IN THE MATTER OF A ROYAL COMMISSION
INTO THE CASINO OPERATOR AND LICENCE

CROWN'S SUPPLEMENTARY SUBMISSIONS REGARDING
AVAILABILITY OF MELBOURNE CASINO GAMBLING DATA FOR
RESEARCH PURPOSES

Background

1. These supplementary written submissions respond to:

    1.1. the submission in paragraph 12.4 of the written submissions of the Victorian Responsible Gambling Foundation (***VRGF***) dated 2 August 2021 that there should be a positive obligation on Crown to make its gambling data available to industry bodies, including the relevant regulator, relevant Victorian government departments and agencies and the VRGF and other researchers;

    1.2. the supplementary written submissions of the VRGF dated 10 August 2021 that address the Commission's request, in the letter from Solicitors Assisting the Commission dated 6 August 2021, for further submissions from the VRGF that address, more specifically: (a) the data that the VRGF submits should be made available; (b) who should be provided with the data identified in (a); (c) whether the data should be anonymised; and (d) any other matter it considers necessary; and

    1.3. the Commission's request that these submissions address any matters that Crown considers necessary, including any legal (e.g. confidentiality and privacy) and commercial concerns that might arise if the submission advanced by the VRGF were to be accepted.

2. The evidence in this Commission has shown that:

    2.1. Crown has provided information for, and participated in, a range of responsible gambling (***RG***) and gambling harm minimisation research projects;[1]

    2.2. Crown is very open to providing gambling data or information for use in RG or gambling harm minimisation research projects;[2] and

    2.3. Crown has engaged with the VRGF in relation to a range of matters, including RG best practices, self-exclusion, RG training and implementation of the Sixth Review recommendations, including attending a range of meetings with the

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[1] Exhibit RC0109jj CRW.510.052.8491 Annexure jj, Responses to Questions 38(a)-(d) table.

[2] Lucas T1582.13-20; Bauer T1367.27-T1368.12. Notably, the VRGF has never actually asked Crown for the data Mr Lucas said (in his statement) that Crown should provide: Lucas T1582.11-13.

> VRGF and the Victorian Commission for Gambling and Liquor Regulation (***VCGLR***) and with the VRGF alone.[3]

3. Crown remains committed to doing more to improve knowledge of, and resilience against, the risks of harm from gambling within the Victorian community by, among other things, supporting research and broader community engagement on these important issues.

Provision of data for research

4. To support further research, Crown considers that it is appropriate and desirable that data that it collects be made available to researchers. One of the difficulties in developing appropriate and effective RG services is the absence of high quality research in this area. The more high quality, peer reviewed research that can be done, the better Crown (and others) will be able to develop and provide appropriate and effective RG services. Crown is very willing to support such research.

5. In determining the nature of the data that Crown provides and the circumstances in which it is provided, the following considerations are in Crown's submission important.

6. First, the privacy of Melbourne Casino patrons must be respected and preserved, including by complying with privacy laws. That will require data to be anonymised and, where appropriate, aggregated to ensure that the identity of Crown patrons cannot be discerned directly or indirectly from them.

7. Second, research conducted using the Melbourne Casino gambling data should be conducted in accordance with the *Australian Code for the Responsible Conduct of Research, 2018*, published by the National Health and Medical Research Council, or any replacement Code.

8. Third, there should be appropriate, clear controls on the use and disclosure of the gambling data (at least some of which is commercially sensitive to Crown) to which access is given to ensure that, among other things, the data are not used for improper or collateral purposes and are not made available to third parties not genuinely involved in research, to Crown's commercial detriment.

9. Fourth, all research papers that are prepared following consideration of the Melbourne Casino gambling data should be peer reviewed.

10. Fifth, appropriate processes should be imposed to avoid or, at least, limit duplication and broader inefficiency. The Mebourne Casino gambling data that Crown collates is extensive and complex. Substantial business and systems knowledge is required to extract relevant subsets of that data and to then make it available for correct and meaningful use. Further, the burden on Crown in making certain Melbourne Casino

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[3] Exhibit RC0145 VRGF.0002.0001.0017 at [46.1]; Exhibit RC0145 VRGF.0002.0001.0017 at [55]; Exhibit RC0145 VRGF.0002.0001.0017 at [57].

gambling data available would be increased if multiple requests were to be made for similar, but not identical, datasets.

