



**EXTERNAL REVIEW OF THE QUEENSLAND OPERATIONS OF THE
STAR ENTERTAINMENT GROUP LIMITED**

BEFORE THE HONOURABLE ROBERT GOTTERSON AO QC

**PUBLIC HEARING
BRISBANE**

**TUESDAY, 23 AUGUST 2022
AT 10:00 AM (AEST)**

DAY 1 - TRANSCRIPT

**MR J.M. HORTON QC appears with MS A.R. HELLEWELL
as counsel assisting the Review**

**MR G.D. BEACHAM QC appears with MR P. HOLMES and MR D. WONG
as counsel for Star Entertainment Group Limited, Star Entertainment
Queensland Pty Ltd and The Star Entertainment Custodian Pty Ltd**

Witness Appearances

WITNESS A

WITNESS B AND WITNESS C

**MR J. TOLEAFOA, Group Manager Responsible Gambling, The Star
Entertainment Group Limited**

<THE HEARING COMMENCED AT 9:59 AM

MR GOTTERSON QC: Well, good morning, everyone. I think it's well known that today is the first day of public hearings under section 91 of the Casino Control Act, and that's referable to part A of my terms of reference. I will take now the appearances, please. Mr Horton.

MR HORTON QC: If it please you, Mr Gotterson, my name is Horton, initials J.M. I've been appointed to assist you, along with my learned friend Ms Hellewell, initial A., and we're assisted by solicitors Corrs Chambers Westgarth.

MR GOTTERSON QC: Thank you, Mr Horton. Mr Beacham.

MR BEACHAM QC: May it please you, Mr Gotterson. Beacham. I appear with my learned friends Mr Wong and Mr Holmes, instructed by King & Wood Mallesons for The Star.

MR GOTTERSON QC: Thank you very much. And I think - does that exhaust the appearances? Yes, it does.

MR HORTON QC: It does. And we haven't received notice of anyone, at this point anyway, wishing to seek leave to be here and appear.

MR GOTTERSON QC: Very well. Well, that being so, we may start and I invite you, Mr Horton - unless there's any preliminary matters from either side - apparently not - Mr Horton, to begin opening submissions.

MR HORTON QC: Mr Gotterson, as you will recall, we made opening remarks on 14 July 2022, indicating lines of investigation and work which would be undertaken to assist you to discharge your functions according to the terms of reference. On that occasion, we tendered two documents: the terms of reference; and a corporate organisational or corporate family tree, a chart for The Star Group. Can we give you the document identifiers for them?

MR GOTTERSON QC: Yes.

MR HORTON QC: For the terms of reference, it's REV.0006.0001.0001, and we would ask that to be marked exhibit 1.

MR GOTTERSON QC: Yes. We will arrange for that - in fact, I have the exhibit in front of me, and I might hand it to my associate to - if you wouldn't mind repeating the marker number, that can be written on it.

MR HORTON: Certainly. Thank you. It's appearing on the screen, I think. The document number is at the top, REV.0006.0001.0001.

MR GOTTERSON QC: Yes, I see. That will help.

MR HORTON QC: And the second document was the corporate family tree, reference REV.0006.0002.0001. If that could be made exhibit 2.

MR GOTTERSON QC: Thank you.

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MR HORTON: Thank you.

MR GOTTERSON: Yes.

10 **MR HORTON QC:** We indicated at that time, Mr Gotterson, that we would be asking you to direct summonses to various persons, including individuals at The Star, to dig deeper into certain allegations and events. Since then, solicitors Corrs Chambers Westgarth were engaged to assist, a very large number of documents being produced to the inquiry.

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We have received numerous submissions from interested persons, spoken to people, experts, and interviewed witnesses, including three from The Star. We have, of course, studied the reports from recent interstate inquiries, and we have had the benefit of that part of Mr Bell's inquiry in Sydney which is publicly available.

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Could we, as counsel assisting, express our thanks to Corrs Chambers Westgarth who have received and organised more than 12,000 documents from Star and the OLGR. And we note that we have also asked, and you signed, issued summonses to the Office of Liquor and Gaming Regulation to obtain documents from the regulator.

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Corrs have reviewed the documents which are of importance at this stage to the inquiry. Some of the documents, more than 6000, were received on Friday of last week, so that process is ongoing. We have had a range of partners, solicitors, junior lawyers and document management experts working to get us to this point.

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We, with that team, have done our best to distill this large volume of material into four main topics, and they are as follows: (1) approach to safer gambling and gambling harm minimisation; (2) cross-border movement of gambling for persons banned in other states; (3) use of China UnionPay card facilities in Queensland; (4) The Star's commitment to its anti-money laundering responsibilities, and we will explore this last topic both generally and with respect to five case studies. I will say more about that presently.

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We have prepared a bundle of the key material for each, Mr Gotterson. It's in seven volumes, and we would ask that those volumes be made perhaps exhibit 3 collectively. And each volume is marked with its own volume number.

45 **MR GOTTERSON QC:** Very well. That will be done now.

MR HORTON QC: Thank you. The fourth issue that we just discussed, the anti-money laundering issue, is divided into two: what we call, first of all, the

anti-money laundering program, the policies, procedures, et cetera, of Star; and what we have called named persons. What we did is give case studies of five real people to The Star that we propose to test in a practical way how Star dealt with these issues historically and now.

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There are detailed chronologies for each of these five persons in Mr Steiner's statement. We are aware that none of those five are represented before the inquiry, and the case studies involve testing the existence and strength of suspicions about involvement in criminal activity. For those reasons, and because the focus is on The Star and not those other people as such for present purposes, we will ask tomorrow that you would make certain orders prohibiting the publication of information which might lead to the identification of those people.

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MR GOTTERSON: Very well.

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MR HORTON: We are conscious, for example, Mr Gotterson, there might be investigations or trials underway of which we are not aware.

MR GOTTERSON QC: Yes.

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MR HORTON QC: And would be reluctant to interfere with anything that might be occurring in that regard.

MR GOTTERSON: Yes.

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MR HORTON QC: And we would ask for orders more generally in the usual terms that people's email addresses, phone numbers and private addresses be kept confidential. Could I at this stage just flag that those orders will be sought, hand a copy up, but make them available publicly so that if anyone does wish to make a submission about them, that could be done perhaps tomorrow morning or at some other time convenient to your Honour, but --

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MR GOTTERSON QC: Yes, rather than make formal orders now without hearing someone who may have interest.

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MR HORTON QC: Yes. But if we might hand those to you, Mr Gotterson, now.

MR GOTTERSON: Thank you.

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MR HORTON: And we will make available copies publicly --

MR GOTTERSON QC: Yes.

MR HORTON QC: -- for those interested in case --

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MR GOTTERSON: Yes. And no doubt it will be on the website as well, I imagine.

MR HORTON QC: Yes.

MR GOTTERSON QC: Yes. Thank you.

5 **MR HORTON QC:** We would urge this course as preferable to conducting private hearings, and we are working on the basis that only as a last resort should the inquiry be closed to the media and the public.

MR GOTTERSON: Yes.

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MR HORTON: But we should confirm that the names and personal details of those five people are known to the inquiry.

MR GOTTERSON QC: Yes.

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MR HORTON QC: The fact we are focusing, Mr Gotterson, on the four key topics in the evidence doesn't mean there aren't many other issues being looked at. Some of the submissions pointed us to matters. We spoke with persons who suggested lines of inquiry, and they identified matters of importance to public health, integrity in casino operations and matters of general concern when thinking about how one might enhance the regulation of casinos in the future, and conversations are continuing with some of these people.

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There are, of course, three main exercises under the terms of reference, and we are conscious that this public hearing is about section 91. But we wanted to, and we have been careful to, distinguish them and we will continue to do that. But we did want to give you, and the public, a general update of what is happening not only in part A but on the other parts.

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30 **MR GOTTERSON:** Yes.

MR HORTON: First, part A is that in respect of which you have powers to compel information. You've compelled three people from The Star to speak to us in interviews to produce statements and then you have compelled them to be here over the next week or so. Those witnesses are Mr Junior Toleafoa, Mr Howard Ira Steiner and Mr Geoffrey Hogg.

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A fourth witness, Mr Chris Peasley, was summonsed more recently. We haven't interviewed him, but his name appears on some important documents and there are some matters we would like to ask him about in terms of encouraging people to gamble, offering inducements and initiatives to make that happen. He was the executive general manager for domestic marketing.

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After conclusion of the evidence, we will ask you to make findings on the matters that arise in part A, and in broad view, the topics are the ones we have identified. Part A, as I've submitted in opening remarks, is about casino operations. So the evidence will concern Treasury Brisbane and Star Gold Coast. Queen's Wharf

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development is not operating and it, therefore, stands outside that particular exercise, that is, the part A exercise.

5 Part B requires you to give ongoing advice to the Attorney-General about ongoing suitability investigation that the Attorney-General instigated and that her department is progressing. As I understand it, you have been giving advice as required about that, but the OLGR is doing the investigative work itself.

10 Now, the OLGR, we submit, may be assisted by the findings you make in part A so far as they are relevant, and they may also be assisted by the evidence and findings in the Bell Inquiry in New South Wales. But it will ultimately be a matter for the OLGR, the Attorney-General, how that inquiry takes shape in its detail on advice from you. But we will not, because of this, be investigating suitability as such. The wider legislative regime puts those questions firmly with the
15 Attorney-General and, ultimately, the Governor in Council. This doesn't mean, of course, that the work here is not relevant to the assessment of suitability, and that aspect of things is certainly not lost on us as counsel assisting.

20 As part of this, can I say we have been greatly assisted by an interim investigation report prepared by the Office of Liquor and Gaming Regulation on 21 April 2022. That report identified issues from an investigation which had preceded it and been underway. We put that report to The Star about a month ago, and we have received a response about the facts and findings which it included on an interim or
25 tentative basis. We are looking at some aspects of that response but will make more detailed submissions about it in due course and explore in the evidence some facets of Star's response with The Star's witnesses.

The suitability investigation that is underway will involve, of course, questions
30 about whether the casino operators and those associated with them are of good repute having regard to character, honesty, integrity. Part B is not limited to operating casinos. The ongoing suitability investigation is one which your terms of reference engage your assistance with, as we said.

35 And as we said at the public initial hearing, the entities most directly involved for this purpose are the licensee of The Star Gold Coast, Treasury Brisbane and Destination Consortium Brisbane Integrated Resort Operations Pty Ltd for Queen's Wharf. That company is a joint venture between The Star Entertainment Group and two Hong Kong based companies. And those entities because of their involvement in the casino licensee, DCB, are ones who are subject to suitability
40 scrutiny.

We can move to part C. It's about enhanced regulation of casino operations, again not limited to operating casinos. In the course of the public hearings over the next week, some of the evidence might inform different and maybe better ways of
45 regulating casinos in this state. To support your work in part C, the team assisting you are undertaking a review of casino regulations in other local and domestic jurisdictions, including ones where reforms that have been in response to inquiries in those other places. Research is underway into selected leading international

jurisdictions which are believed to offer some valuable context and insights that may assist your recommendations for reform in this state.

- 5 Can we foreshadow particular possibilities in that regard. First, some of the terminology in the Act might benefit from modernisation. For example, the term "problem gambling" in section 93A of the Casino Control Act (Queensland), to some people, unfairly stigmatises those who experience addiction and harm from gambling, and it tends to suggest a problem on the part of the individual when the gambling offering is, in many ways, designed to attract and to please.
- 10 Second, there's a question of what regulatory model is best. Victoria and New South Wales have, or are setting up, a regulator separate from government and which is somewhat of a specialist in casino regulation. On one hand, this may give greater capacity for specialisation and give some separation between government and casinos. But on the other, there's the question whether there should be - these should be core government tasks. We have not come to a landing on what we might submit in that respect, and we remain open, we want to emphasise, to what submitters and interested members of the public might say about this.
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- 20 Three, there is the question of the casino paying for its own oversight. It seems desirable that users pays and a good thing that Queensland taxpayers not foot the bill for keeping casinos in check. And there are various possibilities, casino supervision levy. But in some other jurisdictions, there's a guarantee which the regulator can draw down upon when it needs to conduct investigations, and that
- 25 can be topped up.
- Fourth, there are places where the Casino Control Act might be more explicit about important matters, including, for example, in its objects clause that casinos remain free from criminal influence and infiltration.
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- Five, there's the question too of what provision, if any, would need to be made if the casino were found by others unsuitable. If this course were considered appropriate, some kind of special management path to suitability, as happened with Crown Casinos, might arise. The wider Queensland legislative scheme has a bearing on what could be done in this regard and the steps that are required, which is somewhat different from other jurisdictions that have been through recent
- 35 experience in the same regard.
- Six, we might - we will suggest you might have regard to reforms concerning safer gambling and, in particular, whether carded play should be mandatory for better monitoring of gambling patterns, collection and sharing of information, pre-commitment and time limits, imposing a positive duty to ensure a sufficient number of safer gambling officers, and imposing limits by reference to a person's means. Mr Finkelstein AO QC in Victoria, in his inquiry, gave particular
- 40 consideration to these type of matters.
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- And seven, finally, should there be regular scrutiny and review, a periodic-style system. And you will know already, Mr Gotterson, there's a bill before the

Queensland Legislative Assembly dealing with matters such as penalty amounts and other reforms, which has already been through committee consideration. It may be that if you, in the end, identify shortcomings, some are concerned with culture and integrity rather than gaps in the law. The regulatory scheme relies to
5 some extent upon casinos operators behaving properly and with integrity. The word "integrity" features prominently in the Act, but there's not always a legislative fix for poor behaviour, and culture remains, we say, very important.

10 Can we turn to give more detail about each of the four specific topics that arise under part A, for this reason: we have had the benefit of interviews of Star witnesses; we have had the benefit of the production of many thousands of documents; we have had the benefit of speaking to many people; and a great deal of work has been done which has been able to advance matters in preparation for these public hearings.

15 With respect to safer gambling, issue 1, you will hear today from three people with a lived experience of gambling harm. The first is an Aboriginal man who experienced compulsive gambling and has spent some 17 years recovering. He will speak about these things from the point of view of a member of the
20 Aboriginal community in Queensland. And as the Queensland Government's Gambling Harm Minimisation Plan 2021-2025 recognises, that group of people experiences disproportionate harm from gambling. For reference - I don't need to take you to it, but that plan appears in your volume 2 in exhibit 3 as the last document.

25 Witness A, we will call him, according to the orders we are going to ask you to make and for reasons I will explain, has an understanding of this both because he has had personal experience and he subsequently studied psychological science, and he has an appreciation of the forces at work in compulsive gambling and, in
30 particular, from the point of view of someone with limited means who might not trigger many of the observable signs in terms of length of stay in a casino.

Then you will hear from two others. The first has experience in poker machine gambling harm and now is giving support to others in respect of harm that the
35 others have experienced. The first will speak about having lost 10 years to poker machine gambling and how a person's life and personal setting can make them more vulnerable to what gambling providers offer.

40 The second will speak about her experience as a partner of a person with a gambling addiction, of financial pressure and issues to do with family safety and family violence which can be associated with gambling and, indeed, which can be an emanation of the same kinds of personal issues that lead a person to gamble too much. These witnesses have a connection, the last two, which will become
45 apparent, and for that reason, we propose to call them together. And we do that by video link because they are located in Melbourne, in Victoria.

Each of these witnesses has shown courage in coming forward to speak to us and, indeed, to speak publicly. None of them directs particular criticism at The Star.

We should make that clear. None of them makes particular criticism of The Star in Queensland. It's not an exercise in showing particular, that is, instances, of oversights by The Star, but they are offered as case studies, as a way of giving insight into the kinds of real - we want to emphasise that word "real" - experiences people have that may go undetected.

We will use the evidence to explore with Mr Toleafoa, and maybe other Star witnesses, how matters like this are treated at Star and to test whether and to what extent, as the terms of reference direct, what is The Star's approach to gambling harm minimisation, including how it is actually implemented and resourced.

We would ask that you order that these three lived experience witnesses today not be identified publicly. Their names and details are, of course, known to the review, but we would submit it's not in the interests of justice for these people to be identified publicly. That might discourage others from coming forward to speak about matters which are of importance to public health and the public interest. I've provided a copy of a draft order to my learned friend. Could I hand a copy up for your consideration, Mr Gotterson.

MR GOTTERSON QC: Leave me a moment to - yes. Yes, I've read the first one relating to A, B and C. And is that an order that you would seek to have made now.

MR HORTON: Yes. That would be kept confidential. But the second order, in effect, gives effect to it in a public way, that is, there's to be no reporting or publication of any information that identifies or tends to identify witness A, B and C, and we will propose to refer to each in that way when they are called so that it's clear that their names aren't to be made known.

MR GOTTERSON QC: Mr Beacham, do you have any submissions.

MR BEACHAM: We don't have any submissions on that.

MR GOTTERSON QC: Thank you. In my view, these are orders appropriately to be made, and they are made. I order in terms of the first of them and the second of them, and I will initial each of them and direct that they be placed with the papers. It's not appropriate that they be made exhibits.

MR HORTON QC: No. Thank you. And the second, you will note, Mr Gotterson, will be placed on the door of the court so that these entering know that those witnesses should not be --

MR GOTTERSON: Yes. They have been initialled, and they will be placed with the papers. Thank you.

MR HORTON QC: Thank you. Mr Gotterson, we have been assisted by a submission in this topic made by the Alliance For Gambling Reform by Mr Christopher Darwin of the Alfred Statewide Mental Health and Gambling

Harm Service Victoria, and some literature on the topic in better understanding contemporary issues that arise, especially from the point of view of the lived experience of gambling. Relationships Australia has assisted. They have linked us with people with experience of gambling harm, and they have made a submission.

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MR GOTTERSON QC: Yes.

MR HORTON QC: We will examine Mr Toleafoa from The Star. We interviewed him on 3 August, and he has prepared a statement - a detailed statement. He is the group manager, responsible gambling, for The Star Entertainment Group Limited. He has held that position since April '19. Ms Hellewell will take him, with your permission, through key aspects of his statement.

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15 **MR GOTTERSON:** Yes.

MR HORTON: And you will hear that The Star has a new strategy under development for what it describes as responsible gambling. It is said to incorporate learnings and findings from leading practice research and other sources, including the findings from the Crown Melbourne Royal Commission conducted by Mr Finkelstein. And again, I don't need to take you to it, Mr Gotterson, but we are giving you that chapter from Mr Finkelstein's report at tab 2.7 of your volume 2 of exhibit 3.

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25 We will ask Mr Toleafoa about that and give him more detail about exactly what that entails and ask - I'm sorry, we will ask him about what detail is involved and ask if that represents a positive development and, if so, how. Another issue that arises in this regard is whether The Star gave incentives or commissions to staff who generate gambling turnover and what that might mean, if anything, for safer gambling constraints.

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35 As well as these sources, we have had the benefit of questions asked of Star by OLGR. Before this inquiry was established, OLGR had prepared requisitions to The Star, and The Star had responded with answers and documents. We found work was useful, and it saved us considerable time. In each case, we have extracted those questions asked by OLGR and by you, Mr Gotterson, and we have included those answers in each of the bundles so far as they relate to those topics. We would expect the safer gambling evidence to occupy the remainder of today and perhaps run into tomorrow when we conclude with Mr Toleafoa.

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The next issue is interstate exclusions. One focus of the terms of reference is the management of exclusions, in particular those excluded from The Star Sydney at the direction of the New South Wales Police Commissioner, and then whether patrons excluded there were actively encouraged or incentivised to attend here, in Queensland. The Star has statutory authorisation and common law rights to exclude people from areas operating as a casino and, indeed, in respect of what's called a withdrawal of licence, its property as a whole. In some cases, the Police Commissioner can direct the casino operator to exclude a certain person.

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Public policy considerations favour an exclusions regime. It avoids criminal infiltration and on-site criminal activity, such as participation in money laundering. This, we submit, is concerned with conduct apt to disrupt probity in the operation of a casino. Section 92 of the Casino Control Act empowers the casino operator or manager to give a written direction to a person prohibiting them from entering or remaining in the casino if the operator believes on reasonable grounds certain matters, if they have engaged in dishonest acts, if they have acted in a way affecting or potentially affecting the proper conduct or integrity or gaming, and if the person has engaged in unlawful conduct. Section 94 is the section that confers a discretion on the Police Commissioner to exclude a specified person from a casino in Queensland.

