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**PERTH CASINO ROYAL COMMISSION**

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**PUBLIC HEARING - DAY 46**

**01.58 PM THURSDAY, 21 OCTOBER 2021**

**COMMISSIONER NJ OWEN**

**COMMISSIONER CF JENKINS**

**COMMISSIONER C MURPHY**

**HEARING ROOM 3**

**MR MICHAEL FEUTRILL SC and MR JOE WOOD and MR LIAM O'SHEA as  
Counsel Assisting the Perth Casino Royal Commission**

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

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

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

**MR JOSEPH GARAS SC and MS MIRANDA CUMMINGS as Counsel for Crown  
Resorts Ltd; Burswood Limited; Burswood Nominees Limited; Burswood Resort  
(Management) Limited; Crown Sydney Gaming Pty Ltd; Southbank Investments Pty  
Ltd; Riverbank Investments Pty Ltd and Crown Melbourne Limited**

**MR DAVID SHAW as Counsel for Witness 13**

**MR ALBERT DINELLI and MR SCOTT MEACOCK as Counsel for Mr Alan  
McGregor**

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

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

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

COMMISSIONER OWEN: Please be seated. We have Mr Dinelli and Mr  
McGregor, but just before we start, I'd like to make a statement on behalf of the three  
Commissioners about this final evidentiary hearings. Today we commence the final  
5 block of the evidentiary hearings in what we have termed phase 2, and this phase will  
run through to Friday, 5 November.

When this phase started in July, we said we would be focusing on matters of  
licensing of the casino in particular, first, whether the licensee of the Perth Crown  
10 Casino is a suitable person to hold a licence and whether nominated close associates  
are suitable persons to be concerned in the operations of the casino; and, secondly, if  
the answer to that question is no in relation to any relevant corporate entity in respect  
of identified deficiencies, whether there are remedial measures which when  
implemented could render it a suitable person.

15 Thus far, we have been concentrating on the first of those questions. The remainder  
of the hearings will be concerned predominantly with the second question. I say  
predominantly because there may from time to time be historical matters to be  
addressed by the witnesses, particularly those to be called this afternoon and  
20 tomorrow. However, those witnesses are members of Crown management and are  
likely to have relevant evidence to give about remediation measures.

In their closing submissions to the Victorian Royal Commission, Crown Melbourne  
Limited and Crown Resorts Limited said that Crown was committed to do everything  
25 in its power to address the failings that had been exposed and to earn back public  
confidence that had been eroded. Further, while Crown was under no illusion as to  
the scale of the task it faces on reform, real reform is possible and real and  
meaningful progress has already been made.

30 We are concerned, of course, with the licensee of the Perth Casino, and as outlined in  
the first question, we have to decide whether the relevant entities are suitable in  
relation to the Perth Casino licence.

35 We wish to make it clear that we have not formed a view one way or the other as to  
the answer to that question. Nonetheless we must move to the second question and  
address matters of remediation.

It would be inefficient and impracticable to split the evidentiary hearings so as to  
determine the first question and then, if necessary, reconvene to take evidence about  
40 the second question. For the remainder of our hearings, the predominant focus will  
be on issues relating to the commitment of Crown to the real reform and that real and  
meaningful progress to which it has referred, the objective is three-fold.

45 First, to identify areas that Crown is addressing or proposes to address in its reform  
initiatives, and the mechanisms for change. Secondly, to assess the level of  
commitment to real reform. Thirdly, to assist us to decide whether the reform  
initiatives are likely to be adequate to remedy any deficiency which may eventually  
be found to exist in the organisation and conduct of the gaming operations of the

Perth Casino.

5 In the course of this block, we will give witnesses an opportunity in evidence-in-chief to address briefly broad questions of remediation. That will be in addition to the general run of examinations.

10 Friday, 5 November will mark the end of formal evidentiary hearings. I will make a statement as to the schedule and processes to be followed from then on through to delivery of the final report on 5 March 2022.

Now, thank you, Mr McGregor.

15 Mr Dinelli, we will have Mr McGregor either swear an oath or make an affirmation, but before we do that, you wanted to say something to us about the ---

20 MR DINELLI: Thank you very much, Commissioner. I do seek leave just to say something briefly. It does follow from the matters about which you have just spoken.

Mr McGregor will, in the course of the examination-in-chief, say some things about remediation. However, we wish to note in that regard that last night at 8.17 Melbourne time we received a list of the key documents relating to his examination today, and foreshadowing a witness bundle would be uploaded. At 9.52 last night, 25 we received an email from the Solicitors Assisting to this effect:

30 *The Commission wishes to ensure that Mr McGregor has an opportunity to address the Commission about grounds for remediation plans should he wish to. To this end, the Commission asked whether Mr McGregor would like to avail himself the opportunity to give evidence about Crown's specific remediation plans and his part in them in chief for no more than 15 minutes at the commencement of the hearing tomorrow, or whether he is content for Counsel Assisting to take him through it.*

35 Over the course of later that evening and overnight and into today, we have received 177 documents in the witness bundle for Mr McGregor. As the Commission's aware, Mr McGregor was involved this morning in Crown's AGM which concluded at 12 noon. In those circumstances, Commissioners, we simply wish to record that Mr 40 McGregor has only had limited time to prepare to assist the Commission in relation to the question of remediation.

Obviously he is able to speak to various matters because of his work, but nevertheless with the Commission's leave, he does accept the invitation to answer some questions in examination-in-chief, and I would propose after he is sworn in to 45 ask Mr McGregor some questions about those issues.

COMMISSIONER OWEN: Thank you very much, Mr Dinelli. We will take all of that into account, and if necessary, we can revisit it at the end of the afternoon, if there are matters that you want to raise in relation to the state of preparation.

MR DINELLI: Thank you very much, Commissioner.

COMMISSIONER OWEN: Mr McGregor, do you wish to swear an oath or affirm?

5

MR MCGREGOR: Affirm, please, Commissioner.

**ALAN MCGREGOR, AFFIRMED**

10

COMMISSIONER OWEN: Mr Dinelli, because we are pressed for time, I have the clock running.

15 MR DINELLI: Thank you very much, Commissioner. We are aware of the time constraints.

**EXAMINATION-IN-CHIEF BY MR DINELLI**

20

MR DINELLI: Just before we start, I understand you've brought into the room some of your statements. Are they out of reach, are they?

25 MR MCGREGOR: Yes, I have my statement of 6 August to the Perth Casino Royal Commission, and I also have the Crown statement on Casino tax dated 6 October 2021.

30 MR DINELLI: Thank you very much, Mr McGregor, if you could just leave them there. I'd like to ask you some questions about the issue of remediation. Can you please tell the Commissioners about the remediation plan that's in place at Crown?

35 MR MCGREGOR: Yes. It's a comprehensive document. I have --- by last count, it's probably about 70 pages long, covering a range of topics from board and executive renewal to financial crime, culture and the like. It has been in play for some months. It probably started soon after the Bergin Inquiry, or even during, and it has been significantly added to since that time, as we have had, you know, some key changes in personnel in the leadership team at Crown and as we have taken on board some of the findings and recommendations coming out of the various inquiries.

40

MR DINELLI: Can you tell the Commissioners about some aspects of it. In relation to financial crime that you referred to, how does the remediation plan deal with that issue?

45 MR MCGREGOR: Sure, there are probably a number of aspects I can talk to and no doubt Mr Blackburn will cover his remediation plan and update when he gives evidence next week. Some of the key things, I think, that we have done from a little

while ago to today is obviously severed any relationships with Junket operators. We did that around November 2020 last year.

- 5 We have closed down all of our overseas offices. We have a VIP program that will be Australian-based. Obviously it's in hibernation at the moment, pending any international borders opening up and settling on what our operating model might look like moving forward.
- 10 As the commission will be well aware, we have closed down our Riverbank and South Bank accounts. We have not opened up any other patron accounts in any other names other than the licensees of the respective companies. We are in a process of consolidating the number of bank accounts we do have.
- 15 In terms of some of the other sort of more immediate targeted initiatives we have put in place or done and are in the progress of doing, we've prohibited any cash deposits. A prohibition on any third-party payments or money remitter payments, and any transactions into and out of our accounts need to be into the name of the patron.
- 20 We have ceased allowing any unambiguous --- sorry, ambiguous descriptors, if you like, and we have reduced cash thresholds in the Cage. We have directed a prohibition on any aggregation on any of our Cage operations across the group, and from a bank statement --- or bank transaction monitoring perspective, we have progressed with our transactional banker and some of the system upgrades we've
- 25 been working on and have put in place realtime, with the assistance of our transactional banker, bank statement, monitoring daily. That comes through to us and is shared with our credit teams and our MIL teams and finance teams, so we have --- all of them have visibility on the bank account data in realtime. That assists with transaction monitoring and the system upgrades we've got in place with respect
- 30 to that.

MR DINELLI: In the course of the remediation plan, are you able to assist the Commission in explaining what different resourcing you have within Crown to deal with these issues?

35

- MR MCGREGOR: Sure. So there are a number of things we have done in that respect. There's been quite an organisational change within the company that's been significant. In terms of some of the things in my space, we have split the general counsel and the co-secretary roles. I have been acting as interim company secretary since that was done earlier this year, around February. We've just now, over the last
- 40 couple of weeks, appointed a new --- Craig Durham, a new co-sec and legal counsel. So when he gets his --- probative approvals in place, I will step down as interim co-sec and he will continue on on behalf of the group.

- 45 Some of the other key things we have done is we have split the internal audit and risk functions, which only assists and strengthens the three lines of defence models that we have in place, so that the internal function --- internal audit function rather --- we have appointed Jessica Ottner to that role a couple of months ago. Now, she has a

direct reporting line through the Crown's audit committee and the subsidiary boards and an operational reporting line through to me.

5 The other thing I will say, just while we are talking about organisational change, we have supported significant increases in resourcing and funding towards our financial crime responsive gaming and internal audit functions, not only in terms of human resources, but also systems upgrades as well.

10 MR DINELLI: In terms of the culture of Crown, what other changes are to be effected through the remediation plans?

MR MCGREGOR: So Mr Weston, Mr Tony Weston, our new chief people and culture officer, is leading the culture change program at Crown. It's been embraced  
15 and is obviously being led by the entire board and the executive management team, and probably a wider senior leadership team of about 120-plus senior leaders across the group that have got together over the course of two or three sessions coordinated by Deloitte. So there's a culture reform or uplift program that is alive and well, and just recently, in fact, earlier today in the AGM, we publicly launched our new  
20 purpose and values, and we've rolled them out throughout the organisation as well.

MR DINELLI: In terms of your role in the remediation plan, and the various steps about which you've spoken, what's your role, Mr McGregor?

25 MR MCGREGOR: Largely a supportive role. The remediation plan, it's a very large plan, as I said at the outset, is being led and coordinated by Mr Blackburn, but there is obviously --- there's a number of tranches to it that are owned or --- owned by various executive leaders in the business, but I'm a key part of supporting the implementation of those various measures, as are the rest of the senior leadership  
30 team.

MR DINELLI: In terms of those steps, how do you see those steps being taken over the foreseeable future?

35 MR MCGREGOR: Well, it's an evolving document. There's a significant amount of things that have been achieved to date. Some are still in progress. Some may arise out of the, for example, findings of the Victorian Royal Commission or indeed this Royal Commission, and perhaps some of the recommendations coming out of the Deloitte report and others. So we are taking on board all of those recommendations  
40 as and when they come through and considering whether they add to Crown's remediation plan.

So it is a live document. As I said, it's a significant one, 70-plus pages. There's a lot of things --- there's a lot of things in there that we are actively doing and have  
45 already achieved, but no doubt there's a way to go.

MR DINELLI: One of the issues which has been raised in the past inquiries has been the relationship between CPH and Mr Packer and Crown. What about that issue,

Mr McGregor?

MR MCGREGOR: Yes. Well, I think that's probably not new news, that one, but  
5 I'm happy to speak to that one again. As the commission is probably aware, we  
severed all information-sharing protocols with CPH last year, I think it was, and no  
longer have any of those arrangements in place. CPH are treated, albeit they are a  
significant shareholder, but they're treated just like any other shareholder.

10 MR DINELLI: Thank you very much, Mr McGregor, I have no further questions.  
Now Counsel Assisting, I understand, will ask you some questions.

MR MCGREGOR: Thank you.

15 COMMISSIONER OWEN: Mr Dinelli, just before I call on Mr Feutrill, you  
mentioned that you would be stepping down in due course as interim co-secretary.  
Were you speaking there of Crown Resorts Limited or of the Crown Perth entities?

