

INQUIRY UNDER SECTION 143 OF THE CASINO CONTROL ACT

Before Ms Gail Furness SC

At level 8, John Maddison Tower  
88 Goulburn Street, Sydney

On Wednesday, 11 April 2012 at 10.09am  
(Day 5)

Counsel Assisting:           Mr Michael Wigney SC  
  Ms Leigh Sanderson

1 MR WIGNEY: Just before we start with the witnesses this  
2 morning, can I just say two things in relation to some  
3 evidence that was given yesterday. I preface what I am  
4 about to say by saying this: as I think has been made  
5 apparent during the course of these public hearings, we  
6 have not sought to take up time during the course of these  
7 public hearings going through all of the evidence relating  
8 to the so-called substance in the bathroom issue and  
9 investigation. That is because that particular matter was  
10 the subject of extensive evidence in the course of the  
11 section 31 examination last year and, as had been made  
12 clear, was the subject of findings in the section 31  
13 report. Therefore, however, at least two matters that were  
14 raised in the course of Ms Ward's evidence yesterday that  
15 require some comment in the light of other evidence that  
16 has been given, albeit at the section 31 stage, in relation  
17 to this particular incident.

18  
19 Firstly, in the course of Ms Ward's evidence  
20 yesterday, in the context of her reasons for believing that  
21 there was some sort of cover-up in relation to this matter,  
22 she said - and there is at least one transcript reference,  
23 I think there may be more but at transcript 369, line 11 -  
24 she said to the effect that Mr Gould, who was the  
25 surveillance duty manager, had tagged - that is saved -  
26 some surveillance tape on the Friday and it, that is the  
27 surveillance tape that was apparently saved, went missing  
28 on the Monday.

29  
30 In fact, some evidence was given by Mr Gould himself  
31 in the course of the section 31 investigation on 20 October  
32 last year. He gave that evidence on oath. He said,  
33 firstly, in the course of that evidence that he never saved  
34 or tagged the relevant footage. He did say, however, that  
35 he reviewed it and when he did review it the process of  
36 reviewing the surveillance tape meant that the portion that  
37 he had viewed was saved on his monitor and therefore there  
38 was a version that was saved and it was - that is, the  
39 portion that he reviewed - that tape was available for  
40 either Mr Gould or anyone else to review it thereafter. It  
41 follows that it did not, as Ms Ward suggested in her  
42 evidence yesterday, go missing.

43  
44 Secondly, again in the context of her reasons for  
45 believing that there was a cover-up, Ms Ward made extensive  
46 reference to a Ms Heather Scheibenstock and amongst other  
47 things Ms Ward said that Ms Scheibenstock had been

1 effectively instructed by Mr Vaikunta to shut her, that is  
2 Ms Ward, down in relation to following the substance in the  
3 bathroom investigation, up.  
4

5 Again Ms Scheibenstock gave sworn evidence at the  
6 section 31 investigation stage on 9 November last year.  
7 She gave in her evidence an account that was wholly  
8 inconsistent with Ms Ward's evidence. It included, in  
9 substance, that she took various steps to satisfy herself,  
10 having regard to her position, that the investigation into  
11 the substance in the bathroom episode was appropriate.  
12

13 I think, in light of those references, I should have  
14 marked for identification in due course those portions of  
15 the evidence of both Mr Gould and Ms Scheibenstock to which  
16 I have just referred.  
17

18 MS FURNESS: Why don't we do that now, Mr Wigney. MFI8 in  
19 respect of Mr Gould and MFI9 in respect of Ms  
20 Scheibenstock.  
21

22 **MFI #8 PORTION OF EVIDENCE OF SECTION 31 INVESTIGATION ON**  
23 **20/10/2011 OF DAVID GOULD**  
24

25 **MFI #9 PORTION OF EVIDENCE OF SECTION 31 INVESTIGATION ON**  
26 **9/11/2011 OF HEATHER SCHEIBENSTOCK**  
27

28 MR WIGNEY: Having dealt with that preliminary matter can  
29 I call, please, Kevin Houlihan.  
30

31 MR SULLIVAN: Before this witness is sworn, as  
32 I foreshadowed yesterday I would seek leave to appear for  
33 Mr Houlihan with my learned friend Ms Kelly Rees.  
34

35 MS FURNESS: I think I granted leave yesterday,  
36 Mr Sullivan.  
37

38 MR SULLIVAN: Yes, but not to Ms Rees, I think.  
39

40 MS FURNESS: Thank you, Mr Sullivan.  
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<KEVIN JOHN HOULIHAN, sworn:

[10.14am]

<EXAMINATION BY MR WIGNEY:

MR WIGNEY: Q. Mr Houlihan, can we have your full name, please?

A. Kevin John Houlihan.

Q. You are employed by The Star?

A. Correct.

Q. What is your present position?

A. Investigations manager.

Q. How long have you been in that position?

A. Three years.

Q. I just want to briefly ask you, Mr Houlihan, about your training and experience as an investigator prior to commencing employment as investigations manager at The Star. Firstly, you don't have to go through absolute detail of where you were stationed but you were a police officer for a number of years; is that right?

A. That's correct, yes.

Q. How long were you a police officer?

A. Just short of 15 years.

Q. Again in very brief terms what sort of investigations did you participate in as a police officer?

A. I was a detective for 12 years of my career and was extensive in a lot of major criminal investigations, into major crime and organised crime.

Q. Did some of those investigations that you were involved in involve allegations relating to drugs and narcotics?

A. Yes, they did.

Q. Would you have regarded yourself as an experienced investigator in relation to that sort of allegation?

A. Yes, I do.

Q. I will come back to that aspect of the matter but is it the situation that you were the principal investigator in relation to two complaints that were made in December 2011 against the former managing director of the

1 Star, Mr Sid Vaikunta, which related to alleged sexual  
2 harassment?

3 A. That's correct.  
4

5 Q. You, whilst being a principal investigator, were one  
6 of a team which comprised yourself, Ms Louise Marshall, who  
7 was a human resources officer; is that right?

8 A. That's correct.  
9

10 Q. Ms Joanne Ede and Michael Anderson. Was that the core  
11 of the investigation team?

12 A. That's correct, yes.  
13

14 Q. Is it fair to say that you were the principal  
15 investigator, in the sense that you were responsible for  
16 interviewing witnesses and following up other evidence in  
17 relation to those matters?

18 A. That's correct, yes.  
19

20 Q. I am not going to go through it all chapter and verse  
21 because, as I think you are aware, we heard the basic  
22 chronology of the investigation from Ms Marshall but  
23 amongst other things you interviewed a number of witnesses,  
24 reviewed surveillance tapes and did those sorts of things;  
25 is that right?

26 A. That's correct.  
27

28 Q. I just want to take up one or two very brief points of  
29 view in relation to it rather than going through the entire  
30 chronology. We have heard from Ms Marshall that she first  
31 found out about the allegation in her position as a human  
32 resource manager, I think, on 12 December. When did you  
33 first find out about the matter?

34 A. Late on the evening on 12 December as well.  
35

36 Q. How did you find out about it?

37 A. I received a phone call from Group general counsel,  
38 Mr Anderson.  
39

40 Q. From that time were you aware that you were to be the  
41 principal investigator and did you take appropriate steps  
42 in that regard?

43 A. Yes, I did.  
44

45 Q. Again I am just picking up a few points rather than  
46 going through the entire investigation again. We have  
47 heard some evidence during the course of these inquiries,

1 and I say not from Ms Marshall, that concern an allegation  
2 or suggestion that you told the second complainant - and  
3 you appreciate that "the second complainant" is a reference  
4 to the complainant whose complaint involved unwelcome  
5 comments of a sexual nature?

6 A. Yes, I do.

7

8 Q. So the suggestion that we have heard in evidence is  
9 that you told the second complainant at a relatively early  
10 stage of the investigation that the investigation was "an  
11 open and shut case or clear-cut and could be resolved in a  
12 matter of days". Did you ever say that or anything to that  
13 effect to the second complainant?

14 A. No.

15

16 Q. Did you say anything to the second complainant in the  
17 early days of the investigation about the timing of the  
18 investigation, that is, how long it might take?

19 A. I didn't commit to a time line, no.

20

21 Q. Did you say anything along the lines of "Well, it may  
22 be a week, it may be a couple of weeks, we'll do what we  
23 can". Did you say anything to her about it?

24 A. I suggested to complainant number 2 that it would take  
25 a couple of weeks but I'd get it done as quick as I could.

26

27 Q. When you say you didn't commit to a time line, you may  
28 have suggested that it could take a couple of weeks but you  
29 didn't give an absolute guarantee that it would be  
30 concluded by any particular time?

31 A. Correct.

32

33 Q. When did you, to the best of your recollection, have  
34 that conversation with the second complainant?

35 A. I would suggest on 14 December.

36

37 Q. So two days into your investigation?

38 A. Yes.

39

40 Q. Did your views as to how long the investigation might  
41 take change as the investigation progressed?

42 A. Yes, it did.

43

44 Q. How did it change?

45 A. On 20 December we engaged an external legal  
46 representation and they made some suggestions as to other  
47 processes we should follow. So we then took that

1 direction.

2

3 Q. May we take it that when you first mentioned to the  
4 second complainant that it might take a couple of weeks, or  
5 words to that effect, in the very early days you actually  
6 did have the view that it would only take a couple of  
7 weeks?

8 A. Correct.

9

10 Q. You refer to one aspect of the matter, that is the  
11 retention of external legal advisers that changed your  
12 expectation about the length of the investigation. Was  
13 there anything else that changed in the course of the  
14 investigation that caused you to form a different view?

15 A. No.

16

17 Q. Did it in fact take longer than you originally  
18 expected?

19 A. Yes.

20

21 Q. Another very brief aspect I want to take up with you  
22 in relation to the sexual harassment matters that you  
23 investigated was that we have heard, again in the course of  
24 this inquiry, some evidence from Ms Marshall that at some  
25 stage complainant 2 made threats about going to the media,  
26 in the context of the investigation. Did the second  
27 complainant ever say anything to you in relation to that  
28 topic?

29 A. Yes.

30

31 Q. Firstly, was it on more than one occasion or just one  
32 occasion?

33 A. On one occasion.

34

35 Q. When was that occasion?

36 A. That was on 20 December.

37

38 Q. Was that in person or over the phone?

39 A. During a telephone conversation.

40

41 Q. Doing the best you can, can you tell us what you  
42 recall the second complainant to say?

43 A. The second complainant stated to me that she was  
44 frustrated and that why wouldn't she take this to  
45 Mr Grimshaw, "You know that he has contacts with the  
46 media".

47

1 Q. Was that the first mention to you of the name  
2 Mr Grimshaw?  
3 A. Correct.  
4  
5 Q. Did you at that time know who Mr Grimshaw was or  
6 whether he had any contacts with the media as asserted?  
7 A. Yes, I did.  
8  
9 Q. How did you find that out?  
10 A. Mr Grimshaw worked for The Star when I commenced my  
11 employment there.  
12  
13 Q. The final matter I want to pick up with you in  
14 relation to the sexual harassment allegations is I think we  
15 have heard some evidence in relation to the complaints made  
16 by the second complainant that in the end result, after the  
17 investigation had been concluded and the report was  
18 prepared, that her sexual harassment complaints were  
19 partially substantiated; is that right?  
20 A. My recollection is they were substantiated.  
21  
22 Q. I think Ms Marshall referred to the fact that they  
23 were partially substantiated. Can I just perhaps endeavour  
24 to refresh your recollection - I can show you the report if  
25 needs be - but was it the case that the second  
26 complainant's version of events, that is what she said  
27 happened, was entirely accepted; that is, substantiated?  
28 A. Correct.  
29  
30 Q. But that a view was formed by some in the  
31 investigation team that one of the comments that was made  
32 was not, as it turns out, viewed as offensive or of a  
33 sexual nature?  
34 A. Correct.  
35  
36 Q. So to the extent that the complaint was only partially  
37 substantiated, everything that the second complainant said  
38 was accepted, other than the fact that objectively one of  
39 the comments was viewed to be not offensive or of a sexual  
40 nature?  
41 A. Correct.  
42  
43 Q. But, in any event, the finding was that the other  
44 comment or comments that were made were of such a nature  
45 and did constitute sexual harassment?  
46 A. That's correct.  
47

1 Q. Can I just move to a completely different topic  
2 because, as I have said, we have heard a good deal of  
3 evidence in relation to the complaints from Ms Marshall and  
4 that concerns an investigation that you were involved in  
5 during the course of the latter part of 2010, again  
6 involving Mr Vaikunta; do you follow?

7 A. Yes.

8

9 Q. You recall that I think in about August 2010 there was  
10 received by The Star an E-Tips complaint?

11 A. Correct.

12

13 Q. And E-Tips - I think we have heard some evidence in  
14 relation to it - was a particular system whereby employees  
15 were able to make anonymous complaints either over the  
16 phone or through the computer about matters relating to the  
17 casino?

18 A. That's correct.

19

20 Q. Did a particular E-Tips complaint come to your  
21 attention I think in August 2010?

22 A. Yes, it did.

23

24 Q. Did it involve, broadly speaking, a number of  
25 complaints or allegations - and I will indicate them and  
26 tell me if you agree - firstly, Mr Vaikunta was involved in  
27 a relationship with another casino employee?

28 A. That's correct.

29

30 Q. Secondly, both Mr Vaikunta and that particular  
31 employee, on occasion, used cocaine?

32 A. That's correct.

33

34 Q. They had, perhaps with some other employees, gone to  
35 Las Vegas and some allegations were made about conduct  
36 there?

37 A. That's correct, yes.

38

39 Q. And that the other employee - that's not Mr Vaikunta,  
40 but the employee who Mr Vaikunta was alleged to be in  
41 a relationship with - was allegedly involved in bullying  
42 and harassment in the workplace?

43 A. The bullying and harassment was a matter arising.  
44 That wasn't in the E-Tips complaint.

45

46 Q. But it came out in the course of an investigation into  
47 those matters?

1 A. Correct.  
2  
3 Q. Is it also the case - and again, correct me if I am  
4 wrong - in addition to that E-Tips complaint, you had  
5 become aware of some allegations that had been made in the  
6 course of an exit interview by a former hotel manager?  
7 A. That's correct.  
8  
9 Q. Again, the broad substance of that information was,  
10 again, an allegation that Mr Vaikunta used cocaine?  
11 A. Correct.  
12  
13 Q. Did you investigate and cause to be investigated those  
14 allegations?  
15 A. I did.  
16  
17 Q. Was it the case that you interviewed, firstly,  
18 a number of, I think you would use the term "informants";  
19 is that correct?  
20 A. Correct.  
21  
22 Q. That is, people you occasionally went to at the casino  
23 to find out information?  
24 A. That's correct.  
25  
26 Q. Did you interview any other witnesses, or potential  
27 witnesses?  
28 A. I believe during the report I referred to everybody  
29 either as a witness or an informant, during that process,  
30 yes.  
31  
32 Q. Is it fair to say that the information that was  
33 supplied to you, both via the E-Tips complaint and the  
34 allegation by the former hotel manager, was very general in  
35 nature?  
36 A. Correct.  
37  
38 Q. That none of the information, either in the E-Tips  
39 complaint or the other information, concerned people who  
40 had actually ever seen Mr Vaikunta use drugs?  
41 A. That's correct.  
42  
43 Q. It was really essentially based on the informant's  
44 beliefs, based again on rumour or gossip; would that be  
45 a fair description?  
46 A. That's correct.  
47

1 Q. Did any of the information that you received relate to  
2 observations about Mr Vaikunta and his demeanour on any  
3 occasion?  
4 A. Yes, they did.  
5  
6 Q. What sort of information was that?  
7 A. People just made comments about erratic behaviour and  
8 Mr Vaikunta's demeanour on occasions.  
9  
10 Q. What sort of comments were made about his demeanour?  
11 A. That he was erratic, up and down sometimes, but  
12 nothing direct to the use of illicit substance.  
13  
14 Q. Was anything said to you in the course of this  
15 particular investigation about him sniffing?  
16 A. Yes.  
17  
18 Q. What was said about that?  
19 A. That he had a very distinct sniffing problem with his  
20 nose and that he would always walk around the property  
21 sniffing, yes.  
22  
23 Q. I think in the course of this particular  
24 investigation, you also checked some telephone records; is  
25 that right?  
26 A. Correct, yes.  
27  
28 Q. Was that primarily in relation to the allegation that  
29 concerned whether Mr Vaikunta was in a relationship with  
30 this other employee?  
31 A. That's correct.  
32  
33 Q. Just going back to the information that was provided  
34 to you in relation to Mr Vaikunta's demeanour, or  
35 observations were made about him, drawing on your  
36 experience as a police officer, did you have a view then,  
37 and do you have a view now, about the reliability and  
38 cogency of those sorts of observations in terms of making  
39 findings about drug use?  
40 A. There was nothing there that assisted me to suggest  
41 that Mr Vaikunta had a drug issue, no.  
42  
43 Q. During the course of this particular investigation,  
44 did you interview both Mr Vaikunta, firstly?  
45 A. Correct.  
46  
47 Q. And you also interviewed the other employee?

