledge, a robust and clearly understandable plan in place.

COMMISSIONER JENKINS: So my question was focused to when you saw that  
40 change happening or improvement happening, because you said that after the 60 Minutes in July 2019, Mr Alexander essentially denied to you the truth of those allegations?

MS FEWSTER: (Inaudible).

COMMISSIONER JENKINS: So did you notice any activity or talk then about  
45 improving money laundering, anti-money laundering programs at the casino or did it occur later?

MS FEWSTER: The 60 Minutes allegation was around about mid-year, it was

somewhere in July, and I --- my first board meeting was in August, so my first board meeting, there was a paper for a reformed, combined AML program with a memo there saying we've had external people and I can't remember who it was, and which  
5 firm, Initialism, an AML expert. So, my first go, I was like, well obviously, you know, there is a heightened level of focus on this and there is now a joint AML program and some action. So at the time I thought this is a good thing to do.

COMMISSIONER JENKINS: So what I'm trying to understand is that it seems that  
10 there has been a change in the program and, in your view, an improvement to it, say more recently with Mr Blackburn. Did that start in August 2019 or was it a case in 2019 that Crown was sort of saying, well, we've got a program and everything is good?

MS FEWSTER: No, I think Crown did make some changes, probably a bit slowly in  
15 2019, and it seemed to have not got traction in 2020 and there can be various reasons, I guess, for that. But then come end of 2020, Ms Coonan, you know, we --- other than external advisors came in and a revised program was approved, and then came February/March 2021 and the employment of Mr Blackburn and now the  
20 resourcing of that area, there is most definitely now a much more targeted focus on it. But, you know, it will take time to implement and show results.

COMMISSIONER JENKINS: That was my next question. Do you have an opinion  
25 as to the maturity of the AML/CTF framework and program at the Perth Casino now in respect of its level of implementation?

MS FEWSTER: Mr Blackburn has actually done a bit of an assessment on the  
maturity level and has actually set out where he wants to get to with that program by, I think it is end of 2022 from memory. Do I know specifically where the maturity of  
30 Perth AML is, I can't honestly answer that. I can't give you an answer on that one, no.

COMMISSIONER JENKINS: And in relation to the issue of harm minimisation  
35 from casino gaming at the Perth Casino, do you think --- you've given evidence about what your understanding is of those issues. Do you think that the Burswood Ltd non-executive board member as it is now, yourself, should receive greater training and education in respect of the risk of harm from casino gaming at the Perth Casino?

MS FEWSTER: Absolutely. Absolutely. I think in any normal business with that  
40 being such a hot topic, you would have external people come and talk to the board, the senior management, people with different views from time to time. There would be an active program to ensure people understand all sides of that one.

COMMISSIONER JENKINS: Can I ask you the same question about the AML ---  
45 first of all, talk about it in terms of money laundering. Do you think that a non-executive board member of Burswood Ltd should receive induction and education and training about the risk of money laundering at the Perth Casino?



MS FEWSTER: Absolutely.

5 COMMISSIONER JENKINS: And should the non-executive board member also receive the same sort of induction, training and education about anti-money laundering programs?

10 MS FEWSTER: Absolutely. And I think if you don't work in the industry the whole time --- it's like management training; from time to time you need to do refreshers and you might know it and go, "Oh, yeah, I remember that", but it is good to get those refreshers and keep it top of mind.

15 COMMISSIONER JENKINS: In respect of the regulatory framework, can I ask you the same question. Do you feel and I put it in more active terms, did you think that you received sufficient induction in relation to the regulatory framework that applied to the Perth Casino?

20 MS FEWSTER: No. From where I sit now, and from what I know now, which is I think is the tip of the iceberg, but I don't think I received enough induction training at all. And the regulatory framework is a complex framework, and it does differ from state to state. So it is again something that should really be addressed at a local level.

25 COMMISSIONER JENKINS: Can I ask you whether you were given a copy of the Burswood Property Trust trust deed when you became ---

MS FEWSTER: No, I don't believe I was. No.

30 COMMISSIONER JENKINS: And was it explained to you when you became a board member of Burswood Ltd that Burswood Ltd was the holder, the sole holder of the units in the ---

MS FEWSTER: No.

35 COMMISSIONER JENKINS: --- Burswood Property Trust?

MS FEWSTER: No, I wasn't.