MR MCGREGOR: Both, Commissioner. So I expect that I would step down from  
20 the Crown Resorts co-sec role and also the subsidiary boards as well, and Mr  
Durham will take up those roles.

COMMISSIONER OWEN: It is anticipated that Mr Durham will take on the roles  
of company secretary in all three of the operating West Australian subsidiary  
25 companies, is that as you understand it?

MR MCGREGOR: I think so, Commissioner. I don't think we've actually settled on  
that yet. He's only just started, as I said, in the last couple of weeks. He'll certainly  
take on Crown resorts role, certainly Burswood Limited co-sec role and potentially  
30 the others as well.

COMMISSIONER OWEN: Thank you very much.

35 **CROSS-EXAMINATION BY MR FEUTRILL**

MR FEUTRILL: Can I just pick up where the commissioner left off dealing with the  
position of the local companies, that is to say, Burswood Limited and its subsidiaries.  
40 Is it envisaged that you will also step down from your role as director of Burswood  
Nominees and Burswood Resort Management?

MR MCGREGOR: I don't think so, Mr Feutrill. It hasn't really been a point of  
consideration, to be frank. But I expect at this stage I'll remain on those other  
45 subsidiary boards.

MR FEUTRILL: So your role on Burswood Limited would be removed; is that what  
we are to understand from that?

MR MCGREGOR: That's right.

MR FEUTRILL: Can I turn to a different topic. You gave some statements to the  
5 Victorian Royal Commission earlier in the year?

MR MCGREGOR: Yes.

MR FEUTRILL: I do apologise if you received a notification of 177 documents. The  
10 list I have is much shorter, you will be happy to know, I think.

MR MCGREGOR: Thank you.

MR FEUTRILL: I'm hoping you'll be familiar with most of them, Mr McGregor.  
15 The first one I would like to ask that you be shown is CRW.998.001.0023. I don't  
know in the time you've had whether you have refamiliarised yourself with it, Mr  
McGregor, but it obviously deals with matters that were of particular interest to the  
Victorian Royal Commission, but some of these matters may have relevance to our  
Commission, and I would like you to confirm, if you can, that the evidence in your  
20 statement given in this one day, 16 April 2021, remains, to the best of your  
knowledge, accurate?

MR MCGREGOR: Yes, it does.

MR FEUTRILL: I want to come back to these a little later, Mr McGregor, but for  
25 now just to confirm, there's a reference to a document which is CRW.518.004.8167,  
which is a memorandum of yours to the board of 10 November 2020. I believe it's  
referred to in the statement at --- I forget the paragraph number, but just confirm  
that's the document you are referring to in I think paragraph ---  
30

MR MCGREGOR: I can't quite see it. Can I just make one statement, sorry, on your  
previous question? My apologies. I'm just thinking as you are asking that question, I  
remember there was a change in Crown's position on a tax matter in Victoria. I just  
can't recall whether that statement of 16 April picked up that final change or not. I  
35 just want to make that statement.

MR FEUTRILL: All right. Do you want an opportunity to read --- I'll take you to  
the second statement. There was another statement of yours ---

MR MCGREGOR: Sure. Okay.  
40

MR FEUTRILL: --- which may have dealt with that. Before I do that, I just want to  
confirm the paper that's referred to in paragraph 27 of that statement is the one on the  
right-hand side?  
45

MR MCGREGOR: Yes --- let me just have a read of that. Yes, I think that's right.



MR FEUTRILL: I think in your evidence-in-chief, Mr McGregor, you mentioned the change in policy relating to Junkets, and I will come back to that, but I understand this to be a memorandum that was put to the board late last year in respect of that topic.

MR MCGREGOR: That's right.

MR FEUTRILL: Then if I could ask you to look at a second statement of yours, CRW.998.001.0508. This came after the issue of the bonus jackpots, I think you alluded to earlier, had been raised in the Victorian Royal Commission?

MR MCGREGOR: Yes.

MR FEUTRILL: Again, is this statement accurate as of today?

MR MCGREGOR: I think it is. I haven't had a chance to read over it thoroughly again today, but yes, I think so.

MR FEUTRILL: Can I just for now draw your attention to paragraph 30, which makes reference to an annexure. If we could get the annexure up, which is CRW.512.192.0003. If we could scroll in the annexure, please, to the last page, I'm going to ask you to attempt to identify some documents for you, Mr McGregor.

As you might appreciate, we have received numerous documents in this Commission, many of which have different ID numbers and are referred to in other places by different references. I just want to confirm that the document referred to -- there are two entries at the end of that table. They are advices from MinterEllison. It is said that you were one of the recipients, and they are dated 18 November 2019, and the very last ones dated 14 November 2018 and 18 November 2019. Insofar as the first one goes, can I show you, it's MEM.5001.0002.8014. Private screens only for this one.

That's not the correct document, I'm afraid. I have the wrong reference. My apologies to everyone. This is one of the problems, Mr McGregor, with all these document references, as you can see. Yes, that one. Just to confirm, Mr McGregor, this is the advice of 14 November 2018 that you are referring to in that table.

MR MCGREGOR: Yes, I think it is.

MR FEUTRILL: The second, again this will be for private screens only, is the one of November 2019. It is MEM.5002.0009.2582. Is that one of the documents referred to in that table?

MR MCGREGOR: Yes.

MR FEUTRILL: In each case, you receive a copy of this around the time it was prepared; that's right, isn't it?

MR MCGREGOR: Not necessarily. The addendum to my statement listed all of those people who had seen those documents but not necessarily at the time they were prepared. I'd certainly been a recipient of them as I worked through the various documents that were presented as part of the Commission. I can't recall specifically whether I got these two at the time or not or whether that was later.

MR FEUTRILL: Are you able to put a time on roughly when you think you received copies? Was it before the Commission commenced or after it commenced? That's the Victorian Commission.

MR MCGREGOR: The Victorian Commission, yes. I think it was --- my recollection is I received them as the bonus jackpots matter was underway at the Victorian Royal Commission.

MR FEUTRILL: All right. I will come back to this bonus jackpot issue, because it comes up in a tangential way when we are dealing with the position in Western Australia and it's the subject of that document your counsel took you to earlier. Before we come to that, I just want to understand some of the answers you gave to some questions that were put to you on the last occasion before this Commission.

You indicated in answer to a question that in the role of CFO of Crown Perth between 2007 and 2013, your responsibilities included the calculation and payment of taxes, and you made a particular point of referring to State taxes?

MR MCGREGOR: Yes.

MR FEUTRILL: So that I take to mean included in your responsibilities was calculation and payment of the casino tax under the Western Australian State agreement?

MR MCGREGOR: Yes, that's right.

MR FEUTRILL: Now, you became the CFO of Crown Melbourne in around April 2013; correct?

MR MCGREGOR: Yes, that's right.

MR FEUTRILL: Do I understand that, as part of the role as CFO of Crown Melbourne, it included responsibility for the calculation and payment of the State taxes in Victoria?

MR MCGREGOR: Yes, that's a fair statement.

MR FEUTRILL: And the casino tax under the equivalent State agreement in Victoria for the Crown Melbourne casino?

MR MCGREGOR: Yes.

MR FEUTRILL: You became the CFO for Australian Resorts in August 2014; that's  
5 correct, isn't it?

MR MCGREGOR: Yes.

MR FEUTRILL: Now, I understand from the statement you've given to this  
10 Commission that in that role it effectively made you CFO of both properties, that's to  
say, Crown Melbourne and Crown Perth?

MR MCGREGOR: Yes. That's right. It was a group role. There was, of course, the  
15 CFO of Crown Resorts, sitting in a corporate role above me at the time.

MR FEUTRILL: Yes, that's Mr Barton at the time, correct?

MR MCGREGOR: That's correct, yes.

MR FEUTRILL: In that role, that is to say the CFO of Australian resorts, was it part  
20 of your responsibilities to calculate and ensure payment of State taxes in both  
Victoria and Western Australia?

MR MCGREGOR: Yes, I think that's right.  
25

MR FEUTRILL: All right. Now, you remained in that role until the middle of last  
year, August 2020; that's correct, isn't it?

MR MCGREGOR: Yes. I was actually appointed to the CFO Crown Resorts, I think  
30 it was in late March 2020, subject to the appropriate approvals in Sydney, and they  
didn't come through until August 2020. So I was officially in the role from August  
2020.

MR FEUTRILL: All right. Mr Salomone now occupies the role effectively of CFO  
35 Australian resorts, or he straddles the two properties; correct?

MR MCGREGOR: That's right. Now three properties, that's right.

MR FEUTRILL: Sorry, three properties. He reports to you, does he?  
40

MR MCGREGOR: That's right.

MR FEUTRILL: So in the role as CFO of Crown Resorts, does that include now an  
45 overall responsibility through Mr Salomone for calculation and payment of the state  
taxes in Western Australia?

MR MCGREGOR: Yes, I think that's --- yes, I think that's right.

MR FEUTRILL: Can I ask you to be shown a couple of documents. One is PCRC.0004.0011.0010. It's a letter from the solicitor assisting this Commission to Crown solicitors dealing with the question of condition tax in Western Australia.  
5 Have you seen a copy of this letter?

MR MCGREGOR: Yes, I have.

MR FEUTRILL: You are familiar with it, all right. Can I now show you, then, two  
10 further documents, one is PCRC.0004.0011.0009, and the attachment to it which ends in 0001, which I think is the document you may have in front of you. The document on the left, you may not have seen that, but have you seen the response from your solicitors or Crown solicitors and the statement on casino tax, 6 October?

15 MR MCGREGOR: Yes, that's one of the documents I do have with me today.

MR FEUTRILL: Relating to the one on the right-hand side, which is the statement of 6 October 2021, were you involved in the preparation of that document?

20 MR MCGREGOR: Yes, I was.

MR FEUTRILL: Does it reflect your views on the position as to casino tax in Western Australia?

25 MR MCGREGOR: Yes, it does.

MR FEUTRILL: Can I ask that we look at answers to question 1. I have some questions to ask you, only to clarify this response. The sentence starts:

30 Other than in respect of the matters set out below, Crown is satisfied that *Crown Perth has not relevantly underpaid casino tax.*

The three items are set out below, I understand to be --- and you can correct me if I am wrong --- (a), deductions for third-party prizes such as gifts and non-cash  
35 jackpots such as motor vehicles and motorcycles; (b), the recognition of poker and other tournament entry fees as sums received; and (c) the treatment of amounts recorded in the IGT Advantage system?

MR MCGREGOR: Yes.  
40

MR FEUTRILL: I understand from the answer that Crown has given to this that the third of those, (c), has been dealt with by communications with the GWC and the department in Western Australia?

45 MR MCGREGOR: Yes, that's right. They've been --- when we discovered this system issue, we notified the GWC pretty much immediately, is my understanding, and we are working with the third-party IGT and remedying that situation.

MR FEUTRILL: All right. Now, as to (a), which is the third-party prizes, do I understand from this general response that there are some doubts about the extent to which the correct amount of casino tax has been paid as a result of deductions for third-party prizes?

MR MCGREGOR: I'm not sure I'd call them doubts. I think what we are working through, and what we have learnt in recent times, is to make sure that we have got the detail correct, and these tax matters are extremely complex and not easy to work your way through the various legislation. So we are just taking some time with respect to those, (a) and (b), for that matter, to make sure that we have got our position correct, and when we do, we would like the opportunity to sit down and talk with GWC about those matters.

MR FEUTRILL: All right. Now, I appreciate there might be arguments either way, but do I understand from that answer that there is a degree of uncertainty about whether there's been the correct amount of casino tax paid and you're coming to a view on that as we speak?

MR MCGREGOR: Yes, I think that's fair.

MR FEUTRILL: Does that apply equally to (b), the recognition of poker and other tournament fees as well?

MR MCGREGOR: Yes, it does. The (b) actually also includes on the other side of the equation tournament prizes paid out, so we are working through the issues surrounding poker entry fees, which is relatively small, and then there are some tournament prizes paid out by Crown that are seeded by Crown, that we are working through as well.

MR FEUTRILL: That's not confined to just poker tournaments, is it? There are other tournaments like baccarat tournaments and others that it may apply to?

MR MCGREGOR: That's correct.

MR FEUTRILL: Can I just ask you about (a) to start with, which is the third-party prizes. What is it specifically about third-party prizes that has created the uncertainty concerning the amount of casino tax that's been paid?