1 A. That's correct.  
2  
3 Q. Just dealing particularly with Mr Vaikunta, was that  
4 interview recorded?  
5 A. It was electronically.  
6  
7 Q. And did he deny that he used drugs?  
8 A. Correct.  
9  
10 Q. Do you recall - and just tell us in broad terms,  
11 please - what he said to you in relation to that particular  
12 allegation?  
13 A. Mr Vaikunta made it very clear to me that he was  
14 against drug use, that he had been subjected to drug  
15 testing whilst he worked previously in the United States  
16 and that he was more than happy to introduce drug testing  
17 within the workplace here if he thought it was a problem.  
18  
19 MS FURNESS: Q. When you say, Mr Houlihan, that he was  
20 subjected to drug testing in the United States, did he say  
21 that was part of a routine program in the United States or  
22 that he was singled out for it?  
23 A. It was part of the routine process in America.  
24  
25 MR WIGNEY: Q. Was that at one of the casinos he worked  
26 for previously in the United States?  
27 A. I believe so, yes.  
28  
29 Q. Did he also tell you in the course of your interview  
30 with him that he had been spoken to on an earlier occasion  
31 by Mr Larry Mullin, the CEO of Echo Entertainment, and  
32 Ms Marshall, about suggestions of drug use - do you recall  
33 that?  
34 A. My recollection is I brought it to his attention.  
35  
36 Q. What did you know about that particular topic?  
37 A. That previously Mr Vaikunta had been spoken to, as to  
38 a previous allegation with respect to drug use within the  
39 workplace, and again he refuted those.  
40  
41 Q. That was to Mr Mullin and Ms Marshall, was it?  
42 A. That's correct.  
43  
44 Q. But you weren't involved in that particular --  
45 A. No, I was not.  
46  
47 Q. You were made aware of that by whom?

1 A. By Ms Marshall.  
2  
3 MS FURNESS: Q. Was that allegation the same or  
4 a similar allegation to the one you were investigating?  
5 A. I believe so, yes.  
6  
7 MR WIGNEY: Q. It was a contemporaneous discussion, so  
8 it may well have been the same matter that you were  
9 investigating?  
10 A. Correct.  
11  
12 Q. In due course, did you prepare an investigation report  
13 in relation to these allegations?  
14 A. I did.  
15  
16 Q. What was your finding in relation to those  
17 allegations?  
18 A. Dealing with Mr Vaikunta, it was unsubstantiated on  
19 all accounts and with the other employee, with the matter  
20 arising with respect to the bullying and harassment, they  
21 were substantiated.  
22  
23 Q. In relation to the relationship between Mr Vaikunta  
24 and the employee --  
25 A. Unsubstantiated.  
26  
27 Q. What led you, just dealing with the allegation  
28 relating to the use of drugs, to the view that the  
29 allegations were unsubstantiated?  
30 A. I could find no direct evidence, or any circumstantial  
31 evidence that would assist me to draw a conclusion that  
32 there was any drug use by Mr Vaikunta.  
33  
34 Q. In the course of your experience as a police officer,  
35 did you routinely interview people or suspects against whom  
36 allegations had been made?  
37 A. I did.  
38  
39 Q. In the course of your experience as a police officer,  
40 did you regard yourself as being someone who was able to  
41 accurately assess the demeanour of people who you  
42 interviewed?  
43 A. I do.  
44  
45 Q. What was your attitude to Mr Vaikunta's statements  
46 that he made in the course of his interview with you?  
47 A. That he was very factual and honest and I don't

1 believe that there was anything to suggest that Mr Vaikunta  
2 showed any signs of a person who had a drug problem.

3

4 Q. Can I ask you this in the context of this  
5 investigation: Mr Vaikunta, obviously, was the managing  
6 director of The Star at this time; is that right?

7 A. That's correct.

8

9 Q. Who initially asked you to investigate this particular  
10 allegation?

11 A. I believe I was engaged by Kerry Wilcock who was the  
12 then group general counsel of Tabcorp.

13

14 Q. Did you at any time in the course of your  
15 investigating this matter, having regard to Mr Vaikunta's  
16 position, feel inhibited or restricted or restrained in any  
17 way in investigating the matter?

18 A. Not at all.

19

20 MS FURNESS: Q. Just before you leave that, Mr Wigney,  
21 the bullying and harassment claims that were substantiated,  
22 Mr Houlihan, who were those claims again?

23 A. The bullying and harassment was against the other  
24 employee.

25

26 Q. Did Mr Vaikunta have anything to do with those  
27 allegations or your findings?

28 A. No.

29

30 Q. So it was in respect of the other employee and staff  
31 that she was involved with?

32 A. Correct.

33

34 Q. What was the result of your findings which  
35 substantiated the allegations of bullying and harassment?

36 A. That's correct.

37

38 Q. What was the result?

39 A. That that employee was removed from the business.

40

41 MR WIGNEY: Q. Again, Mr Houlihan, can I move to  
42 a different topic. In late 2011, were you asked by  
43 Mr Michael Anderson and Mr Andrew Power to investigate as  
44 best you could a number of issues or incidents that had  
45 been brought to their attention or to the attention of  
46 management by Mr Greg Culpan?

47 A. That's correct.

1  
2 Q. Is Mr Greg Culpan anyone that you had had any  
3 involvement with at this stage?  
4 A. Yes.  
5  
6 Q. Had you had much to do with him?  
7 A. I'd had occasional conversations with Mr Culpan, yes.  
8  
9 Q. How would you describe your relationship with him?  
10 A. I believe very professional. We had no issues.  
11  
12 Q. I just want to go through a number of particular  
13 matters that you were asked to investigate by Mr Anderson  
14 and Mr Power. Did one of the matters that you were asked  
15 to investigate involve allegations that a pit manager was  
16 or had been involved in selling drugs at the casino?  
17 A. That's correct, yes.  
18  
19 Q. Were you given any names in relation to that matter?  
20 A. No.  
21  
22 Q. In relation to the names that were given to you, were  
23 you aware of the people or the names that had been given to  
24 you?  
25 A. I believe I knew what that operation was, yes.  
26  
27 Q. When you say you believe you knew what the operation  
28 was, what do you mean?  
29 A. During my early commencement in my role at The Star,  
30 there was a joint investigation with the New South Wales  
31 police which identified a pit manager was involved in the  
32 sale of illicit drugs.  
33  
34 Q. Was that pit manager one of the names that was given  
35 to you on this occasion, or was he someone that the other  
36 people were related or associated with?  
37 A. Other people, yes.  
38  
39 Q. Did you cause that allegation relating to those names  
40 that you were given to be investigated?  
41 A. Correct.  
42  
43 Q. What did you do in relation to that investigation?  
44 A. In its entirety?  
45  
46 Q. Just give us a broad picture of the number of  
47 witnesses you interviewed, or any other investigations that

1 you did?  
2 A. Yes. With respect to that complaint, as I said, there  
3 was a joint job with the New South Wales police. Two of  
4 our employees were identified and subsequently criminally  
5 charged. I received a list with a number of other  
6 employees who were suspected of being involved in either  
7 the sale or the use of illicit drugs. They were then  
8 profiled by myself and also their information was sent  
9 off-site to law enforcement and there was no evidence to  
10 suggest that those people were actively involved in the use  
11 or sale of illicit drugs.  
12  
13 Q. This joint investigation with the police happened some  
14 time earlier than late 2011 when this information from  
15 Mr Culpan was brought to your attention?  
16 A. That's correct.  
17  
18 Q. Did you do any additional investigations at that  
19 stage - that is, in November 2011 - to take the matter any  
20 further?  
21 A. I reviewed those 25 names that I have and they remain  
22 in my intelligence database within the system, yes.  
23  
24 Q. But was it the situation that you found no additional  
25 evidence or additional information than had been revealed  
26 in the course of the earlier investigation?  
27 A. That's correct.  
28  
29 Q. I think another matter that was raised with you by  
30 Mr Anderson and Mr Power concerned what's been called in  
31 the course of this inquiry a substance in the bathroom  
32 allegation. I think you know what I'm talking about, is  
33 that right?  
34 A. Correct.  
35  
36 Q. You had some involvement in the original investigation  
37 of that particular incident; is that right?  
38 A. Yes, I did.  
39  
40 Q. You weren't yourself present at the casino or at work  
41 on the day that the substance was located in the bathroom?  
42 A. No, I wasn't.  
43  
44 Q. When did you first come into the picture, so to speak?  
45 A. On 9 November when I returned from annual leave.  
46  
47 Q. I think the substance was located on 30 October.

1 So you were away for some period of time?  
2 A. Correct.  
3  
4 Q. When you came into work on 9 November, what did you  
5 do?  
6 A. I spoke to my colleague and asked him what was  
7 happening at work at the time. He identified to me that  
8 there had been a substance found in a bathroom within the  
9 inner sanctums. It was located back on 30 October.  
10 We only became aware of it - when I say "we", the  
11 investigations department only became aware of it as of  
12 8 November, and my colleague took the matter in hand and he  
13 started to deal with the issue and commenced investigations  
14 as of the 8th.  
15  
16 Q. Sorry, I may have missed this. Your colleague, that's  
17 Mr McGregor?  
18 A. McGregor.  
19  
20 Q. Did he tell you he'd done any testing in relation to  
21 the substance?  
22 A. He had, yes.  
23  
24 Q. What did he tell you in that regard?  
25 A. He told me that he'd seized the exhibit, took it to an  
26 independent person and done a presumptive test on the  
27 substance.  
28  
29 Q. Did he tell you who the independent person was?  
30 A. He did.  
31  
32 Q. Who was that?  
33 A. That was Nicola Hodgson, who was the security  
34 operations manager - sorry, beg your pardon, the  
35 surveillance operations manager.  
36  
37 Q. I think the expression "presumptive testing" means  
38 something to police officers or investigators. You may as  
39 well tell us what that means?  
40 A. It does. Presumptive testing is a test you conduct on  
41 a substance that you believe may be an illicit substance,  
42 and you identify through your expertise what it may be.  
43 There are a number of chemical presumptive tests you can  
44 carry out on your beliefs. You put a sample of the product  
45 that you have in a presumptive test kit and it will return  
46 you either a colour or a negative result to give any  
47 indication that there is enough to suggest that it is an

1 illegal substance, or a non-illegal substance.

2

3 Q. You were told by Mr McGregor that this presumptive  
4 testing had been done but there was a reference to an  
5 independent person, which is someone in surveillance?

6 A. Correct.

7

8 Q. What do you understand the meaning of "independent" in  
9 that context?

10 A. He did a presumptive test in the presence of another  
11 person.

12

13 Q. I see. The reason I ask you that, Mr Houlihan, is  
14 this - and I'll come back to Ms Ward in a moment - we've  
15 heard some evidence from Ms Ward about things that she  
16 claims you said to her in relation to testing of this  
17 substance. Doing the best you can, can you remember any  
18 conversations you had with Elizabeth Ward in relation to  
19 this topic of testing?

20 A. I have never discussed the topic of conducting any  
21 tests of that substance with any front-line staff or  
22 specifically Ms Ward. The only person that I discussed the  
23 presumptive testing with is Mr Power and Mr McGregor.

24

25 Q. You say that you never said anything to Ms Ward about  
26 what testing may or may not have been carried out in  
27 relation to this substance?

28 A. Never. Never said that.

29

30 Q. Again, for the reasons I have already given - and I'm  
31 not going to go through chapter and verse all of the  
32 investigations in relation to this particular matter - when  
33 you came into it on 9 November, did you form a view as to  
34 the adequacy of steps that had been taken up to that stage  
35 in relation to that particular matter?

36 A. Adequacy as in the handling of the exhibit?

37

38 Q. Up to the time you were involved?

39 A. Yes. I had an opinion, yes.

40

41 Q. What was your view then?

42 A. That there were a few misses by other people and that  
43 they had failed to follow certain procedures.

44

45 Q. Just tell us very briefly what you consider to be the  
46 misses and procedures that hadn't been followed by those  
47 that had preceded you in the investigation?

1 A. With respect to our policies at work, the item should  
2 have been photographed in situ, which meant in its original  
3 place. It should have been bagged in a proper exhibit bag,  
4 which we have at work, which is a Harcor security seal bag,  
5 identified, signed and secured and retained in the security  
6 duty manager's office. If it was suspected of being an  
7 illegal substance, it was referred off-site to police  
8 straightaway.

9  
10 Q. Based on both your experience as an investigator and  
11 your knowledge of what were the protocols in place at that  
12 stage, you identified at an early stage that there were  
13 some deficiencies in what had occurred prior to 9 November?

14 A. That's correct.

15  
16 Q. In an earlier question I asked you about  
17 Ms Elizabeth Ward - you knew who she was at this time, did  
18 you?

19 A. Yes, I did.

20  
21 Q. Prior to this particular incident arising, had you had  
22 anything to do with her, any dealings or --

23 A. Again, it was just day-to-day professionalism, yes.

24  
25 Q. Just as a fellow employee at the casino?

26 A. Correct.

27  
28 Q. Do you recall an occasion shortly after you came back  
29 to work, I think around about 11 November, where you had  
30 a conversation with Ms Ward where she referred to her  
31 beliefs that there been a cover-up?

32 A. Correct, yes.

33  
34 Q. Can you tell us briefly what you recall she said to  
35 you on that occasion and what you said in response?

36 A. Ms Ward informed me that she believed that there was  
37 a cover-up with respect to the substance found in the  
38 bathroom of one of the inner sanctums. I expressed to  
39 Ms Ward my belief that it was a very big allegation, to  
40 make those allegations, but that we'll have a look at it.  
41 I tried to put her mind at rest to say, "Given my  
42 experience in law enforcement, and when I had seen this  
43 exhibit, I'll tell you my opinion, it is not a drug. It's  
44 not an illegal substance." Ms Ward didn't seem to accept  
45 that. She didn't want to accept my opinion. That's fine.  
46 Then she went to the fact that she believed there had been  
47 a cover up or somebody had substituted the substance.

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Q. You referred in the course of that answer to your experience as a police officer in identifying the substance that had been found. What was it about the appearance of this substance that led you to form the belief that it wasn't in fact a drug?

A. The substance that I had had no identifying features that would even suggest it was an illegal substance. It had more of the features to show that it was building material or to that fact, but showed no indication to me, in my experience, that it identified anything that would suggest it it was an illicit substance.

Q. What were the features - what was the colour, the texture?

A. It was grey, lumpy. There was no fine powder. There was nothing that would even suggest it was an illegal substance - the texture, the colour, appearance of it.

Q. Did Ms Ward say anything to you in the course of this conversation, or indeed any conversation, in relation to the topic of surveillance tape or tapes?

A. No.

Q. We heard a suggestion in the course of evidence yesterday about a particular tape being tagged but then going missing. Is that something that you knew anything about?

A. No.

Q. Did you cause any investigations to be made when you first became involved in an investigation in relation to surveillance tapes or tape?

A. Correct.

Q. What did you do in that regard?

A. I asked for a copy of the tape. Mr McGregor had identified that the original footage had expired, but the other gentleman who has been mentioned here, Mr Gould, had conducted a review himself, which I believe was done on 5 November. So Mr McGregor went and reviewed - this gets a bit convoluted - Mr Gould's review. Because Mr Gould has gone back and reviewed the footage, what he saw was retained for a further seven days. So Mr McGregor went and reviewed that footage.

Q. Did you ever review it yourself?

1 A. That footage, no.  
2  
3 Q. Just to be clear about all of this, this substance was  
4 located in the bathroom. What was the surveillance tape  
5 of - that is, where was the camera directed to?  
6 A. The camera was directed to a foyer within the inner  
7 sanctum which shows access to the bathrooms, but not within  
8 the bathrooms. My understanding is the footage then shows  
9 the people who were there, and the security officer, or  
10 security officers, who collected the item and their  
11 conveying it back to their office.  
12  
13 Q. In any event, as far as you were aware, and whilst you  
14 didn't view the footage yourself, you were advised that in  
15 fact the reviewed piece of footage by Mr Gould was  
16 retained?  
17 A. Correct.  
18  
19 Q. Were there any deficiencies in relation to that  
20 portion of the reviewed surveillance tape - that is, were  
21 there any missing bits?  
22 A. In my opinion, yes.  
23  
24 Q. What was missing?  
25 A. What was missing in the review that was conducted by  
26 the surveillance department is that they primarily focused  
27 on patrons and patrons attending to the pit. They didn't  
28 focus on who else was there, who else could have entered  
29 the bathrooms, what was the process of every person within  
30 that room within that timeframe. The report back from the  
31 surveillance officer suggested that a patron had been there  
32 some time previously, had left the pit at a certain time  
33 and nobody else was seen within that bathroom until such  
34 time as the substance was found. At no time during that  
35 review had they identified any other staff having entered  
36 the pit or the bathroom - no butler, no cleaner, no  
37 contractor, nobody else in that review was identified as  
38 being within that space.  
39  
40 Q. Were you identifying deficiencies in the review that  
41 was conducted or the portion of the tape that was saved?  
42 A. Within the review, sorry.  
43  
44 Q. Was there any suggestion that the portion that had  
45 been saved on Mr Gould's monitor as a result of his  
46 reviewing it was deficient in any way, in the sense that it  
47 had been doctored?