But apart from these statutory models, the casino operator, we submit, has a right to exclude at common law. It's expressly recognised in section 92 of the Casino Control Act. We rather see the withdrawal of licence as unconfined, as the right of a property owner to exclude anyone. We are not sure that we share this view with The Star, and we might explore that with witnesses further about the width of the discretion which The Star sees it has in terms of the withdrawal of licence. But we will explore these matters in terms of The Star's policies and procedures about the treatment of excluded persons from The Star Sydney at the direction of the New South Wales Police Commissioner. The relevant documents appear in volume 3 of your exhibit 3 on this topic.

We wish to explore three particular shortcomings, we will submit, by The Star Queensland casinos. First, persons excluded by the New South Wales Police Commissioner ought to have been but were not excluded by The Star from its Queensland casinos as a matter of course. That, we say, should have happened unless there was a demonstrably good reason for not doing so. It may be that there's a difference between us and The Star about whether a police commissioner direction in another state ought automatically to have led to exclusion here. Again, we will explore that topic.

The second shortcoming we wish to explore is in 2019 when The Star ultimately adopted a policy of whole of group exclusions whereby a person excluded from The Star Sydney would be excluded from the Queensland casinos, the policy does not seem to have been given retrospective operation with the consequence that persons already excluded from the Sydney casino weren't excluded here.

Third, it took prompting by the OLGR, so far as we can see, for The Star to apply the new policy retrospectively, a process that took about eight months to complete, commencing September 2021, that having finished in about May 2022. So until early 2019, The Star's policies about exclusions made no provision, we will suggest, for automatic exclusion by the virtue of making interstate of a police commissioner direction. We have given you, in your volume 3, the relevant policies and procedures.

The policy now is that a police exclusion in a state will be mirrored with a withdrawal of licence or venue exclusion in the other state. We submit this substitution was an appropriate step to begin to correct the deficiency. This issue also informs, Mr Gotterson, the investigation that has been conducted into The Star's commitment to its anti-money laundering responsibilities, of course. If there's an exclusion interstate by a police commissioner, we would suggest it would raise the real prospect of the need to consider, from an anti-money laundering point of view, the exclusion of that person in this state more or less automatically.

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That's the exclusions issue. The second issue concerns China UnionPay. The terms of reference require this inquiry to examine the use of China UnionPay debit or credit card facilities and other arrangements to help facilitate gambling by Chinese nationals despite Chinese currency limit restrictions. We have given you the core documents for this topic in volume 3 of exhibit - sorry, volume 5 of exhibit 3.

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Can we very briefly explain this issue? China UnionPay is a financial services provider offering Chinese consumers debit, credit and pre-paid cards. The National Australia Bank was The Star Group's banker and supplier of its merchant terminals. It placed restrictions on terminals accepting China UnionPay cards within The Star's own casinos. One suggestion - I want to emphasise "suggestion" for the minute because this is contentious, perhaps - is that Chinese laws limited the movement of currency in and out of China by Chinese nationals and that CUP/National Australia Bank arrangements sought to ensure the use of the cards consistently with their understanding of these laws.

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The Star, we will suggest, devised a process which involved patrons using the terminals within its hotel properties to debit funds from their China UnionPay card to credit their hotel account. The patron would then take a receipt of the hotel payment to the casino cage, accompanied by a VIP executive host, and exchange it for cash or chips.

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The effect of this was that all charges on the China UnionPay cards appeared as hotels and general expenses, when part, at least, were used, and intended to be used, for gambling. The central issue is really this: when National Australia Bank questioned The Star about the purpose for which such funds were or had been utilised, The Star gave various explanations. None, we will submit, that we have seen to date, made clear the funds were for gambling and they had been utilised in that way.

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An agreement between The Star and the bank required adherence to China UnionPay operating regulations. They required that Star ensure that ATMs, point of sale terminals and other terminals accepting UnionPay outside mainland China complied with what we call the UnionPay regulations and to be responsible for merchant management. The Star was the merchant here, and the bank was prohibited from contracting with a merchant in a way prohibited by local laws or regulations or relative rules of the UnionPay regs.

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Before entering into the merchant agreement, an acquirer had to ensure the merchant would comply with the requirements for the latter in operating regulations, and those regulations imposed a requirement, we will suggest, that the merchant agreement include a range of matters, including that the specification on merchant category code for UnionPay merchant be consistent with the principal business of the merchant. The merchant agreement here specified the category code to be used as lodging, hotels, motels and resorts. There did exist a category code for betting and casino gaming chips and other similar matters, but we will suggest this was expressly prohibited from being used in a merchant agreement.

The bank wrote a number of letters to The Star seeking information in relation to the expenditure on China UnionPay accounts at its operations, including those in Queensland. From 30 May 2017, the National Australia Bank wrote to Mr Theodore, former chief financial officer at The Star, reminding The Star of China UnionPay's terms and conditions; (2) seeking to ensure that no proceeds or deposits for gambling were placed through Star Entertainment Group's Astral VIP merchant terminal; (3) asking that Star ensure strict controls be in place to avoid any gambling credits being placed through terminals. On 6 November 2019, the bank wrote to the former group treasurer of The Star seeking:

"Documentation that proves that individual clients are spending the above amount..."

20 million here:

"...at their venue on entertainment and accommodation expenses."

The response was, from that person at The Star, in these terms:

"Certain very high-end premium guests at The Star Entertainment Group's integrated resorts incur expenses at the hotel, across a range of entertainment venues within the resort, travel expenses, external expenses and during their time in Australia and while staying at The Star Entertainment Group's resorts."

On 3 March 2020, the National Australia Bank requested specific information in relation to certain China UnionPay transactions at The Star in Sydney, and it will be suggested at no stage did The Star inform National Australia Bank or China UnionPay that such funds may be used, or had been used, for gambling.

On 4 March 2020, The Star advised NAB it wished to cease accepting CUP card transactions across all NAB terminals at all properties, effective from 7 March 2020. This issue is one which we say goes to integrity and honesty, but there's some particular Queensland context which is necessary to appreciate if looking at the evidence and any findings to come, for example, in the Bell Inquiry, because the Bell Inquiry was, of course, focused on New South Wales circumstances.

In October 2009, the Casino Control Act in this state was amended. It prohibited a casino operator and its agents from providing cash or chips to any person in respect of a credit card transaction in connection with any gaming. Such a prohibition did not apply in relation to gaming by a non-resident of Queensland
 5 visiting a casino under a junket agreement. As such, a casino operator could allow a person to use a debit card to deposit an amount in the person's player account.

From 1 January 2017, The Star Group commenced allowing the China UnionPay debit card point of sale transactions by such non-residents at Queensland
 10 properties. And The Star explained what it did in these terms: it would confirm the cardholder's identity, they would swipe their card at a terminal at the hotel reception where a room charge account was opened in the name; (2) the transaction took place at the front office using a CUP debit card in the customer's name; (3) once successfully processed, they would be issued with a confirmation receipt; (4) the customer would then be escorted to the casino cage by a VIP
 15 executive host where the funds were deposited into that person's front money account; and (5) subsequent front money account transactions were conducted in accordance with the relevant ICM - we will come to that in a minute - and casino cage standard operating procedures. The practice ended, as we have indicated, in
 20 early March 2020.

The Star continues, we think, to accept payments from China UnionPay accounts for certainly non-gambling - we emphasise "non-gambling" - related expenses, such as hotels, food and beverage. In total, the evidence suggests, on our reading
 25 of it, and as we anticipate perhaps the evidence from Mr Hogg, that some 55 million was transacted in Star Queensland casinos using the process just described, and about 1168 in number. This, we want to make clear, is less than seems to have been the case in New South Wales, and perhaps in dollar numbers about 10 per cent of what took place there, owing to the nature of the different volume in
 30 business.

Also important in Queensland is the context given by some so-called internal control manual components. You've got the ICMs, as they are called, in volume 6 of exhibit 3. Section B of the ICMs deal with the type of funds which may be
 35 deposited into the so-called front money account. At the request of The Star on 30 November 2017, Queensland's OLGR approved an amendment to section B of the ICM which permitted:

"Funds transferred from China UnionPay debit cards via the hotel system..."
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To be accepted in front money accounts. That explanation went to the regulator with an explanation - I will give the document reference. I won't ask it to be brought up, but we will go to in evidence perhaps, STA.6003.0001.0410. That, we say, was an explanation given to the OLGR about the basis for the change, that
 45 funds generally took 24 hours to arrive in the casino's bank account and that by accepting CUP into the front money accounts, patrons avoided the need to attend the cage prior to the money being in the casino's bank account. We will explore the truth of that with the witnesses.

The ICM arrangements were needed because under the Act, Mr Gotterson, they concern an accounting or administrative system and procedure. That is section 74(3), paragraph (a) of the Act. The ICMs were again amended on 14 December 5 2016 to remove reference to China UnionPay entirely. That had the effect, if one simply reads the ICM, that funds could be accepted with respect to all debit cards. We want to point out that all this happened before the process set out above and which was the subject of the Bell Inquiry commenced.

10 The amendments we have just been through with the ICMs don't diminish, we suggest, the significance of The Star's conduct with respect to China UnionPay cards. Relevance for present purposes upon the honesty of The Star and its dealings with the bank within the framework of arrangements designed - we want to emphasise "designed" perhaps - to uphold Chinese laws. The ICM amendments 15 are particular to Queensland and, for that reason, they are not dealt with by the Bell Inquiry. I just point that out.

We want to explore with Mr Hogg these matters: what did he know about the proposed changes, their purpose; what role he had in them; and whether they fully 20 and properly disclosed what was to occur. He does deal with these matters - we interviewed him about it - and he has included his answers at paragraphs 204 to 214 of his statement. We know he had some knowledge of these changes, and the question really is whether The Star directed its mind to the right issues in undertaking a risk assessment and the extent to which it was candid with the 25 regulator here.

The Star accepted in the Bell Inquiry that the procedure by which China UnionPay cards were swiped at terminals at the hotel but were then used to fund gaming:

30 "Obscured the true nature of the transactions and masked the fact that funds were used for the purpose of gaming from UnionPay and Chinese financial institutions."

It conceded that Star personnel understood, from the beginning at least, that China 35 UnionPay:

40 "Intended or wished to deny access to its card services for the purpose of gambling. In that context, the employment of a device that meant it was not apparent to China UnionPay that its services were being used for those purposes was at least sharp practice, even if it was not an infringement of any contract or law, and that this kind of sharp practice is unacceptable on the part of a casino licensee."

45 It was also accepted that Star's communications with NAB in relation to the use of CUP cards were obfuscatory, misleading and unethical. The Bell Inquiry findings are yet to come, and we await to see what conclusions are reached there. The point of much of what we have said above is to emphasise that there is some different Queensland context which needs to be borne in mind when looking at what

occurred in New South Wales. We will suggest this, however: the relevant conduct of The Star as, in essence, the same as has been explored in the inquiry in New South Wales. It was a group issue, albeit affecting fewer transactions here, with a smaller overall value. And it remains to be seen from the evidence what relevance, if any, the ICM changes have in terms of what was occurring at the time.

The next issue is The Star's commitment to its money laundering respondents. This we see as one of the major issues in the inquiry. The terms of reference direct you, Mr Gotterson, to examine The Star's commitment to its AML responsibilities, particularly as they relate to high risk and high value customers. Volume 1 of exhibit 3 is the policies, procedures and program for the AML and the answers given to questions asked of The Star, and volumes 4 and 5 are the named person material which relates to this issue, the case studies, in effect.

This issue was considered, as you will know, Mr Gotterson, in the Bell Inquiry, and we have given particular separate consideration to it. We interviewed Mr Howard Ira Steiner some weeks ago. He prepared a statement pursuant to a summons that you issued. He is The Star's general manager, anti-money laundering/counter-terrorism financing compliance for The Star Group. He is the designated AML/CTF compliance officer for the purpose of the federal rules.

Matters to do with The Star's money laundering program were handled at a group level. So, again, we will suggest that much of what the Bell Inquiry traversed is as relevant to Queensland as it was to New South Wales, but there are some particular aspects we would like to examine. First, the connection and relevance of AML responsibilities to persons coming over the border who have been excluded in other states for reasons relevant to suspicions about involvement in criminal activity. And by that, we really focus on the police commissioner exclusions, and you will hear evidence about ones given about certain named persons in New South Wales and Victoria. These, we will suggest, were triggers for AML consideration here in Queensland that were missed.

Second, there's the issue of some persons being actively encouraged to come to Queensland and being given benefits to do so, even though - and this might be an understatement - red flags existed which ought to have led to their exclusion, let alone not inducing the person to be here. We will explore this in quite some detail with Mr Steiner. He was not there at the relevant time, but it's a useful way, we say, of exploring the adequacy by reference to real examples about whether things would now be done differently and to probe that quite deeply.

Third, since the Bell Inquiry, The Star's development of its AML has progressed, as has the preparation, we understand, of its AML arrangements in what is called the TrackVia system and its program requirements documents. We would like to examine those by reference to the case studies and explore with Mr Steiner some notions about risk, risk assessment and the adequacy of probing a person's source of money.

We have undertaken this preparation from two perspectives: first, we have had a look at the program against the legislative and regulatory requirements; and second, we have probed The Star with five case studies, and they have responded about those and given some considerable detail in the chronology in Mr Steiner's statement. As I mentioned, those case studies are about real people, the identity of them we have asked be kept confidential. They offer a way of testing, practically, the shortcomings of the past - and we say there were many - but also whether and how robust The Star's AML system is now.

So we would ask: would these matters escape Star's notice today? Would decisions made in the past be made the same way today? If so, why? If not, why? To check that lessons learnt and the actions that should have been taken in the past would not now be taken if presented again. Would someone who possessed the profile of these case studies, we will ask, or some variation of them, be treated in the same way as the past?

We want to make clear that Mr Steiner has only been with The Star since 28 January 2020. So much of what we have put to him regarding the five case studies are not, for the most part, events that occurred while he was on watch, so to speak, but he is the person, we think, best to test the matters just described, and he has included that helpful chronology which builds very much on the work that this inquiry gave him. We have found those chronologies very useful in preparing for the public hearings.

We have summonsed - you have summonsed Mr Peasley to give evidence. He was the executive general manager of marketing. He still works for Star. In the course of summonses that you issued, Mr Gotterson, for documents generally, and in response to particular questions, Mr Peasley's name was mentioned, and they came up as relevant to the way in which The Star markets itself and engaged with its high-value customers, which seems to be a feature of the terms of reference.

Our primary reason for calling him is to explore how The Star's approach to incentivising and encouraging people is consistent with its commitment to AML responsibilities and its approach to gambling harm minimisation. We will suggest - and we will test this with him, but Mr Peasley was involved in approving gifts to be given to high risk, high value customers, and these email exchanges offer some insight into The Star's profit motives in connection with its gambling business.

Can we say something about junkets in the broad context of the anti-money laundering issue, but also for this reason: there's a particular Queensland context to junkets that needs to be borne in mind. Part A of your terms of reference require you to examine the management of what are called VIP patrons, high rollers, international patrons. Junket arrangements are known to involve enhanced risks, especially of money laundering. It can be harder to know all participants, sources of money and allocations of winnings. Often, higher amounts are involved.

In broad terms, a junket is an arrangement between a casino and a junket tour organiser to facilitate a period of gambling by one or a group of high wealth players at the casino. In return for bringing those players, the casino pays the organiser a commission, usually based on the collective gambling activity of players. The term "junket agreement" in Queensland, unlike in New South Wales, seems to extend to a sole junket agreement. I think in New South Wales, we have heard it could be called rebate play rather than a sole junket. But in the sole junket agreement, the person participating is also, in effect, the promoter, the junket.

Junket operations and terminology about them are a little different in this state from New South Wales. There are some differences in the regulatory regime and in the prevalence and nature of them here. The description is reflected in the definition of "junket agreement" in section 85A of the Casino Control Act. Junket programs have been approved to operate in Queensland since October 1993, and there has been little change to the regulatory framework since that time. The junket promoter is regulated in Queensland under the Act and the Casino Control Regulation.

In 2018, The Star began an upgrade and expansion of its casino and hotel facilities at the Gold Coast and introduced junket operations there. Once those improvements were completed, more junket players, we understand, were seen at the Gold Coast than before. But junket conduct at the casino in Brisbane seems to have been less. We understand that The Star Gold Coast, because of its location, the nature of the casino and the hotel facilities there, can offer a more attractive place for junket players to be than perhaps at the moment the Brisbane casino.

In July 2017, 60 Minutes' current affairs program raised concerns about money laundering, prostitution, sex trafficking relating to junket promoters and their local representatives at the Crown Casino in Melbourne. OLGR investigated what steps, if any, were carried out by Queensland casino operators to assess the suitability of entities or individuals before entering into junket agreements with them, that is, before the casino entered into junket agreements with them. OLGR, among other things, decided to withdraw approval for five junket promoters who had been identified as being of concern.

In March 2021, OLGR wrote to The Star seeking certain information using compulsory powers, and this was directed to scrutinising the controls at The Star's Queensland casinos. Star, on 23 April 2021, responded that it did not propose to host groups of people under junket arrangements or otherwise continue its traditional junkets business, unless specifically endorsed by OLGR, with the benefit of a reassessment of suitability through due diligence assessments undertaken by The Star. In April and May 2021, OLGR withdrew previous suitability determinations made under section 39 of the Casino Control Regulation relating to five individuals. And in September 2021, OLGR advised Star that suitability determinations in Queensland for all junket promoters and representatives had expired. I won't take you to the document, but for reference, it's STA.6005.0018.4195.

And on 9 May 2022, The Star announced to the ASX a suspension of all individual domestic and international rebate play programs at all Star casinos and reconfirmed a commitment to not dealing with junkets while it addresses issues arising from the ongoing review of The Star by Mr Bell SC in Sydney. Separately
5 from the announcement, The Star contacted OLGR and advised there were eight active individual programs at The Star Gold Coast, but none at Treasury, and that they would be settled within 14 days. The Star also confirmed that individual junket players with planned travel to its Queensland casinos had been contacted and advised that the programs would no longer be available.

10

We expect Mr Hogg's evidence to be, consistent with the above, that The Star has suspended all existing junket agreements and the entry into any future junket agreement, including sole participant junket agreements, has for now been suspended. We expect him to say that the risks associated with sole junket
15 participants may be more easily managed than those with group junkets due to the direct relationship with the customer which might be missing from a group junket. And The Star, as we understand, is giving consideration to its policies regarding how it handles in the future sole participant junket agreements.

20

Finally, we will call Mr Hogg, who will be, we suspect, the last witness in the inquiry. He is the interim CEO of The Star and formerly chief casino officer in Queensland. We interviewed him pursuant to a summons that you, Mr Gotterson, issued. You directed him to prepare a statement, and in obedience to that and to a summons to give evidence, he will be here on the last day - what we expect to be
25 the last day of evidence in the inquiry. Some of what we will ask Mr Hogg about will emerge in the course of oral evidence to be given up to that point, but there are some particular matters we flag at the moment we wish to focus on.

30

One, as already indicated, his knowledge of and involvement in the China UnionPay issue, particularly dealings with the regulator in 2015/2016 when The Star proposed and obtained approval to amend the ICMs. The main query is what Mr Hogg knew when seeking those amendments. We should be very clear in saying, however, that no document available to us suggests that the NAB was rattling the cage, so to speak, that is, making contentions about how the money
35 could or couldn't be used at the time that the ICMs amendments were being submitted. That occurred later.

40

Second, about The Star's commitment to AML responsibilities, KPMG reviewed The Star's AML program in May 2018 and found, in our submission, that it was seriously deficient. What did Mr Hogg know about this and why has it taken to get so long to where we are now, some four years later. Third, with respect to exclusions, to understand from a senior management perspective how such problems could exist without coming to the notice of senior people.

