

Minister Harris – Budget Estimates QoNs, September 2024

Questions on Notice – Aboriginal Affairs and Treaty

QUESTION (page 14):

Ms SUE HIGGINSON: I wanted to ask you about the treaty process. Can you update on the treaty commissioners? Have they been appointed, and how has that appointment happened?

Mr DAVID HARRIS: I think I described at the last hearing that we've gone through the process of selecting a panel that made recommendations of suitable candidates. That has occurred. We then had to go through those recommendations and do probity checks. That, I understand, has just been completed. We had some technical issues, in that one of the people was interstate and, to get a New South Wales Working with Children

Check, you actually have to be in New South Wales. That held the process up. Some of these things hit you from left field and you sort of go, "Oh, didn't know that was a thing." But, anyway, apparently you have to turn up to a Service NSW office. There is a brief to Cabinet that will go imminently, and then Cabinet will sign off on the three commissioners. As well as that, there's been a tender process undertaken to undertake the consultation on prior, informed consent, and that tender has now been granted, I'm pretty sure, Mr Hamilton.

SHANE HAMILTON: It has. But that work won't start till the commissioners have started.

Ms SUE HIGGINSON: Are you in a position to say who has that tender for the FPIC work?

Mr DAVID HARRIS: I'm not sure if you've got the details.

SHANE HAMILTON: I'd have to take that on notice.

ANSWER:

In accordance with the Aboriginal Procurement Policy, Aboriginal Affairs NSW has contracted Aboriginal business Naree Pty Ltd to lead a project on supporting Free Prior Informed Consent (FPIC) within the Treaty Consultation process.

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The Hon. SCOTT FARLOW: Minister, you noted in your budget media release that the 2024-25 New South Wales budget includes \$3½ million to continue work with the New South Wales coalition of peak organisations in the design of an accountability mechanism and for the continuation of the data connector program. Can a breakdown be provided regarding the allocation of funds to the government accountability mechanism?

Mr DAVID HARRIS: Yes, we can take that on notice. Can I just say about that that we don't yet have agreement on what that mechanism should look like and we're still negotiating that, but I'm happy to get a breakdown of how that money might be being spent.

The Hon. SCOTT FARLOW: And for the data connector program as well.

ANSWER:

The 2024 NSW Budget includes a further \$3.526 million in funding associated with Closing the Gap.

This includes:

- \$750,000 to support key reforms under the 2024-25 NSW Implementation Plan for Closing the Gap, such as the Independent Accountability Mechanism.
- \$2.776 million to continue work under the Data Connectors Program. This provides data connectors between government agencies and communities through the NSW Closing the Gap Partnership under Priority Reform 4 – ensuring community access to regional data and information.

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QUESTION (page 20-21):

The Hon. JACQUI MUNRO: Minister, in the budget last year you had your \$5 million for treaty, which was specifically called out in the Premier's Department. This year there aren't any specific measures listed in the budget that relate to your portfolio under the Premier's Department. Could you please explain what kind of initiatives are new or material, as the budget calls it, in your portfolio?

Mr DAVID HARRIS: We might take that on notice and give you a full list. There are a whole lot of initiatives, such as our business round tables, that are undertaken by the department. We're happy to give you a fulsome list of the different projects.

The Hon. JACQUI MUNRO: Could you also please provide the funding allocated to each program?

Mr DAVID HARRIS: I assume that's possible?

SHANE HAMILTON: Each program under Closing the Gap?

Mr DAVID HARRIS: No, under just the —

The Hon. JACQUI MUNRO: That the Minister has just referred to.

Mr DAVID HARRIS: Like the business round tables and all those strategies.

SHANE HAMILTON: Yes.

ANSWER:

Aboriginal Affairs NSW was allocated for the following funding for the 2024-25 financial year:

Initiatives	Amount of funding allocated
Consultation on the Pathway to Treaty To commence consultations on a pathway to Treaty	\$5.0m over 2 years
Stolen Generation Keeping Places Funding for Stolen Generation Organisations that recognises the places and experiences of being removed from their families by the State.	\$36.9m (& \$8.5m capital) over 4 years
Digital Songlines – A project that will develop and implement a right of reply process for Aboriginal community members including Survivors of the Stolen Generations, to improve access to the archives of the former Aborigines Welfare Board	\$4.0m over 2 years
Local Decision Making Alliances The funding is to support LDM Alliances cover operational, implementation and support costs.	\$4.9m over 4 years
Discrete Aboriginal Communities On-site condition assessments of 61 Discrete Aboriginal Communities (DACs) will be undertaken to scope and cost the above and below ground infrastructure, emergency	\$9.2m over 2 years

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mitigation, contaminants, housing, and community facilities. A pilot asbestos clean-up in one DAC to test a delivery methodology that will achieve outcomes and cost efficiency.	
Closing the Gap - Implementation Plan Continue delivering on the work flowing from the 2022-24 Closing the Gap Implementation Plan	\$750,000
Aboriginal Cultural Heritage Reform The funding is to continue the NSW Government commitment to delivering standalone NSW Aboriginal cultural heritage laws.	\$7.8m and \$8.5m capital over 4 years
Regarding the funding for the Business Roundtables: The funding allocated to the NSW Roadmap for Aboriginal Business Growth is \$10m over four years. The purpose of this work is to create three pathways: strengthening accountability, supporting businesses and recognising potential, and was informed by the Aboriginal Business Roundtables and consultation with Aboriginal communities.	

