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PERTH CASINO ROYAL COMMISSION

PUBLIC HEARING - DAY 8

10.00 AM TUESDAY, 18 MAY 2021

COMMISSIONER N J OWEN

COMMISSIONER C F JENKINS

COMMISSIONER C MURPHY

HEARING ROOM 4

MR ADAM SHARPE and MS ESTELLE BLEWETT and MS APARNA JAYASEKERA as Counsel Assisting the Perth Casino Royal Commission

MR NICK MALONE as Counsel for Mr Michael Christopher Connolly

MR PETER SADLER appeared for Gaming and Wagering Commission of Western Australia

MS FIONA SEAWARD appeared for The Department of Local Government, Sport and Cultural Industries

MR JOSEPH GARAS SC and MR TIM RUSSELL and MR LEON FIRIOS appeared 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

10:01AM

COMMISSIONER JENKINS: Mr Sadler, you are appearing for Ms Dullard this morning?

5 MR SADLER: I am.

COMMISSIONER JENKINS: Thank you. Ms Dullard, please come forward.

10 **MS HELEN MARY DULLARD, SWORN**

COMMISSIONER JENKINS: Yes, Mr Sadler?

15

EXAMINATION-IN-CHIEF BY MR SADLER

MR SADLER: Commissioners. Ms Dullard, were you summonsed to appear before
20 the Perth Casino Royal Commission today?

MS DULLARD: Yes.

MR SADLER: The Commission provided with that summons a list of topics which
25 will be covered during your examination?

MS DULLARD: Yes.

MR SADLER: The Commission invited you to prepare a written statement in
30 relation to those topics?

MS DULLARD: Yes.

MR SADLER: Do you have a copy of that statement which you have prepared?
35

MS DULLARD: Yes, I do.

MR SADLER: Have you read the contents of that statement?

40 MS DULLARD: Yes.

MR SADLER: Are the contents true and correct, to the best of your knowledge and
belief.

45 MS DULLARD: Yes, they are.

MR SADLER: Thank you, Ms Dullard.

10:02AM

Commissioners, I tender the witness statement of Helen Mary Dullard OAM, dated 14 May 2021, which has the number GWC.0003.0011.0001.

5 COMMISSIONER JENKINS: The statement with that number will be an exhibit.

EXHIBIT #GWC.0003.0011.0001 - WITNESS STATEMENT OF MS HELEN MARY DULLARD DATED 14 MAY 2021

10

COMMISSIONER JENKINS: Thank you, Mr Sadler. Yes, Mr Sharpe?

15 **CROSS-EXAMINATION BY MR SHARPE**

MR SHARPE: Ms Dullard, you are a former member of the Gaming and Wagering Commission of Western Australia?

20

MS DULLARD: Yes.

MR SHARPE: In your witness statement at paragraph 10 --- actually, I will call that up, GWC.0003.0011.0001. Oh, it's there. Good. Has that refreshed your memory from the Government Gazette?

25

MS DULLARD: Yes.

MR SHARPE: Can we please call up PUB.0006.0001.0001. This is the Government Gazette for 15 July 2008. Can you see that?

30

MS DULLARD: Yes.

MR SHARPE: Please go to page 9. This is page 3285 of the gazette of 15 July 2008. Do you see at the bottom of the page a document which is headed:

35

*GAMING AND WAGERING COMMISSION OF WESTERN AUSTRALIA
(APPOINTMENT OF MEMBERS) INSTRUMENT 2008 Can we please bring up the next page at the same time.*

40

COMMISSIONER JENKINS: Can you read that, Ms Dullard?

MR SHARPE: Can you read that?

45 MS DULLARD: What would you like me to read?

COMMISSIONER JENKINS: It might be a good idea to pull out if you can ---

10:04AM

MS DULLARD: The appointment?

COMMISSIONER JENKINS: Pop out the relevant part of it.

5

MR SHARPE: Yes. Just to start with, can we pop out the title of the document, please, to reconfirm the title.

10 MS DULLARD: Gaming and Wagering Commission Act (1987). Do you want me to read point 4, is that what you're asking?

COMMISSIONER JENKINS: No, I think he was asking you to read it to yourself. You don't need to read it out aloud.

15 MS DULLARD: I see.

MR SHARPE: Then if we turn to the top of page 10, clause 4. Clause 4, paragraph (a) says:

20 *Helen Mary Dullard is appointed as member of the Commission for a term beginning 14 July 2008 and ending on 30 June 2011.*

Is that correct?

25 MS DULLARD: Yes.

MR SHARPE: Is this the Gazette you looked at to refresh your memory?

MS DULLARD: Yes.

30

MR SHARPE: Commissioners, I tender that.

COMMISSIONER JENKINS: The Gazette with the number identified by Mr Sharpe will be an exhibit.

35

EXHIBIT #PUB.0006.0001.0001 - GOVERNMENT GAZETTE DATED 15 JULY 2008

40 MR SHARPE: At paragraph 12 you state that you cannot recall when you retired from the GWC. Is that the position?

MS DULLARD: Yes, that was the position for quite a while into the preparation of the statement and it was only at the last minute, with due diligence, with a great deal of difficulty, that the gazette revealed when I was appointed.

45

MR SHARPE: Were you appointed for a further term after that term identified in the

gazette ceased? No? So the term you were on the Commission was ---

MS DULLARD: Three years.

5

MR SHARPE: --- three years. At paragraph 11 of your witness statement you say that you were contacted by the then Minister, Ljiljanna Ravlich, about joining the Commission; is that correct?

10 MS DULLARD: Yes.

MR SHARPE: Had you previously registered your interest in joining a WA Government board or commission? How did you come to Minister Ljiljanna Ravlich's attention, are you aware?

15

MS DULLARD: Because at the time I was the Shire President of Mundaring, I was also on the Local Government Advisory Board and I was also on the Disability Services Board as well.

20 MR SHARPE: At paragraph 11 of your witness statement you go on to state that you told the Minister you did not know anything about gambling; is that correct? And then you state:

25 *The Minister was very clear that she was asking me to join the GWC to be an advocate for the Perth Casino to have some practices in place to consider addiction; to show a sense of social responsibility.*

30 So, you understood that you were being appointed to the GWC not because of experience or expertise in gambling but because of the desire that you would assist with issues concerning gambling addiction and social responsibility; is that correct?

MS DULLARD: And it was because the Minister knew the work I did in the community and knew that I would be an advocate for social responsibility.

35 MR SHARPE: When you say the Minister knew the work you did, which work are you referring to?

40 MS DULLARD: Im referring to work through the Hills Community Support Group, where I received over \$20 million worth of government funding to work with people with mental health issues, people with disabilities, youth at risk, and I had done that for 28 years.

MR SHARPE: Why did you decide to accept the invitation to join the GWC?

45 MS DULLARD: Because with my knowledge of what the problems were in the community and as my position with Hills Community Sport Group, it was our role to do our best to try and look at practices, perhaps improve practices, that led to some of the problems that were out in the community, around addiction, around vulnerable

10:08AM

families.

5 MR SHARPE: Had you seen issues to do with gambling addiction in your work prior to being a member of the GWC?

10 MS DULLARD: Only through the fact that parents, vulnerable parents, were spending school holidays in at the Casino and children were being neglected because of, I guess, their practices. That was my experience, coming from the effect in the community.

15 MR SHARPE: I might be asking you to repeat yourself but there might be other things you wish to add in response to this question, but when you decided to accept the invitation, what did you consider you would bring to that role? You have already mentioned some things but is there anything else you wanted to add about what you thought you would bring to that role?

MS DULLARD: No, I don't think there's anything else I need to add.

20 MR SHARPE: Just to confirm, when you joined the Commission at that point, you didn't have any specific experience or qualifications concerning the regulation or oversight of casinos or casino gaming?

25 MS DULLARD: None whatsoever.

MR SHARPE: When you joined the committee, was there a process of induction?

30 MS DULLARD: I don't remember any process. I recognise that this is 13 years ago that we're talking about and I honestly don't remember.

MR SHARPE: Was there any training provided in matters of gaming or gambling regulation through the course of your time on the GWC?

35 MS DULLARD: I don't remember.

MR SHARPE: Turning to the meetings themselves, you state in your witness statement at paragraph 21 that the meetings went for a couple of hours; is that correct?

40 MS DULLARD: Well, I put that because that was one point that I felt that I did have an idea that it was definitely a couple of hours. It might have been three.

45 MR SHARPE: You said it would take, or you set aside at least a day or so to review the materials?

MS DULLARD: Depends how thick the file was that I got sent home.

MR SHARPE: Other than reading those papers and attending the meetings, were

there any other activities that you did in between meetings as part of your GWC Commissioner role?

5 MS DULLARD: No.

MR SHARPE: You didn't speak to officers of the Department in between meetings?

MS DULLARD: No.

10

MR SHARPE: And you didn't speak to other GWC members in between meetings. One issue that I would like to address with you is the question of junket regulation by the GWC. Perhaps just as a starting question, what did you understand, generally, the GWC's role to be in respect of junket regulation?

15

MS DULLARD: I really don't think I had any understanding at all. No, I don't even remember this particular agenda item here that I was given this morning. I see it was during my time but I don't remember it, no.

20

MR SHARPE: You referred to an agenda item, so I might call that agenda item up so we can have it in front of us. Please call up GWC.0002.0016.0001 and go to page 337. I appreciate this is 2010, so some 10 years ago. You've been provided with the agenda paper only this morning. You can see the recommendation is at the top of the front page. Can we pop that out, please? Can we pop out the recommendation? The recommendation that's put by this agenda paper is for:

25

The Commission consider amending the Casino Control Regulations 1999 to remove the requirement for junket operators/representatives to be approved by the Commission.

30

Do you see that?

MS DULLARD: Yes.

35

MR SHARPE: Do you have a recollection of that meeting?

MS DULLARD: No, I don't.

40

MR SHARPE: Do you have a recollection of how the regulation of junkets was changed during the time you were on the committee?

MS DULLARD: No, I don't.

45

MR SHARPE: I will leave that issue there. Turning then to some other issues that may have been considered by the board, during your time on the board do you recall the issue of money laundering being discussed?

MS DULLARD: No.

10:15AM

MR SHARPE: Was there any consideration of whether it was part of the GWC's function to have any oversight of potential money laundering at the Perth Casino?

5 MS DULLARD: No. I would have thought we would, but no. I don't remember ever going down that path, no.

MR SHARPE: You don't remember any discussions about money laundering?

10 MS DULLARD: No.

MR SHARPE: During your time on the GWC, was there a responsibility for the GWC to licence casino employees?

