

**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, 4 April 2012 at 10.03am  
(Day 3)

Counsel Assisting:           Mr Michael Wigney SC  
  Ms Leigh Sanderson

1 MR WIGNEY: Ms Furness, can I just give you an outline of  
2 what was going to happen today and what is actually going  
3 to happen today.

4  
5 MS FURNESS: Yes.

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7 MR WIGNEY: I think we had scheduled three witnesses to  
8 give evidence today, the first of whom was Annika Soraya  
9 and the second and third are James Robins and Mark Boyd.

10  
11 Regrettably it seems that, as a result of  
12 communications received late yesterday, it doesn't appear  
13 that Annika Soraya is going to appear. Perhaps to be more  
14 abundantly cautious she should perhaps be called.

15  
16 MS FURNESS: Yes.

17  
18 (Name of witness Annika Soraya called outside  
19 courtroom)

20  
21 MR WIGNEY: The indication is that there is no appearance.  
22 Can I just indicate for the record that Ms Soraya was sent  
23 a letter enclosing a summons on 26 March 2012 which it  
24 appears she received because from 28 March of this year  
25 there were a series of communications between Ms Soraya and  
26 those who assist you, in terms of securing her attendance  
27 to give evidence, initially yesterday and then that was  
28 rearranged to be today. I am not going to go through the  
29 detail of those communications but, as I said, they  
30 culminated in a text message late yesterday evening  
31 indicating that she was not going to attend.

32  
33 What I propose to do in relation to her is to outline  
34 what her evidence was going to relate to and, indeed, the  
35 situation is that Ms Soraya was examined in private session  
36 in relation to the evidence and what is proposed is to  
37 essentially summarise that evidence for the record today  
38 and in due course we will release the evidence given in  
39 private session. It is important, in our respectful  
40 submission, to briefly outline what the subject matter of  
41 her evidence was intended to be and, indeed, the evidence  
42 that she gave in private session and then, as I said, we  
43 will release it in full in due course if that is a suitable  
44 course.

45  
46 MS FURNESS: Thank you, Mr Wigney. I take it that  
47 Ms Soraya was one of the people who publicly identified

1 herself and made an allegation against the casino?

2

3 MR WIGNEY: Indeed. She was a witness that was primarily  
4 related to the third term of reference; that is she, most  
5 relevantly, seems to have been the source of an article  
6 that was published on Sunday, 26 February this year in the  
7 Sunday Telegraph. What, briefly, that article said was  
8 this: there was a fairly large headline that read "Casino  
9 Full of Racist Bullies" and then Ms Soraya, who was named  
10 in the article as the source of the information in the  
11 article, indicated amongst other things that she was a  
12 former security officer at The Star and claimed that  
13 bullying and racism were rife; that she was driven to  
14 despair by the constant taunts over her sexuality and was  
15 left shocked at the level of racial abuse; that there were  
16 dozens of incidents of workplace harassment. She gave a  
17 particular example where she says she was told "Here at  
18 Star we don't worry about political correctness too much,  
19 so I hope you two blokes don't mind if I refer to you mob  
20 as 'Lebs' or 'Lebos'".

21

22 Then she also specifically referred to two other  
23 issues of apparent concern to her. The first related to  
24 responsibility service of alcohol and the second related to  
25 proposition of prostitutes. She suggested that the term  
26 "grey area" was used to refer to VIPs and dignitaries in  
27 that context, that is, in the context of responsible  
28 service of alcohol and prostitution, the suggestion  
29 apparently being that that was a grey area because they  
30 were to be somehow dealt with differently.

31

32 The point of her evidence essentially was to, as it  
33 were, drill down beneath those somewhat sweeping claims  
34 that formed the basis of that fairly sensational headline  
35 to ascertain exactly what were the details of the incidents  
36 that she claimed she was subjected to or witnessed so that  
37 in due course we can properly ascertain whether there was  
38 any substance behind them.

39

40 As I said, what has occurred - and indeed as was  
41 adverted to in opening - that was to be done in public  
42 session because she had made these claims quite publicly  
43 and in a public way and indeed they were published as such.  
44 As I said, what has been done is that she was privately  
45 interviewed some little while ago in relation to these  
46 matters and I propose to summarise in fairly brief terms  
47 her evidence, if that is a suitable course.

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Ms Soraya was employed at Star City Casino commencing on 22 March 2010 and her employment ended on 22 May 2010, so she was there for just over two months. Her position was customer liaison officer. Her employment was conditional on getting a special employee licence from the then Casino, Liquor and Gaming Control Authority and indeed she had to go through an induction and training program which included, relevantly, programs in relation to the responsible gaming and responsible service of alcohol. I should point out that customer liaison officer, I suppose in the vernacular/general parlance, would be called a security officer.

She completed those courses and in due course commenced her employment. As I said, what she was examined on in private session was the specific incidents that she was referring to when she referred to bullying and racism and racial abuse.

I will come back to responsible service of alcohol and prostitutes in due course but in relation to the specific incidents of what she said were racial abuse and bullying, she detailed eight specific matters that she claims that she was subject to and I am not suggesting for a moment that her evidence is untruthful in that regard, I am simply going to detail what her evidence was.

The first of those eight matters was that in an initial interview she says that the officer from the casino who was conducting that initial interview said "You don't have to tell us this if you don't want to but as a matter of interest what is your racial profile, what is your racial background?". Whilst we don't have Ms Soraya here it appears that she was born in India and apparently she gave that answer.

I should note as I go through these matters I will indicate whether or not she reported her concerns about them to management. In this case, in general terms, she did in due course report to her seniors - management/supervisor - that she didn't want to engage in personal conversations with colleagues about such matters.

The second matter, specific incident that she detailed, was indeed the incident that she did give an example of to the reporter and that turned out in the

1 article; that is, that during training the trainer said  
2 "Here at Star City we don't worry about political  
3 correctness too much so I hope that you two blokes don't  
4 mind if I refer to your mob as 'Lebs' or 'Lebos'". So the  
5 statement was apparently directed to two fellow trainees  
6 who may or may not have been of Lebanese extraction. That  
7 was the second matter that was the subject of her claims.  
8

9 The third incident that was the subject of her claims  
10 concerned the actions of a fellow trainee customer service  
11 officer who Ms Soraya claimed subjected her to embarrassing  
12 jokes, the examples of which included that he said to her,  
13 as she was going to the restroom on one occasion "Look at  
14 the princess, gone off to brush her teeth" and on a number  
15 of occasions asked what her nationality was. In relation  
16 to that particular incident, that was reported to her  
17 superior officer. Indeed there is a documentation to  
18 suggest that in due course on 11 May that that particular  
19 complaint was discussed with her in a meeting with some  
20 senior officer at the casino.  
21

22 The fourth specific incident that lay behind her  
23 claims was that in the tea room that was apparently used by  
24 her and her colleagues she was again repeatedly asked what  
25 her nationality was and, perhaps more specifically, on one  
26 occasion she was asked if she would become romantically  
27 involved with another female staff member. This was the  
28 subject matter of a complaint to a superior officer.  
29

30 The fifth matter related specifically to an incident  
31 that occurred whilst she was on duty. She was stationed at  
32 a particular part of the casino in accordance with her  
33 duties and she needed to go to the bathroom and she called  
34 on the radio to a colleague to come and replace her whilst  
35 she went to the bathroom. That officer who attended to  
36 stand in for her said "Bladder problems?"  
37

38 That was a matter that Ms Soraya reported in her  
39 notebook and, in due course, reported to her superior  
40 officers and again was the subject of a discussion with her  
41 in due course by the supervising officers.  
42

43 The sixth incident again involved an occasion when she  
44 was on duty. She was walking past the male toilets and one  
45 of the cleaners at the casino said to her, "Go on in, you  
46 look like a bloke", or words to that effect. That, again,  
47 was a matter that she reported in her notebook. She in due

1 course reported it to her superiors and indeed made  
2 a complaint about it. That complaint was acted on and the  
3 cleaner was asked to, and in fact did, make a formal  
4 apology to her in relation to that comment.

5  
6 The seventh specific incident concerned an occasion  
7 when, again, she was on duty in a stationary position and  
8 a cleaner was vacuuming and, on her account - Ms Soraya's  
9 account - continued to vacuum around her feet on a number  
10 of occasions to the point where it caused her some concern,  
11 I'll put it that way. That excessive vacuuming complaint  
12 was the subject of an actual complaint and again it was  
13 a matter that was reported to superiors and, indeed, in due  
14 course the subject matter of a discussion with her in  
15 relation to a series of complaints that she had.

16  
17 Finally, the eighth complaint was again in relation to  
18 a specific colleague or colleagues. It occurred in the  
19 staff change room when the colleague said to her, "Hey,  
20 Annika, put my washing away". This was again the subject  
21 matter of a formal complaint that was acted on.

22  
23 MS FURNESS: Sorry, Mr Wigney, what did she say that last  
24 incident was an indication of?

25  
26 MR WIGNEY: I'm not sure that she specifically contended  
27 that it was either racial or sexual abuse, simply an  
28 employment issue, I suppose - perhaps bullying, I suppose.

29  
30 MS FURNESS: It might have been part of the bullying and  
31 harassment.

32  
33 MR WIGNEY: Bullying and harassment, I suppose.

34  
35 In relation to the broader aspects of what she told  
36 the reporter concerning the operations of the casino - that  
37 is, the grey area - her evidence in relation to that  
38 particular matter may perhaps be summarised as saying that  
39 during her I think either induction or training course, the  
40 person who was conducting the course at a stage where he  
41 was dealing specifically with responsible service of  
42 alcohol made reference to the presence or possible presence  
43 of VIPs. Her evidence is that he said, "You need to be  
44 a bit careful when addressing guests and VIPs of the casino  
45 because you also need to be aware of why we're all here and  
46 why we are in these jobs and that without the revenue from  
47 the casino we wouldn't have jobs", and he said to

1 "negotiate any of these guests and VIP patrons very  
2 carefully and with caution", and "you may also want to seek  
3 Oscar's advice". I think Oscar is a reference to a senior  
4 supervising officer.

5  
6 When questioned a bit further about those matters,  
7 I think it's fair to say that it was not her evidence that  
8 the officer in fact used the expression "grey area", that  
9 that was really her interpretation of that statement that  
10 I just read out.

11  
12 She was asked whether she had seen any actual examples  
13 of special treatment of VIPs in relation to responsible  
14 service of alcohol. She gave one example of seeing two  
15 girls who were in the casino who appeared to be drunk. She  
16 spoke to some senior officers in relation to it and was  
17 told that they were from a private function and to her  
18 observation they were not asked to leave.

19  
20 In relation to the statement about prostitution, as  
21 I said, the actual article seemed to suggest that something  
22 was said about a grey area relating to VIPs and  
23 prostitution, though Ms Soraya's evidence in private  
24 session concerned primarily an observation that she made  
25 which, again in very short terms, was that she recounted  
26 seeing a number of women who she concluded, based on the  
27 fact that they were scantily clad, were prostitutes and she  
28 saw them frequently in the course of her duties, so she  
29 said.

30  
31 However, it would appear from what she said that she  
32 saw them not in the gaming area of the casino, but more in  
33 the hotel section of Star City, and that is obviously of  
34 some significance. That was really the extent of her  
35 evidence in relation to prostitution.

36  
37 Finally, it would appear that, as I said, she was an  
38 employee of the casino for just over two months. She was  
39 ultimately dismissed, or her employment was terminated on,  
40 I think, 27 May. The inquiry will have documentary  
41 evidence of this dismissal before it. The dismissal  
42 followed from an incident that was entirely unrelated to  
43 the claims that she made about bullying and the like. In  
44 fact, it was an incident that occurred at the Light Rail  
45 station near Star City, the details of which were that  
46 a fellow employee apparently who was standing behind her  
47 put his or her hand - I'm sorry, the fellow employee --

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MS FURNESS: I think it was a him.

MR WIGNEY: -- put his hand on Ms Soraya's shoulder from behind. That employee, who was interviewed during the course of the investigation by Star, said that he did so to stop her from inadvertently walking into the path of an approaching tram. In any event, at that time, and over the short time following, Ms Soraya verbally abused the fellow employee and that ultimately became the reason for a finding of engaging in serious misconduct which led to her dismissal.

So that, as I said, is a brief summary of the evidence of Ms Soraya that we expected would have been given in public today, had she attended as requested by this inquiry. As I said, it was intended to drill down and examine the actual observations and actual incidents that lay behind her claims that were made publicly to the media, so I thought it important to outline that. As I said, in due course, her private evidence will be made public as part of this inquiry.

MS FURNESS: Thank you, Mr Wigney.

MR WIGNEY: Having dealt with that, it seems we have two relatively short witnesses today.

I have just been asked to raise with you, Ms Furness, that it would appear from some media reports - and I say I haven't been a witness to this - that someone may be themselves recording these proceedings. I'm not sure whether that is something that is permissible or permitted; I just raise it for your attention.

MS FURNESS: As I understand it, a media protocol was developed. Not having read that protocol, I can't tell you the contents of it, but in the event that the media protocol said that they could, then they can. I understand that it does say that.

MR WIGNEY: Apparently it says that they can record.

MS FURNESS: As I understand, the media protocol is on the website, if anyone wants to read it.

MR WIGNEY: Can I then move on to, please, to call

1 Mr James Robins.

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Actually, before I call Mr Robins - he can remain in court - what I should do, again, because we appear to have the time available to us now, is briefly make some comments, really to put Mr Robins' anticipated evidence in some context. Otherwise, it perhaps may be a little bit unclear as to why he's being called and where it fits into the present inquiry.

I think it is fair to say, Ms Furness, that Mr Robins' evidence concerns a very small part of an incident that was in fact the subject of some detailed treatment in the section 31 report that was released on 22 December. It was detailed as a case study relating to the investigations department at The Star. I propose to say a little bit about that incident and what was said about it in the report so that we can understand where Mr Robins' expected evidence fits into the picture.

That incident involved the finding of a substance in a bathroom between two pits in the inner sanctum of the private gaming rooms. I propose to provide a brief chronology based on what is said in the section 31 report in relation to that incident. The report deals with it commencing on page 67, as I said, as a case study related to the investigations department.

That report, of course, is publicly available. I propose to give a very brief chronology of it, but it is obviously available to all concerned to put this evidence in context. What occurred in relation to that matter was that on 30 October 2010 at about 10.30am in the morning, a maintenance technician at The Star saw what he believed to be a line of white dust on a vanity in the bathroom which, as I said, was located between two pits in the inner sanctums of the private gaming rooms.

The maintenance technician, in due course, reported his observation to a surveillance operator and approximately an hour later, or thereabouts, a VIP host attended and then in due course, shortly afterwards, a casino duty manager attended the bathroom at about 11.55am. That officer saw the line of white dust on the vanity in its original state and position. That occurred just before midday.

1           The security duty manager was then called and  
2 attended. He thought, from the appearance of the powder,  
3 that it appeared to be an illegal substance and, in due  
4 course, a security officer who had attended scraped that  
5 white powder into a plastic bag which, in due course, was  
6 secured in the duty manager's office. It appears also that  
7 a gaming manager attended and observed the substance in  
8 situ.

9  
10           It is important to observe at this stage that there  
11 was in fact at this time at the Star a protocol in relation  
12 to such incidents, and again, in the briefest possible  
13 terms, that protocol included if the amount that was  
14 located of what was suspected to be a drug was a small  
15 quantity, the investigations department should be contacted  
16 to deal with it. If it was a large quantity of substance  
17 that appeared to perhaps be available for sale, then the  
18 police should be immediately called. It would seem that  
19 whatever the protocol was, it was not followed on this  
20 particular occasion. It was reported immediately to the  
21 investigations department or brought to, indeed, the  
22 attention of senior management, and it seems that no  
23 incident report was prepared by the table games staff.

