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PERTH CASINO ROYAL COMMISSION

PUBLIC HEARING - DAY 44

10.03 AM WEDNESDAY, 29 SEPTEMBER 2021

COMMISSIONER CF JENKINS

HEARING ROOM 3

MS PATRICIA CAHILL SC and MS KIRSTEN NELSON and MS THEA CHEE and MS APARNA JAYASEKERA as Counsel Assisting the Perth Casino Royal Commission

MR DAVID SHAW as Counsel for Mr Derek Burling

MR SIMON DAVIS and MR SCOTT MEACOCK as Counsel for Mr Jarrod Campbell

MR ROBERT BATHURST and MR KEAHN SARDINHA as Counsel for the Department of Local Government, Sport and Cultural Industries

MR PETER SADLER as Counsel for the Gaming and Wagering Commission of Western Australia

MR KANAGA DHARMANANDA SC and MR JOSEPH GARAS SC and MR JESSE WINTON and MR LEON FIRIOS as Counsel for Crown Resorts Ltd; Burswood Limited; Burswood Nominees Limited; Burswood Resort (Management) Limited; Crown Sydney Gaming Pty Ltd; Southbank Investments Pty Ltd; Riverbank Investments Pty Ltd and Crown Melbourne Limited

MS RACHAEL YOUNG as Counsel for Consolidated Press Holdings Pty Ltd and CPH Crown Holdings Pty Ltd

MR STEVEN PENGLIS SC as Counsel for Mr Joshua Preston

DR ELIZABETH BOROS as Counsel for Mr Ken Barton

10:03AM

COMMISSIONER JENKINS: Now, Mr Burling, please stand. Before you give evidence today, you must take an oath or affirmation. Which do you choose to take?

5 WITNESS: I prefer the oath.

MR DEREK BURLING, SWORN

10

COMMISSIONER JENKINS: We will commence. Yes, Mr Shaw.

EXAMINATION-IN-CHIEF BY MR SHAW

15

MR SHAW: Thank you, Commissioner.

20 Could I have on screen, please, Mr Burling's witness statement CRW.9980 --- there it is. Can you see that on your screen?

MR BURLING: Yes, I can.

25 MR SHAW: Operator, if we can go to the penultimate page, please.

Do you recognise that as your witness statement?

MR BURLING: Yes, I do.

30 MR SHAW: To the best of your knowledge, information and belief, the matters stated in it are true and correct?

MR BURLING: Yes, they are.

35 MR SHAW: I tender the statement.

COMMISSIONER JENKINS: The statement of Mr Burling being CRW.998.002.0786 will be an exhibit in the Commission.

40 Yes, Ms Nelson.

EXHIBIT #CRW.998.002.0786 - STATEMENT OF MR DEREK BURLING

45

CROSS-EXAMINATION BY MS NELSON

MS NELSON: Thank you, Commissioner.

5 Mr Burling, just looking at your statement at page 1, paragraph 5, you mentioned that from the commencement of your employment in 2010, you were involved in investigations that focused on breach of policy, procedure and misconduct by Crown staff, is that an accurate summary of what you were involved in when you first started working at Crown?

10 MR BURLING: Primarily, yes.

MS NELSON: You would broadly classify those investigations as human resources-type investigations, would you?

15 MR BURLING: Not in all cases, but that would be included in that, that's correct.

MS NELSON: So those that were human resources-related, did they have a criminal element?

20 MR BURLING: If it involved maybe some contractors, for example, there may be some criminality there, where I would be involved with dealing with the contractors and proceed, if criminality was identified, then the matters would be essentially referred to police.

25 MS NELSON: Those matters involving criminality, the person of interest would be either a Crown employee or a Crown contractor?

MR BURLING: It could also be a patron as well, absolutely.

30 MS NELSON: So that's from the commencement of your employment in 2010, was that the case in relation to patrons as well?

MR BURLING: Probably not as much as it is now, but yes.

35 MS NELSON: Thank you. Arising from those investigations that focused on the conduct of Crown employees, was it your role to then issue written warnings to those staff?

MR BURLING: My personal role, no.

40

MS NELSON: Whose role was that?

MR BURLING: That would be from the Human Resources Department.

45 MS NELSON: So arising from those investigations into Crown employees, would you write a report to inform the human resources area of Crown?

MR BURLING: If the matter was involving a staff member and human resources

10:07AM

were involved, they would be involved in an interview, which I would conduct; they would go through their process, which is making notes; and from there an outcome would be determined, and if a warning was issued, or even termination, then that
5 would be in collaboration with discussion and the relevant letter sent to the employee advising that outcome.

10 MS NELSON: Did you personally have to do any written report of your investigation, your involvement at all?

MR BURLING: In relation to human resources matters?

MS NELSON: Yes.

15 MR BURLING: No.

MS NELSON: Okay. Were you involved in an internal investigation shown as Operation Shawshank?

20 MR BURLING: The name doesn't ring a bell to me, no.

MS NELSON: Turning back to your statement, as I understand it, you expanded into investigating activities of patrons focused on criminal behaviour that was unconnected to gaming activities, so we're talking about assaults, theft of Crown
25 property, that type of thing; is that correct?

MR BURLING: Yes, absolutely. Of.

30 MS NELSON: You still do that type of work today?

MR BURLING: Correct.

MS NELSON: From 2018, you've managed the corporate investigations team?

35 MR BURLING: Yes, towards the end of 2018, that's correct.

MS NELSON: If you go to page 2 of the statement, paragraph 16, thank you. You have articulated in paragraph 16 who is in that team, so it seems to include security investigations officers as well as surveillance investigation officers?
40

MR BURLING: Yes. There's two security investigations compliance officers in line with surveillance investigation, and a compliance officer.

45 MS NELSON: And one surveillance investigations officer?

MR BURLING: That's correct.

MS NELSON: When you say that you managed that team, do those persons report to

10:09AM

you?

MR BURLING: They do, yes.

5

MS NELSON: Does that team manage all the investigations done by the surveillance and security areas?

MR BURLING: I would suggest yes. I'm just trying to think of any areas where we may not be involved, but I can't think of any offhand.

10

MS NELSON: Would that be the team that currently undertakes those human resources type investigations that you've mentioned you were involved in from 2010?

15

MR BURLING: Over time, the security department has taken the lead in the security operations role manager, who now does more of the HR matters than I would do. Probably up until 2019 I was still doing a lot of those matters, and even some for surveillance as well, and for gaming, and for food and beverage, for a number of departments around Crown.

20

MS NELSON: I see. So any investigation that you're involved in at Crown currently, is that undertaken by you and this team that you've called the CIT?

MR BURLING: Yes, depending on the nature. Some departments may do their own investigation. Gaming may investigate some matters that they have that I may not be involved in.

25

MS NELSON: Just talking about matters that you are personally involved in investigating, all those matters, do you involve your CIT team?

30

MR BURLING: Yes, they would be aware of it, sure, absolutely.

MS NELSON: Are there any other persons who are in the surveillance department or the security department who report to you other than those that you've mentioned at paragraph 16?

35

MR BURLING: No.

MS NELSON: You report to Mr Brian Lee?

40

MR BURLING: That's correct.

MS NELSON: Do you report directly to any other person in the Crown group?

45

MR BURLING: No, I don't.

MS NELSON: If you could go to your statement at page 3, paragraph 18, thank you --- in particular, subparagraph 18b, where you talk about the role of that team,

the CIT team. You've mentioned that the role of the team includes, but is not limited to, subsection b, "Internal and external stakeholder relationships". Can you explain who the external stakeholder persons you're referring to in that paragraph would be?

5

MR BURLING: I have a number of external stakeholders that I deal with --- the Western Australian police, the Australian Federal Police, I have relationships with the ATO, the tax office, ASIC, ACIC.

10 MS NELSON: In the WA police, do you liaise with a particular person or unit?

MR BURLING: I have done, and I do, yes.

MS NELSON: You have a particular contact?

15

MR BURLING: I have a number of contacts within WA police, yes.

MS NELSON: Thank you. Looking at subparagraph 18e, and you refer to the role of the CIT including referring matters of concerning gaming behaviour to the Responsible Gaming, RG team. How would those matters come to the notice of your CIT team?

20

MR BURLING: Part of the responsibility of the security investigation compliance officers is to review footage that they would look at as a result of reviewing the daily shift report, which is also known as the security and surveillance incident report. They might identify something off there, in which case they would refer that through to the RG team. The surveillance investigators, similarly, if they identified something in the course of their investigation, they would also do the same.

25

MS NELSON: Thank you. Looking at paragraph 18f, you refer to the role of your team including active participation with Persons of Interest, POI, Subcommittee. Can you explain what you mean by "active participation"?

30

MR BURLING: There is a Person of Interest Subcommittee which meets fortnightly, which I am a member, and we discuss persons of interest that have been raised during the course of the preceding fortnight.

35

MS NELSON: Do you provide information, or does your CIT team provide information on those persons to the subcommittee?

40

MR BURLING: Yes.

MS NELSON: In a written report or an oral report?

45 MR BURLING: Orally.

MS NELSON: And apart from providing information of that nature and actually sitting on the subcommittee yourself, is there any other role or any other participatory

role that the CIT team has in that subcommittee?

MR BURLING: We might --- the CIT would conduct background checks.

5

MS NELSON: That would be under the direction of the subcommittee or under the direction of you?

MR BURLING: From my team, that would be under my direction. It would be a request from the committee.

10

MS NELSON: What is the extent of the background checks that your team would do for the subcommittee?

MR BURLING: They would use our internal iTrak system, our gaming records, maybe hotel computer records, Google searches, Facebook searches --- there's a number of things that we could do there.

15

MS NELSON: So it would be open source material as well as internal Crown records?

20

MR BURLING: Correct.

MS NELSON: Would there be any other information sources?

25

MR BURLING: There would be discussions potentially with LEAs, absolutely.

MS NELSON: With law enforcement?

MR BURLING: That's correct.

30

MS NELSON: Who would undertake those discussions --- would members of your team or would you do that?

MR BURLING: Primarily myself.

35

MS NELSON: Did you or your team put together patron information sheets in July 2019 addressing patrons from the Chinatown Junket?

MR BURLING: No, I'm sorry I don't know anything about that.

40

MS NELSON: I just want to ask you some questions about iTrak now, if we could have paragraph 8a of the witness's statement, please. You're talking about your direct reports in your role as compliance manager for the security department, and at subparagraph 8(a) you say that one internal secondee, a security supervisor, had a role which included the administration of the incident management system known as iTrak. Is it the position then that since 2010, either you or one of your direct reports has had responsibility for administering that system?

45

10:18AM

MR BURLING: Yes.

MS NELSON: So a good part of 10 years, then?

5

MR BURLING: From a security perspective at that time.

MS NELSON: When you say from a security perspective, what does that mean?

10 MR BURLING: It didn't involve surveillance. From 2010, when I first started, it was a secondee, and that person was involved in the initiation of iTrak, which I believe came online around 2009, just prior to my commencement with Burswood, or Crown. And that was security all the way through till I became involved with surveillance.

15

MS NELSON: When did you become involved with surveillance?

MR BURLING: That would be around 2018.

20 MS NELSON: So is it correct to say that since 2018, you or one of your team, whether they are in security or surveillance, have had management of the iTrak system?

MR BURLING: The surveillance investigation and compliance officer would
25 administer the iTrak as well as myself, correct.

MS NELSON: The surveillance investigation compliance officer is a member of your CIT team, aren't they?

30 MR BURLING: Correct.

COMMISSIONER JENKINS: Mr Burling, your voice is very quiet. Could you please speak up.

35 MR BURLING: Sorry.

MS NELSON: Would you say the management of the iTrak system is ultimately your responsibility and has been since 2018?

40 MR BURLING: No.

MS NELSON: Whose responsibility would you say the management of the system is?

45 MR BURLING: IT have a responsibility and a role there as well, so the overall responsibility would be through the IT department.

10:21AM

MS NELSON: I see. If we're talking about the management of the data in the iTrak system, would you agree that since 2018, that has been your responsibility with your team?

5

MR BURLING: Yes.

MS NELSON: And that's whether it's from a security perspective or a surveillance perspective, since 2018?

10

MR BURLING: Correct.

MS NELSON: Do you have full access to iTrak?

15

MR BURLING: Yes, I do.

MS NELSON: How long have you had that?

MR BURLING: Since 2018.

20

MS NELSON: If we go back to your statement CRW.998.002.0786 at paragraph 32, this paragraph goes over into the next page and, as you can see from the first line, you are detailing the large number of reports that you receive as part of your role. So, starting at subparagraph 32a, you talk about the daily shift report, or the security and surveillance shift incident report. Does that include all suspicious or unusual patron behaviour or gaming activity that would be of interest to the AML team?

25

MR BURLING: No.

30

MS NELSON: What report would that type of activity go into, if it doesn't go into this daily shift report?

MR BURLING: I'm unaware if there's a separate report for AML. This report primarily is in relation to incidents that have occurred of a security nature, which would include stealing matters, damage, assaults, it would include breaches of NRLs, breaches of the section 26(2) of the CCA --- any matter in relation to AML is available within the iTrak system.

35

MS NELSON: Who else gets the daily shift report?

40

MR BURLING: There's too numerous for me to mention. The list is quite comprehensive. It does go to the executive and to a number of different departments, and managers within those departments.

45

MS NELSON: By the "executive", do you mean the CEO?

MR BURLING: I'm not sure currently. I'm sure at one stage he was included. At this stage I don't know who's actually on that list. It's called the DSR list, basically.

MS NELSON: Does the AML team have access to this report?

MR BURLING: I'm sure they do.

5

MS NELSON: How do you use the report when you receive it?

MR BURLING: My team, CIT in security, not from the surveillance perspective but primarily from the security side, would look through those incidents to ensure that they are compliant with our SOPs to make sure the incident is correctly written off, that the appropriate actions have been taken, and if there is any training that may come out of that, if we have an interaction or engagement with a patron, for example, it would also include looking at, in the media tab, the quotes for any damage, et cetera, et cetera.

15

MS NELSON: Would you expect that all the incidents in that daily shift report would also appear on the iTrak system?

MR BURLING: Absolutely.

20

MS NELSON: As a notification?

MR BURLING: Absolutely.

MS NELSON: Looking at subparagraph 32(b), thank you, which is a reference to the daily DLGSCI report, and that's the Department of Local Government, Sports and Cultural Industries, correct?

30

MR BURLING: Correct.

MS NELSON: Have you had responsibility for setting the parameters that determine what information goes into that report from the iTrak system?

MR BURLING: Do you mean initially, when it was set up?

35

MS NELSON: We'll start then. Initially, when it was set up?

MR BURLING: No.

MS NELSON: No? What about now, do you have responsibility for those parameters?

45

MR BURLING: I have looked at the parameters of the report about two years ago. It would be when I was looking at compliance for surveillance. I did a review in relation to some reports. This was one of them. And some refinements were made to that report.

10:27AM

MS NELSON: Under your direction?

MR BURLING: Under my direction in consultation.

5

MS NELSON: Who did you consult with?

MR BURLING: I'm confident I would have consulted with my general manager.

10 MS NELSON: By "general manager", do you mean Mr Lee?

MR BURLING: Yes.

15 MS NELSON: When you say you are confident, do you have an independent recollection of doing so?

MR BURLING: No.

20 MS NELSON: Who asked you to do the review in the first place?

MR BURLING: No one that I recall.

MS NELSON: When you say --- so you just undertook it from your own initiative?

25 MR BURLING: Yes.

MS NELSON: When you say two years ago, would that be around July 2019?

30 MR BURLING: I'm not sure of the date.

MS NELSON: But in your estimation it was about two years ago?

MR BURLING: About that, yes.

35 MS NELSON: What prompted you to undertake that review?

MR BURLING: I looked at a number of reports that were coming out of surveillance to the broader business. One, in particular, I recall, I had no recollection on the title of it, but it was going to a number of recipients within the business and when I conducted a review of that report, the report was just being filed. It had no beneficial --- or benefit to anybody who was actually receiving it. I went through then a number of other reports to ascertain a similar sort of --- who was receiving what, and what they were doing with the report. I came across this one and identified it's a deficiency, and, in my review, refined it to give the DLGSCI more information and, further, to remove information that they did not require.

45 MS NELSON: Did you consult with anyone from the DLGSCI in relation to what you were putting in or taking out of the report?

10:29AM

MR BURLING: No.

5 MS NELSON: How could you determine, therefore, that it was deficient from their point of view?

10 MR BURLING: It was matters within the legislation. The report contains matters of gaming-related issues, as it says, with procedural errors and breaches of games rules. Also the surveillance people entering the control room access there. It was giving the DLGSCI information in relation to criminal NRLs, in relation to damage matters or drug-related matters found in hotels, crash reports from cars, where people may have been NRL-ed as well, which were not part of their (inaudible).

15 MS NELSON: What information did you remove from the report when you did this review?

MR BURLING: Those particular matters.

20 MS NELSON: So the gaming-related errors?

MR BURLING: No.

MS NELSON: You kept those in?

25 MR BURLING: No, the only matters that were removed were in relation to criminal matters or NRL breaches.

30 MS NELSON: To this day, are they still removed from the parameters of that report?

MR BURLING: Correct. There was an inclusion that I put in there for the section 26(2) CCA, which included an attempt incident in relation to somebody attempting to breach that, which was not included. So it actually gave the DLGSCI further information.

35 MS NELSON: Sorry, an incident attempting to breach what, in particular?

MR BURLING: A section 26(2) CCA exclusion.

40 MS NELSON: So the department now receives those matters?

MR BURLING: Correct.

45 MS NELSON: But the department doesn't receive criminal NRLs?

MR BURLING: No.

MS NELSON: Since doing the review and making those refinements to the report,

10:32AM

you think a couple of years ago, have you spoken to anyone at the department about a report, and the content of it?

5 MR BURLING: No.

MS NELSON: Has anyone from Crown spoken to you about the content of the report?

10 MR BURLING: No.

MS NELSON: Since that time?

MR BURLING: No.

15

MS NELSON: So, far as you are aware, the department has been happy with the report since you made the refinements?

MR BURLING: I have had no feedback.

20

MS NELSON: Apart from you feeling confident that you spoke to Mr Lee about it, did you speak to anyone else within Crown about the refinements that you made to the report at the time you did it?

25 MR BURLING: I requested one of my staff to change that parameter, correct.

MS NELSON: Did you tell anyone else within Crown at that time that you were instructing your staff member to do that, apart from Mr Lee?

30 MR BURLING: I don't know. It's possible.

MS NELSON: Moving on to subparagraph 32(c), would it be correct to summarise that the surveillance daily shift report is predominantly a tool to manage the human resources capacity within the department?

35

MR BURLING: No, not predominantly, no.

MS NELSON: Does it contain information about incidents on iTrak?

40 MR BURLING: Yes, it does.

MS NELSON: When you say in the second sentence, again:

Information is taken from iTrak

45

What particular information are you referring to?

MR BURLING: With the surveillance daily shift report that would include the

gaming-related matters, any access to the control room. It may include if somebody's taken a sick day. It would include the quantity of audits that the staff have done during the course of a shift. It would also include some reviews on some player activity.

MS NELSON: When you say "reviews on some player activity", what type of reviews are you referring to?

MR BURLING: With the operators watching and monitoring games, they would write down their - if there has been a jackpot win, for example.

MS NELSON: Is that also referred to as the hot player report? Was there a separate report ---

MR BURLING: There is a hot player report which I don't see, but it can refer to that in this shift report.

MS NELSON: So when you are referring to reviews on player activity, for example, if there's been a jackpot, the surveillance operative or the person who is doing that review, what are they looking for? What type of information?

MR BURLING: For a jackpot, it's confirmation of a jackpot.

MS NELSON: At the beginning of the answer that you gave as to what was in that report, you also referred to gaming related matters. What do you mean by that phrase?

MR BURLING: Breach of rules, if there's been a breach of rule. If there's been a gaming procedural error.

MS NELSON: Thank you. If we could have 32(d). This talks about a monthly surveillance report summarising information taken from iTrak regarding breaches of rules and procedural errors. Is that just similar information to what you were just talking about, as the gaming-related matters in the surveillance daily shift report?

MR BURLING: Purely in relation to gaming-related matters, correct.

MS NELSON: What is done with this report?

MR BURLING: It's provided to the DLGSCI from surveillance.

MS NELSON: The previous report, which was at subparagraph 32c, the surveillance daily shift report, is that also provided to the DLGSCI?

MR BURLING: Again, I'm trying to think who is on the ---

MS NELSON: If you don't know, Mr Burling, please say you don't know.

MR BURLING: I'm unaware. I don't know.

MS NELSON: How do you use the surveillance daily shift report?

5

MR BURLING: I just review the activities of the surveillance department and then look at the matters that have been reported, and look at some of the incidents in relation to what they have reported.

10 MS NELSON: If we could look at subparagraph 32e, please. Monthly major and minor incident compliance reports --- what type of matters would appear on this report?

15 MR BURLING: This is conducted at the end of the --- sorry, the beginning of the following month, which would include matters of serious criminal nature, which would be the major incidents. You may have a serious assault. The minor incidents may include something along the lines of a minor property theft.

MS NELSON: Apart from you, do you know who gets that report?

20

MR BURLING: That report is forwarded directly to me for review. As you can probably understand, it needs to be reviewed to ensure the incidents that are in there related to the compliance reporting, because it goes into the CURA monthly report.

25 MS NELSON: Apart from putting those months into the CURA monthly report, do you do anything else with them in your review?

MR BURLING: With this particular report?

30 MS NELSON: Yes.

MR BURLING: No.

35 MS NELSON: 32g, thank you, operator. You've mentioned that the CURA compliance report, which are reviewed by you on a monthly, quarterly, six-monthly and annual basis --- you say those reports are used to inform monthly legal and compliance meetings which you might attend. What type of matters, apart from the major incidents that you mentioned in your previous answer --- what other types of matters might go into a CURA report?

40

45 MR BURLING: It's to ensure that staff are aware of their --- the opening hours, legislatively, around Boxing Day and Christmas Day and Easter, that the OH&S matters through that month have been addressed, that we are compliant with our accommodation levels within the hotels, various legislative requirements surrounding emergency management plans. There are a number of legislative questions on that report, and the major and minor incident report is embodied into that CURA report.

