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TRANSCRIPT OF PROCEEDINGS

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**COMMISSIONER: HON. RAY FINKELSTEIN AO QC**

**IN THE MATTER OF A ROYAL COMMISSION  
INTO THE CASINO OPERATOR AND LICENCE**

**MELBOURNE, VICTORIA**

**10.00 AM, TUESDAY, 1 JUNE 2021**

<b>Counsel Assisting the Commission (instructed by Corrs Chambers Westgarth as Solicitors Assisting the Commission)</b>	<b>MR ADRIAN FINANZIO SC</b>
<b>Counsel for Crown Resorts Limited</b>	<b>MR MICHAEL BORSKY QC</b>
<b>Counsel for Victorian Commission for Gambling and Liquor Regulation</b>	<b>MR PETER ROZEN QC MR JUSTIN BRERETON MS SARALA FITZGERALD</b>
<b>Counsel for Consolidated Press Holdings</b>	<b>MR OREN BIGOS QC MR NOEL HUTLEY SC MS KATHERINE BRAZENOR MR TOM O'BRIEN MS FIONA CAMERON</b>
<b>Counsel for the State of Victoria</b>	<b>MR PETER GRAY QC MR GLYN AYRES MS GEORGIE COLEMAN MS HELEN TIPLADY</b>

10:03 1 COMMISSIONER: Good morning, Mr Finanzio.  
10:03 2  
10:03 3 MR FINANZIO: Good morning, Commissioner. Can you hear  
10:03 4 me okay?  
10:03 5  
10:03 6 COMMISSIONER: Yes, I can. Likewise, you can hear me?  
10:03 7  
10:03 8 MR FINANZIO: Yes, I can.  
10:03 9  
10:03 10 COMMISSIONER: Okay.  
10:03 11  
10:03 12 MR FINANZIO: I understand that Mr Borsky is also on the line.  
10:03 13  
10:03 14 COMMISSIONER: I will just check to see that is so.  
10:03 15  
10:03 16 MR BORSKY: Good morning, Commissioner, Mr Finanzio. It  
10:03 17 is Mr Borsky speaking. Can I be heard?  
10:03 18  
10:03 19 COMMISSIONER: I can hear you. I don't think I can see you  
10:03 20 yet.  
10:03 21  
10:03 22 MR BORSKY: No, the operator has disabled my video. I'm not  
10:04 23 able to turn that on because the operator has disabled it but  
10:04 24 hopefully momentarily they will enable me to turn it back on.  
10:04 25  
10:04 26 COMMISSIONER: Thank you. And Ms Bauer is she --- now  
10:04 27 I can see you. So that is working.  
10:04 28  
10:04 29 MR FINANZIO: Ms Bauer is online but she has her camera off  
10:04 30 until the opening completes and we call her.  
10:04 31  
10:04 32 COMMISSIONER: All right.  
10:04 33  
10:04 34 MR FINANZIO: And I will switch my camera off, if the  
10:04 35 Commissioner pleases. It has been recommended by  
10:04 36 Commission staff that we keep the number of people visible to  
10:04 37 a minimum to assist you with larger images. I mean no disrespect  
10:04 38 by that. If you prefer, I will leave my camera on, but the  
10:04 39 recommendation from the Commission has been to have as few  
10:05 40 cameras on at once as possible.  
10:05 41  
10:05 42 COMMISSIONER: Yes, I think that is so everybody who needs  
10:05 43 to be on the screen can appear much more clearly or sharply  
10:05 44 focused.  
10:05 45  
10:05 46 MR BORSKY: Yes. I will turn my camera off. If I may suggest  
10:05 47 the host not disable my camera in the unlikely I need to "rise"

10:05 1 virtually, I will turn it back on if the Commission pleases.

10:05 2

10:05 3 COMMISSIONER: I assume you will be able to hear the whole

10:05 4 proceeding in any event even with your camera itself off?

10:05 5

10:05 6 MR BORSKY: That is so.

10:05 7

10:05 8 COMMISSIONER: Thanks, Mr Borsky.

10:05 9

10:05 10 Mr Finanzio, ready to go.

10:05 11

10:05 12

10:05 13 **OPENING STATEMENT BY MR FINANZIO**

10:05 14

10:05 15

10:05 16 MR FINANZIO: Thank you, Commissioner.

10:05 17

10:05 18 This week of hearings concerns Crown's Responsible Service of

10:05 19 Gaming. Crown operates a casino where tens of millions of

10:05 20 Victorians, Australians and international visitors gamble billions

10:06 21 of dollars each year. Some people who gamble at the casino do

10:06 22 so in a safe way. Many others have difficulty with the money and

10:06 23 time they spend gambling. That difficulty leads to adverse

10:06 24 consequences for the gambler, their family and the broader

10:06 25 community. The harm is real. The Commission received written

10:06 26 submissions outlining the terrible consequences that can befall

10:06 27 people who find themselves victims of gambling harm associated

10:06 28 with casino. Sometimes they are the victims; just as often their

10:06 29 family and friends.

10:06 30

10:06 31 Some people, showing exceptional courage, have come forward

10:06 32 to tell the Commission of their story. They have done this in

10:06 33 different ways, some have provided a written submission setting

10:06 34 out circumstances but understandably wanting to seek anonymous

10:06 35 and take no further part in the proceedings. They have provided

10:07 36 useful insights. Other people have been prepared to come

10:07 37 forward and tell their story to the Commission, not without some

10:07 38 trepidation. They are embarrassed and prefer to give their

10:07 39 evidence in a private session, and while they were happy to

10:07 40 explain in person, they were concerned to have their identity

10:07 41 protected.

10:07 42

10:07 43 The Commission has heard from individuals, from counsellors

10:07 44 and from family members of gamblers. The Commission has

10:07 45 heard that the impact of gambling on people's lives can vary

10:07 46 wildly. At one end of the spectrum, material supplied to the

10:07 47 Commission from the Coroner's Court of Victoria is that

10:07 1 gambling harm can play significant part in a person's decision to  
2 take their own lives as a result of gambling addiction, losses  
3 beyond their means, and overwhelming debt.  
4  
5 Some who gamble have fallen victim to loan sharks, exposing  
6 themselves and families to intimidation and extortion by putting  
7 themselves in the terrible position of owing money to criminals.  
8 The Commission has heard from a variety of sources how these  
9 debts come to be repaid, by the gambler agreeing to be a drug  
10:08 10 mule for traffickers, or a money mule carrying cash for money  
10:08 11 launderers, or being forced into prostitution to repay the debt, or  
10:08 12 in one instance forcing a gambler's wife into prostitution.  
10:08 13  
10:08 14 Stories of the loss of pensions, of modest inheritances, of homes  
10:08 15 of dignity, stories of family despair or relationship breakdown  
10:08 16 corroborate the extensive literature dealing with gambling harm.  
10:08 17 All of these stories are hard to hear. They are sobering. In many  
10:08 18 ways the stories, while deeply personal and unique, are at another  
10:08 19 level already, and concerningly, commonly understood and well  
10:08 20 documented in the literature. These personal stories provide to  
10:08 21 this Commission some first-hand context for understanding the  
10:09 22 serious nature of gambling harm to victims and members of the  
10:09 23 community. They underpin the importance of obligations that sit  
10:09 24 with Crown under its licence.  
10:09 25  
10:09 26 In fairness, neither the existence of the harm nor the need to  
10:09 27 address it is challenged by Crown. Indeed, Crown has publicly  
10:09 28 acknowledged the importance of the issue. In its earlier days  
10:09 29 Crown introduced world-first innovations to address the problem  
10:09 30 of gambling. Indeed, Crown still holds itself out as a world  
10:09 31 leader in its response to gambling harm. Crown is not  
10:09 32 responsible for all gambling harm. Crown is not responsible for  
10:09 33 solving the problem on its own. It is not the only gambling venue  
10:09 34 in the State. That said, it is the biggest gambling venue in the  
10:10 35 State with the greatest variety of gambling products on offer.  
10:10 36 Gambling harm has been a real problem now, known for years. It  
10:10 37 was that knowledge that led the Casino Act to be amended to  
10:10 38 impose requirements in relation to the Responsible Service of  
10:10 39 Gaming. It was regarded as such an important issue that the  
10:10 40 obligations were made a licence condition. Those obligations are  
10:10 41 to conduct its affairs, or Crown's affairs, in a way that minimises  
10:10 42 gambling harm. It is an obligation to deliver gambling services  
10:10 43 responsibly.  
10:10 44  
10:10 45 Now, in opening submissions to this Commission we outlined in  
10:10 46 broad terms the important obligations and responsibilities that  
10:10 47 come with the privilege of being the licensee of a casino in

10:10 1 Victoria. Both the Bergin Inquiry, and over recent weeks this  
 10:10 2 Commission, have heard evidence of Crown's approach to  
 10:10 3 junkets, the welfare of its staff working in China, the way in  
 10:11 4 which its practices have facilitated, if not encouraged the use of  
 10:11 5 the casino for money laundering, and the way in which it has  
 10:11 6 engaged with those required by law to look into its affairs. These  
 10:11 7 examples stand in their own right as conduct directly relevant to  
 10:11 8 suitability. The examples also reveal Crown's approach to the  
 10:11 9 obligations, to staff, to regulators, and as a licensee generally.

10:11 10  
 10:11 11 A central feature of the suitability of the casino operator to hold  
 10:11 12 a licence is its commitment to the delivery of gambling services  
 10:11 13 in a responsible way. Equally, if not more important, is the  
 10:11 14 manner in which those services are actually provided. The  
 10:11 15 governance failings of Crown across the areas of money  
 10:11 16 laundering, staff welfare and business relationships with  
 10:11 17 organised crime figures, revealed by the Bergin Inquiry, all beg  
 10:11 18 the question: can it be assumed that Crown would be any better in  
 10:12 19 the delivery of Responsible Service of Gaming, or put another  
 10:12 20 way, is Crown properly delivering upon its commitments to the  
 10:12 21 Responsible Service of Gaming?

10:12 22  
 10:12 23 In undertaking your inquiry, you caused Public Notices to be  
 10:12 24 given of the Terms of Reference of this Commission and  
 10:12 25 a number of submissions were received. Many of those  
 10:12 26 submissions were to the effect that in the provision of its  
 10:12 27 gambling services, Crown was not properly discharging its  
 10:12 28 obligation to minimise the harms associated with gambling  
 10:12 29 arising from casino operations. The obligations to deliver gaming  
 10:12 30 responsibly arise under the Casino Control Act and the licence,  
 10:12 31 and the combination of legislative instruments which are  
 10:12 32 approved within that context. Section 69 of the Casino Control  
 10:12 33 *Act provides that it is a condition of a casino licence that the*  
 10:12 34 *casino operator implement a Responsible Gambling Code of*  
 10:13 35 *Conduct. The Code of Conduct is a document which is produced*  
 10:13 36 *under the Gambling Regulation Act. One of the main objectives*  
 10:13 37 *of the legislative regime is to foster gambling in order to*  
 10:13 38 *minimise harm caused by problem gambling and accommodate*  
 10:13 39 *those who gamble without harming themselves or others.*

10:13 40  
 10:13 41 The principal means by which this objective is achieved is by the  
 10:13 42 development of a Code of Conduct to foster responsible  
 10:13 43 gambling, and then for the licensee to implement that code. The  
 10:13 44 detailed content of any Code of Conduct is determined by  
 10:13 45 Ministerial Direction. The Ministerial Direction prescribes the  
 10:13 46 standards and requirements that a Code of Conduct must meet  
 10:13 47 and the conduct that must be --- pardon me, the content that must

10:13 1 be included in the Code. The current Code of Conduct is dated  
10:13 2 July 2019. The submissions received in response to the Public  
10:13 3 Notice raised for consideration whether, in the operation of the  
10:14 4 casino Crown, has been properly implementing its Code.

10:14 5  
10:14 6 Consideration of whether Crown has been properly implementing  
10:14 7 its Code arises as an important line of inquiry independently of  
10:14 8 the public submissions. This Commission's Terms of Reference  
10:14 9 expressly require consideration of whether, firstly, Crown  
10:14 10 Melbourne is complying with the Casino Control Act and other  
10:14 11 applicable laws which would include section 69, and also whether  
10:14 12 it is in the public interest for Crown Melbourne to continue to  
10:14 13 hold the casino licence in Victoria. The evidence will deal with  
10:14 14 the realities on the ground. The evidence suggests that Crown is  
10:14 15 not implementing the Code.

10:14 16  
10:14 17 The problems are twofold: first, there are obvious and systemic  
10:14 18 inadequacies in the policies, systems and resources deployed to  
10:14 19 discharge the obligations of the Code. And, second, underlying  
10:15 20 systemic inadequacies produce continual examples of inaction  
10:15 21 where the Code demands action in the circumstances.

10:15 22  
10:15 23 On the available evidence, it would be open for the Commission  
10:15 24 to conclude that Crown's various failures to implement the Code  
10:15 25 are serious and persistent. The evidence also suggests that Crown  
10:15 26 has had within its powers for some time the ability to improve on  
10:15 27 the delivery of responsible gaming. It has the technology, it has  
10:15 28 the money; motivation may have been lacking, or perhaps proper  
10:15 29 guidance or priority. These matters will be explored with the  
10:15 30 witnesses.

10:15 31  
10:15 32 On 26 May 2021, through its lawyers, Crown advised the  
10:15 33 solicitors assisting this Commission that in substance it proposed  
10:16 34 a suite of changes to its program for the Responsible Service of  
10:16 35 Gaming. I intend to read from that letter in opening. The letter  
10:16 36 received at 7.30 last night reads thus:

10:16 37  
10:16 38 *We are instructed to inform the Commission that in*  
10:16 39 *accordance with the commitment of Crown Resorts Ltd*  
10:16 40 *and its domestic subsidiaries (collectively 'Crown') to the*  
10:16 41 *promotion of responsible gaming and the minimisation of*  
10:16 42 *problem gaming behaviours among its customers, on 24*  
10:16 43 *May 2021 the Board of Directors of Crown Resorts Ltd*  
10:16 44 *endorsed a plan to, among other things, increase*  
10:16 45 *operational, clinical, management and report staff for the*  
10:16 46 *Responsible Gaming function across Crown's casinos.*  
10:17 47

10:17 1 Variously, the letter indicates a proposed increase in staff for the  
10:17 2 Responsible Gaming function, the introduction of limits to  
10:17 3 playing times for players, the abandonment of the bingo program  
10:17 4 and other things.

10:17 5  
10:17 6 The proposed changes set out in the letter are said to be measures  
10:17 7 to increase the responsible gaming functions across the Crown  
10:17 8 Casinos. Leaving aside whether the proposed measures are in  
10:17 9 and of themselves sufficient, some of the measures outlined as  
10:17 10 areas for proposed changes concern practices of Crown which  
10:17 11 have been for a long time obviously inconsistent with fostering  
10:17 12 responsible gaming. In other words, the letter promises to stop  
10:17 13 things that on one view should never have been happening in the  
10:18 14 first place.

10:18 15  
10:18 16 Without expressly saying so, the changes now proposed amount  
10:18 17 to an applied admission that some of Crown's practices, some  
10:18 18 quite recent practices, are inconsistent with responsible gaming.  
10:18 19 The timing of the proposed changes cannot go without remark.  
10:18 20 Last Thursday night at 7.30, at the eleventh hour prior to  
10:18 21 a commencement of a week of hearing concerning the exact  
10:18 22 subject matter of the changes, we note that upon receipt of the  
10:18 23 letter, Solicitors Assisting immediately requested documents  
10:18 24 containing the proposed plan. Counsel Assisting had assumed  
10:18 25 that given that the matters had been discussed and resolved at  
10:18 26 a board meeting on only 24 July [sic] 2021, it would be a relatively  
10:18 27 straightforward matter to receive the board papers that dealt with  
10:18 28 it.

10:18 29  
10:18 30 Neither the board papers nor the plan have yet been produced.

10:18 31  
10:19 32 That notwithstanding, Counsel Assisting intend to call the  
10:19 33 evidence and progress the matter by exploring with Crown's  
10:19 34 witnesses the issues concerning Responsible Service of Gaming.  
10:19 35 The witnesses to be called, I will now outline, Commissioner.  
10:19 36 You've already heard from several people who have gambled at  
10:19 37 the casino. You've heard from Crown staff, and you've heard  
10:19 38 from community counsellors who are responsible for dealing with  
10:19 39 harm caused by gambling.

10:19 40  
10:19 41 This week, the Commission will hear from a broad range of other  
10:19 42 witnesses. It was originally intended that the Commission would  
10:19 43 hear first from witnesses from the Victorian Responsible Gaming  
10:19 44 Foundation. That plan was before the lockdown that emerged at  
10:20 45 the end of last week. Owing to the onset of that lockdown, those  
10:20 46 witnesses have been deferred to the end of the week. We proceed  
10:20 47 on the basis the Commission has read the statements. They

10:20 1 provide a very useful context for the consideration and  
10:20 2 assessment of gambling harm and the means by which it might be  
10:20 3 combatted. Later in the week the witnesses will be called to give  
10:20 4 their evidence and answer any questions the Commissioner might  
10:20 5 have, but in the meantime I will open what that evidence goes to.  
10:20 6

10:20 7 The Foundation is a creature of statute established under the  
10:20 8 Victorian Responsible Gaming Foundation Act 2011. The  
10:20 9 objectives of the Foundation are to reduce the prevalence of  
10:20 10 gambling harm and the severity of harm related to gambling and  
10:20 11 to foster responsible gambling. The Foundation's functions  
10:21 12 include to conduct and facilitate education and information to  
10:21 13 promote responsible gaming behaviours, increase community  
10:21 14 awareness of risks associated with gambling and treatment and  
10:21 15 intervention services in relation to gambling and, importantly, to  
10:21 16 undertake the research and to provide advice to the minister, and  
10:21 17 to broadly consult.  
10:21 18

10:21 19 The Commission will hear from Mr Peter Lucas, who is the CEO  
10:21 20 of the Victorian Responsible Gambling Foundation, and Ms Rosa  
10:21 21 Billi, the branch head for research and evaluation of the  
10:21 22 Foundation. They will provide important context in which the  
10:21 23 issues arise for consideration this week, as well as insight into the  
10:21 24 current state of research into problem gambling.  
10:21 25

10:21 26 Among other matters, Ms Billi will explain to the Commission  
10:21 27 the tools used to measure problem gambling and will outline  
10:22 28 factors in gambling that have higher association with the risks of  
10:22 29 harm. She will explain the nature of the strong association  
10:22 30 between EGMs, or electronic gaming machines, and problem  
10:22 31 gambling. Ms Billi says that in the 2018/19 period, the  
10:22 32 prevalence of problem gambling in Victoria was close to  
10:22 33 1 per cent of the population, and earlier Australian research  
10:22 34 estimated that six people may be negatively affected by a problem  
10:22 35 gambler. Her evidence will be that the people who gamble at  
10:22 36 Crown are three times more likely to be experiencing gambling  
10:22 37 harm or problem gambling when compared to all Victorian adults  
10:22 38 who gamble.  
10:22 39

10:22 40 Mr Lucas explains that the nomenclature used by the Foundation  
10:22 41 --- and it is important to get these settings right --- gambling harm  
10:23 42 is any initial or exacerbated adverse consequence due to  
10:23 43 an engagement with gambling that leads to a detriment to the  
10:23 44 health or well-being of an individual, family unit, community or  
10:23 45 population. Problem gambling is gambling characterised by  
10:23 46 difficulties in limiting money and/or time spent on gambling  
10:23 47 which leads to adverse consequences for the gambler, others or



10:23 1 for the community. And responsible gambling, both responsible  
10:23 2 provision of gambling which requires government and industry to  
10:23 3 ensure gamblers can participate in gambling safety and  
10:23 4 responsible consumption of gambling by consumers.  
10:23 5  
10:23 6 These terms are important to understand in the context of the  
10:23 7 discussion.  
10:23 8  
10:23 9 The Commission will also hear from Associate Professor Sarah  
10:23 10 MacLean of La Trobe University. Associate Professor MacLean  
10:23 11 recently undertook research into bingo, including participant  
10:24 12 observation at Crown Melbourne. Associate Professor MacLean  
10:24 13 will give evidence about her participation in bingo at the casino,  
10:24 14 and how Crown encouraged and enticed people to gamble at the  
10:24 15 casino.  
10:24 16  
10:24 17 The Commission will also hear evidence from some witnesses  
10:24 18 from Crown. Four Crown witnesses will be called. Ms Sonja  
10:24 19 Bauer, who will be the first witness, is Group General Manager,  
10:24 20 Responsible Gaming, at Crown. Her evidence covers almost all  
10:24 21 aspects of RSG, or Responsible Service of Gaming at Crown.  
10:24 22  
10:24 23 Mark Mackay will give evidence as well. He is Crown's  
10:24 24 Executive General Manager, Gaming Machines. His evidence  
10:24 25 largely focuses on incentives provided to black and platinum tier  
10:24 26 members and the role of hosts.  
10:24 27  
10:25 28 The Commission will also here from Mr Nicolas Emery, chief  
10:25 29 marketing officer, and his evidence will explain how Crown  
10:25 30 markets its gambling products.  
10:25 31  
10:25 32 The fourth witness will be Mr Peter Lawrence. Mr Lawrence is  
10:25 33 in charge of the Mahogany Room.  
10:25 34  
10:25 35 If it please the Commission, that outlines the work we have ahead  
10:25 36 of us for the week, and at this point I would go to the first  
10:25 37 witness, who is Ms Bauer.  
10:25 38  
10:25 39 COMMISSIONER: Right. I will make sure that she's available  
10:25 40 on the screen and can hear us.  
10:25 41  
10:26 42 WITNESS: Good morning, Mr Commissioner, good morning,  
10:26 43 Mr Finanzio. Sonja Bauer here.  
10:26 44  
10:26 45 COMMISSIONER: Good morning, Ms Bauer. I'm making sure  
10:26 46 that you can hear me. Is that coming through okay?  
10:26 47

10:26 1 WITNESS: Yes, it is, Mr Commissioner.  
10:26 2  
10:26 3 COMMISSIONER: Thank you. I will get Mr Finanzio to  
10:26 4 introduce himself and make sure that you can hear him as well.  
10:26 5  
10:26 6 MR FINANZIO: Good morning, Ms Bauer. Can you hear me?  
10:26 7  
10:26 8 WITNESS: Yes I can, Mr Finanzio, thank you.  
10:26 9  
10:26 10 MR FINANZIO: All right. Ms Bauer, could you please tell the  
10:26 11 Commissioner ---  
10:26 12  
10:26 13 COMMISSIONER: Can I interrupt. I think I will have  
10:26 14 Ms Bauer sworn in first and my associate will do that.  
10:27 15  
10:27 16  
10:27 17 **MS SONJA MARIA BAUER, AFFIRMED**  
10:27 18  
10:27 19  
10:27 20 **EXAMINATION-IN-CHIEF BY MR FINANZIO**  
10:27 21  
10:27 22  
10:27 23 MR FINANZIO: Could you tell the Commission your full name,  
10:27 24 please?  
10:27 25  
10:27 26 A. Sonja Bauer.  
10:27 27  
10:27 28 Q. You are the Group General Manager Responsible Gaming  
10:27 29 at Crown Casino?  
10:27 30  
10:27 31 A. Yes, I am.  
10:27 32  
10:27 33 Q. Your occupational address is Whiteman Street in  
10:27 34 Southbank?  
10:27 35  
10:27 36 A. Yes, it is.  
10:27 37  
10:27 38 Q. Could you just confirm for the Commission that you are  
10:27 39 sitting in that room alone and with no other person present?  
10:28 40  
10:28 41 A. Yes, I can confirm I'm alone with no other person present  
10:28 42 except for advice from technical support as it demands.  
10:28 43  
10:28 44 Q. Thank you. You prepared a written statement in response  
10:28 45 to a Request for Statement from the Commission's offices; is that  
10:28 46 so?  
10:28 47

10:28 1 A. Yes, that's correct.  
10:28 2  
10:28 3 Q. Are there any corrections that you wish to make to the  
10:28 4 statement?  
10:28 5  
10:28 6 A. Not at this point, no, Mr Finanzio.  
10:28 7  
10:28 8 Q. You were responding to questions from the Commission in  
10:28 9 the statement; that is so?  
10:28 10  
10:28 11 A. Yes, that's so.  
10:28 12  
10:28 13 Q. When you were responding, you understood the importance  
10:28 14 of responding to the questions carefully?  
10:28 15  
10:28 16 A. Yes, I did.  
10:28 17  
10:28 18 Q. And you included everything that you thought was relevant  
10:28 19 to responding to those questions?  
10:28 20  
10:28 21 A. Yes, I did.  
10:28 22  
10:28 23 Q. You haven't deliberately left out anything that you thought  
10:28 24 was relevant to answering the questions?  
10:29 25  
10:29 26 A. No.  
10:29 27  
10:29 28 Q. The contents of the statement are a true and honest attempt  
10:29 29 to respond to the questions; is that so?  
10:29 30  
10:29 31 A. That is so.  
10:29 32  
10:29 33 Q. Do you adopt the statement as your evidence-in-chief?  
10:29 34  
10:29 35 A. Yes, I do.  
10:29 36  
10:29 37 MR FINANZIO: I tender the statements and I also tender all of  
10:29 38 the documents that are referred to in it.  
10:29 39  
10:29 40 COMMISSIONER: The statement of Sonja Bauer dated 5 May  
10:29 41 2021 with attachments will be exhibit 109.  
10:29 42  
43  
44 **EXHIBIT #RC0109 - STATEMENT OF MS SONJA BAUER**  
45 **WITH ATTACHMENTS DATED 5 MAY 2021**  
46  
47

10:29 1 MR FINANZIO: Thank you. We've all had the chance to read  
10:29 2 your statement so I am going to ask you some questions about the  
10:29 3 content of it, if that's okay.

10:29 4

10:30 5 A. Yes.

10:30 6

10:30 7 Q. Just about you and your experience, it is right, isn't it, that  
10:30 8 you've worked most of your adult life in the gambling industry?

10:30 9

10:30 10 A. Yes, it is.

10:30 11

10:30 12 Q. You started as a gaming manager at the Grand in  
10:30 13 Frankston?

10:30 14

10:30 15 A. Yes.

10:30 16

10:30 17 Q. Just for the benefit of those who don't know, that is  
10:30 18 a suburban pokies venue, for want of a better term?

10:30 19

10:30 20 A. It is a suburban pub that obtained pokies when that became  
10:30 21 available in Victoria, yes.

10:30 22

10:30 23 Q. You worked there just after the EGMs were legalised in  
10:30 24 Victoria, isn't that so?

10:30 25

10:30 26 A. Yes.

10:30 27

10:30 28 Q. You effectively started out in the sector when the sector  
10:30 29 started?

10:30 30

10:30 31 A. Very close to, yes.

10:30 32

10:30 33 Q. And you were the gaming manager there; that is so?

10:30 34

10:30 35 A. Yes.

10:30 36

10:30 37 Q. It is right to say that in those early days the Responsible  
10:30 38 Service of Gaming was very different?

10:31 39

10:31 40 A. Yes.

10:31 41

10:31 42 Q. There have been a lot of changes over that time?

10:31 43

10:31 44 A. Yes, there have.

10:31 45

10:31 46 Q. You then worked at Tabcorp?

10:31 47

- 10:31 1 A. Yes.  
10:31 2  
10:31 3 Q. Where you were working in the gaming, training and venue  
10:31 4 set-up area; is that correct?  
10:31 5  
10:31 6 A. Yes, that's correct.  
10:31 7  
10:31 8 Q. You were involved in the --- in terms of venue set-up, the  
10:31 9 rollout of Tabcorp's gaming venues in Victoria; is that so?  
10:31 10  
10:31 11 A. Yes.  
10:31 12  
10:31 13 Q. So when Tabcorp went along to do pub conversions or set  
10:31 14 up its own venues, you were involved in that process?  
10:31 15  
10:31 16 A. Yes, I was.  
10:31 17  
10:31 18 Q. Including obtaining the licenses for the EGMs and also for  
10:31 19 the planning approvals?  
10:31 20  
10:31 21 A. Not including obtaining licenses and planning approvals,  
10:31 22 Mr Finanzio.  
10:31 23  
10:31 24 Q. But you were familiar with the requirements to obtain  
10:31 25 approvals under the Gaming Code at that time, yes?  
10:32 26  
10:32 27 A. My recollection is broadly, yes.  
10:32 28  
10:32 29 Q. You commenced your time at Crown in 1994; is that so?  
10:32 30  
10:32 31 A. Yes, that's correct.  
10:32 32  
10:32 33 Q. You progressed from gaming machine supervisor to  
10:32 34 manager in 1995?  
10:32 35  
10:32 36 A. Yes.  
10:32 37  
10:32 38 Q. To operations manager in 2002?  
10:32 39  
10:32 40 A. Yes.  
10:32 41  
10:32 42 Q. To General Manager Community Affairs in 2008?  
10:32 43  
10:32 44 A. Yes.  
10:32 45  
10:32 46 Q. To Group General Manager Responsible Gaming in 2017?  
10:32 47

10:32 1 A. Yes.  
10:32 2  
10:32 3 Q. That puts you in charge of Melbourne, Perth and maybe  
10:32 4 Sydney?  
10:32 5  
10:32 6 A. Yes, that's right.  
10:32 7  
10:32 8 Q. You have an arts degree from Melbourne University?  
10:32 9  
10:32 10 A. Yes, I do.  
10:32 11  
10:33 12 Q. Is that in psychology?  
10:33 13  
10:33 14 A. No, it's not.  
10:33 15  
10:33 16 Q. In?  
10:33 17  
10:33 18 A. My end of year studies concentrated on English Literature  
10:33 19 and German Studies.  
10:33 20  
10:33 21 Q. You've done some training over the course of your  
10:33 22 professional career?  
10:33 23  
10:33 24 A. Yes, I have.  
10:33 25  
10:33 26 Q. You've done a certificate 3 in security?  
10:33 27  
10:33 28 A. Yes, I have.  
10:33 29  
10:33 30 Q. You've done a community leadership program?  
10:33 31  
10:33 32 A. Yes, with the leadership program at Williamson.  
10:33 33  
10:33 34 Q. It is right that none of that training has included specialist  
10:33 35 academic study in relation to problem gambling or gambling  
10:33 36 harm?  
10:33 37  
10:33 38 A. That's correct, yes.  
10:33 39  
10:33 40 Q. The knowledge that you have is knowledge that you have  
10:33 41 obtained over the course of your careers of experience in relation  
10:33 42 to gambling; that is so, isn't it?  
10:33 43  
10:33 44 A. Sorry, could you repeat that question, Mr Finanzio?  
10:33 45  
10:34 46 Q. You didn't hear me?  
10:34 47

- 10:34 1 A. I just wanted to clarify the question.  
10:34 2
- 10:34 3 Q. You've obtained knowledge about gambling harm over the  
10:34 4 course of your experience working in the sector?  
10:34 5
- 10:34 6 A. Yes, I have, yes.  
10:34 7
- 10:34 8 Q. Not through academic study?  
10:34 9
- 10:34 10 A. That's right, not through academic.  
10:34 11
- 10:34 12 Q. And mostly working for the casino?  
10:34 13
- 10:34 14 A. Yes, working for the casino.  
10:34 15
- 10:34 16 Q. And that has involved you in implementing over the course  
10:34 17 of that time government rules and regulations relating to  
10:34 18 Responsible Service of Gaming?  
10:34 19
- 10:34 20 A. Yes, it has.  
10:34 21
- 10:34 22 Q. In the course of that role, you have to keep abreast of the  
10:34 23 regulatory changes that affect Responsible Service of Gaming  
10:34 24 obligations, don't you?  
10:34 25
- 10:34 26 A. Yes, I do.  
10:34 27
- 10:34 28 Q. It is fair to say you are very familiar with the sector and the  
10:34 29 rules and regulations that apply?  
10:34 30
- 10:34 31 A. Yes, I am.  
10:34 32
- 10:34 33 Q. You sit on panels and on ministerial advisory committees;  
10:35 34 is that so?  
10:35 35
- 10:35 36 A. I have in the past been a member of the Responsible  
10:35 37 Gaming Ministerial Advisory Council and I still participate on  
10:35 38 occasion in those working groups, yes.  
10:35 39
- 10:35 40 Q. You also, in the course of your role, seek out academic and  
10:35 41 expert advice when required?  
10:35 42
- 10:35 43 A. Yes, I do.  
10:35 44
- 10:35 45 Q. You are familiar with how the rules apply and how the  
10:35 46 Responsible Service of Gaming rules and regulations apply to  
10:35 47 Crown and to the casino; correct?