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QUESTION (page 34):

The Hon. ROBERT BORSAK: Maybe through the Minister, to Mr Hamilton: What donations, if any, were made by Aboriginal Affairs in 2023-24?

Mr DAVID HARRIS: What sort of donations?

The Hon. ROBERT BORSAK: What donations were made by Aboriginal Affairs?

SIMON DRAPER: Do you mean grants?

The Hon. ROBERT BORSAK: Donations, grants, sponsorships.

Mr DAVID HARRIS: There's a lot. Do you want us to get that on notice? We have quite large grant programs under Closing the Gap and under Aboriginal Languages Trust and —

The Hon. ROBERT BORSAK: You could take that on notice. I'd be quite keen on understanding the breadth of how much was paid.

Mr DAVID HARRIS: We contribute to things like the Koori Knockout and events like that as well. There's a very large number.

SHANE HAMILTON: There's a different number of grants that are offered across different portfolios.

The Hon. ROBERT BORSAK: If I could get something on that, that would be good.

SHANE HAMILTON: Yes.

Mr DAVID HARRIS: What was the time period?

The Hon. ROBERT BORSAK: Just the last financial year. That's all. Mr Hamilton, how many consultants are engaged by Aboriginal Affairs in that same financial year?

SHANE HAMILTON: I'd have to take that on notice, in terms of the numbers and the dollars spent. I don't have that in front of me.

The Hon. ROBERT BORSAK: If you're going to do that, can you also tell me at the same time how much the total expenditure on consultants was for that year and what the projected cost for consultants will be for this financial year, 2024-25?

SHANE HAMILTON: Yes.

ANSWER:

Approximately \$25 million in funding has been paid under Aboriginal Affairs NSW Closing the Gap Grant Programs. This includes:

- \$9.9 million directly to Aboriginal Community-Controlled Organisations under the 23-24 Community and Place Grants Program
- \$460,000 has been paid to targeted organisations under the Deliver Better Outcomes Program and \$285,000 under the National Virtual Joint Fund.
- A further \$14.5 million was funded to Coalition of Aboriginal Peak Organisations.
- \$443,337.44 has been paid in funding to support 13 Aboriginal organisations/Individuals under 2023-2024 Minister's Discretionary Fund.
- \$328,880.18 has been paid in funding to support 125 NAIDOC events under 2024 NAIDOC Grants Program.
- \$1,145,856 has been paid to support 66 projects/events under the Aboriginal Affairs AANSW 2023-2024 Cultural Grants Program.
- \$746,180 has been paid under Aboriginal Communities Emergency Management Grants Program as first and second instalments of payment to date.

There was no expenditure on consultants for 23/24 FY and there is currently no projected cost for consultants for 24/25 FY.

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The Hon. ROBERT BORSAK: What was the total amount of the sponsorship funding provided by AANSW to a Western Australian organisation?

SHANE HAMILTON: I'd have to take that on notice to get the exact number for you. I don't have that in front of me.

ANSWER:

Aboriginal Affairs NSW provided sponsorship funding of \$20,000 incl GST for the 2023 Westerman Jilya Institute for Indigenous Mental Health - Indigenous Suicide Prevention Fundraising Gala.

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QUESTION (page 35):

The Hon. ROBERT BORSAK: That's where the funding would've gone?

SHANE HAMILTON: I'd have to get the details on exactly what that funding was for. As I understand it, I think it for was a sponsorship, not necessarily specifically for those programs, but they do work in New South Wales

The Hon. ROBERT BORSAK: Just turning now to an organisation called Mackerel Sky, leadership and wellbeing consultants. Are you aware of that organisation?

SHANE HAMILTON: Yes.

The Hon. ROBERT BORSAK: Over \$300,000 seems to have been contributed to that organisation. Do they have a continuing engagement with Aboriginal Affairs?

SHANE HAMILTON: Yes.

The Hon. ROBERT BORSAK: What's the nature of that engagement?

SHANE HAMILTON: It's leadership training and wellbeing training for our staff.

The Hon. ROBERT BORSAK: What was the actual amount paid in 2023-24?

SHANE HAMILTON: I haven't got the exact figure of that in front of me. I can take that on notice and provide that. It's actually over a couple of years, the next two years, so I can give you the figure for 2023-24.

The Hon. ROBERT BORSAK: Thank you. What's the exact nature of the services that they provide? What tangible product has been produced?

SHANE HAMILTON: It's part of our leadership training for our senior leaders in the organisation, as well as the wellbeing of our staff contingent, and it's part of our training budget that we use each year. That's a component of it in those two areas.

The Hon. ROBERT BORSAK: Can you perhaps take on notice how much the projected costs for this current financial will be, please?

SHANE HAMILTON: Yes.

ANSWER:

Mackerel Sky was engaged to provide training to Aboriginal Affairs NSW staff to mitigate the risks associated with difficult and trauma focussed work.

The payments made in 2023-24 totalled \$312,341. In 2024-25 the expected payments will be \$62,120 (for the leadership training) and \$65,430 (for the wellbeing training).

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QUESTION (page 51):

The Hon. SCOTT FARLOW: Mr Hamilton, has a million dollars been allocated in 2024-25 to enabling Aboriginal community controlled organisations to be adequately funded to participate in shared decisions under priority reform number one?

SHANE HAMILTON: I would have to look at the details. There are a number of different programs that it was part of, that particular funding in Closing the Gap.

The Hon. SCOTT FARLOW: If it isn't a million dollars, could you please outline to us on notice how much has been allocated to establish the partnership funding model?

