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TRANSCRIPT OF PROCEEDINGS

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

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

**MELBOURNE, VICTORIA**

**11.34 AM, THURSDAY, 27 MAY 2021**

<b>Counsel Assisting the Commission (instructed by Corrs Chambers Westgarth as Solicitors Assisting the Commission)</b>	<b>MS MEG O’SULLIVAN MR GEOFF KOZMINSKY MS PENNY NESKOVICIN QC</b>
<b>Counsel for Crown Resorts Limited</b>	<b>MR MICHAEL BORSKY QC MS CATHERINE BUTTON QC</b>
<b>Counsel for Victorian Commission for Gambling and Liquor Regulation</b>	<b>MR PETER ROZEN QC MR JUSTIN BRERETON</b>
<b>Counsel for Consolidated Press Holdings</b>	<b>MR OREN BIGOS QC MS KATHERINE BRAZENOR</b>
<b>Counsel for the State of Victoria</b>	<b>MR PETER GRAY QC MR GLYN AYRES</b>
<b>Counsel for Deloitte (Gilbert + Tobin)</b>	<b>MR RICHARD HARRIS</b>























































































1 **[HEARING IN CAMERA]**

2

3

14:07 4 **RESUMED**

**[2:07P.M.]**

14:07 5

14:07 6

14:07 7 COMMISSIONER: Sit down.

14:07 8

14:07 9 MR BORSKY: I'm told our plans are to have one of our junior  
14:07 10 employees give evidence this afternoon. May we invite her now?

14:07 11

14:07 12 COMMISSIONER: Yes, please.

14:07 13

14:07 14

14:08 15 **EMPLOYEE 7, AFFIRMED**

14:08 16

14:08 17

14:08 18 **EXAMINATION-IN CHIEF BY MR BORSKY**

14:08 19

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14:08 21

Confidential

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42

14:08 43 One thing we have done with other confidential witnesses is  
14:08 44 designated them by number.

14:08 45

14:08 46 MR BORSKY: 7.

14:08 47

14:08 1 COMMISSIONER: We will refer to you in the transcript as  
14:08 2 witness number 7 so nobody knows who you are.

14:08 3

14:09 4 A. Yes, thank you.

14:09 5

14:09 6 COMMISSIONER: Okay.

14:09 7

14:09 8 MR BORSKY: Madam, you commenced at Crown in 1998; is  
14:09 9 that correct?

14:09 10

14:09 11 A. Yes.

14:09 12

14:09 13 Q. And you commenced in the gaming machine department?

14:09 14

14:09 15 A. Yes.

14:09 16

14:09 17 Q. Since early 2017 you've been employed in the Responsible  
14:09 18 Gaming area of Crown?

14:09 19

14:09 20 A. Yes.

14:09 21

14:09 22 Q. Initially as a Responsible Gaming liaison officer?

14:09 23

14:09 24 A. Yes.

14:09 25

14:09 26 Q. And more recently as you are now referred to, as  
14:09 27 a Responsible Gaming Advisor; is that correct?

14:09 28

14:09 29 A. Yes.

14:09 30

14:09 31 Q. Have you done any training, either face-to-face or online,  
14:09 32 during the course of your employment at Crown?

14:09 33

14:09 34 A. Yes.

14:09 35

14:09 36 Q. Could you tell the Commissioner, please, a little bit about  
14:09 37 the face-to-face training you have completed?

14:09 38

14:09 39 A. Most recently I completed first aid training. I've also  
14:09 40 completed health and safety training for management and as  
14:10 41 a staff representative. I've also completed the leadership  
14:10 42 development program, not as a Responsible Gaming Advisor but  
14:10 43 in one of my previous roles in the gaming machines department.

14:10 44

14:10 45 Q. What, if any, training in the responsible gaming area have  
14:10 46 you completed?

14:10 47

14:10 1 A. Online training, that was since my introduction to Crown in  
14:10 2 1988. Within the responsible gaming department it has all been  
14:10 3 practical and through mentoring and development.

14:10 4

14:10 5 Q. Have you at any time been assigned a mentor or  
14:10 6 a supervisor to assist you in that development in the responsible  
14:10 7 gaming area?

14:10 8

14:10 9 A. When I first joined the department, yes, I was teamed up  
14:10 10 with a responsible gaming liaison officer, and we were basically  
14:10 11 buddied, is the term that we use, for the first six weeks of my  
14:10 12 employment in that department.

14:10 13

14:11 14 Q. Have you completed any other online training in any other  
14:11 15 areas, other than responsible gaming and the other areas you  
14:11 16 mentioned?

14:11 17

14:11 18 A. Yes, I've completed anti-money laundering training,  
14:11 19 responsible service of alcohol training, respecting each other  
14:11 20 training.

14:11 21

14:11 22 MR BORSKY: Thank you. As the Commissioner pleases, we  
14:11 23 have produced to the Commission the logs which I foreshadowed  
14:11 24 about a week ago for each of the six previous witnesses, and we  
14:11 25 can do it for the seventh witness as well, showing the complete  
14:11 26 record of all the online training completed.

14:11 27

14:11 28 We've also produced the training materials in hard copy which  
14:11 29 form the basis of some, but not all of those training, particularly  
14:11 30 AML, RSG and RSA. We will seek to tender them in due course.

14:12 31

14:12 32 COMMISSIONER: Okay.

14:12 33

14:12 34 MR BORSKY: Madam, can you tell the Commissioner what  
14:12 35 a typical day, if there was a typical day, involve for you in your  
14:12 36 work as a Responsible Gaming Advisor at Crown?

14:12 37

14:12 38 A. Yes. As a responsible gaming advisor I spend a lot of time  
14:12 39 on the gaming floor, completing ---

14:12 40

14:12 41 COMMISSIONER: In the main gaming area?

14:12 42

14:12 43 A. Main gaming area and VIP rooms as well, conducting what  
14:12 44 we refer to as floor walks, which is basically observing patrons,  
14:12 45 interacting with staff. We also conduct interviews with patrons.  
14:12 46 They might come to the Responsible Gaming Centre seeking  
14:12 47 advice or support. We might have play period conversations with

14:12 1 patrons to monitor how long they have been on the gaming floor.  
14:12 2 We may also be called by a security or surveillance if someone  
14:13 3 has breached the condition of their self-exclusion and is currently  
14:13 4 on the gaming floor so we attend those and escort the patron off  
14:13 5 the gaming floor. We might also be conducting self-exclusions  
14:13 6 for patrons.

14:13 7  
14:13 8 COMMISSIONER: Can you explain how that last one works?  
14:13 9

14:13 10 A. Certainly. We would either be referred by some someone  
14:13 11 from a different department who the patron has approached, or  
14:13 12 the patron may attend the Responsible Gaming Centre and say  
14:13 13 that they want to ban themselves. So we explain the process that  
14:13 14 that involves, and what that would mean in terms of their  
14:13 15 restrictions to the gaming floor. If, after hearing those details,  
14:13 16 they choose to self-exclude, we conduct an interview with them,  
14:13 17 including basic information like their name, address, date of birth  
14:13 18 and contact details, along with a few more questions about why  
14:13 19 they want to ban themselves and what impact their gambling has  
14:14 20 had on their life. They are asked if they want a three-month  
14:14 21 phone call to follow up and see how they are going with the  
14:14 22 self-exclusion, and then we complete the documents they need to  
14:14 23 witness and sign that makes the self-exclusion official. Then we  
14:14 24 provide them with follow-up support in terms of information  
14:14 25 about Gambler's Help, and the 100-day challenge which is  
14:14 26 an online information about other activities they can do in lieu of  
14:14 27 their gambling.

14:14 28  
14:14 29 COMMISSIONER: Thank you.  
14:14 30

14:14 31 MR BORSKY: In those discussions you have with patrons about  
14:14 32 special self-exclusions, is it your practice to try and talk the  
14:14 33 patron into or out of self-excluding?  
14:14 34

14:14 35 A. Generally we encourage patrons to self-exclude,  
14:14 36 particularly if they are stating that they are in severe distress or  
14:15 37 illness or have other issues relating to their gambling. If they are  
14:15 38 insistent that they do not wish to self-exclude, I personally do not  
14:15 39 believe it is worth convincing them because it will lead to them  
14:15 40 breaching the conditions of their self-exclusion and perhaps not  
14:15 41 accepting the help that is available longer term.

14:15 42  
14:15 43 Q. When you say you "personally do not believe it is worth  
14:15 44 convincing them", how does that accord, if at all with the  
14:15 45 instructions and directions you get in your responsible gaming  
14:15 46 team?  
14:15 47

14:15 1 A. Oh, if the patron is adamant that they have come to us  
14:15 2 because they need help but they are, for whatever reason they are  
14:15 3 not willing to sign up to the self-exclusion, we recommend that  
14:15 4 they seek counselling, we recommend Gambler's Help. We also  
14:15 5 may ask if we can contact them at a later date to see if they have  
14:16 6 changed their mind. We might put them on our paging system so  
14:16 7 the next time they visit Crown in a social capacity and use their  
14:16 8 rewards card at a table or a machine, we get a page, and one of  
14:16 9 the Responsible Gaming advisors would attend and just follow up  
14:16 10 and see how they are feeling, remind them of previous  
14:16 11 conversations with us, and ask if they have changed their mind or  
14:16 12 if there is anything we can do to assist them further.

14:16 13

14:16 14 Q. You mentioned breaches of self-exclusions as well. When  
14:16 15 called to deal with a breach of a self-exclusion, what is your  
14:16 16 practice?

14:16 17

14:16 18 A. We generally receive the call from security or surveillance  
14:16 19 operators. We are advised of the location of the individual. We  
14:17 20 are met there by security who assists, and with surveillance  
14:17 21 watching the interaction and security as a physical presence, we  
14:17 22 will approach the patron and advise them that we believe they are  
14:17 23 a self-excluded patron in breach of the conditions, and that they  
14:17 24 need to leave the gaming floor and are being asked to leave the  
14:17 25 gaming floor.

14:17 26

14:17 27 Q. Does it often become heated in those interactions where  
14:17 28 a company, via security, you, inform the patron they have  
14:17 29 breached self-exclusion and need to leave the premises?

14:17 30

14:17 31 A. No, that is very much the exception that they become  
14:17 32 heated or angry.

14:17 33

14:17 34 Q. What is the typical reaction of a patron?

14:17 35

14:17 36 A. Possibly one of resignation, if they are frequently breaching  
14:17 37 conditions of their self-exclusion. In some instances we may not  
14:17 38 have an opportunity to speak to the patron because as soon as  
14:18 39 they see a Responsible Gaming Advisor and security officer, they  
14:18 40 may head to the nearest exit without us having a chance to speak  
14:18 41 to them. Very occasionally a patron will deny their identity but  
14:18 42 be unwilling or unable to produce identification that disproves we  
14:18 43 believe the person we believe them to be, so they are asked to  
14:18 44 leave as well and escorted off the gaming floor.

14:18 45

14:18 46 Q. Do you have a sense of how many people are at present the  
14:18 47 subject of self-exclusion at Crown? Roughly.

- 14:18 1  
14:18 2 A. My sense is it would be roughly 6,000.  
14:18 3  
14:18 4 Q. Roughly what proportion of those, in your experience,  
14:18 5 breach self-exclusion, or attempt to?  
14:18 6  
14:18 7 A. I couldn't give you a percentage, but I would say it is  
14:19 8 definitely the minority that breach the conditions of their  
14:19 9 self-exclusion, and it is an even smaller minority that would  
14:19 10 breach the conditions on a repeat basis.  
14:19 11  
14:19 12 Q. When you say a "smaller minority" on a repeat basis, is it  
14:19 13 a sufficiently low number to recognise them? If you could give  
14:19 14 the Commissioner a sense of roughly how much breach?  
14:19 15  
14:19 16 A. I couldn't give you an idea of how many breach, but the  
14:19 17 ones that breach repeatedly, we do know them by sight and often  
14:19 18 by name. And in those instances we frequently see them on the  
14:19 19 gaming floor when we are conducting our floorwalks before  
14:19 20 we've been advised by security or surveillance if they are on site.  
14:19 21  
14:19 22 Q. Approximately how much of your time, appreciating it may  
14:19 23 vary, on a typical day would you spend walking a gaming floor?  
14:20 24  
14:20 25 A. On a typical day, approximately 70 per cent of the time.  
14:20 26  
14:20 27 COMMISSIONER: Of an eight-hour shift?  
14:20 28  
14:20 29 A. 12-hour shift.  
14:20 30  
14:20 31 COMMISSIONER: 12-hour shifts, okay.  
14:20 32  
14:20 33 MR BORSKY: What, if any, has the introduction of facial  
14:20 34 recognition had on your ability to identify and deal with  
14:20 35 self-exclusion breaches?  
14:20 36  
14:20 37 A. Again, I couldn't give a percentage, but it has been  
14:20 38 tremendously effective, the facial recognition software, in terms  
14:20 39 of locating patrons that are on the floor in breach of their  
14:20 40 self-exclusion, but also patrons that are attempting to enter the  
14:20 41 gaming floor so they can be stopped by security at the entry  
14:21 42 points. And even patrons that are self-excluded and have made  
14:21 43 no attempts thus far to enter the gaming floor but are on site. We  
14:21 44 have a sense of where they are as well.  
14:21 45  
14:21 46 Q. As a long-time employee of Crown and an employee of  
14:21 47 Crown in the responsible gaming area over the past four years or

14:21 1 so what, if any, observations have you made as to the attitudes of  
14:21 2 broader Crown staff outside responsible gaming to your  
14:21 3 responsible gaming efforts within your team?

