

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 Tuesday, 10 April 2012 at 10.03am
(Day 4)

Counsel Assisting: Mr Michael Wigney SC
 Ms Leigh Sanderson

1 MS FURNESS: On Thursday evening the inquiry received
2 a letter from the Leader of the Opposition. Mr Wigney,
3 would you read that letter on to the record?
4

5 MR WIGNEY: Yes. It is an undated letter from
6 Mr Robertson, Leader of the Opposition, Member for
7 Blacktown, addressed to you, Ms Furness, and it reads as
8 follows:
9

10 *I write to you regarding the Inquiry under*
11 *section 143 of the Casino Control Act 1992*
12 *and request that you summons the Premier*
13 *Barry O'Farrell to give evidence.*
14

15 *The public must have full confidence in the*
16 *independence of the Inquiry and your*
17 *ability to call witnesses relevant to the*
18 *investigation, regardless of their position*
19 *in Government.*
20

21 *In light of the evidence heard before the*
22 *Inquiry this week, I believe it is*
23 *essential that the Premier be called to*
24 *explain what role he played in supporting*
25 *Peter Grimshaw's campaign against The Star*
26 *casino and former Managing Director,*
27 *Sid Vaikunta.*
28

29 *As you are aware, on Monday 2 April, the*
30 *counsel representing The Star and Echo*
31 *Entertainment Group, Mr Alan Sullivan QC,*
32 *revealed a number of text messages*
33 *referencing conversations between Mr Peter*
34 *Grimshaw and the then Leader of the*
35 *Opposition, Mr O'Farrell.*
36

37 *These text messages indicate that in 2010,*
38 *Mr Grimshaw was planning his departure from*
39 *The Star casino and talking to Mr O'Farrell*
40 *about his dislike of the former Managing*
41 *Director, Sid Vaikunta. The texts also*
42 *indicate that Mr Grimshaw and Mr O'Farrell*
43 *were planning to take action against*
44 *The Star.*
45

46 *Given that the Premier is aware of*
47 *information critical to the investigation*

1 *and has publicly declared he is prepared to*
2 *appear before the Inquiry, I formally*
3 *request that you summons the Premier to the*
4 *supplementary hearings due to take place*
5 *next week.*

6
7 Ms Furness, can I just indicate a couple of matters in
8 response to this letter. The first is that whilst the
9 letter is undated, as you have indicated, it was received
10 by the inquiry after a media release was issued on the
11 afternoon of Wednesday, 4 April, that the inquiry did not
12 propose to call Mr O'Farrell.

13
14 It is perhaps trite to say the inquiry does have the
15 power to call any witness to appear to give evidence, but
16 the inquiry can and will only call a witness if there is
17 some information or evidence to support a reasonable belief
18 that the witness could give some evidence materially
19 relevant to the terms of reference for this inquiry.

20
21 In our submission, that is certainly not the case in
22 respect of the Premier. The text messages that are
23 referred to in Mr Robertson's letter were authored by
24 Mr Grimshaw, not Mr O'Farrell and, more significantly, were
25 apparently sent in 2010 - that is, a time very remote to
26 the time of the events the subject of this inquiry in the
27 terms of reference.

28
29 Mr Grimshaw's beliefs and state of mind, as perhaps
30 evidenced by those texts, has already been the subject of
31 considerable evidence and that has been fully explored.
32 There is, in our submission, no suggestion that
33 Mr O'Farrell was involved in any way in the actual events
34 that are the subject of the terms of reference for this
35 inquiry.

36
37 We repeat that, on the basis of the information and
38 evidence at hand, there is no intention to call the Premier
39 to give evidence, notwithstanding this formal request.

40
41 MS FURNESS: Thank you, Mr Wigney. Mr Price, you are here
42 representing the two witnesses this morning?

43
44 MR PRICE: Yes.

45
46 MS FURNESS: Thank you. Are there any preliminary matters
47 we need to deal with, Mr Wigney?

1
2 MR WIGNEY: There are two. Can I deal with a simple one
3 first. The last witness to give evidence last Wednesday,
4 I think it was, was Ms Annika Soraya. You may recall,
5 Ms Furness, that during the course of her evidence she was
6 referring to a document which we asked to provided and she
7 wanted to have some copies made. That has now been
8 provided and I should have it marked for identification.
9 I will identify what it is. It's a document that is headed
10 "Star Wars! 'Anakin' Strikes Back & Pulls Ace on Casino".
11 It is in the form of an email, but it is then headed
12 "Statement of a witness 20th May 2010" and then it contains
13 some detail, apparently, in the form of a statement
14 authored by Ms Soraya. I will have that marked for
15 identification.

16
17 **MFI #5 DOCUMENT HEADED "STAR WARS! 'ANAKIN' STRIKES BACK &**
18 **PULLS ACE ON CASINO"**

19
20 MR WIGNEY: The second matter may require a little bit
21 more attention. As to one of the witnesses that was to be
22 proposed to be called today, there is currently an order in
23 force that in terms prevents publication of matters
24 revealing his identity, I think. That is an order that
25 we'll will be submitting ought not be continued and should
26 be vacated.

27
28 That witness is represented here today and I think
29 there is also another party that wants to make submissions
30 in relation to it, or at least to adopt some submissions
31 that have been received in writing. I have some very brief
32 submissions to be made in relation to it. However, I think
33 by virtue of the very nature of the application, it
34 probably should be done in private session. It should only
35 be fairly brief.

36
37 MS FURNESS: All right. I will adjourn for a few minutes
38 in order for the courtroom to be cleared of all other than
39 Mr Price and counsel assisting.

40
41 **SHORT ADJOURNMENT**

42
43 (Proceedings continued in close court)

44
45 (Proceedings continued in open court)

46
47 MS FURNESS: Mr Wigney.

1
2 MR WIGNEY: Just so those assembled in the public galley
3 aren't left in the dark about that, that application
4 involved whether a confidentiality order earlier made in
5 relation to one of the witnesses to be called today,
6 Mr Culpan, should be continued and that order has now been
7 vacated and Mr Culpan will give his evidence without any
8 confidentiality order later on but the first witness we
9 call this morning is Ms Elizabeth Ward.

10
11 <ELIZABETH ANDREA WARD, sworn: [10.27am]

12
13 <EXAMINATION BY MR WIGNEY:

14
15 MR WIGNEY: Q. Can we have your full name please,
16 Ms Ward?

17 A. My name is Elizabeth Andrea Ward.

18
19 Q. Before I commence can I just make it plain that we
20 appreciate and understand that a number of the matters that
21 I will be asking you about today continue to upset you and
22 be of concern to you. If at any time you need to take some
23 time to gather your thoughts, then just simply let us know;
24 do you follow?

25 A. Yes, I do.

26
27 Q. Can I just deal firstly then, Ms Ward, with your
28 employment history at the Star City Casino and The Star.
29 Was it the situation that you commenced employment at
30 Star City in 1995?

31 A. That would be correct.

32
33 Q. At that time Star City was located at Darling Harbour;
34 is that right?

35 A. Yes.

36
37 Q. You commenced in the position of pit manager?

38 A. Correct.

39
40 Q. Can I just ask you this before we move on: is it the
41 situation that prior to taking up employment as a pit
42 manager at Star City in 1995, had you had some previous
43 work experience in casinos?

44 A. Yes. I had actually already been involved in casinos
45 for about eight years prior to that, so I had worked in two
46 other casinos prior to that.

1 Q. What other casinos were they and what positions did
2 you work in in those casinos?
3 A. Actually it was three casinos. I worked just prior to
4 this at Canberra Casino as a supervisor. I also worked at
5 Wrest Point Casino in Hobart as a supervisor, prior to as a
6 dealer/supervisor at that same casino and as a
7 dealer/supervisor at Townsville Casino Hotel.
8
9 Q. That perhaps explains why your first job at Star City
10 was in a position of some responsibility, that is, as a pit
11 manager; is that right?
12 A. Yes.
13
14 Q. Is it the case that you stayed in that position, that
15 is pit manager, for some considerable time at Star City?
16 A. Yes.
17
18 Q. I think for a period of time you worked on a part-time
19 basis for family reasons but you in due course returned to
20 full-time occupancy of that position?
21 A. Yes.
22
23 Q. In November 2008 did you apply for a position in the
24 role of acting casino duty manager?
25 A. Yes.
26
27 Q. Did you then hold that position for some two or two
28 and a half years?
29 A. Yes.
30
31 Q. Again, just going through your employment history, at
32 some period of time were you involved in a specific project
33 at Star City which was known as Project Star?
34 A. Yes, it was the refurbishment of the casino which has
35 just taken place.
36
37 Q. What was your particular involvement in that project?
38 A. I was the liaison between the actual project team -
39 you know, the builders, the planners and table games - to
40 ensure that what we actually received on the floor was what
41 we needed. That was the intention of that position,
42 anyway.
43
44 Q. As a result of your involvement in that particular
45 project, Project Star, were you taken off the floor, as it
46 were --
47 A. Yes.

1
2 Q. -- which means you weren't doing any supervising work
3 in relation to the operation of the gaming floors?
4 A. I was intermittently. So when there was a requirement
5 when we were short staffed in floor casino duty managers,
6 then I was required to assist in that role.
7
8 Q. Again was this in about late 2009 and into early 2010
9 when you commenced in that role?
10 A. Yes.
11
12 Q. Was it the position that during the course of 2010 you
13 were gradually removed from the Project Star team and
14 generally rostered back on as acting casino duty manager
15 again?
16 A. Yes. Without conversation occurring about why that
17 was happening.
18
19 Q. You just found that you had been rostered into that
20 position?
21 A. Rostered more and more.
22
23 Q. Again just proceeding through your work history: in
24 early 2011 did you apply for a permanent position as a
25 casino duty manager?
26 A. Sorry, in what - as a gaming manager.
27
28 Q. A gaming manager?
29 A. The name had changed by that - so you were reapplying
30 for your job and the name had been changed to gaming
31 manager.
32
33 Q. So prior to that application in early 2011 you had
34 essentially been acting in that position but it wasn't a
35 permanent position; is that right?
36 A. Correct.
37
38 Q. Again without going into too much detail in relation
39 to it, was it the situation that at this time, that is in
40 early 2011, the acting position - acting gaming manager -
41 was effectively abolished or to be abolished?
42 A. Yes, it was made redundant, yes.
43
44 Q. Is it the case that all people who like yourself had
45 been acting in that position were required to reapply for
46 their positions?
47 A. Yes.

1
2 Q. Was it the case that there were about 11 or
3 12 positions, permanent positions to be filled?
4 A. Yes.
5
6 Q. But there were more people acting in the position who
7 were applying for jobs?
8 A. There were approximately 15 people.
9
10 Q. Were there any outside applicants, as it were?
11 A. I'm unaware. We were not given that sort of
12 information.
13
14 Q. In any event, you were unsuccessful in that
15 application; is that right?
16 A. Yes.
17
18 Q. When were you notified of that decision?
19 A. It would have been in March of 2011.
20
21 Q. Was it the situation that in about mid March of 2011,
22 that is shortly after being notified of that decision, you
23 went on sick leave?
24 A. Yes.
25
26 Q. In due course did you lodge a workers compensation
27 claim in relation to your sick leave?
28 A. Yes.
29
30 Q. That was a claim that was in due course accepted by
31 The Star's insurers, to your knowledge?
32 A. Yes.
33
34 Q. I will come back and ask you some more specific
35 questions about the events leading up to that shortly but
36 just to deal with it briefly initially: was it the
37 situation that in your workers compensation application
38 claim form you identified the incident that gave rise to
39 your claim?
40 A. Yes.
41
42 Q. Did you identify that as an incident that had occurred
43 in November 2010?
44 A. Yes.
45
46 Q. Again, did that incident that you referred to in your
47 claim involve a particular prominent player at the casino

1 and the general manager of table games at that time?

2 A. Yes.

3

4 Q. Just so as we don't unnecessarily reveal identities
5 here, if I can refer to the particular player that was the
6 subject of this incident as the high roller; is that an
7 acceptable terminology for you?

8 A. Yes.

9

10 Q. Again, and I will come back to this in a little bit
11 more detail in due course, but was the upshot of this
12 incident that you were asked by the general manager of
13 table games to apologise to the high roller about an
14 earlier incident that had occurred?

15 A. Yes.

16

17 Q. As it turned out, did that apology that you provided
18 or attempted to provide to the high roller occur in a
19 public place?

20 A. Yes.

21

22 Q. Was the fact that it occurred in a public place,
23 together with the high roller's reaction to that apology,
24 cause you considerable humiliation and embarrassment as --

25 A. And the lack of support that I received from the
26 general manager during that 40-minute ordeal.

27

28 Q. Was it the upset, and you would say trauma as a result
29 of that incident, that led to you submitting your workers
30 compensation --

31 A. I think that that was - it had culminated to that but
32 there had been ongoing I felt bullying and harassment from
33 the general manager but it certainly did culminate.

34

35 Q. That was the specific incident that you referred to in
36 your workers compensation form?

37 A. Yes.

38

39 Q. Again without needlessly upsetting you about these
40 circumstances, was it the situation that having taken sick
41 leave in March of 2011 and submitting a workers
42 compensation claim, you never returned to work at The Star
43 again?

44 A. That's correct.

45

46 Q. There are various medical reports that were in due
47 course submitted as part of your workers compensation claim

1 and again, just to put it briefly, did they, throughout
2 2011, certify you as being unfit to perform the duties in
3 the role in which you had previously occupied at the
4 casino?
5 A. Yes.
6
7 Q. In December of 2011 was your employment terminated?
8 A. Yes.
9
10 Q. Did the letter of termination that you received from
11 The Star indicate that the reason for the termination was
12 your continuing inability to return to work and perform
13 your previous duties in your position?
14 A. Yes.
15
16 Q. Was it the situation that that termination had in fact
17 followed some correspondence between The Star and your
18 legal representatives about your condition and your
19 inability to return to work?
20 A. Yes.
21
22 Q. Can I now, having set out the bear bones of it, as it
23 were, return to your workers compensation claim and the
24 incident that gave rise to it; do you follow?
25 A. Mmm-hmm.
26
27 Q. As part of your workers compensation application did
28 you in fact prepare a chronology of relevant events?
29 A. Yes, I did.
30
31 Q. You are probably more familiar than anyone else with
32 this particular chronology but I can provide you with a
33 copy of it?
34 A. I'd like a copy. Can I clarify that when I did
35 actually receive on December 23rd a letter of my
36 termination that I was actually working with a
37 rehabilitation coordinator by the name of Michelle Reyes
38 who was provided by the casino, endeavouring to return to
39 work.
40
41 Q. Did you have a desire to return to work in due course?
42 A. Absolutely.
43
44 Q. But at that stage no medical practitioner had been
45 able to certify that you were in fact in a position to --
46 A. To return.
47

1 MS FURNESS: Mr Price, I take it you have a copy of that
2 chronology?
3
4 MR PRICE: No, I don't.
5
6 MS FURNESS: Can I just ask Mr Wigney, is that a two-page
7 document that you have provided the witness?
8
9 MR WIGNEY: That was certainly the one that I had. I have
10 just been shown different versions of it.
11
12 MR SULLIVAN: I have a three-page document.
13
14 THE WITNESS: There are two chronology of events that
15 I actually --
16
17 MS FURNESS: That's all right. Let us just deal with
18 this, if you wouldn't mind.
19
20 THE WITNESS: Sorry.
21
22 MS FURNESS: Perhaps we can have copies of the two-page
23 document.
24
25 MR WIGNEY: I think the substance of them is the same.
26 I think one just contains a little bit more detail.
27
28 Q. I am not going to go through it in painstaking detail,
29 in any event, so it was really just to jog your
30 recollection of some of these events.
31 A. Yes.
32
33 Q. If I can just take you through broadly the chronology
34 that you have set out here. The first event that you have
35 referred to is an event that occurred on 18 October 2010
36 and we will come to the detail in a moment. It concerned
37 the high roller that ultimately the apology concerned; is
38 that right?
39 A. Yes.
40
41 Q. This particular incident you have started your
42 chronology with involved you having to sign for an
43 additional \$50,000 credit to this particular high roller,
44 taking his credit from \$200,000 to \$250,000; is that right?
45 A. Yes.
46
47 Q. Was it the situation that you, having been asked to

1 sign for that additional credit, checked the records of
2 this high roller to ascertain that in fact that additional
3 \$50,000 was permissible?

4 A. Yes.

5

6 Q. But nonetheless did that particular event cause you
7 some concern?

8 A. Yes, it did. I was very conscious of the fact that at
9 no time had he ever paid off the full \$200,000 and this had
10 been an ongoing rolling credit for a period of over
11 12 months. There were signs there, I believed, in his
12 behaviour that indicated that he possibly had a gambling
13 addiction and my alarm bells were going off as to, you
14 know, whether or not we should be giving him an additional
15 \$50,000 when he had at no time endeavoured to pay that
16 \$200,000.

17

18 Q. Did you raise that particular concern with your
19 supervisor, Virginia Baker; is that right?

20 A. Virginia Baker was not my supervisor but she was the
21 responsible gambling manager and I did speak with her about
22 it, as well as the general manager of table games.

23

24 Q. Were you told by Virginia Baker that she had already
25 spoken to the VIP manager in relation to this particular
26 high roller and his credit limit?

27 A. Yes.

28

29 Q. Did she tell you that he, the VIP manager, was dealing
30 with that particular issue?

31 A. She told me that in fact they had bought him a set of
32 golf clubs, were taking him for golfing lessons and that
33 was how they were dealing with what they were admitting to
34 me: they believed he had a gambling addiction.

35

36 Q. Who do you say admitted to you that he had a gambling
37 addiction?

38 A. Virginia Baker.

39

40 Q. Was it suggested to you that buying him golf clubs was
41 intended to give him some --

42 A. Some other alternative exercise to take up his time.

43

44 Q. I will come back to that particular issue shortly.
45 The next two headings in your chronology concern the
46 finding of a possible illegal substance in a bathroom in
47 pit 21 or pit 23 on Saturday, 30 October 2010; is that

1 right?

2 A. Yes.

3

4 Q. I will come back to that but the situation was you
5 were not working that particular weekend at the casino; is
6 that right?

7 A. No.

8

9 Q. And you weren't involved at all in the events that
10 occurred that weekend in relation to the location and
11 securing of that matter; is that right?

12 A. No, I was not there.

13

14 Q. You deal with what occurred when you came back to work
15 on 1 November but I will come back to that as a discrete
16 topic, if that is satisfactory?

17 A. Yes.

18

19 Q. Can we then go to your entry for 4 November, and again
20 I am not going to go through this in painstaking detail,
21 but was the situation that the high roller that we have
22 been referring to, on this particular day, that is
23 Thursday, 4 November, requested sole use of a particular
24 pit, that is pit number 20?

25 A. Yes, he did.

26

27 Q. Was it the situation that at the time that that
28 request was made that these particular pits were normally
29 open to any local player who had access to what is called
30 the inner sanctum?

31 A. No, in actual fact the inner sanctums are specifically
32 for international players, however, we do accommodate local
33 players in pit 20.

34

35 Q. In any event, was this request made initially to you?

36 A. No, it was made directly to [the former employee], who
37 was the VIP operations manager. She passed that on to me.

38

39 Q. It wasn't a request that you felt immediately willing
40 to grant; is that right?

41 A. It was actually on a Thursday, as you can see, and
42 Thursday through to the weekend from 8pm on Thursday we
43 actually offer that to a number of local players. All the
44 other inner sanctums were actually utilised by other
45 international players and there wasn't another room that
46 I could move him to or that I could move the local players
47 to. So I didn't believe at that stage that I could

1 accommodate his request, however, as you will note on my
2 chronology of events, it was about - it was getting close
3 to the VIP operations meeting that we had at 4.45/5 o'clock
4 and I had called Heather Scheibenstock on her phone, it had
5 gone to voicemail. I had had [the former employee] call
6 Martin Graham on his phone, it had gone to voicemail. So
7 I decided that as I had only recently returned to the floor
8 and I felt that I was comfortable in making that decision
9 on my own, that I would just like to put it to the other
10 managers who would be attending that meeting.

11
12 Q. Just dealing with that answer, you referred to some
13 individuals which perhaps should identify what positions
14 they occupy. Heather Schieber --

15 A. Scheibenstock.

16
17 Q. Scheibenstock, I'm sorry. She was what?

18 A. The general manager of table games.

19
20 Q. And you referred, I think, to Martin Graham. He was
21 the VIP manager; is that right?

22 A. Yes, I think his title at the time was general manager
23 of VIP services.

24
25 Q. VIP services, to put it in general terms, is
26 looking after high rollers; is that right?

27 A. Yes.

28
29 Q. So you said you were going to go and consult with
30 those people at the VIP meeting. Was it the situation that
31 they concurred, in your view, that is, that the request
32 shouldn't be granted?

33 A. Unanimously.

34
35 Q. Did you then decide that you would tell this high
36 roller that his request would be denied?

37 A. I first actually contacted [the former employee]
38 because I knew that they had a very close relationship. I
39 was conscious that he was probably not going to be
40 particularly happy and obviously I wasn't trying to
41 exacerbate the situation. I got Garry Comley to give [the
42 former employee] a call and found that she had actually
43 left the premises and was on her way home, so I spoke to
44 Garry Comley about it and I said that I would speak with
45 [the high roller].

46
47 Q. The people that you consulted at the VIP meeting

1 didn't include Mr Graham, the VIP manager; is that right?
2 A. No, he was uncontactable.

3
4 Q. Having been put in that position, can you describe how
5 you approached the high roller and what occurred when you
6 communicated that decision to him?

7 A. Okay. I entered the room, I greeted him as, you know,
8 "Hi" with his name. He was initially quite pleasant.
9 I walked over - I sat down on the edge of the chair and
10 I tried to explain to him that I was aware that he had
11 previously been promised another pit the previous night,
12 that I was very apologetic that we had been unable to
13 accommodate him there. I was also aware that he had now
14 requested that the room be solely his after 8pm and
15 unfortunately then I couldn't accommodate him. I did tell
16 him at the time that I had attempted to contact Martin
17 Graham and Heather Scheibenstock because at this stage as
18 soon as the words were out of my mouth he was starting to
19 rant and I tried to explain to him that should one of those
20 people get back to me and say that he could have the room,
21 that obviously they could override my decision but at this
22 point in time I had no other rooms that I could allocate to
23 him and I was extremely apologetic. There are actually
24 I think three statements from staff supporting my comments.
25

26 Q. I will come back to one aspect of the rant at the
27 moment but the situation was that having communicated that
28 to the high roller was it the case that Mr Graham, the VIP
29 manager, in fact shortly afterwards did come back and
30 override your decision, as it were?

31 A. Yes.

32
33 Q. Again without coming to it into too much detail for
34 present purposes, you are aware, are you not, that
35 subsequent to these events the high roller was critical of
36 the way you had handled the matter?

37 A. Yes.

38
39 Q. He had, in fact, made complaints to management about
40 you being rude and overbearing?

41 A. He actually started to make those comments when I was
42 still in the room. He was shouting at me and shouting that
43 he wanted me to go and get Sid, that he wanted me to go and
44 get - which is Sid Vaikunta - and that he wanted me to go
45 and get Heather Scheibenstock. I again repeated to him
46 that I'd already contacted those people, I'd left voicemail
47 messages and I'm sure that they would come and speak to him

1 at some point in time.

2

3 Q. I think it follows pretty naturally from what you have
4 said that at the time you became aware of the complaints
5 that this high roller had made about your handling of the
6 matter, you denied that you had been in any way rude or
7 overbearing and continue to deny that, I gather?

8 A. Absolutely. I have to mention here that Martin Graham
9 actually came to me in my office at about 8 o'clock and
10 spoke to me about the situation. He told me at the time
11 that the player was very angry, very upset and making
12 accusations. I said to him that I was happy to go and
13 speak with the player again with Martin and try and smooth
14 the waters over. I said to him that at no point had I been
15 rude, aggressive or overbearing in the way that he was
16 claiming. In fact, had actually apologised, used the words
17 "I'm sorry" and I apologised at least five to six times.

18

19 Q. In the days following this particular incident that
20 you described, I think you have referred to Heather
21 Scheibenstock. Did you have a number of discussions with
22 her in relation to this incident over the following days?

23 A. Yes, I did actually. She called me to a meeting with
24 her, I think it was a RAR, which is supposed to be a
25 15-minute conversation regarding your own performance, but
26 those conversations didn't touch upon my performance other
27 than the high roller incident and throughout it I offered
28 her - well, I had actually spoken to the pit manager who
29 had been operating the room. I had asked him to speak to
30 staff, get incident reports written about how I behaved,
31 not to provide them to me but to provide them directly to
32 Heather Scheibenstock. He prepared them and I contacted
33 him several days later to find out if he'd sent them to
34 her, he said he hadn't. I spoke to her and I told her that
35 the pit manager, Andy Carter, had a number of statements
36 from staff, should she wish them. She did not request them
37 from him, so I then presented her with them.

38

39 Q. So these are statements from various people who were
40 witness to this incident attached to an incident report?

41 A. Well, it's called an incident report. It's different
42 from the TGO. It's basically a one-page document which you
43 write your own comments in.

44

45 Q. Again, was the upshot of your discussions over the
46 following days with Heather Scheibenstock, despite the fact
47 of what you told her, she wanted you to apologise to the

1 high roller in relation to the incident?

2 A. Yes.

3

4 Q. Is it also the case that ultimately, again
5 notwithstanding the views you'd expressed to
6 Ms Sheibenstock, you agreed to apologise?

7 A. I did.

8

9 Q. And why was that?

10 A. We often apologise to players for things that they
11 have perceived - you know, where they perceive that they
12 have been treated poorly. That doesn't mean to say that
13 they are necessarily always right. However, it is common
14 practice for us to try and make it a win-win situation.
15 To apologise to a player for the way he has perceived my
16 behaviour, I was not comfortable, really, with doing it,
17 but I understood that there could actually be a benefit to
18 that. To be honest, I wanted the incident over and done
19 with. I wanted it to be finished.

20

21 Q. You communicated to Ms Sheibenstock that you were
22 prepared to apologise and a time and a place needed to be
23 found to do so?

24 A. To facilitate it. He's a regular. He comes in at
25 4 o'clock in the afternoon and over the next, I think, week
26 or so I endeavoured to find an opportunity when he came
27 into the casino. I did actually go to several of the inner
28 sanctums when he was playing there and try to speak with
29 him. On those occasions, he waved me away. He was very
30 aggressive. He refused to speak with me, and I continually
31 reported this back to Heather every time I tried to speak
32 with him.