40 COMMISSIONER JENKINS: And were the rights and obligations of Burswood Ltd as the holder of the units in the trust explained to you?

MS FEWSTER: No.

45 COMMISSIONER JENKINS: You've made it clear in your evidence that in your view Burswood Ltd should have responsibility for the governance of Perth Casino. Can I ask you, why do you think Burswood Ltd should have that responsibility as opposed to say Burswood Nominees Ltd?

MS FEWSTER: Yes, and I don't particularly --- when I refer to Burswood Ltd, it is as good as me referring to Crown Perth. So whatever the entity there operating, and I know the casino licence is in Nominees so I think that goes for --- I think that is the  
5 confusion, and that creates the confusion for people, there are so many companies and (inaudible) somehow should have a body that manages Crown Perth and all of Crown Perth.

COMMISSIONER JENKINS: You've given some evidence to the response you  
10 received when you sent your memo and spoke to it, (inaudible) in 2021, I'm just interested in the response you received to that. Was it said to you by anybody, whether it be Ms Coonan or anyone else from Crown Resorts Ltd, that, "Look, you had it wrong, it wasn't actually Burswood Ltd's role to govern the Perth entities and that was done at the board level", and you didn't have to worry about those issues?

15 MS FEWSTER: No, not at all.

COMMISSIONER JENKINS: So it wasn't explained to you that as far as Crown  
20 was concerned, Burswood Ltd had no business to be governing?

MS FEWSTER: No. No. It was very much, I felt, at the time, it was taken on  
board. Ms Coonan definitely said words to the effect of those are really good points raised, it is when you are a non-executive director and you don't get a feel for the  
25 business, because I raised a lot of stuff that just --- you have to work in the business to know some of it unless it is explained differently. And I subsequently spoke to her on the same day in a telephone conversation, and in neither the board meeting or that conversation, or after that, has that been raised with me.

COMMISSIONER JENKINS: Thank you.

30 It may be in your statement, Ms Fewster, and I apologise if I'm asking you to repeat something you've already said, but do you know why the February 2021 Burswood Ltd board meeting was cancelled?

35 MS FEWSTER: It was cancelled by the direction of Mr Poynton who at the time was the Chairman. I didn't get an explanation as to why it was cancelled, no.

COMMISSIONER JENKINS: In respect of centralisation, I just want to ask you a  
40 few questions about that. Paragraph 31 of your statement, you talk about the international commission business, that is a business being centralised in Victoria, and the question I want to ask is, I am asking, is whether you believe that it is in the best interests of the Perth Casino for the organisation and management of that business to be centralised in Victoria.

45 MS FEWSTER: I think because it is such high risk to manage and your regulators, the owner of your licence is in the state, having all those functions centralised while the business is at a low level of maturity in most of those areas, and I give Crown the credit that in the last few months there is a lot of documents and frameworks and

plans underway, but at the end of the day it is still at a low level of maturity in those very important areas, unless the people on the ground are setting the tone, showing the leadership, and having Crown Perth and the operations of Crown Perth as their  
5 number one priority above everything else, it is going to be hard to make significant change in a short amount of time.

COMMISSIONER JENKINS: Again in relation to centralisation, you say you've been told by others in Crown Resorts and Crown Perth that Crown has briefed a  
10 consultant to advise in relation to a more centralised and streamlined reporting structure.

MS FEWSTER: Yes.

15 COMMISSIONER JENKINS: I just want to make sure I'm right in this respect: am I right in forming the opinion from what you've said that you've been told that Crown Resorts Ltd wants a more centralised and streamlined structure and is seeking advice as to how to achieve it, as opposed to seeking advice on what is the best reporting structure, whether it be a centralised one or a more diverse structure?  
20

MS FEWSTER: From the conversations I've had, which has been with Ms Coonan and Mr McCann, I got the idea, or I walked away from those conversations more understanding it will be a more centralised, streamlined function, and specifically when it came to me being unhappy about the board packs, the response came into,  
25 "Well, we are going to sort that out because there are so many board packs and different reports in a more streamlined function." I don't know that they will necessarily end up with having a separate board and having to do board packs for Burswood Ltd.