1 A. Sorry, I beg your pardon, no.  
2  
3 MS FURNESS: Q. It was more the analysis that was  
4 carried out that you had difficulty with, rather than the  
5 physical footage that was saved?  
6 A. Yes, that's correct.  
7  
8 MR WIGNEY: Q. That was a fairly large digression,  
9 because I was originally asking you about investigations  
10 you were asked to undertake by Mr Anderson and Mr Power  
11 in October and November of 2011?  
12 A. Yes.  
13  
14 Q. That was as a result of information or allegations  
15 made by Mr Culpan. What were you asked to do by Mr Power  
16 and Mr Anderson at that time?  
17  
18 MS FURNESS: Q. Mr Wigney, just before you leave that  
19 topic, Mr Houlihan, can you tell me whether there was any  
20 testing done of the substance other than the testing that  
21 you described as presumptive testing?  
22 A. There was, yes.  
23  
24 Q. What was that?  
25 A. Our company had the items sent off-site to another  
26 lab, to a forensic lab.  
27  
28 Q. When was that?  
29 A. That was after the section 31 inquiry - or during the  
30 section 31 inquiry, I beg your pardon.  
31  
32 Q. What was the result?  
33 A. I haven't seen the actual document, but my  
34 understanding is that it was returned not to be an illicit  
35 substance, it was to be building material.  
36  
37 Q. Was it the case that any other person who you  
38 considered had the requisite experience and qualifications  
39 observed the substance and offered an opinion as to it?  
40 A. No.  
41  
42 Q. Was there any police officer who looked at it?  
43 A. I beg your pardon. I engaged a gentleman from the  
44 casino investigations unit and asked for his professional  
45 opinion, as also a serving police officer.  
46  
47 Q. When you say the casino investigation unit, do you

1 mean the Casino and Racing Investigation Unit, that is  
2 a police unit, and not a unit of people employed by the  
3 casino?  
4 A. That's correct.  
5  
6 Q. When did you do that?  
7 A. 24 October, I believe.  
8  
9 Q. Did he look at the substance and the bag in which it  
10 had been secured?  
11 A. That's correct.  
12  
13 Q. What was his opinion?  
14 A. His opinion was that it was not an illicit substance.  
15  
16 Q. So were they the three occasions on which the  
17 substance was either tested or observed by a professional?  
18 A. Correct.  
19  
20 MR WIGNEY: Q. I think you clarified the timing of this.  
21 You are talking about these investigations occurring during  
22 the course of the section 31 investigations. I was about  
23 to take you to some matters that you did as a result of  
24 your discussions with Mr Anderson and Mr Power, but were  
25 the matters that you have just referred to - that is,  
26 bringing in the police officer, and the like - was that  
27 done before or after you'd spoken to Mr Anderson and  
28 Mr Power?  
29 A. With respect to the Mr Culpan complaints?  
30  
31 Q. Yes.  
32 A. It was done prior.  
33  
34 Q. So by the time you were spoken to by Mr Anderson and  
35 Mr Power in October, you had already brought in a police  
36 officer to express his opinion in relation to the  
37 substance?  
38 A. Correct.  
39  
40 Q. Just coming back to what you did as a result of  
41 Mr Culpan's allegations, what were you asked to do and what  
42 did you do in relation to --  
43  
44 MS FURNESS: Sorry, Mr Wigney, there is a lot of activity  
45 behind you. Can you start that question again.  
46  
47 MR WIGNEY: Q. What did you do and what were you asked

1 to do in relation to the matters that were brought to the  
2 attention of management by Mr Culpan in late October 2011?  
3 A. Sorry, which allegations?  
4

5 Q. Relating to the substance in the bathroom matter?

6 A. I was asked to supply the item, or the substance, to  
7 general counsel and then we had it sent off-site to be  
8 examined, just to ensure to reproduce my report and to hand  
9 it up to general counsel for them to have a copy of it.  
10 But I never reviewed it.  
11

12 Q. Do you recall there being a suggestion made by  
13 Mr Culpan that was conveyed to you by either Mr Anderson or  
14 Mr Power about a gentleman by the name of James Robins?

15 A. I do, yes.  
16

17 Q. What was that all about and what did you do in  
18 relation to it?

19 A. During the course of the discussions with Mr Culpan,  
20 I had received information from Mr Power that there had  
21 been a suggestion that Mr Robins had said to Ms Ward that  
22 he had tasted the substance and it had tasted like cocaine.  
23

24 Q. What did you do in relation to that issue?

25 A. I then went and spoke to Mr Robins in the company of  
26 my colleague and asked him did he say those comments, to  
27 which he said yes. I asked him why. He said, "It was just  
28 to get a rise out of Elizabeth and another staff member",  
29 to which I asked him, again, "Why?" He said, "It was just  
30 to have a joke."  
31

32 Q. In due course, was a statement taken from Mr Robins in  
33 relation to that particular issue?

34 A. There was.  
35

36 Q. And who took that statement?

37 A. Mr Power.  
38

39 Q. Why was it taken by Mr Power rather than you?

40 A. I felt it inappropriate that I take the statement,  
41 considering my involvement in the previous scenario with  
42 this investigation. Secondly, these were serious  
43 allegations and I believe it was inappropriate for me to  
44 take a statement, that perhaps maybe someone more senior  
45 within the business should take that statement.  
46

47 Q. Was it also the case that you prepared a statement in

1 relation to your involvement in the matter, as did  
2 Mr McGregor?

3 A. Correct.  
4

5 Q. Various people have expressed views in relation to  
6 this, so I may as well ask you what your view is. It has  
7 been suggested to you by Ms Ward that there had been a  
8 cover-up. Based on your knowledge of everything that had  
9 been done in relation to the investigation, what do you say  
10 about that?

11 A. It's factually incorrect.  
12

13 Q. What do you base that opinion on?

14 A. I base that on the opinion that with my colleague and  
15 myself this investigation was run into the ground  
16 thoroughly and we returned a non-adverse finding there was  
17 an illegal substance there. We couldn't identify how the  
18 substance got there and that the actual substance had been  
19 tested by ourselves and also off site, so there was no  
20 illegal substance.  
21

22 Q. I think in the course of the suggestions about a  
23 cover-up there had been a suggestion that perhaps the  
24 substance that had originally been located and then secured  
25 may have been swapped. Did you see any evidence whatsoever  
26 to suggest that that may have occurred?

27 A. None.  
28

29 Q. Can I move then on to a different topic that you were  
30 asked to consider as a result of your discussions with  
31 Mr Power and Mr Anderson in late October. Did it involve  
32 some allegations that Mr Culpan had brought forward  
33 concerning Mr Vaikunta allegedly being seen to be  
34 intoxicated on the casino premises on 2003 occasions?

35 A. Correct.  
36

37 Q. Having been asked to investigate that particular  
38 allegation, did you do something?

39 A. I did.  
40

41 Q. What did you do?

42 A. With respect to that issue I reviewed all of our  
43 incident report database to identify where Mr Vaikunta had  
44 been mentioned within our casino database. There was no  
45 mention of Mr Vaikunta had ever been identified on the main  
46 gaming floor or anywhere within the precincts of being  
47 intoxicated. I then interviewed the asset protection

1 manager, who is in control of and controls security and  
2 surveillance, asked him --

3

4 Q. That's Mr Lomax?

5 A. That is Mr Lomax. Who was asked if he was aware of  
6 any incident of Mr Vaikunta ever being on the premises  
7 intoxicated, to which he said no.

8

9 Q. Were you provided with any particular dates,  
10 locations, those sorts of particulars in relation to these  
11 matters?

12 A. For those three incidents, yes.

13

14 Q. Did you then set out attempting to identify potential  
15 witnesses, having regard to those dates and places?

16 A. For those three issues, yes.

17

18 Q. Did you, I think in due course, identify some  
19 25 casino staff members who may have been present in those  
20 premises at those times?

21 A. Correct but that was a further allegation.

22

23 Q. I see. What was that allegation in relation to?

24 A. Another allegation of intoxication. There was the  
25 three originally and then there was another allegation that  
26 he was seen intoxicated within the poker area.

27

28 Q. So those 25 witnesses that you identified related  
29 specifically to the time in the poker area; is that right?

30 A. That's correct.

31

32 Q. What about in the other areas? What areas were they  
33 and what, if any, steps did you take in relation to  
34 locating witnesses at them?

35 A. The other three areas, if memory serves me correct,  
36 one was reference to the Cherry Bar, reference to  
37 Rock Lilly and reference to a staff event night, or there  
38 was a reference to Mr Vaikunta dragging his coat across the  
39 floor or something. They were the three original ones and  
40 with that there was no witnesses or nobody could identify  
41 to assist me with further information with that.

42

43 Q. What was the upshot of your investigations into each  
44 of those intoxication allegations?

45 A. They were not substantiated.

46

47 Q. Did you find anyone at all that supported, by way of

1 direct evidence, the allegation Mr Vaikunta was intoxicated  
2 on any of those occasions?

3 A. None whatsoever.

4

5 Q. I think another matter that you were asked to look  
6 into as a result of your discussions with Mr Power and  
7 Mr Anderson related to a group of employees at the casino  
8 who called themselves the Asian Mafia; is that right?

9 A. Correct.

10

11 Q. What was the nub of that complaint or allegation and  
12 what did you do in relation to it?

13 A. The allegation there was that there was, for want of a  
14 better word, a syndicate of people who would move around  
15 the main gaming floor together as employees and it was  
16 suggested that they worked together and they looked after  
17 each other. The information that I have since received, is  
18 I have profiled all of those people and I have also had a  
19 look at their movements around the main gaming floor.  
20 There is nothing there to me to suggest that these people  
21 are involved in anything that would warrant me to further  
22 investigate, so there have been just retained in my  
23 database for intelligence purposes.

24

25 Q. Another matter that you were asked to look into by  
26 Mr Power and Mr Anderson related to an allegation that a  
27 particular officer who at some stage was I think a VIP  
28 manager, was somehow involved in seeing a prostitute with a  
29 particular VIP player or a high roller, as they're called?  
30 A. That's correct.

31

32 Q. This is again a matter that was brought to your  
33 attention via Mr Anderson and Mr Power but ultimately the  
34 allegation had been brought to the attention of management  
35 by Mr Culpan?

36 A. At that time, yes.

37

38 Q. When you say "at that time" is this an allegation that  
39 you had been aware of before?

40 A. It had previously been investigated, yes.

41

42 Q. Previously investigated by whom?

43 A. By myself.

44

45 Q. What was the results of the previous investigation  
46 that you carried out?

47 A. Again it was unsubstantiated. There was no evidence

1 to suggest that that patron or that senior manage was  
2 involved in the use of prostitution.

3

4 MS FURNESS: Q. Was involved in?

5 A. The use of prostitutes.

6

7 MR WIGNEY: Q. Just again in very brief terms, what did  
8 you do in terms of investigating that particular  
9 allegations?

10 A. Spoke to a number of informants that I have. None of  
11 them could support me with any evidence or any further  
12 witnesses. I reviewed corporate credit cards, I reviewed  
13 the logs of our hire car company, I interviewed a number of  
14 other witnesses and none of those could support any direct  
15 or circumstantial evidence to suggest that that allegation  
16 was substantiated, so it was unsubstantiated.

17

18 Q. When the matter was raised with you again by  
19 Mr Anderson and Mr Power as a result of their discussions  
20 with Mr Culpan did you do any further investigations at  
21 that stage?

22 A. No.

23

24 Q. You didn't consider it was warranted because you'd  
25 already, in your view, fully investigated the matter?

26 A. Correct.

27

28 Q. Incidentally, the particular high roller that was the  
29 subject of this investigation, was that someone that you  
30 knew, in the sense of you were aware of him as being a  
31 regular player at the casino?

32 A. Correct.

33

34 Q. Was he someone that you had on other occasions spoken  
35 to?

36 A. That's correct.

37

38 Q. Did you have any particular relationship with him?

39 A. I do.

40

41 Q. What was the nature of that relationship?

42 A. This patron also supplies me with information about my  
43 staff.

44

45 Q. I think you used the police vernacular, you called him  
46 an informant in certain respects?

47 A. Correct.

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Q. The reason I refer to him is - did you become aware, as a result of your discussions with Mr Power and Mr Anderson, that there had been claims by Mr Culpan that on a particular occasion you went into a pit room where this particular high roller was playing and said to him words to this effect "You need to stay off the drugs"?

A. I was aware of that allegation, yes.

Q. What do you say about that?

A. I deny that conversation ever took place.

Q. Was that something you conveyed to Mr Anderson and Mr Power?

A. Correct.

MS FURNESS: Q. Mr Houlihan, I think it's the case that you recently completed an investigation report into a number of complaints and while the investigation report is dated late March the investigations were carried out much earlier; is that right?

A. That's correct, yes.

Q. The investigation report covered some of the matters that Mr Wigney has put to you: firstly, the intoxication on three separate occasions?

A. That's correct.

Q. Secondly, the intoxication within the poker area?

A. That's correct.

Q. There were two additional allegations that were the subject of that report?

A. That's correct.

Q. One of those was an allegation - and again I think by Mr Culpan - of drug use by Mr Vaikunta, that is cocaine, on the main gaming floor?

A. That's correct.

Q. Did you investigate that?

A. I did.

Q. How did you investigate that?

A. Again with respect to reviewing all of our incident reports database and I interviewed Mr Lomax again was he aware of any scuttlebutt or any rumour or any suggestion

1 that Mr Vaikunta had been seen on the main gaming floor  
2 taking drugs, to which he said no.

3

4 Q. Were you given a time frame in which that conduct the  
5 subject of the allegation occurred?

6 A. No.

7

8 Q. So what time frame did you consider appropriate for  
9 your investigation?

10 A. I went back to the day that Mr Vaikunta started with  
11 the company.

12

13 Q. So that was some time in 2009?

14 A. Correct.

15

16 Q. So you reviewed incident reports for a period of some  
17 two or so years?

18 A. That's correct.

19

20 Q. And you didn't find anything?

21 A. No.

22

23 Q. The fourth matter that was the subject of that  
24 investigation report was an allegation from E-Tips?

25 A. That's correct.

26

27 Q. So therefore anonymous?

28 A. Correct.

29

30 Q. That was that the security manager, Mr Lomax, had  
31 removed video footage of Mr Vaikunta being carried out of  
32 The Star casino because he was intoxicated?

33 A. That's correct.

34

35 Q. What did you do about that allegation?

36 A. I interviewed two other staff members within the  
37 surveillance department, to which I expressed their  
38 concerns about how or why the system works, can footage be  
39 deleted, had they ever been requested to delete footage, to  
40 which they both returned that no they'd never been asked  
41 and there is no way that you can delete the footage.

42

43 Q. What did you conclude in relation to that allegation?

44 A. That was unsubstantiated.

45

46 MR WIGNEY: Q. You have given some evidence about two  
47 separate investigations, if I can put it that way, in

1 relation to allegations relating to Mr Vaikunta and the use  
2 of drugs?  
3 A. Yes.  
4  
5 Q. The first was back in late 2010 --  
6 A. Correct.  
7  
8 Q. -- which you gave evidence about. You have just given  
9 evidence about a further allegation that you more recently  
10 caused to be investigated and produced a report in relation  
11 to?  
12 A. Correct.  
13  
14 Q. Those allegations were all found to be  
15 unsubstantiated?  
16 A. That's correct.  
17  
18 Q. There has been some suggestion in the course of  
19 evidence in this inquiry and in other media relating to  
20 what is said to be a culture of drug abuse amongst senior  
21 managers or even chronic drug abuse. Putting aside for  
22 present purposes the allegations against Mr Vaikunta, have  
23 you become aware at any time during your position as  
24 investigations manager in relation to any allegations made  
25 about drug use by any other senior manager apart from  
26 Mr Vaikunta?  
27 A. No.  
28  
29 Q. Not by E-Tips, not by informants, not by formal  
30 complaint?  
31 A. No.  
32  
33 Q. At any time in the course of you being investigations  
34 manager have you seen any evidence - putting aside the  
35 complaints against Mr Vaikunta for present purposes - of  
36 anyone in senior management at the casino being involved in  
37 drugs at all?  
38 A. No.  
39  
40 Q. In the case of Mr Vaikunta you found those allegations  
41 that were made after your investigations to be  
42 unsubstantiated?  
43 A. Correct.  
44  
45 MR WIGNEY: Thank you, Mr Houlihan.  
46  
47 MS FURNESS: Mr Sullivan?

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MR SULLIVAN: Just a couple of questions.

**<EXAMINATION BY MR SULLIVAN:**

MR SULLIVAN: Q. Mr Houlihan, you mentioned your colleague Mr McGregor who is in the investigation department?

A. Correct.

Q. What was his former life before he was at Star?

A. He was a police officer also.

Q. He was someone who originally had the conduct of the investigation in respect of the substance found in the bathroom?

A. That's correct.

Q. He, of course, was the person who took possession of that sample before you came back from leave?

A. That's correct.

Q. Did you have any conversation with him about his opinion as to what the substance was?

A. I did.

Q. What was his view?

A. The same as mine, that it wasn't an illegal substance.

Q. You were also asked in respect of that matter by Mr Wigney about one of your criticisms of the process was that in the analysis there had been a focus on patrons using the inner sanctum and a lot of other people who might have; do you recall that evidence?

A. That's correct.

Q. The patron in question who has been referred to as the high roller, did you form any view as to when he left the pit compared with when the substance was found?