10:35 1  
10:35 2 A. Yes, I am.  
10:35 3  
10:35 4 Q. But you are also familiar with, in broad terms, the rules and  
10:35 5 regulations that apply to other venues that aren't casinos in  
10:36 6 Victoria?  
10:36 7  
10:36 8 A. Yes, I am.  
10:36 9  
10:36 10 Q. You are familiar with the similarities and the differences  
10:36 11 between casinos and other venues, aren't you?  
10:36 12  
10:36 13 A. Yes, in Victoria, yes.  
10:36 14  
10:36 15 Q. I want to start out by going to a part of your statement. I  
10:36 16 wonder if you could go to paragraph 8.  
10:36 17  
10:36 18 COMMISSIONER: Ms Bauer, do you have a hard copy of your  
10:36 19 statement with you or are you just looking at it on your screen?  
10:36 20  
10:36 21 A. Mr Commissioner, I have a hard copy in front of me but I  
10:36 22 also have access to a screen as well.  
10:36 23  
10:36 24 COMMISSIONER: All right. That's good. Thank you.  
10:36 25  
10:36 26 A. Thank you.  
10:36 27  
10:36 28 MR FINANZIO: Can I also ask, do you have hard copy access to  
10:37 29 the exhibits to your statement?  
10:37 30  
10:37 31 A. I can have, Mr Finanzio. I just only brought the statement  
10:37 32 with me in case I required it.  
10:37 33  
10:37 34 Q. All right. I just wanted to start by just setting some  
10:37 35 groundwork or some context. At paragraph 8 you say:  
10:37 36  
10:37 37 *The primary function of the RGMC is to monitor and*  
10:37 38 *review gaming, responsible gaming and associated*  
10:37 39 *activities to ensure that Crown provides a safe and*  
10:37 40 *responsible gaming environment that supports and drives*  
10:37 41 *harm minimisation.*  
10:37 42  
10:37 43 I wanted to focus on the last part of that sentence. The attempt to  
10:37 44 ensure that Crown provides a safe and responsible gaming  
10:38 45 environment that supports and drives harm minimisation is at the  
10:38 46 centre of Responsible Service of Gaming as Crown sees it;  
10:38 47 correct?



- 10:38 1  
10:38 2 A. Yes.  
10:38 3  
10:38 4 Q. If I take you to another passage in your report at paragraph  
10:38 5 39, you will see in the second sentence it is referring there to the  
10:38 6 "Complex", that is a reference to the casino complex?  
10:38 7  
10:38 8 A. Yes.  
10:38 9  
10:38 10 Q. And it says there that:  
10:38 11  
10:38 12 *The Complex is one of the world's largest and most*  
10:38 13 *diverse integrated resorts and entertainment destinations.*  
10:38 14 *Crown is renowned for excellence in all aspects of its*  
10:38 15 *services and facilities. Our commitment to providing*  
10:38 16 *gaming services for our customers in a responsible*  
10:39 17 *manner is no exception.*  
10:39 18  
10:39 19 A. Yes.  
10:39 20  
10:39 21 Q. For the benefit of the record, I want to go through a few of  
10:39 22 those things. You set out at paragraphs 84 and following  
10:39 23 a number of innovations or steps taken by Crown in that context.  
10:39 24 So I think in 1994 Crown introduced an early version, I think you  
10:39 25 say, of the self-exclusion program.  
10:39 26  
10:39 27 A. I'm just waiting, Mr Finanzio, for this to be visible. Thank  
10:39 28 you. Yes.  
10:39 29  
10:39 30 Q. Do you see that?  
10:39 31  
10:39 32 A. Yes, I see that, thank you.  
10:39 33  
10:39 34 Q. I'm really just summarising some of the things in your  
10:40 35 report. At paragraph 85 you mention that in 1997, gaming  
10:40 36 training was part of the Victorian Gaming Machine Industry  
10:40 37 Codes of Practice from 1997 until about 2007?  
10:40 38  
10:40 39 A. Yes.  
10:40 40  
10:40 41 Q. The CAP program, or Crown Assistance Program, was  
10:40 42 another innovation of Crown's?  
10:40 43  
10:40 44 A. Yes, that's right.  
10:40 45  
10:40 46 Q. It says that in 2002 Crown established the Responsible  
10:40 47 Gaming Support Centre, and that is what we now know to be the

10:40 1 RGC; is that right?  
10:40 2  
10:40 3 A. Yes, that's right. I'm not sure it is actually on the screen for  
10:40 4 me, but I recall giving some evidence around the establishment of  
10:40 5 the Responsible Gaming Support Centre, yes, in my statement.  
10:40 6  
10:41 7 Q. Crown has been providing responsible gaming training for  
10:41 8 its staff since 2003?  
10:41 9  
10:41 10 A. Yes. In my statement it relates to 2003, and I believe I state  
10:41 11 that the earliest training I could trace back is back to 1997, yes.  
10:41 12  
10:41 13 Q. Which was part of the broader training program that I  
10:41 14 mentioned earlier?  
10:41 15  
10:41 16 A. I'm sorry ---  
10:41 17  
10:41 18 Q. Gaming Machine Industry Codes of Practice Training?  
10:41 19  
10:41 20 A. I'm sorry, could the operator go back to that component of  
10:41 21 my statement. I'm just wanting to clarify.  
10:41 22  
10:41 23 Q. Do you have a copy of your statement there?  
10:41 24  
10:41 25 A. Yes, I do, and if it is okay, Mr Finanzio, should I refer to  
10:41 26 that? Is that easier?  
10:41 27  
10:41 28 Q. Whatever is easiest.  
10:41 29  
10:41 30 A. Sure. Thank you very much. Much easier than scrolling  
10:42 31 I think they were two, from memory, distinct elements.  
10:42 32  
10:42 33 One is that we were part of that movement and the other part was  
10:42 34 that I can trace back training as delivered back to 1997. I just  
10:42 35 wanted to draw --- I think there is a distinction.  
10:42 36  
10:42 37 Q. It doesn't matter too much ---  
10:42 38  
10:42 39 A. No.  
10:42 40  
10:42 41 Q. --- what I was doing was drawing attention to the  
10:42 42 statements in paragraph 84 to 86 which set out some of the  
10:42 43 innovations that you describe. They are really manifestations or  
10:42 44 examples of what you mean by Crown providing gaming services  
10:42 45 for customers in a responsible manner, that is, no exception to  
10:43 46 Crown's pursuit of excellence. They are some of the things that  
10:43 47 have been done over time to do that, isn't that right?

10:43 1  
10:43 2 A. Yes, certainly over time we have introduced a variety of  
10:43 3 programs and services in an attempt to innovate and appreciate  
10:43 4 that times change and to stay abreast of those.  
10:43 5  
10:43 6 Q. Now, I wanted to take you to Crown's Responsible  
10:43 7 Gambling Code of Conduct ---  
10:43 8  
10:43 9 A. Yes.  
10:43 10  
10:43 11 Q. --- which is tender bundle 211, Commissioner. For the  
10:43 12 operator it is COM.0005.0005.0001.  
10:43 13  
10:44 14 Do you have that?  
10:44 15  
10:44 16 A. Yes, I do, thank you.  
10:44 17  
10:44 18 MR FINANZIO: Commissioner, it is probably worth noting this  
10:44 19 is a document we will come back to a bit.  
10:44 20  
10:44 21 On page 3 of that document, do you have that there?  
10:45 22  
10:45 23 A. (Nods head) Yes, I do.  
10:45 24  
10:45 25 Q. It talks about Crown's commitment to responsible  
10:45 26 gambling. Do you see the heading there "Crown's Responsible  
10:45 27 Gaming Commitment"?  
10:45 28  
10:45 29 A. Yes, as it is highlighted, Mr Finanzio?  
10:45 30  
10:45 31 Q. I can't see --- I'm not seeing what you say as is highlighted?  
10:45 32  
10:45 33 A. Something has been accepted on my screen but now it is  
10:45 34 being reduced again.  
10:45 35  
10:45 36 Q. I'm not seeing on your screen.  
10:45 37  
10:45 38 A. I think there is an attempt to make it bigger because maybe  
10:45 39 I keep taking my glasses on and off to read it properly. Thank  
10:45 40 you.  
10:45 41  
10:45 42 Q. Do you have that?  
10:45 43  
10:45 44 A. Yes, I do.  
10:45 45  
10:46 46 Q. I don't know why I don't have it, in any event I'm assuming  
10:46 47 you have what I have, which is the heading "Crown's Responsible

10:46 1 Gaming Commitment"?

10:46 2

10:46 3 A. Yes, I do.

10:46 4

10:46 5 Q. That is something that a Code, under the Ministerial  
10:46 6 Direction, has to have, isn't it, a statement of the commitment of  
10:46 7 the casino to responsible gaming?

10:46 8

10:46 9 A. My recollection is yes, but I couldn't absolutely attest.

10:46 10

10:46 11 Q. In any event, it is a statement of Crown's responsible  
10:46 12 gaming commitment, isn't it?

10:46 13

10:46 14 A. Yes, it is, yes.

10:46 15

10:46 16 Q. It says:

10:46 17

10:46 18 *Crown is committed to providing responsible gaming*  
10:46 19 *services by making available information, assistance and*  
10:46 20 *resources regarding the responsible gaming matters.*

10:46 21

10:46 22 *Crown's Code describes and demonstrates how we*  
10:46 23 *execute this commitment. It is our objective to ensure that*  
10:46 24 *Crown remains a world leader in responsible gaming*  
10:47 25 *practices .....*

10:47 26

10:47 27 Now, it is true, isn't it, that that is how Crown sees itself, as  
10:47 28 a world leader in the delivery of responsible gaming practices?

10:47 29

10:47 30 A. Mr Finanzio, I note that the Code is in --- from 2019 when  
10:47 31 it was version 6 and we're about to publish a version 7 very  
10:47 32 shortly. I suspect at the time there was a recognition that Crown  
10:47 33 might see itself in that way. However, as you would be aware  
10:47 34 from documents produced, is that we have since had some  
10:47 35 external reviews and have had a chance to review, and we would  
10:47 36 certainly like to maintain that level. However, at the time that is  
10:47 37 what we understood it to be, yes.

10:47 38

10:48 39 Q. So when the Code was published you thought you were  
10:48 40 a world leader?

10:48 41

10:48 42 A. At the time it was published, yes.

10:48 43

10:48 44 Q. That's how Crown saw itself at that time?

10:48 45

10:48 46 A. That's right, yes.

10:48 47

10:48 1 Q. Going back in time, up until maybe the new responsible ---  
10:48 2 let me ask you this. The new Responsible Gaming Code, will it  
10:48 3 confess that Crown is not a world leader?

10:48 4  
10:48 5 A. From memory, Mr Finanzio, we would, following some  
10:48 6 external reviews, that --- we certainly would like to be considered  
10:48 7 a leader within the industry and, however, at the time those words  
10:48 8 were, when I mentioned the version 6 of the Code, seemed to be  
10:49 9 appropriate, and following more reviews, perhaps there is some  
10:49 10 more levity applied to that particular statement.

10:49 11  
10:49 12 Q. Let me ask you the question again. Does Crown no longer  
10:49 13 regard itself as a world leader?

10:49 14  
10:49 15 A. Not currently, yes.

10:49 16  
10:49 17 Q. Certainly though, up until the external reviews, it did, didn't  
10:49 18 it?

10:49 19  
10:49 20 A. Yes.

10:49 21  
10:49 22 Q. All right. When is the new Responsible Gambling Code  
10:49 23 slated for publication?

10:50 24  
10:50 25 A. We were expecting to have it ready in May and June, and  
10:50 26 my understanding is currently we are finalising the translation of  
10:50 27 the Responsible Gambling Code of Conduct so as to publish it in  
10:50 28 a number of community languages.

10:50 29  
10:50 30 Q. I see. All right. I might come back to the new Responsible  
10:50 31 Gambling Code in due course. In the meantime, let's focus our  
10:50 32 attention on some responsible gambling concepts more broadly.  
10:50 33 Can I draw your attention to paragraphs 35 and 36.

10:50 34  
10:50 35 A. Of my statement, Mr Finanzio?

10:50 36  
10:50 37 Q. Yes.

10:50 38  
10:50 39 A. Yes.

10:50 40  
10:51 41 Q. At 35 and 36 you set out some definitions, if you like, of  
10:51 42 problem gambling; is that so?

10:51 43  
10:51 44 A. Yes, that's correct.

10:51 45  
10:51 46 Q. For the benefit of the transcript, you describe harm from  
10:51 47 gambling as being not just about losing money but also affecting

10:51 1 people in other ways, including their self-esteem, their  
10:51 2 relationships, physical and mental health, work performance and  
10:51 3 social life and at 36 you say:

10:51 4  
10:51 5 *These descriptions of problem gambling have been*  
10:51 6 *adopted by Crown as they have been developed by*  
10:51 7 *external organisations of repute, with the experience and*  
10:51 8 *to distil the complex nature of defining problem*  
10:51 9 *gambling.*

10:51 10  
10:52 11 Crown accepts harm from gambling is real, right?

10:52 12

10:52 13 A. Yes.

10:52 14

10:52 15 Q. And that people who bet more than they can afford lose  
10:52 16 money; correct?

10:52 17

10:52 18 A. Yes, that can be some of the harm experienced, yes.

10:52 19

10:52 20 Q. They can suffer financial insecurity, their families can be  
10:52 21 affected, et cetera, et cetera?

10:52 22

10:52 23 A. Yes, that's right.

10:52 24

10:52 25 Q. In the more extreme cases, people can be pressed into  
10:52 26 crime. For example --- did you hear my opening?

10:52 27

10:52 28 A. Yes, I did, Mr Finanzio.

10:52 29

10:52 30 Q. When I mentioned drug mules for traffickers and money  
10:52 31 mules for money launderers and so on, they are all things that you  
10:52 32 would accept are potential consequences of problem gambling?

10:52 33

10:52 34 A. I accept that and have read that in research as well,  
10:53 35 Mr Finanzio.

10:53 36

10:53 37 Q. So when I said in my opening that those things are the  
10:53 38 things that the Commission has heard as corroborated in the  
10:53 39 literature, that is something you can confirm?

10:53 40

10:53 41 A. Yes, I can.

10:53 42

10:53 43 Q. It is a very serious problem?

10:53 44

10:53 45 A. Yes, it is.

10:53 46

10:53 47 Q. And Crown's commitment is to harm minimisation in the

10:53 1 context of the gravity of that problem, isn't it?  
10:53 2  
10:53 3 A. Harm minimisation in the context of many types of harm  
10:53 4 that people might be experiencing, yes.  
10:53 5  
10:53 6 Q. That is recognition of how important the problem is and  
10:54 7 how important it is to properly address the problem --- sorry, I  
10:54 8 withdraw that and will reframe the question.  
10:54 9  
10:54 10 Part of the recognition of the problem and its gravity underscores  
10:54 11 how important it is to properly address the problem; don't you  
10:54 12 agree?  
10:54 13  
10:54 14 A. Yes.  
10:54 15  
10:54 16 Q. Both for customers of Crown; correct?  
10:54 17  
10:54 18 A. Yes.  
10:54 19  
10:54 20 Q. But also for Crown itself ---  
10:54 21  
10:54 22 A. Yes.  
10:54 23  
10:54 24 Q. --- and for Crown's reputation?  
10:54 25  
10:54 26 A. Yes.  
10:54 27  
10:54 28 Q. I just wanted to draw your attention to a document. It is  
10:54 29 CRW.0008.012.1977.  
10:54 30  
10:55 31 It is tender bundle 52, Commissioner.  
10:55 32  
10:55 33 COMMISSIONER: Before you go to that document,  
10:55 34 Mr Finanzio, I assume, during the course of Ms Bauer's evidence,  
10:55 35 you will be tendering various of the documents within the tender  
10:55 36 bundle?  
10:55 37  
10:55 38 MR FINANZIO: Yes.  
10:55 39  
10:55 40 COMMISSIONER: So if we can start with the Responsible  
10:55 41 Gambling Code of Conduct Version 6, I will mark that Exhibit  
10:55 42 110.  
10:55 43  
10:55 44  
10:55 45 **EXHIBIT #RC0110 - RESPONSIBLE GAMBLING CODE**  
10:55 46 **OF CONDUCT VERSION 6**  
10:55 47

1  
10:55 2 MR FINANZIO: Thank you, Commissioner.  
10:55 3  
10:56 4 This document is one of the risk management reports from  
10:56 5 2015/2016; do you see that?  
10:56 6  
10:56 7 A. No, Mr Finanzio. I don't actually have that on my screen  
10:56 8 and I don't have a bundle to refer to. I was waiting for it to come  
10:56 9 up.  
10:56 10  
10:56 11 MR FINANZIO: Has the operator put that document up?  
10:56 12  
10:56 13 COMMISSIONER: Perhaps give us the number again,  
10:56 14 Mr Finanzio.  
10:56 15  
10:56 16 MR FINANZIO: Sure. CRW.008.012.1977. If you just see the  
10:56 17 front page of that, it is a risk management report from about five  
10:56 18 years ago.  
10:56 19  
10:57 20 A. I don't have it.  
10:57 21  
10:57 22 COMMISSIONER: If you can just wait a moment, Mr Finanzio.  
10:57 23 It's not coming up on any of the screens yet. Not just Ms Bauer,  
10:57 24 but we are as well.  
10:57 25  
10:57 26 MR FINANZIO: I will deal with it a different way. We will  
10:57 27 have to --- when we do hearings online, Ms Bauer, we sometimes  
10:57 28 have to make adjustments.  
10:57 29  
10:57 30 A. Yes.  
10:57 31  
10:57 32 Q. Can you agree with me that it is an important thing for  
10:57 33 Crown to administer its Responsible Service of Gaming  
10:57 34 obligations for the benefit of its own reputation? It wouldn't want  
10:57 35 to be seen as an irresponsible provider of gaming services; that is  
10:58 36 true?  
10:58 37  
10:58 38 A. In addition to providing the best care for our customers,  
10:58 39 yes, I agree.  
10:58 40  
10:58 41 Q. The best way to minimise harm, what is the best way to  
10:58 42 minimise harm? Crown seeks expert advice about this, doesn't it?  
10:58 43  
10:58 44 A. Yes, we do.  
10:58 45  
10:58 46 Q. And there sometimes can be competing views?  
10:58 47



10:58 1 A. I'm sorry, could you elaborate on what you mean by  
10:58 2 "competing views"?  
10:58 3

10:58 4 Q. There might be different views about the best way to  
10:58 5 minimise harm?  
10:58 6

10:58 7 A. Yes, there can. There is a number of applications in  
10:58 8 attempting to minimise harm.  
10:58 9

10:58 10 Q. There can be competing studies about the effectiveness of  
10:58 11 different methods to minimise harm; correct?  
10:58 12

10:58 13 A. Yes, that's right.  
10:58 14

10:58 15 Q. But there is some common ground, isn't there?  
10:59 16

10:59 17 A. Yes, there is.  
10:59 18

10:59 19 Q. What I want to do is approach the concept of minimising  
10:59 20 harm in general terms first, okay. One obvious part of  
10:59 21 minimising harm is trying to avoid a situation where harm  
10:59 22 manifests itself in the first place?  
10:59 23

10:59 24 A. Mr Finanzio, that's quite a complex question as in my  
10:59 25 experience people experience harm in different ways. Sometimes  
10:59 26 there is a matter of, and I'm sure my colleagues within, for  
10:59 27 example, the Victorian Responsible Gambling Foundation see  
10:59 28 that, it is a very broad spectrum, so trying to arrive at something  
10:59 29 more universal can be quite difficult. Sometimes there is  
10:59 30 an element of trying to be as many things to as many people as  
11:00 31 possible. And --- (overspeaking) ---  
11:00 32

11:00 33 Q. Okay. I will try again. Do you agree that prevention of  
11:00 34 harm is one way to minimise it?  
11:00 35

11:00 36 A. Yes, it is. Yes.  
11:00 37

11:00 38 Q. And so trying to avoid a situation where harm manifests  
11:00 39 itself is one way of minimising harm, isn't it?  
11:00 40

11:00 41 A. Yes. Yes.  
11:00 42

11:00 43 Q. Another way is that once some damage is done, you might  
11:00 44 try to minimise the damage; do you agree with that?  
11:00 45

11:00 46 A. You would hope to, yes.  
11:00 47

- 11:00 1 Q. That is another way of minimising harm, damage control?  
11:00 2  
11:00 3 A. Yes.  
11:00 4  
11:00 5 Q. It's true, isn't it, that an important part of the responsible  
11:00 6 service --- Responsible Service of Gaming Code of Practice that  
11:00 7 Crown has is the listing of observable signs?  
11:01 8  
11:01 9 A. Yes.  
11:01 10  
11:01 11 Q. Can we go to that again.  
11:01 12  
11:01 13 That is tender bundle 211, Commissioner. If we look down that  
11:01 14 list.  
11:01 15  
11:01 16 COMMISSIONER: What page in the document?  
11:01 17  
11:01 18 MR FINANZIO: Page 17. We might actually start at page 15. It  
11:01 19 is a pamphlet, Commissioner, and the page numbers are --- there  
11:01 20 is two to a page. Do you have that, Ms Bauer?  
11:02 21  
11:02 22 A. I have page 14, I don't have the observable signs listing at  
11:02 23 this point.  
11:02 24  
11:02 25 Q. Page 15?  
11:02 26  
11:02 27 A. Of the Code. Page 15, yes, I do.  
11:02 28  
11:02 29 Q. It says that:  
11:02 30  
11:02 31 *Observable Signs are seen or reported behaviours of*  
11:02 32 *patterns of behaviours which are potential indicators that*  
11:02 33 *a person may be experiencing problems with their gaming*  
11:02 34 *behaviours. These are seen or reported in context and*  
11:02 35 *usually more than one is displayed to indicate potential*  
11:02 36 *problems with gaming. Observable signs are included in*  
11:02 37 *Crown's Responsible Service of Gaming and may include*  
11:02 38 *.....*  
11:02 39  
11:02 40 And then there is a list.  
11:02 41  
11:02 42 A. Yes.  
11:02 43  
11:02 44 Q. That list of observable signs is an important part of the  
11:02 45 Responsible Service of Gaming program at Crown; isn't it?  
11:02 46  
11:02 47 A. Yes, it is.

11:02 1  
11:03 2 Q. I'm assuming that it is intended to remain so under any  
11:03 3 future Responsible Service of Gaming Code?  
11:03 4  
11:03 5 A. Yes.  
11:03 6  
11:03 7 Q. It is the case, isn't it, that the staff are trained to be on the  
11:03 8 lookout for gamblers showing observable signs of gambling  
11:03 9 problems?  
11:03 10  
11:03 11 A. Yes, that's right.  
11:03 12  
11:03 13 Q. Crown trains on these 13 signs, doesn't it? It trains staff on  
11:03 14 the basis of these 13 signs?  
11:03 15  
11:03 16 A. Yes.  
11:03 17  
11:03 18 Q. And Crown's work --- I should say, these 13 signs are the  
11:03 19 product of Crown's work drawn from academic work; that's so,  
11:03 20 isn't it?  
11:03 21  
11:03 22 A. That's right, yes.  
11:03 23  
11:03 24 Q. It is right, isn't it, that all of the observable signs here are  
11:03 25 signs or examples of harm having started to manifest. So they are  
11:04 26 not the prevention category, they are the damage control category;  
11:04 27 correct?  
11:04 28  
11:04 29 A. In my recollection of working on these signs, that some of  
11:04 30 them would be in a higher risk category. However, some of them  
11:04 31 may be in a slightly less higher risk category, but may inform  
11:04 32 a potential trajectory. So, for example, unrealistic remarks about  
11:04 33 gaming, and there is a couple of other indicators that are less  
11:04 34 severe.  
11:04 35  
11:04 36 Q. Yes.  
11:04 37  
11:04 38 A. Yes.  
11:04 39  
11:04 40 Q. No, I didn't ask you about severity. I asked you about  
11:04 41 whether or not the signs were a manifestation of a risk that  
11:04 42 gambling harm was occurring already; correct?  
11:04 43  
11:04 44 A. Yes.  
11:04 45  
11:04 46 Q. And they are, aren't they?  
11:05 47

- 11:05 1 A. Yes.
- 11:05 2
- 11:05 3 Q. They have to be to be observable, don't they?
- 11:05 4
- 11:05 5 A. When I agree with you that, yes, harm might be occurring,
- 11:05 6 it's --- I don't wish to be contrary; however sometimes they are
- 11:05 7 signs that --- and in the research it tells us sometimes it needs to
- 11:05 8 be a combination of signs. So single signs might not necessarily
- 11:05 9 indicate much and might need to be combined. It can be a little
- 11:05 10 more complicated and complex.
- 11:05 11
- 11:05 12 Q. It can be more complicated and complex.
- 11:05 13
- 11:05 14 A. Yes.
- 11:05 15
- 11:05 16 Q. Can I take you back to page 15 of the Code. I'm at the
- 11:05 17 middle of the page there where the words commence:
- 11:05 18
- 11:05 19 *As part of delivering exceptional customer service, our*
- 11:06 20 *staff are encouraged to engage with our customers.*
- 11:06 21 *A customer displaying observable signs that may be*
- 11:06 22 *related to potential problem gaming behaviours .....*
- 11:06 23
- 11:06 24 You see that?
- 11:06 25
- 11:06 26 A. Yes, I do.
- 11:06 27
- 11:06 28 Q. What happens here is this is a risk-based approach, isn't it?
- 11:06 29 "May be related to potential problem gaming behaviours".
- 11:06 30
- 11:06 31 A. That component, my understanding, it could be a risk-based
- 11:06 32 approach. I'm not as well-versed in a risk-based approach that
- 11:06 33 you might be referring to, Mr Finanzio, apologies.
- 11:06 34
- 11:06 35 Q. No, that's fine. And the observable signs are signs that
- 11:06 36 people can see?
- 11:06 37
- 11:06 38 A. Yes.
- 11:06 39
- 11:06 40 Q. When they manifest themselves, that is when they are seen,
- 11:07 41 they are signs that the behaviour may be related to a potential
- 11:07 42 gambling problem; correct?
- 11:07 43
- 11:07 44 A. Yes. That's right, yes.
- 11:07 45
- 11:07 46 Q. And so the observable signs are signs that harm might
- 11:07 47 already be occurring?