30 COMMISSIONER JENKINS: So in terms of centralisation, what do you understand by that: centralised at the Crown Resorts Ltd level or in Melbourne? What did you --  
-

MS FEWSTER: Yeah, I don't know that Melbourne or Sydney location-wise --- I don't think anybody thought anything was centralising to Perth, but --- I don't know which city, but I was more --- I think they already quite a way through to that where, you know, we do now have centralised executives and, yeah, the board structures are probably the ones that the external advisors are looking at how to have less onerous situation for management and the parent company board.  
40

COMMISSIONER JENKINS: I wanted to ask you about the reduction in the speed of play of electronic gaming machines. You say that Burswood Ltd board was not asked to approve the making of an application to the regulator for the reduction, for approval to reduce the speed of play.  
45

MS FEWSTER: Yes.

COMMISSIONER JENKINS: Do you know whether management sought board

approval at another level, say at CRL level, for approval to make that application to reduce the level, the speed of play?

5 MS FEWSTER: I don't know that. And I think the speed of play thing was already well on track when I started, from memory it was already on the way in the August board pack. But I don't know who ultimately gave the authority to make that application.

10 COMMISSIONER JENKINS: Would you consider that a matter that should go to a board?

MS FEWSTER: Absolutely.

15 COMMISSIONER JENKINS: So can I ask you about something that might have been more timely, a change that might have been more timely to your period, and that is the deploying of EFTPOS terminals at gaming tables at the Perth Casino. I might be wrong about this because I'm looking at the minute now, that I realise it is talking about the fact that it has occurred, had occurred by the time you came on  
20 board.

MS FEWSTER: It was on the cards. Cardless swipe. I think that is another one that was already underway when I started and it has occurred.

25 COMMISSIONER JENKINS: So I will leave that. Thank you, Ms Fewster. That concludes all the question I have to ask.

MS FEWSTER: Thanks, Commissioner.

30 COMMISSIONER OWEN: Ms Fewster, just on the AML program and the enhancements to the AML program, you said that Mr Blackburn has in mind an implementation process going through the rest of this year and through 2022. Would it be right in thinking that part of that implementation program would be the training of staff on the floor?

35 MS FEWSTER: Absolutely.

COMMISSIONER OWEN: Have you made any inquiries about the priority given to the question of training of people on the floor as part of the implementation process?

40 MS FEWSTER: No, I haven't. The first priority from Mr Blackburn's program that we've been discussing and working on is the resourcing of the program and (inaudible - coughing) number of extra resources has been added to the program. There is a calendar in his program but in terms of the exact training of the Perth staff,  
45 no, I haven't.

COMMISSIONER OWEN: I understood you to say that the Blackburn enhancement, if I can refer to it as that, is not the only one since you came on board,

that there were others?

5 MS FEWSTER: Yes, Responsible Gaming falls under Mr Blackburn as well, I think.

COMMISSIONER OWEN: But in terms of the AML/CTF program ---

10 MS FEWSTER: Oh, yes, so the AML --- so there were definitely changes and enhancements made, but the framework, the Part A, Part B framework that I put in the --- that was re-evaluated by --- dusted off and more enhancements to that done --- was done in about November 2020. And then of course the implementation is the right people. So Mr Blackburn was recruited and needed to pass probity, and he's now well underway putting the team together and adding more resources to be able  
15 to fulfil the function.

COMMISSIONER OWEN: Do you have any knowledge in the period 2020 through early 2021 of any increased levels of training of staff on the floor at the Perth Casino?  
20

MS FEWSTER: I don't know about increased level of training, no. There is definitely AML training and all staff, depending on where you are in the business, get certain modules of training, the same with Responsible Service of Gambling, but I don't know about increased training.  
25

COMMISSIONER OWEN: You mention in your witness statement that as part of your induction process as a director, was a briefing followed by a guided tour of the physical facilities?  
30

MS FEWSTER: Correct.

COMMISSIONER OWEN: Have you since then just taken a trip through the physical facilities to see for yourself areas that have come up that might affect the sort of things we're talking about?  
35

MS FEWSTER: I have most definitely spent a bit of time at the entire complex, including the gaming floor, table games and electronic games. More to familiarise myself with how it works and observe and to have an understanding of the patrons coming in, and I've done it at different times of day and weekends and weekdays. So  
40 yes, at the other facilities of Crown as well.

COMMISSIONER OWEN: Can I come back to the board packs and the board meetings. I think your evidence was that your preferred method of operation is to get the board packs early ---  
45

MS FEWSTER: (Nods head).