11. Sixth, requests for access to Melbourne Casino gambling data should be reasonable (in terms of the scope of the data that is sought and the time by which it it is sought) having regard to the nature of the research, the importance of the data to the research and the time, cost and resources that would be required to collate the data for provision to the relevant researcher.

12. Having regard to these overarching considerations and qualifications, Crown submits that:

12.1. Crown should establish, at its cost, in consultation with the VRGF and the VCGLR or, its successor, the Victorian Gambling and Casino Control Commission (*VGCCC*) a 'research ready' Melbourne Casino gambling data repository;

12.2. A panel should be established, comprising representatives of the the VRGF, the VCGLR/VGCCC and Crown (*Panel*). The purpose and function of the Panel should be to:

12.2.1. identify the Melbourne Casino gambling data for inclusion in the repository having regard to recognised gaps in available Melbourne Casino gambling data;

12.2.2. oversee the design and structure of the repository and its user interface;

12.2.3. formulate and administer the process for determining research applications for access to the Melbourne Casino data repository;

12.2.4. consider and determine applications for access to any data that is not on the repository, including whether such data should be added to the repository; and

12.2.5. determine the terms on which access to the Melbourne Casino gambling data may be accessed and used by successful applicants.

13. Crown also submits that the Melbourne Casino gambling data form only a part of the gambling data that are relevant to understanding gambling behaviour and its impacts throughout the Victorian community. To optimise the knowledge of the risks of gambling harm in that community and, in turn, to support a balanced and appropriately risk-adjusted approach to the promotion of RG and the minimisation of gambling harm, consideration should be given to extending this proposed model to gambling data from other gambling venues in Victoria. A similar model has been successfully adopted in Ontario, Canada through the Gambling Research Exchange Ontario (*GREO*): https://www.greo.ca/en/greo-resource/data-repository.aspx. Crown submits that the proposed Panel should consider the adoption of this model for Victoria.

14. Having regard to this proposal, Crown makes the following brief submissions in response to the Commission's questions and, in particular, to the VRGF's responses to them.

What Melbourne Casino data should be made available?

15. The data to be made available is something that it would be necessary for the Panel to consider and determine. Given the scale and complexity of the data, it is not possible to determine in the abstract the data that should be provided and how.

Who should be given access to the data?

16. Crown agrees with the VRGF's submission that the contemplated RG and gambling harm minimisation research should be undertaken independently of Crown and the gambling industry and be peer reviewed.

17. Crown remains committed to working with the VRGF regarding the provision of Melbourne Casino gambling data. However, it considers that it is important that other reputable researchers and research organisations have an equal opportunity to undertake research using Melbourne Casino gambling data. The proposed Panel would be better placed to ensure broad and flexible access to the Melbourne Casino gambling data contained in the data repository.

18. Crown agrees with the VRGF's submission that the research completed using the Melbourne Casino gambling data should be made publicly available as a way to build effectively on the body of knowledge on this topic.

19. Crown agrees that the Melbourne Casino gambling data should be made available to the VRGF, the VCGLR/VGCCC and to those approved by the Panel to access the relevant data and to carry out the relevant research. However, without greater clarity, Crown cannot agree with the VRGF's submission that the data should also be made available to 'regulators and relevant Victorian government departments or agencies with oversight of, or functional interest in, gambling in Victoria' or to 'researchers supported by the [VRGF] or relevant Victorian Government agency'. Crown submits that access to the data should be determined by the proposed Panel.

Should the data be anonymised?

20. Crown agrees with the VRGF's submission that the Melbourne Casino data should be anonymised sufficiently so that a Melbourne Casino patron's identity could not be discerned directly or indirectly from them. Sociodemographic data should be included in the relevant dataset, where relevant to an approved research project, provided that a person's identity could not be discerned directly or indirectly from them.

Other Matters

21. Crown is prepared to provide, as part of any research application made to the proposed Panel, reasonable access to Crown's gaming areas, to its gaming and RG

staff and, with their consent, to its patrons. However, Crown should retain the right to refuse or limit access where it reasonably considers that the access sought would materially interfere with Melbourne Casino operations, including to the provision of services to its patrons. While Crown would be prepared, in appropriate cases, to explain and demonstrate its surveillance systems and processes to researchers, it should not be required to give those researchers access to those systems for privacy, law enforcement and other reasons.

13 August 2021