MS NELSON: Those matters that you've just described --- so the opening hours and the OH&S, and the accommodation in the hotels --- would they be matters that you would put in to your department's CURA compliance report, or are you talking about
5 matters that came from other departments?

MR BURLING: No, no, no, the CURA report is a pre-populated form which has these questions in there which are to be answered --- "Have these regulations been met for the month of", "Yes", "No", "Not applicable".
10

MS NELSON: And you're signing that for your department?

MR BURLING: For the security and for the surveillance there are two separate CURA reports.
15

MS NELSON: Do you sign both of those --- one on behalf of surveillance, one on behalf of security?

MR BURLING: Correct.
20

MS NELSON: And would there be any matters in those reports that you sign that would inform the anti-money laundering framework that Crown has in place, or decisions around AML?

MR BURLING: Not that I can recall.
25

MS NELSON: Thank you, that can be taken down, and if we could have CRW.700.019.3320.

30 You've mentioned in your statement receiving a quarterly fraud report. Does that report inform the agenda of the fraud risk management meetings?

MR BURLING: Sorry, could you just repeat that question for me?

35 MS NELSON: Putting what's on the screen to one side, in paragraph 32 you'd also mentioned receiving a quarterly fraud report.

MR BURLING: Yes.

40 MS NELSON: Does what's in that report inform what's discussed at the fraud risk management committee meetings?

MR BURLING: The trends and analysis throughout the complex in relation to fraud, stealing matters.
45

MS NELSON: Is that yes, the matters that you see in the fraud report that you receive on a quarterly basis, are they then raised at the committee meetings for the fraud risk management committee?

MR BURLING: The report is discussed at that committee meeting, that is correct, yes.

5 MS NELSON: You can see on the screen here an example of a committee trends report for the fraud risk management committee from April 2016, and you are a member at that stage? You see your name at the bottom of the page?

MR BURLING: Yes, that's correct.

10

MS NELSON: Are you still a member of this committee?

MR BURLING: Yes, I am.

15 MS NELSON: If we could just scroll slowly through the document, thank you.

You'll see here that's a category called "Walkout"? It seems to be a list of patrons who have left the premises without paying for meals. Is that what that category is concerned with?

20

MR BURLING: Yes, that's correct, yes.

MS NELSON: Then if we could scroll through to the next page. "Counterfeit", that's notes that have been presented by patrons that are suspected of being counterfeit?

25

MR BURLING: Yes, that's the --- that's correct.

MS NELSON: Then if we could scroll through to the next, "Unauthorised Entry" --- they are people going into areas of the complex where they are not permitted.

30

MR BURLING: Yes, that's correct.

MS NELSON: If we go through to the final page, thank you, probably the page before, sorry. Then there's a category of "Theft". They seem to be concerned with low-level incidents of thieving on the property; is that correct?

35

MR BURLING: There are certainly a lot of criminal matters there. I recall incidents of our concern.

40

MS NELSON: Would you agree that the matters that are listed here are tend to be concerned with thefts of property of low value --- a bike, a backpack, a jacket?

MR SHAW: I don't know, Commissioner, whether --- "Did you see anything from looking at that", that's a bit unfair, really. We can all guess at what might be there, but unless you know, you are really guessing.

45

COMMISSIONER JENKINS: I think that's a fair enough comment, Mr Shaw. I think we can move on.

5 MS NELSON: Thank you.

COMMISSIONER JENKINS: I know some people's bikes are very expensive!

10 MS NELSON: Thank you, Commissioner. I take the point.

Mr Burling, this is from 2016, similar categories of frauds discussed at current fraud risk management committee meetings?

15 MR BURLING: Yes, they are.

MS NELSON: Are there any additional categories that are discussed in 2021?

20 MR BURLING: The format is slightly different. There is more commentary around some of the statistics. I don't think the categories have changed.

MS NELSON: Does information in this report that goes to the committee meetings -- back then and now, was that information provided by your team?

25 MR BURLING: It is now. It wasn't back in 2015, as we are looking here. That was provided by the surveillance --- head of surveillance, I believe, at that time.

MS NELSON: The matters that are before the Committee now, are they matters that would be investigated by your team?

30 MR BURLING: If they warranted investigation, yes.

MS NELSON: Thank you, that can be taken down. Now, apart from the iTrak reports that we've discussed that were in your statement, we've also mentioned the hot player report that you said you didn't receive; is that correct?

35 MR BURLING: That's correct.

MS NELSON: Does anyone in your team get that report?

40 MR BURLING: Not that I'm aware.

MS NELSON: It was said, I think under the surveillance daily shift report, you would be informed as to jackpot wins, or other significant wins to patrons or losses to the casino on a daily basis?

45 MR BURLING: The daily shift report would record if there was a jackpot win. When you say "significant losses to the casino", I don't recall that being put in there, in that terminology, no.

10:50AM

MS NELSON: Are you aware of a surveillance department standard operating procedure from 25 September 2018?

5 MR BURLING: I'm aware there are surveillance operating procedures. I'd have to refresh my memory by reviewing the documents.

MS NELSON: I'll show you that document.

10 It's subject to a non-publication order, Commissioner. It's CRW.700.010.0002.

If we could have the first page, thank you.

Is that a document with which you are familiar?

15

MR BURLING: I have seen this, yes.

MS NELSON: Does this standard operating procedure from 2018 --- is that still current within the surveillance department?

20

MR BURLING: I believe so.

MS NELSON: Does it inform some of your team's work?

25 MR BURLING: It's quite a thick document. I'd have to go through it.

MS NELSON: I'll take you to a particular page. If we could have page 0112, or page 111 of the document. You can see there is a standard operating procedure for a hot player review, or HPR?

30

MR BURLING: Yes.

MS NELSON: Are you familiar with that section of the SOP?

35 MR BURLING: No, not so familiar with it, no.

MS NELSON: So your team's not responsible for doing these hot player reviews?

MR BURLING: No.

40

MS NELSON: But you're informed of the outcome through those daily reports; is that correct?

45 MR BURLING: Not of an outcome. The surveillance daily shift report comments -- it ticks a box saying "Hot player report carried out", from memory.

MS NELSON: What do you understand that to mean when you see that in a daily

report that you receive? What do you understand that to have included?

5 MR BURLING: That the surveillance operators and management have conducted their compliance requirements, which is all I'm looking at.

MS NELSON: You mentioned that part of the surveillance daily shift report is a review on player activity?

10 MR BURLING: It comments on that, that's correct.

MS NELSON: Particularly after a jackpot win?

15 MR BURLING: It informs on there if there is a jackpot win, that's correct.

MS NELSON: To your knowledge, if there is a jackpot win, is the patron who has won that jackpot --- is their conduct reviewed looking at the surveillance tape?

20 MR BURLING: I believe so. In every jackpot, I believe a review is conducted, yes.

MS NELSON: And you would see the outcome of that review?

MR BURLING: Not necessarily.

25 MS NELSON: Who would see the outcome of that review?

MR BURLING: I don't know.

30 MS NELSON: Is that not a matter that would be in that daily shift report that you receive?

MR BURLING: Not from my memory, no.

35 MS NELSON: That can be taken down, thank you.

When a review of a patron's jackpot win is undertaken, what do you understand that the Crown employee's purpose of doing that review is?

40 MR BURLING: To ensure - I'm speculating here, I'm not involved in that --- to ensure that everything is fine, that the jackpot ---

MS NELSON: How long have you been receiving those daily shift reports that might mention that such review has been undertaken?

45 MR BURLING: Since I became licensed in surveillance and took over the compliance in surveillance.

MS NELSON: Is that 2018 or before 2018?

MR BURLING: No, about 2018. I'm not sure of the month.

5 MS NELSON: So at least since 2018 you've been receiving surveillance daily shift reports that would include a review of a patron's behaviour after or before their jackpot win; is that correct?

10 MR BURLING: It would include in the daily shift report that a jackpot review has been conducted.

MS NELSON: Have you ever made inquiries as to what that actually means?

MR BURLING: No.

15 MS NELSON: So you received that surveillance daily report that might have that entry in it, but you don't understand what it means?

MR BURLING: I didn't say that.

20 MS NELSON: Mr Burling, what do you understand to be the purpose of a surveillance operative or a security operative doing a review of a patron's jackpot win?

25 MR BURLING: They are reviewing that the jackpot win is correct. I don't know how else to ---

MS NELSON: Correct in what way?

30 MR BURLING: That it's not unlawful.

MS NELSON: By looking at a surveillance tape of the jackpot win, I presume they are looking at patron behaviour; is that correct?

35 MR BURLING: I'm not sure.

MS NELSON: By surveillance footage, we are talking about cameras in the roof of the gaming floor or the Pearl Room, aren't we?

40 MR BURLING: Correct.

MS NELSON: Which are observing activity/behaviour that's occurring underneath the camera?

45 MR BURLING: Correct.

MS NELSON: So if a surveillance operative or a security operative is looking at footage from a particular camera, would you agree they are looking at conduct of

10:58AM

patrons?

MR BURLING: Absolutely.

5

MS NELSON: If they are reviewing footage for the purpose of looking at a jackpot win, are they reviewing the patron's behaviour before the jackpot win?

MR BURLING: I would presume so, yes.

10

MS NELSON: What type of behaviour would they be looking for from the patron --- what's the purpose of looking at that?

MR BURLING: To see if there is anything unlawful in relation to winning the jackpot.

15

MS NELSON: To see if the patron has done anything unlawful?

MR BURLING: Or if there's a breach of rules, maybe, or a procedure error, to ensure that the jackpot is a lawful win.

20

MS NELSON: The outcome of that review would be in the daily shift report, or would it be in a separate document?

MR BURLING: No, no, the outcome of that review would be on the iTrak report. The daily shift report comments that a review has been done.

25

MS NELSON: Would you be given access to that iTrak report that is the outcome of the review?

30

MR BURLING: Absolutely.

MS NELSON: You'd be given access to every report that's an outcome of a jackpot review?

35

MR BURLING: It's on the iTrak and I have access to that, that's correct.

MS NELSON: Are you aware of a patron by the name of Daniel Petkov who came to the casino up until about February 2018?

40

MR BURLING: I'm aware of the name, yes.

MS NELSON: Are you aware of the fact that he was convicted of stealing from Westpac Bank?

45

MR BURLING: Yes, I am.

MS NELSON: When did you first become aware of the name Daniel Petkov?

11:00AM

MR BURLING: I really don't know when.

5 MS NELSON: If he had been charged by WA police, would you have been made aware of that fact in your role?

MR BURLING: Not necessarily.

10 MS NELSON: If he'd won a significant jackpot in the Pearl Room suite on an electronic gaming machine, would that have come to your notice as a result of a review of that jackpot?

MR BURLING: It would be on the iTrak report.

15 MS NELSON: Do you recall seeing a review iTrak report for a significant jackpot win by Mr Petkov?

MR BURLING: No.

20 MS NELSON: He won a jackpot at Crown Perth on 8 February 2018 of \$27,075.40. Does that assist you in recalling whether you knew about that at the time?

MR BURLING: No.

25 MS NELSON: So you don't recall whether you saw that review of any surveillance footage?

MR BURLING: No.

30 MS NELSON: I'll show you that footage. It's PCRC.0019.0001.0001.

COMMISSIONER JENKINS: What is the date of this?

MS NELSON: This is 8 February 2018, Commissioner.

35

COMMISSIONER JENKINS: Thank you.

[VIDEORECORDING PLAYED]

40

MS NELSON: The jackpot win is recorded as 10.02 pm. We can see Mr Petkov is sitting with --- he's the closest to the screen but in the top --- the closest to us in the screen but in the top left-hand side. He just reached across. He seems to be drinking
45 at the moment. Can you see that person?

MR BURLING: Yes, I can.

MS NELSON: He puts his hand in his pocket, transfers something to his other hand, looks around, reaches to the other machine and puts something in that machine he's sitting in front of. He puts his hand in his pocket, reaches to the other hand and puts something else in the machine. He reaches into his pocket again, changes hands and puts that into the machine. Do you know who that gentleman is that just walked in?

MR BURLING: No, I don't. It's a very grainy picture, from what you can see here.

MS NELSON: You recognise that gentleman who has just walked in?

MR BURLING: No, I don't.

[VIDEORECORDING ENDED]

MS NELSON: Do you know what's happening at that point?

We'll look at it again.

MR BURLING: I have no idea, sorry.

MS NELSON: We'll play it one more time, thank you, operator.

[VIDEORECORDING PLAYED]

[VIDEORECORDING ENDED]

MS NELSON: Have you seen that footage before?

MR BURLING: No, I haven't.

MS NELSON: Does it appear to you that Mr Petkov is playing two machines at this point?

MR BURLING: It's possible.

MS NELSON: Is there anything else about his behaviour that causes you concern?

MR BURLING: I really have no opinion on that.

MS NELSON: Is it your evidence that you don't know what these two gentlemen and the other Crown employee are doing?

11:06AM

MR BURLING: I have no idea.

MS NELSON: In the first three seconds of that video, does it appear to you that Mr
5 Petkov is taking cash from his pocket and feeding it into the machine?

MR BURLING: That could be the case. It's not very clear on that, but it's quite possible.

10 MS NELSON: Were you ever tasked with giving Mr Petkov a banning notice?

MR BURLING: Not me personally.

MS NELSON: Were you aware of Mr Petkov being referred to any committee of
15 Crown such as the Person of Interest Committee to be considered?

MR BURLING: No, I don't.

MS NELSON: If we'll could have document CRW.700.072.4439, and if we could
20 have page 3 first so we can see the date. This is an email chain, Mr Burling.

MR SHAW: It also has the contact details for Crown employees, if they could just be redacted, please.

25 COMMISSIONER JENKINS: Ms Nelson, does it contain patron details?

MS NELSON: It does, towards the beginning of the email chain, if it could be redacted except in relation to Mr Petkov's name.

30 COMMISSIONER JENKINS: Mr Burling, can I advise you for your benefit that there is a general prohibition on the publication of names of patrons in the Commission, except for those whose names are on the public record outside of the Commission, and Mr Petkov is one of those because there has been publicity in relation to him. So there is no difficulty with referring to Mr Petkov's name.

35 In relation to other patrons' names, it would be of assistance to us if you didn't in fact name other patrons unless we told you that it was all right to do so. Just refer to them as "that patron" or something of that nature.

40 MR BURLING: Thank you, Commissioner.

MS NELSON: Thank you, Commissioner. If we could have page 3, down the bottom. Page 4 could be redacted. Thank you. If we can have page 3 and page 4 up together, that would be very useful. Thank you. You can see on 27 April 2018 at
45 4.45 pm, you, along with two other Crown employees, receive an email from Caroline Galati. Do you agree with that, Mr Burling?

11:09AM

MR BURLING: Yes, I do, yes.

5 MS NELSON: Is Caroline Galati a member of the AML team at Crown Perth at that time?

MR BURLING: I believe she was, yes, that's correct.

10 MS NELSON: She asks you, along with the other two employees, about an enhanced customer due diligence in relation to particular patrons?

MR BURLING: Yes.

15 MS NELSON: What did you understand she was asking of you?

MR BURLING: For some background checks.

20 MS NELSON: Then we can see over the next page that one of those patrons that she asks for is Daniel Petkov?

MR BURLING: Yes, that's correct.

MS NELSON: Is that number his patron number at Crown?

25 MR BURLING: I ---

MS NELSON: You don't know?

30 MR BURLING: I don't know.

MS NELSON: Having received an email from Ms Gelati of that nature, what tasks would you then perform?

35 MR BURLING: It's quite possible I may have forwarded that to members of my team to carry out those checks.

MS NELSON: Would those checks be those tasks that you described earlier in your evidence?

40 MR BURLING: Yes.

MS NELSON: A Google search and looking at Crown's internal documents?

45 MR BURLING: Yes, and potentially LEAs as well. I personally don't recall dealing with this matter.

MS NELSON: Thank you. If that's a convenient time, Commissioner?

11:11AM

COMMISSIONER JENKINS: Yes. Mr Burling, we will now have morning tea. We will resume again at half past 11. Thank you.

5

ADJOURNED

[11.11 AM] RESUMED

[11.30 AM]

10 COMMISSIONER JENKINS: Please be seated. Yes, Ms Nelson.

MS NELSON: Thank you, Commissioner. Mr Burling, we were talking about Mr Daniel Petkov just before the break, and you said you were unaware of when you first came to know of his name. Is that correct?

15

MR BURLING: Yes.

MS NELSON: Over the break, have you reflected on that and do you have any other evidence about when you might have first come to know about Mr Petkov? Are you aware of the amount of money that he stole from Westpac?

20

MR BURLING: I believe it was in the region of \$3 million, maybe \$3.5 million.

MS NELSON: Are you aware of the amount of time that he stole that money --- over how many months?

25

MR BURLING: No, not off the top of my head.

MS NELSON: Did Crown ever task you or anyone else with doing an investigation into how Mr Petkov came to put that amount of money into the casino?

30

MR BURLING: No.

MS NELSON: You're not aware of any investigation done internally by Crown into Mr Petkov's behaviour and the risks that it posed to the organisation?

35

MR BURLING: No, I'm not.

MS NELSON: Would you agree that his behaviour, stealing that amount of money and then using it for gambling purposes predominantly, indicates a responsible services of gaming risk to Mr Petkov himself?

40

MR BURLING: It's certainly unlawful, stealing the money, absolutely.

MS NELSON: Does it indicate to you that Mr Petkov might have had a gambling habit that needed some assistance?

45

MR BURLING: Being aware of what I have been told now, he certainly had a gambling issue.

5 MS NELSON: When you say you have been told now, do you mean just during evidence today?

MR BURLING: What I'm aware of now, yes.

10 MS NELSON: When you say what you are aware of now, what have you just been told that's new to you about Mr Petkov's situation?

MR BURLING: That he's gambled all the money through Crown. I wasn't totally aware of that.

15

MS NELSON: He also went to Crown Melbourne, were you aware of that?

MR BURLING: I know very little about Mr Petkov.

20 MS NELSON: In your statement, you refer to your title as being security investigations and compliance manager.

MR BURLING: That's not what it is currently. That's what it was prior to around 2018.

25

MS NELSON: I apologise. Your title, you do say in paragraph 14, changed to investigations and compliance manager.

MR BURLING: That's correct.

30

MS NELSON: That's your current title?

MR BURLING: That's correct.

35 MS NELSON: In that role, would you have any role in conducting investigations into how Crown could be exposed to a risk to the extent of Mr Petkov's criminality?

MR BURLING: If I was tasked with that, I would get involved, absolutely.

40 MS NELSON: But you weren't tasked with that at all?

MR BURLING: No.

MS NELSON: And you don't know if anyone was?

45

MR BURLING: No, I don't.

MS NELSON: If we could go to your statement, CRW.998.002.0786, at paragraph 36, page 8. In paragraph 36 you say:

5 I am aware that if any staff member sees any activity that looks unusual, they *should lodge an unusual activity report (UAR) or report the matter to their manager/supervisor.*

How long have UAR reports been in place at Crown Perth?

10

MR BURLING: Probably within the last six to eight months. They are through the portal. There's an AML portal, and they are lodged through there.

MS NELSON: You say they "should lodge a UAR"; is there any obligation on surveillance or security staff to make a UAR internal report?

15

MR BURLING: It's a direction that we do.

MS NELSON: You'd classify that as an obligation?

20

MR BURLING: Yes.

MS NELSON: To your knowledge, is there any sanction if a staff member does not lodge a UAR after observing ---

25

MR BURLING: No.

MS NELSON: --- suspicious activity or unusual activity?

MR BURLING: No, not that I'm aware.

30

MS NELSON: Is it your understanding that a staff member has an option, in effect, to lodge a UAR through the portal or report it orally to their manager?

MR BURLING: I think it is circumstance-dependent. Perhaps a dealer, for example, may see something and advise the table games manager, who then may report that through the UAR portal. I believe that could occur.

35

MS NELSON: Prior to six to eight months ago, was there any direction to staff to report suspicious or unusual matters?

40

MR BURLING: The SMRs were reported through to the AML team.

MS NELSON: How would they report it?

45

MR BURLING: There was an SMR form which was filled in and emailed through to the AML team. That would have --- I think the portal has been in existence for about six to eight months. UARs would have been around --- I'm just thinking, without

clarifying, probably 12 to 18 months, prior to that. I may be a little bit out on the timings, but that's to the best of my knowledge.

5 MS NELSON: Thank you. If a staff member considers that an activity is suspicious enough to generate an unusual matter report, do they need the approval of their manager, their surveillance shift manager, to make such a report or can they do it without seeking that approval?

10 MR BURLING: I would believe they can just automatically do it. I don't think they need approval to do so.

MS NELSON: Once a UAR report is made, I just want to understand the progress of that report through the Crown internal process. What is done with it, to your
15 knowledge, once it's been made by a staff member?

MR BURLING: It's then available directly to the AML team.

MS NELSON: Do I understand from paragraph 38 and onwards from your
20 statement, that once it makes its way to the AML team, that you may be asked by the AML team to conduct some extra investigation into the matter; is that correct?

MR BURLING: Yes, that's fair, yes.

25 MS NELSON: It's a matter of discretion whether the AML team ask you or your team to do that?

MR BURLING: I get requests constantly from AML in relation to Persons of
30 Interest that come up on UARs. My team conduct reviews of Persons of Interest from UARs, and my team also look at the iTrak incidents in relation to UARs, which are assigned as an AML incident.

MS NELSON: Thank you. You said in that answer that you get the request from the
35 AML team. Does the request always come directly to you and you then pass it on to a team member?

MR BURLING: No, that --- I apologise for that, it's to the CIT investigation group email.

40 MS NELSON: That's a group email, and how is the work then divided up amongst the team?

MR BURLING: I have one of my security investigators look at the AML side from
45 the POI --- sorry, look at the UAR from the POI side and I have the surveillance analyst look at the CCTV footage. They collaborate with the AML team.

MS NELSON: Is your team also asked to look at any of the gaming records in SYCO for the particular patron?

11:40AM

MR BURLING: They may do, yes.