COMMISSIONER OWEN: --- to spend perhaps even a full day preparing, and to ask questions before the board meeting; that is correct?

MS FEWSTER: That is correct, yes.

5 COMMISSIONER OWEN: In the periods about which we've been speaking, so the second half of 2019 through 2020, and then I think I know the answer for 2021, were you able to do that and did you avail yourself of the opportunity to ask questions before the meetings?

10 MS FEWSTER: I hardly got the board packs in those years with any time to go. And I don't know if I put that in my statement, when I received it, and when I --- I definitely do ask Mr Bossi a lot of questions, either by telephone or by email. Some of them are just educational questions for me as a non-casino person. But, yeah, I don't think I enjoy asking the questions and trying to get to answers. So, yes, I have.

15 COMMISSIONER OWEN: Thank you. And now, remember when Mr Evans was asking you questions he put up the ASX governance principles.

MS FEWSTER: Yes.

20 COMMISSIONER OWEN: Accepting that they were for listed companies, you will recall, and I'm paraphrasing here, is that one of the responsibilities of the board is to set strategy, values and culture; do you remember that?

MS FEWSTER: I do.

25 COMMISSIONER OWEN: Is that something with which you agree?

MS FEWSTER: Yes, I do.

30 COMMISSIONER OWEN: Can you relate your experience at Burswood Ltd in relation to the board setting and then checking on any or all of strategy, values and culture?

35 MS FEWSTER: On strategy, no. I started in late of a year. Last year was an abnormal year and I think a lot of businesses probably didn't have what they normally do last year. And this year I have questioned at the April board meeting, and I've questioned Mr Bossi in terms of the KPIs for Crown Perth. We need to know what we need to achieve, so on that one my answer is no. In terms of culture, I think it is important, and in my experience, that you know where you start with the  
40 culture. I've questioned, there is now a culture survey run by Deloitte but the last culture survey was run in 2018. So it is hard to know where your baseline is, which we will hopefully know once the Deloitte survey culture project is complete.

45 Sorry, Commissioner, your third one was? Strategy ---

COMMISSIONER OWEN: Strategies, values and culture.

MS FEWSTER: The value program is for values at Crown, it was rolled out in Perth, I understand, from 2018. A little bit before the other cities. And values is what you live, breathe and do. And having a document with values is one thing, but  
5 it is the behaviours and the norms and how it is set and led from the top. Again, one has to do an assessment. I don't spend that much time. This year I've spent four hours, max, with people on a videoconference, and I've obviously as a patron been to the complex but, yeah, it is something that needs to be measured in qualitative and quantitative ways and have a benchmark and set off with that. So it is more than just  
10 the document of rolling it out and publishing it, in my view.

COMMISSIONER OWEN: Thank you. The next topic I want to raise with you goes back to the presentations made by Crown people to the GWC from time to time. And I think you may have answered some of these questions, so forgive me if I'm  
15 repeating, but in August 2019 there was a presentation by Mr Preston, and I'm not sure who else went that day, to the GWC about the media allegations; do you remember that?

MS FEWSTER: No, I don't remember that. But I take it as they did go.  
20

COMMISSIONER OWEN: Do you recall that being discussed? There was a board meeting in August. Do you recall any discussion at board meeting that Crown management were soon to address the GWC on those matters?

MS FEWSTER: I can't recall that discussion taking place, no.  
25

COMMISSIONER OWEN: Do you recall any report being given to you either at a board meeting or outside a board meeting about such a presentation after it had taken place?  
30

MS FEWSTER: I don't know.

COMMISSIONER OWEN: And I think you said that in relation to the December 2020 presentation that you were aware of that, that that had been discussed at a board meeting?  
35

MS FEWSTER: I was not aware that there was a presentation given to the GWC, but I was aware Mr Barton came over from Sydney and one of the things he did was go to a meeting at the GWC with Mr Bossi and the Chairman. And at the time I  
40 thought it was the Chairman of Burswood Ltd, but it might have been the Chairman of Crown Ltd, I don't know. But to me, when Mr Poynton and I caught up with Mr Barton on the 14th, it sounded like an introduction meeting because Mr Barton had just taken over as the CEO of Crown Resorts Ltd.

COMMISSIONER OWEN: In your experience of corporate life, in that situation where either a member of management or another board member has gone to a properly constituted authority, such as a regulator, to present on behalf of the  
45

company, would you expect that and the results of it to be reported back to the board?

