

**IN THE MATTER OF A ROYAL COMMISSION INTO
THE PERTH CASINO**

WITNESS STATEMENT OF COLLEEN PATRICIA HAYWARD, AM

Date of Document: 12 May 2021

Filed on behalf of: The Gaming and Wagering Commission of
Western Australia

Prepared by:

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I, COLLEEN PATRICIA HAYWARD,
follows:

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say as

1. This statement is provided in response to the witness summons to give evidence, dated 30 April 2021 and issued pursuant to section 9 of the *Royal Commissions Act 1968* (WA), which is directed to me by the Perth Casino Royal Commission. This statement addresses the matters set out in Schedule 1 to the summons.

2. I am a former member of the Gaming and Wagering Commission of Western Australia (GWC).
3. This statement is true and correct to the best of my knowledge and belief. The views I express in this statement are from my own knowledge, except where I indicate otherwise.

QUALIFICATIONS AND EXPERIENCE

4. I hold the following formal qualifications:
 - (a) Post Graduate Certificate in Cross Sector Partnerships, 2008, from the University of Cambridge;
 - (b) Bachelor of Applied Science/Aboriginal Community Management and Development, 1991, from Curtin University;
 - (c) Bachelor of Education, 1982, from Murdoch University;
 - (d) Diploma of Teaching, 1974, from Mount Lawley Teachers' College, now Edith Cowan University; and
 - (e) Teacher's Certificate, 1974, from Mount Lawley Teachers' College, now Edith Cowan University.
5. Since 1990 I have sat on a number of boards or commissions, including:
 - (a) the GWC from 2006-2020;
 - (b) the Government Employment Superannuation Board from 1990-1996;
 - (c) the WA State Training Board from 2004-2008;
 - (d) the Board of the National Congress of Australia's First Peoples from 2010-2011;
 - (e) the Board of the Australian Indigenous Leadership Centre from 2010-2017;
 - (f) the Gumula Investments Pty Ltd Board from 2013-2017;

- (g) the Murdoch University Senate from 2019-2021;
 - (h) the Board of the Fremantle Football Club from 2017-current;
 - (i) the Alcohol and Other Drugs Advisory Board from 2019-current;
 - (j) the Board of the Aboriginal Legal Service of WA Ltd from 2019-current;
 - (k) the Board of the State Library of WA from 2021-current; and
 - (l) the Board of the Australian Education Research Organisation from 2021-current.
6. Other than the experience I gained during my time as a member of the GWC, I have no specific qualifications or experience in relation to the regulation and oversight of casinos and casino gambling.

ROLE ON THE GAMING AND WAGERING COMMISSION

Date and length of appointment

7. Prior to my appointment, I recall that I was approached by an aide (whose name I cannot remember) to the Minister (then, the Hon. Mark McGowan MLA) who talked me through what the GWC did and asked if I was interested. The aide said that the Minister was looking for people who were prepared and capable to do things that are not in their corner of the world. I recall saying that I was interested, but did not gamble and did not know the first thing about gaming or wagering. The aide indicated that was not a problem, as they did not want gambling experts. Rather, they were after community-minded people with board level experience. I confirmed I had this experience.
8. Following that approach, I was appointed a member of the GWC in 2006 and, following several re-appointments, retired from that position after about 14 years on 31 December 2020.

9. The GWC was informed and supported by the Department of Local Government, Sport and Cultural Industries (and its predecessors) (**Department**).

Training

10. I do not recall receiving, either before or during my time on the GWC, any formal training in relation to the performance of my functions as a member of the GWC.
11. I do not recall undertaking a formal induction process.
12. Training for my role as a member of the GWC occurred "on the job". There was a lot of experience on the GWC, particularly the Chair (Barry Sergeant, Duncan Ord and Mick Connolly, when he stood in) and they were happy to share their knowledge.
13. The Chair was careful not to rush through items on the agenda. There were always conversations amongst members. The Chair, by which I mean from time to time Barry Sergeant, Duncan Ord and Mick Connolly, always had expertise to share and discuss with the other members of the GWC, which I found very useful.
14. For example, one of the very early pieces of advice I got from Mr Sergeant was not to occupy any time on the gaming floor of the Perth Casino in my private capacity because of the possibility of that raising a perception of conflict. I took that advice very seriously. In my whole time on the GWC, I never attended the gaming floor of the Perth Casino for social events.
15. That said, I recall visiting the Perth Casino in my capacity as a member of the GWC to see some of the operations of the Perth Casino first-hand. Examples included witnessing security facilities, data storage facilities and the staff training area.