MR MCGREGOR: Well, it's just the interpretation of what --- so the legislation says deduction must be made if the sum is paid out as winnings. So the position we've had all along, and, in fact, with these particular ones, (a), gift cards and non-cash jackpots such as motor vehicles, they've been a feature at Crown Perth for many, many years. You'll see a car every second month or so, and they have also been a feature on the tax returns monthly that have gone through where they apply through to the GDC. We're just taking some care to work through the aspects of sums paid out as winnings and making sure that, in our view, they meet those definitions.

MR FEUTRILL: So there seems to be a distinction being drawn between third-party prizes and non-cash jackpots. If I could start with the first, which is the third-party prize, what is a third-party prize?

5

MR MCGREGOR: Well, like a gift card. Like something that you would pay --- so there's a cash payment --- a normal jackpot is a cash payment to a patron. These other jackpots are what we would call non-cash payments, so they might win a gift card, for example, that might be a Coles gift card, so a third-party gift card, and obviously a motor vehicle is a non-cash prize as well.

10

MR FEUTRILL: So is it fair to say that in each case there is a promoter, a third party, as you say, outside the Crown organisation, promoting something, and there's essentially a gift of some kind that goes to the patron, either in terms of a card, value for services of a third-party vendor or a car or an object?

15

MR MCGREGOR: Yes. I wouldn't call it --- for example, the example I used, Coles --- Coles are not promoting the gift card, Crown are purchasing the gift cards off Coles and using them as a jackpot, in that example.

20

MR FEUTRILL: There is a consideration paid by Crown for the gift card. It is not essentially a gift or a gratuitous part of a promotion by Coles, for instance?

MR MCGREGOR: That's right.

25

MR FEUTRILL: Does that apply equally to the motor vehicles and those matters, or are they provided by the manufacturer?

MR MCGREGOR: No, it's a similar arrangement whereby the motor vehicle is --- there's an arrangement with the dealer where they will provide a motor vehicle as a jackpot. Once the jackpot is won, my understanding is that the motor vehicle is either awarded to the patron and they can go to the dealer and pick up the motor vehicle, or they can exchange it for a cash prize at that time. Once the jackpot is redeemed, that's when Crown pays the dealer.

30

MR FEUTRILL: Right. So is it the case, then, that the deduction that's been applied to the --- effectively the amount paid out as winnings is valued by whatever cash Crown has paid for either the gift card or for the motor vehicle?

35

MR MCGREGOR: That's right.

MR FEUTRILL: Okay. Could I ask you some questions now about (b), which is the tournament matter. There's also, Mr McGregor, some references to this in other parts of the statement. So it is also picked up in 19, 20, 21 and 22, which are on pages 6 and 7 of the document itself. Unfortunately I don't have the references, the ring tail references because they are not printed on my copy.

40

Now, I understand from essentially a combination of 1(b) through 19 through to 22,

that in the case of tournament fees, Crown Perth has not included either the entry fees or the prizes paid out as part of the calculation of casino tax in Western Australia; that's correct, isn't it?

5

MR MCGREGOR: That is correct.

MR FEUTRILL: And what is it about tournament fees that has created uncertainty as to whether the correct amount of casino tax has been paid?

10

MR MCGREGOR: Well, if I break them up into the two aspects, the first one is the entry fee. So the question there is whether the entry fee --- there's a sum received in the conduct of playing a game or not, and it has been something that has been a point of discussion with the regulator in Victoria for some years, and we are working through what the outcome of that might be.

15

The entry fees are largely immaterial in the scheme of things. They are an entry fee that the patron pays to enter the poker tournament and effectively are designed to cover administrative costs like labour, providing food and beverage for the tournament players, et cetera. So that's the entry fee component.

20

The second piece is the tournament players will pay an amount called a buy-in, for example, so that's the amount that they pay to Crown, and that goes into the prize pool, and then the whole of the prize pool is then paid out to the winners of the tournament.

25

So in our view, in that example --- in terms of a poker tournament where the prize pool is seeded by the patrons --- it doesn't really matter whether you included the calculation of casino tax revenue or not, because the outcome is the same as nil tax payable because the sums received are exactly the same as the sums paid out.

30

Where it does become interesting is where the other tournaments that you alluded to before, like baccarat, where you might have a bigger tournament with a smaller pool of players and Crown might seed the prize pool. So it's Crown money; it's not the patrons' money. Those amounts paid out as a prize pool, those winnings, may meet the definition of sums paid out as winnings in our view, but we are just working through that as we speak.

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MR FEUTRILL: Can I show you a document, which is CRW.700.003.9405. This is one of the documents, Mr McGregor, that should have made its way to you yesterday but perhaps got lost in the bundle. I don't know if you had an opportunity to read it before now.

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MR MCGREGOR: Would you mind blowing it up a little bit for me, please? Thank you. You may not be able to see the date. It's dated 16 January 2007. So it's of some age. The question I have for you is whether you were aware of this letter at the time during which you were the CFO of Crown Perth?

45

MR MCGREGOR: Can I just have a read of it, if you don't mind?

MR FEUTRILL: Sure.

5

MR MCGREGOR: Okay. No, I don't recall seeing this. Not at the time, anyway.

MR FEUTRILL: Do you recall being made aware during the course of the time you were CFO of Crown Perth that Mr Connolly had informed Mr Preston and Mr Egan that tournaments were considered to be part of gaming revenue and that revenue should be included in the casino tax?

10

MR MCGREGOR: No, I don't recall that at the time. In looking through some of the bundles I have had overnight, I recall seeing this document. I think there were some others as well later on that were a little bit more ambiguous in terms of --- I think there was one from Mr Hulme, actually, I can't quite remember what the date was, stating that --- something to the tune of the Commission accepted that there could be prizes paid out by Crown that were deductible and potentially entry fees were assessable as casino taxable revenue. So I'm not sure we ever came to a landing on including both of those things and casino taxable revenue. So that's something that I'd like to have the opportunity to clarify with the GWC when we are afforded the opportunity because I think both of those things need to be run to ground.

15

20

MR FEUTRILL: You may be referring to this document, Mr McGregor, CRW.708.004.0827. Is this the document you were just referring to that you recall reading last night?

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MR MCGREGOR: Would you mind blowing that up for me, please?

MR FEUTRILL: Sure.

30

MR MCGREGOR: And scrolling down, please. Yes, it's the italics part I remember reading, I think.

MR FEUTRILL: Is this a matter about which you can remember having any knowledge in or around the time you were CFO of both Crown Melbourne and Crown Perth?

35

MR MCGREGOR: No, it's not. I don't recall really poker tax being a live issue in Perth. It was certainly --- or it has been a live issue in Melbourne over many years. It's come up and gone to ground again. I don't recall it being something that was a live issue in Perth, although, as I said, having a look through some of the documents, I can see there is some confusion about the matter in Perth both on our side and the GWC side.

40

45

So, as I said, we would like to run that to ground in both jurisdictions and make sure that what we're doing is correct and make sure the respective regulators are crystal clear and they agree with us.



MR FEUTRILL: Can I ask you see another document, CRW.705.008.4220, which is an email from Ms Bowden-Jones to you in August 2011. The attachment is CRW.705.008.4221, if you could perhaps have that alongside. I don't know if you  
5 read this last night, Mr McGregor.

This doesn't deal squarely with the question of whether or not tournament fees are or not payable. The memorandum indicates that tournament fees were not being paid and it raises the question in respect of, as the email says, something referred to as  
10 live cash games, as to whether it should not be included in taxable revenue. Do you have any recollection of that question being raised in 2011?

MR MCGREGOR: Not at the time, but I have perused this document today.

15 MR FEUTRILL: Has your memory been refreshed about what issues were being raised in 2011 about the question of casino tax and tournaments?

MR MCGREGOR: No, it doesn't at all. As I said, my understanding was --- or my recollection is I don't recall poker or tournaments being an issue that was raised in  
20 Perth to any great degree, to be frank, but having gone through the Victorian Royal Commission and working our way through that and then seeing some of these documents --- admittedly they are quite old --- it appears to me that there is some confusion, because not all of them are saying the same thing. So certainly I would like the opportunity to get to the bottom of this matter and make sure that both  
25 parties are clear on the way forward.

I should also add that the amounts of tax we are talking about here are pretty minimal in terms of poker tax on entry fees, in particular.

30 MR FEUTRILL: All right. Leaving aside the quantum, Mr McGregor, the issue was live, I think you've said a couple of times, in Victoria in this period, wasn't it?

MR MCGREGOR: Yes.

35 MR FEUTRILL: And certainly the Victorian regulator was pursuing Crown Melbourne for casino tax in respect of tournament fees?

MR MCGREGOR: That's right.

40 MR FEUTRILL: Is it not something that came to your attention that perhaps a similar pursuit may take place in Western Australia if the GWC were aware of the position taken in Victoria?

MR MCGREGOR: Yes, I think that's right, but we hadn't landed on what the  
45 position was in Victoria, I guess, until such time as we did so. I must admit, I don't think I turned my mind to what the impacts were in Perth, because we were treating the receipt of poker entry fees and the prize pools paid out exactly the same in both

properties.

5 MR FEUTRILL: Were you aware that Mr Preston, at least, was undertaking some inquiries in Perth as to the position in Perth at this time, that is to say ---

MR MCGREGOR: No --- sorry.

10 MR FEUTRILL: --- in the period up to 2017?

MR MCGREGOR: Not at the time, I wasn't.

15 MR FEUTRILL: To your knowledge, was the decision made by the management for Perth to essentially let sleeping dogs lie on this particular topic in Western Australia?

20 MR MCGREGOR: I'm not sure I can comment on that. I've seen various documents over the last day or so, from Mr Hulme to Mr Preston, from Mr Egan a long time ago and Ms Bowden-Jones. There seems to have been quite a lot of correspondence and also the DRG, the regulator in WA. All not exactly on the same page.

25 As I said, that's something that I'm very, very keen to get to the bottom of and make sure that both parties are crystal clear on the way we should be treating these things moving forward and, by the way, remitting any overpayments or underpayments that might arise.

30 MR FEUTRILL: Mr McGregor, I'm not asking you to speculate on the documents you've read; I'm just asking whether you have a recollection yourself of a decision being made in the period between 2013 and 2017 to not raise the issue with the GWC or department in Western Australia.

MR MCGREGOR: No. Sorry, I didn't understand the question. No --- the answer is, no, I don't have any recollection of that.

35 MR FEUTRILL: All right. To your knowledge, has there been any communication from the GWC to your department more recently to suggest that tournament fees may form part of casino tax?

MR MCGREGOR: Not that I recall seeing, no.

40 MR FEUTRILL: Is it something that to your knowledge Crown Perth has raised with the GWC or department more recently?

MR MCGREGOR: Not that I'm aware of.

45 MR FEUTRILL: Does this fall into the category of where you are working your way through the uncertainties and when you have reached the landing, you intend to communicate with the GWC and department?

MR MCGREGOR: Yes, that's right. Obviously it's complicated somewhat by the fact that we're in a Royal Commission, so communications aren't as free as they might be, but certainly as we are working --- to your point, we are working through  
5 the detail of these things as quickly and efficiently as we can, but when we come to a landing, we welcome to talk to the regulator about it.

MR FEUTRILL: Can I come back to the answer to question 1 where you --- when I say "you", I mean you collectively as in Crown Perth --- have indicated that there are  
10 matters, and you suggested, do not have a material impact, I think you mentioned earlier --- you made some comment about the significance of any payment or underpayment of tax?

MR MCGREGOR: Yes.  
15

MR FEUTRILL: Has any calculations been undertaken by Crown Perth the amount of any possible --- when I say "possible", not putting any view as to whether it is or it isn't --- possible underpayment of casino tax in the period 2007 to date?

MR MCGREGOR: There have been some calculations. They haven't gone back to 2007 necessarily, in all cases, because the records don't go back that far or at least the ones we can readily avail ourselves of. But in answer to your question, yes, we have done some indicative calculations.  
20

MR FEUTRILL: What's the indicative number that you have calculated?  
25

MR MCGREGOR: So if we are talking about category (a), bearing in mind these types of jackpots are not a significant part of what we do, mostly they are cash jackpots, but category (a) is less than a million dollars going back over the last eight  
30 years. Category (b) in terms of poker tax entry fees is probably less than a million dollars, call it.

These are indicative numbers. We are still, as I said, working through the detail, but less than a million dollars going back from I think about --- I think it was about '05  
35 we were able to get some numbers on that. Then on the flip side, as I mentioned earlier, there's potentially an overpayment of tax relating to prizes paid out on other tournaments that Crown has seeded. We are working through the detail of that. We haven't quite got to the number there.