33

34 Q. Was it the situation that eventually an arrangement
35 was arrived at whereby you were to meet Ms Sheibenstock and
36 the high roller I think in pit 19 at a particular appointed
37 time?

38 A. Yes. It was organised between Heather and I. She
39 sent me a text to say that he was coming into the casino,
40 that she would then meet me at 7 o'clock up in pit 19.
41 I was quite happy with that arrangement. I was conscious
42 of the fact that there would be staff in the room.
43 However, I was not afraid to speak in front of a dealer or
44 supervisor and the pit manager.

45

46 Q. Was it the situation that, as it turned out, you
47 arrived in that pit at the appointed time but no-one was

1 there?

2 A. The pit manager and the dealer and the supervisor were
3 there. They informed me that the player,
4 [former employee], and Heather Sheibenstock, had moments
5 ago left the room. I was surprised at that because she had
6 been going on and on and on about how I needed to, you
7 know, find a time to apologise and she clearly didn't
8 believe me that I had made every attempt to apologise to
9 him. I then tried to call her on her mobile. As usual, it
10 went to voicemail. I left a message to say I was looking
11 for her. I then went into pit 15 to speak to the pit
12 manager there to see if he had actually seen either
13 [former employee], the player, or Heather.

14

15 Q. As it turns out, when you went to look for them, you
16 ultimately found them in the bar area - that is,
17 Ms Sheibenstock, [the former employee] and the high roller;
18 is that right?

19 A. Yes.

20

21 Q. There were obviously other people around?

22 A. It was 7 o'clock on a Thursday night. We were very
23 busy. We had people in the restaurant directly behind, the
24 bar was full, pit 16 was open, which is directly in front
25 of the bar area, and there were players.

26

27 Q. Please understand I'm not being critical of this, but
28 this wasn't at the appointed time and place but,
29 notwithstanding that, you endeavoured to apologise to the
30 high roller in that particular location?

31 A. I certainly didn't want to. Heather indicated for me
32 to take a seat. When I approached the table - I cannot
33 remember exactly what my words were, but I know that I had
34 a bemused look on my face and I know that I was saying
35 words to the effect of, "Are we having our meeting here?"
36 Heather indicated that I should take a seat. She's my
37 general manager. I did as I was instructed. I was hopeful
38 that this was going to be short, sweet and positive.

39

40 Q. But it wasn't?

41 A. No.

42

43 Q. Indeed, again, to put the matter briefly, was it the
44 situation that, having attempted to apologise to this
45 gentleman, he instead turned it around and criticised your
46 behaviour and conduct all over again?

47 A. He did. He berated me for approximately 40 minutes.

1 There were times when I tried to interject where he was
2 clearly telling untruths about things that I had said, the
3 fact that I had been standing and - at one point he was
4 telling such an outright lie that I felt that I had to try
5 and speak. I tried to interject, at which point Heather
6 put her hand up to me and said, "This is not about you
7 being defensive, this is about you apologising".
8

9 Q. Again, really, in a nutshell, this whole incident in
10 this public place, including the reaction of the high
11 roller and, you say, the reaction of Ms Sheibenstock, was
12 what caused you considerable upset and embarrassment and
13 humiliation; is that right?

14 A. There were a number of players that were actually
15 stopping to have a look. There was another - I recall
16 a player that I had often seen - I'm sorry.
17

18 Q. Just take a moment.

19 A. He looked to me and gave me an indication of did
20 I want him to interject. I looked away from him because
21 I didn't want to become emotional. I wanted to have it
22 done - I felt that I just wanted - initially I let the
23 player have his piece. I felt he wanted to get it off his
24 chest and I felt maybe that would allow him to move on.
25 I certainly wasn't expecting him to be able to tell me what
26 a crappy, in his terminology, casino duty manager I was,
27 how I should be sacked, how I should be demoted, that
28 I shouldn't hold that position, that I was shit - his
29 terminology, not mine - without the general manager even at
30 any point doing anything other than nod her head in
31 agreement with him.
32

33 Q. This all occurred, as you indicated in your
34 chronology, on 25 November 2010; is that right?

35 A. Yes.
36

37 Q. Is it the situation that despite your level of upset
38 and embarrassment and humiliation as a result of this
39 incident, you continued to work in your job as acting
40 casino duty manager certainly for the rest of 2011?

41 A. Yes. I did actually go and see my doctor directly
42 after that incident. I received that same night of that
43 particular incident a calendar invite at about 10.30,
44 I think - 10.30 or 11 o'clock at night from Heather saying
45 "Debrief on apology". I at that point had already
46 contacted my lawyer and was quite distressed about the
47 whole incident. As you are aware, there was the other

1 incident that was evolving, and I really did feel that
2 I was being set up. I contacted my doctor. He advised me
3 that I should not go to work because I was quite emotional
4 at the time and very distressed. But, yes, I did return to
5 work.

6
7 Q. I'm not suggesting otherwise, that you weren't upset,
8 but you did continue in your role as acting casino duty
9 manager throughout the rest of 2011?

10 A. I took two days off sick directly after that incident,
11 the first that I'd had in three years, and then I did
12 continue with my work, yes.

13
14 Q. Did you take any time off over the Christmas break?

15 A. No.

16
17 Q. You continued to work in January and February?

18 A. Yes.

19
20 Q. You continued to work in March and it was then that
21 you applied for the permanent position; is that right?

22 A. Yes.

23
24 Q. We've already dealt with this, but, having applied for
25 that position, you in due course found that your
26 application was unsuccessful; is that right?

27 A. Yes.

28
29 Q. Was there a debrief in relation to that application
30 where you were told the reasons for you not being given the
31 position?

32 A. Yes. I actually asked for what reasons I was not
33 being given the position. Heather was the first to speak
34 and the first words out of her mouth were "[the
35 high roller] incident".

36
37 Q. You're referring there to the incident that began with
38 you communicating to the high roller that he couldn't get
39 access to this room?

40 A. Correct, yes. That is my belief. I said that
41 I believed that we had already resolved this. There had
42 been some communication between myself and my lawyer. We
43 had discussed it - and you need to go back to November for
44 this - where I had requested of Heather an apology for her
45 lack of support and that she should approach [the high
46 roller] --

1 MS FURNESS: I make a suppression order. I will direct
2 that the name that the witness has given now on a number of
3 occasions not be published by any person.
4

5 THE WITNESS: I requested that he be approached and told
6 that he could not defame me, as I was aware that he had
7 been speaking to a number of players and staff about me.
8 Both the players and staff were telling me about the
9 comments that he was making. She said to me that she would
10 take 24 hours to think about that. She came back to me the
11 next day. I received an email from her with an apology for
12 her lack of support, and she advised me that she would
13 notify [the high roller] that he was not to defame me
14 within the casino. She also told me that she would return
15 to me and tell me when that had been done, and she never
16 did.
17

18 Q. As you understand it, based on what had been
19 communicated to you by Ms Sheibenstock, the reason for your
20 lack of success in applying for the permanent position
21 really came down to what she asserted, that is
22 Ms Sheibenstock asserted, to be the way you had handled
23 this whole situation with the apology and the like?

24 A. Yes. She did actually also - actually, it wasn't her,
25 it was Belinda Huxtable, the table games operation manager,
26 also piped in that I had apparently commented to someone
27 who she wouldn't name, couldn't name, that I had said at
28 some point apparently, "Now that we've got rid of Vella,
29 all we need to do is get rid of Heather". I absolutely
30 categorically deny that I have ever said that, and the fact
31 that I was friends with Vella is testament to that.
32

33 Q. Can we then, having dealt with that particular
34 incident which gave rise to your application for sick leave
35 and, as you understand it, your lack of success in applying
36 for that position, move on to the other topic that I said
37 I was going to come back to, and that is the substance in
38 the bathroom incident that you have referred to in your
39 chronology. I'm not going to go through this in
40 painstaking detail, because it's been the subject of
41 considerable evidence in another place, but can I attempt
42 to do it this way: I think, as you have already agreed,
43 you weren't at work at all on the weekend when this
44 substance was located; is that right?

45 A. No, I was not at work.
46

47 Q. Was again the situation that you came in on the

1 following Monday and, as a result of what you were told by
2 various people, you became aware that something had been
3 discovered in the bathroom?

4 A. Yes.

5

6 Q. Adjacent to a particular pit?

7 A. Yes.

8

9 Q. And again please understand I'm not being critical at
10 all in relation to this, but having become aware that
11 something had occurred that weekend relating to a substance
12 in the bathroom, you set about trying to find out exactly
13 what had happened?

14 A. I didn't actually set about to find out what had
15 happened. When it was mentioned to me initially by some
16 staff - I always read my emails over the weekend. There's
17 a lot to keep up on when an operation runs 24 hours. I had
18 not seen anything in my emails indicating that there had
19 been anything happening in any of the inner sanctums. When
20 I came into work it was told to me by Stewart Erskine that
21 there had been cocaine found in one of the inner bathrooms.

22

23 Q. Just stopping you there, did he use the word
24 "cocaine"?

25 A. I think he actually said, "There was a white powder
26 which we think is cocaine found in the bathroom".

27

28 Q. Having had that mentioned to you, obviously that
29 caused you some level of concern; is that right?

30 A. Yes, absolutely, and also considering the fact that
31 I saw no reports, no emails. There didn't seem to be
32 anything substantiating his comments.

33

34 Q. So you endeavoured, as best you could, to try and find
35 out from people that were there what had happened and how
36 had it been dealt with by the staff at the time; is that
37 right?

38 A. During the course of the day, as normal procedure,
39 I will look through the previous shifts. If it has been
40 just the previous 24 hours - in this case it was the
41 previous 48 hours - I would just go through the shift
42 reports that are done by the casino duty managers. It
43 wasn't at the forefront of my mind because at the time
44 I was sure that it had been dealt with appropriately.
45 I did note, when I was reading the casino duty manager's
46 shift reports, there was absolutely no mention of it.
47 I then went to the pit reports that are compiled by the pit

1 manager for each room, and again found no comment, or no
2 indication that anything untoward had happened.

3
4 I thought that both of those facts were fairly
5 unusual, so I looked through the TGOs, which are the table
6 games incident reports, and there obviously should have
7 been a TGO written on this incident.

8
9 Q. You ascertained, however, in due course, that someone
10 from the security section had completed an incident report
11 in relation to this particular incident; is that right?

12 A. Yes. I was involved with surveillance during the
13 course of the day and into the evening, and in conversation
14 I did bring it up and asked if there had been an LAP, which
15 is a security incident report, written.

16
17 Q. Again, without getting bogged down in excessive detail
18 in relation to this particular incident, you were
19 ultimately told that it had been concluded that the
20 substance that had been found in the bathroom was in fact
21 concrete dust; is that right?

22 A. Some time later, that is what I was told by
23 Heather Sheibenstock.

24
25 Q. Were you dissatisfied with that statement being made?

26 A. I was, I was, for a number of reasons. I really need
27 to refer to section 31 and Ms Furness's notes here. The
28 fact that throughout the LAP that the security officer had
29 written, there are some subcategories and titles there, and
30 he had brought the first one as "illegal undesirable
31 activity".

32
33 Q. That's the incident report that had been completed by
34 the security officer that you were ultimately able to
35 obtain?

36 A. Yes.

37
38 Q. I think what you are referring to is that in that
39 incident report there's a box to be filled out in terms of
40 category or subcategory of the incident?

41 A. Yes.

42
43 Q. It had been described in terms of a category as
44 "Illegal or undesirable conduct" and the subcategory said
45 "drug related"?

46 A. Yes.

1 Q. That was indicating that the officer that was
2 completing the incident report believed it may be a drug?
3 A. Yes.
4
5 Q. That's one thing. What's next?
6 A. He then goes on during that to write "white powder" --
7
8 Q. Sorry, it's hardly surprising that that was recorded.
9 If he didn't think it was a drug, he wouldn't fill out an
10 incident report?
11 A. Correct. My alarm bells were the fact that we had not
12 done anything about it, the fact that when I looked at --
13
14 Q. Just stopping you there, when you say "we had not done
15 anything about it", what do you mean?
16 A. A number of factors or facts came to me --
17
18 MS FURNESS: Q. Sorry, can you answer Mr Wigney's
19 question. Who do you mean by "we"?
20
21 MR WIGNEY: Q. When you say "we had not done anything
22 about it", you weren't there --
23 A. I talk about "we" as the casino.
24
25 Q. Hadn't you ascertained, if not on the Monday, in the
26 days that followed, that in fact people from the security
27 section had bagged this substance and locked it, or at
28 least put it in a security officer's drawer --
29 A. Yes. It was bagged up into a standard plastic bag.
30 It wasn't put into a hard core bag. The tape had not been
31 tagged.
32
33 Q. In due course, you became aware that the investigation
34 section had become involved in looking at this, I think,
35 early the following week?
36 A. No. In actual fact, it was I who notified both
37 Heather Sheibenstock and Kevin Houlihan of the fact that
38 there had been a substance found in the bathroom.
39
40 Q. The investigations section got involved and
41 Mr Houlihan was the investigations manager; is that right?
42 A. Yes.
43
44 Q. And there was another investigations officer, and you
45 were told in due course that one of the investigations
46 officers had in fact tested the substance and found it not
47 to be, or at least presumptively not to be, a narcotic?

1 A. No, that was not what I told. Kevin Houlihan - and
2 this is another thing that has caused me great angst.
3 I had a meeting with Kevin Houlihan after I had been told
4 by Heather that it was cement dust, and Kevin categorically
5 stated to me that he had had it sent to an independent
6 laboratory. Now, I thought, in my 24 years of working in
7 casinos, I've never heard of us bagging something up and
8 sending it off to an independent laboratory. I questioned
9 him on that.

10
11 Q. When do you say Mr Houlihan told you that?

12 A. It was actually at this meeting which I have with him,
13 and I think it's actually mentioned in the section 31.
14 I think it is Monday, the 8th.

15
16 Q. Of November?

17 A. Of November.

18
19 Q. That's the following week after you turned up to work
20 on 1 November to discover what had happened; is that right?

21 A. Look, to be honest, I can't exactly remember the date.
22 I do remember that I had been contacted by Heather and told
23 that it was cement dust. I was in complete disbelief of
24 that, and I contacted Kevin again to speak about that.

25
26 Q. In due course he told you - and we can worry about the
27 details of precisely what sort of test - it had been tested
28 and found not to be a narcotic, is that what you say?

29 A. Yes.

30
31 Q. Did he also tell you that, based on his extensive
32 experience prior to him starting at The Star, it didn't
33 appear from its appearance to be a drug, in his view?

34 A. Yes.

35
36 Q. What was it that was causing you concern?

37 A. The anomalies that were here.

38
39 Q. Let's try and deal with it this way. This is
40 obviously something that concerned you at the time and
41 indeed continues to concern you; is that right?

42 A. Yes.

43
44 Q. You - and again without going into great detail - in
45 due course read the section 31 investigation report, did
46 you?

47 A. Yes.

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Q. And you ascertained that that report dealt in some considerable detail with this incident - indeed, as a case study; right?

A. Yes.

Q. And you are aware that, from reading what was said about it in the section 31 report, the investigations section at The Star themselves did a report which identified a number of failures in the way in which the matter had been dealt with by staff at The Star; right?

A. Yes.

Q. So, self-criticism, as it were?

A. Yes.

Q. You are also aware from having read the report that the authority had concluded that the handling of the matter by staff at the casino was poor; correct?

A. Yes, unusually poor.

Q. You had drawn attention to the fact that the investigations section should have been alerted sooner than they were - number one, right?

A. Yes.

Q. That the substance should have been photographed in situ, meaning in the position it was before it was bagged; right?

A. Yes.

Q. That it was poor because when it was bagged it wasn't properly secured, for the reasons that you've already articulated?

A. Yes.

Q. It was put in a particular bag and not secured in the proper way?

A. Into a drawer which many, many people have access to.

Q. So there doesn't seem to be any argument about those aspects of the dealing?

A. No.

Q. You are also aware that the authority concluded that, despite the poor handling of that matter by the staff, as a matter of fact there was no cover-up? You are aware of

1 that?
2 A. I am aware of that.
3
4 Q. You are aware that the authority concluded, having
5 investigated the matter, that the substance was in fact not
6 a drug, but it was concrete dust or some other benign
7 substance?
8 A. The substance that was tested was not a drug.
9
10 Q. I take it from that answer that you, notwithstanding
11 what you read in the report, remain dissatisfied with the
12 finding that it wasn't a drug?
13 A. Yes.
14
15 Q. You believe it was a drug?
16 A. No, I don't believe what they tested was a drug.
17 I believe what was originally found in the bathroom was
18 a drug.
19
20 Q. What's the basis of that belief?
21 A. The inconsistencies, the fact that the bag was kept in
22 basically an unsecured drawer, it was left there for
23 approximately a week, that we have a number of people who
24 actually saw the substance who have clearly stated that
25 they believed it was a drug. There is a very big
26 difference between a gritty grey cement dust and a fine
27 white powder.
28
29 Q. Who were the people that you say --
30 A. Well, we have the surveillance duty manager who told
31 me that he thought it was an illegal substance. We also
32 had James Robins say that he thought it was an illegal
33 substance. We have a maintenance technician who deals in
34 cement dust on a daily basis and yet, apparently, on this
35 particular day couldn't tell the difference between a fine
36 white powder and gritty grey cement dust. I find all of
37 these things quite surprising.
38
39 Q. Just to put it in a nutshell, your concern remains
40 because it was sitting in a drawer for a week - that is,
41 the sample supposedly taken?
42 A. Yes.
43
44 Q. So lack of security?
45 A. Lack of security.
46
47 Q. A number of people who expressed a belief that what

1 they saw was a drug?
2 A. Yes. I still believe to this day that James did taste
3 it.
4
5 Q. We'll come back to Mr Robins in a moment. That's
6 a third thing, Mr Robins' statement apparently that he
7 tasted it, right?
8 A. Yes.
9
10 Q. So we have three things. Anything else?
11 A. Yes. The fact that Kevin Houlihan categorically
12 stated, and I continually questioned him for about 15 to
13 20 minutes on this, that it had been sent to an independent
14 laboratory. Why did he not just come out and say, "Test it
15 here. We have a presumptive test, we'll test it here"?
16
17 Q. So that's the fourth matter, concerns about what you
18 say Mr Houlihan told you?
19 A. Yes. On Friday, 5 November, when I spoke to
20 David Gould about the incident, I had him review the tape.
21 I actually --
22
23 Q. Sorry, review what tape?
24 A. The tape of when the substance was picked up. He
25 informed me that the tape --
26
27 Q. You will have to give us more detail. You are talking
28 about security footage?
29 A. It's a digital image, but we refer to it as a tape.
30
31 Q. That was not in the bathroom?
32 A. No, it was externally. I asked him whether or not
33 there had been any review of who else had been into the
34 bathroom and I asked him to review that. I note in the
35 section 31 that the surveillance operator says that she was
36 not asked to review it, but I actually had spoken on
37 Friday, 5 November, and asked David Gould, who was
38 a surveillance shift manager, to review it. He came back
39 to me and said that he could not see anybody else enter
40 that bathroom. Also, I asked him - and he noted to me at
41 the time as well that the tape had not been tagged. I was
42 gobsmacked, and I asked him to tag the tape. On Monday the
43 8th, the tape has disappeared. It had been tagged on
44 Friday.
45
46 Q. So the absence of any security tape showing who went
47 into or out of the bathroom?

1 A. Yes.
2
3 Q. That obviously wouldn't have demonstrated one way or
4 another what the substance actually was, would it?
5 A. No.
6
7 Q. So just put that aside for that reason.
8 A. Yes.
9
10 Q. That's something that perhaps should have been
11 followed up in terms of investigating the matter,
12 particularly if it had turned out to be a drug, but that
13 wouldn't have determined one way or another whether it was
14 a drug; right?
15 A. No, it would not have.
16
17 Q. Let's just put that aside. We still have the four
18 things that make you think it was a drug. Anything else?
19 A. Look, the things that make me think it was a drug are
20 the fact that to me there was a cover-up. I had --
21
22 Q. You see, what we're trying to drill down to here,
23 Ms Ward, you will appreciate, is what are the facts that
24 led you to conclude that it was a cover-up. There is no
25 point repeating that you believed it was a cover-up, you
26 have to give us the facts. You have given us four things
27 so far.
28 A. Yes, the fact is that suddenly I had Heather
29 Sheibenstock on my back every five minutes. I couldn't
30 turn around without her standing there, and I really felt
31 that my interest in this had become a problem for them.
32
33 Q. Covered up by who?
34 A. Well, if I can cut to what I really think actually is
35 happening here, [the high roller] --
36
37 Q. Can you answer my question?
38
39 MS FURNESS: Q. Please don't use the name of the player.
40 A. Sorry, my apologies.
41
42 MR WIGNEY: Q. Someone at the casino was covering it up?
43 A. Yes.
44
45 Q. Who?
46 A. I believe that Heather Sheibenstock was told to shut
47 me up, to close the investigation down, and I believe that

1 that instruction came from Sid Vaikunta.
2
3 Q. This belief is based on those four things that you
4 referred to?
5 A. No, my belief is based on the fact that I had had
6 a fairly friendly relationship with Sydney Vaikunta in the
7 past. The player had had a friendship with Sid. It is my
8 belief, and I base this on Sid's behaviour as well, that
9 they possibly had a social habit together, and that by the
10 player being outed by calling the police, by investigating
11 a little bit closer, there was a possibility that Sid was
12 going to be outed.
13
14 Q. You say, do you, that you believe that Heather
15 Sheibenstock and Sid Vaikunta put their heads together,
16 conspired - you understand that point?
17 A. Yes.
18
19 Q. They conspired to cover this up, is that what you are
20 saying?
21 A. Yes.
22
23 Q. The first matter you referred to as being one of the
24 bases for this theory you have is that the substance had
25 been in the drawer for a week, that had been located?
26 A. No. The reason that I believe that they conspired is
27 from other behaviour.
28
29 Q. Was that one of the things? Just answer my question.
30 A. I think it was changed.
31
32 Q. Try not to talk over the top of me.
33 A. Sorry.
34
35 Q. That was the first thing you referred to, right?
36 A. Yes.
37
38 Q. You believe it was changed. By who?
39 A. I couldn't name a particular person. There was access
40 by many people to that drawer.
41
42 Q. So someone has gone into the security officers' office
43 and drawer, removed what you think was a drug, and replaced
44 it with concrete dust; is that what you're saying?
45 A. Yes.
46
47 Q. And you don't know who?

1 A. No.
2
3 Q. What about Mr Houlihan, do you think he's part of the
4 conspiracy?
5 A. I think that there is a possibility that it could have
6 been him. I think that it could have been a security
7 officer. I think that it could have been somebody who took
8 the drug and used it for his own personal use.
9
10 Q. The security officer who first filled out the incident
11 report, is he a part of the conspiracy?
12 A. I would be - no. Look, I would be just guessing at
13 who could possibly have taken it.
14
15 Q. What about the other investigations officer, that's
16 Mr Houlihan's colleague, who you are aware did a
17 presumptive test on the substance. Is he part of the
18 conspiracy?
19 A. Well, I don't know. I can just go on the facts that
20 I have in front of me and that they don't add up.
21
22 Q. So you say because of the deficiencies that are
23 identified in the report, this is a vast conspiracy
24 involving a whole lot of people to swap --
25 A. No, I don't think it's a vast conspiracy.
26 I apologise, I am talking over the top of you but I do not
27 believe that it is a vast conspiracy. In fact, I believe
28 that it is possibly just one or two people but
29 unfortunately they are quite powerful people.
30
31 Q. Was it Mr Vaikunta who went into the security
32 officer's drawer and swapped the substance, is that what
33 you think?
34 A. No, Mr Wigney, I don't think that.
35
36 Q. Ms Scheibenstock, making yourself - going to the --
37 A. No, I don't think Ms Scheibenstock did it either.
38
39 Q. Mr Houlihan?
40 A. Possibly.
41
42 Q. What's the basis for you thinking that Mr Houlihan
43 would have involved himself in --
44 A. Well, the only basis that I have for anybody having
45 done it would be that we have on one report and from a
46 number of people - there were seven people who witnessed
47 that in that room on the day that it was actually found -

1 was that we firstly have a white substance and now we have
2 a gritty grey substance. I don't know. I can't tell you
3 what day it disappeared, I can't tell you the person who
4 took it. All I can go on is the facts.

5
6 Q. You see, it is a pretty serious allegation to be --

7 A. Yes, it is.

8
9 Q. -- suggesting that someone swapped this substance?

10 A. Yes, it is.

11
12 Q. All you're really pointing to, I suggest, is some of
13 the inconsistencies in the way that the matter was
14 ultimately dealt with by the staff?

15 A. Yes, there are the inconsistencies but there's also
16 the fact that, you know, I tagged the tape on Friday the
17 5th, on Monday the 8th the tape has disappeared. We have a
18 white bag of substance, now we have a grey bag of
19 substance. There are a number of things that are done. We
20 only test for cocaine, we don't test for anything else
21 although we had access to a number of tests. We tell me
22 that we've had it sent to an independent laboratory. In
23 actual fact we find out sometime later that it was tested
24 on site with a presumptive test.

25
26 MS FURNESS: Q. Ms Ward, can I just ask you a question.
27 You indicated before to Mr Wigney that you considered a
28 possibility to be a person having used the substance for
29 their own benefit?

30 A. Yes.

31
32 Q. If that is a possibility, wouldn't that rule out a
33 conspiracy?

34 A. Look, do you know what, I am only in possession of the
35 facts that I have. I'm not saying that that is what
36 actually happened, I'm just saying that these are avenues
37 that need to be more thoroughly investigated.

38
39 Q. But you would agree that if, indeed, that was a
40 serious possibility, that would rule out a conspiracy?

41 A. Yes, it would rule out a conspiracy, yes.

42
43 MR WIGNEY: Q. Have you ever heard of the concept where
44 sometimes when things go wrong there's two explanations:
45 one is a conspiracy, one is incompetency --

46 A. Yes.

1 Q. -- 99 times out of 100 it's incompetency?

2 A. It's incompetency, yes.

3

4 Q. Do you understand that?

5 A. Yes.

6

7 Q. You exclude that the incompetence that was outlined in
8 the report doesn't adequately explain all of this?

9 A. Of so many people? I've worked with so many of the
10 people at the casino and I just find it unbelievable. I
11 believe that David Gould absolutely tagged that tape on
12 Friday. That was not his incompetence. I know that it was
13 tagged on Friday, on Monday it's not tagged. It has
14 disappeared, in fact. There are a number of issues and
15 matters here that I just think that there are too many
16 issues with what actually happened. I can understand that
17 in the initial situation that there could possibly have
18 been laxness, incompetence but I also was very much aware
19 of the behaviour from Heather towards me, which I found
20 most unusual. Also the behaviour of Sid Vaikunta towards
21 me directly after I had started my investigation, he had
22 gone from being a very friendly, welcoming person who often
23 greeted me with a kiss, to somebody who walked to the other
24 side of the casino to avoid actually bumping into me.