Areas of specific responsibility

16. I did not have any specific area of responsibility on the GWC. The GWC acted as a single body. There were no sub-committees or working groups. Members were not tasked with specific responsibilities. My impression was that people tended to play to

their strengths. In this regard, I believe that I brought both rigour and a value mindset to the commission.

Remuneration and time spent

17. When I left the GWC in December 2020 I did not take any records with me. However, my taxation records for financial year 2019-2020 indicates that I received \$16,546 in gross remuneration for my service on the GWC in that financial year.
18. I did not receive any other remuneration. I did receive an iPad for a period of time, but returned that when I left the GWC.
19. The time taken to perform my role was determined in part by the business of the GWC at any particular meeting. As a general rule, I spent at least as long as the meeting time in preparing for it. Often, reading through the papers for a meeting took longer than the actual meeting, depending on the business at hand. There was however necessary repetition in the briefing papers which slightly sped up my review.
20. The GWC generally met once a month. Meetings ranged from about an hour up to four hours, but on average were in the vicinity of 2-2.5 hours.
21. There was no particular pattern to the time taken up at GWC meetings by business related to the Perth Casino. It would depend on the particular business of each meeting. Some meetings might be mostly about Perth Casino matters – for example, if the Perth Casino wanted approval for certain games, or if there were disciplinary matters relating to Perth Casino staff to be dealt with. Equally, at some meetings there would not be much business related to the Perth Casino.

POWERS, DUTIES AND OBLIGATIONS OF THE COMMISSION

Information as to powers, responsibilities, obligations and duties

22. When I started at the GWC, I was provided with a copy of the *Gaming and Wagering Commission Act 1987* (WA). I know I also received a copy of the Public Sector

Commission's publication on "Board Essentials" during my time on the GWC, but I cannot recall when I received that.

23. As a member of the GWC, I also received briefing packs for each of the GWC's monthly meetings, which would contain information relating to the particular agenda items we had to consider at those meetings. For instance, if the GWC had to consider exercising a particular power, the briefing pack would contain a copy of the section of the particular act that applied.
24. If I had to make a decision and I didn't think I had enough information about the GWC's powers or how they had been exercised in similar situations in the past, the GWC would have the Department research the matter and come back to us. This happened, for instance, in situations where the GWC had to consider imposing a penalty on someone, and I wanted to know what sorts of penalties had been imposed for similar matters in the past.
25. There was also a lot of knowledge and expertise in the room that the GWC could rely on in making its decisions, particularly from Mr Sargeant and Mr Connolly.

Obstruction

26. During my time on the GWC, neither I nor (to the best of my knowledge) the GWC, was ever obstructed by the Department, the Perth Casino or anyone or anything else in the exercise of my or its powers and the discharge of my or its responsibilities and obligations.

My understanding of the Commission's policies and procedures, etc

27. To the best of my recollection, the GWC did not have a policies and procedures manual. Reference was always made by the GWC to the legislation.
28. Information or guidance in relation to particular decisions was contained in the briefing packs the GWC would receive for meetings. The GWC would also have regard to

previous decisions it had made on similar matters, which would be known either through a search of the minutes or from the corporate knowledge of the members of the GWC.

29. To the best of my recollection, the GWC did not have any specific policies or procedures relating to the exercise of the GWC's powers and the discharge of its responsibilities and obligations in respect of the regulation and oversight of the Perth Casino or the risks associated with
- (a) junket operations;
 - (b) money laundering;
 - (c) cash and electronic transactions at the Perth Casino; or
 - (d) criminals infiltrating casino operations.
30. I do remember the GWC discussing these matters from time-to-time, but I don't recall the GWC's position being recorded in a specific policy. My understanding is that money laundering is the province of AUSTRAC and that criminal matters are the province of the police.