SHANE HAMILTON: Yes

ANSWER:

\$1,519,490 was allocated in 2022-23 and 2023-24 associated with Aboriginal Community Controlled Organisations participating in shared decisions under Priority Reform 1. \$1,000,000 was not allocated for this purpose in 2024-25.

In 2022-23 and 2023-24, \$9,158,246 in funding was provided to NSW Aboriginal Land Council to support the NSW Government's shared decision making partnership with NSW Coalition of Aboriginal Peak Organisations (NSW CAPO). This funding supported multiple objectives as part of the shared decision making partnership, and one of these objectives is the establishment of a partnership funding model. NSW CAPO is currently developing the partnership funding model.

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Questions on Notice – Gaming and Racing

QUESTION (p3)

The Hon. ROBERT BORSAK: In terms of people wanting to make submissions, how do they find you?

LEA DRAKE: We have a website.

The Hon. ROBERT BORSAK: You have a website now.

LEA DRAKE: Yes.

The Hon. ROBERT BORSAK: Could you tell me what it is?

LEA DRAKE: No. I'd have to go back and look at the papers in my handbag, but it's a perfectly straightforward address.

The CHAIR: I assume you'll take that on notice.

Mr DAVID HARRIS: We'll take that on notice, yes.

ANSWER

www.nsw.gov.au/drakeinquiry.

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QUESTION (p4)

The Hon. ROBERT BORSAK: I'm sorry, Mr Minns, but you've been superseded. I beg your pardon. Has the department provided advice to you on the board's response to your show cause notice?

Mr DAVID HARRIS: They certainly have. We are now following through the process. I have to say from the outset that I've been a little bit frustrated. I wanted to have this all sorted out as quickly as possible but, with all the legal requirements, it's taking longer than I would've liked. The board has responded. The department has given me the necessary advice. I have now made a decision, but I have to take that to Cabinet — which I understand will be next week or the week after — for endorsement of that decision. Then, hopefully, we can move forward.

The Hon. ROBERT BORSAK: That probably chops out the second part of that question: Can we see the advice and the response? Is "not yet" the answer?

Mr DAVID HARRIS: Not yet. It may become Cabinet in confidence. I'd have to check on that.

The Hon. ROBERT BORSAK: The next question was, have you responded to the board's response? But, obviously —

Mr DAVID HARRIS: I have written to the board, yes.

The Hon. ROBERT BORSAK: Can we see that response?

TAREK BARAKAT: I'll take that on notice. I think probably yes, given it's a letter to the board. I'll take it on notice and they'll confirm.

ANSWER

The advice from the Department on the Board's responses to the Show Cause notice is subject to legal privilege. The letter to the Board was issued on a confidential basis.

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QUESTION (p6)

The Hon. MARK LATHAM: Did you raise with the leadership the obvious problem at Scone TAFE, which Racing NSW purchased for just \$4 million three years ago? There is a lot of industry disquiet that there is not much training occurring there and the facilities are very much moribund.

Mr DAVID HARRIS: I've actually visited that site. There was a course for trainers and for jockeys, I think, going on when I was there. I know they're ramping that up. I'm happy to take that on notice and find out exactly when that was. I visited there last year.

ANSWER

This is a matter for Racing NSW who oversees the Scone training facility.

QUESTION (p6)

The Hon. EMMA HURST: Good morning. Minister, what can you tell me about the greyhound who recently died as part of the Aussie Mates in the States program, who was left on the tarmac for six hours and boiled to death?

Mr DAVID HARRIS: I'd have to take that on notice. I'm not across the specifics of that.

ANSWER

Greyhound Racing NSW (GRNSW) disclosed the following matters to my office in accordance with its Operating Licence obligations, in relation to the death of two greyhounds transported to Dallas, Texas as part of GRNSW's USA rehoming program:

- on 18 June 2024, greyhound *Katana* was deceased on arrival in Dallas. Greyhound *Alby* arrived in lethargic condition and was transported for veterinary care
- greyhound *Alby* was subsequently euthanised due to its condition.

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QUESTION (p7)

The Hon. EMMA HURST: Minister, you met with Adam Casselden on 18 June. Is he still the chair of Greyhound Racing NSW?

Mr DAVID HARRIS: He is.

The Hon. EMMA HURST: Why is his email now bouncing?

Mr DAVID HARRIS: I have no idea.

The Hon. EMMA HURST: You're not aware of that?

Mr DAVID HARRIS: No.

The Hon. EMMA HURST: What did you discuss at the meeting on 18 June in regard to industry issues?

Mr DAVID HARRIS: I would have to take that on notice specifically. The meetings I have had with the chair, broadly, were about the reports. There was the Wyee report and, later on, the chief veterinary report. Previous to that there was a discussion around his role as chair and how we are going to work together.

ANSWER

The subject of the meeting with the Greyhound Racing NSW (GRNSW) Chair on 18 June 2024 was regarding the provision to the Minister of the 'handover report' from GRNSW's former Chief Veterinary Officer.

QUESTION (p8)

The Hon. JACQUI MUNRO: Minister, do you think that 10 per cent is too high a threshold if this is the case? We have a situation where an individual has possibly been involved in the operation of an organisation that is quite substantially contributing to the New South Wales economy, and maybe they were scared off by a 10 per cent threshold and a probity investigation. But is 3 per cent too low because it's not going to uncover these important discoveries?