25

26 Q. Just dealing with Ms Scheibenstock for the moment,
27 wasn't the situation simply this: that Ms Scheibenstock
28 was telling you, within at least a couple of weeks of this
29 incident, that it had been investigated, it had been found
30 to be concrete dust and you really should let it rest?
31 Isn't that all she was doing?

32 A. Her manner was aggressive and threatening. She was
33 agitated in the way that she spoke to me. These were the
34 actions of a woman I felt who was desperate to shut me up
35 about it. I offered her things that I had brought - it was
36 obviously, you know, they were saying to me, you know,
37 "This is concrete dust" and I wanted to know "Okay, so
38 where's this concrete dust come from?". I thought these
39 were things that - you can't just go "Well, it's concrete
40 dust". I really felt that there needed to be further
41 investigation. Where did it come from?

42

43 Q. But there was further investigation, it was tested and
44 found to be concrete dust.

45 A. There was only further investigation - there was only
46 a test done and Heather herself told me this because I was
47 making such a fuss about it. So would that have happened

1 if I had not?
2
3 Q. We don't want to go around and around in circles about
4 this. I just wanted to deal with one more topic. You
5 referred as one of your reasons for believing that in fact
6 this was a drug and not a benign substance, that you
7 believed that Mr Robins - that's Mr James Robins --
8 A. Yes.
9
10 Q. -- in fact tested it and tasted it and found it to be
11 cocaine; is that right?
12 A. Yes, in actual --
13
14 Q. No, is that right?
15 A. Sorry?
16
17 Q. Is that right?
18 A. That I believed that he tasted it?
19
20 Q. Yes.
21 A. Yes.
22
23 Q. Is that right?
24 A. Yes.
25
26 Q. You were present in court, I think, last Wednesday
27 when Mr Robins gave evidence, weren't you?
28 A. Yes.
29
30 Q. You heard him say that he was joking or winding you
31 up?
32 A. Yes.
33
34 Q. You say he's lying, do you?
35 A. I do.
36
37 Q. Why?
38 A. Because in actual fact I had forgotten about the
39 incident where he spoke to myself and Sandy. It was not
40 the incident that I've referred to a number of times when
41 I say that he told me that he tasted it. In actual fact,
42 the very first time that he told me that he'd tasted it was
43 within days of it being found. We were walking over
44 towards the lifts to level 3, I was walking beside him and
45 I said to him, "You know, you're aware of this powder" he
46 said to me "Yeah, I was there" and I said "What do you
47 think?" and he said to me "Well, I know it was cocaine

1 because I tasted it".

2

3 Q. Yes.

4 A. Now, I --

5

6 Q. And he said he was joking?

7 A. No, no, no, that was on the second incident because it

8 was only James and I at that time, Sandy was not there.

9 I had completely forgotten about the incident at another

10 time where Sandy was present, so --

11

12 Q. But Ms Ward, you heard him say in the witness box last

13 Wednesday he did not test it, he did not taste it, didn't

14 you?

15 A. I also heard him --

16

17 Q. Did you hear that?

18 A. Yes, I did.

19

20 Q. And you say he's lying about that, do you?

21 A. Yes, I do.

22

23 Q. The basis of that belief is what?

24 A. Because of the implications of him actually admitting

25 that (a) he knows what cocaine tastes like and (b) that

26 he's tasted it at work. I --

27

28 Q. So is he part of the conspiracy?

29 A. I think that he's protecting his job.

30

31 MS FURNESS: I notice the time, Mr Wigney. We will

32 adjourn and return at 10 minutes to 12.

33

34 **SHORT ADJOURNMENT**

35

36 MS FURNESS: Ms Ward, the oath that you took earlier this

37 morning still binds your evidence, you understand that?

38

39 THE WITNESS: Yes, I do.

40

41 MR WIGNEY: Q. Before I move on to a separate and quite

42 discrete topic can I just finish off on the substance in

43 the bathroom issue in two ways. Firstly, one of the four

44 or five matters that you refer to as being the basis for

45 your belief that this substance was a drug was that a

46 number of people who you referred to who initially dealt

47 with this discovery said that they believed it was cocaine,

1 is that right, or a drug?
2 A. Yes.
3
4 Q. You'd agree with me that of those people who initially
5 expressed a belief or a view that this might be drugs, that
6 none of them were police officers or former police
7 officers, to your knowledge?
8 A. Yes.
9
10 Q. The two individuals who in fact were former police
11 officers were, firstly, Mr Houlihan; is that right?
12 A. Yes.
13
14 Q. And his colleague in investigation, Mr Andrew
15 McGregor; correct?
16 A. Yes.
17
18 Q. Those two, who had experience as a police officer, to
19 your knowledge both expressed the opinion that it wasn't a
20 drug; right?
21 A. Yes.
22
23 Q. I think it's fair to say this, isn't it, Ms Ward:
24 that you believe, quite passionately obviously, to this
25 very day - some 18 months later - that there was a cover-up
26 in relation to this incident?
27 A. Yes.
28
29 Q. Would you also agree that essentially nothing could be
30 done now to allay your concerns that you have expressed
31 about this being a cover-up?
32 A. True.
33
34 Q. Before I move on to a discrete topic, your husband
35 used work at the casino; is that right?
36 A. He's not my husband, he's my partner.
37
38 Q. I'm sorry, your partner; I do apologise. You were
39 never married to him?
40 A. No.
41
42 Q. His name is Gordon Vail; is that right?
43 A. Correct.
44
45 Q. He at certain times was a table games development
46 manager; is that right?
47 A. Yes.

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Q. Is it the situation that he, that's Mr Vail, resigned from the casino in 2011?

A. He asked for a redundancy.

Q. It was a voluntary arrangement with his employer; correct?

A. Yes.

Q. He ultimately left on terms quite acceptable to him?

A. I don't think that leaving the casino was what he wanted to do but he felt like he was being forced in a position where he had no alternative.

Q. He certainly wasn't terminated?

A. He - no, it wasn't an involuntary termination.

Q. This was all on, I think, about February 2011?

A. Yes.

Q. I just want to read to you from a document that you may be familiar with. It's an email from your partner --

MS FURNESS: I'm sorry, Mr Wigney. I just noticed that Mr Price isn't here. If inquiries can be made as to where Mr Price is.

MR WIGNEY: Just excuse us for a moment.

(Mr Price enters the hearing room)

MR PRICE: My apologies, Ms Furness.

MS FURNESS: Continue, Mr Wigney.

MR WIGNEY: Q. It's an email from your partner to various people at the casino, including some of the people that you have referred to; for example, Ms Scheibenstock. What your partner says is:

Dear Colleagues, .

It's time for a change of scenery. I have worked in many casinos since I was a young lad (with my hair hidden down my shirt collar).

Star City and Wrest Point being my all time favourites. My last and first casino

1 *respectively.*
2 *As my old engine becomes worn out, I*
3 *believe now is the perfect time to take a*
4 *long lazy break from the pressures of work.*
5 *This is a voluntary arrangement and Tabcorp*
6 *have made my departure comfortable.*
7 *I will not have time to catch up with*
8 *almost all of you, so please accept my*
9 *apologies for this and hopefully you will*
10 *all have a happy and healthy life.*

11
12 Is that a document you have seen?

13 A. Yes, at some stage I would have.

14
15 Q. That accurately expressed your partner's sentiments,
16 in terms of him leaving his employment with The Star in
17 February 2011; correct?

18 A. I think it accurately depicts how he felt about the
19 staff.

20
21 Q. Including Ms Scheibenstock?

22 A. No, the staff.

23
24 Q. Well, she's amongst the --

25 A. Yes, she would have received it.

26
27 Q. I want to come to a completely different topic, if
28 I might. As you're aware, on I think three successive
29 evenings in late February 2012 Channel 7 carried reports in
30 relation to the casino; is that right?

31 A. Yes.

32
33 Q. You were interviewed and put your view?

34 A. Yes.

35
36 Q. Comments that you made turned up on that broadcast;
37 correct?

38 A. Yes.

39
40 Q. Can you tell us how it came to be that you were
41 interviewed by Channel 7. Did you approach them, did
42 Channel 7 approach you?

43 A. I was actually originally approached by somebody that
44 I had known some time ago who works for Channel 7.

45
46 Q. Who was that?

47 A. Michael McKinnon.

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Q. To see if you would be prepared to talk to someone from Channel 7; is that right?

A. Yes.

Q. You obviously were prepared to do so; is that right?

A. Yes.

Q. You were interviewed by someone, were you?

A. Yes.

Q. How long did the interview take?

A. It actually occurred over two days, although the footage was only taken on the second day. I'd found that bringing up many of these matters was very distressing and thus there were two days.

Q. You obviously in due course saw the broadcast as they were put to air, I think on the 20th, 21st and 22nd of February; is that right?

A. Yes.

Q. I think you are aware that what I want to do is take you through a couple of things that you record as having said during those interviews and ask you some questions about; do you follow?

A. Yes.

Q. The first matter I want to ask you about I really need to read out something said by the compere before you made your statement. The compere started off - and this is the first report of 20 February 2012:

The scandal surrounding Sydney's Star casino is deepening with a former manager tonight telling of a culture of illegal drugs, sexual harassment and bullying of staff and she's not alone, with several other current and former employees also blowing the whistle to 7 News on what the high rollers get up to behind closed doors.

The reporter says:

For weeks now, Star casino has been heaving under the weight of scandal. But no-one has gone on the record until now.

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Then the question directed to you - that was the introduction:

Have you ever seen a culture like there is today at The Star?

Your answer:

No.

And then the question:

In any other casino that you've worked at?

And the answer:

No, not to this extreme, no.

Did you in the course of your interviews tell the Channel 7 reporter that there was, in your view, a culture of illegal drugs, sexual harassment and bullying of staff?

A. Yes.

Q. Was this based on your own personal experience?

A. Yes.

Q. The culture of illegal drugs, does that go back to the substance in the bathroom incident?

A. That was one of them.

Q. What else was there?

A. There was also another incident which I was aware of that Tony Hoard was involved in where drugs were being ferried to a room. I haven't got --

Q. Just stopping you there.

A. Yes.

Q. You were not personally involved in that at all?

A. I was aware of discussions that were occurring around that.

Q. This is something that someone told you?

A. Correct.

Q. You didn't witness anything to do with that incident

1 at all; is that right?
2 A. I didn't witness it, no.
3
4 Q. So the only matter relating to illegal drugs that you
5 had some part to play in was the substance in the bathroom
6 incident; is that right?
7 A. No, I wouldn't say that. I would say that anyone who
8 can stay awake for more than 24 hours is more than likely -
9 I'd like to see somebody come forward and say that they can
10 stay longer awake than, you know, 24 hours without the use
11 of drugs. So to me there is evidence of that. There was
12 also --
13
14 Q. Hang on, let's just stop you; one at a time. You say
15 this is an inference that you draw from the fact that
16 people who go to the casino stayed up for 24 hours?
17 A. And longer.
18
19 Q. Is this something that you witnessed yourself?
20 A. Yes.
21
22 Q. But you didn't see them taking drugs, talking about
23 drugs or anything, it's an inference that you have drawn;
24 conclusion just from the fact that they've stayed awake for
25 a long time, is that right?
26 A. No, there are always other symptoms as well. So
27 staying awake for a long time is maybe something that bring
28 them to your attention because they have an ongoing rating
29 in the pitch rate system.
30
31 Q. Just stopping you. If someone is at the gaming table
32 for a very long period of time and you form a concern about
33 that, there is procedure to be gone through to report that
34 concern; is that right?
35 A. Yes.
36
37 Q. Did you ever fill out any incident reports or any
38 other formal complaint in relation to anyone that you saw
39 sitting at a table for 24 hours or more?
40 A. We don't actually fill out formal documentation on
41 that, it is reported verbally and I did that many times.
42
43 Q. To whom?
44 A. Security managers, security duty officers, to
45 Virginia Baker, to my casino duty managers.
46
47 Q. I am dealing with culture of illegal drugs. So far,

1 in terms of your experiences, you have got the bathroom
2 incident, number one, right?
3 A. Yes.
4
5 Q. I am not going to go back to that. You have got
6 something that someone told you about a separate incident
7 that you had no direct involvement in; correct?
8 A. My partner Gordon Vail was directly involved in that.
9
10 Q. You weren't?
11 A. No.
12
13 Q. We've got an inference or conclusion that you have
14 drawn from the fact that some people on some occasion
15 stayed at the table for a long period of time?
16 A. Yes.
17
18 Q. What else is there to support the culture of illegal
19 drugs?
20 A. There was actually numerous incidents which I had with
21 - I shouldn't say numerous, I should say several - several
22 incidents which I had with Sid Vaikunta where I believed
23 that he was under the influence of drugs during those
24 meetings or conversations.
25
26 Q. On what basis?
27 A. His behaviour and --
28
29 Q. Which was?
30 A. Erratic. He was - you know, had things like - his
31 symptoms were glassy eyed, eyes dilated, licking his lips,
32 a particular twitch and a sniff which is actually how he
33 became known as "Sniffing Sid".
34
35 Q. So you inferred from these physical appearances of
36 Mr Vaikunta that he was taking drugs, did you?
37 A. There was a possibility that he was. I have been
38 watching people for 24 years in a casino, that's my job, we
39 are trained observers. I've seen quite a few people with
40 similar symptoms who have addiction.
41
42 Q. Did you ever lodge a report in relation to your
43 beliefs in that regard?
44 A. I don't know where you lodge a report to suggest that
45 your managing director has possibly a drug problem.
46
47 Q. What about E-Tips?

1 A. Which goes directly to Sylvia Aliosos and then goes to
2 your general manager. I, like many staff, have no faith in
3 E-Tips.
4
5 Q. Does it not initially go to an entirely independent
6 body before it's referred to management?
7 A. And then it's referred to Sylvia Aliosos and no-one
8 who has utilised it has any faith in E-Tips, it's not --
9
10 Q. You can only speak for yourself. You didn't have any
11 faith in it, right?
12 A. I didn't and nor do many of the staff who constantly
13 have - or have communicated with me in the past about that.
14
15 Q. So you didn't report it via E-Tips. Did you go to the
16 investigation section?
17 A. No.
18
19 Q. You didn't go to security?
20 A. I did actually on a number of occasions speak with
21 other casino duty managers about it and in actual fact it
22 was another casino duty manager who gave me the name of
23 Sniffing Sid and what could be done. The general consensus
24 was that while he appeared to be in control, that there -
25 and I didn't have any evidence, as you say, of actually
26 witnessing him taking any drugs - then there was possibly
27 nothing I could do about that.
28
29 Q. So that's three things: incident in the bathroom,
30 observations about people staying at the table for a long
31 time, thirdly, observations in relation to Mr Vaikunta.
32 Anything else?
33 A. I think one is enough but I think - no, I think that
34 that sort of covers it.
35
36 Q. One is enough --
37 A. I was also --
38
39 Q. -- to support a view of a culture of illegal drugs?
40 A. No, but I think that it's enough to raise some
41 eyebrows. I also was aware --
42
43 Q. Whose eyebrows, yours?
44 A. Anybody's eyebrows in a casino. If you use the word
45 "somebody using drugs" on - and then gambling on a table
46 that would raise anybody's eyebrows.
47

1 MS FURNESS: Q. Ms Ward, the incidents you have just
2 given I take it all took place prior to March 2011?
3 A. Yes.
4
5 MR WIGNEY: Q. To put that in context, that's just under
6 a year or more from the time that you spoke to Channel 7?
7 A. Yes.
8
9 Q. Anything else about culture of illegal drugs?
10 A. I was aware that Elmer Funke Kupper had requested that
11 there be a sweep of level 4 for drugs and I'm not sure how
12 I became aware of that but as far as I was aware that
13 hadn't happened.
14
15 Q. Is that it?
16 A. Off the top of my head, yes.
17
18 Q. Culture of sexual harassment. Is that something you
19 told the reporter?
20 A. Yes.
21
22 Q. Based on?
23 A. Personal experience of staff making complaints about
24 other managers.
25
26 Q. Who?
27 A. There were a number of complaints about Frank Basic,
28 who was a casino duty manager or an acting casino duty
29 manager.
30
31 Q. When?
32 A. During this period of time.
33
34 Q. What period of time?
35 A. Within the last - that year, that I was aware of.
36
37 Q. Being acted on?
38 A. Not to the satisfaction of the staff member.
39
40 Q. So this is all something you were told by other
41 people, you obviously didn't experience it yourself?
42 A. By a staff member.
43
44 Q. You were told by other staff members, were you?
45 A. No, by the staff member that was making the claim.
46
47 Q. One person, was it?

1 A. One person that spoke to me about that incident.
2
3 Q. Anything else in support of culture of sexual
4 harassment?
5 A. I found the conversations which were often engaged in
6 from anything from a security officer putting boxes onto
7 the tables and talking about "pushing it in, pushing it
8 out" and "I like it hard", you know, "Push it in hard"
9 I found that offensive and that had happened, I had made
10 complaints to Mick Dean about the security officers doing
11 that. There were also incidents where I was in a baccarat
12 room meeting where Sid Vaikunta himself was talking about
13 "Bring on the pussy". I found that objectionable and
14 I complained to David Hally about that. I had a meeting
15 with him about that.
16
17 Q. Did you ever lodge any sort of formal complaint in
18 relation to these things that you heard people say?
19 A. Well, I believed that by speaking to David Hally that
20 I was lodging a formal complaint about that.
21
22 Q. You didn't document it in writing?
23 A. I don't recall documenting anything in writing.
24
25 Q. There's a human resources sector both at The Star and
26 also at Echo Entertainment, the parent company; you're
27 aware of that, aren't you?
28 A. Yes.
29
30 Q. Did you ever speak to anyone in human resources about
31 these conversations that you'd heard?
32 A. Well, my --
33
34 Q. Yes or no?
35 A. No.
36
37 Q. Thank you. Culture of bullying of staff. Are you
38 referring to what you talked about in evidence today in
39 relation to Ms Scheibenstock, your personal experience;
40 anything else?
41 A. There were a number of instances over a period of
42 time, probably only within the last year or so, where
43 I felt that the staff had not been heard appropriately and
44 that there was - obviously when we have somebody who comes
45 to us with a complaint there was always a desire --
46
47 MS FURNESS: Q. Who's "us"?

1 A. As in the casino. So casino duty managers. If
2 somebody comes to one of the casino duty managers --

3

4 MR WIGNEY: Q. What I would like you to try and do is to
5 focus on things involving you, not what you were just told
6 by other people.

7 A. Well, I read emails on these. There is always an
8 email that is sent out and so then I do see factual
9 evidence that that has occurred.

10

11 Q. Just coming back to this article: the exchange
12 between you and the reporter continues. He says:

13

14 *Drugs, sex, sexual harassment.*

15

16 And your response is:

17

18 *It's party town in there, it's a permanent*
19 *party.*

20

21 What did you intend to convey by "It's party town in
22 there", that the guests were having a fun time?

23

24 A. The guests were having a fun time but --

25

26 Q. Is there a problem with that?
27 A. When it steps over the boundaries, yes, there is.

28

29 Q. Boundaries being responsible service of alcohol and
30 responsible gambling?

31

32 A. And just standard, common decency.

33

34 Q. What do you mean by that?
35 A. There was certainly a change in the way we approached
36 if somebody was doing somebody that would not normally have
37 been deemed appropriate.

38

39 Q. Can I just ask you to focus on your personal
40 observations.

41

42 A. My personal observations were that we were lax in
43 ensuring that our players behaved appropriately. There
44 were comments being made to our staff, particularly in the
45 Sovereign Room, less so on the main gaming floor, were we
46 always took action - certainly in the Sovereign Room we
47 were hearing more and more complaints from staff about the
48 way patrons were speaking to them and interacting with
49 them, and less action from our management.

1 Q. As acting casino duty manager, it was part of your
2 responsibility, if not your duty, if such complaints were
3 made, to take them up with management; is that right?
4 A. Yes.
5
6 Q. And did you?
7 A. Yes.
8
9 Q. Who and when?
10 A. Belinda Huxtable heard from me, Heather Sheibenstock
11 had heard from me.
12
13 Q. Formally in a document, in a complaint?
14 A. In email form, in verbal conversation, and --
15
16 Q. Sorry, I don't wish to belittle what you are saying,
17 but this is, what, guests saying rude things or behaving
18 obnoxiously; is that right?
19 A. Yes.
20
21 Q. That's what you intend to mean by "party town"?
22 A. Well, in actual fact, what we were hearing from
23 Sid Vaikunta, Larry Mullin and Victor Tiffany, who I had
24 many meetings with, was that we needed to "loosen
25 up" - were the words that were used to me on several
26 occasions by Victor Tiffany, that we were too straight down
27 the line and that we needed to relax in our attitudes
28 towards people having a good time. So things like serving
29 a bottle of champagne to the table, you know, needed to be
30 reviewed, and that was all well and good. I wasn't against
31 that, but certainly just allowing people to, you know - I'm
32 trying to think of the words that he used to me. To
33 just --
34
35 Q. Can I suggest something?
36 A. Yes.
37
38 Q. Less like a big RSL, a bit more like a sophisticated
39 entertainment venue?
40 A. No, that would just infer that we had rules that
41 needed to apply. We did have rules on the main gaming
42 floor, but we weren't seeing those rules applied in the
43 Sovereign Room.
44
45 Q. What rules?
46 A. The rules about, you know, you can't swear, you can't
47 refer to the dealer with a sexual nature, and those things,

1 were becoming lax.

2

3 Q. Moving on through this article, the reporter then
4 says:

5

6 *Elizabeth Ward has worked in casinos her*
7 *entire career, 24 years, 16 of them at*
8 *The Star. But when she tried to*
9 *investigate a suspected drug scandal*
10 *involving a high roller, her career and her*
11 *husband's career came to an end.*

12

13 You then said:

14

15 *I have literally lost everything. Both of*
16 *us are unemployed at this point in time.*

17

18 Right?

19 A. Yes.

20

21 Q. Did you tell the reporter that your husband's career
22 came to an end because of the suspected drug scandal
23 involving a high roller?

24 A. Yes.

25

26 Q. But it didn't, did it?

27 A. Yes, it did. You need to understand what had happened
28 over the weeks that preceded his actual - when he asked for
29 a redundancy. In actual fact, after Heather wrote me my
30 apology, my husband - I'm referring to him as my husband
31 now, he's my partner - he actually had downloaded the Org
32 chart which has everybody's picture on it, who's who within
33 the organisation, as we were having constant changes, and
34 had noted that his own photograph had disappeared from
35 that. He went in to speak Heather Sheibenstock about that
36 to find out where his position stood, and her exact words
37 to him were, "I don't". He saw the writing on the wall and
38 he decided to jump before he was pushed.

39

40 Q. But he had absolutely nothing whatsoever to do with
41 the incident involving the substance in the bathroom, did
42 he?

43 A. He actually came in to support me in my meeting where
44 I spoke with Heather and Robyn Judd, the HR manager,
45 regarding the apology.

46

47 Q. But the fact of the matter is, Ms Ward, he did not

1 lose his job because of a suspected drug scandal involving
2 a high roller?

3 A. He was being pushed out the door, Mr Wigney.

4

5 Q. He said:

6

7 *This is a voluntary arrangement and Tabcorp*
8 *has made by departure comfortable.*

9

10 A. Yes. I hardly think he's going to stick on an email,
11 "Heather Sheibenstock has made it impossible for me to
12 continue to work in this company."

13

14 Q. Why? Why didn't he say that to his friends and
15 colleagues if that was in fact the truth?

16 A. Would you have written that on yours? No, I don't
17 think so. I think that he is a man of honour and he was
18 basically trying to walk away from that with cash in his
19 pocket, in the best scenario possible.

20

21 Q. What about you - your career didn't come to an end
22 because you tried to investigate a suspected drug scandal
23 involving a high roller, did it?

24 A. Well, I have to disagree with that, because Heather
25 harassed me, she bullied me, she put her finger in my face,
26 she told me to shut up, shut it down. In actual fact, my
27 lawyer said to me, when I was speaking to him about what we
28 wanted from the incident with the player abusing me, I said
29 to him that I wanted an apology. He said, "If you ask for
30 that, you end your career, she will change the title of the
31 job". And what did we have? She changed the title of the
32 job.

33

34 Q. You see, I took you through the entire chronology
35 leading to you going on sick leave in March of 2011, and
36 you agreed that what that flowed from was the incident
37 involving the apology to the high roller, and even then you
38 worked for another four months or thereabouts at the casino
39 before you went on sick leave and that only occurred after
40 you didn't get the job, right?

41 A. Under duress.

42

43 Q. When you were told why you didn't get the job, you
44 weren't told that it had anything to do with the incident
45 involving the drugs in the bathroom; you were told because
46 of the way you had dealt with the high roller in the
47 context of that apology. You agreed with all of that,

1 didn't you?

2 A. Yes. That's what was told to me, but the incident
3 with the high roller in the bar was actually, I believe,
4 linked to what had actually happened already and that I was
5 investigating - the drugs in the bathroom, or the illegal
6 substance. I don't think that it is of any coincidence
7 that I start my investigation into the pit 21 bathroom, and
8 some four days later the patron makes a complaint about me,
9 when I have witnesses to say that I behaved in a totally
10 acceptable manner and pleasant manner. I have never had
11 a problem with this player in the past, other than
12 I personally have been concerned about his gambling
13 problem.

14

15 Q. So you believe, do you, that someone told the high
16 roller that you were agitating in relation to the substance
17 in the bathroom that somehow he was involved and therefore
18 he took a set against you? Is that what you're saying?

19 A. He was the player in pit 21. There was no player in
20 pit 23.

21

22 Q. You're suggesting that someone told him you were
23 raising this as an issue and that's what gave rise to this
24 whole incident? Is that what you are saying?