14:21 4  
14:21 5 A. I think it has been exceptionally positive, particularly  
14:21 6 among the gaming staff. We attend staff briefings occasionally  
14:21 7 and we also build rapport with staff on the gaming floor so that  
14:21 8 they feel free to come and speak to us about an issue that they  
14:22 9 might have with a patron, the reporting levels of observable signs  
14:22 10 of a patron may be in distress about their gambling is consistently  
14:22 11 high as well. And generally very positive support.

14:22 12  
14:22 13 Q. Now, are you describing the current experience as you  
14:22 14 observe it, or are you meaning to give evidence which is  
14:22 15 addressing the whole of the 4 years you've worked in responsible  
14:22 16 gaming?

14:22 17  
14:22 18 A. That is the current. My position on the current culture of  
14:22 19 responsible gaming at Crown.

14:22 20  
14:22 21 Q. How, if at all, does your experience of the current culture or  
14:22 22 attitude to responsible gaming differ from what you observed in  
14:22 23 earlier years of your employment in responsible gaming?

14:22 24  
14:22 25 A. It is a much more positive response now.

14:22 26  
14:23 27 Q. Since when, approximately?

14:23 28  
14:23 29 A. Since I joined the department in 2017.

14:23 30  
14:23 31 Q. Do you say it has been positive since 2017 or it is more  
14:23 32 positive now than it was in 2017?

14:23 33  
14:23 34 A. It is more positive now than in 2017.

14:23 35  
14:23 36 Q. So how long approximately has there been a more positive  
14:23 37 attitude to responsible gaming, to your observation?

14:23 38  
14:23 39 A. Certainly in the last, I would say 12 months, but since we  
14:23 40 got back from lockdown.

14:23 41  
14:23 42 Q. Did you get some pushback from other areas of the  
14:23 43 business, like pre-lockdown, 2017, 2018, 2019, did you get  
14:23 44 pushback from other areas of the business when you tried to  
14:23 45 enforce breaks or make other interventions in the face of  
14:23 46 observable signs of harm from gambling?

14:23 47

- 14:24 1 A. Occasionally we did, yes, in the form of we would make  
14:24 2 a determination that a patron had stayed long enough or too long,  
14:24 3 and that they needed to take a significant break from their  
14:24 4 gambling, and there would be occasional push back from some  
14:24 5 departments.  
14:24 6
- 14:24 7 Q. Any departments in particular that you could identify as  
14:24 8 having at least occasionally pushed back?  
14:24 9
- 14:24 10 A. The table games department.  
14:24 11
- 14:24 12 Q. Have those pushbacks from the table game department  
14:24 13 become any less frequent in recent times?  
14:24 14
- 14:24 15 A. They've become significantly less frequent.  
14:24 16
- 14:24 17 Q. Since reopening after last lockdown?  
14:24 18
- 14:24 19 A. Yes.  
14:24 20
- 14:24 21 MR BORSKY: Thank you. Counsel Assisting will ask you some  
14:24 22 questions now.  
14:24 23
- 14:24 24
- 14:24 25 **CROSS-EXAMINATION BY MR KOZMINSKY**  
14:24 26
- 14:24 27
- 14:24 28 MR KOZMINSKY: Good morning. Let me know if you can't  
14:25 29 hear me or if you don't understand the question.  
14:25 30
- 14:25 31 Can I ask you one thing: the reopening you are talking about, is  
14:25 32 that late last year, is that the period you are talking about?  
14:25 33
- 14:25 34 A. Yes.  
14:25 35
- 14:25 36 Q. Just so the Commissioner knows a little bit more about you,  
14:25 37 you have a Bachelor of Arts in Cultural Studies and  
14:25 38 Criminology?  
14:25 39
- 14:25 40 A. Yes.  
14:25 41
- 14:25 42 Q. Where did you get that degree?  
14:25 43
- 14:25 44 A. From the University of Melbourne.  
14:25 45
- 14:25 46 Q. Before you came along today, did you do any preparation?  
14:25 47

- 14:25 1 A. No.
- 14:25 2
- 14:25 3 Q. Did you look at any documents, read up on anything?
- 14:25 4
- 14:25 5 A. I received a copy of the history of my training modules and
- 14:25 6 I had a brief glance at that, but that's it.
- 14:25 7
- 14:25 8 Q. Mr Borsky asked you some questions about you
- 14:25 9 commencing work in 2017 of the responsible gaming liaison
- 14:26 10 officer and now a Responsible Gaming Advisor, but just to be
- 14:26 11 clear, it is the same job with a different title; is that right?
- 14:26 12
- 14:26 13 A. Correct.
- 14:26 14
- 14:26 15 Q. And again just to be clear, you didn't complete any formal
- 14:26 16 qualifications --- you have your degree, but you didn't complete
- 14:26 17 any formal qualifications before starting as a liaison officer now
- 14:26 18 gaming advisor?
- 14:26 19
- 14:26 20 A. No.
- 14:26 21
- 14:26 22 Q. Just so I understand the picture properly, is your direct
- 14:26 23 report to Luke Overman? Is that right?
- 14:26 24
- 14:26 25 A. Yes.
- 14:26 26
- 14:26 27 Q. You gave evidence to the Commissioner when Mr Borsky
- 14:26 28 was asking you some questions about a range of different things
- 14:26 29 you were doing, self-exclusions to revocations, breaches, play
- 14:26 30 periods, dealing with people at the centre, so it is a lot, I think is
- 14:26 31 a fair comment. It must get busy for you?
- 14:26 32
- 14:26 33 A. Yes, some days are busier than others, but, yes.
- 14:26 34
- 14:27 35 Q. Yes, and am I right, until 2018, about 2018, there were
- 14:27 36 seven, you and six others as liaison officers I think then?
- 14:27 37
- 14:27 38 A. I can't recall.
- 14:27 39
- 14:27 40 Q. At the moment, how many of you are there? Do you know
- 14:27 41 the number of liaison officers or gaming advisors?
- 14:27 42
- 14:27 43 A. Not off the top of my head, no.
- 14:27 44
- 14:27 45 Q. And am I right that when you are rostered on, there is
- 14:27 46 normally two or three of you rostered on at the same time?
- 14:27 47

14:27 1 A. Correct.  
14:27 2  
14:27 3 Q. Am I right that each of you works about 40 hours a week,  
14:27 4 so you each do 40 hours a week in groups of three?  
14:27 5  
14:27 6 A. Yes.  
14:27 7  
14:27 8 Q. Sometimes in groups of two --- you have to say "yes"  
14:27 9 because the stenographer doesn't pick up nods, sorry.  
14:27 10  
14:27 11 A. Yes.  
14:27 12  
14:28 13 Q. There are lots of things you do, but I want to ask you this.  
14:28 14 Would it be right --- if you had to identify your key  
14:28 15 responsibilities, would it be these: answering phone calls at the  
14:28 16 Responsible Gaming Centre?  
14:28 17  
14:28 18 A. Yes.  
14:28 19  
14:28 20 Q. And, if a customer comes to the centre, making sure you  
14:28 21 can offer support?  
14:28 22  
14:28 23 A. Yes.  
14:28 24  
14:28 25 Q. And being a visible presence on the gaming floor?  
14:28 26  
14:28 27 A. Yes.  
14:28 28  
14:28 29 Q. Would that capture the field of your key responsibilities? I  
14:28 30 know you have lots.  
14:28 31  
14:28 32 A. Yes.  
14:28 33  
14:28 34 Q. Am I right that in terms of priorities, and again we  
14:28 35 understand you are very busy and are doing a lot, but your key  
14:28 36 priorities, assisting someone who wants to self-exclude?  
14:28 37  
14:28 38 A. Yes.  
14:28 39  
14:28 40 Q. Responding to breaches of self-exclusion?  
14:28 41  
14:28 42 A. Yes.  
14:28 43  
14:28 44 Q. And responding to someone who is actually present at the  
14:28 45 centre?  
14:28 46  
14:28 47 A. Yes.

14:28 1  
14:28 2 Q. Which would trump or take priority over anything else that  
14:29 3 might be going on?  
14:29 4  
14:29 5 A. Yes.  
14:29 6  
14:29 7 Q. And, again, you've got lots of priorities but that would be a  
14:29 8 key one, would that be a fair summary of what your key priorities  
14:29 9 are?  
14:29 10  
14:29 11 A. Yes.  
14:29 12  
14:29 13 Q. So, if we go to presence on the gaming floor, you do that by  
14:29 14 walking the floor?  
14:29 15  
14:29 16 A. Yes.  
14:29 17  
14:29 18 Q. Do you do that with another Responsible Gaming Advisor  
14:29 19 or do you do it alone?  
14:29 20  
14:29 21 A. For the most part, on my own, but at times I might be with  
14:29 22 another Responsible Gaming Advisor.  
14:29 23  
14:29 24 Q. When you do your walking, would it be right to call it laps  
14:29 25 of the floor, is that the idea?  
14:29 26  
14:29 27 A. Yes.  
14:29 28  
14:29 29 Q. When you do your laps of the floor, you are in a uniform?  
14:29 30  
14:29 31 A. Yes.  
14:29 32  
14:29 33 Q. With a badge so that people know you are a Responsible  
14:30 34 Gaming Advisor?  
14:30 35  
14:30 36 A. Yes.  
14:30 37  
14:30 38 Q. What you will do is look out for excluded customers when  
14:30 39 you are walking around?  
14:30 40  
14:30 41 A. Yes.  
14:30 42  
14:30 43 Q. And look at the demeanour of patrons to see if they are  
14:30 44 displaying observable signs?  
14:30 45  
14:30 46 A. Yes.  
14:30 47

- 14:30 1 Q. What you do is you spend a lot of time on the gaming floor  
14:30 2 walking around and observing?  
14:30 3
- 14:30 4 A. Yes.  
14:30 5
- 14:30 6 Q. You usually don't approach customers, you are usually  
14:30 7 observing customers?  
14:30 8
- 14:30 9 A. We do observe and approach customers.  
14:30 10
- 14:30 11 Q. I understand. But usually what you are doing is observing  
14:30 12 them?  
14:30 13
- 14:30 14 A. Yes.  
14:30 15
- 14:30 16 Q. The gaming floor at the casino is very, very big.  
14:30 17
- 14:30 18 A. Yes.  
14:30 19
- 14:30 20 Q. It must take a long time to do a single lap of the floor. How  
14:30 21 long does it take?  
14:30 22
- 14:30 23 A. I've never timed it.  
14:30 24
- 14:30 25 Q. Ballpark? You've been doing it for four years; are we  
14:31 26 talking about hours or inside an hour? What sort of ballpark  
14:31 27 figure?  
14:31 28
- 14:31 29 A. Providing it is just walking and observing, maybe 30  
14:31 30 minutes.  
14:31 31
- 14:31 32 Q. Thirty minutes. Okay. How many times would you do the  
14:31 33 walk in a shift?  
14:31 34
- 14:31 35 A. Again, I've never counted, but several times.  
14:31 36
- 14:31 37 Q. Five times?  
14:31 38
- 14:31 39 A. More than five times. Maybe less than 10 times.  
14:31 40
- 14:31 41 Q. Okay. I understand. About half an hour for each one.  
14:31 42 Okay, I will leave that there.  
14:31 43
- 14:31 44 Do you have any feel for how often you are in the main gaming  
14:31 45 area versus private rooms?  
14:31 46
- 14:31 47 A. I would say more time on the main gaming floor than in the