11:07 1  
11:07 2 A. That's a possibility, yes.  
11:07 3  
11:07 4 Q. They might be at different degrees, but they are signs that  
11:07 5 harm might already be occurring?  
11:07 6  
11:07 7 A. Yes.  
11:07 8  
11:07 9 Q. All right.  
11:07 10  
11:07 11 A. Mr Commissioner, Mr Finanzio, would it be possible to  
11:07 12 have a comfort break?  
11:07 13  
11:07 14 COMMISSIONER: Of course. My plan is to do that, Ms Bauer,  
11:07 15 as long as it suits everybody, about every hour, hour and 15  
11:07 16 minutes of sitting. We'll have a short break and come back. That  
11:07 17 might mean we'll have an earlier than usual luncheon break.  
11:08 18 I think on a rough timetable we might break for lunch about  
11:08 19 12.45 and have a break for 45 minutes if that suits everybody.  
11:08 20  
11:08 21 The only thing I wanted to raise, before we have a quick break, or  
11:08 22 a short break, is with Mr Finanzio and whether or not the  
11:08 23 documents that you are going to refer to are uploaded on to the  
11:08 24 system or not. I don't know whether I can check that from my  
11:08 25 end or whether you can speak to the operator and do a sample  
11:08 26 check with a couple of other documents other than the one that  
11:08 27 you've already referred Ms Bauer to which we know is not on the  
11:08 28 system. If you do a random check, pick two or three, and we will  
11:08 29 see whether there is a significant problem or not, and we might be  
11:08 30 able to get it sorted out. If there is a problem, we might be able to  
11:08 31 get it sorted out during the course of the morning or as soon as  
11:09 32 possible. I will leave that to you unless you ring somebody here  
11:09 33 at the sitting room --  
11:09 34  
11:09 35 MR FINANZIO: Can I ask before you rise, did you have a copy,  
11:09 36 Commissioner, of that document in the tender bundle at tab 52?  
11:09 37  
11:09 38 COMMISSIONER: I have the tender bundle, and tab 52 has  
11:09 39 a document which is headed "Risk Management Report  
11:09 40 November 2015 - June 2016".  
11:09 41  
11:09 42 MR FINANZIO: Okay, thank you.  
11:09 43  
11:09 44 COMMISSIONER: I think I have the document you are referring  
11:09 45 to, and it has now come up on the screen so it exists somewhere  
11:09 46 in the ether but I think we'll check it in any event.  
11:09 47

11:09 1 MR FINANZIO: Thank you.  
11:09 2  
11:09 3 COMMISSIONER: All right. I will adjourn for 10 minutes or  
11:09 4 so. Maybe 15 minutes so we can make sure these documents  
11:09 5 exist somewhere, so they are all visible.  
11:10 6  
11:10 7 MR FINANZIO: Thank you.  
11:10 8  
11:10 9 A. Thank you.  
11:10 10  
11:10 11  
11:10 12 **ADJOURNED** [11:10A.M.]  
11:10 13  
11:10 14  
11:29 15 **RESUMED** [11:29A.M.]  
11:29 16  
11:29 17  
11:29 18 COMMISSIONER: Ms Bauer, you are back onscreen. I  
11:29 19 apologise for the delay. I will wait and make sure that  
11:29 20 Mr Finanzio is around as well. There he is. I think we are  
11:30 21 starting to get to the bottom of the problem.  
11:30 22  
11:30 23 MR FINANZIO: I think we are too, Commissioner. I don't think  
11:30 24 it will be an issue between now and lunchtime, and we should  
11:30 25 have an opportunity to sort out whether or not it is even an issue  
11:30 26 after that.  
11:30 27  
11:30 28 COMMISSIONER: All right. The only thing is if Mr Borsky is  
11:30 29 there and can unmute himself.  
11:30 30  
11:30 31 MR BORSKY: Yes, sir.  
11:30 32  
11:30 33 COMMISSIONER: I think I owe you an apology. You followed  
11:30 34 the protocol and put yourself on the screen and I was meant to  
11:30 35 speak with you rather than ignore you, so I will remember not to  
11:30 36 ignore you in the future. And, if I do, put up your hand or make  
11:30 37 a sign or something like that.  
11:30 38  
11:30 39 MR BORSKY: Thank you, Commissioner. Gracious as always.  
11:30 40 No apology necessary.  
11:30 41  
11:30 42 COMMISSIONER: Okay. So we can go back to --- I'm not sure  
11:31 43 which document we are looking at, but Mr Finanzio, you proceed  
11:31 44 and we'll see how we go.  
11:31 45  
11:31 46 MR FINANZIO: Thank you, Commissioner.  
11:31 47

- 11:31 1 A. Excuse me. I just had to move my statement back.  
11:31 2  
11:31 3 Q. Ms Bauer, before the break we were talking about the  
11:31 4 concept of observable signs.  
11:31 5  
11:31 6 A. Yes.  
11:31 7  
11:31 8 Q. If I can put this proposition to you so we can move on from  
11:31 9 that subject. The idea of an observable sign is to try and catch  
11:31 10 something that might be bad before it gets worse; that is really the  
11:31 11 underlying basic idea; would you agree?  
11:31 12  
11:31 13 A. As I recall it, in the research, that observable signs are  
11:31 14 potential indicators and perhaps to your point by the definition is  
11:32 15 something that may indicate something in advance, something  
11:32 16 occurring at a later stage, yes.  
11:32 17  
11:32 18 Q. So, "yes"?  
11:32 19  
11:32 20 A. Yes.  
11:32 21  
11:32 22 Q. The idea is to catch something that might get bad before it  
11:32 23 gets worse?  
11:32 24  
11:32 25 A. Yes.  
11:32 26  
11:32 27 Q. That is the kind of damage control version of harm  
11:32 28 minimisation; isn't it?  
11:32 29  
11:32 30 A. Yes.  
11:32 31  
11:32 32 Q. But the Code also has some prevention components of the  
11:32 33 minimisation --- harm minimisation, doesn't it?  
11:32 34  
11:32 35 A. Yes, it does.  
11:32 36  
11:32 37 Q. So, for example, if I took you to page 21 of the Code --  
11:32 38 I don't think you'll have any problem with this one,  
11:32 39 Commissioner, I think you have this document.  
11:32 40  
11:33 41 A. It is coming through. Yes, it is there now.  
11:33 42  
11:33 43 Q. Do you have it, Ms Bauer?  
11:33 44  
11:33 45 A. Yes, I do.  
11:33 46  
11:33 47 Q. Bottom of page 21 "The Gambling Environment", this is

- 11:33 1 just an example, but it is a good example. "Breaks in Play"?
- 11:33 2
- 11:33 3 A. Yes.
- 11:33 4
- 11:33 5 Q.
- 11:33 6
- 11:33 7 Customers are encouraged to take regular breaks from
- 11:33 8 *gaming*.
- 11:33 9
- 11:33 10 And the reason for that is that a break in play can help someone
- 11:33 11 not fall into the trap of playing for too long.
- 11:33 12
- 11:33 13 A. Yes.
- 11:33 14
- 11:33 15 Q. If the break is taken at an appropriate time, then it might
- 11:33 16 arrest harmful behaviour from emerging?
- 11:33 17
- 11:33 18 A. Yes, it can. Yes.
- 11:33 19
- 11:33 20 Q. And there you list a number of different ways in which the
- 11:33 21 breaks in play are delivered?
- 11:33 22
- 11:33 23 A. I believe so on the next page.
- 11:33 24
- 11:34 25 Q. On page 22. So they might be delivered in a number of
- 11:34 26 different forms. One might be announcing a draw or the
- 11:34 27 announcement of entertainment occurring, the object there is to
- 11:34 28 distract the player with a different activity from the gaming?
- 11:34 29
- 11:34 30 A. Yes.
- 11:34 31
- 11:34 32 Q. And of course the third dot point there is, one of them is:
- 11:34 33
- 11:34 34 Verbal encouragement by staff for customers to take
- 11:34 35 *refreshment breaks*?
- 11:34 36
- 11:34 37 A. Yes, correct.
- 11:34 38
- 11:34 39 Q. Then the fourth one is:
- 11:34 40
- 11:34 41 "Have you had a break?" reminders on the displays of
- 11:34 42 *EGMs, FATGs and EGM bank end .....*
- 11:34 43
- 11:34 44 Do you see that?
- 11:34 45
- 11:34 46 A. Yes, I do.
- 11:34 47



11:34 1 Q. They are the different ways in which players might be  
11:34 2 encouraged to take a break?  
11:34 3  
11:34 4 A. Yes, some of the different ways, yes.  
11:34 5  
11:34 6 Q. The object of the break as we've discussed is to --- well, let  
11:35 7 me withdraw that and put it this way.  
11:35 8  
11:35 9 It is true, isn't it, that one of the main problems gamblers face is  
11:35 10 that they can become engrossed in the activity?  
11:35 11  
11:35 12 A. For some gamblers there is evidence that that may be the  
11:35 13 case, yes.  
11:35 14  
11:35 15 Q. They can become completely absorbed for some gamblers,  
11:35 16 can't they?  
11:35 17  
11:35 18 A. Yes, they can.  
11:35 19  
11:35 20 Q. And they can become disoriented?  
11:35 21  
11:35 22 A. I haven't heard the word "disoriented" and I don't recall in  
11:35 23 research or anything, but that is a potential outcome.  
11:35 24  
11:35 25 Q. They can lose track of time, cannot they?  
11:35 26  
11:35 27 A. Yes, they can.  
11:35 28  
11:35 29 Q. They can gamble for longer than they intended?  
11:35 30  
11:35 31 A. They can.  
11:35 32  
11:35 33 Q. Because of that, they can spend more money than they set  
11:35 34 out to?  
11:35 35  
11:35 36 A. They can.  
11:35 37  
11:35 38 Q. More than they can afford?  
11:36 39  
11:36 40 A. That is a proposition, yes.  
11:36 41  
11:36 42 Q. It is a proposition, but you agree with it?  
11:36 43  
11:36 44 A. I'm not --- I obviously don't have sight of the affordability  
11:36 45 a person may bring to a gambling venue in terms of how much  
11:36 46 they would like to spend so I'm being cautious.  
11:36 47

11:36 1 Q. Of course not, but you are aware from the literature that  
11:36 2 you have read that one of the problems can be for problem  
11:36 3 gamblers that they themselves spend more than they can afford.

11:36 4  
11:36 5 A. Yes, they can. Yes, I agree.

11:36 6  
11:36 7 Q. And that is one of the things that can lead to significant  
11:36 8 harm?

11:36 9  
11:36 10 A. Yes, it can.

11:36 11  
11:36 12 Q. Now, we're not trying here by encouraging players to take  
11:36 13 breaks in the way that it is described on page 21 to eliminate  
11:37 14 harm, are we, we are simply trying to minimise the possibility of  
11:37 15 it arising?

11:37 16  
11:37 17 A. Yes.

11:37 18  
11:37 19 Q. Can I suggest to you that some of the things that we've  
11:37 20 described, particularly in relation to the length of play, is a factor  
11:37 21 that is particularly pronounced for players of electronic gaming  
11:37 22 machines?

11:37 23  
11:37 24 A. It can be according to my reading of the literature, yes.

11:37 25  
11:37 26 Q. It is well-recognised as a factor, isn't it?

11:37 27  
11:37 28 A. According to what I've read in the literature, yes, it can be.

11:37 29  
11:37 30 Q. When you say "it can be", EGMs are known for having that  
11:38 31 kind of, I will use a layman's language, a kind of hypnotic effect  
11:38 32 for people who are particularly prone to that kind of gambling;  
11:38 33 correct?

11:38 34  
11:38 35 A. Mr Finanzio, I hate to contradict, but my experience is that  
11:38 36 the literature refers to a potential of zoning out or those sorts of  
11:38 37 elements.

11:38 38  
11:38 39 Q. Okay. I think the literature refers to the zone, doesn't it?

11:38 40  
11:38 41 A. It does refer to the zone, yes.

11:38 42  
11:38 43 Q. Players get into the zone when they are playing electronic  
11:38 44 gaming machines; correct?

11:38 45  
11:38 46 A. They can, yes.

11:38 47

- 11:38 1 Q. One of the difficulties is they become, if you like, entranced  
11:38 2 by the activity?  
11:38 3
- 11:38 4 A. Yes, they can, yes.  
11:38 5
- 11:38 6 Q. That's how they lose track of time?  
11:38 7
- 11:38 8 A. They can, yes.  
11:38 9
- 11:38 10 Q. And how much they've wagered?  
11:38 11
- 11:38 12 A. They can, yes.  
11:38 13
- 11:38 14 Q. And they can enter into a cycle of trying to win back what  
11:38 15 they've lost?  
11:38 16
- 11:38 17 A. Yes, they can. That's --- yes.  
11:38 18
- 11:39 19 Q. We agree, don't we, at this point a person who is in the  
11:39 20 zone is not always acting rationally?  
11:39 21
- 11:39 22 A. I would contend that that can be a case, yes.  
11:39 23
- 11:39 24 Q. Is that a yes?  
11:39 25
- 11:39 26 A. I hesitate because it seems to be moving more into a clinical  
11:39 27 statement as opposed to a general statement. That's the only  
11:39 28 reason I'm cautious about it.  
11:39 29
- 11:39 30 Q. Yes, Ms Bauer, but you are an expert in this area, aren't  
11:39 31 you?  
11:39 32
- 11:39 33 A. I'm very experienced in this area, however I hasten to add I  
11:39 34 don't have any expertise from a psychological, clinical  
11:39 35 perspective, no.  
11:39 36
- 11:39 37 Q. Thank you, but you've read lots of the literature about this;  
11:39 38 correct?  
11:39 39
- 11:39 40 A. Yes, I have.  
11:39 41
- 11:39 42 Q. From everything you've read, and everything you know,  
11:39 43 you know, don't you, that when a player playing an EGM is in the  
11:40 44 zone, they are not likely acting rationally?  
11:40 45
- 11:40 46 A. That is absolutely a potential, which is why it is something  
11:40 47 that we highlight in our training, yes.

11:40 1  
11:40 2 Q. Okay. I want to ask you some questions about EGMs at  
11:40 3 Crown. It is true, isn't it, that Crown is in a unique position in  
11:40 4 Victoria compared to all other EGM venues?  
11:40 5  
11:40 6 A. May I ask you to clarify, Mr Finanzio.  
11:40 7  
11:40 8 Q. Are you not able to answer the question?  
11:40 9  
11:40 10 A. In terms of the unique position, is that Crown is under  
11:40 11 a component of different legislation, yes, absolutely that is  
11:40 12 different to pubs and clubs legislation, yes.  
11:40 13  
11:40 14 Q. So let's just explore that. Other venues must operate their  
11:41 15 EGMs in restricted mode; correct?  
11:41 16  
11:41 17 A. Yes, they do.  
11:41 18  
11:41 19 Q. That means that the EGMs in those venues cannot accept  
11:41 20 bank notes with a denomination greater than \$50.  
11:41 21  
11:41 22 A. That's right, yes.  
11:41 23  
11:41 24 Q. Are they allowed to operate in autoplay mode?  
11:41 25  
11:41 26 A. No, they are not.  
11:41 27  
11:41 28 Q. They are not allowed to have a spin rate of less than 2.14  
11:41 29 seconds; are they?  
11:41 30  
11:41 31 A. That's correct.  
11:41 32  
11:41 33 Q. The maximum bets on EGMs in venues other than Crown  
11:41 34 is \$5; correct?  
11:41 35  
11:41 36 A. That's correct.  
11:41 37  
11:41 38 Q. Any winnings of more than \$2,000 must be paid by  
11:41 39 cheque?  
11:41 40  
11:41 41 A. That is correct.  
11:41 42  
11:41 43 Q. Those EGMs in other venues can't operate for continuous  
11:41 44 24-hour periods; can they?  
11:41 45  
11:41 46 A. No, there is I believe a 20-hour limit. That's right.  
11:41 47

- 11:41 1 Q. 18 or 20?  
11:42 2  
11:42 3 A. 20-hour limit. Then you must close for a minimum of four  
11:42 4 hours.  
11:42 5  
11:42 6 Q. Okay. And, of course, every other venue in the State is not  
11:42 7 allowed to have more than 105 gaming machines; is that correct?  
11:42 8  
11:42 9 A. Yes. My understanding, yes.  
11:42 10  
11:42 11 Q. Crown has 2,628 gaming machines, doesn't it?  
11:42 12  
11:42 13 A. That's right.  
11:42 14  
11:42 15 Q. 1,628 of those operate in the restricted mode?  
11:42 16  
11:42 17 A. That's right.  
11:42 18  
11:42 19 Q. But, unlike other venues, the maximum bet on Crown's  
11:42 20 EGMs operating in restricted mode is \$10, not \$5?  
11:42 21  
11:42 22 A. That's correct.  
11:42 23  
11:42 24 Q. That's twice the limit of other venues?  
11:42 25  
11:42 26 A. Yes, it is.  
11:42 27  
11:42 28 Q. There are also a thousand EGMs at the casino that can  
11:43 29 operate in unrestricted mode; aren't there?  
11:43 30  
11:43 31 A. Yes, there is.  
11:43 32  
11:43 33 Q. I just want to focus on EGMs in unrestricted mode for  
11:43 34 a minute. EGMs in unrestricted mode can accept bank notes with  
11:43 35 a denomination greater than \$50?  
11:43 36  
11:43 37 A. Yes.  
11:43 38  
11:43 39 Q. They can operate in autoplay mode?  
11:43 40  
11:43 41 A. Yes.  
11:43 42  
11:43 43 Q. What does that mean for the benefit of the Commissioner,  
11:43 44 autoplay mode?  
11:43 45  
11:43 46 A. So autoplay mode means that a button does not need to be  
11:43 47 depressed every time a game is initiated. So a customer could

11:43 1 keep their finger on the play button, and then the play would  
11:43 2 continue on, which would be automatically playing the game as  
11:43 3 opposed to depressing the button every time someone wishes to  
11:43 4 play a game.  
11:43 5  
11:43 6 Q. So in unrestricted mode you can hold the button down and  
11:44 7 it will continue to spin?  
11:44 8  
11:44 9 A. That's right.  
11:44 10  
11:44 11 Q. And it can have a spin rate of less than 2.14 seconds?  
11:44 12  
11:44 13 A. That's in the Ministerial Direction, yes.  
11:44 14  
11:44 15 Q. Yeah, I'm just asking you about the difference?  
11:44 16  
11:44 17 A. Yes, that's correct.  
11:44 18  
11:44 19 Q. And there is no maximum bet limit?  
11:44 20  
11:44 21 A. That's right.  
11:44 22  
11:44 23 Q. So you can bet more in unrestricted more than in restricted  
11:44 24 mode; correct?  
11:44 25  
11:44 26 A. Yes.  
11:44 27  
11:44 28 Q. The machine will work faster in unrestricted mode than in  
11:44 29 restricted mode?  
11:44 30  
11:44 31 A. If the game is set to do so, yes.  
11:44 32  
11:44 33 Q. But also it is easier to generate the spins by simply holding  
11:44 34 the button down?  
11:44 35  
11:44 36 A. Yes.  
11:44 37  
11:44 38 Q. So you can lose more quicker in unrestricted mode?  
11:45 39  
11:45 40 A. Potentially, yes.  
11:45 41  
11:45 42 Q. Likely?  
11:45 43  
11:45 44 A. It can be likely, yes.  
11:45 45  
11:45 46 Q. Can be likely or is likely?  
11:45 47

11:45 1 A. I'm saying "likely" only because it depends on the style of  
11:45 2 the play of the customer. However, in the most extreme version,  
11:45 3 likely, I agree.  
11:45 4  
11:45 5 Q. All right.  
11:45 6  
11:45 7 Have you read the statements prepared by the witnesses from the  
11:45 8 VRGF?  
11:45 9  
11:45 10 A. Yes, I have.  
11:45 11  
11:45 12 Q. In the statement of Rosa Billi she outlines the results of  
11:45 13 some work that has been done. I will summarise it for now. She  
11:45 14 says approximately 61 per cent of people gambling on EGMs at  
11:45 15 Crown who are experiencing problem gambling have used  
11:46 16 unrestricted EGMs in the 12 months preceding the data being  
11:46 17 produced; were you aware of that?  
11:46 18  
11:46 19 A. I recall reading that in the statement, yes.  
11:46 20  
11:46 21 Q. Has the work that you've done in the delivery and  
11:46 22 preparation of Responsible Service of Gaming programs at  
11:46 23 Crown, in that work, have you encountered that kind of data  
11:46 24 before?  
11:46 25  
11:46 26 A. There was data that --- and I will --- in terms of the  
11:46 27 statement made by Ms Billi, I don't recall whether it was from the  
11:46 28 2018/2019 study published in 2020, or whether it was the work  
11:46 29 that was done in 2014/15 published in 2016 that referred to some  
11:46 30 of that work. My recollection is that the data was drawn from  
11:47 31 a smaller base than was the entire base of the people who we  
11:47 32 interviewed for the purposes of the study.  
11:47 33  
11:47 34 Q. Let's go back a step. The VRGF published its research,  
11:47 35 doesn't it?  
11:47 36  
11:47 37 A. Yes, it does. Yes.  
11:47 38  
11:47 39 Q. The research that Ms Billi was referring to in her statement  
11:47 40 is research that has been out in the public domain for a while?  
11:47 41  
11:47 42 A. Yes.  
11:47 43  
11:47 44 Q. You've had access to that?  
11:47 45  
11:47 46 A. Yes, I have.  
11:47 47

11:47 1 Q. And you in your role would have read it?  
11:47 2  
11:47 3 A. Yes, I have.  
11:47 4  
11:47 5 Q. Do you have any reason to say that she is wrong, not that  
11:47 6 she is wrong or that the data is wrong?  
11:47 7  
11:47 8 A. I have no reason to suppose that, no.  
11:47 9  
11:47 10 Q. I wanted to just explore other ways in which Crown is a bit  
11:47 11 different. This might be fruitless, but we'll give it a go, and it  
11:48 12 might be tapping some of your memories about your time at  
11:48 13 Tabcorp and knowledge of other areas.  
11:48 14  
11:48 15 Crown is different in other ways from your ordinary gaming  
11:48 16 venue. You know that licenses for gaming machines are hard to  
11:48 17 get, there is a cap on them?  
11:48 18  
11:48 19 A. My understanding is yes, yes, I'm not as confident in  
11:48 20 recollection of the more recent years in terms of primary years of  
11:48 21 those licenses, yes.  
11:48 22  
11:48 23 Q. Setting up a venue which you were involved in the early  
11:48 24 days of your career in setting up venues, weren't you?  
11:48 25  
11:48 26 A. My role was set-up and training coordinator, so it involved  
11:49 27 working with the venue staff, whether that was a hotel or a club  
11:49 28 in terms of they had approved for a certain amount of machines  
11:49 29 and training the staff in how to use the Tabcorp system, as well as  
11:49 30 having early indications of perhaps what the combination of  
11:49 31 product might be on the gaming floor.  
11:49 32  
11:49 33 Q. Let's just explore these and see where we go. When we are  
11:49 34 looking at a venue, there are some strict requirements around the  
11:49 35 way in which venues are laid out; aren't there?  
11:49 36  
11:49 37 A. I'm sorry, Mr Finanzio, by "the way" you mean that they are  
11:49 38 laid out, do you mean location or ---  
11:49 39  
11:49 40 Q. Internally. Internally.  
11:49 41  
11:49 42 A. Internally in terms of the positioning of machines or --- I'm  
11:50 43 sorry I'm trying to clarify. I'm trying to be clear.  
11:50 44  
11:50 45 Q. It's my fault, and I will reframe my question. It is desirable  
11:50 46 that the machines are laid out in a way that makes it possible to  
11:50 47 see the gamblers from various locations within the venue;



- 11:50 1 correct?
- 11:50 2
- 11:50 3 A. I couldn't attest to anymore recent requirement on that, I'm
- 11:50 4 sorry, Mr Finanzio. I don't know.
- 11:50 5
- 11:50 6 Q. It's not desirable, is it, for a venue to be laid out in a way
- 11:50 7 that would make it possible, for example, for a gambler on
- 11:50 8 a machine to be able to be sitting in a corner hiding away from
- 11:50 9 view; correct?
- 11:50 10
- 11:50 11 A. I think a general proposition would support that, however I
- 11:50 12 go back to your previous question, I'm not sure if that is
- 11:51 13 a particular focus or requirement that we are discussing at the
- 11:51 14 moment.
- 11:51 15
- 11:51 16 Q. Do you agree with me that there are layout requirements or
- 11:51 17 layout principles that are intended to prevent permitting a patron
- 11:51 18 from hiding away or being anonymous?
- 11:51 19
- 11:51 20 A. The principles I'm aware of in terms of venue layout is, for
- 11:51 21 example, when it relates to signage. So there is player
- 11:51 22 information displays that require a venue to have displayed on
- 11:51 23 each gaming machine a, what is commonly referred to as a talker
- 11:51 24 next to the gaming machine and also a poster that is visible that is
- 11:51 25 ensuring it encompasses a minimum of the 15 gaming machines
- 11:51 26 and is visible. They are the sort of requirements I'm aware of,
- 11:52 27 yes.
- 11:52 28
- 11:52 29 Q. As a general principle, it is desirable, isn't it, for the
- 11:52 30 gamblers to be visible by staff in venues of that kind?
- 11:52 31
- 11:52 32 A. Yes.
- 11:52 33
- 11:52 34 Q. The reason why it's desirable to be visible is to ensure that
- 11:52 35 the gamblers can be observed?
- 11:52 36
- 11:52 37 A. Yes.
- 11:52 38
- 11:52 39 Q. The reason why it is desirable for them to be observed is so
- 11:52 40 that you can see the signs of potential gambling harm?
- 11:52 41
- 11:52 42 A. Yes.
- 11:52 43
- 11:52 44 Q. In those venues we are talking about a cap of 105
- 11:52 45 machines ---
- 11:52 46
- 11:52 47 A. Yes.

- 11:52 1  
11:52 2 Q. --- many venues have less?  
11:52 3  
11:52 4 A. Yes.  
11:52 5  
11:52 6 Q. Making it possible for staff working in those spaces,  
11:52 7 whether food or beverage staff or bar staff or whatever, to be able  
11:52 8 to see the venue and all of the gamblers in it from obvious  
11:53 9 vantage points; correct?  
11:53 10  
11:53 11 A. Mr Finanzio, I don't wish to be unknowledgeable on this,  
11:53 12 however I haven't recently visited a venue and I'm not entirely  
11:53 13 sure of advantage points that are visible within venues. However,  
11:53 14 to your point, it is desirable that people can be observed.  
11:53 15  
11:53 16 Q. It is desirable. And it is also the case in smaller venues that  
11:53 17 the machines are often screened from public areas in the venues,  
11:53 18 so as not to be seen as an attractor to potential problem gamblers?  
11:53 19  
11:53 20 A. From my recollection, yes.  
11:53 21  
11:53 22 Q. You can't have smoking areas too close to the gaming area;  
11:53 23 that is right, isn't it?  
11:53 24  
11:53 25 A. I believe there are particular smoking regulations. I'm not  
11:54 26 entirely au fait with the regulations that pertain to clubs and pubs,  
11:54 27 no.  
11:54 28  
11:54 29 Q. When the smoking ban came in, Crown obtained a special  
11:54 30 dispensation to allow smoking in some of its areas, didn't it?  
11:54 31  
11:54 32 A. Yes.  
11:54 33  
11:54 34 Q. In those venues you can't serve food and beverages at the  
11:54 35 machines?  
11:54 36  
11:54 37 A. From my recollection you can't, but I cannot be certain,  
11:54 38 Mr Finanzio. Apologies.  
11:54 39  
11:54 40 Q. And there are controls on the noise that the machines  
11:54 41 make?  
11:54 42  
11:54 43 A. In relation to venues again I'm uncertain.  
11:54 44  
11:54 45 Q. The things that I've described, some of which you know  
11:54 46 about and some of which you don't, would you accept that they  
11:54 47 are all things that are about trying to minimise the risk to the

11:54 1 gambler? Like venue layout issues are about trying to minimise  
11:55 2 the risk; aren't they?  
11:55 3  
11:55 4 A. In terms of having visibility of customer that would  
11:55 5 absolutely contribute to that proposition, yes.  
11:55 6  
11:55 7 Q. That's because a problem gambler can be most destructive  
11:55 8 to themselves when they are left alone?  
11:55 9  
11:55 10 A. If that is your proposition, if a person isn't observed then  
11:55 11 absolutely they can --- it can lead to adverse consequences, yes.  
11:55 12  
11:55 13 Q. A problem gambler can be most destructive to themselves  
11:55 14 when they are left alone; that is so, isn't it?  
11:55 15  
11:55 16 A. That can be the case, yes.  
11:55 17  
11:55 18 Q. It's a risk?  
11:55 19  
11:55 20 A. It can be a risk, yes.  
11:55 21  
11:55 22 Q. Also they can be at risk when they are, to the supervisors of  
11:56 23 the gaming venue, anonymous?  
11:56 24  
11:56 25 A. Yes, that can be the case, yes.  
11:56 26  
11:56 27 Q. Venue layout, things like daylight, clocks and supervision,  
11:56 28 they are all important to give the gambler the opportunity to  
11:56 29 engage with reality to stop them from getting into the zone; aren't  
11:56 30 they?  
11:56 31  
11:56 32 A. Absolutely, through the tracking of time and being aware of  
11:56 33 that concept is important, yes.  
11:56 34  
11:56 35 Q. Now, in small venues, it is more likely, isn't it, that the staff  
11:56 36 will know the regulars?  
11:56 37  
11:56 38 A. That is certainly what I've garnered from research and in  
11:56 39 my personal experience, that can be the case.  
11:56 40  
11:56 41 Q. They can build a rapport with the customer?  
11:56 42  
11:57 43 A. Yes, they can.  
11:57 44  
11:57 45 Q. They can be able to make a social connection with the  
11:57 46 customer?  
11:57 47

- 11:57 1 A. Potentially, yes.  
11:57 2
- 11:57 3 Q. They are able to, in substance, check on the customer in an  
11:57 4 effective way?  
11:57 5
- 11:57 6 A. Yes, they can.  
11:57 7
- 11:57 8 Q. All of these things these are environmental factors which  
11:57 9 are directed to minimising the risk that a gambler will find  
11:57 10 themselves in trouble?  
11:57 11
- 11:57 12 A. Absolutely, they are elements that can contribute to that,  
11:57 13 yes, Mr Finanzio.  
11:57 14
- 11:57 15 Q. I want to ask you some questions about the casino. The  
11:57 16 gaming floor is huge by comparison to the venue I've described,  
11:57 17 isn't it?  
11:57 18
- 11:57 19 A. Yes, it is.  
11:57 20
- 11:57 21 Q. And the staff can't see all the machines all the time; can  
11:57 22 they?  
11:57 23
- 11:57 24 A. Staff are allocated to zones within the casino gaming floor.  
11:58 25 So my understanding and my recollection from my work, and this  
11:58 26 has to my understanding not changed too much is that staff are  
11:58 27 allocated to particular zones and they will remain in those zones  
11:58 28 for their work.  
11:58 29
- 11:58 30 Q. But the coverage is nothing like the kind of coverage you  
11:58 31 would see in a smaller venue, is there?  
11:58 32
- 11:58 33 A. Well, I would contend that the coverage is augmented by  
11:58 34 an increased staffing levels in relation to not just the customer  
11:58 35 service attendants, however, that there are food and beverage  
11:58 36 staff, there are management staff and that also we have the ability  
11:58 37 to have surveillance staff as well.  
11:58 38
- 11:58 39 Q. Yes, so the food and beverage staff and the other staff,  
11:58 40 apart from customer service staff, are relied upon to create that  
11:59 41 supervision that you describe?  
11:59 42
- 11:59 43 A. In addition to there may be security officers that are  
11:59 44 patrolling the areas, there will be Responsible Gaming Advisors  
11:59 45 that will be conducting floor walks, there will be managers,  
11:59 46 cleaners, there is any amount of staff that might be operating  
11:59 47 within a particular area.

11:59 1  
11:59 2 Q. Okay. Do you agree that there are plenty of places inside  
11:59 3 the main gaming area of the casino or the gaming areas of the  
11:59 4 casino where someone could sit and go unnoticed?  
11:59 5  
11:59 6 A. I would not necessarily agree that they could sit and go  
11:59 7 unnoticed due to the elements I mentioned earlier. So there is  
11:59 8 a volume of staff and a volume of surveillance that would  
12:00 9 certainly be in an area where a person might be playing.  
12:00 10  
12:00 11 Q. Okay. You don't discount the fact that people have sat in  
12:00 12 the casino and gone unnoticed?  
12:00 13  
12:00 14 A. I don't discount that, no.  
12:00 15  
12:00 16 Q. It stands to reason that there are places in the casino where  
12:00 17 people can go unnoticed; aren't there?  
12:00 18  
12:00 19 A. Yes, they can. I suppose ---  
12:00 20  
12:00 21 Q. Notwithstanding the levels of staff that you've just  
12:00 22 described?  
12:00 23  
12:00 24 A. Yes, and --- sorry, I was trying to explain that there might  
12:00 25 be areas where a person may be noticed, but they are coming to  
12:00 26 notice.  
12:00 27  
12:00 28 Q. I see. Let's talk about the casino in full swing at the busiest  
12:00 29 time, say, for example, after a football match or a Friday night or  
12:01 30 a Saturday night or after a major event like the Melbourne Cup.  
12:01 31 The casino floor is packed; isn't it?  
12:01 32  
12:01 33 A. In pre-COVID times it can be, yes.  
12:01 34  
12:01 35 Q. It is loud and busy?  
12:01 36  
12:01 37 A. Yes, it can be, yes.  
12:01 38  
12:01 39 Q. There are lots of people having a good time?  
12:01 40  
12:01 41 A. Yes.  
12:01 42  
12:01 43 Q. The bar staff are busy getting drinks?  
12:01 44  
12:01 45 A. Yes.  
12:01 46  
12:01 47 Q. And the food and beverage staff are busy getting food and

12:01 1 beverage for people?  
12:01 2  
12:01 3 A. Yes.  
12:01 4  
12:01 5 Q. In that environment, you would agree, wouldn't you, there  
12:01 6 is a heightened risk that problem gamblers might not come to  
12:01 7 notice because the staff that are there are busy doing their other  
12:01 8 jobs?  
12:01 9  
12:01 10 A. There is certainly the possibility and it is the nature of, as  
12:01 11 you describe, is quite a post-football match, it is busy, it could  
12:02 12 have been a local crowd of football match people, et cetera.  
12:02 13 There is certainly the potential, but that is not the ordinary  
12:02 14 environment either.  
12:02 15  
12:02 16 Q. Do you agree with me that there is, in that environment that  
12:02 17 I described to you, a heightened risk that problem gamblers will  
12:02 18 get lost in a big crowd?  
12:02 19  
12:02 20 A. Yes, they could.  
12:02 21  
12:02 22 Q. Because the staff that you identify as people who might be  
12:02 23 looking out for them or looking at them or observing them are  
12:02 24 busy doing other things?  
12:02 25  
12:02 26 A. Yes, they can be.  
12:02 27  
12:02 28 Q. All right. Later at night or in quieter times, the staffing  
12:02 29 levels are lower, aren't they?  
12:02 30  
12:02 31 A. Generally, yes.  
12:02 32  
12:02 33 Q. It is right, isn't it, that there are, for different reasons,  
12:03 34 similar risks of a player being able to play unnoticed?  
12:03 35  
12:03 36 A. Are you referring to similar risks in the context of a lower  
12:03 37 staffing level ---  
12:03 38  
12:03 39 Q. Yes.  
12:03 40  
12:03 41 A. Did --- that is commensurate with a lower patronage level?  
12:03 42  
12:03 43 Q. Correct.  
12:03 44  
12:03 45 A. Right. Look, there is absolutely that possibility, however  
12:03 46 there is also the possibility in that nexus that the staff are much  
12:03 47 more aware of persons because there is not as many people that

12:03 1 are playing or within the casino environment.  
12:03 2  
12:03 3 Q. If we are talking about possibilities, let's sharpen the pencil  
12:03 4 a little bit. It is, indeed, possible, that in less busy times problem  
12:03 5 gamblers go unnoticed because the staffing levels are lower and  
12:03 6 the gaming floor is huge? That's correct?  
12:04 7  
12:04 8 A. I agree there is a possibility, yes.  
12:04 9  
12:04 10 Q. When we are talking about the possibilities of that  
12:04 11 occurring, are you able to confirm or provide any evidence of  
12:04 12 your analysis of what the possibilities are? Have you done any  
12:04 13 studies or metrics of what that possibility might be?  
12:04 14  
12:04 15 A. I have not done any particular studies or metrics ---  
12:04 16  
12:04 17 Q. Sorry, so the answer is "no" --  
12:04 18  
12:04 19 A. Right.  
12:04 20  
12:04 21 Q. --- so there is a possibility that it is occurring but it is not ---  
12:04 22 the extent to which it is occurring is not something you've  
12:04 23 explored or analysed? Is that right?  
12:04 24  
12:04 25 A. In the exact proposition you are proposing, no, however,  
12:04 26 we do have other tools that we employ that might --- or would  
12:05 27 assist us in the detection of some potential problem gambling  
12:05 28 behaviours.  
12:05 29  
12:05 30 Q. Yes, but --- okay. Do you agree that there is a --- by  
12:05 31 comparison to other venues, and taking account of all the things  
12:05 32 we've just been talking about, that there is a heightened risk in the  
12:05 33 casino that people will fall into the zone where their gambling  
12:05 34 becomes harmful compared to pubs and clubs? There is  
12:05 35 a heightened risk?  
12:05 36  
12:05 37 A. There --- yes.  
12:05 38  
12:06 39 Q. And it makes the way that the casino delivers breaks in play  
12:06 40 and its other harm minimisation things very important, doesn't it,  
12:06 41 because the risk is greater?  
12:06 42  
12:06 43 A. It can be, yes.  
12:06 44  
12:06 45 Q. Just bear with me for a moment. And part of the reason  
12:06 46 that the risk is greater includes the presence of products like  
12:07 47 unrestricted gaming machines? Correct?