So, as I said, the numbers in all of these cases --- they are not a huge part of what we do. I'm not understating by any means the fact that if there has been an underpayment of tax, we'll get to the bottom of it and render it as quickly and as efficiently as we can, but we are still working through the details of it. As I said, the amounts are pretty immaterial in the scheme of things.  
40

MR FEUTRILL: Thank you, Mr McGregor. Can I ask you some questions now about some other topics that were dealt with in this paper. The heading on the  
45

second page, "Sums paid out as winnings". There are some comments and questions in 4, 5, 6 and 7. I want to focus your attention on the answer in 7, in particular on page 3, the last sentence, a reference to:

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Until recently Crown Melbourne also deducted from its calculations gross *gaming revenue the value of certain fee hotel accommodation, free food and beverages and free parking provided to Crown Resorts loyalty members.*

10 That is a reference, isn't it, to what I'm going to refer to as the bonus jackpot issue that came up during the Royal Commission in Victoria?

MR MCGREGOR: That's correct.

15 MR FEUTRILL: Crown Melbourne has accepted that there was an underpayment of casino tax in Victoria in respect of those items?

MR MCGREGOR: That's correct.

20 MR FEUTRILL: The answer given in 7 deals with a technical difference between the way in which the system in Perth operates and the way in which the system in Melbourne operates to explain why in Perth there was not a deduction for what is referred to as the bonus jackpot costs. Is that correct?

25 MR MCGREGOR: Yes, that's right.

MR FEUTRILL: Now, if Crown Perth had wanted to include bonus jackpot costs in its calculation of casino tax, it could have done so by identifying those costs in including the calculation.

30

MR MCGREGOR: No, I don't think so. I think the whole way that it was implemented in Melbourne was via an EGM system change where the rewards, such as hotel accommodation or free food or parking, were actually credited to the patron through the system, through the EGM system, thereby arguably they were a sum paid out as winnings, as part of a jackpot that came out through the system.

35

Perth --- it's a different --- IGT system, and Melbourne is Daycom. The machines in Perth are not able to do the same thing. So there is no way that it could have been delivered in the same way, and the gifting of hotel accommodation, for example, outside of some link to a jackpot would not have met the definition of a bonus jackpot, in my view.

40

MR FEUTRILL: Is your answer meaning to say that if the delivery of the bonus jackpot prize was linked to playing an EGM, that was the means by which it was able to be included in Victoria, in the calculation of casino tax there? Is that what you mean?

45

MR MCGREGOR: Yes. I think that's right. I think it was --- as I understand it,

effectively because it was credited via the meter in the gaming machine as a jackpot, it was deemed to be a sum paid out as winnings. That was the argument at the time. Obviously that's proven to be incorrect.

5

MR FEUTRILL: I'm just trying to understand, Mr McGregor, whether there was a decision made in Crown Perth not to go down the same path or not?

10 MR MCGREGOR: Not that I recall. By this stage I was in Melbourne. I can't recall whether we had tested this in Perth or not, but, in any event, I can't recall any conscious decision to determine whether we can implement it in Perth or not because, quite frankly, it was never possible.

15 MR FEUTRILL: Do I understand from that there was not a difference in quality, if you like, between the two sites; it's just a question of mechanical or technical feasibility of implementing it in Victoria versus Western Australia?

20 MR MCGREGOR: Look, I think that's right. Bearing in mind when this was implemented in Melbourne in 2012, the properties were largely operating independent of each other. It wasn't until a couple of years later that we started down the track of group roles, if you like, trying to get some consistency and approach across the two properties.

25 MR FEUTRILL: Can I ask you now some questions about the answers that were given --- this is under the heading "Non-cashable Credits". Do I take it that you are familiar with section 25 of the condition manual operations in Western Australia that is referred to in this answer?

30 MR MCGREGOR: Yes. I have some familiarity with it.

MR FEUTRILL: All right. Perhaps if we could just call that up, it's CRW.700.001.1586. Mr McGregor, I would like you to explain to the Commission really how this provision translates into a requirement to include amounts paid or amounts exchanged for loyalty points for vouchers on a table game.

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MR MCGREGOR: Sure.

40 MR FEUTRILL: That's a reference in clauses 4.1 and 4.2 to vouchers, and in the first bullet point under 4.1 there's a reference to a VIK. Now, that's a voucher issued for gaming ---

MR MCGREGOR: That's right.

45 MR FEUTRILL: So a person can exchange loyalty points for a voucher to VIK; is that correct?

MR MCGREGOR: Yes.

MR FEUTRILL: And then take the voucher to a table to exchange the voucher for chips?

5 MR MCGREGOR: Yes.

MR FEUTRILL: The voucher goes into the drop box on the table?

MR MCGREGOR: That's right.

10

MR FEUTRILL: And they were then issued with non-cashable chips to play a game at the table?

MR MCGREGOR: That's right.

15

MR FEUTRILL: In that process, what part --- if you can explain in, you know, layman's terms, what part of that process in 4.2, which is referred to in the answer, compels the requirement that it be included, as I say, the amount in the voucher is included in the amount of calculations for casino tax?

20

MR MCGREGOR: Because they are --- because they're placed down the drop box, the drop box contents get included in the account and the account is the process by which revenue, the total amount of revenue is measured. So the voucher is deemed to be a revenue, so it gets included in the account.

25

MR FEUTRILL: When you say "deemed to be revenue", does that mean effectively the value of the voucher is included as part of amount received in a calculation of casino tax?

30

MR MCGREGOR: That's correct.

MR FEUTRILL: This is different on an EGM, isn't it? This process doesn't apply to an EGM exchange for loyalty points in that context?

35

MR MCGREGOR: That's correct.

MR FEUTRILL: I think you've said in answer to an earlier question the EGMs use a system which is called a drop. In describing why the Western Australia jackpot bonus system is different to that used in Victoria, you describe it as a drop-based system on the EGMs.

40

MR MCGREGOR: That's right.

45

MR FEUTRILL: If the EGM is using a drop-base system, how does that differ conceptually between physically putting the piece of paper into the table, simply exchanging a loyalty point for a credit on an EGM?

MR MCGREGOR: Because it's not a physical exchange; it doesn't go down the drop

box, and it's not included in the account. To explain that, a free bet, or a free play bet on an EGM is credited to the credit meter, and once a patron decides to convert points to EGM play, they cannot use that for anything else. They can't revert it back, and it's not redeemable for cash. It is effectively a free bet. Therefore, it is not a sum received.

In the table games example again --- I think we have put this in our statement --- it is something that we'd like to speak to the regulator about, because if I draw an analogy to Melbourne, we treat these two things the same way in Melbourne. The reason why we do that in Melbourne is because a table play voucher, a free play voucher in tables, cannot be redeemed --- sorry, must be able to be redeemed for cash; therefore, arguably it's a negotiable instrument.

As I understand it in terms of researching for some of this work we are doing for the Commission here, a table play voucher in Perth cannot be --- or is not required to be redeemed for cash. That is, in my mind, quite a significant difference. So there's no clear reason in my mind why the table play voucher that you've described in Perth shouldn't be treated the same way as a free bet in the machine, which obviously means we have been paying tax on it when we potentially shouldn't have.

This is relatively new to me because I must admit I always understood in Perth that it was similar to Melbourne in that the table play vouchers could be redeemed or had to be redeemed for cash. That's not how I understand it to be now. So that's something we would like to discuss with the regulator as well.

To your point, just because it is as part of this casino manual processed or required to be processed down the drop box included in the account, therefore included in the calculation of revenue, doesn't necessarily mean that it should be treated as casino taxable revenue. Sorry, that's a bit of a long-winded answer to your question, but I'm just trying to explain the differences.

MR FEUTRILL: The point really is there is an inconsistency, isn't there, in the way that this is treated on table games and EGMs; correct?

35

MR MCGREGOR: Yes.

MR FEUTRILL: So the converse is also true, isn't it? For example, if the correct way to treat the exchange of loyalty points for a voucher is to treat it as a negotiable instrument or value exchange, then treatment on EGMs may be incorrect and it ought to be included in the calculation of revenue, correct?

40

MR MCGREGOR: No, because once you play --- once you convert a loyalty reward or a loyalty point to credit on an EGM, it cannot be transferred back to be used for anything else and it cannot be redeemed for cash. It has to be played through the machine as a free bet. That's the same in Melbourne.

45

MR FEUTRILL: Can I just draw your attention to your answer in 16, which deals

with the accounting mechanism addressing these two different situations. In the table games example, the creation of the loyalty point, if you look at it, is the same for both table game or EGM Extra Play?

5

MR MCGREGOR: Sorry, would you mind bringing the piece up that you're looking at?

MR FEUTRILL: This is at page 5.

10

MR MCGREGOR: Yes, sorry.

MR FEUTRILL: Under the heading "Non-cashable Credit", you have the different types of games and accounting impact. In both the loyalty point on table games and loyalty point on EGM Extra Play, the creation of the loyalty point is the same accounting entry?

15

MR MCGREGOR: Mmm-hmm.

20

MR FEUTRILL: The difference is that the point it is recognised as either revenue or not, and in the loyalty points on table games, the mechanism is to recognise it as revenue on the table games and reduce loyalty points liability?

MR MCGREGOR: Yes.

25

MR FEUTRILL: That's the accounting mechanism. There is a different mechanism in the case of Extra Play, where it's recognised as credit to the royalty point expense account and effectively happens on both side of the loyalty point account, so it cancels itself out?

30

MR MCGREGOR: That's right.

MR FEUTRILL: In the table game scenario, there is an antecedent step, though, at which the person goes to a VIK kiosk and exchanges loyalty points for a voucher.

35

What's the accounting entry at that point?

MR MCGREGOR: I'm not sure, off the top of my head. There would be a debit to the loyalty point expense. Actually, no, I'm not sure there is, because they could have --- I'm not sure there is an entry at that point because it has to be when they are redeemed. So they could go to a kiosk and redeem the voucher and then walk out the door and not redeem the voucher at all. So I think the accounting entry occurs upon redemption.

40

MR FEUTRILL: So in the kiosk example, you receive a voucher. What happens to the loyalty points?

45

MR MCGREGOR: Nothing happens to the loyalty points until the voucher's redeemed, is my understanding.



MR FEUTRILL: I see. All right. Thank you, Mr McGregor, for clarifying those things in that casino tax document.

5 Can I ask you some questions now about the jackpot payment issue in Victoria. I think you mentioned earlier that you became aware of the two advices I took you to earlier of MinterEllison at some point. I think you said it was possibly after the Victorian Royal Commission commenced, if I remember your answer correctly.

10 MR MCGREGOR: I think that's right, yes.

MR FEUTRILL: But the issue of the, if I could put it, the bonus jackpot issue had been something that was live within Crown Melbourne well before the Royal Commission commenced, wasn't it?

15

MR MCGREGOR: Yes.

MR FEUTRILL: And it had been the subject of discussion between members of the Crown Melbourne management team, including yourself, from at least the end of 2018 that there was a possibility of some underpayment of casino tax in Victoria?

20

MR MCGREGOR: I was certainly involved in late 2018. I'm not sure I would phrase it as being a possibility of underpayment of casino tax at that time.

25 MR FEUTRILL: Well, there was some uncertainty, wasn't there, around, if you could call it, the validity of the bonus jackpot process that had been implemented in 2012?

MR MCGREGOR: Yes, and I think that arose --- we, those of us who were involved in 2018, there were a few things going on then. One was there were requests made by the VCGLR about bonus jackpots, which we responded to. In the course of doing that, there was a discovery of the --- I think the others were the same as me, but we became aware of the way that the bonus jackpots was implemented in 2012, without engagement with the regulator at the time, and everybody in this call is no doubt aware of that.

35

So that's what raised our concerns more than --- and that was the main cause of concern, was the way I described it, the way it was implemented and the fact that it wasn't a transparent process at the time of the regulator. We took some comfort by the fact that in 2018 the correspondence to and from clarified the situation somewhat.

40

MR FEUTRILL: When you say that the correspondence in 2018 clarified the situation somewhat, there wasn't any direct statement by Crown Melbourne at that time to the regulator in Victoria of what had taken place in 2012, though, was there?

45

MR MCGREGOR: No, there wasn't. Not to my knowledge.

MR FEUTRILL: It was a statement to the effect, "This is how we are accounting for bonus jackpot costs"?