- 14:31 1 private rooms but I couldn't put that into a percentage.  
14:31 2
- 14:31 3 Q. I understand, that can be hard. Would I be right in saying  
14:32 4 you would rarely go to the private rooms in the Mahogany  
14:32 5 Room?  
14:32 6
- 14:32 7 A. Yes.  
14:32 8
- 14:32 9 Q. Would I be right in saying you would spend more time in  
14:32 10 the Teak Room, for example, than you would in the Mahogany  
14:32 11 Room?  
14:32 12
- 14:32 13 A. Yes.  
14:32 14
- 14:32 15 Q. So, of all the different gaming areas, the Mahogany Room  
14:32 16 is the one you would spend the least amount of time, and the main  
14:32 17 gaming floor is where you would spend the most amount of  
14:32 18 gaming time?  
14:32 19
- 14:32 20 A. Yes.  
14:32 21
- 14:32 22 Q. You would know what I mean when I say carded play?  
14:32 23
- 14:32 24 A. Yes.  
14:32 25
- 14:32 26 Q. So the Commissioner understands, could you explain to  
14:32 27 him?  
14:32 28
- 14:32 29 A. Crown Rewards has a loyalty program, and the card that the  
14:32 30 patron receives can be used to swipe in at gaming tables or it can  
14:32 31 inserted into a card reader at an electronic gaming machine or  
14:32 32 electronic table game to earn points.  
14:32 33
- 14:33 34 Q. So some players play carded?  
14:33 35
- 14:33 36 A. Yes.  
14:33 37
- 14:33 38 Q. And some play uncarded?  
14:33 39
- 14:33 40 A. Yes.  
14:33 41
- 14:33 42 Q. If a player is playing carded, you receive alerts when they  
14:33 43 have been gambling for certain periods of time, right?  
14:33 44
- 14:33 45 A. Yes.  
14:33 46
- 14:33 47 Q. Those times I think kick in at 12 hours, so 12 hours is the

14:33 1 first alert?  
14:33 2  
14:33 3 A. Yes.  
14:33 4  
14:33 5 Q. The next alert is 15 hours?  
14:33 6  
14:33 7 A. Yes.  
14:33 8  
14:33 9 Q. Seventeen hours after that?  
14:33 10  
14:33 11 A. Yes.  
14:33 12  
14:33 13 Q. Eighteen hours?  
14:33 14  
14:33 15 A. Yes.  
14:33 16  
14:33 17 Q. Do you now receive alerts after 18 hours, at 20 and 24, and  
14:33 18 whatnot?  
14:33 19  
14:33 20 A. Yes.  
14:33 21  
14:33 22 Q. When does it stop? What number does it stop at?  
14:33 23  
14:33 24 A. I believe at 24 hours.  
14:33 25  
14:33 26 Q. Just to help us, is that system called Splunk, the system  
14:33 27 through which you get your SMSs?  
14:33 28  
14:33 29 A. Yes.  
30  
31 Q. Do they come through on your phone?  
32  
33 A. Yes.  
34  
14:34 35 Q. A work phone?  
14:34 36  
14:34 37 A. Yes.  
14:34 38  
14:34 39 Q. So we are clear, when you get your alert, does it include  
14:34 40 a patron name?  
14:34 41  
14:34 42 A. Yes.  
14:34 43  
14:34 44 Q. And a photo or not a photo?  
14:34 45  
14:34 46 A. No.  
14:34 47

- 14:34 1 Q. Duration of play?  
14:34 2  
14:34 3 A. Yes.  
14:34 4  
14:34 5 Q. Does it tell you the location?  
14:34 6  
14:34 7 A. Yes.  
14:34 8  
14:34 9 Q. Does it tell you anything else?  
14:34 10  
14:34 11 A. The patron's Crown Rewards number.  
14:34 12  
14:34 13 Q. I understand.  
14:34 14  
14:34 15 Q. That is because this system only works for people who are  
14:34 16 carded, it doesn't work for uncarded players?  
14:34 17  
14:34 18 A. Yes.  
14:34 19  
14:34 20 Q. At the end of each of your shifts, you write down all your  
14:34 21 interactions in your daily operating report?  
14:34 22  
14:34 23 A. That would be done throughout the shift.  
14:34 24  
14:34 25 Q. Throughout the shift you are writing? Are you writing it  
14:34 26 down by hand; is that how it works?  
14:34 27  
14:34 28 A. We enter into a computer program called Seer, S-E-E-R.  
14:34 29  
14:35 30 Q. So you will do your walk for 30 minutes, you will come  
14:35 31 back and type in what you see?  
14:35 32  
14:35 33 A. Yes.  
14:35 34  
14:35 35 Q. I understand. An interaction that goes into the daily  
14:35 36 operating report can include you speaking to someone?  
14:35 37  
14:35 38 A. Yes.  
14:35 39  
14:35 40 Q. But it can also include, if you were standing and observing  
14:35 41 someone gambling, you would put that in even though you hadn't  
14:35 42 spoken to them?  
14:35 43  
14:35 44 A. Yes.  
14:35 45  
14:35 46 Q. If you get a Splunk alert, do you make a note of that in your  
14:35 47 daily operating report?

- 14:35 1  
14:35 2 A. If we have spoken to or observed the patron that the alert  
14:35 3 has been raised for.  
14:35 4  
14:35 5 Q. Or if you go there and don't find the patron?  
14:35 6  
14:35 7 A. Yes.  
14:35 8  
14:35 9 Q. So, because you are doing it in real-time, your daily  
14:35 10 operating reports are an accurate record of what you do in terms  
14:35 11 of interactions and speaking to customers?  
14:35 12  
14:35 13 A. Yes.  
14:35 14  
14:35 15 Q. Because you don't remember, for example, what you might  
14:35 16 have done two or three years ago on a particular shift?  
14:35 17  
14:35 18 A. No.  
14:35 19  
14:35 20 Q. I want to go through some examples of a daily operating  
14:35 21 report.  
14:36 22  
14:36 23 COMMISSIONER: Just so I understand it, if you get an alert on  
14:36 24 your phone that patron 5 has been on a machine for 12 hours, and  
14:36 25 that gets you to do something --- either deal with or observe or  
14:36 26 talk to patron 5 --- does it mean that every time --- in effect, every  
14:36 27 time you have been alerted through the phone about a particular  
14:36 28 patron that you have to deal with one way or another, that there is  
14:36 29 inevitably a record made of that in the register?  
14:36 30  
14:36 31 A. Yes, Commissioner.  
14:36 32  
14:36 33 COMMISSIONER: Thank you.  
14:36 34  
14:36 35 MR BORSKY: Thank you, Commissioner.  
14:36 36  
14:36 37 Let me ask you one other thing: if you get a Splunk alert at 12  
14:36 38 hours, and you get to the customer in time and you observe the  
14:36 39 customer, let's take that hypothetical example, and I know every  
14:37 40 case is different, but if you then observe the customer and they  
14:37 41 are not displaying any other observable signs, in the ordinary  
14:37 42 course, your approach is to just make that observation at 12  
14:37 43 hours; is that right?  
14:37 44  
14:37 45 A. Yes.  
14:37 46  
14:37 47 Q. And not, at 12 hours, to go and approach and speak to the

14:37 1 customer, in the ordinary course?  
14:37 2  
14:37 3 A. In the ordinary course, yes.  
14:37 4  
14:37 5 Q. Just so the Commissioner can see how that is recorded in  
14:37 6 one of your daily operating reports, I want to take you to one.  
14:37 7 I am hoping there is no issue with this coming up on the screen.  
14:37 8 I think it is a private hearing only and only people in the room can  
14:37 9 see, and documents will be tendered confidentially.  
14:37 10  
14:37 11 COMMISSIONER: Yes, there is a non-publication order in force  
14:37 12 that would include any documents that are used.  
14:38 13  
14:38 14 MR KOZMINSKY: Yes, my master will let me know if there is  
14:38 15 an issue as I'm going, I think.  
14:38 16  
14:38 17 Mr Operator, if we could go to CRW.501.060.7605.  
14:38 18  
14:38 19 I think you will be able to see on the screen one of your daily  
14:38 20 operating reports and we will talk through it so the Commissioner  
14:38 21 can understand what it is.  
14:38 22  
14:38 23 You can see there the date is --- Mr Commissioner, it's tab 1 of  
14:38 24 your folder, I think --- 5 March 2021, so it is a recent daily  
14:38 25 operating report?  
14:38 26  
14:38 27 A. Yes.  
14:38 28  
14:38 29 Q. There is a summary section at the top. I just want to take  
14:38 30 you to one of your entries if I could which is on page 13. 7617 in  
14:38 31 the top right-hand corner. So the Commissioner can understand,  
14:39 32 the first row is an entry of 6 March 2021 and there is a time.  
14:39 33  
14:39 34 A. Yes.  
14:39 35  
14:39 36 Q. Underneath, we won't say it out loud, is someone's name,  
14:39 37 a customer name; is that right?  
14:39 38  
14:39 39 A. Yes.  
14:39 40  
14:39 41 Q. It is referred by Splunk, in other words, you've received  
14:39 42 an alert on your telephone.  
14:39 43  
14:39 44 A. Yes.  
14:39 45  
14:39 46 Q. So the nature of the service is play periods because Splunk  
14:39 47 is about play periods.

14:39 1  
14:39 2 A. Yes.  
14:39 3  
14:39 4 Q. I won't read it out aloud in case it creates any issues, but the  
14:39 5 numbers at the bottom starting with two letters and then there's  
14:39 6 a series of numbers, that is your employee number?  
14:39 7  
14:39 8 A. Yes.  
14:39 9  
14:39 10 Q. So that when that comes up, that is an entry you've made?  
14:39 11  
14:39 12 A. Yes.  
14:39 13  
14:39 14 Q. If we move to the "comments" row, "PP12" means  
14:39 15 a 12-hour play period?  
14:39 16  
14:39 17 A. Yes.  
14:39 18  
14:39 19 Q. So there will be throughout these things, if you look at the  
14:39 20 next row, PP17 is someone who has been there for 17 hours?  
14:39 21  
14:40 22 A. Yes.  
14:40 23  
14:40 24 Q. Are you able to tell us, I haven't been able to work out,  
14:40 25 what does P-R-E mean?  
14:40 26  
14:40 27 A. It's an abbreviation of the word "premium".  
14:40 28  
14:40 29 Q. Oh, I see. That means they are in a premium room?  
14:40 30  
14:40 31 A. Yes.  
14:40 32  
14:40 33 Q. Does premium mean black and platinum or could it also  
14:40 34 mean gold and silver?  
14:40 35  
14:40 36 A. It's a reference to the actual room. So, for example, Teak  
14:40 37 Room would a premium room as we refer to it. Whereas  
14:40 38 Mahogany would be "VIP" designated.  
14:40 39  
14:40 40 Q. So "VIP" will be Mahogany?  
14:40 41  
14:40 42 A. Yes.  
14:40 43  
14:40 44 Q. And Teak would be "PRE"?  
14:40 45  
14:40 46 A. Yes.  
14:40 47

14:40 1 Q. Are there any other rooms that have abbreviations for my  
14:40 2 benefit?  
14:40 3  
14:40 4 A. The Maple Room would also be considered premium.  
14:40 5  
14:40 6 Q. I understand. Thank you.  
14:40 7  
14:40 8 COMMISSIONER: And the main gaming floor, does that have  
14:40 9 a designation?  
14:40 10  
14:40 11 A. It is "MGF" for main gaming floor.  
14:41 12  
14:41 13 MR KOZMINSKY: And the next row underneath is tables?  
14:41 14  
14:41 15 A. Yes.  
14:41 16  
14:41 17 Q. That means they are playing a table game, not an electronic  
14:41 18 gaming machine?  
14:41 19  
14:41 20 A. Yes.  
14:41 21  
14:41 22 Q. And "observed LS at a location, no observable signs  
14:41 23 noted"?  
14:41 24  
14:41 25 A. Yes.  
14:41 26  
14:41 27 Q. That is your entry saying you haven't seen any observable  
14:41 28 signs, you looked at the person after 12 hours, and there is  
14:41 29 nothing to do and then you carry on?  
14:41 30  
14:41 31 A. Yes.  
14:41 32  
14:41 33 Q. I understand.  
14:41 34  
14:41 35 If you drop down two rows, it is really the same thing again, the  
14:41 36 only difference is in that instance it is a person playing on  
14:41 37 a machine, not a person playing on a table?  
14:41 38  
14:41 39 A. Yes.  
14:41 40  
14:41 41 Q. When you do your laps of the floor, I think you said 5, 10  
14:41 42 minutes ago, 30 minutes, that's a lot of time on the gaming floor,  
14:42 43 you see lots of people gambling?  
14:42 44  
14:42 45 A. Yes.  
14:42 46  
14:42 47 Q. Some are gambling carded and some uncarded?

