

PORTFOLIO COMMITTEE NO. 1 – PREMIER AND FINANCE

Thursday 22 February 2024

Examination of proposed expenditure for the portfolio areas

ABORIGINAL AFFAIRS AND TREATY, GAMING AND RACING, VETERANS, THE CENTRAL COAST, MEDICAL RESEARCH

CORRECTED

The Committee met at 9:15.

MEMBERS

The Hon. Jeremy Buckingham (Chair)
The Hon. Robert Borsak (Deputy Chair)
Ms Abigail Boyd
Ms Cate Faehrmann
Ms Sue Higginson
The Hon. Emma Hurst
The Hon. Dr Sarah Kaine
The Hon. Mark Latham
The Hon. Stephen Lawrence
The Hon. Sarah Mitchell
The Hon. Jacqui Munro
The Hon. Peter Primrose
The Hon. Damien Tudehope

PRESENT

The Hon. David Harris, *Minister for Aboriginal Affairs and Treaty, Minister for Gaming and Racing, Minister for Medical Research, Minister for the Central Coast, and Minister for Veterans*

CORRECTIONS TO TRANSCRIPT OF COMMITTEE PROCEEDINGS

Corrections should be marked on a photocopy of the proof and forwarded to:

**Budget Estimates secretariat
Room 812
Parliament House
Macquarie Street
SYDNEY NSW 2000**

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The CHAIR: Welcome to the second hearing of Portfolio Committee No. 1 – Premier and Finance for the additional round of inquiry into budget estimates 2023-2024. Firstly I would like to acknowledge the Gadigal people of the Eora nation, the traditional custodians of the lands on which we are meeting today. I pay my respects to Elders past and present, and celebrate the diversity of Aboriginal peoples and their ongoing cultures and connections to the lands and waters of New South Wales. I also acknowledge and pay my respects to any Aboriginal and Torres Strait Islander people joining us today. My name is Jeremy Buckingham and I am the Chair of this Committee. I welcome Minister David Harris and accompanying officials to this hearing.

Today the Committee will examine the proposed expenditure for the portfolios of Aboriginal Affairs and Treaty, Gaming and Racing, Veterans, the Central Coast, and Medical Research. I ask everyone in the room to please turn their mobile phones to silent. Parliamentary privilege applies to witnesses in relation to the evidence they give today. However, it does not apply to what witnesses say outside of the hearing. I urge witnesses to be careful about making comments to the media or to others after completing their evidence. In addition, the Legislative Council has adopted rules to provide procedural fairness for inquiry participants. I encourage Committee members and witnesses to be mindful of these procedures.

To all the witnesses, welcome and thank you for making the time to give very important evidence today. Minister Harris, I remind you that you do not need to be sworn as you have already sworn an oath to your office as a member of Parliament. Most witnesses who appeared at the initial budget estimates hearing before this Committee also do not need to be sworn. Witnesses who are appearing with a new position title are asked to take the oath or the affirmation.

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Dr JEAN-FRÉDÉRIC LEVESQUE, Deputy Secretary, Clinical Innovation and Research, NSW Health, affirmed and examined

Mr SHANE HAMILTON, Deputy Secretary, Aboriginal Affairs, Premier's Department, on former affirmation

Mr SIMON DRAPER, PSM, Secretary, Premier's Department, on former affirmation

Ms ELIZABETH MILDWATER, Secretary, Department of Enterprise, Investment and Trade, on former affirmation

Mr TAREK BARAKAT, Acting Chief Executive Officer, Hospitality and Racing, Department of Enterprise, Investment and Trade, on former affirmation

Mr STEVE GRIFFIN, Chief Executive Officer, Greyhound Welfare and Integrity Commission, on former oath

Ms HARRIET WHYTE, Executive Director, Regional Coordination and Delivery, Department of Regional NSW, affirmed and examined

Ms CAROLINE MACKANESS, Director, Office of Veterans Affairs, Department of Communities and Justice, on former oath

Mr PHILIP CRAWFORD, Chief Commissioner, NSW Independent Casino Commission, on former oath

Ms CAROLINE LAMB, Chairperson, Independent Liquor and Gaming Authority, on former affirmation

The CHAIR: Today's hearing will be conducted from 9.15 a.m. to 5.30 p.m. We are joined by the Minister for the morning session from 9.15 a.m. to 1.00 p.m. with a 15-minute break at 11.00 a.m. In the afternoon we will hear from departmental witnesses from 2.00 p.m. to 5.30 p.m. with a 15-minute break at 3.30 p.m. During these sessions there will be questions from the Opposition and crossbench members only and then 15 minutes allocated for Government questions at 10.45 a.m., 12.45 p.m. and 5.15 p.m. We will now begin with questions from the Opposition.