15 MS DULLARD: As far as I remember, but I don't remember the detail, yes.

MR SHARPE: What did you understand to be the reason why the GWC had the role of regulating casino employees?

20 MS DULLARD: Well, because we got representations from the Casino to the Commission, it was clear that they --- the Commission was someone that they needed to get approval from, and that was the whole feeling of the meetings.

25 MR SHARPE: Do you recall what sort of matters were being considered when the decision was made about licensing employees?

MS DULLARD: No.

30 MR SHARPE: While you were on the GWC, were there discussions about whether it was a role or responsibility for the GWC to stop criminal elements from infiltrating Perth Casino in its operations?

35 MS DULLARD: I remember it being at the forefront, of being aware of that, but as to how we did it, when we did it, I don't remember. No.

40 MR SHARPE: You mentioned earlier that you had a particular interest when you joined the Board in looking at problem gambling and gambling addiction. Can you explain how --- sorry, I will step back. Was the issue of problem gambling or gambling addiction a matter of concern to the GWC?

45 MS DULLARD: Yes, and that was evident in the quite considerable discussion we had, perhaps, about the casino or with the casino about the idea of removing the ATM machines or access to funding further away from the gaming table. That was something that was given a lot of consideration as an attempt to, you know, break the cycle of the evening, of the loss of funds.

MR SHARPE: Were there developments in respect of that issue around the

placement of casinos while you were on the Board?

5 MS DULLARD: I can't remember when but I know that was discussed by the Board, that one strategy that might help.

MR SHARPE: Do you know if that led to a policy or a practice or a change in requirement?

10 MS DULLARD: It did. It did. I couldn't tell you when it was actually implemented. It might have been before my time and it was just reaffirmed during my time, or it might have been during my time. I honestly don't remember, no.

15 MR SHARPE: Are you able to say what the requirement was or the policy was that was imposed by the GWC upon the Perth Casino?

MS DULLARD: No.

20 MR SHARPE: While you were on the GWC, did you understand that the GWC had a role in assessing the suitability of the company that held the licence for the Perth Casino, that held the licence to conduct gaming at the Perth Casino?

MS DULLARD: I don't remember.

25 MR SHARPE: In your witness statement you address the question of obstruction and say that, to the best of your recollection, during your time on the GWC, the GWC was never obstructed in the exercise of its powers; is that correct? And you say that you were never obstructed in the performance of your duties or the exercise of your powers as a member of the GWC?

30 MS DULLARD: That's right.

35 MR SHARPE: So you didn't have any issues concerning either your personal performance of your role as a GWC member or the GWC, as a body, being able to properly exercise its functions? There was no issues there?

40 MS DULLARD: There was no issue there. The Chair, Barry Sargeant, made sure there was always a segment where any questions could be tabled, any debate, to make sure that everybody around the table was well informed, and that was the process that was followed.

45 MR SHARPE: On that relationship with Barry Sargeant, I understand Barry Sargeant at that time was the Director-General of the Department, as well as the Chair of the Committee. You describe in your witness statement at paragraphs 29 to 30 that you found the Department supported the GWC and the departmental officers appeared to be very knowledgeable?

MS DULLARD: Yes.

MR SHARPE: In your opinion, would it be better for the Chairperson of the GWC to be independent of the Department?

5 MS DULLARD: I would like to have a discussion about that but I couldn't say whether it was good or bad. I haven't had access to the fors and againsts of that. I'm sure there are many. But no, I don't have an opinion on it, no.

MR SHARPE: What would you say are the pros and the cons?

10

MS DULLARD: I really don't know enough to go into that. That wouldn't be fair.

MR SHARPE: Okay. Then on the question of conflict of interest, in your witness statement you refer to the issue of conflicts of interest and you give an example of how you managed a particular conflict of interest; is that right?

15

MS DULLARD: Yes.

MR SHARPE: When you were on the GWC, was there any written policy which dealt with conflicts of interests and GWC members?

20

MS DULLARD: I have no idea. I would add, the reason I would have no idea is because it was so natural to me in every other role that I had, especially Shire President, that it was a natural. So I don't remember it's something I had to learn. It was there, anyway, in my practice.

25

MR SHARPE: Was there any practice regarding the departmental --- sorry, I will step back. There were departmental officers who would provide or, effectively, act on behalf of the GWC and conduct, for example, casino inspections; is that right?

30

MS DULLARD: Yes.

MR SHARPE: Was there any procedure in place for those departmental officers who were acting on behalf of the GWC to advise the GWC if they had a conflict of interest in carrying out those functions?

35

MS DULLARD: I don't know. I can imagine but I honestly don't know.

MR SHARPE: As a member of the GWC, would you have the expectation that if there was a conflict of interest in a Departmental officer carrying out activities for the GWC, that that would be notified to the GWC?

40

MS DULLARD: I would absolutely hope so.

45 MR SHARPE: No further questions, thank you, Commissioners.

COMMISSIONER JENKINS: Thank you, Mr Sharpe.

Ms Dullard, we have some lawyers acting for other parties who may want to ask you some questions. So I will ask first Ms Seaward, who represents the Department. Ms Seaward?

5

MS SEAWARD: Just a couple of brief questions.

CROSS-EXAMINATION BY MS SEAWARD

10

MS SEAWARD: Ms Dullard, during your time on the Commission, is it right that during the meetings your agenda packs would consist of papers prepared by Departmental officers for your consideration and those papers would, firstly, advise you of some of the activities that the staff had been undertaking on behalf of the Commission during the previous month?

15

MS DULLARD: Yes.

MS SEAWARD: A summary of audits and inspections that had occurred and other gambling statistics?

20

MS DULLARD: Yes.

MS SEAWARD: In addition, there may be papers that put up resolutions for, or matters that the Commission needed to decide?

25

MS DULLARD: Yes. The agendas, I think, came with a recommendation and the Department would put forward the reasons why they were recommending or not recommending.

30

MS SEAWARD: Once you had that paper, the Commission members would then discuss the proposal and form their own view?

MS DULLARD: Yes, yes.

35

MS SEAWARD: You didn't understand that you had to do whatever the Department told you to do?

MS DULLARD: No. Definitely not, no.

40

MS SEAWARD: No further questions.

COMMISSIONER JENKINS: Mr Malone?

45

MR MALONE: No questions, thank you.

COMMISSIONER JENKINS: Mr Garas?

10:25AM

MR GARAS: No questions, thank you.

5 **QUESTIONS BY THE COMMISSION**

10 COMMISSIONER JENKINS: Ms Dullard, I have a couple of questions before we let you go this morning. First, can I just make sure I understand what you said about the agenda paper that was shown to you about junkets and recommendations relating to how junkets should or shouldn't be regulated by the GWC. You've seen the agenda paper this morning.

15 MS DULLARD: Yes.

COMMISSIONER JENKINS: That has not refreshed your memory about it?

MS DULLARD: No. I'm surprised.

20 COMMISSIONER JENKINS: You do not have a recollection about it?

MS DULLARD: No.

25 COMMISSIONER JENKINS: I believe that the person who authored that agenda paper might have been a Mr Toyne, Nick Toyne, who is said to have been the Acting Deputy Director of Licensing. Do you recall that gentleman?

MS DULLARD: No, I don't.

30 COMMISSIONER JENKINS: You said that you had no previous experience in the regulation of casinos. To what extent did you rely upon the knowledge and expertise of other GWC members in relation to the matters that were brought before you?

35 MS DULLARD: I probably relied heavily on the Chair to make sure that we had the accurate information to make the right decision. As I said, debate was encouraged from around the table. I didn't think that anyone around the table was particularly versed well enough to make a decision without the Department putting, you know, the best knowledge forward to make sure that we were well informed.

40 COMMISSIONER JENKINS: The Chair was Mr Sargeant?

MS DULLARD: Yes.

45 COMMISSIONER JENKINS: Do you recall any specific officers from the Department who regularly presented papers?

MS DULLARD: Well, I seem to think there might --- the name Richards springs to

mind. There was a lady who was in --- she went out and, I think, did a lot of spot checks, travelled around. But I can't remember their names, no.

5 COMMISSIONER JENKINS: That's fine. Can I go then to the question of problem gambling and addiction services. That was a particular interest of yours, I understand. Apart from the ATM issue, do you recall whether the GWC, whilst you were on it, provided any other services or regulated any other problem gambling services at the casino?

10

MS DULLARD: No. I ---

COMMISSIONER JENKINS: Or in respect of casino gambling?

15 MS DULLARD: No. I can't recall.

COMMISSIONER JENKINS: Do you recall a committee that was called the Problem Gambling Support Services Committee?

20 MS DULLARD: I would say I've never heard of that before.

COMMISSIONER JENKINS: Do you recall if the GWC ever discussed a telephone helpline for problem gambling?

25 MS DULLARD: I can remember the Casino discussing that when they presented some of the strategies they were looking at, and that's where we discussed it at the meeting. Yes, I do remember that.

30 COMMISSIONER JENKINS: Do you know whether either the GWC or the Department funded or assisted to fund such a service?

MS DULLARD: No. I don't even remember how far the discussion ended up, whether it went anywhere.

35 COMMISSIONER JENKINS: Then one other form of assistance, counselling for problem gamblers or people suffering from gambling addiction, do you recall any discussion about that?

40 MS DULLARD: Yes, yes, there was discussion about that as another strategy. I don't know whether it was about whether they were going to introduce it or it was already happening. I just don't remember that detail.

45 COMMISSIONER JENKINS: This is a question about your general impression and view. Whilst you were on the GWC, did you feel that there was sufficient attention paid to the issues of problem gambling and gambling addiction at the casino?

MS DULLARD: I don't feel I really knew the full extent of what was in place. I don't remember. No, I just don't remember the detail to which we went. It's just not

10:30AM

there.

5 COMMISSIONER JENKINS: Were you aware that there was something called the Casino Operations Manual, which regulated or assisted to regulate how the Casino ran its operations?

MS DULLARD: I don't remember that, no.

10 COMMISSIONER JENKINS: Do you recall something called Casino Directions, also, which was another form of regulation of the Casino?

MS DULLARD: No.

15 COMMISSIONER JENKINS: Thank you. I have no further questions. Is there anything arising from those questions?

MR SHARPE: No, thank you, Commissioner.

20 COMMISSIONER JENKINS: Thank you, Mr Sharpe. Ms Seaward?

MS SEAWARD: No, thank you.

MR MALONE: No, Commissioner.

25

MR GARAS: No.

COMMISSIONER JENKINS: Mr Sadler, any re-examination?

