

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

SECOND WITNESS STATEMENT OF TREVOR FISHER

Date of Document: 27 August 2021

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

Prepared by:

Quinn Emanuel Urquhart & Sullivan
Level 41, 108 St Georges Terrace
PERTH WA 6000

Telephone No: +61 8 6382 3000
Reference: 10659-00001
Contact: Paul D Evans/Peter Sadler

I, **TREVOR FISHER** of c/o Quinn Emanuel Urquhart & Sullivan, Level 41, 108 St Georges Terrace, Perth, Western Australia, say as follows:

INTRODUCTION

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

2. This is my second witness statement provided to the PCRC. My first statement is dated 11 May 2021 (**WIT.0003.0001.0001**).
3. In this witness statement, I do my best to address the list of questions provided to me late last week.
4. As described in my first witness statement, I am a former member of the Gaming and Wagering Commission of Western Australia (**GWC**). My appointment commenced on 27 March 2012 and ended on 31 December 2017.
5. This statement is true and correct to the best of my knowledge and belief. The facts and matters set out in this statement are from my own knowledge, except where I indicate otherwise. Any views I express are my own except where I indicate otherwise.

TOPIC 1: ACCOUNTABLE AND ETHICAL DECISION MAKING (AEDM) TRAINING PROGRAM

In your capacity as a Commissioner of the GWC, were you offered the opportunity to undertake and did you undertake the AEDM training program?

6. I do recall being AEDM training being discussed in GWC meetings, but I do not recall being offered or undertaking that training.

TOPIC 2: FINANCIAL MATTERS

The adequacy of briefing papers and any oral briefings received by the Commission from the Department concerning the Commission's finances, including the service fee charged by the Department.

7. I recall that the briefing papers and presentation received by the GWC were good. I remember receiving a briefing on the GWC's finances each month, but I do not specifically recall the service fee charged by the Department.

Your understanding of the Commission's responsibility to review and approve the Commission's finances, including the service fee charged by the Department, and how this responsibility was discharged by the Commission.

8. My understanding was that the GWC was responsible for its finances; however, I have no specific recollection of how the GWC reviewed and approved its finances.

TOPIC 3: DELEGATIONS

Your understanding of the Commission's intention in delegating all of its powers other than the power of delegation to Departmental officers and the effect of a delegation of that kind.

9. My understanding was that it was the Department's role to carry out the work of the GWC, and the delegations of power were necessary to allow them to do it. There was an understanding however that any important decisions would be referred to the GWC itself.

Your understanding of how the Departmental officer would exercise delegated powers. Specifically address:

(a) whether you understood that the Departmental officer would exercise the powers delegated by the Commission unfettered by any control or oversight by the Commission; or

(b) whether you understood the delegation to reserve a power to the Commission to ratify or reject any exercise of delegated power.

10. Yes, I understood that the Department would exercise the powers delegated by the GWC unfettered by any control by the GWC. I believe that I was comfortable with that position because of the professionalism of Mr Sargeant, Mr Ord and Mr Connolly.

11. The GWC had oversight of the exercise of the delegated powers. Each month the GWC saw a delegation report, and it would have asked questions if it saw an issue. I do not recall the GWC ever taking issue with the exercise of delegated power.
12. I never turned my mind to whether the GWC could ratify or reject any exercise of delegated power.

TOPIC 4: MEDIA ALLEGATIONS

As regards the allegations and reports listed below:

(a) whether you were aware of the allegations and reports at or around the time they were published;

(b) whether you recall the information provided by Crown Perth to the Commission and the Department about them and, if so, your view as to the accuracy and sufficiency of that information; and

(c) whether you recall what, if any steps were taken by the Department or the Commission in respect of the allegations and reports.

(i) the media allegation in the ABC Four Corners program 'High Rollers, High Risk? Australian casinos and the threat posed by organised crime' which aired on 15 September 2014;

(ii) the media reports of Crown employees being arrested in China in October 2016; and

(iii) the media reports of the allegations made by Andrew Wilkie MP in Federal Parliament in October 2017.

13. I do not recall watching the ABC Four Corners program, but I was made aware of it at a subsequent GWC meeting. I do not recall if Crown presented to the GWC, or if any steps were taken by the Department in response to these allegations.