5 MS NELSON: Is there a standard operating procedure for how your team members undertake those UAR investigations tasked by the AML team?

MR BURLING: No.

10 MS NELSON: Once they are done, the analysis, your team, do they produce a written report or an iTrak notification report, or how is the information conveyed?

15 MR BURLING: The outcome of the CCTV review is lodged on iTrak. Dependent on the information received through security, the AML team would be advised maybe via email, or the information may be included predominantly as a supplemental report into that iTrak incident.

20 MS NELSON: Thank you. If we could have a look at CRW.700.002.0132. This has a release date of "to be confirmed", TBC, it is a security department standard operating procedure, AML/CTF. Have you seen that document before?

MR BURLING: Yes, I'm sure I have, yes.

25 MS NELSON: If you could just have a look at the next page so the witness can see both pages, thank you. I'll just give you a minute to look through the second page. We see at page 2, paragraph 4.1.2, that it says:

The Security Investigations and Compliance Officer will ensure all staff are completing their training on time and follow up relevant employees

30 Who has that role at the moment?

MR BURLING: That's Benjamin Marriotti.

35 MS NELSON: Mr Marriotti reports to you?

MR BURLING: Correct.

40 MS NELSON: What do you understand that the AML/CTF training is at the moment? How is it delivered?

45 MR BURLING: There is online AML training, and there is face-to-face training, which is carried out by the security training team, or the security trainers within the teams. I receive the reports from the training teams as to how many staff have completed that training and how many are required to, which --- I keep those reports.

MS NELSON: The security trainers within the team that you referred to, where do they get their training from?

MR BURLING: From the security training team. We have a training school.

MS NELSON: Are you responsible for managing the training school?

5

MR BURLING: No.

MS NELSON: Do you have any responsibility for managing the training of AML/CTF or is that devolved down to Mr Marrioti?

10

MR BURLING: No, Mr Marrioti is not involved in the training, he just ensures that compliance to staff have completed it, which is part of his audit function.

MS NELSON: Those security training persons within the team, is that their sole job, to train on AML/CTF?

15

MR BURLING: No.

MS NELSON: What other role do they perform?

20

MR BURLING: Embodied within the security department, there are four teams. Within each shift in those teams there is a trainer who can train the security staff on a number of functions. They have gone through specific training through our training school, and have received a certificate for T&A, training and assessment. They are then provided with the face-to-face AML training in relation to this particular matter, and will deliver that to some of our staff who have missed out with the scheduled training, as some of the staff are part-timers and cannot always be available.

25

MS NELSON: Just looking at page 3, going on to 4, paragraph 7.1 and paragraph 7.2 where it talks about unusual activity reporting, I'll just give you a minute to look at that.

30

MR BURLING: Yes.

MS NELSON: Is that what you understand to be the extent of the obligation on the security department employee in relation to unusual activity reporting?

35

MR BURLING: Yes.

MS NELSON: Would you agree that it's expressed there in terms more of an obligation --- "the employee will complete an Unusual Activity Report"?

40

MR BURLING: Absolutely.

MS NELSON: Is this standard operating procedure now being signed off and in operation?

45

11:47AM

MR BURLING: Off the top of my head I'm not sure. I believe so.

5 MS NELSON: Is there any anti-corruption and bribery training offered at Crown, to your knowledge?

MR BURLING: I don't believe there's a stand-alone training program.

10 MS NELSON: But there is some training?

MR BURLING: I'm not sure if it's part of the induction currently. I'm not sure.

MS NELSON: You haven't received any such training?

15 MR BURLING: Not that I recall.

MS NELSON: If we could have that taken down and go back to Mr Burling's statement, CRW.998.002.0786. At paragraph 31, which is page 5, the bottom of page 5. I have actually got that reference incorrect. You may know this off the top
20 of your head. In your statement you refer to Crown Learn?

MR BURLING: Yes, I may have done, yes, yes.

25 MS NELSON: Can you explain what that is?

MR BURLING: Crown Learn is our online training webpage where staff enter into the portal there and carry out their online training in a number of areas of environmental services, AML for one, RG, RSA, as hard protection, submitting forms, different types of forms, occupational health and safety --- there is numerous
30 training.

MS NELSON: So the Crown Learn platform is different to the training school you were referring to in your previous answer?

35 MR BURLING: Yes.

MS NELSON: Thank you. I just want to ask you now about the involvement of the security and the surveillance investigators in evaluating money laundering risks to Crown generally. If a patron presents to the cage with, say, a large amount of cash to
40 be exchanged for chips or even to be deposited into their account, their DAB account at Crown, is there any obligation on the patron to provide identification, to your knowledge?

45 MR BURLING: Depending on the amount of cash. If it reaches the threshold transaction, absolutely.

MS NELSON: If it reached the threshold transaction, is a Crown Rewards card a sufficient identification? What type of identification should be produced?

11:50AM

MR BURLING: Photo identification.

MS NELSON: Has that always been the case in the 10 years you've been at Crown?

5

MR BURLING: I believe so.

MS NELSON: So if a surveillance footage showed that someone produced a Crown Rewards card as a form of identification with a large amount of cash, in your opinion that would be a breach of procedure?

10

MR BURLING: Depending on that value. If it reached the TTR.

MS NELSON: If it was over \$10,000.

15

MR BURLING: I would suggest that should not have gone through.

MS NELSON: To your knowledge that's always been the case in the amount of time you've been working at Crown in the investigations area?

20

MR BURLING: I believe so.

MS NELSON: If someone presented at the cage with over \$10,000 in cash, what is your understanding of the obligation on the cage employees, in terms of reporting or do they have no obligation?

25

MR BURLING: No, no, they would submit a TTR, a report through to AML, advising that that transaction has gone through.

MS NELSON: In the normal course of events, would that be a matter that the AML team might contact you or your team through the CIT email to ask for more investigation?

30

MR BURLING: It's possible.

35

MS NELSON: Who would instruct an investigation to begin if the CIT email did receive such request from AML?

MR BURLING: Who within CIT, do you mean?

40

MS NELSON: Yes.

MR BURLING: I may do an investigation myself. I may pass it to one of my investigators to conduct that investigation.

45

MS NELSON: As manager of that team, do you have any discretion to refuse to do an investigation that AML has requested?

MR BURLING: Never refused to do investigations up till now. I would not think that that was part of my vocabulary, to say no.

5 MS NELSON: If you received a request in the usual way through the CIT email from the AML team to look into a patron, then you would always do so?

MR BURLING: Either myself or my team, for sure, absolutely.

10 MS NELSON: You will see on the desk in front of you there's a piece of paper with some names on it, and the pseudonyms for those patron names?

MR BURLING: Yes.

15 MS NELSON: Looking at patron AE ---

MR BURLING: Yes.

MS NELSON: Commissioner, do you have a copy of that?

20

COMMISSIONER JENKINS: I'm just wondering if I do. I don't know that I do.

MS NELSON: Do you recall a patron by the name of patron AE?

25 MR BURLING: I'm aware of the name, yes.

MS NELSON: When did you become aware of that name?

MR BURLING: A number of years ago now. A fair few years ago, I believe.

30

MS NELSON: Were you involved in some internal investigation into the patron when you were at Crown?

MR BURLING: No.

35

MS NELSON: In what context did you become aware of this name a number of years ago?

MR BURLING: I was aware that it was a matter that was being investigated, but it wasn't by myself.

40

MS NELSON: Who did the investigation?

MR BURLING: Not sure who was responsible for it.

45

MS NELSON: Are you aware of whether anyone at Crown made contact with any law enforcement agency in relation to patron AE?

11:55AM

MR BURLING: I don't know.

5 MS NELSON: Back in 2017, would you have had responsibility for liaising with law enforcement about patrons?

MR BURLING: Yes, I would.

10 MS NELSON: Who else within the organisation back in 2017 would have had that responsibility as well?

15 MR BURLING: Depending on the nature of the inquiry, I would say there could be a number of people within the organisation may contact LEAs. If I'm tasked with the request, I will carry that out. In this particular case, I was not involved in that.

MS NELSON: In 2017, was Mr Brian Lee your direct - did you directly report to him?

20 MR BURLING: Yes, I did.

MS NELSON: If he was involved in investigating this matter, would it be something that he would talk to you about?

25 MR BURLING: Most likely. Most likely.

MS NELSON: How long ago do you think this name came to notice?

30 MR BURLING: I'm not sure. Five or six years. I'm really guessing because I had no involvement in it. I was aware of it. I had no involvement in it.

MS NELSON: When you say you were aware of it, what aspect were you aware of? What was it that you were aware of?

35 MR BURLING: That there was an investigation into patron AE.

MS NELSON: What was being investigated about patron AE?

40 MR BURLING: In relation to, I believe, quantity of money that was being gambled through the casino. That's really all I am aware of.

MS NELSON: I will show you a video from 29 August 2017.

45 Commissioner, this is just to be shown to yourself and the witness. It is PCRC.0019.0001.0002. Could I ask if the associate could make sure the Zoom is off. Just tell me when it starts to play on your screen, thank you, Mr Burling.

[VIDEORECORDING PLAYED]

MR BURLING: It's started now.

5

MS NELSON: Is that the Pearl Room reception desk?

MR BURLING: Yes, it is.

10 MS NELSON: The person approached there carrying a white bag?

MR BURLING: Yes, they did, yes.

15 MS NELSON: Now walking behind the reception desk down past the electronic gaming machine area?

MR BURLING: That is correct.

20 MS NELSON: Is the person then approaching the Pearl Room reception cage --- sorry, the Pearl Room cage?

MR BURLING: Yes, that's correct.

25 MS NELSON: You can see the camera looking from the cage out towards the person behind, he's approached the cage, he's handed over the white bag?

MR BURLING: Yes, I can see that.

30 MS NELSON: Does that look like a Crown Rewards card that he's handed over with the white bag?

MR BURLING: Yes, it does.

35 MS NELSON: The contents of the bag are now being counted in the cash counting machine? Then the cash is laid out for the patron to see on the cage desk?

MR BURLING: Yes.

40 **[VIDEORECORDING ENDED]**

MS NELSON: Thank you. Have you seen that video before, Mr Burling?

45 MR BURLING: No, I haven't.

MS NELSON: Do you recognise the patron?

12:01PM

MR BURLING: No. I'm under the impression it's patron AE.

5 MS NELSON: Do you know anything about what occurred in that video on 29 August 2017?

MR BURLING: No, I don't.

10 MS NELSON: Patron AE approached the cage in the Pearl Room with \$145,000 in that paper bag. You weren't aware of that?

MR BURLING: Subsequently I was aware that there were some large transactions, yes.

15 MS NELSON: When you say "subsequently", how long after 29 August?

MR BURLING: I'm not sure.

20 MS NELSON: Some time in that year or ---

MR BURLING: I don't know. I don't know.

MS NELSON: For what purpose were you told information about what happened?

25 MR BURLING: Through conversation with my general manager.

MS NELSON: That's Mr Lee?

30 MR BURLING: Correct.

MS NELSON: What was the purpose of that conversation? Why was Mr Lee telling you this?

35 MR BURLING: From recollection, I believe I had been away. I was --- from memory, I was pretty unwell.

MS NELSON: Did Mr Lee task you with anything arising from that conversation?

40 MR BURLING: No.

MS NELSON: Did Mr Lee tell you what was being done about this particular transaction?

45 MR BURLING: My understanding was liaison with WA POL.

MS NELSON: Who was doing that liaison?

MR BURLING: Directly, I don't know.

MS NELSON: Do you know what the purpose of liaising with WAPOL was?

5

MR BURLING: I can only make an assumption, I guess.

COMMISSIONER JENKINS: Well, don't do that.

10 MS NELSON: Mr Lee didn't tell you what the purpose of liaising with law enforcement was?

MR BURLING: I'm not sure if it was him who liaised directly with law enforcement.

15

MS NELSON: Apart from liaising with law enforcement, were you aware of any other process within Crown internally that occurred as a result of what we've seen on the video on 29 August 2017?

20 MR BURLING: No. I had no involvement with this.

MS NELSON: I accept that you had no involvement with this particular incident, but in terms of your general experience in the role that you perform at Crown, what would be the usual outcome from an incident like that occurring internally within Crown, or nothing would occur?

25

MR BURLING: There would be a review undertaken to ascertain if the transaction was done appropriately within the SOPs, and if there wasn't, I would presume there would be some form of HR meeting. There would be policies and processes may be reviewed and necessary tightening up in certain areas. Not knowing all the facts makes it difficult for me.

30

MS NELSON: Who would do the review of the policies and processes?

35 MR BURLING: If it relates to gaming, then gaming would look at their own reviews. If it was Cage & Count, they would look at their processes there. There may be oversight from another manager from another department, or the executive, I'm not sure.

40 MS NELSON: An HR meeting, is that what you said?

MR BURLING: It's a possibility if there was breaches identified.

45 MS NELSON: Apart from identifying any gaming policy or procedure breaches, would there be any assessment of the patron from Crown's point of view?

MR BURLING: There would be possibly a source of wealth or funds undertaken to ascertain the background of the patron, his capabilities maybe.

MS NELSON: Who would undertake that?

MR BURLING: I really don't know.

5

MS NELSON: Well, if someone presented at Pearl Room cage last night with \$145,000 in cash, would there be any investigation of the patron undertaken within Crown, any review or any type of interrogation of the patron?

10 MR BURLING: The patron would be spoken to and asked to complete a source of funds form.

MS NELSON: Would that occur at the cage?

15 MR BURLING: If that's where the action --- the transaction was taking place, absolutely. There would be a gaming manager involved, and the cage manager involved in that. If the person refused or didn't wish to assist, then they would be asked to leave the premises, and then a ban would be put in place.

20 MS NELSON: In 2017 was there a process that involved the patron filling out a source of funds form?

MR BURLING: I don't know.

25 COMMISSIONER JENKINS: Why don't you know that?

MR BURLING: I'm sorry?

COMMISSIONER JENKINS: Why don't you know?

30

MR BURLING: I'm not involved in that side of the process. I am aware of the processes currently, Commissioner.

35 MS NELSON: I'll just show you another video from about just over a week later, so 8 September 2017. It's PCRC.0019.0001.0003, and if this video could just be shown to the Commissioner and the witness, thank you. Do you mind telling me when it's playing on your screen?

40 MR BURLING: Absolutely. Yes, it's just commenced now.

[VIDEORECORDING PLAYED]

45 MS NELSON: That person is walking into the Pearl Room reception area holding a box?

12:09PM

MR BURLING: Yes, that's correct.

5 MS NELSON: The person with the box then moves past the reception area into the electronic gaming suite area of the Pearl Room and walks down the hall?

MR BURLING: Yes.

10 MS NELSON: Heading towards the cage in the Pearl Room?

MR BURLING: That's correct.

15 MS NELSON: The person approaches the cage desk and puts the box on top of the desk.

MR BURLING: Yes.

20 MS NELSON: You see the aerial shot of the box being placed on the desk and again is that a Crown Rewards card?

MR BURLING: Yes, that appears to be so, correct.

MS NELSON: What appears to be in the box?

25 MR BURLING: Cash.

MS NELSON: Would it be unusual for the cage in the Pearl Room to receive such a large amount of cash?

30 MR BURLING: I don't know.

MS NELSON: You don't know?

35 MR BURLING: Back then I'm not sure.

MS NELSON: Then the cash is being laid out after counting on the Pearl Room cage desk area?

40 MR BURLING: Yes, that's correct.

MS NELSON: For the patron to see?

45 MR BURLING: Yes.

[VIDEORECORDING ENDED]

COMMISSIONER JENKINS: That seems to be the end of that footage.

MS NELSON: Thank you, Commissioner.

5

Have you seen that video before?

MR BURLING: No, I haven't.

10 MS NELSON: Are you aware of patron AE bringing \$200,000 worth of cash in that box to the cage on that date?

MR BURLING: No.

15 MS NELSON: 8 September 2017?

MR BURLING: No, I'm not.

20 MS NELSON: If a patron had brought that amount of cash to Crown Perth over two separate evenings over a short period of time, would that trigger investigation into that patron by any internal department within Crown?

MR BURLING: I would believe so.

25 MS NELSON: If I could show Mr Burling CRW.708.017.4669, and this is subject to a non-publication order.

COMMISSIONER JENKINS: Whose screen is that to go on?

30 MS NELSON: It can go on counsel's screens.

COMMISSIONER JENKINS: But not on the public screens.

MS NELSON: That's correct, thank you, Commissioner.

35

If we could go to the next page, thank you. You see under the heading for 8, "Patrons for Review from Previous Meetings", and patron AE is the last dot point?

MR BURLING: Yes, I can see that.

40

MS NELSON: It says:

Findings to be compiled and added to risk register. JP is comfortable with the *ECDD that has been carried out.*

45

This is from 13 October 2017, this particular note. Can you tell me what ECDD is?

MR BURLING: Employee customer due diligence.

12:14PM

MS NELSON: That's the process that you've referred to before involving your team? They do Google searches and look at a patron's gaming history?

5 MR BURLING: I think there would be a number of searches conducted at that level, yes.

MS NELSON: Is an ECDD something that your team would have done in 2017?

10 MR BURLING: My team in relation to patron AE, do you mean?

MS NELSON: Or generally. Is that a task that would be undertaken by --- not necessarily your team, so anyone within the security and surveillance investigations?

15 MR BURLING: Absolutely, yes, yes.

MS NELSON: Do you have any recollection of being involved or any of your direct reports being involved in patron AE's ECDD in October 2017?

20 MR BURLING: No.

MS NELSON: Thank you, that can be taken down.

25 COMMISSIONER JENKINS: Why would that be, Mr Burling?

MR BURLING: Sorry?

30 COMMISSIONER JENKINS: Why would it be that you have no recollection of that?

MR BURLING: I was not involved in this particular matter, Commissioner.

35 MR SHAW: Can I just add to that, it doesn't appear as though Mr Burling was an attendee at that meeting, according to the list of attendees.

40 Just while I'm on my feet, can I just bring this matter to your attention, Commissioner. This particular patron in these incidents that my friend is currently asking questions about has already been the subject of evidence by Mr Lee. I can't disclose it because of restrictions and undertakings that I have given, but, Commissioner, you had signed the AUSTRAC undertaking, and I direct your attention to paragraph 217 of Mr Lee's statement, that's document CRW.998.002.0559, which sets out at some length what was in fact done in relation to this patron.

45 It's the redacted version. Paragraph 217, I assume is redacted on this version, if it's going to be displayed publicly. I don't mean to interrupt my friend further questioning, but the matters addressed in 217 are particularly significant in relation to

12:16PM

this particular issue and this patron.

5 COMMISSIONER JENKINS: Just let me have a look at that. It might take me a moment.

MR SHAW: In particular, Commissioner, can I direct your attention to subparagraph f of 217.

10 COMMISSIONER JENKINS: I think that might be a redacted copy as well. It is.

MR SHAW: I should also just remind you, Commissioner, that Mr Burling has already given evidence that he was absent when these issues first arose, which is probably why Mr Lee was dealing with it.

15 COMMISSIONER JENKINS: Perhaps we'll let him give that evidence.

Is the document reference for Mr Lee's statement 6580 or 0580? I can't read my own writing.

20 MR SHAW: It ends with 0559, the version I have, CRW.998.002.0559.

COMMISSIONER JENKINS: Can you just repeat that number again to make sure I have it right?

25 MR SHAW: CRW.998.002.0559.

COMMISSIONER JENKINS: It's a redacted version too, I'm afraid.

30 At this point I can't check that, Mr Garas, because I don't have access to an unredacted version.

MR GAROS: I have my own copy electronically.

35 COMMISSIONER JENKINS: I think we'll try and finesse it for the time being, Mr Garos.

40 First of all, I will make, if there isn't one already in existence, a non-publication order in respect of anything said today about AUSTRAC, or AUSTRAC reporting, just because you have made reference to it, Mr Garos, and otherwise, I will retract that last question I asked Mr Burling. Can you just tell me, however, when you were on leave in 2017?

45 MR BURLING: I'm not sure, ma'am. I was quite sick. Some stage around there. I can ---

COMMISSIONER JENKINS: In the latter half of the year?

MR BURLING: I believe so, yes. I can find those dates out.

5 COMMISSIONER JENKINS: Really what I was getting at is given that you say at
18d of your statement that your team is responsible for investigations into matters of
criminality, and other matters initiated by Crown's legal team, and other matters
you've referred to there, I was just wondering why it would be that your team would
not be involved in any investigation involving a customer bringing unexplained
10 source of funds, plus large amounts of cash into the casino.

10 MR BURLING: That could be a decision made well and truly higher than myself or
Mr Lee, and it may be investigated elsewhere.

15 COMMISSIONER JENKINS: All right, thank you.

15 Yes, Ms Nelson.

MS NELSON: Thank you, Commissioner.

20 While we have got paragraph 18 on the screen, could I have subparagraph b. Earlier
this morning you said that external stakeholder relationships were essentially law
enforcement agencies that you liaised with and your team liaised with?

25 MR BURLING: Correct.

MS NELSON: Can I just ask you about how you go about doing that. Do you meet
with law enforcement person-to-person, or do you engage with them by email, or
how do you actually go about doing that?

30 MR BURLING: Email correspondence, telephone calls, we may meet up for coffee,
have a chat.

MS NELSON: Do you do that on a regular basis or do you do it as needed?

35 MR BURLING: As needed. In relation to some matters, there are frequent
meetings. Maybe I might get invited to a security meeting with the security team,
head of security, in relation to events coming up. In relation to my particular team
dealing with investigations, I even may go to the police station itself.

40 MS NELSON: Is there any constraint placed upon you by Crown in terms of how
much information you can disclose to law enforcement when you meet with them in
these meetings?

45 MR BURLING: Nothing that I have been advised.

MS NELSON: Is there a database for recording any law enforcement meetings that
you have or any exchange of information with them?

MR BURLING: That would be on iTrak ordinarily, if they are after CCTV footage, that would come in with an OTP or there would be an RFI which would be logged. That information would go into an iTrak incident, would be recorded, absolutely.

5

MS NELSON: So it would be recorded on iTrak if there's been a formal request by law enforcement through a subpoena or notice to produce process?

MR BURLING: Correct, absolutely.