30 MR SADLER: No re-examination --- actually, I will ask one.

RE-EXAMINATION BY MR SADLER

35

MR SADLER: I will just test your recollection about something, Ms Dullard. The meeting at which the junket regulation to which you were shown was held on 23 February 2010. Now, I can't show you the document because it's not on the system that we can bring up in front of you, but the minutes of that meeting, they are at GWC.0002.0016.0002 and I think the relevant page is 23. The document will show that you were only in attendance at that meeting until 10.30 and the meeting started at 8.30. I was just wondering if you recall whether you were actually present for the junket discussion?

45 MS DULLARD: I don't recall and that's, maybe, why. That's really --- I feel like I've never seen that before and I feel like I would have been interested in that, but maybe for some reason I had to leave early. I don't know. I have no ---

MR SADLER: Thank you, Commissioner.

5 COMMISSIONER JENKINS: Thank you, Ms Dullard. Ms Dullard, your evidence
has finished this morning. However, I am not going to release you for the following
reasons and they may have been already explained to you by Mr Sadler but I will tell
you in any event. You will note that there are two of us sitting today, Mr Murphy
and myself. There is a third member of the Commission, Mr Owen, and he is
10 currently sitting in another hearing room, hearing evidence from another witness. He
will review either the transcript of your evidence or the audiovisual recording of your
evidence. It is possible that he will have some questions for you arising out of your
evidence. If that is the case, then those questions will be sent to your lawyer and you
will be asked to answer them within a certain timeframe. After that, we will release
you from the obligations of your summons.

15

That may not happen. If Mr Owen does not have any questions for you, then again
we will advise Mr Sadler and you will be released from your summons.

MS DULLARD: Good. Thank you.

20

COMMISSIONER JENKINS: Thank you for your attendance here today. The
Commission will now adjourn until 2.00 pm.

25 **THE WITNESS STOOD DOWN**

ADJOURNED

[10.34 AM]

30

RESUMED

[2.01 PM]

35 COMMISSIONER JENKINS: The Perth Casino Royal Commission sits this
afternoon to take the evidence of Trevor Fisher.

Mr Fisher, would you please step forward to the witness box. Sorry, just before he's
sworn in.

40 Do you have any legal representation, Mr Fisher? No. If that's the case, Ms Pollock,
would you like to take a seat and, Mr Fisher, would you please take a seat and I will
explain to you the process this afternoon. Just take a seat there, that's fine.

45 The first thing that will happen is you will be asked to take either the oath or the
affirmation. After you have done that, I will then ask you to identify the statement
that you prepared at the request of the Royal Commission and tell me whether it is
the truth or not and I will ask you whether there is anything you want to add or
change to that statement.

Once that process is gone through, that statement will then be tendered in evidence in the Commission. Once that has happened, Counsel Assisting the Royal Commission, Mr Sharpe, who is sitting at my far left at the front bar table, will ask you some
5 questions. After he has finished, counsel at the back Bar table and Mr Sadler, who is at the front right, will also have the opportunity, if they wish to take advantage of it, to ask you some questions.

Can I just identify for your purposes who is acting at the moment. Mr Sadler, at the
10 front right bar table, acts for some other former members of the Gaming and Wagering Commission and some present members of the Gaming and Wagering Commission. Ms Seaward, at the back bar table, acts for the Department. Mr Malone, who is sitting on her left, acts for Mr Michael Connolly. Mr Russell, who is sitting at the far right of the back bar table, acts for Crown and its associated entities.
15 That's correct, isn't it, Mr Russell?

MR RUSSELL: It is, thank you, Commissioners, with Mr Firios.

COMMISSIONER JENKINS: Thank you. When all counsel have been given an
20 opportunity to ask you some questions, Mr Murphy, the other Commissioner who is sitting today, and/or myself may ask you some questions to clarify your evidence. That then, I think, will complete your evidence. It sounds rather daunting but we will finish easily this afternoon, so don't worry about that. At the end of that process, I will explain to you a bit further about when you will be released from your
25 summons, but don't worry about that now.

The only other thing that I want to say is counsel may show you documents or refer to documents. If you want to see a document that is not being shown to you before
30 you answer a question, then simply ask to be able to look at that document and we will do our best to find it for you. The important thing is that you give evidence to the best of your recollection, with as much assistance as we can provide to refresh your memory about the events you are being asked about.

If you need a break at any time, just let me know and we will have a break. There is
35 no difficulty with that.

Lastly, is there anything you would like to ask me about the process before we begin?

40 MR FISHER: No, thank you.

MR TREVOR JAMES FISHER, AFFIRMED

45 COMMISSIONER JENKINS: Could we have up on the screen the statement that Mr Fisher has provided. And can we have --- I don't know if there is more than --- there is obviously more than one page, but can we have the pages. Looking at that

document and, in particular, at the information provided in red, is that the statement which you have provided to the Royal Commission at its request?

5 MR FISHER: Yes, that is.

COMMISSIONER JENKINS: Is there anything in there that is incorrect which you would like to correct now?

10 MR FISHER: No. That's a true, correct record, thank you.

COMMISSIONER JENKINS: Is there anything you would like to add to that?

MR FISHER: No, no.

15

COMMISSIONER JENKINS: Is the information you have inserted into that document true and correct to the best of your knowledge and belief?

MR FISHER: Yes, it is.

20

COMMISSIONER JENKINS: Then that statement will become an exhibit with the number WIT.0003.0001.0001.

25 **EXHIBIT #WIT.0003.0001.0001 - WITNESS STATEMENT OF TREVOR JAMES FISHER DATED 11 MAY 2021**

COMMISSIONER JENKINS: Thank you. Mr Sharpe?

30

EXAMINATION-IN-CHIEF BY MR SHARPE

35 MR SHARPE: Mr Fisher, you are a former member of the Gaming and Wagering Commission of Western Australia?

MR FISHER: Yes, that's correct.

40 MR SHARPE: You were a member of the GWC from 27 March 2012 to 31 December 2017?

MR FISHER: Yes.

45 MR SHARPE: I'd like to ask you some questions about how you came to be appointed to the GWC. When were you first approached about joining the GWC?

MR FISHER: Probably the latter part of 2011.

MR SHARPE: Who approached you?

MR FISHER: The Minister for Sport and Recreation at the time.

5

MR SHARPE: Do you recall who that was?

MR FISHER: That was Mr Terry Waldron.

10 MR SHARPE: Do you know how Mr Waldron came to approach you? Had you previously registered an interest with joining a board in Western Australia?

MR FISHER: No, I hadn't but I knew him from a long, long time ago and he had recognised my contribution to community events back in Kojonup and surrounds, and thought I'd be --- my experience dealing with the general public would be good for this position.

MR SHARPE: When you were approached by the then Minister, did the Minister give a description of the role to you, of what being a member of the GWC would entail?

20

MR FISHER: Oh, very briefly.

MR SHARPE: Do you recall what the description was?

25

MR FISHER: No, I can't.

MR SHARPE: When you decided to accept the invitation to become a member of the GWC, why did you accept that invitation?

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MR FISHER: I just thought I had some lifelong experiences dealing with the public and sporting events and with the liquor side of it. Not so much the gaming side of it, the liquor side of it, with sporting events and things like that in the country and I thought, you know, this is a good opportunity. I might be able to further my experiences and also help the general public.

35

MR SHARPE: I think you have already touched on this to an extent, but what did you think you would bring to the role? What would you bring to the role?

MR FISHER: Just a general commonsense approach.

40

MR SHARPE: At that time, you didn't have any specific experience or qualifications in casinos or regulation of casinos or casino gaming?

MR FISHER: No. But in my statement you will see that we were involved with an off-farm investment and that was the Western Australian/South Australian Border Village. We had poker machines there and I was a silent partner. There was, I think

45

it was, six families and one of the members was in charge of the whole show and we had managers. So as far as I was concerned with those machines, I was a distant, distant, distant --- had nothing to do with them.

5

MR SHARPE: Did you have an induction session after you had agreed to join the GWC?

MR FISHER: Not that I can remember.

10

MR SHARPE: Do you remember, when you started at the GWC, if you were given any information about the role and (inaudible) of the GWC?

MR FISHER: Yes. I can't remember very much about it, though.

15

MR SHARPE: How often did the GWC meet?

MR FISHER: We met monthly. I think it was the third Tuesday of the month.

20

MR SHARPE: Did you have to travel in for those meetings?

MR FISHER: Yes. During that time we were living in Busselton, and we're still living in Busselton, and we used to travel up either the night before and go home the day of the meeting.

25

MR SHARPE: In answer to question 6, what's stated there is that leading up to each meeting, you would spend about one-and-a-half to three hours reading the minutes. But I take it what you meant there was one-and-a-half to three hours reading the board papers?

30

MR FISHER: Yes, yes, that were sent out to us a few days before.

MR SHARPE: You've indicated the meetings took an hour or two?

35

MR FISHER: Yes, yes. Two hours would have been the maximum.

MR SHARPE: Apart from reading the papers to prepare for the meeting and attending the meeting, did you do anything else in between those meetings in respect of your duties or responsibilities as a GWC member?

40

MR FISHER: No, not usually.

MR SHARPE: You didn't speak to officers of the Department in between meetings?

45

MR FISHER: No.

MR SHARPE: You didn't speak to other members in between the meetings?

MR FISHER: No.

MR SHARPE: So the business was transacted at the meeting?

5

MR FISHER: Yes, it was, yes.

MR SHARPE: During your time on the GWC, you've indicated that you didn't consider that you had been obstructed in the performance of your duties or the exercise of your powers as a member of the Commission; is that correct?

10

MR FISHER: Yes.

MR SHARPE: And that you didn't consider the GWC, as a body, had been obstructed in the exercise of its powers or responsibilities?

15

MR FISHER: No, I don't think we were.

MR SHARPE: Turning then to some specific issues and how the board, or how you, but also the GWC as a body, saw those issues. You've said at paragraph 11b. that you recall, as a board, being made aware of the potential for junket operations but money laundering was not discussed.

20

MR FISHER: That's correct.

25

MR SHARPE: What was your understanding of GWC's role in respect of junket operations?

MR FISHER: Michael Connolly had pointed out to us that this was happening, the junkets were bringing the high rollers in, and that's about the extent of it really. We just knew that and the money laundering side of it never, never came into the discussion.

30

MR SHARPE: On the question of junkets, what, if any, processes or procedures were in place in respect of junkets? For example, was there any notification to the GWC about junket operations from the Perth Casino?

35

MR FISHER: No. I can't recall any.

MR SHARPE: Then you've also mentioned money laundering and you've said that money laundering wasn't discussed, in your witness statement.

40

MR FISHER: No.

