



Victoria Government Gazette

No. S 83 Monday 22 February 2021
By Authority of Victorian Government Printer

**ELIZABETH THE SECOND, BY THE GRACE OF GOD
QUEEN OF AUSTRALIA AND HER OTHER REALMS AND TERRITORIES,
HEAD OF THE COMMONWEALTH:**

I, the Honourable Linda Dessau AC, the Governor of Victoria, with the advice of the Premier, under section 5 of the **Inquiries Act 2014** and all other enabling powers, appoint you Roman (Ray) Finkelstein AO QC as Commissioner and Chairperson to constitute a Royal Commission to inquire into and report on the matters specified in the terms of reference below.

I. BACKGROUND

1. Crown Melbourne Limited (Crown Melbourne) operates the Melbourne Casino under a licence granted under and subject to the provisions of the **Casino Control Act 1991** (Casino Control Act) on 19 November 1993. Crown Melbourne is the casino operator under the Casino Control Act and is a wholly-owned subsidiary of Crown Resorts Ltd (Crown Resorts).
2. The aims of the system for the licensing, supervision and control of casinos established under the Casino Control Act include:
 - a. ensuring that the management and operation of casinos remains free from criminal influence or exploitation;
 - b. ensuring that gaming in casinos is conducted honestly; and
 - c. promoting tourism, employment, and economic development generally in the State.
3. Crown Resorts' separate wholly-owned subsidiary, Crown Sydney Gaming Pty Ltd (Crown Sydney), holds a restricted gaming licence in New South Wales.
4. On 1 February 2021, an inquiry conducted by the Hon. Patricia Bergin SC for the New South Wales Independent Liquor and Gaming Authority (Bergin Inquiry), concluded that Crown Sydney was not a suitable person to continue to give effect to the Barangaroo restricted gaming licence and that Crown Resorts was not a suitable person to be a close associate of the person holding that restricted gaming licence.
5. The Bergin Inquiry also found, among other things, that Crown Resorts:
 - a. facilitated money laundering through the Southbank and Riverbank accounts unchecked and unchanged in the face of warnings from its bankers;
 - b. disregarded the welfare of its China-based staff putting them at risk of detention by pursuing an aggressive sales policy and failing to escalate risks through the appropriate corporate risk management structures; and
 - c. entered into or continued commercial relationships with junket operators who had links to Triads and other organised crime groups.
6. Some of the conduct canvassed by the Bergin Inquiry related to the Melbourne Casino operated by Crown Melbourne and other conduct related to the casino in Perth operated by Burswood Ltd (which is also a subsidiary of Crown Resorts).
7. Other law enforcement agencies, including the AUSTRAC, have considered or are considering the conduct of Crown Resorts and/or Crown Melbourne, including allegations of money laundering.
8. The Minister for Consumer Affairs, Gaming and Liquor intends to establish a review into Victoria's casino regulatory framework (Regulatory Review). It is intended that the Regulatory Review will run concurrently with the Royal Commission.

SPECIAL

II. DEFINITIONS

9. Defined terms in the Casino Control Act have the same meaning in these letters patent unless the contrary intention appears. In addition:
- a. **Crown Melbourne Contracts** means the documents referred to in s 25(1)(c) of the Casino Control Act.
 - b. **Suitable Associate** means a suitable person to be associated with the management of a casino under the Casino Control Act.

III. TERMS OF REFERENCE

10. You are appointed to inquire into and report on the matters set out below.
- A. Whether Crown Melbourne is a suitable person to continue to hold the casino licence under the Casino Control Act.
 - B. Whether Crown Melbourne is complying with the Casino Control Act, the **Casino (Management Agreement) Act 1993**, the **Gambling Regulation Act 2003** (together with any regulations or other instruments made under any of those Acts), and any other applicable laws.
 - C. Whether Crown Melbourne is complying with the Crown Melbourne Contracts.
 - D. Whether it is in the public interest for Crown Melbourne to continue to hold the casino licence in Victoria.
 - E. If you consider that Crown Melbourne is not a suitable person, or that it is not in the public interest for Crown Melbourne to hold the casino licence in Victoria, what action (if any) would be required for Crown Melbourne to become a suitable person, or for it to be in the public interest for Crown Melbourne to continue to hold the casino licence in Victoria.
 - F. Whether Crown Resorts is a Suitable Associate of Crown Melbourne.
 - G. If you consider that Crown Resorts is not a Suitable Associate of Crown Melbourne, what action (if any) would be required for Crown Resorts to become a Suitable Associate of Crown Melbourne.
 - H. Whether any other existing associates of Crown Melbourne are not Suitable Associates of Crown Melbourne.
 - I. If you consider that any other existing associates of Crown Melbourne are not Suitable Associates of Crown Melbourne, what action (if any) would be required for those persons to become Suitable Associates of Crown Melbourne.
 - J. Whether you consider changes to relevant Victorian legislation, including the Casino Control Act and the **Victorian Commission for Gambling and Liquor Regulation Act 2011**, as well as the Crown Melbourne Contracts, are necessary for the State to address your findings and implement your recommendations.
 - K. Whether there are any other matters necessary to satisfactorily resolve the matters set out in paragraphs A to J, above.

IV. RECOMMENDATIONS

11. You may make any recommendations that you consider appropriate arising out of your inquiry.
12. In formulating your recommendations you should have regard to the most practical, effective and efficient way to address the matters arising out of your inquiry and the financial impact of your recommendations on the State.

V. REPORT

13. You are required to report your findings and any recommendations to the Governor as soon as possible, and in any event, no later than 1 August 2021 or a later date agreed between the Commission and the Premier.

VI. CONDUCT OF YOUR INQUIRY

14. Without limiting the scope of your inquiry, or the scope of any recommendations that you may wish to make, you are directed to conduct your inquiry:
- a. as you consider appropriate;
 - b. without incurring unnecessary cost or delay;
 - c. without unnecessarily duplicating the Regulatory Review, or any other investigations or recommendations of inquiries or investigations into these or related matters that are described in the background above, or that otherwise come to your attention during your inquiry;
 - d. without prejudicing the Regulatory Review, or any other inquiries and investigations into any matters relevant to your inquiry;
 - e. by working cooperatively, as appropriate, with the Regulatory Review, or any other relevant inquiries or investigations;
 - f. in a way that does not prejudice any current or future criminal or civil proceedings;
 - g. so as to promptly bring to the attention of the Regulatory Review, relevant law enforcement agencies, or regulators, any information or documents that you consider to be relevant to their functions; and
 - h. in accordance with these letters patent, the **Inquiries Act 2014** and all other relevant laws.
15. You may also consult with experts and engage persons to provide relevant advice and assistance.

These letters patent are issued under the Public Seal of the State.

WITNESS
(L.S.)

Her Excellency the Honourable Linda Dessau,
Companion of the Order of Australia, Governor
of Australia at Melbourne this 22nd day
of February 2021.

By Her Excellency's Command
THE HONOURABLE DANIEL ANDREWS
MP
Premier of Victoria

Entered on the record by me in the Register of Patents Book No. 47 Page No. 169 on the 22nd day of February 2021.

JEREMI MOULE
Secretary, Department of Premier and Cabinet

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