
TRANSCRIPT OF PROCEEDINGS

COMMISSIONER: HON. RAY FINKELSTEIN AO QC

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

MELBOURNE, VICTORIA

10.21 AM, THURSDAY, 3 JUNE 2021

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09:20 1 COMMISSIONER: Good morning, everyone. I'm sorry about
10:21 2 the delay. There was a technical hitch of some sort that meant
10:22 3 that the 15-minute delay on the live broadcasts was not working,
10:22 4 and it is back okay now, so barring no mistakes, we are good to
10:22 5 go.

10:22 6
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8 **MS SONJA MARIA BAUER, ON PRIOR AFFIRMATION**

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11 **QUESTIONS BY THE COMMISSIONER**

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10:22 14 COMMISSIONER: Before I ask Mr Finanzio to continue with
10:22 15 his questioning, I have a couple of questions I want to ask Ms
10:22 16 Bauer, if I might. I want to clarify something. It comes from the
10:22 17 --- you probably don't need the document, but from version 6 of
10:22 18 the Gambling Code. It is really what an ordinary reader makes of
10:23 19 it.

10:23 20

10:23 21 A. Right.

10:23 22

10:23 23 MR FINANZIO: In the list of the observable signs --- sorry,
10:23 24 there is the list of observable signs on page 16.

10:23 25

10:23 26 A. Yes.

10:23 27

10:23 28 COMMISSIONER: And on the second column, which is called
10:23 29 page 17, but at least on my version it is on the same page --

10:23 30

10:23 31 A. Right.

10:23 32

10:23 33 COMMISSIONER: --- at page 17, it says that these signs are
10:23 34 adapted from two studies. I'm trying to work out, a diligent
10:23 35 reader like you or me or anybody who is minded to do it would or
10:23 36 might read those studies, and if they read those studies, it might
10:23 37 put some content in their minds to one of the observable signs,
10:24 38 namely the gambling for the long periods. That is, the study itself
10:24 39 doesn't tell you very much about what a long period is, it might be
10:24 40 a subjective evaluation, it might be (audio distorted) some
10:24 41 objective criteria, but if I read the reports I would start to get
10:24 42 a better idea of what a long period of sustained gambling might
10:24 43 be. I'm not talking about those people who start playing and then
10:24 44 go and have a cup of coffee and come back to the table or
10:24 45 whatever it might be, but just continuous playing.

10:24 46

10:24 47 A. Yes.

10:24 1
10:24 2 COMMISSIONER: Those documents would fill out, in a sense,
10:24 3 the missing link which the actual list itself doesn't give me. So if
10:24 4 I thought that one way of deciding what is a long period is by
10:25 5 reference to one of those studies and I came up with a 3.5-hour
10:25 6 figure that we've mentioned, I'm trying to work out how many
10:25 7 people who might be in the casino gambling for more than three
10:25 8 hours continuously. Is it fair to assume that it might be, on
10:25 9 a daily basis, thousands upon thousands?
10:25 10
10:25 11 A. It would be dependent on the time of day,
10:25 12 Mr Commissioner, to assume --- I would need to do the
10:25 13 calculation as to the daily visitation. As to your point recently, it
10:25 14 could be anything up to 64,000 --
10:25 15
10:25 16 COMMISSIONER: Yes.
10:25 17
10:25 18 A. --- it could very well be in the hundreds or the thousands,
10:25 19 yes.
10:25 20
10:25 21 COMMISSIONER: Yeah, that's what I was thinking. So that on
10:25 22 busy days, I'm not exactly sure what the busy days were, but if
10:26 23 Thursday, Friday, Saturday are busy days, it might be 10, 20, 30
10:26 24 ,000 people who are gambling more than three hours in a row,
10:26 25 whereas on a Monday or Tuesday which I assume will be less
10:26 26 busy because the 64,000 was just an average across a week rather
10:26 27 than picking out on what days, there would be less. But still
10:26 28 a real potential in the thousands exceeding a 3, 3.5-hour limit?
10:26 29
10:26 30 A. According to that rough calculation, yes, indeed,
10:26 31 Mr Commissioner.
10:26 32
10:26 33 COMMISSIONER: The only other thing I wanted to clear up, if
10:26 34 I might, is by reference to your statement, if you have that,
10:26 35 Ms Bauer.
10:26 36
10:26 37 A. I do have it in front of me.
10:26 38
10:26 39 COMMISSIONER: At paragraph 170, it sets out a series of
10:27 40 tables.
10:27 41
10:27 42 A. Yes, I see that.
10:27 43
10:27 44 COMMISSIONER: Two things that struck me when I looked at
10:27 45 the tables in that paragraph, the first thing I wanted to check, in
10:27 46 the first lot of interactions total, below that there is RGA and
10:27 47 RGP and chaplaincy.

10:27 1
10:27 2 A. That's right, yes.
10:27 3
10:27 4 COMMISSIONER: I'm just checking to make sure I'm
10:27 5 100 per cent right about this. The RGP, that is a reference to the
10:27 6 three psychologists who are on hand?
10:27 7
10:27 8 A. Yes, that's right, Mr Commissioner.
10:27 9
10:27 10 COMMISSIONER: Just looking at the figures for each of the
10:27 11 years that you have set out in these very helpful charts, 19 people
10:28 12 consulted with a psychologist in 2016, 26 in 2017, 30 the next
10:28 13 year and 32 in 2019. But a lot more in each of those years
10:28 14 consulted (inaudible)?
10:28 15
10:28 16 A. Yes, that's correct.
10:28 17
10:28 18 COMMISSIONER: So far as --- I just want to make sure I'm
10:28 19 100 per cent right about the evidence you gave the other day, I
10:28 20 can't remember whether it was yesterday or the day before now --
10:28 21
10:28 22 A. Yes.
10:28 23
10:28 24 COMMISSIONER: --- but the people who met with the
10:28 25 psychologist, by and large they didn't get treatment or
10:28 26 counselling, if that's the right word, from the psychologist, but
10:28 27 they were usually referred on, or am I wrong about that? Did the
10:28 28 psychologist actually have a consulting session and offer some
10:29 29 sort of help? Or both, I guess?
10:29 30
10:29 31 A. Mr Commissioner, in just throwing my mind back when we
10:29 32 put the figures together, these figures look like an actual
10:29 33 counselling session with the responsible gaming psychologist and
10:29 34 you will see that, you know, there is the figure as to your point,
10:29 35 19, 26, 30, I think 32. A counselling session is not an ongoing
10:29 36 counselling session, so a person who is participating in
10:29 37 a counselling session would be referred on to the Gambler's Help
10:29 38 service that is closest to them. That is a counselling service. It's
10:29 39 not ongoing. There is tension, obviously, in counselling people
10:29 40 who may be attempting to stay away from the casino
10:29 41 environment.
10:29 42
10:29 43 COMMISSIONER: Yes, fair enough. My last question for the
10:30 44 time being is --- and you might not be able to answer it at all, but
10:30 45 --- can you explain the discrepancy in numbers between those who
10:30 46 go and deal with a psychologist and those who go and see the
10:30 47 chaplain? I know the chaplain is only there part-time, I think,

10:30 1 according to your evidence.
10:30 2
10:30 3 A. That's right.
10:30 4
10:30 5 COMMISSIONER: Have you got a take on that?
10:30 6
10:30 7 A. I do, Mr Commissioner. So the interaction with the
10:30 8 chaplain would be more of what might be called a brief
10:30 9 intervention. So it may be there are some counselling sessions
10:30 10 that are provided by the chaplain, but there is also some brief
10:30 11 interventions, if you will, brief conversations and in my
10:30 12 experience they could be in a much broader category than
10:30 13 necessarily problem gambling. However, the chaplaincy service
10:30 14 falls under the Responsible Gaming service. There could be
10:31 15 muddying of figures in terms of contact, et cetera, just by pure
10:31 16 virtue of the chaplaincy service falls under Responsible Gaming.
10:31 17
10:31 18 COMMISSIONER: Thank you. Mr Finanzio?
10:31 19
10:31 20 MR FINANZIO: Can I pick up on something there. I see
10:31 21 Mr Borsky has popped up.
10:31 22
10:31 23 COMMISSIONER: Sorry. Mr Borsky.
10:31 24
10:31 25 MR FINANZIO: That means he wanted to say something before
10:31 26 I start.
10:31 27
10:31 28 MR BORSKY: I don't wish to interrupt you, Mr Finanzio, but at
10:31 29 a convenient time, perhaps after this series of questions, I can
10:31 30 respond to the questions you raised yesterday.
10:31 31
10:31 32 COMMISSIONER: Oh, yes, yes, okay, thanks. We'll do that
10:31 33 now before Mr Finanzio starts. I think it might be more
10:31 34 convenient.
10:31 35
10:31 36
10:31 37 **HOUSEKEEPING**
10:31 38
10:31 39
10:31 40 MR BORSKY: Very well. The questions you asked yesterday
10:31 41 about the distances between the various bars which you named
10:31 42 and the nearest entrances to the casino, inquiries have been made
10:32 43 overnight and I'm in a position to answer you now, if that is
10:32 44 convenient.
10:32 45
10:32 46 The approximate distances to the nearest entrance to the licensed
10:32 47 casino area for each of the bars you asked about, Commissioner,

10:32 1 are as follows: for the Jackpot Bar, it is 33 metres. For the
10:32 2 Mahogany bar it is 38 metres. For the Sports Bar, it is 67 metres
10:32 3 and for the Velvet Bar it is 42 metres. We can provide these in
10:32 4 a note but I wanted to answer you promptly.

10:32 5
10:32 6 COMMISSIONER: Thank you.

10:32 7
10:32 8 MR BORSKY: To be perfectly candid and clear, I should draw
10:32 9 attention in case it is not obvious, with respect, that each of these
10:32 10 bars is in fact within the licensed casino area.

10:32 11
10:32 12 COMMISSIONER: Correct.

10:32 13
10:32 14 MR BORSKY: So I didn't want there to be any
10:32 15 misunderstanding about that, the so-called 50-metre rule, in
10:33 16 a sense, is moot for those bars. With that in mind, Commissioner,
10:33 17 you might also consider it relevant, and I'm instructed to confirm
10:33 18 that patrons are not able, at an EFT terminal in any of those bars,
10:33 19 to obtain more than \$200 in cash in any transaction. So you
10:33 20 might consider that relevant in light of section 81AA of the Act
10:33 21 which you referred to yesterday.

10:33 22
10:33 23 COMMISSIONER: I think Ms Bauer's evidence was quite clear
10:33 24 about that, you can't get more than \$200 in any one transaction,
10:33 25 but that didn't prevent more than one transaction taking place.
10:33 26 When you look at the section, it says you can't do that using the
10:33 27 one card because there is a couple of limbs to 81AA, and I won't
10:34 28 have a debate with you about statutory construction just yet. We
10:34 29 will save that.

10:34 30
10:34 31 MR BORSKY: I look forward to that in due course. I don't want
10:34 32 to derail anything. I wanted to be transparent with the
10:34 33 Commissioner about the facts. Those with even closer familiarity
10:34 34 to the operational policies and procedures in fact have provided
10:34 35 instructions overnight to confirm that. I confirm on the record
10:34 36 that that is not possible, for a patron to obtain more than \$200 in
10:34 37 cash in any transaction. I don't seek to elicit that the statutory
10:34 38 construction is ---

10:34 39
10:34 40 COMMISSIONER: Just so we are having transparency on both
10:34 41 sides, in relation to the 50-metre rule, in connection with the
10:34 42 section which is potentially ambiguous, on one of the rare
10:35 43 occasions where the ambiguity might be cleared up by the
10:35 44 Explanatory Memorandum, it is worth looking at from your
10:35 45 perspective. Because I've looked at it, and the EM makes it clear
10:35 46 it is not inside measurements, it's outside measurements. That's
10:35 47 the ambiguity in the section. But the evident purpose is made

10:35 1 plain by the EM. So my question might be slightly irrelevant. It
10:35 2 was relevant on one reading of the provision, but at the moment,
10:35 3 not what I think is the proper construction of the provision.

10:35 4

10:35 5 MR BORSKY: Thank you.

10:35 6

10:35 7 COMMISSIONER: That's something for later.

10:35 8

10:35 9 MR BORSKY: If I may also just take another minute or so,
10:35 10 yesterday afternoon Counsel Assisting said that documents had
10:35 11 been called for by the Commission and they had finally arrived.
10:35 12 And that followed a remark in Counsel Assisting's opening on
10:36 13 Tuesday this week, which in some quarters at least was
10:36 14 interpreted as a criticism of Crown, that the documents sought
10:36 15 had not been produced by Tuesday this week. I do wish, with
10:36 16 your permission, Commissioner, as I foreshadowed yesterday,
10:36 17 seek to correct the public record in that regard. The documents in
10:36 18 question were produced yesterday by Crown, and that was in fact
10:36 19 earlier than the production that had been sought by the
10:36 20 Commission. The Commission's Notice called for production of
10:36 21 the documents by 4 pm today, but the documents were produced
10:36 22 yesterday.

10:36 23

10:36 24 COMMISSIONER: That is perfectly true, Mr Borsky. Under the
10:36 25 statute, as you know, everybody has to be given seven days'
10:36 26 notice. That doesn't mean you have to wait for the period. You
10:36 27 can give them within 24 hours too if you had a will and the mind
10:36 28 to do it. But it is really a side issue.

10:37 29

10:37 30 MR BORSKY: Well ---

10:37 31

10:37 32 COMMISSIONER: It's a side issue.

10:37 33

10:37 34 MR BORSKY: In case the Commission is in any doubt, I do
10:37 35 wish to assure the Commission that Crown has dedicated
10:37 36 substantial resources and is working very hard to cooperating
10:37 37 with the more than 50 notices, and there are huge teams working
10:37 38 almost around the clock. So I can assure the Commission that
10:37 39 nobody's holding back production waiting for any deadlines.
10:37 40 Production is being effected as quickly as it possibly can. And in
10:37 41 circumstances where Counsel Assisting indicates to us that
10:37 42 a document is a priority, we do everything we can to have that
10:37 43 expedited. So Crown's cooperation is genuine and is devoting
10:37 44 substantial resources to it.

10:37 45

10:37 46 COMMISSIONER: Point noted.

10:37 47

10:37 1 Mr Finanzio, can you please proceed.

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**EXAMINATION-IN-CHIEF BY MR FINANZIO,
CONTINUED**

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10:38 8 MR FINANZIO: Yes. Can I just keep you on that table up on
10:38 9 the screen there for a minute. If you keep the table there, what
10:38 10 that records is the ---

10:38 11

10:38 12 COMMISSIONER: I don't think there is one on the screen.

10:38 13 I think Ms Bauer has her witness statement.

10:38 14

10:38 15 MR FINANZIO: I've got one on my screen.

10:38 16

10:38 17 A. Yes, I have, Mr Commissioner and Mr Finanzio, I have one
10:38 18 on the screen but I also have the hard copy in front of me in my
10:38 19 statement, yes.

10:38 20

10:38 21 COMMISSIONER: It's come up now.

10:38 22

10:38 23 MR FINANZIO: Paragraph 170, I want to ask a quick question
10:38 24 about that. In the table, the emboldened letters include "RG
10:39 25 INTERACTIONS (Total)", 6329, and then there are a list of
10:39 26 subcategories?

10:39 27

10:39 28 A. That's right, yes.

10:39 29

10:39 30 Q. If I spoke to the chaplaincy three times, that is, me, Adrian
10:39 31 Finanzio, spoke to the chaplaincy three times, that would be three
10:39 32 counts of the 281, right?

10:39 33

10:39 34 A. Yes, it would be.

10:39 35

10:39 36 Q. So the numbers there don't represent the numbers of people,
10:39 37 they represent the number of interactions?

10:39 38

10:39 39 A. Yes, so these are total interactions, they may not be unique
10:39 40 and in some cases they may be unique interactions, yes.

10:39 41

10:39 42 Q. I want to ask you some questions about self-exclusion, so if
10:39 43 that document could now come off the screen.

10:39 44

10:40 45 The opportunity for Self-exclusion is an important feature of the
10:40 46 RSG program; isn't it?

10:40 47

- 10:40 1 A. Yes, it is.
- 10:40 2
- 10:40 3 Q. Where the person says, "I think I might have a problem. I
- 10:40 4 can't control myself and I want you to help me ban myself from
- 10:40 5 coming", help them ban themselves from coming to the casino;
- 10:40 6 correct?
- 10:40 7
- 10:40 8 A. Yes, that's a good description.
- 10:40 9
- 10:40 10 Q. The Code of Conduct says that there must be a voluntary
- 10:40 11 self-exclusion program established by the casino; correct?
- 10:40 12
- 10:40 13 A. That's right.
- 10:40 14
- 10:40 15 Q. And it is identified really as the number one observable
- 10:41 16 sign in the observable sign framework; isn't it? It's the top of the
- 10:41 17 list?
- 10:41 18
- 10:41 19 A. It's what we refer to as a very strong sign, yes.
- 10:41 20
- 10:41 21 Q. And it is important, in attempting to minimise the harm,
- 10:41 22 that once a gambler decides to self-exclude, the --- I will put it
- 10:41 23 a different way. When a problem gambler comes to the
- 10:41 24 conclusion that they have a problem sufficient to make them
- 10:41 25 decide that they need to be excluded, that's a pretty significant
- 10:41 26 decision for them to make; isn't it?
- 10:41 27
- 10:41 28 A. Yes, it is.
- 10:41 29
- 10:41 30 Q. It is important, isn't it, that if a problem gambler is given
- 10:42 31 a long period of time to think about it, it is possible that the
- 10:42 32 gambler would go away from the situation and, if you like,
- 10:42 33 potentially change their mind?
- 10:42 34
- 10:42 35 A. That's a potential, yes. It depends on the circumstances of
- 10:42 36 the going away and thinking about it.
- 10:42 37
- 10:42 38 Q. Yes. The going away and thinking about it might help the
- 10:42 39 problem gambler come to the deluded view that the problem that
- 10:42 40 they thought was bad isn't so bad?
- 10:42 41
- 10:42 42 A. I suppose I'm a little bit cautious about the language that
- 10:42 43 you use, Mr Finanzio, as the --- I expect that the thought process
- 10:42 44 around wishing to self-exclude which may be for reasons of
- 10:42 45 problem gambling behaviours, and in my experience can on
- 10:42 46 occasion be in support of a person who may wish to self-exclude.
- 10:43 47 So I just wanted to explain that it may not be a deluded version. I

10:43 1 can't speak to that.

10:43 2

10:43 3 Q. But giving a problem gambler the opportunity to cool off is

10:43 4 not necessarily helping them; is it?

10:43 5

10:43 6 A. No, but there may be occasions where it is important that

10:43 7 when, for example, the process of self-exclusion and the gravity

10:43 8 of undertaking an order as is required through the *Casino Control*

10:43 9 *Act* and the attendant potential punitive measures that come with

10:43 10 that, that the person entering into a self-exclusion is fully aware

10:43 11 of what they are entering into.

10:43 12

10:43 13 Q. Yes. But you would agree with me broadly that it is

10:43 14 desirable that the person identifying themselves for

10:43 15 a self-exclusion order is dealt with as promptly as possible?

10:43 16

10:43 17 A. Yes, which is why we have the services that we have.

10:43 18

10:43 19 Q. And that once they've identified themselves as a person

10:44 20 who wants to self-exclude that they are encouraged to do that?

10:44 21

10:44 22 A. That's right, dependent on other circumstances, for

10:44 23 example, if in the opinion of the RGA conducting the

10:44 24 self-exclusion, the person is able to make that decision with

10:44 25 information provided, yes.

10:44 26

10:44 27 Q. I want to ask you questions about the self-exclusion

10:44 28 process. If a person makes an inquiry about self-exclusion to

10:44 29 anyone at the casino, the first thing is that any staff member is

10:44 30 meant to recognise that as an observable sign; correct?

10:44 31

10:44 32 A. That's right.

10:44 33

10:44 34 Q. If that request isn't made to an RGA, then the staff member

10:44 35 is required to refer the person enquiring about self-exclusion

10:45 36 immediately to an RGA; is that correct?

10:45 37

10:45 38 A. Yes.

10:45 39

10:45 40 Q. One of Crown's policies explains how to respond to the

10:45 41 request for self-exclusion; correct?

10:45 42

10:45 43 A. Yes, to be referred to the Responsible Gaming Centre, my

10:45 44 recollection.

10:45 45

10:45 46 Q. Now, there is a policy, which I think is in your report, in

10:45 47 your exhibits, I think it is tab (audio distorted).

10:45 1
10:45 2 A. Excuse me, Mr Finanzio, part of my statement you are
10:45 3 referring to?
4
5 Q. Yes.
6
7 A. Yes.
8
10:45 9 MR FINANZIO: Commissioner, it is in tab 31 of Ms Bauer in
10:45 10 volume 1 of the exhibits. For the operator, CRW.510.030.1350.
10:45 11
10:46 12 Do you have that, Commissioner?
10:46 13
10:46 14 COMMISSIONER: I do, yes.
10:46 15
10:46 16 MR FINANZIO: That's the self-exclusion policy; correct?
10:46 17
10:46 18 A. Yes, that's right.
10:46 19
10:46 20 Q. Again, it is a policy approved by you; isn't it?
10:46 21
10:46 22 A. Yes, it is.
10:46 23
10:46 24 Q. It is a policy which seeks to give effect to what is
10:46 25 recorded --- to what is said in the RSG Code of Conduct. The
10:46 26 Code of Conduct says there has to be a self-exclusion process,
10:46 27 and this policy informs staff about how to implement it?
10:47 28
10:47 29 A. Yes, it informs the Responsible Gaming staff, yes.
10:47 30
10:47 31 Q. The purpose of the policy is to ensure that there is, if you
10:47 32 like, a consistent organisational response to a situation where
10:47 33 somebody says, "I'd like to self-exclude"?
10:47 34
10:47 35 A. Yes, and with the document, and I think if the operator can
10:47 36 go up, I understand it is called a policy and procedure, so it
10:47 37 provides a policy statement and a procedure for the Responsible
10:47 38 Gaming Advisor to enact, yes.
10:47 39
10:47 40 Q. Yes, so it gives you both the context in which the policy
10:47 41 exists, but also the procedural steps to be taken one by one by
10:47 42 anyone dealing with --- by anybody dealing with a request to
10:47 43 self-exclude.
10:47 44
10:47 45 A. Yes.
10:47 46
10:48 47 Q. Can I take you just to one part of the policy, just the first

10:48 1 part. Paragraph 7.2 on page 7. Do you see that?
10:48 2
10:48 3 A. Yes, I do.
10:48 4
10:48 5 Q. That is under the heading "Responding to inquiries about
10:48 6 Self Exclusion".
10:48 7
10:48 8 A. Yes.
10:48 9
10:48 10 Q. And it says:
10:48 11
10:48 12 *Do not prescribe Self Exclusion. The individual must*
10:48 13 *make this determination.*
10:48 14
10:48 15 A. That's right.
10:48 16
10:48 17 Q. The policy works on the fact that the matter is a matter for
10:49 18 the individual, right?
10:49 19
10:49 20 A. That's right.
10:49 21
10:49 22 Q. The policy works when the person asks about
10:49 23 self-exclusion as an option; correct?
10:49 24
10:49 25 A. That's right.
10:49 26
10:49 27 Q. The policy statement there that the staff are not to prescribe
10:49 28 suggests that it is not for the staff to make a suggestion that
10:49 29 self-exclusion is an option; correct?
10:49 30
10:49 31 A. Mr Finanzio, what this relates to is the fact that Crown and
10:49 32 the persons responding to the inquiries want to make absolutely
10:49 33 sure it is a voluntary exercise and that is predicated on some
10:49 34 experience over time where we've had situations where a person
10:49 35 feels like a self-exclusion is forced upon them, which would be
10:49 36 contrary to the legislation of being a voluntary self-exclusion.
10:49 37
10:49 38 Q. Yes, but I suppose what I'm asking you is, none of the staff
10:50 39 will suggest self-exclusion as an option, will they?
10:50 40
10:50 41 A. No, they will suggest self-exclusion as an option.
10:50 42
10:50 43 Q. When it says "Do not prescribe self-exclusion", that applies
10:50 44 to all staff?
10:50 45
10:50 46 A. This policy applies to the Responsible Gaming department.
10:50 47

- 10:50 1 Q. Does that include the psychologists?
10:50 2
- 10:50 3 A. Usually the Responsible Gaming Advisors will affect the
10:50 4 self-exclusion, and without seeing the policy in total I'm not too
10:50 5 sure whether there is any further information of who it deals with,
10:50 6 but it is a departmental policy, so it could incorporate potentially
10:50 7 myself or the Responsible Gaming psychologists, yes.
10:50 8
- 10:50 9 Q. I think my question was, does it apply to the psychologists?
10:51 10
- 10:51 11 A. I think, Mr Finanzio, without seeing whether there is
10:51 12 a descriptor, because in some of the policy iterations I know there
10:51 13 is a descriptor of where it highlights who this policy in particular
10:51 14 relates to, and not seeing it in toto puts me at a slight
10:51 15 disadvantage. In general it would apply to anyone who is able to
10:51 16 effect a self-exclusion in answer to your question.
10:51 17
- 10:51 18 Q. All right. There are pamphlets and other written material
10:51 19 that describe self-exclusion; aren't there?
10:51 20
- 10:51 21 A. Yes, there is.
10:51 22
- 10:51 23 Q. But it is true someone might not read them?
10:51 24
- 10:51 25 A. That could be the case, yes.
10:51 26
- 10:51 27 Q. Have you heard criticism that there is not enough
10:51 28 information about the self-exclusion programs at the casino?
10:52 29
- 10:52 30 A. I'm reflecting on whether there was anything in the Sixth
10:52 31 Review or anything in the panel review and I cannot make with
10:52 32 certainty a declaration of that, but there is --- there certainly has
10:52 33 been criticism of the self-exclusion program, yes.
10:52 34
- 10:52 35 Q. Or that the nature of the information makes it difficult to
10:52 36 know how to engage the process of self-exclusion?
10:52 37
- 10:52 38 A. I couldn't recall those specifics and where it might be,
10:52 39 Mr Finanzio.
10:52 40
- 10:52 41 Q. Do you agree with me that the people least likely to read the
10:52 42 pamphlet material are those who are on the journey to gambling
10:52 43 harm?
10:53 44
- 10:53 45 A. There is a potential, and again I don't wish to ascribe
10:53 46 certain behaviours to people who are finding themselves in
10:53 47 situations where they are experiencing difficulties with their

10:53 1 gambling, but for some people it may be very much they are
10:53 2 looking for information, and I'm reminded of something from
10:53 3 many, many years ago when I first was part of this role, is that if
10:53 4 there is sufficient information available at various points, so, for
10:53 5 example, as we do at Crown, we provide information about our
10:53 6 self-exclusion program at various points, but for other people
10:53 7 they may very well not seek particular assistance. So I think it is
10:53 8 quite a broad component, Mr Finanzio.

10:53 9

10:53 10 Q. So you don't agree with the proposition that the people least
10:53 11 likely to read the material about self-exclusion are those who are
10:53 12 on the journey to gambling harm?

10:53 13

10:53 14 A. I don't think I could make a comment on that, no.

10:53 15

10:53 16 Q. I want to test how it might work. Let's say I lose a lot of
10:54 17 money in one day at the casino and I walked up to a Crown staff
10:54 18 member and I said, "I've lost my life savings". That is
10:54 19 an observable sign; correct?

10:54 20

10:54 21 A. Yes, yes, that could be an observable sign, yes.

10:54 22

10:54 23 Q. I might be referred to an RGA?

10:54 24

10:54 25 A. Yes.

10:54 26

10:54 27 Q. If I haven't read or I don't know about the self-exclusion
10:54 28 process as an option, I'm unlikely to ask about it of my own
10:54 29 volition?

10:54 30

10:54 31 A. You may not ask about it but the RGA, upon hearing a very
10:54 32 strong nature of that observable sign, would certainly suggest to
10:54 33 you that there were services and programs that are available to
10:54 34 you.

10:54 35

10:54 36 Q. Yes. And will they suggest to me that self-exclusion is
10:55 37 an option?

10:55 38

10:55 39 A. Yes, they would.

10:55 40

10:55 41 Q. Where will I find that in the policy?

10:55 42

10:55 43 A. Without having the policy in front of me, I'm not sure
10:55 44 where it may sit in the policy, Mr Finanzio.

10:55 45

10:55 46 Q. I see. The only line I can find in the policy about this is the
10:55 47 injunction not to prescribe self-exclusion. I wonder if you could

10:55 1 have a close look at the policy. It's in your bundle of materials.
10:55 2
10:55 3 A. I think, Mr Finanzio, I may have different reference points,
10:55 4 so if you bear with me I will leaf through as best I can.
10:55 5
10:56 6 Q. Can you find it there?
10:56 7
10:56 8 A. No, I'm sorry, Mr Finanzio. It doesn't appear to be --- and
10:56 9 I'm not sure if it was a notice to produce or in my statement, I
10:56 10 don't recall.
10:56 11
10:56 12 Q. Never mind. We'll come back to that later.
10:56 13
10:56 14 COMMISSIONER: It is tab 31 to your bundle of documents,
10:56 15 Ms Bauer, and that is in volume 1.
10:57 16
10:57 17 MR FINANZIO: I'm not sure, Mr Commissioner, whether or not
10:57 18 Ms Bauer's documents are tabbed in the same way as ours.
10:57 19
10:57 20 A. I suspect not. Mine have CRW.507.002.1335 et cetera,
10:57 21 et cetera. I can get it posthaste if ---
10:57 22
10:57 23 MR FINANZIO: No, that's fine. Your evidence, as far as you
10:57 24 understand, is that RGAs present as an option the possibility of
10:57 25 self-exclusion even when the observable sign isn't a request for
10:57 26 self-exclusion; that is your evidence?
10:58 27
10:58 28 A. So the options would be dependent upon the discussion, but
10:58 29 in my experience, and what I know about the self-exclusion
10:58 30 program and our very long and strong engagement, is that
10:58 31 self-exclusion is potentially something that is raised. However,
10:58 32 I'm not with every RDA with every conversation where it may be
10:58 33 appropriate. Indeed, sometimes extreme measures such as
10:58 34 self-exclusion is something that comes up at some point as
10:58 35 opposed to an immediate option because it may be considered for
10:58 36 that conversation to be rather extreme and maybe not something
10:58 37 that is palatable to the customer. So it is a complex customer is
10:58 38 what I'm saying in a roundabout and long-winded way.
10:58 39
10:58 40 Q. Can I put this to you: in answer to a question by Counsel
10:58 41 Assisting in an earlier hearing, this question was asked: if
10:59 42 a person was in a relatively serious financial trouble, or seemed to
10:59 43 be, you didn't feel obliged to say, "Look, self-exclude, get out of
10:59 44 here for a year", and the answer was "It wasn't, it wasn't in the
10:59 45 nature of the office to do that sort of thing, not really", that is
10:59 46 consistent with your understanding of the application of the
10:59 47 policy; isn't it?

10:59 1
10:59 2 A. No, --- (overspeaking) ---
10:59 3
10:59 4 MR BORSKY: I object, Commissioner. It is unclear which
10:59 5 witness is said to be giving that evidence, whether it is Ms Bauer
10:59 6 or someone else, and if someone else, what the role of the person
10:59 7 was or anything else by way of context for the evidence that has
10:59 8 been put to the witness.
10:59 9
10:59 10 COMMISSIONER: All Ms Bauer was asked is whether she
10:59 11 agrees or disagrees with that statement, in effect.
10:59 12
10:59 13 MR BORSKY: Well, she's asked I think whether that which was
11:00 14 paraphrased by Counsel Assisting, was consistent with her
11:00 15 understanding of the application of the policy. And in order to
11:00 16 fairly answer that question, she needs to know what that is, and
11:00 17 who said it, and in what context?
11:00 18
11:00 19 COMMISSIONER: Why?
11:00 20
11:00 21 MR BORSKY: Otherwise it is an impossible question to answer
11:00 22 in a way that would be of any weight or assistance to you, in our
11:00 23 submission.
11:00 24
11:00 25 COMMISSIONER: I don't agree with that. As long as the
11:00 26 question is clear and the evidence is clear, Ms Bauer can say
11:00 27 whether it is consistent or not consistent with her understanding.
11:00 28
11:00 29 MR BORSKY: As the Commissioner pleases.
11:00 30
11:00 31 COMMISSIONER: It doesn't depend on the identity of the
11:00 32 person concerned.
11:00 33
11:00 34 MR BORSKY: As the Commissioner pleases.
11:00 35
11:00 36 MR FINANZIO: Let's say I know enough about self-exclusion to
11:00 37 request it. The policy says what staff should say to me, doesn't it?
11:01 38 It gives the staff a running inventory of the steps to take?
11:01 39
11:01 40 A. There is certainly information in relation to that, yes.
11:01 41
11:01 42 Q. If I take you to paragraph 1.4 of that policy:
11:01 43
11:01 44 *Provide the follow Self Exclusion pre-interview*
11:01 45 *information about the process*
11:01 46
11:01 47 A. Yes.