12:07 1  
12:07 2 A. It could be contended, in my experience, unrestricted  
12:07 3 gaming machines which are required to be in what is termed  
12:07 4 a "specified area" tend to be in what we call a premium location  
12:07 5 which by its very nature will because it is a separate room will  
12:07 6 have a separate allocation of staffing. So it will have increased  
12:07 7 staffing levels by that nature, yes.  
12:07 8  
12:07 9 Q. I want to now turn our attention to one of the preventative  
12:08 10 measures that are included in the Code. And that is the break in  
12:08 11 play. It is obvious that people playing for too long can be a sign  
12:08 12 of harm; cannot it?  
12:08 13  
12:08 14 A. Yes, it can.  
12:08 15  
12:08 16 Q. And one way to minimise it is to interrupt the play?  
12:08 17  
12:08 18 A. Yes, to encourage play, interrupt player, yes.  
12:08 19  
12:08 20 Q. And that is important for all types of gaming?  
12:08 21  
12:08 22 A. Yes. It is.  
12:08 23  
12:08 24 Q. That is recognised in the parts of the Code I took you to  
12:08 25 a moment ago, page 21?  
12:08 26  
12:08 27 A. From memory, yes.  
12:08 28  
12:08 29 Q. Where breaks are encouraged?  
12:08 30  
12:08 31 A. Yes, they are.  
12:08 32  
12:08 33 Q. And they are encouraged in that context before the play, if  
12:08 34 you like, becomes harmful. You would agree with that, wouldn't  
12:09 35 you?  
12:09 36  
12:09 37 A. There are reminders in generic terms in relation to say  
12:09 38 "Have you had a break?", for example, if you are playing  
12:09 39 a gaming machine, there will be a scrolling part on the gaming  
12:09 40 machine around "Have you had a break?" If you are playing table  
12:09 41 games there is a screen at each table game that records, for  
12:09 42 example, some material information around play limits and those  
12:09 43 sorts of things, and there is also reminders on the casino gaming  
12:09 44 floor around "Have you had a break?" So certainly I agree that it  
12:09 45 is important to take breaks. At what time and level a person must  
12:09 46 or should or would like to take a break is probably different.  
12:09 47



12:10 1 Q. Yeah. But the idea of encouraging the breaks to occur, you  
12:10 2 look at the list at page 21, they are kind of, I have described them,  
12:10 3 if you agree with me, as happy breaks. There is an announcement  
12:10 4 of some show that is on. There is an announcement of some  
12:10 5 draw. It is not a break where someone is tapping you on the  
12:10 6 shoulder and saying, "Hey, buddy, I think you've been playing too  
12:10 7 long".

12:10 8

12:10 9 A. Thank you, operator. I was about to say, would you mind  
12:10 10 taking me back to the breaks. If I may take a moment to review  
12:10 11 those.

12:10 12

12:10 13 Q. I will ask you the question again. None of those there listed  
12:10 14 are breaks prompted by the observation of potentially harmful  
12:11 15 behaviours or behaviours that indicate harm, they are all breaks  
12:11 16 that are encouraged in the course of play --- that is so, isn't it?

12:11 17

12:11 18 A. Yes, I can't see the preceding words and I'm quite familiar  
12:11 19 with the Code but not word perfect on it ---

12:11 20

12:11 21 Q. Verbatim.

12:11 22

12:11 23 A. Thank you, verbatim. I would like to be. However --- so  
12:11 24 when we talk about the gambling environment, we do talk about  
12:11 25 those encouragements. And to your point, these are all very  
12:11 26 universal sets of breaks that might be encouraged. However, we  
12:11 27 also have other ways in which we encourage breaks of play which  
12:11 28 might be through observation or through some systems that we  
12:11 29 employ, where we would observe through that system that  
12:12 30 someone may not have taken a break which might be useful for  
12:12 31 them.

12:12 32

12:12 33 Q. We'll come to that. That is the reminder to take a break,  
12:12 34 which is listed here; isn't it?

12:12 35

12:12 36 A. Some of those --- yes, well, they are reminders or they are,  
12:12 37 if you will, temporal reminders in terms of "Okay, 11 o'clock,  
12:12 38 we're about to announce the draw", those sorts of reminders that  
12:12 39 may come over the loudspeaker as opposed to, for example,  
12:12 40 a customer service attendant walking past and pushing in a chair  
12:12 41 next to the customer that is playing a gaming machine, good  
12:12 42 morning, how you doing today, good afternoon, those sorts of  
12:12 43 things.

12:12 44

12:12 45 Q. Ms Bauer, these kind of breaks are intended to occur before  
12:13 46 the length of play is so long that it becomes an observable sign;  
12:13 47 isn't it?

- 12:13 1  
12:13 2 A. In an ideal world we would like to encourage break as  
12:13 3 a person plays to make them more aware of the time they are  
12:13 4 spending at the casino, yes.  
12:13 5  
12:13 6 Q. This part of the Code of Conduct is promoting, encouraging  
12:13 7 players to take regular breaks irrespective of whether there is  
12:13 8 an observable sign?  
12:13 9  
12:13 10 A. Yes.  
12:13 11  
12:13 12 Q. Okay. And the object of this being in the Responsible  
12:13 13 Service of Gaming Code of Conduct is to not let someone gamble  
12:13 14 for too long; correct?  
12:13 15  
12:13 16 A. The object is to, yes, make people aware and potentially not  
12:14 17 play too long, that is too long for that person, yes.  
12:14 18  
12:14 19 Q. Okay. And the breaks are a way of giving people a reality  
12:14 20 check instead of --- (audio distorted) --- gaming.  
12:14 21  
12:14 22 A. Yes.  
12:14 23  
12:14 24 Q. That's what this part of the Code is concerned with?  
12:14 25  
12:14 26 A. Yes.  
12:14 27  
12:14 28 Q. Reminding them about what they've gambled to that point?  
12:14 29 Giving them an opportunity.  
12:14 30  
12:14 31 A. Giving them an opportunity to reflect, and as it states to  
12:14 32 have a break in play, whether that's an interaction or  
12:14 33 a conversation or a response to a greeting and those sorts of  
12:14 34 things, yes.  
12:14 35  
12:14 36 Q. It is pretty simple, isn't it, that there needs to be an effective  
12:14 37 break, doesn't there? I mean, a superficial break in play won't  
12:14 38 work, won't achieve that objective?  
12:15 39  
12:15 40 A. And I'm thinking, Mr Finanzio, because I'm trying to reflect  
12:15 41 on some research that might provide more edification on that  
12:15 42 topic, but for some people it is potentially --- and again I'm struck  
12:15 43 by the fact that I'm not a psychologist and I'm not a gambling  
12:15 44 research expert, however, in my experience, for some people  
12:15 45 having a greeting and an interaction and a confirmation of the  
12:15 46 time of day versus okay, you might need to take a comfort break  
12:15 47 or having an exploration of how long someone might be playing,

12:15 1 it could be different things for different people. I'm just being  
12:15 2 aware of that --  
12:15 3  
12:15 4 Q. It is actually ---  
12:15 5  
12:15 6 A. --- in the context of a it is good to have a break in play and  
12:16 7 being aware of the time of day, which is the time of day  
12:16 8 expressed in many areas within the casino.  
12:16 9  
12:16 10 Q. For the break to achieve its objective, the break has to be  
12:16 11 effective; isn't it? That might mean different things to different  
12:16 12 people.  
12:16 13  
12:16 14 A. That's right, yes.  
12:16 15  
12:16 16 Q. It's actually quite a nuanced thing?  
12:16 17  
12:16 18 A. Yes, it is.  
12:16 19  
12:16 20 Q. But what it needs to do to be effective is to be enough to  
12:16 21 take the gambler out of the zone, doesn't it?  
12:16 22  
12:16 23 A. If the gambler is in the zone, yes.  
12:16 24  
12:16 25 Q. And it needs to be timely. It needs to be at the right time?  
12:16 26  
12:16 27 A. It needs to --- the right time and I don't again wish to be ---  
12:16 28  
12:16 29 Q. All right, let me rephrase it.  
12:16 30  
12:17 31 A. Yes, if you wouldn't mind, yes.  
12:17 32  
12:17 33 Q. If the break is delivered too late, it might be --- it might  
12:17 34 actually be more in the territory of harm occurring rather than  
12:17 35 simply encouraging a break for the purpose of avoiding the harm?  
12:17 36  
12:17 37 A. That's a possibility, yes. And that is --- there are a number  
12:17 38 of ways that our staff can encourage customers to think about  
12:17 39 how they might be taking breaks to keep at their very best when  
12:17 40 they are gambling in terms of managing their gambling  
12:17 41 behaviours.  
12:17 42  
12:17 43 Q. All right. And the nature of the break needs to be sufficient  
12:17 44 for the gambler, in those circumstances, to appreciate what they  
12:17 45 are doing, to appreciate the consequences of what they are doing;  
12:18 46 doesn't it?  
12:18 47

12:18 1 A. I would think again that is a very nuanced question,  
12:18 2 Mr Finanzio, in terms of again how it applies to that person, and  
12:18 3 if they are in the zone as we have spoken about, and breaking that  
12:18 4 zone as opposed to I'm having a gambling session and I've just  
12:18 5 got someone who is saying, "Good morning, how you doing  
12:18 6 today", et cetera. They might mean different things to different  
12:18 7 people and I don't wish to be anything other than helpful in that  
12:18 8 explanation.

12:18 9

12:18 10 Q. Okay. Some important things you have to have in place, or  
12:18 11 you have to know, is you have to know how long people have  
12:18 12 been playing for; don't you?

12:19 13

12:19 14 A. It is useful to know how long someone has been playing  
12:19 15 for, and sometimes, however, for some people, playing for shorter  
12:19 16 periods can potentially be a problem for them, and for some  
12:19 17 people playing longer periods is not a problem. So it is for some  
12:19 18 people a different scenario.

12:19 19

12:19 20 Q. Actually, you also have to have in place, or you need to  
12:19 21 have an effective interruption, an effective break, whatever that  
12:19 22 might mean for the individual?

12:19 23

12:19 24 A. That is preferred, yes.

12:19 25

12:19 26 Q. It has to be at the right time for them?

12:19 27

12:19 28 A. As much as you could assign that, yes.

12:19 29

12:19 30 Q. In relation to that part of the Code that talks about staff  
12:19 31 delivering the break, it is useful that the staff are trained and  
12:20 32 capable of intervening in an appropriate way?

12:20 33

12:20 34 A. Sorry, Mr Finanzio. Are you talking about point 3 in the  
12:20 35 gambling environment ---

12:20 36

12:20 37 Q. I am.

12:20 38

12:20 39 A. --- verbal encouragement by staff for customers to ---

12:20 40

12:20 41 Q. Yes.

12:20 42

12:20 43 A. --- and sorry, to your question again?

12:20 44

12:20 45 Q. My question was, you need to have staff who are trained  
12:20 46 and who are capable of intervening in an appropriate way?

12:20 47

- 12:20 1 A. Certainly of making those observations and, if comfortable,  
12:20 2 intervening but also understanding that there are other staff  
12:20 3 available to assist if so required, yes.  
12:20 4
- 12:20 5 Q. But in terms of the break in play described on pages 21 and  
12:20 6 22, that just says "verbal encouragement by surface for customers  
12:20 7 to take refreshment breaks", that is the kind of break that is being  
12:21 8 delivered for a Responsible Service of Gaming purpose; isn't it?  
12:21 9
- 12:21 10 A. Yes, it is part of the environment, yes.  
12:21 11
- 12:21 12 Q. For staff to deliver that break in an appropriate way, they  
12:21 13 need to have proper training, don't they, to understand why they  
12:21 14 are doing it?  
12:21 15
- 12:21 16 A. Certainly staff will need to have, and coming as the  
12:21 17 responsible gaming person here at Crown, and my knowledge  
12:21 18 that there is not only the responsible service of gaming training  
12:21 19 that staff participate in, but also customer service training, and  
12:21 20 sometimes those elements can combine. So I have previously  
12:21 21 certainly spoken to and spoken with other persons within the  
12:21 22 industry that contend that there can be an amalgam of the  
12:22 23 customer service training to ensure that the customers are  
12:22 24 comfortable and looked after when they come to a particular  
12:22 25 premises, but also that is combined with that level of Responsible  
12:22 26 Service of Gaming training as well. So we would expect, to your  
12:22 27 point and to your question, that they have that appropriate  
12:22 28 training to execute that. Yes.  
12:22 29
- 12:22 30 Q. My question was actually quite specific. My question was:  
12:22 31 the purpose of that dot point in the Responsible Service of  
12:22 32 Gaming Code is for staff to deliver the opportunity for a break for  
12:22 33 the purpose of delivering Responsible Service of Gaming; that is  
12:22 34 correct, isn't it?  
12:22 35
- 12:22 36 A. Yes.  
12:22 37
- 12:22 38 Q. For the staff to deliver that in an appropriate way, they need  
12:22 39 to have appropriate training to understand the purpose of that  
12:22 40 occurring; don't they?  
12:22 41
- 12:22 42 A. Yes.  
12:22 43
- 12:22 44 Q. And you do conduct training in the context of Responsible  
12:23 45 Service of Gaming; don't you?  
12:23 46
- 12:23 47 A. Yes, Crown does.

- 12:23 1  
12:23 2 Q. Just bear with me for a moment. There are different ways,  
12:23 3 as the Code describes, in which reminders to take breaks can be  
12:23 4 delivered. It is right, isn't it, that the notion of breaks in play is  
12:23 5 not just a casino thing; it is something that is important across the  
12:23 6 gaming sector, isn't it?  
12:23 7  
12:23 8 A. Yes, my understanding, yes.  
12:23 9  
12:23 10 Q. And it is particularly important in relation to EGMs; isn't it?  
12:23 11  
12:23 12 A. Yes, it is.  
12:23 13  
12:24 14 Q. That's because when you play an EGM there is no natural  
12:24 15 break in the game, it's not like say, for example, finishing a hand  
12:24 16 of poker or the end of a roulette wheel spin. The gaming machine  
12:24 17 will continue to play with you so long as you sit there?  
12:24 18  
12:24 19 A. Yes, so long as you are playing, yes, it can. Yes.  
12:24 20  
12:24 21 Q. And it is also true that a modern feature of EGMs is that  
12:24 22 they can be, with all their flashing lights, colours, themes and  
12:24 23 sounds, particularly engrossing? That is a feature of them; isn't  
12:24 24 it?  
12:24 25  
12:24 26 A. It is something that I'm aware has been raised over time,  
12:24 27 and certainly the machines are far more modern, yes, absolutely.  
12:24 28 And as to whether they are engrossing or not, I can't recall  
12:24 29 specific research to that, but for some people I would assume,  
12:25 30 yes, they are.  
12:25 31  
12:25 32 Q. When you say "for some people", they are the people who  
12:25 33 are most at risk from gambling harm some?  
12:25 34  
12:25 35 A. I'm sorry, I can't draw that colouration without referring to  
12:25 36 research or that knowledge. I don't have it to hand, I'm sorry.  
12:25 37  
12:25 38 Q. I put this to you, and if you don't know the answer, that is  
12:25 39 fine. People who are prone to gambling harm, the features of  
12:25 40 EGMs are particularly dangerous?  
12:25 41  
12:25 42 A. For some people, it appears --- and again my recollection of  
12:25 43 research --- that there may be some features that are more  
12:25 44 dangerous to some people than others, but again I cannot be  
12:25 45 absolutely sure on where I've read that and my recollection.  
12:25 46  
12:25 47 Q. You don't know?

- 12:25 1  
12:25 2 A. No.  
12:25 3  
12:26 4 Q. Assume that to be so. The break in play can be really  
12:26 5 important for people who play EGMs; can't it?  
12:26 6  
12:26 7 A. It can, yes.  
12:26 8  
12:26 9 Q. That is true, wherever there are EGMs, casino or local RSL,  
12:26 10 it is not a casino-specific thing?  
12:26 11  
12:26 12 A. No, it's not. EGMs are fairly universal across Australasia.  
12:26 13  
12:26 14 Q. In terms of delivering Responsible Service of Gaming  
12:26 15 across the Crown complex, it is really important that you have the  
12:26 16 right staff, isn't it?  
12:26 17  
12:26 18 A. The right staff to deliver the training, yes.  
12:26 19  
12:26 20 Q. To deliver the training and also to deliver the service?  
12:26 21  
12:26 22 A. Yes, that's right.  
12:26 23  
12:27 24 Q. I think at paragraph 160 of your report, I just want to take  
12:27 25 you to it. You will probably remember this off the top of your  
12:27 26 head rather than necessarily in the document. You head up the  
12:27 27 responsible gaming department; don't you?  
12:27 28  
12:27 29 A. Yes, I do.  
12:27 30  
12:27 31 Q. And the Responsible Gaming General Manager reports to  
12:27 32 you?  
12:27 33  
12:27 34 A. Yes, they do.  
12:27 35  
12:27 36 Q. There are 12 Responsible Gaming Advisors at present?  
12:27 37  
12:27 38 A. That's right.  
12:27 39  
12:27 40 Q. There is also a chaplain?  
12:27 41  
12:27 42 A. Yes, that is a contracted service, yes.  
12:27 43  
12:27 44 Q. Three psychologists?  
12:27 45  
12:27 46 A. Yes.  
12:27 47

- 12:28 1 Q. Again a contracted service?  
12:28 2  
12:28 3 A. No. They are employees of Crown. Yes.  
12:28 4  
12:28 5 Q. And a Responsible Gaming office coordinator?  
12:28 6  
12:28 7 A. That's right.  
12:28 8  
12:28 9 Q. And there is data reporting and an innovation coordinator?  
12:28 10  
12:28 11 A. That's right.  
12:28 12  
12:28 13 Q. At paragraph 63 you draw our attention to the RGAs and  
12:28 14 their role.  
12:28 15  
12:28 16 A. Sorry ---  
12:28 17  
12:28 18 Q. Paragraph 36 of your statement.  
12:28 19  
12:28 20 A. I think the operator will bring that up, yes?  
12:28 21  
12:29 22 Q. The RGAs, as you say there:  
12:29 23  
12:29 24 *..... are specially trained staff who are responsible for the*  
12:29 25 *implement and delivery of responsible gaming programs*  
12:29 26 *and services [at Crown]"*  
12:29 27  
12:29 28 A. Yes.  
12:29 29  
12:29 30 Q. Their aim is to minimise the harm to customers and their  
12:29 31 families?  
12:29 32  
12:29 33 A. Yes.  
12:29 34  
12:29 35 Q. I want to take you to a document which is bundle 114,  
12:29 36 Commissioner, document CRW.510.048.0559. It is the  
12:30 37 Responsible Gaming Advisor's position description. I just  
12:30 38 wanted to take you to that.  
12:30 39  
12:30 40 A. Yes, thank you.  
12:30 41  
12:30 42 Q. There is a position summary which outlines what they do.  
12:30 43 Can you see that there?  
12:30 44  
12:30 45 A. Yes, I can.  
12:30 46  
12:30 47 Q. Do you have the document?



12:30 1  
12:30 2 A. I have in front of me on the screen, yes.  
12:30 3  
12:30 4 MR FINANZIO: Commissioner, do you have the document?  
12:30 5  
12:30 6 COMMISSIONER: Yes, I do.  
12:30 7  
12:30 8 MR FINANZIO: Thanks.  
12:30 9  
12:30 10 Reporting to the Responsible Gaming Operations  
12:30 11 *Manager (RGOM), the Responsible Gaming Advisor*  
12:30 12 *(RGA) is responsible for the implementation and delivery*  
12:30 13 *of responsible gaming programs and services with the*  
12:31 14 *aim of minimising harm to customers .....*  
12:31 15  
12:31 16 That is what is in your report?  
12:31 17  
12:31 18 A. That's right.  
12:31 19  
12:31 20 Q. An integral component of Crown's corporate strategy for  
12:31 21 exceptional business practice, the RGA operates in a complex and  
12:31 22 multifaceted environment fostering relationships across all  
12:31 23 business units, delivering responsible gaming leadership and  
12:31 24 corporate compliance. Business necessitates a proactive role that  
12:31 25 requires the RGA to be on the gaming floor for a substantial part  
12:31 26 of their shift.  
12:31 27  
12:31 28 There is a bit of feedback, are you getting ---  
12:31 29  
12:31 30 A. You are bumping out, Mr Finanzio.  
12:31 31  
12:31 32 Q. I was simply reading ---  
12:31 33  
12:31 34 A. Yes, I got the --- thank you.  
12:31 35  
12:31 36 Q. All right. I just want to, in the job description, go to page 4  
12:32 37 of that document, which is --- which sets out some of the things  
12:32 38 that they have to do, what their responsibilities are. They issue  
12:32 39 self-exclusion orders, recommendations for customer care  
12:32 40 including escalation to external service providers, unattended  
12:32 41 children, customers who are at risk of self-harm, training and  
12:32 42 coaching for team members ---  
12:32 43  
12:32 44 A. Sorry, apologies to interrupt, but I'm not sure we're looking  
12:32 45 at the same document. I can't get a quantum of where you are at,  
12:33 46 which part.  
12:33 47

- 12:33 1 Q. Page 4 of that document.  
12:33 2  
12:33 3 A. To the "decision making and advice" component. Got it  
12:33 4 thank you.  
12:33 5  
12:33 6 Q. You can see that these are the decisions that they are  
12:33 7 authorised to make, aren't they?  
12:33 8  
12:33 9 A. Yes.  
12:33 10  
12:33 11 Q. What is being described here is their areas of  
12:33 12 responsibility?  
12:33 13  
12:33 14 A. In --- I mean this is an internal document that prescribes  
12:33 15 certain elements that need to be completed and this is  
12:33 16 a component of the entire position description, yes.  
12:33 17  
12:33 18 Q. Yes, it is a component of the entire position description,  
12:33 19 and if I --- I'm taking you to it because what I want to put to you  
12:33 20 is --- just go to the last passage there, they make complex  
12:33 21 decisions involving risk-related customer matters. That's in  
12:34 22 relation to Responsible Service of Gaming, correct?  
12:34 23  
12:34 24 A. Yes.  
12:34 25  
12:34 26 Q. When we look at that table and it says  
12:34 27 "Advice/Recommendations this role provides", these are some of  
12:34 28 the complex matters they have to address?  
12:34 29  
12:34 30 A. Yes, it is part of decision making and advice, yes.  
12:34 31  
12:34 32 Q. They have specialised training, don't they, to deal with  
12:34 33 those situations?  
12:34 34  
12:34 35 A. Yes, they do.  
12:34 36  
12:34 37 Q. Specialised training in relation to all aspects of the  
12:34 38 Responsible Service --- the Responsible Service of Gaming Code  
12:34 39 of Conduct?  
12:34 40  
12:34 41 A. Yes.  
12:34 42  
12:34 43 Q. In particular in relation to observable signs?  
12:34 44  
12:34 45 A. Yes.  
12:34 46  
12:34 47 Q. If you go to the bottom of that page "Other Information",

12:35 1 the Responsible Gaming Advisor:

12:35 2

12:35 3 *The RGA regularly interacts with customers and staff*  
12:35 4 *experiencing various levels of distress. It is imperative*  
12:35 5 *that the RGA maintains strict levels of confidentiality at*  
12:35 6 *all times.*

12:35 7

12:35 8 A. Yes.

12:35 9

12:35 10 Q. Not only do they have complex decisions in which they are  
12:35 11 involved on a day-to-day basis, but to do that kind of job, you  
12:35 12 have to have skills that enable you to deal well with people in  
12:35 13 different levels of distress?

12:35 14

12:35 15 A. That's right.

12:35 16

12:35 17 Q. It's not a job for anyone?

12:35 18

12:35 19 A. That's right.

12:35 20

12:36 21 Q. And part of the criteria for their selection is their ability to  
12:36 22 handle to the kind of gambling harm we are talking about?

12:36 23

12:36 24 A. That's right. And part of the recruitment process addresses  
12:36 25 the complex nature you mentioned earlier, and will always  
12:36 26 involve one of our Responsible Gaming psychologists so that the  
12:36 27 balance can be appropriate for that person.

12:36 28

12:36 29 Q. Yes. So all staff at Crown, all staff, not just the RGA staff,  
12:36 30 they receive RSG training; don't they?

12:36 31

12:36 32 A. Yes, they do, on induction as an employee of Crown they  
12:36 33 receive that induction, and then there is a Responsible Service of  
12:36 34 Gaming training course that they do as well.

12:36 35

12:36 36 Q. Dealers and food and beverage staff, everybody?

12:36 37

12:36 38 A. Yes.

12:36 39

12:36 40 Q. They need to know what an observable sign is?

12:36 41

12:37 42 A. Yes, they do.

12:37 43

12:37 44 Q. Because if they see an observable sign they are meant to  
12:37 45 contact the Responsible Gaming Centre; aren't they?

12:37 46

12:37 47 A. They are required to escalate either directly to the

12:37 1 Responsible Gaming Centre or to their manager for them  
12:37 2 conveying to the Responsible Gaming Centre. And then  
12:37 3 a Responsible Gaming Advisor logs it in the register, logs that  
12:37 4 matter that has been referred to them in the register?

12:37 5

12:37 6 A. That would be a component of the action taken. However,  
12:37 7 there may be other actions, for example, attendance at the  
12:37 8 particular incident that may be occurring.

12:37 9

12:37 10 Q. Sure. But taking it step by step, if a staff member sees  
12:37 11 an observable sign and refers it to an RGA, the RGA would log  
12:37 12 that in the register?

12:37 13

12:37 14 A. Yes.

12:37 15

12:37 16 Q. And then whatever action the RGA --- the RGA would then  
12:38 17 take whatever action the RGA thinks appropriate based on what's  
12:38 18 observed, that is how the system is meant to work?

12:38 19

12:38 20 A. Yes. And again, not to make too fine a point, if an RGA  
12:38 21 receives contact from a person from within the Crown team it  
12:38 22 would depend on the type of contact, whether they are more  
12:38 23 immediately required to attend a location and then subsequently  
12:38 24 make that entry or make the entry at the time as it may be  
12:38 25 escalated. Again, there is a variety of elements that might apply.  
12:38 26 For the fulness of the Commissioner I wanted to explain that  
12:38 27 there might be different elements.

12:38 28

12:38 29 Q. I appreciate that. So the staff member sees maybe  
12:38 30 an observable sign and contacts the RGA, step 1.

12:38 31

12:38 32 A. Yes, they can do that.

12:38 33

12:39 34 Q. Step 2, RGA logs the observable sign or the reporting of it  
12:39 35 in the register; step 2; agree?

12:39 36

12:39 37 A. Again, and I don't wish to be contrary. However, it  
12:39 38 depends --- the logging will depend on the action taken, and then  
12:39 39 it would be logged as opposed to its logging and then an action is  
12:39 40 taken. For clarity's sake.

12:39 41

12:39 42 Q. I have 2 and 3 in the wrong order. The RGA would make  
12:39 43 a decision about what the action should be?

12:39 44

12:39 45 A. Yes.

12:39 46

12:39 47 Q. And it might be nothing, it might be don't do anything for

12:39 1 now and just observe. Whatever decision the RGA makes about  
12:39 2 the action, that is logged in the register?  
12:39 3  
12:39 4 A. Yes. Yes.  
12:39 5  
12:39 6 Q. The person who makes the judgment about what is to be  
12:39 7 done is the RGA because they are the expert?  
12:39 8  
12:39 9 A. Yes.  
12:39 10  
12:39 11 Q. At the same time, the RGAs are monitoring play periods;  
12:40 12 aren't they?  
12:40 13  
12:40 14 A. Yes. Play periods as explained in my statement, yes.  
12:40 15  
12:40 16 Q. They do that in two ways, don't they: in the first instance in  
12:40 17 relation to uncarded play, that is players who are playing without  
12:40 18 a card, they simply --- the RGAs make observations on the floor?  
12:40 19  
12:40 20 A. Yes, they do. And we've more recently employed a system  
12:40 21 that will assist the observation of play periods for uncarded play  
12:40 22 in our continuing journey to address that issue of persons who are  
12:40 23 playing uncarded or that we would like to be able to monitor as  
12:40 24 best we can and interact and observe and intervene as required,  
12:41 25 yes.  
12:41 26  
12:41 27 Q. How recent as that technology been put in place?  
12:41 28  
12:41 29 A. We've been working on it for a while and we commenced  
12:41 30 a trial in the last week or two.  
12:41 31  
12:41 32 Q. Okay. How long have you been working on it?  
12:41 33  
12:41 34 A. So once we returned from a closure due to COVID-19,  
12:41 35 which was in November last year, the constraints of the casino  
12:41 36 reopening in terms of limits on volumes of people and those sorts  
12:41 37 of things weren't necessarily representative of a good sample of  
12:41 38 what might be traversing the casino gaming floor. So certainly  
12:41 39 we commenced discussions on the ability to do that, and those  
12:41 40 came to fruition more recently. So, Mr Finanzio, it's part of our  
12:42 41 ongoing resolution to deal with Recommendation 8(b) of the  
12:42 42 Sixth Review of the Casino Operator and Licence.  
12:42 43  
12:42 44 Q. Right. And before --- let's just go back a step. Absent that  
12:42 45 innovation, so before that innovation came to pass, the only way  
12:42 46 that an RGA could monitor uncarded play was by walking the  
12:42 47 floor?