45

And then next, generally speaking, what seems to have been very serious problems in terms of offering inducements to high value, high risk customers who, with respect to some of them, on no view should have been invited to come to Queensland given the unavoidable suspicions that would arise about their

involvement in criminal activity, the source of their money and the fact of exclusion and treatment elsewhere in our jurisdictions, including by police Commissioners.

5 Mr Gotterson, that's a somewhat lengthy outline of what we propose. But as I've indicated, it's because a lot of work has been done behind the scenes in preparation for this and in order to distil and focus the way we will examine the witnesses called. We have, as I said, the support of very competent assisting solicitors and from material which the OLGR had obtained before the inquiry was convened. We
10 have made very significant headway, and we have, of course, had the benefit of the public transcripts from the Bell Inquiry.

There is an interim investigation report. We have the benefit of it. It's OLGR's document, and it's in your volume 6 at tab 6.1(a). The document reference is - I'm
15 not going to ask for it to be brought up - OLGR.0003.0001.0320. That interim investigation report has only just been provided to you. You summonsed it only in recent times. That offers interim findings and states facts upon which those findings might be based.

20 At an early stage - a month ago - the report, as we said, was given to The Star, which it hadn't previously seen, and The Star was invited to comment upon the extent to which it accepted or challenged or wished to qualify what's contained in that report. That's a most helpful report, and the response to it is useful too. It has helped focus where we think there will be points of significant difference, but it's
25 also helped to abbreviate to some extent the extent to which it has been necessary to pursue matters which ultimately might have been a waste of time because there has been an acceptance of certain things.

There will no doubt be issues that arise along the way, and perhaps new issues,
30 and perhaps some might receive an important. They are the matters that we wish to raise in opening. As I said, today will be largely concerned with the safer gambling issues, and Ms Hellewell will take each of witness A, B and C and begin, hopefully, with Mr Toleafoa today, if that's convenient to you,
Mr Gotterson.

35 **MR GOTTERSON QC:** All right. Very well. Now, Mr Beacham, is there anything arising from the opening that you wish to specifically make some submissions about?

40 **MR BEACHAM QC:** No, there's nothing we wish to raise. Thank you for the opportunity, though.

MR GOTTERSON QC: All right. Thank you. Concerning this morning's proceedings, I think it's five past 11. How long, Ms Hellewell, do you think the
45 first witness will take?

MS HELLEWELL: We are expecting the first witness to be approximately an hour, your Honour.

MR GOTTERSON QC: Very well. That being --

5 **MS HELLEWELL:** Might it be a convenient time to have a brief adjournment now?

MR GOTTERSON QC: Yes, I was going to suggest that. It's 11.06 now. The witness who is to be here in person is here, I take it?

10 **MS HELLEWELL:** He is, Mr Gotterson. And we will arrange for him to be brought into the courtroom in the brief adjournment.

15 **MR GOTTERSON QC:** Very well. I think we will have an adjournment now. We seem to be making good progress. Adjourn until 11.20, and that will allow sufficient time to get him in. And on your estimation, he would finish about 12.20. And because the - and the other two - the next two are to be heard together, aren't they?

20 **MS HELLEWELL:** They are, Mr Gotterson. And we have arranged for them to be available via video link --

MR GOTTERSON QC: Yes.

25 **MS HELLEWELL:** -- from about 2.30 --

MR GOTTERSON QC: 2.30. Very well.

MS HELLEWELL: -- if that is convenient to your Honour.

30 **MR GOTTERSON QC:** Yes. All right. We will adjust things around that. And it could well be that our first witness takes more than an hour. That can comfortably be done. Very well. We will adjourn now until 11.20.

35 **<THE HEARING ADJOURNED AT 11:05 AM**

<THE HEARING RESUMED AT 11:22 AM

MR GOTTERSON QC: Yes, Ms Hellewell.

40 **MS HELLEWELL:** Mr Gotterson, I call Witness A.

MR GOTTERSON QC: Very well. Yes. And at this point, I will ask that Witness A be affirmed.

45 **MS HELLEWELL:** Affirmed. Thank you.

MR GOTTERSON QC: Yes.

<WITNESS A, AFFIRMED

<EXAMINATION BY MS HELLEWELL:

5 **MS HELLEWELL:** Mr Gotterson made an order today that pursuant to section
16 of the Commissions of Inquiry Act, there is to be no reporting or any
publication of any information that identifies or tends to identify you. And on that
basis, sir, your name is known to Mr Gotterson, those assisting him, as well as
those representing The Star Entertainment Group. And for that purpose, we may,
10 throughout this hearing, refer to you as "Witness A". Very good. And your address
in Cedar Creek is also known to Mr Gotterson and those assisting him. If you can
just reply "yes", so that the transcript --

WITNESS A: Yes.

15 **MS HELLEWELL:** Thank you. You have met with Mr Horton and me and
agreed to give evidence at today's hearing as an Indigenous man who has suffered
gambling related harm, and you are willing to share your lived experience with
this inquiry. You've undertaken a post-graduate study, haven't you?

20 **WITNESS A:** I have, yes.

MS HELLEWELL: And when did you do that?

25 **WITNESS A:** I completed that in 2012.

MS HELLEWELL: And at what university did you do that?

30 **WITNESS A:** Catholic University.

MS HELLEWELL: And what did you graduate with?

WITNESS A: A bachelor of psychological science.

35 **MS HELLEWELL:** Psychological science. And can you please tell Mr Gotterson
when you first started gambling?

40 **WITNESS A:** I think, to be really honest, I became known to gambling really
early on. You know, I was probably in one of those families where, you know, on
the first Tuesday of November, you know, your mum got you a - or your dad got
you a sweepstake in the Melbourne Cup. So it was - it was reasonably early on
that that I was introduced to gambling. I was, I don't know, I want to say, you
know, five or six or seven or something along those lines.

45 **MS HELLEWELL:** And when did you first, yourself, go to an establishment for
gambling?

WITNESS A: I would have probably attended a TAB when I was maybe 14. I left Roma, I came to Brisbane and, yes, I was definitely going into gambling establishments by the time I was 15.

5 **MS HELLEWELL:** About 15. And when was the last time you gambled?

WITNESS A: The last time I gambled, 20 - I can remember the day, 23 September 2005.

10 **MS HELLEWELL:** 2005. Thank you. And have you ever spoken publicly about your experiences with gambling?

WITNESS A: I'm part of a self-help group that, you know - in which we - you know, we share our experiences about being compulsive gamblers. Does that
15 count as public?

MS HELLEWELL: That is public.

WITNESS A: Yes.

20

MS HELLEWELL: And do you ever speak in a forum openly outside of that service?

WITNESS A: As part of - yes, I guess, as part of my service work, I do offer to
25 speak at functions that are related to, you know, gambling or gambling harm on other occasions. I did just recently do a lived experience talk at the Nambour RSL for gambling harm. Yes.

MS HELLEWELL: Thank you. And would you say that you have fully
30 recovered?

WITNESS A: I would say that's a difficult question. Once a compulsive gambler,
always a compulsive gambler, I suppose, in some sense. So, you know, my
35 reprieve is daily. So as long as I don't have that first bet, then the next ones that follow don't come. So my recovery, if you want to call it that, is dependent on me not having that first bet. So I can say I do a lot of work as a person and with others to support that I don't have that first bet.

MS HELLEWELL: And if I can take you back to when you were gambling, so
40 before 2015. At what type of venue would you predominantly gamble at?

WITNESS A: Predominantly, I was - I was a TAB gambler. Yes.

MS HELLEWELL: And what were you gambling on?
45

WITNESS A: Horses. If it was two flies running up a wall, yes. But mainly horses, you know, dogs, yes, that sort of thing. Keno was in the TABs at that

point, so I would have - you know, I would have a whole bunch of bets running at the same time. But primarily race horses.

5 **MS HELLEWELL:** Primarily race horses at the TAB. And was there a particular venue or was it any of the TABs?

10 **WITNESS A:** Any. Yes, whatever was closest, usually. I had particular TABs that were kind of on my routes between home and work. So, you know, those were often my, you know, go-to simply because they were, you know, between point A and point B for me.

MS HELLEWELL: So, in effect, for convenience, wherever there was a TAB convenient.

15 **WITNESS A:** That's right. Yes.

MS HELLEWELL: As I'm sure you are aware, this review is into The Star Entertainment Group's casinos in Queensland. Did you ever attend The Star's casinos, either The Star on the Gold Coast or Treasury Brisbane?

20 **WITNESS A:** Definitely Treasury Brisbane. I can't recall if I ever went to the Gold Coast.

MS HELLEWELL: Were either of those casinos a place you visited frequently?

25 **WITNESS A:** I don't know whether "frequently" is the correct way to say it, but usually for me the casinos were a place that I would go when - you know, when the weekend came. And if I had money left over on a - let's say a Saturday night after a big day gambling on Saturday, then the casino would certainly be a place that I would go to continue gambling.

MS HELLEWELL: And by casino, you are referring to the Treasury Brisbane?

35 **WITNESS A:** Brisbane, yes.

MS HELLEWELL: Thank you. And did you ever play electronic gambling machines, so poker machines?

40 **WITNESS A:** Yes.

MS HELLEWELL: And how frequently would you do that?

45 **WITNESS A:** I would say that that would be infrequently. If I went to a casino - so if I went to the Treasury, usually I would play on the tables, would be the - or in the - the - obviously they have a TAB or a horse gambling venue in the Treasury as well, so (indistinct).

MS HELLEWELL: Thank you. And you mentioned if you had money left over at the end of the week. Can you just explain that a little bit more?

5 **WITNESS A:** Yes. I guess I understand today that I was what you would call a last-dollar gambler, which meant that if I had money, I would gamble until all that money was gone. There was only two reasons I ever left a venue. That was either the venue closed and they kicked me out or the money was gone. Usually it was the money was gone, but occasionally there would be times where, you know, I would leave the venue when it closed still having money in my pocket.

10 **MS HELLEWELL:** And so I would like to talk to you about your personal experience being historically what you have just described as a compulsive gambler. So during the time at which you describe yourself as a compulsive gambler, how often do you estimate you would gamble?

15 **WITNESS A:** Every day. And that was dependent on getting money, but for me, my experience as a compulsive gambler, is that I would go to - you know, I would go to extreme lengths in order to get the resources to be able to gamble.

20 **MS HELLEWELL:** And by "extreme", what are you referring to? Can you give an example?

25 **WITNESS A:** Look, I would say that my mum and dad suffered greatly at the - you know, at the hands of my gambling, which means that when the money ran out, they would be the kind of people that I would lean on in order to - to get more money in order to gamble. And I guess the best single example I can give of that is my first ever full-time job, on the day I got paid - I worked a split shift, so I had a three-hour long lunch break from 12 to 3 pm. In the space of that three hours, I proceeded to lose my first ever full-time wage.

30 And rather than kind of, I guess, take responsibility for that, I called my mum, I said, "I don't get paid for another week. Can you spot me money to put petrol in my car and pay my phone bill," and, you know, do all of the things that, you know, a normal person would do with their money when they got paid. And, you know, it would have been no sooner that mum gave me that money that my intention was never to pay for the phone bill or put petrol in the car or do those things. It was to go back and gamble further with.

40 **MS HELLEWELL:** So you were lying to your parents to get further money?

WITNESS A: Yes, yes. Absolutely.

45 **MS HELLEWELL:** And so you've just mentioned daily gambling. What sort of amounts are we talking about, in quantity? So you were talking about your first pay cheque.

WITNESS A: Yes.

MS HELLEWELL: What occupation did you have or what was your salary at that time?

5 **WITNESS A:** I was, you know - at that point in time, I was 17 years old. I was
a - I don't know what the word would be. I was a gym instructor, but I was on a
traineeship. So I probably made \$200 for the week. So we're not talking about
extreme or significant amounts of money, but as I think I've shared with you
previously, and had conversations about, it wasn't necessarily always just about
10 the amount of money that I gambled. It was that I was gambling everything that I
had access to.

MS HELLEWELL: And so if you were gambling everything you had access to, how were you paying for your daily expenses?

15 **WITNESS A:** I wasn't. That's pretty much the truth of the matter. As I said, I
leaned extremely heavily on my parents for - for more than a decade whilst I was
gambling the way I was gambling.

MS HELLEWELL: And how do you think it affected your parents?

20 **WITNESS A:** I mean - yes. Words can't describe for a kid - I guess that
understanding that you've harmed the people that love you the most so
significantly. I mean, I could see it. My mum was how I would best describe as
anxious about me, receiving a phone call from me. That's - that's where it had got
25 to, you know, after some time of my compulsive gambling, is mum would hate to
get - see me name come up on her mobile phone screen because her initial thought
or her immediate thought would be, "Witness A is calling me again, you know, to
catch me for money." So I think it caused significant mental anguish for my
mother, and I think the - the psychological part of that harm turns into a physical
30 harm, you know. So mum would be sick a lot. And that, I believe, was to do with
the stress related to, you know, my actions.

MS HELLEWELL: And you seemed to get a little bit emotional about talking
about the effects on your mother. How does you, looking back on the impacts that
35 you have had on your family, affect you even today?

WITNESS A: I think for me today, my resolve is that, you know, I have to come
and - you know, the reason I'm here today, I was - it's completely voluntary, and
that's about doing my bit, my service, if you like, to - to help us understand
40 gambling as one, but also it's important for me to do those things because that's
part of my recovery. You know, to use your words from the start, part of my
recovery is doing those things that ensure that I am - how would you put it? Not
being selfish, self-centred and inconsiderate in my actions. So it's about wanting
to - I'm rambling now, sorry. Let me try and say that again.

45 I think that my experience of gambling has - has enabled me or drives me to want
to be better. So, therefore, I do the things in my life today that are about staying
away from gambling and, actually, it's about recovery. I would say - and if I could

say the other side of that question, I was paying off my gambling debts probably 10 years into, you know, recovery, if you like. So I was still paying off debts that I had accumulated whilst I was gambling 10 years after I had had my last bet. So - but, you know, I think there's always those kind of consequences and implications for gambling. That's the harm that it - one of the harms that it causes.

MS HELLEWELL: And this might be a really obvious question, but do you think you were in control of your gambling?

10 **WITNESS A:** No.

MS HELLEWELL: And what makes you say that?

15 **WITNESS A:** I - we talk about, in the self-help group that I go to, you know, no mental defence against the first bet, having had that bet, sets off a craving whereby I will gamble until, as I've said, there's nothing left or they kick me out. And having stopped gambling - so I haven't been kicked out or haven't lost all your money - the third step in my thinking is walk out the door, drive down the street, maybe beat on your steering wheel and say, "I'll never do it again," only for the next thought to be, "I wonder where I could get some more money from." You know, "I will call mum or whatever."

20 So just the thought to gamble for me was enough to set off that cycle, what I call the revolving door of addiction. And it clearly showed me, in my actions, that gambling had the power in my life; I didn't have the power. So if I thought to gamble, I would gamble. And if I have one bet, I would keep betting until my money was all gone. And when the money was all gone, if I could get my hands on some more money, I would go back to step A.

30 **MS HELLEWELL:** And so it was this recurring cycle?

WITNESS A: Just this recurring cycle.

35 **MS HELLEWELL:** Can you describe how you felt when you would first enter a betting establishment with some money in your pocket?

40 **WITNESS A:** I think the feeling started before that. You know, the euphoria of the thought to gamble, particularly if you had money in your pocket, that was - that was enough. You know, elevated heart rate, sweaty palms, excitement. And once - upon entering a gambling venue, that was the - what I call the bubble space. You know, I didn't have to think or worry about anything else. I was just there, and all I had to focus on was what was happening on the screens and writing my tickets and gambling.

45 **MS HELLEWELL:** And I know that this is really how long is a piece of string, but maybe if perhaps you can give me just a brief estimate perhaps of how long you would spend at the TAB each time?

WITNESS A: As long as the money would last. So I'll try to expand on that. A Saturday - a standard Saturday races maybe start at 11 - 11 o'clock in the morning. They probably kick out of there about 6 o'clock in the afternoon. So if I had money that lasted that long, then I would be there from the open and I would be
5 there at close. That was - that was pretty standard.

As I said, I had a job where, for a while, I worked a split shift. I would spend - you know, I would get out of there at 12 o'clock. I would be back at - if I was doing okay, I would be back at two minutes to 3. So I would - I would squeeze
10 everything I could into the time I had available. And look, completely honestly, there was times I was gambling where I should have been working. That's the simple experience of the compulsive gambler, is I would be gambling on the employer's time.

15 **MS HELLEWELL:** In your view, is it just those people who gamble for significant periods of time that suffer harm?

WITNESS A: No, I don't - you know, if I - if I recount again the - you know, the definition of compulsive gambling, is that if I'm - how do I say it? Often it's about
20 the things that are not monetary that I'm gambling with. So it's my family, you know, it's my relationships, it's my job, it's whether I can put bread and milk on the table for my - you know, for my child. They're the things that often we don't think about. So, okay, if someone goes and gambles for, you know, six hours, that's a - that's a long time. But if I'm there gambling with the money that I should
25 be buying my family's food with, that's - that's a bigger issue. So I could get rid of my family's food money in half an hour, in an hour. So, yes, it's not always time. I think time is one element of it.

30 **MS HELLEWELL:** And from what you are saying there, it's not always necessarily the quantity of money that's being gambled either?

WITNESS A: If I - if I have a \$20 bet and that's my last \$20, then that's a big bet. If my wife is going to walk out because I don't put bread and milk on the table this week, that's a big bet. You know, again, if I am going to lose my job because I
35 can't pull myself out of the TAB at 3 pm in the afternoon to go back and be on time to unlock the doors, that's a big bet --

MS HELLEWELL: Yes.

40 **WITNESS A:** -- irrespective of the monetary value of that bet.

MS HELLEWELL: Do you think that gambling causes gambling harm to every individual that gambles?

45 **WITNESS A:** No. No, I don't.

MS HELLEWELL: And is it your personal view that gambling should be banned?

WITNESS A: No.

MS HELLEWELL: What do you think?

5

WITNESS A: I think that, you know, gambling is not harmful in and of itself. It's addiction that is - is where the harm is caused. What I think that as a society when we choose to allow the opportunity for people to choose to gamble, then we have to understand that providing those opportunities create the opportunity for

10 addiction and, therefore, addiction - gambling harm through addiction. So I think that there is an ethical consideration whenever we allow the opportunity for, you know, leisure activities through - through gambling, that there needs to be some sort of parameters around how we, as a society, want that to occur, understanding that, for some people, it causes harm.

15

MS HELLEWELL: And what do you think those parameters should be, given you've got this lived experience?

WITNESS A: I - I think that, you know, my own experience was that there were,

20 and was, times where I had, you know, over time, attempted to ban myself from gambling venues. I found out pretty quickly that whilst I banned myself, I could go back into those establishments quite easily. And, in fact, I don't think I was ever stopped going back into any gambling establishment even though I had banned myself, up until one particular night I was going to a pub and there was a bouncer

25 at the front door. And I don't know how this guy recognised my face, but he kind of said, "You know, you've banned yourself from gambling establishments." I'm like, "Yeah, I have."

And that was a turning point for me. That was a turning point towards stopping

30 gambling. So I think there's a real important part to that story, that is, when people recognise for themselves their gambling is a problem and they make steps to choose to not to gamble, there's really important requirements placed on gambling venues in order to ensure that people don't enter back into those places to gamble.

MS HELLEWELL: And I would just like to be very clear about something. You've spoken about venues that you sought to exclude yourself from. You're not trying to say that you sought to exclude yourself from The Star and that they didn't pick that up, are you?

40 **WITNESS A:** No.

MS HELLEWELL: And so --

MR GOTTERSON QC: Can I ask you this: when you sought to self-exclude yourself, was it simply from the one identified venue or was it, if there were a chain of venues, shall we say, the whole of the chain?

45

WITNESS A: Yes, chain of venues.

MR GOTTERSON QC: Chain of venues. Thank you.

5 **MS HELLEWELL:** And so can I assume, based on the evidence you have given earlier, that that chain was the TAB?