14. I recall hearing about the arrests of Crown employees in China at the time those events took place, and discussing it at the next GWC meeting. Crown were invited to present, and I specifically recall that they seemed genuinely upset the arrests had occurred.
15. I do not recall the specific allegations made by Mr Wilkie, but I remember him making them and being skeptical because it seemed like a political stunt.
16. To the best of my recollection, none of the allegations directly related to the Perth Casino. For that reason, the GWC waited to hear what came out of the Victorian regulator's review before taking any action. I recall we were cautious not to jump to conclusions.

TOPIC 5: JUNKETS

Your knowledge of concerns about junket operators operating at the Perth Casino raised by Compliance Inspector Vanessa Webb and conveyed to Mr Michael Connolly in February 2017.

17. I have no recollection of this.

Your knowledge of communications between Mr Connolly and AUSTRAC between March 2017 and October 2017.

18. I have no recollection of this.

Your knowledge of the AUSTRAC Information Report - Casino Junkets Campaign dated 14 July 2017 and any enquiries made, investigations undertaken or other response by the Commission or the Department following the release of that Report.

19. I have no recollection of this.

Your knowledge of the amendment made by Mr Connolly to the Casino Manual (Operations) on 11 April 2017 to delete Part 16 of Section 03A of the Casino Manual (Operations), which was headed "Junket Programme".

20. I have looked at the Agenda for the 23 May 2017 GWC meeting (GWC.0002.0016.0222_0093), and do remember the amendments being discussed.

I do not remember the GWC taking issue with Mr Connolly's actions.

Your knowledge of whether a review of junket regulation as part of a broader Gambling Compliance Review was conducted by the Department in 2017 or subsequently.

21. I have no recollection of this.

Your knowledge of an investigation commenced by Victorian authorities in 2017 into Crown's junket activities in China and any decision about junket regulation made by the Commission relating to the investigation.

22. This investigation commenced at the end of my tenure on the GWC and I do not know if it was completed.

TOPIC 6: MINIMISATION OF HARM FROM CASINO GAMING

The topics in this section relate to your knowledge and understanding of the relevant matters during the period during which you were a member of the GWC.

Your knowledge and understanding of the nature and extent of harm, if any, caused by casino gaming at Crown Perth and of any research that has been conducted to identify and assess the nature and extent of harm, if any, caused by casino gaming at Crown Perth.

23. I was concerned with problem gambling at the Perth Casino because I have seen the damage it can do to people in my community.
24. I am not aware of any research being conducted into the harm caused by gaming at the Perth Casino.

Your knowledge and understanding of any sources of funding to mitigate any harm caused by casino gaming at Crown Perth, how that funding is applied and whether, and if so, how the effectiveness of that application of the funding is evaluated.

25. I cannot recall where the funding specifically came from to mitigate harm. I believe there might have been a levy on the Perth Casino.

Your knowledge and understanding of:

(a) Crown Perth's responsible gaming program and any other activities undertaken by Crown Perth to minimise any harm from casino gaming;

(b) the Commission's role in overseeing or regulating that program and any such activities; and

(c) how the Commission has performed its role in overseeing or regulating that program and any such activities.

26. I do recall Crown had a responsible service of gambling program, but I cannot remember the specifics of it.
27. I do remember meeting with the head of Crown's responsible service of gambling division from time -to-time, who would present to the GWC on certain matters.

Your understanding of the Commission's policies about or regulation of ATM placement at Perth Casino.

28. I was aware there was a policy, but I cannot recall the specifics of it.

TOPIC 7: DETERMINATION OF APPLICATIONS BY CROWN PERTH

Your understanding of the circumstances in which the Commission will seek independent expert reports in order to assist the Commission to determine applications by Crown Perth.

29. Independent experts were used to test EGMs to ensure they complied with the GWC's policies on EGMs (such as game speed and return to player).

Your understanding of the process that the Commission should follow in deciding whether to declare a game, including a game played on an Electronic Gaming Machine, to be an authorised game for the purposes of the Casino Control Act 1984 (WA) and in deciding whether to alter the approved rules of any game.