5 MR MCGREGOR: That's right.

MR FEUTRILL: In other words, it was left to the Victorian regulator to discover the extent to which it may or may not have been correctly accounted for as part of the casino tax calculation?

10

MR MCGREGOR: Yes, that's probably fair at the time. The other thing, there was an initiative at the time by Mr Barton, CFO, of rolling a few tax matters up into a discussion with the VCGLR, and that this was one of those things that was going to be discussed with them. Unfortunately it never got to that point.

15

MR FEUTRILL: Are you referring now to a meeting that took place in September 2020 involving Mr Barton, yourself and others?

20

MR MCGREGOR: That's one of the meetings. That meeting was held because we had an outcome on the GST case, but there were discussions prior to that.

MR FEUTRILL: Yes. At that meeting, if I could take you --- you remember that meeting in September 2020, don't you?

25

MR MCGREGOR: I have a recollection of the meeting, yes.

MR FEUTRILL: During that meeting there was a discussion, amongst other things, about historical tax and other regulatory matters, including the bonus jackpot issue?

30

MR MCGREGOR: Yes.

MR FEUTRILL: Everyone who attended that meeting, including you, understood what the issue was with respect to bonus jackpots, didn't they?

35

MR MCGREGOR: When you say "understood what the issue was"?

MR FEUTRILL: Meaning there was an uncertainty around whether or not Crown Melbourne had been correctly calculating its casino tax?

40

MR MCGREGOR: No, not necessarily. I think as I said before the issue, in my mind, was the way that the bonus jackpots matter was implemented in 2012, and the fact that we, or certainly Mr Barton, was thinking that we would role that into other tax matters that we would discuss with the regulator at the time and make sure both parties were very clear on what was occurring.

45

MR FEUTRILL: Was the concern in the lack of transparency in 2012?

MR MCGREGOR: That was more --- yes, that was more of the concern than

uncertainty around the deductibility of the relevant bonus jackpots. Although clearly, that was something that we wanted to run to ground with the regulator.

5 MR FEUTRILL: You must have recognised that if you raised the transparency issue, there was a risk that the regulator would say, "Hang on, shouldn't we have been deducting this"?

MR MCGREGOR: Absolutely agree, yes.

10

MR FEUTRILL: The issue began again in the early part of this year, in March 2021?

MR MCGREGOR: Yes.

15

MR FEUTRILL: There are two meetings in March. Do you recall receiving a request from the Commissioner in Victoria for Crown Melbourne to provide information about any actual potential breaches of the Act there or the agreement?

20 MR MCGREGOR: Yes. RFI2, yes.

MR FEUTRILL: There was a meeting before that and a meeting after that; do you remember that?

25 MR MCGREGOR: Well, there was a lot of meetings at the time. I think that's probably right, yes.

MR FEUTRILL: Okay. Do you recall a meeting before you received that at which this bonus jackpot issue came up again and there was a spreadsheet produced at the meeting?

30

MR MCGREGOR: I can't necessarily recall whether there was a spreadsheet presented at the meeting. There might have been discussion about numbers at the meeting. I can't remember whether a spreadsheet was presented, but clearly was subsequently presented at the Commission in Victoria.

35

MR FEUTRILL: What I'm asking is did you see the spreadsheet? Were you provided with a copy of the spreadsheet? It is CRW.510.059.0594.

40 MR MCGREGOR: Yes, I didn't see this spreadsheet until it was a feature at the Commission in Victoria.

MR FEUTRILL: Okay. Do you recall a meeting after, you referred to RFI2, involving a number of people, Mr Walsh, yourself, and I think you may have had legal representatives present as well, to discuss amongst other things a response to RFI2?

45

MR MCGREGOR: Yes.

MR FEUTRILL: At that meeting, this bonus jackpot issue was raised, was it not?

MR MCGREGOR: Yes, it was.

5

MR FEUTRILL: Could I ask that you be shown CRW.0000.0003.0895.

MR DINELLI: Can I just ask my friend, I understand this document is subject to an NPO application. Perhaps that could be confined to the private screens.

10

MR FEUTRILL: So we confine it to the non-public screens. I understood that the non-publication part had been redacted. I will confine my questions, Mr McGregor. Have you seen this before?

15

MR MCGREGOR: Yes, I have.

MR FEUTRILL: You received it last night?

MR MCGREGOR: I probably did, but I have seen it before last night.

20

MR FEUTRILL: And do you know ---

MR MCGREGOR: I have seen it through the process of --- sorry.

25

MR FEUTRILL: Do you know who prepared it?

MR MCGREGOR: My understanding is it's a file note of one of the Allens personnel at the meeting.

30

MR FEUTRILL: I see. All right. Having read it, is there anything in there that you consider to be inaccurate in the way it described what transpired at the meeting?

MR MCGREGOR: I probably have to have another in- depth reading again, but in my reading of it through the Victorian Royal Commission, nothing jumped out at me as being materially wrong.

35

MR FEUTRILL: It was pretty clear, wasn't it, to you at this meeting, if not before, that there was a question around whether or not Crown Melbourne had underpaid casino tax in association with the bonus jackpot issue?

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MR MCGREGOR: Yes. As I said before, the reason why we wanted to discuss it or why Mr Barton was going to take it to the regulator in Victoria was because we wanted to make sure that they were clear about what we were doing and they agreed with.

45

MR FEUTRILL: I understand. I'm not saying at this time you had a positive view that Crown had, in fact, underpaid, but, at the very least, it was clear in your mind at this time, wasn't it, that there was a possibility about that, that needed to be resolved?

MR MCGREGOR: Yes, I think that's fair. That was part of RFI2 that you just outlined before, any potential as well.

5 MR FEUTRILL: You know there were responses given to RFI2 by Crown Melbourne's lawyers in March and April 2021?

MR MCGREGOR: Yes. It was quite a huge amount of material exchanged.

10 MR FEUTRILL: Were you provided with drafts before they were sent to the Commission at the time, in March and April 2021?

MR MCGREGOR: I may have been. I can't recall. There was a lot of documentation going back and forwards that time. A huge amount of data was being  
15 exchanged. I can't remember if I have RFI2 responses or not.

MR FEUTRILL: Did you at any time in that period --- I'm talking now in the March/April period --- make it clear to anyone, whether it be Mr Walsh or a representative of Allens, that, your view, jackpot issue required disclosure to the  
20 Victorian Royal Commissioner?

MR MCGREGOR: I don't recall specifically at this meeting, and probably in other discussions we made it clear that we wanted it to be seriously considered, put it that way.  
25

MR FEUTRILL: Wanting it to be seriously considered and disclosure are different things, though, are they not? I'm talking about a clear instruction, this should be brought to the attention of the Commissioner in Victoria?

30 MR MCGREGOR: Well, yes, I think that's fair. As I said, we had a clear intention to share with the regulators, so I think it's fair to say that there was a clear intention to share it with the Commission as well.

MR FEUTRILL: But that didn't happen until some time after the issue arose during  
35 the course of one of the hearings in June this year, though, did it?

MR MCGREGOR: That's right.

MR FEUTRILL: Now, going back to September 2020, why was it not, then --- and  
40 that, in fact, is in the context of the Bergin Inquiry taking place --- immediately disclosed to the regulator in Victoria that there was a potential issue around bonus jackpots?

MR MCGREGOR: The reason for that was the September 2020 meeting and  
45 discussion was prompted because Crown had won a case in the Federal Court with the ATO on the deductibility of GST on Junket commissions, and that was a case that we'd been working on, Mr Barton in particular, for some years.

And we got an outcome there, and the outcome of that would have meant a bit of a windfall gain for the State of Victoria. And Mr Barton had shared with the Victorian State Government, I think, or at least the treasurer, maybe the regulator, that that case was under way, and we expected or hoped that we were successful and would like to talk to the State of Victoria at that time.

What prompted the discussions in 2020 was, as I said, Crown won the case in the Federal Court --- the reason why the discussion did not occur with the regulator after that was because the ATO appealed that case and the regulator, or the treasury --- I can't remember which one now --- stated that they didn't want, my understanding, to engage with Crown until the outcome of the appeal was known.

The appeal took place in front of the full Federal Court. From memory, it might have been around March earlier this year, and the ATO won on appeal. So consequently, and by that stage, Mr Barton had left Crown, and we were rolling into the Victorian and Royal Commission and RFI2 and the rest of it is, as we described previously.

MR FEUTRILL: If there was a concern about absence of transparency in 2012 expressed in 2020, why didn't you say, "Look, there's a transparency issue which should be making our position clear to the regulator in Victoria, whether you are right or wrong, about whether it should be deducted or not, to clear up the lack of transparency"?

MR MCGREGOR: As I said, that was our clear intention that Mr Barton would take that matter with some other tax matters that we were wanting to talk to the regulator about. The opportunity to do that, in his mind, as I understand it, was when the GST case was settled. Unfortunately, due to a number of circumstances around that case and other things that occurred, he never got the opportunity to do that.

MR FEUTRILL: Was it your view it should have happened immediately?

MR MCGREGOR: Well, with the benefit of hindsight, I think we all would have preferred it happened a lot earlier than it did.

MR FEUTRILL: So why didn't you take any steps yourself to bring about the disclosure to the Victorian regulator of the lack of transparency?

MR MCGREGOR: Well, with respect, the position I was in --- Mr Barton was senior to me, there are persons who knew about it. I didn't have an engagement with the regulator, and I had left that up to Mr Barton's good judgment about how to take it forward.

MR FEUTRILL: Mr McGregor, would you agree with me that conduct of a casino licensee with integrity requires that licensee to be open and frank with its regulator?

MR MCGREGOR: Yes.

MR FEUTRILL: Would you agree with me that at least Crown Melbourne, with the instance of the Crown jackpot issue, was not open and frank with the regulator in Victoria?

5

MR MCGREGOR: Yes.

MR FEUTRILL: And it wasn't open and frank, to your knowledge, as of September 2020?

10

MR MCGREGOR: Yes.

MR FEUTRILL: And you yourself took no steps to redress that situation after September 2020?

15

MR MCGREGOR: Well, maybe if I just step back a little bit. As we said before, the facts of the bonus jackpot matter were shared with the regulator in 2018 by the exchange between Mr Cremona and Ms Fielding. I take your point, and you are correct that there wasn't a disclosure then about the way in which it was implemented, which is regrettable. Then subsequently, as I said, around that time or from that time was the plan to discuss it with the regulator, but unfortunately that never occurred.

20

MR FEUTRILL: It didn't occur really at all, did it, because the issue came out during the Royal Commission in Victoria in June?

25

MR MCGREGOR: That's right.

MR FEUTRILL: All right. Mr McGregor, you mentioned earlier in your evidence-in-chief the remediation plan, which is a large document. Could I ask that you be shown CRW.701.006.4272. I take it you are familiar with this document. I think it's the latest iteration of the remediation plan?

30

MR MCGREGOR: Yes.

35

MR FEUTRILL: I have got a few questions about it. Could I just take you to item 35, which is on pinpoint 4327. You mentioned earlier there had been a cessation of Junket operations?

40

MR MCGREGOR: Yes.

MR FEUTRILL: In this document, there's a reference to a gaming and wagering Western Australia decision to discontinue the international program play?

45

MR MCGREGOR: Yes.

MR FEUTRILL: Are you familiar with the direction that the GWC gave in respect

of that matter, and what it was ---

5 MR MCGREGOR: Yes. Yes, I am familiar with the direction. Not specifically --- I couldn't specifically tell you the terms, but I'm familiar with it.

10 MR FEUTRILL: All right. I'm not asking you to give legal advice or interpret this, but can I just take you to the direction to see if its something you've seen in recent times. It's GWC.0001.0006.0020. The pinpoint is \_036. You'll see there there's the direction not to participate in the conduct of Junkets, premium player activity or privileged player activity?

MR MCGREGOR: Yes.

15 MR FEUTRILL: They are defined at pinpoint \_0002. There are some limitations on it, which I want to understand if you are aware of or if it makes any difference to the plans at Crown Perth in the future.

MR MCGREGOR: Sure.

20 MR FEUTRILL: If I could draw your attention to the definition of "premium player activity". You'll see there it's limited to table games arising from a patron who is a non-resident of Australia with whom the casino licensee has an arrangement to pay the patron a commission based on the patron's turnover of play in the casino or  
25 otherwise calculated.

MR MCGREGOR: Yes.

30 MR FEUTRILL: It's a particular kind of arrangement for a non-resident on table games.

MR MCGREGOR: Yes, it is. It's a commission-based program.