14:42 1  
14:42 2 A. Yes.  
14:42 3  
14:42 4 Q. You might not know the answer, but do you have a feel for  
14:42 5 what portion of people that tend to be carded versus uncarded?  
14:42 6  
14:42 7 A. I don't know.  
14:42 8  
14:42 9 Q. But when you are walking around, you can see lots of  
14:42 10 people gambling carded and lots of people gambling uncarded, do  
14:42 11 I take that to be the right position?  
14:42 12  
14:42 13 A. If they are playing an electronic gambling machine, it is  
14:42 14 evident if they are playing carded or uncarded because the  
14:42 15 cardreader is clearly visible. If they are playing a live table game,  
14:42 16 unless I go into the pit and have a look at the system whereby  
14:42 17 they swipe cards in, I can't tell at first glance if they are playing  
14:42 18 carded or uncarded.  
14:42 19  
14:42 20 Q. Got it. So on the EGMs when you walk past, sometimes  
14:42 21 people are carded and uncarded?  
14:42 22  
14:42 23 A. Yes.  
14:42 24  
14:42 25 Q. But you don't know if --- it might be 50/50, 60/40, depends  
14:43 26 on the day and time and area?  
14:43 27  
14:43 28 A. Correct.  
14:43 29  
14:43 30 COMMISSIONER: Are there any table games that are wholly  
14:43 31 uncarded where you can go in there, buy chips for cash and play,  
14:43 32 or is it every table there may be both carded and uncarded  
14:43 33 players?  
14:43 34  
14:43 35 A. With the exception of the Mahogany Room and the Teak  
14:43 36 Room where you need to provide a members' card to gain access,  
14:43 37 there is no restriction on whether the patron plays carded or  
14:43 38 uncarded anywhere else on the gaming floor.  
14:43 39  
14:43 40 MR KOZMINSKY: So I think we addressed something the  
14:43 41 Commissioner was asking, on any table at the casino, one is  
14:43 42 (audio distorted) properly in Mahogany or on the main gaming  
14:43 43 floor, you can elect to play carded or uncarded?  
14:43 44  
14:43 45 A. Correct.  
14:43 46  
14:44 47 Q. If someone is uncarded, I think we've discussed, you don't

- 14:44 1 have the benefit of the Splunk system?  
14:44 2  
14:44 3 A. Yes.  
14:44 4  
14:44 5 Q. That means, for the 60/40 per cent, whatever it might be we  
14:44 6 discussed of uncarded players, you are walking the floor looking  
14:44 7 to see is someone tired, is someone dishevelled, to try to do the  
14:44 8 best you can to see if they are tired or they've been gambling for  
14:44 9 a long period of time?  
14:44 10  
14:44 11 A. Yes.  
14:44 12  
14:44 13 Q. Is it right to say that is more difficult than relying on the  
14:44 14 Splunk system?  
14:44 15  
14:44 16 A. Yes.  
14:44 17  
14:44 18 Q. And far more inexact?  
14:44 19  
14:44 20 A. Yes.  
14:44 21  
14:44 22 Q. Do you agree with me that there are some people at the  
14:44 23 casino who, because of the problems they've got with their  
14:44 24 gambling, might elect to play uncarded to avoid detection?  
14:44 25  
14:44 26 A. Yes.  
14:44 27  
14:44 28 Q. That is something you are familiar with in your role, that  
14:45 29 sort of activity occurring on the gaming floor?  
14:45 30  
14:45 31 A. Yes.  
14:45 32  
14:45 33 Q. In your time as a --- relatively short time in the course of  
14:45 34 your employment at the casino working as a gambling advisor  
14:45 35 and before that a liaison officer, you would have seen people  
14:45 36 gambling on the floor for more than 12 hours?  
14:45 37  
14:45 38 A. Yes.  
14:45 39  
14:45 40 Q. And more than 14 hours?  
14:45 41  
14:45 42 A. Yes.  
14:45 43  
14:45 44 Q. And more than 16 hours?  
14:45 45  
14:45 46 A. Yes.  
14:45 47

- 14:45 1 Q. And more than 18 hours?  
14:45 2  
14:45 3 A. Yes.  
14:45 4  
14:45 5 Q. And more than 20 hours?  
14:45 6  
14:45 7 A. Yes.  
14:45 8  
14:45 9 Q. And more than 24 hours?  
14:45 10  
14:45 11 A. Yes.  
14:45 12  
14:45 13 Q. I want to take you to one daily operating report because it  
14:45 14 gives a good feel for some of those hours for the Commissioner's  
14:45 15 benefit.  
14:45 16  
14:45 17 It is behind tab 3, Commissioner.  
14:45 18  
14:45 19 It is CRW510.060.7734. This daily operating report is from  
14:46 20 about two years ago, can you see that?  
14:46 21  
14:46 22 A. Yes.  
14:46 23  
14:46 24 Q. What you will see on the first page is the first row is a local  
14:46 25 host advising that a player had been on the floor for 19 hours  
14:46 26 without a significant break. Can you see that?  
14:46 27  
14:46 28 A. I can. The entry refers that the local host manager was  
14:46 29 advised that the patron had been playing for 19 hours.  
14:46 30  
14:46 31 Q. I understand that. If you scroll to the third entry, because  
14:46 32 the second one is not yours:  
14:46 33  
14:47 34 *Local host advised someone had been playing for 20*  
14:47 35 *hours.*  
14:47 36  
14:47 37 The next one is someone who had been gambling for 24 hours.  
14:47 38  
14:47 39 A. Yes.  
14:47 40  
14:47 41 Q. Does that read the host was advised by you that someone  
14:47 42 had been gambling for 24 hours, is that what it means?  
14:47 43  
14:47 44 A. Yes.  
14:47 45  
14:47 46 Q. And there is no criticism of you because we've discussed  
14:47 47 how busy you are at work and how difficult your job is, so it is

14:47 1 not a criticism, but there is no record of the customer being  
14:47 2 spoken to, is there?

14:47 3

14:47 4 A. No.

14:47 5

14:47 6 Q. Mr Operator, if we scroll down the page and then if we go  
14:47 7 to the second page and the third row, it is the same thing, there is  
14:47 8 someone gamble --- and please understand, this is not a criticism  
14:47 9 of you at all but there, there is someone who has been gambling  
14:48 10 for 19 hours with no significant break, and someone below at 18  
14:48 11 hours with no significant break, and then again not just a record  
14:48 12 of that person not speaking to you, but not speaking to any  
14:48 13 Responsible Gambling Advisor or being provided any assistance.

14:48 14

14:48 15 A. Yes.

14:48 16

14:48 17 Q. If you go to the next page and the last three rows, there is  
14:48 18 someone there who gambled for 23 hours with no break, 19 hours  
14:48 19 with no break longer than 3.5 hours, and the last row is 19 hours  
14:48 20 with no significant break. And what is interesting, all the ones  
14:48 21 we've been through so far, bar two, were in the Mahogany Room,  
14:48 22 the VIP room?

14:48 23

14:48 24 A. Yes.

14:48 25

14:49 26 Q. Some of them were machines and some of them were  
14:49 27 tables. The previous page had two machines and those ones are  
14:49 28 tables.

14:49 29

14:49 30 A. Yes.

14:49 31

14:49 32 Q. I don't mean to belabour the point, but over the page there  
14:49 33 is then the same situation, one in the VIP room and one in the  
14:49 34 premium room at three rows down, 24-hours with no significant  
14:49 35 break, 21 hours with no break and again no assistance and, not  
14:49 36 a criticism of you, no assistance being offered by staff. And then  
14:49 37 over the page again, all entries bar the first, can you see those?

14:49 38

14:49 39 A. Yes.

14:49 40

14:49 41 Q. 29 hours. You see that?

14:49 42

14:49 43 A. Yes.

14:49 44

14:49 45 Q. 24 hours.

14:49 46

14:49 47 A. Yes.

- 14:49 1  
14:49 2 Q. 19 hours, 19 hours and 19 hours.  
14:49 3  
14:49 4 A. Yes.  
14:49 5  
14:49 6 Q. Over the page there are three more. I won't go to them, but  
14:50 7 it is the same story. Do you agree with me that people gambling  
14:50 8 for those periods of time isn't consistent with the Responsible  
14:50 9 Service of Gaming?  
14:50 10  
14:50 11 A. Yes.  
14:50 12  
14:50 13 Q. Thank you.  
14:50 14  
14:50 15 When we were talking before, you said to me that when you walk  
14:50 16 past an EGM, the card reader would light up when there was  
14:50 17 a card in so you could see if someone was playing carded on  
14:50 18 an EGM?  
14:50 19  
14:50 20 A. Yes.  
14:50 21  
14:50 22 Q. If you see someone who is displaying an observable sign,  
14:50 23 put to one side play periods, some other observable sign, you can,  
14:51 24 if you know what machine they are on and playing carded, find  
14:51 25 out through the system who the person that belongs to the card  
14:51 26 being used?  
14:51 27  
14:51 28 A. Yes.  
14:51 29  
14:51 30 Q. Again, if the person is playing uncarded, what you do in the  
14:51 31 ordinary course is you will take a really detailed description of  
14:51 32 their appearance; is that what you do?  
14:51 33  
14:51 34 A. Yes.  
14:51 35  
14:51 36 Q. The idea being you will make a note of that and hopefully,  
14:51 37 if you happen to see them again, you can possibly go and speak to  
14:51 38 them or observe them?  
14:51 39  
14:51 40 A. Yes.  
14:51 41  
14:51 42 Q. So again, from your perspective it would be much, much  
14:51 43 easier for you to do your job if people were playing carded?  
14:51 44  
14:51 45 A. Yes.  
14:51 46  
14:51 47 Q. People sometimes fall asleep at the casino?

14:51 1  
14:51 2 A. Yes.  
14:51 3  
14:51 4 Q. Again, every situation is different, but often what will  
14:52 5 happen is they will be woken up and asked to move along?  
14:52 6  
14:52 7 A. Yes.  
14:52 8  
14:52 9 Q. I just want to go to two examples if I could.  
14:52 10  
14:52 11 Commissioner, tab 5.  
14:52 12  
14:52 13 Mr Operator, CRW.510.060.7827, fourth row. Do you see there  
14:52 14 on 27 June 2018:  
14:52 15  
14:52 16 *Observed Asian male asleep on lounge along Riverwalk*  
14:52 17 *.....*  
14:52 18  
14:52 19 A. Yes.  
14:52 20  
14:52 21 Q. Where is Riverwalk?  
14:52 22  
14:52 23 A. That would be the --- it will be off the gaming floor. It is  
14:52 24 the corridor outside the gaming floor but where the restaurants  
14:53 25 are along the Riverwalk.  
14:53 26  
14:53 27 Q. Where Rockpool and those restaurants are on the bottom  
14:53 28 outside the main gaming floor?  
14:53 29  
14:53 30 A. Yes, that main corridor that goes from where Rockpool is,  
14:53 31 up to where the foodcourt is.  
14:53 32  
14:53 33 Q. So along there, there are sofas, are there?  
14:53 34  
14:53 35 A. Yes.  
14:53 36  
14:53 37 Q. What is recorded there is, I think it is right to say that you  
14:53 38 woke up, because it is your code, you woke up the individual and  
14:53 39 asked him to please move along?  
14:53 40  
14:53 41 A. Yes.  
14:53 42  
14:53 43 Q. And you don't recall that specific incident three years ago,  
14:53 44 or two years ago?  
14:53 45  
14:53 46 A. No.  
14:53 47

14:53 1 Q. Then, if you look --- Mr Operator, at document  
14:53 2 RCW.510.060.7760, Mr Commissioner, tab 4, at page 8 which  
14:54 3 has a document ID in the top corner 7767 --- I want to take you to  
14:54 4 the first entry, "Observed young male at F84". "F84" is  
14:54 5 a machine?  
14:54 6  
14:54 7 A. It is an electronic gaming machine bank.  
14:54 8  
14:54 9 Q. And he's asleep at the EGM?  
14:54 10  
14:54 11 A. Falling asleep at the EGM.  
14:54 12  
14:54 13 Q. And a security officer walked past the male, woke him up  
14:54 14 security and advised him to move on?  
14:54 15  
14:54 16 A. Yes.  
14:54 17  
14:54 18 Q. I see. So, can I ask you this about those two examples  
14:54 19 which I think we discussed at the beginning, and you said that  
14:55 20 happens sometimes, people falling asleep, being asked to move  
14:55 21 along. But I want to ask you this: if someone falls asleep at  
14:55 22 an EGM near the gaming floor or at an EGM, do you agree that is  
14:55 23 an observable sign?  
14:55 24  
14:55 25 A. Yes.  
14:55 26  
14:55 27 Q. If you look at that entry, nature of service is an observable  
14:55 28 sign. You've recorded it there; do you see that?  
14:55 29  
14:55 30 A. Yes.  
14:55 31  
14:55 32 Q. It suggests someone has been gambling for a long period  
14:55 33 without a break?  
14:55 34  
14:55 35 A. Possibly. Probably.  
14:55 36  
14:55 37 Q. More likely than not, if they are falling asleep, it's at an  
14:55 38 EGM?  
14:55 39  
14:55 40 A. Yes.  
14:55 41  
14:55 42 Q. In the entries we've looked at, take this one, the security  
14:55 43 officer asked the individual to move on, wakes them up and asks  
14:55 44 them to move on ---  
14:55 45  
14:55 46 A. Yes.  
14:55 47