24  
25           Just coming back to the chronology, it would seem that  
26 the following week the security footage was viewed by some  
27 security officers, and --

28  
29 MS FURNESS:     I think the surveillance footage?

30  
31 MR WIGNEY:     Surveillance footage. Just over a week later,  
32 an officer collected the bag that contained the substance.  
33 This is some time later. An investigations officer  
34 collected the bag - I will get the precise date in  
35 a moment - containing the substance. That investigations  
36 officer was an experienced police officer. He formed the  
37 view, based on his experience as a police officer, that the  
38 substance was not an illegal drug. He in fact did, using  
39 a test kit that he had available to him, what's called  
40 a presumptive test for cocaine and found that the substance  
41 was not cocaine. Whilst the presumptive test kit that he  
42 had would have allowed him to test whether the substance  
43 was some other narcotic, he did not perform those tests.

44  
45           It would then appear that the following day the  
46 investigations manager, who wasn't at work the previous  
47 day, inspected the substance and formed the view as well

1 that it was not a drug and, perhaps relevantly to  
2 Mr Robins' evidence, a few days later, it seems, concerns  
3 were expressed by an acting casino duty manager that there  
4 had been a cover-up in relation to this incident.

5  
6 At that stage the investigations manager - and I think  
7 we are up to now almost a year after the fact - took  
8 statements from various people and conducted what  
9 investigations he could in relation to movements into and  
10 out of that bathroom at the relevant time. He attended the  
11 bathroom and observed what he said to be ceiling dust and  
12 plaster which was, in his view, consistent with the  
13 substance that had been located on the day, not being  
14 a drug but, indeed, being some sort of ceiling dust or  
15 plaster.

16  
17 In due course, the investigations manager compiled  
18 a report with a number of statements which identified  
19 a significant number of failures in relation to the way the  
20 matter was dealt with, including, of course, that the  
21 protocol was not followed. In due course, in the course of  
22 that dealing, an actual police officer was called,  
23 inspected the substance and expressed the opinion that the  
24 substance was in fact not a drug.

25  
26 Turning to the report --

27  
28 MS FURNESS: Just before you do that, Mr Wigney, I think  
29 the investigation that you've referred to happened  
30 a relatively short time thereafter, more  
31 like November 2010, but I understand you are referring to  
32 further statements that were indeed taken in October last  
33 year.

34  
35 MR WIGNEY: Yes. That is indeed where the confusion was  
36 in my mind. So the initial investigation did occur within  
37 a fairly short space of time, but in due course the  
38 investigations manager compiled a report and some  
39 statements, and that report, as I said, detailed a number  
40 of failures in relation to the way the matter was dealt  
41 with.

42  
43 That led to the following comment in the section 31  
44 report, and I'll read it in full, again, to put Mr Robins'  
45 evidence in context. This is commencing on page 70 of the  
46 report:

47

1           *The casino operator's handing of these*  
2           *events has been poor. The Police or at*  
3           *least the Investigators should have been*  
4           *alerted when the substance was found, and*  
5           *the substance should have been photographed*  
6           *and properly secured. It should then have*  
7           *been given to the Police for testing.*  
8           *Table Games duty managers should have*  
9           *informed their managers. The acting casino*  
10          *duty manager was correct to be concerned.*  
11          *While I do not agree that the matter was*  
12          *"covered up", it had that appearance. The*  
13          *only patron in the vicinity of where it was*  
14          *found, was thought to be valuable to the*  
15          *casino. Staff often told me that he was*  
16          *the recipient of special or favourable*  
17          *attention by managers. These matters add*  
18          *to that appearance.*

19  
20          *The reasons these events are important is*  
21          *that, first, among the primary objects of*  
22          *the Act is ensuring that the management and*  
23          *operation of a casino remain free from*  
24          *criminal influence or exploitation. During*  
25          *this investigation, I described to the*  
26          *Police from the Local Area Command the*  
27          *substance found, based on the observations*  
28          *of those present in the bathroom. The*  
29          *Police indicated to me that they would have*  
30          *been interested in the find and would not*  
31          *have considered the amount too small to*  
32          *warrant their attention. Secondly,*  
33          *responsible gambling principles dictate*  
34          *that action should be taken if any concern*  
35          *exists that a patron, particularly a high*  
36          *roller, may be gambling while under the*  
37          *influence of a drug.*

38  
39          That is what was included in the report in relation to it.

40  
41          As I said, the reason I've gone into some little  
42          detail about this incident is to explain where Mr Robins'  
43          evidence fits in and why he's being called in public  
44          session in relation to it. It essentially relates to what  
45          was referred to in the report as suggestions of a cover-up.  
46          Relevantly, and relevant to term of reference 3, is that  
47          the contention or allegation that there was in fact

1 a cover-up in relation to this particular incident  
2 continues to be ventilated, and ventilated publicly, and  
3 appears to continue to provide a basis for public  
4 statements by some in relation to the operations of the  
5 casino.  
6

7 The next witness, Mr Robins, played a very small part  
8 in relation to the actual incident in question, but it  
9 would seem that his role or actions, as limited as they  
10 were, seem to be considered by some - and by "some",  
11 I include some witnesses who will be called to give  
12 evidence next week - as being important to this issue of  
13 whether there was a cover-up. That's why he is being  
14 called. It's a long introduction, but otherwise I fear  
15 that the significance of his evidence would have been lost.  
16

17 MS FURNESS: Thank you. That was very helpful, Mr Wigney.  
18

19 MR WIGNEY: With that in mind, can I please call Mr James  
20 Robins.  
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22 MR HUTTON: My name is Hutton, and I seek leave to appear  
23 on behalf of Mr Robins.  
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25 MS FURNESS: Leave is granted, Mr Hutton.  
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1 <JAMES ANDREW ROBINS, sworn: [10.38am]

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3 <EXAMINATION BY MR WIGNEY:

4  
5 MR WIGNEY: Q. Can you give us your full name, please?

6 A. James Andrew Robins.

7  
8 Q. Are you currently employed at The Star?

9 A. Yes.

10  
11 Q. What is your current position?

12 A. Gaming manager.

13  
14 Q. Was that a position you also held back in October  
15 2010?

16 A. It was a different title, it was called acting casino  
17 duty manager.

18  
19 Q. Just dealing with your duties and responsibilities as  
20 the acting duty manager --

21 A. Yes.

22  
23 Q -- can you just tell us briefly what those duties and  
24 responsibilities were back in October 2010?

25 A. I was responsible for the operation of the main gaming  
26 floor.

27  
28 Q. Did you have people that reported to you in that  
29 context?

30 A. Yes.

31  
32 Q. What were the people that reported to you, what  
33 positions did they hold?

34 A. They would be pit managers in the casino who report to  
35 me in regards to casino operations.

36  
37 Q. Back on the morning of 30 October 2010 was it the  
38 situation that you were contacted by a private gaming room  
39 manager and told something?

40 A. Yes.

41  
42 Q. Again just in the briefest possible terms did he tell  
43 you that he had been advised that someone had found  
44 something in an upstairs toilet?

45 A. Yes.

46  
47 Q. Did you and he then attend the upstairs toilet to see

1 what the situation was?  
2 A. Yes, we did.  
3  
4 Q. Were others present when you attended the toilet that  
5 morning?  
6 A. Yes, there were.  
7  
8 Q. Who was present? You can just describe them by  
9 reference to their position.  
10 A. There was a security duty manager, several security  
11 guards, I also believe there may have been a butler  
12 present. I believe that was it.  
13  
14 Q. What did you observe when you entered the bathroom?  
15 A. I saw a substance on a shelf that appeared to be  
16 constructed in the way of what they would call "a line".  
17  
18 Q. What did the substance appear to you to - firstly,  
19 just its appearance and then I will ask you about the view  
20 that you formed in relation to it.  
21 A. There was probably 5cm to 6cm long, maybe 3mm or 4mm  
22 wide. There were scrapings on the shelf which indicated to  
23 me that it had been constructed, it had been fashioned.  
24  
25 Q. Without being coy about it, it appeared to you to have  
26 been a line of some drug substance that had been fashioned  
27 into a line so it could be snorted, again without being  
28 coy?  
29 A. Correct.  
30  
31 Q. Did you form a view as to whether it looked like a  
32 particular drug?  
33 A. No, I don't know what it may have been. I know what  
34 it appeared to be.  
35  
36 Q. Just based on its appearance what view did you form?  
37 A. Possibly cocaine or speed.  
38  
39 Q. Did you hear or discuss with anyone else what views,  
40 if any, they had in relation to the appearance of the  
41 substance?  
42 A. I believe there was mention by someone around,  
43 possibly a security guard, that it did look like a line of  
44 cocaine.  
45  
46 Q. How long did you remain in the bathroom area?  
47 A. In the toilet itself?

1  
2 Q. I'm sorry, the toilet.  
3 A. Couple of minute, maximum. Very, very quickly.  
4  
5 Q. At any time when you were in the toilet did you touch  
6 the substance?  
7 A. No.  
8  
9 Q. At any time when you were in the toilet did you see  
10 anyone touch the substance?  
11 A. No.  
12  
13 Q. Was it any part of your duty, as you saw it that  
14 morning, to take the matter any further?  
15 A. No.  
16  
17 Q. That was a matter for someone else?  
18 A. That was a matter for my colleague.  
19  
20 Q. The colleague being the --  
21 A. PGR - private gaming room senior duty manager.  
22  
23 Q. Having spent those couple of minutes, as you referred  
24 to it, in the toilet you then returned to your other  
25 duties?  
26 A. Correct.  
27  
28 Q. In terms of the actual events of that morning, was  
29 that at the end of your actual involvement?  
30 A. Yes.  
31  
32 Q. Was it the situation that a week or two after that  
33 incident do you recall having a discussion with two of your  
34 colleagues in relation to the incident?  
35 A. Yes.  
36  
37 Q. Who were those colleagues?  
38 A. They were Elizabeth Ward and Sandra Thefs.  
39  
40 Q. Who was Elizabeth Ward and what was her position at  
41 the time?  
42 A. Elizabeth was an acting casino duty manager. Sandra  
43 Thefs was a casino duty manager.  
44  
45 Q. How did that conversation between the three of you  
46 come about?  
47 A. The matter of the substance was raised and it was

1 advised that the substance was tested as concrete dust.  
2  
3 Q. Concrete dust, did you say?  
4 A. Yes.  
5  
6 Q. Did you say anything?  
7 A. Yes.  
8  
9 Q. What did you say?  
10 A. I said "Concrete dust? Where would they have got that  
11 from? It wasn't concrete dust. I put my finger in it,  
12 I tasted it, it tasted like cocaine".  
13  
14 Q. You told them you put the finger in it, you tasted it  
15 and it tasted like cocaine?  
16 A. Correct.  
17  
18 Q. Based on the evidence that you have just given, that  
19 statement, that is that you had put your finger in it,  
20 tasted it and it tasted like cocaine was entirely false,  
21 was it not?  
22 A. Correct.  
23  
24 Q. You never did that?  
25 A. No.  
26  
27 Q. Why did you say it to your two colleagues?  
28 A. I was trying to make a joke just to wind them up a bit  
29 to see what kind of response I would get.  
30  
31 Q. Did anyone laugh?  
32 A. No.  
33  
34 Q. Did you tell your colleagues at that stage, or at any  
35 stage, that it was a joke?  
36 A. No.  
37  
38 Q. I should have asked: in relation to the statement  
39 that had been tested and be found to be concrete dust, who  
40 made that statement?  
41 A. I believe it was Elizabeth.  
42  
43 Q. That wasn't something that you had personal knowledge  
44 of?  
45 A. No.  
46  
47 Q. At any time prior to the incident of 30 October had

1 you ever tasted cocaine?

2 A. No.

3

4 Q. So even if you had done that - and you say you didn't  
5 - you wouldn't have been in a position to express an  
6 opinion in relation to it anyway, would you?

7 A. No; correct.

8

9 Q. Mr Robins, is it the situation that just under a year  
10 later you were asked to and did provide a statement and  
11 sign a statement in relation to your involvement in this  
12 particular incident?

13 A. Correct.

14

15 Q. How did that statement come about? Who asked you to  
16 prepare it and how was it prepared?

17 A. I was contacted by my gaming - general manager,  
18 Heather Scheibenstock, who asked if I could talk to two  
19 investigators - Kevin Houlihan and Andrew McGregor. I was  
20 in duty on the private gaming room at the time. They came  
21 up and we had a chat in one of the - in the lounge area.  
22 They asked me what the situation was, what happened when  
23 the substance was found and also the subsequent  
24 conversation I had a few weeks later. I explained to them  
25 what was said and I was then asked to make a statement with  
26 counsel.

27

28 Q. Then a statement was in due course prepared, based on  
29 what you told the person taking the statement and you  
30 signed it as being a true and accurate account of your  
31 involvement; is that right?

32 A. Yes.

33

34 Q. Again, without taking to you it, it is consistent with  
35 the evidence that you have given today in the witness box  
36 that you did not at any time put your finger in the  
37 substance and taste it at that --

38 A. No.

39

40 Q. And that what you said to your colleagues, including  
41 Ms Ward, was intended as a joke?

42 A. Yes.

43

44 Q. As you just then made clear, the incident itself  
45 occurred on 30 October 2010. Your statement was almost a  
46 year later, 24 October 2011. Between those two times, that  
47 is 30 October 2010 and 24 October 2011, did anyone senior

1 to you, anyone from management discuss with you the  
2 statement that you had made to Ms Ward?  
3 A. No.  
4  
5 Q. You have referred to your manager as being I think  
6 Heather Scheibenstock; is that correct?  
7 A. Correct.  
8  
9 Q. You have indicated in your evidence this morning that  
10 it was Ms Scheibenstock who contacted you and said that you  
11 were going to be spoken to by someone from the  
12 investigation department; correct?  
13 A. I believe so, yes.  
14  
15 Q. When you had that conversation with Ms Scheibenstock  
16 did she tell you what you were going to be interviewed by  
17 the investigators about?  
18 A. No.  
19  
20 Q. Did she discuss with you at all the subject matter  
21 that she expected to be the subject of the investigation?  
22 A. No.  
23  
24 Q. I will just ask you this: it seems to be clear from  
25 what you have already said but between those two dates that  
26 I've referred to - October 2010 and October 2011 - did  
27 anyone at any stage put any pressure on you of any sort to  
28 persuade or compel you to say what you have given in  
29 evidence today, that is, that the statement you made to  
30 Elizabeth Ward and others was a false statement and simply  
31 intended as a joke?  
32 A. No.  
33  
34 Q. The evidence that you have given in relation to that  
35 matter today and in your statement is true and correct?  
36 A. Yes.  
37  
38 MS FURNESS: Q. Mr Robins, has anything happened to you  
39 at the casino as a result of having done what you have  
40 given evidence that you did in respect of making a  
41 statement to your colleagues that you now say was false?  
42 A. Yes.  
43  
44 Q. What happened?  
45 A. I was reprimanded and given a first and final  
46 counselling.  
47

1 MS FURNESS: Mr Sullivan?

2

3 MR SULLIVAN: I have just one question arising out of that  
4 last answer.

5

6 <EXAMINATION BY MR SULLIVAN:

7

8 MR SULLIVAN: Q. My name, Mr Robins, is Alan Sullivan  
9 and I represent Star and Echo. Could you just explain to  
10 me what a first and last counselling is?