WITNESS A: Yes. I think it was Tabcorp or something like that.

10 **MS HELLEWELL:** One of the Tabcorp entities.

MR GOTTERSON QC: So it would be the one that you would habitually go to, the people there would know you had banned yourself, but go to one a couple of suburbs way, they didn't know you. And what was the experience with that kind of venue?

15 **WITNESS A:** Yes. You know, I think that it's definitely the case - you know, I often joke, you know, I drive to the other side of Brisbane if it meant that I could have a bet. So - and so what I mean by that is, yes, absolutely, there are the frequented places that know you, but if the suburb - two suburbs over the person
20 doesn't know you, then they're not going to stop you from going in and gambling. Yes.

MR GOTTERSON QC: Thank you.

25 **MS HELLEWELL:** And I know that your experience with self-exclusion is quite old. It did occur quite some time ago. What do you think gambling venues could do better to make a self-exclusion more effective?

WITNESS A: Well, I happen to know that - just through my circles, that there is a
30 trial with facial recognition, for instance, in a gambling venue here in Brisbane. I mean, I can see the positives to that in that when someone is on a system and the camera is picking you up and facial recognition - I think there's a greater - there's a risk - there's a less risk of human error or human inability to know, you know, if there's 30 or 40 or 100 people that are excluded from this venue, a person at the
35 front counter might not pick that up, but a camera might or (indistinct) system might.

MS HELLEWELL: And that might have avoided what occurred in your
40 circumstance where you drove across town just to find someone that didn't recognise you?

WITNESS A: Yes. Yes.

MS HELLEWELL: I would like to change topics a little bit, if that's all right.
45 Some people have raised with this inquiry the concept of pre-setting limitations on electronic gambling machines. What are your thoughts on this?

WITNESS A: I think it's one - one part of a solution. It's not the whole solution. Again, you know, if I can go and gamble on multiple machines and have that same limit every time, then, you know - I guess what I'm saying here is people who want to gamble significant amounts of money will find ways to gamble significant amounts of money, in the sense that they will go to multiple machines or multiple games and spend money across a variety of venues or games in order to spend that money. So I think that it's part of it. It's not the whole solution.

5
10 **MS HELLEWELL:** Did you ever seek to set your own limits?

WITNESS A: No.

MS HELLEWELL: Would you ever have what would say would be your daily limit or say, "I don't want to spend this much"?

15 **WITNESS A:** Yes. Absolutely. For anyone that wanted - not that I let anyone see them, but my bank account would, you know, during that time, testify that, you know, I would take \$20 or \$40 out of my bank account, I would go and I would gamble. And when the \$40 was gone, I would go back and I would take another \$40 out. So what's going on in my head is, "I'm only going to gamble \$40 today," you know, so - absolutely I think I psychologically set limits. But because gambling had more control over my life than I did, then I just sought to keep going.

20
25 **MS HELLEWELL:** So it wasn't effective, setting your own limits?

WITNESS A: No.

MS HELLEWELL: So I suppose that answers my next question about do you think voluntary pre-set limits would have worked for you, where you voluntarily go in to, say, the TAB and say, "Today, I only want to spend \$100"?

30
35 **WITNESS A:** I guess the question for me is how is that - how do you implement such a strategy. I think it's great. You know, if I can walk in and say, "I'm going to set a \$100 limit," and there is a mechanism in place that allows me to only spend \$100 and that there is some accountability around that I only spend \$100, then that's a positive thing. It allows people choice to say, "I only want to spend X amount of money today," and there is something in place to ensure that that is all that occurs.

40
45 **MS HELLEWELL:** Thank you. So then, obviously, if you would support voluntary pre-set limits, you would then perhaps agree that mandatory pre-set limits might have worked for you so that you cannot go above a particular amount? If you had a card, you went into a venue and it was a mandatory amount set on that card and you couldn't go above it, would that have worked for you or would you have just found a way around it?

WITNESS A: It would have worked for me in that venue. So - yes, that's a really difficult question. I mean, knowing myself as a compulsive gambler, one of the things that I talk about is going to any lengths, and that means that if I wanted to gamble, I would find a way to gamble. That's - that's the clearest I can be about that. However, any - any mechanisms in place that support me to be more in control of my gambling are, I think, a positive thing.

MS HELLEWELL: And by "more in control", do you mean features that make it harder?

WITNESS A: Yes. Yes, because I never went into any gambling establishment wanting to lose all of my money. That was - in fact, it was quite the opposite. I didn't go in there wanting to - to walk out with nothing. And so it was definitely a part of it, that, psychologically at least, I didn't want to spend all of my money. So if there is an option or mechanism that allows me to, before I get into the craziness of it, set a limit, then I think that's positive. Again, I just want to reiterate that for the compulsive gambler, they may find other ways around that. So it's a part of a solution. It's not the whole solution.

MS HELLEWELL: What do you think are other parts of the solution?

WITNESS A: Look, I think for me is that what's the most important point here is that when people are on that road to recognition that gambling is a problem for them, that there are the appropriate people and services in place to allow them to - to move away from gambling. I think that, you know, things like advertising of gambling is significant and in people's face, and for the compulsive gambler where one thought to gamble sets off the activity or the action of gambling, there are very real consequences. And, of course, why else would you advertise, right, unless you wanted to get people to undertake that activity. So I think that there is a need to be mindful about the way in which we showcase or advertise gambling.

I think that where people have made a choice not to gamble, then we probably shouldn't want to bring them back into those venues because just one bet is enough for the compulsive person, you know, that's in addiction to send them into a spiral again or to keep gambling for a long period of time. I don't know if I've answered your question, but I think that it's - certainly part of the solution is about having mechanisms in place to make uncontrolled gambling harder. That's one part of it. I think there is a need for accountability of those organisations that allow gambling to occur. That's about - I think it's about transparency. It's about understanding what is the appropriate way to understand gambling harm and how do we - what data is required in order to understand whether the activities that are occurring in particular organisations are harmful.

And I think that when there are those sorts of places, that those places should have some sort of requirement to have people in those organisations or that are connected to those organisations that can help people. I think that - I guess I just question whether - you know, because I have read a bit about, you know, the emphasis on a staff member, for instance, to approach a person who they believe

might be, you know, a problem gambler, to try and stop them from gambling. I just wonder whether they're the right people to do that and whether there needs to be some more separation from the organisation that is facilitating the gambling and the people that actually are speaking to people who we believe are problem gamblers.

MS HELLEWELL: Okay. You've raised three, I think, really important issues in your answer there that I just want to unpack a little bit more. Probably the easiest one, because you were just dealing with it, was about having an employee from the casino being the one to approach somebody that might be suffering from gambling harm. Who do you think is the best person to approach someone in a facility - sorry, in an establishment?

WITNESS A: I think somebody who is - whose job it is to help someone that wants to stop gambling from stopping gambling.

MS HELLEWELL: And you don't think that's somebody that works for the casino?

WITNESS A: I struggle to think or see how - their job is based on - so in some way, shape or form, there's a conflict of interest, that someone who is paid by the profits of gambling would want someone to stop gambling.

MS HELLEWELL: And what other organisation or other body do you think would be most appropriate, if you know?

WITNESS A: Yes. I mean, I know of organisations like Gambling Harm - I think they call themselves Gambling Harm, run by --

MS HELLEWELL: Relationships Australia?

WITNESS A: Thank you. Yes. I believe they do a fair bit in that space. I'm not sure exactly how far that service extends into, but I'm pretty sure they have gambling counsellors. And I have a friend who I know has attended one of the casinos in Queensland, and I'm not sure how far that went, whether there was just a stall, saying, "Hey, you know, we're Gambling Harm Queensland," or whatever and having a bit of a stall on pamphlets or whatnot. But I think there's benefits and positive elements to that sort of thing where it's visible, you know, that there is a - someone here to help, and visibly so, within somewhere like a casino. I think that's a positive thing.

Because, again, you know, what we're talking about here a lot today is choice. And so, you know, I think it's important that even if you are in a casino and you want to stop gambling, that there is some visible and very real opportunity to get the support you need. And I think what I would add to that is, you know, I've seen through those - you know the posters that they put in the toilets about, you know, is gambling causing you more harm than whatnot. And I stared through those kinds of things just because it was simply very easy to look beyond that, not see

that, not get affected or influenced by that because it was just a poster on a wall and look the other way kind of thing. I think it's different if there are - you know, where people are involved or there's an opportunity to actually have a discussion.

5 **MR GOTTERSON QC:** From your experience, is it more often the case that a person who is harmed or has that problem, knows it, acknowledges it and goes looking for something that might help them, but because of what you are explaining, if it's brochures or a stand or something like that, that, really, the utility of something like that is dependent upon a recognition and approaching it and so
10 forth. Or to make a contrast, is the majority - or is it more often the case that there is a reluctance on the part of a person to look inwardly, see there was a problem and, in fact, almost to a point of resisting assistance - is there a spectrum there or do most fall into one category or the other?

15 **WITNESS A:** I think - I think that, you know, for the compulsive gambler, there is a reluctance or unwillingness to acknowledge that gambling is a problem. In fact, I would say, as a compulsive gambler, that gambling was my solution. You know, difficulties with living life, guess what, if I go into a venue and spend X amount of hours there where I don't have to think about or am not thinking about
20 all of the problems in my life - and, you know, in some way, shape or form, as counterintuitive as it is, gambling was my solution at that point in time. Of course, over time, coming to the recognition that, in fact, it wasn't the solution that I thought it was, it was actually the problem. Does that --

25 **MR GOTTERSON QC:** Perhaps I'm asking something that you were going to ask. But when it comes to those who resist identifying themselves as having a problem, is there some means you could see of identification at a casino, for example, or other venue, of people who fall into that category and some way of approaching them and perhaps, you know, getting them to see the light? Is that
30 done at all or is it just too hard to do?

WITNESS A: My understanding is there are attempts to do those sorts of things, and I think most organisations have some sort of policy around that. However, there's this gap between the policy intent and how that plays out. I think that one
35 of the things I was saying is about who does that approach is really important.

MR GOTTERSON QC: Yes. I was going to ask you --

WITNESS A: Yes.
40

MR GOTTERSON QC: -- whether you had a view about that, or perhaps Ms Hellewell was going to ask that line, and I will invite her to do so.

MS HELLEWELL: I'm more than happy to ask that. So who do you think would
45 be the best person to make that approach?

WITNESS A: Again, I think I have to go back to some - to people with some sort of professional experience and who are separate from, or not paid by, you know,

those gambling establishments. So I guess what I'm saying, I think there needs to be some sort of partnership or relationship that extends outside of the - you know, the profit business of a gambling venue, that there are people that are not or don't have some commitment or connection to wanting to see those, you know, people
 5 spend their money in gambling venues, that are there solely for the purpose of supporting people to stop gambling if that is their wish. Yes.

So, again, gambling harm - again, I don't know the proper name, but Relationships Australia, those sorts of organisations strike me as the sorts of organisations that
 10 are committed to supporting people to stop gambling if they want to stop gambling. So, for me, it makes some sense that those types of organisations should be involved in potentially speaking with people if it's identified that, hey, this person has been here for the last two weeks, on those machines for 12 hours and they've spent X amount of money, you know, our data shows that that's the case,
 15 then, you know, who does that approach in that case, I think, is very important.

MS HELLEWELL: So you would think that it's important that whoever does the approach has a range of data to draw from to assist them in undertaking that task?

20 **WITNESS A:** Again, I think that's my understanding, that most of that data would be available, and that any organisation in the business of making money from gambling have some sort of awareness about the amount of money and time people are spending in their - you know, in their venue. So I think it's about how we think about the use of that data that can be both for profit but also supporting
 25 people or acknowledging or being able to identify when people are perhaps, you know, in a place where gambling has become a problem for them.

MS HELLEWELL: Does that answer your question, Mr Gotterson?

30 **MR GOTTERSON QC:** Yes. Yes. Thank you.

MS HELLEWELL: Thank you. I promised you I would go back to three points. We have dealt with one. The other two points - and I will give you a heads-up of what they were so you don't forget because the question was some time ago. You
 35 mentioned accountability, and you also mentioned transparency. What do you mean by accountability when we're talking about a gambling operator?

WITNESS A: I use just one example because there's only one I can think of, is that if - how many people are coming to that organisation in any given period of time saying, "Gambling is a problem for me," or, "I want to self-exclude myself,"
 40 or whatever. Accountability and transparency for me is (1) understanding that; (2) how many of those attempts to self-exclude actually turned into a self-exclusion; and (3), you know, are those people coming back into those venues once they have taken on a self-exclusion. So I think, for me - and, again, this is off the top of my
 45 head - that goes some way to being accountable.

And obviously transparency is about the need to report back beyond just the internal organisation, that there is some sort of external transparency and,

therefore, accountability for identifying, supporting people who see problems - see gambling as a problem, and it's about how do they support that. I think there's a whole bunch of other stuff. When people do self-exclude, is there follow-up steps? How are we triaging those people to seek support? I think if it's not done by a
5 venue and an external organisation, then that triage is more streamlined. So they might be speaking with people who can be also the support people.

MS HELLEWELL: Thank you. You've reviewed some of The Star's - what they call responsible gambling policies, haven't you?
10

WITNESS A: Yes.

MS HELLEWELL: Do you wish to make any comment on those?

WITNESS A: My comment again is that a policy is just exactly that, a policy. And policy without some way of ensuring that those policies are being followed through are just words on a page. So I think there that policies in and of themselves - to me, a lot of the things that are in the policies make sense. What I'm less sure about is actually are we able to - yes, are we accountable to them and is
15 there a transparency about those commitments within those policies.
20

MS HELLEWELL: Thank you. Speaking of one of the policies, if there was a policy which made reference to asking a patron to leave after 12 hours, would that have minimised the harm you suffered from gambling?
25

WITNESS A: Me personally, probably not, because - I'm trying to think. I don't know if I was very rarely in any venue for 12 hours, but I was there every single day. So if I'm there every single day for six hours, that's okay, but I've got - I could be there once a week for 12 hours, and that's - I think that - I get the intent of that. I'm just not sure that it accurately captures how gambling causes harm.
30

MS HELLEWELL: What about a limit to the amount that can be lost by reference to a person's means? Do you understand that question?

WITNESS A: Yes. So people can only bet in amounts which are in accordance with the means that they have to gamble.
35

MS HELLEWELL: Exactly.

WITNESS A: Again, I think there are positive elements to that, and that would certainly have limited the amount of money that I was able to spend gambling. How - again, my question always comes back to how we - how we are accountable to - what mechanisms are in place to - if we can - if we can deliver on the intent of such a policy, then I think that's great.
40

MS HELLEWELL: Thank you. I might change the line of questioning a little bit, if that's all right. Sorry, I seem to have jumped a little bit in that one. Do you think
45

that somebody like yourself who is experiencing addiction - do you think such a person can make a rational decision about their gambling?

5 **WITNESS A:** I think it goes to your point earlier on that there is - reason is out the window when someone is in the grips of compulsive or addiction gambling. So once - once reason has gone out the window, then it can't be rational. I think that's the simple part of it, is that - yes. No.

10 **MS HELLEWELL:** Do you think a gambling provider should have some responsibility to assist patrons who are acting irrationally?

WITNESS A: Yes.

15 **MS HELLEWELL:** Yes. There is an end in sight to my questions, I apologise. What do you think are some of the factors that can contribute to gambling addiction? And I'm particularly interested in, for example, Indigenous Australians.

20 **WITNESS A:** I think that society is reasonably well versed in the kind of precipitators of gambling. Often, you know, it is my own experience that trauma plays a large part in that. So undealt with trauma is - is certainly a significant part of that. Obviously, we also know that lower socio-economic, lower education - you know, all of these things are precipitators of addiction, whether that's gambling or any other sort of addiction. I think that - for me, I think trauma and undealt with - undealt with trauma is certainly a massive part of addiction.

25 **MS HELLEWELL:** Thank you. I have no more questions for Witness A, Mr Gotterson, unless I can assist you any further.

30 **MR GOTTERSON QC:** No. Thank you. I will ask now Mr Beacham if he has any questions to ask you.

EXAMINATION BY MR BEACHAM QC:

35 **MR BEACHAM QC:** You will be pleased to know I only have a couple of questions. The first is you were asked about your attempts to self-exclude from the TAB. And I think you said that there was a problem because the people at your local would know your face, but the people across town might not. Could I ask you a slightly different question about that. Would you be supportive of the concept of self-exclusion information being shared across different gambling establishments, so your self-exclusion at the TAB being shared with the casinos and the RSLs and the other places?

45 **WITNESS A:** I think that that is - yes, I mean, I think that that's a positive thing, you know. If someone is identifying that gambling is a problem for them, all gambling venues are problematic for that person.

MR BEACHAM QC: And should be told. My second question is about the - you were asked by Ms Hellewell about the 12-hour limit. In your experience, would it

have been of assistance to you if the establishments you visited had a procedure by which, at three hours, they came and said to you, "You need to take a break from this"?

5 **WITNESS A:** And I guess I will give the same answer, is that time limits are part
of it. They're not the whole story, because I can do - in the right circumstances, I
can do significant harm just by having one bet. So, again, it would have been good
if someone come to me, you know, if I was - had been there at 11 o'clock and still
10 there at 2 o'clock on a Saturday afternoon. It might have done. It's hard to know,
because what - what happens beyond that, what's the next step and how is that
followed through. Because if I can go to the next - if they say, "Right, you've got
to go," but I can go to the next TAB over and bet for three hours and three hours
and three hours, then, yes, that makes it a little bit harder for me but not
15 insurmountable because that's what I would do as a - you know, a compulsive
gambler.

MR BEACHAM QC: So it would be fair to say part of the solution but certainly
not the whole solution?

20 **WITNESS A:** I would agree with you on that point, that if you think they're just
putting in time limits to reduce gambling harm, you haven't quite got to where we
need to get to.

MR GOTTERSON QC: Would it also need some sharing of information where
25 if someone, after three hours, has been told to move on, that everyone in the
network knows that that has happened so when they come knocking at the next
door, that is known?

WITNESS A: Yes. I think there has to be some --
30

MR GOTTERSON QC: You need that collaboration.

WITNESS A: Some way of being able to be, yes, linked or collaboration, as you
put it, to ensure that - you know, that we're not just shopping around, I suppose, is
35 probably the way we could put it in terms of, you know, where we gamble.

MR BEACHAM QC: And do you think it's helpful that at that three-hour point
that we are talking about, the person who comes to you doesn't simply say,
"You're out," but has a conversation with you and says, "You've been doing this
40 for a while. You should take a break. Are you okay?" Do you think that's a helpful
thing?

WITNESS A: I think that - and to reiterate what I was saying before, I think it
matters as much who that is that does that approach as opposed to what we would
45 like them to say. Because again - I think there's a couple of things, and one of
them would be, you know, if I'm a staff member waiting drinks, you know, in a
casino, my ability to do that is probably limited. And someone might say, "Look,
go and speak to that person over there," and you go up and just kind of go, you

know, "How you going?" "Yeah, I'm fine. "Okay. Great." You know, get out of there. I think - whereas someone that maybe understand compulsion or addiction in a different way might approach that conversation in a different way.

5 **MR BEACHAM QC:** Somebody who has got some training and understanding about those issues?

WITNESS A: Yes.

10 **MR BEACHAM QC:** Thank you very much.

MR GOTTERSON QC: Anything by way of re-examination?

15 **MS HELLEWELL:** No, Mr Gotterson.

MR GOTTERSON QC: Thank you.

MS HELLEWELL: Might Witness A be excused?

20 **MR GOTTERSON QC:** Certainly. And may I thank you, sir, for your attendance and your valuable contribution today. Thank you. You are excused.

<WITNESS EXCUSED 12.23 PM

25 **MS HELLEWELL:** Mr Gotterson, I think about now is the time that we were proposing to break for lunch, if that is convenient.

MR GOTTERSON QC: Yes.

30 **MS HELLEWELL:** The next two witnesses are scheduled to appear by video link at 2.30. Is that convenient?

