

Perth Casino Royal Commission

Witness Statement of Derek Burling

23 September 2021

1. I, Derek Burling, of c/- Crown Perth of 201 Great Eastern Highway, BURSWOOD, WA 6100, make this statement in response to the summons to give evidence issued to me, dated 2 September 2021 and issued pursuant to section 9 of the *Royal Commissions Act 1968* (WA), which is directed to me by the Perth Casino Royal Commission (**Commission**), as supplemented by the list of topics to be addressed provided by the Commission.
2. This statement is true and correct to the best of my knowledge and belief.
3. For the purposes of preparing this statement, I have referred to the documents in the attached list marked "DB-1".

MY ROLE

Topics 1 – 7

4. I joined Crown Perth in early May 2010 (known then as "Burswood Entertainment Complex") as the Security Services and Investigations Manager. When I commenced in that role, I reported to Mr Mike McGreevy, the General Manager of Security.
5. I was primarily involved in the investigation of matters that contained some degree of criminality and/or internal breach of Security Departmental Policies and/or Standard Operating Procedures (**SOP**) alleged to have been committed by security staff. In some cases I was also involved in matters of this nature for other Business Units.
6. Further to the above, I investigated matters of criminality allegedly committed by patrons and/or contractors. These matters included, but were not limited to, trespass, property damage, and assault etc.
7. I was also the Compliance Manager for the Security Department.
8. Reporting to me at that time were:

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- a. one internal secondee (a security supervisor), whose role included the administration of the incident management system (iTrak), security policy and SOP compliance, auditing and training; and
 - b. two full-time security department employees managing lost property and key compliance.
9. In around May 2015, Mr Brian Lee (**Mr Lee**) became General Manager, Security and Surveillance due to the resignation of Mr Mike McGreevy.
10. There are a number of other persons within the Security and Surveillance teams who also report to Mr Lee directly.
11. When Mr Lee became my direct manager my title changed to Security Investigations and Compliance Manager.
12. In this new role I had one permanent team member undertaking lost property and keys compliance duties. I also had a series of internal security staff secondees assisting me in the investigative and compliance roles.
13. In around 2017, I was provided with a full-time employee who assisted me in the role of Security Investigations and Compliance Officer.
14. In around 2018, my title changed to Investigations and Compliance Manager, a position that was licensed and sanctioned by the Department of Local Government for Sports and Cultural Industries (**DLGSCI**) in both the Security and Surveillance Departments. This increased the duties associated with my role significantly.
15. From that date, the Corporate Investigations Team (**CIT**) was created, which I currently manage.
16. Now, in addition to myself, the CIT comprises:
 - a. a Lost Property and Keys Compliance Officer;
 - b. two Security Investigations and Compliance Officers;
 - c. a Surveillance Investigations and Compliance Officer; and
 - d. a Surveillance Investigations Analyst.
17. In terms of the background / expertise of team members:
 - a. they have been employed at Crown Perth between 4 and 17 years;
 - b. they possess an immense amount of knowledge between them in terms of the workings of Crown Perth and the culture;

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- c. the investigators possess qualifications in investigations (Certificate III Investigative Services);
 - d. the Security Investigations and Compliance Officers, in particular, have a vast amount of investigative, security and customer service experience acquired through their previous roles as Security Shift Managers as well as knowledge of compliance reporting within the security department; and
 - e. the Surveillance Investigators have a vast knowledge of Crown Perth's surveillance operations, regulatory and internal compliance reporting requirements.
18. The role of my team includes, but is not limited to, the following:
- a. liaising with law enforcement agencies (**LEAs**), which I refer to further below. This includes responding to requests for information as well as proactive engagement;
 - b. internal and external stakeholder relationships;
 - c. attending to the requirements of Orders to Produce and Section 154 Notices pursuant to the Liquor Control Act;
 - d. investigations into matters of criminality, including but not limited to, stealing, property damage, assaults, trespass, matters initiated by Crown's legal team which we call Legal Professional Privilege or LPP investigations, customer and/or staff complaints/grievances, and Protected Disclosure (Whistle-blower) matters;
 - e. referring matters of concerning gaming behaviour to the Responsible Gaming (**RG**) team;
 - f. active participation in the Persons of Interest (**POI**) Sub-Committee;
 - g. activities related to barrings of patrons, such as implementation, ban reviews, and revocations;
 - h. managing lost/found property and found cash in accordance with regulatory requirements;
 - i. monitoring the compliance of the Security and Surveillance teams through various legislative, regulatory, and internal Crown requirements (for example, SOPs, and policies);
 - j. daily reviews of the iTrak system to ensure compliance with Crown SOPs, policies and the Casino Manual;
 - k. gaming and high-risk key management, compliance and audit; and
 - l. providing internal training on Security and Surveillance topics (primarily legislation).