25 A. Yes.

26

27 Q. Was he part of the conspiracy?

28 A. I don't see it as a conspiracy, sir.

29

30 Q. Can I just go to a couple of other portions of this
31 report. A little bit later on in the report, the reporter
32 says:

33

34 *Claims too that high rollers are plied with*
35 *free drinks and food to stay at the table,*
36 *some beyond 48 hours. Is that responsible*
37 *gambling?*

38

39 *ELIZABETH WARD: I do not believe so.*

40

41 Now, did you, yourself, personally see high rollers being
42 plied with free drinks and food?

43

44 MS FURNESS: It says, "to stay at the table", I think
45 that's important.

46

47 MR WIGNEY: Q. Yes, "to stay at the table"?

1 A. Well, drinks are brought to the tables and brought to
2 the inner sanctums, clearly.

3

4 Q. Patrons of the inner sanctums are provided with food
5 and drinks, but your claim is, that you agreed to.

6

7 *... high rollers are plied with free drinks*
8 *and food to stay at the table ...*

9

10 Right?

11 A. Well, I believe that --

12

13 Q. Did you witness that happening?

14 A. Well, the fact that we bring food and alcohol to the
15 tables is certainly of concern. You need to actually break
16 them from playing at the tables and get them to move away
17 so that they can reassess, have time to think before they
18 go back. If we bring food and drink to the table it gives
19 them no opportunity to leave the table and have a break
20 from that gambling.

21

22 Q. You are experienced in casinos. Aren't drinks and
23 food brought to players at the tables in just about every
24 casino in the world?

25 A. Does that make it right?

26

27 Q. Did you ever witness anyone staying at the table for
28 beyond 48 hours?

29 A. I witnessed ratings where I saw people's ratings open
30 for that period of time. Clearly I have to go home at some
31 point, but I was conscious of the fact, and it was brought
32 to my attention on a number of occasions - I can remember
33 Geoff Maher, who was a supervisor on morning shift,
34 bringing to my attention on day shift that he noted several
35 players were wearing the same clothes, and they didn't
36 really appear to have moved and he wanted me to check their
37 ratings. I did that, and I could only find a period of
38 a couple of minutes between play. I spoke with the VIP
39 host and requested that they leave.

40

41 Q. That would be a serious concern in relation to
42 responsible gambling, wouldn't it, if that happened?

43 A. Yes.

44

45 Q. If they were at the table for more than 48 hours.
46 Did you ever lodge a formal complaint in relation to any
47 occasion where you checked the ratings and observed that

1 happening?
2 A. Yes. I wrote emails to Virginia Baker about those
3 players.
4
5 Q. An incident report?
6 A. In those situations it is just an email that is filled
7 out.
8
9 Q. How many times?
10 A. I worked there for 16 years, Mr Wigney. I cannot tell
11 you how many times. It would be numerous.
12
13 Q. Have a stab at it.
14 A. Sorry?
15
16 Q. Have a stab at it.
17
18 MS FURNESS: Q. Perhaps in the last 12 months before you
19 left, Ms Ward, that would be useful.
20 A. I personally took action probably ten times.
21
22 MR WIGNEY: Q. When you say "took action", you say on
23 ten occasions in the 12 months preceding your departure,
24 you sent an email to someone alerting their attention to
25 the fact that someone in your view had stayed at a table
26 for more than 48 hours?
27 A. And possibly was displaying --
28
29 Q. Ten occasions?
30 A. I would say so. That is an estimate, but I would say
31 so.
32
33 Q. If we searched the email records at the casino, we'd
34 find ten email reports from you in relation to that
35 incident?
36 A. Yes. You might be able to search that. You could
37 also have a look at the incident reports and TGOs.
38
39 Q. But you never filed an incident report?
40 A. I'm not saying that I never filed an incident report.
41 I just can't recall a name of somebody that I specifically
42 filed one for. I also had players who had family members
43 come to me and complain and I passed those on as well.
44 Many times, those conversations are a phone conversation.
45
46 Q. Can I move on to the next day's footage on Channel 7,
47 21 February 2012. Again, I'll read what the reporter said

1 to you before reading your comment:

2

3 *Last night, among claims of sex, drugs and*
4 *harassment at Star casino, 7 News aired*
5 *allegations a senior minister from an*
6 *overseas government was ejected for obscene*
7 *behaviour.*

8

9 You are reported as saying:

10

11 *He was sexually harassing one of our staff*
12 *members and making some very inappropriate*
13 *comments about his genitals.*

14

15 Right?

16 A. Yes.

17

18 Q. You weren't at the casino when this happened, were
19 you?

20 A. No.

21

22 Q. This was something that happened after you went on
23 sick leave?

24 A. Yes.

25

26 Q. Did you tell the reporter that?

27 A. Yes.

28

29 Q. How did you know that he was sexually harassing one of
30 the staff members and making some inappropriate comments
31 about his genitals?

32 A. The first thing that --

33

34 Q. How did you know?

35 A. Well, because I became aware through phone
36 conversations.

37

38 Q. With who?

39 A. With staff members.

40

41 Q. Who?

42 A. Many staff members.

43

44 Q. Who?

45 A. Ms Furness, I'm afraid to actually mention people's
46 names because I believe that Morton Christiansen and
47 Toby Edwards, in particular, were terminated due to their

1 association with me and the belief that they provided me
2 with these reports. So I'm --

3

4 MS FURNESS: Q. But, Ms Ward, your evidence is that the
5 comments you made in relation to the senior minister were
6 based entirely on information that was provided to you by
7 other people?

8 A. Yes.

9

10 Q. You didn't witness any of it yourself?

11 A. No.

12

13 MS FURNESS: Thank you. That is probably sufficient,
14 Mr Wigney.

15

16 MR WIGNEY: Q. You say you told the reporter that this
17 wasn't something you witnessed at all?

18 A. Yes.

19

20 Q. It's not, if you don't mind me saying, an impression
21 one gets from the way you reported it to the reporter, if
22 I can put it that way?

23 A. Well, I'm not sure that that document has all of the
24 conversation there - I think that that document is the one
25 that has "...", does it not?

26

27 MS FURNESS: I accept, Mr Wigney, that there has been
28 editing.

29

30 MR WIGNEY: Q. If I can then just briefly deal with the
31 next report, 22 February 2012. Again, I'll give you
32 a lead-in from the reporter before we come to your comment.
33 The reporter says:

34

35 *After weeks of claims of drugs, sex and sex*
36 *harassment, more. The pop star who hit the*
37 *tables every night for months, responsible*
38 *alcohol rules didn't seem to apply*

39

40 Then someone else has reported, not you, as saying:

41

42 *It wasn't unusual to see him up in the*
43 *Sovereign Room absolutely beyond drunk.*

44

45 You say:

46

47 *Obnoxious was a word that often came out.*

1
2 The reporter said:
3
4 *This was time and time and time again?*
5
6 You said:
7
8 *Yeah, repeatedly.*
9
10 Again, is this something you witnessed? A pop star seen to
11 be repeatedly drunk in the Sovereign Room?
12 A. I spoke with the staff directly. I believe it was
13 actually noted on a shift report.
14
15 MS FURNESS: Q. Sorry, the question was whether you had
16 observed it?
17 A. I had observed him in the Sovereign Room, yes.
18
19 MR WIGNEY: Q. How many times?
20 A. Thirty.
21
22 Q. Sorry?
23 A. Thirty, roughly.
24
25 Q. Each time, you say, he was drunk or just obnoxious or
26 both?
27 A. I'd say that probably on 90 per cent of those
28 instances he was obnoxious and that it was possibly from
29 intoxication.
30
31 Q. And, again, you are aware of the responsible service
32 of alcohol rules at the casino, right?
33 A. Yes.
34
35 Q. Which oblige you, in your position, of some
36 responsibility to report any incident which you consider to
37 be in breach of those rules, right?
38 A. Yes.
39
40 Q. Did you?
41 A. Well, Martin --
42
43 Q. Did you lodge an incident report?
44 A. Not an incident report, no.
45
46 Q. Any other incident report, or was this just verbally?
47 A. Verbally.

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Q. Beyond verbally raising that, did you take any other action?

A. He mainly didn't play on my shift, actually, so there weren't too many complaints that were made to me directly.

Q. Thank you. Finally, if I can just again drill down some comments you have made publicly, I think it may well have been last Monday night you appeared on I think it was the 7.30 Report on the ABC. Do you remember being interviewed for that?

A. Yes.

Q. How did that come about?

A. I was contacted by one of the researchers.

Q. You were interviewed by someone?

A. Yes.

Q. For how long?

A. A couple of hours.

Q. Again, I'm just going to take you to some passages where you are quoted in that article. Did you see that broadcast on television?

A. Yes.

Q. Again, I'll read the reporter's comments before I come to your views. The reporter is reported as having said:

When American gaming bosses took on management at Sydney's Star Casino three years ago they were hailed as saviours. Their stated mission: a billion-dollar makeover that would transform the Star from the frumpy poor cousin of Melbourne's glamorous Crown casino and "... put the Viagra back into Sydney's nightlife".

Then you are reported as having said:

From the moment they walked in the door, we were seeing a completely different casino. It was, you know, "We want it to be a nightclub. We want 20-year-olds in here. We want short dresses, big breasts, lots of pussy, podium dancers. You know, sporting

1 *stars.*
2
3 Right?
4 A. Yes.
5
6 Q. Your comments there are put in quotation marks.
7 Did anyone ever say that to you?
8 A. Yes.
9
10 Q. Who?
11 A. Sid Vaikunta, in particular.
12
13 Q. That is, that he wanted to change the atmosphere of
14 the casino from a frumpy place to a spectacular, exciting,
15 vibrant place; is that right?
16 A. Yes, but he actually specified the dresses and the
17 attire that he wished to see our staff in.
18
19 Q. For you in your position?
20 A. No, for dealers.
21
22 Q. You say that happened, do you, that uniforms changed?
23 A. We first started with the waitresses. It didn't
24 actually migrate to the staff when I was there - as in the
25 table games staff when I was there, but I had been asked at
26 one point to get involved with Donna-Jane Accornely
27 regarding bringing on some - she was in the product team,
28 bringing in some new uniforms for the pit 11 area which
29 they hoped to re-spark. The idea that we were given, or
30 the brief that we were given, was that they wanted
31 something, you know, sexy and along the lines that the
32 girls were wearing downstairs as cocktail waitresses.
33
34 Q. Was this part of your involvement in what you referred
35 to earlier as the Star Project?
36 A. Project Star, yes.
37
38 Q. Did you raise any objections to raising the sexy image
39 of the casino when you were working on Project Star?
40 A. I actually removed myself from that particular
41 project, as in the one for creating the new uniforms.
42 I had an idea of it - we definitely needed a change of
43 uniform, but I was envisaging something classy and they
44 were going in the opposite direction. So, yes, I did voice
45 my disapproval, I guess you could say, of the direction
46 that we were headed.
47

1 Q. I think, finally, and perhaps on the same theme, you
2 might just explain what you intended to convey by this,
3 because I'm a little bit lost, I have to confess. You are
4 reported as having said:

5
6 *I think that they came in thinking that*
7 *they were the school mums.*

8
9 MR SULLIVAN: That they "weren't".

10
11 THE WITNESS: It's "we were".

12
13 MR WIGNEY: Q. You were the school mums?

14 A. Yes.

15
16 Q. I don't want to offend anyone's sensibilities, but
17 what's wrong with a school mum?

18 A. Nothing, I am one. The reference was sort of that we
19 were trying to pull all the rules out and that, you know,
20 "Don't worry about the rules". In actual fact, those words
21 were said to me, "Don't worry about that, we'll take care
22 of that".

23
24 Q. By whom?

25 A. It was said to me by Sid Vaikunta --

26
27 Q. What rules, did he explain?

28 A. -- and Victor Tiffany. They were talking
29 about - I mean, I was in many meetings with both of those
30 people and, you know, they were referring to the fact
31 that - we were suggesting that we change the way we did
32 things, so --

33
34 Q. In asking you this, I'm not suggesting that school
35 mums are in any way frumpy, but the change was --

36 A. That was --

37
38 Q. The change was from frumpy to exciting; is that right?

39 A. Yes.

40
41 Q. And the problem is?

42 A. Nothing, if it is within normal standards. However,
43 the inference was that we were to allow things to go that
44 I think that most of us would have believed should not have
45 been let go.

46
47 Q. I think just to continue the quote, you probably have

1 already explained what you mean, but you say:

2

3 *You know, here we are, we've got a bunch of*
4 *rules and they were saying, "Forget the*
5 *rules. We'll take care of that. Don't*
6 *worry about it." They thought we were the*
7 *ugly country town hicks. We got a bunch of*
8 *ugly people working for us.*

9

10 A. Yes.

11

12 MR WIGNEY: I think I have explored that. Those are my
13 questions.

14

15 MS FURNESS: Q. The dress code changed, did it, Ms Ward?

16 A. The dress code did change, and I believe that it
17 occurred --

18

19 Q. Were you referring to that, the change in the dress
20 code?

21 A. Yes. We now had podium dancers and, you know, people
22 were now allowed in in jeans and T-shirts. It changed the
23 atmosphere of the place and it brought in the type of
24 person that, for the past - well, since the McClelland
25 report, we had intended to or we had tried to rid ourselves
26 of that element.

27

28 Q. Just by changing the dress code to allowing jeans and
29 T-shirts?

30 A. No, I don't think that is the one thing that is going
31 to change it, but it certainly adds to the mix of that.
32 People were coming in off the street in thongs and
33 tracksuit pants and torn jeans and certainly it lowered the
34 standard and these were not necessarily people who were
35 going to actually play on the tables, but were there for
36 other reasons, I guess.

37

38 MR SULLIVAN: I seek leave to ask some questions, trying
39 not to canvass what my learned friend has said.

40

41 **<EXAMINATION BY MR SULLIVAN: [12.30pm]**

42

43 MR SULLIVAN: Q. My name is Alan Sullivan. I represent
44 Star and Echo. I wish to ask some questions. You have
45 given evidence of the various statements you made to the
46 media concerning a culture of sexual harassment, a culture
47 of bullying, a culture of drug-taking, policies of bringing

1 food and drink to the table, a policy of persistent
2 long-staying at tables, a policy of lowering dress
3 standards and creating a more sexy culture, haven't you?
4 A. I don't know that there's any policy that's been
5 written into our policies. However, there was definitely
6 a culture.

7

8 Q. They are all cultures, they are all things that you
9 strongly disapproved of, aren't they?

10 A. Do you know, when they first arrived, I was very
11 hopeful that we were going to give Crown a run for their
12 money. I wouldn't say that they are things that I totally
13 disapprove of. I completely disapprove of, obviously, drug
14 taking, and drug taking while gambling, of having drunk
15 excessive amounts of alcohol while gambling. I certainly
16 would have liked to have seen the casino being a little
17 classier. I certainly would have liked to have seen the
18 casino a little bit more friendly. We had gone from being
19 very sort of almost doer group of people. I think
20 initially it brought life into the place and I for one was
21 pleased to see that.

22

23 Q. The true situation is, isn't it, that as at
24 6 March 2011, you didn't have any of these problems with
25 the casino at all, did you?

26 A. Yes, I did.

27

28 Q. You have mentioned in your evidence also that
29 Mr Vaikunta and Mr Tiffany particularly were people who you
30 saw as being people bringing a new culture with them which
31 you disapproved of; is that right?

32 A. The extreme end of a culture I disapproved of.

33

34 Q. The truth of the matter is that you prided yourself on
35 your relationship with those gentleman, didn't you, as at
36 6 March 2011?

37 A. No, I wouldn't have said so. I would say many people
38 had a similar relationship I had.

39

40 Q. You regarded your relationship with those gentlemen as
41 an asset to you in your job, didn't you?

42 A. No.

43

44 Q. You deny that?

45 A. Yes.

46

47 Q. You applied for the job of gaming manager, didn't you,

1 by letter dated 6 March 2011?

2 A. I believe so.

3

4 Q. In that letter, you stated this:

5

6 *I have studied the key responsibilities and*
7 *accountabilities in the position*
8 *description under this new role and*
9 *I believe that I meet or exceed these key*
10 *areas.*

11

12 That was true, wasn't it?

13 A. If that's what I wrote.

14

15 Q. Well, can't you remember what you wrote?

16 A. It was over a year ago. No, I can't remember what
17 I wrote.

18

19 Q. You went on to say, didn't you:

20

21 *I have an excellent understanding and*
22 *actively support our policies, rules and*
23 *procedures in all areas.*

24

25 A. And I do.

26

27 Q. Was that true that, as at 6 March 2011, you actively
28 supported the policies, rules and procedures of The Star in
29 all areas?

30 A. Yes.

31

32 Q. To the extent to which the procedures permitted what
33 you regard as a culture of bullying and a culture of sexual
34 harassment and a culture of letting people stay at the
35 tables, and the culture of people lowering dress standards,
36 you supported those procedures, did you?

37 A. No. You're referring to a culture. I'm referring to
38 procedures.

39

40 Q. Madam, if there were proper procedures in place, you
41 would agree, you could not have such a culture, could you?

42 A. There are proper procedures in place. However,
43 whether or not people abide by them is a different matter.
44 I can't support the culture. I do support the procedures.

45

46 Q. You didn't in any shape or form in your job
47 application, having extolled the virtues of the policies,

1 rules and procedures, go on to point out the problems - "Of
2 course, no-one ever applies them", did you?
3 A. I don't think that that was the opportunity to do
4 that. It was a job application.
5
6 Q. Isn't a job application supposed to be an honest one,
7 Ms Ward?
8 A. Yes, it is.
9
10 Q. An honest one would involve candour, would it not?
11 A. I would agree with that.
12
13 Q. If you thought that there were problems, perhaps in
14 applying for a job you could point them out and say, "But
15 this is how I propose to solve them"?
16 A. I believe that that's what we were actually asked to
17 do in our interview with Heather and Belinda and Robyn and
18 I believe that I spoke about those things at that time.
19
20 Q. Was this in writing, or --
21 A. That was an interview.
22
23 Q. I'll come to that in a moment. Perhaps you can
24 identify the time and date when I come to it. You also
25 went on in your job application to say this, didn't you:
26
27 *I have developed relationships with other*
28 *key stakeholders, Mark Harbidge,*
29 *Jason Yeates, Sid Vaikunta, Robert Ficken,*
30 *Virginia Baker and Victor Tiffany, to name*
31 *some.*
32
33 A. Yes.
34
35 Q. You were trying to indicate there that those
36 relationships were ones which were, first of all, good and,
37 secondly, ones which would stand you in good stead if you
38 got this position, weren't you?
39 A. I believe that they were good relationships.
40
41 Q. Even though you thought that Sniffing Sid, for
42 instance, was a person who was a drug taker; is that right?
43 A. I believe that Sid possibly has a habit.
44
45 Q. Even though you believed that Sniffing Sid was the
46 instigator of the cover-up of what you termed as the
47 cocaine or illicit substance in October 2010?

1 A. Yes.
2
3 Q. You see, what I want to suggest to you, Ms Ward, is
4 that your disenchantment with the casino only came about
5 after you failed in your job application of 6 March 2011?
6 A. I would actually disagree with that, because I don't
7 believe that I was disenchanted with the casino. I believe
8 that I was disenchanted with the table games management.
9
10 Q. I want to suggest to you that the allegations you make
11 now about conduct which occurred prior to 6 March 2011 are,
12 first of all, exaggerated; would you agree with that?
13 A. No.
14
15 Q. And secondly, are the product of your disgruntled
16 state of mind at being passed over for a position you
17 thought you should have got?
18 A. No.
19
20 Q. You deny that as well?
21 A. I do.
22
23 Q. Can you indicate anywhere, in any document or in any
24 interview, that prior to your job application on 6 March
25 2011 you made any complaint to anyone about the culture of
26 bullying, for instance? Can you indicate any complaint you
27 made?
28 A. I don't know that I can refer to any document but
29 I can certainly refer to conversations that occurred.
30
31 Q. Can you indicate anywhere, in any document or in any
32 interview that you can recall, making a complaint about
33 sexual harassment?
34 A. No, I don't think I can, not in a document.
35
36 Q. Can you indicate anywhere where you made any
37 allegation to anyone - apart from the incident in October,
38 which I will come back to - about drug taking?
39 A. I may have sent Virginia Baker an email with regard to
40 that. I do know that I sent Heather Scheibenstock an
41 email, I don't know that I referred to drug taking but
42 I spoke about ingratiating ourselves to a player.
43
44 Q. That's code, is it, for drug taking; so someone can
45 get that and say --
46 A. No, it's not code. I was trying to initiate
47 conversation and initiate my concerns. I didn't have an

1 established relationship with her at that point, she'd only
2 worked for the casino for approximately six weeks and I was
3 being cautious. You don't go in heavy-handed saying
4 "I think someone's got a drug problem".

5
6 Q. You indicated in answer to Mr Wigney that one of the
7 matters which made you suspect people might have been
8 taking drugs was that you said "Well, anyone who stays
9 awake for more than 24 hours without the use of drugs is
10 something surprising"; do you recall that evidence?

11 A. Yes.

12
13 Q. Mr Wigney then asked you "Did you witness that?" and
14 you said "Yes, I did witness them staying awake for
15 24 hours"; is that right?

16 A. Yes.

17
18 Q. That means you must have been awake for 24 hours as
19 well, does it?

20 A. No, it means that I can read a rating.

21
22 Q. So when you were referring to witnessing, you weren't
23 actually saying that you were present at the time, you were
24 saying you looked at a document and drew an inference from
25 it; is that what you're saying?

26 A. No. I'm drawing on two things. Number one is that
27 most of our players will swipe a card and that I can
28 actually read a rating that they will be removed from the
29 rating when they have left the table and number two is that
30 I can look at a player who has been sitting in the same
31 clothes and 24 hours later hasn't moved too far. I can
32 speak to the staff on the previous shift and ask how long
33 this player has been there for and I can also take note
34 from the way they are behaving when they're falling asleep
35 at the table and to ask them "How long have you been here
36 for? Isn't it time to go home? Can I organise a taxi for
37 you?"

38
39 Q. Ms Ward, in your position as the acting casino
40 manager, on your shift on the premises you were the senior
41 employee, weren't you?

42 A. For table games.

43
44 Q. For table games. The buck would have stopped with
45 you, wouldn't it, in that situation, if you thought,
46 consistently with the responsibilities of service of
47 alcohol and gaming, to ensure that a person you felt was in

1 a not adequate condition to further gamble, to have that
2 person removed, wouldn't it?
3 A. No, no, I would disagree with you because we were not
4 to remove patrons from the Sovereign Room without having
5 spoken with either a general manager or that person's ISE
6 or CRE.
7
8 Q. On each of these occasions you observed this do you
9 say that you followed that procedure of speaking with a
10 general manager or the like?
11 A. Yes.
12
13 Q. Who was that and name the occasions, please?
14 A. Well, there'd be quite a number and the people that
15 I would have spoken to would have been people like -
16 I think his name is Sunny Lim and I'm sorry I haven't been
17 at the casino for a year so I can envisage faces but
18 sometimes can't put a name to it. They would have been --
19
20 Q. What was his role?
21 A. He was the head downstairs of the local players.
22 I can't remember what his title was, I'm afraid.
23
24 Q. Subordinate to you?
25 A. Sorry?
26
27 Q. Subordinate to you?
28 A. No, he's in a different department, so I wouldn't
29 think that he was subordinate. In actual fact, in Paul
30 Arbussel's day probably the casino duty manager was the top
31 person and the end of the line. In today's environment the
32 gaming manager or the casino duty manager has very little
33 control and power.
34
35 Q. No, I'm asking about your role?
36 A. Very little control and power.
37
38 Q. Very little control and power. When you brought this
39 to the attention of those people you say you were obliged
40 to, was action taken?
41 A. On some occasions.
42
43 Q. What about on the other occasions?
44 A. Sometimes I was asked to let it go and, you know,
45 "We'll go and see them in an hour or so, we'll see how they
46 are, we'll get them a coffee", these sorts of lines. Yes,
47 I did object.

1
2 Q. Did you let it go?
3 A. I would make a point of actually going out to the pit
4 because I felt that the staff and the managers who would
5 normally have reported it to me, as the casino duty
6 manager, would require my support and assistance if things
7 started to go wrong.
8
9 Q. Did you let it go was my question?
10 A. There are many occasions, probably each one of them
11 would have been dealt with differently. I don't think that
12 you can ever let something go - if you have deemed that
13 somebody should no longer be there, then you should take
14 every action to do something about that.
15
16 Q. Did you do that?
17 A. I believe that I did.
18
19 Q. So that on every occasion when you believed something
20 should be done about someone being at a table too long or
21 otherwise being incapable of properly discharging a playing
22 function, either someone else took the action as a result
23 of your reporting it or you took the action; isn't that the
24 case?
25 A. I'm going to say yes, I would believe in those
26 instances - in most instances that I would have taken the
27 action.
28
29 Q. You have indicated your contempt, I think would be
30 probably a fair description, for the E-Tips system, haven't
31 you?
32 A. Yes.
33
34 Q. You have never had any personal experience of trying
35 to use that system, have you?
36 A. I've never used the E-Tips system.
37
38 Q. What you are relying upon again, as I suggest you have
39 done for most of your evidence today, is on scuttlebutt and
40 rumour of what other people have told you?
41 A. No, I would disagree.
42
43 Q. Is it not on what other people have told you?
44 A. Well, I have been told by the staff that they don't
45 like to use it. I think that that is sufficient.
46
47 Q. I want to take you to the so-called cover-up of the

1 drug taking incident in October 2010. You believe, from
2 the evidence you have given, that there was a cover-up
3 involving senior management, don't you?

4 A. Yes.

5

6 Q. And you have mentioned the names, I won't mention them
7 again. You believe that the cover-up possibly extended to
8 someone such as Mr Houlihan, insofar as substitution of a
9 sample was concerned, don't you?

10 A. I am suggesting that I don't know who was responsible
11 for exchanging them.

12

13 Q. And you believe that Mr Robins lied on his oath to
14 Ms Furness last week when he gave evidence?

15 A. I'm suggesting that he is being very cautious and very
16 careful.

17

18 Q. You were in this courtroom before this inquiry when
19 Mr Robins gave evidence last week, weren't you?

20 A. Yes.

21

22 Q. And you were represented by counsel then, weren't you?

23 A. Yes.

24

25 MR PRICE: I object to that.

26

27 MS FURNESS: I'm not sure that she was.

28

29 THE WITNESS: Well, he wasn't here.

30

31 MR SULLIVAN: I'm sorry, I will withdraw that. I'm not
32 sure whether he was or not.

33

34 MS FURNESS: He wasn't here.

35

36 MR SULLIVAN: Q. Can you recall whether or not when
37 Mr Robins was present Mr Price was present?

38 A. Mr Price was definitely not in the room at the time.

39

40 Q. Did you take any steps during the course of
41 Mr Robins' evidence to get a message to Mr Wigney or
42 someone assisting him as to the fact that you believed,
43 from your own recollection or your sudden remembering of
44 this other conversation of what he was saying was false?