10

MS NELSON: If there's been an informal approach, you've described sometimes meeting for coffee, or email exchange, is there any database to record those conversations and what's discussed in them?

15 MR BURLING: No.

MS NELSON: Do you make a note on iTrak or any other system about the content of those conversations?

20 MR BURLING: Not ordinarily, no.

MS NELSON: Would there be any note that in fact that you have met with someone from law enforcement --- the mere fact that you've had a meeting, would that be recorded anywhere?

25

MR BURLING: Maybe a meeting request in the calendar, possibly. Apart from that, probably not.

30 MS NELSON: Is there ever a situation where you might meet with law enforcement and they make a request for Crown Perth to keep engaging with a particular patron while law enforcement undertakes an investigation?

MR BURLING: That has happened.

35 MS NELSON: How often has that happened?

MR BURLING: Infrequently.

MS NELSON: Less than 10 times, or ---

40

MR BURLING: I'm not sure on numbers. It's been a number of years I've been involved with the LEAs.

45 MS NELSON: On the infrequent occasions where that has happened, has the request been made formally by letter from law enforcement to Crown?

MR BURLING: Not that I have received any letters.

MS NELSON: So is it the situation that that request would be made informally to you at an informal coffee meeting, for example?

5 MR BURLING: I think its circumstance-dependent on what they are after.

MS NELSON: Would you agree that if there was a situation where law enforcement requested Crown not to take any action on a patron so they could continue their investigation, would you agree there is no obligation on Crown to continue to
10 provide any service to a patron?

MR BURLING: Yes, I would agree with that.

MS NELSON: Would you agree that it's up to Crown to make that decision based on
15 Crown as own internal controls and risks?

MR BURLING: That's a fair assumption, yes.

MS NELSON: I want to ask about your involvement in the Person of Interest
20 Subcommittee.

MR BURLING: Yes.

MS NELSON: You mentioned in paragraph 42 of your statement, which is at page
25 8, you'd been an active member since 2012, so for about nine years?

MR BURLING: About that, that's correct.

MS NELSON: How often does the Subcommittee meet?
30

MR BURLING: Currently we meet fortnightly.

MS NELSON: Is that more regular or less frequently than previously?

35 MR BURLING: It has been a little bit fluid over the years, but ordinarily it was --- we've tried to do it fortnightly.

MS NELSON: You say in paragraph 45 that a person might come to the notice of the Person of Interest Subcommittee for many reasons, not just because of AML/CTF
40 issues. So I gather that an AML reason is one reason that someone could be elevated to the Person of Interest Subcommittee; is that correct?

MR BURLING: Yes, that's correct.

45 MS NELSON: What are the other reasons that they might come to the interest of the Committee?

MR BURLING: There may be a BOLO from WAPOL, from police, in relation to

5 somebody they are looking for. Anybody who can assist. Obviously the community is what we are looking at here, the community benefit as well, and also protecting the business. Our patrons are very important to us, so we don't want the wrong people on our premises. It could be in relation to somebody who has caused a significant amount of damage to property. I believe the more people aware of who we are looking for, the better, in that regard.

10 MS NELSON: So generally a person would only come to the notice of the committee if there was some adverse behaviour or activity undertaken by that person around the casino?

MR BURLING: More than likely.

15 MS NELSON: So they don't come to the interest of the committee if they've done something positive, otherwise?

MR BURLING: No, you are correct. No. Correct.

20 MS NELSON: So what is the overall purpose of the Person of Interest Subcommittee?

25 MR BURLING: To provide information given from my team to AML in relation to maybe associates of persons that have come to the AML notice, and vice versa. So, as I say, we can protect the business, we can protect our patrons, and we can do a community service at the same time, that's a benefit.

30 MS NELSON: Is the Committee considering whether Crown Perth should continue to do business with that patron?

MR BURLING: Not at that level, but we look at some of those aspects, absolutely.

35 MS NELSON: Apart from considering whether Crown should have an ongoing relationship with that person, what other reason would that Committee be considering a person's adverse behaviour?

40 MR BURLING: There could be media issues that have cropped up, and we are discussing that be and we escalate the matter inform the main POI Committee at the direction of the Chair. It may be there is something there that we need to advise people that we are actually banning a particular patron who is a gamer, and just letting people know that this person will be banned for some other criminal activity, potentially.

45 MS NELSON: So if you're not going to continue to have a relationship with a patron, then effectively Crown needs to ban them from the premises, don't they?

MR BURLING: If that relationship is --- they could be purely a hotel stayer, or a gamer. Not everybody that comes there comes to the casino. We have a lot of

families and people that come there for the enjoyment of the hotels and restaurants, so it's not just all around gaming.

5 MS NELSON: You said in your previous answer that one of the issues that the committee might consider are media issues. Do you mean possible reputational damage to Crown? Is that what you mean by media issues?

10 MR BURLING: No, it could be that the person may be involved with somebody else in relation to some criminal activity, is what I was getting at.

MS NELSON: Why would you be considering that person's associations? For the purpose of possibly excluding them from the purchase order?

15 MR BURLING: Potentially.

MS NELSON: For what other purpose?

20 MR BURLING: The potential is to exclude them from the property, for sure, yes.

MS NELSON: In paragraph 47 of your statement you describe a tool to help the assessment process, and you call it a PDA tool, a POI Decision Assessment form. I won't show you a copy of the form that's at CRW.701.0058 .647 because it's a matter of a non-publication order, but can you explain how that form works in practice?
25 Who fills it out and then how does it come to the attention of the Commission?

MR BURLING: A scenario could be that we have a Person of Interest that's come to our attention, and my team might be concerned about that. I would request one of my team to complete the form with all the details that we have on there, which may
30 include criminal association, it may have criminal antecedents, there may be some media adverse publicity there. It could be an association with some other Person of Interest. Then that PDA tool will be forwarded through to the POI Committee for their assessment.

35 MS NELSON: The information that is filled out on the form, does it include risk factors or risk assessments?

MR BURLING: I'd have to refresh my memory on the form, I'm sorry.

40 MS NELSON: How often do you fill out one of the forms?

MR BURLING: Very infrequently.

MS NELSON: Normally it's a member of your team?

45 MR BURLING: Yes, yes.

MS NELSON: If we could have paragraph 50 of your statement, thank you. You

say, further to this, you talked about the completed form being escalated to the committee, and dependent upon information provided. Are you referring just to information that's in the form, or does the Committee get information from other sources other than the form?

MR BURLING: No, no, we obtain information from wherever we can get it, basically, through the channels I've mentioned previously, and it may be based on this paragraph here, that the decision is made at that time to exclude prior to a PDA tool being submitted.

MS NELSON: Of all the people who are on the subcommittee, who would provide the committee members with the information that's in addition to what's on the tool?

MR BURLING: Probably myself or one of my investigators.

MS NELSON: The Chair of the Subcommittee, Mr Lee, might exclude the person at that stage, might they?

MR BURLING: Yes, that's correct, Mr Lee.

MS NELSON: Thank you, that can be taken down.

I just want to ask you some general questions about Crown's attitude to Know Your Customer and the Enhanced Customer Due Diligence, which is the ECDD process referred to earlier. What do you understand to mean by the phrase "probity process"? If you were asked or your team were asked to undertake a probity process.

MR BURLING: We don't get asked to do that.

MS NELSON: You don't understand --- you don't have a knowledge of what that would involve?

MR BURLING: It's looking into someone's background.

MS NELSON: Who would undertake those type of investigations?

MR BURLING: If it comes down to financial, that wouldn't be my team at all.

MS NELSON: Which team would that be?

MR BURLING: I'm not sure. On the financial side of things, I don't know.

MS NELSON: The surveillance and security investigation team that you lead don't get involved in any probity investigations?

MR BURLING: We do background checks, absolutely, through different systems that we have within Crown. There may be cause for us to liaise with Crown

Melbourne as well, as part of our checks there.

5 MS NELSON: Who do you liaise with at Crown Melbourne, which department firstly?

MR BURLING: Probably just the security department there.

10 MS NELSON: Is that something that you do personally, or ---

MR BURLING: I have a good relationship with my counterpart in Melbourne.

15 MS NELSON: Once a patron starts coming to Crown, does Crown Perth undertake any ongoing assessment of financial background or probity at all, to your knowledge?

MR BURLING: I'm not sure.

20 MS NELSON: If during your meetings with law enforcement you became aware of some adverse information about a Crown patron, what would you do with that information?

25 MR BURLING: Depending on the nature of it, I would more than likely escalate that through to my general manager, and then I'm sure, from there, it would be escalated further, absolutely. Absolutely. No hesitation.

MS NELSON: By escalating it to your general manager, you tell Mr Brian Lee that you'd received some information from law enforcement about a patron?

30 MR BURLING: In most circumstances, absolutely.

MS NELSON: Would your team then be tasked with doing any investigation to assist anyone to make any decisions about that patron?

35 MR BURLING: I would initiate that, to get further information and clarification, so we had a full picture.

40 MS NELSON: When you say you have a good relationship with your counterpart in Crown Melbourne, has that always been the case?

MR BURLING: Certainly for a number of years, absolutely, five, six, seven years, yes.

45 MS NELSON: How often would you talk to that person?

MR BURLING: Ad hoc, it's not a meeting weekly or anything of that nature, as and when matters do arise. Just recently I was on the phone to a gentleman three times in three days over specific matters, but I may not have spoken to him for a couple of weeks prior to that.

12:41PM

MS NELSON: If Crown Melbourne had some information of an adverse nature about one of their patrons who they knew was also a patron in Crown Perth, would you expect your counterpart over there to inform you of that?

5

MR BURLING: Absolutely.

MS NELSON: Has that happened in the past?

10

MR BURLING: Absolutely.

MS NELSON: Do you recall a patron by the name of Mr Simon Pan?

MR BURLING: I again know the name, yes.

15

MS NELSON: What do you know about Mr Pan?

MR BURLING: Mr Pan entered into the Pearl Room when he was banned ---

20

MS NELSON: Do you mind keeping your voice up.

MR BURLING: Yes. When he was excluded.

MS NELSON: The Pearl Room at Crown Perth?

25

MR BURLING: Correct.

MS NELSON: When did that occur?

30

MR BURLING: I'm not sure the actual date. I think it was around January of this year maybe, I'm thinking.

MS NELSON: Have you or your team been tasked with doing any investigation to ascertain how that came to be?

35

MR BURLING: I was involved in a meeting. I was requested to attend a meeting to answer some questions.

MS NELSON: Who was at the meeting?

40

MR BURLING: Mr Bossi, IT, someone from gaming, gaming manager, myself. I'm not sure who else.

MS NELSON: If a patron was banned in Crown Melbourne like Mr Pan was ---

45

MR BURLING: Yes.

12:43PM

MS NELSON: --- and Crown Melbourne made that known to Crown Perth at the time ---

5 MR BURLING: Yes.

MS NELSON: --- isn't it ordinarily a responsibility of your department to make sure that the patron is banned from the Crown Perth premises?

10 MR BURLING: Yes, that's correct.

MS NELSON: Can you tell the Commissioner why it was that Mr Pan was able to be allowed into the Pearl Room on those 20-odd occasions over December 2020, January 2021, despite being banned in Melbourne?

15

MR BURLING: My only understanding of that was the ban was actually put in place by my team on or about the 19th, I believe, or 20 June, I think 2020. The process was conducted appropriately by my team. The iTrak ban was put in place, the SYCO stop codes were put on, and the LUI exclusion was put on. It appeared from review that there was an issue with the gaming system through an IT issue, where certain people could see more accounts than others. There were multiple accounts, and I believe there was a slip through the crack, that the accounts that my team could see were not actually all the accounts that were available to be seen. Therefore, the stop codes weren't viewed.

25

MS NELSON: Effectively, a stop code was only placed on one of Mr Pan's SYCO accounts, is that the situation?

30 MR BURLING: No, there was --- for example, I could see five accounts. My investigator, I believe, could see four. This was after the review, not at the time, which caused us some concern, and I believe IT could see a number more than I could. This has all been resolved.

35 MS NELSON: So these are accounts on the SYCO system?

35

MR BURLING: That's correct.

MS NELSON: So the accesses between you and your team were different to the SYCO system?

40

MR BURLING: That's correct, yes. And between my team and gaming, and the hosts, there was a number of issues in relation to that.

MS NELSON: Do you know what a SYCO alert monitoring process is?

45

MR BURLING: I've not come across the term directly. It may be similar to a patron watch. I'm not sure.

MS NELSON: I know you didn't attend any AML Perth committee meetings for patron AE, but has it been your practice to attend some of those AML committee meetings in the past?

5

MR BURLING: No.

MS NELSON: Do you have any awareness of individual AML risk ratings that are applied to particular patrons?

10

MR BURLING: Not directly, no.

MS NELSON: Do you have an awareness of what the difference is in practical terms between a high risk rating or a significant risk rating?

15

MR BURLING: No.

MR NELSON: I want to ask you about loansharking. What do you understand that term to mean?

20

MR BURLING: Somebody providing somebody else with money at some degree of interest on repayment that is not recorded lawfully as per maybe a bank. It's an individual lending money to somebody else at exorbitant interest rates and then requesting the money back.

25

MS NELSON: At what stage does that patron behaviour involving loaning of money become unacceptable to Crown, from a patron behaviour point of view?

MR BURLING: I'm not sure.

30

MS NELSON: If a surveillance operative saw someone, a patron who they thought was loaning money, at what stage of the behaviour that's being observed does Crown deem it to be unacceptable and the patron comes to notice?

35

MR BURLING: I guess if there's some other sort of evidence to confirm that it is loansharking as opposed to lending money.

MS NELSON: What type of evidence would the surveillance operative be looking for?

40

MR BURLING: Maybe if the person has a book and they are writing something in there that may correlate to giving the money out and making some form of record of that. Maybe if another person or a staff member has observed something, or overheard something, maybe.

45

MS NELSON: How many times in your experience of doing your job in investigations at Crown, how many times does that type of observation need to be made in relation to a particular patron before Crown would take steps to ban the

action?

MR BURLING: I don't think there's a particular number that's laid out to suggest
5 that it's once, twice, or 10 times. I think it's all down to circumstance and potentially
an interview with the person concerned to ascertain what is going on.

MS NELSON: Have you ever undertaken such interviews?

10 MR BURLING: No.

MS NELSON: Who would do that?

MR BURLING: I don't know. I haven't. It's possible that a gaming manager might,
15 if they see something that's not quite right.

MS NELSON: Have you known of any patrons of Crown Perth to be interviewed
about possible loansharking allegations?

20 MR BURLING: No.

MS NELSON: Just looking at the paper in front of you at the patron pseudonyms, I
want to ask you about patron S. From the iTrak information that the Royal
Commission has, between 2009 and 2020 patron S had 26 notifications on iTrak for
25 suspended loansharking and, of those, 24 were notifications that were from between
2013 and 2020. Are you aware of patron S's behaviour in these particular
allegations?

MR BURLING: I am aware of the name. I am aware of the incidents that are listed
30 on there. In relation to a number of those incidents, too, if the narratives are read, it
actually says the incident is loansharking but there's no untoward behaviour noted.

MS NELSON: So would your team, your CIT investigation team, have been tasked
with looking into those iTrak notifications?

35

MR BURLING: Not necessarily.

MS NELSON: The iTrak notifications themselves, do you get access to those soon
after they have been made?

40

MR BURLING: Once an incident is created, it's stored there, then I will review
what's come through probably within the 24 hours, to see what incidents have been
created. In relation to a number of these matters prior to the formulation of CIT, they
have probably gone to surveillance for review, and myself was probably not advised
45 of that. So from 2018 onwards, my analyst would have been notified and so would I,
definitely. Does that clarify that?

MS NELSON: And you would have been notified within 24 hours?

MR BURLING: I don't get notified, I review.

MS NELSON: Right, you would have reviewed ---

5

MR BURLING: I don't get a notification.

MS NELSON: You would have reviewed the individual notification on iTrak within 24 hours of it occurring?

10

MR BURLING: Potentially, yes. Obviously weekends and maybe days off, that sort of thing, would come into play.

MS NELSON: So you would have seen those for patron S, that had occurred between 2018 and 2020?

15

MR BURLING: I would have had the opportunity to, absolutely.

MS NELSON: Having seen those, did you go back into the holdings, the iTrak holdings in relation to patron S to see what historically had occurred?

20

MR BURLING: I don't recall off the top of my head if I did. I am aware of the number of incidents attached to that patron S.

MS NELSON: Having been aware of the number of incidents tracked to her, what did you see as your responsibility to do in relation to patron S?

25

MR BURLING: The matter was being dealt with by other persons, not me.

MS NELSON: Who was the matter being dealt with?

30

MR BURLING: I don't know. Not myself, that's all I can tell you. I don't know.

MS NELSON: Were you ever asked to provide information to any other committee or senior management of Crown in relation to patron S?

35

MR BURLING: Not that I recall, no.

MS NELSON: Did you ever have a discussion with patron S about the behaviour?

40

MR BURLING: I didn't, no.

MS NELSON: Did you have a discussion with law enforcement about patron S's behaviour?

45

MR BURLING: Not that I recall, no.

12:55PM

MS NELSON: Are you aware that patron S was excluded from Crown Perth in 2020?

5 MR BURLING: I am aware that patron S is excluded. I wasn't sure of the date.

MS NELSON: Were you involved in that exclusion through the POI Subcommittee, that exclusion consideration?

10 MR BURLING: I'm not sure if that would have gone through the subcommittee or that was a decision made outside of that. I don't know.

MS NELSON: What was the attitude of Crown Perth to prostitution and soliciting occurring on the premises?

15

MR BURLING: Prostitution and what, sorry?

MS NELSON: Prostitution and soliciting.

20 MR BURLING: If we can identify it, we stop it and we move people on and we will exclude people.

MS NELSON: Is it a zero tolerance policy?

25 MR BURLING: Absolutely.

MS NELSON: Had you ever known of any Crown Perth employees arrange for sexual services for patrons?

30 MR BURLING: Not directly, no.

MS NELSON: Indirectly?

MR BURLING: I've heard anecdotally. I have had no evidence of that personally.

35

MS NELSON: Never been asked to do any internal investigation into such employees' behaviour?

MR BURLING: Not a formal one, no.

40

MS NELSON: What do you mean "not a formal one"?

MR BURLING: Where there was no report.

45 MS NELSON: So you were asked to do an investigation but not provide a report, is that what you ---

MR BURLING: No, no, I did not provide a written report. I was asked to look at

certain aspects of an employee's behaviour.

MS NELSON: Did you report to a particular person what your findings were?

5

MR BURLING: I did, and they were around the use of a complimentary card, and around --- if we are talking about the same employee here, around the use of a comp card and a company corporate card.

10 MS NELSON: How long ago was that?

MR BURLING: I think around 2016.

MS NELSON: There was no written report produced by you?

15

MR BURLING: I wasn't - there was no need for that. It was --- the documentary evidence in itself explained what I was looking at.

MS NELSON: Thank you.

20

Commissioner, I probably have another 10 minutes of questions before I finish.

COMMISSIONER JENKINS: Yes. How long do you think you'll be, Mr Garos?

25 MR GAROS: I presently don't have any questions to ask, so I'm content to ---

COMMISSIONER JENKINS: I think I might be 10 minutes, so we are looking at possibly up until 1.30. Are you in a position to continue, or would you like a short break now, Mr Burling?

30

MR BURLING: I'm fine, Commissioner.

COMMISSIONER JENKINS: All right. We'll continue, thank you.

35 MS NELSON: Thank you, Commissioner.

That informal investigation you referred to around the use of a complimentary card, did that involve Crown employees arranging for sexual services to Pearl Room patrons?

40

MR BURLING: There was no evidence of that, that it was supported on that card, no.

MS NELSON: Your investigation involved those allegations?

45

MR BURLING: My investigation was required to look at what the card was used for, and to whom complimentaries were provided.

01:00PM

MS NELSON: Were some of those complimentaries alleged to be sexual services?

MR BURLING: No.

5

MS NELSON: Is your evidence then that you've never conducted an investigation, or you've never been asked to conduct an investigation in relation to sexual services being provided free of charge to patrons?

10 MR BURLING: By an employee?

MS NELSON: Yes.

MR BURLING: No.

15

MS NELSON: If we could have your statement back on the screen, thank you, CRW.998.002.0786, turning to paragraph 77. Under the heading of "Corporate culture/staffing", in paragraph 77 you mention revenue and profits are vitally important to Crown Perth, but, in your opinion, Crown Perth does not put revenue or profits above staff. Do you see you've said that?

20

MR BURLING: Absolutely, but I believe there's a major part of that statement that's missed out, if I may bring that up?

25 MS NELSON: Certainly.

MR BURLING: That it's vitally important to Crown Perth as they are to any business. I think that is true with any business, that we're looking at profits and revenue, absolutely. But it does not put revenue and profits above the safety of staff, and I'll stick by that, that's my opinion.

30

MS NELSON: Thank you for the clarification. In the last sentence of that paragraph you say:

35 *My impression of staff satisfaction is that it is at one of the highest levels that I have seen throughout my working career, having worked for many different corporations and Government entities.*

MR BURLING: Correct.

40

MS NELSON: You stand by that evidence?

MR BURLING: Absolutely.

45 MS NELSON: Have you been aware that Deloitte has recently been tasked with surveying and reporting on particular aspects of the organisational culture at Crown?

MR BURLING: No.

MS NELSON: You weren't interviewed or surveyed?

5 MR BURLING: No. I believe this was a cultural survey. I didn't have the opportunity to enter into it. I'm not sure if that was Deloitte.

MS NELSON: Have you been privy to the final report from Deloitte delivered on 30 July 2021?

10 MR BURLING: No.

MS NELSON: If we could look at CRW.701.006.3776. This is a document which shows the Deloitte survey results in detail by geographic location, and it's dated September 2021. If we can go to page 22, which is 3797. You can see across the top
15 it has the various business units in Perth, starting with Cage & Count on the left and finishing with property services?

MR BURLING: Yes, I see that.

20 MS NELSON: The fifth column from the left is security, and the sixth column is surveillance?

MR BURLING: Yes.

25 MS NELSON: And then tracking down the column for security first, in relation to the question 8, "The people I work with take responsibility for their actions", can you see in the security area that only 49 per cent of those people surveyed agreed with that statement?