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19. I do have Key Performance Objectives, which are set out in a Performance Evaluation Plan (**PEP**). These include objectives relating to financial performance, customers, business processes, health and safety, training, and my day-to-day role. The most recent PEP I have is for 2019.
20. I am not entitled to receive a bonus as part of my remuneration package.
21. Throughout my time with the Crown Group, my employer has been Burswood Resorts Management Limited.

QUALIFICATIONS AND EXPERTISE

Topics 8 to 11

22. I hold the following qualifications:
 - a. Diploma of Occupational Health and Safety, Churchill Education (2012);
 - b. Diploma of Training & Assessment, Law Enforcement Training Solutions (2011);
 - c. Diploma of Security & Risk Management, Law Enforcement Training Solutions (2011);
 - d. Certificate II Security Procedures (Security Officer & Crowd Controller), Crown College (2010);
 - e. Bachelor of Arts (Psychology), Edith Cowan University (2008);
 - f. Certificate III Investigative Services, Paragon Training (2007);
 - g. Certificate IV of Fire Scene Investigation, Northern Territory University (2000);
 - h. Diploma of Policing Western Australian Police Service (**WAPS**), Edith Cowan University – WAPS (2000);
 - i. Diploma of Criminal Investigation, Edith Cowan University – WAPS (1999);
 - j. Diploma of Public Safety (Police), Edith Cowan University – WAPS (1999);
 - k. Certificate III Internal Investigations WAPS, WAPS (1999); and
 - l. Diploma of Aeronautical, Electrical and Electronic Engineering, Engineering Industry Training Board (1978).
23. Before joining Crown, I had decades of experience in risk management, safety, security, emergency management and investigations.
24. I was a member of the WA Police Force (**WAPol**) from 1985 to 2000. This included a number of years in various district detectives' offices, as well as a posting as a Corruption Investigator, in the Public Sector Investigation Unit part of the WAPol Professional Standards Unit.

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25. Upon leaving WAPol in 2000, I undertook a number of investigatory roles for insurers, and, for a time, ran my own business offering risk management and investigative services to private and public sector clients.
26. When I commenced working at Crown Perth in 2010, I undertook a standard induction process that is given to all new employees. It covered matters such as:
 - a. an introduction to all business units;
 - b. health and safety;
 - c. staff security and safety;
 - d. suspicious activities (reporting);
 - e. RG (signs and reporting);
 - f. responsible service of alcohol (signs and reporting); and
 - g. anti-money laundering (**AML**) and counter-terrorism financing (**CTF**).
27. That induction did not include training in respect of:
 - a. electronic gaming machine (**EGM**) or fully automated table games (**FATG**) risk management;
 - b. International Commission Business (**ICB**) or junket operation risk management; or
 - c. vulnerability to criminal infiltration.
28. Prior to joining Crown, I had a general understanding/awareness of AML/CTF and the legislative framework. Since then, I have undertaken annual refresher training (both online and face-to-face) on the topic.
29. I have not received any training on EGM or FATG risk management or ICB or junket operation risk management since working at Crown Perth.
30. In terms of RG, I have undertaken refresher training on an annual basis. At the very least, this has been done by way of online training annually. In more recent times, RG training has also included a management component which is evaluated.
31. As a previously serving member of WAPol, I had a general awareness that casinos could be vulnerable to criminal infiltration.