MR SHARPE: In the time you were on the GWC, is it correct to say that money laundering simply was never an issue that was raised at a GWC meeting?

45

MR FISHER: True.

MR SHARPE: During your time on the GWC, are you aware whether the GWC had responsibility for licensing casino employees?

5 MR FISHER: Yes. We had the ability to take the licence off a member if they had done a misdemeanor, yes.

MR SHARPE: What do you understand to be the reason for the GWC having the power to be able to licence or take a licence off a casino employee?

10

MR FISHER: I think that's probably one of the most important things of the GWC, having a bit of a control over the casino to see if someone's being naughty at a table and to be able to suspend them, which we did at times.

15 MR SHARPE: You said it's important to be able to suspend someone if they had been being naughty at a table. What do you mean by being naughty at the table?

MR FISHER: It's a good question. I can't recall exactly what we suspended them for. No, it won't come to me.

20

MR SHARPE: In general terms, what do you mean by being naughty at the table? What do you mean by that?

25 MR FISHER: Rolling the dice too late, ie, or something like that, consistently. Yes, no, it won't come to me.

MR SHARPE: Is it concerned with their complying with rules?

30 MR FISHER: The gambling rules, the gaming rules at the tables.

MR SHARPE: Who set the rules they were meant to comply with?

35 MR FISHER: Crown. And it was also the gaming boss, the pit boss, you know. It was up to him or her to keep an eye on them. The dealers, I mean.

MR SHARPE: Moving then to some other issues, when you were on the GWC, did you understand the GWC had a role or responsibility to prevent criminal elements from infiltrating the casino?

40 MR FISHER: No, not as such. No, no.

MR SHARPE: Did you understand the GWC had a role or responsibility in respect of problem gambling or gambling addiction?

45 MR FISHER: Yes, yes.

MR SHARPE: What was the GWC's role?

MR FISHER: I think there was members of the GWC committee on another board that looked into that side of it.

5 MR SHARPE: Do you remember what that other board was called?

MR FISHER: Problem gambling --- gaming, I think.

10 MR SHARPE: Who were the members from your committee, do you recall, who were on that?

MR FISHER: I have a feeling it might have been Barry Sargeant who was the Chair, and I don't know who the other members were.

15 MR SHARPE: So there was the other board that looked at problem ---

MR FISHER: Gambling.

20 MR SHARPE: --- gaming and, so far as the GWC itself was concerned, was the GWC itself concerned with problem gambling and gambling addiction?

25 MR FISHER: I would say probably not but that committee that you mentioned before, they would report back to us periodically and say what was going on and we'd get a report of problem gambling on each agenda paper.

MR SHARPE: Turning to another topic, when you were on the GWC, did you understand that the GWC had a role or responsibility to assess the suitability of the company holding the gaming licence for the Perth Casino?

30 MR FISHER: No.

MR SHARPE: Or whether it had a responsibility to assess the suitability of those who were associated with the company who had the licence for the casino?

35 MR FISHER: No.

40 MR SHARPE: Then turning to the question of support from the Department, the answers that you give in your witness statement 12 to 14 deal with that issue. I will just ask you some questions about that issue. Did you consider that the GWC was well supported by the Department?

MR FISHER: Yes.

45 MR SHARPE: The Chairperson of the GWC was also the Director-General of the Department; is that correct?

MR FISHER: Repeat that please.

02:20PM

MR SHARPE: The Chairperson of the GWC was also the Director-General of the Department?

5 MR FISHER: Yes.

MR SHARPE: Do you think it would have been better, or it would be better now, if the Chairperson was independent of the Department?

10 MR FISHER: No, I don't think so. No, I don't think there would be any difference.

MR SHARPE: Now I would like to take you to issues regarding the regulatory approach and some regulatory changes that were made as regards regulation of the casino during the time you were on the board.

15

Can I call up GWC.0002.0016.0150. You've been provided with some documents. I appreciate you may not have had a long time to look at them. To the extent you want to read through things, feel free to ask for time to look at the documents. These are the board papers for the GWC meeting for 23 June 2015. Can we please go to page 20 57. I think we might have that in hard copy as well but it might be more convenient to ---

MR FISHER: This one?

25 MR SHARPE: Sorry, no. If you look at the one on the screen.

MR FISHER: On the screen.

MR SHARPE: This is an agenda item dated 17 June 2015 and it contains a 30 recommendation that the Commission resolve to approve the 2015-2016 Casino Compliance Strategy. I will just ask you to read the first paragraph and then I'll take you to the minutes, so I can show you that this was adopted.

MR FISHER: Yes.

35

MR SHARPE: We will come back to this document. Just take a moment to read that first paragraph.

MR FISHER: Yes, okay.

40

MR SHARPE: I now call up GWC.0002.0016.0151. These are the minutes of the GWC meeting on 23 June 2015. Please go to page 3. If we look to agenda item 6.3, you see it's headed "Compliance Strategy" and there's a resolution to approve the 2015-2016 Casino Compliance Strategy. Do you see that?

45

MR FISHER: Yes.

MR SHARPE: Do you accept that the Casino Compliance Strategy which we were just looking at has been approved by the GWC?

5 MR FISHER: Yes.

MR SHARPE: Commissioners, I will mark that document for identification, the minutes of 23 June 2015.

10 COMMISSIONER JENKINS: The document with that number will be marked for identification.

15 **DOCUMENT MARKED FOR IDENTIFICATION #GWC.0002.0016.0151 - MINUTES OF GWC MEETING DATED 23 JUNE 2015**

MR SHARPE: Can we please return to GWC.0002.0016.0150 and back to page 57. Now I'm going to, Mr Fisher, take you through some parts of this document.
20

MR FISHER: Yes.

MR SHARPE: But just to explain the purpose for going through this and the questions that I'm going to ask you about, what I'm seeking to --- what I will be asking you questions about will be whether this compliance strategy set a different compliance approach or if it was consistent with the previous compliance approach. But I think, in fairness to you, we need to probably at least go through some of the parts of the document to help you to refresh your memory about this and then I'll ask you some questions. I will take you through some key parts and if you feel like you'd like some time to read it to yourself before I ask you some questions, then we can give you a moment to read it.
25
30

Just taking you over the page to page 58, you see this is a document titled "Casino Compliance Strategy". I just draw your attention to where it refers to "The objectives of the strategy are", and I just ask you to read those objectives.
35

MR FISHER: Yes. Yes.

MR SHARPE: Under the heading "How the Commission will Achieve These Objectives", I note the third sentence is:
40

The Commission utilises officers from the Department of Racing, Gaming and Liquor (the Department) to conduct compliance and related activities relating to casino gaming operation.
45

Do you see that?

MR FISHER: Yes.

MR SHARPE: Then if you go down to "How the Department Will Achieve These Objectives", there's the statement:

5 *The Department will take a proactive and risk based approach in targeting continuing and operational compliance activity at the areas of highest risk considering both the likelihood and consequence of unwanted or unlawful activity.*

10 Do you see that?

MR FISHER: Yes.

MR SHARPE: Then if we go to the foot of the page, you can see this is headed "What the Department Will Do", and there is a statement:

15 *The Department will conduct appropriate activities within elements of the casino gaming operation to monitor compliance and to provide assurance to the Commission in relation to the casino licensee' compliance with requirements.*

20

MR FISHER: Yes.

MR SHARPE: Then if we go over the page, I draw your attention to the fact that there's headings "Casino Table Games", "Electronic Gaming Machines (EGMs)",
25 "Casino Revenue and Tax", "Surveillance", "Security". Can you bring up the next page and have that side by side? Over the page, "Controlled Contracts and Approved Suppliers" and "Casino Employee Licensing". You will note that under each of those headings one of the bullet points is "Audits and Inspections".

30 MR FISHER: Yes.

MR SHARPE: Then if we turn to the middle of the second page that's shown on the screen, "What are our priorities?", I'll ask you to read to the end of that page to yourself.

35

MR FISHER: Yes.

MR SHARPE: The question I want to ask about is whether you understood this compliance --- or, firstly, do you recall the discussion that was had around this
40 compliance paper?

MR FISHER: Briefly.

MR SHARPE: Is it your understanding that this compliance paper was intended to
45 mark a change in approach to compliance or was it just a statement of business as usual?

MR FISHER: My thoughts on this were that this is going to make the Department, the Casino and the Department more accountable to us, the GWC. That's the way I saw it all the way along.

5

MR SHARPE: Did you understand that this paper was marking a move towards a risk-based approach to regulation, which may not have been the previous approach?

MR FISHER: No, no.

10

MR SHARPE: So you didn't understand this to be a change in the approach?

MR FISHER: No.

15

MR SHARPE: I will go to another document now. Sorry, before I do that, I ask the Commission to mark for identification GWC.0002.0016.0150 at pages 57 to 61.

COMMISSIONER JENKINS: Those documents with that number will be marked for identification.

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**DOCUMENT MARKED IDENTIFICATION FOR #GWC.0002.0016.0150 -
GWC AGENDA AND PAPERS DATED 23 JUNE 2015**

25

MR SHARPE: Now I would like to go to another document. Can we call up GWC.0002.0016.0155. You will see this is the board papers for the 25 August 2015 meeting. Do you see that?

MR FISHER: Yes.

30

MR SHARPE: It should be on the screen.

MR FISHER: Yes.

35

MR SHARPE: Can we turn to page 17, please. This is an agenda item 6.2 from that board paper pack. I'll just ask you to read to yourself the recommendation.

MR FISHER: Yes.

40

MR SHARPE: Do you accept that this is a recommendation to remove the dedicated presence of casino inspectors for 20.5 hours a day?

MR FISHER: Yes.

45

MR SHARPE: That was to take effect from 1 September 2015?

MR FISHER: Yes. I think the third dot down, "Ensuring that the number of scope

of audits and inspections meets budgeted key performance indicators " sums it up, as far as where I'm coming from.

5 MR SHARPE: What do you mean?

MR FISHER: I think that makes sure that they do the right thing. That, yes, they keep an eye on things.

10 COMMISSIONER JENKINS: Sorry, whereabouts is the reference to the KPIs?

MR SHARPE: The third bullet point, Commissioners, in "Recommendation".

COMMISSIONER JENKINS: Thank you.

15

MR SHARPE: Now, I might just take you through this paper as well in a little bit of detail. If I take you to the foot of the page, it notes that from 1984 to 2002, GIs, which are Government inspectors, casino operations Government inspectors, were rostered to work at the casino 24/7, 365 days a year.

20

MR FISHER: Yes.