Mr DAVID HARRIS: I'm happy to take advice on that. Obviously the system was set up under the previous Government. If that needs to be changed and we get that recommendation from the NICC, we would certainly look at it.

The Hon. JACQUI MUNRO: Would you be prepared to make that advice public?

Mr DAVID HARRIS: A lot of these things are very legal, so I can't make that commitment up-front. If that advice is supplied, we would make it public if we can.

ANSWER

The ten per cent threshold for close associates was a recommendation of the Bergin Inquiry. Any change to the current threshold requires amending the *Casino Control Act 1992*.

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QUESTION (p11)

The Hon. SCOTT FARLOW: Minister, when was the last time you spoke to the CEO of The Star?

Mr DAVID HARRIS: I was in a meeting with the Treasurer earlier this year, but I haven't been speaking directly to them since then.

The Hon. SCOTT FARLOW: Considering all of the issues that are occurring at The Star at the moment, your last conversation with them was earlier this year. When was that meeting?

Mr DAVID HARRIS: I'd have to take that on notice. I can't recall.

ANSWER I have not met with the new CEO of The Star.

QUESTION (p13)

The Hon. ROBERT BORSAK: I had a question, Minister, in relation to The Star and its participation in the cashless gaming trial. I think maybe that was answered, but where are they up to in relation to that?

TAREK BARAKAT: As part of the jobs guarantee that the Treasurer entered into with The Star, there was a requirement for them to trial cashless gaming on a number of machines — the number escapes me at the moment — within the venue. My understanding is that they have met that requirement under the jobs guarantee.

The Hon. ROBERT BORSAK: They have met it?

TAREK BARAKAT: That's my understanding.

The Hon. ROBERT BORSAK: Can you tell me how many machines have been involved in that?

TAREK BARAKAT: I can take it on notice and come back to you.

ANSWER

See answer provided on page 22, in paragraph 8:

TAREK BARAKAT (p.22, paragraph 8): I do, Chair. Mr Borsak, you asked about the number of machines in The Star's cashless trial. I can confirm that, under the jobs guarantee, there's a requirement to have 51 machines and eight table games. They have met that.

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QUESTION (p23)

The Hon. MARK LATHAM: We'll come to the board now that you've mentioned them. What was your reaction to the evidence of Director Garry Charny about the extraordinary number of big policy decisions where the board is not doing its job in terms of governance? There was the 17 November meeting with the Cabinet Office where the chair and the CEO, without a board decision or approval, said that Racing NSW supports the sale of Rosehill — a most important owned asset for racing in New South Wales — the proceeds should go to all of the industry, they weren't keen on Warwick Farm, there should be a training centre at Horsley Park, and they wanted improvements to ATC governance and for you to legislate them. These are things that the board gave no approval to, yet they said to the Government that it's official policy. There's the legal case with Tabcorp, the ridiculous case with Victoria, and warning off decisions — "Don't go to the board." More recently, submissions to the Rosehill inquiry themselves weren't board approved. Isn't this evidence that the board is failing in its governance and is some sort of weak rubber stamp to the CEO?

Mr DAVID HARRIS: I wouldn't characterise it that way. What I can do is take that whole question on notice. I know there are delegations to the CEO. They have been decisions of the board. It may have been previous boards. But the CEO has those delegations, and it's a matter for the board whether they want to bring back in house those delegations or continue to let the CEO make decisions in some areas. I don't know the specifics for all of those cases, so I can't comment. But certainly in principle the board is responsible for operating Racing NSW. My job is just to make sure that they are adhering to the legislation. When things are raised with me or the department, we do make those inquiries.

ANSWER

Delegations of the Racing NSW Board are a matter for the Board.

QUESTION (p23)

The Hon. MARK LATHAM: Coming back to the funding of provincial and country tracks, you listed in the second item of your table, "Goulburn, new stabling and training facilities, \$9.5 million". Do you support the way in which those funds are allocated? Instead of allocating support for the club for the right reasons, Racing NSW said, "You'll only get that money if you hand over your freehold title."

Mr DAVID HARRIS: The discussion I've had with Racing NSW is that it has a duty to make sure that the assets for racing are maintained for racing. They have loans that won't be called in unless the club tries to sell that land for other purposes. They believe they have a responsibility to make sure that racetracks are for racing. That has been their policy for a very long time. In fact — and I'll take this on notice — they did tell me that they actually took it from another racing code and adopted it themselves.

ANSWER

This is a matter for Racing NSW.

Minister Harris – Budget Estimates QoNs and SQs – September 2024**QUESTION (36)**

The Hon. MARK LATHAM: Is it right, as you've indicated here, that Racing NSW can be referred to ICAC?

Mr DAVID HARRIS: I may need to take advice on this, because it's different. I understand that we sought a determination in terms of Greyhound Racing NSW. The CEO can't be investigated, but the actions of the board may be able to be investigated. But that's a matter for ICAC.

ANSWER

It is a matter for the Independent Commission Against Corruption (ICAC) to determine whether matters and/or persons are within its jurisdiction, in accordance with the provisions of the Independent Commission Against Corruption Act 1988.

Persons with concerns about the actions of racing controlling bodies, including Racing NSW and its officials, that may be matters within the jurisdiction of ICAC, are able to refer their concerns to ICAC for its consideration.

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QUESTION (p40-41)

The Hon. JACQUI MUNRO: Minister, we have spoken about the cashless gaming trials, and we've spoken about the machines. How many registered users of the scheme are currently in the system?

Mr DAVID HARRIS: We can get you an up-to-date figure on that.