The Hon. SARAH MITCHELL: Good morning, Minister, and your officials. Thank you for being here. Minister, I just want to start with the cashless gaming trials that we spoke about in the last hearing. Regarding the Independent Panel on Gaming Reform, can you tell me where we're up to with that trial, please?

Mr DAVID HARRIS: Yes, happy to do that. The panel have been working earnestly getting together what is a very complex set of circumstances in order to make sure that the cashless trial works and is also spread right across the State. We were first buoyed by the fact that originally the election commitment was to have 500 machines involved in the trial. When it went out to expression of interest that came back way over what we would've expected and then, after the panel went through the applications, it was taken down to the current number of machines, which are spread right across the State. Last Friday, if my memory serves me correctly, the panel met and that trial will now begin. We look forward to seeing the results of that happening. I might add that in the meantime I've also had conversations with my counterpart in Victoria and we're also, at that State level, looking at issues such as what might happen along the border.

The Hon. SARAH MITCHELL: Are you still anticipating the trial will be complete this year and a report handed in by November? That was the original time line, I believe.

Mr DAVID HARRIS: The panel has still got that time line of November this year. It may be that they require extra time for elements of it, but we would be looking for them to be able to give us reasonably clear feedback by then.

The Hon. SARAH MITCHELL: Have they indicated they may need extra time?

Mr DAVID HARRIS: Not at this stage. But until it actually starts getting rolled out, the logistics will govern that to a certain extent. I think I mentioned this last time: I don't like hard deadlines. They always set you up to fail, so—

The Hon. SARAH MITCHELL: You do need a deadline, though, with respect, Minister.

Mr DAVID HARRIS: You do need a deadline, but it also has to be something that is workable. If it requires extra time for them to make their determinations—and they're working really well together. Can I point out that this is the first time that all stakeholders—harm minimisation and industry people—are sitting around the same table, looking and talking to each other. That's historic. I have great confidence that they will do their job well, they'll do it in earnest, but they'll also do it right. That's the most important thing.

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The Hon. JACQUI MUNRO: Could I just specify what kind of elements they might require extra time for? You suggested there might be certain parts of the trial that will require an extension.

Mr DAVID HARRIS: The trial will be rolled out across a range of venues in different parts—metropolitan to regional to small towns.

The Hon. JACQUI MUNRO: I've seen the list, yes.

Mr DAVID HARRIS: It is also using different types of technology. In that scenario, there may always be a case where issues arise. You have to build that into your thinking from the start so that you are not surprised.

The Hon. JACQUI MUNRO: Which is why the deadline is useful.

Mr DAVID HARRIS: Yes.

The Hon. JACQUI MUNRO: But in terms of that technology and those different things that might require extra time, are there already elements of the trial that are anticipated to take longer because of some additional complexity? I know there are border towns, for example—you mentioned Victoria already—that will have the trial. Do you anticipate there are those specific areas that will require additional effort?

Mr DAVID HARRIS: No. That's why, at the moment, we're sticking to November, and the panel knows that. I'm just putting it out there that—as I said, it's a panel that takes in all elements of the industry and harm minimisation—if they come back to me and say, "Minister, we need additional time for X, Y and Z", then I would be amenable to granting that extra time.

The Hon. SARAH MITCHELL: In terms of the State reaching cashless gaming and that being mandatory, when do you envisage that would happen?

Mr DAVID HARRIS: That's for the panel and the road map. I'm not going to set deadlines or my thoughts. It's an independent panel; it's an independent process. They will give advice to me. If I go out there and say what I think is going to happen before they have that opportunity to produce that document back to government—and remember it has to go back to government, through the Cabinet process and all of those things—then I would be doing them a disservice. If you're truly being consultative, then you're not anticipating the outcomes before you start.

The Hon. SARAH MITCHELL: My point to you, then, Minister, would be that you're saying to us today, "November is still the deadline, but it's not a hard deadline. They may need longer." I respect what you mean in terms of the work of the panel.

Mr DAVID HARRIS: I'm just being honest.

The Hon. SARAH MITCHELL: I appreciate that. But government then needs to consider it. So it becomes challenging for industry, in terms of how they operate their business and what they're doing, to not have clear deadlines and to not know anything about implementation. Are you going to look at things like assisting clubs and businesses financially if they have uncertainty, if they're trying to make decisions about purchasing machines, and what they need to do? In that interim period where there is uncertainty, what kind of financial relief or support would you look to offer?