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GOVERNANCE / MANAGEMENT

Topic 12

32. I receive a large number of reports as part of my role, such as:
- a. a Daily Shift Report (Security and Surveillance Shift Incident Report), which is generated from iTrak by the Security Shift Management Team and covers incidents that have occurred during the previous 24 hours. This report includes a full range of incidents which have been recorded in iTrak (not just gaming-related incidents) such as barrings issued and served (both by way of Notice Revoking Licence (**NRL**) and under Section 26(2) of the Casino Control Act (**CCA**), incidents of assault, unattended children, property damage, theft, disorderly behaviour and a number of other significant matters;
 - b. the "Daily DLGSCI report", which is provided to the DLGSCI. Information is taken from iTrak by the Surveillance Shift Management team for this report. It contains information regarding gaming-related matters, such as gaming procedural errors, breaches of game rules by dealers and table games inspectors, and re-entries of barred persons subject to a section 26(2) CCA and any matter subject to regulatory compliance;
 - c. the Surveillance Daily Shift Report, which provides the details of the surveillance shift activities for the previous 12-hour shift and what duties were undertaken. Again information is taken from iTrak and includes matters relating to staff breaks, sick leave or annual leave etc;
 - d. a monthly, higher-level Surveillance report which summarises information, again taken from iTrak, regarding breaches of rules and procedural errors. This is prepared by the Surveillance team and is provided to DLGSCI;
 - e. monthly Major and Minor Incident compliance reports, which are prepared by CIT staff members. This information is also taken from iTrak, for both Security and Surveillance;
 - f. further individual monthly reports covering a very wide range of matters such as audits undertaken by team members on gaming tables (which I refer to further below), lost property, key compliance, emergency processes, fire door checks, medical compliance and access control;

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- g. CURA compliance reports, prepared by CIT staff members, which I review on a monthly, quarterly, six monthly and annual basis. CURA reports are used to inform monthly Legal and Compliance meetings, which I (or my delegate(s)) attend as a representative of Security and Surveillance. The reports are pre-populated with questions on a number of regulatory and legislative matters. The information in the compliance report referenced in (e) above is also incorporated into the CURA report;
 - h. reports regarding gaming compliance and the outcome of gaming audits, which are produced by CIT. The Surveillance Operators are required to complete a certain number of audits of the compliance by dealers and inspectors on the gaming footprint. The focus of these is to ensure compliance with the procedures and rules of game. If the Surveillance team identifies, by watching the CCTV footage, that there has been a compliance breach, the relevant staff member will be given training or potentially a disciplinary sanction or both. The outcomes of these audits are put into a report form, and DLGSCI is advised;
 - i. a monthly report on unattended juveniles. This is produced monthly by Mr Lee's personal assistant, with data taken from iTrak;
 - j. a monthly surveillance statistics report which is prepared by the Surveillance team, and is then sent to DLGSCI; and
 - k. a quarterly fraud report which outlines all instances of fraud that have been identified throughout the quarter and the outcomes of any follow up. These matters are addressed at the Fraud Risk Management Meeting and reported to the Group Fraud and Risk Manager.
33. I may receive other reports from time to time for my information and/or attention.

AML/CTF

Topics 13 and 14

- 34. Through my AML/CTF training, and interaction with the AML team, I am aware that Crown has AML policies and procedures in place.
- 35. Security and Surveillance staff (like other Crown employees) are trained regarding identification of behaviours which might be associated with AML/CTF, or criminal activity more generally. For

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example, bill stuffing, transactions just below the relevant threshold of \$10,000, or cashing chips on behalf of others.

36. I am aware that if any staff member sees any activity that looks unusual, they should lodge an unusual activity report (**UAR**) or report the matter to their manager/supervisor.
37. If a UAR is lodged, it will make its way to the AML team for review/consideration and or attention.
38. My team does not review every UAR that is submitted to the AML team.
39. However, the AML team may, and frequently does, ask my team to assist in collating information to enable them to consider a UAR. The collaboration between the AML team and my team is very strong.
40. For example, my team is constantly requested to review CCTV footage and compile/compare gaming records from SYCO (an internal Crown system) for the purposes of determining whether the winnings of a player correlate to how much they have transacted at the Cage.
41. Further my team reviews CCTV footage of a POI's associates, actions and play.
42. I have been an active member of the Crown Perth POI Sub-Committee since about 2012.
43. The current POI Sub-Committee comprises representatives of the Security and Surveillance teams and the AML team. The POI Sub-Committee meets fortnightly.
44. During POI Sub-Committee meetings, we discuss patrons who have been raised through UARs, through Security and Surveillance Reporting, by way of interaction with LEAs (for example, if we have received a request for information about a patron) or maybe via anonymous means.
45. The POI Sub-Committee does not just focus on AML/CTF issues. A person can be a POI for many reasons.
46. The information obtained surrounding POIs will determine what course of action is taken. This may include, but is not limited to, escalation to other areas of the business such as Food and Beverage Management, Gaming Management and even external of Crown to appropriate LEAs (who I will liaise with and report back the outcomes to the Committee).
47. The POI Sub-Committee considers information available in relation to a patron and enters it into the POI Decision Assessment form (**PDA tool**). A copy of the PDA tool is at CRW.701.005.8647.
48. The PDA tool is a template containing a risk matrix for a POI, with different risk considerations identified, and which is populated with information relevant to the POI.