30 MR BURLING: Yes, I see that.

MS NELSON: Surveillance, only 48 per cent agreed with that statement?

MR BURLING: Yes.

35 MS NELSON: Does that surprise you?

MR BURLING: I think it's concerning.

40 MS NELSON: Is it a surprise that that's the result?

MR BURLING: Absolutely.

45 MS NELSON: If we go down to number 13, "The people I work with bend the rules when it suits them", and in "security" 36 per cent agree with that statement, and in "surveillance" 43 per cent agree with that statement. Is that a matter of concern to you?

01:05PM

MR BURLING: Absolutely.

MS NELSON: Then, number 15:

5

There are often instances when working around our policies, processes or *procedures* is necessary to get the job done.

10 For "security", 27 per cent agree with that and "surveillance" 62 per cent agreed with that statement. You're nodding your head, Mr Burling, is that ---

MR BURLING: Oh, no, I'm just agreeing with the figures that are in front of me, yes.

15 MS NELSON: Is that a surprise to you?

MR BURLING: Having not seen it, it's people's opinions, that's their perceptions. So, yes, it's surprising to me.

20 MS NELSON: Would you expect Mr Lee to have a conversation with you about these findings at some point?

MR BURLING: I'm sure we will discuss these at some stage.

25 MS NELSON: Are you able to explain why staff feel the way that they have expressed in this survey?

MR GARAS: I don't know, Commissioner ---

30 MS NELSON: I withdraw that question. It's perhaps getting a bit late.

Thank you, they are my questions, thank you, Commissioner.

COMMISSIONER JENKINS: Thank you, Ms Nelson.

35

Mr Garas?

40 MR GARAS: Commissioner, I have no questions, but I have been given a copy of Mr Lee's statement. It's actually an amended version which picks up the corrections he apparently made in the witness box but it hasn't been produced to the Commission yet. But it does have the relevant paragraph unredacted if you would like a copy.

45 COMMISSIONER JENKINS: Yes. If you could hand it up, I'll just have a look at it. Then I might hand it back to you so that it can be dealt with in a formal way in terms of lodging it with the Commission.

MR GAROS: Page 22, at the bottom right-hand corner.

COMMISSIONER JENKINS: Thank you for that, Mr Garos. That can be returned too.

5

QUESTIONS BY THE COMMISSIONER

10 COMMISSIONER JENKINS: Mr Burling, is there a document which prescribes your team's role and responsibilities?

MR BURLING: No.

15 COMMISSIONER JENKINS: So you have set them out at paragraph 18 of your statement. How do you know that they are your team's roles and responsibilities?

MR BURLING: Through discussion with my general manager as to what we are supposed to do.

20 COMMISSIONER JENKINS: That's Mr Lee?

MR BURLING: Correct.

25 COMMISSIONER JENKINS: Are you and your team physically stationed at Perth Casino?

MR BURLING: Yes.

30 COMMISSIONER JENKINS: Is there a written policy relating to the provision by you and other Perth Casino staff of information to external stakeholders?

35 MR BURLING: There is an SOP in relation to LEA interaction where it requires the conduit to come through my team to keep it singular, I guess, to make it easier for law enforcement and us to keep an understanding rather than everywhere around the business, but there's probably nothing in the manner of what you are asking directly.

40 COMMISSIONER JENKINS: Do I understand from what you said to Ms Nelson that requests from LEAs for, say, surveillance material held by Crown could come in formally through a notice to produce, or a written request, but it also could come informally, orally, to you?

45 MR BURLING: Ordinarily, if it was CCTV footage it would come in through a formal request with an order to produce attached to an email. That is the normal process. If police are asking informally of CCTV footage of a particular Person of Interest, we are happy to find that footage and then we'll say "You now need the order to produce for us to release that."

COMMISSIONER JENKINS: Do you ever provide such material without a formal written request, at the very least?

5 MR BURLING: No.

COMMISSIONER JENKINS: If you want to obtain surveillance footage of an incident that is not already in iTrak ---

10 MR BURLING: If I do?

COMMISSIONER JENKINS: Yes, if you do, if you receive some request from an LEA or you are investigating some other matter and you want to obtain such footage, how do you do that?

15

MR BURLING: I contact my investigators in surveillance, ask them to backtrack, do the review, create an incident, put the footage into the incident, and if the LEAs require it they submit the necessary paperwork.

20 COMMISSIONER JENKINS: So you request one of your officers in surveillance to obtain the footage?

MR BURLING: Yes.

25 COMMISSIONER JENKINS: They then send it to you?

MR BURLING: No, it gets dubbed into the iTrak incident so I have access to that.

COMMISSIONER JENKINS: iTrak.

30

MR BURLING: Yes.

COMMISSIONER JENKINS: And in terms of their conduct, do they have to obtain authority from the head of surveillance to action your request, or is your authority sufficient for them to do that?

35

MR BURLING: No, my authority's sufficient for that. There is a form that is signed by the Surveillance Operations Manager for the release of that footage when police attend, which is also countersigned by the surveillance, or Head of Surveillance at that time.

40

COMMISSIONER JENKINS: Thank you. Whilst you've been at Perth Casino, particularly in the time 2012 to 2014, so quite early on, quite a while ago, were you aware of complaints made by staff about the behaviour of participants or representatives of what might be known as the Lao Junket or the SunCity Junket?

45

MR BURLING: No.

COMMISSIONER JENKINS: You were not aware that there were complaints that they had large amounts of cash in the casino which they left in their salons?

5 MR BURLING: No.

COMMISSIONER JENKINS: You're not aware of complaints that they appeared to be gambling on instructions they received over the phone rather than gambling on their own account?

10

MR BURLING: No.

COMMISSIONER JENKINS: So you've never heard of such behaviour in relation to any junket players?

15

MR BURLING: No, Commissioner.

COMMISSIONER JENKINS: Have you ever investigated an alleged assault on an employee by a patron?

20

MR BURLING: Absolutely.

COMMISSIONER JENKINS: Are you thinking of one particular incident or more than one?

25

MR BURLING: I was just trying to not particularly say the name, but there have been a number of indecent assaults where patrons have assaulted staff.

COMMISSIONER JENKINS: That would be within your area of investigation, or not?

30

MR BURLING: Yes, absolutely.

COMMISSIONER JENKINS: If such an investigation is carried out and the conduct is, in your view, found to have occurred, what then occurs in respect of that patron?

35

MR BURLING: Obviously after interviewing the employee, unless police have been called on that night, if I'm looking at it after the fact, I will interview the employee, obtain a statement, obviously there is CCTV footage, which there ordinarily would be, the patron's details and the matter would be sent to police for prosecution. From there, the patron will be excluded.

40

COMMISSIONER JENKINS: On any of the occasions on which you are thinking of did the staff member not want to make a complaint to the police?

45

MR BURLING: Sometimes that does occur.

COMMISSIONER JENKINS: In that circumstance, what then is the process?

MR BURLING: The patron will be excluded.

COMMISSIONER JENKINS: You've talked about the "patron will be excluded".

5

MR BURLING: Correct.

COMMISSIONER JENKINS: In your view, does that happen always, or has it happened always in the ones you've been involved with?

10

MR BURLING: Yes, it has.

COMMISSIONER JENKINS: How long would that exclusion be for?

15 MR BURLING: In a circumstance like that, I would ensure that the ban that I ask my team to issue and have served is permanent, and there would be a potential revocation review after a period of two years.

20 COMMISSIONER JENKINS: Can you think of any such circumstance where the ban has not been permanent?

MR BURLING: Under those circumstances?

25

COMMISSIONER JENKINS: Yes.

MR BURLING: No.

30 COMMISSIONER JENKINS: In respect of the Person of Interest Subcommittee, again, looking at its role, does it have a charter or specific delegations from the main Person of Interest Committee?

MR BURLING: There is a document outlining the charter, yes.

35

COMMISSIONER JENKINS: Right. So its role is in writing in that charter?

MR BURLING: Yes, it is, yes.

40 COMMISSIONER JENKINS: Lastly, in respect of Mr Pan, you referred to the distinction between you and your team being able to identify four or five accounts. Were these patron accounts?

MR BURLING: Yes, they were.

45 COMMISSIONER JENKINS: So how was it that Mr Pan had up to five patron accounts?

MR BURLING: With Mr Pan's full name, the names can be juggled, unfortunately,

and that causes some confusion with the system.

COMMISSIONER JENKINS: So ---

5

MR BURLING: If that explains that, yes.

COMMISSIONER JENKINS: My understanding is that Crown has been trying to find ways to avoid patrons having more than one account.

10

MR BURLING: Absolutely, Commissioner.

COMMISSIONER JENKINS: So his is an example of at least the older systems not preventing that from occurring?

15

MR BURLING: I believe it's sorted now, which will reduce the potential for this to occur moving forward to, I'm hoping, nil.

COMMISSIONER JENKINS: In respect of him gaining entry, was this also a time prior to facial recognition being used at the casino, or was it being used?

20

MR BURLING: I believe FRT was in use. Where the cameras were placed I'm not sure, I'm not involved in that side of things.

25

COMMISSIONER JENKINS: But whatever the situation, he managed to get in without being detected?

MR BURLING: Yes, that's correct.

30

COMMISSIONER JENKINS: I said that was the last question, but I had forgotten that I had made some marginal notes, so let me review those.

I just wanted to understand what the distinction was between the surveillance officers who are part of your team and other surveillance officers. Do you just have one surveillance officer seconded to you?

35

MR BURLING: No, I have two positions in surveillance --- one is the surveillance investigations and compliance officer, which is the equivalent of the security side, and a surveillance investigations analyst, who primarily deals with reviews on AML and gaming matters for gaming errors and procedure problems. The compliance officer deals primarily with looking at the audits for our EBI and access controls, et cetera, as well as some iTrak matters, as well as conducting investigations that may come through from LEAs that were looking at potential POIs. They are separate from the operators who do the day-to-day operations, monitoring and surveillance activities. Totally away from that.

40

45

COMMISSIONER JENKINS: Do I understand from your evidence that you obviously have the power to direct your team, and the members in it ---

01:21PM

MR BURLING: Yes.

5 COMMISSIONER JENKINS: --- but you don't have any power to direct other surveillance and security officers?

10 MR BURLING: Look, I probably could do, but I don't because they have their own managers. I think as a matter of protocol I go to their manager and discuss anything with them, and then that's where the direction would come from, if there was something there.

15 COMMISSIONER JENKINS: I noticed that in respect of the Person of Interest Subcommittee, there doesn't seem to be a member of RG on it --- am I right in that respect, or did I miss a name?

MR BURLING: No, that's correct.

COMMISSIONER JENKINS: Was there any reason why that is?

20 MR BURLING: That's just how the Subcommittee has always been set up.

COMMISSIONER JENKINS: Perhaps that concludes my questions, Mr Burling.

25 Is there anything arising?

MS NELSON: No, thank you, Commissioner.

MR GARAS: No, thank you, Commissioner.

30 COMMISSIONER JENKINS: Mr Burling, that conclude your evidence this afternoon. We will leave the summons in place in case there are some follow-up questions, but you are certainly free to go about your business. Thank you.

35 MR BURLING: Thank you very much.

THE WITNESS STOOD DOWN

40 COMMISSIONER JENKINS: Thank you. We will adjourn until 2.00 pm.

ADJOURNED [1.23 PM]

45 **RESUMED** [2.01 PM]

02:01PM

COMMISSIONER OWEN: Mr Campbell, would you mind giving us your full name for the record?

5 WITNESS: Jarrod Ross Campbell.

COMMISSIONER OWEN: Do you wish to affirm or take an oath?

10 **MR JARROD ROSS CAMPBELL, AFFIRMED**

COMMISSIONER OWEN: Thank you. Please sit down, Mr Campbell. Mr Davis.

15

EXAMINATION-IN-CHIEF BY MR DAVIS

MR DAVIS: Mr Campbell, you've prepared a witness statement for the purpose of
20 this hearing, have you not?

MR CAMPBELL: Yes.

MR DAVIS: I'll ask the operator to turn up CRW.998.002.0803. Do you see the
25 document in front of you, that's the statement you made on 24 September 2021?

MR CAMPBELL: Yes.

MR DAVIS: If you could turn to page 0814, thank you. That's showing
30 CRW.998.002.0803. Can you confirm that you signed this statement?

MR CAMPBELL: Yes.

MR DAVIS: The next page, that's JC-1, we understand that that is a document from
35 which you refreshed your memory in making your statement?

MR CAMPBELL: Yes.

MR DAVIS: The next page, JC-2, that is a list of standard operating procedures
40 which you refer to in paragraph 13(b) of your statement, which is at the top of the
page 0803, JC-5.

MR CAMPBELL: Yes.

45 MR DAVIS: I understand you have a change you want to make to your statement, in
paragraph 22, page 0807. What's the change you want to make?

MR CAMPBELL: The spelling of the name. So John Yates Yeats should be J-O-N

and Y-E-A-T-S.

MR DAVIS: Thank you. Subject to that minor change, can you confirm, Mr
5 Campbell, that the contents of your witness statement are true and correct to the best
of your knowledge and belief?

MR CAMPBELL: Yes, I do.

10 MR DAVIS: Thank you, that's Mr Campbell's evidence-in-chief and I tender that
statement.

COMMISSIONER OWEN: Thank you, Mr Davis. The witness statement of Jarrod
15 Ross Campbell dated 24 September 2021 and bearing the identifier number
CRW.998.002.0803, with the change, the amendment to paragraph 22, is admitted
into evidence as an exhibit.

**20 EXHIBIT #CRW.998.002.0803 - STATEMENT OF MR JARROD ROSS
CAMPBELL (INCLUDING AMENDMENT TO PARAGRAPH 22) DATED 24
SEPTEMBER 2021**

25 CROSS-EXAMINATION BY MS CAHILL

MS CAHILL: You explain in paragraphs 6 to 10 of your witness statement your
work history at Crown Perth. I gather from that that David Brown was the only
30 general manager of the cage that you worked under before you yourself were
appointed as the general manager of Cage & Count in March 2021?

MR CAMPBELL: That's right.

MS CAHILL: And that from 2007 when you were promoted to the role of shift
35 manager, you reported directly to Mr Brown until you replaced him in March 2021,
is that right?

MR CAMPBELL: That's right.

40 MS CAHILL: Thank you. Now, at paragraph 21, page 0806, you say that you have
had regular AML/CTF training what you call the Crown Learn module. So even
though you've been at the Perth Casino since 1997, I assume you are talking about a
training module that's been in place at the earliest in 2005, when Crown took over the
casino?

45 MR CAMPBELL: Yes, I believe that's right.

MS CAHILL: Do you agree that as a result of that training, by 2012, you

understood, in the context of money laundering, the concept of structuring of transactions so as to avoid the requirement to prepare a TTR?

5 MR CAMPBELL: Yes, that was part of the training, yes.

MS CAHILL: By 2012, as a result of that training, did you understand that a patron or a third party might seek to structure payments made by the casino to the patron or third party --- that is, cash-outs --- by requesting that amounts over \$10,000 be paid
10 in multiple payments below \$10,000 to avoid a TTR being raised?

MR CAMPBELL: Yes.

MS CAHILL: You understood if a patron or a third party to do that, that could be an
15 indication of possible money laundering?

MR CAMPBELL: I'd agree with that.

MS CAHILL: From 2012, through the training you received, you understood, didn't
20 you, a patron or third party ostensibly on their behalf might seek to structure cash deposits to the casino's bank account by way of multiple cash deposits below \$10,000 to avoid a TTR?

MR CAMPBELL: Not to avoid a TTR, because for a patron to do that through the
25 bank account, that would be on the responsibility of the bank receiving the cash deposits, not for from the casino's point of view.

MS CAHILL: Let me just come back. I'm talking about your training. Did you
30 understand that if someone was to make multiple cash deposits to the bank account, the possibility would be that that they were doing that to avoid a TTR being raised.

MR CAMPBELL: Right, sorry. Yes.

MS CAHILL: That again could be an indication of possible money laundering?
35

MR CAMPBELL: Yes.

MS CAHILL: By 2012, as a result of your training, you understood that a patron or
40 a third party ostensibly on their behalf could seek to structure deposits to the casino's bank account in the form of telegraphic transfers by way of multiple deposits below \$10,000, again to avoid a TTR being raised?

MR CAMPBELL: Well, yes. I mean, within that program ---

45 MS CAHILL: I can't quite hear you.

MR CAMPBELL: Sorry. Within that program, when you talk about the structuring side with the program and the AML/CTF training, it talks about structuring from a

cash deposit and chip side of things. It wasn't a focus at the time on transfers through the account. Yes.

5 MS CAHILL: So did you or did you not understand, as a result of your training by 2012, that telegraphic transfers that weren't cash deposits didn't start off as a cash deposit in an account that was then transferred, could amount to structuring if they were all under the \$10,000 limit?

10 MR CAMPBELL: Yes, I can see that now, yes.

MS CAHILL: Did you see it then?

MR CAMPBELL: Not at the time, no.

15

MS CAHILL: All right. When did you first see that?

MR CAMPBELL: Looking back at some of the material that I've been provided, there are examples in there of 2013.

20

MS CAHILL: When did you first understand that this could be an indicator of money laundering?

MR CAMPBELL: When you say "first understand", I don't know if that's a way I would actually describe it. You know, the focus at the time, back in the cage, was around releasing funds that were actually hitting the account, and the focus at the time was looking at the transactions that are coming through and matching them with the receipts we were receiving. I mean, that was the focus at the time.

25

30 MS CAHILL: You were looking for structuring when you were examining the bank deposits for funds to be released, weren't you?

MR CAMPBELL: Not back in 2013, no. No, don't think we were.

35 MS CAHILL: At all?

MR CAMPBELL: No. It wasn't the focus at the time.

MS CAHILL: Whether they were cash deposits or not?

40

MR CAMPBELL: No.

COMMISSIONER JENKINS: I think the question was when did you become aware. If it wasn't in 2013, when did that penny drop?

45

MR CAMPBELL: I'm not sure, to be honest. Like a specific date, do you mean?

COMMISSIONER JENKINS: Year?

MR CAMPBELL: Year? I think, looking back after the inquiries that have come through, so, you know, late 2019, I suppose.

5 COMMISSIONER JENKINS: Thank you.

COMMISSIONER OWEN: Sorry, I missed that?

COMMISSIONER JENKINS: Late '19.

10

COMMISSIONER OWEN: Thank you.

MS CAHILL: So by 2012, as a result of your AML training, you understood, didn't you, that you had a responsibility to identify suspicious transactions in the cage?

15

MR CAMPBELL: Yes.

MS CAHILL: And to raise an SMR that would then be provided to the AML team?

20

MR CAMPBELL: Yes.

MS CAHILL: If I understand the evidence you've just given to the Commission, you would not, between 2012 and 2015, have considered that multiple deposits in the casino's bank account below \$10,000 to the same patron, to the benefit of the same patron within a short period of time, was suspicious?

25

MR CAMPBELL: Not at the time.

MS CAHILL: That's something that only became identifiable as suspicious to you in late 2019?

30

MR CAMPBELL: I'd say, yes.

MS CAHILL: Can I ask you about telegraphic transfers of moneys deposited into the casino's bank accounts between 2013 and 2015. At paragraph 43, page 0081, of your witness statement in the first sentence, I just need to clarify something with you there. 43, something you've said here --- you say in that first sentence that:

35

The job of preparing TT forms for the Riverbank account used to be performed by *the Cage Manager. When that role ended in 2013 it became the responsibility of the Cage Shift Managers.*

40

And so on. What I want to understand is this: was there a standalone position of Cage Manager before about 2013/2014?

45

MR CAMPBELL: Yes, there was. It was a cage manager.

MS CAHILL: Did that role end so that there was not a person called the Cage Manager after that time?

5 MR CAMPBELL: That's right.

MS CAHILL: When there was that role of Cage Manager, at the same time were there also Cage Shift Managers?

10 MR CAMPBELL: Yes, there were.

MS CAHILL: What was the demarcation of roles between the Cage Manager on the one hand, and Cage Shift Managers on the other?

15 MR CAMPBELL: The Cage Shift Manager's responsibilities were shift-to-shift basis, and it was more about the operations at the different cage locations, where the Cage Manager, his position would have been to oversee, and more so an administration role at the time.

20 MS CAHILL: Administering what?

MR CAMPBELL: Things like the telegraphic transfers, staff-related issues, that side of things.

25 MS CAHILL: So your point is that Cage Manager would prepare TTs predominantly, and the Cage Shift Managers would not?

MR CAMPBELL: Predominantly. The Cage Manager would release TTs throughout his time on shift, so he'd be 9 to 5, predominantly. So the Shift Managers
30 would be responsible for any TTs that would be received after hours through the week, and also on the weekend.

MS CAHILL: Why did that Cage Manager role end, do you know?

35 MR CAMPBELL: I think the position was made redundant.

MS CAHILL: The administrative functions of the Cage Manager were absorbed by the Shift Managers; is that what happened?

40 MR CAMPBELL: Yes.

MS CAHILL: In any event, throughout the period, whether it was the Cage Manager or Cage Shift Managers, between 2012 and 2015, a telegraphic transfer release form could only ever be prepared by a manager or higher, is that right?

45

MR CAMPBELL: A shift manager, yes, and also the cage supervisors that worked in the higher duty capacity.

MS CAHILL: So they had to be acting in the role of a manager in order to be permitted to complete a TT form; is that right?

5 MR CAMPBELL: That's right.

MS CAHILL: So in their normal position, a supervisor couldn't complete a TT form and a cashier could never complete a TT form?

10 MR CAMPBELL: No, your Honour.

MS CAHILL: Obviously from the time you became a shift manager in 2007 you could prepare telegraphic transfer forms; is that right?

15 MR CAMPBELL: That's right.

MS CAHILL: And here is one from 4 December 2013. I will ask you to identify - not on the public screen, please, CRW.707.031.1498. You've prepared this TT form. The patron number is identified underneath the patron name, and there is a number
20 there of \$25,125. At 1499 you've attached as part of the paperwork the bank statement and you'll see at the bottom of that page you've asterisked and marked \$6,545, and you understood that to be a cash deposit at the Bankstown Square branch?