MR SHARPE: If we turn to the next page, please, the first full sentence on that page is:

25

Within that period there was also a defined and articulated change in the approach to regulation at the casino with a move from hands on involvement in processes to a more audit based approach to regulation.

30 Do you see that?

MR FISHER: Yes.

MR SHARPE: Then I will ask you to read the next paragraph to yourself.

35

MR FISHER: Yes.

MR SHARPE: My junior has asked me to check is that size of the print okay, because we can actually ---

40

MR FISHER: It's fine.

MR SHARPE: --- bring it out a bit more if you want?

45 MR FISHER: No, it's fine. Just on that one, you know, we would have made a decision on that because it has been adopted by other regulators throughout Australia. So we're not out on a limb here, we're following a trend.

MR SHARPE: What trend are you following?

5 MR FISHER: Not reinventing the wheel. Someone else has sorted it out, other regulators on the other side of the country, I'd say.

10 MR SHARPE: In respect of that sentence, you're --- sorry, in respect to that paragraph, you're identifying the approach that's being followed as the one identified at that paragraph, so a risk-based audit approach. Is that the one that you're saying is being followed, just reading from that?

15 MR FISHER: Yes. This has been adopted by other regulators throughout Australia, yes, so other people have adopted it, yes, so it must be all right. You go along with the flow. I've always done that in my life.

MR SHARPE: Then in the middle of the page there's the sentence:

20 *I see the functions conducted by the Strategic Regulation Division as being extremely important in informing decisions about the allocation of scarce resources, managing risk and maintaining the integrity of the casino gaming operation.*

Do you see that?

25 MR FISHER: Yes.

MR SHARPE: Then there's the discussion two paragraphs down about the current situation. Can you read that to yourself, beginning "Inspectors have not worked".

30 MR FISHER: Do you mean the "Inspectors have not worked on a 24/7 at the casino since 2002"?

MR SHARPE: Yes. Just read that paragraph to yourself.

35 MR FISHER: I don't know what you're getting at there.

MR SHARPE: Oh. Well, just to refresh your --- assist you to refresh your memory about the position that was --

40 MR FISHER: Yes, okay. Yes.

MR SHARPE: Then turning to the next page, page 19, you can go to the third-last paragraph and perhaps just read that paragraph.

45 MR FISHER: Yes.

MR SHARPE: Can I ask you, the reference there to "They will not be allocated on the roster to any specific functional area", did you understand that to mean or was it

perhaps --- did you understand that to mean that the inspectors would not be limited to the casino, but that they could be deployed by the Department across all of the areas the Department regulated?

5

MR FISHER: Yes, yes.

MR SHARPE: The Department also regulated liquor; is that correct? Is that your understanding?

10

MR FISHER: Yes, yes.

MR SHARPE: Did you understand that when the inspectors were being taken off dedicated casino inspection and put on to the general roster, that would mean they could be called on to act as inspectors in respect of casinos but also in respect of liquor?

15

MR FISHER: No, I can't say I did.

20 MR SHARPE: No. What did you understand the change to be?

MR FISHER: In all areas. I thought that would mean, for example, they might be involved in the high-roller area, they could be involved with the pokies, the gaming machines or they could be involved with the two-up or just different areas of different aspects of the gaming.

25

MR SHARPE: But your understanding was that they would not be in any specific functional area but would still be limited to being gaming inspectors?

30 MR FISHER: Yes.

MR SHARPE: Then if I can ask you to turn to page 20, the second paragraph. Can you read the second paragraph to yourself, please. Having read that, do you still understand that the casino inspectors were only going to be used for gaming functions or do you --

35

MR FISHER: Yes, I do.

MR SHARPE: I will ask you to turn over the page to page 21. I ask you to read the sections under "Consultation" and "Summary" and I'll ask you some questions about that.

40

MR FISHER: Yes.

45 MR SHARPE: I note in the third paragraph there's a statement:

Inspectors have expressed concerns relating to the proposal and, to what they see, as a reduction in the level of surveillance and monitoring of casino gaming

operations.

5 So, on the one hand, there's an expression of concern from inspectors about the reducing the level of surveillance and then I note at the end of the second paragraph under "Summary", there's a statement by Michael Connolly, who's the author of this:

10 *This change will not, in my view, have any material or significant impact on the level of assurance provided to the Commission related to casino gaming operations, or will it have an adverse impact on integrity or fairness of casino gaming.*

Do you see that?

15 MR FISHER: Yes.

MR SHARPE: In a sense, do you accept there was a tension between what the casino inspectors thought about this proposed change and what Michael Connolly saw as a consequence of this proposed change? In a sense, the inspectors were
20 concerned about this change, whereas Michael Connolly was advising that he was comfortable this change wouldn't lead to a decrease in --

MR FISHER: Yes. Well, we supported Michael to the hilt on that, yes.

25 MR SHARPE: Was there a discussion at the meeting considering this item about the tension between the inspectors' view and Michael's view?

MR FISHER: No, I don't think there was. I can't recall anything --- being any
30 tension between them, no.

MR SHARPE: No, but was there a discussion at the board meeting about the fact that, on the one hand, inspectors are expressing concern about the proposed change, whereas Michael Connolly's advice was that the quality of surveillance or regulation
35 would still be the same?

MR FISHER: Yes. No, I can't recall anything there.

MR SHARPE: Under the first paragraph "Summary", there's a statement in the
40 second sentence:

The breakdown of these activities will be articulated with an additional paper presented to the Commission relating to key performance indicators.

45 Was the process of producing key performance indicators that the Department would generate the key performance indicators and present them to the Commission or did the Commission set key performance indicators?

MR FISHER: I can't answer that. I don't know.

MR SHARPE: I draw your attention to, but I won't ask you a question about it yet but just to note the third paragraph under the heading "Summary":

5 *There are considerable advantages for the Department in maintaining a generic roster for inspectors beyond just reducing costs.*

I just note there is a reference there to reducing costs for the Department. I will leave that document there.

10

Before we go to the next document, I will ask the Commission to mark for identification GWC.0002.0016.0155 at pages 17 to 25.

15 COMMISSIONER JENKINS: Can I see the front page of that before we move on from it?

MR SHARPE: Page 17, please.

20 COMMISSIONER JENKINS: Thank you. That document with the number identified by Mr Sharpe will be marked for identification.

DOCUMENT MARKED FOR IDENTIFICATION #GWC.0002.0016.0155 - BOARD PAPER DATED 25 AUGUST 2015 (PAGES 17 TO 25)

25

MR SHARPE: Can we then call up GWC.0002.0016.0156. These are the GWC minutes for the meeting on 25 August 2015. Do you see that?

30 MR FISHER: Yes.

MR SHARPE: Please go to page 2. I will ask you to look at the last paragraph:

35 *The Department is under considerable pressure to operate within its salary limit and the Deputy Chairman advise that as one measure the inspectorate rosters will be amended to reduce the shift penalties and other payments.*

Do you see that?

40 MR FISHER: Yes.

MR SHARPE: In the previous document I drew your attention to a reference to cost savings to the Department. I note there's also a reference to cost savings to the Department in this, which is being achieved by amending rosters to reduce shift penalties and other payments. Do you accept that's what's being said here?

45

MR FISHER: Yes.

MR SHARPE: When this was discussed, was there discussion of the cost saving to the Department at the meeting?

5 MR FISHER: No, I can't recall discussing this cost saving, no. I can't recall it.

MR SHARPE: Turning over the page, going to the next page, please, page 3. I note in that, which is the same resolution as we saw earlier, that the resolution is to endorse the proposal to remove a dedicated inspectorial presence for 20.5 hours a day from the first available date from 1 September 2015. I note that the date on
10 which the reduction in the inspectorial presence was going to happen was from 1 September 2015.

Commissioners, I ask that GWC.0002.0016.0156, the GWC minutes of 25 August 2015 be marked for identification.
15

COMMISSIONER JENKINS: Those minutes with that number will be marked for identification.

20

**DOCUMENT MARKED FOR IDENTIFICATION #GWC.0002.0016.0156 -
GWC MINUTES DATED 25 AUGUST 2015**

25 MR SHARPE: The next document I want to go to is the annual report for 2015-2016, keeping in mind the date on which that change to the inspection regime was to take effect was 1 September 2015, so that would be included in the 2015-2016 financial year?

30 MR FISHER: Yes.

MR SHARPE: Can we call up, for the transcript, PUB.0002.0001.0588. That is the Gaming and Wagering Commission of Western Australia annual report. Please go to page 648. This is headed:
35

Detailed Information in Support of Key Performance Indicators, Agency Level,
Government Desired Outcomes and Key Effectiveness Indicators.

40 The desired outcome being:

To regulate and maintain the integrity of lawful gambling activities.

I draw your attention to a couple of sentences, a couple of paragraphs down. It is
45 designed to achieve.

..... a comprehensive legislative framework that operates within the State with

the aim of: Preventing criminal interests from operating gaming and wagering activities; and. Maintaining the integrity of lawful gaming and wagering activities within a framework that minimises harm.

5

Do you see that?

MR FISHER: Yes.

10

MR SHARPE: This is the measurement of how that --- these are the KPIs to measure how that framework is achieved. Can I then turn to page 650. I draw your attention to the third and fourth rows, the total cost of monitoring integrity at the casino gaming operations and the total cost of unlawful gambling detected. I note the next column across, 2015-16 target, with the cost allocated.

15

MR FISHER: Yes.

MR SHARPE: So there's \$1,060,903 allocated in 2015-16 for the total cost of monitoring the integrity of the casino gaming operations, and then the actual cost for 2015-16 is set out a couple of columns across as \$1,057,088. So it's really fractionally less than the target.

20

MR FISHER: Yes.

25

MR SHARPE: Only a few thousand less. Then in the row below, the total cost of unlawful gambling detected, the allocated cost is \$1,591,355 and the actual cost is \$1,585,632, which is once again fractionally less than was allocated. Given the amount that was allocated for those targets, do you accept that the amount that was allocated for those targets would have been allocated before the change was made to the way the inspectors' rosters operated on 1 September 2015? The target would have been set in the previous financial year?

30

MR FISHER: Yes, I think it would have been. Yes.

35

MR SHARPE: Then the allocated cost for those activities is only very slightly less than the cost that was forecast, even though there has been a change in the way the inspections are actually organised to reduce costs. Do you understand how it was in the end that, despite the reduction in inspections and the change to the roster to reduce costs, the actual costs that have been recorded for those activities is essentially the same as the cost that was forecast?

40

MR FISHER: It seems a coincidence, doesn't it? It does, yes.

MR SHARPE: You're not able to really explain how that ---

MR FISHER: No, I can't explain it. One thing I will put in there --

MR SHARPE: Yes, sure.