11:01 1
11:01 2 Q. So we are in a situation where somebody has said, "I need
11:01 3 to self-exclude, I've got this problem and I really need to
11:01 4 self-exclude." The first step is to say that it is voluntary, that is,
11:01 5 tell the person that they don't have to do it; correct?
11:02 6
11:02 7 A. In my experience it is not to say "You don't have to do it",
11:02 8 but it has to be of your own volition and I think there is
11:02 9 a distinction in that.
11:02 10
11:02 11 Q. There is then insistence on an interview, you have to
11:02 12 interview the customer to gather some information; is that
11:02 13 correct?
11:02 14
11:02 15 A. That's right. So the next step is we interview, so to effect
11:02 16 two parts: one is to have the customer provide information so as
11:02 17 to best assist them, so as to if, in a future time, they wish to
11:02 18 revoke their self-exclusion, there is sufficient information on
11:02 19 which to base any decision on that. And, most importantly, that
11:02 20 the person is very aware of the legal implications of undertaking
11:02 21 a self-exclusion.
11:02 22
11:02 23 Q. Yes. And also the consequences, which is that
11:03 24 a self-exclusion order might ban them for a year?
11:03 25
11:03 26 A. That would absolutely be --- part of the confirmation of
11:03 27 information would be that at a minimum, self-exclusion is for
11:03 28 12 months. However, part of our program is to then go into other
11:03 29 periods. However, if I take your point on the initial conversation,
11:03 30 there would certainly be a time period that is discussed.
11:03 31
11:03 32 Q. Does it have to be a year?
11:03 33
11:03 34 A. In accordance with the agreements that we undertook as
11:03 35 part of the Recommendation 10 of the Sixth Review, we
11:03 36 presented to the VCGLR, and which was accepted, is that is that
11:03 37 it is a minimum of 12 months. A person can pick one year, two
11:03 38 years, three years. And I suppose the upshot is that until they
11:03 39 apply to revoke their self-exclusion, it could very well be
11:04 40 indefinite.
11:04 41
11:04 42 Q. Yes. In the initial discussion the RGA tells the customer
11:04 43 that there will need to be this interview process and they need to
11:04 44 allow some time for that.
11:04 45
11:04 46 A. Yes.
11:04 47

- 11:04 1 Q. Do you consider the way that this process rolls out might
11:04 2 discourage the gambler from following through with the process?
11:04 3
- 11:04 4 A. It's something that we have considered, which is why we
11:04 5 also, over time, introduced another program whereby if they were
11:04 6 discouraged by the length or what the perceived restrictions
11:04 7 around legal and punitive measures, is where we introduced what
11:04 8 we call the time-out agreement program. So that is a little bit
11:05 9 different as opposed to the self-exclusion program.
11:05 10
- 11:05 11 Q. You introduced the time-out as an alternative?
11:05 12
- 11:05 13 A. Yes. So we understood that for some people who had
11:05 14 approached to participate in a self-exclusion program, the idea
11:05 15 of --- and this is the feedback, the qualitative feedback from the
11:05 16 RGAs --- is that for some people it might be the time period and
11:05 17 for some people it might be the onerous element of entering into
11:05 18 a self-exclusion order which is required under the *Casino Control*
11:05 19 *Act* may be too much, and as such we were wishing to still be
11:05 20 able to capture a person's intent in managing their gambling
11:05 21 behaviours, which is why we introduced the time-out program.
11:05 22
- 11:06 23 Q. Do you keep any data on how many people raise the
11:06 24 question of self-exclusion but decide to pull out before the
11:06 25 interview process or the signing-up process is completed?
11:06 26
- 11:06 27 A. I believe we do, yes. It would be in a narrative.
11:06 28
- 11:06 29 Q. When you say "narrative", what does that mean?
11:06 30
- 11:06 31 A. If we think about the register, and I would --- just to be
11:06 32 precise, I don't know whether we have what we call a particular
11:06 33 nature of service, which is recorded in the register. I know we
11:06 34 have self-exclusion information, but right now I can't tell you the
11:06 35 permutations of whether that element is recorded under
11:06 36 self-exclusion information or under narrative. So I just wanted to
11:06 37 be very clear with the Commission.
11:06 38
- 11:06 39 Q. So if the customer jumps through all the hoops of the
11:07 40 interview and goes through the process, at the interview the
11:07 41 customer is informed of all of the consequences. So that is
11:07 42 exclusion for a year, that's one; correct?
11:07 43
- 11:07 44 A. So the customer actually chooses whether it is
11:07 45 a self-exclusion for 1, 2 or 3 years, which means that ---
11:07 46
- 11:07 47 Q. The minimum ---

- 11:07 1
11:07 2 A. The customer is unable to apply for revocation prior to the
11:07 3 finish of that time.
11:07 4
11:07 5 Q. And that they lose all of their loyalty points at that point?
11:07 6
11:07 7 A. Yes.
11:07 8
11:07 9 Q. The purpose of that is to make sure that the customer is
11:07 10 prepared for all the consequences?
11:07 11
11:07 12 A. Yes, as much as we can, yes.
11:07 13
11:07 14 Q. Do you think that that process might ultimately discourage
11:07 15 them from following through on the self-exclusion process?
11:08 16
11:08 17 A. We've observed that that could be a barrier, and I just refer
11:08 18 to my previous evidence that that is something that we took into
11:08 19 account when developing another program, but also
11:08 20 understandably it's very important that someone who enters
11:08 21 a self-exclusion order which goes via the *Casino Control Act*, it is
11:08 22 an important document, it is a legal document, it could attract
11:08 23 punitive measures and fines, that they are very much aware of
11:08 24 what they are entering into, and for some people --- we just need
11:08 25 to be sure they are aware of that, but we certainly do not shy away
11:08 26 from the fact that we have a self-exclusion program which we've
11:08 27 had for some time and continue to effect.
11:08 28
11:08 29 Q. Am I right that the process that we've just gone through is
11:08 30 directed in no small part to protecting the casino from the
11:08 31 self-excluded person later saying "I was forced into it"?
11:09 32
11:09 33 A. The process, Mr Finanzio, in my experience, and I don't
11:09 34 have any legal training but the process tries to balance the
11:09 35 requirements of the *Casino Control Act*, the protection of the
11:09 36 person entering into this kind of order, so they are fully cogent of
11:09 37 what they are entering into, then we try and balance the
11:09 38 information that we might require should a person wish to seek
11:09 39 help, and subsequently perhaps revoke their self-exclusion. So
11:09 40 there are a number of masters to the self-exclusion process
11:09 41 effected through the *Casino Control Act*, yes.
11:09 42
11:09 43 Q. Okay. The process, though, could be easier, couldn't it?
11:09 44 Let me withdraw that and put this to you: the casino has trialled
11:09 45 an online service; hasn't it? An online process for self-exclusion?
11:09 46
11:10 47 A. We've actually effected that process so it is not in trial, it is

11:10 1 available, yes.
11:10 2
11:10 3 Q. Yes, so when you do it online --- I think actually you
11:10 4 started doing it in February this year?
11:10 5
11:10 6 A. That's right.
11:10 7
11:10 8 Q. I think the process started much earlier than that, in around
11:10 9 2018; is that right?
11:10 10
11:10 11 A. We implemented a remote self-exclusion process, I believe,
11:10 12 in 2016.
11:10 13
11:10 14 Q. Right. Is it right that the take-up of the remote
11:10 15 self-exclusion process has been pretty small?
11:10 16
11:10 17 A. That's correct.
11:10 18
11:10 19 Q. I think you've had one in 2019, two in 2020 and two in
11:10 20 2021; do those numbers sound about right to you?
11:11 21
11:11 22 A. Without having them in front of me, they sound about
11:11 23 roughly right, yes.
11:11 24
11:11 25 Q. If I was trying to self-exclude remotely, I wouldn't need to
11:11 26 go through the interview process that you described, would I?
11:11 27
11:11 28 A. We would prefer you to go through the interview process,
11:11 29 yes.
11:11 30
11:11 31 Q. You would prefer it, but you offer a remote self-exclusion
11:11 32 process without the interview process which has me sitting down
11:11 33 and you telling me all the bad things that --- all of the
11:11 34 consequences, I should say, that flow from self-exclusion?
11:11 35
11:11 36 A. Amongst other elements, and I think I have said earlier,
11:11 37 Mr Finanzio, that part of the interview is to assist the customer
11:11 38 and I reflect on, for example, some of the research where
11:11 39 self-exclusion is regarded as a gateway to treatment. So it is very
11:12 40 useful to take some time, which is why it is preferred to take
11:12 41 some time, with a person that is self-excluding so as to have not
11:12 42 only what might be prescriptive under the Act or prescriptive
11:12 43 under future requirements, but also and most importantly be part
11:12 44 of a conversation with the customer as to demystifying
11:12 45 counselling, going through what you know --- their address and
11:12 46 what might be the closest Gambler's Help service and getting
11:12 47 them into treatment via that process. That is why it is preferable

11:12 1 to have an interview and to go through that process, yes.

11:12 2

11:12 3 Q. But do you agree with me that a gambler in that situation,
11:12 4 being told of the onerous nature of the consequences of
11:12 5 a self-exclusion order, might be a discouragement to the person
11:12 6 seeking self-exclusion pursuing it further?

11:13 7

11:13 8 A. The onerous requirements, as I have said to my mind, as
11:13 9 I've been over the years when reviewing paperwork, is that we
11:13 10 need to ensure that the customer is very clear about what they are
11:13 11 entering into. So it can be difficult and perceived onerous,
11:13 12 however, that is part of the process of that kind of legal
11:13 13 document. And again, I defer to people who know more about
11:13 14 that.

11:13 15

11:13 16 Q. People can, of course, self-exclude without all the
11:13 17 formality, can't they? They can just decide for themselves not to
11:13 18 come?

11:13 19

11:13 20 A. Yes, they can.

11:13 21

11:13 22 Q. They can take a break from gambling of their own volition?

11:13 23

11:13 24 A. Yes, they can.

11:13 25

11:13 26 Q. Without the form --- without a form and without
11:13 27 a minimum period of time?

11:13 28

11:13 29 A. If they so choose to stay away, yes.

11:13 30

11:13 31 Q. If they haven't decided to formally self-exclude, they still
11:13 32 receive all the marketing promotions, don't they?

11:14 33

11:14 34 A. If they have not contacted Crown to cease marketing, if
11:14 35 they are part of the loyalty program, they would still be receiving
11:14 36 if they've said "yes" to marketing, they would still be receiving it,
11:14 37 yes.

11:14 38

11:14 39 Q. If they are a premium or a VIP customer, or higher up in
11:14 40 the rewards tier system and they have a host, the host will still
11:14 41 call them; won't they?

11:14 42

11:14 43 A. They will call them unless they have been advised not to
11:14 44 call them.

11:14 45

11:14 46 Q. They will still receive enticements to get them back to the
11:14 47 casino; won't they?

11:14 1
11:14 2 A. They will receive information if they have chosen not to
11:14 3 abstain from that information, that is quite possible, yes.
11:14 4
11:14 5 Q. The purpose of those enticements is to lure them back to
11:14 6 the casino?
11:14 7
11:14 8 A. Well, the purpose, and I'm not a marketing expert or
11:14 9 a loyalty program expert, but that is part of being a member of
11:15 10 a loyalty program is that you are advised of events and activities
11:15 11 and promotions and those sorts of things.
11:15 12
11:15 13 Q. There is some concern, isn't there, about the link between
11:15 14 loyalty programs and problem gambling in the gambling sector?
11:15 15
11:15 16 A. Sorry, I just missed that last part, Mr Finanzio. The last
11:15 17 couple of words.
11:15 18
11:15 19 Q. In the gambling sector?
11:15 20
11:15 21 A. There are some studies and I think we spoke about some of
11:15 22 those a day or two ago, yes.
11:15 23
11:15 24 Q. It's not particularly Responsible Service of Gambling to
11:15 25 link enticements to gambling behaviour; is it?
11:15 26
11:15 27 A. I think in my evidence over the last couple of days, I talked
11:15 28 about that in --- and if I remember, if that's not the case I
11:16 29 apologise, but certainly there is some research that suggests that
11:16 30 a loyalty program can also be effective in relation to, for example,
11:16 31 collecting data, and in our case that would be data around play
11:16 32 periods in the Crown model to assist with Responsible Gaming
11:16 33 programs, as much as there may be, to your point, observations
11:16 34 that may not be the case for all customers.
11:16 35
11:16 36 Q. There is certainly a risk, isn't there, acknowledged in the
11:16 37 literature, that loyalty programs put problem gamblers at greater
11:16 38 risk?
11:16 39
11:16 40 A. There has been some research that has identified the
11:16 41 potential for that risk, yes. However, I believe, and I think we
11:16 42 discussed in the last two days, there's not a lot of research in that
11:16 43 space.
11:17 44
11:17 45 Q. And so in the absence of that research, that's a risk that
11:17 46 Crown is prepared to take?
11:17 47

11:17 1 A. I think we also spoke about how Crown was looking to
11:17 2 have some research done as part of the loyalty program so that is
11:17 3 something that we will be exploring.
11:17 4
11:17 5 Q. Looking to start that at some point in the future; correct?
11:17 6
11:17 7 (Pause).
11:17 8
11:17 9 Ms Bauer has just frozen.
11:17 10
11 11 COMMISSIONER: Frozen, yes. Just hang on a sec. Can we ---
12 do we have to stop or ---
13
14 MR FINANZIO: It's probably time.
15
11:17 16 COMMISSIONER: Yes, this is as good a time as any to take
11:18 17 a break.
11:18 18
11:18 19 Mr Borsky, did you want to say something? We'll have to fix up
11:18 20 whatever that has gone wrong. We'll take a 10-minute break and
11:18 21 see if it can be fixed up in the meantime.
11:18 22
11:18 23 Ms Bauer --- she might be able to hear us but can't respond or at
11:18 24 least we can't hear her response.
11:18 25
11:18 26 MR BORSKY: We'll have her informed that it is a 10-minute
11:18 27 break, in any event.
11:18 28
11:18 29 COMMISSIONER: Yes. Okay.
11:18 30
11:18 31
11:18 32 **ADJOURNED** [11:18A.M.]
11:31 33
11:31 34
11:31 35 **RESUMED** [11:31A.M.]
11:31 36
11:31 37
11:31 38 COMMISSIONER: I think we are back on air again. So we will
11:31 39 keep going until the next break now.
11:31 40
11:31 41 MR FINANZIO: Ms Bauer, can you see me?
11:31 42
11:31 43 A. I can see you, yes, Mr Finanzio.
11:31 44
11:32 45 Q. I want to ask you some questions now about
11:32 46 pre-commitment.
11:32 47

- 11:32 1 A. Yes.
- 11:32 2
- 11:32 3 Q. YourPlay is one of the pre-commitment systems at Crown;
- 11:32 4 that's right?
- 11:32 5
- 11:32 6 A. That's right.
- 11:32 7
- 11:32 8 Q. The YourPlay system, under it a patron can set a limit or
- 11:32 9 time limit or both for the purposes of conducting their gambling?
- 11:32 10
- 11:32 11 A. Yes, you broke up briefly, Mr Finanzio, but I think you
- 11:32 12 talked about a spend and time limit that can be set, yes.
- 11:32 13
- 11:32 14 Q. A spend and a time limit, okay.
- 11:32 15
- 11:32 16 Q. I might get closer to the microphone, is that better?
- 11:32 17
- 11:32 18 A. Yes, but I think we are at the mercy of technology.
- 11:32 19
- 11:32 20 Q. If you can't hear me at any point, just say so.
- 11:32 21
- 11:32 22 A. Certainly.
- 11:32 23
- 11:32 24 Q. The selection of the limit links to the customer's Crown
- 11:32 25 Rewards card; that's correct?
- 11:32 26
- 11:33 27 A. So a customer can choose what's called a casual card that
- 11:33 28 may or may not be linked. They can have an account card which
- 11:33 29 identifies them, and that card value includes any play or any limit
- 11:33 30 set. That works across all the gaming machines in the State of
- 11:33 31 Victoria.
- 11:33 32
- 11:33 33 Q. Thank you for the clarification. Have you read the
- 11:33 34 statement of Mr Peter Lucas?
- 11:33 35
- 11:33 36 A. Mr Shane Lucas, yes.
- 11:33 37
- 11:33 38 Q. Pardon me, Mr Shane Lucas. Have you read the statement
- 11:33 39 of Shane Lucas?
- 11:33 40
- 11:33 41 A. Yes, I did, some days ago.
- 11:33 42
- 11:33 43 Q. Are you familiar with the government research that
- 11:33 44 suggests that the median monetary limit set on YourPlay was
- 11:33 45 \$50,000 a day?
- 11:33 46
- 11:33 47 A. I don't recall the specifics but I'm aware that there certainly

11:34 1 has been research published I believe a couple of years ago, or
11:34 2 certainly completed a couple of years ago and published a year
11:34 3 ago, and that explored the median limit that was set, yes.

11:34 4

11:34 5 Q. That's the median, and the most commonly chosen daily net
11:34 6 loss is \$1 million a day; are you familiar with that?

11:34 7

11:34 8 A. I have heard that figure, but I'm not --- without having the
11:34 9 report in front of me, Mr Finanzio, I can't confirm.

11:34 10

11:34 11 Q. Let me put the general proposition to you because the exact
11:34 12 figures aren't important, but it is really the case that many people
11:34 13 gambling include limits on their YourPlay cards which are wildly
11:34 14 unrealistic, such as a \$1 million a day?

11:34 15

11:34 16 A. I understand that that may be the case, yes.

11:34 17

11:35 18 Q. And, really, customers should be encouraged to set realistic
11:35 19 and affordable limits; shouldn't they? That's the reason why the
11:35 20 YourPlay system was introduced?

11:35 21

11:35 22 A. As much as a customer can be guided on their own limits,
11:35 23 which I understand in the legislation there are prescriptions
11:35 24 around how a customer may set the limits and the influence that
11:35 25 a venue operator or casino operator might have, yes, it is
11:35 26 desirable to set a more realistic limit.

11:35 27

11:35 28 Q. But do you say that the legislative framework doesn't
11:35 29 permit a casino operator, or a venue, to encourage a customer to
11:35 30 set limits that are realistic?

11:36 31

11:36 32 A. No, I agree that a venue and casino operator can have the
11:36 33 customer reflect on a limit that may be suitable to their own
11:36 34 circumstances, yes.

11:36 35

11:36 36 Q. And Crown doesn't really do that, does it, it sort of leaves it
11:36 37 to the customer?

11:36 38

11:36 39 A. No, Crown has a facility in place in terms of when
11:36 40 a customer engages with YourPlay and requests perhaps feedback
11:36 41 or information that there is a Crown element that the staff are
11:36 42 instructed to say that the patron should consider a limit that is
11:36 43 realistic to their circumstance, and that they should think about
11:36 44 what type of limit and how much they play and those sorts of
11:36 45 things. So there is what I suppose you could say is a script that is
11:36 46 employed.

11:36 47

11:36 1 Q. Okay.

11:36 2

11:36 3 COMMISSIONER: Sorry, isn't it the case that I can set if I'm
11:37 4 a cardholder, I can set my YourPlay limits via the internet from
11:37 5 home, I don't have to interact with somebody at Crown? If I'm
11:37 6 going to go to Crown tomorrow or this afternoon or whenever I
11:37 7 log in, set my limits for the day, both as to money and time, I
11:37 8 don't have to interact with anybody at all?

11:37 9

11:37 10 A. That's correct, Mr Commissioner.

11:37 11

11:37 12 COMMISSIONER: And that's where most of the YourPlay
11:37 13 limits are set, via the internet, rather than patrons coming in,
11:37 14 having a chat to Crown staff, unless they are a first-time user and
11:37 15 don't know what it's all about, I guess?

11:37 16

11:37 17 A. Mr Commissioner, I'm at a disadvantage because I'm not
11:37 18 sure what volume of limits might be set via the internet as
11:37 19 opposed to at a venue, however, to your point, yes, a limit can be
11:38 20 set by the customer, and they can do that from the comfort of
11:38 21 whichever place they find themselves in, yes.

11:38 22

11:38 23 COMMISSIONER: I think I can probably, if I wanted to, set
11:38 24 a million-dollar limit over the internet and for a time limit I can
11:38 25 probably set 23 hours and 59 minutes. I'm warned at the end of
11:38 26 a full day's play if I'm relying on YourPlay.

11:38 27

11:38 28 A. From my recollection, that is a possibility. However, I
11:38 29 hasten to add I'm not entirely certain at this point. But I agree
11:38 30 that is a possibility from what I can recall.

11:38 31

11:38 32 COMMISSIONER: And just one last question on this area: am I
11:38 33 right to think that every table and every game is carded, so that
11:38 34 depending on if I'm a patron or get a casual card or something
11:39 35 like that, I can use the card throughout every game --- on every
11:39 36 gaming facility throughout the casino?

11:39 37

11:39 38 A. So if I have set a limit in relation to YourPlay, that limit on
11:39 39 the card that I have selected is available through only gaming
11:39 40 machines throughout the State of Victoria. So YourPlay pertains
11:39 41 only to gaming machines, whereas Crown --- we have a facility
11:39 42 through the Crown pre-commitment system, which is called Play
11:39 43 Safe where I can set a limit on Play Safe, which is only in relation
11:39 44 to fully automated table games.

11:39 45

11:39 46 COMMISSIONER: Is there no mechanism currently in place ---
11:39 47 means, I don't mean mechanism, no means where, if Crown

11:39 1 wanted to, it could set limits by demanding the use of a card of
11:40 2 some kind of table games like roulette or poker or whatever it
11:40 3 might be?

11:40 4
11:40 5 A. No. Mr Commissioner, I'm aware there are only two
11:40 6 pre-commitment limits approved in the State of Victoria, which is
11:40 7 Play Safe limits at Crown's fully automated table games, and the
11:40 8 YourPlay system which is for all electronic gaming machines in
11:40 9 the State of Victoria, but not in live table games or
11:40 10 semi-automated games.

11:40 11
11:40 12 COMMISSIONER: I understand that. I'm after the physical
11:40 13 capacity of introducing that if Crown wanted to introduce it. I'm
11:40 14 not talking about how the legislation works or how the
11:40 15 Ministerial Directions work ---

11:40 16
11:40 17 A. Sure.

11:40 18
11:40 19 COMMISSIONER: --- but I'm just enquiring whether you have
11:40 20 the physical capability of having the equivalent of YourPlay or
11:40 21 Play Safe, or whatever you want to call it, for setting money and
11:41 22 time limits on every gaming machine and gaming table at the
11:41 23 casino.

11:41 24
11:41 25 A. So we --- I'm not sure of the facility in relation to setting
11:41 26 pre-commitment limits on semi-automated table games or live
11:41 27 table games that Crown may have, I'm sorry I don't have that
11:41 28 technical knowledge. But I do know that Crown is prevented
11:41 29 from operating a cross-product, if you will, limit-setting system
11:41 30 by legislation. So if we said we would like to include
11:41 31 a limit-setting system for live table games, semi-automated table
11:41 32 games and fully automated table games and gaming machines, we
11:41 33 would not be permitted to do so.

11:41 34
11:41 35 COMMISSIONER: Okay. Thanks.

11:41 36
11:41 37 MR FINANZIO: Thank you. Can I ask for the Sixth Review to
11:42 38 be brought up on the screen and page 98 of that document. I
11:42 39 don't --- it's Exhibit 2 in the materials that have been tendered.

11:42 40
11:42 41 A. Sorry, Mr Finanzio, I'm still waiting.

11:42 42
11:42 43 Q. Yeah, me too.

11:42 44
11:42 45 A. If you were waiting for my feedback.

11:42 46
11:42 47 Q. Is the operator able to pull up the Sixth Review?

11:42 1
11:42 2 A. I see it now.
11:42 3
11:42 4 Q. On page 98, can you see in the right-hand column, there is
11:43 5 a bit of a comment ---
11:43 6
11:43 7 MR BORSKY: Sorry to interrupt my learned friend, but I think
11:43 8 he wants the Sixth Review to be called up? The operator has
11:43 9 called up the Fifth Review, the 2013 document, which I think is
11:43 10 the wrong document.
11:43 11
11:43 12 COMMISSIONER: The Sixth Review is Exhibit 2.
11:43 13
11:43 14 MR BORSKY: It's up now.
11:43 15
11:43 16 MR FINANZIO: Sorry, I can't see.
11:43 17
11:43 18 MR BORSKY: I'm conscious of that. That is the only reason I
11:43 19 interrupted.
11:43 20
11:43 21 MR FINANZIO: Sixth Review, page 98, right-hand column:
11:43 22
11:43 23 *Under the YourPlay scheme, when a player has set a time*
11:43 24 *or spending limit and the person reaches the YourPlay set*
11:43 25 *limit, the gaming machine is disabled and a message is*
11:43 26 *displayed on the machine notifying the player that the*
11:43 27 *player has reached the limit.*
11:43 28
11:43 29 A. Sorry ---
11:43 30
11:43 31 COMMISSIONER: I'm not sure I have the right page.
11:43 32
11:44 33 A. Don't have that yet. Sorry, Mr Finanzio.
11:44 34
11:44 35 MR FINANZIO: Are you on page 98?
11:44 36
11:44 37 A. No, I see a list of observable signs.
11:44 38
11:44 39 MR FINANZIO: All right, why don't we do it this way. I will do
11:44 40 it proposition by proposition. I don't need to look at the
11:44 41 document. Let's do it this way.
11:44 42
11:44 43 When a player sets a time or spending limit and the player
11:44 44 reaches the limit on YourPlay, the gaming machine is disabled,
11:44 45 isn't it, and a message is on the machine notifying the player that
11:44 46 they've reached the limit?
11:44 47

11:44 1 A. That's my understanding, yes.
11:44 2
11:44 3 Q. Then a message asks the player to choose whether to stop
11:44 4 playing on the gaming machine or to continue; right?
11:44 5
11:44 6 A. Yes, that's what I believe it says here. It is coming up now,
11:44 7 Mr Finanzio.
11:44 8
11:44 9 Q. And you know this from your own knowledge: if a person
11:44 10 chooses to keep playing, the game play will be re-enabled on the
11:45 11 gaming machine and YourPlay will continue to track the play;
11:45 12 correct?
11:45 13
11:45 14 A. That's what it says on the screen, yes.
11:45 15
11:45 16 Q. But that is also true from your own knowledge?
11:45 17
11:45 18 A. So my knowledge is probably slightly weak in terms of
11:45 19 technology because my knowledge is that Crown has no visibility
11:45 20 of the YourPlay system in any way, shape, or form. It is run by
11:45 21 Intralot, and in relation to reaching limits, being close to limits or
11:45 22 any of those kind of elements, Crown has no visibility of that
11:45 23 whatsoever.
11:45 24
11:45 25 COMMISSIONER: You might not know from Intralot, but you
11:45 26 know how the system works, don't you?
11:45 27
11:45 28 A. In general terms, yes, Mr Commissioner.
11:45 29
11:45 30 COMMISSIONER: And you know that once a player, who is put
11:45 31 on a money or time limit, reaches either the money or time limit,
11:46 32 a warning sign on the gaming machine tells the patron that he's
11:46 33 reached the limit; you know that?
11:46 34
11:46 35 A. Yes, I do. Yes.
11:46 36
11:46 37 COMMISSIONER: And you know if the patron wants to keep
11:46 38 on playing, he can, there is no mechanical impediment preventing
11:46 39 him or her from continuing to play?
11:46 40
11:46 41 A. That's right.
11:46 42
11:46 43 COMMISSIONER: Okay.
11:46 44
11:46 45 MR FINANZIO: What the Sixth Review observes is that, and
11:46 46 this is on page 99, which I do want to go through, in the
11:46 47 right-hand column at the top of the page it says:

11:46 1
11:46 2 *When a person reaches a limit under the YourPlay system*
11:46 3 *and elects to continue playing, Crown Melbourne staff*
11:46 4 *take no action and there is no regulatory obligation on*
11:46 5 *them to do so.*

11:46 6
11:46 7 *Crown Melbourne should consider implementing policies*
11:46 8 *to direct casino staff to communicate with a person who*
11:47 9 *continues playing a gaming machine without accruing*
11:47 10 *loyalty points (as would be triggered by reaching*
11:47 11 *a YourPlay set limit), to assess if they are at potential risk*
11:47 12 *of gambling-related harm.*

11:47 13
11:47 14 A. Yes, I see that.

11:47 15
11:47 16 Q. It is right, isn't it, that up until the point of the Sixth
11:47 17 Review, Crown staff did not take any step --- that statement is
11:47 18 a true statement; isn't it?

11:47 19
11:47 20 A. That's right, because Crown staff were not alerted to, aside
11:47 21 from the player being alerted to via the screen, Crown staff and
11:47 22 Crown has no way of knowing, as is my understanding from the
11:47 23 technology because it is administered by Intralot, whether
11:47 24 a patron has reached their limit and continues to play.

11:47 25
11:47 26 Q. Right. Can I draw your attention to the expert panel's
11:48 27 report of August last year. It is right, isn't it, that one of the
11:48 28 recommendations made in that report at page 59, so that's
11:48 29 CRW.522.0007.705, and it is behind tab 4 of Ms Bauer's
11:48 30 evidence, Commissioner. One of the recommendations made by
11:48 31 Crown's expert panel is that limits, Play Safe limits and YourPlay
11:49 32 limits, it makes the observation that they are not strictly enforced
11:49 33 as players can continue to play after reaching their self-imposed
11:49 34 limits.

11:49 35
11:49 36 A. I don't have it in front of me, Mr Finanzio, however, I'm
11:49 37 aware of that recommendation and there has been discussion of
11:49 38 the prohibition for Crown to be aware of the limit reached with
11:49 39 the panel.

11:49 40
11:49 41 Q. Yes. So you say that the reason that you can't intervene at
11:49 42 that point is because the casino is not made aware when the
11:49 43 player reaches the limit; is that right?

11:49 44
11:49 45 A. That's right.

11:49 46
11:49 47 Q. But you would agree that one way to foster responsible

- 11:49 1 gambling is to intervene at the point where someone has reached
11:49 2 their limit?
11:50 3
- 11:50 4 A. So a player can elect the limit they are reaching, and if at
11:50 5 that point in time Crown was allowed to be made aware via the
11:50 6 mechanisms, including legislation in the case of YourPlay, that
11:50 7 could be of benefit, yes.
11:50 8
- 11:50 9 Q. We've discussed the thousand machines at the casino that
11:50 10 can operate in unrestricted mode. To operate in unrestricted
11:50 11 mode you must use the YourPlay card with a pre-set time and
11:51 12 money limit; mustn't you?
11:51 13
- 11:51 14 A. Yes, that's my understanding.
11:51 15
- 11:51 16 Q. It is true that the profit earned by Crown on EGMs
11:51 17 operating in unrestricted mode is significantly higher than the
11:51 18 profit earned from EGMs operating in restricted mode; do you
11:51 19 know that to be true?
11:51 20
- 11:51 21 A. So, in my experience, and as we discussed in the last couple
11:51 22 of days, predominantly, and not all, to Mr Commissioner's point,
11:51 23 of those machines that are capable of operating in an unrestricted
11:51 24 mode are in what we would call a premium or VIP area which
11:51 25 implies that there may be higher limits of spend. So, to your
11:51 26 point, that is a possibility, yes.
11:51 27
- 11:51 28 Q. I just asked you whether or not they are more profitable to
11:51 29 the casino. They are, aren't they?
11:52 30
- 11:52 31 A. To my point just made, that could be the case, yes.
11:52 32
- 11:52 33 Q. Okay. If a customer reaches the pre-set limit, Crown
11:52 34 permits the customer to continue gambling on the EGM operating
11:52 35 in unrestricted mode, doesn't it?
11:52 36
- 11:52 37 A. The system permits the person to continue to play in
11:52 38 an unrestricted mode. However, as I'm sure you are aware,
11:52 39 there is no benefit in terms of a loyalty program benefit, for
11:52 40 example.
11:52 41
- 11:52 42 Q. Yes, there is a disincentive based on --- you don't get your
11:52 43 rewards points when you continue to play an unrestricted
11:52 44 machine in restricted mode?
11:52 45
- 11:52 46 A. If you've reached your limit, yes.
11:52 47

11:52 1 Q. Yes.
11:52 2
11:52 3 A. And the limit setting is, to my understanding, regarded as
11:52 4 a protective measure in terms of the unrestricted mode of the
11:53 5 gaming machine.
11:53 6
11:53 7 Q. Are you saying the casino has no way of knowing when
11:53 8 someone is playing in unrestricted mode when that pre-set limit is
11:53 9 reached?
11:53 10
11:53 11 A. So my understanding is from a technical perspective, there
11:53 12 is no way of knowing, and the only way that might be visible is if
11:53 13 one of our staff members is walking past at the time that the limit
11:53 14 is reached.
11:53 15
11:53 16 Q. Can I take you to the Fifth Review now, which is the
11:54 17 document the operator had up accidentally before. That is in
11:54 18 tender bundle 40, CRW.510.025.5690. Can I ask the operator to
11:54 19 go to page 91.
11:55 20
11:55 21 A. I have a page in front of me, Mr Finanzio.
11:55 22
11:55 23 Q. Yes. Bear with me for one minute. Perhaps I will put it
11:55 24 this way because I can't find the quote on that page and I think I
11:55 25 might have taken my note done incorrectly.
11:55 26
11:55 27 At the time of the Fifth Review, Crown Melbourne didn't
11:55 28 intervene when players reached their spending limit on YourPlay;
11:56 29 is that right?
11:56 30
11:56 31 A. That's on Play Safe?
11:56 32
11:56 33 Q. On Play Safe?
11:56 34
11:56 35 A. Yes, Mr Finanzio, that's right. And from my recollection is
11:56 36 that ---
11:56 37
11:56 38 COMMISSIONER: Hold on a second, Ms Bauer.
11:56 39
11:56 40 A. Sorry.
11:56 41
11:56 42 COMMISSIONER: Mr Borsky is there and not there. No, he's
11:56 43 back.
11:56 44
11:56 45 MR BORSKY: Thank you, Commissioner, I did rise virtually
11:56 46 just for clarification, but the witness has dealt with it. The
11:56 47 introduction of YourPlay post-dated the Fifth Review.