25 MR CAMPBELL: I'm not sure about that. I can't tell from this statement, whether that was a cash deposit or not.

MS CAHILL: All right. So if we go over the page to 1500, branch deposits, one of \$9,550, one of \$9,250. So that's three deposits all made on 3 December 2013 under
30 \$10,000, and that didn't, because of your training up to that point, lead you to think there was anything suspicious about that transaction?

MR CAMPBELL: Looking back, no, not at the time.

35 MS CAHILL: Accordingly, you didn't raise an SMR?

MR CAMPBELL: I can't see if I raised an SMR on that or not.

MS CAHILL: We have some separate evidence that an SMR wasn't raised. You
40 don't dispute that?

MR CAMPBELL: No.

MR DAVIS: Can I ask whether it was made clear it was Mr Campbell's handwriting,
45 the remarks that were referred to?

MS CAHILL: Would you like to comment on that, Mr Campbell?

MR CAMPBELL: Yes, I can, sure. Can I just see that document again just to make sure?

5 MS CAHILL: It should be on the screen. I think Mr Davis is asking you about the asterisks.

MR DAVIS: The previous page.

10 COMMISSIONER OWEN: He might be referring to the previous page.

MR CAMPBELL: That's what I thought.

MS CAHILL: The 6,545 and the asterisk.

15 MR CAMPBELL: The 6,545 looks like my figures. I don't know about the asterisk, though.

MS CAHILL: Now, we move to CRW.707.031.1734, not on the public screen, please. This is on the same day, \$110,000 for a different patron. At 1735, on the bottom half of the page, we have got an explanation from a person within Crown Perth about the breakdown of deposits making up these amounts. You'll see different deposits at different locations, different branch locations all on --- well, within a day or two of each other.

25 MR CAMPBELL: Yes.

MS CAHILL: And your evidence is that that didn't look suspicious to you at the time?

30 MR CAMPBELL: Not at the time, no.

MS CAHILL: If we go to 1736, your highlighting and handwriting?

35 MR CAMPBELL: It looks like my handwriting, yes.

MS CAHILL: And highlighting?

MR CAMPBELL: I would presume it is, yes.

40 MS CAHILL: None of that looked suspicious to you?

MR CAMPBELL: Back in '13, no.

45 MS CAHILL: Right. Now, we move on to 5 February 2014 and we look at CRW.707.032.1087, not on the public screens, please. \$84,746 there, that is to be the subject of release, and if we go to page 1089, there's the supporting material that you've put behind it, all sitting just a little under that \$10,000 threshold. Again, you

didn't think that that was suspicious as at February '14; is that right?

MR CAMPBELL: Not at the time.

5

MS CAHILL: At February '14, had you heard any rumours or been told directly about concerns that ANZ had about the operation of the Riverbank account?

MR CAMPBELL: I had heard that ANZ were closing the account, yes.

10

MS CAHILL: And you knew why?

MR CAMPBELL: Yes, I did at the time, yes.

15 MS CAHILL: What did you know?

MR CAMPBELL: I heard that there were concerns around the deposits that were going into the account.

20 MS CAHILL: And presumably you heard a little bit more than deposits, because that's what people do with bank accounts, isn't it, they make deposits? So you must have heard something about the nature of the deposits. What did you hear?

MR CAMPBELL: The concerns that they were under the \$10,000 mark, yes.

25

MS CAHILL: By the time you were processing this TT, you had heard those concerns; is that right?

30 MR CAMPBELL: Looking at the information that I viewed, and this is the 4th, I think that would be right, yes.

MS CAHILL: And still nothing suspicious in your mind?

MR CAMPBELL: Not at the time, no.

35

MS CAHILL: Well, really, Mr Campbell?

MR CAMPBELL: Mm.

40 MS CAHILL: Pardon?

MR CAMPBELL: I said yes.

45 MS CAHILL: Now we go to the email that you referred to in your witness at paragraph 46, page 0811, CRW.529.011.1745 not on the public screen, please. Ms Yong, in the email below, has sent an email to the Pearl Room cage asking for an early release of funds for a patron which she was confirming --- funds she was confirming had been received by a moneychanger. Then you reply at the top of 1745

and you ask Ms Yong to instruct the moneychanger to deposit moneys into the Burswood nominees account and not the Riverbank account.

5 At that point, at April, you knew that what Crown Perth was trying to do was keep that bank account, that Riverbank bank account with ANZ, open but you were aware that ANZ was wanting to close it; is that right?

MR CAMPBELL: In the email that's what is written, yes.

10

MS CAHILL: Then you say in this first paragraph, last sentence:

No doubt the money changer will distribute the \$75K into amounts under \$10k *which is the reason for their concern.*

15

Now, Ms Yong hadn't told you that that's what the money changer wanted to do, had she?

MR CAMPBELL: No.

20

MS CAHILL: You expected that that was what the moneychanger wanted to do, didn't you?

MR CAMPBELL: The way the email's written, yes.

25

MS CAHILL: That was because you had observed more than once before this transaction money changers splitting up amounts paid to them by patrons to be forwarded to Perth Casino bank accounts in amounts under \$10,000; is that right?

30 MR CAMPBELL: Having seen this email and the chain that goes with it, I'd imagine that I've commented on the actual moneychanger that it was known, from a historical point, that's probably why I've written it.

MS CAHILL: Because you had seen this happen before, hadn't you?

35

MR CAMPBELL: Yes, I had.

MS CAHILL: And sufficiently frequently that it had become your expectation when moneychangers from abroad deposited moneys into the Perth Casino's bank account and they would split the money up into amounts under \$10,000? That was your experience, wasn't it?

40

MR CAMPBELL: With the funds hitting the accounts, yes, it was. There is some context to that, though, in that the information we were getting from the overseas office, the management, and our international operations department, due to certain restrictions on transfers out of countries, there's limitations as to how much can be transferred at a time, which was a reason that we had been given.

45

MS CAHILL: But it's not a reason you accepted, was it, because you explained here that ANZ was concerned about these amounts under \$10,000, and you well knew that ANZ was perceiving a money laundering risk in relation to the splitting of funds in that way; isn't that right?
5

MR CAMPBELL: Well, no, no, it's not. Like I said, based on the information that we had at the time from those departments, was a reason for us to be releasing those funds.
10

MS CAHILL: No, Mr Campbell. If it were just the case that internationally there were limits on the amount being transferred out of countries, that wouldn't have been a cause for concern by ANZ, you would have inferred; am I right?

15 MR CAMPBELL: Sorry, can you repeat that?

MS CAHILL: ANZ, in your mind, would not have been closing the accounts because somebody in Indonesia or Malaysia or China, a government there was saying, well, you can't transfer amounts of more than \$10,000 in one hit. You understood that very well, didn't you?
20

MR CAMPBELL: No, I don't believe I did at the time, no.

MS CAHILL: The real reason that you understood very well that ANZ was concerned was because the splitting of amounts into under \$10,000 portions evidenced a clear risk of possible structuring and, therefore, money laundering; isn't that the case?
25

MR CAMPBELL: No, I don't believe it to be the case, no.
30

MS CAHILL: Just explain to me, then, what you thought ANZ's concern was.

MR CAMPBELL: I can see what I've written, the fact that they were concerned about the under-10s. I can see that clearly, but with the lens that we were looking through at the time, when we were releasing the funds, and as I have stated with the overseas limitations that was expressed to us, at the time I didn't see it to be an issue, no.
35

MS CAHILL: What was ANZ's concern about the splitting up of the amounts that you are referring to here in this email?
40

MR CAMPBELL: It's talking about the under-10, that it is under-10, yes, I see that.

MS CAHILL: What is the concern that ANZ had that you are referring to here?
45

MR CAMPBELL: It would be the fact that he's under 10 and a red flag, yes.

MS CAHILL: A red flag about what?

MR CAMPBELL: An AML issue.

MS CAHILL: You thought that ANZ thought it was an AML risk; is that right?

5

MR CAMPBELL: I'm not saying back then. But looking now, yes, absolutely.

MS CAHILL: Back then when you wrote on 2 April that the reason for ANZ's concern is the splitting up of amounts below \$10,000 into amounts below \$10,000, what was the reason for the concern that you are articulating there?

10

MR CAMPBELL: As I've previously said.

MS CAHILL: Tell me again. Tell me again, please.

15

MR CAMPBELL: I'm saying because they were under 10.

MS CAHILL: Yes, but why did you understand that was of concern?

20

MR DAVIS: I rise --- I think the question's been put a few times now and it's been answered.

COMMISSIONER OWEN: I'm not sure it has quite been answered because there was then a temporal issue where Mr Campbell said, "That's how I see it now, not then", so I think counsel was asking for clarification as to the "then" rather than the "now".

25

MR DAVIS: I'd understood that the answer given was that the concern was that it was announced under 10, as was written there.

30

COMMISSIONER OWEN: If that's the witness's evidence, perhaps you can ask him one more time.

MS CAHILL: To be clear, Commissioner, what I'm getting to is that this witness has said that he understood the concern was amount under 10. The question is what he understood about why that was a concern.

35

COMMISSIONER OWEN: Why that was a concern, what he understood was ANZ's concern that the moneys would be split up and there would be deposits of under 10,000 made. Can you answer to the best of your recollection what you thought then, when talking about April 2014, about what was the underlying concern of ANZ about that issue?

40

MR CAMPBELL: Reading this, I don't recall the email, but reading it, the fact that it is amounts under \$10,000.

45

MS CAHILL: I will press a bit further, Commissioner.

It's quite clear that you are saying ANZ doesn't want amounts split up into under \$10,000 quantities. What did you understand was the reason why they were concerned about that at the time?

5

MR CAMPBELL: Because it would have been a red flag at the time.

MS CAHILL: Yes. So you understood, as at April 2014, ANZ perceived this to be an AML risk?

10

MR CAMPBELL: I don't think I did, to be honest. I don't think I did at all, based on the fact that we were releasing funds, as I stated earlier, with the information that we had at the time there were issues with the limitations on the moneys coming out. So, you know, did it raise a red flag with me at the time? It didn't, no.

15

COMMISSIONER OWEN: I think we can move on, Ms Cahill.

MS CAHILL: I just want to ask you about another document that you referred to in your witness statement and clarify this. CRW.529.011.2973, not on the public screen, please. You obviously cc'ed, if we go to page 2974, up cc'ed your request for an early release to cage management and somehow Mr Theiler has got hold of your email, and he responds in the middle of page 2973 much when I say "responds", you are not named, evidently, as one of the addressees to Mr Theiler's email. Do you see that?

25

MR CAMPBELL: Yes.

MS CAHILL: Where he says:

30 Hi guys *The practice below must stop.*

Do you see that?

MR CAMPBELL: I do, yes.

35

MS CAHILL: Did you receive that part of the email at the time or were you made aware of its contents?

MR CAMPBELL: I don't recall.

40

MS CAHILL: Is your evidence to this Royal Commission that you don't remember being told at around this time to stop deposits under \$10,000, multiple deposits, into the Riverbank account?

45 MR CAMPBELL: No, I don't recall.

MS CAHILL: You became aware not long after this that ANZ in fact closed the Riverbank account, didn't you?

5 MR CAMPBELL: I can't remember when it was closed, no.

MS CAHILL: You remember the ANZ bank account was closed for Riverbank, don't you?

10 MR CAMPBELL: I knew that, yes.

MS CAHILL: It was a big moment when that happened, wasn't it?

MR CAMPBELL: I don't know if it was a big moment, but no.

15

MS CAHILL: Well, a cause for concern in the cage?

MR CAMPBELL: Yes --- look, I can't recall the actual time that it happened, no.

20 MS CAHILL: You remember it happening, though, don't you?

MR CAMPBELL: I remember it --- there was, yes, that it was getting close, yes, I do.

25 MS CAHILL: You were told the reason why?

MR CAMPBELL: Yes, I must have been, according to the email, yes.

30 MS CAHILL: Were you told not to accept multiple cash deposits under \$10,000 into the new CBA account?

MR CAMPBELL: I don't recall that conversation, no.

35 MS CAHILL: Were you told --- did you cease accepting multiple deposits under \$10,000 in cash to the new CBA Riverbank account?

COMMISSIONER JENKINS: In fairness to the witness, by the time he sees it, they have been accepted, if they have been made at a branch. So I just think you should be more specific, like, not accepted in terms of doing what?

40

MS CAHILL: Were you told, when the new CBA account was opened, that you were not to process, by way of a TT form multiple cash deposits under \$10,000?

MR CAMPBELL: I don't recall, no.

45

MS CAHILL: So by the time the ANZ bank account closed, it was still the case that you didn't appreciate that telegraphic transfers, multiple telegraphic transfers, under

\$10,000 could be a structuring or AML risk; is that right?

MR CAMPBELL: Looking back in, no, I don't think I did.

5 MS CAHILL: We can't hear you, Mr Campbell.

MR CAMPBELL: I said looking back in, no, I don't think I did.

10 MS CAHILL: You don't recall knowing the reason why ANZ closed the account at the time they closed it?

MR CAMPBELL: According to the email, by reading the email, yes, I do. But I wasn't aware until I was reminded by the email.

15 MS CAHILL: I'm not quite sure I understand that. You're refreshing your memory from the documents?

MR CAMPBELL: Yes.

20 MS CAHILL: You don't have any actual recollection of what happened around the closure of the account, the ANZ account?

MR CAMPBELL: No, I don't.

25 MS CAHILL: You're inferring, from reading the email I've just shown you, that you understood the reason at the time --- you understood the reason for the closure of the ANZ account?

30 MR CAMPBELL: Yes.

MS CAHILL: You are inferring from reading that email you understood the reason was because it was an AML risk?

35 MR CAMPBELL: Judging by what I wrote there, yes.

MR DAVIS: It's just not clear what email is being referred to here, whether it's the email on the screen or the email that we were looking at before, because this one, on its face, doesn't go --- it wasn't sent to Mr Campbell. The previous one was.

40 MS CAHILL: I will fix it. You were referring to document which is CRW.529.011.1745, weren't you, Mr Campbell? It's going to come up on the screen now. That's the document you were referring to that you are refreshing your memory from.

45 MR CAMPBELL: Yes.

MS CAHILL: Do you infer from this document, as you sit here looking at it today,

without any actual memory of what your state of mind was in 2014, that you appreciated this was an AML risk attached to the depositing of multiple cash amounts under \$10,000 into the Riverbank account?

5

MR DAVIS: Sorry, I think there is still some confusion about a temporal aspect of that question, whether it's an appreciation now of what he remembered back then, or whether it's what he remembered back then, or what he thinks now.

10 COMMISSIONER OWEN: Just to clarify, this is ---

MS CAHILL: I don't think I could have been any clearer in the question I just put to the witness.

15 COMMISSIONER OWEN: Just ask the question again, please, Ms Cahill.

MS CAHILL: You don't have any actual memory of your state of mind in 2014, do you?

20 MR CAMPBELL: No.

MS CAHILL: So all you're doing when you are giving evidence is inferring what you knew at the time from the contents of the email you have in front of you on the screen; is that right?

25

MR CAMPBELL: Yes.

MS CAHILL: So the evidence that you have given today is to the effect, and the evidence you give right now, is that you infer from that email that as at 2 April 2014, you perceived there to be an AML risk attached to multiple cash deposits under \$10,000 being made on the Riverbank account?

30

MR CAMPBELL: Yes.

MS CAHILL: Thank you. Can I ask you now about this telegraphic transfer form that you prepared in 2019. Sorry, before I go there, that evidence that you've just given, does that cause you to reconsider some evidence you gave a little earlier when you said you first appreciated the money laundering risk associated with the structuring of telegraphic transfer deposits into bank accounts in 2019? Do you infer that perhaps you knew that earlier in 2014 when you look at that email that's in front of you?

40

MR CAMPBELL: Yes. Having read the email, yes, as in it's --- so, it's jogged my memory, yes.

45

MS CAHILL: Now, if we go to this document again, not on the public screen, CRW.510.135.2384 dated 2 April 2019, a TT form that you've prepared for AUD 1.1 million, and at 0286, you attach an internal Crown email as part of the supporting

paperwork for this transfer, which mentions that certain documents are being forwarded from a moneychanger in Jakarta. If we go first of all to 0287, one of the first documents that's provided in support of this deposit, we will just have to --- I think possibly even put that on its side, what looks like lots of Malaysian currency. Do you see that?

MR CAMPBELL: I think it's Singapore.

MS CAHILL: Singapore, right. Then 0287 - sorry, 0292, I beg your pardon, we have another photograph of a large amount of Singapore currency. Do you agree with that?

MR CAMPBELL: I can't be sure. Definitely the one up the top, obviously, but I don't know about the rest of that sitting there.

MS CAHILL: You're not prepared to agree that that looks like currency?

MR CAMPBELL: It looks like currency. I thought you meant specific Singapore. Yes, it's currency, you're right.

MS CAHILL: Then if we go to 0300 - we'll have to turn this on its side, please --- you can see that by reference to the second group of data, there's a deposit for an amount of just under AUD300,000, that's 299,985, to Riverbank Investments. Do you see that?

MR CAMPBELL: Yes.

MS CAHILL: Then at 0302 we see another similar amount, then at 0304, same amount again, and then at 0305, an amount of just under AUD200,000. So you understood that this supporting documentation evidenced approximately AUD1.1 million in cash being deposited by a moneychanger in Jakarta to the Riverbank account; is that right?

MR CAMPBELL: Yes.

MS CAHILL: I suggest to you that at that point you must have considered the possibility that this could be money laundering.

MR CAMPBELL: I would have said for the Indonesian payments, that similar to some of the other foreign currencies that have transactional limits, I believe they were in a similar situation. There was only certain amount that is they could send out at a time.

MS CAHILL: So this is \$1.1 million in cash you're seeing here, Mr Campbell?

MR CAMPBELL: Mm.

MS CAHILL: So, irrespective of how it's broken up, just the quantity of banknotes, did it not look suspicious to you, coming through an Indonesian moneychanger?

5 MR CAMPBELL: Probably not at the time. I mean, looking now, yes. What year was it again, sorry?

MS CAHILL: It's 2019. It's only a couple of years ago, Mr Campbell. April 2019.

10 MR CAMPBELL: Right.

MS CAHILL: It plainly looks suspicious to anybody, doesn't it?

MR CAMPBELL: I can see why you would think that, yes.

15

MS CAHILL: Obviously an AML risk, this transaction, you would agree?

MR CAMPBELL: It's a red flag, yes.

20 MS CAHILL: An obvious red flag to you as at April 2019; do you agree?

MR CAMPBELL: I don't know if it was a red flag as such. Like I said, having other different countries send similar amounts at the time around the limitations, then to see it come through in those deposits, you know, not necessarily. But looking in
25 now, yes, I do.

MS CAHILL: Let's not look with hindsight, Mr Campbell. Let's look as at April 2019. Whether it was in multiple deposits or whether it was one deposit for \$1.1 million, it was in banknotes: an obvious AML risk; would you agree?

30

MR CAMPBELL: Yes, yes.

MS CAHILL: That must have been apparent to you at the time?

35 MR CAMPBELL: I can't say. I don't recall the transaction itself.

MS CAHILL: You're not suggesting to the Royal Commission that if you had seen a transaction for a cash deposit to the Riverbank account to the value of \$1.1 million back in 2019, you wouldn't have immediately thought that was an AML risk? You're
40 not saying that, are you?

MR CAMPBELL: No, I'm not saying that.

45 MS CAHILL: You don't recall doing anything about this particular transaction --- for example you didn't speak to anyone, Mr Brown or anybody else about refunding the money? Do you recall doing anything like that?

MR CAMPBELL: I don't recall.

MS CAHILL: Or speaking to anyone about whether the patron should be refused admission to the casino?

5 MR CAMPBELL: No, I don't recall.

MS CAHILL: Just in that regard, in terms of refusing admission to patrons, at paragraph 32 of your witness statement, page 0808, you say that:

10 As far as [you are] aware, a decision regarding the continued gaming *activities of a patron suspected of money laundering would be made at a senior management / executive level.*

Are you speaking there as at 2019 and earlier, or just now?

15

MR CAMPBELL: I think when I answered the statement I was answering from the time I wrote it, so --- you know, that decision would have been 2021, all the way back. It would have been a decision that would have come from senior management.

20 MS CAHILL: Who do you include within senior management executive level?

MR CAMPBELL: Obviously they are the executive team, the CEO, CFO, COO, at the time.

25 MS CAHILL: Mr Brown, General Manager, Cage & Count?

MR CAMPBELL: I wouldn't consider Mr Brown an executive, no.

30 MS CAHILL: The decision regarding the continued gaming activities of a patron, do you mean that to include whether or not the payment of funds for gaming are to be accepted by the casino?

MR CAMPBELL: No, I think I've answered that question regarding if this was a decision to be made for continued gaming. It was based around that.

35

MS CAHILL: Prior to 2021, if you or someone in the cage were to give consideration to returning funds to a patron because the casino didn't want to accept them, who would you refer that decision to?

40 MR CAMPBELL: You would go up the chain, so you would speak to Mr Brown. Mr Brown would refer it up.

MS CAHILL: To whom?

45 MR CAMPBELL: Possibly the CFO at the time.

MS CAHILL: All right. Can I --- sorry, did you want to say something else?

MR CAMPBELL: I was just thinking. Or it might have been one of the other --- I can't remember the title, one of the gentlemen in Melbourne who was involved heavily in International Business operations.

5

MS CAHILL: Who was that?

MR CAMPBELL: Mr Theiler.

10 MS CAHILL: Roland Theiler?

MR CAMPBELL: Yes.

15 MS CAHILL: Can I now come forward to the role you've been appointed to, General Manager, Cage & Count, in replacing Mr Brown did you have to apply for the position?

MR CAMPBELL: Yes, I did.

20 MS CAHILL: Was it advertised?

MR CAMPBELL: Yes.

25 MS CAHILL: Did you engage in a competitive process through interview?

MR CAMPBELL: There was interviews, yes.

MS CAHILL: Who interviewed you?