45 A. I didn't realise that I was entitled to do that.

46

47 Q. You would agree that to cover up a drug-taking

1 incident at the casino would be a very serious matter?

2 A. Correct.

3

4 Q. If you believed there was any substance in it, and
5 even if you took the view that E-Tips wasn't going to be a
6 solution, for the reasons you say you had, why didn't you,
7 madam, approach the police?

8 A. Well, in actual fact I did toss and turn many nights
9 over whether or not I should take this out of house. I did
10 actually approach Robyn Judd with concerns about that,
11 Robyn worked for HR, and she told me that she couldn't help
12 me. I have regretted not having taken it to the police.
13 I did hope and believe as I had - I wanted to believe that
14 we were doing all the right things and that this was just
15 pure incompetence rather than there being, as you call it,
16 a cover-up or a conspiracy. I do not believe it was a
17 conspiracy.

18

19 Q. What you wanted to do was to believe that the high
20 roller who'd caused you unpleasantness, was a drug taker so
21 that you could have some action taken against him, wasn't
22 it?

23 A. No.

24

25 Q. You remember giving evidence about seeing Mr Houlihan.
26 I think you said you did on 8 November 2010, being a
27 Monday. Are you sure about that date?

28 A. No, I'm not sure about that date.

29

30 Q. Because Mr Houlihan was on holiday on that date,
31 wasn't he?

32 A. I don't know.

33

34 Q. You in fact saw him on Thursday, 11 November 2010,
35 didn't you?

36 A. Probably. I can't be sure of the date and I think
37 I stated that earlier.

38

39 Q. Where did you meet him, by the way?

40 A. In the lobby lounge on his request.

41

42 Q. In that conversation you expressed your concerns to
43 him about a possible cover-up, didn't you?

44 A. Yes, I did.

45

46 Q. You expressed your concerns that someone had covered
47 up an illegal substance being used in the toilets of the

1 inner sanctum?
2 A. Yes.
3
4 Q. You were asked by Mr Houlihan how you came to that
5 conclusion, weren't you?
6 A. It was a year ago, I'm sure that that had occurred in
7 the conversation.
8
9 Q. First of all you identified a potential suspect,
10 didn't you, to Mr Houlihan?
11 A. In actual fact I identified who I thought was the most
12 obvious suspect but as I had also mentioned to both him and
13 to Heather Scheibenstock, we could not rule out staff.
14
15 Q. Mr Houlihan explained to you, didn't he, that he had a
16 sample of what had been taken from the toilet in his
17 office?
18 A. Yes, I believe he may have done.
19
20 Q. He told you that based on his experience as a police
21 officer of many years standing, that he had inspected the
22 sample and was confident that it was not an illegal
23 substance, nor an illicit drug, didn't he?
24 A. Yes, he did.
25
26 Q. He told you that his experience within the police
27 force had exposed him to a large number of drug-related
28 investigations?
29 A. He may have said that.
30
31 Q. You weren't convinced with his explanation, were you?
32 A. No.
33
34 Q. You suggested, didn't you, that someone from security
35 had tampered with the sample?
36 A. I suggested a lot of alternatives but yes, I recall
37 having said that it had been sitting in that drawer for
38 over a week.
39
40 Q. You suggested someone had tampered with it because
41 otherwise your little theory would have no substance,
42 didn't you?
43 A. No, I suggested that somebody had tampered with it
44 only because of the LAP that clearly says, you know,
45 drug-related fine white powder, 5-6cm line, 3mm in width.
46 That I'd spoken to James Robins, he'd advised me that he'd
47 tasted it and it was definitely cocaine. So when I was

1 told it was cement dust and I'd taken James for being a
2 truthful, honest employee that I'd known for the last
3 25 years, I believed that yes, it had been tampered with.
4

5 Q. When you refer to an LAP can you just --

6 A. LAP is --

7
8 Q. -- humour me by telling me what that means?

9 A. It's a security incident report.

10
11 Q. You mentioned in your evidence to Mr Wigney that one
12 of the reasons you gave for believing that there had been a
13 substituted sample was that seven people, I think was the
14 number you used, who had been present when a sample was
15 collected, had said it was white and suddenly Mr Houlihan
16 was talking about a grey substance, didn't you?

17 A. There would have been six people present in the room
18 and the seventh person I believe is the surveillance
19 operator.
20

21 Q. Where did you get the evidence or information that all
22 of those people thought it was a white substance?

23 A. Well, I didn't believe that all of them thought it was
24 a white substance. In actual fact, some of them may not
25 even have seen it on the bathroom shelf but I'm sure they
26 would have seen it when it was bagged up and placed on the
27 pit podium. My belief is that seven - or six people, seven
28 people, including the surveillance operator, looked at it
29 and nobody thought to say "Why are we bagging this up? Why
30 are we wasting our time? It's gritty grey and it's cement
31 dust, why don't we just throw it away?"
32

33 Q. Do you know whether any of these people who you base
34 this serious accusation upon have ever even seen cocaine?

35 A. I don't know that but I do know what gritty grey
36 cement dust looks like.
37

38 Q. Do you know what cocaine looks like?

39 A. Well, I've only seen a description of it as "fine
40 white powder".
41

42 Q. Do you know what cocaine looks like?

43 A. I've never seen it.
44

45 Q. Do you think you could tell cocaine from cement dust
46 if you saw the two beside each other?

47 A. Well, in a description between "gritty and grey" and

1 "fine and white" I think that I'd know the difference
2 between those two. Whether I'd know that it was cocaine or
3 not is a completely separate matter.
4

5 Q. Was one of the people who was a source of your belief
6 that this must be cocaine Mr Dos Santos, Pedro Dos Santos?

7 A. He was the facilities maintenance technician.
8

9 Q. So he was one of the people, wasn't he, who inspected
10 the substance when it was in the toilet?

11 A. I would say working for facilities, yes, he was there.
12

13 Q. When you thought of this little cover-up conspiracy
14 theory were you aware that Mr Dos Santos's view was that
15 when he looked at the shelf and the dust on it, the
16 substance looked like a "creamy grey white kind of beach
17 sand, it looked granulated, not real fine"; were you aware
18 of that?

19 A. Well, I wonder then why he bothered to call
20 surveillance.
21

22 Q. I beg your pardon?

23 A. I wonder then why he, who initiated the initial call,
24 bothered to call surveillance. It was he who did that.
25

26 Q. So he must be part of the cover-up as well, is he, if
27 that is his description?

28 A. No.
29

30 Q. He's just had a lapse of memory, has he, and described
31 it differently to what your theory would suggest, is that
32 the case?
33

34 MR PRICE: I object.
35

36 MS FURNESS: What is your objection?
37

38 MR PRICE: The witness is being asked to speculate on
39 someone else's state of mind.
40

41 MS FURNESS: I don't think that's right, Mr Price.
42

43 MR SULLIVAN: Q. He must have had a lapse of memory,
44 must he, Ms Ward, to describe the substance as "creamy
45 grey, white kind of beach sand, it looked granulated, not
46 real fine"?

47 A. I can't give any idea as to what he was thinking.

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Q. Because that description doesn't suit your theory, does it?

A. Sir, I actually have to say that I don't want to have a theory. I just want it investigated from beginning to end. I don't need to prove that it was anybody's or that it was or was not cocaine.

Q. You agreed with Mr Wigney that nothing anyone said now would convince you otherwise than that your theory is correct, didn't you?

A. There are too many inconsistencies and errors there for me to believe that this was not - you know, that there hasn't been something that's gone on here.

Q. What you don't want to do is to bother to delve into the facts to see whether those inconsistencies are just a figment of your imagination, is that --

MS FURNESS: Mr Sullivan, that is unnecessary.

MR SULLIVAN: Q. Do you know Mr Craig Dunn?

A. I do know Mr Craig Dunn.

Q. He was a security duty manager, wasn't he?

A. He was.

Q. He also was one of the witnesses who saw the substance in the toilet, wasn't he?

A. I believe so.

Q. I want you to assume that he observed the substance as being grey/white in colour. Were you aware of that?

A. I'm not aware of that statement, I haven't seen it.

Q. But again that doesn't fit with your theory of the - there's a reason why there's been a cover-up because suddenly the grey changed to white, does it?

A. Well, I am just going on the LAP that was originally submitted where it detailed "fine white powder".

Q. If you believed that senior management, being Mr Vaikunta, and Heather Scheibenstock was involved and if you believed that E-Tips wasn't a reliable system for making a complaint, why didn't you go to the police in order to protect the integrity and reputation of the casino to have this properly investigated?

1 A. I was actually trying to follow the chain of command.
2 I did hope to find some very simple explanations as to why
3 things were happening. I believe that what was happening
4 was about protecting the player and I wanted to disprove my
5 own thoughts. I think I've worked in that casino for
6 16 years, I have put a great deal of effort into that
7 casino. I believe that in most situations that the staff
8 endeavour to do the right thing and I wanted to believe
9 that this was just a series of errors. Unfortunately the
10 further I got into this, the more my life was made
11 miserable.

12
13 Q. The chief conspirators, as far as you were concerned,
14 were Heather and Sid, weren't they?

15 A. I wouldn't call them conspirators but I believed that
16 they both played a part in this, yes.

17
18 Q. You believed they were the instigators of the
19 cover-up, didn't you?

20 A. Yes.

21
22 Q. Did you go to either of them to confront them with
23 your allegation about their personal involvement?

24 A. Well, I'm not sure that you would find anybody --

25
26 Q. Please answer my question.

27 A. No, I did not.

28
29 Q. Did you go to anyone at the casino --

30 A. Actually, I take that --

31
32 Q. I will let you to answer my other question in a
33 moment. Did you go to anyone at the casino and say "I
34 believe that Sid and Heather are the instigators of this
35 cover-up"?

36 A. Kevin Houlihan I did speak with and suggested that
37 there was more at stake here.

38
39 Q. So the answer to my question is no?

40 A. I probably implied it.

41
42 Q. You probably implied it. But you thought Kevin
43 Houlihan might have been part of the conspiracy too, didn't
44 you?

45 A. I don't know that I thought that he was part of the
46 conspiracy. I believe, like me, he wanted to believe that
47 this was just a series of errors.

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Q. Did you accept his assessment of the sample that he saw as being not one which was an illicit substance?

A. I accepted that that's what he had tested.

Q. Did you believe that he was conscientiously doing his job of testing it or did you think that he was testing something he knew not to be a correct sample?

A. I can't even begin to think what he thought, what he'd been provided with. He did, however, tell me that he had sent it to an independent laboratory and I questioned that being a truthful statement and clearly after reading the section 31 I had reason to question that.

Q. I suggest to you that he never told you that he'd sent it to an independent laboratory but he told you that it had a presumptive test at the casino?

A. I would disagree with that and in actual fact when I left the casino I actually asked Greg Culpan, as the EEO officer, to further investigate this and that was reiterated to him by Sylvia Aliosos.

Q. You and Mr Culpan have been working hand in glove, haven't you, to make allegations against the casino in the last few months?

A. No, I wouldn't say that.

Q. You have been sitting in the inquiry each day together, haven't you?

A. Well, I'm hardly going to be sitting with the legal team up the front.

Q. You're close friends, aren't you?

A. We are friends.

Q. You have appeared on the same television programs together?

A. Yes.

Q. And you have discussed at length, haven't you, each of your grievances with the casino?

A. Not at length but yes, I have.

MR SULLIVAN: Thank you, that's all the questions I have for you.

MS FURNESS: Mr Price?

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MR PRICE: No questions.

MS FURNESS: Mr Wigney?

MR WIGNEY: I just have one question.

<EXAMINATION BY MR WIGNEY:

Q. Ms Ward, Mr Sullivan asked you whether, having regard to your views about this being a cover-up, why didn't you go to the police and you said you'd thought about it but ultimately didn't do so; correct?

A. Yes.

Q. Back at this time you knew of the existence of the Casino, Liquor and Gaming Control Authority, didn't you?

A. Yes, I did.

Q. Another thing you could have done if you passionately believed that there was a cover-up or a conspiracy or whatever in relation to this, you could have gone to the authority couldn't you?

A. Yes.

Q. And you never did?

A. No, I didn't. I did actually omit to say, though, that I did ring two different police stations with regard to how something could or should have been tested, so I did try - did tell them my story but it was a phone conversation and I did not actually go into a police station and lodge any sort of complaint.

Q. Notwithstanding the seriousness of the conduct that you thought was going on?

A. You've used the word "conspiracy" and --

Q. Let's say "cover-up".

A. Yes, all I'm trying to say here is that I think that I would shy away and certainly when I was working there I would have shied away from believing that there was any sort of conspiracy going on and so I was hesitant to take this externally because I did have faith in - initially I did have faith in Kevin Houlihan's ability to investigate this properly and I think that was my main reason for not going to the police. By the time I had realised that, you know, there were loads of untruths occurring and that I was

1 starting to be very concerned, I don't think that my state
2 of mind was - I think that I was emotional about what was
3 happening to me personally and I didn't want it to look
4 like I was standing up saying "There's a vendetta against
5 me" and - you know, "So now I'm going to cause trouble".
6 I sat on this information for a year and did nothing with
7 it for that very reason. I had made my complaints and
8 I sat on it.

9
10 Q. You didn't make any complaints externally?

11 A. No, and in actual fact I think that Mr Sullivan was
12 actually going to refer back to the comments as well.
13 I did speak to Heather with regard to - that I thought that
14 there were just too many things wrong with the
15 investigation. I did actually provide all the AMPRA
16 requests for pit 21 because I did want to believe that this
17 was cement dust. I couldn't find any evidence of any work
18 having been done in there and I also couldn't find any
19 actual holes in the grout and I did actually climb up on
20 the benchtop to investigate that personally.

21
22 Q. I just want to clarify a question I asked you. When
23 I asked whether you went to the authority with your beliefs
24 I was talking about at the time --

25 A. That there was --

26
27 Q. -- as opposed to some later time --

28 A. Yes.

29
30 Q. -- because you did give some evidence in the context
31 of the section 31 inquiry in due course, did you not?

32 A. Yes, I did. Sorry, my apologies.

33
34 Q. I was bringing your attention to the time in October
35 and November and December when you believed that there was
36 this cover-up?

37 A. No, I didn't actually go to CLAGA at the time, no.
38 I didn't see them as an alternative, to be honest. I did
39 only think about Kevin Houlihan as being the first stop and
40 the police as the second stop and certainly I wasn't in
41 possession of all of the facts which have since then come
42 out in the section 31.

43
44 MR WIGNEY: Thank you.

45
46 MS FURNESS: Thank you, Ms Ward, you're excused. We will
47 adjourn and resume at 2 o'clock.

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<THE WITNESS WITHDREW

LUNCHEON ADJOURNMENT

UPON RESUMPTION:

MR WIGNEY: I call, please, Mr Greg Culpan.

<GREGORY ARNOLD NEVILLE PETER CULPAN, sworn:

<EXAMINATION BY MR WIGNEY:

MR WIGNEY: Q. Can you give us your full name?

A. Gregory Arnold Neville Peter Culpan.

Q. I want to take you through your employment history with Star City and The Star, if I might. Was it the situation that you started with Star City in about November or December of 1997?

A. 24 November 1997. My first rostered shift was December 5.

Q. Your employment started in your position as a dealer?

A. I started off as a dealer, yes, in table games.

Q. In about the year 2000, you were promoted to a higher duties dealer; is that right?

A. Yes.

Q. Just briefly, what is a higher duties dealer?

A. A higher duties dealer is a dealer that actually performs the dealer or as a supervisor.

Q. And then, again, some years later, in about 2004, you received another promotion, this time to a games supervisor; is that right?

A. That's right.

Q. And then, bringing us up closer to the relevant time, you received another promotion in about 2010 when you became acting pit manager; is that right?

A. Yes.

Q. Can you just tell us briefly - I think we've heard some evidence about this already - what were your duties and responsibilities as an acting pit manager?

1 A. An acting pit manager performs the same role as a pit
2 manager, where they look after the pit that they are
3 assigned to, we look after the compliance values, the
4 gaming values, policy, procedures, staffing - anything
5 that's actually required to run the pit.
6

7 Q. And the pit is an area where there's a number of
8 different gaming tables?

9 A. Yes. Each pit has different tables, depending on the
10 game matrix that we used on the floor for that period.
11 That changes. It's a dynamic process.
12

13 Q. Correct me if I am wrong, Mr Culpan, was it the
14 situation that throughout most of your time as a pit
15 manager, or acting pit manager, you were in the main gaming
16 area?

17 A. I was usually in the main gaming area, yes.
18

19 Q. And that is the area which is not a private area?

20 A. Yes, the main gaming floor.
21

22 Q. I'll come back to this in a little bit more detail in
23 due course, but is it the situation that in March of 2012,
24 your employment with The Star was terminated?

25 A. March 13th, yes, Tuesday.
26

27 Q. You received a letter from The Star advising you of
28 your termination and the reasons why that decision had been
29 made; is that fair?

30 A. Yes.
31

32 Q. Again, just putting it in very brief terms, the reason
33 that you were given for your termination was that you had,
34 so it had been found by The Star, breached the codes and
35 policies of The Star relating to the confidentiality of
36 information?

37 A. Yes.
38

39 Q. I think the letter set out in some considerable detail
40 and at length a number of examples of emails which The Star
41 had concluded you sent to your personal email address and
42 the email address of other persons?

43 A. Yes, two other people.
44

45 Q. Those emails, so it was found, contained confidential
46 casino information; is that right?

47 A. Yes.

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Q. During the period of your employment at The Star, was it the situation that you were involved with the relevant union that was responsible for many casino staff?

A. Yes, LHMU, at that stage, United Voice.

Q. Did you have a formal position with the union?

A. Yes, I was the union delegate.

Q. I think you were also what's called an EEO contact officer; is that right?

A. Equal employment opportunity officer - equal employment officer, yes. And I was also on the occupational health and safety committee, corporate level.

Q. Was it also the situation that, particularly in your later years at the casino - and let's just focus, say, on 2010 and into 2011 - you become a person to whom a number of casino staff would come and report their grievances or complaints or issues they had about aspects of the operation of the casino?

A. Yes.

Q. You essentially became a confidant for a number of your colleagues, other employees?

A. I'd been roughly performing in that role since about 1998.

Q. Had that come about as a result of your relationship with the union, or was there some other reason?

A. I think it came as part of the union relationship and then further on, after the union had dismissed me, I was more or less performing in the same role, but not in any union capacity.

Q. Would you describe it as this: you came to be regarded as someone who had a reputation as being prepared to take up issues and complaints and grievances with management?

A. Yes.

Q. As far as you understood it, fellow employees would come to you and raise these matters with you in the expectation that you would take them up with management?

A. Yes.

Q. Was it the situation - and again let's focus

1 relevantly on the period during 2011 - that you frequently
2 did take up with management many of the issues, complaints
3 and grievances that employees of The Star did raise with
4 you?

5 A. Yes, I did.

6

7 Q. As to the matters that you took up with management
8 that you'd been told about by other employees, I think it
9 is obviously the case that many of them were matters about
10 which you did not yourself have personal knowledge?

11 A. That's correct.

12

13 Q. You were acting essentially on the basis of what you
14 were told?

15 A. Yes.

16

17 Q. Again dealing with this role, was it the situation
18 that your principal point of contact during 2011 - just
19 focusing on that period - was a woman by the name of
20 Sylvia Aliosis?

21 A. Yes.

22

23 Q. She was the general manager of compliance; is that
24 right?

25 A. Yes.

26

27 Q. Just tell us what you understood her position to be as
28 general manager of compliance? What did compliance do?

29 A. Compliance to me were the issues that we had which
30 weren't being dealt with on the floor, either going
31 through, you know, various departments or whatever, such as
32 table games would be reporting it to table games. Quite
33 often that information wouldn't be filtered through, and
34 then the appropriate people would not get hold of the
35 information. I started roughly in about 2010, or maybe
36 2009, reporting directly to Sylvia.

37

38 Q. Compliance, as the name would suggest, was a section
39 of The Star, the management of The Star, which endeavoured
40 to ensure that policies and procedures were complied with?

41 A. Yes, and the section 31 and all other matters, you
42 know, with the Casino Control Act, as it was.

43

44 MS FURNESS: Mr Wigney, I think that Ms Aliosis was in
45 fact the general manager of compliance for Echo.

46

47 THE WITNESS: Echo, yes. She was in charge of the whole

1 casino area - all casinos.
2
3 MR WIGNEY: Q. So not just for The Star, but the parent
4 group?
5 A. Yes. The other three properties we have in
6 Queensland.
7
8 Q. She was in charge of that section?
9 A. Yes.
10
11 Q. So quite a senior officer, you would agree?
12 A. Yes. I had reported to Sylvia a long time before
13 that, before that actually happened, so --
14
15 Q. And you came to have a very good relationship with
16 her; is that fair to say?
17 A. I believe I had an excellent relationship with her.
18
19 Q. You considered her to be a good and responsible senior
20 compliance officer?
21 A. Yes, I did.
22
23 Q. She did a good job?
24 A. I think she did a very good job, yes.
25
26 Q. And you trusted her with the matters that you were
27 taking up with her as being matters that she would then act
28 upon?
29 A. I went with her on a number of issues that I believe
30 that she would act upon, yes.
31
32 Q. Indeed, to your knowledge, many of the things you did
33 report to her, she in fact did take up with senior
34 management?
35 A. Yes, she did.
36
37 Q. You were aware, particularly during 2011, that
38 a number of the matters that you raised with her in fact
39 were taken up with some very senior officers of both
40 The Star and Echo; correct?
41 A. Yes.
42
43 Q. Mr Andrew Power, who I think was the general counsel
44 at The Star; correct?
45 A. Yes.
46
47 Q. Essentially the head lawyer at The Star; is that

1 a fair description?
2 A. Yes, that would be a fair description.
3
4 Q. Again, Michael Anderson, who I think was the general
5 counsel of Echo Entertainment Group - again, the most
6 senior lawyer in the group?
7 A. Yes.
8
9 Q. You are aware that Sylvia was taking the issues that
10 you had raised with her up with these senior officers?
11 A. Yes. That was a feedback session in October of that
12 year.
13
14 Q. I'll come back to that in a moment. Would it be fair
15 to say, again dealing in general terms and I'll come to
16 some specific matters in a moment, that some of the
17 information you gave to Sylvia amounted really to rumours
18 or talk on the floor?
19 A. Quite often what I reported to Sylvia was where people
20 or staff members had come to me and told me things that
21 I believe should have gone further.
22
23 Q. Yes.
24 A. On some things I had direct contact with them.
25 I reported those as well.
26
27 Q. Please accept I'm not being critical of you --
28 A. No, no, that's fine.
29
30 Q. But even you described some of the matters that you
31 were taking to Sylvia as being talk on the floor - that is,
32 essentially gossip?
33 A. Yes.
34
35 Q. What had been spoken about by others?
36 A. Sometimes a staff member would tell you things that
37 weren't relevant and you had to filter that information out
38 yourself.
39
40 Q. Sometimes Sylvia would come back to you and say, "Can
41 you provide us with some more details and particulars of
42 these matters" that you have spoken about?
43 A. Yes.
44
45 Q. Again, to be fair, and I'm not being critical at all,
46 on many occasions you weren't able to come up with any
47 further details because it really was just nothing more

1 than talk on the floor?
2 A. Yes.
3
4 Q. Was it the situation that one of the employees, at
5 least for part of 2010 and into 2011, that provided you
6 with some information that you in due course passed on to
7 Sylvia was Elizabeth Ward?
8 A. Yes.
9
10 Q. I want to come back in a moment to deal with what
11 I think you called the October session, the briefing.
12 A. Feedback session, I called it.
13
14 Q. Before I come to that, can I just ask you this:
15 in February of this year, whilst you were still employed
16 with The Star, you were interviewed by a Channel 7
17 journalist; is that right?
18 A. Yes.
19
20 Q. How did that come about?
21 A. I was approached by Michael McCann if I would do
22 a supporting statement for Elizabeth Ward.
23
24 Q. Sorry, Michael McCann is who?
25 A. He's an investigative reporter with Channel 7.
26
27 Q. So they approached you and you, in due course, agreed
28 to be interviewed and provide some information?
29 A. Yes.
30
31 Q. Is it fair to say that because at this time you were
32 still employed, you wanted your identity to be kept
33 confidential?
34 A. Yes.
35
36 Q. And, in due course, you, I think, appeared on the
37 broadcast with your voice altered and I think you were
38 blacked out or pixilated so you couldn't be seen?
39 A. Yes. I don't think anybody recognised me.
40
41 Q. I just want to take you to one aspect of that
42 interview, and then I'll come back to it again. I take it
43 in due course you saw the footage yourself of the
44 broadcast?
45 A. No, I haven't seen all of the footage of the
46 broadcast.
47

1 Q. I think the first of the broadcasts was on
2 20 February 2012. I just want to pick up one aspect of
3 what you were reported as having said, and your voice was
4 changed and your appearance was altered. I'll just pick up
5 what the reporter said before I come to your statement.
6 The reporter said:

7
8 *7 News tracked down eight current and*
9 *former employees of Star, all told the same*
10 *story, a seismic cultural shift since new*
11 *American management took over in 2009.*

12
13 Then a person who we understand was you was recorded as
14 having said:

15
16 *No matter what you report, no matter what*
17 *you see, no matter what you say, nothing is*
18 *ever done about it.*

19
20 Do you remember saying that?

21 A. I remember saying that, yes.

22
23 Q. Was that your belief at the time?

24 A. That was my belief at the time, yes.

25
26 MS FURNESS: What was that date again, Mr Wigney?

27
28 MR WIGNEY: 20 February 2012.

29
30 Q. Meaning that you genuinely believed, did you, that
31 complaints or issues that were reported to management
32 weren't listened to or acted on?

33 A. Yes.

34
35 Q. Let's come then to 24 October 2011. You called it
36 a feedback session?

37 A. A feedback session.

38
39 Q. That was a meeting that you had with Michael Anderson,
40 Andrew Power and Sylvia Aliosis?

41 A. Yes.

42
43 Q. That meeting went for about three hours, or just more
44 than that; is that correct?