A. I did.

Q. What was that?

A. Some 10 hours had expired.

Q. So 10 hours between the time he left and the substance was found?

A. That's correct.

1  
2 Q. To your knowledge the pit was open 24 hours a day, is  
3 it?  
4 A. It is.  
5  
6 Q. And open to staff and members of the public who are  
7 entitled to go into that area?  
8 A. That's correct.  
9  
10 Q. You also were asked some questions about an allegation  
11 that Mr Culpan made that you had already investigated that  
12 a pit manager had been selling drugs. Do you recall that?  
13 A. I do.  
14  
15 Q. Was there any suggestion, even in respect of that  
16 allegation, that any of the drugs were purchased or sold on  
17 casino property?  
18 A. No.  
19  
20 Q. Thank you, Mr Houlihan, that is all I have for you.  
21  
22 MS FURNESS: Q. Mr Houlihan, in November 2011 there was  
23 an E-Tips complaint alleging that a number of people,  
24 including Mr Vaikunta, were observed to be intoxicated at  
25 the opening of The Darling Hotel?  
26 A. Yes.  
27  
28 Q. Do you remember that?  
29 A. I do.  
30  
31 Q. That was also referred to you for investigation, was  
32 it not?  
33 A. That's correct.  
34  
35 Q. Can you tell me what you did in respect of that  
36 allegation?  
37 A. Again I reviewed CCTV footage that was available to  
38 myself which was in the time frame of the opening, so it  
39 was still available. I reviewed that footage, I reviewed  
40 the incident reports and I also interviewed two staff  
41 members who supplied me statements with respect to their  
42 observations, their involvement in the evening and it  
43 returned an unsubstantiated --  
44  
45 Q. So when you reviewed CCTV footage were you able to  
46 identify those people the subject of the allegation on the  
47 footage?

1 A. Yes, I was.  
2  
3 Q. Were you able to form a view as to their level of  
4 intoxication?  
5 A. Yes, I was.  
6  
7 Q. What view did you form?  
8 A. That they were not intoxicated.  
9  
10 Q. It was also the case, wasn't it, that one of the  
11 government inspectors was present on and off during that  
12 event?  
13 A. That's correct.  
14  
15 Q. Did he make any complaint to you or are you aware  
16 through any other official source of him making a complaint  
17 or record of any person being intoxicated on that evening  
18 that is, one of the persons named in the complaint?  
19 A. Not that I'm aware of, no.  
20  
21 MS FURNESS: Does that give rise to anything?  
22  
23 MR WIGNEY: No.  
24  
25 MR SULLIVAN: No, thank you.  
26  
27 MS FURNESS: Thank you, Mr Houlihan. You're excused.  
28  
29 THE WITNESS: Thank you.  
30  
31 **<THE WITNESS WITHDREW**  
32  
33 MS FURNESS: I note the time and I note that Mr Mullin is  
34 present, however, I propose to take an early adjournment.  
35 We will adjourn now and resume with Mr Mullin at 11.30.  
36  
37 **SHORT ADJOURNMENT**  
38  
39 MR WIGNEY: I call Mr Larry Mullin.  
40  
41 MR SULLIVAN: Just before Mr Mullin is sworn, Ms Furness,  
42 may I seek leave to appear on his behalf with Mr Justin  
43 Williams.  
44  
45 MS FURNESS: Certainly. Leave is granted.  
46  
47

1 <LAWRENCE MULLIN, sworn: [11.38am]

2

3 <EXAMINATION BY MR WIGNEY:

4

5 MR WIGNEY: Q. Can we have your full name, please,  
6 Mr Mullin?

7 A. Lawrence Mullin.

8

9 Q. You are currently the managing director and chief  
10 executive officer of Echo Entertainment Group Limited; is  
11 that right?

12 A. That's correct.

13

14 Q. Again I just want to ask you some formal matters in  
15 relation to your position and your employment history, as  
16 it were Echo Entertainment, or "Echo" as I'll call it, in  
17 short, operates The Star casino in Sydney; is that right?

18 A. That's correct.

19

20 Q. It also operates three other casinos: the Jupiters in  
21 the Gold Coast, Jupiters at Townsville and the Treasury  
22 Casino in Brisbane; is that right?

23 A. Yes.

24

25 Q. You have overall responsibility, as it were, in  
26 relation to each of those casinos?

27 A. That's correct.

28

29 Q. Were you appointed chief executive officer and  
30 managing director of Echo following the demerger of the  
31 casino business of Tabcorp?

32 A. Yes.

33

34 Q. Roughly when did that happen?

35 A. June of last year.

36

37 Q. Prior to that demerger being completed were you the  
38 chief executive of the casino's division of Tabcorp?

39 A. I was.

40

41 Q. Effectively in that position did you again have  
42 overall management responsibility for those casinos that we  
43 have just referred to?

44 A. Yes.

45

46 Q. Including The Star or, as it was previously known,  
47 Star City?

1 A. Yes, I did.  
2  
3 Q. In terms of your position at Tabcorp - chief executive  
4 of the casinos division - were you appointed to that  
5 position I think in early 2009?  
6 A. That's correct.  
7  
8 Q. Can we just briefly deal with your employment  
9 experience. Did you come out to Australia in early 2009 to  
10 fill that position?  
11 A. I did.  
12  
13 Q. Can I ask you about your previous employment  
14 experience. Had you worked in a number of casinos in the  
15 United States prior to coming out to Australia to head up  
16 the casinos division?  
17 A. Yes, I did.  
18  
19 Q. Can you just give us a thumbnail sketch of the casinos  
20 you worked in and the periods of time and the positions you  
21 fulfilled in those casinos?  
22 A. Sure. I've worked in the United States in Atlantic  
23 City, New Jersey for - I started with Harrah's, I worked  
24 there for about three and a half years. Then spent  
25 15 years with the Trump Organization, I was with them for  
26 about 15 and a half years and then I was recruited to head  
27 up the Borgata, which was the joint venture with MGM Mirage  
28 and Boyd Gaming, which I worked with Boyd Gaming prior to  
29 joining Tabcorp.  
30  
31 Q. Is it fair to say that a large portion, if not all of  
32 your working life, has been in relation to casinos and the  
33 casino business?  
34 A. Fair to say half my life.  
35  
36 Q. Was it the situation that you were recruited to come  
37 out to Australia to fill the role at Tabcorp or did you  
38 apply or how did that come about?  
39 A. I was recruited, yes.  
40  
41 Q. I want to ask you on a slightly different topic. As  
42 I'm sure you're aware, this inquiry has heard a good deal  
43 of evidence relating to a Mr Sid Vaikunta. Can I ask you  
44 some general questions about him. Until earlier this year  
45 he was the managing director of The Star; is that right?  
46 A. That's right.  
47

1 Q. In terms of the formal reporting structures, did he  
2 report to you?  
3 A. That's correct.  
4  
5 Q. Did the managing directors of each of the casinos  
6 report to you?  
7 A. Yes, they did.  
8  
9 Q. Just dealing very briefly with Mr Vaikunta because  
10 I don't think we have heard, at least in public session,  
11 much about him. Did he first come to work in The Star as a  
12 marketing manager?  
13 A. Yes.  
14  
15 Q. Was that some time in 2009?  
16 A. He actually came first to Tabcorp in a corporate role  
17 in marketing.  
18  
19 Q. When was that?  
20 A. 2009.  
21  
22 Q. From that position was he later promoted to his  
23 position as managing director of The Star?  
24 A. Yes, the MD left the property and we put Sid into that  
25 position.  
26  
27 Q. How did he come to fill the position of initially the  
28 marketing manager at The Star? He was from the  
29 United States as well, was he not?  
30 A. Yes, he was working at Boyd Gaming in Las Vegas and it  
31 had a project that had been mothballed and he was working  
32 at one of their sister properties and became available to  
33 work here.  
34  
35 Q. I suppose, to cut to the chase, he was someone you  
36 had, in the course of your lengthy career in casinos in the  
37 United States, come to work with; is that right?  
38 A. Yes, I worked with him for about five years in - just  
39 under five years in Atlantic City.  
40  
41 Q. Were you involved at all in recruiting him to come to  
42 Australia to fill initially a marketing position?  
43 A. Yes.  
44  
45 Q. When you worked with him, as you have just described,  
46 did you come to know him fairly well?  
47 A. Pretty well, yes.

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Q. You regarded him favourably?

A. Yes.

Q. I take it from the fact that you had some involvement in his recruitment, that you considered him to be a potentially good acquisition as a senior employee for The Star?

A. Yes, I did.

Q. When he came to be promoted to the managing director of The Star, again was that a move that was supported by you?

A. Yes.

Q. What was it that you thought that Mr Vaikunta could bring to The Star, initially as a marketing person and later as a managing director?

A. One, he had a very good experience in the industry, in both design construction as well as in operating a very large casino. Very educated and very well-spoken and a pretty - a seasoned executive.

Q. I will come to some further questions so that you understand the context of this question in a moment. Did you at any time during the time you worked with him in the United States have any concerns in relation to his demeanour or personal habits?

A. No.

Q. Can I jump forward then to times that are perhaps more relevant to this inquiry. As I am sure you are aware, we have heard some - perhaps I will put it this way: We have heard some evidence this morning from Mr Houlihan in relation to some claims or allegations that were made at various times in relation to Mr Vaikunta in relation to the use of drugs?

A. Yes.

Q. You were aware of such allegations having been made, firstly, in 2010; is that right?

A. There was an investigation that I was made aware of, yes, after the fact.

Q. That was in about 2010; is that right?

A. Whenever the Ice Age - is that the --

1 Q. Yes.  
2 A. Yes.  
3  
4 Q. You say you were made aware of it. Were you made  
5 aware of it during the course of the investigation, after  
6 the investigation, or when?  
7 A. I think it was towards the end of the investigation.  
8  
9 Q. You were aware that it was being investigated by the  
10 manager of investigations, Mr Houlihan?  
11 A. Yes.  
12  
13 Q. Was he someone that you had considerable faith in as  
14 an investigator?  
15 A. Yes.  
16  
17 Q. And had experienced skills as an investigator?  
18 A. Yes.  
19  
20 Q. At some stage in the course of that investigation, did  
21 you have any discussions with Mr Vaikunta yourself in  
22 relation to allegations relating to drug use?  
23 A. I don't remember the conversations. I think at some  
24 point I did, but I don't remember at what time.  
25  
26 Q. I know it's difficult, and it is some time ago, but  
27 can you tell us what you can remember in relation to the  
28 conversation? I think we've heard, to put it in context,  
29 an indication that you and perhaps Ms Marshall spoke to  
30 Mr Vaikunta about these allegations, if that assists.  
31 A. I think I asked him, you know, is there any truth to  
32 any of the allegations in regard to drugs, and his use of  
33 it.  
34  
35 Q. What did he say in response?  
36 A. He said no.  
37  
38 Q. Again, we've heard some evidence this morning from  
39 Mr Houlihan in relation to something that Mr Vaikunta is  
40 reported to have said relating to this allegation, or these  
41 allegations, and to the fact that during his time working  
42 in casinos in the United States, there was a system of drug  
43 testing of staff, and that he had been subjected to that.  
44 Do you remember having any discussions with Mr Vaikunta in  
45 relation to that topic?  
46 A. Yes. At the Borgata, it was mandatory drug testing  
47 for all employees. We all had to comply with that, as did

1 Sid, myself and everyone else. There were hair tests.  
2  
3 Q. Hair tests, did you say?  
4 A. Yes.  
5  
6 Q. What does that mean?  
7 A. They cut a piece of your hair and take a sample and  
8 have it tested for in-depth analysis of drug use.  
9  
10 Q. How frequently did those tests take place?  
11 A. They were random, but you had to initially have it to  
12 initially get employment.  
13  
14 Q. To your knowledge, were there ever any issues in  
15 relation to Mr Vaikunta and these tests - that is, any  
16 occasion where it turned out to be positive testing?  
17 A. Never.  
18  
19 Q. Did he ever express to you in his position that he had  
20 any opposition to these sorts of tests?  
21 A. None whatsoever.  
22  
23 Q. We have heard from Mr Houlihan, and you no doubt heard  
24 in due course as a result of his investigations, he found  
25 the claims about Mr Vaikunta's alleged drug use in the  
26 context of the Ice Age investigation, that's the one that  
27 occurred during 2010, to not be substantiated; is that  
28 right?  
29 A. That's correct.  
30  
31 Q. Can I ask you this: if the claims were  
32 substantiated - that is, if it was found that Mr Vaikunta  
33 had been involved in taking any sort of drug - is that  
34 something that you, as the chief executive officer of  
35 Echo Entertainment, would have tolerated in any way?  
36 A. No.  
37  
38 Q. Would you have tolerated any drug use by any senior  
39 manager at any of the casinos?  
40 A. No.  
41  
42 MS FURNESS: I take it you mean illegal drug use.  
43  
44 MR WIGNEY: Illegal drug use, yes.  
45  
46 THE WITNESS: Yes. Thank you.  
47

1 MS FURNESS: Not prescription drugs.

2

3 THE WITNESS: Correct.

4

5 MR WIGNEY: Q. Putting the allegations in relation to  
6 Mr Vaikunta aside, during the last two years at The Star,  
7 and I'll just limit it to that period of time for the  
8 moment, have you heard of any allegation or complaint about  
9 drug use by any other senior manager at The Star?

10 A. No.

11

12 Q. If any such allegation or complaint had been  
13 made - again, putting Mr Vaikunta aside - would you expect  
14 to be made aware of it, as chief executive officer?

15 A. Yes, I would hope.

16

17 Q. Would you, as chief executive officer, ensure that any  
18 such complaint - that is, illegal drug use by any senior  
19 manager at The Star - you would cause it to be thoroughly  
20 and fully investigated?

21 A. Absolutely.

22

23 Q. We have, as I am sure you are only too aware, heard  
24 and witnessed a number of media headlines based on claims,  
25 it seems, from some employees or former employees about  
26 a drug culture involving senior managers of The Star.  
27 I gather from the evidence that you have just given that  
28 you would refute that allegation or that suggestion; is  
29 that right?

30 A. Yes.

31

32 Q. Other than the matters that were investigated in  
33 relation to Mr Vaikunta and found to be unsubstantiated,  
34 nothing else has come across your desk in relation to any  
35 other senior officer?

36 A. No.

37

38 Q. I suppose whilst we are still on that topic, were you  
39 aware, again, that in late 2011, further allegations had  
40 been brought forward in relation to Mr Vaikunta and illegal  
41 drug use again?

42 A. No.

43

44 Q. You weren't aware of the allegations, or you weren't  
45 aware --

46 A. I don't remember any allegations being made about him  
47 in 2011 about drugs.

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Q. Were you aware, for completeness, of allegations during the course of perhaps the latter part of 2011, concerning Mr Vaikunta being seen intoxicated on the premises - that is, the casino premises, The Star premises - or a number of occasions?

A. No.

Q. Is that something, if those allegations were made, that you would expect to be informed of?

A. Yes.

Q. And you say you weren't aware of them at all?

A. That's correct.

Q. Can I ask you this: if allegations that a senior officer, a senior manager at the casino, was intoxicated at the premises were found to be substantiated, was that something as chief executive you would tolerate?

A. No. When we have a compliance issue, we would deal with it accordingly.

Q. Before I leave the topic of illegal drugs and drug use all together, there has been again a suggestion, albeit a faint suggestion, in evidence that there was an investigation by Tabcorp in the days prior to the demerger, I think some time in 2010, concerning allegations of widespread substance abuse within the casino's senior ranks. Were you aware of any such investigation being carried out?

A. No. I was aware after the fact that there was an investigation, but I didn't know to what degree, who and all that was involved.

Q. Do you know what the outcome of that investigation was?

A. That it was actually about Sid and that they had, I believe, swabbed or done some testing in the offices.

Q. Roughly when was this?

A. Late 2011, was it, or 2010.

Q. I just want to make sure we are not getting that investigation mixed up with what I think you have referred to as the Ice Age investigation that was investigated by Mr Vaikunta. Was this a separate allegation?

A. I don't know the names of all the investigations, but

1 there were two. The one I think you are referring to in  
2 the most recent discussion is something separate from that.

3

4 Q. But your recollection is that the separate  
5 investigation, perhaps in the pre demerger days, resulted  
6 in a swab being taken of Mr Vaikunta's desk or his office;  
7 is that right?

8 A. That's what I found out after the fact, yes.

9

10 Q. When you found out about this investigation after the  
11 fact, do you recall what the upshot of it was, what its  
12 conclusions were?

13 A. That there was no truth to any of the allegations.

14

15 MS FURNESS: Mr Wigney, would you put to the witness the  
16 article from the newspaper?

17

18 MR WIGNEY: Yes.

19

20 MS FURNESS: Thank you. Perhaps if he could see a copy of  
21 it.

22

23 MR WIGNEY: Let me just provide you with a copy of it.

24

25 Q. What you are being shown is a photocopy of an internet  
26 print-out of an article that appeared in the Sydney Morning  
27 Herald on 7 February 2012. It's under the banner "Casino  
28 bosses warned of staff drug culture". I'll just read the  
29 first three paragraphs, which are the relevant ones:

30

31 *The gaming giant Tabcorp was warned of an*  
32 *alleged culture of drug and alcohol abuse*  
33 *among senior management at The Star casino,*  
34 *and was advised swab offices and introduce*  
35 *"sobriety tests" to detect cocaine at work.*

36

37 *The warning was issued by a manager during*  
38 *an investigation by Tabcorp into*  
39 *allegations of widespread substance use*  
40 *within the casino's executive ranks in*  
41 *mid-2010.*

42

43 *However, it is understood Tabcorp did not*  
44 *act on the advice before the casino was*  
45 *demerged from its operations last June and*  
46 *taken over by Echo Entertainment Group, as*  
47 *it claimed it had found insufficient*

1           *evidence.*

2  
3           My last few questions were directed at this particular  
4           issue. You do have a recollection of there being an  
5           investigation that involved the swabbing of desks?

6           A. Yes, I do.

7  
8           Q. Your recollection is that the outcome of that was that  
9           it was found to be substantiated?