11:56 1
11:56 2 MR FINANZIO: I meant to say Play Safe. Thank you.
11:56 3
11:56 4 MR BORSKY: Thank you.
11:56 5
11:56 6 MR FINANZIO: Crown Melbourne at the time --- so Play Safe
11:56 7 is a Crown Melbourne product; isn't it, Ms Bauer?
11:56 8
11:56 9 A. Yes, it is, and Play Safe at the time was governed from
11:56 10 memory by the Gambling Regulation Act.
11:56 11
11:57 12 Q. Yes, and so it doesn't encounter the same impediment to
11:57 13 accessing trigger points when a player reaches their limit, it is
11:57 14 your system?
11:57 15
11:57 16 A. My recollection is that the legislation required the ceasing
11:57 17 of tracking as is the same for the YourPlay, so I believe the
11:57 18 legislation is very, very close. And equally we aren't aware of, or
11:57 19 weren't allowed to track a person --- sorry, a member, that is
11:57 20 engaging in Play Safe limits. That is very much the case in the
11:57 21 YourPlay system as well. So equally in Play Safe, we were not
11:57 22 allowed to track or be aware of when someone had breached their
11:57 23 limit is my understanding, and that is quite some time ago,
11:58 24 Mr Finanzio.
11:58 25
11:58 26 Q. Bear with me for a minute.
11:58 27
11:58 28 A. Sure.
11:58 29
11:58 30 Q. On page 91 you will see a passage at the top left of the
11:58 31 page starting "Crown Melbourne"?
11:58 32
11:58 33 A. I don't see the page number. Okay, I've got it highlighted
11:58 34 now, thank you.
11:58 35
11:58 36 Q. It says:
11:58 37
11:58 38 *Crown Melbourne Limited does not intervene when*
11:58 39 *a patron reaches their spending or time limit. Crown*
11:58 40 *Melbourne Limited stated that it focuses on observable*
11:58 41 *signs of distress and does not believe that reaching*
11:59 42 *a spending or time limit necessarily requires*
11:59 43 *an intervention, but acknowledges that it may provide*
11:59 44 *an opportunity for one, and that the Play Safe Limits*
11:59 45 *provide an opportunity for patrons to approach Crown*
11:59 46 *Melbourne Limited staff for assistance, if required.*
11:59 47

- 11:59 1 A. I see that, yes.
11:59 2
11:59 3 Q. That's the current view, as well as being the view back in
11:59 4 the time of the Sixth Review; isn't it?
11:59 5
11:59 6 A. If I may, in the Fifth Review, which I believe this pertains
11:59 7 to, the restriction applied equally in that --- and perhaps the record
11:59 8 may not reflect it as accurately at the time, however my
11:59 9 recollection is that again we were not aware of a limit reached per
12:00 10 se, and I note here that the GRA is reflected, sorry, the *Gambling*
12:00 11 *Regulation Act*, and that whilst it may have been useful, because
12:00 12 we were prevented from tracking, that is not something that the
12:00 13 system was aware of, according to what was required by the
12:00 14 legislation, is my recollection of that, Mr Finanzio.
12:00 15
12:00 16 Q. Yes. Bear with me for one minute, Ms Bauer.
12:00 17
12:00 18 A. Sure.
12:00 19
12:01 20 Q. I'm just coming across some questions which I think the
12:01 21 Commissioner has already asked, so
- 12:01 22
12:01 23 I want to ask you some questions now about organisational
12:01 24 structure over time.
12:01 25
12:01 26 A. Sure.
12:01 27
12:01 28 Q. In the past, so before the pandemic, you were a direct report
12:01 29 to Mr Preston; is that right?
12:01 30
12:01 31 A. That's right.
12:01 32
12:01 33 Q. Who was Crown's chief legal officer?
12:02 34
12:02 35 A. Yes, he was.
12:02 36
12:02 37 Q. So the ultimate head in your reporting structure was
12:02 38 a lawyer in a compliance function; correct?
12:02 39
12:02 40 A. If that is so described, yes.
12:02 41
12:02 42 Q. Well, I don't want to mis-describe it. Who is your current
12:02 43 report? Who is your current direct report or line manager?
12:02 44
12:02 45 A. So my current line manager is Mr Steve Blackburn.
12:02 46
12:02 47 Q. What is his experience and qualifications in the space of

12:02 1 Responsible Service of Gaming?
12:02 2
12:02 3 A. I'm not sure of his previous experience. My understanding
12:02 4 is this may be all new to him.
12:02 5
12:02 6 Q. He's really in a compliance role, isn't he?
12:02 7
12:02 8 A. Compliance and financial crime and regulatory, as I
12:03 9 understand his job description in broad terms to be, yes.
12:03 10
12:03 11 Q. There are some committees at Crown that, over time, have
12:03 12 concerned themselves with the Responsible Service of Gaming;
12:03 13 correct?
12:03 14
12:03 15 A. Yes, there are.
12:03 16
12:03 17 Q. You've been members of all of those committees?
12:03 18
12:03 19 A. Yes. And can I clarify, are you referring to Crown
12:03 20 Melbourne or Crown Resorts, Mr Finanzio?
12:03 21
12:03 22 Q. I'm referring first of all to Crown Melbourne.
12:03 23
12:03 24 A. Yes. Yes, there is.
12:03 25
12:03 26 Q. You've been a member of the Crown Melbourne
12:03 27 committees that deal with Responsible Service of Gaming?
12:03 28
12:03 29 A. Yes, I have.
12:03 30
12:03 31 Q. And have you been a member of the Crown Resorts
12:03 32 committees that deal with Responsible Service of Gaming?
12:03 33
12:03 34 A. I have not been a member, however I have provided reports
12:03 35 to that committee, yes.
12:03 36
12:03 37 Q. Right. Just in relation to the Melbourne committee, has
12:03 38 there ever been a psychologist as a member of that committee?
12:03 39
12:03 40 A. To the Crown Melbourne committee or the Crown
12:04 41 Resorts ---
12:04 42
12:04 43 Q. Crown Melbourne.
12:04 44
12:04 45 A. Yes, there has. From recollection since we commenced,
12:04 46 but it may have been some period after. I would hesitate to just
12:04 47 not be too complete on that answer.

12:04 1
12:04 2 Q. As a member of the committee?
12:04 3
12:04 4 A. As a member of the Crown Melbourne Responsible
12:04 5 Gaming Management Committee, yes. In my recollection, for the
12:04 6 predominance of that committee, a psychologist has been part of
12:04 7 it, yes.
12:04 8
12:04 9 Q. And what about the Crown Resorts committee?
12:04 10
12:04 11 A. No. So the Crown Resorts committee, to my
12:04 12 understanding, is comprised of directors and has previously been
12:04 13 comprised of some executive roles, but there has not been
12:04 14 a membership of a psychologist, no.
12:04 15
12:04 16 Q. Why is it do you think --- perhaps I will rephrase that
12:05 17 question. In much of the correspondence concerning that I've
12:05 18 taken you to concerning the delivery of Responsible Service of
12:05 19 Gaming --- there are a lot of lawyers involved in the process, I
12:05 20 won't mention them by name --- do you think that it is fair to say
12:05 21 that the Responsible Service of Gaming function at Crown
12:05 22 Melbourne has been seen predominantly as a regulatory
12:05 23 compliance function rather than a harm minimisation one?
12:05 24
12:05 25 A. In my experience, since taking on the role of, initially,
12:05 26 General Manager Responsible Gaming back in 2008, I have
12:05 27 always been advised by psychologists within the team that
12:05 28 reported to the Legal team. In the first period, I think from
12:05 29 a community perspective, Responsible Gaming was seen more as
12:06 30 a corporate social responsibility. However, over time, in my
12:06 31 opinion, that function has pivoted more towards inclusive of the
12:06 32 community as it always is, and the clinical elements as it always
12:06 33 is and must be. However, that --- we need to be very mindful that
12:06 34 we are compliant in a regulatory and legal sense as well. So it is
12:06 35 a trajectory I've observed over time and that is my opinion.
12:06 36
12:06 37 Q. Are you aware that it has been suggested that in order to
12:06 38 reduce harm from gambling there should be increased
12:06 39 transparency around Crown's practices and products, including
12:06 40 giving wider access to data for independent research?
12:06 41
12:06 42 A. Over time I'm aware there have been a number of
12:07 43 statements positive in relation to that and I'm alive to that
12:07 44 suggestion, yes.
12:07 45
12:07 46 Q. In his interview with the VCGLR in 2018,
12:07 47 Professor Horvath said this --- it is at the record of that --- it's in

12:07 1 the transcript of that. I won't bother the Commissioner, it is
12:07 2 a tendered document. It is on transcript page 61 of that document
12:07 3 if my learned friends want to look at it. He says:

12:07 4
12:07 5 *..... I think over time as more interventions come to light by*
12:07 6 *good research hopefully. I think that is a real*
12:07 7 *indictment of the intellectual grunt that is in this space, I*
12:07 8 *would really love to see high quality research done this in*
12:08 9 *area to give us some grunt to do even more good.*

12:08 10
12:08 11 It is right, isn't it, that that is what Professor Horvath said back in
12:08 12 2018?

12:08 13
12:08 14 A. Sorry, Mr Finanzio, there was a little bit of interference.
12:08 15 Just the last sentence I missed. I just caught some of the 2018.
12:08 16 I'm sorry.

12:08 17
12:08 18 Q. Back in 2018 Professor Horvath was acknowledging the
12:08 19 need for research to assist in providing grunt --- to use his words,
12:08 20 to providing "grunt" in the quality of research around problem
12:08 21 gambling; that is something you are familiar with?

12:08 22
12:08 23 A. I'm not familiar with Mr Horvath's statements outside of
12:08 24 what has been shown to me via the Commission.

12:08 25
12:08 26 Q. All right. I will show you the document. Tender bundle
12:09 27 53, VCG.0001.0003.1632. Professor Horvath, at the bottom of
12:09 28 the page --- do you have that?

12:09 29
12:09 30 A. I have a page ending in 1632. Is that the page I'm meant to
12:09 31 be on, Mr Finanzio?

12:09 32
12:10 33 Q. It should be page 61 of the transcript.

12:10 34
12:10 35 A. Right. Yes, I have it now. Thank you.

12:10 36
12:10 37 Q. You see there where it says "Professor Horvath"?

12:10 38
12:10 39 A. Yes, I do.

12:10 40
12:10 41 Q. He said:

12:10 42
12:10 43 *And I think that is a real indictment of the intellectual*
12:10 44 *grunt that is in this space. I would really love to see high*
12:10 45 *quality research done in this area to give us some grunt to*
12:10 46 *do even more good.*

12:10 47

12:10 1 You see that?
12:10 2
12:10 3 A. I see that, yes.
12:10 4
12:10 5 Q. In 2019 the VCGLR published a report called "Identifying
12:10 6 effective policy interventions to prevent gambling harm"; are you
12:10 7 familiar with that document? With that study?
12:10 8
12:10 9 A. I would suggest that I will have come across it, but the title
12:10 10 at the moment, without seeing it in front of me, I'm not terribly
12:10 11 familiar with, no.
12:10 12
12:10 13 Q. That's okay. I will take you to it. I tried to take a shortcut
12:11 14 but the shortcut was the long way around so we'll go to the
12:11 15 document. It is in the tender bundle at 21. It is
12:11 16 COM.0013.0001.0774.
12:11 17
12:11 18 A. I see it in front of me, Mr Finanzio, the title page.
12:11 19
12:11 20 Q. Yes. It makes the observation on page 14 of the document,
12:11 21 I wonder if the operator can go to page 14, you see the heading
12:12 22 "Industry influence on research"?
12:12 23
12:12 24 A. I see it, yes.
12:12 25
12:12 26 Q. You see there:
12:12 27
12:12 28 *As with tobacco, alcohol and the food industry, gambling*
12:12 29 *operators have been active in influencing research*
12:12 30 *agendas and priorities. There have been many*
12:12 31 *consequences of this, clustered around the framing of the*
12:12 32 *issue of gambling harms, the approaches adopted to*
12:12 33 *address these, and the subsequent development of the*
12:12 34 *evidence base in particular directions. It is now*
12:12 35 *acknowledged that the gambling evidence base is*
12:12 36 *deficient in some important areas as a consequence of this*
12:12 37 *activity, with a bias towards individualised treatment*
12:12 38 *oriented approaches. This issue has been better*
12:12 39 *addressed by the tobacco and alcohol sectors and*
12:12 40 *some important interventions can be adapted from those*
12:12 41 *sectors in order to develop a more independent and*
12:12 42 *effective research sector, with the consequent production*
12:12 43 *of an evidence base that more clearly supports harm*
12:13 44 *prevention and minimisation approaches.*
12:13 45
12:13 46 I just want to draw your attention to another passage at paragraph
12:13 47 87 which is on page 15. Do you have that?

12:13 1

12:13 2 A. I think it is coming, Mr Finanzio. Is this:

12:13 3

12:13 4 *Gambling researchers should be encouraged to form*

12:13 5 *independent research and professional associations with*

12:13 6 *no connection to the gambling industry*

12:13 7

12:13 8 Q. It is 87, not 86.

12:13 9

12:13 10 A. Okay.

12:13 11

12:13 12 Q. If you go to 87:

12:13 13

12:13 14 *Access to de-identified data and information about*

12:13 15 *gambling operations and products should be available to*

12:13 16 *bona fide researchers as a condition of licensing.*

12:13 17 *Gambling operators should be required by licensing*

12:13 18 *conditions to permit reasonable access to premises for the*

12:13 19 *purposes of recruitment of research participants.*

12:13 20

12:13 21 A. I see that, yes.

12:13 22

12:14 23 Q. Can I just now take you to your responsible gaming

12:14 24 strategic plan, which I think is behind --- it is in the tender bundle

12:14 25 at tab 68.

12:14 26

12:14 27 COMMISSIONER: Before you leave the document we have just

12:14 28 been looking at, the 2019 research report, that is not an exhibit

12:14 29 and I think that should be tendered. I think I'm up to Exhibit 127.

12:14 30 That is the Victorian Responsible Gambling Foundation Research

12:14 31 Report Identifying Effective Policy Interventions, June 2019.

12:15 32

33

34 **EXHIBIT #RC0127 - VICTORIAN RESPONSIBLE**

35 **GAMBLING FOUNDATION RESEARCH REPORT**

36 **IDENTIFYING EFFECTIVE POLICY INTERVENTIONS**

37 **DATED JUNE 2019**

38

39

12:15 40 COMMISSIONER: Now you are going to refer to the other

12:15 41 report?

12:15 42

12:15 43 MR FINANZIO: To the other report, which is the Responsible

12:15 44 Service of Gaming Strategic Plan 2018 - 2020, which is tender

12:15 45 bundle 68 and is CRW.510.029.6278. It is page 10 of that

12:15 46 document. I just wanted, for completeness and fairness to the

12:15 47 witness, to take her back to it. We have been looking at this

12:15 1 document yesterday.
12:15 2
12:15 3 This is the strategic plan, Ms Bauer.
12:15 4
12:16 5 A. (Nods head).
12:16 6
12:16 7 Q. I just wanted to remind you that the strategic plan identifies
12:16 8 one of the weaknesses for Crown was its non-participation in the
12:16 9 research.
12:16 10
12:16 11 A. Yes, that's right.
12:16 12
12:16 13 Q. Then finally, I just wanted to take you to the expert report
12:16 14 prepared in August last year, which is in tab 4 of your statement.
12:16 15
12:16 16 Do you have the expert report, Commissioner? Tab 4 of her
12:16 17 statement.
12:16 18
12:16 19 A. I will check it out. I may have it, Mr Finanzio. I think the
12:17 20 operator brought it up earlier in case I don't find it, Mr Finanzio.
12:17 21
12:17 22 Q. CRW.526.007.7011 --- is the relevant page of the report.
12:17 23 You got that?
12:18 24
12:18 25 A. Let me just refer to the screen --- I have a page which looks
12:18 26 to be from the panel report but I don't see the indicators of
12:18 27 pagination.
12:18 28
12:18 29 Q. Okay. Can you see in the middle of the page a dot point
12:18 30 that commences "Crown collates"?
12:18 31
12:18 32 A. Yes, I do, yes.
12:18 33
12:18 34 Q. I will put this to you:
12:18 35
12:18 36 *Crown collates information on a range of responsible*
12:18 37 *gaming metrics. These include but are not limited to*
12:18 38 *recording: total customer contacts with responsible*
12:18 39 *gaming staff, main activities of Responsible Gaming*
12:18 40 *Centre, referrals, external service providers,*
12:18 41 *self-exclusion, revocation and total time-out rates, and*
12:18 42 *customers followed-up related to the Crown Model.*
12:18 43 *However, the data is not readily available for review by*
12:18 44 *third-party evaluation, for example, academics reviewing*
12:18 45 *responsible gambling practices, taking into account*
12:18 46 *commercial and privacy sensitive data, the rationale here*
12:19 47 *is that if Crown seeks to gain recognition as implementing*

12:19 1 *world-class responsible gambling interventions, then*
12:19 2 *there should be options to make data available for*
12:19 3 *independent audit to demonstrate the effectiveness of such*
12:19 4 *interventions (openness and transparency).*
12:19 5

12:19 6 Can I suggest to you that in light of those documents that I've just
12:19 7 taken you to, Professor Horvath was the chair of the Responsible
12:19 8 Gaming committee; wasn't he?
12:19 9

12:19 10 A. Yes, he was.
12:19 11

12:19 12 Q. And he, on the passage that I took you to, was
12:19 13 acknowledging as long ago as 2018 that there was a dearth of
12:19 14 available research --- good quality research in this space; right?
12:20 15

12:20 16 A. I assume in this space you mean in the casino space? Or in
12:20 17 the ---
12:20 18

12:20 19 Q. In the Responsible Gaming area.
12:20 20

12:20 21 A. In general, yes.
12:20 22

12:20 23 Q. And in 2019 the VRGF, in a publication that it sponsored
12:20 24 and prepared, made the same observation and that --- correct?
12:20 25

12:20 26 A. Yes, paragraph 87. Yes.
12:20 27

12:20 28 Q. And that one way to cure the difficulty was making the
12:20 29 data, or having access to the data for independent researchers to
12:20 30 be able to do that work?
12:20 31

12:20 32 A. Yes.
12:20 33

12:20 34 Q. When you did the Responsible Service of Gaming strategic
12:20 35 plan in 2019, you again recognised that it was a weakness of
12:20 36 Crown that it wasn't particularly forthcoming in the provision or
12:21 37 making the access to data available to independent researchers;
12:21 38 correct?
12:21 39

12:21 40 A. I'm not sure they were the exact words, but I acknowledge
12:21 41 that there was an ability to be more assistive of that, yes.
12:21 42

12:21 43 Q. That was the gist; wasn't it?
12:21 44

12:21 45 A. From memory, yes, but I'm sorry I've looked at several
12:21 46 documents recently in accordance with that.
12:21 47

12:21 1 Q. Another 12 months pass and you've got the independent
12:21 2 expert panel saying the same thing; correct?
12:21 3
12:21 4 A. Yes. Yes.
12:21 5
12:21 6 Q. So it is right, isn't it that --- well, the last thing I will put to
12:21 7 you before I move off this topic, can you go now to
12:21 8 COM.0005.0003.0001. I will need the operator to pull the
12:22 9 document.
12:22 10
12:22 11 The Commission has received a submission under the heading
12:22 12 of --- do we have that?
12:22 13
12:22 14 A. I see a letter that is being scrolled through.
12:22 15
12:22 16 MR FINANZIO: Does the Commission have that up?
12:22 17
12:22 18 COMMISSIONER: Yes.
12:22 19
12:22 20 MR FINANZIO: The Commission has received a submission
12:22 21 from academics under the hand of Professor Linda Hancock,
12:22 22 Associate Professor Charles Livingstone, Dr Francis Markham,
12:22 23 Professor Peter Miller, Dr Angela Rintoul and Dr Matt Stevens.
12:22 24 These are all academics who have published in the field of
12:23 25 gambling harm; aren't they?
12:23 26
12:23 27 A. As I'm aware, yes.
12:23 28
12:23 29 Q. They wrote this letter and I just want to take you to it:
12:23 30
12:23 31 *We write to convey our concerns regarding access to data*
12:23 32 *from the regulator (VCGLR) and from Crown Casino*
12:23 33 *Melbourne, required for independent research relevant to*
12:23 34 *reducing harm from gambling. As researchers who have*
12:23 35 *published widely on the public health aspects of*
12:23 36 *gambling, we have experienced difficulties obtaining*
12:23 37 *access to environments and data relevant to our research.*
12:23 38
12:23 39 They talk about it in relation to the regulator, but they then also
12:23 40 talk about it in relation to Crown, can you see under the
12:23 41 heading "Access" ---
12:23 42
12:23 43 A. I can see a partial paragraph, yes.
12:23 44
12:23 45 Q. Okay, maybe we need to slide it up. They say:
12:23 46
12:23 47 *We have direct experience of being denied access to*

12:23 1 *Crown data and for example, refused access to visit*
 12:23 2 *Crown premises with employees of the Regulator, to*
 12:24 3 *observe new gambling products. Also in 2003/4, we are*
 12:24 4 *aware of an instance where an international researcher*
 12:24 5 *engaged by the Gambling Research Panel, sought loyalty*
 12:24 6 *program data, a potentially important set of information*
 12:24 7 *that could contribute significantly to knowledge of*
 12:24 8 *gambling harms and behaviour. Although this research*
 12:24 9 *was funded by a Victorian Government agency (GRP)*
 12:24 10 *after a direction from the then Minister for Gambling, the*
 12:24 11 *data were not provided electronically and only after*
 12:24 12 *substantial delay, and in a voluminous collection of paper*
 12:24 13 *print outs, rendering the data useless.*

12:24 14
 12:24 15 *We request that access to the casino for research*
 12:24 16 *purposes and to casino data that is useful for research, be*
 12:24 17 *made a condition of casino licensing and that more*
 12:24 18 *transparency and accountability for research access be*
 12:24 19 *an expectation of a core accountability of the Regulator.*

12:24 20
 12:24 21 It's right, isn't it that --- it's hard to take Professor Horvath's stated
 12:25 22 position that there should be more rigorous research in this space,
 12:25 23 and then at the same time be the entity with all the data that is not
 12:25 24 making it available for independent research to occur. Do you
 12:25 25 agree?

12:25 26
 12:25 27 A. If I may, Mr Finanzio, I note that there was some request
 12:25 28 for data in 2003 and 2004. I have some knowledge about the
 12:25 29 loyalty program data which actually was provided and this
 12:25 30 precedes my time in this role. However, because of ongoing
 12:25 31 discussions with an operator is that certainly that loyalty program
 12:25 32 data that was provided to the researchers founded the initial basis
 12:26 33 of some of the more commercial products that have become
 12:26 34 available. So I just note that as a matter of that, that was
 12:26 35 provided.

12:26 36
 12:26 37 And I think I've mentioned in my evidence that --- you mention
 12:26 38 the authors of Messrs Hancock and Livingstone and Stevens and
 12:26 39 Brown, I believe, I've not --- in my mind, and whether some other
 12:26 40 persons within Crown have received requests to provide the data,
 12:26 41 I can't speak on behalf of the regulator about the access to the
 12:26 42 data, so --- I'm not too sure that it can be construed that we are
 12:26 43 refusing the data if we haven't had a request for data and I note
 12:26 44 that in the literature you took me to earlier in point 86, just
 12:26 45 preceding 87 around data availability, is that there seemed to be
 12:26 46 some complexity around an inter-relationship between
 12:26 47 researchers and operators as well. So that --- that may also cause

- 12:27 1 confusion in the provision thereof.
- 12:27 2
- 12:27 3 Q. I see. Are you able to point to examples in the last five
- 12:27 4 years where you've made anonymised data, or de-identified data
- 12:27 5 available to independent researchers for the purposes of ---
- 12:27 6
- 12:27 7 A. There has not been a request, Mr Finanzio.
- 12:27 8
- 12:27 9 Q. --- for the purpose of undertaking research in relation to
- 12:27 10 problem gambling?
- 12:27 11
- 12:27 12 A. I cannot, because there has been no request, Mr Finanzio.
- 12:27 13
- 12:27 14 Q. Do you think it is possible that the reason that there has
- 12:27 15 been no request is because the casino in the past hasn't been
- 12:27 16 particularly forthcoming?
- 12:27 17
- 12:27 18 A. I can't surmise that, and I can only surmise that according to
- 12:27 19 what I see in front of me that the casino was forthcoming with the
- 12:28 20 de-identified data at the time.
- 12:28 21
- 12:28 22 Q. So how do you explain what you acknowledge to be in your
- 12:28 23 own strategic assessment, that is your strategic plan, the
- 12:28 24 perception that you do not provide that data?
- 12:28 25
- 12:28 26 A. I think the perception was made by way of certainly internal
- 12:28 27 discussions that we've had, and I --- I know I've spoken about this
- 12:28 28 for a number of times in the last couple of days, for example,
- 12:28 29 there is both quantitative and qualitative data in relation to the
- 12:28 30 services and the programs, so I suppose there is a variety of data
- 12:28 31 that could be made available and in the context of the research
- 12:28 32 element, as I said we've not been approached.
- 12:28 33
- 12:28 34 But we've also thought that independent of not being approached,
- 12:28 35 that there may be a utility in, for example, as there is a bit of a
- 12:29 36 dearth of research in relation to self-exclusion, for example, and
- 12:29 37 we have a lot of quantitative and qualitative data that could be
- 12:29 38 a useful project. That is not in and of itself the totality of that, but
- 12:29 39 it is a recognition that it could be useful for other casinos, and
- 12:29 40 even potentially, venue operators even though it is a different
- 12:29 41 landscape.
- 12:29 42
- 12:29 43 Q. So is your evidence that anybody else --- is your evidence
- 12:29 44 that anybody who thinks that the casino would not provide it with
- 12:29 45 data de-identified for the purpose of independent research is
- 12:29 46 wrong? All they had to do was ask you and you would have
- 12:29 47 given it to them; is that right?

12:29 1
12:29 2 A. No, I don't believe that is my evidence, Mr Finanzio.
12:29 3 I believe I've just explained whether approaches have been made
12:29 4 or not.
12:29 5
12:29 6 Q. So all they needed to do was ask and you would have given
12:29 7 it to them?
12:30 8
12:30 9 A. I think certainly the first approach is the asking, and then of
12:30 10 course there would have to be a discussion around the nature of
12:30 11 the data, the purposes of the research, the approvals of the --- as
12:30 12 any research must be approved by an ethics committee and
12:30 13 ensuring that we protect the privacy. I'm just extrapolating it to
12:30 14 the nth degree to ensure that if the question is asked, certainly as
12:30 15 any researcher would be alive to the fact that these are the things
12:30 16 that would need to be considered in the request. And, as I have
12:30 17 acceded in earlier evidence, we have participated in research and
12:30 18 most recently, in published research also in 2019.
12:30 19
12:30 20 Q. I want to take you now to the letter that came from Crown.
12:30 21 I've asked you some questions ---
12:30 22
12:30 23 COMMISSIONER: Before you do that, sorry --- although the
12:31 24 letter we've just been looking at from Professors Hancock et al in
12:31 25 the submission, in view of the questioning, I think that should be
12:31 26 tendered as an exhibit. I think we are up to number 128, and that
12:31 27 is a submission dated 20 May 2021 from Professors Hancock and
12:31 28 others, be Exhibit 128.
12:31 29
12:31 30
12:31 31 **EXHIBIT #RC0128 - SUBMISSION FROM PROFESSORS**
12:31 32 **HANCOCK AND OTHERS DATED 20 MAY 2021**
12:31 33
12:31 34
12:31 35 COMMISSIONER: While I'm on that exhibit, if I could just
12:31 36 have a look at the bottom section we were looking at before.
12:31 37 That's it.
12:31 38
12:31 39 These academics, Ms Bauer, say that it would be very useful for
12:31 40 proper academic research to be conducted into gambling harms
12:31 41 and behaviour to work out the effectiveness of various gambling
12:32 42 programs --- not gambling programs, but remedial programs of
12:32 43 one sort or another. Do you agree as a matter of general
12:32 44 principle, leaving aside privacy considerations and making sure
12:32 45 that that is covered, that there are academics who are capable of
12:32 46 conducting the appropriate research, and should have the data
12:32 47 available to them so that their research can be carried out

12:32 1 effectively?

12:32 2

12:32 3 A. Yes, if it --- to Mr Finanzio's point assists the utility of the
12:32 4 research and as expressed by Professor Horvath, yes.

12:32 5

12:32 6 COMMISSIONER: And not to put too fine a point on it, but the
12:32 7 "utility" of that research might be in the category of "very
12:32 8 important". In other words, if we have appropriate research
12:33 9 undertaken to see how we can properly deal with a serious social
12:33 10 problem, the better the research, the better we all are?

12:33 11

12:33 12 A. Certainly and, Mr Commissioner, there is --- I'm aware that
12:33 13 the utility of the research may not be as ubiquitous as it may be
12:33 14 for other gambling operations because there are less casinos in
12:33 15 the Australasian context, and there might be other products, but
12:33 16 certainly that would be very useful, yes.

12:33 17

12:33 18 COMMISSIONER: Okay. I'm interested also, it may be a side
12:33 19 issue, but indulge me, in the Foundation's report of 2019, they
12:34 20 speak about the dangers the tobacco industry experienced in
12:34 21 particular of the object, in that case, the tobacco companies
12:34 22 funding the research, and the problems that that creates. Can I
12:34 23 ask you whether Crown funds research into problem gambling?

12:34 24

12:34 25 A. No, we do not.

12:34 26

12:34 27 COMMISSIONER: Not direct nor indirectly?

12:34 28

12:34 29 A. No, not directly. So Crown funds an independent
12:34 30 Responsible Gaming Advisory Panel. Crown has funded in the
12:34 31 past, for example, a food and beverage component for the
12:34 32 National Association of Gambling Studies, those sorts of things.
12:34 33 But Crown has not funded any research and, yeah, sorry, yes,
12:34 34 Mr Commissioner.

12:34 35

12:34 36 COMMISSIONER: The independent Commission that you
12:35 37 mention, how does the funding arrangement with that
12:35 38 Commission work?

12:35 39

12:35 40 A. So the independent responsible gaming advisory panel
12:35 41 came into existence in 2019, and the Chair is Professor Emeritus
12:35 42 Alex Blaszczyński, and the other two members are Professor Paul
12:35 43 Delfabro and Professor Lia Nower. And they have been
12:35 44 engaged to provide independent advice to Crown including the
12:35 45 report that has been referred to in relation to a review of the
12:35 46 Responsible Gaming framework at the Australian resorts that
12:35 47 Crown operate.

12:35 1
12:35 2 COMMISSIONER: Did that panel exist before Crown funded
12:35 3 the panel? In other words, was it an existing independent panel
12:36 4 or did Crown funding bring the panel into existence?
12:36 5
12:36 6 A. No, Crown funding brought the panel into existence purely
12:36 7 for Crown's advice.
12:36 8
12:36 9 Q. I'm mystified by the use of the word "independent". If they
12:36 10 are not independent from you, then who are they independent
12:36 11 from?
12:36 12
12:36 13 A. That's the wording I've used, so yes, they ---
12:36 14
12:36 15 COMMISSIONER: That is their own wording. They describe
12:36 16 themselves as an independent panel ---
12:36 17
12:36 18 A. Yes.
12:36 19
12:36 20 COMMISSIONER: But they are not really an independent
12:36 21 panel?
12:36 22
12:36 23 A. They provide independent advice, so I'm --- I probably
12:36 24 don't want to cross into how things are described on that.
12:36 25 However, Crown has requested the existence of this panel so as
12:36 26 to review Crown's Responsible Gaming framework and provide
12:36 27 advice from time to time as to the Responsible Gaming services
12:36 28 and programs that we run, based on their experience.
12:37 29
12:37 30 COMMISSIONER: Fair enough. You said that some of the data
12:37 31 you collect and observations made internally are shared at
12:37 32 conferences and so on that take place from time to time. Are they
12:37 33 conferences that Crown sponsors or conferences just attended by
12:37 34 Crown along with a whole bunk of interesting people?
12:37 35
12:37 36 A. So the conferences, and in particular when I was referring
12:37 37 to the data in relation to self-exclusion was the National
12:37 38 Association for Gambling Studies of which Crown and a number
12:37 39 of the Responsible Gaming staff at Crown are a member of, and
12:37 40 the only sponsorship, if you will, has been a nominal sum towards
12:37 41 food and beverage some time ago. Many years ago, from my
12:38 42 recollection, yes.
12:38 43
12:38 44 COMMISSIONER: In relation to --- I said that was my last
12:38 45 question, but I have another couple. Sorry about that, I can't help
12:38 46 myself. There is an organisation called the Australian Gaming
12:38 47 Panel. Is that the same group that we have been talking about,

12:38 1 the independent panel?

12:38 2

12:38 3 A. It may be, Mr Commissioner. There is the Australasian
12:38 4 Gaming Council, there is the National Association for Gambling
12:38 5 Studies, so they are independent of Crown and then Crown has
12:38 6 engaged the services of what Crown calls the Responsible
12:38 7 Gaming Advisory Panel, which is Crown's panel, if you will. So it
12:38 8 was instigated at Crown's behest. So there are three different
12:38 9 entities.

12:38 10

12:38 11 COMMISSIONER: I see. And the other two you just mentioned
12:38 12 are they funded by Crown?

12:38 13

12:39 14 A. No, so the National Association for Gambling Studies has
12:39 15 a membership fee. That is the funding. And in a few years ago
12:39 16 there was a food and beverage component and the Australasian
12:39 17 Gaming Council is a peak body, if you will, and Crown, I
12:39 18 understand, contributes funds to that, and also the CEO is
12:39 19 a member of the Board.

12:39 20

12:39 21 COMMISSIONER: In relation to the funding that you do, or that
12:39 22 Crown makes towards the Australian Gaming Panel, is that
12:39 23 sufficient so the panel can also fund other research, so it's not
12:39 24 only the panel research that you funded but you give them enough
12:39 25 money so they can spread that around and have other researchers
12:39 26 carry out research, although it is effectively funded by Crown, or
12:39 27 at least partly funded by Crown?

12:39 28

12:39 29 A. So the Responsible Gaming Advisory Panel is funded to
12:40 30 individuals, and at this point hasn't been funded to conduct
12:40 31 research outside of what the individuals may provide in terms of
12:40 32 analysis of some of the elements that we provide or when we
12:40 33 requested information from panel members. So there is no
12:40 34 additional research to your question, Mr Commissioner.

12:40 35

12:40 36 COMMISSIONER: Okay. Thanks.

12:40 37

12:40 38 MR FINANZIO: Just one matter arising from that sequence of
12:40 39 questions, just so that the Commissioner is clear, Professor
12:40 40 Blaszczyński operates Rawdon Consultancy doesn't he?

12:40 41

12:40 42 A. That's right.

12:40 43

12:40 44 Q. And Rawdon Consultancy has been a long-time consultant
12:40 45 to the casino?