TAREK BARAKAT: There are 207 people who have signed up, and there's 32 actively using.

The Hon. JACQUI MUNRO: There are 32 active users. Are they regular users?

TAREK BARAKAT: As to the frequency, I'd have to take that on notice. I'm not sure we could get that data.

The Hon. JACQUI MUNRO: That would be helpful. Of those 32 active users, how many are engaged in providing feedback on their experience?

TAREK BARAKAT: There have been a number of interviews conducted and some surveys as well. I'd have to take on notice the exact number of participants.

The Hon. JACQUI MUNRO: It would be good to know how many interviews and how many

respondents to the surveys. Given there are 32 active users, I can't imagine it's very high.

TAREK BARAKAT: I think we'll also be able to provide — if it's useful, Ms Munro — not just the

participants that have been interviewed. It's people who are deciding not to participate. It's staff members. It's people at the venue as well. So it's more holistic than just the users.

ANSWER

As at 30 September 2024, there are:

- 243 people who have signed up
- 48 active users (venue patrons who have started using the technology to pay for their gaming machine play)
- 98 people have used the technology at least once
- 15 non-user interviews conducted
- 1 user interview conducted
- 2 user surveys conducted
- 40 venue staff interviews conducted
- 44 staff surveys conducted
- 30 industry and harm minimisation expert interviews conducted.

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QUESTION (p41)

The Hon. JACQUI MUNRO: How much money has been spent so far on this process for 32 people to actively register?

TAREK BARAKAT: There was \$3.4 million allocated in last year's budget to the panel to conduct the trial. I probably have it here. I'll take it only notice, but \$634,000, I think, has been spent to date. That's largely for the independent researcher. People aren't being paid to participate in the trial; manufacturers and venues aren't being paid to participate in the trial. The funding is really for the panel to run the trial and oversee the implementation of the cashless technology – sorry, and research, evaluation and implementation of that technology.

ANSWER

\$3.4 million of the \$100 Harm Minimisation Fund has been allocated for the Independent Panel to run and evaluate the cashless gaming trial, of which \$634,000 was spent in financial year 2024 on research, technical advice and administrative costs.

QUESTION (p46)

The Hon. MARK LATHAM: Racing for the Regions has just eight projects. Is that right?

TERRY O'BRIEN: That's what's listed on here. From memory, I think there are actually a few more projects than that, but it might be that –

The Hon. MARK LATHAM: Can you provide those to the Committee? It seems strange that there are eight and they add up to \$57 million. It was a \$67 million –

TERRY O'BRIEN: It may be that they've been combined by track, and so there are some tracks that have multiple projects.

The Hon. MARK LATHAM: Perhaps on notice you can undertake to do an assessment of what the Minister has given us and then provide us with the full list of the Racing for the Regions funded projects as you know them.

TERRY O'BRIEN: Yes. I'm happy to provide that on notice.

ANSWER

Projects funded from the Racing for the Regions program are listed at:

<https://www.nsw.gov.au/grants-and-funding/grant-recipients?nid=29194>

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QUESTION (p46)

The Hon. MARK LATHAM: So Racing NSW would say, "We've got all this money given to us by the Expenditure Review Committee", and they're saying to Gosford — are there any funding guidelines for this scheme that would respect the integrity and legal status of the clubs so that they don't have to hand over land to Racing NSW before they can receive the funding?

TERRY O'BRIEN: We don't have any guidelines in respect of that. There is a funding deed between the department and Racing NSW for the delivery of the projects and the delivery of the funding for those.

The Hon. MARK LATHAM: Can you provide us a copy of that deed on notice please?

TERRY O'BRIEN: I'd have to take advice on whether that's something we can provide but, yes, certainly we can look into that.

ANSWER

The Racing for the Regions funding deed is commercially sensitive and Cabinet-in-confidence.

QUESTION (p47)

The Hon. MARK LATHAM: Seeing Racing NSW doesn't own these clubs or control them, other than by these means of extortion, would the deed have any recognition of the independent legal status of the clubs?

TERRY O'BRIEN: The deed doesn't go into that level of detail. It's about the delivery of the projects and the delivery of the funding to Racing NSW once those projects are delivered.

The Hon. MARK LATHAM: What does the deed say in general terms in that regard?

TERRY O'BRIEN: I'd have to take that on notice and then look through the details of the deed, but I don't believe it goes into the details of the relationship between Racing NSW and its clubs.

ANSWER

The funding deed with Racing NSW for the Racing for the Regions program sets out the governance and administration arrangements in relation to the allocation of grant funding to projects specified in the deed.

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The Hon. MARK LATHAM: Are there any instructions in the deed as to how Racing NSW would select the projects?

TERRY O'BRIEN: The projects had already been selected at the time the deed was put in place. That was the decision of the Expenditure Review Committee.

The Hon. MARK LATHAM: You're saying that now. How was that arrived at? What was the process for selecting these projects?

TERRY O'BRIEN: I think I set that out earlier where Racing NSW worked with its clubs to identify suitable projects. There was a business case put together. It then went to Expenditure Review Committee for consideration.

The Hon. MARK LATHAM: But it was all still centralised through Racing NSW. They selected the projects in discussion with the clubs. Do you know if Racing NSW did a competitive process?

TERRY O'BRIEN: I think you'd have to ask Racing NSW.

The Hon. MARK LATHAM: Can we get a copy of the business case for this as well? Can you take that on notice pending legal advice as to how this was done?