MR GOTTERSON QC: I think it is. I was wondering that would mean a two-hour break rather than the usual half-hour. There's nothing in the next 20
35 minutes that we could usefully do?

MS HELLEWELL: Not that we know of, Mr Gotterson.

40 **MR GOTTERSON QC:** Very well.

MS HELLEWELL: Our proposal is that we use that to test the video link.

MR GOTTERSON QC: Fine. Yes. I was going to ask about that. Should we
45 resume slightly before 2.30 to make sure the link is going or you don't need us here?

MS HELLEWELL: Yes. We don't need you there, Mr Gotterson, but the proposal is to test it at 2 pm and then to resume at 2.30 with it all hopefully working.

5 **MR GOTTERSON QC:** All right. Well, perhaps we will do that. I will ask Mr Beacham if there's any other thing that you can see that we could usefully do?

MR BEACHAM: No, nothing that I can think of, Mr Gotterson.

10 **MR GOTTERSON QC:** Very well. And for the rest of the day - I think you mentioned about an hour for the next witnesses?

MS HELLEWELL: Yes. That's right.

15 **MR GOTTERSON QC:** And then --

MS HELLEWELL: Then we have Mr Toleafoa --

MR GOTTERSON QC: Yes.

20

MS HELLEWELL: -- who is the responsible gambling manager at The Star for this afternoon and perhaps into tomorrow.

25 **MR GOTTERSON QC:** Yes. Very well. And we will keep the usual court hours, I think, adjourn at 4.30 or wherever is closely convenient to that. I can't think of any other admin thing that we need to resolve today. And he will be here in person, won't he? He is not by link?

MS HELLEWELL: He will. That's correct.

30

MR GOTTERSON QC: Yes. And the link - the people in Melbourne who are by link are together. Is it envisaged you will be asking one of them a series of questions and then Mr Beacham questions for that person and then move to the other, or is it more collaborative?

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MS HELLEWELL: I think it will be more collaborative. They certainly won't be - they won't be sort of talking over the top of each other, but I was envisaging that they would both give their evidence at the same time and then Mr Beacham would have an opportunity to ask any questions.

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MR GOTTERSON QC: Yes. Does that cause any difficulties for you?

MR BEACHAM: Absolutely none.

45 **MR GOTTERSON QC:** It doesn't. Very well. That's good. Well, I think at this point, then, we will adjourn until 2.30 this afternoon.

<THE HEARING ADJOURNED AT 12:27 PM

<THE HEARING RESUMED AT 2:31 PM

MS HELLEWELL: I might let Mr Associate take the affirmation again.

5 **MR GOTTERSON QC:** Yes. Thank you.

<WITNESS B, AFFIRMED

<WITNESS C, AFFIRMED

10 **MR GOTTERSON QC:** Yes.

<EXAMINATION BY MS HELLEWELL:

15 **MS HELLEWELL:** Mr Gotterson made an order today that pursuant to section 16 of the Commissions of Inquiry Act, there is to be no reporting or publication of any information that identifies or tends to identify either of you. On that basis, throughout this hearing, we will be referring to you, as we already have, as "Witness B" and "Witness C".

20 Witness B, your name is known to Mr Gotterson, those assisting him as well as those representing The Star Entertainment Group. Is that correct?

WITNESS B: I think so.

25 **MS HELLEWELL:** Yes. And your address is known to Mr Gotterson and those assisting him as well; is that correct, Witness B?

WITNESS C: Yes.

30 **MS HELLEWELL:** Sorry, that was for Witness B.

WITNESS C: Sorry. I'm trying to distinguish between B and C.

35 **MS HELLEWELL:** I apologise. I will try and speak up.

WITNESS B: Yes.

40 **MS HELLEWELL:** So Witness B - and your address is known to Mr Gotterson and those assisting him as well; is that correct?

WITNESS B: Yes.

45 **MS HELLEWELL:** Thank you. Now, Witness C, your name is also known to Mr Gotterson, those assisting him and those representing The Star Entertainment Group; is that correct?

WITNESS C: That's correct.

MS HELLEWELL: And your address is also known to Mr Gotterson and those assisting him, as well as those representing The Star Entertainment Group; is that correct?

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WITNESS C: That's correct.

MS HELLEWELL: Very good. By way of brief background, Mr Gotterson, Witness C works with an agency who supports those recovering from gambling related harm. She also has experienced such harm after - and this is using her words - losing 10 years of her life to electronic gambling machines. She will speak about how a person's home life and personal setting can make them more vulnerable to what gambling providers offer.

15 The second of these witnesses, who we will refer to as Witness B, will speak about her experience as a partner of someone suffering gambling addiction. These witnesses have a connection which will likely become apparent, and for that reason, they will be giving their evidence together about the lived experience with dealing with the effects of gambling harm.

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So, Witness C, you have heard my brief introduction. You currently work with an agency that supports those recovering from gambling addiction; is that correct?

WITNESS C: That's correct.

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MS HELLEWELL: And what is your job title?

WITNESS C: My job title is coordinator of lived experience. So we - I support people with lived experience to use that to advocate for change.

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MS HELLEWELL: And you yourself have experienced gambling harm; is that correct?

WITNESS C: That's correct.

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MS HELLEWELL: Would you be comfortable telling Mr Gotterson about that?

WITNESS C: Certainly. I was introduced in a seemingly harmless way to poker machines when they came to Victoria 30 years ago. I used to go with a group of women, five of us, two or three times a year. We never spent more than \$20, and we never stayed longer than we wanted to, and we had what looked like fun at the time. And it seemed innocent.

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45 My life has not been easy. I've had a lot of tragedy. Two of my five children died. My marriage was in serious - having serious problems, a lot of arguing and unhappiness. And I had one night, after a particularly bad argument, left the house and thought, "What do I do? Where do I go?" Just to calm down, and I found myself in one of those places that I went with my friends.

And that was the first night I had ever been in a pub by myself, the first night I had ever gone to the pokies, as we call them, by myself, and the first night I stayed longer and spent more money than I had meant to. And I was able, when I looked
5 back, to see that was the beginning of the end. And I also learnt later that the machines did what they are designed to do, which was to calm me down and settle me down and take me to another place.

And I - eventually, I was going often by myself. I went - and I went everywhere
10 that I was. If I travelled, if I was on holidays, if I was visiting family, I would find somewhere to gamble. It had taken over my - my brain. I just couldn't see that there was any other way to do it. And I found myself gambling when I didn't mean to, when I didn't intend to. When I was driving home from work, I would make excuses to go, like needing - you know, having a free cup of coffee. Well, that was
15 the most expensive cup of coffees I have ever had.

I lost more money than I can count. I lost every last shred of my self-esteem. I tried to stop countless times and then found myself back in again. I was affected by inducements. I used to go to the casino and think, well, you get a free coffee
20 and free rewards points and free parking. And then, of course, every time I intended to only stay a short time, and not spend more than I had decided before I went in, and I was not ever able to do that.

Until I finally found my way out, it took years to unpack what had happened to my
25 brain, that it had - because the machines - I learnt the machines are designed to do that. They kind of take over your brain, and I was horrified at that. The messaging around gambling had made it worse. The "problem gambler" label and the responsible gambling didn't stick to it because I thought of myself as a responsible person. Taught that to my children. I was that in every other part of my life. But I
30 couldn't be responsible when it came to gambling. And I later realised that it wasn't possible to be responsible with a product that was designed to addict.

And so I eventually, with a lot of help, a lot of counselling, groups - I did all sorts of different kinds of therapies. I did a lot of talking and a lot of thinking and a lot
35 of writing. I found that I could begin to believe that I could stop and stay stopped because it was - every time I stopped, I thought, "Will this be the real time?" And it has now been about 13 years or thereabouts since I gave any money to the gambling industry, and I now would like to see reform happening so that people are protected from what happened to me. So - and I suppose the last thing I would
40 say is that at its worst - at the deepest, darkest, worst times for me, all I wanted - the only way I could see out was to die.

MS HELLEWELL: Sorry. I missed that. What was that last --

45 **WITNESS C:** The only way I could see out was to die, and I lived often like that. There were many - and lots and lots of days where I just thought the only way out is just to die. And I know I'm not alone in that. I've spoken to many people who tell the same stories.

MS HELLEWELL: Thank you for sharing that with us. That's a lot to unpack. Was your gambling at The Star's operations in Queensland?

5 **WITNESS C:** Not that I'm aware of. And to be honest, I gambled wherever I went, and I have family in Queensland, so it's likely I might have. I don't have a clear recall of all the places that I gambled because a lot of it is fuzzy. You're not really aware of where you are and what you're doing. But people gamble wherever - and I gambled wherever I went.

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MS HELLEWELL: And if you had to estimate, how frequently - when you were at your highest gambling, how frequently were you gambling?

15 **WITNESS C:** Daily, and for long periods of time. There were times when I stayed inside a venue for all day.

MS HELLEWELL: And do you have any idea of the quantity of money you were gambling in a day?

20 **WITNESS C:** No, but it was - it would have been - there were times when it was in the thousands, and I didn't have that money spare. It wasn't spare money. I was juggling credit cards to pay bills and hiding things, and I - the other thing that needs to be noted is nobody knew what was happening to me. Nobody within my family. They knew that I was gambling, but they didn't know to what degree, to
25 what extent, and it was a complete secret. And nobody knew until I went public and started talking about it.

MS HELLEWELL: And did you have a type of venue that you would frequent more often than others or was it any gambling venue?

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WITNESS C: It was mostly the local pubs and clubs, but I went to casinos as well. And it was only poker machines. I didn't gamble on anything else.

MS HELLEWELL: So it was only on gambling machines, did you say?

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WITNESS C: Yes, only on electronic gambling machines.

MS HELLEWELL: Something you touched upon earlier that I would like to take you back to was the use of particular terminology. You mentioned "problem gambling" and that you don't like that terminology, and you don't like "responsible gambling" terminology. Is there a terminology for those that you prefer?

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WITNESS C: Instead of "problem gambler" particularly, which is a very stigmatising label, we are people who are harmed by gambling. And with responsible gambling, that's a term that belongs - that belongs to responsible service of gambling. That's where that belongs. It doesn't belong to the user. It belongs to the provider of the product. And it doesn't work with - it doesn't work

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with a machine that's designed to addict. How can you serve it responsibly or use it responsibly?

5 **MS HELLEWELL:** In a previous discussion that you have had with Mr Horton and me, you mentioned you had particular views on the use of the terminology "gaming" and "play" when one talks about gambling. Are you able to explain that to Mr Gotterson?

10 **WITNESS C:** Sure. The way I see it is that they are terms that are meant to soften the impact of the fact that people are gambling. It's not gaming. Gaming is - gaming is something that my kids do on their - whatever they use these days. Not Nintendos any more, is it? And it's - there's a skill set that is involved in gaming that isn't used in - not in electronic poker machines. You press a button and put your money in and press another button and that's it (indistinct). And I
15 think it's meant to soften the impact of what's actually happening.

And when we talk about - and I use the term "playing the poker machine". And "playing pokies" is even another - more of a derivative that makes it sound quite innocent. You're playing. It's not playing; it's gambling. They're not pokies; they're
20 poker machines or electronic gaming machines - gambling machines. You see, it's hard to let go of the language when you hear it so often. And I think it's - industry has put that out there to soften the impact of what it is that they - what it is that their business is about and government - well, government wants the message softened too.

25 **MS HELLEWELL:** Thank you. And is it through your work that you met Witness B?

30 **WITNESS C:** It is, but not through this work because I wear several hats. Witness B and I are both members of a theatre group, and I have known her for many years, and she is a remarkable woman. And she uses her experience to try and change the conversation, which is what we all do. We want to change the conversation about gambling to reduce the - to stop the normalisation of gambling in Australia.

35 **MS HELLEWELL:** Thank you. I might now ask Witness B some questions because I think that's a pretty good lead in to Witness B. Can you please explain your circumstance when it comes to gambling harm - how you were affected?

40 **WITNESS B:** Yes. When my first marriage was over, then I moved to Australia and - with my three girls. I was a single mother, and I had my three girls. And through a friend of mine, I met my second husband. And I didn't know - in the beginning, I didn't know he was a gambler. I did not know anything about gambling. And later, we started having financial issues.

45 Now, I think after three or four months being with him and I could see he was just always trying to borrow money from people. Whatever money I had, I gave it to him. And then always - like, always he was lost and always making excuses,

wanted money. And I didn't know what he was doing, but he was boasting about blackjack to me, saying that he loves playing blackjack and he is really, really good at it. And I thought, yes, it's just a game, nothing else, because I did not have any knowledge about gambling or gambling addiction.

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And we were living in Brisbane at that time, and then he started going to casino. At that time, it was Conrad Jupiters casino. I think it was in Gold Coast. Yes. And telling me that, "Oh, I am very good at blackjack and I'll make some money, and it's like an outing for me." So I believed him. And then later, we started having financial difficulties. And through some - I don't remember how, but I found out that he was a gambler. He was addicted to gambling, and he was going to the casino to gamble. Whatever money he had - or he borrowed from people or stole or lied for playing that money, he gambled everything. And he came from Singapore where his two other siblings were gamblers too.

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MS HELLEWELL: And so - sorry, I won't interrupt you. Keep going.

WITNESS B: And to keep his addiction, he had to lie, borrow, steal and pawn - pawned all the household items, whatever we had, and also - like, such as TV, washing machine and whatever he could get his hands on because he was just - he just wanted money to gamble. And also I had my gold jewellery, and one day I saw them in the pawn shop, and I couldn't believe my eyes. And I thought, "I will buy them back," but at home there were no safe place to keep anything because he will be looking in every corner, everywhere, to find any money.

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And then later, he found me a job and I was working. But then I needed someone to look after my children, and I met this beautiful older woman who was looking for a place to stay. So she came and stayed with us, she was taking care of my children and I was working. And she trusted him. And then what he did - he lied to her and betrayed her. And she couldn't read and write in English. He gave her a form to sign because he knew she had some money in the bank, a term deposit, which I have checked to put that money in there, and he took her money out too, every single cent from her bank.

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And then she left, and I couldn't - and I had to leave work too. And we were just - financially, we were struggling. I didn't know - I was just living in fear and shame because I had to borrow money from my sisters, which I never did before. And - sorry, it's just a bit --

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MS HELLEWELL: No, that's okay. Take your time.

WITNESS B: And, yes, we started having argument because of money, what was happening - and he was working, so what was he doing? He was - every pay day, he was at the casino. And he telling me, "My friend owes me money. He borrowed money from me, and I'm going to get that money back from him. And if - even if it takes a whole day or night, I will wait for him. And some day he will come." He was doing that quite often, and sometimes he will come with \$20 or nothing.

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When he came home with nothing, then he will tell me, "Oh, I waited for him all day and night too, but he never came. I am so angry at him."

5 And in the meantime, I received my superannuation from my country where I worked for many years, and that money came in really, really good time. So I paid all my debts because we were always behind in our bills. Overdue rents, telephone bills, electricity bills, because we didn't have money. And he couldn't see what was going because he was so obsessed with gambling. And then with my money, I paid all the bills and bought necessities for the house and things for my children.
10 And the rest, I opened savings account for my children, two girls, and for myself. And then the rest, I put it in term deposit for my children's education.

And then later, I found out our savings accounts were closed. And I went to the bank to inquire about my term deposit, and I was told, "Your account is closed."
15 And then when I asked to speak with the manager, the manager was really rude and he said, "Don't you have a husband? He came here. You needed money urgently. Your mother passed away in Canada and you needed to go to her funeral." And I said, "No, I spoke to my mother this morning and she is well and alive." So he took all my term deposit, forged my signature. And the bank said, "If
20 you want, you have to go to the police." I was living with him. I couldn't go to the police. So I asked him and he threatened me and said just have to forget about that money, just to let it go. So that's what I did.

And things started really, really bad. We couldn't survive. No money there. And I
25 think one stage, I was so sick of it - and my mental state - it started affecting my health. I was mentally and emotionally exhausted because of financial situation. And I haven't told this to my girls - they don't know - but I got into the car and drove to - where was it? To Story Bridge, I think - yes, Story Bridge, and I said to myself, "That is it. That's it. I can't keep on going like this. It's my second marriage
30 and it's - this is failing too. We can't survive, and I will end my life and my children's life." But thank God that didn't happen, that somehow it didn't happen, because my girls are beautiful, beautiful girls. And - sorry.

MS HELLEWELL: No. Take your time. That's fine.
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WITNESS B: Sorry. Yes. All this was happening because he was gambling. He was obsessed with gambling, and we were living in shame and fear. And casino was his favourite place where he was crazy, playing blackjack, never bothered about us. So I decided to leave him. And I knew if I don't leave him, I won't
40 have - sorry. Before that, I had - yes, I decided to leave him. And then he threatened me. He said if I leave him, he will kill me. So I went to the police, and police told me to go somewhere and hide where he won't be able to find you.

So I moved to New South Wales to my sister's, and he never left us alone. He
45 started harassing, talking false accusations. And constant phone calls meant I couldn't stay at my sister's place because he was disturbing all of them. I didn't want to see my family going through because of me. So - and then on the same talk when he was crying and crying and begging me to come back to him, so I

came back to him, thinking that he might be - like, saying that, "I am a changed man." I came back. And then he was worse. He was worse. There was no money, nothing, and I said to him, "Why don't we apply for Centrelink?" And he said, "Don't, because we are under investigation." And gave it to me. And then I asked
5 him why, "Why are we under investigation?" And he said, "I don't know."

So one fortnight, then another, then another, and he kept on making excuses. And I said "Okay. I am going to Centrelink," and he told me, "No, you are not
10 going - don't even think of going near Centrelink because you will jeopardise everything." I don't know why, but I believed him. And Christmas was around the corner. We didn't have any money to buy groceries or anything. And one of our good friend, she brought something. And these two beautiful children from his first marriage came, so he brought a bag of groceries somehow.

15 And after - soon after Christmas, one day I was outside hanging washing or something, and he was inside, and the postman came, and I checked. There was mail from Centrelink, and I opened it, and we were getting money from Centrelink since the day we arrived. And so I went and asked him, and he was really, really angry. He said, "You have to believe me. The Centrelink has made a mistake. This
20 letter must belong to someone else and they have sent it to us. And just let it go." And I said, "No, it's black and white. It tells us." And he got so angry that he just - he kicked the door - adjacent door to the dining room. It had glass in that door and the glass broke and the sharp end in the middle.

25 And that day one of my daughter - my middle daughter didn't go to school. She had chickenpox. But I wanted to make sure we were getting money, so - it was Queensland - a beautiful Queensland day, I think 34 - 30, 35 degrees. We both walked for 45 minutes to the bank and then I was told, "Yes, you have been getting this money, and every second week your husband is coming here and
30 taking this money out and using it." Then I remembered every second Thursday, he used to get dressed and telling me, "My friend owes me money. I'm going to get the money from him." So that's what he was doing, and we were suffering in the house. And he was going to casino with all those money every second Thursday, and it happened for, I think over two, three months.

35 I don't know I didn't think of it - I don't know why I was so naive, but, yes, that was the time. And then after that - and then he - after kicking the door, he went - he left the house. And when we came back from the bank, my two daughters, younger ones, they were playing some kind of game, throwing their
40 toys from one to the other and they had a broken hole there and then sharp end just went right inside her arm. She still has the scar there, and I think lately she spent lots of money to get rid of that scar, make it look a bit better because there was a family doctor who did it and it looked really ugly.

45 Yes. So we left him. After that, I had to walk to New South Wales - I went to my sister's, and police told me make sure I don't come back this time and hide there. So I did, but he never left us alone. And then I had to go to a women's refuge in New South Wales where I was there for, I don't know, eight months or what. I

don't remember very well. But I was there with my two little ones. My older one - I have three children. My older one was 12 - she is 12 years older than my two little younger ones. So I think that time she went to Europe or something.

5 And then we were at the refuge for over eight months and I decided, after eight months, I can't carry on like this. My children have been changing their primary school so much, and it was affecting their education. And I said I don't want to do that when they start high school because they were about to start high school soon. So I decided to move back to Queensland because I felt Queensland was my
10 home. And I knew there would be consequences, so I paid my life insurance, made my will, thinking if anything happens to me, at least my children will be okay. There will be money. My older daughter can look after them, buy the house. They will have a roof over their head, and they will have enough money for their education.