12:40 46

12:40 47 A. From my recollections in 2019, it may have commenced in

12:40 1 2018.
12:40 2
12:41 3 Q. Okay. Can I ask you to go to the letter that sets out the
12:41 4 various suggested improvements. The letter dated 26 May 2021.
12:41 5
12:41 6 I can't recall, Commissioner, what the Exhibit number is.
12:41 7
12:41 8 But do you have a hard copy of that in front of you?
12:41 9
12:41 10 A. Me, Mr Finanzio? No, I do not. I'm sure I can get one
12:41 11 fairly quickly if that is convenient.
12:41 12
12:41 13 Q. Good. That would be great.
12:41 14
12:41 15 A. Yes. Sure. So provide it to the Commission? Could you
12:41 16 excuse me for one moment whilst I ask for that to occur.
12:41 17
12:41 18 Q. That would be fine.
12:41 19
12:41 20 Does the Commission have that document?
12:41 21
12:41 22 COMMISSIONER: No, better tell me where I can find it. It was
12:41 23 tendered I think on ---
12:41 24
12:41 25 COMMISSIONER: I will find it after I've had a chat with
12:41 26 Mr Rozen who has appeared on the screen as a sign to say
12:42 27 something.
12:42 28
12:42 29 MR ROZEN: Indeed that's right, but only to be helpful. Exhibit
12:42 30 122.
12:42 31
12:42 32 MR FINANZIO: Thank you so much.
12:42 33
12:42 34 COMMISSIONER: Thank you.
12:42 35
12:42 36 MR ROZEN: My pleasure.
12:44 37
12:44 38 A. Excuse me, Mr Finanzio, it's being printed and conveyed.
12:44 39
12:44 40 COMMISSIONER: Before Mr Finanzio goes on, I still have one
12:44 41 last question about funding. This will be pretty close to the end
12:44 42 of me asking questions on the topic. If I've got the name of the
12:44 43 body right, I will have a go, the Australian Gaming Council.
12:44 44
12:45 45 A. Yes, Commissioner.
12:45 46
12:45 47 COMMISSIONER: The Australasian Gaming Council.

12:45 1
12:45 2 A. Yes, that's right, yes.
12:45 3
12:45 4 COMMISSIONER: That is an organisation that you know?
12:45 5
12:45 6 A. Yes, I do.
12:45 7
12:45 8 COMMISSIONER: Or know of.
12:45 9
12:45 10 A. Yes, yes, I do, and in fact I am part of --- so, as I
12:45 11 mentioned, Crown Melbourne's CEO is one of their directors, and
12:45 12 I'm part of --- I think I mentioned that in my statement, I'm part of
12:45 13 a Responsible Gaming executive as part of that council as well,
12:45 14 so I know it very well.
12:45 15
12:45 16 COMMISSIONER: And you fund, I don't mean you, but Crown
12:45 17 funds that council?
12:45 18
12:45 19 A. That's right, yes.
12:45 20
12:45 21 COMMISSIONER: Does it fund it fully for all of its operations?
12:45 22
12:45 23 A. No, it does not. So my understanding is that there is
12:45 24 a variety of memberships that are part of the council. So that
12:45 25 includes, and I'm not sure if it's the national body or the Victorian
12:46 26 body, excuse me, of the Australian Hotels Association, and there
12:46 27 is some casinos and Tabcorp, for example, are part of the
12:46 28 Australasian Gaming Council. So it is a peak body.
12:46 29
12:46 30 COMMISSIONER: I see. So it represents gaming venues?
12:46 31
12:46 32 A. It represents, so, for example, the Australian hotels, ALH --
12:46 33 I'm trying to remember all the acronyms. Certainly some venues
12:46 34 are represented through the council, including casinos, Victorian
12:46 35 venues, I think some interstate venues, as well as Tabcorp, and I
12:46 36 would hesitate now to say any more but it is all publicly listed on
12:46 37 their website.
12:46 38
12:46 39 COMMISSIONER: Okay. And do they fund or arrange for
12:47 40 research into the gambling industry, gambling and perhaps
12:47 41 problem gambling?
12:47 42
12:47 43 A. They have, sir, over time, funded some research and some
12:47 44 papers and the one most recent --- well, not most recently, the one
12:47 45 I'm best familiar with is the one that we mention in our Code of
12:47 46 Conduct, which is I suppose quite old now, but we talk about
12:47 47 how --- not we, but the conversation talks about how to best

12:47 1 potentially identify persons who are experiencing difficulties with
12:47 2 their gambling and the venue, and I think that is cited in our
12:47 3 Responsible Gambling Code of Conduct.

12:47 4

12:47 5 COMMISSIONER: That is one of the two reports that are
12:47 6 referred to?

12:47 7

12:47 8 A. Three reports, yes.

12:47 9

12:47 10 COMMISSIONER: Three reports. I understand. Thank you.

12:47 11

12:47 12 MR FINANZIO: Do you have the letter now, Ms Bauer?

12:47 13

12:48 14 A. I don't have it but I have something in front of me.
12:48 15 I believe it is coming.

12:48 16

12:48 17 Q. Can you see the letter? I'm not so much interested in the
12:48 18 letter as the table that is attached to letter.

12:48 19

12:48 20 A. Right.

12:48 21

12:48 22 Q. I want just to ask you some things about the table. In no
12:48 23 particular order, but the last entry on the table is "gaming sales
12:48 24 staff incentives"; do you see that?

12:48 25

12:48 26 A. Yes, I do.

12:48 27

12:48 28 Q. Do you see there:

12:48 29

12:48 30 *Currently, no gaming sales staff participate in a sales*
12:48 31 *incentive plan which involves turnover-based incentives.*
12:48 32 *This will not change. All future employee incentive plans*
12:48 33 *will consider RG implications.*

12:48 34

12:48 35 Can I just ask: is that not presently the case?

12:48 36

12:48 37 A. No, that's currently the case as is stated. So currently no
12:49 38 gaming sales staff participate in this. The additional element is
12:49 39 that all future employee incentive plans will consider Responsible
12:49 40 Gaming implications.

12:49 41

12:49 42 Q. So is it the case that the current practice is that employee
12:49 43 incentive programs do consider RG implications or not?

12:49 44

12:49 45 A. No, so in relation to that specific entry, all future employee
12:49 46 incentive plans will consider those RG implications.

12:49 47

12:49 1 Q. Is it the case that in developing incentive plans at
12:49 2 (inaudible) and up to 26 May, RG implications were not
12:49 3 considered?

12:50 4
12:50 5 A. RG implications were considered in the course of --- the fact
12:50 6 that --- my understanding is these incentive plans have not
12:50 7 incorporated a turnover-based incentive for some time. However,
12:50 8 I don't have more information in relation to that to provide to you,
12:50 9 Mr Finanzio.

12:50 10
12:50 11 Q. Let me ask you this: have you ever been consulted about
12:50 12 incentive plans for gaming staff to gain your perspective from
12:50 13 an RG point of view?

12:50 14
12:50 15 A. I recall some years ago that the discussion in relation to, for
12:50 16 example, position descriptions and key performance objectives
12:50 17 and indicators that we had reviewed in line with, in particular,
12:51 18 Recommendation 6 of the Sixth Review, but in general
12:51 19 incorporated some of those conversations, but that's the best of
12:51 20 my recollection. So, I suppose in relation specifically to your
12:51 21 query, I don't recall anything on that.

12:51 22
12:51 23 Q. What I'm trying to get at is, does this statement effectively
12:51 24 promise to do something new that Crown hasn't been doing
12:51 25 before? Or is it simply promising to continue to do something it
12:51 26 is already doing?

12:51 27
12:51 28 A. I think this is promising that this is the current structure and
12:51 29 will continue to do so.

12:51 30
12:51 31 Q. So it's not a promise of anything new, it is a promise to
12:51 32 continue to do something it is already doing?

12:51 33
12:51 34 A. For want of a --- a rose of another name, yes.
12:51 35

12:52 36 Q. And of course it would be obvious to you, wouldn't it, that
12:52 37 sales incentives of gaming staff should consider RG implications?

12:52 38
12:52 39 A. Yes.

12:52 40
12:52 41 Q. As a matter of course?

12:52 42
12:52 43 A. Yes.

12:52 44
12:52 45 Q. Your involvement as the head of the RG team, you should
12:52 46 be involved in that process?

12:52 47

- 12:52 1 A. As I see here, yes, the confirmation of the current structure
12:52 2 and a promise for a continued structure thereof.
12:52 3
- 12:52 4 Q. So if the casino isn't promising to do something new, you
12:52 5 have been involved in those processes in the past?
12:52 6
- 12:52 7 A. In some processes, yes, I have been involved, and I would
12:53 8 require more specific queries, Mr Finanzio.
12:53 9
- 12:53 10 Q. Not in all processes?
12:53 11
- 12:53 12 A. So my involvement in relation to, for example, the position
12:53 13 descriptions and, for example when, we think about in position
12:53 14 descriptions where we talk about our compliance, regulatory,
12:53 15 Responsible Gaming framework, where we ensure there is
12:53 16 compliance around training and those sorts of things. So there
12:53 17 certainly have been proactive measures that Responsible Gaming
12:53 18 has been involved with over the last couple of years ---
12:53 19
- 12:53 20 Q. Perhaps if I can put it to you this way.
12:53 21
- 12:53 22 A. Sure.
12:53 23
- 12:53 24 Q. Would you have been expected in the past to be asked to
12:53 25 consider the RG implications of a sales incentive programming
12:54 26 for gaming staff based upon how much a host's client gambled?
12:54 27
- 12:54 28 A. Mr Finanzio, I recall conversations, but I'm afraid I can't be
12:54 29 specific, and I'm very sorry about that but my recollection leaves
12:54 30 me void. I know there has been conversations and certainly some
12:54 31 of the upshots have been around these kind of arrangements, but I
12:54 32 can't be more specific. I'm sorry.
12:54 33
- 12:54 34 Q. So you would describe the past practices as informal?
12:54 35
- 12:54 36 A. More informal than formal, yes.
12:54 37
- 12:54 38 Q. Okay. Can I ask you about --- I'm mindful of the time. I
12:55 39 don't intend to be very long. I asked you the other day about
12:55 40 Bingo, the Bingo program so I won't ask you anymore questions
12:55 41 about that. You see on the list, the Bus Red Carpet program?
12:55 42 Are you familiar with the detail of how that program operates?
12:55 43
- 12:55 44 A. In broad terms, yes, Mr Finanzio.
12:55 45
- 12:55 46 Q. Now, what is said there is that that program will cease?
12:55 47

- 12:55 1 A. That's right.
- 12:55 2
- 12:55 3 Q. From a Responsible Gaming point of view, do you agree
- 12:55 4 that it is a good thing that that program ceases?
- 12:55 5
- 12:55 6 A. When that was considered through the lens of Responsible
- 12:55 7 Gaming when, I think about a ---
- 12:56 8
- 12:56 9 Q. Can you just answer my question? Please answer my
- 12:56 10 question. It was a very simple question. You said that you know
- 12:56 11 what the program is --
- 12:56 12
- 12:56 13 A. Yes.
- 12:56 14
- 12:56 15 Q. --- and I have asked you a simple question, which is: do you
- 12:56 16 agree that from a Responsible Gaming point of view, it is a good
- 12:56 17 thing that that program stops?
- 12:56 18
- 12:56 19 A. And I hate to bring anymore consternation, but there are
- 12:56 20 elements of the program that have been identified that may have
- 12:56 21 Responsible Gaming concerns, so from that perspective, yes.
- 12:56 22 However, that is information from a study a little while ago. So
- 12:56 23 that's all I can say, Mr Finanzio.
- 12:56 24
- 12:56 25 Q. Before the program started, were you ever consulted?
- 12:57 26
- 12:57 27 A. The Red Carpet Program, as it was previously known as the
- 12:57 28 Bus Program, has been in --- part of the program at Crown for
- 12:57 29 quite some time. So it was certainly prior to my position as
- 12:57 30 a person in charge of Responsible Gaming. So from that
- 12:57 31 perspective, not consulted. However, when it came to light that
- 12:57 32 there had been some inquiry and research which Crown assisted
- 12:57 33 with in relation to the Red Carpet Program certainly more
- 12:57 34 conversations were happening, yes.
- 12:57 35
- 12:57 36 Q. So you say the bus and Red Carpet Program started before
- 12:57 37 you became in charge of the Responsible Gaming area?
- 12:58 38
- 12:58 39 A. So obviously with the exceptional length of service
- 12:58 40 that I have I recall the Bus Program being in existence since the
- 12:58 41 '90s, and it was renamed as the Red Carpet Program
- 12:58 42 progressively over time, I couldn't tell you exactly when.
- 12:58 43
- 12:58 44 Q. When did you first review its suitability from a Responsible
- 12:58 45 Gaming perspective?
- 12:58 46
- 12:58 47 A. So the first, I suppose, indicator that this may be something

12:58 1 more in relation --- potentially more in relation to Responsible
12:58 2 Gaming is when one of the ---
12:58 3
12:58 4 Q. When --- (overspeaking) ---
12:58 5
12:58 6 A. --- Gambler's Help Northern personnel contacted me and
12:58 7 requested whether they can do some surveys on persons who are
12:59 8 participating in the Bus Program per se. I'm sorry to talk over
12:59 9 you, I just wanted to finish my answer.
12:59 10
12:59 11 Q. Sure. I wanted you to answer my question. When did you,
12:59 12 "when", it is a temporal question. When did you first review the
12:59 13 suitability of the program from a Responsible Gaming
12:59 14 perspective?
12:59 15
12:59 16 A. So when the person from Gambler's Help Northern
12:59 17 enquired about the possibility of the possibility of Crown
12:59 18 assisting with the distribution of qualitative surveys to Bus
12:59 19 Program or Red Carpet Program participants and I'm sorry,
12:59 20 Mr Finanzio, I don't know the date of that.
12:59 21
12:59 22 Q. When was that? Last week, last month, two years ago?
12:59 23
12:59 24 A. No, Mr Finanzio, it was more likely to be in --- and I'm
12:59 25 trying to think of when I commenced my role and when the
13:00 26 relationship was more struck up, I'm thinking of the mid-2010s
13:00 27 from memory, but I could be very wrong so I apologise if I am.
13:00 28
13:00 29 Q. Did you prepare any reports or analysis of the
13:00 30 appropriateness of this program from a Responsible Gaming
13:00 31 point of view between 2010 and 26 May 2021?
13:00 32
13:00 33 A. So there was discussions in relation to the program, in
13:00 34 relation to what was proposed by the inquiry by the Gambler's
13:00 35 Help service, and I believe it was published subsequently and I
13:00 36 can't remember which authority published it. It was also raised in
13:00 37 conversations with some of the representatives of the Gambling
13:01 38 Alliance and there was some conversations in relation to that as
13:01 39 well.
13:01 40
13:01 41 Q. Can I ask you this, last question before lunch,
13:01 42 Commissioner, I was hoping to finish before lunch but I don't
13:01 43 think we will.
13:01 44
13:01 45 Last question before lunch: when did you first form the view that
13:01 46 from a Responsible Gaming point of view this program was not
13:01 47 good?

13:01 1
13:01 2 A. I think from a Responsible Gaming perspective there are
13:01 3 elements that clearly have affected a cohort of persons, however,
13:01 4 it is not ---
13:01 5
13:01 6 Q. When? Ms Bauer, when did you first form the view from
13:01 7 a Responsible Gaming point of view that this program was bad?
13:01 8
13:01 9 A. I didn't form a view that the program was bad and I'm sorry,
13:01 10 Mr Finanzio, in terms of when, I'm trying to explain the trajectory
13:01 11 of first being contacted that this for some communities may be
13:02 12 an issue in relation to Crown providing some assistance. Then,
13:02 13 having some discussions with representatives of the Gambling
13:02 14 Alliance, and as we now go to the letter that you have provided in
13:02 15 relation to 26 May, that there may be some elements for some
13:02 16 members of the community that it could be a Responsible
13:02 17 Gaming issue. And having ceased that prior to lockdown and not
13:02 18 having re-engaged with it, is where it ceases.
13:02 19
13:02 20 COMMISSIONER: Good time to break for lunch, I think. We'll
13:02 21 have a 45-minute break if that suits everybody, so we'll come
13:02 22 back at 1.45. Thank you, everyone.
13:02 23
13:02 24
13:02 25 **ADJOURNED** [1:02P.M.]
13:04 26
13:04 27
13:48 28 **RESUMED** [1:48P.M.]
13:48 29
13:48 30
13:48 31 COMMISSIONER: Okay, Ms Bauer, you can hear me?
13:48 32
13:48 33 A. I can hear you, Mr Commissioner.
13:48 34
13:48 35 COMMISSIONER: Mr Finanzio, you can hear?
13:48 36
13:48 37 MR FINANZIO: Yes.
13:48 38
13:48 39 COMMISSIONER: Okay. Thank you very much.
13:48 40
13:48 41 MR FINANZIO: I just want to return to the document,
13:48 42 Ms Bauer, that I was questioning you on before lunch. Can you
13:48 43 hear me okay?
13:48 44
13:48 45 A. Yes, I can. It is intermittent, but yes, I can.
13:48 46
13:49 47 Q. How about now?

13:49 1
13:49 2 A. Yes, that is better, thank you.
13:49 3
13:49 4 Q. I might just ask you a few questions which will help, I
13:49 5 hope, to truncate what I have to ask you about. I'm right to say,
13:49 6 aren't I, that you didn't draft that document --- that table, not the
13:49 7 letter, but the table ---
13:49 8
13:49 9 A. Not the letter nor the table, although I contributed to the
13:49 10 table, yes.
13:49 11
13:49 12 Q. All right. So am I right in saying that you --- I'm only now
13:49 13 asking you questions about the table, not the letter. Am I right in
13:49 14 saying that you weren't consulted in the final language included
13:49 15 in the table?
13:49 16
13:49 17 A. Not as it went to the Commission. However, as it was
13:49 18 being drafted in the iterations for the Board, for example, I was
13:50 19 part of the drafting of that, yes.
13:50 20
13:50 21 Q. Are you a part of the drafting of the table?
13:50 22
13:50 23 A. In general terms, yes.
13:50 24
13:50 25 Q. Did you make a contribution in relation to every topic?
13:50 26
13:50 27 A. As I read through the topics very briefly, Mr Finanzio,
13:50 28 I have made --- I have observed and made contributions to some
13:50 29 of those, yes.
13:50 30
13:50 31 Q. Which ones didn't you make a contribution to?
13:50 32
13:50 33 A. Just looking at it again All of them I was across, and
13:50 34 when I say "made a contribution to", did I write some of those,
13:51 35 no, did I write some of it, yes, but I don't recall the very particular
13:51 36 elements but I was certainly involved in all of the elements,
13:51 37 Mr Finanzio.
13:51 38
13:51 39 Q. Okay. All right, well, I've asked you about some of them,
13:51 40 so I better just finish off the rest then. Can I ask you about
13:51 41 diversity of RG staff. It says that Crown will recruit additional
13:51 42 Responsible Gaming Advisors, with priority given to those from
13:51 43 Culturally and Linguistically Diverse Backgrounds, including
13:51 44 language skills that are under-represented in the staff profile but
13:51 45 over-represented in persons experiencing harm from gambling.
13:51 46
13:51 47 A. Mm-hmm.

13:51 1
13:52 2 Q. When you look at that one, is it presently the case, in your
13:52 3 opinion, that there is an under-representation of staff in the
13:52 4 CALD backgrounds that impede your ability to deliver the
13:52 5 services that are contemplated by the Responsible Service Code
13:52 6 of Conduct?
13:52 7
13:52 8 A. Not in the general sense, Mr Finanzio, as Crown has access
13:52 9 to a wide variety of staff that speak a wide variety of languages.
13:52 10 So when we talk about diversity in relation to responsible
13:52 11 gambling, that there is actually quite a diversity of CALD
13:52 12 backgrounds in the Responsible Gaming staff.
13:52 13
13:52 14 Q. Yes.
13:52 15
13:52 16 A. However, there may be one or two CALD communities that
13:53 17 are not directly linked to the Responsible Gaming staff, but we
13:53 18 have access to but we are currently not employing.
13:53 19
13:53 20 COMMISSIONER: I think the observation or the comment in
13:53 21 the diversity of RG staff relates to RGAs, not staff.
13:53 22
13:53 23 MR FINANZIO: (Nods head).
13:53 24
13:53 25 A. Yes.
13:53 26
13:53 27 COMMISSIONER: So the question really is, doesn't matter
13:53 28 where the staff come from or what their background is, but
13:53 29 simply the seven --- oh, sorry, 12 RGAs --- the question there ---
13:53 30 what this is addressing is the diversity of background of the 12
13:53 31 existing staff members.
13:53 32
13:53 33 A. Yes, Mr Commissioner. And there is a great variety of
13:53 34 CALD backgrounds in the 12 RGAs, and bearing in mind the
13:53 35 requirements in relation to recruitment and in fairness and in
13:54 36 recruitment laws, the opportunity to recruit for those specific
13:54 37 areas as is mentioned here, the preference will be given or the
13:54 38 priority will be given to those from those backgrounds that would
13:54 39 augment the skill set of the RGAs in terms of CALD background.
13:54 40
13:54 41 COMMISSIONER: Of the existing 12, how many are not
13:54 42 Anglo-Australian background?
13:54 43
13:54 44 A. I'm sorry, probably only one or two, and I would actually
13:54 45 need to go through the list. It is a very diverse team, Mr
13:54 46 Commissioner. And certainly when we talk about CALD, I also
13:55 47 involve the ability to speak second and third languages.

13:55 1
13:55 2 MR FINANZIO: So you regard the current level of diversity in
13:55 3 the RGA team as adequate and appropriate?
13:55 4
13:55 5 A. No, I think we indicate here that we would give priority to
13:55 6 those from CALD backgrounds that may be under-represented.
13:55 7 So there is certainly a great diversity including myself from
13:55 8 a CALD background, and there is only really a couple that would
13:55 9 not be, to Mr Commissioner's point, of Anglo-Saxon background.
13:55 10
13:55 11 Q. So, what I'm trying to get at is --- is this put forward as
13:55 12 an enhancement based on what is perceived to be
13:55 13 an under-representation in the staff profile compared with the
13:55 14 over-representation on the gaming floor? And I'm trying to
13:56 15 ascertain from you what is thought to be the Responsible Gaming
13:56 16 reason for doing so.
13:56 17
13:56 18 A. Certainly. So one of the languages that we translate our
13:56 19 Code into, which would fall into the category of being
13:56 20 under-represented, would be Arabic. So that is a category that we
13:56 21 would like to pursue and in the fairness with all other
13:56 22 employment laws to include in the diversity of our staff.
13:56 23
13:56 24 And there is another category which is, from memory, one of the
13:56 25 languages of our Code, the others are covered and as they are
13:56 26 covered in other Crown staff --- and I'm sorry I can't reach for it
13:56 27 right now, but there may be one other language that certainly is
13:56 28 augmented by the staff that are on the gaming floor. So those
13:56 29 come to mind in particular, but we have a great diversity of
13:57 30 CALD backgrounds within the team.
13:57 31
13:57 32 Q. So really this enhancement --- this Code enhancement --- is
13:57 33 promising to do something which you think you should do
13:57 34 anyway?
13:57 35
13:57 36 A. I think it is more amplified in what we are saying here, and
13:57 37 it's desirable to have within the team, and even though they may
13:57 38 not be rostered 24/7, to have a representation of, even at the
13:57 39 minimum, of the languages that represent the Responsible
13:57 40 Gambling Code of Conduct translations.
13:57 41
13:57 42 Q. Well, you're saying that the RGA staff presently don't
13:57 43 adequately represent the patrons using that --- the patrons using
13:57 44 the service; correct?
13:57 45
13:58 46 A. I'm not sure I would exactly say that. I think we have
13:58 47 a great diversity and it would be enhanced with priority given to

13:58 1 those from the CALD languages and backgrounds that may be
13:58 2 under-represented in those areas that I just mentioned.

13:58 3

13:58 4 Q. All right. State-wide exclusion register. Were you
13:58 5 involved in drafting any of this?

13:58 6

13:58 7 A. So, I have been involved in the concept of a State-wide
13:58 8 exclusion register that has been raised for quite some time and,
13:58 9 yes, I was involved in the contemplation of this particular
13:58 10 element. This is something that's been happening in conversation
13:58 11 for quite some time in the State of Victoria, Mr Finanzio.

13:58 12

13:58 13 Q. It's not something that Crown can deliver on its own?

13:58 14

13:59 15 A. Certainly not, no.

13:59 16

13:59 17 Q. Can I just ask you now about cashless activities. And just
13:59 18 in relation to that last dot point:

13:59 19

13:59 20 *An enterprise approach would be contemplated by the*
13:59 21 *Crown Resorts Digital Payment Steering Committee in*
13:59 22 *consultation with relevant parties.*

13:59 23

13:59 24 Forgive me for not understanding what any of that means.
13:59 25 Please explain.

13:59 26

13:59 27 A. Yes, Mr Finanzio. So Crown for some time has
13:59 28 contemplated, by want of various names, something called
13:59 29 a digital wallet. The concept of cashless is sometimes intertwined
13:59 30 with a current offering of a cashless environment by way of using
13:59 31 funds from loyalty program cards if you have an account at
14:00 32 Crown. So sometimes the nomenclature can be a little bit
14:00 33 confused.

14:00 34

14:00 35 So Crown, to go back to my original point, has been looking at
14:00 36 a digital way to deliver gaming and I think we talked earlier about
14:00 37 cashless gaming. So this could be a way to deliver cashless
14:00 38 gaming by way of, what's in my knowledge, is called a digital
14:00 39 wallet. And there is a steering committee that is associated with
14:00 40 that, and we would be looking at introducing --- when we talk
14:00 41 about an enterprise solution --- introducing that in the three
14:00 42 Australian casino resorts.

14:00 43

14:00 44 Q. All right. So, "enterprise approach" means across the
14:01 45 Crown properties; is that right?

14:01 46

14:01 47 A. That's right. Yes.

14:01 1
14:01 2 Q. There is in existence a Crown Resorts Digital Payment
14:01 3 Steering Committee?
14:01 4
14:01 5 A. Yes.
14:01 6
14:01 7 Q. Who is on the Committee?
14:01 8
14:01 9 A. So my understanding is that ---
14:01 10
14:01 11 Q. Are you on the Committee?
14:01 12
14:01 13 A. Yes, I am.
14:01 14
14:01 15 Q. Okay, so when you say "your understanding", that's quite
14:01 16 ---
14:01 17
14:01 18 A. Yes.
14:01 19
14:01 20 Q. --- who is on the Committee?
14:01 21
14:01 22 A. So the Committee hasn't met most recently, but I am on the
14:01 23 Committee.
14:01 24
14:01 25 Q. Ms Bauer, when was the last time it met?
14:01 26
14:01 27 A. I have not been to a meeting as yet.
14:01 28
14:01 29 Q. So there has never been a meeting of this Committee?
14:01 30
14:01 31 A. I understand there has been a meeting of this Committee. I
14:01 32 don't recall whether it was in this year or the previous year the
14:01 33 last time that occurred.
14:01 34
14:01 35 Q. Do you know who the membership --- who is on the
14:01 36 Committee?
14:01 37
14:01 38 A. I know some of the membership, and that includes the
14:01 39 chair, which is my line manager, Mr Steve Blackburn. I know
14:02 40 that there are members of the Information Technology team, the
14:02 41 Gaming team, the Responsible Gaming team, by virtue of the
14:02 42 Chair being the Compliance and Financial Crime team. I don't
14:02 43 have it in front of me who is exactly on that Committee but it
14:02 44 exists.
14:02 45
14:02 46 Q. All right. Who are the relevant parties it has to consult
14:02 47 with?

14:02 1
14:02 2 A. Having not been to a meeting, I'm not sure what
14:02 3 consultation processes are occurring.
14:02 4
14:02 5 Q. Do you receive the minutes of the meetings?
14:02 6
14:02 7 A. I have not been to a meeting so I have not received
14:02 8 anything, no.
14:02 9
14:02 10 Q. But you are a member of the Committee. You don't get
14:02 11 a copy of the minutes of the meetings that you didn't attend?
14:02 12
14:02 13 A. As I explained, I'm not fully informed as to when the last
14:02 14 meeting --- well, there hasn't been a meeting I've been to, but has
14:03 15 there been a meeting earlier under a rose by another name, it may
14:03 16 very well be the case. However, for the purposes of this, I have
14:03 17 not been to the meeting, no.
14:03 18
14:03 19 Q. Has a committee under this name ever met?
14:03 20
14:03 21 A. I believe there's been a committee in relation to what would
14:03 22 be considered a digital team has existed. It hasn't met most
14:03 23 recently to my knowledge and has then revived with the arrival of
14:03 24 my line manager, and that revival includes the incorporation of
14:03 25 him as Chair and myself inclusive of other members that I'm not
14:03 26 clear on who is still on this.
14:03 27
14:03 28 Q. Okay. I thought my question was clear. By this name,
14:03 29 Crown Resorts Digital Payments Steering Committee, has there,
14:04 30 to your knowledge, been a meeting of that committee, at all, yet?
14:04 31
14:04 32 A. Not to my knowledge. By this name, no.
14:04 33
14:04 34 Q. Has the Committee been formed with membership yet?
14:04 35
14:04 36 A. I have been requested to participate so I imagine the
14:04 37 Committee formation is underfoot.
14:04 38
14:04 39 Q. So you have been invited to attend a future meeting of a
14:04 40 Committee by this name, and that's all you know?
14:04 41
14:04 42 A. Currently, yes.
14:04 43
14:04 44 Q. Thank you.
14:04 45
14:04 46 COMMISSIONER: Can I just ask some questions about going
14:04 47 cashless. The first dot point says that it is Crown's intention to

14:04 1 move to cashless gaming over time, and in the third paragraph it
14:05 2 refers to uncarded play. Using the language of the industry, can I
14:05 3 take it that cashless is carded play?
14:05 4
14:05 5 A. Usually cashless is carded play, yes, Mr Commissioner.
14:05 6 Yes.
14:05 7
14:05 8 COMMISSIONER: Can I also assume that it is possible, in every
14:05 9 EGM, for there to be cashless play or carded play? In other
14:05 10 words, it's physically capable of occurring immediately?
14:05 11
14:05 12 A. Cashless play in the current formation that Crown views as
14:05 13 cashless play, yes, it would be. But in terms of what might be the
14:05 14 future consideration for Crown and venues in Victoria, I'm not
14:05 15 sure what would need to take place, Mr Commissioner.
14:05 16
14:05 17 COMMISSIONER: What about table games rather than EGMs?
14:06 18 Is it possible --- I'm not saying that you should or shouldn't on
14:06 19 table games, but table games are equipped so that you can have
14:06 20 cashless play at table games?
14:06 21
14:06 22 A. Not to my knowledge, Mr Commissioner. I'm aware of the
14:06 23 work that is currently underway at Crown Perth in relation to
14:06 24 utilising a form of cashless play, or play using EFTPOS, but I'm
14:06 25 not aware of cashless play on table games. I think that is a whole
14:06 26 other element and I'm not very familiar and I would hate to give
14:06 27 any answers that I may be wrong on.
14:06 28
14:06 29 COMMISSIONER: I thought, maybe not from your evidence,
14:06 30 but from some evidence that, for example, if I'm a loyalty
14:06 31 member, then that can be recorded at every gaming table so that I
14:07 32 get my bonus points and the like, so that all tables are equipped
14:07 33 for some kind of reading of cards.
14:07 34
14:07 35 A. Yes, from that perspective, it could be --- sorry, yes,
14:07 36 thinking that way, yes, it would be, Mr Commissioner. You can
14:07 37 read the loyalty program cards, yes.
14:07 38
14:07 39 COMMISSIONER: So am I right to assume from that that all
14:07 40 tables are configured or engineered so that cards can be read at
14:07 41 the table, there is not likely to be a big effort to have cashless play
14:07 42 via a loyalty card or some other membership card at each of those
14:07 43 tables?
14:07 44
14:07 45 A. Mr Commissioner, I'm not sure of the engineering.
14:07 46 Certainly on face value that would be the case, but as I
14:07 47 understand it, there would need to be some regulatory changes as

14:08 1 well. Yes.
14:08 2
14:08 3 COMMISSIONER: I'm only talking about physical aspects ---
14:08 4
14:08 5 A. Sure.
14:08 6
14:08 7 COMMISSIONER: --- I don't care about the legal aspects.
14:08 8
14:08 9 A. Sure.
14:08 10
14:08 11 COMMISSIONER: Thanks.
14:08 12
14:08 13 MR FINANZIO: Can I just pick that up.
14:08 14
14:08 15 Ms Bauer, cashless play might be through the use of a digital
14:08 16 wallet; is that right?
14:08 17
14:08 18 A. That's right.
14:08 19
14:08 20 Q. Is that necessarily the same as carded play through a loyalty
14:08 21 program?
14:08 22
14:08 23 A. Mr Finanzio, I'm not terribly au fait with the technology,
14:08 24 how that correlates. I don't think I could give a straight answer.
14:08 25 There is certainly cashless play that is available on gaming
14:09 26 machines. How a digital wallet operates, I'm not certain of the
14:09 27 elements of that.
14:09 28
14:09 29 Q. Are we to assume insofar as that first dot point is
14:09 30 concerned, pardon me, concerns technical aspects that is not
14:09 31 something you made a big contribution to in the drafting of this
14:09 32 document?
14:09 33
14:09 34 A. Not from a technological perspective, no.
14:09 35
14:09 36 Q. Can I just ask you one more question about that dot point.
14:09 37 It says "subject to the direction of the respective State
14:09 38 governments ". It is true, isn't it, that in the past governments
14:09 39 have been cautious about a move to cashless play in gaming; is
14:09 40 that right or not?
14:09 41
14:09 42 A. From my recollection, yes, and the Act would accord with
14:09 43 that.
14:09 44
14:09 45 Q. Why, from your understanding of the industry and the
14:10 46 sector? What have been the reasons advanced by the
14:10 47 Government or Government representatives?