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49. The completed form is escalated to the POI Committee for consideration. The POI Committee will then determine if the POI is to be excluded.
50. Further to this, and dependent upon information provided, the Chair of the POI Sub-Committee (Mr Lee) may determine that the POI in question is to be excluded, prior to escalation.
51. Depending upon the situation, if the POI is subject to LEA investigation a request for an exemption to reporting under Chapter 75 of the Anti-Money Laundering and Counter Terrorism Financing Rules Instrument 2007 (No.1) may be submitted. To date I have not been involved in any such proceedings.
52. The Crown Group POI Committee was formed in October 2020 with membership initially consisting of:
 - a. Chair – Michelle Fielding – Group General Manager – Legal and Compliance;
 - b. Xavier Walsh – CEO Crown Melbourne (who has now left the company);
 - c. Lonnie Bossi – CEO Crown Perth;
 - d. Peter Crinis – CEO Crown Sydney;
 - e. Brian Lee – GM Security and Surveillance Perth;
 - f. Craig Walsh – Executive Director Security and Surveillance Melbourne;
 - g. David Crossley – GM Security and Surveillance Sydney;
 - h. Anne Siegers – Chief Risk Officer;
 - i. Sonja Bauer – Group General Manager Responsible Gaming;
 - j. Sean Counihan – AML Manager Melbourne; and
 - k. Nick Stokes – Group General Manager AML.
53. The Crown Group POI Committee now includes the following personnel in addition to the above:
 - a. Michael Branson – Chief Operating Officer Gaming – Crown Aspinall's London;
 - b. Adam Sutherland – Group Senior Manager – AML Financial Crime;
 - c. Radek Stopka – Group Senior Manager – AML, Customer Intelligence and Due Diligence;
 - d. Mark Olsen – AML Coordinator;
 - e. Tracey Stevenson – General Manager Legal and Compliance Melbourne;
 - f. Steven Blackburn – Group Chief Compliance and Financial Crime Officer;
 - g. Sean Knights – Executive General Manager Gaming, Sydney;
 - h. Jon Yeats – Group Senior Manager – AML Financial Crime Investigations;

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- i. Jacqueline Couch – Manager Compliance and Regulatory Affairs Melbourne; and
 - j. Cori Cairns – Executive General Manager – Table Games Perth.
54. The Crown Group POI Committee sits monthly or more frequently if required.

INTERNATIONAL COMMISSION BUSINESS AND JUNKETS

Topics 15 – 18

55. I have no involvement in or understanding of the structure and operation of ICB.
56. Similarly, I have no involvement in, and only limited knowledge and understanding of, junkets, except as follows:
- a. In the past I have received ad hoc, informal requests from within the business to see what information I could find out about certain junket members. However, I have not received such a request for some years now.
 - b. Where junkets have a private gaming salon, a security officer would be posted outside while games were played. That is to meet the requirement under the regulations that there is to be security stationed at the point of entry. When games were not being played, and the players left the room, the security officer would ensure the doors were secured.
57. I have no knowledge of the extent to which RG staff are / were involved in:
- a. the assessment of junket operators or junket representatives prior to the Crown Group commencing business with those persons; or
 - b. monitoring the gambling activity of junket and / or premium privileged players.

RESPONSIBLE SERVICE OF GAMING

Topics 19 – 23

58. All new employees of Crown Perth receive training in relation to RG.
59. Members of the Security and Surveillance teams are trained to look for signs of problem gaming, such as patrons looking dishevelled, getting angry or drunk, damaging property, and excessive play periods. If they see those signs, they will contact the RG team to come and review the situation.
60. The RG team will then attend and speak to the patron.