15 So we moved back to Queensland and - because I knew there would be consequences, and it didn't take him long to find out we were back. Then one sunny beautiful Queensland day when my children were at school, he was inside the house with a knife. And I was his captive for over three hours. Before that, I
20 thought I wasn't scared of death. If death comes, I am okay, I am sick of living this life, I will go and my children will be okay. But when it was staring right at me, I was begging for my life. I wasn't ready to go.

And because my neighbours knew him, so - we went to court many, many times
25 because my old place we were - he was talking all the time and neighbours could see his car driving around our block. And so this - I don't know, somehow one of my neighbours suspected something or - I don't know - or my guardian angel came to help me. She knocked at our door and then he quickly just left and threw his knife in the bush.

30 And that was - and I was so sick of calling the police. I was so sick - I was so embarrassed because the neighbourhood I was living in, they were beautiful, beautiful neighbours. They never police coming for any reason. And since I moved in there, police were coming every time. So this time I said I'm not going to
35 call the police. So I just stayed in the house and cried and cried for one or two hours. And then I thought, no, I have to call the police. And I told them that, "Everything is okay. He was here and he has left. Please don't send anyone. I am okay. I just want to let you know that this is what has happened."

40 And police were very aware of my case because I had to call them many times. And then there was a female officer and she said to me, "Please just stay there. Don't move. We are sending the police." I said, "No, I don't want." I was so sick and tired of it. So then in no time police came, and there was one police
45 constable - he was my angel, and he came and he said - because he came with other police many times and never spoke. And I was so embarrassed. I thought he must be thinking, "Look at this stupid woman, wasting our time and calling us all the time." And that day he came and he said - the first time he spoke to me. He

said, "Don't worry. I have been coming here all the time. I know what is going on. So we will take care of it."

5 And so - before that, he was jailed for stalking and things for one month - or a few times for one month or so. And that time, he was jailed for six months. And after that, he left us alone and police took care of it. But he didn't leave us completely alone because he was - in the jail, he was - he was hiding behind religion. One Catholic nun, she was helping him and he is telling her that he loves us so much, loves his family and he wants us back, so if she can help. And she called me. So I
10 told her - I told her whatever - I don't know whatever I told her and then she was really nice. She said, "Don't worry. I am here to help you. If you need any help, just call me."

15 And same thing happened with private investigators. When we were in New South Wales, he had - he hired private investigator to find us. And she also called me and said, "I want to see you." And I was very, very nervous that time. I didn't know what was going on and because she was working for him. That's what she told me. But I went and met her, and she told me that she knows him and his friends, they don't look good, they are up to something. So she had advice from her lawyer
20 partner that she has to help me and leave work for him. She was told me that she was going against the law, but she is not going to work for him anymore and told me to make sure you look after yourself because he - the partner said they don't want to see a woman and three children dead. And she is writing in the newspaper next time.

25 So it's - lots of small, small things kept on happening. I don't recall everything, but it's very painful to tell everything because it's taking me back where I left long, long time ago. But like I said, yes, this is important. Like, he said he was hiding behind religion. He also changes his religion. If he met Catholic person, he will
30 become Catholic. If he met some other priest, he will become born again Christian. So he met these two priests and he became born again Christian, and they were helping him a lot. And they came to my place three or four times.

35 And being priests, I respected them, invited them in, made cup of tea for them. But they believed every word he told them, and they said to me, "You are living in sin. You are living with another man." And I told them, "No, I'm renting here. I'm not living with someone." And they said, "Your husband is very nice person. He is crying every day. He wants you guys back. Just come to him." Three times they came, and fourth time when they came to my house, they said, "Please look after
40 yourself. Don't go back to him." He borrowed four or five thousand something from them, and they don't know where he is.

45 So things kept on happening, people kept on calling us for - I don't know. Because people believed his lying. He was a professional lying. Just to keep up his gambling addiction, he became a professional liar. So he wasn't only a professional gambler but a liar too. And - I don't even remember what I was going to say, so sorry.

MS HELLEWELL: No, I think you've been very thorough with your story.

WITNESS B: Yes, we suffered a lot. My children suffered a lot. They have - my youngest daughter, she paid thousands of dollars for psychologist because that affected her really, really badly. My second one, same thing. And she never
5 wanted to get counselling, so now she is getting counselling. My eldest one, too. And I suffered a lot and still I'm having trauma counselling. I thought I'm okay because I have to be strong bringing my three girls up. I never looked after myself, so now I'm getting trauma counselling and counselling.

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MS HELLEWELL: And so how long has it been since the last incident with your former husband?

WITNESS B: It's a long time. It's a long time. I think nearly 20 years now. But
15 that scar is still there. Like I'm talking to you guys, it's just taken me back to where I was. And now when I look back, I think why he wanted us back was because he was getting money from government, so he thought if we stay with him, he can get money and he can keep up with his gambling addiction. So - but for me, it's, like, still fresh because it's still affects us. The scar is still there. It's not easy to get
20 away from that and all this stuff because of his gambling addiction. Because - yes.

And the reason I'm speaking out because I don't want anyone else to suffer what we did. I don't want any other family to go through what my family has gone through. It is very difficult for me, but I'm trying to be brave and - because I don't
25 want to call myself a victim. I call myself a survivor. I want to be strong. I have been strong for my girls, and I'm very grateful that they are doing very, very well, never been on dole. Working. Have their own places. But the pain is still there. That has not gone. I don't know how that will go away.

MS HELLEWELL: Well, thank you for being willing to speak with us today, Witness B. And thank you as well to Witness C. I'm not sure if there's anything you wish to add, Witness C?

WITNESS C: No, only that the story - the two stories you have heard today are
35 one of many. There's more than you could count who are going through massive harm because of gambling.

MS HELLEWELL: Thank you. And thank you, Witness B, for sharing your story.

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WITNESS B: You're welcome.

MS HELLEWELL: I have no further questions, Mr Gotterson.

MR GOTTERSON QC: Mr Beacham?

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MR BEACHAM QC: We don't have any questions for either Witness B or Witness C. Thank you.

MR GOTTERSON QC: Thank you. I would like, on behalf of the inquiry, to thank you both for your time and the accounts that you have given, at some emotional cost to you both, and we benefit from your efforts. Thank you.

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WITNESS C: Thank you for giving us the opportunity to speak. It helps.

MR GOTTERSON QC: Thank you.

10 **WITNESS B:** Thank you, Mr Gotterson, for your time.

MR GOTTERSON QC: Thank you. And I think the link will be terminated now.

WITNESS B: Thank you.

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MR GOTTERSON QC: If that could be arranged. Thank you.

<WITNESSES RELEASED 3.15 PM

20 **MS HELLEWELL:** Mr Gotterson, the next witness is Mr Toleafoa, who I understand has been in the courtroom listening to those witnesses --

MR GOTTERSON QC: Yes. Sure.

25 **MS HELLEWELL:** -- with our knowledge.

MR GOTTERSON QC: Yes.

MS HELLEWELL: I call Mr Junior Toleafoa.

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MR GOTTERSON QC: Mr Toleafoa, do you wish to take an oath or an affirmation?

MR TOLEAFOA: An oath.

35

MR GOTTERSON QC: Very well.

<JUNIOR TOLEAFOA, SWORN

40 **<EXAMINATION BY MS HELLEWELL:**

MS HELLEWELL: Mr Toleafoa, you should have in that area a document that is called the witness statement and transcript. Do you have that folder in front of you? What does the front of that folder say?

45

MR TOLEAFOA: Responsible services gambling.

MS HELLEWELL: I might hand your Honour a copy of --

MR GOTTERSON QC: Yes.

MS HELLEWELL: Sorry.

5

MR GOTTERSON QC: If the witness --

MS HELLEWELL: I might hand the witness a copy of his statement, your Honour. I had understood it was already in the witness box. Does your Honour
10 have a copy of a folder which is called The Witness Statement and Transcript of Junior Toleafoa Bundle?

MR GOTTERSON QC: I've got a tender bundle, volume 8, Witness Statement of Junior Toleafoa.

15

MS HELLEWELL: Thank you. There is that one and then there should also be - if we can have that ready as well, Mr Gotterson, at tender bundle volume 2. We may also be referring to documents from that.

MR GOTTERSON QC: Very well. That's coming to me now. I have that. Yes.

20

MS HELLEWELL: Mr Toleafoa, in the binder that is labelled Witness Statement, behind tab 2, there should be a copy of a statutory declaration that you swore on 18 August 2022. Can you find that?

25

MR TOLEAFOA: Yes, I've found it.

MS HELLEWELL: And is that affidavit true and correct to the best of your knowledge?

30

MR TOLEAFOA: Yes, it is.

MS HELLEWELL: And you don't wish to make any amendments?

MR TOLEAFOA: No.

35

MS HELLEWELL: I tender --

MR GOTTERSON QC: Just hold a moment. The witness statement that I have is behind tab 8. There may be yet another volume which will be down here within
40 two or three minutes' time.

40

MS HELLEWELL: That's okay. I might make do with that document and then I will have to work through so that I can give you the correct numbers. I understand
45 the documents are the same. It's just the tab referencing, Mr Gotterson.

45

MR GOTTERSON QC: Yes.

MS HELLEWELL: By way of introduction, Mr Toleafoa was required to attend under compulsion pursuant to section 5(1)(d) of the Commissions of Inquiry Act. Can you please state your name?

5 **MR TOLEAFOA:** Junior Marcellus Toleafoa.

MS HELLEWELL: And your address is known to Mr Gotterson and those assisting him in this inquiry; is that correct?

10 **MR TOLEAFOA:** I believe so, yes.

MS HELLEWELL: And you were required to attend today under compulsion?

15 **MR TOLEAFOA:** Yes.

MS HELLEWELL: What is your job title at The Star Entertainment Group?

MR TOLEAFOA: I'm the group manager for responsible gambling at The Star.

20 **MS HELLEWELL:** And how long have you held this role?

MR TOLEAFOA: Since April 2019.

25 **MS HELLEWELL:** Thank you. Before I get into your job description, I would like to talk to you about some of the terminology that The Star Entertainment Group uses with respect to safer gambling. You've probably heard the conversation I've just had with witnesses B and C.

30 **MR TOLEAFOA:** Yes.

35 **MS HELLEWELL:** Because I think it's important because The Star Entertainment Group uses particular terminology. And just so that you are aware, a number of people and organisations have suggested to the inquiry that the terminology be altered. The Star Entertainment Group and, indeed, even your statement, makes reference to problem gamblers, gambling harm and responsible gambling. Do you have anything to say about the appropriateness of such terminology?

40 **MR TOLEAFOA:** So certainly problem gambling - that's how we've used to describe it in Queensland. And in some of those forms that we have to fill out for exclusion, it's actually stated on the form to say the reason is the person is a problem gambler. So we have to use that terminology. What were the other two, just remind me? You had - the other two --

45 **MS HELLEWELL:** Gambling harm.

MR TOLEAFOA: Gambling harm, yes.

MS HELLEWELL: And then also responsible gambling.

MR TOLEAFOA: Yes. So gambling harm, that's the - what we believe is the outcome of what can affect people, so when they are not in control of their
5 gambling. And so that harm, not only to the individual, but can extent to people around that individual and to even have some adverse affects on communities. So we use that "gambling harm". Sometimes we use "problem gambling related harm".

10 **MS HELLEWELL:** Do you have a view with respect to whether "safer gambling" is appropriate terminology?

MR TOLEAFOA: Yes, I think it is the appropriate one. Safer gambling is what we believe is a terminology that would describe what we're trying to achieve but
15 will also allow others that participate in gambling to know that that's what they should also be working towards to build that safer environment.

MS HELLEWELL: Thank you. The same was said, as you probably heard, that the use of perhaps "gaming" and "play" is not appropriate when dealing with
20 gambling. Do you have a view on that?

MR TOLEAFOA: I understand that. So those two terms are often bandied around and mixed up. I still use "gambling" and then there can be other references to "play". If there was one that needed to be the standard, then I would certainly look
25 at "gambling" because that's what it is.

MS HELLEWELL: Thank you. And the same can be said for "gaming"?

MR TOLEAFOA: Gaming, yes. I would say "gambling" is the more correct term
30 because that's what it is.

MS HELLEWELL: Thank you. So if I can go back to your employment history. As the group manager of responsible gambling, you manage or led what The Star refers to as the responsible gambling team; is that correct?
35

MR TOLEAFOA: That's correct.

MS HELLEWELL: I might get you to turn to your statement, please, which will be on tab --
40

MR GOTTERSON QC: It's on 8.

MS HELLEWELL: Tab 8.

45 **MR GOTTERSON QC:** Yes.

MS HELLEWELL: Thank you. And down to - on the first page, down to paragraph 5. It's about halfway down. At this stage, we don't need it brought up on the computer screens. This is how you describe your role at The Star, isn't it?

5 **MR TOLEAFOA:** That's correct.

MS HELLEWELL: And you've stated here that the purpose of your position is to lead the existing Star Entertainment Group responsible gambling framework and drive development of the framework towards an industry-leading position; is that correct?
10

MR TOLEAFOA: That's correct.

MS HELLEWELL: And you have oversight of the day-to-day operation of responsible gambling related exclusion programs across The Star Group?
15

MR TOLEAFOA: Yes. That's correct.

MS HELLEWELL: And maintenance of The Star Entertainment Group policies and related material; is that correct?
20

MR TOLEAFOA: Correct.

MS HELLEWELL: And then in paragraph (d), you are also responsible for the management and development and delivery of a number of initiatives aimed at developing The Star Entertainment Group's responsible gambling strategy?
25

MR TOLEAFOA: That's correct.

30 **MS HELLEWELL:** So all of those, (a) through (j), are your responsibility?

MR TOLEAFOA: Yes.

MS HELLEWELL: And are all of those responsibilities group-wide as far as The Star Entertainment Group is concerned?
35

MR TOLEAFOA: Yes, they are.

MS HELLEWELL: So it includes both of Queensland's casinos?
40

MR TOLEAFOA: Yes.

MS HELLEWELL: You say in the affidavit that since June 2020, you've reported to James Gough, who is The Star Entertainment Group's general manager for internal audit and assurance; is that correct?
45

MR TOLEAFOA: Yes, that's correct.

MS HELLEWELL: Does Mr Gough have any experience or expertise that you are aware of with respect to safer gambling?

5 **MR TOLEAFOA:** No, I don't know. I don't believe he has.

MS HELLEWELL: But he has been at The Star for less than three years?

MR TOLEAFOA: I'm not sure of how long he has been at The Star.

10 **MS HELLEWELL:** But you are not aware that he has got any safer gambling experience?

MR TOLEAFOA: I'm not aware, no.

15 **MS HELLEWELL:** So if I said that he has an audit and finance background, you are unable to confirm that?

MR TOLEAFOA: I believe his role might require that, so --

20 **MS HELLEWELL:** And you are unaware if this is the only casino he has ever worked for?

MR TOLEAFOA: I don't know a lot about his background.

25 **MS HELLEWELL:** I might bring up paragraph 8 of your statement. Operator, I will give you the document ID number. I think we have a redacted version of this statement, so we might not bring that one up immediately. You will see at paragraph 8 of your statement, it details your qualifications.

30 **MR TOLEAFOA:** Yes.

MS HELLEWELL: So you have no formal qualifications?

MR TOLEAFOA: That's correct.

35 **MS HELLEWELL:** How did you familiarise yourself with the learnings of safer gambling?

40 **MR TOLEAFOA:** Sure. Back in 2005, in New Zealand, I became the manager for what we call host responsibility in New Zealand, and that was the equivalent of what we refer to as responsible gambling in Australia. At that stage, it was relatively new, the whole understanding around being a responsible host. It was relatively new about understanding what problem gambling was. I had come in - there had been a group before me that had developed some policy around that,
45 but it began to evolve. There was some learning that we just didn't know. We had to learn. There was no available training that we could take that was out there.

So we had to do our best to develop what we could as an internal program for looking after responsible gambling or host responsibility. So that meant understanding a lot about what the players - or, you know, what our customers were doing. It meant trying to source information that was available and research or experiences overseas to try and learn. This was something that was in its infancy. And so there wasn't a lot of expert advice in the industry out there that you could actually source. There were people that had done studies on gambling and problematic gambling, and so we had to source those. There wasn't any training for us that you could undertake to deal with that.

And so we started to talk about things with experts in the field that would make themselves available and ask for advice because a lot of this was new. It was in its infancy. And so we had to develop things and just learn. And those - and added initiatives. We started putting things in slowly to respond to things that we would see. We started to - we knew there needed to be an exclusion program that was right. The government had mandated what we needed to do. It was a licence inquiry - licence requirements in New Zealand, and there were a number of things that motivated us to build the program that we built, to respond to the problem of problem gambling or risk.

And so we had to learn all of those things ourselves. And so in the time that I spent in Auckland, we started to do things which were sometimes new for the industry. We looked at an algorithm that came from Canada. And I think, you know, the industry at that time was probably thinking that's pretty radical, it's pretty crazy, what are you doing? But those were the things we had to do to try and address some of the issues that we were confronted with in New Zealand. We started to look at - because we knew that it had now been classified as a public health issue. And so we needed to make sure that we were part of that. We had to accept our part, as responsible hosts, to effect an effective policy - an effective program.

So there were so many elements of a program that you needed to add. There was exclusions. There were the self-exclusions. There was third-party exclusions. There was the way that you treated people and the way that you trained your own people. So, you know, my learning has come through that. And my own dealings and experiences that people have had that I've had to talk to them about and just the understanding of my own teams. So we started to look at maybe things that would perhaps - that were unseen. So we would be saying, what is that? Why is that problem for somebody? Why aren't we seeing it? We would try and see other agencies, whether they could share data with us and talk about those things and start to build our knowledge. And we did.

And so it's through that experience - we had our security team start to look at things. I also ran a security team, and we got them asking the right questions because we really wanted to tap every possible channel that we could to learn ourselves, but to figure out if there were issues happening and happening early. So there wasn't a lot of training that could be had in those days, and it was really just

learning ourselves to address the issue, learning what was available globally, learning what was - you know, locally. And so that's what we did. It's what I did.

5 **MS HELLEWELL:** So it's safe to say that your experience in safer gambling is largely practical experience; is that correct?

10 **MR TOLEAFOA:** It's practical. It's - you know, we had to obviously talk to academia to get their advice on things and learn - learn what they were learning, see what developments and trends were happening in that area. It was a very interesting time.

15 **MS HELLEWELL:** Would you say that within The Star's organisation, it is you who is most familiar with the responsible gambling policies and procedures of The Star?

MR TOLEAFOA: Amongst me and my team, and there would be a general knowledge amongst staff.

20 **MS HELLEWELL:** But it's you who manages and you are responsible for that team at The Star?

MR TOLEAFOA: Yes.

25 **MS HELLEWELL:** The structure broadly of the responsible gambling team at The Star, as I understand it - and you can correct me. So you're the head of the team as group manager of responsible gambling; is that correct?

MR TOLEAFOA: That's correct.

30 **MS HELLEWELL:** And then below you, there are employees who are called patron liaison managers who report directly to you?

MR TOLEAFOA: That's correct.

35 **MS HELLEWELL:** And there is one of each of those at each casino; is that correct?

MR TOLEAFOA: That's correct.

40 **MS HELLEWELL:** Can you please - sorry. If I can - operator, if you can please bring up STA.6005.9003.0001. Mr Gotterson, this document is Mr Toleafoa's statutory declaration --

45 **MR GOTTERSON QC:** Yes.

MS HELLEWELL: -- with redactions made because it is becoming public. So I just --

MR GOTTERSON QC: Very well.

MS HELLEWELL: -- wish to make clear that you have a version that doesn't have redactions. Mr Toleafoa also has a version without redactions.

5

MR GOTTERSON QC: Yes.

MS HELLEWELL: And this is the version that The Star has provided to us with redactions so that it can be made public.

10

MR GOTTERSON QC: Very well.