30 MR CAMPBELL: It was a lady from HR, John Salomone who was the Chief Financial Officer in Melbourne, and Mr Brown.

35 MS CAHILL: Were you asked any questions in that interview about your attitude or approach in respect of overseeing cage operations towards the mitigation of money laundering risk?

MR CAMPBELL: I can't remember the line of questioning, but I don't think that was part of it, no.

40 MS CAHILL: Were you asked any questions about your approach or attitude to risk management?

MR CAMPBELL: Not that I recall, no.

45 MS CAHILL: Do you know who was or who were the decision-makers in respect of your appointment as General Manager, Cage & Count?

MR CAMPBELL: I would have expected it to be at least Mr Brown and John Salomone, but yes, I'm not sure.

5 MS CAHILL: Did you engage directly with any of the directors of Burswood Ltd prior to and in relation to your appointment as General Manager, Cage & Count?

MR CAMPBELL: Sorry, can you repeat that?

10 MS CAHILL: Did you engage directly with any of the directors of Burswood Ltd before and in relation to your appointment as General Manager?

MR CAMPBELL: Directors of Burswood Ltd --- I'm unsure who you mean, sorry.

15 MS CAHILL: Do you know who the directors of Burswood Ltd are?

MR CAMPBELL: Not off the top of my head, no.

MS CAHILL: Did you engage directly with any of the directors of Crown Resorts
20 limited prior to and in relation to your appointment?

MR CAMPBELL: No.

MS CAHILL: As a result of your appointment to General Manager, Cage & Count,
25 do you sit on any Crown Perth committees such as the Risk & Compliance Committee?

MR CAMPBELL: Yes.

30 MS CAHILL: You sit on that committee?

MR CAMPBELL: Yes.

MS CAHILL: Any others?

35

MR CAMPBELL: Not that I can recall, no.

MS CAHILL: Are you on the ERCC?

40 MR CAMPBELL: No.

MS CAHILL: Now, with this document, CRW.700.093.0004, it is a position
description for the General Manager, Cage & Count dated December 2020, which
Crown has provided to this Royal Commission. Just looking at the front page there,
45 I'm not sure if you need to have it blown up.

MR CAMPBELL: Yes, please.

02:56PM

MS CAHILL: Just scanning that, can you say whether that's the job description that governs your present position?

5 MR CAMPBELL: I think so.

MS CAHILL: You mention in paragraph 12, 0804, the second sentence in your witness statement, that you don't have any KPIs at the moment, and you go on to say that they are still being developed. Do you know how far off completion they are?

10

MR CAMPBELL: No, I haven't had a chance to check.

MS CAHILL: Is the reason that you don't have any KPIs presently because the ones that were in place for Mr Brown, your predecessor, have were deemed unsuitable?

15

MR CAMPBELL: Not to my knowledge, no. I was told that they were --- that they were being redone, but I think due to the COVID shutdowns both here and in Melbourne, because my direct report John Salomone is based in Melbourne, I think because of the COVID shutdowns and timeframes, that, yes, they haven't been completed.

20

MS CAHILL: Can't you just use Mr Brown's old KPIs?

MR CAMPBELL: I didn't ask that question.

25

MS CAHILL: Now I want to ask you about ---

MR DAVIS: I was wondering if it might be appropriate for the witness to have a short break at this time?

30

COMMISSIONER OWEN: I can't read that clock.

MS CAHILL: 2.59, Commissioner.

35 MR DAVIS: Yes, just on 3 o'clock.

COMMISSIONER OWEN: Just five minutes is enough, Mr Campbell, or do you need longer?

40 MR CAMPBELL: That would be great, thanks.

COMMISSIONER OWEN: We'll come back at 3.05.

ADJOURNED

[2.59 PM]

45

RESUMED

[3.07 PM]

COMMISSIONER OWEN: Yes, Ms Cahill.

5 MS CAHILL: What I want to ask you about now is the procedure in the cage presently under your stewardship in relation to managing money laundering risk, and if I can start with one of the SOPs that you've referred to in your witness statement, which is not for the public screen, but CRW.701.006.3732. This is the AUSTRAC reporting SOP for the cage, last updated by the looks of the footer on 11 August 2021. Has this SOP been reviewed, given what has come to light in the public inquiry since 2020 about the indicia of money laundering through the casino's bank
10 accounts?

MR CAMPBELL: Look, I know it has been undated. Actually at this particular point, I'm not one hundred per cent sure.

15 MS CAHILL: You're not sure why it's been updated?

MR CAMPBELL: It would have been due to changes, yes. Or ---

MS CAHILL: Changes as a result of the public inquiries since 2020?
20

MR CAMPBELL: I would say so, yes.

MS CAHILL: Have you had input into this SOP?

25 MR CAMPBELL: Not to my knowledge, no.

MS CAHILL: Do you consider it to be adequate to identify and manage the AML risk in respect of cage operations? You've read it, obviously, haven't you?

30 MR CAMPBELL: Yeah, I have, yes.

MS CAHILL: Do you consider it to be adequate to identify and manage money laundering risk in respect of cage operations?

35 MR CAMPBELL: Yes.

MS CAHILL: At 3733, with reference to threshold transaction reporting --- do you see that there, that first dash point under "Operating Procedures", it identifies certain things that must be done in respect of transactions with a cash component of \$10,000
40 or more and requires the threshold transaction to be entered in SYCO and designated as a threshold transaction. That's to happen at the cage, is it?

MR CAMPBELL: That's right.

45 MS CAHILL: But is the actual reporting of the threshold transaction of AUSTRAC left to the AML team?

MR CAMPBELL: That's right, yes.

MS CAHILL: At 3734, we have a page that talks about unusual activity reporting.
5 This is a report --- this reporting is made by a member of cage staff to the AML team staff, isn't it?

MR CAMPBELL: That's right.

10 MS CAHILL: It's the AML team who then prepare, if appropriate, an SMR?

MR CAMPBELL: That's correct.

MS CAHILL: So this unusual activity report, or UAR, replaces the SMR that the
15 cage used to prepare; is that right?

MR CAMPBELL: That's correct.

MS CAHILL: The UAR is purely an internal document?
20

MR CAMPBELL: That's right.

MS CAHILL: So is it now left entirely up to the AML team to generate the
appropriate records for reporting to AUSTRAC in accordance with Crown Perth's
25 legal obligations?

MR CAMPBELL: Yes, I believe so.

MS CAHILL: Now, if we look at this unusual activity reporting procedure and
30 compare it with an earlier procedure which the Commission's seen dated around the 2012 to 2014 period, the sorts of unusual activities that are identified here do not confine structuring examples to cash out; it expands the notion of structuring to all types of transactions. Is that deliberate?

35 MR CAMPBELL: I can't be sure. I didn't write that section, but I would imagine it would have been, yes.

MS CAHILL: All right. So who wrote this section?

40 MR CAMPBELL: I'm not sure.

MS CAHILL: If we go down to the seventh-last dot point on the page, I'll give you
the opening words, where it says "When faced with an unusual activity matter the
cashier must alert a member of Cage Management"; do you see that there?
45

MR CAMPBELL: Yes.

MS CAHILL: Is it intended this procedure is only to apply to transactions at the front window, or in relation to all transactions within the cage?

5 MR CAMPBELL: It talks about the cashier must alert a member, so I would say that that is referencing front window locations, because a cashier would have --- within other jobs that they do, it wouldn't be part of what they would be doing, so to speak.

10 MS CAHILL: So for other transactions not at the front window, what do people do when they are confronted with an unusual activity?

MR CAMPBELL: They would raise it with their supervisor and ---

15 MS CAHILL: If you are a supervisor, who do you raise it with?

MR CAMPBELL: With the unusual activities, they have the ability now to be able to lodge them online, so with cash, we'd discuss it with the supervisor and organise for him to be able to sit down and enter that unusual activity matter.

20 MS CAHILL: If you are a supervisor and a manager and you are for example preparing a TT form, and you see something there you think is unusual, what do you do?

25 MR CAMPBELL: Well, you could complete the form and ---

MS CAHILL: Which form are you referring to?

MR CAMPBELL: The unusual activity form, and submit it to AML.

30 MS CAHILL: Is that written down anywhere specifically about procedures or transactions that are not specifically undertaken by cashiers at the front window, what the procedure is?

35 MR CAMPBELL: I'm not sure.

MS CAHILL: You're not sure?

MR CAMPBELL: No.

40 MS CAHILL: Right. At 3735 ---

45 COMMISSIONER OWEN: Just before you leave that, could I ask, the fourth-last bullet point, do you see that, "Do not put any comment in SYCO", do you have an understanding as to why SYCO would not have an indication that a UAR report had been raised?

MR CAMPBELL: Yes, I do. It would be, if a patron was to ask for their record, then it would be stipulated on the comments.

COMMISSIONER OWEN: Thank you.

5 MS CAHILL: While we are there, if we go to the bullet point immediately above, which says after the transaction the person who has determined the matter to be unusual will submit a UAR through the AML portal, do I understand, reading that, that the transaction always has to be processed even if it's unusual before a UAR is raised?

10 MR CAMPBELL: That's right.

MS CAHILL: So there is no capacity, if a transaction looks unusual, to just say, well, we are not going to process that, we are just going to stop it so that it doesn't actually enter as released funds into a patron account?

15 MR CAMPBELL: No, look, it --- it depends on the transaction. You know, as an example, if it was, say, a patron that was conducting a source of funds or triggering a source of funds form, in that instance if they couldn't meet the requirements then the transaction would be stopped. A UAR would still be submitted after the fact, but in
20 that case, if the form wasn't filled out completely, it would be stopped, yes.

MS CAHILL: Or if someone came up to the front window of the main cage with a wheelbarrow full of banknotes, the cage might not accept that, it wouldn't process the transaction first and then enter a UAR into the portal?

25 MR CAMPBELL: No.

MS CAHILL: So this bullet point, this instruction in the procedure, is subject to some exceptions and some discretions, is it?

30 MR CAMPBELL: When you say "exceptions" ---

MS CAHILL: You don't always enter the UAR after the transaction; you might not ever process the transaction?

35 MR CAMPBELL: No, there's a possibility that the transaction would be stopped, but in that case, a UAR would be done at the end of it anyway.

40 MS CAHILL: At the end of what?

MR CAMPBELL: The actual transaction, so if a patron was refused, say, a cash buy-in, as an example, then a UAR would still be completed after the fact.

45 MS CAHILL: If we go to page 3735, please, this is dealing with funds transfers, if we go to the fifth bullet point, it says: *Crown does not accept cash deposits to its bank accounts.*

Why is that?

5 MR CAMPBELL: Because there was a memorandum that came out, I think it was September last year, to say that Crown will no longer accept cash deposits to our bank accounts.

10 MS CAHILL: So you'd been told that that's what's going to happen, but do you know why Crown doesn't accept cash deposits to its bank account, what the problem with doing that is?

MR CAMPBELL: I think it was just to mitigate the risk.

15 MS CAHILL: What risk?

MR CAMPBELL: Of what has occurred in the past.

MS CAHILL: What's occurred in the past?

20 MR CAMPBELL: The deposits to the bank accounts, cash deposits.

MS CAHILL: There's a risk of cash deposits to the bank account?

25 MR CAMPBELL: No, the --- what we've experienced in the past as far as the cash deposits into the accounts.

MS CAHILL: Do you mean they have displayed indicia of money laundering? Do you mean they have displayed the risk of money laundering?

30 MR CAMPBELL: Yes, we are no longer taking the deposits, no.

MS CAHILL: So the next bullet point says in terms that there is going to be no aggregation of multiple deposits to the bank account. What's the rationale for that?

35 MR CAMPBELL: Same reason. We won't be aggregating going forward but, in saying that, we are no longer taking funds from third parties or money remitters, and the only transactions that will be taken into the account are coming from accounts that have been proven with the patron, so personal joint accounts.

40 MS CAHILL: Why not, what's the problem with taking money from money remitters, or third parties?

MR CAMPBELL: The decision was made not to continue with those deposits.

45 MS CAHILL: What's the problem with doing that, though?

MR CAMPBELL: Well, it would have been from the inquiries and the information

that's come from the inquiries and the reviews.

5 MS CAHILL: I see. So just understanding your evidence a moment ago, is the net effect of these prohibitions, if you will, that Perth Casino will only receive or transfer payments to or from the account of an identified patron?

MR CAMPBELL: Yes.

10 MS CAHILL: And that is, we say an identified patron, one that is identified in accordance with the standard operating procedures?

MR CAMPBELL: Yes.

15 MS CAHILL: If we go to page 3736, numbered paragraph 4, here we are talking about the daily review to be conducted by cage management, and there's a cage AML report to be prepared. Do I understand correctly from this that every day someone from cage management will review SYCO to check all of the patron transactions for that day to see whether or not any UARs are required to be prepared?

20 MR CAMPBELL: No. The following day, the cage supervisors print off the TTR report, so the threshold transaction report, which would detail all transactions that have occurred over the \$10,000 mark that had been recorded in the system, ensuring that the appropriate ID, address details, et cetera, are recorded.

25 MS CAHILL: Do I understand that this is, in effect, a double-check; cage staff, at the point that the transaction is processed and entered into SYCO, they need to prepare a UAR if that's appropriate, and it's their primary responsibility to do that, this is a sort of a second check on that process; is that right?

30 MR CAMPBELL: That's correct, the next day, yes.

35 MS CAHILL: If we just pop numbered paragraph 4 back and look at the prefatory words where it says before these numbered paragraphs, "Cage Operational Management is responsible for the following reports". Who is part of cage operational management?

40 MR CAMPBELL: Cage operations is normally referred to as the shift managers and the higher duty supervisors. Ultimately, it normally is a function that is performed by the cage supervisors, which would --- yes, they are operational.

MS CAHILL: I'm just asking you what this means in the standard operating procedure. Who is being referred to here as "cage operation management"?

45 MR CAMPBELL: The cage management team, so supers and above, yes.

MS CAHILL: Supervisors and above?

MR CAMPBELL: Yes.

5 MS CAHILL: Page 0809 of your witness statement, paragraph 37, you say that the AML department receives daily reports from the cage. Are they the cash transaction report and gaming check issues report referred to at the bottom of the text on page 3736 where we just where? We'll just go back to that. Do you see they are reporting to AUSTRAC the cash transaction report and gaming check issues report?

10 MR CAMPBELL: Yes.

MS CAHILL: Are they what the cage provide to the AML team every day?

15 MR CAMPBELL: That's right.

MS CAHILL: Now, I want to ask you about the current SOP for telegraphic transfers, not on the public screen, please, CRW.701.006.3741. This was last updated, if we look at the footer, a few days ago on 23 September. Have you had input into the revision of this SOP?

20 MR CAMPBELL: Yes, I believe I did.

MS CAHILL: What sort of input did you have?

25 MR CAMPBELL: It was to do with the section on patron's full name and patron number, to be recorded on the statement which was missing there a comment, notwithstanding any character limitations by the banking platform being used.

30 MS CAHILL: Who else has had contribution to this document?

MR CAMPBELL: Do you mean recently?

MS CAHILL: Yes.

35 MR CAMPBELL: There's been changes around the TTs of such, so they have been updated quite a bit from, let's say, March through to now, to present.

MS CAHILL: By whom?

40 MR CAMPBELL: Could have been myself, the lady that's listed there, Anne Puthikarun, and if a direction was from, you know, myself, then, you know, maybe one of the cage shift managers as well.

45 MS CAHILL: You're not sure?

MR CAMPBELL: Not recently, no. As in the last six months, no.

MS CAHILL: Page 3743, second bullet point - sorry, the second half of the page, I

meant to say, pop that back out and bring out the processing of TT release paperwork --- it appears to be a misstep here in the second dot point of having two senior members of the cage management team sign the TT form to confirm that certain requirements had been checked before the funds are released. Do you see that?

MR CAMPBELL: Yes.

MS CAHILL: What is meant by "senior members of the Cage Management"?

MR CAMPBELL: Senior members would be mean Cage Shift Manager and --- or a higher duties supervisor that performs.

MS CAHILL: Or you?

MR CAMPBELL: Quite possibly me, yes.

MS CAHILL: Is it likely on every shift at every cage, there will be two senior members available to sign TT releases if necessary?

MR CAMPBELL: Not in all cages, no. There's only usually one shift manager and one higher duties supervisor at any given time.

MS CAHILL: Over at 3744, at the top of the page you'll see there the second and third --- sorry, yes, the second and third dash points, there is to be no aggregation of funds and cash deposits are not accepted. That is to address AML risk, is it?

MR CAMPBELL: Yes, would be.

MS CAHILL: At the bottom of 3745, there is now a provision for the return of funds. There isn't actually a return of funds SOP in place yet, is there?

MR CAMPBELL: No. It's been drafted. It is almost ready to go and I believe the policy has almost been signed off.

MS CAHILL: If we go to 3746 --- have you been involved in preparing that return of funds policy?

MR CAMPBELL: Yes, I have.

MS CAHILL: Sorry, SOP, you have.

MR CAMPBELL: SOP, partly, yes.

MS CAHILL: Who else has been involved in that?

MR CAMPBELL: Anne Puthikarun.

MS CAHILL: At 3746 you have this "Return of funds transfer (rejecting funds)". Do you see that?

5 MR CAMPBELL: Yes.

MS CAHILL: Consistent with the previous SOP, there is only --- payments are only going to be accepted from the personal bank account of a patron. It says:

10 When a patron's deposit to the account does not meet the requirements because *it might be from a third party company, etc, then the funds are to be rejected using the following process*

15 There is a mention that the patron will be contacted by their host or cage management to advise them that the payment will be rejected. But presumably before that occurs, the inconsistency with Crown's procedures or policies needs to be identified, and a decision needs to be made that the funds are going to be returned; is that right?

20 MR CAMPBELL: Yes.

MS CAHILL: So who makes that decision?

25 MR CAMPBELL: That would be part of the cage management's role.

MS CAHILL: Do you know whose role it is?

30 MR CAMPBELL: Well, yes, the shift manager that's releasing the funds. If they have a question, they could reference me, but it would be a discussion depending on what it was it was being returned for.

35 MS CAHILL: It also specifies that there needs to be a number of email notifications made internally to finance, AML and some other teams. Who carries out that email notification?

MR CAMPBELL: The Shift Manager or the higher duties supervisor on at the time.

MS CAHILL: Is that likely something to be set out in the return to funds SOP?

40 MR CAMPBELL: Yes.

MS CAHILL: Which presumably would need to be read closely with this SOP; is that right?

45 MR CAMPBELL: That's right, yes.

MS CAHILL: They'd overlap to a degree, would they?

MR CAMPBELL: Yes.

5 MS CAHILL: At the bottom of 3747, I just want to ask you about a notation there at the bottom:

10 These SOPs are to be read in conjunction with Internal Controls. *The Cage Shift Manager or above has the right to override these SOPs but must not breach any of the Internal Controls.*

There is a similar notation at the end of the AUSTRAC SOP that I referred to you a moment ago. Is this notation at the bottom of all of the SOPs?

15 MR CAMPBELL: I believe it is, yes.

MS CAHILL: What are the internal controls that are mentioned there?

MR CAMPBELL: The internal controls are the documents that we have submitted to the GWC to inform them how we go about our operations.

20 MS CAHILL: Do cage staff have ready access to those internal controls?

MR CAMPBELL: Yes, they do.

25 MS CAHILL: How do they have access to those?

MR CAMPBELL: It's via the intranet, all the desktops within the cage.

30 MS CAHILL: This right to override the SOPs that the Cage Shift Manager has, is that at any time for any reason, or are there certain circumstances that operate to dictate when the SOPs may be departed from?

MR CAMPBELL: Sorry, can you repeat that question?

35 MS CAHILL: It's saying here that the Cage Shift Manager or above has the right to override the SOPs. So is that just that they don't have to follow the SOPs if they don't want to, as long as they don't breach internal controls, or are there certain situations that apply for them to be able to depart from the SOPs?

40 MR CAMPBELL: No, I think it's --- they can deviate from the SOP if required, but like it states, they can't breach an internal control.

MS CAHILL: Yes. You just said "if required". What might be a requirement to depart from an SOP?

45 MR CAMPBELL: I'm just trying to think of a personal example. I can't think of one.

MS CAHILL: I want to ask you about another document that you referred to in your witness statement called --- you've described it in your annexure as the "Cage Cashier AML Training Cheat Sheet", CRW.701.005.5692, not on the public screen,
5 please. Have you prepared this document?

MR CAMPBELL: No.

10 MS CAHILL: Do you know who has?

MR CAMPBELL: No.

MS CAHILL: Is this intended as a summary of relevant SOPs and policies to guide cage staff when they are processing transactions to identify things they have to do to
15 mitigate money laundering risks?

MR CAMPBELL: I believe so, yes.

MS CAHILL: Is the idea behind this cheat sheet so that cage staff on a day-to-day
20 basis don't have to go through several overlapping SOPs to work out what they should be doing with each transaction?

MR CAMPBELL: I can't be sure, but I'm thinking it was possibly constructed for training regarding cashiers.
25

MS CAHILL: So it's not something that applies on a day-to-day basis?

MR CAMPBELL: It is within the SOP, so the cashiers have access to --- or everybody has access to that. And it is, you know, taken off the AML policy.
30

MS CAHILL: So is the intention that people use this on a day-to-day basis in their jobs or not?

MR CAMPBELL: They can, yes, absolutely, but I think it was actually constructed at the start for the supervisors to conduct the AML training for the cashiers.
35

MS CAHILL: The one thing that is --- well, one thing that is notable by JC-2, the annexure to your witness statement with the policies, the SOPs that you've attached to it and cheat sheets and other documents, is that there's about 50 of them that are
40 potentially applicable to performing the work in the cage. Have you given thought to how you might refine the information to make it accessible or more accessible to cage staff so that they know exactly what they have to do in accordance with procedure?

45 MR CAMPBELL: Yes. It would be something I would be looking at going forward, yes.

MS CAHILL: Was it something you've already thought about?

MR CAMPBELL: Since I've taken over in March, it's been a very busy period.
5 There's been a lot going on, so I actually haven't had a chance at this stage, but it is something that I will be looking at going forward, yes.

MS CAHILL: Coming back to the --- I'll just call it the cheat sheet as a shorthand
10 term --- if we bring that back up on the screen, please. Is it only intended to deal with transactions at the front window of the cage?