45 A. Yes, just over three hours, I think.

46
47 Q. Were you approached to come to that meeting by one of

1 those officers?
2 A. Yes. I believe it was Sylvia that invited me to the
3 meeting originally and then told me that there was going to
4 be two other parties there, which I said I approved, there
5 was no problem.
6
7 Q. Were you told that the purpose of the meeting was for
8 those three officers to provide feedback to you about
9 matters that you had earlier raised with Sylvia?
10 A. Yes.
11
12 Q. And, again, the purpose that was explained to you was
13 that it was in relation to some of the matters that you had
14 raised, to make requests of you for information of
15 particulars or details about some of the matters that you'd
16 raised?
17 A. Yes.
18
19 Q. Were you told that the senior officers with whom you
20 were meeting had placed great importance on investigating
21 illegal or undesirable conduct that might have taken place
22 at the casino?
23 A. Yes, that was stated.
24
25 Q. Did you believe that?
26 A. Yes, I did.
27
28 Q. Were you told that these senior officers said that the
29 casino management took complaints about alleged unlawful or
30 improper behaviour very seriously?
31 A. Yes, I'm sure they do.
32
33 Q. Were you told that the officers, or one of them, had
34 put together all of the complaints or issues that you had
35 raised with Sylvia into a table and they wanted to go
36 through them one after the other?
37 A. I don't recall that.
38
39 Q. Were you provided with any document at all during the
40 course of the meeting?
41 A. Not that I took with me. There might have been some
42 documents that were given to me at the time, but I really
43 don't recall.
44
45 Q. But, in any event, you understood that the officers
46 were going to go through and deal at length with each of
47 the complaints or allegations?

1 A. With the issues that I had raised originally with
2 Sylvia, yes.
3
4 Q. That's what happened?
5 A. Yes, I believe so.
6
7 Q. Over the space of about three hours?
8 A. Yes, it was a grilling.
9
10 Q. Did you say a grilling?
11 A. It seemed like a grilling.
12
13 Q. In the sense that in some cases they were trying to
14 get further details or substantiation about matters;
15 correct?
16 A. Yes, that's correct, and I did provide them with
17 further details.
18
19 Q. In some cases, and I'll come to specifics in a moment,
20 you were told what had already been done in terms of
21 investigating these matters that you'd raised with them;
22 correct?
23 A. Yes.
24
25 Q. On some occasions you were told that some aspects of
26 the matters that had been raised had in fact been
27 investigated and turned out to be wrong?
28 A. Yes.
29
30 Q. Let me, as best I can and as quickly as I can, take
31 you through some of the matters raised during the course of
32 the meeting. I think one of the first matters that was
33 dealt with in the course of this meeting was information
34 that you had provided concerning an allegation that a pit
35 manager was involved with selling drugs; is that right?
36 A. Yes.
37
38 Q. Again, I'm not levelling any criticism at you at all
39 whatsoever about this, but this was a matter that you
40 yourself had no direct knowledge of; is that correct?
41 A. I had no direct knowledge of that, yes.
42
43 Q. You in fact were acting on the basis of information
44 that had been provided to you by another employee; is that
45 right?
46 A. It was actually by a number of employees.
47

1 Q. One of the employees was a games supervisor; is that
2 right?
3 A. Yes.
4
5 Q. Was it the situation that you were asked during the
6 course of the meeting whether you had any specifics or any
7 particular information that could back up that allegation?
8 A. Was I asked? Yes, I was asked.
9
10 Q. You weren't able to provide any further specificity or
11 particulars about that allegation; is that right?
12 A. Yes.
13
14 Q. Were you told that, notwithstanding the fact that you
15 were not able to provide any further specificity or
16 particulars, that was a matter in respect of which further
17 investigation or action would be taken?
18 A. Yes.
19
20 Q. I think the second matter - and I'm just going through
21 in the order that the document appears to record the
22 outcome of the discussions during the course of this
23 meeting - the subject of discussion concerned I think
24 what's been referred to in the course of evidence in this
25 inquiry, you have heard some of it, as the substance in the
26 bathroom allegation. Is that right?
27 A. Yes.
28
29 Q. This, again - and again I'm not being critical at
30 all - is something about which you had no direct personal
31 involvement or knowledge; is that right?
32 A. Yes.
33
34 Q. This was a matter that you were advised about
35 primarily by Elizabeth Ward; is that right?
36 A. Yes.
37
38 Q. She told you - that is, Ms Ward told you - a number of
39 things that she believed about what had been done in
40 relation to that particular incident?
41 A. Yes.
42
43 Q. Did she tell you that she also wasn't on duty at all
44 on the weekend that the substance was located?
45 A. I was aware of that.
46
47 Q. She told you that she was concerned about the

1 inadequacies in the investigation that had taken place in
2 relation to it; is that right?

3 A. Yes.

4

5 Q. But your knowledge in relation to that was - again,
6 I'm not being critical - essentially limited to what
7 Ms Ward had told you?

8 A. Yes.

9

10 Q. Is it fair to say that during the course of that
11 meeting there were discussions at some length about this
12 particular claim and the matters that Ms Ward had told you?

13 A. Yes.

14

15 Q. And you were provided feedback in relation to what
16 these senior officers told you had in fact been done, or
17 would be done, in relation to those matters?

18 A. Yes.

19

20 Q. Indeed, was it the case that in relation to some of
21 the things that you had been told by Ms Ward, these senior
22 officers told you that it was in fact incorrect?

23 A. The information that they gave me regarding that, yes.

24

25 Q. Was it not the case that Ms Ward had told you that
26 there had been no reporting or incident reporting in
27 relation to that claim?

28 A. Yes, I was aware of that.

29

30 Q. You were advised during the course of this meeting,
31 weren't you, that in fact an incident report had been
32 prepared contemporaneously by someone from the surveillance
33 section?

34 A. Yes.

35

36 Q. That was one example of where the information that had
37 been provided to you by Ms Ward that you'd communicated to
38 these senior officers, turned out to be incorrect, at least
39 as far as you were told?

40 A. Yes, that's what I was told.

41

42 Q. Did the feedback that was provided to you include that
43 whilst the officers were not at that particular time
44 prepared to disclose all of the content of the findings of
45 the investigation, they assured that it had been fully
46 investigated and the substance had been tested?

47 A. Yes, they told me the substance had been tested.

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Q. Did they tell you, notwithstanding that, there were further investigations in relation to how the matter had been dealt with continuing?

A. Yes.

Q. The third matter that was the subject of some considerable discussion at this meeting was a claim, of which you did have personal knowledge, in relation to something that you had heard Mr Kevin Houlihan say to a particular prominent player at the casino?

A. A high roller player, yes.

Q. I think you were here while Ms Ward was giving evidence?

A. Yes.

Q. There has been a suppression order made.

A. The same player.

Q. The high roller. This is something you had in fact heard yourself?

A. Yes.

Q. What was that, again, please, tell us?

A. If I can recollect, the high roller player was sitting at the table. The investigations manager had walked into the room, Kevin Houlihan. There was another pit manager in there, Morton Christiansen, and myself, and the dealer on the table. I was the supervisor on shift. As soon as Kevin Houlihan noticed that the player was there, he said, "I thought I told you to stay off the drugs", and quoted his name.

Q. This is something you yourself heard?

A. Yes.

Q. You reported that to the officers; is that right?

A. I reported that to Sylvia, because I then had no faith in Kevin Houlihan.

Q. Why was that?

A. Because I didn't believe that an investigator should make a comment like that in front of staff members or the player.

Q. Prior to this, you, yourself, had had very little

1 direct involvement with Mr Houlihan; is that right?
2 A. No. I'd reported to Mr Houlihan quite a number of
3 times.
4
5 Q. In his capacity as investigations --
6 A. In his capacity as investigations manager where I'd
7 send him emails about alleged incidents that were happening
8 with staff stealing and things like that.
9
10 Q. These were all matters that you understood Mr Houlihan
11 followed up?
12 A. I don't know. I never - I reported it, and sent it to
13 him on his email, but I never received any feedback as a
14 result of that.
15
16 Q. Putting aside this particular occasion where you
17 overheard or heard Mr Houlihan say something to the high
18 roller, you had no other concerns about Mr Houlihan, his
19 position, his background?
20 A. Not until that stage.
21
22 Q. No other reason for concerns other than this exchange?
23 A. No. I'd even trusted Kevin Houlihan on a number of
24 matters that I'd quoted to him, so I had a certain amount
25 of trust in the man.
26
27 Q. You told the senior officers at this meeting that you
28 weren't suggesting that Mr Houlihan wasn't in fact
29 fulfilling his duties, you were just concerned about the
30 general nature of this comment?
31 A. Yes, I was concerned about the integrity that it would
32 display.
33
34 Q. I'm just trying to explore with you, Mr Culpan, and
35 you can tell us, how did this, in your view, compromise
36 Mr Houlihan or cause you to think that he --
37 A. I didn't believe that an investigations manager of his
38 level and a notable player at that level would interact in
39 that sort of way, especially with a comment made about the
40 drugs. I didn't think it was appropriate.
41
42 Q. Was it said in a jocular tone or a laughing tone?
43 A. It might have been said in a jocular tone. I don't
44 know. Kevin Houlihan seemed to have a smile on his face
45 and the high level player seemed to understand exactly what
46 was being said.
47

1 Q. What did he say?
2 A. Nothing. I think he laughed.
3
4 Q. So it would appear to have been a joke?
5 A. As in the James Robins joke, yes.
6
7 Q. What do you mean by that?
8 A. Well, it was something I don't think an investigations
9 manager should say to a player.
10
11 Q. What did you mean by that?
12 A. We don't talk like that to players.
13
14 Q. What did you mean by comparing that to the
15 James Robins joke?
16 A. As a joke - I'm just using that as an analogy, if
17 that's what you are referring to.
18
19 Q. I'm just trying to understand why you came up with the
20 James Robins analogy?
21 A. Because you said is it a joke.
22
23 Q. You were here present in court when Mr Robins gave
24 evidence, weren't you?
25 A. Yes, I was.
26
27 Q. This is reference back to the statement he made to
28 Ms Ward about him tasting the drug and tasting the
29 substance that was found in the bathroom and finding it to
30 be cocaine, right?
31 A. Yes.
32
33 Q. He gave evidence on his oath here saying that he
34 thought that was a joke, he hadn't actually tested it; is
35 that right?
36 A. That's what he said, yes, in his testimony.
37
38 Q. You don't believe him, is that why you're raising
39 this?
40 A. No, I don't believe him.
41
42 Q. On what basis?
43 A. Because Mr Robins approached me some time after I'd
44 reported that at my feedback session, because I'd given new
45 information on James Robins tasting the substance. I had
46 provided that to Michael, Andrew and Sylvia, because they
47 asked me to name the CDM, or the acting CDM involved, which

1 I did. They were going to follow that up further. Two
2 weeks later I believe a follow-up session had taken place
3 and then I was told by James Robins' wife, could I maybe
4 act as a witness for him, because I quite often used to act
5 as an advocate witness with all manner of people. He asked
6 me whether I'd go in. I said that I believed, in the
7 current situation, if I was to go in with him, I think it
8 would go far worse having my name associated with him than
9 anything else. So I declined going in with him.

10
11 Q. Is this the sequence: this statement was made by
12 Mr Robins to Elizabeth Ward; correct?

13 A. Yes.

14
15 Q. She told you about the statement; correct?

16 A. Yes.

17
18 Q. That is, the statement that he tasted this substance
19 and found it to be a drug; correct?

20 A. Yes.

21
22 Q. You had some discussions with Mr Robins yourself, did
23 you?

24 A. I had a discussion with James and said "It's probably
25 best if I don't go in with you". This was some weeks
26 later, after that was said.

27
28 Q. Did you ask him anything about this statement that
29 he --

30 A. No.

31
32 Q. Not at all?

33 A. No.

34
35 Q. You never asked him whether that in fact had happened
36 or --

37 A. No.

38
39 Q. Nothing at all? I am just trying to understand why it
40 is, in those circumstances, where a comment wasn't made to
41 you, you didn't seek to raise with Mr Robins anything about
42 this comment, you have reason or cause to disbelieve his
43 sworn testimony on oath?

44 A. I have a certain amount of credibility in what
45 Elizabeth told me and there was also all the scuttlebutt
46 that was going around the whole of the table gaming
47 department and references. A lot of that was rumour, yes.

1
2 Q. So you're basing it on your faith in Ms Ward and
3 scuttlebutt and rumour?
4 A. It's the same faith that you would probably have in
5 Ms Furness.
6
7 Q. I take it from that evidence you have just given in
8 relation to Mr Robins that you also believe that the
9 substance that was found in the bathroom wasn't concrete
10 dust?
11 A. Yes.
12
13 Q. You believe that it was cocaine?
14 A. Yes.
15
16 Q. What is the basis of that belief?
17 A. Because there were so many inconsistencies in the
18 whole process when it was done. I had a meeting with
19 Sylvia Aliosis in Darling Harbour, I think it was around
20 about June, and I'd informed her about the substance in the
21 bathroom and told her some of the inconsistencies. That's
22 when she told me that it was done by an independent lab and
23 then when I went to my feedback session they told me that
24 it was done by a police lab and an independent lab. I then
25 asked Andrew what was the time frame for that and he said
26 it was some weeks later and I said to him "With respect to
27 you, was it the same substance?"
28
29 Q. Can I just ask you, please, just give us a brief list
30 of what you consider to be inconsistencies in relation to
31 this that inform your opinion that in fact it was a drug in
32 the bathroom?
33 A. One was the independent lab and the police lab
34 testing.
35
36 Q. So you were told something about independent testing?
37 A. Yes, Andrew told me that the police had tested it in
38 October and that it was definitely cement dust and I said
39 "I have no doubt that it is cement dust" but, I said "With
40 respect, let me just ask you, was it the same substance
41 that went to the police?"
42
43 Q. Number one is - Andrew is Andrew Power?
44 A. Andrew Power, yes.
45
46 Q. So he told you that the police had tested it in
47 October; right?

1 A. Yes, or tested it at some stage. I believe it was a
2 number of weeks after.
3
4 Q. That is inconsistent with what?
5 A. I was never told that.
6
7 Q. By whom?
8 A. Well, Sylvia never gave me that information, she'd
9 only told me that it was identified by an independent lab.
10
11 Q. So the inconsistency was between something that Sylvia
12 said to you and something that Andrew Power said to you?
13 A. Yes.
14
15 Q. About the testing?
16 A. Yes, and I had raised that with Andrew Power at the
17 time.
18
19 Q. Were you ever told by anyone that in fact the testing
20 that had been done was a presumptive test that was done by
21 an investigations officer?
22 A. No, I was never told that.
23
24 Q. That is one inconsistency. Can you tell us any other
25 inconsistencies?
26 A. The inconsistency was that when I spoke to Sylvia
27 Aliosis she told me that it was done by an independent lab
28 and I'd --
29
30 Q. I understand that one.
31 A. Yes.
32
33 Q. That's an inconsistency between Sylvia and Andrew
34 Power about the testing point?
35 A. Yes, and I don't think --
36
37 Q. What other inconsistencies?
38 A. I think that I thought Sylvia would have known that it
39 was going to police testing at that stage.
40
41 Q. That's one inconsistency. Are there any others?
42 A. No. They're the two inconsistencies I had with that,
43 plus the story that had been going around, plus the amount
44 of rumour that was going on, innuendo.
45
46 Q. Story, talk on the floor?
47 A. And I'd also seen a text message that went from James

1 Robins to Tiffany Robinson. I saw a text message that
2 Elizabeth Ward had shown me.

3

4 Q. I'm just trying to be clear about this. Inconsistency
5 between what Andrew Power told you and Sylvia told you in
6 relation to the testing and talk on the floor, rumour and
7 scuttlebutt?

8 A. Yes.

9

10 Q. That was what made you believe that in fact it was a
11 drug?

12 A. Yes.

13

14 Q. You referred to saying to Andrew Power or asking the
15 question "Well, was that the substance that was tested, was
16 that the actual" --

17 A. Was it the original substance, yes.

18

19 Q. You believe, do you, that it had somehow been swapped
20 or changed?

21 A. Yes.

22

23 Q. The basis for that belief was what?

24 A. I just believe it had been changed because there were
25 so many inconsistencies.

26

27 Q. You say "so many inconsistencies" --

28 A. In actual fact Kevin Houlihan had spoken to me because
29 I'd asked not to speak to Kevin Houlihan in any way and he
30 was the one that came and spoke to me in the pit one day
31 when I was acting as the pit manager and he spoke to me and
32 I told him about what he had said, and I said to him that
33 I didn't believe anything that came out of his mouth,
34 virtually.

35

36 Q. You have referred again to the many inconsistencies.
37 That is the inconsistency between what Andrew Power told
38 you and Sylvia told you about the testing?

39 A. Yes.

40

41 Q. Mr Houlihan told you something but you didn't believe
42 him because of what he had said to the high roller sometime
43 before?

44 A. Yes.

45

46 Q. And rumour and scuttlebutt?

47 A. There was a lot of rumour and scuttlebutt and innuendo

1 going around, yes.
2
3 Q. Those three things led you to conclude that someone
4 had switched the substance?
5 A. Yes, I said that.
6
7 Q. Nothing else?
8 A. I said that to Andrew Power on the day.
9
10 Q. This is obviously something that continued to concern
11 you for sometime; correct?
12 A. Yes.
13
14 Q. Again, nothing that can be said in relation to that
15 matter now is going to convince you otherwise, is it?
16 A. When I spoke to Ms Furness in a private hearing she
17 told me that and I said yes, I agree that what - the
18 substance that was there probably was cement dust but
19 I don't believe it was the original substance and I still
20 hold to that fact.
21
22 Q. Nothing that you're told now about what actually
23 happened is going to change your view about that, is it?
24 A. No, because you have got things that happen at
25 Star City that are totally irregular, that have been
26 happening for 14 years.
27
28 Q. Did you tell Mr Power and Sylvia and Mr Anderson at
29 the feedback session what you have just told us, that is,
30 nothing that they could tell you about this matter would
31 change your mind about it having been swapped?
32 A. After Andrew had told me about the police identifying
33 the substance as being concrete, I then said "Well, what
34 about the acting CDM that had tasted it?" and then he asked
35 me to provide names and some details and that was what
36 I provided him with.
37
38 Q. That was Mr Robins?
39 A. That was Mr James Robins, yes.
40
41 Q. You're aware, aren't you, that in due course Mr Robins
42 was spoken to by Mr Power and a statement was taken from
43 him, which is consistent with the evidence he gave in this
44 inquiry, that is, that that comment that was made was a
45 joke?
46 A. Yes. I think it was called a practical joke.
47

1 Q. It may not have been funny but that's what he says it
2 was all about; correct?
3 A. Correct.
4
5 Q. And you disbelieved him?
6 A. Well, I then had another feedback session with
7 Mr Power in I think it was the January and he informed me
8 that it was a joke and I said "I can't believe a person for
9 that calibre would do that to somebody else".
10
11 Q. So this is another session where you were given the
12 opportunity to tell the senior officers exactly what you
13 thought about these various allegations and what was going
14 on?
15 A. Yes, Sylvia and Andrew Power were present at that
16 meeting.
17
18 Q. Is there anything else you want to add about your
19 beliefs in relation to the substance in the bathroom topic?
20 A. No, unless you have another question.
21
22 Q. No. Just moving from that to the next, which is the
23 fourth issue you raise in the course of the October
24 feedback session. You had told the officers I think at
25 some earlier stage or told Sylvia at some earlier stage
26 about something that you had heard about a scam between the
27 same high roller and an employee of the Star which involved
28 kickback of funds?
29 A. Yes.
30
31 Q. Did this involve some what you had been told was a
32 scam that involved inflating restaurant bills and then
33 claiming it back on expenses at some stage?
34 A. Yes.
35
36 Q. Again, this is not something that you had any direct
37 personal knowledge about; correct?
38 A. Yes.
39
40 Q. It was something that you had been told; right?
41 A. Yes.
42
43 Q. At the feedback session the situation was that the
44 senior officers wanted you to provide some further details,
45 including, for example, the name of the restaurant that was
46 used in this so-called scam?
47 A. Yes.

1
2 Q. You weren't able to provide any details of the
3 restaurant?
4 A. No.
5
6 Q. You weren't able to provide any details in relation to
7 dates, amounts of money or any other specifics whatsoever?
8 A. No, I couldn't give any information on that.
9
10 Q. So the person who was providing you with information
11 in relation to that scam was not able to provide you with
12 any further information?
13 A. Yes.
14
15 Q. Did that cause you concerns in relation to the
16 veracity of the story that you were being told by someone
17 else?
18 A. They were very insistent when they told me.
19
20 Q. Were you told by the senior officers at the feedback
21 session that in the absence of any further details or
22 particulars in relation to this allegation, it would be
23 very difficult to investigate?
24 A. Yes, I was told that.
25
26 Q. But that they would continue to look into it?
27 A. Yes, they would and if I had any further details
28 I would provide them.
29
30 MS FURNESS: Q. Did you accept that, Mr Culpan, that it
31 would be difficult to investigate given the details that
32 were available?
33 A. Yes, I did, because I don't think that there was
34 enough information that they could actually go with
35 anything. This was the same person that alleged that they
36 didn't have a relationship either with the player.
37
38 MR WIGNEY: Q. I'm sorry, I don't follow that?
39 A. The reason I reported it was because there was a
40 relationship that had been in place between [the former
41 employee] and the high-level player. [The former employee]
42 was in charge of the operational side for the PGR, she was
43 an operations manager or a duty manager up there, and
44 Andrew Power had told me twice that they asked her twice
45 was there a relationship and she said negative, there
46 wasn't a relationship.
47

1 MS FURNESS: Mr Wigney, I'm proposing to make a direction
2 under section 143B in relation to that person's name.
3 She's no longer employed at The Star.

4
5 MR WIGNEY: Yes.

6
7 MS FURNESS: So unlike every other person who's been named
8 she has no even potential representative here and an
9 allegation is being made against her that she has no
10 knowledge of.

11
12 MR WIGNEY: Yes.

13
14 MS FURNESS: I am proposing to make an order under
15 section 143B. Does anyone wish to be heard about that?
16 I direct that the name of [the former employee] not be
17 published.

18
19 MR WIGNEY: Q. Again just dealing with this issue that
20 you have just raised, you of course had no direct personal
21 knowledge or evidence that in fact the relationship was
22 going on between the high roller and [the former employee];
23 correct?

24 A. No, I'd reported I'd overheard a conversation on the
25 telephone while I was working in the pit between the player
26 and somebody else called [the former employee] and when he
27 got off the phone he came in, as he often did, and said
28 "That was just [the former employee] on the phone" and then
29 within a matter of a couple of seconds the lady appeared at
30 the door of the pit.

31
32 Q. You concluded from that brief exchange that they were
33 in a relationship, did you?

34 A. She was also very highly agitated. I'd also had a
35 number of other people that had come to me to tell me about
36 the relationship between the two.

37
38 Q. Talk on the floor, is that what it was?

39 A. Talk on the floor, you could say, yes. There was a
40 number of people from the cage that had heard conversations
41 as well.

42
43 Q. And Mr Power told you that that was a matter that they
44 had investigated and specifically put to [the former
45 employee] and she denied it?

46 A. Yes.

47

1 Q. And you had reason to doubt that denial, did you?
2 A. I told him about two incidents where it was reported
3 to me that they had both been seen together at a real
4 estate agent looking at some houses and that they'd been -
5 I don't know whether I mentioned at the time that they'd
6 also been seen together at Officeworks by one of the cage
7 supervisors.
8
9 Q. These again weren't observations that you made?
10 A. They weren't observations by me, no.
11
12 Q. Were they matters that came to you as a result of talk
13 on the floor or --
14 A. No, they were matters that people actually came up to
15 me to tell me.
16
17 Q. And the concern was?
18 A. My concern was that there was a relationship there and
19 there was something that was not - we're not supposed to do
20 that at work.
21
22 Q. Was that something that informed your belief in
23 relation to this, what you'd been told about the so-called
24 scam relating to the restaurant and the expenses?
25 A. Yes.
26
27 Q. You accepted, didn't you, that without any
28 specificity, any particulars of this allegation, it really
29 would be extremely difficult for The Star to investigate?
30 A. Yes.
31
32 Q. So that we're not here until the cows come home can
33 I endeavour to summarise the next perhaps 10 matters that
34 were the subject of discussion as being a number of
35 allegations that you had raised specifically dealing with
36 the high roller that we have been hearing about in evidence
37 today; is that right?
38 A. Yes.
39
40 Q. If I can just be permitted to summarise them and then
41 I will ask you if it's a fair summary of the nature of
42 these allegations. One of them was an allegation
43 concerning an amount outstanding on his account of \$200,000
44 and that it hadn't been paid off and it had been topped up
45 continually; is that right?
46 A. Yes.
47

1 Q. Just on that topic, it wasn't unusual for people,
2 particularly high rollers, to have accounts of that sort of
3 vicinity, correct, \$200,000?
4 A. No, it didn't but his level of play wasn't anywhere
5 near that.
6
7 Q. His level of?
8 A. Play wasn't anywhere near that.
9
10 Q. You considered that level of his account limit to be
11 very high, having regard to the amount of times he played
12 or the amount of --
13 A. Yes, he also had an extremely high comp value attached
14 to his account.
15
16 Q. So you raised that. Were you told in the course of
17 the meeting in relation to that particular allegation that
18 his account had been looked at and had been found to have
19 been conducted in accordance with the Casino Control Act?
20 A. Michael Anderson told me that, yes.
21
22 Q. Did you have any reason to doubt that?
23 A. I said to him I didn't understand how somebody could
24 top up their account within a 10-day period and draw out
25 the same amount a couple of days later, so continually
26 there was a \$200,000 balance that just revolved around and
27 around and around and around.
28
29 Q. I think along the same lines you also believe that
30 that balance of \$200,000 or thereabouts had been written
31 off as a bad debt?
32 A. I asked had it been written off as a bad debt.
33
34 Q. You were told what?
35 A. I don't recall.
36
37 Q. That wasn't so much an allegation that you made as
38 opposed to a query that you raised?
39 A. It was a question.
40
41 Q. Were you again provided with some feedback in relation
42 to that, that in fact it wasn't a bad debt, that the high
43 roller had provided cheques to clear amounts outstanding of
44 the account at various times and they had all been cleared?
45 A. I believe he'd cleared off the whole amount in one
46 transaction.
47

1 Q. So you were given information by these senior officers
2 that in fact the answer to your question, was it written
3 off as a bad debt, the answer to the question was no?

4 A. Yes.

5

6 Q. And you had no reason to doubt that?

7 A. No, I didn't have any reason to doubt that because the
8 account had been cleared, I'd checked it myself.

9

10 Q. You also made an allegation that - I think that
11 essentially amounts to the same thing, you're talking about
12 the clearing of the accounts so we might move on. It was
13 no part of your duties or responsibilities to be monitoring
14 credit accounts and the like of players, was it?

15 A. No, but sometimes when you would have to give credit
16 to a player you would look at their transaction history.

17

18 Q. But there was a specific section of the casino that
19 monitored these sorts of transactions; correct?

20 A. Yes, there was and we also provided table games
21 certain feedback to them on certain players as well. That
22 was part and parcel of the process.