10          A. That's correct.

11  
12          Q. I take it that means the swabs produced a negative  
13          result?

14          A. That's right. It was all bullshit. Anybody can write  
15          articles about anything and allege, and that's what we're  
16          reading here.

17  
18          Q. You'll note that it refers to Tabcorp not acting on  
19          the advice. I'll come back to that in a different context,  
20          but you, of course, at Tabcorp, were the head of the  
21          casino's division, to --

22          A. That's correct.

23  
24          Q. If there had been in fact advice about widespread  
25          substance abuse within the casino's executive ranks, I take  
26          it from the evidence you've already given that you would  
27          most certainly act on that advice?

28          A. Absolutely.

29  
30          Q. What would you do?

31          A. We would either go further into more investigation,  
32          drug tests - I'm happy - whatever would come out of the  
33          recommendation of the people that do the work.

34  
35          Q. I'll move on to an entirely different topic. I'm  
36          sorry to jump around in relation to this. The topic I want  
37          to address with you now is the sexual harassment  
38          allegations that were made and the findings that were made  
39          in relation to Mr Vaikunta stemming from some incidents  
40          in December 2011, if you follow?

41          A. Yes.

42  
43          Q. Again, Mr Mullin, I'm not going to trouble you with  
44          all of the detail here because, as you may be aware, we've  
45          heard very detailed evidence from Louise Marshall, who is  
46          the head of human resources at Echo, and we've also heard  
47          some evidence from Mr Houlihan. What I want to ask you is

1 this: I think we heard that Ms Marshall first heard about  
2 these allegations on the morning of 13 December. Without  
3 going into any details of the specifics of the allegations,  
4 or the names of the complainants, can you recall - sorry,  
5 I think I misstated that. She heard about it on the 12th  
6 and I think we've heard evidence that she, that is  
7 Ms Marshall, contacted you on the 13th to advise you in  
8 relation to the matter; is that right?

9 A. That's correct.

10  
11 Q. Again, without going into any great detail about the  
12 conversation, what was the substance or essence of what  
13 Ms Marshall told you on that occasion?

14 A. She told me there were two situations that had  
15 occurred of potential cases against Sid. She phoned me, as  
16 I was in Hawaii, and she basically gave me the information  
17 as she knew it at that time.

18  
19 Q. Again, we don't want the detail of the allegations or  
20 the names of the complainants, but what was your response  
21 to what Ms Marshall had told you? Did you suggest anything  
22 that she should do or shouldn't do?

23 A. I asked her if she had notified the chairman. She  
24 said she hadn't. I said to make sure to get all of the  
25 people involved out of the business immediately. I asked  
26 her if she thought it was appropriate if I was in the  
27 investigation, because of my relationship to Sid, and he  
28 said, "No, I believe it will be fine". I said, "Well, you  
29 run this as you should and get everybody, all hands to  
30 investigate and do it as properly as can be", and that  
31 I was going to notify the chairman.

32  
33 Q. As chief executive officer of Echo Entertainment,  
34 would you regard any allegation of sexual harassment to be  
35 a serious matter?

36 A. Yes.

37  
38 Q. When it involves the managing director of one of the  
39 casinos under your management, it would be particularly  
40 serious?

41 A. Yes.

42  
43 Q. And that was the case on this occasion?

44 A. Absolutely.

45  
46 Q. I think you indicated in the course of that evidence  
47 you just gave that you suggested to Ms Marshall that the

1 people should be out of the business. What did you mean by  
2 that?  
3 A. They should not be at work. They should be put on  
4 investigative suspension, and that no-one could have  
5 contact with each other so that everything - so there would  
6 be no course where anybody could be interacting, or  
7 whatever.  
8  
9 Q. Do you know what Mr Vaikunta's position was at that  
10 time? Was he actually working? Was he on leave, do you  
11 recall?  
12 A. I don't recall exactly where he was, but I just  
13 remember that he was not at work, so there wasn't  
14 a situation where he would be in contact with anyone.  
15  
16 Q. May we take it also from the evidence you've just  
17 given, that you considered this was a matter that should be  
18 investigated and investigated thoroughly?  
19 A. Yes.  
20  
21 Q. Again, you indicated that your advice, or, rather,  
22 Ms Marshall's advice was that having regard to your  
23 relationship with Mr Vaikunta, you shouldn't be at all  
24 involved in the investigation; is that right?  
25 A. I asked her opinion on that, yes.  
26  
27 Q. And she said no?  
28 A. Yes.  
29  
30 Q. Did you accept that?  
31 A. Yes. I also expressed that to our chairman as well.  
32  
33 Q. I was just about to come to that. I think in the  
34 course of your discussions with Ms Marshall, there was  
35 a reference to notifying the chairman. Did you in due  
36 course do that?  
37 A. Within an hour or so of her phone call.  
38  
39 Q. That's Mr Story?  
40 A. Yes.  
41  
42 Q. And, again, contacting him was because, having regard  
43 to Mr Vaikunta's position, you regarded it as a very  
44 serious matter indeed?  
45 A. That's correct.  
46  
47 Q. Again without going into precise details of the

1 allegations or the names of complainants, what was the  
2 substance of what you said to Mr Story and what did he say  
3 to?  
4 A. Basically reiterated what Louise had told me, and I  
5 told him to feel free to contact Louise directly. I was  
6 travelling, he was getting ready to travel, and that the  
7 team back at the property were engaged and all hands were  
8 being put to a full and thorough investigation.  
9  
10 Q. What was his response?  
11 A. To proceed.  
12  
13 Q. May we take it that even though you weren't yourself  
14 involved in the investigation, you were kept apprised of  
15 developments during the course of the investigation?  
16 A. That's correct.  
17  
18 Q. You were aware of the particular officers who had been  
19 assigned to conduct the investigation; is that right?  
20 A. Yes.  
21  
22 Q. I think it's fair to say they were all very senior  
23 officers in the organisation?  
24 A. The most senior.  
25  
26 Q. Having regard to Ms Marshall's advice, did you at any  
27 time seek to, apart from being apprised of the  
28 developments, involve yourself in the investigation?  
29 A. No, other than being informed on - there were several  
30 phone calls of meetings of conversations as information was  
31 coming forward. It was all being done - I was out of the  
32 country until after Christmas.  
33  
34 Q. Based on what you were told when you were apprised of  
35 developments in relation to the investigation, were you  
36 satisfied, as it progressed, that it was being fully and  
37 thoroughly investigated?  
38 A. Very thoroughly.  
39  
40 Q. These matters initially came to light on 12 December.  
41 There had been no resolution of either of the complaints by  
42 Christmas time. Did you express or have any concerns about  
43 the length of time that the investigation was taking?  
44 A. No.  
45  
46 Q. Why was that?  
47 A. Because the people that were involved, the

1 complainants as well as Sid, were not in any proximity to  
2 each other and, in my opinion, there was no risk. The risk  
3 was actually that we didn't do it thoroughly, and we made  
4 sure that the interview processing and all the people that  
5 were doing the investigation had the time and, you know, it  
6 was during a holiday period, so there were a lot of things  
7 going on and people, I believe, fully attended to the  
8 mattered.

9  
10 Q. You were more concerned with it being dealt with  
11 thoroughly and properly than it being rushed; is that fair  
12 to say?

13 A. That's correct.

14  
15 Q. We've taken the matter basically up to Christmas.  
16 Were you made aware in about mid January of this year that  
17 the investigation had been concluded and findings had been  
18 made by those involved in the investigation?

19 A. I don't remember the exact date. I think when  
20 John Story returned from his trip, that was the first we  
21 had all been together and actually saw anything in hard  
22 copy to review what had been put through the process of  
23 investigation.

24  
25 Q. At that time - that is, when you came together with  
26 Mr Story - you were provided with a hard copy, that's  
27 a paper copy, of the report that had been prepared?

28 A. That's correct, yes.

29  
30 Q. May we take it you read it?

31 A. Yes.

32  
33 Q. And you were aware that the claims of sexual  
34 harassment had essentially been substantiated and that  
35 Mr Vaikunta had been found to have engaged in the sexual  
36 harassment of both complainants?

37 A. The report came back - at that time we weren't sure as  
38 to I think it was the first complainant. There was some  
39 issue there. And the second complainant - they weren't  
40 exactly the same nature and we just wanted to be clear as  
41 to what actually transpired there.

42  
43 Q. At about this time - that is, mid January, and I won't  
44 hold you to any specific dates, of course - when Mr Story  
45 had come back, do you recall being involved in any  
46 discussions as to who would be the ultimate decision-maker  
47 as to what would happen with Mr Vaikunta, given the

1 findings that had been made by the investigation?  
2 A. I think at the time it was pretty clear, at that  
3 point, once we had gotten the hard copy and reviewed  
4 it - it was pretty clear to both of us that the decision we  
5 came to was what was going to be the outcome.  
6  
7 Q. What I was asking is whether there was to be,  
8 I suppose, a formal decision-maker who would ultimately  
9 have the final say as to what would happen?  
10 A. I think the chairman would obviously out-rule myself  
11 if there was something that obviously was a tiebreaker, but  
12 we were in agreement.  
13  
14 Q. No disagreement whatsoever as to what would happen?  
15 A. No.  
16  
17 Q. Was it the situation that you in fact attended  
18 a meeting with Mr Story and Ms Marshall to go through the  
19 report, its findings and the options that were available to  
20 The Star and Echo Entertainment, given the findings?  
21 A. That's correct.  
22  
23 Q. And ultimately the decision was made that  
24 Mr Vaikunta's employment should be terminated?  
25 A. Yes.  
26  
27 Q. Did you and Ms Marshall shortly after that decision  
28 was reached, attend a meeting with Mr Vaikunta?  
29 A. Yes.  
30  
31 Q. I think the first meeting occurred on a Sunday, does  
32 that refresh your recollection?  
33 A. Yes.  
34  
35 Q. Was it the situation that the first meeting with  
36 Mr Vaikunta was essentially to advise him of the factual  
37 findings and conclusions that had been made by the  
38 investigation and to then allow him some time to consider  
39 his options in relation to those findings?  
40 A. That's correct.  
41  
42 Q. Did you and Ms Marshall meet with him again the next  
43 day?  
44 A. Yes.  
45  
46 Q. Did you then advise Mr Vaikunta that his employment  
47 would be terminated?

1 A. We said that we would give him the opportunity to  
2 speak to counsel, and that the decision we would come to  
3 would be final.

4  
5 Q. And that was to terminate his employment?

6 A. Separate his employment, yes.

7  
8 Q. What was Mr Vaikunta's reaction to that?

9 A. He was upset. He was confused. We tried to give him  
10 time to understand what was coming, what was brought to  
11 him, and he asked for some time to get some counsel to it.

12  
13 Q. We've heard some evidence from Ms Marshall in relation  
14 to termination that consideration was given to two options,  
15 one being summary dismissal and the other being  
16 a negotiated termination?

17 A. That's correct.

18  
19 Q. Did you have a view as to which of those options was  
20 the more appropriate?

21 A. Look, it was clear there was going to be a separation,  
22 and the end result of what he agreed upon was something  
23 that wasn't just Louise and I, it was also our chairman,  
24 and that was an outcome that was discussed at length.

25  
26 Q. It involved Mr Vaikunta signing a deed in due course,  
27 the effect of which was that he could not challenge the  
28 termination in due course in any court; is that right?

29 A. I don't remember all the details to it but take you at  
30 your work.

31  
32 Q. You left the fine detail of the content of the deed  
33 and those sorts of matters to your legal team and others --

34 A. That's correct.

35  
36 Q. -- in human resources? Again without going into any  
37 detail, in due course those matters, that is the  
38 finalisation of the deed and the terms of the termination,  
39 were sorted out and an announcement in due course made to  
40 the stock exchange about the end of Mr Vaikunta's  
41 employment; is that right?

42 A. That's correct.

43  
44 Q. Just dealing with the stock exchange announcement:  
45 was that again something that was the subject of discussion  
46 and debate between those that were underneath you, that is  
47 in the legal department and the like, as to the terms of

1 that announcement?  
2 A. That's correct.  
3  
4 Q. Having dealt with that topic, can I move to a  
5 different topic again. The topic I want to address in the  
6 next series of questions is this: the inquiry has heard in  
7 different ways a number of claims concerning what is said  
8 to be a change in culture or at least a perceived change in  
9 culture at The Star which broadly coincided with, if I can  
10 put it this way, you and Mr Vaikunta being at the helm of  
11 The Star. Do you follow?  
12 A. Do I follow what?  
13  
14 Q. Do you follow that we've heard --  
15 A. Yes.  
16  
17 Q. -- a series of suggestions --  
18 A. I think we've all heard that.  
19  
20 Q. Indeed. What I want to do, just so you know where  
21 I am going, is to summarise in very general terms initially  
22 some of the claims of change of culture that we've heard  
23 and to then ask for your response or comment in relation to  
24 them.  
25 A. Sure.  
26  
27 Q. Some of them may be contentious, some of them may not  
28 be but can I just put the first one to you in these terms:  
29 that some of the evidence or suggestions we have heard was  
30 that there was a change in feel or atmosphere of the casino  
31 from something perceived to be a bit frumpy to something  
32 that was somewhat glitzier and brassier. That manifested  
33 itself in different ways, including different uniforms for  
34 the staff, different types of entertainment and the like.  
35 Is that consistent with your perception as to what happened  
36 at The Star following you and Mr Vaikunta taking over?  
37 A. Not my description but I get where you're going.  
38  
39 Q. What do you say about that?  
40 A. Look, the property was in a very tired state and had  
41 very dated processes, very dated uniforms and restaurants  
42 and when you go through a change of several hundred million  
43 dollars there's a lot of things that occur with those  
44 changes and in that there are people's assertions or  
45 their interpretations of what that means and I think you're  
46 seeing a lot of that being played out through our  
47 employees, some of them ex, to their interpretation of

1 those changes.

2

3 Q. How would you describe that aspect of the changes?

4 A. Look, the changes that you go through when you do  
5 something of this nature is not so quick and easy to end up  
6 in what has ended up on a lot of newspapers. The challenge  
7 we faced was very large, in that you have several thousand  
8 employees, you have a lot of working space and a lot of  
9 contentious discussions that come about. In that you get  
10 the outcome of some of those works are accepted and some  
11 are not and whether it's a personal opinion or could be an  
12 impression, they cause what I think you're describing into  
13 other people's communication of what that process is and  
14 I think it's been very misrepresented as to what that  
15 means.

16 We like to think of our place as a place that's a  
17 resort, that's of world class, that was transforming from a  
18 place that had been a never-accepted business in the  
19 marketplace and when you go through that you have a lot of  
20 things that you try to cause the effect of what those  
21 changes are. Does that describe --

22

23 Q. I suppose another thing that has been the subject of  
24 some discussion and suggestion is that as part of that  
25 general upgrade, not only of the premises but of the whole  
26 nature of the business, that the business became more  
27 customer orientated as opposed to rule orientated. To use  
28 I suppose a peculiarity Australian expression, the business  
29 model was "keep the punters happy", that is the patrons  
30 happy, rather than strict abidance by rules and guidelines  
31 and the like. Is that something that you would consider to  
32 be an accurate description of the changes that occurred in  
33 The Star?

34 A. I think there's been a misrepresentation on our -  
35 under my leadership, the compliance as it relates to those  
36 changes and I think that they have been inaccurately  
37 described.

38

39 Q. Again I put it in very broad terms so let's get a  
40 little bit more specific. I think the suggestion has been  
41 that the flip side of upgrading the premises and keeping  
42 the patrons happy was again, in general terms, that  
43 customer satisfaction was put ahead of enforcing the sorts  
44 of rules that should be and are in place at the casino.  
45 What do you say about that?

46 A. I would agree that that's the job the media has done  
47 and if some of our staff has caused the media to get that

1 interpretation that has been the outcome but I wouldn't say  
2 that's indicative of how we approach what we're trying to  
3 do. The first thing we have to - in order to have our  
4 business is to be licensed for that business and that  
5 requires many people's attention for compliance as well as  
6 rules and things that aren't like a normal business where  
7 you just go in and make changes and do things that don't  
8 come under the same scrutiny.

9  
10 Q. I take it you would make no apologies whatsoever for  
11 endeavouring to keep the patrons happy in the casino?

12 A. Keep them happy within the framework of what's legal.

13  
14 Q. Again just to put a little bit more specificity in  
15 relation to this, again really in the same context, that is  
16 this change in culture, I think it's been suggested  
17 specifically that as part of keeping the patrons happy and  
18 as part of this change in atmosphere less emphasis has been  
19 given by senior management of The Star, and indeed  
20 employees at The Star, to the responsible service of  
21 alcohol. You accept, of course, that one of the  
22 significant compliance issues is responsible service of  
23 alcohol at a casino?

24 A. That's correct.

25  
26 Q. What do you say to the suggestion that customer  
27 satisfaction has been given emphasis to the exclusion of  
28 responsible service of alcohol?

29 A. I say that's not true.

30  
31 Q. There has been, for example, in that context a  
32 suggestion that patrons, in particular the so-called high  
33 rollers or VIP patrons, have been plied with alcohol to  
34 keep them at the tables. What do you say about that sort  
35 of suggestion?

36 A. I'd say that's not true.

37  
38 Q. I take it that it is, in fact, the case that  
39 particularly the VIP patrons are served drinks and food at  
40 the gaming tables in certain circumstances?

41 A. Yes.

42  
43 Q. Given your vast experience in casinos, is that an  
44 unusual feature?