Mr DAVID HARRIS: That's why they're going to tell me. That's why it's a road map. They will actually tell government what they think is needed—how it should look, how it should transition and what are the economic factors—and government will then have to look at all of those issues and make a decision.

The Hon. SARAH MITCHELL: But it is something that you would consider if the advice from the panel was that there needs to be financial support for industry?

Mr DAVID HARRIS: The Government has committed to consider the road map that's presented to it.

The Hon. SARAH MITCHELL: But you need, in that road map, for that to be spelled out to you in terms of what kind of financial support you would need? That's what you're looking for the panel to provide. Is that correct?

Mr DAVID HARRIS: I think it was in their guidelines, yes.

The Hon. SARAH MITCHELL: There's 16 members on the panel. That's correct? And you met with them in December, I believe. Was everyone present the day that you met with them?

Mr DAVID HARRIS: I'm pretty sure everyone was there. They were either there or online.

The Hon. SARAH MITCHELL: And, obviously, as you've said, you've got quite differing views and a range of views from stakeholders on that panel. From the meeting you had with them or your engagement with

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them, how are those relationships going? I'm assuming there are robust conversations, but are some people unhappy with that process? What is your take on how that is going?

Mr DAVID HARRIS: Definitely—and so it should be—robust discussion, and I am really pleased to get the feedback that the panel are working really well together in a very positive fashion. I've met with NCOSS. I've met with Wesley separately. I've met with Clubs separately and AHA separately. They all appreciate the fact that it's the first time they have actually been able to hear each other's points of view and technical information of how things actually operate. So those relationships at the moment are very positive. That is the feedback I'm getting. They all value the opportunity to be able to put their point of view. That doesn't mean there won't be moments of contention, and it is the job of the executive group to weigh some of those things up and make sure that the final road map represents the views of the whole group.

The Hon. SARAH MITCHELL: In terms of the final road map and any report that comes to government, if individuals within the panel maybe don't agree or have a differing view, will that be made clear in what is publicly available at the end of the process?

Mr DAVID HARRIS: What we've said is that whilst the panel is meeting things that happen there should be confidential so that people can say what they need to say without it appearing in the media. Once the process is over—these are independent organisations; we can't put a gag on them—they're obliged on behalf of their groups to have public discourse. What I do hope, though, is that if there are any really contentious things we can actually work through those before the final road map is decided on. This is almost a bit like the United Nations, in a sense. So far—touch wood—it's operating really well. It doesn't mean that there won't be blow-ups along the way, but I think what they're really concentrating on, which I really welcome, is that evidence base—listening to that evidence. I have asked them to look at some additional reports and give me advice on those. It's a really valuable group. I actually said to NCOSS this week that I hope—not in this form—that ability to all sit around the table together continues after there is a decision made, because I think it's really valuable. It's a good initiative for the community.

The Hon. SARAH MITCHELL: Can I just clarify? You mentioned earlier in your evidence about the number of machines. How many venues are participating in the trial? Is it 28? That's what I thought, but I am happy to be corrected.

TAREK BARAKAT: I can help. We've got 28 venues—21 clubs, seven hotels—24 LGAs, eight of which are regional, and 4,852 machines.

The Hon. SARAH MITCHELL: It sounds like you've practised that answer, Mr Barakat, so thank you for that.

TAREK BARAKAT: I thought I might be asked.

The Hon. SARAH MITCHELL: I'm glad you did. Have the trials all started in each of those venues?

TAREK BARAKAT: That approval has recently been given by the panel, so the technology will be implemented in the venues from March and then the trial will be rolled out in a staged way from March.

The Hon. SARAH MITCHELL: Starting from?

TAREK BARAKAT: Late March. That is my understanding.

The Hon. SARAH MITCHELL: When would you anticipate they would have all begun by, if they're in a staged way?

TAREK BARAKAT: I'd have to take that one on notice, but I'll come back to you today.

The Hon. SARAH MITCHELL: There were more applicants, though, than participants. Is that correct? Those who might have applied but are not part of it, what happens to them?

TAREK BARAKAT: They will stay on the list. I think, largely, the issue there was that we had so many machines and venues that manufacturers were going to struggle to implement the technology in all of them, but if we get to a point where that is possible then there's nothing stopping the panel making a decision to add more venues or machines to the trial as we go.

The Hon. SARAH MITCHELL: I want to move now to the issue of responsible gambling officers to be in pubs and clubs with more than 20 poker machines. Minister, where did this policy come from?