14:10 1
14:10 2 A. As I sit here right now, Mr Finanzio, I wouldn't be
14:10 3 confident in my answer.
14:10 4
14:10 5 Q. Okay.
14:10 6
14:10 7 A. There is --- when I think about cashless gaming, there is
14:10 8 some benefits and there are some limitations in whichever way
14:10 9 the cube is turned. So, as I understand it, though, with the events
14:10 10 of the last 18 months or so with the pandemic, there has certainly in
14:10 11 society been more of a move towards cashless or digital and those
14:10 12 sorts of things. So I think that may have shaped a different
14:10 13 opinion. But I'm just surmising as I sit here today.
14:10 14
14:10 15 MR FINANZIO: Thank you. Thank you, Commissioner. They
14:10 16 are the matters.
14:10 17
14:10 18 COMMISSIONER: All right. I have a couple more of my own
14:11 19 questions which you will need your statement, Ms Bauer.
14:11 20
14:11 21 A. Sure. Certainly, I have it in front of me, Mr Commissioner.
14:11 22
14:11 23
14:11 24 **QUESTIONS BY THE COMMISSIONER**
14:11 25
14:11 26
14:11 27 COMMISSIONER: If you have a look at paragraph 50 ---
14:11 28
14:11 29 A. Yes.
14:11 30
14:11 31 COMMISSIONER: --- which I think is on page 11 of your
14:11 32 statement, there is the first of a series of information in boxes for
14:11 33 successive years from 2016 through to I think 2020.
14:11 34
14:11 35 A. That's right.
14:11 36
14:11 37 COMMISSIONER: Maybe 2021, it is quite up-to-date.
14:11 38
14:11 39 A. Yes, I believe so, Mr Commissioner.
14:11 40
14:11 41 COMMISSIONER: I just want to ask you some questions so
14:11 42 when I come to analyse these figures I don't get something
14:12 43 wrong. These record the number of interactions between who ---
14:12 44 there is an account and a number of interactions on the right-hand
14:12 45 column, and the nature of the interaction or subject matter of the
14:12 46 interaction in the left-hand column?
14:12 47

14:12 1 A. That's right, yes, as it is categorised by what we call the
14:12 2 nature of service, Mr Commissioner.
14:12 3
14:12 4 COMMISSIONER: Yes, exactly. And if I take the first year,
14:12 5 2016, the total number of interactions is 1470?
14:12 6
14:12 7 A. Yes, and I believe --- yes, that's right, and that is responsive
14:12 8 to the Question 11. Yes.
14:12 9
14:12 10 COMMISSIONER: Yes. Just a couple of things to clarify how
14:12 11 this chart is set up. It is possible, I assume, and correct me if I'm
14:12 12 wrong, that an interaction with a single person might be the
14:13 13 subject of more than one count?
14:13 14
14:13 15 A. Yup --
14:13 16
14:13 17 COMMISSIONER: For example, if a third party, if I go the top
14:13 18 box, a third party makes contact with an RGA, for example, or
14:13 19 a member of staff, say on the telephone and says, "My partner is
14:13 20 gambling too much, send them home", then I will get one count,
14:13 21 and then if the person the subject of the telephone call is then
14:13 22 approached and said "Your partner rang up and wants you to go
14:13 23 home", that will be another interaction which will also be
14:13 24 counted ---
14:13 25
14:13 26 A. (Nods head).
14:13 27
14:13 28 COMMISSIONER: --- so that the 1470 doesn't give me the
14:13 29 number of people with whom Crown interacts in that particular
14:14 30 year. It gives me some guide towards it, but maybe
14:14 31 an unsatisfactory guide for the number of individuals involved. Is
14:14 32 that fair enough?
14:14 33
14:14 34 A. Yes, that's right, Mr Commissioner. It is not counting
14:14 35 unique, it is counting interactions as opposed to individuals.
14:14 36
14:14 37 COMMISSIONER: Individuals, yes, yes. It is a bit like when
14:14 38 we spoke about the 22 million visits per year at the casino. It is
14:14 39 wrong to think that that is 22 million people, it could be 100
14:14 40 people five times and then another 100 people four times and so
14:14 41 on in aggregate equalling the 22 million. Likewise, I have the
14:14 42 same position here so that for example, if I --- if there is
14:14 43 interaction with a person playing on a gaming machine and there
14:14 44 is an interaction at 12 hours, 15 hours and 17 hours because the
14:15 45 person interacted with keeps playing, that would show up as
14:15 46 three?
14:15 47

14:15 1 A. That's right. That's correct, Mr Commissioner.

14:15 2

14:15 3 COMMISSIONER: So in order to work out, really, the total
14:15 4 number of individuals with whom there has been some
14:15 5 interaction, there has got to be some discounting of the 1470 and
14:15 6 we really don't know, not from the data on this chart, what the
14:15 7 discount is or what you have to subtract to get to the number of
14:15 8 individuals concerned?

14:15 9

14:15 10 A. That's right, Mr Commissioner, yes.

14:15 11

14:15 12 COMMISSIONER: It could be quite large, it could be a couple
14:15 13 of hundred interactions are in respect of the same individual, you
14:15 14 just can't work it out?

14:15 15

14:15 16 A. That's right, Mr Commissioner. It is unable to be worked
14:15 17 out in the current format.

14:15 18

14:15 19 COMMISSIONER: Okay. And the other question I wanted to
14:15 20 ask about just to understand how it works. You will see, in each
14:16 21 year, there is one category which is the voluntary identified
14:16 22 category in the first box, third-last item above the total, and in
14:16 23 that year, more than one half of the interactions are described as
14:16 24 voluntary identified. That is pretty high, maybe more than one
14:16 25 half in each of the other boxes for each of the following years.
14:16 26 Could you explain to me what precisely is meant by the
14:16 27 "voluntarily identified" nature that is described? Is this when
14:16 28 some patron approaches a member of staff, whether it is an RGA
14:16 29 or a drink waiter or somebody else in some other position and
14:17 30 raises an issue about gambling?

14:17 31

14:17 32 A. I think maybe there is a scarcity of bold lining in the table,
14:17 33 Mr Commissioner. So the voluntarily identified, which is
14:17 34 highlighted in yellow, is combining those elements that are
14:17 35 highlighted in yellow which Crown in --- in response to the query
14:17 36 identified as being voluntary. So, for example, a person
14:17 37 requesting counselling information, seeking financial assistance
14:17 38 or advice, or other assistance, effecting a self-exclusion and
14:17 39 requesting self-exclusion information was all categorised into this
14:17 40 is a person of their own volition saying "I think there is
14:17 41 something I would like to talk about" and then the next line,
14:18 42 which is more of a grey line where, in response to the query, this
14:18 43 is more about identified by Crown which has our observable
14:18 44 signs and the potential for self-harm or welfare, et cetera, is
14:18 45 incorporated in that. It just may be in the layout of the table that
14:18 46 we were attempting to be responsive to the question. Does that
14:18 47 make sense, Mr Commissioner?

14:18 1
14:18 2 COMMISSIONER: Yes and no. Is what you are trying to say
14:18 3 that the box or the line "voluntarily identified", I can work it out
14:18 4 myself, actually --- or get somebody else to work it out for me --
14:18 5 the 846 is an aggregate of all the other yellow boxes?
14:18 6
14:18 7 A. Yes, it is.
14:18 8
14:18 9 COMMISSIONER: I understand. That's what I thought you
14:18 10 were saying. So that makes the 1470 interactions a false figure,
14:19 11 or at least --- it may be accurate but it is misleading me.
14:19 12
14:19 13 A. I beg your pardon, Mr Commissioner.
14:19 14
14:19 15 COMMISSIONER: It really should be half that.
14:19 16
14:19 17 A. Yes. And I think it was responsive in relation to attempting
14:19 18 to identify problem gambling behaviours, and I think in trying to
14:19 19 assist the Commission we took a very broad view and categorised
14:19 20 it into a self, instigated by the person versus a Crown observed, or
14:19 21 observed by a third party. So I'm sorry that is confusing,
14:19 22 Mr Commissioner.
14:19 23
14:19 24 COMMISSIONER: That's all right. If I had have looked at it
14:19 25 closely, I would have worked out eventually. What I'm trying to
14:19 26 get at is in order to work out for say this particular calendar
14:20 27 year --- Mr Borsky wants to say something. Sorry.
14:20 28
14:20 29 MR BORSKY: I'm sorry, Commissioner, but I'm concerned
14:20 30 there may be some misunderstanding, and it's probably the
14:20 31 medium, between the witness and you. The 1470 figure does not
14:20 32 need to be halved. The 1470 figure is a summation of 846, 582
14:20 33 and 442. So it doesn't double count in that table. I think the
14:20 34 witness may have agreed ---
14:20 35
14:20 36 COMMISSIONER: I misled Ms Bauer ---
14:20 37
14:20 38 MR BORSKY: I don't mean to coach the witness, but that is
14:20 39 an arithmetic clarification ---
14:20 40
14:20 41 COMMISSIONER: That's okay, I just want to get it right, so it's
14:20 42 not a question and I don't care where the information comes from.
14:20 43
14:20 44 MR BORSKY: The table is somewhat confusingly represented,
14:20 45 which is my fault, but the last three rows above total are
14:20 46 a different way of cutting or aggregating the rows beneath them.
14:20 47

14:21 1 COMMISSIONER: My associate got in ten seconds before you,
14:21 2 she wrote me a note saying the last three items are totals.
14:21 3
14:21 4 MR BORSKY: I will go back on mute now. Thank you.
14:21 5
14:21 6 A. My apologies, Mr Commissioner. I think it could have
14:21 7 been expressed better.
14:21 8
14:21 9 COMMISSIONER: No, I was finding it difficult to get on top of
14:21 10 the figures, that's all. I'm trying to clarify that.
14:21 11
14:21 12 If I come down to the last three lines above "Total", so if I ignore
14:21 13 the "Total" and come down to the last three lines, for the
14:21 14 interactions recorded for 2016, 582, subject to one issue, they are
14:21 15 interventions at the instigation of Crown staff, whatever that staff
14:22 16 member might be. That's 582. And that's the figure that should
14:22 17 be discounted, because that 582 might --- discounted if I'm trying
14:22 18 to work out how many individual patrons were approached by
14:22 19 Crown staff to deal with a problem gambling issue. The possible
14:22 20 maximum is 582, but because they could be doubling up by three
14:22 21 times gambling for too long and so on, the 582 has to be brought
14:22 22 back down to some indeterminate figure; is that too long?
14:22 23
14:22 24 A. Mr Commissioner, I think we --- when I was requesting
14:22 25 information from the data people in relation to this particular
14:22 26 query, I was trying to be as responsive as possible and did not
14:22 27 include, for example, what I would term play periods or Crown
14:23 28 model or any of those things that may be attributable. But if we
14:23 29 go above where it says "voluntarily identified", these are the
14:23 30 categories where I included as to these are more categorically
14:23 31 identified as Crown identifying persons as having a gambling
14:23 32 problem in response to Question 11, because when I think about
14:23 33 all the interactions that Crown Responsible Gaming has, for
14:23 34 example, in that particular calendar year, and I don't have it in
14:23 35 front of me but it could have been close to 10 or 12,000 items, to
14:23 36 your point, maybe --- certainly not unique and multiple
14:23 37 interactions, but they are more than that, and this is just trying to
14:23 38 distil it into what was interpreted by me in my statement to be
14:23 39 more categorical and responsive to problem gambling behaviours
14:24 40 as opposed to other behaviours that may or may not be indicative
14:24 41 of but hasn't been counted specifically.
14:24 42
14:24 43 COMMISSIONER: I get that. If someone is hanging around the
14:24 44 bar, getting drunk and making a nuisance of themselves, that
14:24 45 doesn't fall within my question of identifying problem gamblers?
14:24 46
14:24 47 A. No, they are not in here.

14:24 1
14:24 2 COMMISSIONER: That person could be a drunk and it's
14:24 3 a different kind of problem. It might be a serious problem, but
14:24 4 it's not a gambling problem.
14:24 5
14:24 6 A. Yes. Yes.
14:24 7
14:24 8 COMMISSIONER: I understand that. If I'm trying to work out
14:24 9 the Crown instigated interactions, then I really start off with 582
14:24 10 and discount it by some indeterminate number. And I do that, the
14:24 11 same process, for each of the other charts?
14:24 12
14:24 13 A. For this responsive question, yes.
14:24 14
14:24 15 COMMISSIONER: Yeah, yeah, okay. I think Mr Borsky is
14:25 16 going to yell at me again.
14:25 17
14:25 18 MR BORSKY: I certainly won't yell, again. Commissioner,
14:25 19 I was going to deal with this in re-examination, and it is a matter
14:25 20 for you whether you would prefer me wait until then or --
14:25 21
14:25 22 COMMISSIONER: I'm happy to wait. I just can't get on top of
14:25 23 the figures without some additional explanation, that's all.
14:25 24
14:25 25 MR BORSKY: Well, may I direct the witness and you to another
14:25 26 part of her statement just now, since you've raised it, so that
14:25 27 perhaps light could be shed on this.
14:25 28
14:25 29 COMMISSIONER: Yes.
14:25 30
14:25 31 MR BORSKY: If you go, for example, to page 40 of Ms Bauer's
14:25 32 statement.
14:25 33
14:25 34 COMMISSIONER: Four-zero?
14:25 35
14:25 36 MR BORSKY: Yes. You see there a 2019 table, and that table
14:25 37 records that there were in excess of 18,250 interactions between
14:26 38 RG ---
14:26 39
14:26 40 COMMISSIONER: Just give me a second. Sorry, go.
14:26 41
14:26 42 MR BORSKY: That table --- does the Commissioner have
14:26 43 page 40?
14:26 44
14:26 45 COMMISSIONER: I've got it, yes.
14:26 46
14:26 47 MR BORSKY: That table records that, for example, for the 2019

14:26 1 year, the most recent year pre-COVID, there were 18,259
14:26 2 interactions between Responsible Gaming staff and patrons.
14:26 3 Now, that was responsive to a different question which the
14:26 4 Commissioner asked in its request for statement. That was
14:26 5 Question 25 which was reproduced at the foot of page 36. So it is
14:26 6 not correct to proceed on the basis that the 582 is the upper bound
14:26 7 on the number of interactions for Responsible Gaming purposes.
14:26 8 In fact, the question to which that part of the statement was
14:27 9 responding was about problem gambling and problem gamblers.
14:27 10 So in that part of her statement, Ms Bauer went to care to try to
14:27 11 identify those categories of interactions which in her view
14:27 12 indicated problem gamblers per se. But if the Commissioner
14:27 13 looks, for example, at page 40, you will find a number of
14:27 14 interactions which are not of a kind such as your example of
14:27 15 somebody drunk at a bar and nothing to do with Responsible
14:27 16 Gaming, you will see play periods and observable signs and other
14:27 17 categories there. It is unfortunately not as black and white as it
14:27 18 may have been appeared. I see Mr Finanzio with his hand up.
14:27 19

14:27 20 MR FINANZIO: Commissioner, you will recall, during the
14:27 21 course of the examination, that I asked Ms Bauer some questions
14:27 22 about the tables commencing at page 37 of her statement.

14:28 23 COMMISSIONER: Yes.

14:28 24
14:28 25
14:28 26 MR FINANZIO: And I asked her whether those tables counted
14:28 27 every interaction of an RGA and whether or not if --- I asked her
14:28 28 some questions about if there were multiple interactions with one
14:28 29 particular person, it would count that person a --- count each
14:28 30 interaction, not just the person, and that is why those numbers
14:28 31 are, I think, higher. If you go to the table that commences at
14:28 32 page 11, that table (inaudible - witness shuffling papers) which
14:28 33 says how many people. I think it is the point that Ms Bauer is
14:28 34 making, that the number in those tables reflects people. I didn't
14:29 35 question her about these tables to the point that you are asking
14:29 36 about.

14:29 37
14:29 38 COMMISSIONER: I thought Ms Bauer said the opposite, that
14:29 39 they don't represent people but they are an aggregation as well.
14:29 40

14:29 41 MR BORSKY: Yes. Yes. There is the same potential need to
14:29 42 discount these figures because they are interactions not patrons,
14:29 43 we would accept. The point I was trying to make is that this is
14:29 44 not the universe of interactions for Responsible Gaming, to look
14:29 45 at the universe of interactions or, more precisely, the referrals to
14:29 46 the Responsible Gaming Centre, one needs to turn to page 40 and
14:29 47 the answer to question 25.

14:29 1
14:29 2 COMMISSIONER: Well, then, it would be helpful to me, and I
14:29 3 will let you do it, Mr Borsky, because you are obviously on top of
14:29 4 it, but, for example, if I look at the one you referred to, the chart
14:30 5 at page 40 ---
14:30 6
14:30 7 MR BORSKY: Yes.
14:30 8
14:30 9 COMMISSIONER: --- there is a number of items which record
14:30 10 interactions between nothing to do with the subject of my inquiry,
14:30 11 for example, data follow-up by (inaudible - witness shuffling
14:30 12 papers). I don't know what data follow-up is, it might have
14:30 13 something to do with gambling or might not. Or it might have: it
14:30 14 might show my account is in credit for \$5 and I should be in
14:30 15 credit for \$25 or something like that.
14:30 16
14:30 17 MR BORSKY: It is not that, with respect. I'm content to take
14:30 18 this away and come back to you in the absence of the witness, if
14:30 19 you prefer, but I should point out immediately Ms Bauer has
14:30 20 helpfully included, as one of the annexures to her statement, it's
14:30 21 annexure 4, a table which explains each of those narratives. So
14:30 22 data follow-up, to take that example, is found on page 75 of her
14:31 23 statement. If the Commissioner goes there, you will see that it is
14:31 24 an interaction conducted on a customer who is part of the section
14:31 25 25 data follow-up list. That, I presume, but I don't pretend to
14:31 26 know, and I should ask Ms Bauer, is the section 25 review under
14:31 27 the Act.
14:31 28
14:31 29 A. It is.
14:31 30
14:31 31 MR BORSKY: So it is a Responsible Gaming context, it is not
14:31 32 an unrelated or innocuous data query of the kind you posited in
14:31 33 your hypothetical, Commissioner.
14:31 34
14:31 35 COMMISSIONER: All right. Thanks. I don't have anymore
14:31 36 questions of Ms Bauer at all at this stage. Mr Rozen indicated
14:31 37 that he had a brief list of questions. I think that Mr Rozen should
14:31 38 precede Mr Borsky's questions. I think that is how we are going
14:31 39 to proceed.
14:31 40
14:31 41 MR FINANZIO: Mr Gray has indicated to me that there are
14:31 42 a couple of questions he might have as well.
14:32 43
14:32 44 COMMISSIONER: All right. Since I have Mr Rozen on the
14:32 45 screen, I elect him to go first.
14:32 46
14:32 47 Mr Rozen.

14:32 1

2

3

CROSS-EXAMINATION BY MR ROZEN

4

5

6

MR ROZEN: Thank you, Commissioner.

7

14:32 8 Good afternoon, Ms Bauer. My name is Rozen and I appear for

14:32 9 the VCGLR. If I could start with what I hope will be a very

14:32 10 simple question, it concerns the number of RGAs. In your

14:32 11 statement at paragraph 160 you tell us there are presently 12

14:32 12 RGAs. I understand that to be your evidence?

14:32 13

14:32 14 A. That's correct, yes, Mr Rozen.

14:32 15

14:32 16 Q. The VCGLR, based on something called the RGA office

14:32 17 register, are you familiar with that? A document that is, it seems,

14:32 18 provided to the VCGLR from time to time which identifies the

14:32 19 current RGAs. Are you familiar with that document?

14:33 20

14:33 21 A. I'm not familiar, and if I may suppose that it is part of the

14:33 22 audit that the VCGLR conducts on the Responsible Gaming

14:33 23 Centre?

14:33 24

14:33 25 Q. That may be right. As I understand it, and as I'm instructed,

14:33 26 it is so they can know who people are that hold the office of

14:33 27 RGAs from time to time.

14:33 28

14:33 29 A. Right.

14:33 30

14:33 31 Q. They instruct me that in the most recent one of those, which

14:33 32 is dated 3 March 2021, that there are only 11 RGAs identified,

14:33 33 not 12. Are you able to shed any light on that?

14:33 34

14:33 35 A. Yes, I am. So we were in the process of recruiting the 12th

14:33 36 RGA which --- that role was filled, and I can't be clear exactly

14:33 37 what date, but a little while ago, Mr Rozen. So we have 12

14:34 38 RGAs.

14:34 39

14:34 40 Q. Presently?

14:34 41

14:34 42 A. That's right.

14:34 43

14:34 44 Q. The next matter I want to ask about concerns play periods.

14:34 45 You were asked a number of questions yesterday by Counsel

14:34 46 Assisting about play periods. I will try and summarise, if I can,

14:34 47 the evidence that you gave as I understood it.

14:34 1
14:34 2 Firstly you accepted Counsel Assisting's proposition that the
14:34 3 current Play Period Policy is inconsistent with the research that is
14:34 4 referred to in the Code of Conduct; do you agree that was your
14:34 5 evidence yesterday?
14:34 6
14:34 7 A. Yes, so that research referring to the 2014 validation
14:34 8 studies for EGM venues, is that right?
14:34 9
14:34 10 Q. Yes. And other studies --- I don't need to go to it, I hope ---
14:35 11 that Counsel Assisting referred to which suggested that a person
14:35 12 playing for a period in excess of 3 hours as I recall it can be
14:35 13 considered to be a person who has been playing for a long period;
14:35 14 is that a fair summary of the 2014 validation summary?
14:35 15
14:35 16 A. From my recollection that is one of signs that is called out,
14:35 17 yes.
14:35 18
14:35 19 Q. The Crown policy has of course been through a few
14:35 20 iterations in recent years, but since 2014 when that study was
14:35 21 published, you would agree that the periods identified in the
14:35 22 various policies exceed that period that is identified in the study
14:35 23 of 2014 of three hours?
14:35 24
14:35 25 A. I would agree that is the case, yes.
14:35 26
14:35 27 Q. You also agreed that the proposal, in the very recent letter
14:36 28 that was provided to the Royal Commission, that is the letter
14:36 29 dated 26 May 2021 that you were asked about earlier, that even
14:36 30 though the proposal there is to reduce the hours for domestic
14:36 31 players, that there will be intervention or observation after eight
14:36 32 and ten hours, that even those numbers are considerably in excess
14:36 33 of what the research identifies; do you agree with that?
14:36 34
14:36 35 A. I think, Mr Rozen, I qualified it that the period is in relation
14:36 36 to time on site, and what is called time on device. So that 8, 10 or
14:36 37 12-hour period may contain a 3-hour period to your point, but
14:36 38 maybe a one-hour period and then a subsequent two or three-hour
14:36 39 period following a rather large break. So I think our Play Periods
14:36 40 Policy has been clear in those times, in the more recent times, it is
14:37 41 time on site as well as time on device. Device being a product,
14:37 42 yes.
14:37 43
14:37 44 Q. Yes, all right. I think it might be appropriate to clarify that.
14:37 45 So, in the letter of 26 May, and if it helps you have a hard copy of
14:37 46 that, Exhibit 122, Commissioner, CRW.0000.0003.0677, and it is
14:37 47 the table on the second page of that letter; do you have that, the

- 14:37 1 "Time limits on play"?
- 14:37 2
- 14:37 3 A. I have it, Mr Rozen, thank you.
- 14:37 4
- 14:37 5 Q. So the first indented dot point:
- 14:37 6
- 14:37 7 *Domestic Players - 12 hours in a 24 hour period with*
- 14:37 8 *observation/intervention at eight and 10 hours.*
- 14:37 9
- 14:37 10 I pause there. I understood from your evidence that what is
- 14:38 11 intended is that after eight hours' continuous play, that there
- 14:38 12 would be an observation/intervention by a Crown officer; is that
- 14:38 13 not the case? Is that not what is proposed?
- 14:38 14
- 14:38 15 A. So it would be the same as is currently the case where after
- 14:38 16 12 hours of the first card-in, and then at 12 hours, there would be
- 14:38 17 a review of the time on device versus the time on site, and hence
- 14:38 18 then would go to an observation or an intervention as required --
- 14:38 19 or interaction, I should say, as required.
- 14:38 20
- 14:38 21 Q. All right. Certainly it's not proposed that if I was to come
- 14:38 22 into the casino and play for three hours that there would be
- 14:38 23 an intervention at that point?
- 14:38 24
- 14:38 25 A. Not in this current format, no.
- 14:38 26
- 14:39 27 Q. Okay. You also accepted Counsel Assisting's proposition
- 14:39 28 that if the intervention period, that is the period of time before
- 14:39 29 which an intervention is made, is lowered, say, to three hours, for
- 14:39 30 example, that you would necessarily need more Responsible
- 14:39 31 Gambling Advisors to respond to referrals? You recall giving
- 14:39 32 that evidence?
- 14:39 33
- 14:39 34 A. I recall giving evidence on that and certainly if I recall
- 14:39 35 correctly it was Responsible Gaming staff, and it could be
- 14:39 36 a combination with gaming staff as well but I may be wrong.
- 14:39 37 You have the transcript ---
- 14:39 38
- 14:39 39 Q. No, no, I accept that is certainly what you said. But the
- 14:39 40 point being made was that if, for example, there was a Splunk
- 14:39 41 alarm at three hours, then that would require Crown to have more
- 14:39 42 staff, albeit gaming staff or Responsible Gaming Advisors, to
- 14:40 43 respond to those alarms, do you recall saying that?
- 14:40 44
- 14:40 45 A. I do. Existing and additional as the case may be, yes.
- 14:40 46
- 14:40 47 Q. Yes. And you also agreed that there would necessarily be

14:40 1 a cost to Crown in employing those additional staff?
14:40 2
14:40 3 A. If additional staff are employed, absolutely, yes.
14:40 4
14:40 5 Q. You were then asked this, and I'm reading from the
14:40 6 transcript for Mr Borsky's benefit at page 1290, this is yesterday's
14:40 7 transcript at line 12. It might be of assistance to the witness to
14:40 8 have it, COM.0004.9990.1612. It is yesterday's transcript.
14:40 9
14:41 10 A. I don't have it yet, Mr Rozen. Mr Finanzio asked me to
14:41 11 speak occasionally so I can stay on screen.
14:41 12
14:41 13 Q. Thank you, Ms Bauer, I have you. I'm enquiring with the
14:41 14 operator of whether there is any difficulty in showing the
14:41 15 transcript.
14:41 16
14:41 17 COMMISSIONER: I've just been told that the transcript is not in
14:41 18 the hearing book so you won't be able to get it up on screen.
14:41 19 Mr Rozen, you may have to slowly read it out.
14:41 20
14:41 21 MR ROZEN: I will read it out, Ms Bauer. My apologies for that
14:41 22 not being able to be shown. Please ask me to repeat it if there is
14:41 23 any difficulty. This is a question you were asked at line 12, and
14:41 24 this is after a series of questions Counsel Assisting asked you that
14:41 25 dealt with the matters that I've just raised with you, so you
14:41 26 understand the context. Mr Finanzio said this:
14:41 27
14:41 28 *Question: Are the cost considerations factors that have*
14:42 29 *influenced Crown in setting its Play Period Policy?*
14:42 30
14:42 31 *Answer: In setting the Play Period Policy Crown was*
14:42 32 *cognisant that is something that Crown staff all work*
14:42 33 *together on and obviously responsible gaming taking the*
14:42 34 *key role but it is part of the culture of Crown. So from*
14:42 35 *that perspective, that is my answer.*
14:42 36
14:42 37 And then Mr Finanzio at line 21 said "Thank you for that answer"
14:42 38 and went on and dealt with another topic. If I may, I would like
14:42 39 to explore that with you a little further and perhaps I will adopt
14:42 40 the wording of the question that Mr Finanzio asked, and that is: it
14:42 41 must be the case, mustn't it, that cost considerations have
14:42 42 influenced Crown in the setting of hours in its Play Periods
14:42 43 Policy? Do you agree with that, Ms Bauer?
14:43 44
14:43 45 A. In relation to the Play Periods Policy I think when we talk
14:43 46 about interaction and intervention and observation there would be
14:43 47 a cost factor. But I would stand also by what you recounted

14:43 1 earlier, that certainly Responsible Gaming is part of that
14:43 2 conversation, but we really want to make sure that Crown isn't
14:43 3 viewed across --- at the very least in gaming but in other areas, in
14:43 4 relation to delivering our product in a responsible way as best as
14:43 5 possible. I'm not sure that is answering your question directly,
14:43 6 but I think in any decision you make in relation to business --- at
14:43 7 some point you would need to consider a cost.

14:43 8

14:43 9 Q. Sure. But we know that the policy --- both the present
14:43 10 policy and the proposed policy are not based on the research, are
14:44 11 they? They are not based on what the research findings say; you
14:44 12 agree with that?

14:44 13

14:44 14 A. That's right, yes.

14:44 15

14:44 16 Q. What I'm trying to ascertain from you is, having decided
14:44 17 not to follow the research, what is it that has guided Crown in
14:44 18 setting the hours that it set for its Play Periods Policy, knowing
14:44 19 that those hours are considerably higher than what the research
14:44 20 says are indications of harm?

14:44 21

14:44 22 A. Certainly, thank you, Mr Rozen. So, in relation to the
14:44 23 policy, when we speak about hours, there is a combination of
14:44 24 being cognisant that Crown is a little bit different to what the core
14:44 25 principles of the research are based on, which is mainly focused
14:44 26 on EGM venues, and I take the point that the 2014 studies
14:44 27 included some casino venues, but I'm also aware that one of the
14:45 28 elements in that study was that venues, et cetera, would need to
14:45 29 perhaps find also a --- there may be other elements and other
14:45 30 signs, which is why Crown included additional signs. When we
14:45 31 think about 12 hours, we think about the fact that Crown is --- to
14:45 32 your --- to Counsel Assisting's point that it has a lot of EGMs, but
14:45 33 Crown is, in addition to an EGM venue, it is a casino and has
14:45 34 other type of products and various agreements that requires it to
14:45 35 be of a standard so as to be an international standard. So when
14:45 36 we think about play periods and what people might expect when
14:45 37 visiting a casino, that is taken into consideration when we move,
14:45 38 certainly to 18 hours and now we're moving to 12 hours, which
14:46 39 includes an expectation of our customer, an expectation of the
14:46 40 community, and something that we can deliver within the context
14:46 41 of Crown. I know that is a very long answer to your very short
14:46 42 question, but it is a little bit more complex than just adhering to
14:46 43 research that is more attributed to a venue experience as opposed
14:46 44 to a destination and international casino experience. So that's
14:46 45 probably the point I'm trying to make, Mr Rozen.

14:46 46

14:46 47 Q. Just in relation to that last matter, Ms Bauer, is your

14:46 1 evidence that the explanation the Commissioner should
14:46 2 understand for the setting of the play periods limits, is that Crown
14:46 3 has benchmarked itself against other international casinos? Is
14:46 4 that what I understand you are saying?

14:46 5
14:46 6 A. So what Crown has done is that we --- well, in my opinion,
14:46 7 Crown certainly operates in the context of the Victorian
14:47 8 environment. It operates under the *Casino Control Act* and some
14:47 9 elements of the *Gambling Regulation Act*, but there is also the casino
14:47 10 agreement that requires Crown to be of a certain standard. So
14:47 11 when we meld these elements together, I think it is --- in my
14:47 12 opinion it's not always black and white.

14:47 13
14:47 14 Q. All right.

14:47 15
14:47 16 COMMISSIONER: Before you leave that, Mr Rozen, so I
14:47 17 understand it, Ms Bauer, is a summary of what you are saying, in
14:47 18 order to meet your contractual (approved by Parliament)
14:47 19 obligations to be the best casino around, you need to make a lot
14:47 20 of money, otherwise you are not fulfilling your promise under the
14:47 21 contract? And, therefore, various policies that are adopted are to
14:48 22 ensure that you make enough money to be top dog in town?

14:48 23
14:48 24 A. Mr Commissioner, I probably wouldn't put it like that,
14:48 25 but --- and as I mentioned earlier when I spoke about
14:48 26 self-exclusion, there are a number of masters that attend to the
14:48 27 operation of the casino, which incorporates a whole lot of
14:48 28 agreements and Acts and those sorts of things, so I think it's ---
14:48 29 and even by virtue of the differing elements between venues and
14:48 30 the casino in relation to even play limits and ability to have table
14:48 31 games and a whole lot of other things, that it is a little bit
14:48 32 different to a venue environment, and that it can sometimes be
14:48 33 a little bit grey in terms of setting particular hard lines and
14:48 34 addressing some of the research that is potentially more anchored
14:49 35 in clubs and pubs than it might be in the casino ---

14:49 36
14:49 37 COMMISSIONER: I'm just trying to work out what is the
14:49 38 connection that you are trying to draw between, on one hand,
14:49 39 your obligation to run a top-rate casino and, on the other hand,
14:49 40 setting things like hourly limits before there is an intervention?
14:49 41 You drew that connection.

14:49 42
14:49 43 A. (Nods head).

14:49 44
14:49 45 COMMISSIONER: And I know --- there is an obvious
14:49 46 connection, to me, a money connection. I'm trying to work out
14:49 47 whether there is any connection other than revenue.