23

24 Q. Another matter that you raised with these officers or
25 had raised earlier and was the subject of discussion at
26 this meeting was - I will try and summarise it briefly - a
27 concern about a particular occasion when the high roller
28 was playing baccarat, wrong cards were dealt to the high
29 roller and because it was a wrong deal his bet was returned
30 and indeed he was paid an extra \$900 --

31 A. As if he'd had a winning hand, yes, but it was a
32 losing hand.

33

34 Q. You were aware that there had been a change to the
35 baccarat rules 12.4, is that right, in relation to --

36 A. Yes.

37

38 Q. That rule applied to everyone at that stage?

39 A. Yes, at that stage it did, yes.

40

41 Q. You didn't agree with this rule change or --

42 A. No, no, the rule change was fine. I think the company
43 has now changed that rule because it caused a lot of
44 problems.

45

46 Q. What was your concern in relation to the application
47 on this particular occasion, which I think only involved

1 \$900, in relation to the high roller, if in fact it had
2 been a rule change; that is, this had occurred in
3 accordance with the casino's rules. What was your concern?
4 A. The concern was he'd actually lost the bet and there
5 was a problem with the dealing, so we actually gave him
6 back his \$900 and then we further gave him another \$900.
7 I had issue with that.
8
9 Q. What was your issue with that?
10 A. The issue is that it was a losing bet anyway and
11 although we repaid him the \$900 because of the dealing
12 standard under 12.1 or 12.4, we then further paid him
13 another \$900 as if he'd won the bet.
14
15 Q. Sorry, just while we're still on that topic, two
16 things. One, you were told that in fact this particular
17 incident was the subject of a report by the gaming manager,
18 the shift report?
19 A. Yes.
20
21 Q. So it's not something that was swept under the carpet,
22 it was reported in accordance with the casino's rules and
23 regulations; right?
24 A. Yes.
25
26 Q. Is this a fair summary of what your concern was: that
27 you considered that this particular high roller was, on
28 this occasion, being given some sort of preferential
29 treatment?
30 A. Yes.
31
32 Q. What is the concern in relation to on occasion showing
33 preferential treatment to a high roller? What's the
34 concern about that?
35 A. The player in question received preferential treatment
36 on a daily basis.
37
38 Q. The concern in relation to that is what?
39 A. No other high roller player was receiving the same
40 preferential treatment.
41
42 Q. How do you know that?
43 A. Because I'd observed it.
44
45 Q. You have observed every high roller player --
46 A. Not every high roller player but you know what happens
47 in the casino.

1
2 Q. What, as a result of talk on the floor?
3 A. No, as a result of managers talking to you and whatnot
4 as well; what you read.
5
6 Q. Let's just accept for present purposes the accuracy of
7 that and that this particular high roller was given
8 preferential treatment over and above what other high
9 rollers, as far as you were aware, were given, okay?
10 A. Yes.
11
12 Q. The concern of that is what?
13 A. That it was wrong.
14
15 Q. Why?
16 A. Because you shouldn't be doing that, it brings up into
17 your integrity and --
18
19 Q. Why?
20 A. -- in the casino.
21
22 Q. Why?
23 A. Because it's something that if you're going to do it
24 you do it to everybody. It's the same as having a rule on
25 the main gaming floor and having a different rule in the
26 PGR.
27
28 Q. Isn't that entirely a management decision as to
29 whether they want to show preferential treatment to a
30 particular player?
31 A. Yes, I suppose it is but it brings into question the
32 integrity that you have as an employee.
33
34 Q. Why, because you're giving one player special
35 treatment as compared to associates?
36 A. We all know that the player in question was receiving
37 preferential treatment because of the relationship that he
38 had at the casino.
39
40 Q. But you had no basis for believing that this
41 particular high roller was involved in any illegal or
42 unlawful activities; correct?
43 A. Not that I could see, no.
44
45 Q. So what's wrong with giving him preferential
46 treatment, assuming for present purposes that you are
47 right?

1 A. That he was singled out, specifically.

2

3 MS FURNESS: I think I understand the witness's answer,
4 Mr Wigney.

5

6 MR WIGNEY: Q. I think again along the same lines you
7 had concern that a particular incident in relation to a
8 promotion where a particular premium player who had
9 cancelled her participation in this particular promotion
10 was allowed back into the draw but this high roller wasn't
11 allowed back into the draw; is that right?

12 A. That's right.

13

14 Q. I'm sorry, I may have misled you but this is an
15 occasion where he didn't get his way, is that right, that
16 is the high roller?

17 A. He didn't get his way because it was proven that the
18 other lady had actually stopped going onto a program a day
19 before and it was 24 hours in between that. He believed
20 that the lady had still been on there but there was a great
21 deal of issue with that, with him going to a number of the
22 senior managers. In the end it was one manager that stood
23 up and said "No", the lady had already finalised her rebate
24 account, she was no longer - she was only what we call a
25 local player.

26

27 Q. This in any event was an occasion where he didn't get
28 his way, didn't get preferential treatment?

29 A. On that occasion, yes. There was --

30

31 Q. Okay.

32 A. -- a lot of happy people about that.

33

34 Q. I think the next thing you raise, again in relation to
35 the same high roller, was an allegation that he was not
36 entitled to be on the premium A program because he resided
37 in a suburb of Sydney and participation in that program was
38 only limited to interstate customers; is that right?

39 A. Yes, and I had reported that to Ms Furness at the
40 section 31 hearing.

41

42 Q. Were you advised that the high roller in fact had a
43 Queensland driver's licence and had connections in
44 Queensland?

45 A. Yes.

46

47 Q. You didn't accept that?

1 A. No.
2
3 Q. What ultimately was the upshot of your concern about
4 him? Is this just preferential treatment again?
5 A. Yes. A number of managers at one of the briefings had
6 also put on the record that they didn't believe it was
7 right because they all knew that the player actually lived
8 in New South Wales but was receiving a rebate program for
9 Queensland.
10
11 Q. This is probably already covered by the evidence you
12 have already given but I think you suggested during the
13 course of this meeting that this particular high roller was
14 a protected species. Again this is some sort of
15 preferential treatment generally?
16 A. Yes.
17
18 Q. That's just a broad statement rather than a specific
19 matter that led to that --
20 A. I received a commendation from him.
21
22 Q. Again I think the basis for you saying that the high
23 roller got special treatment was that he was permitted to
24 select particular staff as the dealers when he played; is
25 that right?
26 A. Yes, he was actually given physical rosters so he
27 could see the players - see the staff at The Star.
28
29 Q. Was this based on your personal observation or was it
30 based on something that Ms Ward told you?
31 A. No, that was based on other pit managers advising me
32 that they'd been asked to give him the rosters by the
33 gaming managers.
34
35 Q. Would you agree that it was not unusual at the casino
36 for some VIP players or high rollers to request particular
37 types of dealers?
38 A. Yes.
39
40 Q. Sometimes that would be by reference to their race;
41 correct?
42 A. Yes.
43
44 Q. That is, they either wanted someone the same race as
45 them or someone from a different country or whatever, for
46 whatever reason?
47 A. Yes.

1
2 Q. And the casino, when it could, endeavoured to meet
3 that request?
4 A. Yes, we would accommodate that.
5
6 Q. Any particular problem with that?
7 A. No, but they weren't asked for specifically and they
8 weren't given rosters so they could pick out who they
9 wanted.
10
11 Q. Is it the situation that this particular high roller's
12 preference was for slim, blonde attractive dealers?
13 A. Mostly, yes.
14
15 Q. Forgive me for being politically incorrect but what
16 was unusual or untoward about that?
17 A. Nothing, just that he always picked the same ones each
18 and every time.
19
20 Q. You're not suggesting that those dealers were involved
21 in any impropriety or something, it was just that they
22 happened to be young and attractive?
23 A. There was some concern amongst the managers that there
24 could be a certain amount of familiarity that might happen.
25
26 Q. But again this is just talk on the floor?
27 A. And we - no, no. Pit managers have to be very
28 conscious of that when running a pit. We don't want to
29 have any sort of familiarity with a player because it leads
30 to other areas of integrity that could compromise them.
31
32 Q. I think the next matter you have already dealt with
33 and that is the belief that you had that this peculiar high
34 roller was in a relationship with the former employee that
35 we have already spoken about.
36 A. Yes.
37
38 Q. I think it is fair to say that you agreed with the
39 suggestion that was made during the course of this meeting
40 that the information you had in relation to that was no
41 more than innuendo and scuttlebutt, talk on the floor?
42 A. Well, I had heard it directly but I'd also said that
43 there wasn't much other information I could give them to
44 follow up.
45
46 Q. You were also, I think as you have already agreed,
47 told that she strenuously denied that; that is, that the

1 former employee --
2 A. Twice.
3
4 Q. Again, the next specific matter that was the subject
5 of feedback during the course of this meeting again dealt
6 with a high roller and again was the fact that the former
7 employee that you have already referred to sat with this
8 high roller during the entire time that he gambled; is that
9 right?
10 A. Yes.
11
12 Q. Again, that wasn't unusual that high rollers on
13 occasion had - was it VIP hosts that would sometimes sit
14 with them the whole time?
15 A. They would have VIP host or CREs that might do that
16 for a period of time but the lady in question was a senior
17 employee in the group. It was like she had an exclusivity
18 arrangement.
19
20 Q. Did you not think that this was nothing more than the
21 casino trying to make this particular high roller feel
22 special or preferred treatment?
23 A. No. No, I didn't. I believed there was a
24 relationship between both.
25
26 Q. I think that deals with the matters that were the
27 subject of this feedback session dealing with the
28 particular high roller and that's been the subject of some
29 considerable evidence but I think you have also raised in
30 the course of this meeting concerns in relation to the
31 treatment of Ms Ward; is that right?
32 A. Yes.
33
34 Q. Specifically the fact that she had been overlooked in
35 relation to her job application to become a permanent
36 casino duties supervisor?
37 A. A gaming manager.
38
39 Q. Obviously this was all based on information that had
40 been provided to you by Ms Ward; is that right?
41 A. Yes.
42
43 Q. You took that up with these senior officers and they
44 provided you with some feedback in relation to that?
45 A. Yes.
46
47 Q. You advised that because it was a matter that was

1 personal to Ms Ward, then it was really something that she
2 needed to pursue, not you?
3 A. Yes.
4
5 MS FURNESS: Q. Did you accept that, Mr Culpan?
6 A. No, I didn't.
7
8 Q. You thought they should have discussed her
9 circumstances with you?
10 A. Well, I don't believe they should have discussed the
11 circumstances with me, but there were a lot of things that
12 were happening as a result of that that I'd also spoken to
13 you about.
14
15 Q. No, my question was did you accept that when you were
16 told by the senior officers that it was appropriate they
17 deal with Ms Ward over those concerns? Did you accept
18 that?
19 A. Yes, yes.
20
21 MR WIGNEY: Q. Another allegation that you had raised
22 and was dealt with during the course of this feedback
23 session was an allegation relating to the assault of
24 a particular employee by a fellow staff member; is that
25 right?
26 A. Yes.
27
28 Q. In fact, by the time that you attended this feedback
29 session, that particular allegation had been dealt with
30 through formal channels and it had been satisfactorily
31 resolved; correct?
32 A. Yes, within a short period of time once it was
33 reported.
34
35 Q. Once it was reported, it was acted on and dealt with
36 appropriately; correct?
37 A. Yes, because I reported it personally.
38
39 Q. Didn't the particular employee lodge the complaint
40 first?
41 A. Absolutely, and nothing was done.
42
43 Q. Why do you say nothing was done?
44 A. Well, nothing was done. It was some three/four months
45 before anything was done about it.
46
47 Q. You say it was only acted upon when you raised it with

1 the senior management.

2 A. Yes, and I raised directly with the general manager of
3 HR, who dealt with the matter within a period of three
4 days.

5
6 MS FURNESS: Q. You were happy with that outcome?

7 A. I was happy with that. I was very annoyed that it
8 hadn't happened prior to that.

9
10 Q. But in terms of the outcome, Mr Culpan?

11 A. In terms of the outcome, that it been dealt with, yes.

12
13 MR WIGNEY: Q. I think another matter that you had
14 raised previously, and which was dealt with during the
15 course of this feedback session, was something concerning
16 The Star's email policy and the sending of inappropriate
17 images via email between staff?

18 A. Yes.

19

20 Q. A particular employee had been terminated as a result
21 of having been found to have breached that policy; is that
22 correct?

23 A. Yes.

24

25 Q. Your particular complaint which you had taken up was
26 that others were doing this and hadn't been dealt with; is
27 that a fair summary?

28 A. Yes.

29

30 Q. Again, in relation to your assertion that others had
31 been sending inappropriate images, I think you - correct me
32 if I am wrong - advised the senior officers in this meeting
33 that you didn't have any direct evidence of other people
34 sending inappropriate images; correct?

35 A. No, because I don't have access to their emails.

36

37 Q. This is just something based entirely on, what, talk
38 on the floor?

39 A. No, this was something that I had physically seen as
40 being sent to other managers, and what the terminated
41 employee had also told me. I thought it was a much bigger
42 issue, so I told the counsellors about it.

43

44 Q. Another matter which was the subject of an earlier
45 matter raised by you with Sylvia, and then followed up in
46 this meeting, was a concern that you had concerning use of
47 electronic devices by some Asian players; is that right?

1 A. Yes.
2
3 Q. Is this something that you had direct evidence or
4 knowledge of?
5 A. I had knowledge of it.
6
7 Q. How did you get that knowledge?
8 A. I was told by both the pit manager and the supervisor
9 and the dealer.
10
11 Q. Were the electronic devices telephones?
12 A. I think it was a telephone and I believe it might have
13 been a camera.
14
15 Q. This is a camera that was on a modern telephone,
16 a Smartphone?
17 A. Or under their sleeve, I think it was.
18
19 Q. The concern was that the camera was being used to,
20 what, record aspects of the play?
21 A. Yes. Apparently the camera, from what I was told,
22 could read barcodes.
23
24 Q. Was this something where you were advised by the
25 senior officers that management was in fact aware of these
26 concerns and had been taking steps to ensure that
27 inappropriate use was not made of the telephones during the
28 course of play?
29 A. Yes.
30
31 Q. Did you accept that this was a matter that management
32 was aware of and acting on?
33 A. Yes.
34
35 Q. You advised that they - and, again, this is not being
36 critical - had become aware of this independently of you?
37 A. I'm not one hundred per cent sure of that. I had
38 reported that to Sylvia in a meeting earlier.
39
40 Q. There are only a couple to go, I hope. Again, it was
41 a very lengthy meeting, and there was a good deal of
42 discussion back and forth between you, on the one hand, and
43 the senior officers on the other?
44 A. Yes, it was quite robust.
45
46 Q. You were satisfied with the way this meeting was
47 progressing?

1 A. I was happy with the way the meeting was going.
2 I didn't necessarily agree with all the findings, but it
3 was always good to get feedback at that level.
4

5 Q. The next thing that you had raised and was the subject
6 of, it seems, some considerable discussion was a concern
7 that you expressed in relation to the culture concerning
8 reporting and handling of complaints and issues?

9 A. Yes.

10

11 Q. And your concern, put broadly, was that there had
12 emerged to be a culture involving "sweeping it under the
13 carpet"?

14 A. Yes.

15

16 Q. Were you assured by the senior officers present that
17 in fact, contrary to this, the compliance section and
18 senior management took all complaints very seriously?

19 A. Yes.

20

21 Q. And encouraged people to raise issues with them?

22 A. Yes.

23

24 Q. They encouraged you to raise issues with them;
25 correct?

26 A. No.

27

28 Q. Why do you say that?

29 A. Well, they advised me I should go to the TIPS Hotline.

30

31 Q. Wasn't that one of your concerns that you expressed in
32 this context, along the lines of people think - that is,
33 employees think - that if they raise issues or complaints,
34 that that will somehow prejudice their ongoing prospects of
35 promotion or employment?

36 A. Yes.

37

38 Q. To the extent that E-Tips was referred to, was it not
39 suggested to you that --

40 A. E-Tips was new. It was still the TIPS Hotline at that
41 stage.

42

43 Q. Was it suggested to you that it had been set up and
44 implemented to deal precisely with that sort of thing so
45 that employees could make entirely anonymous complaints
46 about any issues of concern for them; correct?

47 A. Yes, but I was also told by Michael Anderson and

1 Andrew Power that there is a great deal of work that needs
2 to be done on that to improve the marketing on it to
3 employees, because they said at the moment there is no
4 faith in it.

5
6 Q. They indicated that they would do whatever they could
7 to ensure that employees were encouraged to use E-Tips if
8 they had any concerns about reporting matters; correct?

9 A. Yes. Sylvia then said to me that she believed there
10 was probably an education program and training program that
11 they should try and initiate to improve that aspect.

12
13 Q. Did you accept a genuine desire on the part of
14 management to market, I think, this particular program so
15 that --

16 A. Yes, I did believe that.

17
18 Q. You were also aware, weren't you, that the E-Tips
19 system not only allowed anonymous complaints to be
20 forwarded through to management, but they were monitored
21 independently by an independent organisation?

22 A. Yes.

23
24 Q. I think it was Deloittes?

25 A. Deloittes, yes.

26
27 Q. I think the point was made during the feedback session
28 that if employees didn't report their concerns, then there
29 was nothing management could do, they obviously can't act
30 on uncommunicated concerns?

31 A. That's right.

32
33 Q. Did you accept a genuine desire on the part of these
34 officers who were present during the feedback session to
35 ensure that things were reported?

36 A. Yes. However, they could only go with what
37 information or intelligence they received, and I did stress
38 that to them at that time.

39
40 Q. I think another matter, and we can hopefully deal with
41 it fairly briefly, concerned a particular officer,
42 a Mr Lomax; is that right?

43 A. John Lomax, general manager of security.

44
45 Q. What was that all about?

46 A. That was about when I'd reported the termination of
47 the employee for inappropriate emails.

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Q. That was the one we were talking about before?

A. Yes. John Lomax had sent me an email that I thought was extremely bad in the point that he was criticising me more so than I believe he should have, and he didn't understand the big picture. I reported that to Sylvia Aliosis as well.

Q. Your concern was that you were essentially being told to stop raising the concern on behalf of the employee who had been dismissed because it was none of your particular business; it was the employee's business?

A. Yes, but the employee had told me that there were images that were doctored, created of both patrons that would come into the casino and employees.

Q. So this comes back to your original concerns about whether this particular employee should have been singled out and terminated for the images where you thought other people were doing the same?

A. Look, I believe that the employee that was terminated, it was fair and just, I have no problem with that. I told him - when he asked me what did I believe will happen, I said, "I believe you will be terminated." I had no problem with that whatsoever. It was then he volunteered to me about patrons, which I thought was very, very bad, and employees that were actually doctored and created and then sent around as a pornographic email. That was my concern for the global part of it.

Q. You then also raised, didn't you, a specific concern about, I think, a debt outstanding by a prominent gambler who was apparently a basketball player, is that right, without naming him?

A. Yes.

Q. He had a \$500,000 facility for some two years, or thereabouts; is that right?

A. No, that was a \$500,000 amount that we'd advanced him without any documentation put in place.

Q. Your concern that you had expressed previously, and was the subject of some feedback at this meeting, related to a belief on your part that that amount that had been advanced had remained unpaid for a period of four months?

A. I believe it was four months, yes.

1 Q. Again, this is something you didn't have first-hand
2 knowledge of; is that right?
3 A. Yes.
4
5 Q. Something told to you by Ms Ward; is that right?
6 A. And three other people.
7
8 Q. Again, in terms of dealing with outstanding debts, it
9 is not part of your responsibility in your position at the
10 casino?
11 A. No, it wasn't, but I reported it, though.
12
13 Q. In any event, you were told that that matter had been
14 looked into and that the matter of the debt had been
15 cleared within the guidelines; is that right?
16 A. No, I was told the matter had been cleared.
17
18 Q. Within an appropriate period of time, were you told
19 that?
20 A. No, it was outside of the period of time.
21
22 Q. But it had been cleared by a number of cheques that
23 had been banked within an appropriate timeframe; correct?
24 A. Yes, but that had only happened because that matter
25 was reported anonymously.
26
27 Q. Reported anonymously by whom?
28 A. By me.
29
30 Q. You used, what, E-Tips?
31 A. No, I spoke - I sent a letter to the investigations
32 officer at that stage, Kevin Houlihan, I informed him, and
33 I'd also advised CLGCA.
34
35 Q. So this is an occasion where you, albeit anonymously,
36 have specifically raised a complaint and, as far as you
37 were aware, it was acted on?
38 A. Yes, but if I hadn't have done it anonymously, it
39 would never have been acted upon.
40
41 Q. Why do you say that?
42 A. Because it wasn't being found out. It was a cover-up.
43
44 Q. On what basis do you say it was a cover-up?
45 A. Because nothing had been done within the appropriate
46 time that was supposed to be done under what our policies
47 and procedures and whatnot are. If I hadn't have reported

1 it, nobody would have known about it.

2

3 Q. I think you agreed earlier that these three officers
4 in the course of this feedback session said, "If people
5 don't report things, then management don't know about them
6 and therefore they can't be acted on"?

7 A. That's right.

8

9 Q. This was an occasion where you did report something,
10 albeit anonymously, and it was acted on?

11 A. It was acted on because it was reported. But the
12 policies and procedures, Mr Wigney, that we have in place
13 should have picked up on that trail, on the transaction,
14 and that should have been identified and flagged, and the
15 player should have been approached well before I reported
16 it to say that this matter should have been cleared up, and
17 that wasn't done.

18

19 Q. You not being responsible for this aspect of the
20 casino's operations, don't have any actual direct knowledge
21 at all as to what was going on during this period of time,
22 do you?

23 A. I had a CDM come to me about it, or an acting CDM, and
24 I had three senior managers in the finance department come
25 to me about it. They couldn't raise it because they were
26 too close to it, and it would look as though they had done
27 it. So if I had not have done it anonymously, they
28 probably would have been trouble as a result of it. The
29 only reason it was cleared up was because I reported it.

30

31 Q. Another matter that you raised, and was the subject of
32 discussion during the course of this meeting, was an
33 allegation that the then managing director of The Star had
34 been observed intoxicated on three occasions at The Star?

35 A. Yes.

36

37 Q. And then some specific details were given of the
38 locations in The Star where he was observed to be
39 intoxicated?

40 A. Yes.

41

42 Q. This wasn't at all based on any observation that you
43 made; correct?

44 A. No, none.

45

46 Q. It was based entirely on rumour, or gossip on the
47 floor; correct?

1 A. Yes.
2
3 Q. These were fairly recent events, I think, in time?
4 A. Yes.
5
6 Q. Having occurred shortly before this feedback session;
7 correct?
8 A. Yes.
9
10 Q. And you were told that Mr Houlihan - that is, the
11 investigations manager - had been asked to make some
12 further inquiries in relation to those matters?
13 A. Yes.
14
15 Q. Were you ever provided with any feedback in relation
16 to the investigation?
17 A. Not that I recall, no.
18
19 MS FURNESS: Mr Wigney, are you going to the 9 February
20 meeting in relation to that allegation? Perhaps you might
21 come back to that.
22
23 MR WIGNEY: Yes.
24
25 Q. The next matter that was the subject of specific
26 discussion at this feedback session was something that you
27 had raised concerning a group of employees, presumably of
28 Asian extraction, at the casino who called themselves the
29 Asian Mafia; is that correct?
30 A. Yes.
31
32 Q. You made it clear that, notwithstanding the
33 connotations that would flow from that name, you weren't
34 suggesting that there was anything sinister or improper or
35 illegal about that group?
36 A. Yes.
37
38 Q. You were raising it so that it could be looked into?
39 A. Yes, just so that it could be looked at. It was like
40 an addendum.
41
42 Q. You were told that that was something that the senior
43 officers would see what could be found out about?
44 A. Yes.
45
46 Q. Was that the first they'd heard of it, as far as you
47 were aware?

1 A. Yes.
2
3 Q. There are only two things to go, Mr Culpan. Another
4 matter that was discussed during the course of this meeting
5 was some information that you had apparently concerning
6 compromising photographs taken of two former officers of
7 the casino; is that right?
8 A. Yes.
9
10 Q. Again, this is not something that you had any direct
11 personal knowledge or involvement in; is that right?
12 A. Yes.
13
14 Q. It was something based on - again, I am not using this
15 in a critical way - talk on the floor, or gossip?
16 A. Quite often the information would come from fellow pit
17 managers or colleagues, yes.
18
19 Q. Were you advised that, in fact, an investigation had
20 taken place in relation to those allegations and that they
21 were found to have not had any substance?
22 A. Yes.
23
24 Q. And is that something you accepted?
25 A. Yes, I did accept that because I don't believe there
26 was enough evidence.
27
28 Q. Finally, I think there was a matter which was raised
29 with you in relation to a claim that a particular senior
30 officer, again who had some relationship with the high
31 roller that's been the subject of some evidence - something
32 that had been said between them had led to a belief that
33 prostitutes were involved; is that right?
34 A. Yes.
35
36 Q. I won't name the name of the senior officer, but,
37 again, was this something that you had any personal
38 involvement or dealing with, or is it something that you'd
39 been told about?
40 A. It was something I'd been told about.
41
42 Q. Were you told that the comment that had been made that
43 had led to this belief about prostitution was essentially
44 a comment about someone going off, I think the high roller
45 going off, to have a massage that afternoon?
46 A. In inverted commas, yes.
47

1 Q. This was information provided to you by Ms Ward; is
2 that right?

3 A. Yes, and a number of other staff.
4

5 Q. You say "massage" in inverted commas, meaning that
6 either Ms Ward or you or the other officers had inferred or
7 concluded from the use of the expression "massage" that it
8 was a prostitute involved as opposed to some form of
9 therapeutic massage?

10 A. Or remedial, yes.
11

12 Q. Or remedial, I was trying to think of that
13 word - probably a better word. This is just really an
14 inference, or a conclusion, that an adverse negative
15 inference had been drawn really from a brief exchange?

16 A. Considering that the employee that we've mentioned was
17 terminated for that very thing, I think that there was
18 a great deal of truth in what I'd actually said.
19

20 Q. There was in fact a spa attached to the hotel at which
21 remedial massages were given; correct?

22 A. Yes, they were, by properly trained professionals.
23

24 Q. You believed, on the basis of what you'd been told
25 about this brief exchange, that it wasn't talking about
26 The Star spa; is that right?

27 A. Correct.
28

29 Q. Again, I think you were told that previous allegations
30 had been raised about this particular employee and the
31 involvement of prostitutes and those complaints had been
32 found not to be substantiated. Do you remember being told
33 that?