5 MS FEWSTER: I would expect that prior to them presenting, that presentation is agreed to by the board, and there would be a report afterwards on the outcome.

COMMISSIONER OWEN: Thank you.

10 You've been asked about this by Mr Feutrill, but clause 22(r) and (ra) of the Casino Agreement, you've been asked about that, and I think in your statement you said you weren't aware of it until you heard reports of it being raised in the Victorian Royal Commission.

15 MS FEWSTER: That's correct, Commissioner.

COMMISSIONER OWEN: Have you since read the clause itself?

MS FEWSTER: No, I haven't, Commissioner.

20

COMMISSIONER OWEN: I'm paraphrasing here, but I will read you one part of it -

MS FEWSTER: Sure.

25

COMMISSIONER OWEN: --- because I want to get your view on how this would fit with your ideas of good governance of a Western Australian entity.

30 It says that where, in this case the Crown Group pursues in Australia a business similar to Crown Melbourne, it will use its best endeavours to ensure that the business is conducted in a manner which is not detrimental to Crown Melbourne's interests. Do you understand that?

MS FEWSTER: Yes, I do.

35

COMMISSIONER OWEN: Do you have a view on how you, as a director of a Western Australian company, might accommodate that in terms of what I might call easy and good governance?

40 MS FEWSTER: I think that pretty much, similar to WA, says have Crown Melbourne be managed by people with the best interests and the first priority of Victoria. Victoria will potentially always be a bigger business than WA would be. If you have people managing Victoria, Sydney, WA, somebody is going to be the top dog in that sense. It is just never going to be WA when it is competing with Victoria  
45 and NSW.

COMMISSIONER OWEN: Right. Thank you.



My final question, I asked questions yesterday to ascertain whether there was a view that the structure, as it is at the moment, was sufficiently bespoke to look after the obligations and responsibilities of Crown Perth to the people of WA. Now, I gather  
5 from your answers throughout your evidence today, that the answer to that is no?

MS FEWSTER: The answer is no.

COMMISSIONER OWEN: Can I ask you one further question on that. If a system  
10 were to be implemented which is more along the lines that you've been setting out, that the governance and management of Crown Perth is centred in and controlled by, subject of course to reporting to the ultimate holding company in WA, what effect that might have on the shared services model which is in place and the further  
15 centralisation of these services?

MS FEWSTER: I think there is definitely a middle ground for, if we call it the  
shared services model, especially --- yes, I would leave it as there is definitely a  
place for that. I think it comes down to ultimately the people on the ground  
managing, implementing and reporting, and setting the tone and setting the culture.  
20 And I think, you know, in the current case of Crown you can be a superstar and sit in Melbourne and want to implement a program, but unless you are with the 5,000 people that is your frontline and first line of defence in most of those programs to be successful it will be a struggle to get it implemented to full effect.

25 COMMISSIONER OWEN: Thank you, Ms Fewster.

Mr Feutrill, anything arising?

30 **HOUSEKEEPING**

MR FEUTRILL: No, there isn't, Commissioners.

35 There is a small matter of housekeeping to address. You might recall the questions I asked of Ms Fewster earlier, and she has to refer to some communications with Mr Poynton, earlier. I spoke to Mr Power about that. They are going to endeavour --- they need to take some instructions, I would suspect, after today. I don't expect there will be any need to recall Ms Fewster in respect of that but other parties, if something  
40 arises from it, may wish to do.

COMMISSIONER OWEN: Thank you, Mr Feutrill.

Mr Power?

45 MR POWER: Thank you, Commissioner, I have no need to ask any questions and the program that Mr Feutrill spoke about is already underway.

03:00PM

COMMISSIONER OWEN: Thank you. The practice that we've been adopting is that a tender list will be prepared later so that we make sure that we've caught all of the documents that are relevant to Ms Fewster's evidence.

5

Ms Fewster, thank you very much. That has been of great assistance to us. Because there is some tidying up to do, we'll leave the summons in place but you are free to go and we will adjourn now until 10 am tomorrow.

10 MS FEWSTER: Thank you.

**THE WITNESS STOOD DOWN**

15

**HEARING ADJOURNED AT 3.00 PM UNTIL THURSDAY, 30 JULY 2021  
AT 10.00 AM**

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