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61. I am aware that patrons can be banned for RG related matters in a number of ways:
 - a. self-exclusion;
 - b. third-party exclusion; and
 - c. Crown-initiated involuntary exclusions.
62. The Security and Surveillance teams play a major role in implementing and enforcing these exclusions.
63. In terms of the process, a patron might approach the RG team and seek to self-exclude. Alternatively, the patron may agree to self-exclude after a discussion with the RG team.
64. If that is the case, the RG team will notify the Security and Surveillance teams, and documentation will be formalised, and that person's details will be entered into the facial recognition system.
65. I will then confirm and authorise the entry of those details in the system, but others within the Security and Surveillance teams actually perform that task.
66. I am aware that a third party (such as a relative or friend) can also request that a patron be excluded; however, I do not know the details of this process. My team's involvement in that process is to ensure the patron's details are entered into the facial recognition system.
67. It is also open to Crown Perth to issue a prohibition under section 26(2) of the CCA to a patron, for RG concerns. The process for this is that the RG team requests that the Security team issue the prohibition. This would generally occur if the patron was the subject of a self-exclusion and had subsequently breached that exclusion.
68. I cannot recall any case where the Security team has not issued a section 26(2) prohibition when requested by the RG team.
69. If a patron breaches a section 26(2) prohibition (ie. they enter the gaming floor), this will be upgraded to what is known as an NRL. This has the effect of excluding the patron from the entire Crown Perth property, not just the gaming floor.
70. The Security and Surveillance teams report breaches of exclusions (Section 26(2) CCA) in the reports provided to DLGSCI, and also to WAPol in certain circumstances (given that a breach of an NRL means that the person is trespassing).
71. I am aware that there is a revocation process that needs to be followed if a patron wishes to return to play.

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72. I conduct all the reviews in relation to the revocation of bans issued under section 26(2) CCA and NRLs issued by the Security team. This includes, but is not limited to, those associated with RG concerns.
73. Once a request for review is received, Mr Lee's personal assistant compiles a Ban Review File for my review.
74. I conduct the review, taking into account patron history, any RG concerns, and any criminal antecedents available, and submit my findings, along with a recommendation, and escalate that to Mr Lee for his further review. This review is conducted in consultation with RG if the matter is of such a nature.
75. Should Mr Lee and I agree that the ban should be rescinded, I direct one of my team to remove the ban from iTrak and the appropriate SYCO records, and request Mr Lee's personal assistant send a letter to the patron, advising of the outcome.
76. Should Mr Lee and I determine that the ban should be upheld, a letter is also forwarded by his personal assistant to the patron, advising of the outcome.

CORPORATE CULTURE / STAFFING

Topic 24

77. My impression and understanding is that revenue and profits are vitally important to Crown Perth, as they are to any business, but in my opinion Crown Perth does not put revenue or profits above the safety of staff and the conditions in which they work. My impression of staff satisfaction is that it is at one of the highest levels that I have seen throughout my working career, having worked for many different corporations and Government entities.
78. For example, Crown has an employee of the month award, known as "Crown Stars", which leads to an employee of the year award event, held annually in the main ballroom. At that event, a number of employees are recognised for their achievements throughout the year.
79. Crown involves staff in numerous activities such as NAIDOC Week, staff offers at restaurants, Earth Day and so many more.
80. Crown is a very community-minded company. It values inclusion, diversity, and varying abilities. It is a good corporate citizen, and proudly supports a number of charities and charitable initiatives.

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Topic 25

81. To my knowledge, concerns or complaints raised by staff regarding activities or incidents at Crown Perth are properly investigated. I personally carry out investigations into staff members' complaints and/or grievances, including Human Resource (HR) matters and protected disclosure/whistle-blower issues. There is a Crown policy known as the "Whistle-blowers/Protected Disclosures" policy, further details of which are provided below in response to Topic 26.
82. In respect of the investigations I conduct, I guarantee there are no adverse consequences for staff members who raise complaints, concerns or grievances.