TERRY O'BRIEN: Yes, happy to provide that on notice, if that's possible.

ANSWER

The business case was prepared for the Racing for the Regions program by Racing NSW for the purpose of Expenditure Review Committee consideration. It contains information which is commercially sensitive to the interests of Racing NSW and is Cabinet-in-confidence.

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QUESTION (p48-49)

Ms ABIGAIL BOYD: Do you think it was appropriate that Greyhound Racing NSW paid for the GWIC representatives to attend on that trip?

STEVE GRIFFIN: From memory, GRNSW paid for the flights and we paid for the accommodation.

Ms ABIGAIL BOYD: I put a question in on this and the answer I got back was that Greyhound

Racing NSW paid for both the flights and the accommodation.

STEVE GRIFFIN: If that was our previous answer — from memory, I thought —

Ms ABIGAIL BOYD: Could you maybe just double-check?

STEVE GRIFFIN: I'll double-check and take that on notice, but I thought we did pay for some

accommodation. I'll come back to you and take that on notice, but that was my recollection of it.

Ms ABIGAIL BOYD: That would be useful because what I got back was, I think, \$1,470 spent by GWIC on incidentals, but the rest was covered by Greyhound Racing NSW.

STEVE GRIFFIN: That might be it, so let me check on that and come back to you, just to make sure it's clear.

ANSWER

See answer provided on page 61, within paragraph 11:

Sorry, Chair, I want to correct the public record. In response to the earlier question about who paid for the trip to the US, it was Greyhound Racing NSW that paid for accommodation and flights, but we paid for the staff incidentals.

QUESTION (p51)

The Hon. JACQUI MUNRO: At Wests Newcastle I understand that there was a hack, which was related to cashless gaming. Is that correct?

TAREK BARAKAT: I'd have to take the detail on notice but, yes, there was an incident at the trial we were holding at Wests Newcastle, not with the cashless gaming itself but with, I think, one of the banking suppliers that was the financial provider to the cashless technology provider. I'm happy to provide more details of exactly what occurred on notice if that's helpful.

ANSWER

The Newcastle Wests cyber breach was investigated by the NSW police cybercrime squad alongside Cyber Security NSW. No personal data was exposed. For security reasons it is not appropriate to disclose further details of the breach.

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The Hon. JACQUI MUNRO: That would be helpful — and also how the panel is engaging with organisations like banks to ensure that there's an understanding of requirements for security and, obviously, what the problem was here and how we can avoid those issues happening again.

TAREK BARAKAT: Absolutely. The panel is engaging with the banks. The independent report or evaluation of the Wests Newcastle trial, which spoke about some of those issues, has been provided to the panel, so they'll take that on board. Plus, as I said, they do have some pretty serious expertise on the panel, in terms of the head of Cyber Security NSW, that is providing advice as well.

The Hon. JACQUI MUNRO: Is that evaluation report going to be made public?

TAREK BARAKAT: I thought it was. But, if it's not, I'll take it on notice and come back to you. It's on our website, the secretary has just informed me.

ANSWER

The evaluation report prepared by the independent researcher for the West Newcastle trial is available on the Liquor & Gaming NSW website www.liquorandgaming.nsw.gov.au/operating-a-business/gaming-licences/regulatory-sandbox-trials.

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QUESTION (p53)

The Hon. JACQUI MUNRO: Back to Mr Barakat, on vibrancy reforms this time. Are there any increases in licensing fees that have been imposed in the last 12 months, for liquor licences?

TAREK BARAKAT: Yes. Off the back of the vibrancy reforms being shepherded through Parliament at the end of last year and passed, there was an increase in licence fees across the board. It was a minimal increase. Licence fees hadn't increased for many years, other than by CPI, and it was a small increase to assist with the implementation of some of those reforms. Chiefly among them was that Liquor and Gaming NSW, which sits within Hospitality and Racing, took on responsibility for noise regulation where that noise is associated with a licensed premises. Historically, there were six or seven different agencies that had a role in that. It's now just Liquor and Gaming. Part of that licence fee increase was to help resource that team to be able to do that effectively and deliver on the Government's commitment.

The Hon. JACQUI MUNRO: Have you been receiving feedback from the industry that it has become a problem for them to pay those increases?

TAREK BARAKAT: Certainly it wasn't a popular decision to increase licence fees, but I think most in the industry understand. The peak bodies were certainly brought along on the journey the whole way. I can provide, on notice, detail about how to do this, but there are hardship provisions in place. If venues are genuinely struggling, for good reason, to actually meet that increased cost, then they can apply for an exemption.

The Hon. JACQUI MUNRO: Is there a schedule of fees in one list, one document?

TAREK BARAKAT: I think there is on our website, but we can provide that on notice.

The Hon. JACQUI MUNRO: Could you also please provide the difference in fees or at least —

TAREK BARAKAT: What they were, compared to what they are now?

The Hon. JACQUI MUNRO: Yes. Just the original table and the updated table, if that's the easiest way to do it.

TAREK BARAKAT: Assuming there's no issue with doing that, I'm happy to provide that on notice.