5

MR FISHER: --- is I've written in my diary we did a casino visit on 24 November 2015. So it's in that year and we did a fairly good tour of the security system in the casino, to see what was happening and how it worked. So, to me, that linked in with the cutting the hours back on the inspectors in the way of surveillance.

10

MR SHARPE: What was the purpose of that trip to the casino?

MR FISHER: Just to see that surveillance side of it.

15

MR SHARPE: Turning back to the annual report, if we can then go to page 63 and turning attention to the bottom table, the table at the bottom of the page. Looking under "Operating Expenses" at services provided by DRGL, it states the 2015-16 target was \$4,643,760 and the actual services provided were \$4,643,760, so it's identical. The target which has been set then ends up being the same as the outcome.

20

MR FISHER: Yes. I can't answer that.

MR SHARPE: If I can put the proposition to you that you would expect, given the reduction in the casino inspections, that the actual should be less than the target.

25

MR FISHER: I would agree.

MR SHARPE: There was not an explanation for why ---

30

MR FISHER: No.

MR SHARPE: --- the services were charged at the same rate.

Commissioners, I tender that annual report with ID number PUB.0002.0001.0651.

35

COMMISSIONER JENKINS: The annual report for 2015-16 of the Gaming and Wagering Commission with that number will be an exhibit.

40

MR SHARPE: I'm sorry. My junior has pointed out to me that I've read out the wrong number. There's an issue with the numbering. The correct number is PUB.0002.0001.0588.

COMMISSIONER JENKINS: Thank you.

45

EXHIBIT #PUB.0002.0001.0588 - 2015-16 ANNUAL REPORT OF GAMING AND WAGERING COMMISSION

MR SHARPE: If we turn to GWC.0002.0016.0225, this is the agenda pack for 22
5 August 2017. Can we please turn to page 13. This is the agenda item 5.2, dated 10
August 2017, titled "Compliance Review". The recommendation in this is simply
that the Commission note the report. But I want to take you through this to ask about
how the Department was providing compliance services to the GWC at this time. If
we can scroll down and maybe just enlarge it at the bottom of the page. I ask you to
10 read the paragraph beginning "The environment" and then the paragraph after that.

MR FISHER: Yes.

MR SHARPE: Then if we can go to the next page, please, and just zoom out the first
15 paragraph, pop out the first paragraph. Would you read that paragraph to yourself.

MR FISHER: Yes, I remember that.

MR SHARPE: Then we can go back to the full page and then pop out the second-
20 last paragraph about KPIs, and read that to yourself as well.

MR FISHER: Yes.

MR SHARPE: Over the page, please, zoom out the first paragraph.
25

MR FISHER: Yes.

MR SHARPE: Then go back to the full page and zoom out the section starting with
the section headed "Timing".
30

MR FISHER: Yes.

MR SHARPE: I ask you to read that.

MR FISHER: Yes.
35

MR SHARPE: The question I want to ask you arising from that is when it came to
identifying KPIs, was that process of identifying KPIs being performed by the
Department rather than by the GWC?
40

MR FISHER: Yes.

MR SHARPE: Is that how it was working?

MR FISHER: Yes.
45

MR SHARPE: So far as there is a discussion of a risk-based approach to licensing
and compliance, who was identifying the risks for the purpose of --- or assessing

what the risks were for the purpose of the risk-based approach?

MR FISHER: It would have been Michael Connolly.

5

MR SHARPE: Michael Connolly. So it was not the GWC that was identifying the risks, it was ---

MR FISHER: Michael would have been putting them to the GWC, yes.

10

MR SHARPE: Commissioners, I mark for identification GWC.0002.0016.0225 at pages 13 to 15.

COMMISSIONER JENKINS: The compliance review agenda paper with that number will be an exhibit or marked for identification?

15

MR SHARPE: Marked for identification, sorry.

COMMISSIONER JENKINS: It will be marked for identification.

20

DOCUMENT MARKED FOR IDENTIFICATION #GWC.0002.0016.0225 - COMPLIANCE REVIEW AGENDA PAPER (PAGES 13 TO 15)

25

MR SHARPE: If we then turn to the minutes that relate to that agenda item, I call up GWC.0002.0016.0211. These are the minutes for the meeting on 22 August 2017. Then if you can turn to page 2, I note 5.2. I ask you to read that to yourself.

30

MR FISHER: Yes.

MR SHARPE: Do you recall if there was a discussion about that compliance review at that meeting?

35

MR FISHER: I think it was very brief, a very brief discussion, and we were waiting to see what happens with the outcomes of it.

MR SHARPE: I note, while we're on that page, at the foot of the page there's a reference to a presentation being made by Crown.

40

MR FISHER: Yes.

MR SHARPE: Regarding Crown employees in China. Was this the presentation that was made at that meeting on 22 August 2017?

45

MR FISHER: There was a presentation made by Mr Joshua Preston but I --- I suppose it was at that meeting that's written there, but I can recall him making the statement about the people in China and --- yes.

MR SHARPE: Was it a matter for concern for the GWC that Crown employees had been arrested in China?

5 MR FISHER: It was sort of out of our hands. It was a concern but it was something we couldn't do anything about. We just had to wait for the next outcome.

MR SHARPE: Was there a concern for you about --- sorry, I'll step back. Did you perceive across the time that you were on the board that there was a gradual decrease
10 in the resourcing that was being dedicated to casino inspections?

MR FISHER: No.

MR SHARPE: No?
15

MR FISHER: No.

MR SHARPE: Did the risk-based approach that was being developed, including the removal of the dedicated inspectors, cause you any concern about whether the quality
20 of the oversight of the Perth Casino was diminishing over the time you were on the board?

MR FISHER: No. Not at all.

25 MR SHARPE: Commissioners, I will ask that those minutes be marked for identification.

COMMISSIONER JENKINS: Before that document goes down, there's a question I want to ask about a statement in it. It might be useful for me to ask the question
30 whilst the document is in front of you, Mr Fisher.

MR FISHER: Mmm.

COMMISSIONER JENKINS: The second-last paragraph, "Mr Preston provided an
35 overview":

Mr Preston advised the Commission that Crown regularly assessed the risks relating to their operations in China and compliance with Chinese laws.

40 It was the last sentence, in particular, I want to ask you:

The arrest of staff was unexpected and represented a shift in the application of laws by the Chinese authorities.

45 Do you believe that's an accurate statement of what he told the GWC?

MR FISHER: No, I don't think it is.

COMMISSIONER JENKINS: What do you recollect he told the GWC?

5 MR FISHER: I can't recall him saying anything about their operations in China until this came up.

10 COMMISSIONER JENKINS: When it did come up and he came to speak to you, to speak to the GWC about the arrests, do you recall what he told you about them, about why they had occurred?

MR FISHER: No. No, I can't recall.

15 COMMISSIONER JENKINS: Thank you. Could we just go over to the next page to see if there's anything more. Would you read that top paragraph. Do you recall anything to that effect being said?

MR FISHER: No, I can't.

20 COMMISSIONER JENKINS: Thank you. The minutes of the meeting of 22 August 2017 will be marked for identification.

25 **DOCUMENT MARKED FOR IDENTIFICATION #GWC.0002.0016.0211 - MINUTES OF MEETING DATED 22 AUGUST 2017**

30 MR SHARPE: We will turn then to a different topic, which is the topic of conflicts of interest. I call up GWC.0002.0016.0122. This is the agenda pack for 25 November 2014. Do you see that?

MR FISHER: Yes.

35 MR SHARPE: Please go to page 173. This is an agenda item concerning a Code of Conduct and the recommendation you will see is that the Commission endorsed the draft Gaming and Wagering Commission Code of Conduct. Do you see that?

MR FISHER: Yes.

40 MR SHARPE: If we then go to the minutes for that meeting GWC.0002.0016.0120, do you see those are the minutes of the 25th of ---

MR FISHER: 2014.

45 MR SHARPE: 2014, yes. If we go to page 4, please, you will see at item 10.3 the GWC resolved to endorse the draft Gaming and Wagering Commission Code of Conduct?

MR FISHER: Yes, I see that.

MR SHARPE: Commissioners, I will mark that for identification, those minutes.

5

COMMISSIONER JENKINS: Those minutes with the number you have identified will be marked for identification.

10 **DOCUMENT MARKED FOR IDENTIFICATION #GWC.0002.0016.0120 - MINUTES OF MEETING DATED 25 NOVEMBER 2014**

MR SHARPE: If we can then turn back to the agenda, so this is
15 GWC.0002.0016.0122, we were up to page 173 and if we can turn page 181.
Actually, sorry, stay there for a moment. Sorry. Go back to that page, please. Just
to put where I'm about to take you in context, you will see the second paragraph says
a code of conduct has been drafted by the Gaming and Wagering Commission based
on guidelines based on the Public Sector Commission, and that's at attachment 3. Do
20 you see that?

MR FISHER: Yes.

MR SHARPE: Can we go to attachment 3, which is at page 181. This is the Code of
25 Conduct. Do you agree that's the Code of Conduct?

MR FISHER: Yes, I see that.

MR SHARPE: Can we scroll through that document until we get to page 189.
30 Before I take you to the specific paragraph, do you accept this is the Code of
Conduct which came into effect in 2014, which was adopted in 2014?

MR FISHER: Yes.

MR SHARPE: Can you bring up the next page at the same time, page 190 at the
35 same time. I draw your attention to the foot of the first page, page 189, where it's
agreed that "As members of the Commission, we will", and then I draw your
attention to the top of page 190 and I will get you to pop out the first dash and the
two bullet points below. I ask you to read that.

40

MR FISHER: Yes.

MR SHARPE: You agree that obligation to not accept gifts, benefits and/or
45 hospitality in those circumstances applied to Commissioners from 2014 onwards?

MR FISHER: Oh, yes.

MR SHARPE: Commissioners, I mark for identification GWC.0002.0016.0122
from

pages 173 to 234.

5 COMMISSIONER JENKINS: That document with those numbers will be marked for identification.

10 **DOCUMENT MARKED FOR IDENTIFICATION #GWC.0002.0016.0122 - GWC MEETING AGENDA FOR 25 NOVEMBER 2014 (PAGES 173 TO 234)**

MR SHARPE: Please call up GWC.0002.0016.0203. These are the minutes of 28 February 2017; do you agree?

15 MR FISHER: Yes.

MR SHARPE: I notice at the foot of the page there is a heading "REGISTRATION OF GIFTS AND HOSPITALITY", and it's indicated there: *Members Colin Hayward, Mr Andrew Duckworth and Mr Trevor Fisher declared their attendance at the opening of Crown Towers Hotel on 14 December 2016.*

20

MR FISHER: Yes, we did.