11 A. In the processes we have the set-up, you have certain  
12 levels of counselling. They may be a written counselling,  
13 verbal counselling, written counselling. When it gets to  
14 the stage of a first and final counselling, if there is any  
15 other further issues with your performance or behaviour it  
16 may lead to termination of employment.

17

18 Q. Thank you, Mr Robins.

19

20 MS FURNESS: Q. Is it "first and final counselling" or  
21 "warning", Mr Robins?

22 A. First and final counselling.

23

24 MS FURNESS: Mr Hutton?

25

26 MR HUTTON: No questions.

27

28 MS FURNESS: Nothing arising, Mr Wigney?

29

30 MR WIGNEY: No.

31

32 MS FURNESS: Thank you, Mr Robins, you are excused.

33

34 <THE WITNESS WITHDREW

35

36 MR HUTTON: Might I also be excused?

37

38 MS FURNESS: Yes, you may be excused as well, Mr Hutton.

39

40 MR WIGNEY: I call next Mark Boyd.

41

42

43

44

45

46

47

1 <MARK JAMES BOYD, affirmed: [10.49am]

2

3

<EXAMINATION BY MR WIGNEY:

4

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

6

A. It is Mark James Boyd.

7

8 Q. Are you currently the secretary of United Voice NSW?

9

A. Yes, I am.

10

11 Q. How long have you been in that position?

12

A. I've held that position since October 2007.

13

14 Q. United Voice NSW, is that the union that represents  
15 many workers who work and have worked at The Star?

16

A. Yes, it is.

17

18 Q. Was United Voice NSW formerly the Liquor, Hospitality  
19 and Miscellaneous Workers Union?

20

A. Yes, it is.

21

22 Q. I just want to ask you some questions about some  
23 earlier involvement and interviews that you participated  
24 in, particularly at the section 31 stage of the authority's  
25 investigations; do you follow?

26

A. Yes.

27

28 Q. Is it the situation that you attended an interview on  
29 21 July 2011 at the offices of the then Casino, Liquor and  
30 Gaming Control Authority?

31

A. That's correct.

32

33 Q. Did you attend that interview with another union  
34 official, Belinda Giblin?

35

A. That's correct.

36

37 Q. Was there then conducted at that place an interview by  
38 Ms Furness of senior counsel?

39

A. Yes, there was.

40

41 Q. Was it the situation that as well as Ms Furness,  
42 yourself and Ms Giblin, there were some other members of  
43 the authority present during that interview?

44

A. That's correct.

45

46 Q. Were you told, in general terms, that Ms Furness was  
47 assisting the authority in relation to the investigations

1 by the authority under section 31 of the Casino Control  
2 Act?  
3 A. That's correct.  
4  
5 Q. And that your interview was part of that investigation  
6 process?  
7 A. Yes.  
8  
9 Q. Did you know at this time, or were you told, that the  
10 investigation that was being conducted by the authority at  
11 that time would include or address whether The Star was a  
12 responsible employer?  
13 A. That's correct.  
14  
15 Q. The Star had a very large workforce, did it not?  
16 A. Yes.  
17  
18 Q. You had quite a few workers who were members of your  
19 union working there?  
20 A. That's correct.  
21  
22 Q. You knew at the time of the interview that the  
23 authority was interested in and investigating how The Star  
24 dealt with issues such as workplace bullying and harassment  
25 and complaints by employees?  
26 A. Yes.  
27  
28 Q. Was it the situation that during that interview by  
29 Ms Furness you did all that you could to answer the  
30 questions that were put to you fully and frankly?  
31 A. That's correct.  
32  
33 Q. And honestly?  
34 A. That's correct.  
35  
36 Q. I will come back to that interview in a moment. Is it  
37 also the situation that in February 2012 you were  
38 interviewed by a journalist or reporter from Channel 7?  
39 A. That's correct.  
40  
41 Q. How did that come about?  
42 A. That came about - we had originally, as I understand  
43 it, made contact with Channel 7 and offered to make myself  
44 available, which was originally declined and then we were  
45 contacted by Channel 7 on that day and asked if I would be  
46 interested in doing an interview.  
47

1 Q. So you initially contacted Channel 7, that was  
2 declined but then they came back and asked if you could  
3 participate in an interview?

4 A. Yes, that's correct.

5

6 Q. The television footage, it seems, was broadcast on  
7 22 February 2012; does that accord with your recollection?

8 A. That's correct.

9

10 Q. Did you watch the particular program?

11 A. I watched a recording of the program.

12

13 Q. You participated in a filmed interview; is that right?

14 A. That's correct.

15

16 Q. We have a transcript and I am not going to trouble you  
17 with it unless you want to have a look at it but let me  
18 just read out those parts that are pertinent to your  
19 evidence. It would seem that the reporter introduced your  
20 initial statements with the following words:

21

22 *At The Star, it's not just staff hurling*  
23 *criticism at management, the union calls*  
24 *the casino the most difficult employer in*  
25 *the state.*

26

27 Then you are quoted to have said the following:

28

29 *They're at the top, by far. They're number*  
30 *one, then it's a big stretch to number two.*

31

32 Do you recall that?

33 A. Yes, I do.

34

35 Q. You obviously said that to the reporter?

36 A. Yes, I did.

37

38 Q. Did you tell the reporter before the actual recorded  
39 interview that the union, that's your union, regarded the  
40 casino as the most difficult employer in the state?

41 A. That's correct.

42

43 Q. Later on in the report, again just quoting the part  
44 dealing directly with you, there's a reference to some  
45 behaviour by apparently an international golfing star,  
46 there is an observation about his behaviour and then the  
47 reporter says "and so rarely acted on". Then you are

1 quoted as saying:

2

3 *There's this intimidation and fear of just*  
4 *raising issues in the place these days.*

5

6 A. That's correct.

7

8 Q. You stand by all of those comments that you made to  
9 Channel 7?

10 A. I do.

11

12 Q. What I want to do is go back to your interview with  
13 Ms Furness 21 July 2011 and suggest to you some things that  
14 you told Ms Furness during the course of that interview.  
15 Do you follow?

16 A. Yes.

17

18 Q. I am not going to refer to the entire interview but  
19 let me just give you three excerpts from it and again if  
20 you need this to be placed before you to assist you, we  
21 will do so but otherwise I will just read these parts out.  
22 Ms Furness asked you a question along the following lines,  
23 and I don't suggest these are the precise words but words  
24 to the effect - I am basing this on notes. The question  
25 is:

26

27 *What are or have been the issues for your*  
28 *members? We have received some reports*  
29 *that there has been concern since a change*  
30 *in management.*

31

32 Your response was:

33

34 *Most of the members that our officials deal*  
35 *with are into conspiracies, mainly those*  
36 *members on the gaming floor. This occurred*  
37 *particularly when the new management had a*  
38 *shake up of middle management.*

39

40 Do you recall saying words to that effect to --

41 A. To that effect, yes.

42

43 Q. What were you intending to convey by the reference to  
44 "most of the members that are officials deal with are into  
45 conspiracies", what did you intend to convey by that  
46 remark?

47 A. What we found when our officials were talking

1 particularly to our members at The Star and raising issues,  
2 most of our members had formed a view of the new management  
3 and when we questioned them on the issues they were  
4 raising, I think it's fair to say at the time that there  
5 was no real evidence coming forward to suggest of what they  
6 were saying to us there was much truth to it and therefore,  
7 you know, formed the view that they were into conspiracy  
8 theories about what was happening at the casino.

9

10 Q. Is this a fair summary of what you have just said:  
11 that some members were coming to you making fairly broad or  
12 sweeping allegations about new management. When those  
13 claims were drilled down into and questions were asked  
14 about them, the view was formed that they were nothing more  
15 than conspiracy theories?

16 A. Certainly conspiracy theories is the word I used but  
17 when we examined what was being put in front of us, it was  
18 my view that there certainly wasn't enough evidence to take  
19 the matters up with management.

20

21 Q. So when these claims were drilled down into, there was  
22 found to be insufficient substance to them to actually take  
23 further?

24 A. At the time, yes.

25

26 Q. Then shortly later in the interview you were asked  
27 this question:

28

29 *What about the issue of bullying and*  
30 *harassment.*

31

32 Can I suggest that your response was along the following  
33 lines:

34

35 *The issues raised by some in relation to*  
36 *harassment and bullying are something of an*  
37 *"art form" these days when in fact they are*  
38 *just managers directing persons to do their*  
39 *job. There has been nothing significant.*

40

41 Do you remember giving an answer along those lines?

42 A. Yes, I do.

43

44 Q. What did you intend to convey by the statement that  
45 the issues that had been raised in relation to harassment  
46 and bullying by some are something of an art form?

47 A. That comment came about not only our members at

1 The Star casino but more generally across industries we  
2 cover. It's not unusual for our officials to take  
3 complaints and in the course of taking those complaints  
4 would make an accusation that they have been bullied into  
5 having to change their shift, work a different day and  
6 again when we drilled down on these issues it's merely  
7 management exercising their right under the industrial  
8 instrument that, whether it is a casino worker or cleaner  
9 or a security guard, they have the right to make those  
10 changes.

11  
12 Q. When you said there has been nothing significant, you  
13 intended to convey that as far as you were aware as at this  
14 time, July 2011, there was nothing significant in relation  
15 to the issue of bullying and harassment?

16 A. Again certainly nothing of - you know, there was no  
17 evidence to suggest that we could take the matter further  
18 on behalf of our members.

19  
20 Q. You didn't, indeed, take it any further?

21 A. No.

22  
23 Q. Thirdly, the question was asked along these lines,  
24 I suggest, and this is Ms Furness:

25  
26 *How would you compare Star City as an*  
27 *employer compared with other industries?*

28  
29 That question was initially answered, it appears, by  
30 Ms Giblin, I suggest, and she said that:

31  
32 *They have a more sophisticated human*  
33 *resource team in comparison with say, just*  
34 *a hotel venue which is much smaller.*

35  
36 Do you remember Ms Giblin gives a response along those  
37 lines?

38 A. Vaguely.

39  
40 Q. Your response was along the following lines,  
41 I suggest:

42  
43 *For the size of their workforce, there are*  
44 *no major issues. We encounter a number of*  
45 *daily issues but no more so than in other*  
46 *places. The new management have a*  
47 *different view of what should happen in the*

1           *casino in comparison with the prior*  
2           *management. They want it to be more like*  
3           *Las Vegas with a greater focus on*  
4           *entertainment.*

5  
6           Do you remember giving an answer along those lines?

7           A.    Yes, I do.

8  
9           Q.    I think the original line of questioning in relation  
10          to that topic was dealing with occupational health and  
11          safety issues. Does that assist your recollection?

12          A.    Vaguely.

13  
14          Q.    In any event, when asked the question about how you  
15          would compare Star City as an employer with other  
16          industries, your answer was, I suggest, that for the size  
17          of their workforce there were no major issues; is that  
18          right?

19          A.    At the time, yes.

20  
21          Q.    When you say "at the time", you mean as at  
22          21 July 2011?

23          A.    Yes.

24  
25          Q.    What I want to do in a moment, Mr Boyd, is ask you  
26          some questions about what appears to be, at least at first  
27          blush, somewhat of an inconsistency between what you told  
28          Ms Furness back in July of 2011 as part of the section 31  
29          process, and what you in due course told the Channel 7  
30          reporter and the public, as it were?

31          A.    Yes.

32  
33          Q.    Again, I can have these documents provided to you in  
34          due course - in fact, I will. Is it the situation that  
35          shortly following your appearance on Channel 7, you  
36          received a letter from some solicitors who were acting for  
37          or in relation to this particular inquiry, that is, the  
38          section 143 inquiry - a firm of solicitors called  
39          Piper Alderman. Does that refresh your recollection?

40          A.    I certainly remember receiving the letter. The exact  
41          date --

42  
43          Q.    Let me just show it to you. We'll have it identified  
44          and marked for identification in due course. This is  
45          a letter of 27 February 2011 from a firm of solicitors.  
46          You'll see that the introduction to that letter indicates  
47          that that firm of solicitors was assisting Ms Furness in

1 the section 143 inquiry. Do you see that?

2 A. Yes, I do.

3

4 Q. Then the letter continues that they were instructed  
5 that you were interviewed on 21 July 2011 - that's the  
6 interview I just asked you about; correct?

7 A. Correct.

8

9 Q. That was as part of the investigation pursuant to  
10 section 31 of the Casino Control Act, and then the letter  
11 continues that, on that occasion, according to the notes  
12 made at the time, you expressed the view that for the size  
13 of the workforce, there were no major issues with the  
14 casino operator. Specifically in relation to allegations  
15 of bullying and harassment, you stated words to the effect  
16 of, "The issues raised by some concerning harassment and  
17 bullying are something of an art form these days when in  
18 fact they are just managers directing persons to do their  
19 job." You advised Ms Furness that there had been nothing  
20 significant raised with you. Do you see that?

21 A. Yes, I do.

22

23 Q. That statement or summary as to the matters that you  
24 told Ms Furness at the interview on 21 July is consistent  
25 with the evidence that you have given this morning as to  
26 what you did in fact say; right?

27 A. Yes, that's correct.

28

29 Q. The letter then continues:

30

31 *We note that you were interviewed on camera*  
32 *for Channel 7, which was aired on*  
33 *22 February during which you stated that,*  
34 *among other matters, the casino operator*  
35 *was the most difficult employer in the*  
36 *State and that you were not surprised that*  
37 *the allegations made, which included*  
38 *harassment.*

39

40 Right?

41 A. That's correct.

42

43 Q. Again, that's consistent with the evidence that you  
44 have given today?

45 A. Yes.

46

47 Q. You responded to that letter in due course, did you

1 not?

2 A. Yes, I did.

3

4 Q. Again, just to assist your recollection, I'll have  
5 provided to you a copy of your letter and its enclosures.  
6 While that's being done, you were being asked to comment on  
7 and provide an explanation for what at first blush appeared  
8 to be an inconsistency between what you told Ms Furness and  
9 what you told the public through Channel 7 on 22 February  
10 this year; right?

11 A. That's correct.

12

13 Q. When you responded to the letter, did you endeavour to  
14 give a detailed and frank explanation for that matter?

15 A. Yes, I did.

16

17 Q. Your letter is dated 5 March 2012. Putting aside the  
18 pleasantries at the commencement of the letter, you say:

19

20 *In respect to my original comments ...*

21

22 You're referring there to the original comments made to  
23 Ms Furness?

24 A. Yes, I am.

25

26 Q. That there were no major concerns. Then it says.

27

28 *... these comments were made in the content*  
29 *of no major concerns when it came to formal*  
30 *complaints made on behalf of our members*  
31 *employed at the casino.*

32

33 Right?

34 A. That's correct.

35

36 Q. What were you intending to convey by that  
37 statement - you were intending that to be, in part, an  
38 explanation for what otherwise appears to be an  
39 inconsistency between the statements?

40 A. That's right. Again, it was an attempt to clarify  
41 that the evidence I gave in the original section 31  
42 inquiry - at the time, there were no serious allegations  
43 that had been brought forward, or issues brought forward.