SUPPORT FROM THE DEPARTMENT

31. The Department did all the backgrounding for the GWC. It provided the agenda papers for the GWC meetings, and in these papers the Department provided relevant background, current context, a description of the issue(s) at hand, and generally suggested recommendations for the GWC to consider.
32. The quality of the papers provided by the Department to the GWC was generally adequate and, like any organisation, were finessed over time. If the GWC received papers that were not clear, or were not clear enough, the GWC would send them back to the Departmental officer.

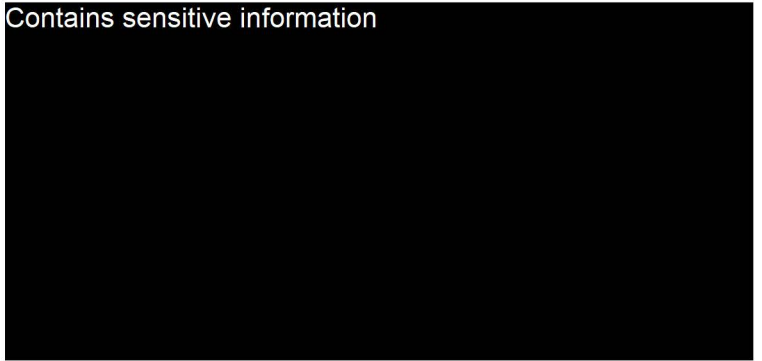
33. I saw a decrease in the quality of the papers sent to the GWC for consideration after the machinery of government (**MOG**) reforms in 2017. My impression was that was an issue of resourcing – a consequence of the MOG reforms was that the Department became very large and it became apparent that people within the Department were under a lot of pressure. The biggest impact, from my point of view, was the time it took for the Department to get things back to the GWC.
34. One of the reforms the GWC implemented was to require the papers to include a recommendation for the GWC to consider. While the GWC did not always accept the recommendation, the exercise of requiring the Departmental author of the paper to take a position and propose a recommendation forced the author to ensure their paper was comprehensive.
35. All of the actions that came out of meetings of the GWC were actioned by officers of the Department rather than by members of the GWC themselves.
36. Other than the dip following the MOG reforms, the quality of the support given to the GWC by the Department was satisfactory within the limitations of the budget and the availability of full time employees (FTEs) of the Department. I do not recall, for instance, having any difficulties with IT problems. If I had a technical issue I would just call the IT people and it would be fixed. If there was to be some industrial action that might affect the work of the GWC we were informed ahead of time.
37. By the time I left the GWC in December 2020 the standard of the support and the papers provided by the Department were at their highest levels.

CONFLICTS OF INTEREST

38. When I joined the GWC, I was well familiar with conflicts of interest procedures from my time on other boards.
39. I do not recall being provided with any specific material, either before or during my time on the GWC, in relation to conflicts of interest.
40. The GWC was one of the boards on which I sit where declarations of conflicts of interest have always been part of the process. It is a formal part of the agenda. Declarations of conflict are recorded in the minutes, as are declarations of the receipt of any gifts or gratuities.
41. It was always reinforced, including by the Chair, that it was not up to individual Commissioners to determine whether or not a particular state of affairs was a conflict. The GWC adopted an approach that the Commissioner would declare the relevant state of affairs at a meeting and then the GWC as a body would decide whether there was a conflict. In addition to declaring possible conflicts at meetings, Commissioners in more recent years were also required to prove an annual declaration of potential conflicts and related party disclosures.
42. To the best of my recollection I never had a conflict of interest in relation to my role on the GWC, including any which may have arisen through my family, friends and/or business associates.

43. I am not aware of the GWC having any conflicts of interest policy for staff and other persons carrying out duties on behalf of the GWC, because those staff were staff of the Department, not the GWC, such that it was a matter for the Department.

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Date: 12 May 2021