- 14:55 1 Q. --- but no one says you should go and speak to  
14:55 2 a Responsible Gaming Advisor?  
14:55 3
- 14:55 4 A. No.  
14:55 5
- 14:55 6 Q. And no one offers him any assistance?  
14:55 7
- 14:55 8 A. No.  
14:55 9
- 14:56 10 Q. We've heard some evidence from people who provide  
14:56 11 counselling services to people that gamble at the casino and  
14:56 12 suffer harm. I just want to give you some extracts of that. They  
14:56 13 say to us that people staying long hours at the casino, two days  
14:56 14 and two nights, and I asked where they sleep, and they said one of  
14:56 15 three places. One is the sofa, I think that was in the first example  
14:56 16 that we went to, the second place is the foodcourt and the third  
14:56 17 place is the carpark in their cars.  
14:56 18
- 14:56 19 We've discussed the sofa, we have an example. Have you found  
14:56 20 people asleep in the foodcourt or asleep in their cars?  
14:57 21
- 14:57 22 A. I have before, yes.  
14:57 23
- 14:57 24 Q. Another counsellor who on occasions attends the casino to  
14:57 25 observe what is going on said to us, "I've seen a lot of people  
14:57 26 sleeping right in front of the pokie machine", which is this  
14:57 27 example we have in front of us, isn't it?  
14:57 28
- 14:57 29 A. Yes.  
14:57 30
- 14:57 31 Q. So your daily operating reports seem to support each other  
14:57 32 and tell the same story; would you agree with that?  
14:57 33
- 14:57 34 A. Yes.  
14:57 35
- 14:57 36 Q. There might also be times on occasion when someone from  
14:57 37 the gaming floor says to you, "I'm on the main gaming floor and  
14:57 38 someone is displaying an observable sign, can you please come  
14:57 39 and deal with them", someone might call you at the centre and tell  
14:57 40 you that?  
14:57 41
- 14:57 42 A. Yes.  
14:57 43
- 14:57 44 Q. And on occasions you might be unable to attend because  
14:58 45 you are doing other things?  
14:58 46
- 14:58 47 A. Yes.

14:58 1  
14:58 2 Q. Does that happen regularly?  
14:58 3  
14:58 4 A. No.  
14:58 5  
14:58 6 Q. How many times during a shift might you not be able to  
14:58 7 respond or not make it to a play period alert?  
14:58 8  
14:58 9 A. Very rarely. I couldn't put a number or percentage to it, but  
14:58 10 it is a very rare occurrence that myself or my colleagues couldn't  
14:58 11 attend if requested.  
14:58 12  
14:58 13 Q. Couldn't attend if requested?  
14:58 14  
14:58 15 A. (Nods head).  
14:58 16  
14:58 17 Q. How many of those calls might you get on an average shift?  
14:58 18  
14:58 19 A. Two to ten times.  
14:58 20  
14:58 21 Q. Thank you. Let me ask you something, that is at the  
14:58 22 moment, and what were the numbers like over the previous three  
14:59 23 years that you've been an advisor?  
14:59 24  
14:59 25 A. Less frequent.  
14:59 26  
14:59 27 Q. Less than two?  
14:59 28  
14:59 29 A. Yes.  
14:59 30  
14:59 31 Q. So the two to ten has been since late last year?  
14:59 32  
14:59 33 A. Yes.  
14:59 34  
14:59 35 Q. And before that, less than two?  
14:59 36  
14:59 37 A. Yes.  
14:59 38  
14:59 39 COMMISSIONER: Do you know what caused the difference?  
14:59 40 Do you know whether an instruction went out, to look more  
14:59 41 carefully or monitor more carefully or something like that?  
14:59 42  
14:59 43 A. It would be speculation on my part.  
14:59 44  
14:59 45 COMMISSIONER: Okay.  
14:59 46  
14:59 47 A. But I believe that a greater acknowledgement of responsible

14:59 1 gaming importance, and a cultural change has occurred in other  
14:59 2 departments.  
14:59 3  
14:59 4 MR KOZMINSKY: Mr Commissioner, before I go on, sorry,  
14:59 5 unless you had a further question --  
14:59 6  
14:59 7 COMMISSIONER: No.  
14:59 8  
14:59 9 MR KOZMINSKY: Mr Phillips has properly informed me that I  
15:00 10 didn't tender any of the documents.  
15:00 11  
15:00 12 COMMISSIONER: They are all extracts from the register. I  
15:00 13 mean, they are all different.  
15:00 14  
15:00 15 MR KOZMINSKY: Yes, they are.  
15:00 16  
15:00 17 COMMISSIONER: Do we want them as separate exhibits or can  
15:00 18 it be one exhibit?  
15:00 19  
15:00 20 MR KOZMINSKY: Well, I think separate. Mr Borsky is about  
15:00 21 to ---  
15:00 22  
15:00 23 MR BORSKY: I'm not certain of the precise provenance of them  
15:00 24 in terms of their selection. The Commissioner, with respect, is  
15:00 25 quite right, they are from a register. We would submit that you  
15:00 26 ought receive the register, not just selected bits.  
15:00 27  
15:00 28 COMMISSIONER: It depends on how big it is.  
15:00 29  
15:00 30 MR BORSKY: Well, I think it has been produced. We can make  
15:00 31 arrangements so it doesn't need to be a burden on you or your  
15:00 32 staff, but if submissions might be made in due course about the  
15:00 33 extent or prevalence of what's said to be conduct falling short, we  
15:01 34 would want to have an opportunity to refer more broadly to the  
15:01 35 register to put things in context.  
15:01 36  
15:01 37 COMMISSIONER: I will work out a way of doing that.  
15:01 38  
15:01 39 MR KOZMINSKY: Commissioner, the purpose of tendering  
15:01 40 them today is so when we go to a transcript of this witness's  
15:01 41 evidence, the extract of the register we've got is printed upstairs,  
15:01 42 and I have eight volumes, so I thought it might be easier, when  
15:01 43 going through this witness's evidence, to have five or six  
15:01 44 documents.  
15:01 45  
15:01 46 MR BORSKY: I don't object to that --  
15:01 47

15:01 1 MR KOZMINSKY: The register in due course will be tendered.  
15:01 2  
15:01 3 MR BORSKY: --- provided we can make submissions on a full  
15:01 4 record.  
15:01 5  
15:01 6 COMMISSIONER: We will work out a way of doing that. It  
15:01 7 may be --- I don't know how easy it is to interrogate the whole  
15:01 8 register, but we may be able to have a sampling system and have  
15:01 9 a summary of what thousands of pages might contain.  
15:01 10  
15:01 11 MR BORSKY: Yes.  
15:01 12  
15:01 13 COMMISSIONER: As long as the sampling is reasonably sound  
15:02 14 --  
15:02 15  
15:02 16 MR BORSKY: We'll give some thought to that.  
15:02 17  
15:02 18 As you may know, Ms Bauer, who is the group manager of  
15:02 19 Responsible Gaming, in response to your request for a statement,  
15:02 20 has provided a series of summaries of data emerging from the  
15:02 21 register as well, so we will give some thought to further ---  
15:02 22  
15:02 23 COMMISSIONER: Whether you need to extend that?  
15:02 24  
15:02 25 MR BORSKY: Yes, like each of our witnesses, she was  
15:02 26 diligently responsive, and really confined to being diligently  
15:02 27 responsive to your request for a statement, but we may give  
15:02 28 further thought about whether we can assist by providing more  
15:02 29 evidence from the register.  
15:02 30  
15:02 31 COMMISSIONER: We'll have to do it by the tabs. Can you ---  
15:02 32  
15:02 33 MR KOZMINSKY: Sorry, I have ---  
15:02 34  
15:02 35 COMMISSIONER: Can you give me the order in which --  
15:02 36  
15:02 37 MR KOZMINSKY: Yes, bear with me for one moment,  
15:02 38 Commissioner. I apologise.  
15:02 39  
15:02 40 COMMISSIONER: It is obviously a register, but does the  
15:02 41 register have a specific title?  
15:02 42  
15:02 43 MR KOZMINSKY: These documents are daily operating reports  
15:03 44 and we have dates on them. So you can have a daily operating  
15:03 45 report. As I understand, Ms Bauer will give evidence about this,  
15:03 46 I understand the information in the daily operating reports makes  
15:03 47 its way into the register.

15:03 1  
15:03 2 COMMISSIONER: All right.  
15:03 3  
15:03 4 MR KOZMINSKY: So, Mr Commissioner, I think the first one I  
15:03 5 went through --- I apologise for the delay. Your tab 1, document  
15:03 6 ending 7605.  
15:03 7  
15:03 8 COMMISSIONER: That will be, I think, Exhibit 102 and that  
15:03 9 will be for 5 March 2021. I will call it ---  
15:03 10  
15:03 11 MR KOZMINSKY: It's called a daily operating report for ---  
15:03 12  
15:03 13 COMMISSIONER: Daily operating report for 5 March 2021,  
15:04 14 Exhibit 102.  
15:04 15  
15:04 16  
15:04 17 **EXHIBIT #RCPH0102 - DAILY OPERATING REPORT**  
15:04 18 **FOR 5 MARCH 2021**  
15:04 19  
15:04 20  
15:04 21 MR KOZMINSKY: Then the next one is the document behind  
15:04 22 tab 3, Mr Commissioner.  
15:04 23  
15:04 24 COMMISSIONER: It will have the same designation except the  
15:04 25 date will be different, 10 June 2019. That will be Exhibit 103.  
26  
27  
28 **EXHIBIT #RCPH0103 - DAILY OPERATING REPORT**  
29 **FOR 10 JUNE 2019**  
30  
31  
15:04 32 MR KOZMINSKY: The next was a document behind tab 5,  
15:04 33 Mr Commissioner, which ends 7827 and that is for 21 January  
15:04 34 2018.  
15:04 35  
15:04 36 COMMISSIONER: So that will be same designation, Exhibit  
15:04 37 104 but the date will be 27 January 2018.  
15:04 38  
15:04 39  
15:04 40 **EXHIBIT #RCPH0104 - DAILY OPERATING REPORT**  
15:04 41 **FOR 27 JANUARY 2018**  
15:04 42  
15:04 43  
15:04 44 MR KOZMINSKY: Then the next was behind tab 4,  
15:04 45 Commissioner, which is 7760.  
15:04 46  
15:04 47 COMMISSIONER: Behind tab 4, 7760, Exhibit 105, same

15:04 1 designation, October 2019.  
15:04 2  
15:04 3  
15:04 4 **EXHIBIT #RCPH0105 - DAILY OPERATING REPORT**  
15:04 5 **FOR OCTOBER 2019**  
15:04 6  
15:04 7  
15:04 8 MR KOZMINSKY: I haven't gone to any other documents.  
15:04 9  
15:04 10 COMMISSIONER: Okay.  
15:05 11  
15:05 12 MR KOZMINSKY: Sorry about that.  
15:05 13  
15:05 14 I think you mentioned to Mr Borsky when he was speaking to  
15:05 15 you --- do you remember speaking to Mr Borsky about people  
15:05 16 who self-exclude and come back on the floor?  
15:05 17  
15:05 18 A. Yes.  
15:05 19  
15:05 20 Q. And you said it doesn't happen frequently, I think?  
15:05 21  
15:05 22 A. I can't recall.  
15:05 23  
15:05 24 Q. That's all right. I think you did say that you might be able  
15:05 25 to recognise faces?  
15:05 26  
15:05 27 A. Yes.  
15:05 28  
15:05 29 Q. So when you walk the floor, there are some people whose  
15:05 30 faces you recognise?  
15:05 31  
15:05 32 A. Yes.  
15:05 33  
15:05 34 Q. They are what I might call the regulars?  
15:05 35  
15:05 36 A. Yes.  
15:05 37  
15:05 38 Q. People who are there a lot so you start to recognise them?  
15:05 39  
15:05 40 A. Yes.  
15:05 41  
15:05 42 Q. On any lap of the floor, how many people might you  
15:05 43 recognise?  
15:05 44  
15:05 45 A. As being in breach of their self-exclusion?  
15:05 46  
15:05 47 Q. I've seen that person, I've seen that person, because they are