44

45 Q. But what you are suggesting here is no major concerns  
46 when it came to formal complaints.

47 A. That's correct.

1  
2 Q. Is that how you understood what you were being asked  
3 back in July, that it only involved formal complaints?  
4 A. Formal complaint, as in a complaint that is able to be  
5 taken forward with management.  
6  
7 Q. But, you see, nothing that you were asked in any of  
8 those questions that were put to you by Ms Furness  
9 restricted the questions, or your responses, to formal  
10 matters; they were open questions asking for your  
11 experience as the head of this union, weren't they?  
12 A. That's correct.  
13  
14 Q. Nothing was restricting you to only commenting on  
15 formal matters; that's right, isn't it?  
16 A. That's correct.  
17  
18 Q. Coming back to the interview, "What are or have been  
19 the issues for your members" - that was the question,  
20 wasn't it?  
21 A. Yes, it was.  
22  
23 Q. That's the question that prompted you to say that many  
24 of your members are into conspiracy theories; right?  
25 A. That's correct.  
26  
27 Q. When you come to the question of bullying and  
28 harassment - "What about the issue of bullying and  
29 harassment" - that question wasn't restricted to formal  
30 reports?  
31 A. No, it wasn't.  
32  
33 Q. It was asking for your experience as a head of this  
34 union in a broad and open way, "What do you say about  
35 bullying and harassment at the casino?" That's what the  
36 question was, wasn't it?  
37 A. That's correct.  
38  
39 Q. You say the issues raised by some re harassment and  
40 bullying are something of an art form these days when in  
41 fact they are just managers directing persons to do the  
42 job, there has been nothing significant; is that right?  
43 A. Correct.  
44  
45 Q. Were you intending to limit that answer to simply  
46 formal reports?  
47 A. When I was asked the question by Ms Furness,

1 I attempted to answer it on factual evidence that was  
2 brought forward by either one of my officials, delegates or  
3 members from the casino.

4  
5 Q. In terms of the factual matters that had been brought  
6 forth to you at that stage, there was nothing significant;  
7 right?

8 A. That's correct.

9  
10 Q. That's what you told Ms Furness?

11 A. That's correct.

12  
13 Q. Your knowledge at that time was that there was nothing  
14 of significance in relation to bullying and harassment at  
15 the casino. That's what you told Ms Furness?

16 A. That's correct.

17  
18 Q. It was not limited to formal complaints, formal  
19 reports; it was your information generally, wasn't it?

20 A. Correct.

21  
22 Q. Then, again, in relation to the broad question, "How  
23 would you compare Star City as an employer compared with  
24 other industries"; right?

25 A. Yes.

26  
27 Q. You would agree that that question was designed to  
28 elicit from you any knowledge that you had as the chief of  
29 this union in relation to the operations of Star City, in  
30 so far as being an employer; correct?

31 A. That's correct.

32  
33 Q. It was not limited to any formal matters, was it?

34 A. No.

35  
36 Q. This is your response:

37  
38 *For the size of their workforce there are*  
39 *no major issues.*

40  
41 Right?

42 A. That's correct.

43  
44 Q.

45  
46 *We encounter a number of daily issues but*  
47 *no more so than in any other workplaces.*

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Right?

A. That's correct.

Q. Just going back to your letter, you say, again:

*At the time ...*

So that's at the time you spoke to Ms Furness, right?

A. Correct.

Q. It says:

*At the time I did not make comment about the casino operator being a difficult employer, as I was of the view that the relationship between the casino operator and the union office was not relevant to the review.*

Right?

A. That's correct.

Q. Well, none of those questions were asking you about the relationship between the casino operator and the union office; they were asking you about your experience and knowledge as the chief of the union about how the casino interacts with its employees; right?

A. Correct.

Q. How does that explain what otherwise appears to be a discrepancy between what you said publicly and what you told Ms Furness?

A. At the time of the interview with Ms Furness, I answered the questions that were put to me in a true and honest manner, and my experience, particularly in the last six months of last year of the casino, has caused me to form a different view of management at the casino.

Q. So what you are saying is that as of July 2011, what you said was entirely accurate; right?

A. Yes, correct.

Q. So, it would be the case, then, that as at July 2011, you were certainly not of the view that the casino was the most difficult employer in the State, maybe number two? You weren't of that view back in July of 2011?

1 A. It's not a question I was asked, but I'm not sure  
2 I would have answered the question back then as I did this  
3 year.

4  
5 Q. What do you mean, it wasn't a question you were asked?  
6 A. Well, the interview with Channel 7 was very specific  
7 about my view of the casino as an employer.

8  
9 Q. This is Ms Furness' question:

10  
11 *How would you compare Star City as an*  
12 *employer compared with other industries?*

13  
14 That's a pretty broad and open question, isn't it?

15 A. Yes, it is.

16  
17 Q. It was not entirely dissimilar to the question you  
18 were asked by Channel 7, was it?

19 A. Not completely dissimilar, no.

20  
21 Q. Well, what's dissimilar about it? Nothing?

22 A. Correct.

23  
24 Q. Do you agree?

25 A. Correct.

26  
27 Q. Why did you just tell us that it wasn't the question  
28 that you were asked by Channel 7?

29 A. Because my view is there's a slightly different  
30 context in the question.

31  
32 Q. What's the slightly different context?

33 A. The Channel 7 interviewer was very specific in asking  
34 about the casino compared to other employers.

35  
36 Q. And what Ms Furness was asking about, the difference  
37 between Star City as an employer and other industries - I'm  
38 sorry, the difference escapes me. What is the difference?

39 A. In hindsight, there's probably not much difference.

40  
41 Q. You say to Ms Furness that there are no major issues;  
42 you say to Channel 7 that:

43  
44 *They're at the top, by far. They're number*  
45 *one, then it's a big stretch to number two.*

46  
47 How can you explain that discrepancy? Let's be clear.

1 Are you saying that it is some things that occurred between  
2 the time that you spoke with Ms Furness in July and the  
3 time that you spoke to Channel 7 in February?

4 A. There have been major issues between when I spoke to  
5 or was interviewed by Ms Furness, to February of this  
6 year - major issues.

7  
8 Q. So that accounts for the discrepancy, does it?

9 A. Yes, it does.

10

11 Q. The six months or so?

12 A. Six months.

13

14 Q. You tell us what's happened? What's happened in that  
15 six months?

16 A. There's been a range of issues being brought forward  
17 by our members. We've attempted to represent our members  
18 in what we would refer to as a disciplinary hearing, where  
19 what we would say is the right of our members to be  
20 represented, that has been denied by the casino.

21

22 Q. Can I just stop you there and deal with it one step at  
23 a time to make it easier. The number one concern was the  
24 union's role in representing employers has been, on your  
25 evidence, limited or restricted in some way during that  
26 period; is that what you're saying?

27 A. On occasion denied.

28

29 Q. And on some occasions denied?

30 A. Yes - sorry, denied to the worker.

31

32 Q. So on some occasions you're not able to represent your  
33 employee as you would like to do so in what sort of  
34 process - disciplinary hearings?

35 A. That's correct.

36

37 Q. Relating to what sort of things?

38 A. A whole range of issues about attendance at work,  
39 issues that are often raised by a supervisor of a dealer,  
40 where for whatever reason management decide to call in that  
41 worker for disciplinary, or to raise issues that's been  
42 raised with them. There are often disciplinaries with  
43 security guards about incidents at the front of the casino  
44 or matters arising, for instance, inside the casino. It  
45 wouldn't be unusual where, as a member of United Voice, our  
46 member would take that issue up with us. They would notify  
47 us that they'd been called to a disciplinary and on most

1 occasions we would - sorry, on all occasions we would ask  
2 the member if they would like to be represented. It's fair  
3 to say that nine times out of ten a member of ours would  
4 say, "Yes, I would like to be". Sometimes we would contact  
5 the casino, because it's not unusual that sometimes those  
6 disciplinarys might be held at 3am in the morning, because  
7 that is the shift that the worker is on - we attempt to  
8 have the time of that disciplinary changed. If we can't,  
9 we would ask a delegate to be present, and on other  
10 occasions we would find out about the disciplinary after  
11 it's happened because our member would come back to us and  
12 say, "I sought to have representation and I was told I was  
13 not allowed to have representation in the disciplinary".  
14

15 Q. So, in a nutshell, occasions where management of the  
16 casino have sought to discipline an employee for something  
17 that has occurred in the workplace - right?

18 A. Correct.  
19

20 Q. They want to have a hearing or a meeting in relation  
21 to that, and the point that you are making is that on some  
22 occasions they are point blank denied the opportunity for  
23 the union to represent them and on other occasions no-one  
24 knows about it until after the actual disciplinary meeting  
25 or hearing?

26 A. That's correct.  
27

28 Q. How many occasions did that occur, to the best of your  
29 knowledge or recollection, between July 2011 and February  
30 of 2012, roughly?

31 A. Roughly - it would be very roughly, because I don't  
32 hear about all the matters, but certainly over a six-month  
33 period I'd be aware of four or five occasions where that  
34 occurred.  
35

36 Q. So four or five occasions where, in your view, the  
37 union had been denied, or the employee had been denied the  
38 opportunity of union representation in relation to  
39 a disciplinary issue?

40 A. That's correct.  
41

42 Q. Again, just briefly, what sort of range of  
43 disciplinary matters, from the minor to anything serious?

44 A. I think it is fair to say that on all those occasions  
45 that I can recall, it's probably best described as leaning  
46 towards minor incidents rather than major incidents.  
47

1 Q. Let me ask you this, because it is of some  
2 significance to us, even though it may seem a bit obscure  
3 to you: how many of these incidents occurred between, say,  
4 2 December 2011 and 22 February 2012? Are you able to give  
5 us a rough --

6 A. I'd have to be honest and say I'm not in a position to  
7 answer that because for the majority of that period I was  
8 on annual leave.

9

10 Q. I stopped you. Just so we can deal with the points  
11 one at a time, my question was originally as to what has  
12 changed during July of 2011 and February 2012, and that was  
13 number one. What's number two?

14 A. Probably the single biggest issue we've had to deal  
15 with in that period - to put this in context, we have many  
16 members, or there are many employees of The Star that would  
17 go back to employment days when it was - I may have the  
18 name of the casino wrong, but it was the Sydney Harbour  
19 Casino, or the very early days of the casino when it was on  
20 the wharf at Pyrmont. We would have many members and  
21 employees commencing in the casino from day one, so they'd  
22 have 16 or 17 years of tenure with the casino. For many of  
23 those years, many of those employees have worked fixed  
24 arrangements, whether it be a morning shift or a night  
25 shift, and it may not include weekends. There were  
26 discussions last year, in the period we are talking about,  
27 where essentially employees were issued with notice that  
28 their rosters would change and they would now need to make  
29 themselves available 24/7.

30

31 Q. Obviously that was a matter of great concern to some  
32 employees who perhaps didn't want to work night shifts and  
33 the like and for that reason it was a matter of concern to  
34 the union; is that right?

35 A. That's correct.

36

37 Q. I don't want to get into industrial issues, because  
38 it's way beyond the jurisdiction of this inquiry, but is  
39 that something you in due course took up with the casino?

40 A. I think it's fair to say it was a matter of a number  
41 of meetings that, in my opinion, were not the best meetings  
42 we've ever had with the management of the casino.

43

44 Q. The second change in that six-month period or so was  
45 the changing of rosters and difficulties that union  
46 perceived that caused for some members, and its dealings  
47 with management in that context; is that right?

1 A. That's right.

2

3 Q. Is there anything else?

4 A. I think it would also be fair to say that where in the  
5 past there has been a history not only of the current  
6 management, but previous management, that in the main we  
7 have been able to resolve our issues of difference, whether  
8 that be a dismissal, whether it be a disciplinary, or, in  
9 fact, on the odd occasion where there have been attempts to  
10 change shift arrangements. It's fair to say that  
11 since July last year, it's my experience that in resolving  
12 issues with management at the casino, it has been difficult  
13 and subject to - again, my words, my view - a spike in  
14 applications to Fair Work Australia in attempt to find  
15 resolution to disputes between the parties.

16

17 Q. Again, just putting that in simple terms - and correct  
18 me if this isn't a correct summary - the third point is  
19 whereas in the past the union was able to resolve a lot of  
20 industrial issues that it had with its members by  
21 discussion with management, in the six months since July  
22 there's been less of a cooperative relationship between the  
23 union and management, so more have had to go off to be  
24 formally dealt with by Fair Work Australia?

25 A. Sorry, when I say applications to Fair Work Australia,  
26 sometimes the matter will proceed to Fair Work Australia,  
27 but the fact is we've had to make the application to Fair  
28 Work Australia to have those discussions.

29

30 Q. I understand. In any event, what this comes down to  
31 is essentially relations between the union and management  
32 before were more cooperative, now perhaps less, or more  
33 adversarial, can I put it that way?

34 A. That's correct.

35

36 Q. In terms of the underlying issues as between the  
37 employee and the management that underlie that sort of  
38 adversarial approach, what sort of issues are they - again,  
39 roster changes and those sorts of things?

40 A. It's probably fair to say it went to nearly any issue  
41 we raised with management. Again, if I can use my words,  
42 it's as if we had to sort of have a fight to try and  
43 resolve issues where in the past in a phone conversation,  
44 whether it be a senior official in our office or myself  
45 with senior HR, in the past, we were able to resolve these  
46 issues.

47

1 Q. That's the third point. Is there anything else?

2 A. That's all.

3

4 Q. Would it be fair to say this - and I'm not seeking to  
5 downplay or trivialise this at all - these sorts of issues  
6 relate to relations between the union and the management,  
7 as much as anything else; is that right?

8 A. That's a fair comment.

9

10 Q. Was it that matter - that is, the degeneration in  
11 relations between the union and the employer - that  
12 informed your statement to Channel 7 in February this year  
13 that it was the worst employer in the State, or amongst the  
14 worst?

15 A. That's correct.

16

17 Q. So it was really a union/employer relationship point  
18 that you were making?

19 A. I think that is fair to say.

20

21 Q. That is the essence of the three changes that have  
22 occurred in that six-month period - those three matters  
23 that you referred to are the essence of the change?

24 A. That's correct.

25

26 Q. Can I just pick up one final point. You agreed before  
27 that what you also told Channel 7 on 22 February was that  
28 there is this "intimidation and fear of just raising issues  
29 in the place these days". Which of those, if any of those  
30 three, changes informed that particular statement?

31 A. That statement is underpinned by, on a number of  
32 occasions, members coming to us - again, where it would be  
33 either wanting to be represented in a disciplinary, whether  
34 it's wanting to taking up the issue about a roster  
35 change - particularly members who had family  
36 responsibilities - it was often relayed to what I referred  
37 to as our organisers, our two officials who work with  
38 members at the casino. It would be often said, "We are  
39 fearful to raise those issues because we're in fear of our  
40 job at the casino".

41

42 Q. Fearful to raise those issues with the union or  
43 fearful to raise those issues with management?

44 A. Ultimately, I think it came down to fearful of raising  
45 those issues with management, and often we would be asked  
46 not to raise those issues because they feared for their  
47 jobs.

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Q. That was a change that you saw in the six-month period between July and February 2012?

A. That's correct.

Q. How many - I know it is very difficult for you - specific examples or incidents of that sort of issue arose in that six-month period?

A. Again, I'd only be able to second-guess those numbers, so I'm not in a position to give an accurate number.

Q. Are we talking about a handful of cases - ten or 20 or --

A. We're probably talking somewhere in the vicinity of 15 to 20.

Q. I think, to be fair, in relation to your letter that you provided in response to the Piper Alderman letter, you attached a number of documents that dealt with some of these issues and concerns that you've raised today; is that right?

A. That's correct.

Q. Was that all of the matters that you were able to gather together in response, or a sample - is that a complete list of documents?

A. It's a combination of documents that I sought from our industrial officer who has responsibilities of the casino, and also documents that I sought from what we refer to as our member services centre, or, in a sense, it's the union's call centre that would deal with these matters on that basis.

Q. Again, in your letter, you suggested that the issues that had arisen since July 2011 included, but were not limited to - and I'll summarise them, this is commencing at the bottom of page 1 of your letter - changing of rosters. That's something you've referred to today; is that right?