45 A. No. It would be the unusual situation if you weren't  
46 offering food and drink to them.

47

1 Q. I think that a suggestion has been put that the reason  
2 that that is done is so that they have no cause to get off  
3 their seats and leave the gaming table for a moment to  
4 either eat or drink?

5 A. I think that's not true.

6

7 Q. It's just simply a matter of keeping the patrons  
8 happy; is that right?

9 A. That's correct.

10

11 Q. I think again in the same context of the suggestion  
12 that keeping the patrons happy governs to the exclusion of  
13 considerations of propriety, I think it has been suggested  
14 that staff have been required to or have allowed patrons to  
15 on occasion be rude or obnoxious to staff or to fellow  
16 patrons, again so that they are not confronted and made  
17 unhappy by casino staff. What do you say about that  
18 suggestion?

19 A. I'd say that's not a true statement.

20

21 Q. I just want to give you the opportunity of dealing  
22 with something that has been suggested, I think in the  
23 media. I think it has been suggested in some media outlet  
24 that an allegation made in particular in relation to you,  
25 that is, on an occasion - precise date and circumstances of  
26 which aren't known - that Mr Vaikunta was present when a  
27 female member of staff was served shots and he told the  
28 barman to continue - that is Mr Vaikunta told the barman to  
29 continue to serve that staff member shots of drink even  
30 though she was drunk and indeed I think it suggested that  
31 you were present during the course of that incident. Is  
32 that something you have any recollection of whatsoever?

33 A. I don't know the incident but without telling me who  
34 and when I can't tell you.

35

36 Q. That would be, if it happened, that is if you were  
37 present when Mr Vaikunta did such a thing, that is,  
38 suggested to the barman that he should continue to serve  
39 shots of drink to a staff member, is that something you'd  
40 recall if it happened?

41 A. I would never want any staff member or any guest to be  
42 continued to be poured shots if they were intoxicated.

43

44 Q. Is it something that you would have taken action in  
45 relation to if you'd been present?

46 A. If I'd known about it.

47

1 Q. I gather from everything you said, you didn't know  
2 about it?

3

4 (Not answered)

5

6 MS FURNESS: Q. Mr Mullin, did I understand your answer  
7 correctly when you said you didn't know the details of it  
8 so you couldn't answer it?

9 A. No, I don't know the specific incident that he's  
10 referring to to say what that occasion was.

11

12 Q. Let me put it to you differently.

13 A. Okay.

14

15 Q. Were you ever present at a bar with Mr Vaikunta when  
16 there was a female staff member present who was being  
17 served shots in circumstances where Mr Vaikunta insisted  
18 that the barman continue serving her shots when she was  
19 drunk?

20 A. I don't remember that incident, no, I don't.

21

22 Q. So you're saying you don't remember it and it could  
23 have happened or it never happened?

24 A. I don't believe it did happen but I - there's a lot of  
25 times where - well, not a lot of times, there were times  
26 where we would have been to a bar. There could have been  
27 an employee there, I don't know.

28

29 Q. How many bars serve shots at the casino?

30 A. All of them. I don't know to say we don't but I would  
31 think if there's a bar --

32

33 Q. Can I ask you to assume for the moment that the  
34 Rock Lilly bar served shots?

35 A. Yes.

36

37 Q. Have you been present at the Rock Lilly bar in the  
38 circumstances that I have just raised?

39 A. Yes.

40

41 Q. In those circumstances?

42 A. I don't know if that one specific one is the case but  
43 I have been there, yes.

44

45 MR WIGNEY: Q. Just picking up on that topic: you have  
46 accepted that responsible service of alcohol is a very  
47 critical aspect of compliance for a casino; is that right?

1 A. Yes.

2

3 Q. What I just want to explore with you is whether the  
4 service of shots of alcohol, that is short shot glasses  
5 which are designed to be drunk immediately, is consistent  
6 with responsible service of alcohol?

7 A. Depends on the nature of a - you know, what the person  
8 is drinking and what their level of intoxication is.

9

10 Q. Meaning that the shots themselves aren't the problem  
11 unless sufficient of them have been consumed to make the  
12 patron drunk?

13 A. That's correct.

14

15 Q. Is that then something that, in your view as the CEO  
16 of Echo, should then be dealt with by the relevant staff  
17 member if they witnessed that?

18 A. Whoever, yes, that's correct.

19

20 Q. Again I don't want to get into particular detail  
21 because it's being dealt with in other context but there  
22 are specific rules and policies in relation to responsible  
23 service of alcohol that are recorded and in writing in  
24 Echo's --

25 A. That's correct.

26

27 Q. I will come back to this again in a slightly different  
28 context. Again just dealing with aspects of what are  
29 suggested to be a change in culture at The Star, I think it  
30 has also been suggested that again, for reasons of keeping  
31 patrons happy and perhaps for other reasons, in recent  
32 times the culture has changed in relation to responsible  
33 gambling; that is, less emphasis has been given to  
34 enforcing that aspect of compliance at the casino. I will  
35 come to some specific suggestions in a moment but what do  
36 you say about that broad suggestion?

37 A. I say it's false.

38

39 Q. What do you say about The Star's attitude to the  
40 important compliance issue of responsible gambling?

41 A. Some of the best I've seen anywhere in the world.

42 There's no place in that company or that property  
43 specifically for responsible gaming not to be top of mind  
44 and enforced and I would say carried out on a very, very  
45 regular and rigid basis.

46

47 Q. There are, I suppose, many different manifestations of

1 irresponsible gambling but let me just suggest a couple of  
2 things that have been suggested in evidence or in other  
3 areas. Firstly, it has been suggested that patrons are on  
4 occasion permitted to stay at gaming tables for very  
5 lengthy periods of time. I think the suggestion has been,  
6 in relation to some people, up to 48 hours. Is that  
7 something that you have ever been aware of?

8 A. I've never seen anybody gamble for 48 hours but go  
9 ahead.

10  
11 Q. Are you aware of any reports in relation to that?

12 A. No.

13  
14 Q. If you were aware of any such report, that is, someone  
15 staying at a gaming table for up to 48 hours, would you  
16 consider that that was contrary to the principles of  
17 responsible gambling?

18 A. Hours played is not just a determinant for responsible  
19 gaming.

20  
21 Q. Meaning what?

22 A. Meaning there's other factors that determine what -  
23 responsible gaming as it relates to a patron. Behaviour is  
24 a first issue, if you see erratic behaviour and other  
25 things that are determinant. In each case of - somebody's  
26 length of play doesn't determine a straightforward  
27 responsible gaming issue. I would say as a length of play  
28 when someone - if the time period you just referred to was  
29 the case, that we have many places that the employees  
30 should be and would be their place to call out that  
31 somebody should be called in for a time out.

32  
33 Q. I think again perhaps just to put that shortly, your  
34 suggestion is that there perhaps are some players, perhaps  
35 experienced players, who are capable of playing for very  
36 long periods of time and maintain concentration and make  
37 rational and responsible decisions; is that right?

38 A. That's correct.

39  
40 Q. Is that based on your experience of many years working  
41 at casinos?

42 A. Yes. It's very common for all different situations to  
43 occur. It could be somebody that's a local customer. It's  
44 probably more frequent with somebody that is an overseas  
45 customer that has a short period of time and that's what  
46 they're coming to do, spend a lot of time in a short period  
47 in the casino because that's what they like to do.

1  
2 Q. In that context does that mean that there's no rigid  
3 rule, as far as you're aware, as to the number of hours  
4 that a patron is permitted to play but it is rather left up  
5 to more subjective views by the dealer or the manager?  
6 A. Yes, behaviour is probably the biggest - you know,  
7 first determinant, were you would see if somebody's  
8 becoming agitated or they're dishevelled or whatever the  
9 behaviour might be, that that would cause attention but  
10 time would be one that you might have as a check to say  
11 "Hey, so and so has been playing for quite a bit of time"  
12 as I say - all the other things that you would have that  
13 our staff should be well aware of.  
14  
15 Q. Meaning that if the staff member was aware, for  
16 example, that a particular player had been at the table for  
17 a long period of time, they would perhaps be more astute,  
18 pay more attention to aspects of their demeanour and  
19 behaviour?  
20 A. That's correct.  
21  
22 Q. In relation to that particular topic, this inquiry has  
23 seen some information that tends to suggest that for  
24 certain guests, specifically IRB guests - is that  
25 international rebate business?  
26 A. That's correct.  
27  
28 Q. That there's no obligation for the casino or its staff  
29 to stop their play at any particular time? I think the  
30 suggestion is at the 24-hour mark; is that right?  
31 A. Well, as I said, time is not the only determinant for  
32 what I believe your concern is as it relates to responsible  
33 gaming but I wouldn't say an IRB customer or a local or any  
34 patron, it's - they're all treated - should be viewed in  
35 the same manner.  
36  
37 Q. Meaning there's no specific cut-off time --  
38 A. That's correct.  
39  
40 Q. -- it's really a matter for the dealer or the manager  
41 or the like to be astute to recognise behavioural matters  
42 that would tend to suggest that the person is not acting  
43 rationally anymore?  
44 A. That's correct.  
45  
46 Q. What sort of things would they look at in that regard,  
47 in your experience?

1 A. Well, as I described, you might have someone who's  
2 becoming agitated, disoriented, you know, in not a normal  
3 means of conducting themselves and when that occurs it's a  
4 warning to either get somebody that can help you if you  
5 can't take it upon yourself but clearly to act upon it.  
6

7 Q. Again in this same context, that is I am putting to  
8 you suggestions in relation to the change in culture, it's  
9 been suggested that staff at the casino in recent times  
10 have been encouraged not to lodge complaints or incident  
11 reports relating to responsible service of alcohol,  
12 responsible gambling or that complaints, if issued, have  
13 been not acted upon. What do you say about suggestions  
14 that that sort of --

15 A. I say it's not true.  
16

17 MS FURNESS: Mr Wigney, just before you go on to  
18 complaints would you show the witness the email dated  
19 21 February.  
20

21 MR WIGNEY: Q. I am showing you, Mr Mullin, an email of  
22 21 February 2012.  
23

24 MS FURNESS: Q. Mr Mullin, can I just direct your  
25 attention to the first of three emails in the stream and  
26 that is the email at 2.12am. Do you see that? It is on  
27 the second page.

28 A. Yes.  
29

30 Q. If you read to yourself those few paragraphs. Do you  
31 see over on the third page it continues for a few further  
32 paragraphs. So if you could read those.

33 A. I'm sorry, say that again.  
34

35 Q. Just continue over the third page, there are some  
36 additional paragraphs.

37 A. Yes.  
38

39 Q. Just tell me when you have finished. That seems to  
40 recall an exchange between a number of staff in respect of  
41 a player in the Sovereign Room and it suggests that some of  
42 those staff were of the belief that the casino had a  
43 24-hour rule in respect of which --

44 A. The player --  
45

46 Q. -- patrons who were playing for in excess of that  
47 period of time should be asked to leave. Do you see that?

1 A. Yes.  
2  
3 Q. It seems that the staff were of the opinion that that  
4 was an inflexible rule in respect of 24 hours; do you agree  
5 with that?  
6 A. Yes.  
7  
8 Q. And the matter was then escalated to a more senior  
9 manager and the more senior manager, who was the recipient  
10 of the email, replied at 4.50pm of that same day and that's  
11 on the first page.  
12 A. Yes.  
13  
14 Q. He, in his response, gives the advice that for the  
15 IRB, that is the rebate players or commonly known as the  
16 "junket players", the casino is under no obligation to stop  
17 their player at the 24-hour mark because they come for  
18 limited time. That can be read as indicating there is one  
19 rule for the junket players and one rule for the locals.  
20 Is that how it should be read?  
21 A. I understand the concern, it's a confusion as it  
22 relates to: is it a rule that someone has to stop at  
23 24 hours. That's the inference, correct?  
24  
25 Q. It's a bit stronger than an inference, isn't it ?  
26 A. Well, yes.  
27  
28 Q. Is it true that there are two rules: a 24-hour rule  
29 for local players and a no-limit rule for junket players?  
30 A. My opinion or is it a rule?  
31  
32 Q. You can tell me firstly whether there's a rule in the  
33 casino that you --  
34 A. I'm not aware of the rule technically, so to stand  
35 corrected here I learn every day new things that are  
36 occurring. I would say that if there was a rule, the rule  
37 should not be just time, no matter whether you're an  
38 international customer or a local, it should be more what  
39 I just described as the behavioural issues that go to,  
40 one, if someone is playing for a long period of time you  
41 want to check out and make sure you can find out all you  
42 can, so it looks like hopefully that occurred here. But  
43 beyond that I would say, to answer your question, there is  
44 some confusion as to what the ruling is and what  
45 communication we need to put out to clarify that.  
46  
47 MS FURNESS: We might mark that, Mr Wigney. That will be

1 MFI10.

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**MFI #10 EMAIL STREAM DATED 21/2/2012**

4

5

MR WIGNEY: Q. Mr Mullin, I am not suggesting that you, other than when you were just shown this document, had any knowledge of the particular incident or the matter that is the subject of discussion in these emails but would it be a matter of concern to you if there is confusion as to what the particular rule is that applies to particular types of patrons?

11

A. Yes.

12

13

14

Q. To your knowledge, are those rules recorded in policy or guidelines of --

15

16

A. There should be policy procedures in the department's guidelines that describe what the issues are or what the challenges are.

17

18

19

20

Q. There doesn't seem to be a reference in the response by the more senior member to any particular policy document or place where it's recorded. Does that assist you as to whether these things --

21

22

A. I don't believe there is a concrete ruling. To say that there is, I just don't know, to be honest.

23

24

25

26

Q. I think, to be fair, in relation to this document the initial document where the first officer raises the issue about these players that were playing for periods approaching the 24-hour or up to the 24-hour mark, that there doesn't seem to be a particular suggestion that those players were not acting responsibly or rationally; is that right?

27

A. That's correct.

28

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Q. In the response by the more senior officer the physical signs that I think you referred to in your evidence that suggests that the time at which the guest should be asked to take a break include "the guest nodding off to sleep", which seems fairly obvious; "making comments that have little sense, slow to make decision, disorientation, spilling of drinks or any other behaviour that would lead you to believe that the guest is unable to make rational decisions". Is that something that's recorded in some policy document somewhere, to your knowledge?

A. Not that I'm aware of.

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Q. I suppose the point is that if there was a cut-off rule, say 24 hours or some other hourly limit, that's an objective matter whereas physical signs displayed by the patron is very subjective and different people may have different views about --

A. That's correct.

Q. -- those sorts of things? Do you consider it may be prudent to have some sort of cut-off time limit in relation to patrons?

A. It's hard to say. Hard to say that a time - somebody can come in and play - they have physically more stamina to play long periods of time. I think once you go past 24 hours you start getting to a point where - I don't know how long that player continued to play but I wouldn't bet it would have been very much longer but I don't know without --

Q. I think the suggestion that is made is because the IRB guests - they're the people from overseas - because they fly in specifically to play and may be there for a limited amount of time, that some exception should be made for them. You don't consider that that would be appropriate?

A. Well, I think it should be - could be somebody that's flown in locally but they may be from overseas. We might have somebody, you know, that - depending on the customer but again I think the thing that would be more the flag to me is the behavioural issues that would indicate that somebody should - one, at that period of time somebody - and I think the manager there, Mr Wilson, would have been making that decision knowing if the person was not of sound mind to continue or not but to me it wouldn't just be time is the only determinant.

Q. I know you're the chief executive officer and you don't know everything that goes on in this casino, but are you confident that your staff the dealers and pit managers and duty managers are policing these very sorts of things - that is, that they are astute to and aware of the need to ask guests to take a break if they are showing these physical signs?

A. I think so. I think like in any business, and this business is growing and changing, we learn every day new things and we want to be on top of it, but I don't want to suggest that we would be irresponsible or reckless with the people and allow people to gamble that way.

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Q. I think I was asking you some questions again in relation to these broad series of questions about a change in culture, about the suggestion that staff are either encouraged not to lodge complaints or, if complaints are in fact lodged in relation to responsible service of alcohol and responsible gambling, it's not acted upon by management. A shorthand expression for that sort of change in culture is that the culture's become one of sweeping it under the carpet. Is that consistent with your --

A. No, I'd say that's not true.

Q. What do you say about that suggestion - is there a culture?

A. No. I think the media has been brought into this with a few, in most cases, disgruntled employees that has caused this to become something which is not indicative of what I believe is the overall culture, and what we are trying to do is make the place a much better and more competitive and safe place.

Q. I should make it clear that in relation to this particular topic - that is, the suggestion that complaints are either not encouraged or acted upon - I'm going to take you to some specific passages of the section 31 report in due course and ask you for some comments. I'll come back to some specificities, but at this stage I'm really talking about broad concepts. Again, I think just to allow your comment in relation to another suggestion that's been made, it's been suggested by some that perhaps in this context of keeping the patrons happy, there have been changes made to some of the games that are played at the casino, which are simply designed to keep the patrons happy. One specific example that's been given is a rule change in baccarat - I think it's 12.4 - as to what should happen if there's a wrong deal by the dealer. Again, you may not know all of the minute details, but is that something you are aware of?

A. I don't want to speak for you - are you referring to the instance where a customer may be awarded a lucky bet or a free bet?