15:06 1 there a lot?  
15:06 2  
15:06 3 A. Between 10 and 20 on average.  
15:06 4  
15:06 5 Q. Do you remember in 2018 you had an interview with some  
15:06 6 people from the VCGLR; do you remember that?  
15:06 7  
15:06 8 A. No.  
15:06 9  
15:06 10 Q. No, okay. There was a woman there called Miriam  
15:06 11 Holmes. Does that ring a bell?  
15:06 12  
15:06 13 A. No.  
15:06 14  
15:06 15 Q. And you went with Josh Preston?  
15:06 16  
15:06 17 A. No.  
15:06 18  
15:06 19 Q. No? I might just bring it up so you can have a look.  
15:06 20 VCG.0001.0001.1207. Had a meeting. This is a VCGLR file  
15:06 21 note, it records ---  
15:06 22  
15:07 23 COMMISSIONER: Wait until it comes up on the screen.  
15:07 24  
15:07 25 MR KOZMINSKY: I apologise, it's not up on the screen.  
15:07 26  
15:07 27 COMMISSIONER: It's not coming up on the screen.  
15:07 28  
15:07 29 MR KOZMINSKY: Let me see if I've read out the number  
15:07 30 correctly.  
15:07 31  
15:07 32 COMMISSIONER: Is it a long file note?  
15:07 33  
15:07 34 MR KOZMINSKY: It is not, but I don't think I need to go to it.  
15:07 35 If I want to tender it later on, I might. But I don't think I need to  
15:07 36 tender it because the evidence that the witness gave was  
15:07 37 consistent and I was simply going to put it --  
15:07 38  
15:07 39 COMMISSIONER: I think you might need to read her the file  
15:07 40 note.  
15:08 41  
15:08 42 MR KOZMINSKY: It's not short enough to read. It goes for  
15:08 43 pages.  
15:08 44  
15:08 45 COMMISSIONER: All right.  
15:08 46  
15:08 47 MR KOZMINSKY: Mr Commissioner, can we stand down for

15:08 1 one moment and find the proper document ID.  
15:08 2  
15:08 3 There it is. What did I do wrong? I've said something wrong.  
15:08 4 I'm not sure what it is. So the VCGLR ---  
15:08 5  
15:08 6 COMMISSIONER: Just let the witness read the document.  
15:08 7  
15:08 8 MR BORSKY: If I may, Commissioner, just record that I've not  
15:08 9 seen this document before. We were given notice of about  
15:09 10 a dozen documents that Counsel Assisting may take the witness  
15:09 11 to, and this was not one. Our team is not able to obtain a copy of  
15:09 12 it. The witness has given evidence that she doesn't remember the  
15:09 13 meeting.  
15:09 14  
15:09 15 COMMISSIONER: She might remember it after she reads the  
15:09 16 file note.  
15:09 17  
15:09 18 MR BORSKY: She might, but there is a fairness issue in it just it  
15:09 19 being scrolled down for her perusal and ours for the first time --  
15:09 20  
15:09 21 COMMISSIONER: If it is too quick and [the witness] wants to  
15:09 22 slow it down ---  
15:09 23  
15:09 24 MR BORSKY: Can we have a copy, please?  
15:09 25  
15:09 26 COMMISSIONER: You will get a copy in due course. Can we  
15:09 27 go and get a copy of it now?  
15:09 28  
15:09 29 MR KOZMINSKY: I should say ---  
15:09 30  
15:09 31 MR BORSKY: Or electronically, even. We don't have  
15:09 32 an electronic copy and we are not able to obtain it.  
15:09 33  
15:09 34 COMMISSIONER: I see.  
15:09 35  
15:09 36 MR KOZMINSKY: I should say for the record I'm not sure why  
15:09 37 Mr Borsky didn't get the document because I sent a list.  
15:09 38  
15:09 39 COMMISSIONER: Don't have an argument about it.  
15:09 40  
15:09 41 MR BORSKY: I've just been handed a copy. Thank you.  
15:09 42  
15:09 43 COMMISSIONER: Okay. While everyone is having  
15:10 44 an argument, [the witness] --  
15:10 45  
15:10 46 MR BORSKY: I didn't want to interrupt you the first time, but  
15:10 47 that is the second time you've mentioned the witness's name.

15:10 1  
15:10 2 COMMISSIONER: Sorry, we will remove that from the  
15:10 3 transcript. I won't call you by your name any more. Sorry about  
15:10 4 that.  
15:10 5  
15:10 6 A. Thank you, Commissioner.  
15:10 7  
15:10 8 COMMISSIONER: Do you want to move down a bit further?  
15:10 9  
15:10 10 A. Yes, please.  
15:11 11  
15:11 12 COMMISSIONER: Okay for the next page?  
15:11 13  
15:11 14 A. Yes.  
15:12 15  
15:12 16 COMMISSIONER: Just call out when you want it shifted down.  
15:12 17  
15:12 18 A. If that could be moved down.  
15:12 19  
15:13 20 The document can be moved down again.  
15:13 21  
15:13 22 COMMISSIONER: I won't interrupt your reading, but it is  
15:13 23 a pretty detailed and lengthy interview. Having read so far, do  
15:13 24 you remember it actually occurring?  
15:13 25  
15:13 26 A. I still don't have recollection of the interview occurring.  
15:13 27  
15:13 28 MR KOZMINSKY: I should say I only wanted to ask the  
15:13 29 witness one question about the document and she's read past it. If  
15:13 30 it's all right I will ask the question and I won't tender the file note.  
15:13 31  
15:13 32 COMMISSIONER: Okay.  
15:13 33  
15:13 34 MR KOZMINSKY: In terms of training staff, do you have any  
15:13 35 involvement in that process at the moment?  
15:14 36  
15:14 37 A. Yes, at the moment.  
15:14 38  
15:14 39 Q. When did that change because the file note records, and I  
15:14 40 know you don't remember it, but that you are not involved in the  
15:14 41 process so when did that change?  
15:14 42  
15:14 43 A. I would say it would be around 2019, I can't be any more  
15:14 44 specific than that, and it was due to our rostering and par levels  
15:14 45 changing so that there was more than one person on shift at any  
15:14 46 given time.  
15:14 47

15:14 1 Q. Oh, I see. So when you went from seven or eight  
15:14 2 responsible gambling liaison officers to 12, there was time to do  
15:14 3 some other things?

15:14 4  
15:14 5 A. Yes.

15:14 6  
15:14 7 Q. And one of those things was training?

15:14 8  
15:14 9 A. Yes.

15:14 10  
15:14 11 Q. I understand. I was just trying to get to the bottom of any  
15:14 12 inconsistency in the document that I now understand. I'm sorry  
15:14 13 you had to go through the process of reading that. I have just  
15:14 14 a couple more questions.

15:15 15  
15:15 16 Q. How many times have you handed out a Responsible  
15:15 17 Gambling Withdrawal of Licence?

15:15 18  
15:15 19 A. I don't issue Responsible Gambling Withdrawal of  
15:15 20 Licenses.

15:15 21  
15:15 22 Q. Who issues them?

15:15 23  
15:15 24 A. It would be, I'm guessing, security, along with my general  
15:15 25 manager, Luke Overman.

15:15 26  
15:15 27 Q. I see. So you and your colleagues --- and by colleagues I  
15:15 28 mean Responsible Gaming Advisors --- don't issue Responsible  
15:15 29 Gambling withdrawal of licenses?

15:15 30  
15:15 31 A. No, we may recommend but don't issue.

15:15 32  
15:15 33 Q. How many times have you recommended a withdrawal of  
15:15 34 licence for responsible gaming? By that I mean just gambling  
15:15 35 issues, not aggression issues or other things of that nature.

15:15 36  
15:15 37 A. Maybe 15 to 20 times.

15:15 38  
15:15 39 Q. In the 4-year period that you've been ---

15:16 40  
15:16 41 A. Yes.

15:16 42  
15:16 43 Q. Of those 15 to 20 recommendations, do you know how  
15:16 44 many were issued?

15:16 45  
15:16 46 A. No, I don't.

15:16 47

15:16 1 Q. Do you have an idea for whether it was some, all or none, if  
15:16 2 I put it at that very general level of abstraction?

15:16 3

15:16 4 A. General level would be some.

15:16 5

15:16 6 Q. Some, but not all?

15:16 7

15:16 8 A. Correct.

15:16 9

15:16 10 Q. Am I right that the chaplain at the Responsible Gaming  
15:16 11 Centre doesn't work full-time?

15:16 12

15:16 13 A. Yes.

15:16 14

15:16 15 Q. Am I right that there are three part-time psychologists who  
15:16 16 work at the centre?

15:16 17

15:16 18 A. Yes.

15:16 19

15:16 20 Q. But they are not always on site?

15:16 21

15:16 22 A. Yes.

15:16 23

15:16 24 Q. So, during the course of your duties are there occasions  
15:16 25 where you see someone who might need the assistance of  
15:16 26 a psychologist or a chaplain but that service isn't available?

15:17 27

15:17 28 A. Yes.

15:17 29

15:17 30 MR KOZMINSKY: Mr Commissioner, unless you have any  
15:17 31 further questions, I think they are all the questions I have for this  
15:17 32 witness.

15:17 33

15:17 34 COMMISSIONER: Thank you. I will make sure that the  
15:17 35 transcript has called you Witness 7 to be safe.

15:17 36

15:17 37 A. Thank you, Commissioner.

15:17 38

15:17 39 COMMISSIONER: To ensure the witness's name is removed  
15:17 40 from the transcript.

15:17 41

15:17 42

15:17 43 **THE WITNESS WITHDREW**

15:17 44

15:17 45

15:17 46 MR KOZMINSKY: Thank you.

15:17 47

15:17 1 COMMISSIONER: I will adjourn now.  
15:17 2  
15:17 3 MR BORSKY: Just before you ---  
15:17 4  
15:17 5 COMMISSIONER: Sorry --- (overspeaking) ---  
15:17 6  
15:17 7 MR BORSKY: Just before you do adjourn, Commissioner, we  
15:17 8 will obviously, in view of developments today in Victoria, it is  
15:17 9 convenient that you weren't planning to sit tomorrow in any  
15:17 10 event. But we'll wait with interest to hear what you are planning  
15:18 11 for Monday in terms of arrangements. We will be able to  
15:18 12 accommodate whatever solution you devise, whether it is  
15:18 13 electronic or in the room, masked, or some combination.  
15:18 14  
15:18 15 COMMISSIONER: It is going to certainly almost be electronic.  
15:18 16 I'm not sure whether we have the final rulings from the State, but  
15:18 17 we are planning to go fully electronic. It will take a couple of  
15:18 18 days to organise.  
15:18 19  
15:18 20 MR BORSKY: Yes.  
15:18 21  
15:18 22 COMMISSIONER: That means it is unlikely we will have any  
15:18 23 witnesses on Monday.  
15:18 24  
15:18 25 MR BORSKY: Understand.  
15:18 26  
15:18 27 COMMISSIONER: We will certainly, unless something goes  
15:18 28 wrong, which I suppose can always happen, we will certainly  
15:18 29 resume electronic hearings on the Tuesday.  
15:18 30  
15:18 31 MR BORSKY: Thank you.  
15:18 32  
15:18 33 COMMISSIONER: It may be possible to start on Monday, we  
15:18 34 might get one or two witnesses in, but that is not certain.  
15:18 35  
15:18 36 MR BORSKY: Understood.  
15:18 37  
15:18 38 COMMISSIONER: But I'm told that the plan is that everything  
15:19 39 will be set up and ready to go for Tuesday for certain, unless  
15:19 40 there is some major equipment failure or the Government makes  
15:19 41 some announcement that makes it impossible. So everybody will  
15:19 42 be working from different venues.  
15:19 43  
15:19 44 MR BORSKY: Everybody who is in the room today will all be,  
15:19 45 so ---  
15:19 46  
15:19 47 COMMISSIONER: You will not --- I think I might, with my