A. That's correct.

Q. Employees being called to meetings and being denied union representation; the manner in which leave applications are dealt with; contracting out of housekeeping services and the like; and retrenchment of staff whilst on maternity leave. They are all matters that became of concern to you - or they are matters --

A. They are matters.

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Q. Is there anything else that you can think of which arose as a significant issue during that six-month period?

A. I think it would be fair to say nothing of significance.

MR WIGNEY: Thank you.

MS FURNESS: Mr Wigney, do you want to take up with the witness the transcript of Channel 7 where the compere - I'm not sure who the compere is, but the compere in this transcript made a statement that seems to be based upon what somebody at Channel 7 was told by the union.

It is certainly not put in terms that it is a direct quote, but if indeed that is an accurate statement, it should be put to the witness.

MR WIGNEY: Indeed.

MS FURNESS: This is 22 February.

MR WIGNEY: I think the point that's being referred to there, sir, is indeed, the very introduction by the compere at the commencement of this broadcast, which reads as follows:

*The union representing workers at Sydney's Star Casino says it's alarmed but not surprised by allegations of illegal drug taking, sexual harassment and bullying. Tonight, 7 News can reveal new claims involving bad behaviour by a pop star and a sporting celebrity.*

Did you know of any bad behaviour by a pop star, and a sporting celebrity, which has obviously got nothing to do with you?

A. No, I'm not aware of it.

Q. What about the statement, "The union representing workers" - that's presumably your union?

A. Yes.

Q. It says:

*It's alarmed but not surprised by*

1                    *allegations of illegal drug taking, sexual*  
2                    *harassment and bullying.*

3  
4                    Firstly, you were the chief of the union. Did you say that  
5                    to Channel 7, that is, that you, as the secretary of the  
6                    union, were alarmed but not surprised by those allegations?

7                    A. From memory, my recollection of that discussion or  
8                    interview with Channel 7 in respect to not alarmed, it's  
9                    the harassment and bullying aspect of the comment.

10  
11                    Q. So nothing to do with illegal drug taking?

12                    A. We're not aware of any illegal drug taking at the  
13                    casino.

14  
15                    Q. Putting aside illegal drug taking, the other matters  
16                    referred to were sexual harassment and bullying. I have  
17                    asked you to detail today what had changed in the six  
18                    months between July 2011 and February 2012. I don't think  
19                    you once referred to anything to do with a spike in sexual  
20                    harassment or bullying claims during that period; right?

21                    A. We certainly had had no complaints or matters brought  
22                    to our attention in the nature of sexual harassment by our  
23                    members at the casino.

24  
25                    Q. Just going back to my earlier question, then: did you  
26                    say that you, as the secretary of the union, were alarmed  
27                    but not surprised by allegations of sexual harassment and  
28                    bullying? Is that something you said?

29                    A. My recollection was harassment and bullying, not  
30                    sexual harassment.

31  
32                    Q. So you're saying that you did say that you were  
33                    alarmed but not surprised by harassment and bullying?

34                    A. That's correct.

35  
36                    Q. What was the basis for that statement?

37                    A. Again, if I can refer back to my correspondence,  
38                    particularly around the issue of the way that the change to  
39                    rosters or the attempt to change rosters was dealt with by,  
40                    say, middle management at the casino - not casino  
41                    management, middle management - that there was a view from  
42                    our members that they were being harassed and bullied into  
43                    making those changes despite the 16 years or 17 years  
44                    tenure of employment at the casino and little regard to  
45                    family needs or requirements.

46  
47                    Q. That was your main concern which you have already

1 articulated quite clearly that the roster changes,  
2 particularly for the members that had been there for a long  
3 time, you think that that was being dealt with harshly?  
4 A. Harshly and unfairly.

5  
6 Q. That is what informed your statement "alarmed but not  
7 surprised"; is that correct?  
8 A. That's correct.

9  
10 Q. Anything else?  
11 A. No.

12  
13 MS FURNESS: Thank you, Mr Wigney. Do you have any  
14 questions, Mr Sullivan?

15  
16 MR SULLIVAN: I seek leave to ask some very brief  
17 questions if I may, Ms Furness.

18  
19 MS FURNESS: Certainly.

20  
21 **<EXAMINATION BY MR SULLIVAN**

22  
23 MR SULLIVAN: Q. My name is Alan Sullivan, I represent  
24 Star and Echo. May I just ask you a question concerning  
25 your evidence to Mr Wigney that in respect of your alarm  
26 about allegations of harassment and bullying, you confined  
27 your answer to attempt to change the roster and dealing  
28 with middle management. Can you identify the name of the  
29 person in middle management who you believe was causing the  
30 bullying or harassment that you have referred to?

31 A. I have no specific name. It's the evidence that our  
32 members bring forward to us with who they deal with. My  
33 dealings on the roster change is one meeting with senior HR  
34 executives at the casino.

35  
36 Q. Who are they?  
37 A. They were at the time the HR executive, as  
38 I understand was her title; senior counsel and correct me -  
39 I don't have her correct surname but her name is Joanne.

40  
41 Q. Joanne Ede; is that --  
42 A. Yes, that's correct. The other person was the first  
43 time I had met in the meeting, as I understand, is a  
44 manager from gaming tables and sorry I don't remember her  
45 name.

46  
47 Q. I take it the paramount obligation you consider that

1 you have, as secretary of your union, is to ensure the  
2 welfare and safety in the workplace of your members?  
3 A. Along with many other matters, yes.  
4  
5 Q. But that is the primary obligation, isn't it?  
6 A. It's one of them.  
7  
8 Q. Yes. In order to undertake or fulfil that  
9 responsibility you need to be familiar, I take it, in your  
10 position with the procedures in place at a particular  
11 employer in order to enable grievances of your members and  
12 their fellow workers to be aired, don't you?  
13 A. That's correct.  
14  
15 Q. And particularly with an employer such as The Star,  
16 which you have said is a very large employer, haven't you?  
17 A. That's correct. It in fact is the largest employer we  
18 deal with in New South Wales.  
19  
20 Q. The Star has somewhere between 2,600 and 3,000  
21 employees to your knowledge, doesn't it?  
22 A. That's my understanding.  
23  
24 Q. I think your union represents about 40 per cent of  
25 those?  
26 A. Quick math would suggest that's right.  
27  
28 Q. In respect of the grievance procedures that you  
29 acknowledge your union needs to be familiar with, you have  
30 of course undertaken study of and know of the grievance  
31 procedures in place at The Star for members who feel that  
32 they're being harassed or bullied or victimised or treated  
33 unfairly, don't you?  
34 A. That's correct.  
35  
36 Q. Part of your union's educational role, I take it, is  
37 to inform your members of those procedures and to advise  
38 them to utilise them if or when they think the occasion  
39 warrants it?  
40 A. To the best of our ability that's what we do.  
41  
42 Q. You're aware, aren't you, that there is a particular  
43 procedure in place at The Star designed to ensure that  
44 workers who have a grievance but fear retribution if an  
45 allegation is made to immediate superiors, can make such  
46 complaints completely anonymously to an organisation which  
47 is monitored independently by a third party?

1 A. That's correct.  
2  
3 Q. That's called E-Tips, isn't it?  
4 A. I'm not familiar with that name.  
5  
6 Q. It is a service, as you understand it - and although  
7 you have never worked at the casino, Mr Boyd, you have been  
8 there many times, haven't you?  
9 A. A few times.  
10  
11 Q. A few times, I'm sorry. May I suggest to you there is  
12 on the television monitors now, but in days before  
13 television monitors, on placards prominently displayed  
14 around the casino references to employees who have a  
15 grievance having the right to anonymously contact E-Tips;  
16 do you know about that?  
17 A. No, I don't.  
18  
19 Q. Just take my word for it for the moment. The service  
20 that we are talking about, and correct me if your  
21 understanding is different, is one that offers a free  
22 telephone facility or online capacity for any staff to  
23 utilise 24 hours a day, seven days a week, isn't it?  
24 A. That's my understanding, yes.  
25  
26 Q. It is managed independently, not by Star but by a  
27 leading firm of accountants called Deloitte, isn't it?  
28 A. To the finer detail of that service I'm not aware of.  
29  
30 Q. The service, as you know it, encourages employees and  
31 others to report matters anonymously in circumstances where  
32 they do not feel comfortable directly discussing the  
33 subject matter with management?  
34 A. That's my understanding.  
35  
36 Q. And it guarantees, doesn't it, that those complaints  
37 will then be taken up at the highest levels of management  
38 if that's what the staff member wants to happen?  
39 A. My understanding.  
40  
41 Q. You have been at pains, haven't you, to inform all of  
42 your members and your delegates of that service and to  
43 encourage them to avail themselves of its use?  
44 A. Me personally? It's not a conversation --  
45  
46 Q. Perhaps I will rephrase it. To your knowledge, your  
47 union has been at pains to advise its members, through the

1 delegates, of the availability of that service and of the  
2 desirability of your members needing it - using it if they  
3 feel the need?

4 A. We would recommend to our delegates and our members to  
5 use whatever means are available to them.

6  
7 Q. But you would certainly make sure, wouldn't you, that  
8 your members know that there is this completely anonymous  
9 confidential way of making complaints so that they don't  
10 fear for the loss of their jobs and for them to use it,  
11 wouldn't you?

12 A. We would recommend if they feel the need to use it  
13 they ought to use that.

14  
15 Q. You gave some evidence about disciplinary hearings and  
16 I think you said four or five occasions in the last six  
17 months that you believe that a union rep was not allowed to  
18 accompany a person at a disciplinary hearing. First, have  
19 you any personal knowledge of that as opposed to hearsay  
20 knowledge heard from someone else?

21 A. I have personal knowledge of some of those matters  
22 because they have been brought to my attention.

23  
24 Q. Brought to your attention by whom?

25 A. It would have been an operator in our member service  
26 centre.

27  
28 Q. In other words, you are relying on hearsay in that  
29 respect?

30 A. I'm relying on a conversation that an official of our  
31 union would have had with a member of this union.

32  
33 Q. Then the official of your union has told you about it?

34 A. That's correct.

35  
36 Q. That's what we call hearsay, do you understand that?

37 A. Yes.

38  
39 Q. You are aware, are you not, that as part of the work  
40 practices of The Star an employee is allowed a union  
41 representative at any disciplinary hearing?

42 A. That's the understanding that we have, yes.

43  
44 Q. I want to suggest to you that contrary to what others  
45 may have reported to you, that Star has not denied union  
46 representation in any disciplinary hearing in the last  
47 six months. What do you say about that?

1 A. Well, if I may and rely on hearsay, that is not what  
2 is reported to me.

3

4 Q. Are you able to identify by name any employee who has  
5 been the subject of a disciplinary hearing in the last six  
6 months in circumstances where that employee has requested  
7 union representation at a disciplinary hearing and it has  
8 been denied?

9 A. I think it's fair to say that I'm not able to name an  
10 individual without referring to notes in our office.

11

12 Q. There would be notes in your office, would there, that  
13 would be able to identify the names of individuals who  
14 claim to have been denied union representation?

15 A. We keep notes, detailed notes, of conversations with  
16 members. If there is a member who's been denied that right  
17 in the last six months, I'm as reasonably as I can be  
18 confident that we would have those notes.

19

20 Q. In respect of those four or five instances which you  
21 may have notes of, I take it as a responsible union, from  
22 the evidence you have given already about seeking evidence,  
23 you would not just accept the member's word that he or she  
24 had been denied union representation but there would be an  
25 investigation done to see whether those claims are truthful  
26 or not, do you?

27 A. That's correct.

28

29 Q. Has that investigation been conducted on each of these  
30 four or five occasions?

31 A. I'm aware of investigations in the past.

32

33 Q. I'm asking for the investigations of the four or five  
34 matters that you have identified in the past six months?

35 A. I can't be confident of that.

36

37 Q. At any such investigation, I take it, of the  
38 truthfulness of such a claim of denial of union  
39 representation would necessarily involve having to contact  
40 Star management to get their version of it, wouldn't it?

41 A. That's correct.

42

43 Q. You, of course, have no knowledge whatsoever as to  
44 whether Star management has been contacted in the last  
45 six months about claims that it - or its employees have  
46 denied union representation at disciplinary hearings; isn't  
47 that correct?

1 A. That's correct.

2

3 Q. If Star management hasn't been contacted in the last  
4 six months about such allegations, it would follow,  
5 wouldn't it, from your evidence, that there has been no  
6 investigation of the complaints that your members have made  
7 by your union?

8 A. That's correct.

9

10 MR SULLIVAN: I have no further questions, Ms Furness.

11

12 MS FURNESS: Mr Sullivan, I have no evidence before me,  
13 clearly, of matters that you have just put to the witness.

14

15 MR SULLIVAN: We didn't know this material was coming out.  
16 I am acting on instructions.

17

18 MS FURNESS: I am not being at all critical but if indeed  
19 you propose to make submissions in respect of this witness,  
20 particularly the evidence he has given in relation to those  
21 four or five matters, before you do so I will need evidence  
22 of the matters that you put to this witness.

23

24 MR SULLIVAN: Yes, of course, Ms Furness.

25

26 MS FURNESS: Mr Wigney, do you have anything further?

27

28 MR WIGNEY: Just one or two matters that arise from those  
29 questions.

30

31 **<EXAMINATION BY MR WIGNEY:**

32

33 Q. Can you go back to your letter of 25 March 2012.  
34 I think in answer to some of Mr Sullivan's questions  
35 concerning your knowledge about individuals who claimed to  
36 have been denied union representation you said you might  
37 need to have a reference to notes or documents to refresh  
38 your memory?

39 A. That's correct.

40

41 Q. I just want to give you the opportunity to have a look  
42 through this material and I will direct your attention to  
43 two matters in due course. Look through this material to  
44 see if any of the material that you provided in response to  
45 the Piper Alderman letter relating to the denial of union  
46 representation. You are probably more familiar with these  
47 documents than me but towards the beginning of the bundle

1 there is a letter of 9 September 2011 from United Voice to  
2 The Star and then further through the material there is an  
3 email of 16 September 2011. I am not saying that they are  
4 the only matters but I direct your attention to see whether  
5 they refresh your recollection. I don't ask you to give  
6 the names of the employees involved but are they specific  
7 examples of this matter that you have referred to, that is  
8 denial of union representation?

9 A. Certainly the letter dated 9 September 2011 would  
10 suggest a denial of union representation.

11  
12 Q. Just stopping you there, Mr Sullivan followed up and  
13 said "Well, it is one thing to say denial of union  
14 representation but was that investigated?" Are you aware  
15 of whether in that particular case that assertion of denial  
16 of representation was investigated and found to be  
17 substantiated?

18 A. Other than the letter of 9 September, to whether  
19 there's been any further follow-up on this incident I'm not  
20 aware of.

21  
22 MS FURNESS: Mr Wigney, just looking at that letter of  
23 9 September, from my reasonably quick reading of it, it  
24 doesn't suggest that there was any disciplinary meeting, it  
25 was more a meeting to discuss a change in rostering.

26  
27 MR WIGNEY: Yes, that's so.

28  
29 MR SULLIVAN: Yes.

30  
31 MS FURNESS: As I understand it, Mr Sullivan's questions  
32 were and indeed the witness was directed towards  
33 disciplinary hearings.

34  
35 MR WIGNEY: Yes.

36  
37 MS FURNESS: Q. So in fact 9 September is not an  
38 indication of the matters that you were asked questions  
39 about by Mr Sullivan; is that right, Mr Boyd?

40 A. That's correct.

41  
42 MS FURNESS: Perhaps it might, given you have re-drawn our  
43 attention to these, Mr Wigney, just to deal briefly with  
44 each of their letters and their content on the record with  
45 Mr Boyd, given the matters Mr Sullivan has raised.