MS HELLEWELL: Mr Operator, if you can please go to page 3 of this affidavit at paragraph 13. Paragraph 13 explains the roles for the patron liaison managers at The Star, doesn't it?

15

MR TOLEAFOA: Yes.

MS HELLEWELL: And in particular, they are responsible for implementing the responsible gambling program according to The Star Entertainment Group's strategy; is that correct?

20

MR TOLEAFOA: Yes.

MS HELLEWELL: And monitoring the policy and effectiveness of such programs; is that correct?

25

MR TOLEAFOA: Yes.

MS HELLEWELL: They also manage the customer relationships to resolve queries and concerns; is that correct?

30

MR TOLEAFOA: Yes.

MS HELLEWELL: And they are responsible for assessing operational compliance with relevant laws, codes and regulations; is that correct?

35

MR TOLEAFOA: Yes.

MS HELLEWELL: Then under those patron liaison managers - it's quite a mouthful - reporting to those three managers, you have a role that The Star calls guest support managers; is that correct?

40

MR TOLEAFOA: That is correct.

45

MS HELLEWELL: And you use the acronym GSMs?

MR TOLEAFOA: Yes.

MS HELLEWELL: In Sydney, your team has one patron liaison manager - so PLM - and four GSMs; is that correct?

5 **MR TOLEAFOA:** That's correct.

MS HELLEWELL: And at Treasury Casino in Brisbane, there is one PLM and three GSMs; is that correct?

10 **MR TOLEAFOA:** Yes.

MS HELLEWELL: And at paragraph 14 of your statement - so, Mr Operator, if you could just please scroll down a little bit - you begin with the explanation of what the role is for a GSM. So the GSM role is a frontline role that is solely for
15 addressing responsible gambling and harm-related concerns on the casino floor. The purpose of their position is to monitor for signs of gambling problems amongst guests. You then detail on the next page those four roles that GSMs have; is that correct?

20 **MR TOLEAFOA:** Yes.

MS HELLEWELL: One of those roles is to identify signs of gambling problems and supporting guests to make adequate decision; is that correct?

25 **MR TOLEAFOA:** Yes.

MS HELLEWELL: What are the signs of gambling problems?

MR TOLEAFOA: So there are a number of them. There are what we would call
30 strong signs, which are probably signs you will only see in problem gamblers or people that have - are experiencing problem gambling related harm. So those are a set of probably about five of those. And then there's some general indicators which you are likely to see in - you might see those in people who don't have - who are not experiencing any harm. So you probably need to have a group of those before
35 you can make a determination. But all of those signs - all those identifications - there's probably about 30-odd that we use.

MS HELLEWELL: And are they contained in the document that you are aware of?
40

MR TOLEAFOA: They should be somewhere here, yes. I think there's a - we have an actual guide that should address that.

MS HELLEWELL: Are you referring to the guidelines for identification of
45 at-risk or problematic gambling activity?

MR TOLEAFOA: I believe that's it.

MS HELLEWELL: I won't need to take you to that because we will come to that later.

MR TOLEAFOA: Sure.

5

MS HELLEWELL: Is that the extent of what The Star says, and trains at Star, to be the signs of problem gambling?

MR TOLEAFOA: They are. But we also, in that document, make it clear that you might see these, but there could be others that we're not aware of. And if in doubt, you should talk to us about those. So these are the main signs we expect that they may see, but there is also to keep an open mind on these things, that you could potentially see other things that we have not learnt about yet or seen. But we make sure that we're keeping an open mind on some of those things.

15

MS HELLEWELL: And when you say "talk to us", who are you referring to?

MR TOLEAFOA: Sorry. The responsible gambling team, which is the GSMs, the PLM - yes, that group of people.

20

MS HELLEWELL: And are those GSMs and PLMs relying on any indicators other than the indicators in that document we just identified?

MR TOLEAFOA: Yes, they could be - they have more contact with patrons and customers and so they're talking to them. There could be other things that are mentioned in those conversations which could determine that perhaps they are experiencing harm or could be on their way to that. So, look, there is this need to keep an open mind on how you approach this and not to draw conclusions about what is and what isn't. So there is this understanding that people need to have. These are the things you are likely to see, but don't dismiss other things. And if you are concerned about those things, talk to somebody in the responsible gambling team, talk to your manager, let us know. These are learning moments for us.

25

30

35

MS HELLEWELL: Do the managers get any training in addition to what is shown in that document?

MR TOLEAFOA: They get - I mean, this forms part of the training for managers. There are other bits to that training which will address, having good conversations, having quality conversations. Those conversations are really important. So interactions are something that we want them to understand. So, yes, there are other elements to the training that we provide.

40

MS HELLEWELL: Both the PLMs and the GSMs are responsible for managing customer relationships to resolve queries and concerns with diplomacy and tact. Do you agree?

45

MR TOLEAFOA: Sorry, I missed the last piece.

MS HELLEWELL: Managing customer relationships to resolve queries and concerns with diplomacy and tact.

5 **MR TOLEAFOA:** Yes. Correct. Yes.

MS HELLEWELL: Do you think that an employee of the Star Entertainment Group is the best person to deal with that?

10 **MR TOLEAFOA:** So many of these people in our team have been there for
20 - 10 years or - anywhere between that range. I'm probably the newest in that
team. So their understanding and relationships with customers are important, and
they know more customers than - the team that I work with have all come or
grown up in the casino, either in another field, and particularly they all have
15 gaming backgrounds and so do have a good understanding of customers. And so
their rapport with them is really important. So if you have got a great rapport with
guests and customers, then I think you can get their confidence. And that's when
you can start to have good conversations around what's actually happening. You
can actually probably - and it's not a cold call normally. Yes, there's going to be
20 cold calls. But for the majority of them, you know them. And so I think that's an
important part of that. That relationship is a key.

MS HELLEWELL: It has been suggested to the inquiry today that third-party
agencies are perhaps better placed to provide assistance with the interaction with a
25 patron. Do you agree with that?

MR TOLEAFOA: Look, I think - look, I've talked about where I think the best
approach would be. I'm not closed to the idea of a third party having that
discussion. I'm not sure - these things are hard to spot on the floor, and it really
30 does take - it really does take a lot of experience, a lot of interaction with people
on a regular basis. So I don't think they're going to see any more than what we see.
But what we're trying to do is give them a pathway to help, which are the experts
that you talk about. And so I think that's probably the better model for me, where I
would say let's provide that expertise and point them in the right direction and
35 encourage them to do that. I would be interested to see that model and how it
works, if it was, because I'm not sure they would share the same familiarity with
perhaps the team that we have now and with the general staff - staff population.

MS HELLEWELL: Isn't there perhaps a conflict with an employee making that
40 contact when they are the one that works for the provider?

MR TOLEAFOA: Sorry, I --

MS HELLEWELL: Do you think that there is a conflict with an employee of The
45 Star Entertainment Group being responsible for determining whether somebody
ought be - there should be some intervention?

MR TOLEAFOA: No, I think it's our responsibility. We have a responsibility as an operator to not only provide the services and everything else, but we also have a responsibility to look after them and to identify those issues. So, no, I don't think there's a conflict there.

5

MS HELLEWELL: Do you think there's a conflict if an employee receives a benefit from the casino by way of bonus that's linked to perhaps the harm that's being caused by way of profits?

10 **MR TOLEAFOA:** Sorry, I - so can I just get you to clarify that?

MS HELLEWELL: Do you think there is a conflict with an employee who obtains, say, a bonus that is linked to turnover --

15 **MR TOLEAFOA:** Right.

MS HELLEWELL: -- when such turnover may be directly linked to gambling harm?

20 **MR TOLEAFOA:** No. The person still has a duty - the person still has a duty to perform their duties under the responsible gambling program that we have. So they should do that. If they are not doing that, then we should take appropriate action to address that.

25 **MS HELLEWELL:** But there's a fair bit of discretion in the model, isn't there?

MR TOLEAFOA: In our model?

30 **MS HELLEWELL:** Whether or not to interact with a customer at any given point in time?

MR TOLEAFOA: There is. There is, and there should be. Yes.

35 **MS HELLEWELL:** If we go back to third-party agencies being perhaps better placed to provide that assistance, and you've said you don't necessarily agree, what would be the negatives of a third-party agency undertaking that service?

40 **MR TOLEAFOA:** Look, I said I wouldn't be closed to the idea. So I wouldn't know what the negative would be, but other than just we've got people who could understand people on the floor, who have regular contact with them, who actually probably know their gambling behaviours and can detect a variation in what they do probably a lot earlier. So, no, I - that would be the only - only negative that I could see.

45 **MS HELLEWELL:** Don't you think that a third-party agency could get that same experience if they were there on a day-to-day basis as well?

MR TOLEAFOA: Perhaps. Perhaps.

MS HELLEWELL: So going back to the GSMs --

MR TOLEAFOA: Yes.

5

MS HELLEWELL: -- they are responsible for supporting guests to make adequate decisions about their ongoing gambling activities, aren't they?

MR TOLEAFOA: Yes.

10

MS HELLEWELL: That terminology seems to place the burden on making the decision about ongoing gambling activities upon the gambler. Do you agree?

MR TOLEAFOA: Well, we are trying to get them to - we are trying to educate them to make a good decision. But if they're not going to do that, then the option is open to us to actually take over appropriate action that might address the concerns that we have for them.

MS HELLEWELL: Are you able to show me in the role for a GSM which - I can take you to the relevant paragraph. It's paragraph 14. Where does it say that, that that's their role?

MR TOLEAFOA: Well, you could almost wrap it up in paragraph - in bullet point (b). So they are there, managing the customer relationships. It's a thing that they have to do with tact. They will actually encourage that person to take the appropriate kind of path, if they can. We try to encourage people to make a good decision, but we're not going to do that without actually taking other action if we still carry concerns.

MS HELLEWELL: Thank you. We have heard today that some might say that sometimes a gambler is incapable of making an adequate decision. Would you agree with that?

MR TOLEAFOA: Yes.

35

MS HELLEWELL: How does the casino help someone who might not be making a rational decision?

MR TOLEAFOA: We would offer them exclusion, and probably not going to take it, then we would exclude them ourselves.

MS HELLEWELL: Are the making of those rational decisions properly the responsibility of the casino?

MR TOLEAFOA: To exclude a person?

45

MS HELLEWELL: The role of a GSM --

MR TOLEAFOA: Yes.

MS HELLEWELL: -- talks about supporting guests to make adequate decisions.

5 **MR TOLEAFOA:** Yes.

MS HELLEWELL: So we are not just talking about exclusions; we are talking about adequate decisions.

10 **MR TOLEAFOA:** Yes.

MS HELLEWELL: Would you agree that that's the role of the casino?

15 **MR TOLEAFOA:** It's not. I think we should support them to make the decisions, so - I'm trying to get this out here to make it clear to you.

MS HELLEWELL: Thank you.

20 **MR TOLEAFOA:** But not everybody requires an exclusion or to go to that extent. So there may be something right at the low end, and it might go right up to an exclusion, but there are some different things you can apply. And so there would be that encouragement to say, "Perhaps you should take a break," or things like that. I use that example. But there are a range of opportunities for that person that you should really present to them.

25

MS HELLEWELL: And that role properly sits with the GSM; is that correct?

MR TOLEAFOA: The GSM can do it or even the PLM.

30 **MS HELLEWELL:** Or the PLM. So the GSM or the PLM?

MR TOLEAFOA: PLM or GSM, yes.

35 **MS HELLEWELL:** There are currently not GSMs and PLMs working on a 24-hour shift, are there?

MR TOLEAFOA: No.

40 **MS HELLEWELL:** So there are gaps when at the casino there may be no GSM and no PLM?

MR TOLEAFOA: That's correct.

45 **MS HELLEWELL:** And those are the only staff who are primarily responsible for identification of problem gamblers? And by "primarily", I mean that's their sole job.

MR TOLEAFOA: That is their dedicated role, yes.

MS HELLEWELL: And the other staff, you would agree, are primarily relying upon the policies of The Star to assist them in making those decisions?

5 **MR TOLEAFOA:** Yes, we want them to make - they're like the primary care, that these are the ones that we would want them to identify and look for those early signs. And out of that, either report them to us, take action themselves. But there are managers who we've trained to understand that so that they can actually identify issues. And if they are complex ones, then, of course, escalate them to us,
10 require that person to take a break and then we can manage it from there.
So - sorry.

MS HELLEWELL: No. Continue, sorry.

15 **MR TOLEAFOA:** No, no. That's fine.

MS HELLEWELL: But if there is no GSM or PLM currently rostered, there's no one to refer it to, is there?

20 **MR TOLEAFOA:** Yes. So as long as the person is taking a break, and normally they are quite happy to do that, then it's referred to the GSM or the PLM, and we will pick that up later.

MS HELLEWELL: But by that stage, the harm might have already been caused?
25

MR TOLEAFOA: Not if they're taking a break. So if we can get them to take a break, that's great. And normally they do. So for those that don't, then those managers have the ability to effect an exclusion.

30 **MS HELLEWELL:** But they don't have particular training like the GSMs do, do they?

MR TOLEAFOA: They have training that can help them identify problematic behaviour.
35

MS HELLEWELL: During your interview, you mentioned that you were planning on increasing GSMs so that there is 24-hour coverage; is that correct?

40 **MR TOLEAFOA:** Yes, that's correct.

MS HELLEWELL: Is that over both the Gold Coast Star and Treasury Brisbane?

MR TOLEAFOA: Yes.

45 **MS HELLEWELL:** When will that be happening?

MR TOLEAFOA: That is part of our draft strategy that we have given you to look at. So that will be something we can do hopefully as soon as possible.

MS HELLEWELL: Do you think it should be a priority for The Star?

MR TOLEAFOA: Yes.

5

MS HELLEWELL: Why has it taken so long?

MR TOLEAFOA: I think it's a part of a bigger strategy that we're trying to work towards. But, yes, I think it should be done as soon as possible.

10

MS HELLEWELL: The final role that you mention in your statement is the role of the manager of gambling risk identification. Is there a person in that role?

MR TOLEAFOA: Yes, there is.

15

MS HELLEWELL: Is it one person?

MR TOLEAFOA: Yes.

20 **MS HELLEWELL:** And does that role directly report to you?

MR TOLEAFOA: Yes.

25 **MS HELLEWELL:** The role of that manager is detailed in paragraph 17 of your statement, which is on page 4. So they are responsible for - sorry:

"The manager of gambling risk identification role includes analysis of key data sources, such as the top 100 player list generated by the AML team and sent to the RG team to consider for RG concerns."

30

So we're talking there about the top 100, so the people who are spending the most; is that correct?

35 **MR TOLEAFOA:** I'm not sure how AML arrive at that - compile that list, but they send it to us, yes.

MR GOTTERSON QC: I see that this person is based in Sydney.

MR TOLEAFOA: Could be based - sorry.

40

MR GOTTERSON QC: And when you speak of - in paragraph 17, for example, of the top 100 player list, is that generated for each casino or the Sydney casino or - do you know?

45 **MR TOLEAFOA:** For the group, sir.

MR GOTTERSON QC: For the group?

MR TOLEAFOA: Yes.

MR GOTTERSON QC: Very well. Thank you.

5 **MS HELLEWELL:** That role also considers people who are accelerating through gold and platinum tiers in the loyalty program, and then a detailed assessment of guests who are being considered for elevation to the diamond tier status?

MR TOLEAFOA: Yes.

10

MS HELLEWELL: And then also doing structured assessments of frequent time play events; is that correct?

MR TOLEAFOA: Yes.

15

MS HELLEWELL: That criteria is going to miss a large percentage of people suffering gambling harm, isn't it?

20 **MR TOLEAFOA:** I think there's a more comprehensive breakdown of his role included in these documents here, and it's quite far-reaching. So --

MS HELLEWELL: We can go to that, if you like.

MR TOLEAFOA: Yes.

25

MS HELLEWELL: So his role - a difficulty is that I've got different tab numbers, but it is four tabs along. And is it the document that has got the green header that says --

30 **MR TOLEAFOA:** Yes, that's correct.

MS HELLEWELL: -- Manager Gambling Risk Identification?

MR TOLEAFOA: It is.

35

MR GOTTERSON QC: It's under 8.4 for me.

MS HELLEWELL: Thank you, Mr Gotterson. Have you got that document there?

40

MR TOLEAFOA: Yes, I have.

45 **MS HELLEWELL:** Where does this document detail the role of the manager with respect to identifying the gambling parameters that aren't covered by the summary that is in your statement?

MR TOLEAFOA: Yes. Look, all of these roles - all of these parts here - or that he has got in here is what we talk about, just in summary, for those things there,

right? So he is actually going through those in far more detail, going through the escalations through the tiers. These are problem areas or risk areas that were identified in the past. He goes through time play, which is also where we will be able to understand more about a person's behaviour and activity. He will also go
5 through the high risk and low risk groups. So he is looking for all of that kind of detail within his role.

MS HELLEWELL: But you can't point to where, in his role, it specifically
10 details that?

MR TOLEAFOA: I think it's collectively what he does here.

MS HELLEWELL: Okay.

MR TOLEAFOA: So probably when you look at all of those things, it's what he
15 does. So he does actually identify all those things, and it enables us to sort of see what is happening at different levels.

MS HELLEWELL: Because it does seem to be that he relies upon some analytic
20 mechanisms.

MR TOLEAFOA: Yes.

MS HELLEWELL: But it's unclear what those analytic mechanisms actually are.
25

MR TOLEAFOA: He would rely on data from carded play, for example.

MS HELLEWELL: Yes.

MR TOLEAFOA: He would rely on reports that are coming through from - from
30 the floor.

MS HELLEWELL: Yes. And I appreciate that you weren't here for this
35 morning's witness, Witness A.

MR TOLEAFOA: Yes.

MS HELLEWELL: Witness A detailed spending what money he had when he
40 had it, but we were not talking about large sums of money. But nevertheless, equally as harmful. So someone like that who is spending their last \$50 that they probably should have been buying bread or milk, they are not going to come up on your top 100 player list, are they?

MR TOLEAFOA: No.
45

MS HELLEWELL: And they are not going to come up on going up through the tiers, are they?

MR TOLEAFOA: No.

MS HELLEWELL: And he might not have had sufficient funds to play for long enough to be captured by the time data, would he?

5

MR TOLEAFOA: Yes.

MS HELLEWELL: For those reasons, he just simply might not be captured.

10 **MR TOLEAFOA:** It would be difficult to see them.

MS HELLEWELL: So the manager of gaming risk identification is probably not capturing those patrons who may spend the \$50 they set aside for the grocery bill and they may not have food on the table.

15

MR TOLEAFOA: So I think what we're talking about here is the ability to recognise other signs. He may not be captured by this particular process here, but he may be captured by other identification methods. So, yes, in this particular role, he may not - he may not feature.

20

MS HELLEWELL: What would a system look like that could capture that sort of information?

25 **MR TOLEAFOA:** Something like that would probably rely on processing of data. It could process a large part of data that is acting at all levels, and probably be something - the solution you would look at would be something algorithm related that would reach into that sort of detail.

30 **MS HELLEWELL:** Is The Star currently collating an algorithm?

30

MR TOLEAFOA: We are been working towards it, yes.

MS HELLEWELL: Is it a priority for The Star?

35 **MR TOLEAFOA:** It is.

MS HELLEWELL: When do you think that algorithm will be finalised?

40 **MR TOLEAFOA:** I think we're still in the very early stages. We try to develop our line, which is probably something we will have to review and look at and see where - what the best kind of approach would be now. There has been some interesting development, but it is still too early. We probably need to look at that.

45 **MS HELLEWELL:** And until that algorithm is in a better position than it is today --

MR TOLEAFOA: Yes.

MS HELLEWELL: -- you probably need more men on the ground looking at responsible gambling issues.

5 **MR TOLEAFOA:** That's what we're doing. So we are resourcing our team to do a lot of that. There has been an increase in resource to manage time play. So they are not only managing time play. They are also going to look for other indicators as well. So, yes, there is a reliance on that. But to be fair, this is one tool - one tool - that should form a suite of tools and not to heavily rely on one part but to make sure that all the other parts are functioning as well. And so that's important
10 to note, that one tool will do something.