15:19 1 associate, we might be the only people in the building. So  
15:19 2 Counsel Assisting will be either at home or in chambers or  
15:19 3 wherever they need to be set up.  
15:19 4  
15:19 5 MR BORSKY: Understood.  
15:19 6  
15:19 7 COMMISSIONER: So far as I know, I will be the only one, and  
15:19 8 that is because I don't have the relevant equipment at home --  
15:19 9  
15:19 10 MR BORSKY: Understood.  
15:19 11  
15:19 12 COMMISSIONER: --- so I will have to do it here. But you work  
15:19 13 on Tuesday, and if that changes, it won't be any later. If it is any  
15:19 14 earlier, then somebody will let you know. Do you have an email  
15:20 15 telling you that?  
15:20 16  
15:20 17 MR BORSKY: Thank you for the indication that it won't be later  
15:20 18 than Tuesday and maybe earlier, and if it is earlier, someone will  
15:20 19 let us know, and we will be ready to continue.  
15:20 20  
15:20 21 COMMISSIONER: It certainly won't be tomorrow!  
15:20 22  
15:20 23 MR BORSKY: We would request, with respect, that if Counsel  
15:20 24 Assisting or a witness were to be in the hearing room at any  
15:20 25 point, whether next week or even as restrictions unwind, we  
15:20 26 would be given the same opportunity, otherwise having some  
15:20 27 counsel on the other end of the screen and others in the room  
15:20 28 could be productive of inefficiency or even unfairness,  
15:20 29 potentially.  
15:20 30  
15:20 31 COMMISSIONER: Look, I frankly don't know the answer to  
15:20 32 that. It will depend, won't it, on what the Government restrictions  
15:20 33 are. I last heard that they might be the equivalent of Stage 4 last  
15:21 34 time, with a travel limit as well so ---  
15:21 35  
15:21 36 MR BORSKY: It is no doubt uncertain. We don't seek to rush  
15:21 37 anyone.  
15:21 38  
15:21 39 COMMISSIONER: The answer is I don't know.  
15:21 40  
15:21 41 MR BORSKY: Understood. But we make that request with  
15:21 42 respect, whether it be in respect of next week or future weeks, if  
15:21 43 counsel are sitting in the room, that should apply equally.  
15:21 44  
15:21 45 COMMISSIONER: If it works. It will depend on what the limit  
15:21 46 is on numbers and distance and so on. The answer will be if it is  
15:21 47 physically possible and in compliance with the rules, then you

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Confidential

**RESUMED**

**[4:00P.M.]**

MS NESKOVCIN: We are calling today, and you will hear evidence from Confidential who is a gambling counsellor at Confidential. As you have observed Confidential in the virtual hearing room, and I would ask the associate to please affirm Confidential evidence.

Confidential **AFFIRMED**

**EXAMINATION-IN-CHIEF BY MS NESKOVCIN**

MS NESKOVCIN: Thank you, Confidential. Please excuse my voice.

Could you please state for the transcript your full name?

A. My full name is Confidential

Q. What is your business address?

A. Confidential

Q. Thank you, and your occupation?

A. I am a gambling counsellor.

Q. I understand you are a gambling counsellor at the

16:02 1 Confidential  
16:02 2  
16:02 3 A. Yes, correct.  
16:02 4  
16:02 5 Q. You hold a Bachelor of Social Work?  
16:02 6  
16:02 7 A. Correct.  
16:02 8  
16:02 9 Q. You've worked at the Confidential since graduating in 2018?  
16:02 10  
16:02 11 A. Correct. Yes.  
16:02 12  
16:02 13 Q. I understand the Confidential provides gambling and other  
16:02 14 services to people with --- of a Vietnamese cultural background  
16:02 15 primarily?  
16:02 16  
16:02 17 A. Yes, correct.  
16:02 18  
16:02 19 Q. Can you describe and outline for the Commissioner the  
16:02 20 sorts of services that are provided by the Confidential  
16:02 21  
16:03 22 A. The services of the Confidential in general? So the Confidential  
16:03 23 provides services, including aged care services, training services,  
16:03 24 and also play groups, which is the (inaudible) for mother and  
16:03 25 children and also planned activity group for elderly clients to increase  
16:03 26 social cohesion.  
16:03 27  
16:03 28 Q. Specifically in relation to gambling counselling and other  
16:03 29 related services, what services does the Confidential provide?  
16:03 30  
16:03 31 A. We do provide gambling counselling services to gamblers  
16:03 32 and affected others who are Vietnamese. We also, within the  
16:03 33 well-being services, we also providing AOD counselling services,  
16:03 34 and family violence services and Indo-Chinese prisoner support  
16:03 35 services.  
16:03 36  
16:03 37 Q. Are there any particular cultural issues that are relevant to  
16:03 38 the services that the Confidential provide?  
16:04 39  
16:04 40 A. Sorry, what was the question?  
16:04 41  
16:04 42 Q. Are there any particular cultural issues that are relevant to  
16:04 43 the services that the Confidential provide?  
16:04 44  
16:04 45 A. Do you mean stigmas?  
16:04 46  
16:04 47 Q. Well, yes, stigmas or other cultural issues, or linguistic

16:04 1 issues that are relevant in terms of either accessing the services or  
16:04 2 reaching out to clients that require services?  
16:04 3  
16:04 4 A. We provide linguistic and culturally appropriate services to  
16:04 5 clients who are in need. And these clients have difficulties access  
16:04 6 to mainstream services due to their language barriers.  
16:04 7  
16:04 8 Q. I see. How many counsellors currently work at the  
16:04 9 Confidential  
16:04 10  
16:04 11 A. So within my program?  
16:04 12  
16:04 13 Q. Yes.  
16:04 14  
16:04 15 A. Normally our team has two people, two gambling  
16:04 16 counsellors including myself, but the other counsellor resigned  
16:04 17 last week, so I'm a one-man team now.  
16:04 18  
16:05 19 Q. Until you recruit someone else?  
16:05 20  
16:05 21 A. Yes, until. We are in the process of recruiting.  
16:05 22  
16:05 23 Q. How many clients approximately do you see each week?  
16:05 24  
16:05 25 A. In my current capacity ---  
16:05 26  
16:05 27 Q. Yes.  
16:05 28  
16:05 29 A. --- because I'm also a program coordinator, so in my current  
16:05 30 capacity I can see up to ten clients per week.  
16:05 31  
16:05 32 Q. Over what area or what geographic area do you provide  
16:05 33 services or do your clients come from?  
16:05 34  
16:05 35 A. Western areas, and north.  
16:05 36  
16:05 37 Q. Apart from the linguistic and other cultural issues, are there  
16:05 38 any other demographic issues that are relevant to the sorts of  
16:05 39 clients that require your services?  
16:05 40  
16:05 41 A. No.  
16:05 42  
16:05 43 Q. Thank you.  
16:05 44  
16:05 45 A. Because we are trying to offer our service to the wider  
16:05 46 community, so if they have any difficulties accessing to see our  
16:06 47 services face-to-face, or physically present in our office, we can

16:06 1 also provide teleconference to them.

16:06 2

16:06 3 Q. How do you find your clients discover the service exists  
16:06 4 and approach the service for help? Is it through referrals, is it  
16:06 5 through word of mouth, or is it through a gambler's hotline?

16:06 6

16:06 7 A. Yes, so the majority of our referrals are from Corrections  
16:06 8 Victoria. So a lot of our clients referred to us after a crime was  
16:06 9 commit, but the majority of them commit the crime due to their  
16:06 10 gambling issues. And we also have a self-referral, through word  
16:06 11 of mouth, mostly come from Crown because they want to come  
16:06 12 and see us to have a support letter to revoke the self-exclusion  
16:06 13 deed.

16:06 14

16:06 15 Confidential

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Confidential

MS NESKOVCIN: Confidential can you describe the sorts of enticements and matters that tend to lure clients that you see to gamble at Crown Casino?

A. Yes. So a lot of our clients report to me that they've been offered with free tickets to Vietnamese festivals, music that is happening at Crown and also free hotel nights, free drinks, free meals on special occasions like their birthday or New Year. So a lot of our clients who are absent from gambling for a while, they were lured back to Crown because of these free entitlements. And they came to Crown, at first they told me that they would just want to receive the free entitlements and they have no intentions of gambling. But because they have gambling addiction, so when they are exposed to the environment that is so (unclear), and they always relapse.

Q. What is it about Crown Casino that perhaps lured them there in the first place and kept them coming back that is relevant to their cultural background or whether they are isolated?

A. So a lot of our clients came to Crown at first because they have nowhere else to go. And Crown is one-stop shop for everything, for the recreational. They have shops, they have restaurants, they have gambling floors, and they open 24 hours per day. They never close. So our clients can go to Crown whenever they want, just for fun, just to have one or two drinks.

And another thing is that Crown has Vietnamese host who can make our clients feel like they are very special. The host remember their names, the birthday and make them feel like they are friends, and friends taking care of friends. So that makes our clients feel like there is a connection between themselves and Crown, so they keep going back to Crown to have a sense of belonging.

Q. For clients that you see that want to try and opt out of that process and not receive promotional material that they find lures them back, have they tried to opt out and how has that been successful?

- 16:11 1 A. They told me that they chose to opt out, but then a host call  
16:11 2 them and ask them what is happening, and ask them why they opt  
16:11 3 out, and they trying to approach my clients through phone calls  
16:11 4 and SMS.  
16:11 5
- 16:11 6 Q. What about opting out of emails and brochures and mail?  
16:11 7
- 16:11 8 A. They have the option. Yes, they have the options to opt  
16:12 9 out.  
16:12 10
- 16:12 11 Q. Is that effective?  
16:12 12
- 16:12 13 A. No. Because if they opt out, Crown has staff who always  
16:12 14 find another way to approach my clients.  
16:12 15
- 16:12 16 Q. In the submissions that you've sent through to the  
16:12 17 Commission, you've told stories of clients who managed to  
16:12 18 gamble continuously for many hours without being asked to leave  
16:12 19 or without being approached by someone to suggest that they  
16:12 20 have a break. Can you tell the Commissioner what are the stories  
16:12 21 that resonate most with you in terms of the duration that some  
16:12 22 clients have spent continuously gambling without being  
16:12 23 approached?  
16:12 24
- 16:12 25 A. So, my clients told me that they can spend hours, like 24 ---  
16:12 26 more than 20 hours per day, or they can stay at Crown for several  
16:12 27 days without being check in, whether to see if they is okay. And  
16:12 28 they even report to me that if they keep playing, no one come in  
16:13 29 and check in with them regardless the longest hour that they've  
16:13 30 stayed at Crown. They always been approached if they were too  
16:13 31 tired and they fall asleep. That is why one of the staff will check  
16:13 32 in with them and ask them to leave the venue and take a nap or  
16:13 33 something like that.  
16:13 34
- 16:13 35 Q. So the only times that your clients reported to you that they  
16:13 36 had been asked to leave is when they have fallen asleep?  
16:13 37
- 16:13 38 A. Yes.  
16:13 39
- 16:13 40 Q. No other client has been told they were asked to leave  
16:13 41 because they were gambling too long or exhibiting signs of  
16:13 42 distress?  
16:13 43
- 16:13 44 A. No, never.  
16:13 45
- 16:13 46 Q. Unfortunately some of your clients experience family  
16:13 47 breakdown and go into debt over gambling problems. What

16:13 1 about criminal activity?

16:13 2

16:13 3 A. Do you see clients resorting to criminal activity to try and  
16:14 4 solve their debts or because of their gambling addictions?

16:14 5

16:14 6 A. Yes. A lot of my clients who I mentioned earlier that  
16:14 7 referred to us by Corrections is because they always have the  
16:14 8 patterns of, at first they are approaching Crown for fun, but then  
16:14 9 they start to gamble aggressively, and they start to borrow money  
16:14 10 from friends or families, and so they use the money to gamble  
16:14 11 with the expectation that --- with the hope they will win back the  
16:14 12 monies to pay off the debts but that is not the case. So the debts  
16:14 13 that accumulated into a point where they can't afford to pay off  
16:14 14 the debts any more, and they have to involve into criminal  
16:14 15 activities to get a big sum of money to pay off the debts. But  
16:14 16 most of them haven't got that money to pay off the debt because  
16:14 17 they are end up getting caught and being sent to prison.

16:14 18

16:14 19 Q. Do you advise clients about the process of self-exclusion  
16:14 20 and whether that is available or can assist them with their issues?

16:15 21

16:15 22 A. Yes. So, with the client that self-refer for gambling  
16:15 23 treatment, we do recommend them to sign self-exclusion program  
16:15 24 as a way, as a relapse prevention strategy. But not a lot of them  
16:15 25 end up signing the self-exclusion, because they talk to their  
16:15 26 friends and their friends tell them it won't work because they,  
16:15 27 even though they signed this already, they still can sneak into  
16:15 28 Crown and play, so that's not help.