14:49 1
14:49 2 A. I'm not quite sure how to respond to that,
14:49 3 Mr Commissioner, in a sense that the casino environment is
14:49 4 different and I hesitate to go on. I know I've spoken about this,
14:50 5 but I don't think I'm answering your question, Mr Commissioner.
14:50 6 I apologise. Could you repeat it again.
14:50 7
14:50 8 COMMISSIONER: You drew a connection between, on the one
14:50 9 hand, your contractual obligation to run a first-class casino and,
14:50 10 on the other, the time limits imposed before there is
14:50 11 an intervention, for the choice of the hours before an intervention
14:50 12 is mandated. I'm trying to work out what is the connection
14:50 13 between a top-rate casino which are required to have under your
14:50 14 contract with the Government and how that fits in with setting
14:50 15 time limits to sort out problem gamblers on the other.
14:50 16
14:50 17 A. Certainly. As I reflect on your question and have had more
14:50 18 time to think, there oughtn't be a connection in terms of
14:51 19 employing the best measures of harm minimisation, which might
14:51 20 include an earlier intervention than what Crown has set in terms
14:51 21 of the ultimate time limit of being onsite within the casino. So
14:51 22 from that perspective, I would suggest that an earlier intervention
14:51 23 that is maybe useful for some customers and some of our
14:51 24 members would be more useful. So, to your point, it could be
14:51 25 three or four or five hours.
14:51 26
14:51 27 COMMISSIONER: Okay. Mr Borsky?
14:51 28
14:51 29 MR BORSKY: Commissioner, apropos of time limits, I am
14:51 30 conscious of the time. It has been over an hour in this session.
14:51 31
14:51 32 COMMISSIONER: We'll have a short break.
14:51 33
14:51 34 MR BORSKY: If I may as well, Mr Rozen said he wouldn't
14:51 35 repeat anything that Mr Finanzio has covered. He nominated two
14:52 36 topics in answer to your question about what his
14:52 37 cross-examination would address. He so far hasn't commenced
14:52 38 on either of those topics, he's just been going back over territory
14:52 39 Mr Finanzio already covered. And there is a fairness issue, and
14:52 40 there is a limit to the capacity of this or any witness to sit all day,
14:52 41 staring at a camera taking question from a succession of counsel
14:52 42 who, it transpires, may have overlapping perspectives. So I raise
14:52 43 that respectfully for your consideration.
14:52 44
14:52 45 COMMISSIONER: Mr Rozen will be a bit briefer after we have
14:52 46 a break.
14:52 47

14:52 1 Do you think it might be appropriate to have a 15-minute break
14:52 2 now? That depends on how long Mr Gray is going to be, and
14:52 3 how long you are going to be?
14:52 4

14:52 5 MR BORSKY: I still expect to want half an hour with Ms Bauer
14:52 6 but I may have some mercy on her in that regard which others
14:53 7 won't, but in terms of balance and fairness, it would be
14:53 8 undesirable for us to be curtailed ---
14:53 9

14:53 10 COMMISSIONER: All I had in my mind was if we have
14:53 11 a 15-minute break now, and so everybody can have a bit of a rest
14:53 12 because it is quite a strain to look at everybody on the screen, and
14:53 13 if it means we have to go a little bit over time beyond 4.00 it
14:53 14 won't be excessively onerous on Ms Bauer, and I think she will
14:53 15 be very pleased to be clear of us. And if it means an extra 10
14:53 16 minutes, she'll take the extra 10 minutes.
14:53 17

14:53 18 A. (Nods head).
14:53 19

14:53 20 COMMISSIONER: As long as nobody disagrees, I will take
14:53 21 a 15-minute break now.
14:53 22

14:53 23 MR BORSKY: As the Commission pleases.
14:53 24

14:53 25 COMMISSIONER: Mr Gray, did you want to say something or
14:53 26 save it.
14:53 27

14:53 28 MR GREY: Thank you, Commissioner, I will be a few minutes,
14:53 29 less than five minutes.
14:53 30

14:53 31 COMMISSIONER: Thank you. We should finish pretty much
14:53 32 around 4-ish or shortly thereafter. I will adjourn now.
14:54 33
14:54 34

14:54 35 **ADJOURNED** [2:54P.M.]
14:54 36
14:54 37

15:06 38 **RESUMED** [3:06P.M.]
15:06 39
15:06 40

15:06 41 COMMISSIONER: We'll wait for Ms Bauer to come back
15:06 42 online.
15:06 43

15:07 44 Mr Borsky, is there some way you can check?
15:07 45

15:07 46 MR BORSKY: Yes, I will make sure that is checked
15:07 47 immediately.

15:07 1
15:07 2 A. My apologies, Mr Commissioner and others.
15:08 3
15:08 4 COMMISSIONER: Mr Rozen.
15:08 5
15:08 6 MR ROZEN: Thank you, Commissioner. Ms Bauer, can I ask
15:08 7 you some questions about Recommendation 6 in the Sixth Casino
15:08 8 Review, the recommendation about reviewing Responsible
15:08 9 Gambling staffing arrangements. Perhaps the simplest way would
15:08 10 be if I ask that the relevant page from the Sixth Review be put on
15:08 11 the screen for you, it is COM.0005.0001.0776 and it is native
15:08 12 page 95 of the document. If we go to native page 95, please.
15:09 13 Thank you. As we start with the recommendation that you will
15:09 14 see at the foot of the page:
15:09 15
15:09 16
15:09 17 *The VCGLR recommends that, by 1 January 2020, Crown*
15:09 18 *Melbourne review its allocation of staffing resources to*
15:09 19 *increase the number of*
15:09 20
15:09 21 Sorry, can you see that?
15:09 22
15:09 23 A. Yes, I can.
15:09 24
15:09 25 Q. It says:
15:09 26
15:09 27 *..... to increase the number of work hours actually*
15:09 28 *available to responsible gambling and intervention with*
15:09 29 *patrons.*
15:09 30
15:09 31 If I can pause there in the reading. Crown was being given
15:09 32 18 months to conduct that review, do you agree with that?
15:09 33
15:09 34 A. Yes, it was.
15:09 35
15:09 36 Q. The report was middle of 2018. [Dog barking] I do apologise that
15:09 37 lawyers
15:09 38 are working from home. I'm sorry and I apologise.
15:09 39
15:09 39 A. It's welcome, Mr Rozen!
15:09 40
15:09 41 Q. I apologise, Commissioner.
15:09 42
15:09 43 COMMISSIONER: I was going to bring my dog in!
15:10 44
15:10 45 MR ROZEN: I don't have to do that. The recommendation went
15:10 46 on:
15:10 47

15:10 1 *This might be achieved by training more gaming staff to*
15:10 2 *undertake assessments and then approach patrons*
15:10 3 *identified as at risk, without the need to contact a RGLO.*

15:10 4
15:10 5 They have been renamed to RGAs?

15:10 6
15:10 7 A. That's right.

15:10 8
15:10 9 Q. And:

15:10 10
15:10 11 *However, this will only be effective if those staff have*
15:10 12 *sufficient time aside from their gaming duties.*

15:10 13
15:10 14 If I pause there and we go back up to the middle of the page,
15:10 15 please, operator, do you see there is a paragraph there that starts
15:10 16 "The VCGLR considers that"; do you see that?

15:10 17
15:10 18 A. Yes, so "considers that monitoring observable signs is
15:10 19 accepted practice"?

15:10 20
15:10 21 Q. Yes:

15:10 22
15:10 23 *..... accepted practice as part of a harm minimisation*
15:10 24 *strategy. However, the VCGLR is concerned that the*
15:10 25 *primary reliance on a policy of observable signs with the*
15:10 26 *current service delivery model may not be the most*
15:11 27 *effective approach to assist patrons at risk of harm.*

15:11 28
15:11 29 A. Yes, I see that. Thank you.

15:11 30
15:11 31 Q. And then for completion, if we go to the right-hand column,
15:11 32 please, operator, the first complete paragraph that starts "This
15:11 33 policy also relies"; you see that?

15:11 34
15:11 35 A. Yes, it does.

15:11 36
15:11 37 Q. It says:

15:11 38
15:11 39 *This policy also relies on the presence of a RGLO to*
15:11 40 *assess and to approach persons who may be at risk of*
15:11 41 *harm. Only one or two RGLOs are rostered on at any*
15:11 42 *one time, and the 24/7 RGSC staffing model does not*
15:11 43 *allow the number of RGLOs to be adjusted for peak*
15:11 44 *visitor periods.*

15:11 45
15:11 46 And then in the final paragraph it says:

15:11 47

15:11 1 *Having more staff skilled in identifying and*
15:11 2 *communicating with at-risk patrons in appropriate*
15:11 3 *circumstances would enhance the ability of Crown*
15:11 4 *Melbourne to engage in proactive harm minimisation for*
15:12 5 *more patrons in a timely and effective manner. However,*
15:12 6 *reliance on gaming floor staff with other duties will not be*
15:12 7 *enough if the other duties already fully occupy them.*

15:12 8
15:12 9 Do you see that?

15:12 10
15:12 11 A. I do, yes.

15:12 12
15:12 13 Q. Did you read this section of the report when you came to
15:12 14 assist Crown with implementing Recommendation 6?

15:12 15
15:12 16 A. Yes, I did.

15:12 17
15:12 18 Q. I suggest it would have been apparent to you, Ms Bauer,
15:12 19 that what the VCGLR was pointing to, was asking Crown to do,
15:12 20 was to address the outcome, maybe to ensure the resources
15:12 21 Crown has devoted to Responsible Gambling would best achieve
15:12 22 the outcome of harm minimisation for problem gamblers; do you
15:12 23 agree with that?

15:12 24
15:12 25 A. Yes, so my reading is that there is a two-pronged version,
15:12 26 which is the Responsible Gaming staff, and also the assistance of
15:13 27 gaming staff.

15:13 28
15:13 29 Q. Indeed.

15:13 30
15:13 31 A. Yes.

15:13 32
15:13 33 Q. And in relation to the latter, that last passage that I read to
15:13 34 you was making this point, wasn't it, that unless the gaming staff
15:13 35 who are necessarily the eyes and ears, aren't they, in this exercise,
15:13 36 they are the ones who get to observe the patrons, unless they have
15:13 37 time enough from their other duties, there is a limit to what can
15:13 38 be expected of them by way of achieving harm minimisation; do
15:13 39 you understand that the point that was being made there?

15:13 40
15:13 41 A. I understand that is the point being made, yes.

15:13 42
15:13 43 Q. Yes. And you are well aware, aren't you, that particularly
15:13 44 on busy times, Friday nights, Saturday nights, there is a practical
15:13 45 limit to what a gaming operator can do beyond their normal work
15:13 46 of operating the game that they are in charge of?

15:14 47

15:14 1 A. In usual practice, yes.

15:14 2

15:14 3 Q. When it is less busy, they might have a greater ability to
15:14 4 observe patrons but there will be a limited ability, if any, when it
15:14 5 is very busy; do you agree with that?

15:14 6

15:14 7 A. It's part of the gaming staff and it's not just in relation to
15:14 8 Responsible Service of Gaming, but it is to keep an eye on, for
15:14 9 example, Responsible Service of Alcohol, health and safety
15:14 10 requirements. So these are all parts of a gaming staff member,
15:14 11 and then again it depends on the staff member executing those
15:14 12 duties from --- if we are talking about table games, dealer, area
15:14 13 manager, assistant casino manager, casino manager, et cetera.

15:14 14

15:14 15 Q. I understand, and I think you know that ultimately Crown
15:14 16 wrote to the VCGLR towards the end of 2019, and the
15:15 17 correspondence can be brought up if needed, and informed the
15:15 18 VCGLR that it had completed a review of the resources of the
15:15 19 Responsible Gaming department, and it had determined to
15:15 20 increase staffing compliment from 7 to 12.

15:15 21

15:15 22 A. That's right.

15:15 23

15:15 24 Q. You are aware both that that is what Crown decided and
15:15 25 that's what it communicated to VCGLR?

15:15 26

15:15 27 A. Certainly amongst other recognition of attempting to fulfil
15:15 28 the recommendation and ultimately having that acknowledged by
15:15 29 the VCGLR, yes.

15:15 30

15:15 31 Q. Indeed. Now, I want to understand from you if I could
15:15 32 what you say Crown did by way of a review as recommended in
15:15 33 Recommendation 6. Perhaps I will approach it this way, by
15:15 34 asking you things that I suggest might have been done as part of
15:15 35 such a review and perhaps if you could tell the Commissioner
15:15 36 whether they were done. So, firstly, did you or anyone else at
15:16 37 Crown, to your knowledge, look at the Responsible Gaming
15:16 38 register that you gave evidence about yesterday to examine the
15:16 39 data about the promptness of responding to alerts under the Play
15:16 40 Periods Policy, for example? Was that done as part of the
15:16 41 review?

15:16 42

15:16 43 A. So, in my experience, in terms of reviewing the engagement
15:16 44 of the gaming department is that when training is effected, that
15:16 45 there is actually an increase because it brings to the fore again as
15:16 46 a reminder. So what I've seen with trends, that when training is
15:16 47 completed, that there is an increase in referrals, for example.

15:16 1 That is one of the elements that can be reviewed. And also who
15:16 2 participates in that training, and to your point, the hours that
15:17 3 purely the Responsible Gaming staff are attending to on the
15:17 4 casino gaming floor.

15:17 5
15:17 6 Q. All right. I'm not sure you've answered my question, the
15:17 7 fault may well be mine and the question not clear. Perhaps I will
15:17 8 approach it this way. The evidence you gave yesterday was the
15:17 9 decision to increase from 7 RGLOs to 12 was a decision that was
15:17 10 made by Mr Felstead, the CEO; do you recall giving that
15:17 11 evidence?

15:17 12
15:17 13 A. I do, yes.

15:17 14
15:17 15 Q. I'm just trying to unpack the process that was followed in
15:17 16 reaching that decision. It seems, if I may say so from the
15:17 17 evidence you gave yesterday, to have been a somewhat informal
15:17 18 process; do you agree with that?

15:17 19
15:17 20 A. When that was posited, yes, I would agree with that. Yes.

15:17 21
15:17 22 Q. In fairness to you, you explained to the Commissioner that
15:17 23 you had some input at a meeting. You said that you were
15:18 24 requested to provide some feedback and you provided the
15:18 25 feedback that would afford, based on the current rostering system,
15:18 26 that kind of coverage. Do you recall saying that?

15:18 27
15:18 28 A. Yes, I recall saying something along those lines, yes.

15:18 29
15:18 30 Q. The recommendation didn't ask Crown to increase the
15:18 31 number of RGLOs; did it?

15:18 32
15:18 33 A. I think it certainly did look at and if the operator wouldn't
15:18 34 mind moving up, the recommendation requested that --- a review
15:18 35 of its allocation of staffing resources to increase the number of
15:18 36 work hours actually available to Responsible Gambling and
15:18 37 intervention with patrons. So my interpretation is that naturally
15:18 38 leads to an expectation of increase of Responsible Gambling
15:19 39 staff.

15:19 40
15:19 41 Q. Look, I accept that it is not excluded, but my point is you
15:19 42 weren't asked to increase the number, you were asked to conduct
15:19 43 a review with a view to increasing work hours actually available.
15:19 44 Did you seek any expert input as part of that process?

15:19 45
15:19 46 A. From recollection, no external expert input, but certainly
15:19 47 there was a review. To your point, the staffing levels were

15:19 1 increased and if my memory serves me correctly, the letter to the
15:19 2 VCGLR, which was accepted in accordance with formalising the
15:19 3 completion of Recommendation 6, included that there was
15:19 4 additional staff that Crown has reviewed participation and
15:19 5 training, the addition of a cohort of some 330 staff members,
15:20 6 which is the area managers in table games, and we had already
15:20 7 included the area managers within gaming machines to participate
15:20 8 in training, which we call senior manager training which, by want
15:20 9 of another word, is advanced training. And that commenced,
15:20 10 I believe, early last year and was completed with the return of the
15:20 11 staff to --- following the closure due to COVID-19 at the end of
15:20 12 last year. So it was a varied approach to satisfying that, which
15:20 13 was accepted by the VCGLR.

15:20 14

15:20 15 Q. Did you examine --- in line with the last point on that
15:20 16 page of the Sixth Review, page 95, did you examine ways in
15:21 17 which gaming floor staff might be freed up from their normal
15:21 18 duties to focus on responsible gaming activities? Was that part of
15:21 19 the review?

15:21 20

15:21 21 A. So, what was considered, and when I think about what was
15:21 22 considered is that as part of the duties of staff, and in particular in
15:21 23 relation to area managers who have more freedom of movement
15:21 24 within the business, so a dealer is by the very nature of their job
15:21 25 at a table and cannot move so can only observe what is happening
15:21 26 at their table whereas an area manager has more freedom of
15:21 27 movement. So in considering the other elements that an area
15:21 28 manager is engaged with, which I mentioned earlier, including
15:21 29 the Responsible Service of Alcohol, health and safety measures,
15:21 30 things like ensuring that staff are employing proper movements to
15:22 31 ensure there is no injury to themselves in terms of how they
15:22 32 conduct their dealing, customer service elements, all those sorts
15:22 33 of things, that was all considered as part of that.

15:22 34

15:22 35 And I think what was also submitted is an update to the position
15:22 36 description of various gaming staff in relation to the Responsible
15:22 37 Service of Gaming. And by way of reiteration, as I have
15:22 38 mentioned earlier --- and this is often a very iterative process, is
15:22 39 that from early this year, the gaming staff are also completing
15:22 40 what we call low-level interaction, so that is something that falls
15:22 41 within their purview as part of their additional duties, or duties,
15:22 42 which incorporates the Responsible Service of Gaming, so having
15:22 43 conversation and observing on top of customer service and
15:22 44 looking for observable signs, looking at potentially some of those
15:23 45 earlier signs.

15:23 46

15:23 47 I know, I'm sorry that is a very long answer, which I know you

15:23 1 probably need to unpack.

15:23 2

15:23 3 Q. That's right, Ms Bauer, I don't want to get into trouble with
15:23 4 Mr Borsky again. Can I understand what all that means in
15:23 5 a practical sense. For example, as part of the review process that
15:23 6 you've discussed, have the gaming staff been told that part of
15:23 7 their performance evaluation relates to work they might do on
15:23 8 harm minimisation, on identifying observable signs? Are the
15:23 9 gaming staff told that they will be rewarded for spending time
15:23 10 and energy for looking out for observable signs of gambling
15:23 11 harm, for example?

15:24 12

15:24 13 A. I think "rewarded" might imply something else, but
15:24 14 certainly that part of their duties is to comply with and participate
15:24 15 in the Responsible Service of Gaming.

15:24 16

15:24 17 Q. Can I ask you about another topic, that is the expert report
15:24 18 from Dr Blaszczyński and his colleagues --- you were asked about
15:24 19 that by Mr Finanzio, you will recall --- from August last year. It is
15:24 20 tab 4 to your statement. I don't think you need it in front of you,
15:24 21 but if it assists you, please do. Was a copy of that report ---

15:24 22

15:24 23 A. I would --- sorry, it will depend on your question. Please
15:24 24 go on.

15:24 25

15:24 26 Q. Sure. I will take you to a specific part of it in a moment,
15:24 27 but I think for present purposes you don't need to have it open in
15:24 28 front of you.

15:24 29

15:24 30 A. Sure.

15:24 31

15:24 32 Q. My question is, was a copy of that report provided to the
15:25 33 VCGLR by Crown?

15:25 34

15:25 35 A. Not to my knowledge.

15:25 36

15:25 37 Q. You know, of course, that the VCGLR is interested in
15:25 38 Responsible Gambling at Crown, don't you?

15:25 39

15:25 40 A. Yes.

15:25 41

15:25 42 Q. More than half of the recommendations in the Sixth Review
15:25 43 are about Responsible Gambling; weren't they?

15:25 44

15:25 45 A. That's right.

15:25 46

15:25 47 Q. So why wasn't it provided to the VCGLR?

15:25 1
15:25 2 A. I don't know, Mr Rozen. I'm not sure --- I know it was
15:25 3 requested under privilege, and as to the distribution thereof I
15:25 4 cannot answer.
15:25 5
15:25 6 Q. Why do you say it was requested under privilege?
15:25 7
15:25 8 A. My understanding is that the report, the review, was
15:25 9 requested under privilege.
15:25 10
15:26 11 Q. I see.
15:26 12
15:26 13 A. Legal privilege. Again, I'm using language that I deal with
15:26 14 as opposed to having any learnings in.
15:26 15
15:26 16 Q. I understand that. You would agree with me, wouldn't you,
15:26 17 there is nothing on the report that you've produced which
15:26 18 suggests that it was the subject of a request under privilege?
15:26 19
15:26 20 A. My understanding is that any reporting to the Commission,
15:26 21 any privilege is waived and as such the reporting was provided.
15:26 22
15:26 23 Q. Okay.
15:26 24
15:26 25 COMMISSIONER: Wait a minute, Mr Rozen. I have
15:26 26 Mr Borsky.
15:26 27
15:26 28 MR BORSKY: An obvious objection if my learned friend is
15:26 29 going to persist with this line around privilege, but it seems he
15:26 30 may be about to move on.
15:26 31
15:26 32 MR ROZEN: I don't want to ask any further questions about the
15:26 33 question of privilege, Mr Borsky. Thank you.
15:26 34
15:26 35 Is your evidence, Ms Bauer, that you consider that Crown was
15:27 36 prevented from providing the report to the VCGLR in some way?
15:27 37
15:27 38 A. No, I don't think that is my evidence. I'm just aware that if
15:27 39 something is requested under privilege that persons who are
15:27 40 under privilege are able to make those decisions but again, I'm
15:27 41 not learned in that field. At the time it was requested under
15:27 42 privilege, it was produced under privilege is my understanding,
15:27 43 and reported to the Responsible Gaming board committee and
15:27 44 from there I have no other testimony to make in terms of how it
15:27 45 went its way to other parties.
15:27 46
15:27 47 Q. Would you accept that it didn't go to VCGLR?

15:27 1
15:27 2 A. Yes.
15:27 3
15:27 4 Q. My instructions are the VCGLR didn't know about it until it
15:28 5 was distributed to it as part of the Royal Commission materials
15:28 6 last week. Do you agree that a provision of a report like this by
15:28 7 Crown to the VCGLR would be consistent with an open and
15:28 8 constructive relationship between the two parties?
15:28 9
15:28 10 A. All good. Hello?
15:28 11
15:28 12 Q. Are you okay, Ms Bauer?
15:28 13
15:28 14 A. Hello?
15:28 15
15:28 16 Q. Can you hear me?
15:28 17
15:28 18 COMMISSIONER: Something has gone wrong with the ---
15:28 19
15:28 20 A. Can you hear me?
15:28 21
15:28 22 MR ROZEN: I can hear you, but perhaps you can't hear me.
15:28 23
15:28 24 COMMISSIONER: I think something has gone wrong with the
15:28 25 Crown end. I appear to be muted from another end.
15:29 26
15:29 27 MR ROZEN: Can you hear me now, Ms Bauer?
15:29 28
15:29 29 A. I can't hear you, Mr Rozen. Technical support is coming.
15:29 30
15:29 31 MR ROZEN: Commissioner, you can still hear me?
15:29 32
15:29 33 COMMISSIONER: Yes, I can hear you, Mr Rozen.
15:29 34
15:29 35 MR FINANZIO: (Nods head).
15:29 36
15:29 37 COMMISSIONER: I'm told that there is a problem.
15:29 38
15:29 39 OPERATOR: Excuse us for one second, we'll just dial back in.
15:29 40
15:29 41 (Pause due to technical difficulties)
15:29 42
15:29 43 COMMISSIONER: I think Ms Bauer's end is still on mute.
15:29 44
15:30 45 A. Can you hear me now?
15:30 46
15:30 47 COMMISSIONER: Yes, we can hear you.

15:30 1
15:30 2 A. Thank you, Mr Commissioner. Hello, Mr Rozen.
15:30 3
15:30 4 MR ROZEN: Hello. You can hear me?
15:30 5
15:30 6 A. I can hear you, yes. Technology.
15:30 7
15:30 8 Q. Of course. I'm not sure that you answered my last question,
15:30 9 which was, do you agree that the provision of a report like this to
15:30 10 the regulator, the VCGLR, would be consistent with an open and
15:30 11 constructive relationship between the parties?
15:30 12
15:30 13 A. Yes, that would be the case.
15:30 14
15:30 15 Q. Was there any discussion at the Responsible Gambling
15:30 16 management committee that you were a member of at the time
15:30 17 around providing this to the VCGLR?
15:30 18
15:30 19 A. Not at the Responsible Gaming Committee meeting and
15:30 20 where it was tabled, as I mentioned earlier, was the Crown
15:31 21 Resorts Responsible Gaming Board Committee, and I'm trying to
15:31 22 recall discussions about tabling it and I'm left wanting. Sorry,
15:31 23 Mr Rozen.
15:31 24
15:31 25 Q. It's all right. I take it that it is a matter you didn't raise with
15:31 26 your superiors, that it might be a good idea to provide this report
15:31 27 to the VCGLR?
15:31 28
15:31 29 A. I don't recall, Mr Rozen. I don't know.
15:31 30
15:31 31 Q. You don't recall or you didn't raise it?
15:31 32
15:31 33 A. I suppose I don't know whether I raised it or not.
15:31 34
15:31 35 Q. If you had raised it, it would be something recorded in the
15:31 36 minutes, would it not?
15:31 37
15:31 38 A. If it was raised at a board committee meeting there is
15:31 39 a greater chance it would be, but if it was raised in any other fora
15:31 40 then it may not be, which could include just conversations. So I
15:32 41 actually can't recall, Mr Rozen, it was when the report was
15:32 42 finalised in August, and then whilst we were still in lockdown
15:32 43 and moving towards the eventual reopening, some of those times
15:32 44 are a little bit more hazy than others, Mr Rozen.
15:32 45
15:32 46 Q. I will ask you a couple of questions about one other
15:32 47 recommendation in the review. It's Recommendation 14 which

15:32 1 you were asked about yesterday. This is the development of the
15:32 2 strategy. It is native page 122 in the Sixth Casino Review. The
15:33 3 question here is a simple one. In his evidence, Mr Lucas from the
15:33 4 foundation says that there was no consultation between Crown
15:33 5 and the foundation on the development of the strategy. Do you
15:33 6 agree that that is the case?

15:33 7
15:33 8 A. I agree, yes.

15:33 9
15:33 10 Q. It was not part of the recommendation that there be
15:33 11 consultation with the foundation, but on the very next page, if we
15:33 12 could go to the top paragraph on page 123, do you see the first
15:33 13 paragraph there:

15:33 14
15:33 15 *The strategy should provide opportunities for regular*
15:33 16 *review of harm minimisation initiatives in response to*
15:33 17 *research and in conjunction with external stakeholders*
15:33 18 *such as the VRGF.*

15:33 19
15:34 20 Do you see that?

15:34 21
15:34 22 A. I see that, Mr Rozen.

15:34 23
15:34 24 Q. Why didn't Crown consult with the VRGF on something
15:34 25 that was as important as the development of a strategy for the
15:34 26 minimisation of gambling-related harm?

15:34 27
15:34 28 A. Mr Rozen, I don't know. If the operator can go back to the
15:34 29 actual recommendation, that is certainly the focus, and this is by
15:34 30 way of explanation rather than a proper answer, but I don't recall
15:34 31 a discussion on consulting with the VRGF or the VCGLR in
15:34 32 relation to the development of the strategy. So I don't have a very
15:34 33 clear answer for you other than no, we did not.

15:34 34
15:34 35 Q. The reason I'm asking you is twofold: firstly, you would
15:34 36 agree with me that there would be benefit to Crown in discussing
15:35 37 the matter with a subject matter expert body such as the
15:35 38 Foundation?

15:35 39
15:35 40 A. Certainly, and we look to the Foundation for a number of
15:35 41 elements and provide the Foundation with information as well, so
15:35 42 it's not as though we don't associate with the VRGF.

15:35 43
15:35 44 Q. The second reason for raising is the Commissioner has
15:35 45 heard evidence previously from Mr Cremona of the VCGLR to
15:35 46 the effect that in his experience, Crown has taken what might be
15:35 47 described as a black-letter approach to the implementation of

15:35 1 these recommendations. That is, it has implemented them to the
15:35 2 letter, not necessarily to the spirit, I think, was the language he
15:35 3 used. I'm paraphrasing it. Are you able to shed any light on that
15:36 4 from your experience? Do you accept that Crown's approach to
15:36 5 implementation of the recommendations in the Sixth Review has
15:36 6 been a "Do exactly what the recommendation says and no more"
15:36 7 approach?

15:36 8

15:36 9 A. Not in my experience, and I suppose by way of illustration,
15:36 10 when it came time to interact with the VRGF for example, about,
15:36 11 absolutely Recommendation 11 and possibly 10, we approached
15:36 12 the VRGF in relation to, as was recommended by the Sixth
15:36 13 Review to engage, to develop and be provided with expert
15:36 14 consultations. There was a halt to those proceedings because the
15:36 15 VCGLR wished to have a more tripartite approach, so not just the
15:37 16 VRGF but also the VCGLR, so I think that is the evidence, that is
15:37 17 not so much a black-letter approach from that perspective, and
15:37 18 I think there is quite a lot of evidence in relation to having these
15:37 19 tripartite meetings which I'm not sure whether they were in the
15:37 20 notices to produce. Certainly I think Mr Lucas's statement goes
15:37 21 towards those meetings, so I would not --- in my experience, for
15:37 22 the elements I was involved in, not necessarily the case,
15:37 23 Mr Rozen.

15:37 24

15:37 25 Q. I think, with respect, Ms Bauer, you are making my point
15:37 26 for me. Recommendations 10 and 11 in terms recommended that
15:37 27 there be consultation of the VRGF and I accept that that has
15:37 28 certainly occurred. My point is, where a recommendation like 14
15:37 29 didn't in terms recommend that there be consultation with the
15:38 30 VRGF, it doesn't happen. I suggest to you that that is an example
15:38 31 of a very literal approach that Crown would appear to take to the
15:38 32 implementation of the recommendations.

15:38 33

15:38 34 A. Certainly that's an interpretation, but Mr Rozen, I don't
15:38 35 know precisely why the VRGF or the VCGLR were not involved
15:38 36 in the strategy. It is something that my line manager and I at the
15:38 37 time worked on with input from a number of areas, including
15:38 38 staff and my direct reports, and so that's all I can say as to what
15:38 39 occurred with the development of that.

15:38 40

15:38 41 Q. Understand that. It was suggested to you earlier by
15:38 42 Mr Finanzio that by reporting to Mr Preston as the chief legal
15:38 43 officer, that that necessarily put a compliance flavour rather than
15:38 44 a harm minimisation flavour on the work of the Responsible
15:39 45 Gambling section at Crown; do you recall him saying that earlier,
15:39 46 Ms Bauer?

15:39 47

15:39 1 A. Yes, I recall the proposition, Mr Rozen, yes.

15:39 2

15:39 3 Q. I won't revisit it. My question is a slightly different one. In
15:39 4 the more recent period where Mr Blackburn is your line manager,
15:39 5 do you detect any change in approach in that regard which might
15:39 6 see Crown addressing the spirit of these recommendations as well
15:39 7 as the literal wording of them?

15:39 8

15:39 9 A. I certainly detect through my new line manager, I suppose
15:39 10 the colloquial term is a breath of fresh air, and I had been without
15:39 11 a direct line manager for some time. I had a very interim line
15:40 12 manager for some period. But I appreciate and have had
15:40 13 discussions with Mr Blackburn around the direction of
15:40 14 Responsible Gaming and the importance and how it fits within
15:40 15 the portfolio of financial crime, compliance, regulatory, and that's
15:40 16 one element. But certainly Responsible Gaming has a number of
15:40 17 facets and they include all of those elements because it is very
15:40 18 important that we comply with all of those elements but also
15:40 19 harm minimisation and in my experience, as I think I have
15:40 20 declared earlier, that the tenor of Responsible Gaming seems to
15:40 21 have moved more from a corporate social responsibility to, as
15:40 22 much as anything, a compliance mode. So I think that is a great
15:40 23 pooling together of the resources and interactions can come from
15:40 24 that.

15:40 25

15:40 26 MR ROZEN: Thank you, Ms Bauer.

15:40 27

15:41 28 They are the questions that I have, Commissioner.

15:41 29

15:41 30 COMMISSIONER: Thank you, Mr Rozen. I think Mr Gray was
15:41 31 next, he said he would be five minutes or so.

15:41 32

15:41 33

15:41 34 **CROSS-EXAMINATION BY MR GRAY**

15:41 35

15:41 36

15:41 37 MR GRAY: Ms Bauer, yesterday, and Commissioner, this was at
15:41 38 transcript 1541, lines 37 to 38, Mr Borsky, representing Crown,
15:41 39 said that Crown does not have access to the YourPlay data which
15:41 40 Intralot collects, and Mr Borsky then went on to make a point
15:41 41 about Crown not having access to specific gambler-related data,
15:41 42 such as data as to when they might reach their pre-selected limits
15:41 43 as to money or time. I just want to ask you a couple of questions
15:41 44 about the extent to which Crown does or doesn't have the ability
15:42 45 to obtain de-identified YourPlay data from Intralot, and what
15:42 46 steps might or mightn't be taken to obtain it.

15:42 47

15:42 1 Firstly, can I ask you, do you know about the provision in the
15:42 2 *Gambling Regulation Act* by which the Minister may; direct
15:42 3 Intralot to provide de-identified YourPlay data to a person or
15:42 4 body for research purposes?

15:42 5

15:42 6 A. Mr Gray, I don't recall the specific components of that but
15:42 7 as I hear it, I believe certainly by the virtue of a report being
15:42 8 presented a couple of --- or being concluded a couple of years
15:43 9 ago, that that data is available to a research body, yes.

15:43 10

15:43 11 MR GRAY: Commissioner, for future reference, I won't ask
15:43 12 Ms Bauer to look at it now, that is section 3.8A(23) of the
15:43 13 *Gambling Regulation Act*.

15:43 14

15:43 15 Ms Bauer, has Crown to the best of your knowledge ever
15:43 16 requested the Minister to direct Intralot to make YourPlay-related
15:43 17 data on a de-identified basis available to Crown for research
15:43 18 purposes?

15:43 19

15:43 20 A. Not to my knowledge, no, Mr Gray.

15:43 21

15:43 22 Q. And as Group General Manager responsible for
15:43 23 Responsible Gaming, you would expect, would you not, to know
15:43 24 about any request if it had been made on behalf of Crown?

15:43 25

15:43 26 A. Possibly, Mr Gray. It depends on in which context,
15:44 27 whether it was a verification of the systems as opposed to what
15:44 28 might be required in relation to harm minimisation. But my
15:44 29 understanding has always been, and as you presented that
15:44 30 component of the DRA, I have a recollection of the Ministerial
15:44 31 Direction, but it is not certainly something that came to mind
15:44 32 following the research that was published or more recently. So
15:44 33 the short answer is no.

15:44 34

15:44 35 Q. All right, and the pre-selection scheme has been in place
15:44 36 under part 8A of the Act since December 2015, you would expect
15:44 37 to know if a request had been made, not just on technical matters
15:44 38 for the purposes of making the operations and technical standards
15:44 39 work, but for the purposes of research into harm minimisation
15:44 40 and, effectiveness of the pre-selection regime, things of that kind,
15:45 41 you would expect to know if any request had been made by
15:45 42 Crown to the Minister for a direction for a provision of
15:45 43 de-identified YourPlay data; correct?