35 MR FEUTRILL: All right. There's another definition there, "Privileged player activity", which seems to capture a slightly different idea, but, again, it's table games, non-resident of Australia with whom the casino licensee has an arrangement for the provision of transport, accommodation, food, drink or other entertainment, based on the patron's turnover of play in the casino or otherwise calculated by reference to such play.

40

MR MCGREGOR: Yes.

45 MR FEUTRILL: Is that some sort of arrangement where, if you like, a significant non-resident player gets incentives to play by effectively gratuitous transport and other items, accommodation and so forth?

MR MCGREGOR: Yes. It's probably a lower level player than a commissioned player. So a commissioned player would get paid an amount of commission based on



5 their turnover as a cash payment at the end of the program. The privileged player activity, in my understanding, is like a comp player. So rather than getting paid commission, because they might not be as big a player, they would get access to complimentary services provided by Crown, such as hotels and F&B, based on their turnover.

10 MR FEUTRILL: All right. So, in any event, is it your understanding that this direction does not prevent Crown Perth from promoting or attracting patrons who are non-residents in Australia from gambling at the Perth Casino per se?

MR MCGREGOR: Correct.

15 MR FEUTRILL: So you could promote non-table games for non-residents even on a commission basis if you wanted to?

20 MR MCGREGOR: No. My understanding is that the commission based --- although it might not specifically say it, there is no --- well, there was no commission-based player for anything else other than table games anyway.

MR FEUTRILL: In any case, it's not a complete ban on bringing in non-residents to play at the Perth Casino?

25 MR MCGREGOR: No, that's right.

MR FEUTRILL: Could I take you back to something we started a little earlier this afternoon, Mr McGregor, or this evening probably where you are, to your first statement in the Victorian Royal Commission, CRW.998.001.0023\_R, the redacted version, please. Can I draw your attention to the box at the bottom of the first page.

30 Operator, if you could also show Mr McGregor. There are a number of paragraphs that follow that, paragraphs 8 to 20.

35 In answering the question I'm about to ask, Mr McGregor, you may want to read them. Take your time if you do. My question really is if you rephrase that question to be "Is it anticipated that Crown Resorts or Crown Perth in any way directly or indirectly in the foreseeable future seek to encourage non-residents of Australia to gamble at the casino?" would the answer you have given there in respect of Crown Melbourne to specifically patrons from the Republic of China be any different?

40 MR MCGREGOR: No, exactly the same answer for Perth.

45 MR FEUTRILL: All right. Now, does that then mean, if one looks at page 3 of your statement in the box A, the same would apply, if you make the necessary changes to the question --- that is to say, what financial impact it would have on Crown Perth?

MR MCGREGOR: Yes, I think that's right.

MR FEUTRILL: Likewise in box (b), in other words, if there is not any such, which I think is the case, the consequence of your answer ---

5 MR MCGREGOR: Yes

MR FEUTRILL: --- what will the financial impact on Crown Resorts and Crown Perth be? Again, would your answer be any different to what is given in 23 and following if confined or if you are dealing with Crown Perth? Again, if you need  
10 time to look at it ---

MR MCGREGOR: No, no, that's fine, thank you. The impact on Perth would be less. It's negligible in resorts in Melbourne, but it would be even less in Perth because Perth never had any real meaningful VIP program play like Melbourne.  
15

MR FEUTRILL: Okay. Now, I think you've made that clear in the memo you authored to the board. So if I could just take you to that, which is CRW.518.004.8167. Leaving aside --- part of this memorandum deals with the analysis of the impact financially, but earlier there's a recommendation based on  
20 effectively where things had got to, I suspect, in the Bergin Inquiry by this point and the recommendations was to make the ban on Junkets permanent.

Under the heading "Junket due diligence processes" --- again, you can read this if you want to --- it seems to leave the door ajar to return to Junket operations if  
25 regulated by the regulators in New South Wales, Victoria or Western Australia.

MR MCGREGOR: Yes, I think that's right at that time. I think that was October or November 2020. Is that right? I can't quite remember when that document was.

30 MR FEUTRILL: This memo is in November 2020.

MR MCGREGOR: Yes.

MR FEUTRILL: The question I really have for you, Mr McGregor, is whether any  
35 part of the future for Crown Perth has in view a return to Junket operations if an appropriate arrangement can be reached with the regulator in Western Australia?

MR MCGREGOR: No.

40 MR FEUTRILL: Okay. Can I take you back then to the remediation plan, which is CRW.701.006.4272. The pinpoint is 4280.

Operator, if you could bring the bottom of that page and the top of the following page together, and we might blow it up for Mr McGregor.  
45

Do you recall, Mr McGregor, I took you to item 35, which dealt with the end of Junkets. I think you've confirmed that, at least for the time being, there is no

intention to return to Junkets at all. Here is a reference to the VIP business restructure.

5 MR MCGREGOR: Yes.

MR FEUTRILL: I think you made reference to this, to some extent, in your evidence-in-chief, and it's also dealt with in your statement to the Victorian Royal Commission, to some extent, moving it to an Australian-based operation, closing  
10 Hong Kong, closing New Zealand?

MR MCGREGOR: Yes.

MR FEUTRILL: Really, what is your understanding of the current proposal for VIP  
15 business as regards Crown Perth?

MR MCGREGOR: There isn't one. Crown Perth will be a local business, moving forward. It will have no VIP business whatsoever.

20 MR FEUTRILL: What about domestic VIP business?

MR MCGREGOR: Well, there may be --- I mean, you might still get high-worth individuals coming to Perth and staying with us in Perth and playing --- enjoying our facilities and playing on the floor, but they will not be afforded commission or comp  
25 programs. So they'll just be playing like any other international or domestic patron.

MR FEUTRILL: I see. Just coming back to my earlier questions, it will not preclude promoting Crown Perth to high-net worth foreign or non-residents to play like anyone else, but they won't be getting any of the incentives that come with  
30 International Commission Business?

MR MCGREGOR: Yes. But just to be clear, we wouldn't be --- we wouldn't be promoting Crown Perth as a destination to high-worth gaming players, because we couldn't avail them of any programs in Perth. We would be --- in the course of  
35 promoting Crown --- for example, Crown's hotels internationally, which we do, if you go to trade shows or the like --- we'll certainly be including Perth in that sort of promotional activity and encouraging international patrons, international customers, to come and visit Perth. We won't be doing that from a gaming perspective.

40 MR FEUTRILL: Do I understand from that answer to that question that insofar as any future VIP business goes, it will be Sydney and Melbourne alone and there won't be any offering associated with Perth, for so long as that GWC direction remains in force?

45 MR MCGREGOR: That's right.

MR FEUTRILL: Would it be different if that were relaxed to prevent Junket operations but to permit some form of privileged or premium player based on ---

MR MCGREGOR: Yes, in my view, that would be the case. So Crown's made a commitment not to deal with Junkets any more, and that's a firm commitment. But if the GWC changed their view and said that they would permit premium player programs in Perth, then that's something that we would probably be interested in, in my view.

It's not something we have considered, for obvious reasons, because they have only just come out and effectively banned it, so it certainly hasn't been any discussion at the board level or executive level. But in answering your question, my view is that that would be something that we'd look at.

MR FEUTRILL: All right. Thank you, Mr McGregor. I'm going to take you to a document purely for illustrative purposes. I'm sure it's no longer current. It is CRW.701.002.1393. This, I'm told, has to go on a private screen. I'm not entirely sure why, but it is.

It is an agenda for a board meeting of Burswood Limited in April this year. You are referred to as an invitee. I don't know if you attended this meeting or not, but that won't matter for the purposes of my series of questions.

I want to take you to item 3, which is the financial results, which is on pinpoint .1404 and then take you to the page which commences .1405. I take it you are familiar with these firm reports for the Crown Perth group?

MR MCGREGOR: Yes.

MR FEUTRILL: This reflects essentially a consolidation of all of the companies belong to Burswood Limited in Western Australia?

MR MCGREGOR: That's right.

MR FEUTRILL: I just have a few questions for you. They are really dealing with orders of magnitude and explaining what some of these entries mean. So there is a column that has got "Crown Perth Estimate 2001-M03" and then a consolidated summary, "Program play", and then there is a heading "Revenue" ---

MR MCGREGOR: Yes.

MR FEUTRILL: --- is "Business Units"?

MR MCGREGOR: Yes.

MR FEUTRILL: When one scans across from those entries to the estimate to the end of March this year, what's that capturing? What business units? Is that simply Perth, or is that Crown Resorts Limited?

MR MCGREGOR: No, this looks just --- this is just a Crown Perth financial performance report.

5 MR FEUTRILL: Okay. So what's the difference between revenue and contribution? What's "contribution" referring to about halfway down the page?

MR MCGREGOR: Net profit, if you like, of that business unit. In other words, there's a revenue at the top, less expenses, which are not portrayed on this page, to  
10 give you a contribution or a profit.

MR FEUTRILL: I see. Then the support departments that come off as a deduction, as well, that leaves you with a local contribution there of --- I don't know if I'm allowed to say what the number is, but there's a number beginning with 2 ---  
15

MR MCGREGOR: Yes.

MR FEUTRILL: --- about three quarters of the way down the page. That's essentially the contribution of the Crown Perth group to the responsibility of the  
20 Crown Resorts group. Is that essentially the summary?

MR MCGREGOR: For that period, yes.

MR FEUTRILL: For that period, all right.  
25

Now, when one looks at the line item "Local Table Games", what's included in that? I'm going to give you some examples. Does that included what are referred to as semi-automated table games?

30 MR MCGREGOR: Yes.

MR FEUTRILL: And fully automated table games?

MR MCGREGOR: Yes.  
35

MR FEUTRILL: So under "Game Machines", is that covering all what I refer to as electronic game machines?

MR MCGREGOR: That's correct.  
40

MR FEUTRILL: Are there any other gaming machines that are captured in that line item other than EGMs?

MR MCGREGOR: No, I don't think so.  
45

MR FEUTRILL: So do I understand, then, if one takes the net position of gaming machines for this period, the number is about halfway down the page beginning with 17?

MR MCGREGOR: I still have revenue numbers blown up there at the moment.  
Thank you.

5 MR FEUTRILL: "Contribution". You have the number there. It's under the heading  
"Contribution" to March 2021.

MR MCGREGOR: Yes, I see that.

10 MR FEUTRILL: It begins 17.

MR MCGREGOR: Yes.

15 MR FEUTRILL: Okay. Now, if that line item were significantly impaired or  
removed, it would have a significant effect, or a major effect, on the profitability of  
the Crown Perth group, would it not?

MR MCGREGOR: Yes. Am I right in thinking that the largest contributor to the  
revenue for the Crown Perth group is the gaming machines line item?

20

MR MCGREGOR: Yes, that's right.

25 MR FEUTRILL: If you can't answer this, do say so, Mr McGregor, but would it be  
fair to say that the continued financial success of the Crown Perth group is largely  
dependant upon the stability and continuation of the gaming machine revenue?

MR MCGREGOR: Sorry, can you repeat the question? I'm just trying to get some of  
the nuances of your question.

30 MR FEUTRILL: The continued financial success of the Crown Perth group is  
dependent upon the stability of the revenue from the gaming machines?

35 MR MCGREGOR: I think certainly if the gaming machines part of the business was  
to deteriorate somewhat, that would have a --- depending on how far it deteriorated,  
that would have a material impact of the financial success of the business. Having  
said that, other parts of the business, as you can see on that slide you've got up in  
front of me now, are profitable in their own right, and table games, through the  
COVID period in particular, has taken quite a hit. So hopefully when we are out of  
post-COVID period, we'll see some uplift in the table games part of the business. But  
40 the simple answer to your question is yes, I think it would clearly impact on the  
financial performance of the Crown Perth group.

45 MR FEUTRILL: Yes. I have another question for you. Again, you may not be able  
to answer this, as it were, on the spot, but it will be interesting to hear your insights  
as the CFO of the Crown Resorts group. Without gaming machine revenue of the  
kind of level we are looking at in this document and presumably historically, and  
your projections going forward, is Crown Perth casino sustainable as a stand-alone

04:01PM

business?

5 MR MCGREGOR: Yes. I think it is. Well, it kind of depends a little bit on whether you are talking about wiping that out completely or whether you're talking about, you know, a softening of the performance of that business unit.

10 I think, as I said before, there are other parts of the business that are profitable in their own right, and the resort is one of the --- you know, is a high class, high quality resort not only for Perth but for the country and will probably stand in good stead around the world. So I think it's going to be an attractive proposition and destination in its own right with the other offerings that it has. Having said that, as you quite rightly pointed out, the machines part of the business is the biggest contributor.