16:15 29

16:15 30 Q. Is that something that your clients have also reported to  
16:15 31 you ---

16:15 32

16:15 33 A. (Nods head).

16:15 34

16:15 35 Q. --- when they have self-excluded but have been able to go  
16:15 36 back and gamble?

16:15 37

16:15 38 A. Yes, that's right.

16:15 39

16:15 40 Q. What stories have you heard about when they have been  
16:15 41 forced to leave or not, or only after they have been there for  
16:16 42 a number of years?

16:16 43

16:16 44 A. A lot of them, even though the deed is signed already, they  
16:16 45 still can sneak in to gamble. So the time before they getting  
16:16 46 caught is very varied, so I can't give you time frame for when  
16:16 47 they being asked to leave, but there is one of the clients, Ms TT,

16:16 1 that report to me that there was a time, because she also signed  
16:16 2 a self-exclusion deed and there was a time she was so frustrated  
16:16 3 because she lost, and then when the security ask her to leave, she  
16:16 4 was so emotional and she told them that "I'm going to die", but  
16:16 5 the security just kick her out the venues and they just only say  
16:16 6 "You signed it, you have to leave." And that makes her feel like  
16:16 7 she is being tossed away after they (inaudible) her.

16:16 8

16:16 9 Q. So Ms TT was not offered any counselling or other  
16:17 10 assistance on that occasion?

16:17 11

16:17 12 A. No, she hadn't. Even though --- I think she has a card so  
16:17 13 she was kind of VIP player at Crown, but means her name was in  
16:17 14 the system, but after she asked to leave, no one, or no host at  
16:17 15 Crown trying to contact her and check in with her. No one.

16:17 16

16:17 17 Q. And those cards, as you mentioned, not only does it have  
16:17 18 their personal details but can be used to monitor how frequently  
16:17 19 and how often and how long they've been gambling?

16:17 20

16:17 21 A. Yes.

16:17 22

16:17 23 Q. Have you heard any stories about how that's been used in  
16:17 24 a positive way to stop clients who have been gambling too long?

16:17 25

16:17 26 A. No, I haven't, sadly.

16:17 27

16:18 28 Q. One of the clients, Ms HL, you mentioned had a black card.  
16:18 29 I think you mean black credit card?

16:18 30

16:18 31 A. No, black card is the highest card in Crown system. It  
16:18 32 means she played a lot to get that card.

16:18 33

16:18 34 Q. One of the enticements that she was reported as having  
16:18 35 received was free hotel services and hotel stays.

16:18 36

16:18 37 A. (Nods head).

16:18 38

16:18 39 Q. You said she gambled for more than 10 days without  
16:18 40 stopping; is that correct?

16:18 41

16:18 42 A. Yes, that's what she told me.

16:18 43

16:18 44 Q. Was ---

16:18 45

16:18 46 A. Yes, and without being check in whether she is okay.

16:18 47

16:18 1 Q. Confidential I understand that there are a number of matters  
16:18 2 and other recommendations that you would like the  
16:18 3 Commissioner to consider to assist clients such as those that you  
16:18 4 see regularly, and based on your experience as to the problems  
16:18 5 that are being reported.

16:18 6  
16:18 7 The first is to limit the number of hours that patrons are permitted  
16:19 8 to gamble.

16:19 9  
16:19 10 A. Yes.

16:19 11  
16:19 12 Q. Can you speak more to that and why you think that would  
16:19 13 assist clients such as what you see at the Confidential

16:19 14  
16:19 15 A. I think the limitation of hours playing at Crown would help  
16:19 16 because a lot of clients, when they gamble, they are not aware of  
16:19 17 the time, and they just keep sitting in the same spot and keep  
16:19 18 playing hoping that they will win and without no one checking  
16:19 19 with them. So having a limit means a staff could come and check  
16:19 20 in with them and ask them to leave and kind of notify them "Time  
16:19 21 is up and you've been sitting here for", I say, for example, "two  
16:19 22 hours, so it is time for you to go." So it kind of raise awareness  
16:19 23 for the client, for the gamblers to know that "It is time to leave, I  
16:20 24 have been staying here for two hours, that is a long time."

16:20 25  
16:20 26 Q. Another matter that you think would help is if the casino  
16:20 27 was required to make more inquiries about customers' money and  
16:20 28 if they can afford to gamble and where the money is coming  
16:20 29 from?

16:20 30  
16:20 31 A. Yes.

16:20 32  
16:20 33 Q. Why do you think that would help and how do you think  
16:20 34 that can be done?

16:20 35  
16:20 36 A. Because a lot of my clients, they gamble using their  
16:20 37 Centrelink payment, and Centrelink payment should be use for  
16:20 38 paying for housing or grocery shopping. A lot of them, betting  
16:20 39 all of the money that they've got in that month, they will struggle  
16:20 40 with basic needs like food or shelter. So it is important for them  
16:20 41 to record, for Crown to record where is the money for their clients  
16:20 42 to use the money to gamble.

16:20 43  
16:21 44 Q. I understand you would also like to see the self-exclusion  
16:21 45 process strengthened.

16:21 46  
16:21 47 A. Yes.

16:21 1  
16:21 2 Q. Do you mean, by that, if someone self-excludes, they can't  
16:21 3 try and sneak around and get in, but also Crown are more  
16:21 4 responsive, so if someone is there for hours, they should be  
16:21 5 approached immediately, not after three hours of gambling; that is  
16:21 6 your point?  
16:21 7  
16:21 8 A. Yes. And I've also --- I think it is also important for the  
16:21 9 host at Crown to be very straightforward with our clients when it  
16:21 10 comes to self-exclusion revocations. Because a lot of clients who  
16:21 11 seek our service with the expectation that they only come and see  
16:21 12 us for one or two sessions, and then we will provide them with  
16:21 13 a support letter, they can go to Crown, very easy, but that's not the  
16:21 14 case. So it has to be done in a very clear and straightforward  
16:21 15 way. We can only write a support letter for clients if they went  
16:22 16 through the assessment and the treatment and we have to make  
16:22 17 sure that they are safe to go back to Crown, and no more harm  
16:22 18 (inaudible).  
16:22 19  
16:22 20 Q. So that I can understand your point, Confidential if someone  
16:22 21 has self-excluded, there is a process by which they are required to  
16:22 22 seek help?  
16:22 23  
16:22 24 A. Yep.  
16:22 25  
16:22 26 Q. And they can eventually be permitted to return to the casino  
16:22 27 at the end of the self-exclusion period?  
16:22 28  
16:22 29 A. Yes.  
16:22 30  
16:22 31 Q. But they are required to get a certain minimum number of  
16:22 32 counselling sessions?  
16:22 33  
16:22 34 A. Yes. So it's not really about the minimum sessions, it is all  
16:22 35 about how they --- how honest they are to us. How honest. So  
16:22 36 we have counsellors, we understand, we know whether they are  
16:22 37 lying just to get around to go back to Crown or they are being  
16:22 38 honest with us.  
16:22 39  
16:22 40 Q. I see. And your point is that hosts are telling patrons, "Just  
16:23 41 go along to the service and tell them you are okay" to get  
16:23 42 a sign-off so that they can go back?  
16:23 43  
16:23 44 A. So, my clients report to me that the host told them that the  
16:23 45 process is pretty simple and easy, just one and --- just come to the  
16:23 46 counsellor for one or two expectations. So they set  
16:23 47 an expectation to the clients that they can see us one or two times

16:23 1 and then they are fine to go back. So it is our job to explain to  
16:23 2 them, to the clients, that that is not the case and this is the  
16:23 3 procedure. But it is also hard for us as counsellors because the  
16:23 4 clients are really upset, because they have two contradicting  
16:23 5 opinions about the process --

16:23 6

16:23 7 Q. I see.

16:23 8

16:23 9 A. --- and also the facts on giving reports with our clients and  
16:23 10 how they be honest to us.

16:23 11

16:23 12 Q. I see. Thank you. I understand now.

16:23 13

16:23 14 You would also like to see more assistance services available to  
16:24 15 clients with gambling addictions. Of what nature?

16:24 16

16:24 17 A. So gambling is just the surface, and there is so many  
16:24 18 underlying issues, like I can say, for example, mental health or  
16:24 19 family violence and also isolation. So I think it would be best if  
16:24 20 Crown just understand that kind of issue and offering services for  
16:24 21 clients who they screen for symptoms of, say, mental health  
16:24 22 issues like depressions or anxieties and offer the services in  
16:24 23 a timely manner.

16:24 24

16:24 25 Q. I see. Confidential was there anything else you wanted to  
16:24 26 mention to the Commission based on your experience and seeing  
16:24 27 clients at the Confidential and any other recommendations you think  
16:24 28 would be important?

16:24 29

16:24 30 A. So I'm just wondering, because my clients report to me that  
16:25 31 if they sign a self-exclusion deed saying, for example, in  
16:25 32 Melbourne, but they still can go into Adelaide or go into Sydney  
16:25 33 and gamble. So should there be a national scale self-exclusion.  
16:25 34 So if they exclude themselves from Crown in Melbourne, it  
16:25 35 means they also have to exclude themselves from other spaces as  
16:25 36 well, instead of just Melbourne.

16:25 37

16:25 38 MS NESKOVICIN: I see.

16:25 39

16:25 40 Commissioner, I didn't have anything further for Confidential Did  
16:25 41 you have any further questions?

16:25 42

16:25 43 COMMISSIONER: No, I don't have any further questions but  
16:25 44 thank you for your evidence. It's very helpful.

16:25 45

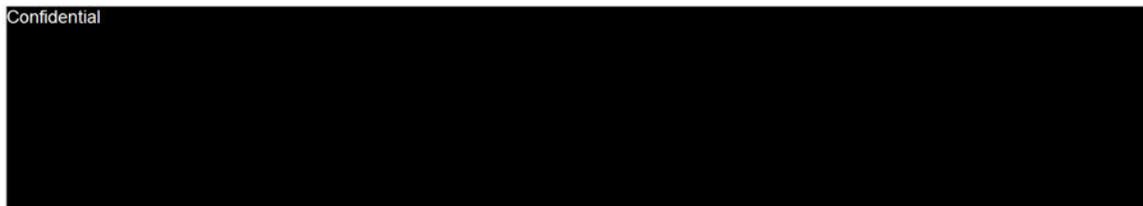
16:25 46 A. Thank you. Thank you for the opportunity.

16:25 47

16:25 1 MS NESKOVCIN: Thank you, Confidential  
16:25 2  
16:25 3  
16:25 4 **THE WITNESS WITHDREW**  
16:25 5  
16:25 6  
16:25 7 COMMISSIONER: Thank you. Is that all for today then?  
16:25 8  
16:25 9 MS NESKOVCIN: I think that is all there is for the virtual  
16:25 10 hearing, but I understand Mr Kozminsky has another witness.  
16:26 11  
16:26 12 COMMISSIONER: No, he did his at 2.00 and we are otherwise  
16:26 13 done.  
16:26 14  
16:26 15  
16:26 16 **HEARING ADJOURNED AT 4.27 PM UNTIL TUESDAY, 1**  
16:26 17 **JUNE 2021 AT 10.00 AM**

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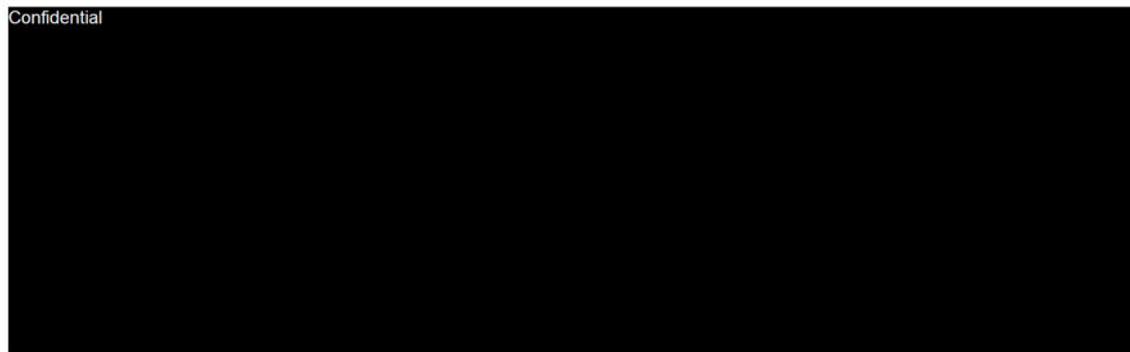


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