And the algorithm - in my experience, the algorithm gave us some indications but wasn't always the silver bullet or conclusive. It really added to other information that you collect. So in this kind of work, in my experience, that's how it should be.
15 Until there is a one catch-all that can work that and tell us all those things, then we're at a stage now where we have got different layers, different parts, that address different parts. And so that's how most programs are - look today. But it would be great to get a model that catches everything.

20 **MS HELLEWELL:** Thank you. So we've spoken about the responsible gambling strategy.

MR TOLEAFOA: Yes.

25 **MS HELLEWELL:** I might take you to that document, which should be contained in 8.7.

MR GOTTERSON QC: Yes, it is.

30 **MS HELLEWELL:** It should be titled Draft Safer Gambling Strategy 2022-2025. Have you got that, Mr Toleafoa?

MR TOLEAFOA: Not yet. What was the reference again, sorry?

35 **MS HELLEWELL:** It was 8.7 or it may be under G. So the Draft Safer Gambling Strategy.

MR TOLEAFOA: Yes.

40 **MS HELLEWELL:** Firstly, this document is dated September 2022.

MR TOLEAFOA: Yes.

45 **MR GOTTERSON QC:** The one under 8.7 that I have is a board meeting, May 2018.

MS HELLEWELL: 8.8, Mr Gotterson.

MR GOTTERSON QC: 8.8. It's under 8.8 in my case. That's Draft Safer Gambling Strategy, 2022-2025.

MS HELLEWELL: Yes.

5

MR GOTTERSON QC: Yes.

MS HELLEWELL: So we are all looking at that document. You've got it?

10

MR TOLEAFOA: I have.

MR GOTTERSON QC: Yes.

MS HELLEWELL: So the document is dated September 2022.

15

MR TOLEAFOA: Correct.

MS HELLEWELL: Can I assume that you, in your role, were responsible for delivery of this strategy?

20

MR TOLEAFOA: Yes.

MS HELLEWELL: If I can please take you to page 3 of that strategy. Page 3 details the purpose of this strategy. This is still in draft form, isn't it?

25

MR TOLEAFOA: That's correct.

MS HELLEWELL: So it hasn't been approved, notwithstanding that it is dated September 2020?

30

MR TOLEAFOA: Approved in principle.

MS HELLEWELL: Yes.

35

MR TOLEAFOA: But we haven't implemented it. There's still a lot of work to do. Yes.

MS HELLEWELL: And on page 3, it says:

40

"The purpose of the safer gambling strategy is to outline The Star's commitment to providing safer gambling environments and to minimise harm to individuals, families and communities."

Is that correct?

45

MR TOLEAFOA: Yes.

MS HELLEWELL: And:

"This strategy outlines our..."

Being The Star:

5

"...shift in focus from an informed choice model to a harm minimisation approach that recognises guests can experience harm from gambling at any time."

10 Is that correct?

MR TOLEAFOA: Yes.

15 **MS HELLEWELL:** And then the goal, you will see, is listed on the same page at 1.1 as:

"To provide a safer gambling environment to minimise harm to individuals and the community."

20 Would you agree that that's The Star's goal with respect to this policy?

MR TOLEAFOA: Yes.

25 **MS HELLEWELL:** And if I can then take you to page 9 of 19 of that same document. It should be 5.2.

MR TOLEAFOA: Yes, I have it.

30 **MS HELLEWELL:** Have you got that, Mr Gotterson?

MR GOTTERSON QC: Yes. Page 9 of 19, yes.

MS HELLEWELL: Thank you.

35 **MR GOTTERSON QC:** 5.2.1. 5.2.

MS HELLEWELL: Yes. So 5.2 talks about the strategic pillars.

MR GOTTERSON QC: Yes.

40

MS HELLEWELL: And, Mr Toleafoa, it details that:

"The strategic pillars and areas of focus will enable and support a cultural and operational shift to provide safer gambling."

45

Is that correct?

MR TOLEAFOA: Yes.

MS HELLEWELL: And it seeks five points there.

MR TOLEAFOA: Yes.

5

MS HELLEWELL: And in particular, it seeks early identification and interaction with at-risk guests; is that correct?

MR TOLEAFOA: Yes.

10

MS HELLEWELL: And supporting guests to gamble safely and minimise harm; is that correct?

MR TOLEAFOA: Yes.

15

MS HELLEWELL: And then if I can take you to the following page, which is page 10 of 19. In 5.2.2, there are some early identification and interaction with at-risk guests detailed there. And you can correct me if I am wrong.

20 **MR TOLEAFOA:** Yes. Sure.

MS HELLEWELL: Does this plan seek to identify early signs that a guest may be at risk or experiencing harm from gambling?

25 **MR TOLEAFOA:** Yes.

MS HELLEWELL: So these are the four points that The Star, by this strategy, is seeking to put in play.

30 **MR TOLEAFOA:** Sorry, I missed a little bit of that. Can you repeat the question? I apologise.

MS HELLEWELL: So in 5.2.2 --

35 **MR TOLEAFOA:** Yes.

MS HELLEWELL: -- there are four items listed --

MR TOLEAFOA: Yes.

40

MS HELLEWELL: -- which seek to strategise how The Star is going to implement early identification --

MR TOLEAFOA: Yes.

45

MS HELLEWELL: -- of at-risk guests.

MR TOLEAFOA: Yes.

MS HELLEWELL: And they are listed as the time play management or play break?

5 **MR TOLEAFOA:** Yes.

MS HELLEWELL: And then it does acknowledge there, at the bottom of page 10:

10 "Whilst time isn't the only measure, encouraging and supporting regular breaks will support guests to keep track of their time played..."

And then it continues. Then number 2 comes back to this analytics we were talking about earlier, which are the predicted analytics?

15

MR TOLEAFOA: Yes.

MS HELLEWELL: And you agree that they are necessary?

20 **MR TOLEAFOA:** I did.

MS HELLEWELL: And then uncarded players. This strategy says:

25 "Guests who play uncarded may also be at risk or experiencing gambling harm, and we need to improve our ability to identify them and provide relevant support."

Do you agree?

30 **MR TOLEAFOA:** I agree.

MS HELLEWELL: And do you agree that that includes reminders by the dealers at the end of shifts for guests to take a break?

35 **MR TOLEAFOA:** Yes.

MS HELLEWELL: Is that correct?

MR TOLEAFOA: Yes.

40

MS HELLEWELL: And also empowering team members through training to understand the at-risk indicators?

MR TOLEAFOA: Yes.

45

MS HELLEWELL: And then, finally, number 4 comes back to understanding at-risk behaviours; is that correct?

MR TOLEAFOA: Correct.

MS HELLEWELL: But all of those four items will only work on a carded player; is that correct?

5

MR TOLEAFOA: Yes.

MS HELLEWELL: The time play management --

10 **MR TOLEAFOA:** Yes. Correct.

MS HELLEWELL: -- the player has got to be carded?

MR TOLEAFOA: Yes.

15

MS HELLEWELL: Predictive analytics, got to be carded?

MR TOLEAFOA: Correct.

20 **MS HELLEWELL:** Uncarded players - well - and then understanding at-risk behaviours?

MR TOLEAFOA: Yes.

25 **MS HELLEWELL:** If I can then take you to the next page, page 12 of 19.

MR GOTTERSON QC: Perhaps - carded players, uncarded players: what is a carded player?

30 **MR TOLEAFOA:** A person that uses a card to track their play. So the - part of the loyalty membership within the casino. So they would have signed up to use a card, and they would use their card every time they gamble.

MR GOTTERSON QC: Yes.

35

MR TOLEAFOA: An uncarded player, of course, doesn't use that.

MR GOTTERSON QC: Cash or the machines?

40 **MR TOLEAFOA:** Yes, they could come in and not use - they choose not to use the card for any of their gambling activity.

MR GOTTERSON QC: Very well. Thank you.

45 **MS HELLEWELL:** On that same issue, carded play is currently not mandatory at the two Star casinos in Brisbane, is it?

MR TOLEAFOA: No.

MS HELLEWELL: But the technology is currently available?

MR TOLEAFOA: For carded play, yes.

5

MS HELLEWELL: Yes.

MR TOLEAFOA: That's what we do, yes.

10 **MS HELLEWELL:** Thank you. So if I can continue on to page 12 of 19. This details how The Star will seek to support guests to gamble safely and minimise harm; is that correct?

MR TOLEAFOA: Yes.

15

MS HELLEWELL: And then point number 1, which is halfway down the page, talks about Star digiplay?

MR TOLEAFOA: Yes.

20

MS HELLEWELL: And what is that?

MR TOLEAFOA: It's the cashless - cashless gaming. So all cashless gambling, you can use to - instead of cash, you can use a card. You can put those funds on a card and put it in the machine.

25

MS HELLEWELL: Can you explain how that minimises harm?

MR TOLEAFOA: So on that particular - in that particular feature, you can add information that's in the hands of the player that they can actually use. We would like to think, if we can, that we can develop that to give them more information about their particular play. But at this stage, what we have done is to be able to them to see exclusion material, other help material that they can see when they do their transaction.

35

MS HELLEWELL: And that will only work, again, with carded play?

MR TOLEAFOA: Only with somebody that signs up to that particular - yes.

40 **MS HELLEWELL:** Point number 2 on the same page talks about real-time and easy-to-access information about gambling behaviour?

MR TOLEAFOA: Yes.

45 **MS HELLEWELL:** Again, that only works with carded play, doesn't it?

MR TOLEAFOA: It would rely on that data.

MS HELLEWELL: Point number 3 is:

"Increase awareness of safer gambling through marketing communications."

5 Is that correct?

MR TOLEAFOA: (Indistinct).

MS HELLEWELL: Then:

10

"Protect vulnerable communities or groups."

MR TOLEAFOA: Yes.

15 **MS HELLEWELL:** What does that mean?

MR TOLEAFOA: I think we need to understand who those groups are so that we're not actually harming them by sending them material which they shouldn't have. If we see a propensity for a particular group, perhaps we should not - we should tread carefully around actually what we deliver to them, and perhaps give more guidance and support in those areas. So it's identifying those groups, and sometimes there might be subgroups within those groups. So it's us wanting to make sure that we can identify those groups and take appropriate action.

25 **MS HELLEWELL:** Thank you. Point number 5 is:

"Creation of an online self-exclusion option."

MR TOLEAFOA: Yes.

30

MS HELLEWELL: A patron seeking to self-exclude currently cannot self-exclude online, can they?

MR TOLEAFOA: Not - not at The Star, no.

35

MS HELLEWELL: They're required to either go to a gambling service provider --

MR TOLEAFOA: Yes.

40

MS HELLEWELL: -- or physically attend the casino; is that correct?

MR TOLEAFOA: That's correct, yes.

45 **MS HELLEWELL:** That's not ideal, is it?

MR TOLEAFOA: No, it isn't. No.

MS HELLEWELL: Does The Star have the resources to create such an online option?

5 **MR TOLEAFOA:** I think we should look at it. I think we should look at it and build that. I think it's a - it's a really difficult thing for people to do, to self-exclude or to have those discussions with us. So if we can find an easier way for them to do it, we should do it.

10 **MS HELLEWELL:** Why hasn't it been done to date?

MR TOLEAFOA: Well, I guess this is a thing that we're putting in our strategy now. We probably should have done it, but now we're looking at that option. I don't know who else does that. There may be other operators that we will take some learning from and see how that goes. But, look, there are things that we do
15 when people do self-exclude to make that journey for them a little easier and softer. The whole idea of wanting to get them to see help services is another good way for them to do it. So, yes, if we can offer them another option, why wouldn't we?

20 **MS HELLEWELL:** But it should be a priority for The Star, shouldn't it?

MR TOLEAFOA: There's a lot of priorities in this strategy that we would like to get done, yes.

25 **MS HELLEWELL:** But should this be a priority as well?

MR TOLEAFOA: Yes, of course.

30 **MS HELLEWELL:** The next one is:

"Reduce exclusion breaches through facial recognition."

I will come to that more in depth later, but I just wanted to note that that is one of
35 the items which The Star seeks in its strategy to support guests to gamble safely and minimise harm. But I think I will deal with that a little bit later. Then if we can please step a few pages to 16 of 19, please. Sorry. Page 16 of 19, about three-quarters of the way down the page:

40 "Details, resources and investment."

MR TOLEAFOA: Yes.

MS HELLEWELL: And here, is it correct that The Star says that one of its
45 strategies is:

"To increase GSMs to ensure adequate 24/7 availability."

MR TOLEAFOA: Yes.

MS HELLEWELL: And:

5 "To increase the number of frontline members to conduct additional tasks relating to safer gambling support for guests."

MR TOLEAFOA: Yes.

10 **MS HELLEWELL:** And then over to the next page:

"Inclusion of dedicated data analysts to identify safer gambling risks, monitor performance of program and identify continuous improvement."

15 **MR TOLEAFOA:** Yes.

MS HELLEWELL: What will that role be?

20 **MR TOLEAFOA:** It will sit alongside the current manager of risk identification, and a deep dive into the data that they can look at, take a more - if they're an analyst, then perhaps we could rely on their expertise to inform us about behaviour, activity, trends, trend analysis.

MS HELLEWELL: And that would rely upon carded player games?

25 **MR TOLEAFOA:** It would rely on carded play and any other intel that comes through. So --

MS HELLEWELL: Thank you. And, finally, to page 18 of 19, paragraph 7.2.

30 **MR TOLEAFOA:** Yes.

MS HELLEWELL: This details:

35 "The responsible gambling program and policies that, as a result of this strategy, are required to be updated."

Is that correct?

40 **MR TOLEAFOA:** That's correct.

MS HELLEWELL: So The Star acknowledges that the responsible gambling program needs to be updated?

45 **MR TOLEAFOA:** Yes.

MS HELLEWELL: That the responsible gambling policy needs to be updated?

MR TOLEAFOA: Yes.

MS HELLEWELL: The time play management standard needs to be updated?

MR TOLEAFOA: I believe we have updated that, so --

5

MS HELLEWELL: The relevant SOPs and ICMs?

MR TOLEAFOA: Yes.

10 **MS HELLEWELL:** What are those?

MR TOLEAFOA: Standard operating procedures and internal controls.

15 **MS HELLEWELL:** Thank you. And then the responsible gambling sections of your external website?

MR TOLEAFOA: Yes.

20 **MS HELLEWELL:** Thank you. The document that we have come back to a few times, which is the document guideline for identification of at-risk or problematic gambling behaviour activity --

MR TOLEAFOA: Yes.

25 **MS HELLEWELL:** -- is that planned to be updated?

MR TOLEAFOA: Yes, we need to review that. That should be reviewed regularly. So as part of the strategy, we will review that too.

30 **MS HELLEWELL:** Does the strategy say that?

MR TOLEAFOA: That it's part of what it should be, as it should be reviewed regularly in that actual document.

35 **MS HELLEWELL:** Thank you. Mr Gotterson, I'm mindful of the time and I'm about to move on to another topic that will be quite large.

MR GOTTERSON QC: Yes.

40 **MS HELLEWELL:** Would you like me to continue?

MR GOTTERSON QC: Now, just before we deal with that, I was perhaps just get some clarification for my understanding. If we go back to 5.2.3, it speaks in terms of:

45

"We aim to help guests gamble more safely by providing relevant information, tools and support mechanisms."

Is the "aiming" to be done by provision of these things, 1 through to 6, which don't currently exist or is it a statement of what has happened in the past, all having been done with an aim to help guests gamble more safely?

5 **MR TOLEAFOA:** So we are aiming to do those things here.

MR GOTTERSON QC: I see. Yes. So they're --

MR TOLEAFOA: So we don't yet have the cashless facility.

10

MR GOTTERSON QC: Yes. So they are things you aim to do --

MR TOLEAFOA: Yes.

15 **MR GOTTERSON QC:** -- with a further objective of aiming to help guests gamble safely?

MR TOLEAFOA: Yes, that's correct.

20 **MR GOTTERSON QC:** Thank you. That helps me. Now, back to your question - or your point. The next topic will go for some time. And just so we have an idea for tomorrow, for the evidence-in-chief, how much longer do you think Mr Toleafoa's evidence will go?

25 **MS HELLEWELL:** Perhaps 45 minutes.

MR GOTTERSON QC: Yes. And I don't know, Mr Beacham, if you have an idea of how long the - strange to call it cross-examination, but your examination might take?

30

MR BEACHAM QC: I think at the moment perhaps half an hour, something of that order.

35 **MR GOTTERSON QC:** Very well. Yes. Very well. And then we are well and truly organised for a witness tomorrow.

MR HORTON QC: We have Mr Peasley, and I understand by video link.

MR GOTTERSON QC: This will be tomorrow?

40

MR HORTON QC: Yes.

MR GOTTERSON QC: Is there a fixed time for him?

45 **MR HORTON QC:** There's not, I understand, but I think it's understood to be the morning some time - mid to late morning.

MR GOTTERSON QC: Okay. That is something we can fix in when this evidence is finished.

5 **MR BEACHAM QC:** Yes, we are flexible. We will obviously just need some time to organise the video link.

MR GOTTERSON QC: Okay. Nothing else that needs to be done?

10 **MR HORTON QC:** I think it may be that Mr Steiner can then be called tomorrow afternoon if we are making good progress, but we are in our learned friend's hands a bit with that because we hadn't foreshadowed him until the day after, I think.

15 **MR GOTTERSON QC:** I see, I see. Yes. And is there a tentative day for Mr Hogg?

MR HORTON QC: Yes, tentative day was Friday.

20 **MR GOTTERSON QC:** Yes.

MR HORTON QC: But, again, we will liaise about the timetable as it becomes clearer closer to the time and see what his availability is and if it can be moved forward to make use of the time.

25 **MR GOTTERSON QC:** I see. And Mr Steiner, is it thought, will take the whole of the day or --

30 **MR HORTON QC:** Yes, he will certainly take, I think, the remainder - if he starts tomorrow, he will only just be finished, if at all, and maybe will run over.

MR GOTTERSON QC: On Thursday?

MR HORTON QC: Yes. Exactly.

35 **MR GOTTERSON QC:** All right. And Mr Hogg, if necessary, will be available on the Monday?

40 **MR HORTON QC:** Yes. I would think to finish Mr Hogg on the Friday regardless.

MR GOTTERSON QC: I see.

MR HORTON QC: But otherwise, we will inquire about Monday.

45 **MR GOTTERSON QC:** Well, if we keep that in mind - if there's a need for an early start at any time, bear that in mind, if he can start on the Thursday late - finish on the Thursday, those sorts of things.

MR HORTON QC: Thank you. Thank you for that.

MR GOTTERSON QC: Very well. Well, we will - yes, Mr Beacham.

5 **MR BEACHAM QC:** There was just one thing, Mr Gotterson. I just wanted to correct something that - and I didn't want to interrupt, but the strategy that was being dealt with was referred to as being dated September 2020.

MR GOTTERSON QC: It's 2022.

10

MR BEACHAM QC: It's 2022.

MR GOTTERSON QC: And I might ask this also: what - the version I have has amendments in red, which suggests it is an unfinalised document, at least the one
15 that we have here. Is it thought that there might yet be further changes?

MR BEACHAM QC: I don't know, but perhaps Mr Toleafoa might tell us.

MR TOLEAFOA: There potentially could be, sir.

20

MR GOTTERSON QC: Yes.

MR TOLEAFOA: But we are pretty close to where we want to be with this.

25 **MR GOTTERSON QC:** Very well. Thank you for that. But certainly I've noted 2022.

MR BEACHAM QC: Thank you.

30 **MR GOTTERSON QC:** And it's a draft, and it's what you are working towards. It hasn't been formally adopted yet. Yes. Thank you. Nothing further?

MR BEACHAM QC: No. Thank you.

35 **MR HORTON QC:** No. Thank you.

MR GOTTERSON QC: As it happens, we are just three minutes short of 4.30. So we will adjourn now until 10 am tomorrow morning.

40 **<THE HEARING ADJOURNED AT 4:25 PM**