15 MR FEUTRILL: So is it your intuitive feel it would survive but obviously the contribution to the group would be diminished?

20 MR MCGREGOR: Yes. I think so. I mean, it's a hypothetical question, not one I've given any thought to, to be frank, but, yes, that would be my view.

MR FEUTRILL: You'll be happy to know I'm going to move to the very last topic. I know it's late where you are, and you've been very patient, so thank you for your time. If I could take you back to the remediation plan.

25 COMMISSIONER OWEN: Mr Feutrill, we may need to take a very short break because of the transcribers.

MR FEUTRILL: This will be short.

30 COMMISSIONER OWEN: Are we likely to have a long series of questions from others? Mr McGregor and Mr Dinelli, we have to give our transcribers a break. If we just take --- I think it's five minutes past the hour, isn't it? If we just take ten minutes and come back at --- it will be 7.15 your time.

35 MR MCGREGOR: Sure, thank you, Commissioner.

MR DINELLI: As the Commission pleases.

40 **ADJOURNED** **[4:03P.M.]**

**RESUMED** **[4:13P.M.]**

45 COMMISSIONER OWEN: Thank you, Mr McGregor. Mr Feutrill.

MR FEUTRILL: I was just about to take you back to the remediation plan,

Mr McGregor. If we could take it to pinpoint \_4274, there are two items I want to draw to your attention. The first is 3, and the other is 5.

5 Alongside 3 there is a reference to governance structure under consideration, and then "see row 5"?

MR MCGREGOR: Yes.

10 MR FEUTRILL: If we go to number 5, there is a reference to the governance structure. So it refers to consideration being given to implementing a centralised governance structure for the Crown group and some points are made about that. Then now the comment --- there is a comment to the right of that in the next column:

15 This reform project will be reassessed following Crown's consideration of *matters raised at the Victorian and Western Australian Royal Commissions*.

My question is really two-fold. What stage is the implementation of centralisation at, first question, and the second question is what aspect of that is currently under  
20 reconsideration or reassessment?

MR MCGREGOR: Yes. I'm not particularly close to this one, but my understanding is that any progress in implementing a centralised government structure is on hold and has been for some time, pending any outcomes or recommendations from the  
25 Royal Commissions in Victoria and Western Australia.

Clearly governance and governance structures has been a focus of both Commissions, which we're mindful of. So we are keen to see the outcomes of those first before we implement anything to do with governance structure, particularly as it  
30 relates to any of the key subsidiaries.

MR FEUTRILL: Can I just start with a question about Burswood Limited. As matters currently stand, you are the company secretary. I think you earlier said it's a temporary position and Mr Durham, I think you said ---  
35

MR MCGREGOR: That's right.

MR FEUTRILL: The current directors of Ms Fewster, Mr Bossi and Mr McCann?

40 MR MCGREGOR: Yes.

MR FEUTRILL: Do you know if there is any current consideration for a change to the composition of the Burswood Limited board?

45 MR MCGREGOR: Yes. Mr Carter, who is waiting on regulatory approval in WA, as I understand it, will join the board and is proposed to be the chair of the Crown Perth --- sorry, Burswood Limited board.



MR FEUTRILL: After Mr Carter joins, subject to probity, et cetera, there will be two, if you like, independent directors, that is to say, non-executives?

5 MR MCGREGOR: Yes.

MR FEUTRILL: And then Mr Bossi and Mr McCann will be executives who are directors of Burswood Limited?

10 MR MCGREGOR: Yes. I understand that, we will also potentially be seeking another Perth-based director potentially, but that's yet to be determined.

MR FEUTRILL: So that's under consideration but not yet resolved?

15 MR MCGREGOR: That's my understanding.

MR FEUTRILL: What about the composition of the licensee, that is to say, Burswood Nominees? Currently you are a director and Mr Bossi is a director. My notes tell me that Mr Carter's a director. I don't know if that's the case or not?

20

MR MCGREGOR: Yes. I'm not sure about that either. I thought it was potentially Mr McCann, but its either Mr McCann or Mr Carter who are directors, but definitely Mr Bossi and myself are. I'm not aware of any discussions to change the composition of Burswood Nominees Limited, but that doesn't mean to say that might not occur once we, you know, are in a position to have a look at the composition of the respective boards.

25

MR FEUTRILL: Okay. Now, bearing in mind the implementation of a centralised governance structure appears in a remediation plan, what is your understanding, or what aspect of centralisation is it that you consider to be part of a remediation of Crown Perth?

30

MR MCGREGOR: I'm not sure this was one that was specifically --- remembering, from my read of it, this was back in September 2020, so this was probably one of the earlier remediation initiatives that, as I said, was largely put on hold pending the outcome of the Commissions and what recommendations might come of that.

35

My understanding was what we were attempting to achieve is some efficiency around the repetition that exists in the boards across the group.

40

MR FEUTRILL: To your knowledge, has there been a process undertaken whereby an assessment has been made of what the best or most appropriate governance structure would be for Crown Perth to discharge its duties and obligations as licensee?

45

MR MCGREGOR: No, I'm not aware of any work done with respect to that.

COMMISSIONER OWEN: Just while that document is up, could you go back to

item 2 of the --- this is this remediation plan, if you go back to item 2. Do you see the first entry, first bullet point in item 2, Korn Ferry has been engaged to look for candidates. That's in --- sorry, item 2 is about Crown Resorts Limited. Do you see that?

MR MCGREGOR: Yes.

COMMISSIONER OWEN: If you go to item 3, which is subsidiary boards, the Korn Ferry entry doesn't appear. To your knowledge, has Korn Ferry or anyone else been engaged in a search for candidates for the board of Burswood Ltd?

MR MCGREGOR: I'm not aware of --- I can't answer that question, Commissioner. I'm not aware of what's happened there.

COMMISSIONER OWEN: Right, thank you.

MR FEUTRILL: I have no further questions.

COMMISSIONER OWEN: Thank you, Mr Feutrill. Mr Evans?

#### **CROSS-EXAMINATION BY MR EVANS**

MR EVANS: Thank you, Mr McGregor, you may recall my name is Evans, I appear for the Gaming and Wagering Commissio. Perhaps I can have that document back up again, because it is convenient if I start off with further questions in relation to the remediation plan. Now, the Commissioner took you to a moment ago to the Korn Ferry retainer in relation to the identification of candidates for the Crown Resorts Limited board and there is reference in item 2 --- perhaps we can just go back to that --- to finding candidates with relevant skills and experience, for the appointment to the board.

MR MCGREGOR: Yes.

MR EVANS: Has Korn Ferry developed and has the Crown Resorts board or the nominations committee, or any other officer of Crown, vetted and approved a matrix of skills and abilities and desirable characteristics to inform the selection of suitable candidates?

MR MCGREGOR: I don't know the answer to that question. I think the Korn Ferry engagement and process has been one that's been managed by the PR committee --- sorry, the people remuneration and nomination committee for Crown Resorts.

MR EVANS: Just to understand, you are the current company secretary of Crown Resorts?

MR MCGREGOR: Yes.

5 MR EVANS: As company secretary you prepare the papers for the board and its committees?

MR MCGREGOR: I assist in doing that, yes.

10 MR EVANS: You would have seen the papers for the Korn Ferry retainer for that purpose?

MR MCGREGOR: I've seen some invoices and the like come through from Korn Ferry. I can't recall whether I've seen a retainer. I may have, I can't recall.

15 MR EVANS: You've seen the minutes of the committee meetings?

MR MCGREGOR: Yes.

20 MR EVANS: And you can't recall in any of those that there's been a skills and attributes matrix developed and approved?

MR MCGREGOR: No, I can't, I'm sorry, Mr Evans, there's been quite a few board meetings and committee meetings. I can't recall whether I have seen that one or not.

25 MR EVANS: I understand that. Can we just go down, then, to item 6. I just want to ask you a couple of questions about the position of company secretary, because I understand from your evidence earlier today that you were giving up the position of company secretary upon a new company secretary taking up his role?

30 MR MCGREGOR: I'll be stepping down from that role when Craig gets his probities, yes.

35 MR EVANS: That's right. Now, is it contemplated that a dedicated specialist company secretary will have the role of supporting on a full-time and dedicated basis the board and its committee, with various committees, because there are a number?

40 MR MCGREGOR: Yes. The appointment we've made is a dedicated company secretary and legal counsel for Crown Resorts, and he will, as my understanding, will step into the co-sec roles for the key subsidiary boards.

MR EVANS: In that role, he will have the responsibility for marshalling all the materials to go to the board and the key committees?

45 MR MCGREGOR: Yes.

MR EVANS: And will act effectively as a gatekeeper to access to those committees in relation to the transmission of information to them.

MR MCGREGOR: Sorry, I'm not sure what you mean by gatekeeper.

5 MR EVANS: That is, he will vet who goes to those committees, decide whether they are fit for purpose, refer them back to the originator if he thinks otherwise, and when he's satisfied with them, transmit them on to the committees?

10 MR MCGREGOR: I'm not sure. There's been a number of contributors to the various committees. The papers traditionally will go through co-sec for review. I'm not sure that he would necessarily vet everything that goes through. I think that would be probably more so Mr McCann, and others. But he would have a role in that, yes.

15 MR EVANS: Because I note that there are a number of critical probity roles, three in particular, which have been identified as part of the reorganisation, which have direct rights of access to the board or a committee of the board, and those are identified in item 6 as the compliance and financial crime department and its head, the risk and internal audit functions and the chief people and cultural officer. Do you recall all those have direct lines to the CEO and/or the board and/or a committee?

20

MR MCGREGOR: Yes.

MR EVANS: Do those flow through the company secretary for that purpose?

25 MR MCGREGOR: No, not to my understanding. For example, the group general manager of internal audit has a direct reporting line to the Crown Resorts audit committee and the subsidiary boards, and an operational line to me.

30 MR EVANS: All right. Thank you. You also mentioned that his role was company secretary and legal counsel. Now, Ms Ivanhof, as I understand it, is the general counsel?

MR MCGREGOR: That's right.

35 MR EVANS: What's the relationship of the company secretary to the general counsel?

40 MR MCGREGOR: The company secretary happens to be an experienced legal practitioner, so he's co-sec and legal counsel. He would report through to me. As I said, in the beginning we split the roles of GC and co-sec, so Ms Ivanoff has a team of legal people under her; Mr Durham reports through to me.

45 MR EVANS: Does that mean that the boards and the committee have an independent source of legal advice through the company secretary now?

MR MCGREGOR: I'm not sure that was the way it was intended.

MR EVANS: Does that mean at least certain work of the company secretary would be legal advice which might be subject to claims of legal professional privilege?

5 MR MCGREGOR: Again, I'm not sure that was what was intended, Mr Evans. I think having a co-sec with strong legal background obviously certainly assists in terms of continuous disclosure items and the like. So I think Mr Durham brings a significant amount of experience with him, which we'll no doubt value in that role.

10 MR EVANS: The question which resolves from that is will he continue to practice law as a legal adviser in that role and provide legal advice within the organisation?

MR MCGREGOR: I don't think so. His predominant role would be as company secretary.

15

MR EVANS: So he could perform that role, in your view, drawing upon his experience and expertise by surrendering his practice certificate so as not to be able to claim legal professional privilege in relation to his activities?

20 MR MCGREGOR: I don't --- I'm not sure surrendering is ---

MR FEUTRILL: Wait, wait, if I may. Obviously this line of questioning is starting to intrude on future matters in an entirely hypothetical way. I just don't see that ---

25 COMMISSIONER OWEN: I'm not sure that this witness, who, as I understand it, has no legal qualifications, is necessarily equipped to answer questions about where legal professional privilege applies, Mr Evan.

30 MR EVANS: That may be the case, Commissioner. I'm not sure if we have another witness being called who is better placed to do so. Of course, this witness just identified that the new company secretary will report to him. But I can't press the question any further, obviously.

35 Can I turn to another topic, just to clarify a couple of additional matters. Mr Feutrill took you to some accounts, management accounts, for Crown Perth, he took you to the March 2021 accounts. I think, when you were giving evidence previously, I took you to the May 2021 accounts. Perhaps I could just take you back to that for a couple of further clarifications. The document relevantly, is CRW.701.004.0392. We will need to blow this up, obviously.

40

You recall --- this is much the same document that Mr Feutrill took you to earlier. It's the same page in the same format. Can I take you to the line item under "Support Departments". Thank you. Support department is what you might call back of house, those functions which cost money rather than making money within the business?