Q. No, I think this is an occasion where, if there's a wrong deal, then the player not only gets their stake back, but on some occasions can get a winning back as well as a result of that. Is that something that --

A. No, I think what's being described - I don't know the

1 specific incident you are talking about, but if there's  
2 a service recovery where a guest - it's not uncommon  
3 anywhere in the world if there's a bet made, that it could  
4 be disputed, that there is a dispute settlement and what is  
5 the result of that - it simply could be a new bet, but we  
6 wouldn't just say, "That didn't happen" and, you know, just  
7 pay back the guest because they lost the bet.

8  
9 Q. As far as you are aware, there are specific rules and  
10 regulations in relation to how disputes that occurred  
11 during the course of a game are resolved?

12 A. That's correct.

13  
14 Q. Is the situation at The Star, in relation to those  
15 sorts of rules, any different to any other sort of casino  
16 that you have been involved in?

17 A. Not that I'm aware of, no. We do have instances,  
18 like we just went through, where we might make mistakes or  
19 somebody's interpretation of those - as we get to cleaning  
20 up a lot of processes, we want to be consistent and  
21 compliant.

22  
23 Q. As I just foreshadowed, I want to move from the  
24 generalities to some more specific material, particularly  
25 findings that were made in relation to the section 31  
26 report. I take it that you are aware during the course of  
27 2011 that the authority conducted investigations under  
28 section 31 of the Casino Control Act?

29 A. Very well aware of that, yes.

30  
31 Q. In due course, a report was finished and furnished  
32 in December of 2011?

33 A. All 131 pages.

34  
35 Q. I take it from your knowledge of the number of pages  
36 that it's a report you have read at length?

37 A. I read it quite a few times. I don't say I know every  
38 single aspect, but I think I'm pretty well versed in it.

39  
40 Q. To be fair, Mr Mullin, we accept that as CEO you may  
41 not be completely fully apprised of all of the minute  
42 detail and, indeed, you may have delegated some matters to  
43 other staff members in terms of responding to some of these  
44 findings, but I do want to take you to some specific  
45 matters and ask you about your knowledge of these matters  
46 and what has happened since the furnishing of the report.  
47 Do you follow?

1 A. Sure.

2

3 Q. There are quite a few of these. Perhaps the easiest  
4 thing to do is provide you with a copy of the report. The  
5 first matter that I want to take you to really is picked up  
6 on page 41 of the report, and it concerns, in broad terms,  
7 the complaint and reporting processes at The Star. You'll  
8 see on the foot of page 41 there is a subheading "The Star"  
9 and there is a finding here:

10

11 *... minutes of the Management Risk and*  
12 *Compliance Committee that reports on*  
13 *complaints are no longer brought to the*  
14 *attention of that Committee.*

15

16 Then there's a reference to an external review into  
17 The Star's responsible gambling code. I'll come back to  
18 other aspects of that report in due course.

19

20 Firstly, what is the management risk and compliance  
21 committee?

22 A. It's a committee that reports up through our CFO and  
23 then up to the board.

24

25 Q. What are the sorts of things it reports on?

26 A. Any compliance breaches, any security issues, anything  
27 that would be of risk and/or compliance.

28

29 Q. Who are the officers on that committee?

30 A. Matt Bekier, our CFO, he heads it up, and he's also on  
31 our board. Sylvia Aliosis is the manager, and there is  
32 legal representation - I think Michael Anderson is there.  
33 I don't remember everybody. It reports up at our board  
34 meetings with their findings.

35

36 Q. Senior officers, so it is obviously an important  
37 committee. The suggestion here is that "reports on  
38 complaints are no longer brought to the attention of that  
39 Committee". Was that something that you were aware of  
40 before it was reported in this report?

41 A. I'm not sure that's accurate to what is actually  
42 happening.

43

44 Q. Perhaps more to the point, do you know what is  
45 happening in relation to that now?

46 A. Yes. As I just described, that information comes up  
47 to the risk and compliance committee and I sit on that

1 committee at the board, and we are informed of all the  
2 issues.

3

4 Q. Do all complaints that are made ultimately find their  
5 way to the management risk and compliance committee?

6 A. I don't know the nature of all complaints. There is  
7 a process that would filter the complaints as it relates  
8 to - you know, as it is elevated up, I guess, for  
9 seriousness, or a pattern, and they are acted upon.

10

11 MS FURNESS: Q. Is there a single unified system across  
12 Echo in relation to that, Mr Mullin?

13 A. The risk and compliance - I wish I could tell you how  
14 the property rolls up, but they all do get to the board,  
15 and we spend quite a bit of time, several hours, going  
16 through the nature of those complaints and I can tell you  
17 that it's not taken lightly. They want to make sure that  
18 we're doing all the things and trying to be as preventative  
19 as we can for breaches and/or challenges to the business.

20

21 Q. Can I just take you to page 43 of the report.  
22 Again, it's a matter that deals again under the broad topic  
23 of complaints and reporting processes. You'll see that  
24 there is a part of the report dealing in particular with  
25 staff complaints. Without reading this all out and taking  
26 you through it entirely, the first paragraph under that  
27 heading deals with what we have heard a little bit of  
28 evidence about, and that is the TIPS system. I think it is  
29 now the E-Tips system, which is the Echo Total Integrity  
30 Protection Service. I think we have heard some evidence  
31 that that's a facility which allows staff to make anonymous  
32 complaints either by telephone or electronically. Is that  
33 right?

34 A. That's correct.

35

36 Q. Those reports initially go to an independent body,  
37 I think Deloitte?

38 A. Deloitte Touche, that's right.

39

40 Q. They are documented and reported to the relevant  
41 management team; is that right?

42 A. That's correct.

43

44 Q. I think part of the report that I want to direct your  
45 attention to in that context - that is, in the context of  
46 E-Tips - is the study that's referred to in the second  
47 paragraph under that heading which suggests that there's

1 a decline of confidence of employees of The Star, and that  
2 action will be taken in relation to those matters - that  
3 is, a lack of confidence in the system. I think, to be  
4 fair, we've also heard some evidence of that in the course  
5 of this inquiry. Were you aware of that report?

6 A. Yes, and I would point out that 96 per cent to  
7 91 per cent are still pretty high numbers. I think we  
8 are - again, I have worked for 20 years in different  
9 properties with all kinds of cultures, and the feedback in  
10 the TIPS system in our property, specifically at Star, is  
11 alive and very, very active.  
12

13 I think that although I would love to have  
14 100 per cent, when you have several thousand employees and  
15 you have as many patrons as 30,000 coming through the doors  
16 every day, to suggest that the numbers from 96 to  
17 91 per cent suggest that there's a failing in our E-Tips or  
18 our compliance culture is, I think, a little much. But  
19 I take the numbers as they are and it is what it is.  
20 I think, coming out of Tabcorp, if you go to our culture  
21 climate as it relates to industry and worldwide, it's in  
22 the top.  
23

24 Q. Just to complete that section, there's a reference to,  
25 again, the same study talking about a decline by  
26 4 per cent, from 87 per cent in 2009 to 83 per cent in  
27 2011, of the willingness of staff to use TIPS. Do you see  
28 that in the last paragraph?

29 A. Yes.  
30

31 Q. Again, that's something you are aware of?

32 A. I take the numbers as they are, yes.  
33

34 Q. You again would like that to be 100 per cent?

35 A. Of course you want to be 100 per cent. I just think  
36 the whole suggestion of E-Tips or our compliance culture to  
37 be breached, is really unfair.  
38

39 Q. I suppose you are responsible for other casinos in  
40 Australia as well. Is The Star equivalent to or better  
41 than those?

42 A. Well, it's a larger property than all the others.  
43 The nature of incidents, because of the proximity of  
44 a large city, is different than some of our other  
45 properties, but I would say that the culture is pretty  
46 alive and well, especially reading the newspapers on how  
47 willing people are to come forward. We want people to come

1 forward. We don't want to find out things through the  
2 media, or through the police.

3  
4 Q. Again, it's really on the same subject matter and  
5 again it's been the subject of some evidence indeed,  
6 I think, by yourself. If you go to pages 66 and 67, this  
7 is dealing with a different aspect of complaint and  
8 reporting processes. We've dealt with TIPS. This relates  
9 to the incident reporting system, and there's a description  
10 of that in the first paragraph and then the passages I want  
11 to direct your attention to are the second and third  
12 paragraphs, where there's a finding of these reports during  
13 the course of the section 31 session that fewer incident  
14 reports are being written, particularly by table game  
15 staff, and that one manager gave examples of conversations  
16 with other managers of the same level who discouraged that  
17 manager from reporting and that, indeed, as part of the  
18 investigation and analysis of the number of incidents by  
19 table game staff was carried out and it revealed  
20 a significant reduction in reporting.

21  
22 Just dealing with a couple of matters there, incident  
23 reports, in particular by table games staff, are they  
24 reports that, for example, a dealer or a pit manager would  
25 be obliged to fill out if there was a complaint or an issue  
26 in relation to a game that was being played?

27 A. Yes. A lot of the reporting is form over substance,  
28 and in my time here there's been a lot of paperwork that we  
29 have tried to condense to electronic reporting, without  
30 ever trying to compromise the integrity of being compliant  
31 and/or reporting what incidents need to be brought forward.  
32 Examples are, we have situations where if you are playing  
33 on a game, the interpretation of the regulation is more  
34 a matter of internal control and we are changing some of  
35 the internal controls to be more commercial. Example, you  
36 are playing on a \$50 table and you want to allow a player  
37 to bet below that. They have to wait 20 minutes for that  
38 sign to change from \$50 to the allowed limit. In that  
39 case, we are allowing a customer to bet below the limit,  
40 but we need to stop because of process, because internal  
41 controls would be a breach, and therefore would cause  
42 a person to look at that in a manner that isn't accurate to  
43 what we are trying to do with that business, to allow the  
44 guest to be able to bet below the table limit.

45  
46 There are situations like that which I could find  
47 across the board that we are going through as we are trying

1 to get more commercial as well as compliant. They are more  
2 or own internal controls and not indicative of breaches of  
3 the regulations.  
4

5 Q. You are talking there - and correct me if I am  
6 wrong - about rules that you and others that are looking at  
7 this sort of issue really don't think serve a particularly  
8 sensible purpose in terms of responsible gambling?

9 A. Yes. But our staff interpret them that they were  
10 always the rules and all they know is what's been in place  
11 for years and years and years. When we actually go and  
12 look at some of those rules, they aren't indicative of what  
13 the regulations are, and what our business is today as it  
14 relates to some of those processes. They are the types of  
15 things that we're trying to change - not trying to change  
16 if there's a break in a regulation or something in the  
17 nature of theft, or something that I would believe should  
18 be of interest to the authorities, as well as ourselves.  
19 Our staff has become very sensitised to reporting and,  
20 therefore, the changes to that are some of the things  
21 I think you're going on about culture changes, that aren't  
22 indicative of what the intent is, which is to be  
23 competitive commercially as well as just being sensible.  
24

25 Q. Attempting to summarise that, you're suggesting that  
26 in some cases you had been streamlining rules, and that  
27 that may account for the fact that there are less incident  
28 reports because you are getting rid of rules that don't  
29 make any commercial sense or sense in terms of responsible  
30 gambling?

31 A. That's correct. At the end of the day, if we're not  
32 putting out a game that's fair, or if we have a bad  
33 reputation, people don't want to gamble with you. So,  
34 there's no reason for us to have that, and a customer that  
35 is taking abuse to that is not a customer we would want for  
36 long if we're seeing that type of situation occur. But, as  
37 I said in our section 31, these are all audits. When you  
38 go through periods of time, you are going to find things  
39 that show we can learn, as well as I think things we learn  
40 that we like to report back that we see should be changed.  
41

42 Q. Again, we are still on complaints and reporting  
43 processes. If I can ask you, please, to go to page 104.  
44 Again, I think I referred earlier in one of my questions to  
45 an external review by a particular organisation to look at,  
46 amongst other things, compliance program and framework. Is  
47 that something which is regularly and routinely done - that

1 is, external reviews?

2 A. Periodically they come in.

3

4 Q. Again, the point I want to draw your attention to on  
5 this point is a matter about which we heard some evidence  
6 yesterday, and that is that this particular review noted  
7 the finding made by the compliance team that there had been  
8 a fall in the reported breaches from table game staff and  
9 identified a key performance indicator, KPI, that makes  
10 reporting a bad thing. The review recommended that the  
11 compliance team review KPI compliance to ensure that no  
12 KPIs discouraged reporting by making failure to report  
13 a more serious issue than reporting a breach.

14

15 Is that particular KPI referred to there something  
16 that you were, firstly, aware of before this report and,  
17 secondly, has anything been done in relation to it since  
18 the report?

19 A. First of all, the KPIs that we just talked about,  
20 I will only categorise in the manner of what I stated, are  
21 what we want to address so that we are compliant.  
22 Hopefully we'll get better at increasing whatever issues  
23 are out there. So, since the section 31, although we  
24 haven't had a lot of time from the report - our time's been  
25 consumed with putting fires out versus being constructive  
26 to actually get back to addressing some of these issues in  
27 a much larger manner - there is a committee that has been  
28 formed from the section 31 that take these by item and are  
29 trying to go through them. I want to know them as well, so  
30 that we can in a larger way make sure that it's clear from  
31 me down that that's happening.

32

33 Q. As far as you are concerned, this is a matter that, if  
34 it hasn't already been acted on, it certainly will be?

35 A. With most of these, if they haven't been discussed,  
36 it's in the process of either being acted on or working on  
37 how we do make it compliant or consistent, whatever the  
38 issue might be.

39

40 MR WIGNEY: I note the time.

41

42 MS FURNESS: We'll adjourn until 2pm.

43

44 **THE LUNCHEON ADJOURNMENT**

45

46

47

1           **UPON RESUMPTION:**

2  
3           MS FURNESS:   Mr Mullin, the oath that you took before the  
4           adjournment binds you still; you understand that?

5  
6           THE WITNESS:   Yes.

7  
8           MR WIGNEY:    Q.   You may be relieved to know I have only  
9           got a few more of these examples to take you to.  Do you  
10          still have the report in front of you?

11          A.    I do.

12  
13          Q.    Again can I take you to page 82.  I want to take you  
14          to part of the report that deals with The Star's  
15          obligations in relation to reporting significant cash  
16          transactions to a body known as AUSTRAC.  I think, to be  
17          fair, before I take you to the passage I was going to take  
18          you to, the conclusion that ultimately was reached in the  
19          report was that The Star did have adequate procedures to  
20          ensure compliance with its reporting obligations in respect  
21          to cash transactions; you will see that under the  
22          conclusion.

23  
24                 I just wanted to ask you one question that arises in  
25          the previous paragraph and that is that in the course of  
26          the investigation there was, as is stated there, a handful  
27          of reports of an event whereby pit managers tell patrons to  
28          put cash on multiple tables to circumvent the Act - that is  
29          the Cash Transactions Reports Act - in order to save them  
30          work.  What that is talking about is dividing up cash  
31          amounts --

32          A.    Structuring.

33  
34          Q.    -- structuring so it is less than the reportable  
35          limit.  To be fair again, there is only a handful of those  
36          reports but is that something that:  (a) you were aware of  
37          and (b) has something been done in relation to that sort of  
38          activity?

39          A.    Well, I can tell you with AUSTRAC we are very rigid  
40          and regular training for AML and all of the compliant  
41          responsibilities and I have a question - I'm not sure what  
42          the number of transactions that they're referring to to  
43          come to a conclusion to this but the end result is we do  
44          not turn a blind eye to any type of money laundering or  
45          cash transactions and pit personnel are part of it.  We  
46          also have our cage and our electronic rating system to try  
47          and help where we see this as an issue and when you're the

1 only casino in a large city you're going to need to be  
2 vigilant for that. So it's something that we take  
3 seriously and we just like to learn as much as we can to  
4 mitigate whatever situations as this is occurring in.

5  
6 Q. I think it follows from what you have just said - it  
7 is said there is only a handful of reports of this but if  
8 it was a practice, that is this structuring, it's certainly  
9 something you wouldn't condone --

10 A. No.

11  
12 Q. -- and you would do something to stop?

13 A. No, look, where I worked before we were one of the  
14 largest in the country for the type of players that we were  
15 attracting with table game activity and it's very similar  
16 in a large city like this to have similar type of  
17 transactions. I can tell you that suspicious activity that  
18 we actually report on that is - before you get to a  
19 structuring or a CTR is very high and we constantly monitor  
20 that, make sure that that's the case. So again I don't  
21 know from the report who gave the information or what the  
22 sample size was to give an indication of that but to me  
23 it's not something I don't take seriously and that we  
24 don't, you know, very rigidly try and prevent.

25  
26 MS FURNESS: I think this matter also arose in evidence in  
27 the public hearing, Mr Wigney, isn't that right?

28  
29 MR SULLIVAN: No.

30  
31 MS FURNESS: Mr Roach. I think it might have been.  
32 Anyway, move on.

33  
34 MR WIGNEY: Q. Can I take you to something along the  
35 same lines but in a completely different area. I take you  
36 to page 37 of the report. This concerns more issues  
37 relating to responsible service of alcohol, I suppose, or  
38 security and surveillance generally. At page 37 of the  
39 report there is a reporting of a finding that there has  
40 been almost a halving of the number of patrons asked to  
41 leave the premises from 2009 through to 2010. Then you  
42 will see that there is an expression "belief by the asset  
43 protection manager" - he's the person responsible for  
44 security and surveillance - as to his thoughts about why  
45 that was so but then he was then reported as having said  
46 that he encouraged his staff to be more patient and  
47 tolerant and he gives this example:

1  
2           *For example, tolerating swearing and if a*  
3           *patron was rude to a dealer, moving the*  
4           *patron to another table rather than asking*  
5           *them to leave.*  
6

7 Then it concluded that that perhaps accounts for this  
8 halving of numbers of patrons being asked to leave.

9 I think we have heard some evidence from various people  
10 about, I think I can put it this way, what is suggested to  
11 be a lowering of standards in terms of putting up with bad  
12 behaviour. Is that your experience?