12:42 1  
12:42 2 A. Yes, for an RGA it's by walking the floor, and as would be  
12:42 3 also expected to be observed by other people who are working on  
12:42 4 the casino gaming floor.  
12:42 5  
12:43 6 Q. Those other people working on the casino gaming floor  
12:43 7 include dealers and managers and so on?  
12:43 8  
12:43 9 A. That's right. Customer service attendants and those people.  
12:43 10  
12:43 11 Q. All of whom have a variety of other tasks to perform?  
12:43 12  
12:43 13 A. That's right.  
12:43 14  
12:43 15 Q. Tasks that might distract them in the busier times as we  
12:43 16 described earlier?  
12:43 17  
12:43 18 A. Potentially, yes.  
12:43 19  
12:43 20 Q. Now, in relation to --- I just want to ask you now about this  
12:43 21 innovation. When you say --- you mentioned that there is now  
12:43 22 some technology that will assist in uncarded play. When did that  
12:43 23 become operational?  
12:43 24  
12:43 25 A. So in terms of --- what I mean by technology is looking at  
12:43 26 ways that --- and I'm not a technology expert, I'm just aware of the  
12:43 27 high level implementation that we've been working on, including  
12:44 28 working with external parties to find a solution where we can  
12:44 29 better monitor uncarded play. Most recently we met with the  
12:44 30 consultant a couple of weeks ago also, and prior to that, a month  
12:44 31 prior to that. So it is something that we are certainly really  
12:44 32 looking towards achieving. Whilst also looking what do we have  
12:44 33 within our systems that we can utilise where we can look at  
12:44 34 continuous play for periods of time that may alert us to  
12:44 35 a customer that we can interact with if they are playing for  
12:44 36 an hour or two hours without breaks or three or four hours. I  
12:44 37 don't have the policy in front of me, it is a trial at this point, and  
12:44 38 there may be some elements of adjustment. I only raise it to  
12:45 39 indicate that this is something that we are working on and we've  
12:45 40 also indicated to our regulator as well.  
12:45 41  
12:45 42 Q. Let's go back a step. Could we ---  
12:45 43  
12:45 44 COMMISSIONER: I noticed the time is now 12.45. I was  
12:45 45 ordinarily going to have a break. So I think we might break for  
12:45 46 lunch. I do want to do one thing first, though, that is the  
12:45 47 Responsible Gaming Advisor Position Description, I will mark

12:45 1 that as Exhibit 111.

12:45 2

3

4

**EXHIBIT #RC0111 - RESPONSIBLE GAMING ADVISOR  
POSITION DESCRIPTION**

6

7

12:45 8 MR FINANZIO: Thank you, Commissioner.

12:45 9

12:45 10 COMMISSIONER: That's all right. You were going to say  
12:45 11 something?

12:45 12

12:45 13 MR FINANZIO: I was hoping, subject to the witness's and your  
12:45 14 indulgence, just to round out a couple of questions on this Code,  
12:45 15 if that's okay.

12:45 16

12:45 17 COMMISSIONER: That's all right.

12:45 18

12:45 19 Are you okay with that, Ms Bauer?

12:45 20

12:45 21 A. Yes, I'm, thank you, Mr Commissioner.

12:45 22

12:46 23 MR FINANZIO: These innovations in relation to uncarded play,  
12:46 24 were prompted as a result of Recommendation 8(b) of the Sixth  
12:46 25 Review; is that correct?

12:46 26

12:46 27 A. Yes, that's been an ongoing matter for Crown to resolve,  
12:46 28 which was unfortunately disrupted by the unfortunate events of  
12:46 29 last year.

12:46 30

12:46 31 Q. When you say "disrupted", before the Sixth Review what  
12:46 32 efforts had Crown made to pursue identifying uncarded players  
12:46 33 based on its existing systems?

12:46 34

12:46 35 A. The efforts prior to that were resting predominantly with  
12:46 36 observable signs, Mr Finanzio.

12:46 37

12:46 38 Q. Yes. So basically nothing. Isn't that right?

12:47 39

12:47 40 A. In terms of utilising technology, I would agree at that point  
12:47 41 but I wouldn't agree it was nothing.

12:47 42

12:47 43 Q. So you were brought to the point of uncarded play by virtue  
12:47 44 of Recommendation 8(b) of the Sixth Casino Review; is that  
12:47 45 correct?

12:47 46

12:47 47 A. Yes that can --- yes.

12:47 1  
12:47 2 Q. The Sixth Casino Review was completed in June 2018;  
12:47 3 right?  
12:47 4  
12:47 5 A. That's right.  
12:47 6  
12:47 7 Q. It is right that before the pandemic started there were about  
12:47 8 18 months that passed; is that so?  
12:47 9  
12:47 10 A. Yes, that's right, yes.  
12:47 11  
12:47 12 Q. It is right, isn't it, that in that period not much progress had  
12:47 13 been made in relation to this technological advancement some?  
12:47 14  
12:47 15 A. No, Mr Finanzio. What Crown undertook is to have ---  
12:48 16  
12:48 17 COMMISSIONER: Can I stop you, Ms Bauer, for a minute.  
12:48 18 I think Mr Borsky is now an observable sign!  
12:48 19  
12:48 20 MR BORSKY: Thank you, Commissioner. Look, I do note the  
12:48 21 time and it may be more convenient to deal with this after lunch,  
12:48 22 but I would submit as a matter of fairness that if the witness is  
12:48 23 going to be challenged on the timeliness or otherwise of  
12:48 24 implementation of Recommendation 8(b), that it be done by  
12:48 25 reference to the timelines challenge were actually provided in the  
12:48 26 Recommendation. They, as my learned friend knows, extend  
12:48 27 right into next year. So I think as a matter of fairness, the witness  
12:48 28 should be shown the recommendation rather than have this line of  
12:48 29 questioning pursued in the abstract in a hurry before a lunch  
12:48 30 adjournment.  
12:48 31  
12:48 32 MR FINANZIO: Okay.  
12:48 33  
12:48 34 COMMISSIONER: All right. I will get Mr Finanzio to do that.  
12:48 35  
12:48 36 Do you want to do that now, Mr Finanzio, or after lunch?  
12:49 37  
12:49 38 MR FINANZIO: We'll do it after lunch.  
12:49 39  
12:49 40 COMMISSIONER: It is a convenient time to break now?  
12:49 41  
12:49 42 MR FINANZIO: Thank you.  
12:49 43  
12:49 44 COMMISSIONER: All right. I will resume at 1.30. Thank you.  
12:49 45  
12:49 46  
12:49 47 **ADJOURNED** **[12:49P.M.]**



13:36 1

13:36 2

13:36 3 **RESUMED**

**[1:36P.M.]**

13:36 4

13:36 5

13:36 6 COMMISSIONER: Sorry about the delay, everyone. I just

13:36 7 wanted to clarify one thing with you, Ms Bauer, before we

13:36 8 continue. Some weeks ago myself and members of the

13:37 9 Commission team were taken on a tour of the casino and spent

13:37 10 a couple of hours there, and I'm quite sure that unrestricted

13:37 11 gaming machines are scattered throughout the whole of the casino

13:37 12 area, including on the main gaming floor. I thought that you said

13:37 13 in your evidence that they were just in the premium areas. That's

13:37 14 not my observation of the position. You are on mute, Ms Bauer.

13:37 15 You will have to do something.

13:37 16

13:37 17 A. Is that better?

13:38 18

13:38 19 COMMISSIONER: Yes, that's working.

13:38 20

13:38 21 A. Yes, Mr Commissioner, I apologise. I understand the

13:38 22 predominance of the unrestricted machines is in the premium

13:38 23 areas, however there will be some machines that operate in

13:38 24 an unrestricted mode on the casino gaming floor, yes.

13:38 25

13:38 26 COMMISSIONER: I thought they are capable --- you are

13:38 27 capable of locating machines that operate in unrestricted mode

13:38 28 pretty well throughout the whole of the casino?

13:38 29

13:38 30 A. My understanding is, yes, they are. They can be in the

13:38 31 whole of the casino and I apologise if my evidence was unclear.

13:38 32 My understanding is that the predominance are located in the

13:38 33 premium areas. So apologies for that, Mr Commissioner.

13:38 34

13:38 35 COMMISSIONER: Okay, thank you.

13:38 36

13:38 37 MR FINANZIO: Thank you.

13:39 38

13:39 39 Before lunch we were talking about the RGA's monitoring play

13:39 40 periods and we were talking about uncarded play. I will come

13:39 41 back to that question in a minute, but I just wanted to clarify the

13:39 42 position in relation to carded play. The RGAs monitor the carded

13:39 43 play because there is a system called play periods, right?

13:39 44

13:39 45 A. Yes.

13:39 46

13:39 47 Q. And that sends an alert called a Splunk alert to the RGA?

- 13:39 1  
13:39 2 A. Yes, the system is Splunk, and then the alert comes via  
13:39 3 Webex and I only explain that for clarity's sake, Mr Finanzio.  
13:39 4  
13:39 5 Q. Thank you. It is commonly referred to as a Splunk alert,  
13:39 6 isn't it?  
13:39 7  
13:39 8 A. It can be in parlance, yes.  
13:39 9  
13:39 10 Q. That is when a player has played a period where there  
13:39 11 should be a break, is that right?  
13:39 12  
13:40 13 A. The alert will track the player first inserting their loyalty  
13:40 14 program card and then count the 12 hours from there. So the  
13:40 15 objective is to ascertain not just the volume of play, but the time  
13:40 16 on the casino gaming floor, yes.  
13:40 17  
13:40 18 Q. And then once the RGA receives a message from the  
13:40 19 Splunk system, the RGA might decide what to do at that point?  
13:40 20  
13:40 21 A. Yes.  
13:40 22  
13:40 23 Q. The RGA could contact someone on the gaming floor to  
13:40 24 undertake an action?  
13:40 25  
13:40 26 A. That's right, yes.  
13:40 27  
13:40 28 Q. The RGA could go to the gaming floor themselves?  
13:40 29  
13:40 30 A. That's right.  
13:40 31  
13:40 32 Q. For the purpose of giving a customer a reminder about  
13:41 33 taking a break.  
13:41 34  
13:41 35 A. Yes.  
13:41 36  
13:41 37 Q. Or if there is some other observable sign, for the purpose of  
13:41 38 addressing that observable sign?  
13:41 39  
13:41 40 A. Yes.  
13:41 41  
13:41 42 Q. Now, come back to the uncarded play. I just want to clarify  
13:41 43 the position. We were talking before about Recommendation 8 of  
13:41 44 the Sixth Review and in particular Recommendation 8(b).  
13:41 45  
13:41 46 A. Yes.  
13:41 47

13:41 1 Q. And Mr Borsky rightly pointed out that I should bring to  
13:41 2 your attention the time periods by which Recommendation 8(b)  
13:41 3 was required to be addressed in the Sixth Casino Review. And I  
13:41 4 will just read it to you rather than trouble anybody because I'm  
13:42 5 sure you will know what it is:

13:42 6  
13:42 7 *For uncarded play, Crown Melbourne will by 1 January*  
13:42 8 *2019 commence a comprehensive study of all the*  
13:42 9 *practical options for a real-time player data analytics tool*  
13:42 10 *with a view to reporting in detail, including legal,*  
13:42 11 *technical and methodological issues for the VCGLR by 1*  
13:42 12 *January 2020.*

13:42 13  
13:42 14 A. Yes.

13:42 15  
13:42 16 Q. Now, was that review undertaken by 1 January 2020?

13:42 17  
13:42 18 A. Yes, it was. It was submitted to the VCGLR and, to my  
13:42 19 recollection, accepted.

13:42 20  
13:42 21 Q. And the tool is required to be in operation by 1 July 2022?

13:42 22  
13:42 23 A. Yes, that's right.

13:42 24  
13:42 25 Q. Am I right that the period for that to occur has been  
13:43 26 extended?

13:43 27  
13:43 28 A. Not for the tool, no.

13:43 29  
13:43 30 Q. In relation to uncarded play, until that tool is in operation,  
13:43 31 we're still talking about observation as the main way in which  
13:43 32 play periods for uncarded play is addressed?

13:43 33  
13:43 34 A. The current position is that we rely on the observation, and  
13:43 35 that we are trialling a tool that may assist and that we are in  
13:43 36 conversation with a consultant that is currently exploring the  
13:43 37 ability to monitor uncarded play, yes.

13:43 38  
13:44 39 Q. At the moment --- I'm asking you the position --- is there  
13:44 40 certainty that uncarded play will be able to be tracked with the  
13:44 41 same level of precision as carded play?

13:44 42  
13:44 43 A. I don't think in any of these tools there is ultimate certainty.  
13:44 44 However, that is the purpose of the trial, to review and improve  
13:44 45 as we go along and test the efficacy of that tool.

13:44 46  
13:44 47 Q. Carded play is the best way of monitoring play periods,

13:44 1     though, isn't it, most accurate?  
13:44 2  
13:44 3     A. It is accurate when the player uses their card, as is the  
13:44 4     player that is using their card, it can be recorded most accurately  
13:44 5     in those circumstances, yes.  
13:44 6  
13:44 7     Q. Yes. All right, so just going back to it then, we were  
13:44 8     talking about the RGA's responsibilities. Whenever a distressing  
13:45 9     situation arises, the RGA is called upon to attend?  
13:45 10  
13:45 11    A. When there is a circumstance including signs of distress  
13:45 12    and other observable signs, dependent on the observation of the  
13:45 13    staff member an RGA will be called, yes.  
13:45 14  
13:45 15    Q. And whenever an excluded person is identified, the RGA  
13:45 16    has to effectively be notified?  
13:45 17  
13:45 18    A. So when a person breaches their self-exclusion order or  
13:45 19    attempts to breach their self-exclusion order an RGA will be  
13:45 20    called, yes.  
13:45 21  
13:45 22    Q. And they are the ones with the responsibility for actually  
13:45 23    providing support and assistance to Crown customers and staff in  
13:45 24    difficult situations; aren't they?  
13:45 25  
13:45 26    A. Yes, they are.  
13:45 27  
13:45 28    Q. They also try to educate the other staff?  
13:46 29  
13:46 30    A. Yes, they do.  
13:46 31  
13:46 32    Q. I want to ask about --- I think when I turn my head and talk  
13:46 33    you find it difficult to hear me?  
13:46 34  
13:46 35    A. I'm sorry, Mr Finanzio, I do have a slight hearing loss and I  
13:46 36    employ the cone method of hearing better, so my apologies.  
13:46 37  
13:46 38    Q. At paragraph 101 of your report you set out one of the  
13:46 39    questions that the Commission asked you to address in its  
13:46 40    (inaudible)?  
13:46 41  
13:46 42    A. Sorry, I did miss that last component of your question.  
13:46 43  
13:46 44    Q. In paragraph 101, do you have that?  
13:46 45  
13:46 46    A. I'm just going to it now. Yes, I'm here, yes.  
13:46 47

- 13:46 1 Q. Okay. So there you set out the question that you were  
13:47 2 asked to address in the request for statement sent to you by the  
13:47 3 Commission.  
13:47 4
- 13:47 5 A. Yes.  
13:47 6
- 13:47 7 Q. At 14, it's question 14; you see that?  
13:47 8
- 13:47 9 A. Yes.  
13:47 10
- 13:47 11 Q. And the first question is:  
13:47 12  
13:47 13 *How many staff members are on the gaming floor at the*  
13:47 14 *Casino to deal with problem gambling?*  
13:47 15
- 13:47 16 You see that?  
13:47 17
- 13:47 18 A. Yes.  
13:47 19
- 13:47 20 Q. Your answer is in paragraph 101 and you express it in  
13:47 21 full-time equivalent staff?  
13:47 22
- 13:47 23 A. That's right.  
13:47 24
- 13:47 25 Q. 12 full-time equivalents. And then you also make reference  
13:47 26 to the chaplaincy and so on in the balance of that passage. The  
13:47 27 psychologists are not on the floor, are they?  
13:47 28
- 13:47 29 A. They tend to be mainly located in the RGC but they can be  
13:48 30 on the floor as is required.  
13:48 31
- 13:48 32 Q. But they are not doing observation work, they are receiving  
13:48 33 people referred to them by the RGAs?  
13:48 34
- 13:48 35 A. Not --- yes. Yes.  
13:48 36
- 13:48 37 Q. The chaplain is there 25 hours a week?  
13:48 38
- 13:48 39 A. Yes, and on call for the rest of the week.  
13:48 40
- 13:48 41 Q. So within that cohort, RGAs are the ones to be on the floor,  
13:48 42 aren't they?  
13:48 43
- 13:48 44 A. That's right.  
13:48 45
- 13:48 46 Q. When you say 12 full-time equivalents, it's only been 12  
13:48 47 since some time after the Sixth Review, hasn't it?

- 13:48 1  
13:48 2 A. Sorry to interrupt you, there was a loss in audio.  
13:48 3  
13:48 4 So Crown commenced the recruitment of an additional cohort of  
13:49 5 Responsible Gaming staff in early 2018, so prior to the Sixth  
13:49 6 Review.  
13:49 7  
13:49 8 Q. Right, and it increased from 7 to 12, didn't it?  
13:49 9  
13:49 10 A. That's right.  
13:49 11  
13:49 12 Q. Before that, it had been only seven for a long time?  
13:49 13  
13:49 14 A. Yes. And my recollection is --- no, I can't be precise, I ---  
13:49 15  
13:49 16 Q. It was five for a period before that. I can't remember  
13:49 17 exactly when either, but it went from five to --- (overspeaking) ---  
13:49 18 to 12?  
13:49 19  
13:49 20 A. It was seven prior to that with then an additional five  
13:49 21 full-time equivalents, yes.  
13:49 22  
13:49 23 Q. It was raised from 7 to 12 in response to a recommendation  
13:49 24 from the Sixth Review that there be an increase, wasn't it?  
13:49 25  
13:49 26 A. The raising of the staff occurred before the Sixth Review  
13:50 27 was published. So it was slightly in advance of that.  
13:50 28  
13:50 29 Q. It was raised because the VCGLR raised with Crown the  
13:50 30 level of staffing in the context of the Sixth Review being  
13:50 31 undertaken; isn't that fair?  
13:50 32  
13:50 33 A. I certainly can see there is a correlation and I don't have  
13:50 34 a distinct recollection as to the proposition and the response, but  
13:50 35 that could be contended, yes.  
13:50 36  
13:50 37 Q. I will put the question again. The increase in staff from 7 to  
13:50 38 12 was prompted by the VCGLR raising the staffing levels while  
13:50 39 it was conducting the Sixth Review; that is true, isn't it?  
13:51 40  
13:51 41 A. As I said, I don't recall the specific elements of that, but one  
13:51 42 can draw that conclusion, so, yes.  
13:51 43  
13:51 44 Q. The Sixth Review didn't say how many staff the increase  
13:51 45 should be; did it?  
13:51 46  
13:51 47 A. My recollection is, no, it did not.

- 13:51 1  
13:51 2 Q. Crown came up with the increase of five; didn't it?  
13:51 3  
13:51 4 A. Yes.  
13:51 5  
13:51 6 Q. On its own analysis. Were you involved in the process of  
13:51 7 working out how many additional staff there should be?  
13:51 8  
13:51 9 A. I was involved in a meeting where the staffing levels were  
13:51 10 discussed and a proposition was made that if we increased the  
13:51 11 staffing levels by 5 to 12 as it correlates with the rostering system  
13:52 12 that the staff work, it would provide a coverage of two to three  
13:52 13 RGAs per shift.  
13:52 14  
13:52 15 Q. So you were involved in discussing the staff increase?  
13:52 16  
13:52 17 A. At that point, yes.  
13:52 18  
13:52 19 Q. Was it your decision?  
13:52 20  
13:52 21 A. No. At that point it was proposing that that could be  
13:52 22 a proposition to increase the staffing level.  
13:52 23  
13:52 24 Q. Whose decision was it?  
13:52 25  
13:52 26 A. So my recollection is that Mr Barry Felstead, CEO at the  
13:52 27 time, proposed the increase of staff.  
13:52 28  
13:52 29 Q. He proposed the increase in staff?  
13:52 30  
13:52 31 A. Yes.  
13:52 32  
13:52 33 Q. Were there any papers prepared about how to analyse what  
13:53 34 the increase should be?  
13:53 35  
13:53 36 A. I don't recall any preparation of papers ---  
13:53 37  
13:53 38 Q. Were you asked to be involved in an analysis of what the  
13:53 39 responsible gaming needs might be to increase the staff?  
13:53 40  
13:53 41 A. Mr Finanzio, I'm trying to recall the meeting where there  
13:53 42 was the proposition of an increase of five staff members, and I  
13:53 43 recollect I was requested to provide some feedback to which I  
13:53 44 provided the feedback that that would afford, based on the current  
13:53 45 rostering system, that kind of coverage.  
13:53 46  
13:53 47 Q. Who else was at the meeting?

- 13:53 1  
13:54 2 A. I don't recall apart from my then line manager Mr Joshua  
13:54 3 Preston. I don't recall who else was at the meeting but I recall  
13:54 4 there may have been others. Sorry.  
13:54 5  
13:54 6 Q. Was the meeting minuted?  
13:54 7  
13:54 8 A. I don't know.  
13:54 9  
13:54 10 Q. I'm taking from your answer that you didn't prepare a paper  
13:54 11 outlining the implications of increasing the number of staff in the  
13:54 12 roster?  
13:54 13  
13:54 14 A. Not for that meeting, no.  
13:54 15  
13:54 16 Q. Do I take it it was sort of an informal meeting where you  
13:54 17 discussed?  
13:54 18  
13:54 19 A. I'm sorry, Mr Finanzio, my recollection is of the meeting  
13:54 20 which actually took place in this room where it was discussed that  
13:54 21 it would be useful to have an increase in staffing levels. As to  
13:54 22 whether there were minutes, et cetera, I don't recall, I'm sorry.  
13:54 23  
13:54 24 Q. Why would it be desirable to have an increase in staffing  
13:55 25 levels? Why?  
13:55 26  
13:55 27 A. When we think about the previous staffing levels being  
13:55 28 seven RGAs, which provides you with a 24/7 roster with  
13:55 29 additional resources and coverage for annual leave and sick leave  
13:55 30 and those sorts of things, I can only suppose, and this is my  
13:55 31 personal opinion, that in the context of a more amplified review  
13:55 32 of what was occurring in responsible gaming that the increase of  
13:55 33 RGAs would only assist in the increase of monitoring play  
13:55 34 behaviour and assisting the operation.  
13:55 35  
13:55 36 Q. But all of that, done without any analysis or paper prepared  
13:55 37 by you, the person responsible for this, the delivery of  
13:56 38 Responsible Service of Gaming?  
13:56 39  
13:56 40 A. That is my recollection, yes.  
13:56 41  
13:56 42 Q. This meeting happened in the context of the Sixth Review  
13:56 43 being underway?  
13:56 44  
13:56 45 A. Yes, it did.  
13:56 46  
13:56 47 Q. Am I right in saying that what happened was that the



13:56 1 VCGLR raised with you the staffing levels, and you had a chat  
13:56 2 about how much there would need to be an increase to satisfy the  
13:56 3 VCGLR to get them off your back?  
13:56 4  
13:56 5 A. I wouldn't put it in those words but I would agree there was  
13:56 6 a discussion. We were being reviewed by the VCGLR. The  
13:56 7 element of staffing was raised, and that --- it was quite --- very well  
13:56 8 a reaction to that.  
13:56 9  
13:56 10 Q. There was no analysis about what the Responsible Service  
13:56 11 of Gaming needs might be in order to determine the staffing  
13:57 12 levels at that time?  
13:57 13  
13:57 14 A. At that point, no.  
13:57 15  
13:57 16 Q. It was just about how the roster might work?  
13:57 17  
13:57 18 A. I think in how the roster might work has some importance  
13:57 19 in that we employ a ---  
13:57 20  
13:57 21 Q. Ms Bauer, I just asked you what the discussion was about.  
13:57 22  
13:57 23 A. So the discussion was about ---  
13:57 24  
13:57 25 COMMISSIONER: Just wait a minute, Ms Bauer. I have  
13:57 26 Mr Borsky wanting to say something.  
13:57 27  
13:57 28 MR BORSKY: Thank you, Commissioner. The question in turn  
13:57 29 referred to the roster of work and the witness then attempted to  
13:57 30 answer precisely responsive to that question.  
13:57 31  
13:57 32 COMMISSIONER: We'll go back to it.  
13:58 33  
13:58 34 MR FINANZIO: The discussion concerned the rostering  
13:58 35 implications of the introduction of the additional five; correct?  
13:58 36  
13:58 37 A. The discussion included that the additional five would  
13:58 38 provide an even coverage across the roster. So five was  
13:58 39 proposed, and it was ascertained that that would also provide the  
13:58 40 even coverage across the 24/7 operation.  
13:58 41  
13:58 42 Q. How many Responsible Gaming people, Responsible  
13:58 43 Gaming Advisors, were able to be on the floor at any one time  
13:58 44 when the maximum number of people employed was seven?  
13:58 45  
13:58 46 A. The most at any given time would have been two to three,  
13:58 47 and at the very least it was one, always.

13:58 1  
13:59 2 Q. One person across the whole casino; is that right?  
13:59 3  
13:59 4 A. For RGAs, yes.  
13:59 5  
13:59 6 Q. And the increase from 7 to 12 did not consider the  
13:59 7 responsible gaming needs coverage of the casino?  
13:59 8  
13:59 9 A. I'm not quite sure how to respond to that, Mr Finanzio, in  
13:59 10 that the additional RGAs provided an even coverage of  
13:59 11 Responsible Gaming Advisors across the 24/7, which, as I've  
13:59 12 mentioned previously, is augmented by staff also having  
13:59 13 Responsible Service of Gaming training and having an escalation  
13:59 14 process.  
13:59 15  
13:59 16 Q. Can you answer me this question: at the time when this  
14:00 17 matter was raised with you, did you think that one person across  
14:00 18 the whole gaming floor of the casino was inadequate?  
14:00 19  
14:00 20 A. At that point we did experience some times when it would  
14:00 21 have been preferable to have more staff. However, those times  
14:00 22 were not frequent enough at that point. However, on reflection  
14:00 23 the opportunity to have additional staff allowed to have a more  
14:00 24 comprehensive service on the gaming floor.  
14:00 25  
14:00 26 Q. So is the answer to my question "yes", you thought that  
14:00 27 seven at that time was inadequate?  
14:00 28  
14:00 29 A. At that time, seven staff were able to administer the chief  
14:00 30 elements of the Responsible Gaming, which included the  
14:00 31 issuance of self-exclusion orders, patrolling of the casino gaming  
14:01 32 floor, the attendance of self-exclusion breaches and those sort of  
14:01 33 things. Yes. At times, there were certainly pressures and there  
14:01 34 would have had to be a division so it made it easier to have more  
14:01 35 staff. Yes.  
14:01 36  
14:01 37 Q. You thought it was inadequate?  
14:01 38  
14:01 39 A. On reflection and in hindsight, I would agree that it might  
14:01 40 have been inadequate at times, yes.  
14:01 41  
14:01 42 Q. You didn't think it was inadequate before, only in hindsight  
14:01 43 do you now say it was inadequate?  
14:01 44  
14:01 45 A. At the time, and I would obviously need to reflect and  
14:01 46 ensure that I provide the appropriate answer. There were  
14:01 47 certainly times when it was inadequate but overall ---

14:01 1  
14:01 2 Q. Did you raise the inadequacy with anybody?  
14:01 3  
14:01 4 A. In general the operations were discussed quite often in  
14:02 5 terms of the statistics that were provided through various  
14:02 6 committees and with my line manager.  
14:02 7  
14:02 8 Q. So it is only when the VCGLR starts rattling the sabre  
14:02 9 about the number of staff that Crown does anything about it,  
14:02 10 notwithstanding that you thought it was inadequate before then?  
14:02 11  
14:02 12 A. At times --- I think I agree with you that at times it was  
14:02 13 inadequate, and I think the Sixth Review and the investigation  
14:02 14 into a number of areas certainly makes you take a step forward  
14:02 15 and amplifies your thoughts on particular elements. So it was  
14:02 16 very welcomed to have an additional staffing level, yes.  
14:02 17  
14:03 18 Q. I want to take you back to the position description. Bear  
14:03 19 with me.  
14:03 20  
14:03 21 Tab 114, Commissioner in the tender bundle.  
14:03 22  
14:03 23 COMMISSIONER: Got it.  
14:03 24  
14:03 25 MR FINANZIO: The position description; do you have it there,  
14:03 26 Ms Bauer?  
14:03 27  
14:03 28 A. No, I do not, Mr Finanzio.  
14:03 29  
14:03 30 Q. Sorry, perhaps I better give the number.  
14:03 31 CRW.510.048.0559.  
14:03 32  
14:03 33 A. I have it now, Mr Finanzio. I just need it --- thank you.  
14:03 34  
14:04 35 Q. Okay. The position description describes in the area in  
14:04 36 a second table on the first page and following a number of  
14:04 37 different activities. (Inaudible) there are a variety of tasks there  
14:04 38 for the RGA to undertake --- sorry, just hang on a minute.  
14:04 39  
14:04 40 A. Yes, there is.  
14:04 41  
14:04 42 Q. They are split up by percentages which include health and  
14:04 43 safety, communication and influence, et cetera, and the  
14:04 44 percentage of that task is allocated to the RGA; correct?  
14:05 45  
14:05 46 A. Yes.  
14:05 47

- 14:05 1 Q. And the idea is 30 per cent of the time is for service and  
14:05 2 operations?  
14:05 3
- 14:05 4 A. As expressed in this document, yes.  
14:05 5
- 14:05 6 Q. And that's because there are in fact a lot of other jobs like  
14:05 7 training and strategic business planning and procedural  
14:05 8 compliance, et cetera, et cetera, that the RGAs are required to  
14:05 9 undertake.  
14:05 10
- 14:05 11 A. Yes, and ---  
14:05 12
- 14:05 13 Q. --- (overspeaking) ---  
14:05 14
- 14:05 15 A. Yes, and as part of their job those elements contribute to  
14:05 16 enhancing the delivery of each area. So, for example, an RGA  
14:06 17 has to be certain enough and up to date with procedural elements  
14:06 18 and potential research and I note that the material is gone, it has  
14:06 19 re-appeared --- these are quite interrelated. So in effect I don't  
14:06 20 suppose that 30 per cent of a RGA's time is spent on customer  
14:06 21 service and operations, that it is much more interrelated than that.  
14:06 22
- 14:06 23 Q. Yes, but you would agree with me that they are not walking  
14:06 24 the floor the whole time?  
14:06 25
- 14:06 26 A. Not the whole time, I agree, yes.  
14:06 27
- 14:06 28 Q. And at any one time there is only, at present, three RGAs at  
14:06 29 the casino?  
14:06 30
- 14:06 31 A. That's right.  
14:06 32
- 14:06 33 Q. They might be engaged in any number of those other tasks  
14:06 34 that are in that list that are not walking the floor?  
14:06 35
- 14:06 36 A. Yes, they can be.  
14:06 37
- 14:06 38 Q. Including things like managing a self-excluded person who  
14:07 39 has attempted to turn up in breach of their self-exclusion ban?  
14:07 40
- 14:07 41 A. Yes.  
14:07 42
- 14:07 43 Q. Including talking to someone about the process of  
14:07 44 self-exclusion if they indicate that they want to do it?  
14:07 45
- 14:07 46 A. Yes.  
14:07 47

- 14:07 1 Q. Including all the monitoring that goes on and the entries  
14:07 2 into the reporting system that occurs. It is quite possible that at  
14:07 3 any one point in time there are no RGAs on the floor at all?  
14:07 4
- 14:07 5 A. Dependent on the type of work that is delivered by the  
14:07 6 RGA, yes, however, I've expressed in my evidence earlier that  
14:07 7 there are other people on the casino gaming floor that are trained  
14:07 8 to observe observable signs and in addition, and something we  
14:08 9 haven't raised earlier, is that there are also managers that receive  
14:08 10 a robust form of Responsible Service of Gaming training that, if  
14:08 11 required, can for a period step into the breach, if you will.  
14:08 12
- 14:08 13 Q. Yes, but you already agreed with me that in terms of the  
14:08 14 customer delivery of sensitive tasks like managing someone who  
14:08 15 has an observable sign, that is for an RGA and nobody else?  
14:08 16
- 14:08 17 A. When it is escalated to an RGA. However, the initial  
14:08 18 observation may well come from other staff on the casino floor.  
14:08 19
- 14:08 20 Q. I never said it wasn't. But there are times --- because of the  
14:08 21 random nature of the work of the RGA, there are times when  
14:08 22 there will just simply be no RGA available on the floor?  
14:08 23
- 14:08 24 A. Yes, that's correct.  
14:08 25
- 14:08 26 Q. Are you able to point to any study that has been done by  
14:08 27 Crown to analyse whether or not 12 full-time equivalent RGAs is  
14:09 28 adequate to service the need that might be generated on the casino  
14:09 29 floor?  
14:09 30
- 14:09 31 A. No, I'm not.  
14:09 32
- 14:09 33 Q. So that number 12 just sort of plucked out of nowhere? Put  
14:09 34 it this way, it's not based on any quantitative analysis of what the  
14:09 35 need on the casino floor might be to service properly the demand  
14:09 36 generated on the floor?  
14:09 37
- 14:09 38 A. Currently not to the degree of that sophistication, no.  
14:09 39
- 14:09 40 Q. So you started with seven which, with the benefit of  
14:09 41 hindsight and probably at the time, you recognised was  
14:09 42 inadequate; correct?  
14:09 43
- 14:09 44 A. Yes.  
14:09 45
- 14:09 46 Q. Then you moved to 12 with no scientific basis or  
14:10 47 quantitative basis to underpin the number 12?