ANSWER

Licence type	2023 Base fee	2024 Base fee - per licence	Increase
Club	\$617	\$1,049	\$432
Hotel - former community liquor licence	\$114	\$194	\$80
Hotel - full hotel licence	\$617	\$1,049	\$432
Hotel - general bar	\$309	\$526	\$217
Limited licence - multi function	\$125	\$169	\$44
On-premises - including vessels	\$494	\$766	\$272
Packaged liquor - 1-3 outlets	\$617	\$771	\$154

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Packaged liquor -4-9 outlets	\$1,232	\$1,540	\$308
Packaged liquor -10 + outlets	\$2,461	\$3,076	\$615
Producer / wholesaler	\$248	\$372	\$124
Small bar licence	\$248	\$335	\$87

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QUESTION (p54)

The Hon. JACQUI MUNRO: There has been some high-profile media around the conduct of companies like Swillhouse and Merivale.

TAREK BARAKAT: Absolutely.

The Hon. JACQUI MUNRO: We don't have to go through the details of them, but it is obviously some pretty unsavoury behaviour. Are they risking their licences? Is there behaviour that has been demonstrated by those organisations as employers that could impact their liquor licences?

TAREK BARAKAT: I'll talk generally, because I know there are police and SafeWork investigations underway, so that is the appropriate mechanism for some of these allegations to be dealt with and investigated. Yes, if allegations are proven, the police can, of their volition or through us, make a disciplinary complaint to the Independent Liquor and Gaming Authority, for example, about a particular licensee or operator. The authority may determine, based on that advice, that that individual is not a fit and proper person to be associated with a liquor licence in New South Wales and they can ban them for a period of time or for life from operating in the industry. The police could also come to us and seek that we impose conditions on particular licences to do or not do certain things. All of that could play out, yes.

The Hon. JACQUI MUNRO: Does that only occur if police proactively engage your department?

TAREK BARAKAT: No, we can do things off our own bat, but I guess we wouldn't do things while there is an ongoing police — and, in this case, SafeWork — investigation underway. We obviously wouldn't want to get in the way of that. They need to take precedence, and then we can make some decisions, either based on that evidence or based on other things that we know, whether we should move forward.

The Hon. JACQUI MUNRO: What are the general mechanisms that don't involve a police investigation that could trigger your departmental —

TAREK BARAKAT: We have investigators and inspectors that do similar things. We're out at venues, making sure they're complying with their obligations under the law. We do covert operations, overt inspections, all sorts of things were we to identify things. We also get complaints, obviously, from a range of people. We would investigate those complaints and come to a decision. If we had evidence to suggest that something was happening, we could either impose conditions off our own or, again, we could take something through to Ms Lamb and the Independent Liquor and Gaming Authority to take action.

The Hon. JACQUI MUNRO: Have you conducted any investigations around these companies and their venues? If you have, was there anything that was revealed?

TAREK BARAKAT: Not to my knowledge. Nothing recently.

The Hon. JACQUI MUNRO: So no investigations?

TAREK BARAKAT: I mean, there are some historical complaints that are unrelated to this.

The Hon. JACQUI MUNRO: That's because you haven't received complaints or because it didn't fit within, I don't know, some regimented calendar that you undertake?

TAREK BARAKAT: We would have been. I can take on notice when the last time we may have been in one of these venues was, but it would be that we hadn't identified anything on that inspection that warranted any further action, I assume.

ANSWER

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The most recent inspections by Liquor & Gaming NSW of Swillhouse and Merivale venues did not identify any breaches of liquor and gaming legislation.

QUESTION (p55)

The Hon. SCOTT FARLOW: Mr Crawford, with respect to the latest Bell inquiry, what has been the total cost to the Government of that inquiry?

PHILIP CRAWFORD: The total cost of the inquiry is around \$3.2 million.

The Hon. SCOTT FARLOW: Is that compensated in any way by The Star themselves?

PHILIP CRAWFORD: The Star have agreed to pay that, so we're waiting for a cheque. They've got the invoice. We're waiting for the cheque.

The Hon. SCOTT FARLOW: With respect to the cost of Mr Weeks in his appointment and his extension, is that paid by the taxpayers or is that paid by The Star?

PHILIP CRAWFORD: Paid by The Star.

The Hon. SCOTT FARLOW: What's the total cost of that so far and with the extension as well?

PHILIP CRAWFORD: Since when? I'll take that on advisement. I'll come back to you. What period are you looking at, since he was appointed or —

The Hon. SCOTT FARLOW: Since he was appointed on 17 October 2022.

PHILIP CRAWFORD: Okay. I'll come back to you on that, if that's okay.

ANSWER

\$1,825,422.00 (including GST)

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QUESTION (p57)

The Hon. MARK LATHAM: Did you know of that conflict when you put his name forward?

TERRY O'BRIEN: I'm aware that Mr Dumesny and Mr V'landys previously worked together at Harness Racing, yes.

The Hon. MARK LATHAM: And have had a long-time association and friendship ever since — you're aware of that?

TERRY O'BRIEN: I can't comment on —

The Hon. MARK LATHAM: You're aware that they worked together at Harness Racing?

TERRY O'BRIEN: I'm aware that they worked together. I can't comment on the nature of their friendship.

The Hon. MARK LATHAM: You didn't consider that to be a conflict of interest — that Mr Dumesny could help select Mr V'landys' boss?

TERRY O'BRIEN: No, because Mr V'landys wasn't associated with the selection process.

The Hon. MARK LATHAM: I think most people — the CEO of an organisation would like to have their best friend picking the chair of the board. So that was your recommendation, Mr O'Brien? You take responsibility for putting Mr Dumesny forward, knowing the relationship with V'landys?

TAREK BARAKAT: If I might just say, Mr Latham, the list that goes to the Minister is a long list. The Minister selects from the list. Mr O'Brien did not recommend Mr Dumesny to be on the selection panel. He was just on a list that the Minister could choose from.