MR SHARPE: Under what circumstances did you attend? Were you invited?

25

MR FISHER: We were invited guests.

MR SHARPE: Was the invitation extended to all members of the GWC?

30 MR FISHER: I can't answer that, no. I don't know whether it was or not.

MR SHARPE: Was there any discussion, when the declaration of attendance at the Crown Towers Hotel opening was made, around how that fit in with the Code of Conduct?

35

MR FISHER: No.

MR SHARPE: Did you consider that in attending the opening, you were acting consistently with the Code of Conduct?

40

MR FISHER: Yes. I didn't think it was anything out of the ordinary. Bearing in mind we had been to --- 2016 we did a tour of the hotel and saw where the gaming side of it was happening, where the high rollers were. That was December 2016. 2017 we've had a meeting there too. 24 October '17 I'd been to a problem gambling meeting at the Burswood. So, you know, I'd been there a few times on GWC

45 business. So this was just representing the GWC, I thought.

MR SHARPE: No further questions, thank you, Commissioners.

5 COMMISSIONER JENKINS: Thank you. Ms Seaward, do you have any questions?

MS SEAWARD: Just briefly, thank you, Commissioner.

10 **CROSS-EXAMINATION BY MS SEAWARD**

15 MS SEAWARD: Mr Fisher, I just want to ask you some questions about how the meetings at the GWC operated. As I understand things, the Departmental officers would prepare the briefing packs for you; is that correct?

MR FISHER: Yes.

20 MS SEAWARD: Then would it be the Commissioner's job to read those beforehand?

MR FISHER: Yes.

25 MS SEAWARD: Then there would be some discussion about each of the items on the agenda at the meeting?

MR FISHER: Yes.

30 MS SEAWARD: Is it fair to say the Commission members then needed to make a decision in relation to each of the matters?

MR FISHER: Oh, yes, yes.

35 MS SEAWARD: You understood you didn't need to do exactly what was recommended by the Department if the Commission felt there should be a different outcome?

MR FISHER: Oh, I totally understood that, yes.

40 MS SEAWARD: Is it also the case that some of the agenda items each month of the meetings were concerned with providing the Commission with an update on the activities that the Departmental officers had undertaken in the last month on behalf of the Commission?

45 MR FISHER: Yes.

MS SEAWARD: For example, there was like an audits and inspections report of the

audits and inspections that had occurred the previous month?

MR FISHER: Yes.

5

MS SEAWARD: There would be information, in terms of the casino, on casino gaming activity in the previous month?

10 MR FISHER: And the disorderly conduct and all those sort of things; is that what you mean?

MS SEAWARD: Yes, all of those.

15 MS SEAWARD: You were provided with information that would enable you, as a Commission member, to see what activities the Departmental officers had, in a general sense, been doing ---

MR FISHER: Yes.

20 MS SEAWARD: ---- for the last month before then?

MR FISHER: Yes.

25 MS SEAWARD: During the meetings, if any of the Commission members had any questions about any of the papers or any of the matters that were before the Commission, were the members able to ask questions of any of the Departmental officers who were present?

30 MR FISHER: Oh, yes, definitely.

MS SEAWARD: If those officers couldn't answer the questions on some cases, would those questions be taken away on notice and information provided at a later meeting?

35 MR FISHER: Yes.

MS SEAWARD: No further questions, thank you.

40 COMMISSIONER JENKINS: Yes, Mr Malone?

MR MALONE: No questions, thank you, Commissioners.

COMMISSIONER JENKINS: Mr Russell?

45 MR RUSSELL: No questions, thank you, Commissioners.

COMMISSIONER JENKINS: And Mr Sadler?

MR SADLER: Thank you, Commissioner.

5 **CROSS-EXAMINATION BY MR SADLER**

MR SADLER: Mr Fisher, just to confirm that, your witness statement at paragraph 3 is on the question of training.

10

MR FISHER: Excuse me, would you repeat that question?

MR SADLER: Of course, yes. Sorry. At paragraph 3 of your witness statement you talk about training and say that you visited Crown to look at surveillance and at the end of it that we didn't receive any formal training as part of it. What did you do if you had questions during the meetings about topics or things about legislation or questions arising?

15

MR FISHER: From a monthly meeting?

20

MR SADLER: From the GWC monthly meeting?

MR FISHER: Questions to who?

25

MR SADLER: Your own questions about what was raised.

MR FISHER: Oh, I'd address the Chair and ask a question.

30

MR SADLER: And generally answered? The questions, they were generally answered for you?

MR FISHER: Oh, yes.

35

MR SADLER: You say at paragraph 6 that the meetings took one to two hours and about 50 per cent of the meetings covered casino business, depending on whether the gaming machines played for approval. What would your assessment be of the percentage if there wasn't gaming machines for a demonstration for an approval?

40

MR FISHER: Approving race meetings, approving lotto permits, TAB. A lot of applications came through for TAB new facilities. As I mentioned before, we actually called --- used to call members of the casino in, the employees, because they had done something wrong and they would have to come and address the Commission to say why they shouldn't be suspended or fined or just cautioned. Yes.

45

MR SADLER: In percentage terms, if no new games? In percentage terms, how much did casino business take up in a meeting if there were no new games?

MR FISHER: It varied a lot because, you know, some of the minutes that we've seen

here today. There would be a delegation from Crown would come and we might see two or three machines. Also, there would be demonstrations of the actual machines at --- I can't recall them back when they moved but in the Hyatt building there was,
5 quite regularly, casino machines at the back and we'd have a demonstration. So that took time.

MR SADLER: You were shown document GWC.0002.0016.0150, which is the agenda for 23 June 2015 and, specifically, a paper which is agenda item 6.3, which I
10 think is roughly on page 55 or something like that. Actually, that would be useful, stay on that page. See at the bottom there it says what the Department will do, since this is the new strategy they're bringing in? Do you recall being shown this document? We can go to the front to refresh your memory, if you like.

15 MR FISHER: No, I can't recall that.

MR SADLER: We will go back to that and let me get the right page for you. Page 57, yes. This is a paper, to orientate you, 17 June 2015 meeting, casino compliance strategy 2015-2016. You were asked a few questions about this.

20 MR FISHER: No, I can't recall it.

MR SADLER: Let's skip forward to page 58 then. At the bottom of that page it's explaining what the Department will do to bring into effect this new strategy, so to
25 speak. Then over the page you've got a few headings (inaudible) "Casino Table Games", "Electronic Gaming Machines (EGM's)", "Casino Revenue and Tax", "Surveillance" and "Security". In your witness statement at paragraph 6 you talk about --- sorry, at paragraph 3 you talk about how you visited the Perth Casino to look at the new surveillance. In your statement, I believe you said that was to inspect
30 the surveillance systems they were putting in. Was there any particular reason for that trip; do you recall?

MR FISHER: It was a link in to cutting the hours back ---

35 MR SADLER: Yes.

MR FISHER: --- on the inspectors.

40 MR SADLER: Yes.

MR FISHER: And it was just to show how good the surveillance was for the general public, as well as keeping an eye on/over each table to make sure that everything was okay.

45 MR SADLER: Just looking back at the page that you have up on the screen there, you have a number of headings, "Casino Table Games", "Electronic Gaming Machines (EGM's)", "Casino Revenue and Tax", "Surveillance", and then there's "Security" as well down the bottom there. A proposition has been put by another

witness to the Commission that the casino was a mature product, in that the casino table games, electronic gaming machines and really the system of checking the revenue threw the chit count and those matters were a known entity, known to the
5 GWC and haven't changed over time. Is that your experience from your time on the GWC, that the casino was a mature product, known to the GWC? The casino table games had largely been the same, the electronic gaming machines had --- apart from changing the face of them, they had been the same?

10 MR FISHER: Yes.

MR SADLER: Would you agree with that?

15 MR FISHER: Yes, they're pretty well the same. Yes.

MR SADLER: Would you agree the surveillance has changed, though, over the time that you were there and had got better?

20 MR FISHER: I would agree with that, yes.

MR SADLER: I think that's all. Thank you, Commissioners, Mr Fisher.

COMMISSIONER MURPHY: No questions from me, thank you.

25 COMMISSIONER JENKINS: Mr Fisher, I have a few questions for you.

QUESTIONS BY THE COMMISSIONER

30 COMMISSIONER JENKINS: You were asked questions by Mr Sharpe about the role of the GWC. What did you understand the role of the GWC, the Gaming and Wagering Commission, to be?

35 MR FISHER: To be the big daddy. To look over the casino and keep things in order. To make sure that it ran as a good public facility, in accordance with all the rules and regulations that had been set down for --- when it was first started.

40 COMMISSIONER JENKINS: How did the GWC do that?

MR FISHER: Through the monthly meetings, through information given to us on the trends of what was happening each month and relying on reports from, ie, Michael Connolly and through the Chair with Barry Sargeant.

45 COMMISSIONER JENKINS: That was actually going to be my next question. If you relied on information provided to you, who was it primarily who gave you that information?

MR FISHER: Those two gentlemen, yes.

5 COMMISSIONER JENKINS: Did you have an understanding of whether the GWC had delegated to either or both of those people or the people in their positions, the powers of the GWC?

MR FISHER: In what way do you mean a delegation?

10 COMMISSIONER JENKINS: I will give you an example. Were you aware there was something called the Casino Operations Manual or something like that?

MR FISHER: Yes.

15 COMMISSIONER JENKINS: What did you understand about Mr Connolly's or Mr Sargeant's powers, his powers as Director-General, to make changes to the Casino Operations Manual?

20 MR FISHER: I always thought that they would bring --- if there was going to be changes to the manual, they would bring it to a monthly meeting and it would be in the minutes and then come through to the Commissioners that way.

COMMISSIONER JENKINS: Before the change was made or after the change was made?

25 MR FISHER: No, before. Yes.

COMMISSIONER JENKINS: That would be for the approval of GWC?

30 MR FISHER: Yes, yes.

COMMISSIONER JENKINS: Were you aware there was also things called the directions, the Burswood Casino Directions?

35 MR FISHER: No.

40 COMMISSIONER JENKINS: You were shown documents relating to the decision to remove inspectors from the floor of the casino and there were references in that document and in a later document of 25 August 2015 to the regulatory approach being consistent with a risk-based audit approach to regulation. Now, my understanding, and correct me if you have a different understanding, is that in order to have a risk-based approach to regulation, you've got to do risk assessments to decide what your risks are.

45 MR FISHER: Yes.

COMMISSIONER JENKINS: Did the Department present to GWC risk assessments, either for noting or for approval of what the risks were in the regulating

that had to be regulated?