14:10 1  
14:10 2 A. At that point, no.  
14:10 3  
14:10 4 Q. In reality, before I go there, I want to ask you this: have you  
14:10 5 seen the letter that was sent to Solicitors Assisting the Royal  
14:10 6 Commission dated 26 May 2021?  
14:11 7  
14:11 8 A. I don't know, Mr Finanzio. I've seen a letter that you  
14:11 9 referred to earlier to the VCGLR but I can't be sure about seeing  
14:11 10 another letter. I've seen a number of things recently.  
14:11 11  
14:11 12 Q. Are you aware that Crown now proposes to increase their  
14:11 13 compliment of staff by an addition of 14.25 full-time equivalents?  
14:11 14  
14:11 15 A. Yes, I am.  
14:11 16  
14:11 17 Q. Were you aware of that at the time that you wrote your  
14:11 18 statement?  
14:11 19  
14:11 20 A. No, I was not.  
14:11 21  
14:11 22 Q. Were you consulted at any point between the time that you  
14:11 23 made your statement to the Commission and today about that  
14:11 24 increase?  
14:11 25  
14:11 26 A. Yes, I was.  
14:11 27  
14:11 28 Q. When?  
14:12 29  
14:12 30 A. I don't have an exact date, Mr Finanzio, but there was a ---  
14:12 31  
14:12 32 Q. The week before?  
14:12 33  
14:12 34 A. No, it was a couple of weeks ago.  
14:12 35  
14:12 36 Q. Two weeks ago.  
14:12 37  
14:12 38 A. Well, two to three weeks ago, I can't be sure.  
14:12 39  
14:12 40 Q. Who consulted you?  
14:12 41  
14:12 42 A. So I had discussions with my now line manager, Mr Steve  
14:12 43 Blackburn.  
14:12 44  
14:12 45 Q. Where did those discussions take place?  
14:12 46  
14:12 47 A. Some of them were over the phone and some of them were

14:12 1 in person. And for the fulness of evidence, the point of the  
14:12 2 Responsible Gaming environment has also previously been raised  
14:13 3 at Board level where there has been a discussion.

14:13 4  
14:13 5 Q. You are not a member of the Board?

14:13 6  
14:13 7 A. No, I'm not.

14:13 8  
14:13 9 Q. You didn't attend the Board meetings?

14:13 10  
14:13 11 A. No, I did not. Oh, I have attended some Board meetings  
14:13 12 where Responsible Gaming has been discussed.

14:13 13  
14:13 14 Q. But you did not attend the board meetings in relation to the  
14:13 15 proposed increases in staffing levels?

14:13 16  
14:13 17 A. No, I did not.

14:13 18  
14:13 19 Q. Were you asked to provide any input into the additional  
14:13 20 staffing levels?

14:13 21  
14:13 22 A. Yes, I was.

14:13 23  
14:13 24 Q. Did you do that in writing?

14:13 25  
14:13 26 A. Yes, I did.

14:13 27  
14:13 28 Q. When did you do that?

14:13 29  
14:13 30 A. Again it would have been in the last few weeks,  
14:13 31 Mr Finanzio. I don't recall an exact date.

14:13 32  
14:13 33 Q. What were you asked to do?

14:13 34  
14:13 35 A. So we --- I was asked to and consulted with the general  
14:13 36 managers of Responsible Gaming in each property as to an ideal  
14:14 37 complement of staffing that would result in an updated structure  
14:14 38 to the Responsible Gaming department.

14:14 39  
14:14 40 Q. Let me ask to pick up on those words. You were asked to  
14:14 41 consult with them about what an ideal level of?

14:14 42  
14:14 43 A. Of staffing complement might be.

14:14 44  
14:14 45 Q. Is that to say that up until two weeks ago, you were of the  
14:14 46 view that the staffing levels for the RG component were less than  
14:14 47 ideal?

14:14 1  
14:14 2 A. I think it is difficult to ascertain particularly when I reflect  
14:14 3 on the Melbourne ---  
14:14 4  
14:14 5 Q. Answer my question. How about you answer my question.  
14:14 6 Are you saying that up until two weeks ago, you regarded the  
14:14 7 level of staffing in relation to RG as less than ideal?  
14:14 8  
14:14 9 A. To implement our future plans in RG it would have been  
14:14 10 less than ideal, yes, Mr Finanzio.  
14:14 11  
14:15 12 Q. Are you saying that to implement the current operations,  
14:15 13 that the level of staffing is ideal?  
14:15 14  
14:15 15 A. Currently it seems to address, and I know I tried to, I  
14:15 16 suppose, add some information to my answer earlier that it is  
14:15 17 difficult to ascertain the Melbourne staffing levels currently due  
14:15 18 to the effects of closure and the effects of the various patronage  
14:15 19 levels we experience due to some restrictions. So it is more  
14:15 20 difficult to ascertain a more ideal staffing level, however  
14:15 21 an increased staffing level is more ideal, yes, in answer to your  
14:15 22 question.  
14:15 23  
14:15 24 Q. Let's go back a step. Let's say December 2019. Before the  
14:15 25 pandemic. When the staff levels were increased to 12, you  
14:15 26 regarded them as ideal then; did you?  
14:16 27  
14:16 28 A. I didn't regard them as ideal, no.  
14:16 29  
14:16 30 Q. Less than ideal?  
14:16 31  
14:16 32 A. Less than ideal, yes.  
14:16 33  
14:16 34 Q. Did you record your dissatisfaction with the levels of  
14:16 35 staffing with anyone in the organisation at the time?  
14:16 36  
14:16 37 A. I can't be certain whether I did or did not verbally or in  
14:16 38 writing, Mr Finanzio.  
14:16 39  
14:16 40 Q. Okay. Just give me one moment. In reality the system  
14:16 41 depends, doesn't it, upon all staff across the organisation being  
14:17 42 trained in the context of RSG; I think you said that to me before?  
14:17 43  
14:17 44 A. Yes, it contributes to the hopeful success of the system, yes.  
14:17 45  
14:17 46 Q. It's more than the hopeful success of the system, isn't it? It  
14:17 47 is your commitment to responsible gaming?



- 14:17 1  
14:17 2 A. Yes, it is. And the reason I say "the hopeful success" is that  
14:17 3 in any situation, I can't contend that every avenue will be  
14:17 4 100 per cent. I just wanted to be clear with the Commission on  
14:17 5 that.  
14:17 6  
14:17 7 Q. The training is to get the staff to be able to see the  
14:17 8 observable signs of gambling distress; isn't it?  
14:17 9  
14:17 10 A. Yes, those common signs, yes.  
14:17 11  
14:17 12 Q. Once the gambling distress signs are apparent, the training  
14:18 13 is not about how to make contact with the player? For food and  
14:18 14 beverage staff and so on, they are not trained as to how to deal  
14:18 15 with the player, are they? They leave that more sensitive work to  
14:18 16 the RGAs?  
14:18 17  
14:18 18 A. Yes.  
14:18 19  
14:18 20 Q. The dealers --- and it is right, isn't it, that from the  
14:18 21 perspective of those who are trained, if there are no observable  
14:18 22 signs there is no reason for concern? So the food and beverage  
14:18 23 staff who is passing a player playing on a machine who doesn't  
14:18 24 see an observable sign will see nothing to report?  
14:18 25  
14:19 26 A. Yes.  
14:19 27  
14:19 28 Q. It is true that for food and beverage staff and dealers and so  
14:19 29 on, more often than not, they are simply doing their primary job,  
14:19 30 which is serving food and beverage and dealing the games or  
14:19 31 whatever they might be doing?  
14:19 32  
14:19 33 A. I agree that is more often than not.  
14:19 34  
14:19 35 Q. So, unless there is an overt observable sign, it is unlikely  
14:19 36 that the staff will pick up on --- it is unlikely that the staff will  
14:19 37 identify an observable sign; correct?  
14:19 38  
14:19 39 A. And the observable sign are structured so that they may be  
14:19 40 more easily recognisable by a variety of staff across a casino  
14:19 41 gaming floor.  
14:19 42  
14:19 43 Q. These people, that is the food and beverage staff, they are  
14:19 44 not keeping track of play periods; are they?  
14:20 45  
14:20 46 A. Not necessarily, no.  
14:20 47

- 14:20 1 Q. Not at all, really, are they?  
14:20 2  
14:20 3 A. Not in my experience, no.  
14:20 4  
14:20 5 Q. And they are not trained to really, are they?  
14:20 6  
14:20 7 A. Food and beverage staff, no. They are trained in observable  
14:20 8 signs.  
14:20 9  
14:20 10 Q. So the play period stuff is really the responsibility of the  
14:20 11 RGAs only?  
14:20 12  
14:20 13 A. Play periods staff in response to what we talked about  
14:20 14 earlier, Splunk alerts and Webex alerts, together is the  
14:20 15 responsibility of Responsible Gaming attendants and of gaming  
14:20 16 staff.  
14:20 17  
14:20 18 Q. Thank you for the correction, but that is only true in  
14:20 19 relation to carded play?  
14:20 20  
14:20 21 A. Yes.  
14:20 22  
14:20 23 Q. Not in relation to uncarded play?  
14:20 24  
14:20 25 A. If there is an observation made, then it may very well be  
14:20 26 escalated to an RGA about uncarded play.  
14:20 27  
14:20 28 Q. But only if --- if the player is sitting there playing for a long  
14:21 29 period of time but not showing any other observable sign, it is  
14:21 30 unlikely, isn't it, that a food and beverage staff will say, "That  
14:21 31 person has been playing for too long"?  
14:21 32  
14:21 33 A. For food and beverage, less likely.  
14:21 34  
14:21 35 Q. For dealers, similar?  
14:21 36  
14:21 37 A. It depends on where they are playing. So I wouldn't  
14:21 38 necessarily expect a dealer to observe gaming machines played  
14:21 39 and vice versa. It would be distinct to a product that the customer  
14:21 40 might be playing at the time.  
14:21 41  
14:21 42 Q. We can agree, though, that for the most part, staff other  
14:21 43 than RGAs, are useful in seeing detectible observable signs?  
14:21 44  
14:21 45 A. Yes.  
14:21 46  
14:21 47 Q. And sitting at a gaming machine by itself might not be one?

14:21 1  
14:22 2 A. It depends on if the player is at a gaming machine either  
14:22 3 displaying observable signs or may be there for a period of time  
14:22 4 that is then observed by a customer service attendant, for  
14:22 5 example, and it may come to notice as such.  
14:22 6  
14:22 7 Q. I want to ask you questions about the training.  
14:22 8  
14:22 9 COMMISSIONER: Before you go on to the training, request I  
14:22 10 ask you some questions, Ms Bauer. Yell out if you can't hear me.  
14:22 11 I think it should work all right.  
14:22 12  
14:22 13 Can you have a look at paragraph 32 of your statement, please.  
14:22 14  
14:22 15 A. Yes.  
14:22 16  
14:22 17 COMMISSIONER: There you give some information about the  
14:22 18 number of people who visit the casino on an annual basis.  
14:22 19  
14:23 20 A. Yes.  
14:23 21  
14:23 22 COMMISSIONER: If I leave out 2020 which is the COVID year  
14:23 23 where the number of people visited is down quite considerably to  
14:23 24 other years, in the years 2016, 2017, 2018, 2019, something like  
14:23 25 22 to 23 million people visit the casino each year.  
14:23 26  
14:23 27 A. That's my understanding, yes.  
14:23 28  
14:23 29 COMMISSIONER: Well, that is your evidence.  
14:23 30  
14:23 31 A. Yes, yes, that is my evidence, yes, Mr Commissioner, yes.  
14:23 32  
14:23 33 COMMISSIONER: And doing a very rough calculation, of  
14:23 34 which I am usually quite bad at, that is something like 63,000 or  
14:23 35 64,000 people a day?  
14:23 36  
14:23 37 A. Yes. I can follow that calculation, thank you.  
14:23 38  
14:23 39 COMMISSIONER: I have just divided it by 365.  
14:23 40  
14:23 41 A. Yes.  
14:23 42  
14:24 43 COMMISSIONER: And the position seems to be that you have  
14:24 44 maybe one or two RGAs on the floor at any one time, often doing  
14:24 45 other things, but their job is to observe 63,000 people, 64,000  
14:24 46 people a day. Now, that is likely to be an impossible job, isn't it,  
14:24 47 simply can't be done?

14:24 1  
14:24 2 A. Yes, that is a large number of people to observe.  
14:24 3  
14:24 4 COMMISSIONER: So whether it is 5 RGAs or 12 RGAs, they  
14:24 5 simply cannot observe, look at and see what 63,000 people a day,  
14:24 6 64,000 people a day, or in one of the years, 61,500 people a day  
14:24 7 are doing; it is simply physically humanly impossible?  
14:24 8  
14:24 9 A. Yes.  
14:24 10  
14:24 11 COMMISSIONER: Would it be fair to say that the only thing  
14:24 12 they can really observe, indeed, would it be fair to say that the  
14:25 13 only things that are observed by the RGAs and other staff is when  
14:25 14 a patron displays really aggressive behaviour, shouts, has a fight,  
14:25 15 smashes a machine, or something like that? That is that anybody  
14:25 16 can notice?  
14:25 17  
14:25 18 A. Certainly the more overt signs are more likely to be noticed,  
14:25 19 and the training within the observable signs talks both about more  
14:25 20 overt signs but possibly more subtle signs. And there is  
14:25 21 an expectation for those people who are trained to observe those,  
14:25 22 Mr Commissioner.  
14:25 23  
14:25 24 COMMISSIONER: Whether they are observable signs in the  
14:25 25 problem gambling sense or just aggressive behaviour that will  
14:25 26 disturb patrons, somebody will come along and stop it?  
14:25 27  
14:25 28 A. Yes, you would hope.  
14:25 29  
14:25 30 COMMISSIONER: And if the other staff, the waiting staff, the  
14:26 31 managers who walk around the floors from time to time are busy  
14:26 32 doing other things, would it be fair for me to be left with the  
14:26 33 impression with 60,000-odd people going through the casino on  
14:26 34 average every single day of the year, there is not much  
14:26 35 observation going on, and whether you have 5 RGAs or 12 RGAs  
14:26 36 is really doing next to nothing?  
14:26 37  
14:26 38 A. I would say not only are our staff trained in observable  
14:26 39 signs but in customer service, and they are aware of something to  
14:26 40 a level that you mentioned, where there might be aggression and a  
14:26 41 challenge to safety of customers or staff, certainly that would be  
14:26 42 reacted to very quickly. So I'm not sure what --- I would  
14:27 43 appreciate a repeat of the question, Mr Commissioner.  
14:27 44  
14:27 45 COMMISSIONER: Fair enough. I will put it differently. If  
14:27 46 there is aggressive behaviour, you need to put a stop to it because  
14:27 47 it is interfering with what other patrons are doing, which is going

14:27 1 about their own affairs, playing machines, on the table, or playing  
14:27 2 EGMs --

14:27 3

14:27 4 A. Yes.

14:27 5

14:27 6 COMMISSIONER: --- so stopping aggressive behaviour hasn't  
14:27 7 necessarily got anything to do with problem gambling?

14:27 8

14:27 9 A. Not always, no.

14:27 10

14:27 11 COMMISSIONER: It's just keeping order in the place. And for  
14:27 12 everybody's sake, the place has to be kept in an orderly --- people  
14:27 13 who are there have to behave in an orderly fashion.

14:27 14

14:27 15 A. That's right, yes.

14:27 16

14:27 17 COMMISSIONER: I am putting aside aggressive behaviour that  
14:27 18 is going to have to be stopped, come what may, that is, whatever  
14:27 19 the cause.

14:27 20

14:27 21 A. Yes.

14:27 22

14:27 23 COMMISSIONER: I'm trying to work out how a handful of  
14:27 24 people can look after or look out for people suffering from  
14:28 25 gambling problems by whatever sign when there is a handful and  
14:28 26 65,000 people going there every day. I should make it perfectly  
14:28 27 frank, it doesn't make sense to me how that is humanly  
14:28 28 achievable.

14:28 29

14:28 30 A. Yes, Mr Commissioner. So if Crown relied only on that  
14:28 31 handful of people, I certainly agree with that. However, Crown  
14:28 32 has a number of elements where we train staff, which is part of  
14:28 33 my evidence, where they are trained right from induction into the  
14:28 34 business, which is facilitated to completing some online training  
14:28 35 and then some further refresher training in those observable signs,  
14:28 36 in understanding what the Responsible Gaming Centre, what the  
14:28 37 Responsible Gaming Advisors are all about, what assistance is  
14:28 38 available. And we encourage staff that their role is, as part of  
14:28 39 their job and to make it as easy as possible, their role is to look  
14:29 40 out for those signs, and then we make it easy for you and we ask  
14:29 41 you to then refer that to the Responsible Gaming staff. So that  
14:29 42 makes it easier for a staff member in our opinion, to engage with  
14:29 43 the Responsible Service of Gaming and observable signs, and  
14:29 44 then relay it to the persons who are more at heightened levels of  
14:29 45 training to assist and respond and support as required.

14:29 46

14:29 47 COMMISSIONER: Some of the evidence that I have heard, and

14:29 1 I've heard from some staff members across various fields, maybe  
14:29 2 not be a representative number in a statistical sense, but I don't  
14:29 3 get the impression that they do very much. I get the impression  
14:29 4 they may occasionally intervene usually if someone misbehaves  
14:29 5 in one way or another, but rarely do they interact elsewhere. So if  
14:30 6 the staff you are talking about, regardless of their obligations,  
14:30 7 don't meet the criteria, or don't take the steps you think they  
14:30 8 should be taking, and you've got not more than 12 RGAs, then we  
14:30 9 have a serious problem, don't we?  
14:30 10  
14:30 11 A. If the staff aren't following those obligations that could be  
14:30 12 a problem, yes.  
14:30 13  
14:30 14 COMMISSIONER: No, I didn't say just a problem, a "serious  
14:30 15 problem".  
14:30 16  
14:30 17 A. Yes, a "serious problem".  
14:30 18  
14:30 19 COMMISSIONER: Thank you.  
14:30 20  
14:30 21 A. Thank you.  
14:30 22  
14:30 23 MR FINANZIO: Commissioner?  
14:30 24  
14:30 25 COMMISSIONER: No more questions.  
14:30 26  
14:30 27 MR FINANZIO: Okay.  
14:30 28  
14:30 29 I do want to ask you some questions about the training. You  
14:30 30 mentioned induction training.  
14:30 31  
14:30 32 A. Yes.  
14:30 33  
14:30 34 Q. That is training delivered to people who work at Crown for  
14:30 35 the first time?  
14:30 36  
14:30 37 A. That's right. When they first commence their employment  
14:30 38 they attend induction training, yes.  
14:30 39  
14:30 40 Q. Within a period of how long having commenced their  
14:31 41 employment?  
14:31 42  
14:31 43 A. It is the first day of employment.  
14:31 44  
14:31 45 Q. That induction training is 45 minutes in length; isn't it?  
14:31 46  
14:31 47 A. For responsible gaming, yes.

14:31 1  
14:31 2 Q. Of the 45 minutes in length, of the 45 minutes of the  
14:31 3 training session, a number of topics are dealt with in the context  
14:31 4 of Responsible Service of Gaming; aren't they?  
14:31 5  
14:31 6 A. Yes.  
14:31 7  
14:31 8 Q. Where observable signs amounts to only one subject?  
14:31 9  
14:31 10 A. One subject, yes. It's the --- yes.  
14:31 11  
14:31 12 Q. There is in your report, in your statement, and at tender  
14:31 13 bundle tab 131, a running sheet of the induction session. Could I  
14:32 14 ask that you grab that out. Do you have a hard copy of your  
14:32 15 statement there, of the attachments in your statement?  
14:32 16  
14:32 17 A. I can obtain a hard copy.  
14:32 18  
14:32 19 Q. Don't worry, I will read the number out.  
14:32 20 CRW.512.050.0008.  
14:32 21  
14:32 22 COMMISSIONER: Tab number for me?  
14:32 23  
14:32 24 MR FINANZIO: Tab 131.  
14:32 25  
14:32 26 COMMISSIONER: Thank you.  
14:32 27  
14:32 28 A. I have it in front of me, Mr Finanzio.  
14:32 29  
14:32 30 Q. Let's start on the first page. Down the page it says that the  
14:32 31 duration is 45 minutes. The assessment is a group assessment, it  
14:32 32 is verbal and it is eight questions. Got that?  
14:33 33  
14:33 34 A. I think we're moving down.  
14:33 35  
14:33 36 Q. Page 1 of 5.  
14:33 37  
14:33 38 A. I'm down at starting with "training outcomes" and "training  
14:33 39 support materials" is what I have in front of me.  
14:33 40  
14:33 41 Q. Is that the last "Training Support Materials" on the bottom  
14:33 42 of that page?  
14:33 43  
14:33 44 A. Yes, I do.  
14:33 45  
14:33 46 Q. In the middle of that page it says that the duration is 45  
14:33 47 minutes.

14:33 1  
14:33 2 A. Yes.  
14:33 3  
14:33 4 Q. In "Assessment" it says:  
14:33 5  
14:33 6 Group assessment - verbal assessment - 8 questions.  
14:33 7  
14:33 8 *Checks for understanding during session delivery.*  
14:33 9  
14:33 10 *Verbal assessment deducting during session delivery*  
14:33 11  
14:33 12 A. Yes.  
14:33 13  
14:33 14 Q. I want to take you to the fifth page. Pardon me, the fourth  
14:34 15 and fifth page. There is 9 minutes of the 40 minute session  
14:34 16 dedicated to the observable signs. See that?  
14:34 17  
14:34 18 A. So it appears, yes, I see that.  
14:34 19  
14:34 20 Q. And one minute --- one additional minute, so 10 minutes in  
14:34 21 total, dedicated to training support materials, the pocket card  
14:34 22 observable signs; you see that?  
14:34 23  
14:34 24 A. Not yet.  
14:34 25  
14:34 26 Q. Top of page 5.  
14:34 27  
14:34 28 A. Look, I'm aware that we have a pocket card so, yeah ---  
14:34 29 here we go. Yes, I see it now.  
14:34 30  
14:34 31 Q. So over the 45-minute session there is 10 minutes dedicated  
14:35 32 to the observable signs and their teaching; correct?  
14:35 33  
14:35 34 A. At the induction, yes.  
14:35 35  
14:35 36 Q. Let's go to the advanced one.  
14:35 37  
14:35 38 COMMISSIONER: Well, I think we should tender this one.  
14:35 39 I will describe it as Induction Session Plan, Responsible Service  
14:35 40 of Gaming will be Exhibit 112.  
14:35 41  
14:35 42  
14:35 43 **EXHIBIT #RC0112 - INDUCTION SESSION PLAN,**  
14:35 44 **RESPONSIBLE SERVICE OF GAMING**  
14:35 45  
14:35 46  
14:35 47 MR FINANZIO: Tender bundle 132 ---



14:35 1  
14:35 2 COMMISSIONER: 132 and the number for the operator?  
14:35 3  
14:35 4 MR FINANZIO: CRW.512.050.0013.  
14:36 5  
14:36 6 COMMISSIONER: Thank you.  
14:36 7  
14:36 8 MR FINANZIO: The advanced session that you refer to in your  
14:36 9 statement is 60 minutes in duration; correct?  
14:36 10  
14:36 11 A. Yes.  
14:36 12  
14:36 13 Q. The advanced session deals with play periods on page 3.  
14:36 14 There is a PowerPoint slide and three minutes are dedicated to  
14:36 15 play periods.  
14:36 16  
14:36 17 A. Yes.  
14:36 18  
14:36 19 Q. On page 5 of 5, five minutes is dedicated to the observable  
14:36 20 signs.  
14:36 21  
14:36 22 A. Yes, I see that.  
14:36 23  
14:37 24 Q. At the bottom of the page, three minutes are dedicated to  
14:37 25 questions.  
14:37 26  
14:37 27 A. Yes.  
14:37 28  
14:37 29 Q. I want to take you to another document.  
14:37 30  
14:37 31 COMMISSIONER: We'll mark this Exhibit 113. Advanced  
14:37 32 Session Plan, Responsible Service of Gaming, Exhibit 113.  
14:37 33  
34  
35 **EXHIBIT #RC0113 - ADVANCED SESSION PLAN,**  
36 **RESPONSIBLE SERVICE OF GAMING**  
37  
38  
14:37 39 MR FINANZIO: There is then, as I understand it, an online  
14:37 40 program for assessment that all employees must --- I think you  
14:37 41 refer to it in your report at paragraphs 147 and 148.  
14:37 42  
14:37 43 A. Right. Yes, I'm aware there is an online program.  
14:37 44  
14:38 45 Q. In your report you include screenshots from the online  
14:38 46 assessment program as one of the attachments?  
14:38 47

14:38 1 A. Yes.  
14:38 2  
14:38 3 Q. That's tender bundle tab 86.  
14:38 4  
14:38 5 The nature of that program is you go through each of the slides  
14:38 6 interactively, reading and watching and so on; correct?  
14:38 7  
14:38 8 A. Yes.  
14:38 9  
14:38 10 Q. Then at the end of it there is an assessment tool which  
14:38 11 attempts to check whether or not you've understood what you've  
14:38 12 read?  
14:38 13  
14:38 14 A. Yes.  
14:38 15  
14:38 16 Q. Is that correct?  
14:38 17  
14:38 18 A. Yes.  
14:38 19  
14:39 20 Q. Can I ask the operator to bring up  
14:39 21 page CRW.510.048.0293.  
14:39 22  
14:39 23 Do you have that there, Ms Bauer?  
14:39 24  
14:39 25 A. I do, thank you.  
14:39 26  
14:39 27 Q. Does the Commission have that?  
14:39 28  
14:39 29 COMMISSIONER: Yes, I do.  
14:39 30  
14:39 31 MR FINANZIO: That is the assessment page. You see that?  
14:39 32  
14:39 33 A. Yes, I do.  
14:39 34  
14:39 35 Q. That says that here is what you have to know about the  
14:39 36 assessment, you have to answer 15 questions, you have to answer  
14:39 37 the current question before you can move on to the next one, once  
14:40 38 you've submitted your answer it cannot be changed, you have to  
14:40 39 get 100 per cent of the assessment right. If you answer one  
14:40 40 question wrong you will need to restart the assessment. That is  
14:40 41 the format of the assessment; right?  
14:40 42  
14:40 43 A. Yes.  
14:40 44  
14:40 45 Q. I want to ask you about the nature of the assessment. For  
14:40 46 example, operator, go to page CRW.510.048.0299. That is  
14:40 47 an example of a question. This is available to customers wishing

14:40 1 to ban themselves from the casino. This may be a useful strategy  
14:40 2 for those customers experiencing difficulties. They are for  
14:41 3 a minimum of 12 months, with other options available, you see  
14:41 4 the question there?

14:41 5  
14:41 6 A. Yes, I do.

14:41 7  
14:41 8 Q. "Select which one is the correct answer."

14:41 9  
14:41 10 A. Yes.

14:41 11  
14:41 12 Q. It's a pretty straightforward question; isn't it? It's not  
14:41 13 a particularly probing question as to the knowledge of the person  
14:41 14 conducting the test?

14:41 15  
14:41 16 A. One would hope, no. That's right, yes.

14:41 17  
14:41 18 Q. It is pretty easy, is what I'm getting at?

14:41 19  
14:41 20 A. This one is, yes.

14:41 21  
14:41 22 Q. Let's have another example. CRW.510.048.0312. See that  
14:42 23 question there?

14:42 24  
14:42 25 A. Yes, I do.

14:42 26  
14:42 27 Q. Again, not particularly probing?

14:42 28  
14:42 29 A. No, it is certainly a reiterative question by the looks of  
14:42 30 things.

14:42 31  
14:42 32 Q. It is a pretty easy question, though, isn't it?

14:42 33  
14:42 34 A. Yes.

14:42 35  
14:42 36 Q. What I suggest to you is that the combination of the length  
14:42 37 of time dedicated to observable signs in the training up to this  
14:42 38 point, along with the nature of the assessment, makes the whole  
14:42 39 thing pretty forgettable.

14:42 40  
14:42 41 A. I don't agree with that, Mr Finanzio.

14:42 42  
14:42 43 Q. All right. Well, you have no idea, do you, what people  
14:42 44 remember of this training and the work that they do in it?

14:43 45  
14:43 46 A. I have delivered on many occasions the induction training,  
14:43 47 as an example, and have delivered the discussion around

14:43 1 observable signs and the subsequent group assessment. So in  
14:43 2 terms of the feedback I get from the group, the explanations I  
14:43 3 provide around those signs to make those signs memorable and  
14:43 4 also accessible to the person that is participating in the training,  
14:43 5 when I leave the induction training I am usually filled with  
14:43 6 knowledge that as a first day proposition, which is then  
14:43 7 augmented by online training and refresher training and  
14:43 8 dependent on the position that the employee holds. So, for  
14:43 9 example, if they are a customer service attendant, that they will  
14:44 10 then go on to complete further training which we call additional  
14:44 11 focus training, there will be further sessions attended by  
14:44 12 a Responsible Gaming Advisor that, when taken in and of  
14:44 13 themselves, that could certainly be contended, however, when we  
14:44 14 take the journey of the training a person completes, I am filled  
14:44 15 with more confidence because I am a deliverer of a lot of those  
14:44 16 trainings over time.

14:44 17  
14:44 18 Q. You are the teacher?

14:44 19

14:44 20 A. I'm not ---

14:44 21

14:44 22 Q. You deliver the training program?

14:44 23

14:44 24 A. I have on occasion delivered induction and I have delivered  
14:44 25 the senior manager or more advanced program sessions, yes.