46  
47 MR WIGNEY: Yes.

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Q. Mr Boyd, what you are being invited to do, having given these documents to the inquiry as evidence of the change that occurred between July 2011 and February 2012, can you just take us through them very quickly and give us the briefest of description as to what they are - some of them are formal documents - what they relate to. I don't want you to read on the record everything about them but what do they go to in terms of your evidence concerning the change in that six-month period?

A. The first document dated 9 September 2011, it would appear to go to an issue raised by a member when it comes to change of roster sought to have a meeting with management with union representation and my read of this document is the right to be represented on the issue of roster change or roster --

Q. You have spoken in general terms about that general subject matter in your evidence today?

A. That's correct.

Q. Can we go then to the next document. The first few documents deal with that topic, so go to the next one that relates to a discrete topic.

A. The letter dated 2 December, again in 2011. My quick read of this correspondence would go to the issue of a member who sought to take annual leave and it would appear that no response was given and that we took the matter up on behalf of that member.

Q. So dispute about annual leave. What is the next one?

A. If I can just take a moment to just --

Q. Of course.

A. The letter dated 9 February would again appear to go to the issue of the employee's availability at work and again the matter was taken up on behalf of that member. The letter of 29 December in fact is a letter on the Star letterhead which is a termination of employment.

MS FURNESS: Q. Can I just draw your attention, Mr Boyd, to that letter. In the third paragraph - this is the letter from The Star:

*At the beginning of the meeting held today, you were also given the opportunity to have a United Voice representative attend the*

1           *meeting, as you had indicated over the*  
2           *phone that you would be represented by*  
3           *them. You declined this opportunity at the*  
4           *beginning of the meeting and stated that*  
5           *you had your support person with you and*  
6           *that it was not necessary to dial in the*  
7           *Union also.*

8  
9           That, I take it, is not a reference to the worker being  
10          denied union representation?

11         A.    No, it's not.

12  
13         Q.    What is that relevant to?

14         A.    It could be relevant just as to a termination and it  
15         may have been subject to a matter of Fair Work Australia re  
16         an unfair dismissal.

17  
18         Q.    So that was an unfair dismissal application, was it?

19  
20         MR WIGNEY:    Q.    I think the next document is a notice of  
21         listing. Does that relate to that letter? It is difficult  
22         to see because --

23         A.    It is difficult to see.

24  
25         MS FURNESS:    The dates don't suggest it does, Mr Wigney.  
26         The notice is listed in October 2011 and the termination  
27         letter is December 2011.

28  
29         MR WIGNEY:    Q.    I adverted to a notice of listing there.  
30         What does that inform us of?

31         A.    Of the relevant matters. I'm not aware what the  
32         actual relevant matters are, other than the subject appears  
33         to relate to a number of matters arising out of the  
34         employer's grievance.

35  
36         Q.    They could be anything from rosters to hours of work,  
37         anything?

38         A.    What this would indicate to me is that we've sought to  
39         resolve an issue between ourselves and The Star and the  
40         matter was unresolved, so therefore it is a matter - an  
41         application to Fair Work Australia.

42  
43         Q.    So that goes to the evidence you gave earlier about,  
44         if I can put it this way, the more adversarial approach  
45         these days as opposed to prior to July 2011?

46         A.    Previously; that's correct.

47

1 MS FURNESS: Q. Just continuing through the document,  
2 Mr Boyd, there is a series of emails later on in the  
3 documents that seem to relate to the matter I referred to  
4 earlier in which the determination letter referred to  
5 representation being effectively declined. You will see  
6 there is an exchange of emails about that and part of that  
7 exchange includes a letter from then Star City?

8 A. Yes.

9

10 Q. Do you see that?

11

12 MR WIGNEY: Q. It is a letter of 13 September 2011, I  
13 think.

14 A. Yes.

15

16 Q. It was one of the documents I was going to  
17 specifically take you to, so this is an area of time where  
18 there was an allegation of denial of representation and  
19 Star disputed that contention?

20 A. That's correct.

21

22 Q. Do you know how that was resolved?

23 A. No, I don't.

24

25 MS FURNESS: Q. The very last letter in the bundle is a  
26 termination of employment and lists who were in attendance  
27 at the meeting and they include John McShane. Is he  
28 someone from your organisation, Mr Boyd?

29 A. Yes, he is.

30

31 Q. So there doesn't seem to be, from looking through this  
32 material, anything that deals with the absence of a union  
33 representative; is that right?

34 A. That's correct.

35

36 MR WIGNEY: Thank you.

37

38 MS FURNESS: Thank you Mr Boyd, you are excused from  
39 attendance.

40

41 <THE WITNESS WITHDREW

42

43 MR WIGNEY: Sorry to disappoint anyone who wanted an early  
44 mark today but I am told that Ms Soraya has, contrary to  
45 what was indicated this morning, now turned up and my most  
46 recent note suggests that she was getting a coffee.

47 Perhaps we should just have a brief adjournment now, noting

1 the time in any event, and we will pick up in, say,  
2 15 minutes.

3  
4 MS FURNESS: We will return at quarter past 12.

5  
6 MR WIGNEY: Yes.

7  
8 **SHORT ADJOURNMENT**

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1 MR WIGNEY: I call Annika Soraya. Whilst that's being  
2 done, I think I showed Mr Boyd, and he referred to in  
3 evidence, the Piper Alderman letter. I should have them  
4 marked for identification. I think one number is  
5 sufficient.

6

7 **MFI #4 LETTER DATED 27/2/2012 FROM PIPER ALDERMAN TO**  
8 **MR MARK BOYD, TOGETHER WITH LETTER DATED 5/3/2012 FROM**  
9 **MR MARK BOYD TO PIPER ALDERMAN**

10

11 <ANNIKA SORAYA, affirmed: [12.22pm]

12

13 <EXAMINATION BY MR WIGNEY:

14

15 MR WIGNEY: Q. Ms Soraya, can we have your full name,  
16 please?

17 A. Ms Annika Soraya.

18

19 Q. Before I ask you some questions, can I ask you this:  
20 it's been brought to my attention that you may have some  
21 medical reasons that will cause you difficulty giving  
22 evidence today; is that right?

23 A. Possibly.

24

25 Q. Without going into great detail, what sort of medical  
26 issues are they?

27 A. Just some stress that's been brought upon my shoulders  
28 due to extenuating circumstances, which erupted this week.

29

30 Q. That is stressful matters that have occurred, putting  
31 aside all of this hearing --

32 A. It stemmed from the inquiry, yes.

33

34 Q. Can I ask you this: you recall giving evidence before  
35 Ms Furness in private in relation to various matters some  
36 short time ago?

37 A. That's correct, about four weeks ago.

38

39 Q. As you are aware, that evidence was recorded and now  
40 a transcript has been prepared in relation to your evidence  
41 before Ms Furness. My question for you is this: are you  
42 content for us to regard the evidence that you gave in  
43 private before Ms Furness to be your evidence for the  
44 purposes of this inquiry?

45 A. Of course.

46

47 Q. Is there anything beyond what you told Ms Furness in

1 answer to her questions that you want to bring to the  
2 inquiry or the investigation's attention?  
3 A. Sure.  
4  
5 Q. Is there anything else you want to say?  
6 A. I trust that the copies of my notebook reached  
7 Ms Furness?  
8  
9 Q. Yes.  
10 A. I'm not sure if she has them. Just further to that,  
11 there were many, many other issues that were not documented  
12 in what was only a two and a half hour period with  
13 Ms Furness.  
14  
15 Q. So there are other matters that you do want to deal  
16 with; is that right?  
17 A. There are just so many, that we would be here for  
18 quite some time.  
19  
20 Q. You have to appreciate that what I will ask you about  
21 is if you raise specific matters that occurred, specific  
22 events that occurred, then I will have to ask you some  
23 questions, perhaps some detailed questions, so we know  
24 exactly what you, yourself, saw or heard or did in relation  
25 to these events. You understand that, don't you?  
26 A. Of course I do, yes.  
27  
28 Q. I think it's fair to say that on many occasions - and  
29 you tell me if I'm wrong about this - during the course of  
30 your evidence in private before Ms Furness, she asked you  
31 many times whether there was anything else, and you, at the  
32 very end, said there was nothing else. Do you remember  
33 that?  
34 A. That's correct, but, I mean, I had to get moving.  
35 I couldn't be there all day and all night, you know.  
36  
37 Q. But you didn't say that to Ms Furness. You didn't  
38 say, "Well, there are some more things, but I can't stay  
39 here any longer", did you?  
40 A. Of course. No, that's correct. I didn't realise that  
41 she would have wanted each and every single incident  
42 documented and brought to her attention in detail. I did  
43 outline that there was dozens of incidents, there were  
44 many, but I didn't realise that I was required to outline  
45 in detail each incident.  
46  
47 Q. Do you feel medically fit to answer questions about

1 what you consider to be additional matters - that is,  
2 additional to what you told Ms Furness on the last  
3 occasion? Do you feel medically fit to do that today?  
4 A. I will try my best, and I have some documents to refer  
5 to.  
6  
7 Q. Ms Soraya, you were employed at Star City Casino for  
8 a period of time in 2010; is that right?  
9 A. Correct.  
10  
11 Q. Your employment, I think, commenced on 22 March 2010  
12 and ended on 27 May 2010; does that broadly accord with  
13 your recollection?  
14 A. It does indeed, thank you.  
15  
16 Q. So just over two months?  
17 A. That's correct.  
18  
19 Q. I'll come back to it later and ask you some questions  
20 about it, but on 27 May 2010 your employment with The Star,  
21 or Star City, was ended by way of dismissal or termination?  
22 A. That's correct.  
23  
24 Q. You didn't resign, you were dismissed?  
25 A. No. I did threaten to resign several weeks earlier.  
26 I tried to, due to not being allowed entry into the casino  
27 as per normal employees when they are off duty, which was  
28 also arranged. Due to their refusal, I even went to the  
29 extent of pulling out a handwritten note to them of  
30 resignation. I was quite unhappy there. However, the  
31 eventual departure of my time at the casino was due to an  
32 incident which occurred on the Light Rail, and I have  
33 provided Ms Furness a statement of evidence.  
34  
35 Q. We'll come back to that a bit later, as I said.  
36 A. Of course.  
37  
38 Q. During that short period of time that you were at the  
39 casino, you were a custom liaison officer; is that right?  
40 A. That's correct, within its security department.  
41  
42 Q. That was, putting aside the official title,  
43 effectively as a security officer; is that right?  
44 A. Yes. We had to wear our security licence.  
45  
46 Q. Your employment as a customer liaison officer firstly  
47 was conditional upon you obtaining a special employees

1 licence from the Casino, Liquor and Gaming Control  
2 Authority; is that right? Do you remember that?  
3 A. That's correct, yes.  
4  
5 Q. And you obtained that licence in due course?  
6 A. No, no, I didn't.  
7  
8 Q. Do you recall that at the commencement of your  
9 employment you had to go through an induction or training  
10 program?  
11 A. That's correct.  
12  
13 Q. That was a ten-day program, do you remember that?  
14 A. I can't recall the exact period of days. It may have  
15 been anywhere from seven to ten days.  
16  
17 Q. Did that induction or training program include some  
18 training in relation to responsible gaming, or responsible  
19 gambling?  
20 A. Indeed it did, yes.  
21  
22 Q. Did it include some training in relation to the  
23 responsible service of alcohol?  
24 A. Yes, it did. Those issues were all covered, and how  
25 to deal with those patrons.  
26  
27 Q. Can you just tell us very briefly what, in general  
28 terms, your duties and responsibilities were as a customs  
29 liaison officer?  
30 A. Sure. We were there to protect the casino, but also  
31 to ensure the safety of staff and patrons was part of our  
32 duties.  
33  
34 Q. Ms Soraya, what I want to do, before I come back to  
35 ask you questions about your time at The Star, is to ask  
36 you some questions about a media report that was published  
37 on 26 February 2011 in the Sunday Telegraph. Do you  
38 remember in about mid to late February of this year being  
39 spoken to by a journalist from the Sunday Telegraph?  
40 A. Indeed I do, yes.  
41  
42 Q. And how did that come about? Did you contact that  
43 journalist, did she contact you? How did it come about?  
44 A. I called that particular media outlet myself.  
45 I initiated the contact myself.  
46  
47 Q. You in due course spoke to the journalist and provided

1 some information, did you?  
2 A. That's correct, yes.  
3  
4 Q. She asked you some questions and you answered them; is  
5 that right?  
6 A. As best I could, yes.  
7  
8 Q. Do you remember seeing the report that appeared in the  
9 Sunday Telegraph on 26 February?  
10 A. Pardon?  
11  
12 Q. Do you remember seeing the report in the paper, the  
13 Sunday Telegraph, on 26 February?  
14 A. Yes, of course I do, yes.  
15  
16 Q. I'll have a copy provided to you, because I just want  
17 to ask you some questions about it. You'll see that this  
18 is a photocopy of an article from the Sunday Telegraph,  
19 26 February 2012, and it's under the heading "Casino full  
20 of racist bullies", "The Star denies ex-worker's claims".  
21 I'm just going to take you to a couple of parts of this and  
22 then ask you some questions. You'll see the beginning of  
23 the article refers to, "A former security officer at  
24 The Star claims bullying and racism were rife". Do you see  
25 that?  
26 A. I do.  
27  
28 Q. A little bit further down in the next paragraph, the  
29 journalist reports that:  
30  
31 *Describing her short stint at The Star as*  
32 *a nightmare, Annika Soraya, 32, claims she*  
33 *was driven to despair by the constant*  
34 *taunts over her sexuality and was left*  
35 *shocked at the level of racial abuse.*  
36  
37 Do you see that?  
38 A. Yes. I have read the article.  
39  
40 Q. I'm sorry?  
41 A. I have read this article.  
42  
43 Q. Does that fairly encapsulate what you told the  
44 journalist? Is that an accurate statement of what you told  
45 the journalist?  
46 A. These were not - some of these words were not mine.  
47 For example, the term "kid gloves" is not a term that

1 I communicated. That's not a quote from me. However, VIP,  
2 drunks and prostitutes was definitely said.

3

4 Q. Just focusing on the passages that I took you to that  
5 refer to bullying and racism, and constant taunts over  
6 sexuality --

7 A. That's correct.

8

9 Q. -- and that you were left shocked at the level of  
10 racial abuse. That's what you told the journalist?

11 A. That's what I communicated to this journalist, yes.

12

13 Q. If you go over to the second column, you'll see a  
14 little bit further down there's a reference to you  
15 admitting that you were first suspended, then dismissed,  
16 but then the article goes on to say that you claim it was  
17 due to the "dozens of incidents" of workplace harassment;  
18 is that right? You told the journalist that?

19 A. That's correct. The incidents eventuated in my  
20 behaviour on the Light Rail incident.

21

22 Q. The Light Rail incident?

23 A. Yes. I provided Ms Furness an incident report.

24

25 Q. But that was the incident that ultimately led to your  
26 termination?

27 A. That's correct, and these previous incidents - many of  
28 the incidents which involved myself being subjected to  
29 extensive workplace harassment may have contributed to that  
30 final straw in that particular incident.