15:45 44

15:45 45 A. For the purposes of research, I would certainly be --- I
15:45 46 would expect to know about that, yes.

15:45 47

15:45 1 Q. Assuming Crown hasn't made such request, is that because
15:45 2 Crown hasn't seen the need for that given that, as you have
15:45 3 explained in your statement, it has extensive resources available
15:45 4 to it by which, for example, through its loyalty program, it can
15:45 5 understand gambling patterns?

15:45 6
15:45 7 A. Mr Gray, I'm, and as I'm sure you are, when I think about
15:45 8 the recommendations from Crown's independent responsible
15:45 9 gambling advisory panel, there was a recommendation in relation
15:45 10 to pre-commitment data, and one of the hurdles I found with that
15:45 11 is the ability to potentially obtain that sort of data, so I have
15:46 12 turned my mind to that prospect. However, being aware that
15:46 13 there was no recommendation in recent research in relation to
15:46 14 making any limit reaches or changes or anything like that
15:46 15 available to venues, that was one of the elements that I thought,
15:46 16 okay, that may just preclude --- the request may be moot because
15:46 17 that data has only been used for research by research
15:46 18 organisations as opposed to --- sorry, Mr Commissioner, you
15:46 19 went dark --- as opposed to something Crown needed to consider.
15:46 20 So again a very long answer to your very short question, but
15:46 21 Crown is not requested to have that data available; it is something
15:46 22 that is on our radar but we have not made any more requests to
15:47 23 the Government, or indeed, to Intralot for that data.

15:47 24
15:47 25 MR GRAY: Those are the questions, thank you, Commissioner.

15:47 26
15:47 27 COMMISSIONER: Thank you, Mr Gray.

15:47 28
15:47 29 Mr Borsky, you are next.

15:47 30
15:47 31

15:47 32 **RE-EXAMINATION BY MR BORSKY**

15:47 33
15:47 34

15:47 35 MR BORSKY: Ms Bauer, I take it you can hear me clearly
15:47 36 enough?

15:47 37
15:47 38

15:47 39 A. Yes, thank you, Mr Borsky.

15:47 40 Q. Counsel Assisting Mr Finanzio, I think on Tuesday, now,
15:47 41 asked you some questions about Crown's list of 13 observable
15:47 42 signs; do you recall that?

15:47 43
15:47 44

15:47 45 A. Yes, I recall that.

15:47 46
15:47 47

15:47 48 Q. He put to you that it was Crown that articulated the 13
15:47 49 observable signs. He contrasted that with the 32 signs which are

- 15:48 1 referred to in some of the academic literature; do you recall?
15:48 2
- 15:48 3 A. I recall, yes.
15:48 4
- 15:48 5 Q. That academic literature, he referred in particular to the
15:48 6 Thomas, Delfabro and Armstrong study of 2014; correct?
15:48 7
- 15:48 8 A. Yes, I recall.
15:48 9
- 15:48 10 Q. Mr Finanzio suggested that Crown articulated and
15:48 11 developed its list of 13 observable signs all by itself; do you recall
15:48 12 that?
15:48 13
- 15:48 14 A. I recall something to that degree, yes.
15:48 15
- 15:48 16 Q. Has Crown's list of 13 observable signs been externally
15:48 17 reviewed or approved by any person or regulatory body?
15:48 18
- 15:48 19 A. So the list prior to the change of the Ministerial Direction in
15:48 20 relation to the approval of the Responsible Gambling Code of
15:49 21 Conduct, the list which was in the Responsible Gambling Code of
15:49 22 Conduct would have been approved as part of the VCGLR
15:49 23 approval process of the Responsible Gambling Code of Conduct.
15:49 24
- 15:49 25 Q. So you say the VCGLR may have approved Crown's list of
15:49 26 observable signs prior to the publication of the Code of Conduct?
15:49 27
- 15:49 28 A. Yes. Up until 2019, from recollection, September 2019, the
15:49 29 requirement under the previous Ministerial Direction was that the
15:49 30 VCGLR approve Crown's Responsible Gambling Code of
15:49 31 Conduct. So by their very nature would have approved those
15:49 32 signs, yes.
15:49 33
- 15:49 34 Q. Thank you. More recently, has any external person or
15:49 35 regulatory body provided feedback or raised concerns about
15:49 36 Crown's list of 13 observable signs?
15:50 37
- 15:50 38 A. Not to --- sorry, I beg your pardon. So there were --- in late
15:50 39 2019 and early 2020, the VCGLR and the VRGF in concert with
15:50 40 Crown Melbourne reviewed the Responsible Service of Gaming
15:50 41 training as under section 58 of the Casino Control Act, and as
15:50 42 part of that the signs were reviewed and there were discussions
15:50 43 on how those signs were to be promoted and categorised into
15:50 44 signs that were consistent with the 2014 study and there were
15:50 45 some discussions around that, I suppose backwards and
15:50 46 forwards. So the VCGLR and VRGF also reviewed the signs
15:51 47 as they are now in the Responsible Service of Gaming training.

15:51 1
15:51 2 Q. I want to show you a document, Ms Bauer. I hope it is on
15:51 3 the system. It is CRW.709.034.9074. If we go to the bottom of
15:51 4 that page first, we will see an email from Mr May to you and
15:51 5 others at Crown and the VCGLR. Can you make that out on the
15:51 6 screen?
15:51 7
15:51 8 A. I can, thank you.
15:51 9
15:51 10 Q. The email addresses for confidentiality reasons are redacted
15:52 11 but I take it you can recognise from those names that they are
15:52 12 a group of VCGLR and Crown recipients?
15:52 13
15:52 14 A. That's right, yes.
15:52 15
15:52 16 Q. This is February last year, we will have a look at what Mr
15:52 17 May says:
15:52 18
15:52 19 *Dear Sonja.*
15:52 20
15:52 21 *.....*
15:52 22
15:52 23 *As you would know, VCGLR consulted and sought*
15:52 24 *feedback from the Department of Justice and Community*
15:52 25 *Safety (DJCS)*
26
27 Is that a State Government department, to your understanding?
28
29 A. To my understanding, yes.
30
31 Q. Then:
32
15:52 33 *..... in record to the RSG training being developed by*
15:52 34 *Crown*
15:52 35
15:52 36 If we go over the page to page 9076, in the second paragraph at
15:52 37 the top of that page, Mr May expresses an intention that Crown's
15:52 38 changes and reasons, or any reasons not to change its list of
15:52 39 observable signs, along with feedback from the State Government
15:53 40 department, DJCS, and the Victorian Responsible Gambling
15:53 41 Foundation, VRGF, would be collectively considered by
15:53 42 Commissioners when they made their decision at the next
15:53 43 meeting.
15:53 44
15:53 45 Pausing there, 'the Commissioners', as you understood, was
15:53 46 a reference to the VCGLR Commissioners; correct?
15:53 47

- 15:53 1 A. Yes, that's right.
15:53 2
- 15:53 3 Q. So as you understood it in February last year, following
15:53 4 feedback from the State Government department and the Victorian
15:53 5 Responsible Gambling Foundation, as conveyed to you by the
15:53 6 VCGLR, the VCGLR Commissioners were going to be
15:53 7 considering, amongst other things, Crown's list of observable
15:53 8 signs and deciding whether or not to approve the training on that
15:53 9 basis in light of the feedback?
15:53 10
- 15:53 11 A. That was my understanding, yes.
15:53 12
- 15:53 13 Q. If we skip down two paragraphs, the paragraph that
15:53 14 commences "DJCS stated", there was a particular concern
15:54 15 expressed about three signs not having been included in Crown's
15:54 16 training and in Crown's list of 13.
15:54 17
- 15:54 18 A. Yes.
15:54 19
- 15:54 20 Q. It was noted that:
15:54 21
15:54 22 *..... the VRGF had raised similar concerns and requested*
15:54 23 *that the observable signs be reviewed and updated.*
15:54 24
- 15:54 25 I take it from an earlier answer, correct me if I'm wrong, you had
15:54 26 also discussions directly with the VRGF and others referred to in
15:54 27 this email in the course of which this feedback was provided or
15:54 28 concerns were raised?
15:54 29
- 15:54 30 A. (Nods head). So there was --- some of my team members
15:54 31 had those discussions and I'm certainly advised thereof, and I
15:54 32 know I've had some discussions throughout that process with
15:54 33 a variety of people mentioned in that email.
15:54 34
- 15:54 35 Q. Okay. And did you give careful consideration to that
15:54 36 feedback or those concerns?
15:55 37
- 15:55 38 A. Absolutely, yes.
15:55 39
- 15:55 40 Q. If we look at your response in this email chain, which if we
15:55 41 go back to the first page, 9074, commences at the top with
15:55 42 an email from you dated 2 March 2020 to Mr May and other
15:55 43 recipients at the VCGLR and Crown, you've said in the third
15:55 44 paragraph that Crown had reviewed the feedback from DJCS,
15:55 45 VRGF and VCGLR regarding the omission of the three specific
15:55 46 observable signs.
15:55 47

15:55 1 Do you agree that they are three of the broader set of 32 signs
15:55 2 referred to in the Thomas and Delfabrro study that Crown has not
15:55 3 sought in terms to include in its shorter list of 13?

15:55 4
15:55 5 A. That's correct, yes.

15:55 6
15:56 7 Q. You've noted then, that very study, so I take it you carefully
15:56 8 considered that study at the time you provided this response?

15:56 9
15:56 10 A. Yes, that's right.

15:56 11
15:56 12 Q. Then passing over that paragraph, you said:

15:56 13
15:56 14 *Crown's RG training as submitted, has been tailored to*
15:56 15 *reflect the Casino environment*

15:56 16
15:56 17 Then you noted a couple of passages in the study which seem to
15:56 18 acknowledge that tailoring for a busy environment and a casino
15:56 19 environment may be appropriate. Could you just explain to the
15:56 20 Commissioner your understanding of the need to tailor the longer
15:56 21 list for Crown's purposes or the purposes of a busy casino
15:56 22 environment?

15:56 23
15:56 24 A. Certainly, thank you, Mr Borsky. So, Mr Commissioner,
15:56 25 Crown has, in its consideration of the signs, concluded that not
15:56 26 only as per the legislation, that we are only required to train the
15:57 27 gaming machine staff, but we indeed train many more staff,
15:57 28 including table games, food and beverage, security and
15:57 29 surveillance. So having a more extensive staff refer to a list that
15:57 30 is more concise, so that they can more easily attend to some of
15:57 31 those observable signs, seemed like a good approach in the
15:57 32 busyness of a larger environment than a venue environment
15:57 33 which some of this research is based on.

15:57 34
15:57 35 Q. Then in the next paragraph you mentioned additionally that
15:57 36 Crown deployed a number of enhanced Responsible Gaming
15:57 37 measures, and you set that out on that page and over the page, and
15:57 38 perhaps we could have the full bullet point list of half a dozen
15:57 39 points together, not sure if it's technically feasible.

15:57 40
15:57 41 So you set out these features or measures of the Crown
15:58 42 environment. Are those measures, to your knowledge, available
15:58 43 or offered at the pub or club venues in Victoria?

15:58 44
15:58 45 A. I'm just going through the dot points, Mr Borsky, and to my
15:58 46 knowledge, potentially, as has been provided in evidence, a venue
15:58 47 is required to have a Responsible Gaming officer, but aside from

15:58 1 that I'm not sure whether venues employ facial recognition
15:58 2 technology or a surveillance department, a full complement of
15:59 3 Responsible Gaming officers, et cetera, so they are not available
15:59 4 in a venue, including any predictive modelling that we were
15:59 5 trialling or implementing at the time.

15:59 6

15:59 7 Q. After this email which you sent on 2 March 2020, did the
15:59 8 VCGLR consider and approve Crown's list of observable signs?

15:59 9

15:59 10 A. I recall receiving, and I can't be certain there was no
15:59 11 communication between that, but I believe it was early April the
15:59 12 approval provided by the Commission, so the VCGLR, of
15:59 13 Crown's Responsible Service of Gaming training, which included
15:59 14 the 13 signs as we have mentioned.

15:59 15

15:59 16 Q. Okay. If the Commission pleases, I will go to that
15:59 17 momentarily, but first I will tender this email exchange if the
16:00 18 Commission pleases.

16:00 19

16:00 20 COMMISSIONER: I will describe them as emails between
16:00 21 Sonja Bauer and Scott May, ending in an email 2 March 2020
16:00 22 regarding RSG training. That will be Exhibit 129.

16:00 23

24

25 **EXHIBIT #RC0129 - EMAILS BETWEEN MS SONJA**
26 **BAUER AND MR SCOTT MAY REGARDING RSG**
27 **TRAINING ENDING IN AN EMAIL DATED 2 MARCH**
28 **2020**

29

30

16:00 31 MR BORSKY: Could I then ask, please, that this document be
16:00 32 called up CRW.512.096.0002. Thank you. That is a letter from
16:00 33 the VCGLR to you dated 9 April 2020, signed by Mr Kennedy,
16:00 34 the Chair of the VCGLR. Before we get into the detail of it,
16:01 35 would the Commissioner like to have that tender now?

16:01 36

16:01 37 COMMISSIONER: Okay. That will be Exhibit 130, letter from
16:01 38 VCGLR to Sonja Bauer, 9 April 2020.

16:01 39

40

41 **EXHIBIT #RC0130 - LETTER FROM VCGLR TO MS**
42 **SONJA BAUER DATED 9 APRIL 2020**

43

44

16:01 45 MR BORSKY: Mr Kennedy said that he was pleased to advise,
16:01 46 and we will need to scroll down so Ms Bauer and the
16:01 47 Commissioner can follow, pleased to advise that on 26 March

- 16:01 1 2020 the VCGLR had approved Crown's RSG training courses
16:01 2 for Crown's special employees.
16:01 3
- 16:01 4 Now that, as you understand it, was an approval following the
16:01 5 email exchange to which I just took you, and considering it, the
16:01 6 concerns that have been raised by VRGF and State Governments
16:01 7 and others and Crown's response; correct?
16:01 8
- 16:02 9 A. That's right, Mr Borsky. And I think it was accompanied
16:02 10 by the instrument approving the training.
16:02 11
- 16:02 12 Q. It was. I don't think this document has the instrument
16:02 13 attached but we can call that up shortly. But just staying with this
16:02 14 document first, the Commission acknowledged in the second
16:02 15 paragraph, didn't it, that it was, in Mr Kennedy's words:
16:02 16
- 16:02 17 *..... apparent that there are some key differences in the*
16:02 18 *casino operational and policy context when compared to*
16:02 19 *other venues that operate EGMs.*
16:02 20
- 16:02 21 A. Yes.
16:02 22
- 16:02 23 Q. You see that?
16:02 24
- 16:02 25 A. I do.
16:02 26
- 16:02 27 Q. And that that made some of the longer list of observable
16:02 28 signs referred to in the Thomas and Delfabrro study less relevant
16:02 29 for Crown, do you agree?
16:02 30
- 16:02 31 A. Yes.
16:02 32
- 16:02 33 Q. So the Commission, that is the VCGLR, also decided that it
16:03 34 would suggest to the VRGF, the Victorian Responsible Gambling
16:03 35 Foundation, that further research should be undertaken on
16:03 36 observable signs, specific to the casino context; you see that?
16:03 37
- 16:03 38 A. I do, yes.
16:03 39
- 16:03 40 Q. Do you know whether the VRGF did do that, did they
16:03 41 undertake further research on the observable signs specific to the
16:03 42 casino context since this 9 April 2020 letter?
16:03 43
- 16:03 44 A. I don't know, Mr Borsky.
45
- 46 Q. You don't know?
47

1 A. I don't know.
2
16:03 3 Q. All right. You've mentioned an instrument which was said
16:03 4 to be attached to this letter. We might need to come back to that,
16:04 5 I'm sorry. I'll see if someone can assist me with that document,
16:04 6 Commissioner, I don't have it immediately. CRW.512.096.0020,
16:04 7 with thanks to my learned junior.
16:04 8
16:04 9 Take your time to identify it, Ms Bauer, but is this the instrument
16:04 10 to which you referred in answer to one of my questions a few
16:04 11 moments ago which, as you recall, was attached to Mr Kennedy's
16:04 12 letter?
16:04 13
16:04 14 A. It looks to be so, yes.
16:04 15
16:04 16 MR BORSKY: Okay, I tender that if the Commission pleases.
16:04 17
16:04 18 COMMISSIONER: Does it have a date on it? I can't see.
16:04 19 Maybe at the bottom?
16:04 20
16:04 21 MR BORSKY: It will be over the page.
16:04 22
16:04 23 COMMISSIONER: Okay. I will describe it as a statutory
16:05 24 instrument dated 8 April 2020 made by the VCGLR. That will be
16:05 25 Exhibit 131.
16:05 26
27
28 **EXHIBIT #RC0131 - STATUTORY INSTRUMENT DATED**
29 **8 APRIL 2020 MADE BY THE VCGLR**
30
31
16:05 32 MR BORSKY: Thank you.
16:05 33
16:05 34 Ms Bauer, the advisory panel chaired by Professor Blaszczyński
16:05 35 also reviewed Crown's list of observable signs; didn't they?
16:05 36
16:05 37 A. My understanding is they reviewed all of our brochures
16:05 38 which from memory would be inclusive of the Responsible
16:05 39 Gambling Code of Conduct, however I don't recall specific
16:05 40 reference to that, no.
16:05 41
16:05 42 Q. Okay. Let me take you back to the report, the August 2020
16:06 43 report. CRW.526.007.7005. You may have mentioned in your
16:06 44 evidence already, and forgive me if I'm asking you to repeat
16:06 45 yourself, but one of the panel members is Professor Delfabro;
16:06 46 correct?
16:06 47

- 16:06 1 A. Yes, that's correct.
16:06 2
16:06 3 Q. Hence to say one of the co-authors of the Thomas and
16:06 4 Delfabrro 2014 study about which you've given some evidence is
16:06 5 a member of your advisory panel?
16:06 6
16:06 7 A. That's right, yes.
16:06 8
16:06 9 Q. The panel, if we go to page 7006, please, the panel
16:06 10 conducted a review of Crown's responsible gaming practices,
16:06 11 policies and procedures?
16:07 12
16:07 13 A. That's right, yes.
16:07 14
16:07 15 Q. That included an identification of existing strengths but also
16:07 16 gaps or weaknesses that required attention from Crown?
16:07 17
16:07 18 A. That's right.
16:07 19
16:07 20 Q. The panel, if we go, please, to --- can you make out the list
16:07 21 under the words "in addition the panel sought to" or do you need
16:07 22 that enlarged?
16:07 23
16:07 24 A. I can see points 1 to 4 and a portion of 4.
16:07 25
16:07 26 Q. The panel proposed next steps based on best practices,
16:07 27 didn't they?
16:07 28
16:07 29 A. Yes.
16:07 30
16:07 31 Q. And suggested key areas where Crown could be a proactive
16:07 32 leader in Responsible Gambling services extending beyond
16:07 33 compliance with the regulations?
16:07 34
16:07 35 A. Yes.
16:07 36
16:07 37 Q. So that is what you asked the panel to advise you on; am I
16:08 38 right?
16:08 39
16:08 40 A. As part of a review of the framework, yes.
16:08 41
16:08 42 Q. If we go then to 7010, please, operator, and zoom in on the
16:08 43 paragraph commencing "In its deliberations summarised", or
16:08 44 make it legible, at least, the panel found significant strengths in
16:08 45 Crown's framework and initiatives taken?
16:08 46
16:08 47 A. Yes.

- 16:08 1
16:08 2 Q. And they set those out. I won't labour over the detail, the
16:08 3 Commissioner is capable of reading it for himself, with respect. I
16:08 4 won't labour over that detail. We will pass over that page, but
16:08 5 those strengths go over on to 7011, to which I ask the operator to
16:08 6 turn, and then the panel also found a number of areas needing
16:09 7 improvement or gaps or weaknesses in the current framework;
16:09 8 correct?
16:09 9
16:09 10 A. That's right, yes.
16:09 11
16:09 12 Q. You've been asked some questions about at least one of
16:09 13 those gaps or areas for improvement already. What I want to do
16:09 14 now is draw your attention, and I don't think your attention has
16:09 15 yet been drawn to this, to the specific recommendations that the
16:09 16 advisory panel made, and they made 17 of them; do you recall
16:09 17 that?
16:09 18
16:09 19 A. Yes, I do.
16:09 20
16:09 21 Q. So the list of them in this summary section commences at
16:09 22 the foot of page 7012. If we could zoom out and show Ms Bauer
16:10 23 the next two pages as well, just to remind Ms Bauer that there
16:10 24 were 17 recommendations --- are you reasonably familiar with
16:10 25 these recommendations, Ms Bauer, or do you need time to read
16:10 26 them?
16:10 27
16:10 28 A. No, I'm reasonably familiar.
16:10 29
16:10 30 Q. Back to Recommendation 1, I want to ask a question about
16:10 31 it. Is that visible for you?
16:10 32
16:10 33 A. Yes, it is.
16:10 34
16:10 35 Q. This recommendation was that:
16:10 36
16:10 37 *Crown should develop an online system for initiating the*
16:10 38 *self-exclusion and/or third party exclusion processes and*
16:10 39 *providing ongoing monitoring for patrons.*
16:10 40
16:10 41 A. Yes.
16:10 42
16:10 43 Q. Did you accept that recommendation?
16:10 44
16:10 45 A. Yes, we did.
16:10 46
16:10 47 Q. What, if anything, have you done so far, since receiving the

16:10 1 August 2020 report, to implement that recommendation?

16:10 2

16:10 3 A. So that recommendation was implemented by --- early this
16:10 4 year, I believe February.

16:10 5

16:10 6 Q. What did you do to implement it?

16:11 7

16:11 8 A. So an online system for self-exclusion was initiated, and the
16:11 9 third party exclusion process is also available for application
16:11 10 online, and Crown has also, in terms of providing ongoing
16:11 11 monitoring for patrons, so Crown has also introduced, or Crown
16:11 12 Melbourne has introduced a more comprehensive monitoring of
16:11 13 customers, so beyond the monitoring that we initially had for
16:11 14 three months, that now extends further into six and further
16:11 15 timezones.

16:11 16

16:11 17 Q. Thank you. Could we turn to the next page, please, to
16:11 18 Recommendation 2. This recommendation was:

16:11 19

16:11 20 *The provision of external support and treatment services*
16:12 21 *should be extended to all applicants for self-exclusion as*
16:12 22 *a matter of course.*

16:12 23

16:12 24 Have you implemented that recommendation?

16:12 25

16:12 26 A. So Crown has always provided the --- what sometimes is
16:12 27 called a warm referral or just the telephone number of an external
16:12 28 provider of treatment services. Crown read Recommendation 2
16:12 29 and 4 together, and if I may skip to that, Mr Borsky, so
16:12 30 establishing a contractual relationship. So Crown has been in
16:12 31 discussions with the VRGF and with one of the Gambler's Help
16:12 32 services so that in relation to having, I suppose, a place where
16:12 33 there is a heightened level of awareness of Crown's programs and
16:12 34 how casino patrons may or may not be different to other patrons,
16:12 35 and in thinking about the revocation process of a self-exclusion
16:13 36 program and those sorts of elements. So establishing a --- one
16:13 37 area which we can have a closer contact with to enable the
16:13 38 customer to have the best possible service with the best possible
16:13 39 trained staff in terms of Crown's operation in Responsible Service
16:13 40 of Gambling, so we take 2 and 4 together.

16:13 41

16:13 42 Q. Okay. What about recommendation 3:

16:13 43

16:13 44 *Crown should institute post revocation monitoring to*
16:13 45 *identify possible risk indicators and intervene to*
16:13 46 *prevent relapse.*

16:13 47

16:13 1 A. That has been implemented.

16:13 2

16:13 3 Q. Recommendation 7:

16:13 4

16:13 5 *Crown should undertake a statistical, longitudinal*
16:13 6 *evaluation of facial recognition software detection of*
16:13 7 *breaches*

16:13 8

16:13 9 What have you done to implement that since the August 2020
16:14 10 report was received?

16:14 11

16:14 12 A. So we have an initial report put together by one of the panel
16:14 13 members and now we are building on that report in order to
16:14 14 obtain further information how we can best assist our customers
16:14 15 and utilise the facial recognition technology. So it is still in its
16:14 16 nascency but we have good statistics so far.

16:14 17

16:14 18 Q. I should go back and ask you about Recommendation 6. I
16:14 19 didn't mean to pass over it.

16:14 20

16:14 21 A. Sure.

16:14 22

16:14 23 Q. The recommendation that:

16:14 24

16:14 25 *Players should be allowed to reapply for VIP room access*
16:14 26 *and/or marketing only six-month post-reinstatement, and*
16:14 27 *only if the counsellor evaluation deems those options*
16:14 28 *should be available*

16:14 29

16:14 30 Have you implemented this recommendation as well?

16:14 31

16:14 32 A. We've implemented that in part. So certainly VIP access is
16:15 33 prevented in that period, and there were discussions with the
16:15 34 Chair of the Responsible Gaming Advisory Panel that it would
16:15 35 potentially not be possible to have a counsellor evaluate or
16:15 36 recommend on any kind of risk assessments access to the VIP
16:15 37 rooms. So it was considered that because we had won
16:15 38 a prohibition on accessing a VIP area in conjunction with the
16:15 39 post-self-exclusion revocation monitoring, that that would
16:15 40 provide a quite good scaffolding for a customer going forward.
16:15 41 And noting that Crown Melbourne, and I would need to recall
16:15 42 figures prior to the COVID-19, but we were talking about 50 to
16:16 43 80 persons that might be returning from a self-exclusion
16:16 44 revocation program.

16:16 45

16:16 46 Q. I didn't mean to, but I think I also passed over

16:16 47 Recommendation 5. Without reading it out, in the interests of

16:16 1 time, could you tell the Commissioner if you've implemented
16:16 2 Recommendation 5 in whole or in part?
16:16 3
16:16 4 A. No, not at this stage, and I think that is certainly being
16:16 5 contemplated and entrained to as much as it can be, but again
16:16 6 unfortunately there are some stop/start points in relation to the
16:16 7 previous time period, so that is a little more difficult.
16:16 8
16:16 9 Q. Recommendation 8 ---
16:16 10
16:16 11 COMMISSIONER: Before you get into that, I have a short
16:16 12 question about Recommendation 6.
16:16 13
16:16 14 As at the time when this report was prepared, what was the
16:16 15 post-reinstatement period?
16:17 16
16:17 17 A. So the reinstatement period was three months.
16:17 18
16:17 19 COMMISSIONER: Thanks.
16:17 20
16:17 21 A. The potential reinstatement period.
16:17 22
16:17 23 COMMISSIONER: Thanks.
16:17 24
16:17 25 MR BORSKY: By "potential reinstatement period", do you mean
16:17 26 the minimum period post-revocation that a player had to wait
16:17 27 before potentially getting access to the VIP room?
16:17 28
16:17 29 A. Having membership to the VIP.
16:17 30
16:17 31 Q. Yes, not that it would automatically be re-granted after that
16:17 32 period?
16:17 33
16:17 34 A. No, it would not.
16:17 35
16:17 36 MR BORSKY: I am conscious of the time. I'm in your hands,
16:17 37 Commissioner, if you would find it useful for Ms Bauer to
16:17 38 comment on each of the recommendations, we can do it.
16:17 39
16:17 40 COMMISSIONER: That's up to you.
16:17 41
16:17 42 But Ms Bauer, are you still up to spending a bit more time.
16:17 43
16:17 44 A. Certainly if everyone pleases, yes.
16:17 45
16:17 46 COMMISSIONER: The choice is for you between spending a bit
16:18 47 more time now or coming back tomorrow.

16:18 1
16:18 2 A. I'm very keen to spend more time now if that is okay with
16:18 3 everyone.
16:18 4
16:18 5 COMMISSIONER: I thought you might choose that.
16:18 6 Mr Borsky?
16:18 7
16:18 8 MR BORSKY: Recommendation --- no, let me approach it this
16:18 9 way, if I may. It is not the final topic I want to address with you.
16:18 10 Are you able to tell the Commissioner whether first you've given
16:18 11 careful consideration to each of these 17 recommendations?
16:18 12
16:18 13 A. Yes, absolutely. And we've established a working group
16:18 14 that is working on all of those recommendations, and that
16:18 15 working group is the general managers of Responsible Gaming in
16:18 16 each of our Australian resorts, as well as two of our Responsible
16:18 17 Gaming psychologists. So they are in effect conducting that
16:18 18 work, and we have regular catch-ups as to the preparation of that
16:19 19 work, and that is also communicated to the Crown Resorts
16:19 20 Responsible Gaming board committee as well. So there is great
16:19 21 oversight of this work.
16:19 22
16:19 23 Q. Okay. And implementation of a number of these
16:19 24 recommendations is complete?
16:19 25
16:19 26 A. Yes, it is. And some are longer. So I note here that some
16:19 27 of the language is longitudinal and those sorts of things which by
16:19 28 their very nature are a bit longer. So, yes.
16:19 29
16:19 30 Q. Are there any recommendations which, for whatever
16:19 31 reason, Crown has decided not to accept and work towards
16:19 32 implementing?
16:19 33
16:19 34 A. So Crown has accepted all of them and the one that, aside
16:19 35 from what we've already dealt with, is one that requires, I
16:19 36 suppose, a change in legislation is a bit more of a delving into the
16:20 37 pre-commitment system. And I don't recall the exact
16:20 38 recommendation number, but that is something that we have ---
16:20 39 are still sorting out, if you will, as to how we might complete that
16:20 40 recommendation. We are in contact with the panel. But, for
16:20 41 example, the information that is required, and I note Mr Gray's
16:20 42 queries earlier about obtaining data for research, and I suppose
16:20 43 a question is whether Crown would be afforded access to data for
16:20 44 research as opposed to an academic or the Foundation, for
16:20 45 example. So that is something we are still working out.
16:20 46
16:21 47 Q. Otherwise, and subject to that exception and subject to the

16:21 1 exceptions which you've already addressed in answer to some of
16:21 2 my questions referable to 1 to 8, is your evidence that Crown is,
16:21 3 by the working group you've referred to, working to implement
16:21 4 each of these recommendations?

16:21 5
16:21 6 A. Yes, that's correct.

16:21 7
16:21 8 Q. And save for the longitudinal study is a long-term study,
16:21 9 which of its nature is a long-term undertaking, by when would
16:21 10 you expect implementation for all of the recommendations to be
16:21 11 complete?

16:21 12
16:21 13 A. So, some of them having, to your point, Mr Borsky, have
16:21 14 been implemented already. For example, the training
16:21 15 recommendation has been slated to become part of a training
16:21 16 review. So, in general terms, we would expect to complete most
16:21 17 of the recommendations this calendar year. With the exception of
16:22 18 longitudinal and those training reviews.

16:22 19
16:22 20 MR BORSKY: Thank you. I was going to move off that report
16:22 21 to another topic unless, Commissioner, you had any more
16:22 22 questions on it.

16:22 23
16:22 24 COMMISSIONER: Just a couple, not a lot.

16:22 25
16:22 26 Ms Bauer, I'm interested to know whether this expert panel
16:22 27 conducted an audit, that is did they visit the casino and see how
16:22 28 things worked at the casino floor level, and did they conduct
16:22 29 interviews with casino staff to see what they understood and what
16:22 30 they did, and how they looked at their respective roles and so on?

16:22 31
16:22 32 A. Sure, Mr Commissioner. So the panel did visit Crown
16:22 33 Melbourne and conducted interviews from my recollection,
16:22 34 certainly with the Responsible Gaming psychologists and the
16:22 35 Responsible Gaming staff members, some of those. I don't --- I
16:23 36 can't be sure about interviewing other casino staff, but certainly
16:23 37 they spent a couple of days at Crown reviewing the location of
16:23 38 the centre, and interviewing and having meetings, et cetera,
16:23 39 reviewing policies and procedures and all those sorts of things,
16:23 40 yes.

16:23 41
16:23 42 COMMISSIONER: Okay, and do you know whether they took,
16:23 43 or most likely, being academics, likely took notes of their
16:23 44 interviews and so on?

16:23 45
16:23 46 A. I couldn't answer that, Mr Commissioner. I'm sorry, I don't
16:23 47 know.

16:23 1
16:23 2 COMMISSIONER: No, but I will find out. Thank you. That's
16:23 3 all I wanted to know about that.
16:23 4
16:23 5 MR BORSKY: Moving then to a different topic, Ms Bauer,
16:23 6 reference was made in evidence on Tuesday to evidence that
16:23 7 gaming staff may occasionally intervene if someone misbehaves,
16:23 8 but the suggestion was made that they rarely otherwise observe or
16:23 9 interact with patrons for Responsible Gaming purposes; do you
16:24 10 recall that suggestion arising on Tuesday?
16:24 11
16:24 12 A. I recall something of that nature, yes, Mr Borsky.
16:24 13
16:24 14 Q. Now, you've already given some further evidence today
16:24 15 about the register which Crown maintains to record Responsible
16:24 16 Gaming interactions with customers. Can I just take you back to
16:24 17 it briefly, if you have your statement there. If we look at
16:24 18 paragraph 40 first.
16:24 19
16:24 20 A. Sorry, 40?
16:24 21
16:24 22 Q. Four-zero.
16:24 23
16:24 24 A. Yes.
16:24 25
16:24 26 Q. On page 9.
16:24 27
16:24 28 A. Yes, I have it.
16:24 29
16:24 30 Q. It is the first paragraph you've written in response to
16:24 31 Question 11.
16:24 32
16:24 33 A. Yes.
16:24 34
16:24 35 Q. And that is where you explain the register, being the
16:24 36 electronic database used by your Responsible Gaming personnel
16:24 37 to log activities pertaining to the Responsible Gaming at Crown.
16:24 38
16:25 39 Now, this question was about how many people have been
16:25 40 identified as having a gambling problem. You recall my
16:25 41 exchange with the Commissioner and Mr Finanzio earlier today.
16:25 42 I'm not sure I gave you an opportunity to confirm whether I was
16:25 43 correct or not, but I should do so expressly so you can give the
16:25 44 evidence. Is it correct that in answering this Question 11, you
16:25 45 looked for a subset of interactions in the register which you
16:25 46 considered identified patrons with a "gambling problem" from
16:25 47 Question 11?