MR FISHER: No, I can't recall anything down that line, no.

5

COMMISSIONER JENKINS: If they were, would you agree that we should be able to examine the agenda papers ---

MR FISHER: Yes, yes.

10

COMMISSIONER JENKINS: --- and find them. When the paper was presented to you and the proposal was put to the GWC for the removal of inspectors from the floor, did you think --- did it occur to you that maybe we should get independent advice about the best way to regulate the casino?

15

MR FISHER: No. I trusted the report that we had from Michael.

COMMISSIONER JENKINS: So when he said in that report that this is the way other Australian jurisdictions were doing it ---

20

MR FISHER: Yes.

COMMISSIONER JENKINS: --- you accepted that and thought that meant that was a good way for ---

25

MR FISHER: Yes.

COMMISSIONER JENKINS: ---- WA to go too?

30

MR FISHER: Yes. I always found the reports that Michael gave were thorough and he didn't beat around the bush. He always, to me, went straight to the point and didn't muck around, and I always admired that side of it and I thought --- that's why I always trusted his opinion.

35

COMMISSIONER JENKINS: You were asked some questions about a charge, I'll refer to it as a charge, that the Department made to GWC for the services that the Department provided.

MR FISHER: Yes.

40

COMMISSIONER JENKINS: Was it your understanding at the time you were on the GWC that that is what happened; that is the Department provided services ---

MR FISHER: Yes.

45

COMMISSIONER JENKINS: --- to the GWC and that the GWC had an income which it received, at least in part, from the licence fee ---

MR FISHER: Yes.

5 COMMISSIONER JENKINS: --- which the casino paid. Further, that then the Department charged GWC for the value of the services it provided to the GWC and the GWC paid those charges out of its income?

MR FISHER: Yes.

10 COMMISSIONER JENKINS: Did you understand that the Department charged the GWC for all the services it provided or only some of them?

MR FISHER: I thought it was for all.

15 COMMISSIONER JENKINS: In relation to the China arrests, you said it was of a concern but you didn't feel that --- what could the GWC do about it, so to speak. Can I ask you a couple of questions about that, if you can cast your mind back to the time. I know it's difficult. What did you understand about why those arrests had taken place?

20

MR FISHER: I thought --- and I might be entirely wrong here, I thought it was because they were soliciting people to come to here to gamble.

25 COMMISSIONER JENKINS: In terms of whether there was anything you could do about that, did you understand that the GWC had the power to make regulations about junkets?

MR FISHER: No. I didn't, no.

30 COMMISSIONER JENKINS: If you didn't know that, am I right in assuming that it didn't occur to you, well, we could in fact prohibit them bringing groups of people from China?

MR FISHER: No, I didn't realise that we could stop them, no.

35

COMMISSIONER JENKINS: Did you realise that the casino could only grant credit or lines of finance to international gamblers with the GWC's consent?

MR FISHER: Yes.

40

COMMISSIONER JENKINS: Did you it occur to you that you could have changed the rules in relation to that, in order to ---

45 MR FISHER: If I could have, I would have. I could never understand why that was allowed and it was a large amount of money, too.

COMMISSIONER JENKINS: Why did you think you couldn't do anything about it?

MR FISHER: Because it had been in the system for so long.

5 COMMISSIONER JENKINS: Finally, in relation to the Problem Gambling Committee, you mentioned that you yourself had gone to a meeting at the casino about problem gambling?

MR FISHER: It was a general meeting.

10 COMMISSIONER JENKINS: Of?

MR FISHER: Of problem gambling, yes.

15 COMMISSIONER JENKINS: Of the committee?

MR FISHER: No. We were just invited to go as representatives of the GWC, but it was a general meeting. It was in one of the big rooms. It was more of a social meeting and there was --- I cannot remember the lady's name, but she was from the east coast somewhere, giving a presentation of problem gambling, and there would have been, oh, 60, 70, 80 people there.

20 COMMISSIONER JENKINS: What did you understand, if anything, of the GWC's role in relation to minimising harm from problem gambling?

25 MR FISHER: There was money allocated for sessions of helping people and, yes, the GWC was concerned with that aspect of it a lot.

30 COMMISSIONER JENKINS: In terms of that money, what was your understanding as to where that money came from?

MR FISHER: I thought it came out of just general revenue from the GWC.

35 COMMISSIONER JENKINS: I think that's all I want to ask you, Mr Fisher, but I'll just check my notes. Whilst you were on the Commission, did you feel it had sufficient funds to perform its duties?

MR FISHER: Yes, yes.

40 COMMISSIONER JENKINS: There was one other matter, just really to make sure I understand what your evidence is. In answer to Mr Sharpe, did you say that you did not think that the casino had a role in preventing --- sorry, I'll start again. You did not think that the GWC had a role in preventing money laundering at the casino?

45 MR FISHER: No, I thought it was a Government-control somewhere along the line, rather than the GWC.

COMMISSIONER JENKINS: Similarly, am I right in believing that you did not think the GWC had a role in preventing infiltration of the casino by criminals?

MR FISHER: Can you rephrase that again?

5 COMMISSIONER JENKINS: That you did not think the Commission had a role in preventing the infiltration of the casino and casino gaming by criminals? I think in fairness to you, perhaps, before you answer that, I'm not talking here about what happened by way of licensing employees. That was one way that, in fact, the GWC did try to prevent criminals ---

10 MR FISHER: Yes.

COMMISSIONER JENKINS: --- from being involved in gaming at the casino. I'm talking about in other ways.

15 MR FISHER: I don't know how to answer that. I'm totally against anything like that, the criminal activity in the thing, and I always have been.

20 COMMISSIONER JENKINS: Of course, I'm not suggesting otherwise, Mr Fisher, don't worry. But I'm just trying to tease out whether you thought that, apart from licensing employees and doing the audits and making sure the employees were conducting the games according to the rules ---

MR FISHER: Yes.

25 COMMISSIONER JENKINS: --- did you think the Commission had any other role in preventing criminal activity?

MR FISHER: Oh yes, I think we did, yes.

30 COMMISSIONER JENKINS: In what way and what sort of activity?

35 MR FISHER: Well, if it was brought to our attention, we would have jumped on it. Just outside of the Burswood, it came to our attention that there was gambling going on over the road virtually from the casino a couple of times and we had police go and bust them open and they were apprehended. Is that what you mean, down that line? To me, that's criminal.

COMMISSIONER JENKINS: Yes, that's criminal activity.

40 MR FISHER: Yes.

COMMISSIONER JENKINS: I'll just ask you about another form, going back to money laundering. We accept that's a criminal activity?

45 MR FISHER: Yes, definitely.

COMMISSIONER JENKINS: If casino inspectors saw that in the books of the

casino, would you think the GWC would have a role in reporting that to another law enforcement body or to a law enforcement body?

5 MR FISHER: Yes.

COMMISSIONER JENKINS: Did you ever turn your mind to whether the casino inspectors should be directed to do audits, for example, of the bank accounts of the casino to see whether that was happening?

10

MR FISHER: No, it never entered my mind down that line.

COMMISSIONER JENKINS: Thank you. Is there anything arising from those questions, Mr Sharpe?

15

MR SHARPE: Perhaps one thing. There's just one other point; I needed to deal with the last document I referred to, but I didn't. So I ask that GWC.0002.0016.0203, which is the GWC minutes of 28 February 2017, be marked for identification.

20

COMMISSIONER JENKINS: They will be marked.

**DOCUMENT FOR IDENTIFICATION #GWC.0002.0016.0203 - MINUTES
OF GWC MEETING DATED 28 FEBRUARY 2017**

25

RE-EXAMINATION BY MR SHARPE

30 MR SHARPE: Mr Fisher, I want to pick up on the answer you gave to the
Commissioner regarding money laundering. You said, and I hope I'm getting this as
an accurate statement of your answer, that it wasn't for the GWC to look into but it
was a matter for Government control. When you are referring to Government
control, do you have a specific part of the Government in mind when you are saying
35 Government control? Or simply just not --- that it was not within the GWC's remit?
To put it another way, who do you think would be responsible for money laundering?

MR FISHER: It's a Federal Government problem. You know, someone in the
Federal Government, AUSTRAC or someone like that, should be jumping on it.

40

MR SHARPE: And in the time that you were on the Commission, did the
Commission have any interactions with AUSTRAC?

MR FISHER: No, not that I know of.

45

MR SHARPE: And didn't have any memorandum of understanding with AUSTRAC
about money laundering?

MR FISHER: No, no.

COMMISSIONER JENKINS: Any questions?

5

MS SEAWARD: No.

MR MALONE: No.

10 MR SADLER: No, thank you.

COMMISSIONER JENKINS: Mr Fisher, thank you very much for coming along today and giving your evidence. It has been most helpful. As I said to you, I will explain the process from here on. As you can see, there are only two of us sitting today, Mr Murphy and myself. Commissioner Owen is sitting in another room hearing the evidence from another witness. Because he has not had the opportunity to hear your evidence, he will review it over the next few days, either by reading the transcript or it's recorded so he can watch the visual audio recording of your evidence. He may have some questions, just like I had questions, he may have some questions he wants to put to you. If so, they will be reduced to writing and they will be sent to you and you will be asked to answer them. And because you are still under the obligations of your summons, two things will occur; either you will answer the questions and that will be it and we will then release you from the summons.

25 MR FISHER: Yes.

COMMISSIONER JENKINS: Alternatively, if you fail to answer the questions, you will be required to come back here and do it orally.

30 MR FISHER: Okay.

COMMISSIONER JENKINS: So in either case or in the other case that no questions are required to be answered, you will be advised of what's going to happen shortly and it may well be that if no questions are going to be put to you, then you will be told you will be released from your summons.

MR FISHER: Okay.

COMMISSIONER JENKINS: Is there anything you want to ask about that process?

40

MR FISHER: Just as I live in Busselton, do I go home?

COMMISSIONER JENKINS: You certainly can go home. I'm not stopping you from going home at all. We are not stopping you from going home. So, for the time being, you go about your ordinary business.

45

MR FISHER: Okay. Thank you.

03:47PM

COMMISSIONER JENKINS: But we will contact you as we have in the past if we need you to answer some more questions.

5 MR FISHER: Totally understand.

THE WITNESS STOOD DOWN

10

COMMISSIONER JENKINS: Thank you. Thank you, counsel.

The Commission will now adjourn until 10.00 am tomorrow.

15

**HEARING ADJOURNED AT 3.48 PM UNTIL WEDNESDAY, 19 MAY 2021
AT 10.00 AM**

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