Mr DAVID HARRIS: The department has been working on this for a while. It was one of our election commitments. After the election there was a paper put out with—a discussion paper with the industry. I might add that some of the industry had already taken this up themselves voluntarily, so they were already implementing it

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in their venues. We actually made the announcement at Central Coast Leagues Club, where they had a responsible gambling officer regime in place for 12 months. We are not claiming it's new.

The Hon. SARAH MITCHELL: That was going to be my next question.

Mr DAVID HARRIS: We're claiming that it will be mandatory, and that's the difference.

The Hon. SARAH MITCHELL: My understanding is, via ClubsNSW, that there are already about 340 clubs that do this. Do you have any data on how many more venues this regulation will capture, now that you're making it mandatory?

TAREK BARAKAT: We don't have the exact figures, but it will be any venue with over 20 gaming machine entitlements. We could quite easily get that number for you on notice.

The Hon. SARAH MITCHELL: If you could take that on notice and come back, that would be great.

Mr DAVID HARRIS: Can I also add, we hope that venues under 20 entitlements will take it on board voluntarily, but we understand there are issues around number of staff et cetera and shifts. That's why it was set at that 20 limit.

The Hon. SARAH MITCHELL: You said that's something that the department has been working on for a while. Does that come via Liquor and Gaming as well, or is that separate? How does that work? What's their interplay with these sorts of policy initiatives?

TAREK BARAKAT: Liquor and Gaming NSW sits within Hospitality and Racing. We developed the position paper that the Minister was talking about initially—the consultation paper on RGOs—that was released to industry, and we will take the lead on working with the Parliamentary Counsel to draft the regulation to mandate these requirements to commence from 1 July.

The Hon. SARAH MITCHELL: Obviously, there will be some pubs and clubs that will have to put these officers on that don't currently have them, in terms of having 20 machines or more. Do you have any data or can you tell us how many you expect will be needed to fill these vacant positions across New South Wales? Maybe you'd need to take that on notice, if you're taking the number of clubs—

TAREK BARAKAT: We have done that thinking. It will be significant. The position paper as it stands makes clear that it's a staged rollout. These people are going to have to go through additional training. They'll not only have to do the responsible conduct of gambling training, they'll have to do the advanced responsible conduct of gambling training. We're confident there are enough training providers out there to provide those courses, but it will take some time for all of those people to get up to speed. We've provided that position paper now so that venues know what their requirements will be for their staff, and then the regulation will take effect from 1 July. But I can get those numbers on notice for you.

Mr DAVID HARRIS: I can give you some of the numbers now, if you like.

The Hon. SARAH MITCHELL: If you have any, Minister, that would be great.

Mr DAVID HARRIS: So 1,153 venues have 20 or more entitlements, and will be affected by the policy. There are already 1,476 people in New South Wales who have done the advanced RCG training, and there are 13 registered training organisations in New South Wales who can deliver the course. It's a minimum of six hours to complete, and the department anticipates more than 3,600 individuals will need to complete the training to implement the policy over a staged approach.

The Hon. SARAH MITCHELL: So it's sort of an extended version of the RCG. What's the terminology you just used?

TAREK BARAKAT: RCG is the responsible conduct of gambling.

The Hon. SARAH MITCHELL: Yes, but then there's a higher—

TAREK BARAKAT: This is the advanced responsible—it's a higher threshold.

The Hon. SARAH MITCHELL: Who pays for their training? Do they need to pay for it themselves if they're going to be taking on that role?

TAREK BARAKAT: That's my understanding, yes. Or the venue may take that on, yes.

The Hon. SARAH MITCHELL: What happens now? If someone already holds this role—because, again, we know that there are several hundred clubs that are doing this—do they have a higher salary or award recognition of the fact that they've got that advanced training? Is there a financial incentive for somebody to do this and take on this role above their ordinary work in a pub or club?

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Mr DAVID HARRIS: We can take that one on notice so I can get you a specific answer on that.

The Hon. SARAH MITCHELL: That would be great. Minister, did you say there are 13 RTOs that can deliver?

Mr DAVID HARRIS: Yes, that's the information I've got.

The Hon. SARAH MITCHELL: If you could provide—and, again, I am happy for it to be on notice—a list of who is accredited to provide that training and where they're located as well.

TAREK BARAKAT: Yes.

The Hon. JACQUI MUNRO: Minister, could you please tell me how much money has been provided to the Responsible Gambling Fund—obviously that funds things like Aboriginal safe gambling—and explain from this year's budget and the forward estimates, if possible, if you've got that year by year?

Mr DAVID HARRIS: To get the exact figures we'd probably have to take that on notice.