30. New or amended games had to be approved by the GWC. Crown would submit an application, and then representatives would come and present the game. The GWC would the ask questions of the Crown representatives.

31. The GWC has on occasion rejected an application for a new or amended game.

Your understanding of the effect of the phrase “except for a game played with poker machines” in s 22(2) of the Casino Control Act.

32. I recall that we cannot have poker machines in this State as a matter of public policy. This rule reflects that policy. I cannot recall the difference between an EGM and poker machine, but the GWC had a policy setting out the criteria that had to be assessed.

TOPIC 8: POLICY ON ELECTRONIC GAMING MACHINES

Your knowledge of the consideration given to increasing the minimum speed of play to 6 seconds for Electronic Gaming Machines in 2014.

33. I have no recollection of this.

Your knowledge and understanding of the rationale for the 90% return to player requirement for Electronic Gaming Machines.

34. I believe a 90% return to player was higher than other states, and therefore a good thing for gamblers in WA (perhaps even a drawcard). I do not recall how and when this policy was set.

TOPIC 9: REGULATION AND OVERSIGHT OF PERTH CASINO

Your knowledge and understanding of how the scope and content of the audit and inspection program at Perth Casino is determined and reviewed.

35. The scope and content of the audit and inspection program at Perth Casino was determined by the Department. I believe it was reviewed each year.

Your knowledge and understanding of how the audit and inspection program at Perth Casino is implemented.

36. The audit and inspection program at Perth Casino was implemented by the staff of the Department. The audits and inspections completed during the month were reported to the GWC.

Your understanding of the basis for the Department changing from the 'RG system' to the 'Sharperlight' or 'Navigate' system to calculate the taxable revenue of the Perth Casino.

37. I have no recollection of this.

Your understanding of the steps taken by officers or employees of the Department since 2015 to confirm the veracity of the calculation by Crown Perth of taxable revenue of the Perth Casino.

38. I have no recollection of this.

Your understanding of the reasons for the decision to remove a dedicated casino inspector presence at the casino in 2015.

39. I recall the reasons were primarily funding and resources constraints in the Department; however, the GWC was satisfied that the same level of supervision and oversight of the Perth Casino could be achieved with the change in approach.

TOPIC 10: DEPARTMENTAL EMPLOYEES AND OFFICERS

Your knowledge of any personal relationships and friendships between employees and officers of the Crown Group,² on the one hand, and employees and officers of the Department, on the other.

40. I was aware of Mr Connolly's fishing trips, but not that they were with Crown employees. I only found this out after I left the GWC.

Your knowledge of any gifts or benefits, including hospitality, provided by the Crown Group, including by its officers or employees, to officers and employees of the Department.

41. I have no knowledge of this.

Your knowledge of travel undertaken by Departmental officers and employees in circumstances where Crown has reimbursed some or all of the cost of the travel.

42. I recall Mr Sargeant went on a trip paid for by Crown, but I believe he declared it. Aside from that, I have no knowledge of any travel.

Your knowledge of functions at a venue at Crown Perth, for example, a retirement function or Christmas meal, attended by Departmental officers and employees.

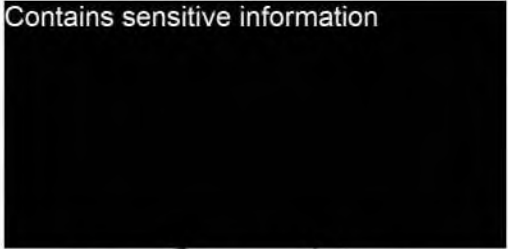
43. I went to the opening of the Crown Towers as at representative of the GWC in late 2016 I believe. I do not recall seeing Department staff there, but they may have been. Aside from that, I have no knowledge of any hospitality.

TOPIC 11: HISTORICAL RISK ASSESSMENT OF CASINO LICENSEE

Your knowledge as to whether the Commission conducted a risk assessment in relation to the Perth Casino licensee or its conduct prior to 31 December 2017

44. I have no recollection of a risk assessment in relation to the Perth Casino licensee or its conduct prior to 31 December 2017.

Contains sensitive information



Place: *Busseton*

Date: *29* August 2021