31

32 Q. Then just finally, I think, on the top of the third  
33 column, you told the journalist that someone said to you  
34 that when you were a new recruit:

35

36 *Here at Star City we don't worry much about*  
37 *political correctness too much, so I hope*  
38 *you two blokes don't mind if I refer to*  
39 *your mob as Lebs or Lebos.*

40

41 Do you see that?

42 A. Yes.

43

44 Q. That's something you told the journalist?

45 A. Yes, because that was exactly what I heard and  
46 a continuation of this quote was then the trainer said to  
47 us - I'll just pick it up, "Lebs or Lebos for the duration

1 of this induction. Does anyone here have any objections to  
2 that?" That was --  
3  
4 Q. Okay. We'll come back to that specific matter in  
5 a moment, but what I want to do is ask you some specific  
6 questions about what you say amounted to bullying and  
7 harassment and the like. Do you understand?  
8 A. Sure. Of course.  
9  
10 Q. Perhaps the fastest way through this, if I can suggest  
11 to you, is you recall when you gave evidence before  
12 Ms Furness you were asked to give specific examples of the  
13 forms of harassment and the like. Do you remember that?  
14 A. Yes, I do, yes.  
15  
16 Q. Do you remember giving some detailed evidence about  
17 a number of incidents to Ms Furness?  
18 A. Pardon? Could you please repeat that?  
19  
20 Q. Do you remember giving examples of a number of  
21 incidents to Ms Furness when you gave evidence to her?  
22 A. Yes, verbally and then there were two incident  
23 reports.  
24  
25 Q. What I'll do is I'll do it this way: I'll go through  
26 each of the matters that you told Ms Furness on the  
27 occasion that you gave evidence before her privately.  
28 I'll ask you some questions about those matters and then  
29 I'll give you an opportunity to talk about anything else.  
30 Do you follow?  
31 A. Of course I do. In regards to anything further, may  
32 I please take some documents from my bag?  
33  
34 Q. Of course, but just wait for a moment.  
35 A. Sure.  
36  
37 Q. Unless you need to refer to them in relation to these  
38 specific matters.  
39 A. Sure.  
40  
41 Q. What I want to do is take you through the matters that  
42 you told Ms Furness about on the last occasion and I'll ask  
43 you some questions about them. The first thing that you  
44 told Ms Furness about was that in your initial interview at  
45 the Star City, you were asked by the interviewing officer  
46 about your racial background. Do you remember that?  
47 A. Yes. That occurred during an interview process.

1  
2 Q. What you said before was that the interviewing officer  
3 said, "You don't have to tell us this if you don't want to  
4 but, as a matter of interest, what is your racial profile,  
5 what is your racial background?" Do you remember that is  
6 what your evidence is that you were told?  
7 A. Yes, because that's what he said to me in the  
8 interview.  
9  
10 Q. What did you say in response to that?  
11 A. My recollection of my reply to him was that I was born  
12 in the subcontinent of India.  
13  
14 Q. But, you see, the officer gave you the option, if you  
15 wanted to take it, of not actually responding to that, not  
16 telling them what your racial profile was?  
17 A. Yes, of course, I do understand that, yes.  
18  
19 Q. In any event, you told them you were born in India; is  
20 that right?  
21 A. That's correct.  
22  
23 Q. Was the fact that you were asked this during your  
24 interview a matter of concern for you?  
25 A. It sure was, but what can you do?  
26  
27 Q. Well, you could have said, "I'm not going to tell  
28 you", couldn't you, because they offered you that option?  
29 A. Of course they did, yes, I could have. In regards to  
30 my birth place, that's simply where I was born, but there  
31 is no - that does not mean to say I'm Indian. I was born  
32 there, however.  
33  
34 Q. I understand. But you could have said to them, "Well,  
35 I don't want to tell you what that is. What's that got to  
36 do with it?" You didn't do that?  
37 A. Of course, that was an option, but given I was at the  
38 point of interview, I quite - I just - I quite couldn't  
39 bring myself to tell them to fuck off at that point.  
40  
41 Q. I'm not suggesting it would necessarily have been  
42 appropriate for you to tell them to do that, but --  
43 A. Sorry.  
44  
45 Q. -- did you tell them that it wasn't appropriate, or  
46 that you shouldn't be asked about those things?  
47 A. No, I didn't. I think it was quite obvious to them

1 that I was perhaps a bit uncomfortable just with my delay  
2 in response, et cetera.

3  
4 Q. You didn't say anything to those interviewing  
5 officers? Is this a matter that you ever took up with  
6 anyone else with a position of authority at the start, that  
7 is, a concern about this being raised with you in the  
8 initial interview?

9 A. At this point in time, I do not have any current  
10 recollection of that today to bring to your attention.

11  
12 Q. And that's not something about which you've got notes  
13 in the bag that you brought with you today; is that right?

14 A. I don't believe that matter is covered in those notes.

15  
16 Q. The second specific matter that you told Ms Furness  
17 about previously was the one that we've already referred to  
18 a little bit in evidence, and that is where, during the  
19 induction program, the person that was running the training  
20 said:

21  
22 *Here at Star City we don't worry about*  
23 *political correctness too much, so I hope*  
24 *you two blokes don't mind if I refer to*  
25 *your mob as Lebs or Lebos.*

26  
27 Do you remember giving that evidence to Ms Furness?

28 A. Yes, I do, yes.

29  
30 Q. May we take it that that statement, if it was made,  
31 was made specifically by reference to some other people in  
32 the induction group, not to you?

33 A. Yes. In regards to that statement being made, the  
34 trainer was standing at the time and he used his hands and  
35 pointed "you two blokes". So he definitely didn't point at  
36 me. I was offended all the same, but he did not --

37  
38 Q. The comment obviously wasn't directed at you; is that  
39 right?

40 A. I mean, one might assume so, because it actually says  
41 "you two blokes", so I can only, you know, arrive at that  
42 assumption, naturally.

43  
44 Q. Your recollection is that the officer pointed to two  
45 people that were in your induction training program - two  
46 blokes; is that right?

47 A. That's correct, and these two particular new recruits

1 had - previous to his statement here in regards to, you  
2 know, where he refers to "mob as Lebs or Lebos", these two  
3 gentlemen, prior to this, had previously said that they had  
4 volunteered their racial ancestry background, whatnot, to  
5 the group on several different occasions. So, I mean, I  
6 know that the trainer would have known that they were of  
7 this particular racial group before he made these comments.  
8 He would have been fully aware of this.

9

10 Q. Based on what you saw or heard that day, the two  
11 individuals that this statement was directed to, they  
12 weren't at all offended by this comment, is that right,  
13 because they'd already identified themselves as being of  
14 Lebanese origin; is that right?

15 A. Yes. Can I just clarify when they volunteered their  
16 racial - they didn't - when I was in the room and the times  
17 that I saw them volunteer this information about  
18 themselves, they certainly didn't use these term "Lebs" or  
19 "Lebos". Rather, they used whether what some may perceive  
20 to be more politically correct terms like "Lebanese  
21 people" or "Lebanese descent", perhaps you might like to  
22 put it like that.

23

24 Q. But is it fair to say - and tell me if this is  
25 wrong - nothing that you saw or heard that day suggested  
26 that they were at all offended or embarrassed by what this  
27 person said to them?

28 A. Certainly their body language indicated to me that,  
29 but I can't speak on behalf of them. I didn't have any  
30 conversations with them other than to one of the younger  
31 gentlemen, I said to Fouhad, otherwise known as Fred,  
32 I said to him, "When you go home tonight, ask your parents  
33 what they think about that phrase coming from the trainer  
34 who is training security recruits at Star City. Just ask  
35 them what they think of that". I just encouraged him to  
36 enter a healthy debate at home.

37

38 Q. This is something I think you already said offended  
39 you. You considered it inappropriate, did you?

40 A. I deemed his comments to be grossly, grossly  
41 inappropriate. I was deeply offended.

42

43 Q. By this time you had actually been offered employment,  
44 so this was a training program after you were offered  
45 employment; correct?

46 A. Correct, yes. This initial induction was part of our  
47 employment, yes.

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Q. Did you raise with either the person who made these comments, or to his or her superior or anyone in management at Star City, that you considered these comments to be grossly inappropriate or offensive?

A. Pardon, did I communicate my concerns to anyone?

Q. Yes.

A. At this point in time I cannot provide you a list of my recollections in regards to this matter as to perhaps whom I may or may not have communicated my concerns to in regards to this. However, I would say this to you: I believe that at the time we were told there was 14 positions available - a combination of casual, part-time and full-time positions - and we were also reminded on a few occasions throughout the induction period that there were some 300-plus applicants for these roles which they considered and further to that, the particular trainer in question reiterated on several occasions - at least three occasions that I was there during this induction period, he said "We work on a basis of trust here and what we say in this room does not leave this room" and he said that on several occasions. So one would assume they may feel intimidated, you know, some of the new recruits may feel intimidated by his constant reminders, at least on three occasions, that I can recall during this period to not mention anything at all that was said in this room with him to anyone outside of the room who was not present at the time.

Q. Is that a very long way of saying that you now, as you sit in the witness box, don't remember whether you took it any further, that is you reported it to anyone, but based on those things that you have just referred to that you don't think --

A. It may be the case that simply did it, that may have been the case, I'm just - sorry, I --

Q. You just don't remember?

A. I can't give you a precise exact recollection. This was - now it was two years ago and already I know that I was somewhat stunned by some of these events that happened during these inductions.

Q. What offended you about this particular incident is you considered that matters of race shouldn't be raised at all in this employment context. Is that a fair summary of

1 what your concern or offence was related to?

2 A. Of course, because then you have 40 new security  
3 recruits in the room and the trainer stands up with this  
4 address, it really - I was somewhat thrown by it. I was  
5 really quite surprised.

6  
7 Q. Even though it wasn't at all directed at you?

8 A. Look, I don't feel it was directed at me personally,  
9 that's - I don't feel that it was but at the same time  
10 I don't need to be Lebanese to feel offended by this  
11 creature's comments.

12  
13 Q. Let's move on to the third point, that's the third  
14 matter that you raised with Ms Furness on the last  
15 occasion. This complaint related to the actions of one of  
16 your fellow trainees who you told Ms Furness occasionally,  
17 or often, made embarrassing jokes and on one occasion said,  
18 when you were heading off to the bathroom "Look at the  
19 princess gone off to brush her teeth". Do you remember  
20 talking about that to Ms Furness?

21 A. If I don't specifically remember verbally telling  
22 Ms Furness about this, I'm quite certain that there was a  
23 copy of a document that I later provided after my interview  
24 with Ms Furness. So I can't quite recall whether  
25 I verbally told her but, look, she's got the audio, she'll  
26 be able to tell you but that --

27  
28 Q. I'm asking you about your recollection now. Do you  
29 recollect now that you took offence at any stage because a  
30 fellow trainee said that to you "Look at princess, gone off  
31 to brush her teeth"?

32 A. Yes, I remember this was the case and in regards to  
33 what he said, it was - I was informed by one of the other  
34 new recruits in the room at the time that he made these  
35 comments. It fell from his mouth.

36  
37 Q. So he didn't say it directly to you, you heard it  
38 second-hand from someone else that he'd said this as you  
39 were heading off to the bathroom; is that right?

40 A. At this point in time I cannot recall this, given that  
41 I'm somewhat distressed about it, I just can't recall the  
42 exact particulars. Some things I can recall and some  
43 I cannot.

44  
45 Q. You made some reference to a specific person who was a  
46 fellow trainee of yours that took up a position as being  
47 someone that often made embarrassing jokes. What do you

1 remember about that now?  
2 A. Yes, this particular colleague of mine, I know his  
3 name. His name is known to me.  
4  
5 Q. This person, you took this up with management at some  
6 stage, didn't you?  
7 A. This particular incident I did speak to the trainer  
8 because sometimes we had breaks throughout the day and once  
9 all of the other members had left the room I - with this  
10 particular incident I certainly communicated my displeasure  
11 and the fact that I felt somewhat embarrassed by his  
12 constant taunts. I mean, they --  
13  
14 Q. You did raise it with a supervisor and they spoke with  
15 you in a meeting about this particular matter, didn't they,  
16 that is management at the casino?  
17 A. I spoke to the trainer, who took the --  
18  
19 Q. Did these jokes, embarrassing jokes that you talk  
20 about, did they stop after that?  
21 A. No.  
22  
23 Q. What's so funny?  
24 A. I mean, this ordeal, it was a nightmare. It went on  
25 for some eight or nine weeks. The induction - when this  
26 incident occurred it was - can I just remind you that it  
27 was only within the first seven days of my deployment  
28 there, so it certainly only escalated.  
29  
30 Q. I'm asking you about specific things. I'm asking you  
31 specifically about what one employee said. You don't have  
32 any recollection about the statement about "princess gone  
33 off to brush her teeth today". What were the other  
34 embarrassing jokes that this particular individual made?  
35 A. Oh, this particular individual. Well, there was  
36 another incident that occurred that happened outside of our  
37 induction when we were actually on duty on the main gaming  
38 floor.  
39  
40 Q. What was that?  
41 A. Well - so I was on patrol, roaming - just walking  
42 through the public area on the main gaming floor, and this  
43 particular individual, he took it upon himself to send some  
44 friends who visited the casino for a social visit. These  
45 friends of his were not employed and on duty, they were  
46 just simply visitors to the casino. They were patrons.  
47 You know, he sent them over to me, at least it certainly

1 looked this way, that he definitely sent them over to me  
2 whilst I was on duty roaming by myself and these characters  
3 who I had never seen before in my life came over to me and  
4 said "Hey, bella, what nash are ya". I find that grossly  
5 inappropriate. Like, why would you do that? Would you do  
6 that? I mean --

7  
8 Q. So someone who was friends of this individual came  
9 over and said "What nash are you?" meaning nationality. Is  
10 that right? Is what you interpreted it to be?

11 A. Yes, after being asked this question 50 times a week  
12 I've slowly learnt that the term "nash" is a reference to  
13 one's racial profile. Other terms I'm familiar with are  
14 "breed", which I quite don't like because I'm not a dog,  
15 so, you know.

16  
17 Q. So this is something that was said to you by a member  
18 of the public who you believed was a friend of this other  
19 gentleman that sometimes would make embarrassing jokes?

20 A. He definitely was known to this gentleman, absolutely,  
21 because he was having jokes with him, yes.

22  
23 Q. Anything else you want to say about this particular  
24 individual who made embarrassing jokes at times? Anything  
25 else you want to tell us about him?

26 A. There may well be in my documents, after you have  
27 finished your questions, there may well be.

28  
29 MS FURNESS: Mr Wigney, I propose to finish this witness  
30 before we break for lunch, if that helps.

31  
32 MR WIGNEY: Yes.

33  
34 Q. Let's move on, Ms Soraya, because I'm sure you would  
35 be other places as well; is that right?

36 A. That's correct, yes. As a result of this inquiry I've  
37 now got urgent matters to deal with.

38  
39 Q. One of the other things you told Ms Furness was on one  
40 occasion someone made some reference to you as to whether  
41 you would like to be romantically involved with some other  
42 female staff member. Is that something that --

43 A. Yes, now, this got particularly embarrassing.

44  
45 Q. Did that happen?

46 A. On numerous occasions it did and, you know, for  
47 someone that was intent on just sticking to the agenda

1 whilst at work - extremely business-like - and this - well,  
2 it became a distraction because it was so intense the  
3 attention I received.

4  
5 Q. Did you report that to the supervisor or to anyone in  
6 management?

7 A. Yes, I reported this to Oscar Sharon, not that it  
8 needed to be reported because it was just so well-known and  
9 such an open fact that, you know, it was just so  
10 uncomfortable. Everyone knew about it. Many, many people  
11 of the security department certainly knew about this  
12 innuendo and further my objections to discussing my  
13 personal life and details whilst at work.

14  
15 Q. You didn't want to discuss anything about your  
16 personal life or personal matters with anyone at work; any  
17 of your colleagues, anyone, is that right?