14:44 26

14:44 27 Q. And when you finish the lecture, for want of a better word,  
14:44 28 you have confidence that everybody has understood what you've  
14:44 29 said at that point in time?

14:44 30

14:44 31 A. I wouldn't say I deliver a lecture. I think in a training  
14:44 32 session it is much more an interactive session.

14:44 33

14:45 34 Q. Sure. When you finish the training session, you feel  
14:45 35 comfortable that what you've delivered has been understood?

14:45 36

14:45 37 A. When I check for understanding as part of the ongoing  
14:45 38 delivery and assessment process, I can't speak for every single  
14:45 39 employee participating. However, in my exchange and in my  
14:45 40 delivery, that is the experience I've had, yes.

14:45 41

14:45 42 Q. Crown doesn't conduct any checks at the one-month,  
14:45 43 two-month, five-month, eight-month period after the training  
14:45 44 session about the level of retention; does it?

14:45 45

14:45 46 A. Crown does conduct evaluation of the training programs --  
14:45 47 no, at this point Crown does not run any checks at the 1, 3,

- 14:45 1 6-month period, no.
- 14:45 2
- 14:45 3 Q. When you say that it conducts an evaluation of the training
- 14:45 4 program, that is you and maybe the RGA sitting around working
- 14:46 5 out whether or not the curricula that you are teaching needs to be
- 14:46 6 changed; correct?
- 14:46 7
- 14:46 8 A. It comes in two parts. One is where the employee is
- 14:46 9 encouraged to --- who participates in the training is encouraged to
- 14:46 10 participate in evaluation. So following induction, and following,
- 14:46 11 for example, senior manager training, they are asked to provide
- 14:46 12 feedback about that training.
- 14:46 13
- 14:46 14 To your other point, it's that training is reviewed regularly with
- 14:46 15 our employees, to your point, RGAs, also our psychologists.
- 14:46 16 I think it is a point to be made that all of our training was
- 14:46 17 approved in April last year by the VCGLR.
- 14:46 18
- 14:46 19 Q. Never mind that. My question was, you don't undertake
- 14:46 20 any assessment or any inquiry about the retention or effectiveness
- 14:46 21 of the training once the people have left the training session and
- 14:47 22 are out on the floor; that's correct?
- 14:47 23
- 14:47 24 A. Not to that specific, no.
- 14:47 25
- 14:47 26 Q. You don't survey your staff, for example, to work out
- 14:47 27 whether they still remember at the six-month mark what
- 14:47 28 an observable sign is?
- 14:47 29
- 14:47 30 A. We do survey our staff --- (overspeaking) ---
- 14:47 31
- 14:47 32 Q. Answer the question. Answer my question: do you survey
- 14:47 33 the staff in relation at the six-month mark as to whether or not
- 14:47 34 they remember what an observable sign is?
- 14:47 35
- 14:47 36 A. No.
- 14:47 37
- 14:47 38 Q. Thank you. So it wouldn't surprise you to know that when
- 14:47 39 staff members, food and beverage staff members were questioned
- 14:47 40 by the Commission in these hearings about their knowledge of
- 14:47 41 observable signs, most of them said that they don't remember
- 14:47 42 what the term "observable signs" even means?
- 14:47 43
- 14:47 44 A. (Nods head). I don't know what to say to that. I don't know
- 14:48 45 what the question is.
- 14:48 46
- 14:48 47 Q. It's not a particularly effective training system that you have

14:48 1 if food and beverage staff and dealing staff don't remember what  
14:48 2 observable signs as a concept means; is it?  
14:48 3  
14:48 4 A. And I take your point that this was in the ---  
14:48 5  
14:48 6 Q. Answer the question. It is not an effective training system  
14:48 7 if the food and beverage staff and dealing staff don't remember  
14:48 8 what the concept "observable signs" means?  
14:48 9  
14:48 10 A. No.  
14:48 11  
14:48 12 Q. It is a further indicator of it not being a particularly good  
14:48 13 training system if they couldn't even name one?  
14:48 14  
14:48 15 A. Yes, and, Mr Finanzio, if you allow me to elaborate some  
14:48 16 of the evaluations that we do conduct, which I'm sure you are  
14:48 17 aware of in my statement, that we do ask a variety of our staff on  
14:48 18 an annual basis as part of our Responsible Gambling Code of  
14:49 19 Conduct review, as well as in participating in Gambling Harm  
14:49 20 Awareness Week. The Gambling Harm Awareness Week would  
14:49 21 be more of a temperature check in relation to some of the high  
14:49 22 levels of understanding about responsible gaming, and part of that  
14:49 23 is to ensure there is an ongoing dialogue within the Crown staff  
14:49 24 communications around responsible gaming.  
14:49 25  
14:49 26 Q. Yes, but the system ---  
14:49 27  
14:49 28 COMMISSIONER: I was going to say, it is 2.50, I think we will  
14:49 29 take a break but before we do that, I will mark the Responsible  
14:49 30 Service of Gaming Online Module to be Exhibit 114.  
14:49 31  
14:49 32  
14:49 33 **EXHIBIT #RC0114 - RESPONSIBLE SERVICE OF**  
14:49 34 **GAMING ONLINE MODULE**  
14:49 35  
14:49 36  
14:49 37 MR FINANZIO: How long a break will we take, Commissioner?  
14:49 38  
14:49 39 COMMISSIONER: About 10 minutes. Is that okay, Ms Bauer?  
14:49 40  
14:49 41 A. Thank you, Mr Commissioner.  
14:49 42  
14:49 43 COMMISSIONER: All right.  
14:49 44  
14:50 45 A. Thank you, Mr Finanzio. Thank you.  
14:50 46  
14:50 47

14:50 1 **ADJOURNED** [2:50P.M.]  
15:01 2  
15:01 3  
15:01 4 **RESUMED** [3:01P.M.]  
15:01 5  
15:01 6  
15:01 7 MR BORSKY: We're sure Ms Bauer is not far away.  
15:01 8  
15:01 9 COMMISSIONER: That's okay. We will wait.  
15:01 10  
15:01 11 MR BORSKY: If I may in her absence for a moment clarify that  
15:01 12 the evidence she gave in answer to Mr Finanzio's questions just  
15:01 13 before the adjournment were on an assumption put to her as to  
15:01 14 what staff do or don't understand or know. If that is the stance in  
15:01 15 which it was put, I hate to interrupt now, but ---  
15:01 16  
15:01 17 COMMISSIONER: That was the form of the question.  
15:01 18  
15:01 19 MR BORSKY: Yes. There are just obvious constraints and  
15:01 20 issues of fairness around the evidence being confidential and her  
15:02 21 ignorance as to --- (inaudible) --  
15:02 22  
15:02 23 COMMISSIONER: Yes, but I think the question was quite clear.  
15:02 24 It was asking Ms Bauer to make an assumption about the state of  
15:02 25 the evidence and ask the question on the basis of that assumption.  
15:02 26  
15:02 27 MR BORSKY: Thank you, that is the way we interpreted it, and  
15:02 28 then I need not interrupt, we can deal with what flows from it in  
15:02 29 submissions.  
15:02 30  
15:02 31 MR FINANZIO: Can you hear me again, Ms Bauer?  
15:02 32  
15:02 33 A. Yes, I can, Mr Finanzio.  
15:02 34  
15:02 35 Q. Can I take you to a document which is tab 124 in the tender  
15:02 36 bundle, which is in your statement, Ms Bauer  
15:03 37 CRW.510.052.7366.  
15:03 38  
15:03 39 A. Yes, I have it in front of me, Mr Finanzio.  
15:03 40  
15:03 41 Q. Are you able to see a table which sets out the Responsible  
15:03 42 Service of Gaming, the training and session type, the audience  
15:03 43 and length, et cetera?  
15:03 44  
15:03 45 A. Yes.  
15:03 46  
15:03 47 Q. You have the corporate induction training for 45 minutes.

- 15:03 1 You have the RSG training for new employees, that is one hour.  
15:03 2 That is the advanced one I took you to a minute ago.  
15:03 3  
15:03 4 A. Sorry, are you referring to number 2, which is the online  
15:03 5 training?  
15:03 6  
15:03 7 Q. Yes, that's right.  
15:03 8  
15:03 9 A. Yes.  
15:03 10  
15:04 11 Q. Then you've got "3", that is the online training. Item  
15:04 12 number 6 in the table is the advanced training?  
15:04 13  
15:04 14 A. Yes.  
15:04 15  
15:04 16 Q. That I took you to before?  
15:04 17  
15:04 18 A. Yes, that's correct. Yes.  
15:04 19  
15:04 20 Q. That training happens every two years, doesn't it?  
15:04 21  
15:04 22 A. That's right, yes.  
15:04 23  
15:04 24 Q. Then item numbers 4 and 5 are both RSG training for  
15:04 25 special employees, 1.5 hours each. One is on employment and  
15:04 26 the other is --- the second one at number 5 is every two years; you  
15:05 27 see that?  
15:05 28  
15:05 29 A. Yes, that's right.  
15:05 30  
15:05 31 Q. The subject matter of those two courses is not --- it deals  
15:05 32 with a range of issues to deal with responsible gaming?  
15:05 33  
15:05 34 A. Yes, from my recollection, yes.  
15:05 35  
15:05 36 Q. A component part of which may be observable signs?  
15:05 37  
15:05 38 A. My recollection is yes, but I don't have it in front of me,  
15:05 39 Mr Finanzio.  
15:05 40  
15:05 41 Q. So, in total then, a Crown staff member might have  
15:05 42 somewhere between 45 minutes to 1.5 hours of training on RSG  
15:05 43 when they are first employed?  
15:05 44  
15:05 45 A. They would have the induction training, which is  
15:06 46 45 minutes, and in general terms 1 hour of the online training for  
15:06 47 all employees, yes.



15:06 1  
15:06 2 Q. But if someone is employed in the role of special employee,  
15:06 3 on employment they might get 1.5?  
15:06 4  
15:06 5 A. They would get the 45 minutes, the hour, plus an hour and a  
15:06 6 half.  
15:06 7  
15:06 8 Q. I see.  
15:06 9  
15:06 10 A. Yes.  
15:06 11  
15:06 12 Q. Some staff members might get an hour or an hour and a  
15:06 13 half of refresher training every two years?  
15:06 14  
15:06 15 A. Yes.  
15:06 16  
15:06 17 Q. All right. I want to draw your attention ---  
15:06 18  
15:06 19 COMMISSIONER: Before you do that, I will mark as  
15:06 20 Exhibit 115, that your responsible gaming and training --- is it  
15:06 21 part of the same exhibit? No. I'm not sure how to do this,  
15:07 22 Mr Finanzio. I have it as Tab 124 in my bundle but I think  
15:07 23 Ms Bauer has this as one of her attachments.  
15:07 24  
15:07 25 MR FINANZIO: She does.  
15:07 26  
15:07 27 COMMISSIONER: I won't give it a separate exhibit number,  
15:07 28 sorry about that.  
15:07 29  
15:07 30 MR FINANZIO: The document I've just taken you to,  
15:07 31 Commissioner, is Tab 3, I think, in Ms Bauer's materials.  
15:07 32  
15:07 33 COMMISSIONER: Yes, it is tab 124 in my bundle. But it need  
15:07 34 only be tendered once.  
15:07 35  
15:07 36 MR FINANZIO: All right.  
15:07 37  
15:07 38 In August 2020, a report was prepared by what is described as the  
15:07 39 responsible gaming advisory panel to Crown; is that right?  
15:07 40  
15:07 41 A. Yes, that's right.  
15:07 42  
15:08 43 Q. And that report was prepared by a collection of --- a group  
15:08 44 of, I don't know what the collective noun is for PhDs, but the  
15:08 45 independent Responsible Gaming advisory panel comprised  
15:08 46 Professors Blaszczyński, Delfabbro and Nower; is that correct?  
15:08 47

15:08 1 A. That's correct, yes.  
15:08 2  
15:08 3 Q. They deal with a range of things concerning the  
15:08 4 Responsible Gaming programs and services of Crown Resorts,  
15:08 5 don't they?  
15:08 6  
15:08 7 A. Yes, they do.  
15:08 8  
15:08 9 Q. One of the things they deal with is the amount of time that  
15:08 10 training should take for the purposes of RSG training; correct?  
15:08 11  
15:08 12 A. My recollection is the time periods that training should be  
15:08 13 boosted or refreshed, yes.  
15:08 14  
15:08 15 Q. Yes. I want to take you to page 19 of that document. It is  
15:09 16 in Tab 4 of Ms Bauer's material. It is CRW.526.007.7005. That  
15:09 17 is where the document starts. And it is at page 19 of that  
15:09 18 document which is 7023 for the benefit of those trying to upload  
15:09 19 it.  
15:09 20  
15:09 21 COMMISSIONER: I've got it.  
15:09 22  
15:09 23 MR FINANZIO: Do you have that, Ms Bauer?  
15:09 24  
15:09 25 A. It's coming up in front of me. I'm on page 19.  
15:09 26  
15:10 27 Q. Do you have 19 there?  
15:10 28  
15:10 29 A. Yes, I do, Mr Finanzio.  
15:10 30  
15:10 31 Q. What those experts have said there is, and I think they are  
15:10 32 referring to a publication there:  
15:10 33  
15:10 34 *Five hours of training is the standard for staff education,*  
15:10 35 *designed to provide the '..... skills and knowledge required*  
15:10 36 *to provide responsible gambling services, and to assist*  
15:10 37 *those customers who have issues with problem gambling.*  
15:10 38  
15:10 39 In relation to the situation at Crown, staff other than Responsible  
15:10 40 Gaming-specific staff are provided with 45 minutes of induction  
15:10 41 and then an hour at the advanced stage; right?  
15:10 42  
15:10 43 A. Yes, that is correct.  
15:10 44  
15:11 45 Q. But the sum total of time spent discussing observable signs  
15:11 46 is in the order of about, I think it is 13 minutes of that total time.  
15:11 47 Three minutes ---

15:11 1  
15:11 2 A. I haven't added it up, but I take your point, Mr Finanzio.  
15:11 3  
15:11 4 Q. Three minutes in induction --- and that is the total amount  
15:11 5 of time that food and beverage staff or dealing staff that are not in  
15:11 6 the RGA, or Responsible Gaming roles, get to be able to identify  
15:11 7 an observable sign; correct?  
15:11 8  
15:11 9 A. If I may, Mr Finanzio, dealing staff, as expressed by the  
15:11 10 previous table, also participate in a certificate 3 course which is in  
15:11 11 total four hours of Responsible Service of Gaming training and  
15:11 12 the gaming machine staff, so the customer service attendants,  
15:12 13 have an hour and 45 minutes as well as an hour and a half as part  
15:12 14 of the additional focus training. But I agree with you that the  
15:12 15 food and beverage staff will have an hour and 45 minutes.  
15:12 16  
15:12 17 Q. And so when we are talking about that cohort of  
15:12 18 certainly --- go back a step. One of the ways that Crown says that  
15:12 19 it captures observable signs on the floor is by staff being trained  
15:12 20 to see them?  
15:12 21  
15:12 22 A. Yes.  
15:12 23  
15:12 24 Q. To see the observable signs?  
15:12 25  
15:12 26 A. Yes.  
15:12 27  
15:12 28 Q. Do you agree with me that insofar as the food and beverage  
15:12 29 staff are concerned, the training is tokenistic?  
15:12 30  
15:12 31 A. I wouldn't express it as "tokenistic".  
15:12 32  
15:13 33 Q. Well, not particularly useful.  
15:13 34  
15:13 35 A. I'm hoping the training is useful.  
15:13 36  
15:13 37 Q. Okay.  
15:13 38  
15:13 39 A. So it is provided and it is checked for understanding.  
15:13 40  
15:13 41 Q. But that's all you have got, really, hope. You've got no  
15:13 42 checks to assess whether or not it is useful.  
15:13 43  
15:13 44 A. There are, as I mentioned previously, evaluation processes  
15:13 45 and in the delivery of the training there are checks for  
15:13 46 understanding.  
15:13 47

- 15:13 1 Q. They are evaluation processes to evaluate the training itself,  
15:13 2 not to evaluate the understanding of the staff on the floor?  
15:13 3
- 15:13 4 A. No, and there are other mechanisms for that.  
15:13 5
- 15:14 6 Q. Bear with me for one moment. Operator, can we pull up  
15:14 7 CRW.510.045.3179. Have you ever seen that document before?  
15:15 8
- 15:15 9 A. I'm just reading it, Mr Finanzio. I recall seeing the words, I  
15:15 10 don't recall the last time I saw this document, Mr Finanzio.  
15:15 11
- 15:15 12 Q. Do you know what the document is? It's guidance, isn't it,  
15:15 13 for the provision of RSG harm minimisation?  
15:15 14
- 15:15 15 A. Yes, and without the context of where this document is  
15:15 16 introduced, I don't know the name of the entire document, I'm  
15:15 17 sorry.  
15:15 18
- 15:15 19 Q. It says there under the heading "measures":  
15:15 20
- 15:15 21 The below are measures that can be used to evaluate  
15:15 22 *an employee's performance in relation to RSG*  
15:15 23 *compulsory KPOs. Not all aspects need to be assessed*  
15:15 24 *but those that are suitable and relevant to the position of*  
15:15 25 *the employee. Please refer to the Responsible Gaming*  
15:15 26 *Information for Employees card for more information.*  
15:16 27
- 15:16 28 A. I can see that, yes.  
15:16 29
- 15:16 30 Q.  
15:16 31
- 15:16 32 Can the employee name at least two observable signs of  
15:16 33 *potential problem gambling .....?*  
15:16 34
- 15:16 35 *Is the employee able to describe the process of referral?*  
15:16 36
- 15:16 37 *Does the employee know where the Responsible Gaming*  
15:16 38 *Support Centre is located at Crown Melbourne?*  
15:16 39
- 15:16 40 Do you see that?  
15:16 41
- 15:16 42 A. Yes.  
15:16 43
- 15:16 44 Q. They would be knowing only two observable signs would  
15:16 45 be a matter that would trouble you, wouldn't it? You would want  
15:16 46 them to know more than that?  
15:16 47

15:16 1 A. The expectation would be more than two, which is I  
15:16 2 suppose why it is expressed as at least two.  
15:16 3  
15:16 4 Q. You would want them to know how to refer someone once  
15:16 5 they saw an observable sign, wouldn't you?  
15:16 6  
15:16 7 A. That's right, yes.  
15:16 8  
15:16 9 Q. So if someone couldn't tell you what an observable sign  
15:17 10 was, that would be problematic?  
15:17 11  
15:17 12 A. Yes, it would be.  
15:17 13  
15:17 14 Q. If they didn't know what the referral process was, that  
15:17 15 would be the system just falling down, wouldn't it?  
15:17 16  
15:17 17 A. Yes, it could be, yes.  
15:17 18  
15:17 19 Q. And not knowing where the Responsible Gaming Support  
15:17 20 Centre is located at Crown Melbourne would be particularly  
15:17 21 worrying?  
15:17 22  
15:17 23 A. It would be a worry, yes.  
15:17 24  
15:17 25 Q. I want to show you another document ---  
15:17 26  
15:17 27 COMMISSIONER: Before we move away from that, can you  
15:17 28 locate that for me.  
15:17 29  
15:17 30 MR FINANZIO: Oh, the document.  
15:17 31  
15:17 32 COMMISSIONER: Yes, the document.  
15:17 33  
15:17 34 MR FINANZIO: Sorry. It should be --- I can't right now,  
15:18 35 Commissioner. It is one of ---  
15:18 36  
15:18 37 COMMISSIONER: I might have it.  
15:18 38  
15:18 39 MR FINANZIO: It's one of the ones I didn't note in the tender  
15:18 40 bundle.  
15:18 41  
15:18 42 COMMISSIONER: I have the document, but I'm not sure how to  
15:18 43 describe it. It's just "Guidance Material: RSG - Harm  
15:18 44 minimisation", a single page.  
15:18 45  
15:18 46 MR FINANZIO: That's right.  
15:18 47

15:18 1 COMMISSIONER: That will be Exhibit 115.

15:18 2

3

4

**EXHIBIT #RC0115 - GUIDANCE MATERIAL: RSG -  
HARM MINIMISATION**

5

6

7

15:18 8 COMMISSIONER: It was behind tab 106. Good to go.

15:19 9

15:19 10 MR FINANZIO: Thank you.

15:19 11

15:19 12 So, if a dealer, a current employee of Crown on the main gaming  
15:19 13 floor, said they didn't know what Responsible Service of Gaming  
15:19 14 meant, that would be a problem; wouldn't it?

15:19 15

15:19 16 A. Yes, if it is mentioned in these guidance notes and having  
15:19 17 participated in training, that potentially is a problem, yes.

15:19 18

15:19 19 Q. If a dealer said that they couldn't remember any observable  
15:19 20 signs, that would be a problem too?

15:19 21

15:19 22 A. Yes.

15:19 23

15:19 24 Q. It would be a reflection of the sticking power of the training  
15:20 25 delivered; wouldn't it?

15:20 26

15:20 27 A. Certainly I agree with you around the sticking power of the  
15:20 28 training, and what comes to my mind is augmentative processes  
15:20 29 that Crown employs to encourage staff, and to provide the  
15:20 30 information in relation to the Responsible Service of Gaming by  
15:20 31 way of a number of employee communication tools that we have,  
15:20 32 to remind people of the elements of the Responsible Service of  
15:20 33 Gaming.

15:20 34

15:20 35 Q. But it is one thing to remind, it is another thing to check  
15:20 36 whether or not the message is getting through; right?

15:20 37

15:20 38 A. Yes.

15:20 39

15:20 40 Q. And if the message isn't getting through, then the  
15:20 41 Responsible Service of Gaming may not be occurring.

15:20 42

15:20 43 A. That's a possibility, yes.

15:20 44

15:20 45 Q. And you have no way of knowing that, really, have you?

15:21 46

15:21 47 A. The only way we know that is when our staff are either

15:21 1 required to complete annual surveys in response to the review of  
15:21 2 the Responsible Service of Gaming conduct or to the responses  
15:21 3 that might be received through when we administer the Gambling  
15:21 4 Harm Awareness Week, or when we try and measure the  
15:21 5 responsiveness of views when, on a very regular basis, we  
15:21 6 promote the Responsible Service of Gaming through what we call  
15:21 7 "Workplace", it's like a Facebook for Crown employees where we  
15:21 8 regularly update our staff on what is happening in responsible  
15:21 9 gaming, reminders about the Responsible Gambling Code,  
15:22 10 et cetera.

15:22 11

15:22 12 Q. If a poker dealer wasn't familiar with observable signs, that  
15:22 13 would be a problem; wouldn't it?

15:22 14

15:22 15 A. Yes, it would be a problem if they had never participated in  
15:22 16 training but in terms of the retention of the training that is  
15:22 17 provided at a refresher term every two years, then that may be  
15:22 18 a problem, yes.

15:22 19

15:22 20 Q. They could go two years not knowing what an observable  
15:22 21 sign is to be able to detect it.

15:22 22

15:22 23 A. If they don't recall it and if they don't participate in the  
15:22 24 variety of communication channels that we employ for our  
15:22 25 employees, yes, it could be a problem.

15:22 26

15:22 27 Q. When you say "don't participate in the variety of channels"  
15:22 28 you provide to your staff, that means them choosing not to read  
15:22 29 stuff that you publish for them to read?

15:22 30

15:23 31 A. That's right, yes.

15:23 32

15:23 33 Q. So they get a flyer but they may not look at it?

15:23 34

15:23 35 A. That's a possibility, yes.

15:23 36

15:23 37 Q. Yes, and that might explain why people don't know what  
15:23 38 these things are?

15:23 39

15:23 40 A. It could explain and I suppose to augment some of the more  
15:23 41 page type of reminders, certainly the Responsible Gaming  
15:23 42 Advisors employ other methods of interaction with our staff,  
15:23 43 which includes direct interaction and includes approximately  
15:23 44 every three months where our staff --- and by our staff I mean the  
15:23 45 Responsible Gaming attendants --- will attend briefings and what  
15:23 46 is also colloquially termed as "musters", within the casino  
15:23 47 environment where there will be topics raised around the

15:23 1 Responsible Service of Gaming which may include observable  
15:23 2 signs or other elements that are topical at the time.  
15:23 3

15:24 4 Q. The knowledge of staff across the casino --- excluding  
15:24 5 RGAs, the knowledge of staff excluding RGAs across the casino  
15:24 6 about observable signs is a central element in the delivery in the  
15:24 7 capture of people who might be displaying them; correct?  
15:24 8

15:24 9 A. Yes.  
15:24 10

15:24 11 Q. The RGAs can't be everywhere all the time, particularly if  
15:24 12 there are 63,000 people there a day.  
15:24 13

15:24 14 A. Yes.  
15:24 15

15:24 16 Q. And you have no way of knowing how well your staff on  
15:24 17 the floor who bear that responsible know what observable signs  
15:24 18 are.  
15:24 19

15:24 20 A. So the absence of the measures I explained earlier, no, we  
15:24 21 don't.  
15:24 22

15:24 23 Q. What you do is hope that the staff employed at the casino  
15:24 24 read the flyers you put out; correct?  
15:24 25

15:24 26 A. Not just the flyers we put out, but quite a variety of  
15:25 27 communication methods that we employ.  
15:25 28

15:25 29 Q. Pardon me. You hope that they read the communication  
15:25 30 methods that you put out to them ---  
15:25 31

15:25 32 A. Yes, and ---  
15:25 33

15:25 34 Q. --- but you don't test whether they do or not?  
15:25 35

15:25 36 A. Not in direct contention to that particular flyer or  
15:25 37 communication to your words, no.  
15:25 38

15:25 39 Q. Or at all. The next time that they engage with you  
15:25 40 face-to-face terms is at a refresher stage two years on?  
15:25 41

15:25 42 A. Yes, and two years which is more close than the required  
15:25 43 three years, yes.  
15:25 44

15:25 45 Q. All right. I want to ask you about the observable signs  
15:25 46 themselves. There are 13 observable signs. Those 13 have been  
15:26 47 developed from the academic work; correct?



- 15:26 1  
15:26 2 A. Predominantly from the academic work as well as feedback  
15:26 3 from our RGAs and Responsible Gaming psychologists, so for  
15:26 4 brevity, RGPs.  
15:26 5
- 15:26 6 Q. Let's be clear about it; the 13 observable signs, we can call  
15:26 7 Crown's observable signs? Crown is the one that has articulated  
15:26 8 what those observable signs are in the Responsible Service of  
15:26 9 Gaming Code of Conduct; correct?  
15:26 10
- 15:26 11 A. Yes.  
15:26 12
- 15:26 13 Q. They have been adapted from very important studies in  
15:27 14 relation to signs of gambling harm; haven't they?  
15:27 15
- 15:27 16 A. Yes, they have.  
15:27 17
- 15:27 18 Q. One of them written by or contributed to by Paul Delfabbro  
15:27 19 in 2014, I think it is called the validation study?  
15:27 20
- 15:27 21 A. Yes.  
15:27 22
- 15:27 23 Q. That academic work suggests that there are closer to 40-odd  
15:27 24 observable signs; doesn't it?  
15:27 25
- 15:27 26 A. My recollection is that the checklist that is proposed to  
15:27 27 gaming machine venue staff is 32 signs that may be observed.  
15:27 28
- 15:27 29 Q. Thirty-two. Okay. The study is in fact referred to in the  
15:27 30 Code of Conduct; isn't it?  
15:27 31
- 15:27 32 A. Yes, it is.  
15:27 33
- 15:27 34 Q. I'm right in saying, aren't I, that signs of potential gambling  
15:27 35 harm manifesting is quite nuanced; isn't it?  
15:27 36
- 15:28 37 A. Yes, it is.  
15:28 38
- 15:28 39 Q. It is not as simple as there just being 13 and no other; it is  
15:28 40 quite a nuanced judgment to be made, correct?  
15:28 41
- 15:28 42 A. And certainly, when we speak about 13 signs of note, he  
15:28 43 said some of those signs may be contracted from a couple of  
15:28 44 signs for the sake of brevity to make it easier for our staff to  
15:28 45 remember and understand those signs. So of the 32 signs that are  
15:28 46 validated in a gaming machine venue, we have reviewed those,  
15:28 47 and what might be appropriate, not just in a gaming machine

15:28 1 venue --- and we have gaming machines --- but traverse the  
15:28 2 product that we supply, which is also live table games and  
15:28 3 electronic table games.

15:28 4  
15:28 5 Q. Sure. So let's just unpack that a little bit. The 32 signs are  
15:29 6 signs that have emerged from the studies that deal with electronic  
15:29 7 gaming machines; correct?

15:29 8  
15:29 9 A. That's correct.

15:29 10  
15:29 11 Q. Crown has the most electronic gaming machines in the  
15:29 12 State by a long way; correct?

15:29 13  
15:29 14 A. Crown, I think, has just under 10 per cent of the gaming  
15:29 15 machines in the State of Victoria.

15:29 16  
15:29 17 Q. In one venue it has 2,600-odd gaming machines whereas no  
15:29 18 other venue has more than 105; right?

15:29 19  
15:29 20 A. That's right.

15:29 21  
15:29 22 Q. It is the biggest EGM venue in Victoria by a long way?

15:29 23  
15:29 24 A. Yes, it is.

15:29 25  
15:29 26 Q. And the Crown 13 observable signs is a contraction of the  
15:29 27 list of 32 in those statements, in those expert studies; correct?

15:29 28  
15:29 29 A. That's right.

15:29 30  
15:29 31 Q. Am I right in saying it is contracted to 13 as a training  
15:30 32 innovation? It is thought to be easier to teach 13 than 32?

15:30 33  
15:30 34 A. That's an element of the signs, but it is also that some of  
15:30 35 those 32 signs are more relevant to a gaming machine venue. For  
15:30 36 example, one of the signs, from recollection, is that people might  
15:30 37 rush to a machine on opening, which for Crown, Crown only  
15:30 38 shuts three times per annum on selected days. So that is a sign  
15:30 39 that is not commonly observed, for example. Additionally,  
15:30 40 Crown has added things like self-disclosure. So self-disclosure  
15:30 41 around that they have a problem with their gambling behaviours,  
15:30 42 or that they are seeking self-exclusion which most commonly can  
15:31 43 be interpreted as a sign of problems with gambling behaviours,  
15:31 44 yes.