The Hon. MARK LATHAM: He put him on the list. How many were on the list, Mr O'Brien?

TERRY O'BRIEN: I'd have to take that on notice. There's probably about 20 names altogether. We generally put up quite a long list of people.

ANSWER

Matters relating to Selection Panels for Government appointments are Cabinet in confidence.

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QUESTION (p63)

The Hon. SCOTT FARLOW: In terms of the Bergin recommendations, are they now all implemented?

PHILIP CRAWFORD: Yes, I think they are. I'm sorry, I haven't checked. I'll come back to you, but, no, I think they are.

The Hon. SCOTT FARLOW: That's fine. You can take that on notice.

ANSWER

All 19 recommendations from the Bergin Report have been implemented.

QUESTION (p64)

The Hon. SCOTT FARLOW: Is the Gambling Harm Minimisation Advisory Committee constituted now?

PHILIP CRAWFORD: It is. We had a full meeting last week and it was terrific, really good.

The Hon. SCOTT FARLOW: How many members does that committee have?

PHILIP CRAWFORD: Five.

The Hon. SCOTT FARLOW: How often will that committee be meeting?

PHILIP CRAWFORD: We're meeting again in two months time. We had thought of quarterly but we'll do it a bit more often. We had quite an active meeting last week, came up with some really good ideas and we agreed that in eight weeks time we'll get together again. We have some action items in the meantime.

The Hon. SCOTT FARLOW: Is the Minister invited to attend those meetings?

PHILIP CRAWFORD: Not at the moment. I haven't thought of that to be honest. We're just getting together a process and we'd like to get a bit of a roll along before – but happy to invite him along if he has time. He is a busy man.

The Hon. SCOTT FARLOW: Indeed. He has a lot of portfolios to look after as we see today and a lot of independent agencies to deal with as well. Has the Australian Council of Gaming Regulators been established now?

PHILIP CRAWFORD: Yes, it has been.

The Hon. SCOTT FARLOW: How many meetings has that had to date?

PHILIP CRAWFORD: I'll have to come back to you on that, but we're pretty active in terms of our interaction with our interstate colleagues. It's quite active and we talk to them quite frequently.

ANSWER

I am advised:

The Australian Casino and Gaming Regulators (ACGR) is a long-standing forum that was established around 15 years ago and has existed under different monikers.

The NICC initiated the ACGR 'Casino Stream' in 2023 to increase dialogue around shared regulatory issues at casinos, streamline touchpoints, and discuss potential areas for collaboration. The ACGR Casino Stream has met four times since inception with a fifth meeting schedule for November 2024.

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QUESTION (p66)

Ms ABIGAIL BOYD: Thank you, and I will try to go as quickly as I can so that people can get an early mark. Mr Griffin, I just want to capture a couple of the final questions in relation to the Aussie Mates in the States program. The death of Jazzie, who is the one that most likely died in transit through that sort of rapid ingestion of air – has there been a vet review of the post-mortem?

STEVE GRIFFIN: I believe so, but I'm not aware of the outcome of that.

Ms ABIGAIL BOYD: Is that something you can take on notice to provide?

STEVE GRIFFIN: Sure.

ANSWER

The Greyhound Welfare & Integrity Commission was advised that Barcia Jazz died of Gastric Dilation and Volvulus (GDV, commonly known as “bloat”). The greyhound was in the care of Greyhound Racing NSW at the time of its death and any further questions should therefore be directed to Greyhound Racing NSW.

QUESTION (68)

Ms ABIGAIL BOYD: Mr Griffin, the Wagga six that was mentioned in the Brittan communiqué, where there was a reference made to them being located at a vet and then forgotten about by GWIC. That was the allegation. Are you aware of the status of those six dogs now?

STEVE GRIFFIN: I'd have to take that on notice. I don't know. But, again, everything in the Brittan report is subject to Commissioner Drake's inquiry.

Ms ABIGAIL BOYD: I understand. But there are people very concerned about the welfare of those dogs right now, and it would be very useful –

STEVE GRIFFIN: Sure. I'll take that on notice and come back to you.

ANSWER

The greyhounds in question were transferred to Greyhounds as Pets (GAP) in preparation for rehoming. The Greyhound Welfare & Integrity commission understands that the six greyhounds were taken to a veterinary clinic in the Riverina and then three of these greyhounds were rehomed and the remaining three greyhounds were placed in the care of GAP's Londonderry facility. Inquiries as to their current location should be directed to Greyhound Racing NSW.

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Questions on Notice - Veterans

QUESTION (p42)

The Hon. SCOTT FARLOW: What update can you provide us on the status of the upcoming State action plan that is due to be implemented in 2025?

Mr DAVID HARRIS: There has been some consultation with the sector. There has also been discussion across different departments to get feedback. As I said, now we'll wait for the recommendations from the royal commission before finalising that and launching it.

The Hon. SCOTT FARLOW: On notice, could you provide us with a list of the stakeholders that you've consulted with to date?

Mr DAVID HARRIS: I think that'd be all right.

The Hon. SCOTT FARLOW: Or this afternoon, potentially.

Mr DAVID HARRIS: Yes.

ANSWER

Early consultation with the veteran community has progressed, with regional forums on the Central Coast and in Nowra providing veterans and their families with an opportunity to input. OVA also meets regularly with key ex-service organisations including RSL NSW, RSL LifeCare, Families of Veterans Guild and Legacy and is seeking their feedback on the strategy and action plans.