18 A. That's correct, however, I did have to try to  
19 communicate my concerns to some of the superiors at the  
20 casino, like the recruiter like Michael Smith I certainly  
21 conveyed my concerns to him and tried to in confidence  
22 explain to him - and there were several other senior  
23 members there - that why I didn't wish to be engaged in  
24 conversations about my personal details whilst at work.  
25 There were extenuating circumstances for that and I'll just  
26 get to those a bit later or whenever you please.

27  
28 MS FURNESS: Mr Wigney, you are up to number 5, I think.

29  
30 MR WIGNEY: Q. Let's just move on. Number 5, I think  
31 you told Ms Furness about an occasion when you were on duty  
32 in a particular position, you needed to go to the bathroom.  
33 You called someone on the radio so that you could be  
34 relieved of your position --

35 A. Right.

36  
37 Q. -- and that person who came to relieve you of your  
38 position said, as he or she approached you, "Bladder  
39 problems"?

40 A. Correct.

41  
42 Q. That is a matter that caused you great offence; is  
43 that right?

44 A. Yes, because this was just one of the many verbal  
45 attention - unwanted verbal attention. It's just not  
46 needed, you know.

47

1 Q. This is a matter about which you made a note in your  
2 official notebook; yes or no?  
3 A. Look, I've got it in front of me. I'll just refer to  
4 it as fast as I can.  
5  
6 MS FURNESS: Mr Wigney, do you know there's a reference to  
7 it?  
8  
9 MR WIGNEY: Yes, there is.  
10  
11 THE WITNESS: Okay.  
12  
13 MS FURNESS: We'll accept that.  
14  
15 THE WITNESS: Mr Wigley, just in regards to the - sorry,  
16 is something funny?  
17  
18 MR WIGNEY: No, that's all right. I'm frequently called  
19 Mr Wigney, I have been called worse as well.  
20  
21 MS FURNESS: Mr Wigney.  
22  
23 THE WITNESS: "Wigney". Pardon me, I'm so sorry. It  
24 would be worse, it could be Mr Wiggle and then you would be  
25 pulling on your yellow skivvy.  
26  
27 MR WIGNEY: I've been called that as well, I assure you.  
28  
29 THE WITNESS: Okay, sure. Sorry. I'm happy to move with  
30 this but it is really important before I leave today that  
31 I do outline to you here today in regards to my personal  
32 circumstances.  
33  
34 MS FURNESS: Ms Soraya, I really want you to answer  
35 questions from Mr Wigney.  
36  
37 THE WITNESS: I'm doing my best.  
38  
39 MR WIGNEY: Q. We are up to the comment about bladder  
40 problems and this is a specific matter that you told  
41 Ms Furness that caused you concern, right?  
42 A. It did purely because it's embarrassing and it's not  
43 needed.  
44  
45 Q. I understand that. Let's move on to point number 6.  
46 A. I'm sorry, I don't have a points thing. I don't know  
47 what you're going on about with the points.

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Q. I am just going through a list of matters that you told Ms Furness last time, okay.

A. Okay, sure. So you have them, I don't. That's okay.

Q. The next specific incident you referred to is you were walking past the male toilets at some stage whilst you were on duty and a cleaner who was on duty at the casino said to you "Go in, you look like a bloke". Is that again another complaint that you remember raising with Ms Furness about your time at the casino?

A. Of course I did, yes, because this is a matter of fact.

Q. And indeed what happened in relation to that is you reported it to management, they took it up with the cleaner, they made him give you a formal apology; that's right, isn't it?

A. That's what eventually happened, after I complained to another senior security officer and he told me this: he said "Look, if you can't put up with a bit of this and that, then you're in the wrong job", Oscar Dion. Oscar is his --

Q. You got an apology from the cleaner, right?

A. It was read out later, yes, but just so everyone in the room understands that I feel that this culture of harassment stemmed from senior ranks within the security department, so let's not skip any of these important bits and pieces, please.

Q. The next matter that you raised with Ms Furness was that on one occasion when you were on duty a cleaner again was involved in what you considered to be excessive vacuum cleaning around your vicinity; is that right?

A. That's correct. It's just two-year-old behaviour, isn't it, yes.

Q. This is something that made you feel uncomfortable, this excessive vacuuming; is that right?

A. It sure did. It's just - I mean, I don't know. Do you want to wear out the carpet, do you? Do you? I mean, I'm not paying for it but it's just stupid. Yes, it's absolutely uncalled for and I've had enough.

Q. Did you in due course report this excessive vacuuming incident to management?

1 A. Yes, at this point can I just say that I communicated  
2 this excessive vacuuming incident when I told Oscar Dion  
3 why I don't like this cleaner because he said this to me on  
4 the way to the toilets and now I feel that he's  
5 intimidating me with his, you know, whipper-snipper vacuum  
6 cleaner, whatever it may be, thing.

7  
8 Q. So the excessive vacuumer was also the man who made a  
9 comment about you being a bloke, looking like a bloke?

10 A. Absolutely, yes, that's correct. Yes, that's right.

11  
12 Q. Did the excessive vacuuming incident occur before he  
13 made formal apology or was it included in the formal  
14 apology? That is, he apologised for excessive vacuuming  
15 around your feet as well as the comment about going in  
16 looking like a bloke?

17 A. From my recollection here today at this point in time  
18 I cannot recall the excessive vacuuming that I felt that  
19 was intimidating. I cannot recall that being a part of the  
20 apology, at this point in time. However, I do not have  
21 that actual letter of apology. They weren't so silly -  
22 they were good at telling us how we should hide documents  
23 and things and how we can always get rid of things and  
24 documents at the casino, so one can only hope that that  
25 letter of apology doesn't exist anymore for their sake.  
26 I mean, I certainly don't have it. Didn't give it to me.

27  
28 Q. You don't remember any apology concerning excessive  
29 vacuuming; is that what you're saying?

30 A. I don't recall that at this point in time, no, you  
31 know.

32  
33 Q. The final matter that you told Ms Furness about your  
34 treatment as an employee involved an occasion in the change  
35 room where someone said to you "Hey, Annika, put my washing  
36 away" or something like that. Do you remember that being a  
37 matter of particular --

38 A. That's correct, yes. "Hey, Annika, pick up my dirty  
39 washing off the floor" and I thought "Please".

40  
41 Q. And again this is a matter about which you lodged a  
42 formal complaint at some stage?

43 A. Well, yes, because by this stage the game - it was  
44 getting ridiculous. Somewhat offended with this fiasco.

45  
46 Q. Those are the matters that you told Ms Furness about  
47 last time you were asked questions about this matter.

1 I think you have indicated that there are some other  
2 matters. Can you just tell us briefly please --  
3 A. Yes, briefly.  
4  
5 Q. -- we don't have all day --  
6 A. Of course we don't.  
7  
8 Q. -- specific incidents that occurred in relation to  
9 your employee at the time that you were an employee there,  
10 putting aside the Light Rail incident.  
11 A. Of course, yes.  
12  
13 Q. Anything else?  
14 A. May I please fetch my notes?  
15  
16 Q. Yes, but we do have some limited time.  
17 A. Yes, don't worry, I've got quite a limited agenda  
18 myself. Okay, got them. Because, you see, you wasted my  
19 day yesterday, you told me I was coming and then I wasn't  
20 and then - dear, oh, dear, you know. So I'm getting  
21 annoyed now. I'm really very upset.  
22  
23 Q. You obviously want to be somewhere else and so do we.  
24 Just tell us briefly specific incidents that you want to  
25 bring to our attention in relation to your treatment as an  
26 employee of the Star casino that we haven't already dealt  
27 with, so extra things.  
28 A. Yes, okay. So in regards to me constantly being  
29 racially profiled and, you know, politely rejecting the  
30 curiosity, I have said some things I will tell you. So in  
31 regards to my racial profile I spoke to Michael Smith about  
32 this and I just said "Listen, there's circumstances there's  
33 reasons why, you know, I'd just like to stick to the  
34 business here".  
35  
36 Q. You told us that you raised with Mr Smith this  
37 complaint?  
38 A. Yes, because I told him that --  
39  
40 MS FURNESS: I think we've dealt with that.  
41  
42 A. -- I'm an orphan and therefore I do not have a birth  
43 certificate and never have, because this was a required  
44 thing, and then I get into my constant harassment of my  
45 racial profile. I quite didn't like being asked repeatedly  
46 by the same staff members about that due to my extenuating  
47 circumstances.

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MR WIGNEY: Q. "What is your nationality?", you were repeatedly asked that, were you?

A. In various ways, "What breed are you?" and it just goes on and on. It's lovely, isn't it.

Q. What else. Putting aside that, what else?

A. Well, putting aside that, then - you see, I told this same gentleman, Mr Michael Smith, that before I was engaged I did not have a birth certificate because he made it clear that you must have one, it's mandatory and so I felt very intimidated by his questioning once I started my employment.

Q. About whether you had a birth certificate?

A. Yes, because --

Q. Let's just move on. Anything else apart from racial comments about your nationality, birth certificate?

A. Yes, there was concerns that I didn't like the phrase that Oscar Dion referred to but I told them - because you want to move away from my birth certificate issue - but I feel that they --

Q. No, you have already told us about that.

A. -- discriminated against me because I didn't have one because I was an orphan and so I told him that there was reasons why I don't like to be constantly asked about my racial profile, et cetera, et cetera, whilst at work and I also told him that, you know, I was abandoned as an infant and left to fend for myself in the streets of my birth nation, India, almost some 32 years ago - at the time. Consequently I was not issued with a birth certificate. I only had the clothes on my back and the bunny rug I was wrapped in. That's just the facts, I didn't have one and there was no trace of hair nor hide of my biological parents. Further, there was not even a simple note as to explain their negligent actions --

MS FURNESS: Q. What are you reading from?

A. -- let alone anything that slightly resembles birth certificate.

Q. Perhaps if you can just provide what you are reading from to Mr Wigney and he can deal with it in that way, it might be quicker.

1  
2 MR WIGNEY: Q. Are you happy to hand that over as  
3 containing any other complaints or allegations you want to  
4 make?  
5 A. I will have to get one and present it to you - give it  
6 to you at some point, if I can, either to CLGGA or  
7 something. I can give this to but I just want to make sure  
8 everybody in the room knows just what's going on here, yes.  
9  
10 Q. Tell us about other specific matters, that's what we  
11 want to know. Specific things.  
12  
13 MS FURNESS: Q. Other than what is in that document.  
14  
15 MR WIGNEY: Q. Other than what you have already told us  
16 - other than your birth certificate because you have  
17 already told us; other than being asked about your  
18 nationality that you have already told us; other than  
19 excessive vacuuming, other than the bladder comment?  
20 A. Well, just I really rejected their constant attention  
21 around me "Why won't you get with this female colleague" -  
22 "get with", you know, and I said - I made it clear to them  
23 - this happened several occasions, I didn't like this and  
24 I reported that to Oscar Sharon and other staff members.  
25  
26 Q. You have already told us about that one as well, that  
27 comment.  
28 A. Right.  
29  
30 Q. Anything else?  
31 A. Yes. That among being harassed at the casino, among  
32 those instances, I felt somewhat extraterrestrial when  
33 being asked about my non-existent birth certificate and so  
34 that made me feel uncomfortable and then there is - well,  
35 yes, we've covered the incident in the change room. That's  
36 all I have at this point in time for you.  
37  
38 Q. I just want to finally move on to one other very brief  
39 aspect of your evidence and that is in this article - have  
40 you still got the Sun Herald article in front of you?  
41 A. Yes. It hasn't done like the documents at Star City,  
42 it hasn't grown legs and walked away, it's right in front  
43 of me.  
44  
45 Q. If you could just answer the questions, if you  
46 wouldn't mind please, Ms Soraya.  
47 A. It's not to my --

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Q. Right-hand side, there is no extraterrestrial - anyway, let's go on.

A. No, I'm not extraterrestrial, that's right.

Q. In the third column you refer to a time during the training course at the beginning of your employment, this is what is recorded in the article, "the term 'grey area' was used to refer to VIPs and dignitaries" --

A. Right.

Q. -- "when it came to reprimanding them over being drunk and propositioning prostitutes". When you gave evidence before Ms Furness in private session you referred to an occasion when Mr Smith, who you have already referred to in your evidence, said during the course of your training these words:

*Now, you need to be a bit careful when addressing guests and VIPs of the casino because you also need to be aware of why we are all here and why we are in these jobs and that without revenue from the casino you wouldn't have jobs. He said to negotiate any of these guests patrons VIP patrons very carefully and be cautioned, you may also want to seek Oscar's advice.*

Is that what Mr Smith said, is it?

A. Yes, in relation to dealing with them that we have Oscars on hand - Oscars are senior security members - and we can seek their advice, yes.

Q. Mr Smith didn't say anything about grey area, that's something that you interpreted from his remarks; is that right?

A. No, he's talked about this matter on several occasions throughout the induction, more than one occasion, and yes, he did use the term "grey area".

Q. Can you tell us exactly what you say he said?

A. "Now, this can be a bit of a grey area" and then he continued but he said that more than one occasion and that's pretty much what I have from Mr Smith. The other incident that I didn't feel comfortable with, I felt I was intimidated or harassed, was by that same gentleman when I tried to best answer his questions and, you know - this

1 is what he said to me.

2

3 Q. Who?

4 A. Mr Smith. This is another incident that I felt very  
5 harassed.

6

7 Q. You're reading from a document again, are you?

8 A. Yes, I am.

9

10 Q. Same document?

11 A. Yes.

12

13 Q. This is a document you'll provide to us in due course?

14 A. Yes, yes, of course.

15

16 Q. He said this to me:

17

18 *Annika, in some 11,000 employees and 14*  
19 *years of operation we have never had anyone*  
20 *fail to provide a birth certificate.*

21

22 I replied:

23

24 *As I mentioned to you and Claire during my*  
25 *interview, I do not have a birth*  
26 *certificate because I have never had one --*

27

28 Q. Ms Soraya, I don't want to be difficult and interrupt  
29 you, but you have already told us on a number of occasions  
30 about the birth certificate comment, okay?

31 A. No, I didn't, because the thing that most offended me  
32 was when he said, "Well, how can you possibly exist?"

33

34 MS FURNESS: Mr Wigney, I'm happy to rely upon the  
35 transcript that's already been taken of this witness's  
36 evidence in respect of the remaining matters. I think at  
37 the beginning of your questioning, you asked the witness  
38 whether she was content for that to be her evidence, and  
39 I'm content for that to be her evidence in respect of the  
40 remaining matters.

41

42 THE WITNESS: Can I get these bits and pieces to you  
43 later?

44

45 MS FURNESS: We'll have that photocopied now and a copy  
46 given back to you. I take it that you don't have any  
47 questions, Mr Sullivan?

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MR SULLIVAN: No, I don't have any questions.

MS FURNESS: Thank you. If you would just wait outside, there will be a copy taken of the documents.

**<THE WITNESS WITHDREW**

MS FURNESS: Can I just indicate that we have had three of the witnesses in relation to the second term of reference.

MR WIGNEY: Yes.

MS FURNESS: And there are two remaining?

MR WIGNEY: Yes.

MS FURNESS: Each of those five were, as I think I indicated on Monday, selected on the basis that every person who has given public evidence in which they have revealed their identity has been called to give evidence publicly during these hearings, and there are two remaining witnesses on Tuesday?

MR WIGNEY: That's right.

MS FURNESS: We will adjourn until 10am on Tuesday morning.

**AT 1.15PM THE HEARING WAS ADJOURNED TO TUESDAY,  
10 APRIL 2012 AT 10AM**

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