15:31 45  
15:31 46 Q. We were talking a moment ago about the number of  
15:31 47 machines at Crown ---

- 15:31 1  
15:31 2 A. Yes.  
15:31 3  
15:31 4 Q. --- as against machines elsewhere. In other venues, pubs  
15:31 5 and clubs, it is a requirement, isn't there, that there be at least one  
15:31 6 Responsible Gaming officer available in the gaming machine area  
15:31 7 for every 105 machines? Isn't it?  
15:31 8  
15:31 9 A. That's my recollection of the recent innovation, yes.  
15:31 10  
15:31 11 Q. And that ratio, that is 1:105 machines, might be less if the  
15:32 12 venue itself isn't permitted to have 105 machines. If the venue  
15:32 13 has only 70 machines, then the Responsible Gaming officer might  
15:32 14 be responsible for observing, on a ratio of, say, 1:70, instead of  
15:32 15 a ratio of 1:105.  
15:32 16  
15:32 17 A. My understanding is the operation is not dissimilar to  
15:32 18 a Crown operation in terms that the staff attending the gaming  
15:32 19 machine venue in itself must be trained in the Responsible  
15:32 20 Service of Gaming and that a Responsible Gaming officer is to be  
15:32 21 accessible to those staff so it is a quasi-referral model similar to  
15:32 22 what Crown employs.  
15:32 23  
15:32 24 Q. All right, so you have one Responsible Gaming Advisor for  
15:32 25 roughly 870 EGMs; correct?  
15:33 26  
15:33 27 A. Potentially, if you contract it to that, yes.  
15:33 28  
15:33 29 Q. That is on the basis that there might be three RGAs on the  
15:33 30 floor at any one time?  
15:33 31  
15:33 32 A. Yes.  
15:33 33  
15:33 34 Q. That is a significantly low ratio compared to the rest of the  
15:33 35 State; isn't it?  
15:33 36  
15:33 37 A. When you put it in those terms, yes.  
15:33 38  
15:33 39 Q. And of course, unlike other venues in Victoria, in addition  
15:33 40 to EGMs, Crown also has 440-odd gaming tables and 100  
15:33 41 (inaudible)?  
15:33 42  
15:33 43 A. Yes, that's correct.  
15:33 44  
15:33 45 Q. They are also the responsibility of the RGAs as well, aren't  
15:33 46 they, not just the gaming machines?  
15:34 47

- 15:34 1 A. As well as gaming staff, yes.  
15:34 2
- 15:34 3 Q. There is a higher ratio --- do you agree with me that  
15:34 4 a higher ratio of RGAs to machines means they are more likely to  
15:34 5 be available to respond in a timely way to distressing situations  
15:34 6 and obviously detectible, observable signs?  
15:34 7
- 15:34 8 A. I do.  
15:34 9
- 15:34 10 Q. And that is one of the reasons, isn't it, that you regarded  
15:34 11 only seven on the floor as inadequate before the change increased  
15:34 12 them to 12; correct?  
15:34 13
- 15:34 14 A. Yes.  
15:34 15
- 15:34 16 Q. And it is one of the reasons why you regard 12 as  
15:34 17 inadequate at the moment?  
15:34 18
- 15:34 19 A. Yes, it could be drawn to that conclusion, yes.  
15:34 20
- 15:35 21 Q. Well, it is your conclusion I'm interested in. You regard the  
15:35 22 12 at the moment as inadequate.  
15:35 23
- 15:35 24 A. Yes, and ---  
15:35 25
- 15:35 26 Q. The truth of the matter is that the number of RGAs on the  
15:35 27 floor in the casino has always been grossly inadequate; that's  
15:35 28 right, isn't it?  
15:35 29
- 15:35 30 A. I think the number of RGAs on the casino floor has  
15:35 31 certainly increased over time ---  
15:35 32
- 15:35 33 Q. Answer my question, Ms Bauer. Answer my question,  
15:35 34 Ms Bauer. The number of RGAs on the floor has always been  
15:35 35 grossly inadequate?  
15:35 36
- 15:35 37 A. I don't agree with "grossly inadequate" but I agree it could  
15:35 38 have been "inadequate", yes.  
15:36 39
- 15:36 40 Q. I want to ask you some questions about the psychologists.  
15:36 41 One of the things that is observed in your report and in the  
15:36 42 materials is the availability of psychologists on site as a factor  
15:36 43 relied upon by Crown as a service provided to addressing  
15:36 44 potential problem gambling.  
15:36 45
- 15:36 46 A. Yes.  
15:36 47

15:36 1 Q. Of course this usually arises when symptoms of problem  
15:36 2 gambling has arisen to the level where assistance from  
15:36 3 a psychologist is required.  
15:36 4  
15:36 5 A. Yes, that can be the case.  
15:36 6  
15:36 7 Q. It's usually, what I'm getting at is, the more serious cases.  
15:37 8  
15:37 9 A. Yes.  
15:37 10  
15:37 11 Q. After the customer has obviously lost a lot of money at the  
15:37 12 casino?  
15:37 13  
15:37 14 A. After the customer may be experiencing those sorts of  
15:37 15 elements which might benefit from an interaction with  
15:37 16 a psychologist. I'm not always aware of what draws them to the  
15:37 17 services of counselling.  
15:37 18  
15:37 19 Q. Yes. Just bear with me while I organise my papers.  
15:37 20  
15:37 21 Their purpose is to assist both customers and family members;  
15:37 22 that's right, isn't it?  
15:37 23  
15:37 24 A. Customers, family members and staff, yes.  
15:37 25  
15:37 26 Q. And staff. If I put a proposition to you: as medical  
15:37 27 professionals, they apply a clinical perspective to gambling  
15:38 28 problems and gambling harm; don't they?  
15:38 29  
15:38 30 A. Yes, they do.  
15:38 31  
15:38 32 Q. In your --- oh, pardon me. In your materials at tab 29 you  
15:38 33 include a copy of the psychologist's position statement.  
15:38 34  
15:38 35 A. I believe I do. I don't have that with me at the moment,  
15:38 36 Mr Finanzio.  
15:38 37  
15:38 38 Q. That's all right. Commissioner, it's TB112.  
15:39 39 CRW.510.046.3474. Can I take you to the "Position Purpose".  
15:39 40 This sets out who the reporting lines are to.  
15:39 41  
15:39 42 Does the Commissioner have that document?  
15:39 43  
15:39 44 COMMISSIONER: Yes, I do, thank you.  
15:39 45  
15:39 46 MR FINANZIO: The reporting lines.  
15:39 47

15:39 1 The incumbent must maintain professional expertise .....

15:39 2

15:39 3 That is the second paragraph.

15:39 4

15:39 5 A. Yes.

15:39 6

15:39 7 Q. And in the third paragraph:

15:39 8

15:39 9 *This role requires a demonstrated strong business*  
15:40 10 *orientation, with the ability to view the business*  
15:40 11 *perspective on issues relating to customers; as well as*  
15:40 12 *political sensitivity regarding issues pertaining to*  
15:40 13 *customers and the business, to consider all decisions in*  
15:40 14 *the context of both the business and the customer's needs.*

15:40 15

15:40 16 A. Yes.

15:40 17

15:40 18 Q. When Crown advertises that it has psychologists available  
15:40 19 to problem gamblers in the Code, it doesn't advertise that the  
15:40 20 psychologist will be weighing the perspective of the business in  
15:40 21 treating those patrons, does it?

15:40 22

15:40 23 A. No. And if I may add, Mr Finanzio, that the availability of  
15:40 24 psychologist does not replace the referral to the Gambler's Help  
15:40 25 services. It is an initial contact that Crown is able to facilitate to,  
15:41 26 I suppose, de-mystify the element of counselling. So my  
15:41 27 understanding, and I'm no psychologist, but my understanding is  
15:41 28 that as part of the professional credo of a psychologist is that it is  
15:41 29 a service to the person that they are seeing, that it is about doing  
15:41 30 no harm. And in the context of having a session, if you will, with  
15:41 31 a customer, that precedes everything else. So I think this element  
15:41 32 refers more to what I would class as, for example, when we  
15:41 33 review a person who may have self-excluded, and who is wishing  
15:41 34 to revoke their self-exclusion, where the psychologist who sits on  
15:41 35 that committee will need to ensure that what is considered to be  
15:41 36 the best possibility for the customer and the best possibility for  
15:42 37 the business, in which case it would look at risk, is to contend  
15:42 38 with those propositions as opposed to what may or may not be  
15:42 39 implied in that particular statement.

15:42 40

15:42 41 Q. So the psychologists really are there to serve two masters;  
15:42 42 aren't they? They are helping the business understand what the  
15:42 43 risks are to it as well as providing advice to the client?

15:42 44

15:42 45 A. I think they employ a number of masters and their chief  
15:42 46 master, as I understand it, is the professional ethics that they must  
15:42 47 follow. And their registration, as in the second paragraph, is that

15:42 1 they are registered by the Australian Psychological Society as  
15:42 2 well as the Australian Health Practitioner Regulation Agency, and  
15:42 3 I have never found, in my experience in working with the  
15:42 4 psychologists, not just in my position since 2008 but prior, that  
15:43 5 there has been anything other than, that that is put first, and then  
15:43 6 the elements of assisting our customers and assisting our staff as  
15:43 7 providing supervision is part of that.

15:43 8

15:43 9 Q. But the Responsible Service of Gaming Code of Conduct  
15:43 10 involves the presence of these psychologists as assistance to the  
15:43 11 customers.

15:43 12

15:43 13 A. Yes, absolutely. Yes.

15:43 14

15:43 15 Q. That is not the whole story; is it?

15:43 16

15:43 17 A. Well, it is the whole story in terms that they have access to  
15:43 18 the psychologists and ---

15:43 19

15:43 20 Q. Pardon me, they have access to psychologists ---

15:43 21

15:43 22 A. Yes.

15:43 23

15:43 24 Q. --- whose other role is to have regard to the political  
15:43 25 sensitivity regarding issues pertaining to the customers and the  
15:44 26 business and to consider all decisions in the context of the  
15:44 27 business and the customers' needs.

15:44 28

15:44 29 A. Again, and I know I labour the point, Mr Finanzio, but  
15:44 30 I have absolutely no issue with the Responsible Gaming  
15:44 31 psychologist serving their professional duties and their service to  
15:44 32 our customers and our staff, and that the application there, as  
15:44 33 noted here, is in the sense of --- and I mentioned an example  
15:44 34 earlier that may just be when we perhaps talk about risk for  
15:44 35 a customer returning from revocation as an example.

15:44 36

15:44 37 Q. Okay. What instructions or information is given to the  
15:45 38 psychologist to inform them about, for example, the political  
15:45 39 sensitivity about the issues pertaining to customers?

15:45 40

15:45 41 A. I'm just going to reread that paragraph, Mr Finanzio, if I  
15:45 42 may.

15:45 43

15:45 44 Q. Yes.

15:45 45

15:45 46 A. And where we talk about the political sensitivity ---

15:45 47

15:45 1 Q. What are political sensitivities?

15:45 2

15:45 3 A. In my experience, Mr Finanzio, and I've been, as you are  
15:45 4 aware, an employee of Crown for a very long time, and been in  
15:45 5 the role of responsible gaming since 2008, a rose by another  
15:45 6 name, and the political sensitivity is that there may be some  
15:45 7 elements of the community that regard the offering of  
15:45 8 a responsible gaming psychologist as contrary to the services that  
15:45 9 are provided by a casino operator. And from my experience, it's  
15:46 10 that the services of a Responsible Gaming psychologist to assist  
15:46 11 in the supervision of staff, to assist in the assistance of our  
15:46 12 customers as a first point of contact and not ongoing counselling,  
15:46 13 because that is more important to be done in an area that is more  
15:46 14 preferable to the customer, but also to provide a clinical  
15:46 15 viewpoint on the training that is developed, a clinical viewpoint  
15:46 16 on our policies that are developed, and I think I've stated in my  
15:46 17 statement that these psychologists are quite an important element  
15:46 18 with their clinical oversight of the Responsible Service of  
15:46 19 Gaming programs and services that we provide. So when we talk  
15:46 20 about political sensitivity, it's probably more as extraneous to  
15:47 21 Crown as opposed to internal to Crown.

15:47 22

15:47 23 Q. So the point here is that no one should be under any illusion  
15:47 24 that the psychologists are actually providing clinical services to  
15:47 25 any of the gamblers who showed distressing signs of gambling;  
15:47 26 correct?

15:47 27

15:47 28 A. Yes.

15:47 29

15:47 30 Q. They are no more than a referral agency to somebody else?

15:47 31

15:47 32 A. That is part of their role.

15:47 33

15:47 34 Q. In that way, in terms of dealing with customers?

15:47 35

15:47 36 A. Yes.

15:47 37

15:47 38 Q. So no one should place any faith --- no one should place  
15:47 39 any weight on the presence of psychologists --- put it this way:  
15:47 40 an RGA could refer someone showing distressing signs to  
15:47 41 a clinical psychologist; couldn't they?

15:47 42

15:48 43 A. Yes, they could and that's part of their toolkit, yes.

15:48 44

15:48 45 Q. They could refer them to gambling harm, couldn't they?

15:48 46

15:48 47 A. They could refer them to the Gambler's Help service.



15:48 1  
15:48 2 Q. The Gambler's Help service, thank you. You don't need  
15:48 3 a psychologist to do those things.  
15:48 4  
15:48 5 A. No, you don't. However ---  
15:48 6  
15:48 7 Q. I accept that the psychologists may assist Crown in  
15:48 8 developing its educational program, for example ---  
15:48 9  
15:48 10 A. Yes.  
15:48 11  
15:48 12 Q. --- it might assist in dealing with some Crown staff issues,  
15:48 13 like an organisational psychologist would?  
15:48 14  
15:48 15 A. So the Responsible Gaming psychologists are not  
15:48 16 necessarily organisational psychologists, they are there to provide  
15:48 17 assistance to our customers, to provide advice to me and to  
15:49 18 provide advice around our program services and training and to  
15:49 19 provide onsite supervision to our staff, as well as dealing with  
15:49 20 an initial counselling session. And in my experience over the  
15:49 21 years there has been occasions, for example, where we have  
15:49 22 referred our customers to Gambler's Help services and on  
15:49 23 occasion perhaps the immediacy of the consultation may not have  
15:49 24 been as immediate as we'd like it to be, so our psychologists are  
15:49 25 certainly available to assist in that as well. So they have a very  
15:49 26 broad remit.  
15:49 27  
15:49 28 Q. You don't need three psychologists to give you advice; do  
15:49 29 you?  
15:49 30  
15:49 31 A. Well, they have distinct areas of expertise and it is not just  
15:50 32 to give me advice, Mr Finanzio, it is to provide advice to all the  
15:50 33 areas I mentioned earlier.  
15:50 34  
15:50 35 Q. I think the Commissioner mentioned this to you before,  
15:50 36 Crown has about 22 or 23 million visitors a year, excluding the  
15:50 37 outlier year of the pandemic.  
15:50 38  
15:50 39 A. Yes, and my understanding of the figures provided, and I  
15:50 40 confirmed this, is that they are recorded as visits, however there is  
15:50 41 no way to delineate between unique visits versus multiple visits  
15:50 42 by one person.  
15:50 43  
15:50 44 Q. Yes. When you say you confirmed it, how did you do that?  
15:50 45  
15:50 46 A. I confirmed it --- excuse me.  
15:50 47

15:50 1 Q. God bless.  
15:50 2  
15:50 3 A. There may be one more. It's usually three. Maybe not.  
15:50 4 Okay.  
15:50 5  
15:51 6 So I just confirmed it with the person that put the statistics  
15:51 7 together, which is one of our security ---  
15:51 8  
15:51 9 Q. When did you confirm it?  
15:51 10  
15:51 11 A. So I confirmed it at the time, but then that was with the  
15:51 12 person that supplied them who told me the source, and then I  
15:51 13 reconfirmed with the source because sometimes I like to  
15:51 14 double-check and that's part of my preparation process.  
15:51 15  
15:51 16 Q. Did you reconfirm with the source while this examination  
15:51 17 was going on or before it?  
15:51 18  
15:51 19 A. Oh, no, some time before that.  
15:51 20  
15:51 21 Q. Can I just ask you this, though. I can take you to  
15:51 22 a document, which I think is yours, but --- so what you are really  
15:51 23 saying is the 22 or 23 million visitors a year is visitations rather  
15:51 24 than 22 or 23 individual people that?  
15:51 25  
15:51 26 A. That is my understanding, however I would suspect that it  
15:52 27 is --- I would just take the information as read.  
15:52 28  
15:52 29 Q. In 2016, there were 19 interactions between the three  
15:52 30 psychologists and customers. In 2017, 26. In 2018, 30. In 2019,  
15:52 31 32. And in 2020, 24. The psychologists are not seeing a lot of  
15:52 32 customers, are they?  
15:52 33  
15:52 34 A. Not for formal, and these are recorded formal counselling  
15:52 35 sessions. They are at the behest of the customer. So there may  
15:52 36 very well have been. And I'm in continuous conversation with  
15:52 37 psychologists, as they report directly to me, that there may  
15:52 38 sometimes be some brief conversations that are not recorded as  
15:53 39 a counselling session but as part of someone who may be  
15:53 40 self-excluding and they happen to be there to assist with that  
15:53 41 process. So, yes.  
15:53 42  
15:53 43 Q. (Inaudible) that in all of Crown's materials, including the  
15:53 44 Responsible Service of Gaming Code of Conduct, the presence of  
15:53 45 the psychologists are extolled as a major benefit for people  
15:53 46 potentially suffering from gambling harm?  
15:53 47

- 15:53 1 A. They are certainly part of the suite of Responsible Service  
15:53 2 of Gaming programs and services, yes. Yes.  
15:53 3
- 15:53 4 Q. Answer my question. They are extolled as a benefit to  
15:53 5 customers potentially suffering from gambling harm?  
15:53 6
- 15:53 7 A. I hesitate because "extolled" is quite a severe word, but they  
15:54 8 are absolutely part of the program. So to your words, they are  
15:54 9 extolled.  
15:54 10
- 15:54 11 Q. The availability of psychologists experienced in the field of  
15:54 12 problem gambling to assist customers and family members, in the  
15:54 13 Code of Conduct at page 7.  
15:54 14
- 15:54 15 A. Yes.  
15:54 16
- 15:54 17 Q. They only see the customer once at most; right? One visit  
15:54 18 only?  
15:54 19
- 15:54 20 A. And that is very deliberate, Mr Finanzio.  
15:54 21
- 15:54 22 Q. But the answer is "yes"?  
15:54 23
- 15:54 24 A. Yes.  
15:54 25
- 15:54 26 Q. They only see them once, and they are doing so in a context  
15:54 27 where they are employees of the casino?  
15:54 28
- 15:54 29 A. Yes.  
15:54 30
- 15:54 31 Q. And where, in dealing with the customer, they are having  
15:54 32 regard to the political sensitivities and the sensitivities of the  
15:54 33 business; correct?  
15:54 34
- 15:54 35 A. If I may, Mr Finanzio, I'm hearing that perhaps that there  
15:55 36 may be a path of perhaps trying to conflate the professional  
15:55 37 elements of being a psychologist ---  
15:55 38
- 15:55 39 Q. (Nods head.)  
15:55 40
- 15:55 41 A. --- and being an employee of Crown. The professional  
15:55 42 element, as I understand it, is absolutely number one, and in terms  
15:55 43 of a counselling service, that is provided as a one-off service that  
15:55 44 is very deliberate because we absolutely would like our customers  
15:55 45 to access counselling services that are in their area, that are close  
15:55 46 to them, at their level of comfort, whether that be over the  
15:55 47 telephone, face-to-face and these recent times might be

15:55 1 videoconferencing. An appointment with a Responsible Gaming  
15:55 2 psychologist is not meant to be an ongoing appointment as it may  
15:55 3 interfere with a person's recovery as they may be conversing with  
15:55 4 the person employed by the casino. So we are quite cognisant of  
15:56 5 that.

15:56 6

15:56 7 Q. That long explanation of the position description and the  
15:56 8 position description itself doesn't find itself in any way in the  
15:56 9 RSG Code of Conduct, does it?

15:56 10

15:56 11 A. No, it does not.

15:56 12

15:56 13 Q. You are left with the impression when you read the  
15:56 14 Responsible Service Code of Conduct that the psychologists are  
15:56 15 actually there to assist the customers and the family members in  
15:56 16 their time of need; correct?

15:56 17

15:56 18 A. As indeed they are, yes.

15:56 19

15:56 20 Q. And it is right, isn't it, that given the raw numbers of how  
15:56 21 many they see, and the actual availability of the psychologists  
15:56 22 themselves, it's not really --- the presence of psychologists is not  
15:56 23 by itself a meaningful attempt to mitigate harm; that is something  
15:56 24 that could be done by the RGAs?

15:56 25

15:56 26 A. In my experience and working with the psychologists who,  
15:57 27 for clarity's sake, do report to me, and having engaged with the  
15:57 28 Responsible Gaming department which was called the  
15:57 29 Community Affairs Department prior to 2008, is that the value  
15:57 30 that is added by having psychologists as part of the team, and I've  
15:57 31 expressed that value in my evidence earlier, a multitude of  
15:57 32 elements, and if, for example, there are persons choosing not to  
15:57 33 avail themselves to a direct counselling service with  
15:57 34 a psychologist onsite, I'm not sure that I would agree that is  
15:57 35 a reflection of not needing to have psychologists, because there  
15:57 36 are so many other things that the responsible gaming  
15:57 37 psychologists add to the fabric and the harm minimisation  
15:58 38 projects that Crown is developing and no less the clinical lens  
15:58 39 that is really important when implementing initiatives.

15:58 40

15:58 41 Q. They are a value to Crown in that respect; aren't they?

15:58 42

15:58 43 A. Absolutely, and by default they are a value to the customer  
15:58 44 because of that clinical lens.

15:58 45

15:58 46 Q. And they are also a value to Crown because Crown gets to  
15:58 47 say it has psychologists on site; correct?

- 15:58 1  
15:58 2 A. As part of the suite of Responsible Gaming services, yes.  
15:58 3  
15:58 4 Q. That last bit is the bit that is said in the Responsible Service  
15:58 5 of Gaming Code of Conduct; isn't it?  
15:58 6  
15:58 7 A. My recollection is yes, yes, but I don't have it in front of  
15:58 8 me.  
15:58 9  
15:58 10 Q. All right. I just want to ask you some questions about the  
15:58 11 Responsible Service of Gaming centre.  
15:58 12  
15:59 13 How many private rooms are there where Crown staff can speak  
15:59 14 to customers in private?  
15:59 15  
15:59 16 A. So there are two dedicated rooms, but three that are  
15:59 17 available to be speaking to our customers in private.  
15:59 18  
15:59 19 Q. That doesn't suggest --- is it sometimes the case that clients  
15:59 20 or customers are interviewed in relation to self-exclusion in the  
15:59 21 foyer of that space?  
15:59 22  
15:59 23 A. On occasion a customer may be commencing an initial  
15:59 24 conversation in the foyer of that space, and that the conversation  
15:59 25 is such that not to break the concentration of that conversation,  
15:59 26 that they may not be moved to an interview room in the first  
16:00 27 instance, but that is absolutely the case that it could happen to be  
16:00 28 taking place in the foyer, yes.  
16:00 29  
16:00 30 Q. So let's just go through it. When you come in the door, first  
16:00 31 of all, it is located at the basement level near the car park, off the  
16:00 32 main gaming floor and downstairs from it; correct?  
16:00 33  
16:00 34 A. Yes, so it is located on level B1 and discreet in both senses  
16:00 35 of the word.  
16:00 36  
16:00 37 Q. The second thing is that when you walk in, you walk into  
16:00 38 a foyer area and there are two rooms that come off the foyer area;  
16:00 39 correct?  
16:00 40  
16:00 41 A. There are --- sorry to correct you, Mr Finanzio there, are  
16:00 42 three rooms. There are two rooms that we class as counselling  
16:00 43 rooms.  
16:00 44  
16:00 45 Q. Yes.  
16:00 46  
16:00 47 A. There is one room which is classed more as a meeting area

16:00 1 which can be a number of things to a number of people, and then  
16:00 2 there is a doorway that leads to the back area which is where the  
16:00 3 Responsible Gaming Advisors work from.

16:00 4

16:01 5 Q. So there is a large conference table in one room?

16:01 6

16:01 7 A. Yes.

16:01 8

16:01 9 Q. And then there are two rooms that are smaller rooms with  
16:01 10 more comfortable seating and so on?

16:01 11

16:01 12 A. That's right, yes.

16:01 13

16:01 14 Q. You mentioned a moment ago that it is discreet. The  
16:01 15 Commission has heard some evidence from people, from staff  
16:01 16 members, that some don't know where it is, it is that discreet.  
16:01 17 Would that surprise you?

16:01 18

16:01 19 A. It does surprise me, yes. And the reason it surprises me,  
16:01 20 Mr Finanzio, is at induction, and as part of training and my  
16:01 21 experience is that one induction, absolutely the location is defined  
16:01 22 and there are photographs. And as part of ongoing induction  
16:02 23 processes, when an employee joins the company there is certainly  
16:02 24 a passing by, if not an entry into the centre. We're really mindful  
16:02 25 that an entry into the centre has to be very respectful because we  
16:02 26 may have a customer in that centre. And so when I talk about  
16:02 27 being discreet, the reason we are discreet in both senses of the  
16:02 28 word is, one, we need to be off the casino gaming floor because  
16:02 29 we affect self-exclusion orders which, if we were on the casino  
16:02 30 gaming floor, would mean a person would be breaching their  
16:02 31 self-exclusion order as soon as they left the centre. And we are  
16:02 32 also discreet because we are very aware that some people  
16:02 33 understanding, realising, coming to the realisation that they may  
16:02 34 be facing problems with their gambling behaviours, we know  
16:03 35 through research there is a fair amount of stigma associated with  
16:03 36 that, so we actually have what I describe as a large shopfront, and  
16:03 37 we are very close to the busiest entry to the casino gaming floor,  
16:03 38 it is just an escalator ride up, and so we are able to, in an attempt  
16:03 39 to provide processes, accessibility, to most people in most  
16:03 40 situations.

16:03 41

16:03 42 Q. The report of August 2020 made some recommendations in  
16:03 43 relation to that place, didn't it?

16:03 44

16:03 45 A. Yes, it did.

16:03 46

16:03 47 Q. Those recommendations are contained at tab ---

16:04 1  
16:04 2 COMMISSIONER: I've got the report.  
16:04 3  
16:04 4 MR FINANZIO: Page 61, Recommendation 17. The advisory  
16:04 5 panel at Recommendation 17 ---  
16:04 6  
16:04 7 MR BORSKY: Commissioner, the witness doesn't have this  
16:04 8 document before her, so may I ask that it be called up so she  
16:04 9 can ---  
16:04 10  
16:04 11 MR FINANZIO: Sorry. I'm sorry, I thought she did.  
16:04 12  
16:04 13 MR BORSKY: Like me, she doesn't have any tabs or tender  
16:04 14 bundles.  
16:04 15  
16:04 16 A. I was waiting.  
16:04 17  
16:04 18 MR FINANZIO: Sorry, CRW.526.007.7065 is the page of the  
16:05 19 report.  
16:05 20  
16:05 21 A. Recommendation 17.  
16:05 22  
16:05 23 Q. Recommendation 17 of the advisory panel was:  
16:05 24  
16:05 25 *..... strongly suggest that the Responsible Gaming Centre*  
16:05 26 *should be expanded to include additional office rooms*  
16:05 27 *where customers will be interviewed in private and in*  
16:05 28 *a manner conducive to confidentiality. Currently,*  
16:05 29 *interviews are conducted in open waiting room areas*  
16:05 30 *near entry doors. Individuals entering the Centre*  
16:05 31 *compromise the privacy and confidentiality of interviews*  
16:05 32 *taking place. The Responsible Gaming Advisory Panel*  
16:05 33 *members did not have the opportunity to physically visit*  
16:05 34 *the facilities at Crown Perth .....*  
16:05 35  
16:05 36 Don't worry about Crown Perth.  
16:05 37  
16:06 38 *Consideration should be given to improving office and*  
16:06 39 *waiting room space to meet expected standards of*  
16:06 40 *professional confidentiality and privacy.*  
16:06 41  
16:06 42 I suggest to you that the layout of the Responsible Gaming Centre  
16:06 43 is hardly given a ringing endorsement by your advisory panel.  
16:06 44  
16:06 45 A. According to the recommendation, it certainly in my mind  
16:06 46 has two elements: one is we need to increase the areas, and  
16:06 47 another element is where there are certainly, as I explained

16:06 1 before, there are situations where a conversation may occur  
16:06 2 during a more open area, which is a reception area, and then  
16:06 3 maybe move to a more private area. And absolutely Crown is  
16:06 4 taking steps to accord with that recommendation.

16:06 5  
16:06 6 Q. I know that Crown is taking steps to accord with that  
16:07 7 recommendation, but a moment ago when you were giving your  
16:07 8 evidence you were saying that it is not uncommon and not  
16:07 9 undesirable for those interviews to commence in that space and  
16:07 10 these professional people that you are asking to give you advice  
16:07 11 are saying it is totally undesirable, aren't they?

16:07 12  
16:07 13 A. I'm not sure I'm taking the same reading. I think it talks  
16:07 14 about the privacy of the person and I'm talking about the route  
16:07 15 that a customer conversation might take. When a customer is  
16:07 16 first having a conversation in the Responsible Gaming Centre, it  
16:07 17 is hard to ascertain to what level of privacy that may need to be  
16:07 18 taken. So therefore, an initial space, that is a reception area that  
16:07 19 has all manner of elements, including brochures that are afforded  
16:07 20 to the customer, et cetera. Then when it becomes clear, the  
16:08 21 customer would be moved to a private area. So I certainly agree  
16:08 22 with the recommendation of the panel that we need to ensure that  
16:08 23 we better organise the privacy of those elements and we are  
16:08 24 taking steps to do that, yes.

16:08 25  
16:08 26 Q. So if you agree with the recommendation of the panel, why  
16:08 27 didn't you do anything about it before they advised you to do it?

16:08 28  
16:08 29 A. At the time --- well, this is why we employed a panel to  
16:08 30 review the services and programs to ensure that we were meeting  
16:08 31 the best possible outcomes we could, so ---

16:08 32  
16:08 33 Q. Isn't that the first time you've employed an independent  
16:08 34 panel to review your processes?

16:08 35  
16:08 36 A. Yes, it is.

16:08 37  
16:08 38 Q. So for the whole of the time that you've been there, you've  
16:08 39 just been doing it yourself; correct?

16:08 40  
16:08 41 A. Yes.

16:08 42  
16:08 43 Q. And not exposing yourself to the review of independent  
16:08 44 people to examine whether or not the services you say you are  
16:08 45 delivering are actually being delivered effectively?

16:09 46  
16:09 47 A. Outside of what has been required to be submitted to



16:09 1 regulators et al, yes.

16:09 2

16:09 3 Q. Yes, and when you say outside of what is being required to  
16:09 4 be submitted to regulators, you basically, until August 2020, so  
16:09 5 last year, set yourself up to comply with the letter of the law, and  
16:09 6 to satisfy the regulators, rather than to assess whether or not the  
16:09 7 service you were delivering was actually effective; isn't that  
16:09 8 right?

16:09 9

16:09 10 A. No, Mr Finanzio, it's not right. So we engaged the panel  
16:09 11 prior to the review that was completed in August and have  
16:09 12 requested reviews of an element of our programs before that.  
16:09 13 And we've certainly shared elements of our programs in, for  
16:09 14 example, the National Association For Gambling Studies  
16:09 15 conferences, where we have evaluated aspects of our  
16:10 16 self-exclusion program and we were open about those  
16:10 17 evaluations. We've participated in most of the approaches that  
16:10 18 have been made in relation to disseminating material for studies  
16:10 19 or participated in studies. So we've not been entirely closed to it.

16:10 20

16:10 21 But to your point, I believe the report in August 2020 is the first  
16:10 22 time we have a tabled report of an external review.

16:10 23

16:10 24 MR FINANZIO: All right.

16:10 25

16:10 26 Commissioner, I am going to go to another topic now. That  
16:10 27 might be an appropriate time.

16:10 28

16:10 29 COMMISSIONER: Yes. It is already 10 minutes past what I  
16:10 30 intended to be closing time, so we will adjourn until 10 o'clock  
16:10 31 tomorrow morning, unless Mr Borsky, did you come on the  
16:10 32 screen to say something?

16:10 33

16:10 34 MR BORSKY: No, just out of respect before you rise.

16:10 35

16:10 36 COMMISSIONER: Thank you. We'll adjourn until 10.00  
16:11 37 tomorrow.

16:11 38

16:11 39 MR FINANZIO: Thank you.

16:11 40

16:11 41 WITNESS: Thank you.

16:11 42

43

44 **HEARING ADJOURNED AT 4.11 PM UNTIL**  
45 **WEDNESDAY, 2 JUNE 2021 AT 10.00 AM**

46

47

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