45

MR MCGREGOR: Yes.

MR EVANS: There is a line item in there for support services generally?

MR MCGREGOR: Yes.

5

MR EVANS: Can you just describe for the Commission in broad terms what the support service's function is within the Burswood Perth business, the Crown Perth business?

10 MR MCGREGOR: Sure. It's largely property support services, so the maintenance team, cleaning. It's where utilities costs would be, repairs and maintenance, and the like.

MR EVANS: What we don't have in any of the support department areas, or indeed  
15 anywhere else I can find it in this, is a cost centre which I might call, corporate, that is, managerial personnel, IT personnel, those sort of costs which are normal in a stand-alone business. Do they exist on a stand-alone basis in Burswood Perth, or in Crown Perth?

20 MR MCGREGOR: Yes, they do. A lot of them are in the line item called "security cage number". So in the other item you will find, for example, your admin functions like finance, IT, HR. Those sorts of functions are included in that line there.

MR EVANS: Thank you.

25

MR MCGREGOR: Yes.

MR EVANS: There is another line item which is "other corporate expenses", which  
30 is a positive item?

30

MR MCGREGOR: Yes.

MR EVANS: Can you identify what that item relates to?

35 MR MCGREGOR: Yes, that would be typically where the executive management team are costed into and any other sort of corporate-type costs that couldn't be adequately allocated to those other areas. The reason it's positive, from looking at this correctly, May 2021, year to date, is because of the receipt of job keeper subsidies in that period.

40

MR EVANS: Thank you, I was just about to take you to that. If we go further down the page, we see a job keeper subsidy figure, what is described as a net job keeper subsidy figure, in the second-last line of the document.

45 MR MCGREGOR: Yes.

MR EVANS: We see that in the left-most column, and the comparable figure for 2020 is in the second left-most column. Do I take it that effectively the local

corporate services cost would be effectively the difference between the two figures we've just looked at?

5 MR MCGREGOR: Yes. So the 24 less the 16, that's right.

MR EVANS: Is any part of what I call national corporate overheads attributed locally, so the national corporate secretarial IT and management functions? Are they costed to the business unit?

10

MR MCGREGOR: No, not to any great extent, Mr Evans. In fact, the approach we have taken in the past is for group roles, which I think you are referring to, who might cover the Australian properties, for example, costed to the property that they are domiciled in, effectively. So rather than having complex allocation accounting entries across the group, we made that decision some time ago that where the group person is domiciled would be the property which bears the cost.

15

I also add from a corporate perspective --- so, for example, my costs, as being a corporate CFO, I'm costed to the corporate expenses for Crown Resorts, not to any particular property.

20

MR EVANS: Thank you. So Mr Feutrill put a number of questions to you postulating the stand-alone enterprise of Crown Perth. There would be some corporate costs which would need to be transferred into Crown Perth's accounts for it to be a stand-alone enterprise, including a component of such things as treasury, AML, and other compliance roles; is that correct?

25

MR MCGREGOR: Yes, that's right.

MR EVANS: Thank you. Can I ask you one final question. You will recall when you were before us last time, I asked you some questions about compliance by Crown with its obligations to disclose bank accounts to the regulator?

30

MR MCGREGOR: Yes.

35

MR EVANS: And when you gave evidence on 11 August 2021, I put to you a number of propositions which you accepted at the time, and indeed Mr Feutrill put them to you again today in relation to candour and transparency with the regulator. Do you recall those?

40

MR MCGREGOR: Yes.

MR EVANS: I took you to a form of report which is submitted every month by the finance team of Crown Perth to GWC in relation to chip transactions and bank accounts. If I could bring up the example which we used, GWC.0001.0007.0212. This was a document signed by Mr Spencer because it was slightly after your time as financial controller of Crown Perth. And you said it was signed by your successor:

45

When I was there, it probably was signed by me.

5 Transcript 2535. I put it to you the question: Is it the case they weren't delivered prior to 2014? This is in the context of the Riverbank accounts. You recall that Riverbank came into existence in about 2003. Do you recall that?

MR MCGREGOR: Yes, I think that's right.

10 MR EVANS: It existed solely for the purpose of holding bank accounts. That was your evidence previously?

MR MCGREGOR: Yes.

15 MR EVANS: It held, relevantly, an Australian dollar bank account, Hong Kong dollar bank account, Singapore dollar bank account and a US dollar bank account?

MR MCGREGOR: Yes, I think that's right.

20 MR EVANS: Now, in response to my question, you said:

*No, I think they were --- I have only recently become aware of that gap and I can't explain why that happened.*

25 Do you recall that?

MR MCGREGOR: Yes.

30 MR EVANS: Now, do you recall that in or about 2012 --- in fact, 2011 going into 2012 --- Crown Perth obtained approval from the GWC to commence a foreign currency chip program in Crown Perth?

MR MCGREGOR: Yes.

35 MR EVANS: That allowed foreign domiciled gamblers, primarily foreign domiciled Chinese gamblers, to gamble in Hong Kong dollars at the casino using Hong Kong dollar denominated chips?

MR MCGREGOR: Yes.

40

MR EVANS: GWC, with the assistance of the department, has located many but not all of the reports submitted by Crown to GWC in the department preceding 2014, in fact from September 2007 to 2013, and I'm going to take you to just one of those, which is December 2012. There are two relevant letters, and I will ask for both of  
45 them to be brought up in turn.

The first is DLG.0019.0001.3010. This is a letter of 7 January 2013. It was apparently signed by you until that was blacked out, Mr McGregor, but I take it it



was your signature and that you accept that you signed this letter to the GWC?

MR MCGREGOR: Yes.

5

MR FEUTRILL: This was the bank statements for the casino account ANZ for the month of December 2012 and the calculation of the chip drop, effectively. If you roll down that ---

10 MR FEUTRILL: Just before we do, there is potentially confidential information on this document, if we are going to be scrolling through back statements, Commissioner.

COMMISSIONER OWEN: If we limit it to the screens in this room, please.

15

MR EVANS: If we go to PDF page 34, this is ANZ Bank statement for bank account 016002837623509 casino account. Now, that was the Burswood Nominees main casino operating account, was it not?

20 MR MCGREGOR: I think that's right.

MR EVANS: If there is any doubt about that, that it's a Burswood Nominees account, can you look at DLG.0019.0001.0121, which identifies that it is a Burswood account.

25

MR MCGREGOR: That's okay, I'm happy to take your word for it,

MR EVANS: Thank you. Now, that is the only bank statement that is attached to this. I can scroll you through it. This is the chip drop and the account to which it relates.

30

Can I now take you to the second form, which is DLG.0019.0001.3404. Again, same date, same period, signed by you.

35 MR MCGREGOR: Mmm-hmm.

MR EVANS: This refers on its face to the bank statements for casino account HKD HSBC for the month of December 2012, and the calculation of unredeemed HKD currency chips for casino tax purposes. That shows on its face the purpose of this submission was to validate the calculation of casino tax on the Hong Kong dollar chips which were the subject of the arrangements to which I referred you a moment ago. Is that correct?

40

MR MCGREGOR: Yes, to your recollection. If you scroll ---

45

MR MCGREGOR: Yes, I don't have a strong recollection of these documents, but that's okay. Keep going.

MR EVANS: If you scroll down, it's only a couple of pages, and, again, if we have this on room screens only, please because there might be some patron information. I doubt it but might be. If you go to PDF 3, that is an HSBC account for Riverbank Investments?

MR MCGREGOR: Yes.

MR EVANS: For Hong Kong dollars transactions, it's a two-page, I think, account, which relates to the Hong Kong dollar chip account.

MR MCGREGOR: Yes.

MR EVANS: I'm going to put this to you propositionally, because it will be a little tedious to do it. We have 71 of these statements and bank accounts, and none of them contain anything other than the Burswood Nominees Australian dollar account and the Riverbank Hong Kong dollar chip reconciliation, going back to 2007.

MR MCGREGOR: Mmm-hmm.

MR EVANS: Do you accept now that it is the case that Crown in Perth was not supplying to GWC, through the department, the Riverbank Australian dollar, Singapore dollar and US dollar accounts prior to 2019?

MR MCGREGOR: So it would appear.

MR EVANS: Thank you, Mr McGregor, no further questions.

COMMISSIONER OWEN: Thank you, Mr Evans.

Are there any other applications? Do we have anyone offline? No. I'm going to come to Mr Dinelli.

### 35 QUESTIONS BY THE COMMISSION

COMMISSIONER OWEN: Mr McGregor, I wonder if you can just help me with one thing. If we could bring up a document CRW.529.001.9093. It's a standard operating procedure for telegraphic transfers. I want to say immediately that if you look at the bottom left-hand --- the corner, December 2013, I understand you'd already left Perth and gone to Melbourne at that stage, but is this the sort of document the type of which you were familiar?

MR MCGREGOR: Well, yes, I was aware there were standard operating procedure documents for the Cage, yes.

COMMISSIONER OWEN: Can we go now to pinpoint 9101. We may have to go

to the previous page to get the context. That's the TT releases and the form, and what I'm interested in is the entries at the top, the four bullet points at the top of pinpoint 9101. You've got four copies of the TT release forms. One goes to the Pearl Room; one goes to finance TT officer; one goes to income control, and then you have a filing which I presume is in the main Cage. So it's the two middle ones that I'm interested in, the finance TT officer and the income control. Would I be right in assuming that they were both in the finance department, if you like, for which you were then responsible?

10 MR MCGREGOR: Yes, that's right.

COMMISSIONER OWEN: What is the finance TT officer, can you recall?

15 MR MCGREGOR: No, I can't, I'm sorry. It might have been a person who was responsible for processing TTs, as in telegraphic transfers, out to customers. So if there were settlements with VIP customers, and they required, you know --- they had winnings and they were required to be paid, that's the only thing I can think of.

20 COMMISSIONER OWEN: And the income control would be more or less a reconciliation process, would it?

MR MCGREGOR: Yes, that's right. It's kind of a revenue control process where they will do a lot of the manual work in terms of recording transactions.

25 COMMISSIONER OWEN: So then there were two copies of this document that went into the finance department for particular purposes?

MR MCGREGOR: That looks to be the case, yes.

30 COMMISSIONER OWEN: All right. Thank you. I have nothing else. Mr Dinelli, do you wish to re-examine?

MR DINELLI: Yes, please, Commissioner. Just on one very short matter, if I may.

35

#### **RE-EXAMINATION BY MR DINELLI**

40 MR DINELLI: Do you recall you were asked some questions about RFI2?

MR MCGREGOR: Yes.

45 MR DINELLI: During the course of the Victorian Royal Commission --- do you recall that?

MR MCGREGOR: Yes, I do.

MR DINELLI: I might ask if it's possible for the Commission's associate to take down that document that's on the screen.

5 MR DINELLI: Mr McGregor, when Crown was preparing a response to RFI2, did you give consideration to the matters that ought be raised in any response?

MR MCGREGOR: Yes, I did.

10 MR DINELLI: I don't want to ask you about any meetings you had with Allens in relation to this, but do you recall discussions you had with your colleagues at Crown in relation to such matters?

MR MCGREGOR: Yes.

15

MR DINELLI: Do you recall what matters you raised during the course of those discussions with your colleagues?

MR MCGREGOR: Broadly speaking, yes.

20

MR DINELLI: What matters did you raise at that time? Are you able to assist the Commission by identifying those matters?

25 MR MCGREGOR: In terms of RFI2, it was predominantly, as we have discussed, the bonus jackpots issue, as being something that we wanted to put out there.

MR DINELLI: Thank you. No further questions, Commissioners.

30 COMMISSIONER OWEN: Thank you, Mr Dinelli. Thank you, Mr McGregor. Mr Dinelli, if there are any issues that have arisen because of the state of preparation, you could let us know by letter and we'll see what we can do about them.

MR DINELLI: Very grateful, Commissioner, thank you.

35 COMMISSIONER OWEN: Mr McGregor, thank you very much for your evidence on both occasions. So far as we are concerned, you have fulfilled the requirements of the summons and we will now formally discharge the summons and release you from it. Thank you, once again, and you may go about your normal corporate life. Thank you, and we will ---

40

MR MCGREGOR: Thank you, Commissioner.

COMMISSIONER OWEN: We will adjourn to 10am tomorrow.

45

**THE WITNESS WITHDREW**

04:49PM

**HEARING ADJOURNED AT 4.49PM UNTIL FRIDAY, 22 OCTOBER 2021  
AT 10AM**

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