16:25 1
16:25 2 A. Yes, I did.
16:25 3
16:25 4 Q. This register is audited by the VCGLR; isn't it?
16:25 5
16:25 6 A. Yes, it is.
16:25 7
16:25 8 Q. Both on a routine basis and also spot check audits,
16:26 9 unannounced audits?
16:26 10
16:26 11 A. That's my understanding. I'm not always aware of exact
16:26 12 times when those occur, but certainly I'm aware that that is at
16:26 13 least monthly.
16:26 14
16:26 15 Q. Okay. And you've been taken over just the last few days to
16:26 16 some extracts from the register, or rather some reports that have
16:26 17 been produced from the electronic database register. You
16:26 18 remember Mr Finanzio asking you some questions about extracts
16:26 19 from 2019 and 2021 back on Tuesday, I think?
16:26 20
16:26 21 A. Yes. Yes.
16:26 22
16:26 23 Q. There is also produced from the register, is there not,
16:26 24 a daily operation report?
16:26 25
16:26 26 A. That's right.
16:26 27
16:26 28 Q. Is that a report which shows all the interactions as logged in
16:26 29 the register on a given day?
16:26 30
16:26 31 A. That's right.
16:26 32
16:27 33 Q. Let's look at a couple of examples I think is probably the
16:27 34 best. Can we go to CRW.510.060.7862, please. For your benefit,
16:27 35 Ms Bauer, and Commissioner, this is one of the sample dates
16:27 36 which Counsel Assisting or Solicitors Assisting selected at
16:27 37 random and requested that Crown produce from its register. So
16:27 38 this is not a date that Crown has picked outside that universe.
16:27 39 The Counsel Assisting or Solicitors Assisting the Commission
16:28 40 have selected a number of dates, because the register itself is so
16:28 41 enormous, they picked some sample dates and reports were
16:28 42 produced from those sample dates, and this is one. This is 27
16:28 43 January 2021. We need to scroll up, please.
16:28 44
16:28 45 A. I see it.
16:28 46
16:28 47 Q. On this particular day there were 110 contacts or

16:28 1 interactions.
16:28 2
16:28 3 A. That's right.
16:28 4
16:28 5 Q. Is that an unusually high or low number of interactions on
16:28 6 a given day in your experience?
16:28 7
16:28 8 A. No, that seems an average interaction, yes.
16:28 9
16:28 10 Q. If we will just look at a couple of these entries because they
16:28 11 are relevant to some of the issues about which you were
16:28 12 examined about this week, could we go first to page 7864, please.
16:29 13 Hopefully this is de-identified and will be intelligible. I will ask
16:29 14 you about the 8.39 am entry. Can the operator zoom in on that,
16:29 15 please.
16:29 16
16:29 17 This has been de-identified so as to conceal the patron's name and
16:29 18 even initials, but otherwise I'm hoping you can make it out.
16:29 19
16:29 20 COMMISSIONER: Before you go on with that, I've got
16:29 21 Mr Finanzio logged in. Did you want to say something or you
16:29 22 just appeared?
16:29 23
16:29 24 MR FINANZIO: (Nods head).
16:29 25
16:29 26 COMMISSIONER: Sorry to interrupt, Mr Borsky.
16:29 27
16:29 28 MR BORSKY: Not at all.
16:29 29
16:29 30 So this was a Splunk notification; correct?
16:29 31
16:29 32 A. Yes, that's right. I see that.
16:29 33
16:29 34 Q. And does that mean that is the system notifying the RGAs
16:29 35 that a player may have been playing at the casino for an extended
16:29 36 period so should be checked on?
16:29 37
16:30 38 A. That's right. So that is recorded in the narrative component
16:30 39 of the register.
16:30 40
16:30 41 Q. And "PP17" means 17 hours had been reached?
16:30 42
16:30 43 A. So there is alerts at 12, 15 and 17.
16:30 44
16:30 45 Q. Just for clarity, that is not 17 hours of continuous play
16:30 46 necessarily, that could have been parking the car, play for
16:30 47 five minutes, go to the football and come back 17 hours later and

16:30 1 play again; correct?
16:30 2
16:30 3 A. Yes.
16:30 4
16:30 5 Q. It's not possible for the RGA to know whether this was that
16:30 6 kind of case or whether in fact it was 17 hours of continuous play,
16:30 7 just from Splunk; am I right?
16:30 8
16:30 9 A. So from Splunk it will provide information as to length of
16:30 10 play. So there is an excerpt that is provided to the RGA as to
16:30 11 time on side and time played.
16:30 12
16:30 13 Q. I see. And is that recorded in this narrative or these
16:31 14 reports?
16:31 15
16:31 16 A. No, it's not. It's just recorded as a PP17. So that is the
16:31 17 alert, but doesn't record how much time was spent playing versus
16:31 18 not playing.
16:31 19
16:31 20 COMMISSIONER: So that means the PP17 is only the time on
16:31 21 site ---
16:31 22
16:31 23 A. Yes.
16:31 24
16:31 25 COMMISSIONER: --- rather than the time played?
16:31 26
16:31 27 A. That's right. So it doesn't delineate between time on site
16:31 28 and time played, it just means to Mr Borsky's point the card was
16:31 29 put in, it could have been five minutes, could have had activities,
16:31 30 come back and then played, but at that point in time it would
16:31 31 bring up that information.
16:31 32
16:31 33 COMMISSIONER: But the RGA, on the alert that the RGA
16:31 34 received, would have been told the period of time?
16:31 35
16:31 36 A. That ---
16:31 37
16:31 38 COMMISSIONER: Sorry, the period of time played.
16:31 39
16:31 40 A. That's right, yes ---
16:31 41
16:31 42 COMMISSIONER: If the period of time was the five minutes
16:31 43 that Mr Borsky suggested as a possibility, then the RGA would
16:32 44 not have approached the player?
16:32 45
16:32 46 A. And I think it is to the point that was raised by some
16:32 47 previous evidence that those decisions are made based on the

16:32 1 information and observations, yes.

16:32 2

16:32 3 COMMISSIONER: I understand that. I'm trying to work out if
16:32 4 the RGA gets an alert that says "PP17" or "PP24" or whatever it
16:32 5 might say, does that alert go to the RGA because, in addition,
16:32 6 there is a period of time, period of play time, which a program,
16:32 7 computer program suggests is sufficiently long for
16:32 8 an intervention or an observation to take place.

16:32 9

16:32 10 A. So my understanding is that the alert will come for time on
16:32 11 site and will have information as to the time played within that
16:33 12 time on site. So regardless of whether that's five minutes and
16:33 13 then another five minutes to the end, it would bookend it, if you
16:33 14 will. I'm not sure I'm being clear, Mr Commissioner.

16:33 15

16:33 16 COMMISSIONER: Not precisely. I'm trying to work out in
16:33 17 what circumstance will the alert go to the RGA. Will the alert go to
16:33 18 the RGA simply because of the time on site ---

16:33 19

16:33 20 A. Yes.

16:33 21

16:33 22 COMMISSIONER: --- or a combination of time on site and time
16:33 23 of continuous play?

16:33 24

16:33 25 A. My understanding is time on site, yes, regardless of time of
16:33 26 play. Yes.

16:33 27

16:33 28 COMMISSIONER: So when the employee gets the PP17 alert,
16:34 29 at the same time the officer also gets time played? So it gets two
16:34 30 pieces of information?

16:34 31

16:34 32 A. That's right, yes.

16:34 33

16:34 34 COMMISSIONER: And they are instructed to act on the second
16:34 35 piece of information, that is, time played, rather than time on the
16:34 36 premises, which might be at a swimming pool, or at a restaurant,
16:34 37 or at a bar, or at a restroom, or any one of the many locations
16:34 38 where there may be no gaming machine whatsoever?

16:34 39

16:34 40 A. Yeah, look, and I suppose with an abundance of caution
16:34 41 and understanding that players may not always use their card for
16:34 42 a variety of reasons, and that is one of the limitations about any of
16:34 43 these sort of matters, is that they would still be alert to the fact
16:34 44 that they had that alert, it may only show a small period, but they
16:34 45 would be observing or asking a gaming person to observe to
16:34 46 ensure that they are okay.

16:35 47

16:35 1 COMMISSIONER: My question is: what triggers the RGA
16:35 2 taking some step, either observing themselves or asking
16:35 3 somebody else to look, if it is not the time played? Or what does
16:35 4 the RGA act on?

16:35 5
16:35 6 A. So they will ---

16:35 7
16:35 8 COMMISSIONER: As part of the job.

16:35 9

16:35 10 A. So they would see time on site and time played and the
16:35 11 conflation of those two. So I'm not sure I can be very clear,
16:35 12 Commissioner.

16:35 13

16:35 14 MR BORSKY: May I have a go, Mr Commissioner.

16:35 15

16:35 16 COMMISSIONER: Sure.

16:35 17

16:35 18 MR BORSKY: Ms Bauer, take this PP17 example. This is
16:35 19 an example of 17 hours, not necessarily on continuous play, but
16:35 20 what you refer to as time on site; correct?

16:35 21

16:35 22 A. That's right, yes.

16:35 23

16:35 24 Q. If you assume in this example that the RGA was also
16:36 25 informed that there had only been 10 minutes of play, even
16:36 26 though 17 hours on site, would you expect the RGA nevertheless
16:36 27 to go and make an observation or not?

16:36 28

16:36 29 A. We would like to see an observation, just in case there had
16:36 30 been no use of the card in that time.

16:36 31

16:36 32 Q. Or uncarded play or some other --- (overspeaking) ---

16:36 33

16:36 34 A. That's right, yes.

16:36 35

16:36 36 MR BORSKY: I think, Commissioner, that may address your
16:36 37 question.

16:36 38

16:36 39 COMMISSIONER: Yes.

16:36 40

16:36 41 MR BORSKY: And if I may, Ms Bauer, you said "time on site"
16:36 42 a number of times, but that is not precise either, is it?

16:36 43

16:36 44 A. (Nods head).

16:36 45

16:36 46 Q. It is time from the first card-in to the latest card-in; is that
16:36 47 correct?

16:36 1
16:36 2 A. Yes, you are right. It is the parlance we use. They could be
16:36 3 anywhere, they may be on site or they may be elsewhere, yes.
16:36 4
16:36 5 Q. Yes, I know that is your parlance, but for the Commission's
16:36 6 benefit and for the purpose of your evidence being clear, tell me
16:37 7 if this is correct, "PP17" does not necessarily mean 17 hours of
16:37 8 continuous play; correct?
16:37 9
16:37 10 A. That's right, yes.
16:37 11
16:37 12 Q. It does not even necessarily mean 17 hours onsite; correct?
16:37 13
16:37 14 A. That's right.
16:37 15
16:37 16 Q. It means at a certain point in time there was carded play,
16:37 17 and 17 hours later, or more, there is more carded play; correct?
16:37 18
16:37 19 A. That's right.
16:37 20
16:37 21 Q. And in that scenario, regardless of how much play there
16:37 22 was in fact in the period, you expect your RGAs to go and make
16:37 23 an observation?
16:37 24
16:37 25 A. That's right.
16:37 26
16:37 27 Q. Okay.
16:37 28
16:37 29 Then if we may --- Commissioner, did you want to take up further
16:37 30 questions on that?
16:37 31
16:37 32 COMMISSIONER: Just give me one second.
16:37 33
16:38 34 The transcript references, and there is evidence given by the
16:38 35 VCGLR that says that alerts are provided based on time played.
16:38 36 It's not the same as what Ms Bauer is saying. I just want to check
16:38 37 exactly what the other evidence is because on my theory at least
16:38 38 both can't be right.
16:38 39
16:38 40 MR BORSKY: Well, that's precisely why I want her evidence to
16:39 41 be clear, at least. Then you will form your own conclusion.
16:39 42
16:39 43 COMMISSIONER: It doesn't conform with the evidence that
16:39 44 I've already heard from the VCGLR. Sorry, the RGA. Oh, this is
16:39 45 from the other sorry, I said the VCGLR, it is from the RGA,
16:39 46 the staff member that gave evidence. You will have the
16:39 47 transcript, I'm sure. So at some stage I will have to get to the

16:39 1 bottom of this because the RGA's evidence is she gets an alert on
16:39 2 time played, and reacts or doesn't react based on the alert on time
16:39 3 played, not time on the premises.
16:39 4

16:39 5 MR BORSKY: Commissioner, with respect, you would have
16:39 6 seen already that there is parlance used within operations that
16:39 7 doesn't necessarily take its ordinary meaning. Ms Bauer has
16:40 8 given evidence that "time on site" doesn't even mean time on site,
16:40 9 it means time between carding in onsite. I don't want to make
16:40 10 submissions about it with this witness present, but I've tried as
16:40 11 best I can to assist this witness clarify her evidence on it.
16:40 12

16:40 13 COMMISSIONER: No, that's okay. All I'm saying is it's not
16:40 14 consistent with other evidence.
16:40 15

16:40 16 MR BORSKY: Well, it's not consistent with the natural reading
16:40 17 of that other evidence, but it is at least as likely that that other
16:40 18 evidence was infected by the same misunderstanding that this
16:40 19 evidence has been up until a few minutes ago.
16:40 20

16:40 21 COMMISSIONER: We'll have a debate about that afterwards.
16:40 22

16:40 23 MR BORSKY: These are referred to as play period alerts,
16:40 24 Ms Bauer, correct?
16:40 25

16:40 26 A. That's right.
16:40 27

16:40 28 Q. So in your team of RGAs, is PP17 for example sometimes
16:40 29 referred to as 17 hours of play?
16:40 30

16:41 31 A. Could be, yes. Yep.
16:41 32

16:41 33 Q. But PP17 --- well, I won't repeat the questions. You've
16:41 34 given your evidence now about what PP17 means, whether it is
16:41 35 continuous play or continuous time on site or something different.
16:41 36 I won't have you rehearse that again given it is so late. Could we
16:41 37 return to this example then, Commissioner, unless --- is that
16:41 38 convenient if we return to this example?
16:41 39

16:41 40 COMMISSIONER: Yes, yes, fine.
16:41 41

16:41 42 MR BORSKY: MGF in this example, Ms Bauer, stands for main
16:41 43 gaming floor; is that right?
16:41 44

16:41 45 A. That's right.
16:41 46

16:41 47 Q. So this was machines on the main gaming floor where this

16:41 1 patron was playing?
16:41 2
16:41 3 A. So main gaming floor machine, yes.
16:41 4
16:41 5 Q. Again, for clarity, that means this patron was playing
16:41 6 carded at a machine on the main gaming floor 17 hours or more
16:41 7 later than he or she had played carded in the 24-hour period?
16:42 8
16:42 9 A. Yes.
16:42 10
16:42 11 Q. So what the RGA has done in this instance is to advise the
16:42 12 player to take a break. Can you see that?
16:42 13
16:42 14 A. I can, yes.
16:42 15
16:42 16 Q. And then the player describes her losses and something
16:42 17 about her state of mind, and then it appears that RGA suggested,
16:42 18 not for the first time, to this patron that the patron seek assistance
16:42 19 from Gambler's Help. Is that how you read "GH", Gambler's
16:42 20 Help?
16:42 21
16:42 22 A. Yes, I do, yes, that's the ordinary contraction, yes.
16:42 23
16:42 24 Q. Having TO or SE, is that having a time-out or a
16:42 25 self-exclusion?
16:42 26
16:42 27 A. That's right.
16:42 28
16:42 29 Q. Do you read this record in that way, that not for the first
16:43 30 time an RGA had recommended to this patron that he or she seek
16:43 31 assistance from Gambler's Help or have a time-out or have
16:43 32 a self-exclusion?
16:43 33
16:43 34 A. Yes, I do.
16:43 35
16:43 36 Q. But the patron didn't want to do any of that?
16:43 37
16:43 38 A. That's right.
16:43 39
16:43 40 Q. So the RGA then warns the patron that the patron would be
16:43 41 issued with a welfare WOL if the patron didn't keep a regular
16:43 42 track of time and take regular breaks.
16:43 43
16:43 44 A. That's right.
16:43 45
16:43 46 Q. What is a welfare WOL?
16:43 47

16:43 1 A. That is a term we use for "withdrawal of licence" and it is
16:43 2 used interchangeably with a responsible gaming WOL or welfare
16:43 3 WOL, where Crown takes the decision to ban the patron. And
16:43 4 usually that is after, you know, if you see the second paragraph,
16:43 5 there has been a number of interactions that have recommended
16:43 6 the services, and if we see that the customer is having some
16:44 7 difficulties in controlling their gambling behaviours, we may feel
16:44 8 we should intervene in ensuring that we keep track of that harm
16:44 9 minimisation for that person.

16:44 10

16:44 11 Q. Unlike a self-exclusion which is obviously voluntary for the
16:44 12 patron, welfare WOL is the involuntary version if they refuse to
16:44 13 exclude themselves?

16:44 14

16:44 15 A. That's right. It's always preferable to have a self-exclusion
16:44 16 being voluntary so the person is more in tune with their state of
16:44 17 mind and more likely to get assistance and treatment and those
16:44 18 sorts of things. So we would prefer for the customer to come to
16:44 19 that conclusion as opposed to us imposing anything.

16:44 20

16:44 21 Q. Okay. Then this patron has said that that wouldn't help
16:45 22 either because she'd just go to the local pokies. Well, a couple of
16:45 23 questions. First of all, in your view, according to this record,
16:45 24 assuming it is accurate, has the RGA dealt with this interaction
16:45 25 appropriately or inappropriately?

16:45 26

16:45 27 A. From what I can see, there was an interaction that was
16:45 28 sufficient in time and authenticity to make the RGA aware of
16:45 29 some of the more specific circumstances that the offer had been
16:45 30 made of services. Clearly the RGA had made some inquiries as
16:45 31 to what other information there might have been in the register
16:45 32 about that customer so as to better provide assistance to the
16:45 33 customer, and then also at a point where it became clear that
16:45 34 things were being refused, and had been offered previously on
16:46 35 a number of occasions, that sometimes a punitive measure may
16:46 36 need to be employed by way of a WOL.

16:46 37

16:46 38 Q. This patron said that that won't help either, that is a welfare
16:46 39 WOL, because they'd go to the local pokies. Is that an issue that
16:46 40 you've come across before, that some patrons when discussing
16:46 41 self-exclusion or welfare WOLs raise the prospect that rather than
16:46 42 gambling at Crown, they will just gamble at a pokie?

16:46 43

16:46 44 A. Over time, my general impression has been, and this is over
16:46 45 reading numerous DORs over the many years, is that for some
16:46 46 customers, they, if you will, keep Crown up their sleeve. So they
16:46 47 may self-exclude from pubs and clubs, or the converse where

16:47 1 a person might self-exclude from the casino and keep pubs and
16:47 2 clubs up their sleeve, if you will. So it's not uncommon. I see it
16:47 3 commonly, but it's not uncommon.
16:47 4
16:47 5 Q. Okay, thanks. Can we look at another sample, please.
16:47 6 Page 7873 in the same document. 3.49 pm. This patron was
16:47 7 observed by "Mah staff", is that short for mahjong?
16:47 8
16:47 9 A. Mahogany.
16:47 10
16:48 11 Q. This is an instance, isn't it, of uncarded play nevertheless
16:48 12 being observed from a Responsible Gaming perspective at
16:48 13 Crown?
16:48 14
16:48 15 A. That's right, yes.
16:48 16
16:48 17 Q. And not in the first instance by an RGA, rather, by gaming
16:48 18 staff or supervisor?
16:48 19
16:48 20 A. That seems to be the case, yes.
16:48 21
16:48 22 Q. Is that unusual, in your experience, in review of the daily
16:48 23 operation reports?
16:48 24
16:48 25 A. Not necessarily. I observed ---
16:48 26
16:48 27 Q. You say "not necessarily"; is it or is it not unusual?
16:48 28
16:48 29 A. It is not unusual to see that.
16:48 30
16:48 31 Q. Okay. Then the record shows that it was confirmed with
16:48 32 SV that the patron was wearing the same clothes as the day prior.
16:48 33 Is SV "security video" or "surveillance video"?
16:48 34
16:48 35 A. Surveillance. The surveillance department, yes.
16:48 36
16:48 37 Q. How would that have worked? Would the RGA be alerted
16:48 38 to that possibility by the Mahogany Room staff and then the RGA
16:48 39 taking it upon themselves to go check the security vision?
16:48 40
16:48 41 A. So the RGA, so if I'm reading this, observed by Mahogany
16:48 42 staff for avoiding using the card and was confirmed with
16:49 43 surveillance they had been wearing the same clothing.
16:49 44
16:49 45 The trajectory is slightly unclear, but either Mahogany staff may
16:49 46 have made the call to surveillance and then informed the RGA, or
16:49 47 the RGA will have made the call. So in either way it was

16:49 1 proactive in relation to, there is a person not using their card, why
16:49 2 are they doing that? Surveillance is engaged, and it is also then
16:49 3 noted that there could be another issue.

16:49 4
16:49 5 Q. Okay. So either is possible, it is possible, as you
16:49 6 understand it, for Mahogany gaming staff to access the video for
16:49 7 this sort of purpose?

16:49 8
16:49 9 A. They would make the telephone call. They wouldn't see the
16:49 10 video. Surveillance would review the video, yes.

16:49 11
16:49 12 Q. I see. And in your experience it happens both ways, does
16:49 13 it, gaming staff making that sort of call to security or surveillance,
16:49 14 and RGA doing it ---

16:49 15
16:49 16 A. It can. Yes, it can.

16:49 17
16:49 18 Q. So then play periods --- RGA approached and RGPP
16:50 19 explained, is that short for "Responsible Gaming play periods
16:50 20 explained"?

16:50 21
16:50 22 A. Yes.

16:50 23
16:50 24 Q. Then the patron claims to have been staying at Crown hotel
16:50 25 but then changed the story to boyfriend's apartment in the city. In
16:50 26 any event the patron was advised to leave for an 8-hour break.

16:50 27
16:50 28 A. (Nods head).

16:50 29
16:50 30 Q. What does this mean, "TGACM" and "DSM"?

16:50 31
16:50 32 A. So I know we are on delay. Is it possible to redact the
16:50 33 names of ---

16:50 34
16:50 35 Q. Yes, I haven't read the names and I'm not sure the DOR is
16:50 36 being broadcast online ---

16:50 37
16:50 38 A. Terrific. Great. I'm mindful of confidentiality of those
16:50 39 persons.

16:50 40
16:50 41 Q. Yes.

16:50 42
16:50 43 A. So ---

16:50 44
16:50 45 Q. But what does "TGACM" mean and "DSM"?

16:51 46
16:51 47 A. So "TG" is "table games", assistant casino manager and

16:51 1 duty service manager were notified. So they would be working in
16:51 2 that particular area, and then it would have been added to a pager
16:51 3 to monitor that customer to ensure they were taking the break as
16:51 4 they were instructed. So the way to monitor that is on the next
16:51 5 entry of the card, for example, which is then where you can see
16:51 6 taken off the pager following the 8-hour period.

16:51 7
16:51 8 Q. But the ACM and DSM were notified as well. So if the
16:51 9 player had returned within the eight-hour period where they were
16:51 10 supposed to have a break but not play carded, what would have
16:51 11 occurred?

16:51 12
16:51 13 A. Well, them being notified and being aware they would have
16:52 14 been asked to leave and would have notified the RGA that they
16:52 15 had attempted a re-entry.

16:52 16
16:52 17 Q. Okay.

16:52 18
16:52 19 COMMISSIONER: Before you leave that, it is not a question, it
16:52 20 looks like the entry immediately below the one we've been
16:52 21 looking at, which is only two minutes apart, is exactly the same, it
16:52 22 is just a reproduction verbatim of what we've just been reading.
16:52 23 Can we take it that that is a glitch in the system?

16:52 24
16:52 25 MR BORSKY: Yes. I noticed the same, although in my
16:52 26 unredacted version, Commissioner, it is showing the photos and
16:52 27 names are different. Another possibility is there were a pair of
16:52 28 patrons.

16:52 29
16:52 30 COMMISSIONER: They were both going to their boyfriend's
16:52 31 place in the city for a couple of hours? I know that history can't
16:52 32 repeat itself so there is something gone seriously wrong with this.
16:53 33 So that one of them is not likely to be a true account of what
16:53 34 happened.

16:53 35
16:53 36 A. I'm sorry, Mr Commissioner, I'm looking at this and I'm not
16:53 37 too sure what's going on there. I'm not seeing the unredacted
16:53 38 version. Quite often, to Mr Borsky's point, if it is a couple, well,
16:53 39 not a couple per se but two people that are being instructed in the
16:53 40 same way, that very much the same entry might be made for
16:53 41 expedience's sake, but I don't know what has happened here.

16:53 42
16:53 43 COMMISSIONER: That doesn't --- if you read the text, that is
16:53 44 inherently unlikely.

16:53 45
16:53 46 A. Mm.

16:53 47

16:53 1 MR BORSKY: Can we move to page 7875, please. And 6.50
16:54 2 pm. Is that legible for you, 6.50 pm?
16:54 3
16:54 4 A. 6.50 pm, yes, it is.
16:54 5
16:54 6 Q. So here a dealer overheard a patron phone call in
16:54 7 Vietnamese, borrowing money to gamble, or so the dealer
16:54 8 thought, right?
16:54 9
16:54 10 A. Yes.
16:54 11
16:54 12 Q. And the dealer advised the supervisor or an RGA?
16:54 13
16:54 14 A. So a dealer had reported it to TG and then the name that
16:54 15 they had overheard the patron. Then it mentions the actual dealer
16:54 16 overheard in Vietnamese that a customer had --- I can see that. It
16:55 17 looks then the entry goes to that the RGA had spoken with the
16:55 18 customer who claimed they were playing with their own money,
16:55 19 et cetera, et cetera.
16:55 20
16:55 21 Q. Stopping you there, if it was true that the customer had
16:55 22 been borrowing money to gamble, that would be an observable
16:55 23 sign; wouldn't it?
16:55 24
16:55 25 A. Yes, it would.
16:55 26
16:55 27 Q. So the RGA here attends and speaks with the patron and the
16:55 28 patron says that she was playing with her own money and had not
16:55 29 borrowed money to gamble?
16:55 30
16:55 31 A. That's right.
16:55 32
16:55 33 Q. That's a difficult situation for an RGA; isn't it? What
16:55 34 would you expect one of your RGA's to do in that situation?
16:55 35
16:55 36 A. I think the RGA, if they hadn't done so already, would have
16:55 37 checked the register to see if there were any other entries in
16:56 38 relation to that particular patron and would note that if they were
16:56 39 concerned following that interaction that there may be a further
16:56 40 observation required and we would make that note and put them
16:56 41 on a pager so the next time the person entered they would be
16:56 42 observed or interacted with as required.
16:56 43
16:56 44 Q. Okay. You might be right because here the record says that
16:56 45 the patron had been a member from the old casino and had no
16:56 46 prior interaction with responsible gaming.
16:56 47

- 16:56 1 A. Yes, I see it.
16:56 2
16:56 3 Q. So that means the patron had been a member for almost 25
16:56 4 years with no prior RGA interaction.
16:56 5
16:56 6 A. Yes.
16:56 7
16:56 8 Q. But the RGA explains the responsible gaming services
16:56 9 and also explains observable signs; right?
16:56 10
16:56 11 A. That's right.
16:56 12
16:56 13 Q. And then the patron was allowed to resume gaming?
16:56 14
16:56 15 A. That's right. And ---
16:56 16
16:57 17 Q. Is that an appropriate or inappropriate manner in which this
16:57 18 RGA has dealt with this interaction in your view?
16:57 19
16:57 20 A. I think based on there was initial information, the RGA
16:57 21 interacted, and I note that this particular RGA speaks Vietnamese
16:57 22 and may have also done so in language, and ascertained as far as
16:57 23 possible. If there had been no other records and things were
16:57 24 refuted, then on balance once the information was provided about
16:57 25 the services then that could be an entirely appropriate situation
16:57 26 and that is up to the RGA to make at the time whether further
16:57 27 action needs to be taken.
16:57 28
16:57 29 Q. When you say that this RGA speaks Vietnamese, are you
16:57 30 able to identify that from the code of the RGA, which I won't
16:57 31 read?
16:57 32
16:57 33 A. Yes, I can identify where it says "RGA" and I identify via
16:57 34 the initials and the identification number of their casino licence.
16:57 35
16:58 36 Q. Thanks.
16:58 37
16:58 38 Final example and final set of questions from me with your
16:58 39 indulgence, Commissioner, and Ms Bauer. Same document,
16:58 40 immediately below, the 7 o'clock reference, see the 7 pm
16:58 41 reference?
16:58 42
16:58 43 A. Yes, I see it.
16:58 44
16:58 45 Q. Here "AM" stands for "area manager" may we take it?
16:58 46
16:58 47 A. That's right, yes.

16:58 1
16:58 2 Q. So an area manager notified an RGA about an uncarded
16:58 3 player, that is a player who had been playing uncarded for seven
16:58 4 or more hours on table games?
16:58 5
16:58 6 A. Yes.
16:58 7
16:58 8 Q. And there were no other observable signs, other than the
16:59 9 length of play, which in itself is an observable sign you would
16:59 10 agree?
16:59 11
16:59 12 A. Yes.
16:59 13
16:59 14 Q. No other observable signs but the area manager was
16:59 15 concerned about the length of play?
16:59 16
16:59 17 A. Yes. That seems to be the case.
16:59 18
16:59 19 Q. Is this an unusual --- I appreciate these are anecdotes and
16:59 20 that is all the Commissioner is able to observe through its
16:59 21 processes, but I want to ask you: is this an unusual example in
16:59 22 your experience?
16:59 23
16:59 24 A. Not in my experience and I do read daily operations reports
16:59 25 very, very frequently. So it's not unusual.
16:59 26
16:59 27 Q. Thanks.
16:59 28
16:59 29 So then the RGA attended to explain play periods and the
16:59 30 responsible gaming services available; correct?
16:59 31
16:59 32 A. That's right.
16:59 33
16:59 34 Q. Now the patron actually declined a membership but did say
16:59 35 she was aware of her limits and time.
16:59 36
17:00 37 A. Yes. I see that.
17:00 38
17:00 39 Q. And then the area manager continued to monitor the player,
17:00 40 but the player was allowed to continue playing uncarded?
17:00 41
17:00 42 A. Yes, that's right.
17:00 43
17:00 44 Q. And just picking up on something the Commissioner was
17:00 45 asking about this morning, it seems that the area manager
17:00 46 continued to monitor the patron and also passed on the
17:00 47 observation to the incoming shift manager so that monitoring

17:00 1 could continue on the patron's play or time period, is that how
17:00 2 you read the record?
17:00 3
17:00 4 A. I do, Mr Borsky, yes.
17:00 5
17:00 6 Q. Again, I want to ask you, was this an appropriate or
17:00 7 inappropriate handling of this observation in your view by the
17:00 8 RGA and the area manager?
17:01 9
17:01 10 A. I think this looks to be appropriate. There was
17:01 11 an interaction in language for that particular customer, which left
17:01 12 no unclarity in terms of any interpretation, the customer said they
17:01 13 were very comfortable with how their play was progressing
17:01 14 et cetera, and that the area manager noted that they will continue
17:01 15 to monitor and pass on to the incoming shift. So, in general
17:01 16 terms, customer seemed okay, there were no other observable
17:01 17 signs, interaction had been made, so I think that speaks for itself
17:01 18 from that perspective.
17:01 19
17:01 20 Q. Wouldn't it be better to require the patron to play carded,
17:01 21 rather than just relying on observations and shift changes and not
17:01 22 having things fall between the cracks?
17:01 23
17:01 24 A. Ideally, yes. However, in this instance, the carded play was
17:02 25 offered and declined. So I'm not sure that we can force
17:02 26 a customer, in this instance, from what I observe, to be carded.
17:02 27
17:02 28 Q. I tender the document, if the Commissioner pleases.
17:02 29
17:02 30 COMMISSIONER: How will I describe that? Will I do it by
17:02 31 reference to the date?
17:02 32
17:02 33 MR BORSKY: Yes.
17:02 34
17:02 35 COMMISSIONER: Or is it a series of days?
17:02 36
17:02 37 MR BORSKY: No, no, it was the date. The Responsible
17:02 38 Gaming daily operations report for 27 January 2021.
17:02 39
17:02 40 COMMISSIONER: All right. That will be Exhibit 132 with that
17:02 41 description.
17:02 42
17:02 43
17:02 44 **EXHIBIT #RC0132 - RESPONSIBLE GAMING DAILY**
17:02 45 **OPERATIONS REPORT DATED 27 JANUARY 2021**
17:02 46
17:02 47

17:02 1 MR BORSKY: I have no further questions in re-examination.

17:02 2

17:02 3 COMMISSIONER: I assume Mr Finanzio has got nothing? Is
17:02 4 he still there?

17:02 5

17:02 6 MR FINANZIO: Yes, I'm still here. I have nothing at this time,
17:03 7 Commissioner. There are ---

17:03 8

17:03 9 COMMISSIONER: What I might do, because Ms Bauer has
17:03 10 given such a lot of evidence over three days, I won't excuse you,
17:03 11 Ms Bauer, but you won't be needed unless you are recalled at
17:03 12 some stage in the future. And if we do that, it will be in the near
17:03 13 future, not in the long future.

17:03 14

17:03 15 A. Certainly. Thank you, Mr Commissioner.

17:03 16

17:03 17

17:03 18 **THE WITNESS STOOD DOWN**

17:03 19

17:03 20

17:03 21 MR FINANZIO: Thank you.

17:03 22

17:03 23 COMMISSIONER: All right. Unless anybody else has anything
17:03 24 that they want to raise, I propose to adjourn until tomorrow.
17:03 25 Nobody is complaining about that, fair enough. All right.

17:03 26

17:03 27 10 o'clock tomorrow morning. Thank you.

17:03 28

29

30 **HEARING ADJOURNED AT 5.03 PM UNTIL FRIDAY, 4**
31 **JUNE 2021 AT 10.00 AM**

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