MR CAMPBELL: It would be designed for the cashiers, yes, yes, it would have been.

15 MS CAHILL: Is this the only cheat sheet or checklist that's in existence or are there many of them, or a few of them?

MR CAMPBELL: There's a few across different subjects, but as far as the AML
20 side goes, no, that is the only one that I'm aware of.

MS CAHILL: Right. Is there one for telegraphic transfers?

MR CAMPBELL: There's cheat lists, yes.

25 MS CAHILL: So with the idea of there being other checklists and cheat sheets, if we go back to JC-2, which is at page 816 of your witness statement, you don't intend this to be a comprehensive list of all the SOPs, policies, checklists and cheat sheets that are available to cage staff? This is not every single document?

30 MR CAMPBELL: I don't know if it's every single, but it would go close.

MS CAHILL: Well, you're not sure whether it's comprehensive or not?

MR CAMPBELL: I can't be sure if it includes all the SOPs, no.
35

MS CAHILL: We'll come back to the cheat sheet, please, at numbered paragraph 6. It's talking about the preparation of a UAR and it doesn't appear on my reading to be specific about who actually may and who may not prepare a UAR? Is there a reason for that?
40

MR CAMPBELL: No, I don't think there's a reason for it.

MS CAHILL: It doesn't appear to mention anything about not accepting cash deposits, third party deposits or deposits from money remitters or moneychangers; is
45 there a reason that it doesn't deal with that?

MR CAMPBELL: Sorry, can you show me the top of the document again? As I said, I'm sure that that was originally designed to take the cashiers through their

training, their three months probationary training. So as far as third-party deposit, they wouldn't experience that as a cashier.

5 MS CAHILL: What about cash deposits?

MR CAMPBELL: No, they would see --- actually, no, they wouldn't experience that either, because they had to be cash deposits to the bank account. That would only be the management team.

10

MS CAHILL: Not cash at the window?

MR CAMPBELL: Yes, I mean, they can get a cash deposit at the window, yes.

15 MS CAHILL: Are they allowed to accept that or not?

MR CAMPBELL: They are, yes.

MS CAHILL: I see. Now, can I ask you, at paragraph 18(d) of your witness
20 statement, page 0806, you mention that there is a role of Cage Financial Integrity
Manager in the cage. This is a new role, isn't it?

MR CAMPBELL: That's right, yes.

25 MS CAHILL: When was it introduced?

MR CAMPBELL: We have just been given approval from the GWC, I think it was last week. So it will be advertised shortly.

30 MS CAHILL: Are there any particular qualifications or experience that the person has to have to occupy this role?

MR CAMPBELL: There is. We have been looking at somebody who preferably has cage experience so they understand the intricacies and what transpires within the
35 cage. Also some managerial experience as well, or supervisory experience. Yes.

MS CAHILL: Anything else?

MR CAMPBELL: Yes, somebody that can obviously lead the position and input the
40 strategies and processes that will fine-tune the area of risk within the cage. So the different aspects of what we do.

MS CAHILL: Part of the administrative duties relating to AML that that new role has intersect with the AML responsibilities that cage staff have when they are
45 processing transactions?

MR CAMPBELL: I think part of this was to do with the TTR transaction side of it. So obviously the supervisors would still do that reporting side in the morning, but

rather than it be sent to the AML team to then up load to AUSTRAC, that is going to be part of the role to actually then go in, look through another lens and then it will be the responsibility of the integrity manager to be up loading that information to AUSTRAC.

MS CAHILL: To report directly to AUSTRAC?

MR CAMPBELL: For the TTR side of things, yes.

MS CAHILL: How does that intersect with the AML team's work?

MR CAMPBELL: They won't be required to do that part of the upload. I'm sure they are going to have oversight of it. The role will be done from the cage.

MS CAHILL: Will that prompt another SOP?

MR CAMPBELL: Possibly.

MS CAHILL: Can I ask you about paragraph 24 of your witness statement, page 0807, second sentence:

With the change of leadership in the cage it gave us an opportunity to review operational effectiveness and culture.

The change of leadership you are referring to there is from Mr Brown to you, is it?

MR CAMPBELL: Yes, that's right.

MS CAHILL: In terms of a review of culture, do you say that the culture of the cage operation has now changed?

MR CAMPBELL: I'm not saying that, but I think the idea - it was actually sponsored by Mr Bossi and Mr (inaudible), and the idea was to take the key findings out of inquiries and also reviews that have taken place, to look at the structures and processes within the cage, and look at the culture and make sure that we had the tools and the processes and the systems to be able to remain compliant, yes.

MS CAHILL: Have you as general manager of Cage & Count endeavoured to implement a cultural change within the cage since you commenced in your position?

MR CAMPBELL: I suppose from my own --- obviously taking up the position, I haven't done anything at this stage, no, purely from a time factor at the moment, but definitely something that we are looking at within this program.

MS CAHILL: Are you satisfied with the culture in the cage presently?

MR CAMPBELL: I really haven't had time to think about it, but looking in from

having taken over, satisfied? I would say I am satisfied, yes.

5 MS CAHILL: It hasn't changed, I think you gave evidence a moment ago, since Mr Brown was in charge, so you're happy with the culture of the cage as it has always been, even under Mr Brown's leadership? Do I understand your evidence correctly?

10 MR CAMPBELL: I'm not sure I was implying that, but, yes, I mean, there's been no major change at this stage, no.

MS CAHILL: Are you satisfied with the culture of the cage under Mr Brown's leadership?

15 MR CAMPBELL: At the time, yes.

MS CAHILL: Looking back now, do you think the culture was appropriate then?

MR CAMPBELL: To a degree, yes.

20 MS CAHILL: You don't really see the need for cultural change within the cage?

MR CAMPBELL: I'm not saying that.

25 MS CAHILL: You do see the need for cultural change within the cage?

MR CAMPBELL: I think there's opportunity for change, yes, absolutely.

MS CAHILL: What kind of change?

30 MR CAMPBELL: I think with the new processes and procedures that are coming out across what we have been looking at, and what we'll be discussing in the pilot project in around processes, explaining to staff that, you know, in the past, there was a lot of focus on the patrons and transactions being done, you know, in a hurry. Whereas now I think the focus is about explaining to the staff that when we are
35 looking at --- I'll give you an example --- a source of funds, again, it's not about getting the patron sorted with their funds so that they can then go and start gaming. It's about, you know, saying that this is going to take time, it's okay for that time for the staff to come together in the different departments, and suss whatever is going on with this transaction to come up with a decision to, you know, provide the patrons
40 with (audio distorted) funds as such. So, yes, there is a shift from that perspective, yes.

45 MS CAHILL: Have you seen any of the Deloitte reports prepared with respect to cultural surveys undertaken within the Crown group?

MR CAMPBELL: Yes, I have.

MS CAHILL: Have you seen this report most recently provided, CRW.701.006.3776 dated September 2021, with property-specific results. Have you seen this?

5

MR CAMPBELL: I have not had a chance to read it.

MS CAHILL: You have not read it at all?

10

MR CAMPBELL: No.

MS CAHILL: Has anyone brought any of the contents to your attention?

15

MR CAMPBELL: There was a meeting about it the other day, yes.

MS CAHILL: Were there any takeaways from that meeting for you in relation to the culture of the Cage & Count?

20

MR CAMPBELL: I don't think it actually touched on specifics for the different areas, no.

MS CAHILL: Let's go to page 3797. We just need to put that in landscape, thank you, and blow it up.

25

This is one of the tables that compiles the survey results. You'll see, for Perth, different business units, it actually has the Cage & Count there as the first column?

MR CAMPBELL: Yes.

30

MS CAHILL: You've not seen any of this data?

MR CAMPBELL: I haven't, no.

35

MS CAHILL: Can you see down the left-hand side different numbers? They are not in numerical order so it's a little bit of a trick, but you can probably pick up item 9, these are relative agreement or disagreement with questions that people - or propositions that have been put to people to respond to by way of survey. Did you fill out one of these surveys?

40

MR CAMPBELL: Yes, I believe I did.

45

MS CAHILL: So the proposition is "I am confident I will not be penalised for raising concerns". I'm not quite sure how you read whether it's agreement or disagreement, but 51 per cent of the Cage & Count who responded to the survey either agreed or disagreed that they were confident they'd not be penalised for raising concerns. So whichever way you look at it, there's a goodly percentage, Mr Campbell, who think the opposite.

MR CAMPBELL: Yes, I agree with that.

MS CAHILL: And if we look at item 11, "People I work with challenge each other constructively if they think they are not doing the right thing", a similar position? You would accept, wouldn't you, that it's integral to adequately identifying and
5 managing the risks of the cage operations, including money laundering risk, that staff are comfortable and confident to raise any concerns they have?

MR CAMPBELL: Absolutely.

10 MS CAHILL: So would you agree that it looks from this as if there's a bit of work to be done to bring all of the cage staff along to the position where they are comfortable to raise concerns?

MR CAMPBELL: Absolutely.

15 MS CAHILL: And in terms of compliance, do you see item 13, "The people I work with bend the rules when it suits them"?

MR CAMPBELL: I can see that.

20 MS CAHILL: Depending which way you read it --- and I reiterate I'm not quite sure how you are supposed to read it --- it's either 49 per cent or 51 per cent of the Cage & Count staff who answered the survey were of the view that the people they work with bend the rules when it suits them? You would agree, wouldn't you, that that
25 percentage is far too high, whichever one it is, if risk is to be adequately identified and managed?

MR CAMPBELL: I agree. It's hard to read, but I would agree with that statement, yes.

30 MS CAHILL: So work has to be done there?

MR CAMPBELL: Absolutely.

35 MS CAHILL: If we go to page 3798, at item 22, can you pick that up, "People I work with display open and honest two-way communication"?

MR CAMPBELL: I can see that.

40 MS CAHILL: So you've sort of got either 45 per cent or 55 per cent thinking that there is disagreement with that proposition?

MR CAMPBELL: I see that.

45 MS CAHILL: Does that cause you some concern to see that?

MR CAMPBELL: It does.

MS CAHILL: Is there anything particular that's being done within Cage & Count to address that issue at the moment, that cultural issue?

5 MR CAMPBELL: We are working through it at the moment property wide.

MS CAHILL: If we go to page 3799, item 35, "The people I work with demonstrate honest behaviour". It's either going to be roughly 70 per cent who demonstrator agree that people demonstrate honest behaviour, or 30 per cent that agree that people
10 demonstrate honest behaviour, but even if it's the 70 per cent, there's still 30 per cent that you need to be worried about, would you agree?

MR CAMPBELL: Absolutely.

15 MS CAHILL: So if we come back to your witness statement, while you say at paragraph 59, page 0813, that having Mr Bossi at the helm of Crown Perth has been positive and he has been leading the change in culture, you would agree with me, wouldn't you, that there is still a long way to go in relation to the Cage & Count culture?

20 MR CAMPBELL: Looking at those figures, yes, yes, I would.

MS CAHILL: Nothing further, Commissioner.

25 COMMISSIONER OWEN: Thank you, Ms Cahill. I'm not sure if we have counsel in remote locations who would like to apply for leave?

DR BOROS: Commissioner ---

30 COMMISSIONER OWEN: We can't hear you, Dr Boros.

DR BOROS: I'm very sorry, Commissioner. Can you hear me better now?

COMMISSIONER OWEN: Yes, I can.

35 DR BOROS: I don't seek leave, thank you.

COMMISSIONER OWEN: Thank you very much. Are there any applications from this room? Mr Dharmananda?

40 MR DHARMANANDA: Commissioner, I don't make an application, but I do note that there would be some matters that I would ask questions of this witness in relation to matters concerning remediation. But you will recall, Commissioner, you yourself directed that we would deal with matters concerning remediation at the
45 fourth phase of the inquiry.

Other than to observe that, for example, the Deloitte survey was undertaken in May,

there is a guide as to how to read the colouring and the percentages, and that's at page 3780, if that assists the Commissioners just to place a marker with respect to dealing with those aspects of this witness's evidence as it pertains to remediation.

5

COMMISSIONER OWEN: Mr Dharmananda, I think it is highly unlikely that we would call Mr Campbell back during the last block of hearings.

10 MR DHARMANANDA: Yes. It's probably likely that there will be another witness to whom some of these questions to which the witness is directed this afternoon could also be explored.

COMMISSIONER OWEN: All right. I would allow you to ask questions of Mr Campbell if you thought that it was necessary.

15

MR DHARMANANDA: Well, we were proceeding on the basis that matters pertaining to remediation would be in phase four. So there would be some material that we would wish to introduce in relation to ---

20 COMMISSIONER OWEN: If you feel you haven't had the opportunity, you can raise it with us at the time.

MR DHARMANANDA: Yes, thank you.

25 COMMISSIONER OWEN: Commissioner Jenkins.

QUESTIONS BY THE COMMISSIONERS

30

COMMISSIONER JENKINS: Prior to 2020, did anyone in the cage daily inspect the bank statements of Perth Casino bank accounts?

35 MR CAMPBELL: Yes, yes, the cage shift managers would have been looking at the account to see what funds were coming in, yes.

COMMISSIONER JENKINS: At least one of the purposes was then to decide whether they needed to do a TT?

40 MR CAMPBELL: That's right, yes.

45 COMMISSIONER JENKINS: Can I just ask for some clarification in respect of the transaction that you were taken to, which is CRW.510.135.0284. This was not to be placed on the public screens. If we look at the first page, this is a deposit that has been made to the credit of a junket operator Swee Choy See; is that right?

MR CAMPBELL: Yes.

COMMISSIONER JENKINS: Can you tell me at the bottom of the page what it says, the redemption? What does redemption mean?

5 MR CAMPBELL: Those funds would have been going towards an outstanding debt from the patron, or from the operator.

COMMISSIONER JENKINS: The junket operator. So it/he has operated a junket, he was given credit by the casino to operate the junket and he's now repaying the credit, the loan, in effect, he was given?
10

MR CAMPBELL: Yes.

COMMISSIONER JENKINS: What do the two lines underneath that say?
15

MR CAMPBELL: It was transferred from Neny by a staff member.

COMMISSIONER JENKINS: Who was Neny?

20 MR CAMPBELL: A money remitter in Indonesia.

COMMISSIONER JENKINS: And Norman was a staff member of Neny; is that right?

25 MR CAMPBELL: That's right.

COMMISSIONER JENKINS: Can we then go to the next page --- sorry, it's not the next page, yes, that is the page I wanted. This is from a staff member, an email from a staff member in Crown Hong Kong's office; is that right?
30

MR CAMPBELL: Yes.

COMMISSIONER JENKINS: So what they are advising is that they have received some documents which are attached from the moneychanger. Is that Neny, the moneychanger?
35

MR CAMPBELL: That's correct, yes.

COMMISSIONER JENKINS: That moneychanger, as you've said, is in Jakarta?
40

MR CAMPBELL: That's right.

COMMISSIONER JENKINS: What does he or she mean when they say "call me to advised that he bought this fund for beneficiary of Swee see choy junket"?
45

MR CAMPBELL: I'm not sure, to be honest. I imagine it is him saying that that patron as listed has purchased the funds. That's how I read it.

04:01PM

COMMISSIONER JENKINS: Can you explain that for a layperson's benefit?

5 MR CAMPBELL: Are you referring to the part in brackets where it says "Swee see choy junket and that fund is for gaming purpose"?

10 COMMISSIONER JENKINS: Perhaps we'll leave that there, and can I focus now on something else. So you have a Malaysian junket operator using an Indonesian moneychanger and they have sent to Crown Hong Kong photographs of the cash which they are going to deposit into the Riverbank account; is that right?

MR CAMPBELL: I'm not sure what account it went into, no.

15 COMMISSIONER JENKINS: Sorry?

MR CAMPBELL: I'm not sure what account it went into.

COMMISSIONER JENKINS: If you go on to the next pages, please, you can see ---

20 MR CAMPBELL: Sorry, I'm not disputing, but ---

COMMISSIONER JENKINS: You'll be able to see that it goes into the ---

25 MS CAHILL: 0300, I think, Commissioner.

COMMISSIONER JENKINS: Thank you. Yes, if we turn that around, that's the deposit of some of the funds you'll see there into Riverbank Investments Pty Ltd account.

30 MR CAMPBELL: Yes.

35 COMMISSIONER JENKINS: The photograph of the money we saw, at least some of it's in Singapore dollars. So when you looked at this transaction, did you have any understanding as to why the junket operator in Malaysia would be using an Indonesian moneychanger to deposit gaming money into the Riverbank account?

MR CAMPBELL: I don't actually recall the transaction, but it's a good point.

40 COMMISSIONER JENKINS: Would you have any understanding now as to why that would be the case?

MR CAMPBELL: Not thinking it through logically, no.

45 COMMISSIONER JENKINS: The other question I wanted to ask you about that was that the Commission's heard evidence that the Riverbank account was opened to give patrons the ability to deposit moneys into an account which didn't reveal that the account was for gaming purposes. Why would a moneychanger or a junket operator want to use the Riverbank account?

MR CAMPBELL: I'm not sure.

5 COMMISSIONER JENKINS: What legitimate reason would they have to want to disguise their money being deposited into a gaming account, that you can think of? I'm not saying you're an expert in this area, I'm just wondering, because you are someone who works in the area, whether you might understand that they would have a legitimate reason.

10 MR CAMPBELL: No, I only think that the Swee See Choy junket would operate --- or had operated with us for a long time and it might have been an historical thing for them.

15 COMMISSIONER JENKINS: In respect to Norman, looking at the Riverbank Account transactions which are attached also to this TT, I wanted to know does or did Norman only make deposits into the Riverbank account on behalf of junket operator Swee Choy See, or did this money changer make deposits on behalf of other junket operators or patrons, do you recall?

20 MR CAMPBELL: I believe Norman was a staff member of Neny, so it wouldn't have just been this particular transaction. If funds were coming from Neny, it's likely that he's deposited before.

25 COMMISSIONER JENKINS: What I'm really asking is did Neny, who he's making deposits on behalf of, only make deposits on behalf of Swee Choy See junket operator or did Neny also operate on behalf of other patrons and junkets?

MR CAMPBELL: Other patrons and junkets.

30 COMMISSIONER JENKINS: Thank you.

COMMISSIONER OWEN: I have no questions. Anything arising?

35 Mr Davis, do you wish to re-examine?

RE-EXAMINATION BY MR DAVIS

40 MR DAVIS: Mr Campbell, you were asked a number of questions about what you knew about structuring AML risk in early 2014. Do you recall that?

MR CAMPBELL: I do, yes.

45 MR DAVIS: You answered some questions about what you inferred from emails around that time, do you remember?

04:07PM

MR CAMPBELL: Yes.

MR DAVIS: Can I ask what do you understand by the word "infer"?

5

MR CAMPBELL: What I inferred at the time?

MR DAVIS: Yes.

10 MR CAMPBELL: So ---

MR DAVIS: What you infer from the emails that you read at the time?

MR CAMPBELL: My understanding at the time?

15

MR DAVIS: When you were asked what you inferred from the emails, you were trying to say what you understood at the time?

MR CAMPBELL: Yes, well, what I understood, yes.

20

MR DAVIS: Now, you said at one point that you have no independent recollection of the emails themselves and the transactions those emails related to; is that right?

MR CAMPBELL: Yes.

25

MR DAVIS: You also said that you were aware in early 2014 of limits on amounts of transfers from overseas countries at that time?

MR CAMPBELL: That's right.

30

MR DAVIS: So do you remember being aware of those, of limits?

MR CAMPBELL: It would have dated back before '14.

35 MR DAVIS: Do you remember if you understood there were those limits of below \$10,000 at around that time in 2014?

MR CAMPBELL: Sorry, can you repeat that?

40 MR DAVIS: You said you were aware before 2014, so does that mean you continue to be aware of it and understand that to be the case in 2014?

MR CAMPBELL: Sorry, I thought you were referring to the cash, or the foreign transfer limit.

45

MR DAVIS: Yes.

MR CAMPBELL: Sorry.

MR DAVIS: Yes. I may be putting that clumsily.

MR CAMPBELL: Well, I would have been privy to that prior to '14, yes.

5

MR DAVIS: Did you continue to understand that in 2014?

MR CAMPBELL: Yes.

10

MR DAVIS: You also said that you only --- or to the effect that you only came to know about structuring transactions, those amounts of less than \$10,000, as being a money laundering risk, you came to know that in late 2019, as I recall? You only came to understand that that splitting of transactions into amounts under \$10,000 was a money laundering risk in late 2019?

15

MR CAMPBELL: Yes.

20

MR DAVIS: Based on that, isn't it the case that in 2014, you didn't understand or appreciate that structuring or splitting transactions into amounts of less than \$10,000 was a money laundering risk?

MR CAMPBELL: No.

25

MR DAVIS: "No", as in you didn't understand that to be the case?

MR CAMPBELL: No.

MR DAVIS: You agree with me you didn't understand?

30

MR CAMPBELL: Sorry, can you repeat the question?

35

MR DAVIS: Based on what we have said there, what you have agreed to there, isn't it the case that in 2014, you didn't understand that structuring, splitting transactions into less than \$10,000 amounts, was associated with money laundering?

40

MR CAMPBELL: I think I said that it was the focus at the time, back in the time, to do with the front window locations. It wasn't about looking at structuring from the bank account perspective, no.

45

MR DAVIS: What you say is in 2014 you didn't understand or appreciate that splitting of amounts below \$10,000 into bank accounts, rather than cash in the front window, was associated with money laundering?

MR CAMPBELL: No, it wasn't something that we were looking at, no.

MR DAVIS: All right. Were you ever told to ignore money laundering risks?

04:11PM

MR CAMPBELL: No.

MR DAVIS: Thank you, nothing further.

5

COMMISSIONER OWEN: Thank you, Mr Davis.

10 Mr Campbell, thank you very much for your evidence. Just in case there is tidying up to be done, we will leave the summons in place, but for the time being you are free to resume your normal activities. Thank you once again.

We will now adjourn until 10am tomorrow morning.

15 **THE WITNESS STOOD DOWN**

ADJOURNED AT 4.12 PM UNTIL THURSDAY, 30 SEPTEMBER 2021 AT 10.00 AM

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