34 A. No.
35

36 Q. I think, to be fair, you have referred to this
37 particular feedback session, but there were other feedback
38 sessions over the following weeks and indeed months; is
39 that right?

40 A. Yes.
41

42 Q. I just want to come back to this, and it's a matter
43 Ms Furness raised, in relation to the allegations
44 concerning the managing director having been seen to be
45 intoxicated at three locations in The Star on a particular
46 evening. Were you informed I think at a feedback meeting
47 on 9 October 2012, that that particular matter you raised

1 in the October meeting had been investigated by the
2 investigations unit and found not to be substantiated?

3 A. Yes, I was.

4
5 Q. Were you advised that a large number of staff had been
6 interviewed, CCTV footage had been analysed, and that none
7 of it supported what really was simply rumour or innuendo?

8 A. Yes.

9
10 Q. Was that something you accepted in
11 the February meeting?

12 A. Yes, because I believed there wasn't enough evidence
13 to support it.

14
15 Q. That was a fairly laborious task, but I just wanted to
16 come back to you in that context. Having regard to that
17 fairly laborious exercise that we went through in relation
18 to all of the matters that you'd raised with Sylvia which
19 had been dealt with in the course of this feedback session
20 and other sessions, I wanted to explore with you the basis
21 of the comment that you made to the Channel 7 reporter that
22 I took you to earlier, that is:

23
24 *No matter what you report, no matter what*
25 *you see, no matter what you say, nothing is*
26 *ever done about it.*

27
28 Here is a meeting that goes over some three hours where
29 every issue or allegation or complaint that you had been
30 told about was poured over by both yourself and these three
31 senior officers; correct?

32 A. Yes.

33
34 Q. A number of the matters had been the subject of
35 investigation and you accepted the results of the
36 investigation in some cases?

37 A. Yes.

38
39 Q. On a number of other cases, as you have described,
40 because the complaint or the issue that had been raised was
41 based on rumour, speculation or innuendo, you accepted that
42 there wasn't enough evidence to take it any further;
43 correct?

44 A. Yes.

45
46 Q. In relation to some of the matters that you raised
47 during the course of this meeting, as you have agreed,

1 matters that had been raised had in fact been acted on;
2 correct?

3 A. Yes.

4
5 Q. How is it that you could say to the reporter that no
6 matter what you see, no matter what you say, nothing's ever
7 done about it?

8 A. Because that has not always been the case. It's only
9 since we've had a new compliance team on there, with Andrew
10 helping with Sylvia, because Sylvia used to be a one-woman
11 show at one stage. It depends on the department you report
12 it to. If you report anything to table games, it gets
13 filtered. I stopped reporting directly to table games
14 quite a few years ago.

15
16 Q. When was this change that you became content with in
17 terms of acting on complaints?

18 A. I've never been content with anything there, because
19 no matter what you report, like I said, a lot of the things
20 don't get acted upon. It has only been recently, and I'd
21 say probably in the last two years, where I have reported
22 things and there's been some action, but most times nothing
23 happens. Once again, let me just say, it depends on the
24 department you go to. If I go to Sylvia's department,
25 I know that something will be done.

26
27 Q. So, after the last two years, particularly since
28 Sylvia's been on the job, so to speak, you've been content
29 with complaints and issues that have been raised being
30 acted on?

31 A. Yes.

32
33 Q. So that comment that you made to the Channel 7
34 reporter was dealing with something before 2010?

35 A. I think I was saying it as a history of what's
36 happened at The Star casino.

37
38 Q. As a matter of history, what had happened The Star
39 condition, according to what you just said, the compliance
40 system had improved?

41 A. Yes, the compliance system had improved over the last
42 number of years, but prior to that it hadn't. Not all
43 things were reported to Sylvia, as well.

44
45 Q. Can I then take up with you, and I won't be very much
46 longer, Mr Culpan, a couple of other matters that you
47 raised during the course of the Channel 7 matter. Again,

1 all I simply want to do is ask the basis upon the comment.
2 I'm not being critical, I'm just giving you the opportunity
3 to provide the source of it.

4 A. I understand.

5

6 Q. Again, in the same interview - that is, of
7 20 February - you were reported as saying:

8

9 *There's a financial incentive not to report*
10 *any breaches, correct.*

11

12 A. Yes.

13

14 Q. Again, just to put this in context, you obviously are
15 someone that continues to have concerns and an interest in
16 the affairs of the casino; correct?

17 A. Yes.

18

19 Q. Did you read the report that was prepared on behalf of
20 the authority and made public I think in December last
21 year?

22 A. Yes.

23

24 Q. Do you recall - and I won't necessarily take you to
25 it - this issue about "financial incentives not to report"
26 was something dealt with specifically in the report and
27 a recommendation was made?

28 A. Yes.

29

30 Q. The next thing I want to explore with you - and again
31 I'll put it in context and read out the reporter's preface
32 to your statement - is where the reporter said:

33

34 *And there were many breaches, including*
35 *earlier warnings to the casino of a culture*
36 *of drug abuse amongst senior managers.*

37

38 *Are we talking chronic drug abuse?*

39

40 Your answer was:

41

42 *We're talking chronic drug abuse, yeah.*

43

44 Now, did you tell the Channel 7 reporter that there was
45 chronic drug abuse amongst senior managers?

46 A. Yes.

47

1 Q. The basis of that allegation being what?

2 A. On things that I had observed, reports that I had
3 made, sachets that I'd actually pulled out and given to
4 security to have a look at to see if they can get
5 fingerprints on, they'd be thrown in the garbage bin.

6
7 Q. This isn't something that you raised at all in the
8 course of the feedback session?

9 A. When I was a union delegate, Mr Wigney, Mr Mulligan
10 was the general manager that came on board in 2000. We
11 were going to introduce with the LHMU a testing of staff,
12 randomly. That would identify nicotine and also some other
13 substances. It was a swab. That was going to be
14 implemented. We had assurances by the general manager at
15 that stage that all that would be implemented company-wide.
16 He received communication from Tabcorp to say that that
17 wouldn't happen.

18
19 Q. This was a particular policy you would have liked seen
20 in place?

21 A. That was a policy we negotiated with the LHMU and it
22 was going to be put in place by the then general manager.

23
24 Q. Put that aside for the moment. When you said, "We're
25 talking chronic drug abuse, yeah", are you talking about
26 something that you had observed in 2012, 2011, 2010, when?

27 A. Well, I'd been to the forums that Sid Vaikunta had
28 been to --

29
30 MS FURNESS: No, you really need to just answer the
31 question, if you wouldn't mind. This is important,
32 Mr Culpan.

33
34 THE WITNESS: In 2011.

35
36 MR WIGNEY: Q. You have mentioned Mr Vaikunta?

37 A. Mr Vaikunta. We had what we call an employee forum,
38 and I believe that Mr Vaikunta was off his face.

39
40 Q. Based on what observation?

41 A. My observations.

42
43 Q. What was your observation in relation to Mr Vaikunta?

44 A. That Mr Vaikunta was on some substance at that meeting
45 that day.

46
47 MS FURNESS: Q. No, what did you see, Mr Culpan?

1 A. What did I see? I saw all the behaviours of drug
2 abuse.
3
4 Q. What did you see?
5 A. I saw him sniffing his nose incessantly, like it
6 seemed to be itchy all the time. He was very animated.
7 His eyes were enlarged and he seemed to have an extreme
8 amount of energy, jumping around and whatnot, as well.
9 It was typical of the behaviour that a lot of drug users
10 have.
11
12 MR WIGNEY: Q. I'm not being critical of you, but are
13 you someone that has particular experience --
14 A. Yes.
15
16 Q. -- of observing drug addicts?
17 A. Yes.
18
19 Q. From what?
20 A. I ran a business that actually employed rehabilitated
21 drug users. I did that as part of a government initiative.
22
23 Q. When was that?
24 A. That was in the early 80s, late 70s.
25
26 Q. So something that you had involvement in late 70s,
27 early 80s enabled you to form views about people being
28 under the influence of drugs?
29 A. Under the influence of drugs, yes, and I was also a
30 licensee holder for quite a number of years too; worked in
31 various hotels and restaurants where I'd seen the same
32 behaviour.
33
34 Q. I have spent too much time on this but you accept that
35 people can have sniffs or sniffles for any number of
36 reasons, you would accept that, wouldn't you?
37 A. Yes, sure I do.
38
39 Q. People can seem animated not only because they're on
40 drugs but because they're animated people, right?
41 A. Yes, but not to that degree. Mr Vaikunta was very
42 over the top.
43
44 Q. People can be animated because they've had 10 cups of
45 coffee like I do sometimes in the morning; right?
46
47 MS FURNESS: I don't think this is particularly helping

1 me, Mr Wigney, but what I am interested in is the fact that
2 Mr Culpan referred to a culture and referred to senior
3 managers, plural, each of which suggests more than just
4 Mr Vaikunta.

5
6 MR WIGNEY: Q. Anyone else?

7 A. What, that I can name?

8
9 Q. Yes.

10 A. A number of employees have already left the business.

11
12 Q. When?

13
14 MS FURNESS: Perhaps a time frame would be useful.

15
16 MR WIGNEY: Q. What time frame are we talking about?

17 A. Probably over the last five years.

18
19 Q. What about in 2011, someone that you would categorise
20 as a senior manager having left the business you believe as
21 a result of chronic drug abuse or a chronic culture of
22 chronic drug abuse?

23 A. I believe that Sid Vaikunta was the one that I was
24 focused on.

25
26 Q. Anyone else?

27 A. Not at that stage, no.

28
29 Q. You appreciate that Ms Furness has drawn your
30 attention to two aspects of this statement: one is a
31 culture. Culture, you would accept, in this context would
32 mean more than just one person. One person doesn't make a
33 culture, do they?

34 A. Well, we had an employee that was the result of a
35 sting operation that was selling drugs to just about
36 everybody he could at Star and that was investigated as
37 part of a major sting operation and he was selling drugs to
38 a lot, a lot of people.

39
40 Q. Investigated, taken to the police, arrested, sent to
41 gaol; right?

42 A. Yes.

43
44 MS FURNESS: Mr Culpan, you really need to concentrate on
45 the senior managers. We're aware of the incident that
46 you're referring to, which was not senior managers.

1 MR WIGNEY: Q. So just Mr Vaikunta, is that fair to say?
2 A. Mr Vaikunta was the focus I was using, yes.
3
4 Q. Were you aware of any investigations that had been
5 taken in relation to allegations about Mr Vaikunta being a
6 drug user?
7 A. No.
8
9 Q. But this is not something that you raised at all
10 during the lengthy October session as being something that
11 was of concern to you?
12 A. No.
13
14 Q. Why not?
15 A. Because you don't like to bring up points about your
16 managing director in case something happens.
17
18 Q. Wasn't it made clear to you that these were very
19 senior officers from Echo Entertainment --
20 A. Yes.
21
22 Q. -- right, not just The Star where Mr Vaikunta was
23 employed, right. They told you repeatedly that they took
24 all allegations and complaints about impropriety and
25 unlawful conduct very seriously; correct?
26 A. Yes.
27
28 Q. And they asked you repeatedly to provide them with any
29 information or complaints that you had; right?
30 A. Yes.
31
32 Q. You did not report to them, during the course of this
33 meeting, what you've just reported to us, that is, that you
34 went to a meeting once where Mr Vaikunta was animated,
35 sniffed and had his eyes wide open?
36 A. (The witness nods).
37
38 Q. Why not?
39 A. Because it's something that you don't like to raise
40 about your managing director.
41
42 MS FURNESS: Q. But on 9 February, Mr Culpan, he was a
43 former managing director and that was the time that you had
44 that more recent feedback session.
45 A. Yes.
46
47 MR WIGNEY: Q. Sorry, I missed that. I think I was

1 going to come to what I think was the same topic, that is,
2 you didn't have any reservations about raising allegations
3 concerning Mr Vaikunta being intoxicated on three
4 occasions; right?

5 A. Yes.

6

7 Q. You raised that, even though that was just based on,
8 you would accept, rumour and speculation or talk on the
9 floor; right?

10 A. Sure.

11

12 Q. That didn't stop you from raising it at the meeting.
13 Why didn't you raise the same conclusions you'd drawn based
14 on your observations in relation to Mr Vaikunta's
15 behaviour?

16 A. It was a very sensitive area and I didn't raise it at
17 the time.

18

19 Q. Any more sensitive than being intoxicated on the
20 premises?

21 A. Yes, I think it's a lot more sensitive than being
22 intoxicated on the premises.

23

24 Q. Did you ever raise it in any capacity with Ms Aliosis
25 or anyone else?

26 A. Not that I'm aware of.

27

28 Q. Did you ever see an E-Tips complaint?

29 A. No, definitely not.

30

31 Q. You didn't make any other form of anonymous complaint
32 like you had at least in one --

33 A. No.

34

35 Q. Why not?

36 A. Because I didn't see it as being something that
37 I should be bringing to people's attention if I wanted to
38 stay employed at Star City, or at The Star.

39

40 Q. I'm not being critical but wasn't that because you
41 knew that all you were doing was speculating based on
42 Mr Vaikunta's --

43 A. Well, I mean, a lot of the things that you report over
44 the years is purely on speculation because you might
45 overhear things. It doesn't say that you - you know, when
46 you do undesirable illegal activity it doesn't mean you
47 have to have the cast-iron proof. There's a lot of things

1 that people have said over the years that gets
2 investigated. I mean, even Mr Power told me that some of
3 the things that I've said have turned out to be true.

4
5 Q. I'm not being critical, I'm just simply asking why
6 you --

7 A. But you are being critical because you're saying -
8 I mean, a lot of employees - you don't work in the place,
9 you don't know what it's like, right, so it's all right for
10 you to say "Why didn't you report this or why didn't you
11 report that" but you can't because there are retributions
12 that happen to you when you do that.

13
14 Q. But the point is you didn't face any retributions for
15 raising --

16 A. You always face retributions no matter what you
17 report, Mr Wigney.

18
19 Q. Did you face any retributions for having raised the
20 topic of Mr Vaikunta allegedly being intoxicated on three
21 occasions?

22 A. Well, I'm no longer working at The Star.

23
24 Q. That's not got anything to do with --

25 A. It's got everything to do with it. I've already
26 reported to The Star and I reported to both Sylvia and
27 Andrew that I believed I was being managed out of the
28 business. I reported that to Ms Furness.

29
30 Q. The next exchange I want to ask you about - again I'll
31 preface was preceding comments, reporter says:

32
33 *Claims too that the high rollers are plied*
34 *with free drinks and food to stay at the*
35 *table, some beyond 48 hours.*
36 *Is that responsible gambling.*

37
38 There's a comment then by someone else, then the reporter
39 says:

40
41 *So out of it, some won't take a break.*

42
43 And then your report is having said:

44
45 *They'll just wee under the table, that's*
46 *exactly right, they'll just wee under the*
47 *table.*

1
2 Had you ever observed anyone weeing under the table?
3 A. Had I physically seen it?
4
5 Q. Yes.
6 A. No.
7
8 Q. You would agree that if you did --
9 A. Had I read reports about it? Yes.
10
11 Q. Incident reports?
12 A. Table game statements, yes.
13
14 Q. In those occasions where you did become aware of this
15 it was because someone else had seen it and in fact
16 completed a report that went to management in relation to
17 it; right?
18 A. Yes. People used to spit on the floor too.
19
20 Q. Because, of course, you would agree, wouldn't you,
21 that if someone stayed at a table for 48 hours to the point
22 where they had to, to use your words, wee under the table,
23 that would raise serious issues in relation to responsible
24 gambling; right?
25 A. Sometimes we acted as a babysitter for an elderly
26 Chinese lady whose parents were - you know, whose siblings
27 or, you know, daughter or son would bring them in and she'd
28 get up from the chair and there would be a great big white
29 - you know, black spot on the chair or the chair would be
30 completely wet.
31
32 Q. Just for completeness, when was it that you saw these
33 reports and how many did you see?
34 A. I've seen several reports over the years.
35
36 Q. How about during the course of 2011, did you see any
37 during that time?
38 A. No.
39
40 Q. 2010?
41 A. I don't believe so.
42
43 Q. So this is again something historic that goes back --
44 A. Yes.
45
46 Q. -- before 2010, relevantly?
47 A. Yes. Sometimes those things don't get reported too,

1 Mr Wigney, they just get cleaned up. That's why we have a
2 bodily fluids clause placed into the enterprise agreement
3 now for public area cleaners.
4

5 Q. I think I'd raised with you at some length issues in
6 relation to what you believe to be Mr Vaikunta's drug use,
7 right?

8 A. (The witness nods).
9

10 Q. And I think I may have suggested to you or asked you
11 about whether you had reported and you said you hadn't
12 because of your concerns about repercussions and the like;
13 is that right?

14 A. Yes.
15

16 Q. I have just been shown, Mr Culpan - I'll raise it with
17 you for your comment - an email that you sent to Sylvia on
18 4 November 2011 where you say this, I will read it out.
19 I will provide you with a copy, just to assist. This is in
20 fact an email that you sent to Sylvia on 4 November 2007
21 and in fact where you in fact raise that you had heard from
22 several sources that Sid has been seen taking cocaine;
23 right?

24 A. Yes.
25

26 Q. Again, so these are people who have come to you and
27 reported things and you have been passing it on to Sylvia;
28 is that right?

29 A. Yes.
30

31 Q. Then you go on to say:

32
33 *I had heard this before but did think it*
34 *was just hearsay and did not report*
35 *directly.*
36

37 Right? Do you agree?

38 A. Yes.
39

40 Q. It refers, I think, to other specific matters in that
41 context but you say that that you hadn't reported it before
42 because you thought it was just hearsay but this again -
43 and I'm not being critical - is just hearsay isn't it, it's
44 something you'd been told?

45 A. Yes.
46

47 Q. Was this ever something that was then subsequently

1 discussed in any of your feedback sessions?

2 A. Not that I recall.

3

4 Q. I will have to deal with that in some other way. Just
5 finally, you were observed, I think, to be interviewed by
6 an ABC journalist I think as recently as the beginning of
7 last week, a report that ended up being aired on the
8 7.30 Report on Monday; do you recall that?

9 A. Yes.

10

11 Q. How did that come about?

12 A. I was asked to do an interview by the ABC reporter.

13

14 Q. I think we may have already dealt in some ways with
15 the comments that you made in the course of that, at least
16 the comments that were broadcast. I will read them out to
17 you and I think we have already essentially covered them.
18 You are reported as having said:

19

20 *You have a group of people that are there*
21 *just to do the spin. It might be something*
22 *that's quite bad and by the time it gets to*
23 *the regulators it's been filtered and*
24 *filtered and filtered so much that by the*
25 *time it gets up there, there's no cause for*
26 *alarm, it's just a storm in a teacup.*

27

28 Then you go on to say:

29

30 *Where you don't report things that happen,*
31 *because if you do it has negative impact on*
32 *your pay, what do you do? You don't report*
33 *it.*

34

35 The first of those matters I think we addressed in the
36 context of a similar comment you made to Channel 7; is that
37 right?

38 A. Yes.

39

40 Q. And you have confirmed that that is something that
41 really related to 2010 and before because you believe that
42 the compliance program that had been brought in under
43 Sylvia was a better system?

44 A. Yes.

45

46 Q. In relation to the other thing that you have
47 mentioned, that is, complaints, the negative impact it has

1 on pay, that's again a matter that you now know was dealt
2 with in the section 31 report and a recommendation made; is
3 that right?

4 A. Yes.

5
6 MR WIGNEY: Thank you.

7
8 MS FURNESS: Mr Sullivan?

9
10 MR SULLIVAN: Thank you.

11
12 <EXAMINATION BY MR SULLIVAN:

13
14 MR SULLIVAN: Q. I represent Star City and The Star,
15 Mr Culpan. Just a matter, if I may, ask you about the
16 feedback meeting you had on 24 October 2011. Do you agree
17 that Mr Power and Mr Anderson on a number of occasions
18 during that meeting indicated to you the importance of you
19 raising concerns about matters relating to Star and
20 grievances in respect of that?

21 A. Yes.

22
23 Q. Do you remember telling them that you remained of the
24 opinion that people who raised those matters faced
25 retribution as a result and their careers could be
26 negatively impacted?

27 A. Yes.

28
29 Q. Do you remember Mr Anderson saying to you that if such
30 treatment occurred, he would like that to be reported
31 because it was unacceptable?

32 A. Yes.

33
34 Q. Do you remember that Ms Aliosos said that E-Tips would
35 provide you with total anonymity and protection under the
36 Corporations Act if you wanted to report matters that way?

37 A. Yes.

38
39 Q. Was a point made to you that you had an obligation to
40 report your concerns in relation to breaches of internal
41 policies, suspicious behaviour and all legal and
42 undesirable conduct?

43 A. Yes.

44
45 Q. It was stated that nothing could be done by management
46 in relation to those matters unless they were reported?

47 A. Yes.

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Q. Was the point made to you at least half a dozen times during the meeting that if you were in any way concerned about retribution, then you should use E-Tips as a way of reporting the issues for it to remain confidential?

A. Yes.

Q. You have already said, in answer to Mr Wigney, that you also faced retribution and that you have linked that to the fact you are no longer working at Star?

A. Yes.

Q. Have you taken advantage of the advice given to you by Mr Anderson and Mr Power to make the complaint, by way of E-Tips, that you fear or claim that your termination of employment was due to the fact of you effectively making known these grievances and this was a form of retribution for you doing so?

A. Have I phoned Tips?

Q. Yes.

A. No.

Q. No.

A. Do I have to phone Tips?

Q. If you think that what was happening was retribution, as opposed to the stated reason, namely a breach of your obligations of confidentiality, why didn't you take up the offer made by Mr Anderson or Mr Power to bring that to the attention of management directly by way of E-Tips?

A. Because I don't have to use E-Tips, I can use any facility there that's available. I can go directly to Sylvia or Andrew or Michael Anderson if I need to. I can report it to my immediate supervisor.

Q. Did you take up with Sylvia or Michael or Andrew at any stage the fact that your termination was not for the stated reason, namely that you had breached your obligation of confidentiality, but because you had effectively --

A. No.

Q. Let me finish the question and you can answer it - because you had effectively raised grievances?

A. No.

MS FURNESS: Mr Price.

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<EXAMINATION BY MR PRICE:

MR PRICE: Q. Mr Culpan, you were asked some questions in relation to your appearance on the ABC by Mr Wigney; do you recall those questions?

A. Yes.

Q. Do you recall when the interview with the ABC took place?

A. I think it was done almost a week - maybe a week prior to the air date.

Q. Had you received the summons from this inquiry at the time you gave that interview?

A. Yes, I had.

MR PRICE: No further questions.

MS FURNESS: Mr Wigney?

MR WIGNEY: I have nothing arising.

MS FURNESS: Thank you, Mr Culpan, you're excused.

THE WITNESS: Thank you

<THE WITNESS WITHDREW

MR WIGNEY: I just deal with a couple of administrative matter before we adjourn. I should have had marked for identification the chronology that I took Ms Ward through and I should also have marked for identification the email that I think is still in the witness box of 4 November 2011 from Mr Culpan to Sylvia Aliosis.

MS FURNESS: The first is to be marked MFI6 and the email MFI7.

MFI #6 CHRONOLOGY

MFI #7 EMAIL DATED 4/11/2011 FROM GREGORY CULPAN TO SYLVIA ALIOSIS

MR WIGNEY: Finally, in relation to a matter that you raised last week, Ms Furness, dealing with submissions, I think the original direction was that the submissions of

1 counsel assisting in relation to term of reference 1 were
2 to be filed today. It became apparent to those assisting
3 you over the Easter break that there were difficulties
4 involved in that because of the possible evidence from, in
5 particular, Mr Houlihan that will be heard tomorrow. So we
6 were going to request that the previous directions be
7 vacated and the directions now to be that counsel assisting
8 will provide submissions in relation to term of reference 1
9 by 12 April and any submissions in response to be received
10 by Tuesday, 17 April.

11
12 Can I just propose at this stage, and anyone can make
13 submissions in relation to it perhaps tomorrow, but in
14 relation to term of reference 2, we would propose that the
15 submissions by counsel assisting again be filed by Tuesday,
16 17 April - no, I've got that wrong. That counsel
17 assisting's submissions will be Thursday, 17 April and the
18 submissions in response Friday, 20 April.

19
20 MS FURNESS: I'm not sure that timing works, Mr Wigney.

21
22 MR WIGNEY: I can't read my learned junior's handwriting
23 is the problem.

24
25 MS FURNESS: Can I just then that in relation to the first
26 and second areas covered by this public hearing that,
27 Mr Wigney, your submissions will be made available to those
28 interested parties by close of business on Thursday, which
29 is the 12th, and any submission in reply should be received
30 by the following Tuesday, which is the 17th.

31
32 In respect of the third area covered by these public
33 hearings, which necessarily forms part of term of
34 reference 2 but is only a very small part of it, that
35 submissions by yourself, Mr Wigney, will be provided to
36 those interested parties by close of business next Tuesday,
37 which is the 17th, with submissions in reply by Friday the
38 20th.

39
40 I think I indicated earlier that I propose that all of
41 those submissions would be made public and what I propose
42 to do is that when all submissions are in in respect of,
43 firstly, the first two areas covered by this public
44 hearing, which should be on Friday, they will be placed on
45 the authority's web site and when all the submissions are
46 in in respect of the third area covered by this public
47 hearing are in, they will also be placed on the authority's

1 web site. So that will be the means by which they are made
2 public.

3
4 MR WIGNEY: Yes. Finally, just in relation to proceedings
5 tomorrow, we anticipate at this stage calling Mr Kevin
6 Houlihan, who has been referred to in the course of
7 evidence today, he is the investigations manager at
8 The Star, and also Mr Mullin.

9
10 MS FURNESS: Is it anticipated that they will both be
11 completed tomorrow?

12
13 MR WIGNEY: That is certainly our objective.

14
15 MS FURNESS: Thank you. Is there anything further,
16 Mr Sullivan?

17
18 MR SULLIVAN: I should indicate that I will be seeking
19 leave to appear for each of those gentlemen, in addition to
20 my role for The Star.

21
22 MS FURNESS: Leave is granted, Mr Sullivan and you are
23 excused Mr Price unless you are proposing to stay?

24
25 MR PRICE: No.

26
27 MS FURNESS: We will adjourn until 10am tomorrow morning.

28
29 **AT 3.54PM THE HEARING WAS ADJOURNED TO WEDNESDAY,**
30 **11 APRIL 2012 AT 10AM**

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