13 A. No, not at all. I will just take you to a  
14 paragraph above that where it shows we spent a quarter of  
15 a million dollars investing in our staff and training to  
16 make sure that we are trying to be more vigilant as well as  
17 customer friendly in the process. The reason why a lot of  
18 these went down is we decreased how we market to customers.  
19 In the past a lot of customers were being sent en masse  
20 market promotions and in the past year we were much more in  
21 a direct marketing effort and that reduces the patronage.  
22 Our volumes were down in that period, we were under  
23 construction, so correlation on numbers don't necessarily  
24 indicate an outcome as to what he's insinuating there but  
25 I don't know without having specifics to describe what  
26 the --  
27

28 Q. So your feeling is in fact there were less patrons,  
29 for the reasons that you have described during this  
30 reporting period, but also that your staff were better  
31 trained to handle any misbehaviour; is that what you say?

32 A. Yes, we've invested heavily in - instead of trying to  
33 recruit and have a mentality of security where it's mostly  
34 in a bouncer type of situation to a customer service  
35 individual and we do everything we can to try and improve  
36 where we've added capacity and we don't take it lightly.  
37

38 Q. It follows from what you have just said that you would  
39 reject a suggestion that you tolerate bad behaviour, you  
40 just respond to it in a different way?

41 A. Tolerate no bad behaviour and if an employee is put  
42 into a situation - I can tell you of instances in recent  
43 times where customers do get out of hand and we go out of  
44 our way to make sure that the customers call us directly.  
45 I had a call a few weeks ago where a high roller was  
46 becoming very irate - after he started winning, ironically,  
47 and it was a lot of money - and we got an email from

1 somebody on the floor that was letting us know what was  
2 going on and we took the customer and put him off and the  
3 whole staff I saw early in the morning, were up having  
4 breakfast in one of our restaurants. So that wasn't  
5 because I did something, that's because it acted upon  
6 itself. I don't think there is enough instances that show  
7 where the reverse happens, you're only hearing about where  
8 someone's calling out the problems to it.  
9

10 Q. I follow. Can I just touch on two more things, one of  
11 them very briefly. If you go to page 107 and I only touch  
12 on this because I think you referred to it in your evidence  
13 before lunch. There is a reference here to concern being  
14 expressed by some - I think this is the table staff - in  
15 relation to the payment of cash disbursements and lucky  
16 money vouchers, or lucky money or vouchers, to spend in the  
17 casino to players and I think this was one of the examples  
18 you did give in your evidence before lunch, that is, if  
19 there had been an error in the conduct of the game and the  
20 like that lucky money or vouchers would be handed out; is  
21 that right?

22 A. That's correct.  
23

24 Q. Were there controls or guidelines in relation to that  
25 particular practice?

26 A. Yes, there are. In the IRB rooms where the customers  
27 are gambling, if there is a need to extend those - and  
28 periodically we do for incentives to maybe bring a guest  
29 versus going to a competitive jurisdiction or property in  
30 Melbourne - they are controlled through the cage and  
31 through the people authorised to give those disbursements  
32 and they're dead chips that we give, we don't give cash.  
33 So it's not like they can go and take that money and cash  
34 out, they're bet vouchers that --  
35

36 Q. So this is essentially a commercial decision that you  
37 have made --

38 A. That's correct.  
39

40 Q. -- in relation to customer satisfaction but it is  
41 something that is monitored so as to avoid any misuse or --

42 A. Yes, we keep track of how many there are, who gets  
43 them and what is the nature of the situation where they  
44 occur but we do use them for marketing.  
45

46 Q. The final thing I wanted to take you to again is  
47 something that we have heard a little bit of evidence about

1 and that is why I want to take you to it. If you go to  
2 page 103 of the report, you will see under the heading  
3 "Compliance Program" and I won't read it all out but the  
4 report makes a finding in relation to the fact that the  
5 general manager of compliance under Tabcorp originally  
6 reported directly to you, the chief executive officer.  
7 That was changed at around the time of the demerger so that  
8 the general manager compliance reports to you through the  
9 chief financial officer and the conclusion in the report  
10 was that that could be seen as a downgrade. How do you see  
11 that as a --

12 A. I see that as not really indicative of what is  
13 actually happening in practice. The individual that is at  
14 the meeting that was being referred to here - Sylvia - who  
15 I know very well and report on quite often, she reports now  
16 to CFO, who is also a part of our board - Matt Bekier - and  
17 just because she has a reporting line to him, the only  
18 reason that reporting line changed was to just relieve me  
19 of so many direct reports. However, any of those issues  
20 that are brought up are brought to the compliance  
21 committee, which I sit on as well, and by practice it's -  
22 you know, most of the administrative areas, in audit and  
23 things like that, report up to the CFO and that was just a  
24 decision that was made for that purpose, not to  
25 de-emphasise the position of compliance and/or my - what's  
26 the word I'm looking for? - the attention to or need to be  
27 as abreast of what's going on in compliance.  
28

29 Q. I take it from what you have said that even though  
30 Ms Aliosis is no longer a direct report to you, she's  
31 someone you still have considerable contact with?

32 A. I see her every day and I encouraged her after the  
33 fact that just because that occurred, the fact that she  
34 didn't sit at one of the meetings that we had in the  
35 restructuring doesn't mean that she can't come to all of  
36 our meetings and I think we - from the section 31 it has  
37 been very clear, you know, we had some work to do and have  
38 taken it seriously and she's very engaged in all the  
39 processes as it relates to the issues that we learned in  
40 this.  
41

42 Q. Can I take you then to a completely different topic  
43 and it is the last one that I want to ask you a question  
44 about and it is this: I think you are aware, as the chief  
45 executive officer of Echo Entertainment, that the company  
46 issued a media release on 1 April that confirmed that it,  
47 that's Echo, had provided details of company emails and

1 text messages between the New South Wales Premier's  
2 communications director - then communications director -  
3 Peter Grimshaw and a former human resources manager at  
4 The Star casino and had provided details of those  
5 communications to the Australian newspaper and the Daily  
6 Telegraph newspaper. The media release provided some  
7 reasons for why that is so but what I want to do is -  
8 putting aside what is said in that media release and  
9 putting aside whether or not you were the person  
10 responsible for the decision or the media release or  
11 anything but ask you in a corporate sense, as the chief  
12 executive officer of that company, why were those details  
13 of those emails and text messages released in the way they  
14 were?

15 A. After the fact of what I've learned?

16

17 Q. Yes.

18 A. They were released to clear what had been  
19 miscommunicated through the media.

20

21 Q. What is the miscommunication to which you refer?

22 A. Well, a lot of the inaccuracies of I think a lot of  
23 the inquiry has gone through and a lot of half truths and  
24 infactual pieces of information that get reported to the  
25 media as it relates to a lot of the commentary that's gone  
26 in the last few weeks.

27

28 Q. Accepting that the communications were, in the case of  
29 text messages, used or sent or received on a company phone  
30 - mobile phone, if I can put it that way - but accepting  
31 that for present purposes, a number of the communications  
32 were personal communications between these two individuals,  
33 my question is how did the release of some of that material  
34 correct what you perceived to be misreporting of facts in  
35 the media?

36 A. Anything that was released was on company phone  
37 information.

38

39 Q. Accepting that, how did the content of those messages  
40 or some of them correct what you perceived to be  
41 misstatements or misreporting in the press?

42 A. How did it correct it?

43

44 Q. Yes.

45 A. I think it only gave the information that was not  
46 known at the time.

47

1 Q. Meaning what, in particular?  
2 A. Well, I don't have all the information that was  
3 released but I think there was quite a bit of information  
4 that came out that described what was going on prior to all  
5 the inquiry as to what the inquiry was about.

6  
7 MR WIGNEY: Thank you, Mr Mullin.

8  
9 MS FURNESS: Q. The media reports that you are referring  
10 to, are they reports of allegations by named or unnamed  
11 individuals about specific events at the casino?

12 A. Say that again?

13  
14 Q. Are the reports in the media that you refer to reports  
15 by named or unnamed people making allegations about  
16 specific incidents at the casino?

17 A. I think there were all types of allegations that came  
18 out through the media that were unsubstantiated.

19  
20 Q. I'm trying to understand the connection between the  
21 media reports and your company's release of the texts and  
22 emails. If you could help me by telling me what categories  
23 of media reports, if there is more than one, you are  
24 referring to when you say that your company released the  
25 texts to deal with them?

26 A. I think you could go through television media, news  
27 media, anything --

28  
29 Q. Not category of media, but category of reports?

30 A. I'm sorry, I'm not sure what you are saying.

31  
32 Q. There have been media reports of named and unnamed  
33 people making specific allegations against the casino?

34 A. Yes.

35  
36 Q. There have been reports of more generalised matters  
37 concerning the casino?

38 A. Yes.

39  
40 Q. There has been speculation in the media about events.  
41 They are just three categories that immediately come to  
42 mind.

43 A. Okay.

44  
45 Q. I'm sure there are others. My question is which of  
46 those three, or any others that you care to identify, were  
47 the categories of reports that you're referring to when you

1 say that the company chose to release the text and emails  
2 to deal it?  
3 A. I think it had to do with all of those categories.  
4  
5 Q. I am not sure how the texts and emails deal with the  
6 category of a named person making a specific allegation  
7 against the casino.  
8 A. In that situation, I would say you're probably  
9 correct.  
10  
11 Q. Well, what about the unnamed person?  
12 A. The unnamed person?  
13  
14 Q. That was the second of the three categories  
15 I suggested to you might apply.  
16 A. Maybe I'm slow. An unnamed person?  
17  
18 Q. In some cases the allegations are anonymous.  
19 A. Yes.  
20  
21 Q. In some cases there was a name attributed to them.  
22 I'm trying to understand what it is, Mr Mullin, about what  
23 was in the media that caused you to form the view - you  
24 being in the corporate sense - that the release of those  
25 texts and emails had something to do with it. That's what  
26 I'm struggling with.  
27 A. The release of the information, I believe, gave  
28 a better indication as to what was unclear as to what was  
29 being alleged - what I believed was the question for the  
30 inquiry. Correct? The inquiry was to go within the terms  
31 of reference of what happened in the allegation as it  
32 related to the timing of the incident of Sid.  
33  
34 Q. Well, there were two terms of references: one was the  
35 circumstances of the cessation of his employment; the  
36 second was anything else that people wanted to say after  
37 2 December. That's my generalised version of the second  
38 term of reference.  
39 A. In that were a lot of allegations that came about that  
40 were, I believe, reported through the conversations that  
41 happened in those emails that came out.  
42  
43 MS FURNESS: I understand that, thank you. Mr Wigney?  
44  
45 MR WIGNEY: Q. Just picking up on the points that  
46 Ms Furness raised with you, I think it's fair to say, in  
47 general terms, that the subject matter of a number of the

1 text messages, the details of which were released,  
2 concerned the views of the sender and receiver of those  
3 texts about Mr Vaikunta and what should happen to him in  
4 the context of the sexual harassment allegations. Is that  
5 a fair summary?

6 A. That's so.

7

8 Q. That's quite a different subject matter to some of the  
9 adverse media attention that had been given to the casino  
10 at around this time, do you agree?

11 A. Yes. I think it showed a consistent campaign that was  
12 being driven by the individuals that were in those emails,  
13 as it related to a lot of the information that was being  
14 put forward about our reputation.

15

16 Q. I follow. Can I make this suggestion to you: in  
17 terms of the reasons for the release in that context - and  
18 again I'm suggesting this in a corporate sense, not you  
19 personally - was this seen as a way of deflecting attention  
20 from the adverse media reports about drunkenness and  
21 various other things in the casino, deflecting attention  
22 from those sorts of things to attention on communications  
23 involving a person of some prominence - that is, the  
24 communications director in the Premier's office? Is it a  
25 way of deflecting the media's attention?

26 A. I don't know if it's deflecting the media's attention  
27 as much as giving a fair balance of what was going on.  
28 That wasn't just about all the other - the allegations that  
29 were made can be made from now until the end of time.  
30 I mean, people can come forward and say whatever they like,  
31 but the consistency of the messaging and what was in those  
32 messages, and the obvious campaign that was being proposed,  
33 had to be communicated.

34

35 Q. To give a negative message about Mr Vaikunta?

36 A. I think Mr Vaikunta was the result of a whole  
37 different situation. What's happened to him is a personal  
38 matter. The business matter of it, I believe, gets a  
39 little clearer as to what was going on there as it related  
40 to - we tried to have a very clear and, I think, thorough  
41 investigation in relation to that matter, and I think we  
42 show that that was the case. It was obvious that there  
43 were a lot of other communications going on while that was  
44 happening and they were a part of what was communicated.  
45 I don't remember, and I don't have all the information that  
46 was released, but that's from the corporate side, my own  
47 matters, that relates to me personally.

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MR WIGNEY: Thank you.

**<EXAMINATION BY MR SULLIVAN:**

MR SULLIVAN: Q. Mr Mullin, in respect of the media reports and the category that Ms Furness addressed where there were anonymous sources for media reports criticising Star and various practices there, did Echo have a view as to who was a likely source of at least some of those stories?

A. Yes.

Q. And who was that?

A. Peter Grimshaw.

Q. And did Echo have a view as to the importance, therefore, of putting allegations in a context --

A. Yes.

Q. -- which were made in the media?

A. Yes.

Q. Did Echo have a view as to how disclosure of the emails may put a relevant context on a source?

A. Say that last question?

Q. Did Echo believe that disclosing to the media some text messages involving Mr Grimshaw would put an appropriate context on some of the allegations being made?

A. Yes.

Q. To your knowledge, is that one of the reasons why the material was disclosed?

A. Yes.

Q. You were also asked some questions about time that many players spend gambling at a particular time, and 24-hour limits, or the like. Have you any understanding of what the Independent Liquor and Gaming Authority's view is on the position of arbitrary time limits?

A. I don't believe they have an issue with 24-hour time limits. I believe I said in my testimony earlier I was of a similar view. I don't know what the policy is specifically that might be in people's minds in our building, that we need to clarify.

1 Q. Can I just read to you a very short extract from an  
2 article in the Australian Financial Review dated 20 March  
3 2012, authored by Ms Michaela Whitbourn and  
4 Mr Andrew Cleary, where it records the following:  
5

6 *A spokesman for the ILGA said yesterday it*  
7 *would continue to actively monitor the*  
8 *casino's processes to ensure it meets its*  
9 *important responsible gambling obligations*  
10 *for all its patrons. However, he said that*  
11 *the authority did not expect the casino to*  
12 *impose a universal arbitrary time limit on*  
13 *patrons. For some high wealth individuals*  
14 *who elect to travel to Sydney to gamble at*  
15 *The Star, the time they spend gambling has*  
16 *little potential to cause harm to them or*  
17 *their families unless there are indicators*  
18 *that they are no longer able to make*  
19 *rational decisions.*  
20

21 The spokesman went on to say:  
22

23 *Indicators of problem gambling vary from*  
24 *person to person and the casino and special*  
25 *employees have obligations to take an*  
26 *individualised approach to preventing*  
27 *problem gambling.*  
28

29 The spokesman went on to say:  
30

31 *The international circumstances of an*  
32 *international high roller are different*  
33 *from those of a small, recreational local*  
34 *gambler.*  
35

36 Do you agree or disagree with those comments?  
37

38 A. There are a lot of comments there.  
39

40 Q. Sorry, may I give you a copy of the article. I'm  
41 reading from the second column of the article, if you wish  
42 to look at individual aspects and indicate what you agree  
43 with or disagree with.  
44

45 A. Yes. Well, if you take the one paragraph there where  
46 it says:  
47

48 *The authority expected the casino and its*  
49 *staff to monitor the indicators using*

1           *a variety of indicators, not simply time*  
2           *limits.*

3  
4           I think that's consistent with what I have said in all of  
5           my testimony.

6  
7           MR SULLIVAN:    Thank you, Mr Mullin.

8  
9           MS FURNESS:    Q.    It wasn't consistent, however, with what  
10          the staff were saying in the first email we took you to?

11          A.    No.  I think I agree that the staff is confused and we  
12          need to do some work in communicating some of this  
13          confusion to them, and take that as work to be done.

14  
15          MS FURNESS:    Mr Wigney?

16  
17          MR WIGNEY:    Nothing.

18  
19          MS FURNESS:    Thank you, Mr Mullin, you are excused.

20  
21          <THE WITNESS WITHDREW

22  
23          MS FURNESS:    This is the end of the public hearings.  
24          The timetable was set yesterday for both the first and  
25          second aspects of the public hearings, and the third.

26  
27          MR WIGNEY:    Yes.

28  
29          MS FURNESS:    In relation to the third, I think your  
30          submissions, Mr Wigney, are due next Tuesday and any  
31          response the following Friday?

32  
33          MR WIGNEY:    That's right.

34  
35          MS FURNESS:    I will report to the authority by the end  
36          of April.

37  
38                        The hearing is adjourned

39  
40          **AT 2.30PM THE HEARING WAS ADJOURNED ACCORDINGLY**

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