Topic 26

83. In circumstances where assistance is requested from my team, my team and I ensure that the welfare of staff is protected. For example, if a staff member has taken out a Violence Restraining Order (VRO) against someone, and the staff member is concerned that person may breach the VRO by attending Crown Perth, I will consider issuing a NRL to that person, for the safety and welfare of the staff member.
84. As mentioned above, one of the procedures I am aware of is Crown's "Whistle-blower/Protected Disclosures" policy.
85. Under that policy, any Crown Perth staff member may contact "Stopline", a service run by an independent company not affiliated with Crown, on a dedicated hotline number or by email, and lodge a complaint. That complaint is then registered by "Stopline" and forwarded to Crown's Protected Disclosure Committee (PDC), which is made up of Crown executives/General Managers. I do not know who sits on the PDC.
86. The PDC then "triages" the complaint and directs it to the appropriate person for investigation. If the complaint involves alleged criminal activity in Perth, ordinarily the complaint would be directed to me, personally. I would then conduct an investigation and provide a report to the PDC.
87. Misconduct complaints may also be referred to me by our HR department (if there is some degree of criminality involved) or be made direct to me by a member of staff.
88. In those circumstances, I would be the person responsible for undertaking the investigation or review of the complaint.

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POLICIES AND PROCEDURES – GENERAL





Topic 27

89. As I mentioned above, other than receiving ad hoc requests in the past asking if I have any knowledge of particular junket operations / junket members, I have no knowledge of processes regarding:
- a. due diligence and probity investigations into junket operators, junket representatives, premium/privileged players, or patrons offered access to the Pearl Room; or
 - b. the review, affirmation, cancellation or termination of approvals or arrangements with junket operators, junket representatives, premium/privileged players, or patrons.
90. I have no knowledge of policies and procedures in relation to:
- a. extending credit to patrons; or
 - b. reporting decisions to extend credit to patrons.
91. As mentioned above, I am aware that the regulator receives various reports that are generated by members of the Security and Surveillance teams.

PERMANENT GOVERNMENT INSPECTOR PRESENCE

92. I was employed at Crown Perth at the time the regulator moved away from a permanent inspector presence on site. However, I cannot recall exactly when that was.
93. In my view, it is beneficial for there to be a permanent Government Inspector presence because:
- a. Crown's reporting would be instantaneous; and
 - b. the Government Inspector can attend most, if not all, section 26(2) CCA breaches and issue an infringement or warning, which greatly supports the efforts that Crown is trying to impose on those patrons, especially in the areas of RG.
94. Further, I would personally welcome any random audits to be undertaken which would ensure, going forward, our compliance regime is working efficiently.

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95. Crown Perth has a very strong working relationship with WAPol and other LEAs, such as the Australian Federal Police (AFP), Australian Criminal Intelligence Commission, Australian Securities and Investment Commission and Australian Taxation Office.
96. I am aware that Crown Perth has a Memorandum of Understanding with WAPol and that it is in the process of being updated. However, I was not involved in the creation of that MOU, and I am not involved in discussing any changes to it.
97. I am in regular informal contact with WAPol officers on a very broad range of matters. These officers come from a range of different areas within WAPol, including Gang Crime, Organised Crime, Money Laundering Squad, Drugs and Firearms Squad.
98. Just some examples of the ways in which Crown works closely with WAPol are:
- a. responding to formal requests for information (such as for CCTV footage);
 - b. 
 - c. 
 - d. 
 - e. 
99. Formal requests for information are always brought to the attention of the Legal Department and me and I understand a register is kept. CCTV and other documentation will only be provided to an LEA where a formal request for information is issued. Not all informal discussions or interactions with LEAs will be recorded in a register.
100. We regularly collaborate with other emergency services, such as St John Ambulance. I can think of a number of instances where Crown Perth medics have acted as first responders to incidents in the vicinity of the property, either on their own initiative or after receiving a request from the ambulance service.

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101. I would estimate that I have personally been a prosecution witness and given evidence in at least 35 cases regarding Crown's role in assisting LEAs in criminal investigations. The most recent was earlier in the week of 13 September 2021.
102. I am due back in the Supreme Court of WA later this year, to give evidence on behalf of the Commonwealth Director of Public Prosecutions for a matter where I have assisted the AFP. I am unable to further discuss this matter as it is currently before the Court.

FACIAL RECOGNITION*Topic 29*

103. As mentioned above, I am aware that Crown Perth uses facial recognition software that is used to identify persons of interest or patrons who have been banned, including for RG related reasons.
104. However, I do not personally deal with, or have responsibility for, the software and am not across the details as to how it works.



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