TAREK BARAKAT: I haven't got the forwards, but I've got the last financial year. The key revenue for the fund is the casino supervisory levy, which was \$17.21 million last financial year. Then there's \$5 million from the point of consumption tax. Then there are similar amounts this year. The casino supervisory levy forecast for this year is \$22.2 million. The point of consumption tax forecast is \$5.212 million. Plus there's the additional \$10 million that the Government committed to the RGF for this financial year from the \$100 million fine to The Star. Going forward, I am happy to take that on notice.

The Hon. JACQUI MUNRO: That would be useful. I guess you are aware that the volume of revenue that has come from the racing industry has increased pretty significantly in the last couple of years. Are you aware of that, Minister?

Mr DAVID HARRIS: Yes.

The Hon. JACQUI MUNRO: Will there be a change to the amount of funding that the Responsible Gambling Fund has in the budget commensurate to that increase in gambling revenue?

Mr DAVID HARRIS: I met recently with the board and they put some ideas to me, and I will take those under consideration.

The Hon. JACQUI MUNRO: Can I ask what that idea is? What are those ideas?

Mr DAVID HARRIS: There were a couple of ideas about how their recurrent funding—because revenue from casinos is dropping, and so they raised that as a concern. I said I would take that on board—obviously have discussions with the Treasurer, but I was amenable to the issues that they raised.

The Hon. JACQUI MUNRO: Do you think that those discussions will be reflected in the next budget?

Mr DAVID HARRIS: Not in the next budget, because the budget process is well underway.

The Hon. JACQUI MUNRO: I am aware, yes. That is why I am wondering when you've had the discussions.

Mr DAVID HARRIS: Only two weeks ago. At the moment it is not an issue because of the \$10 million that has been guaranteed over the next few years, but after that it may become an issue.

The Hon. JACQUI MUNRO: When you say, "It might become an issue", how do you see those issues playing out?

Mr DAVID HARRIS: I haven't got my crystal ball with me today.

The Hon. JACQUI MUNRO: But you must be having discussions with the Treasurer about what those options might be.

Mr DAVID HARRIS: It depends. Casino revenue is going down; it may go up again.

The Hon. JACQUI MUNRO: Do you think that there are other funding sources that—

Mr DAVID HARRIS: That's what we've said we'll have a look at, yes.

The Hon. JACQUI MUNRO: Can you explain which funding sources you're looking at?

Mr DAVID HARRIS: No, because I've had one discussion and I listened to what they said. I've not had time to go and investigate it in detail in seven days.

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The Hon. JACQUI MUNRO: So we will be asking at the next budget estimates about that, I'm sure.

Mr DAVID HARRIS: Yes. But, again, I point out that with the \$10 million over the next few years, that's not an issue. It is more of an issue into the future. It's probably even out of the forward estimates.

The Hon. JACQUI MUNRO: I guess, then, getting into discussions about whether that \$10 million is enough in itself—obviously, problem gambling has been a big part of the conversations I'm sure that you've been having, and obviously around the cashless gaming trial, so it is whether those numbers are getting worse. Obviously, people's patterns of gambling behaviour are changing a lot.

Mr DAVID HARRIS: But the \$10 million is additional to their current funding sources, so that is extra. That's \$10 million they didn't have before in the past. We've already made a commitment and we've increased the amount they are getting. That's—

The Hon. JACQUI MUNRO: Sufficient for now?

Mr DAVID HARRIS: —our election commitment. Well, you know, everyone can always use more money, but I think having an extra \$10 million a year to do their work is certainly—I think they won't be disappointed in the short term.

The Hon. JACQUI MUNRO: The revenues from gambling and betting taxes were revised down even in the last six months—in the mid-year economic update—so they have been revised down by \$314.3 million over the next three and a half years. That is pretty significant. Is that what you're speaking to the Treasurer about?

Mr DAVID HARRIS: The Treasurer and I are having discussions across a very broad range of areas in this space. No decisions have been made, but we are actively having those discussions. We are getting a lot of input from industry, from harm minimisation—a whole range of groups—and that will be part of the budget process moving forward.

The CHAIR: Thank you, Minister. We will now turn to questions from Mr Latham. You've got 10 minutes, and then we will be going to Ms Hurst with five minutes and Ms Higginson with five minutes.

The Hon. MARK LATHAM: Thank you, Minister, and your officials. As racing Minister, do you support the sale of Rosehill?

Mr DAVID HARRIS: That is being done through an independent process. It's up to the Australian Turf Club and its members to determine that.

The Hon. MARK LATHAM: But, as racing Minister, have you got an opinion on the sale of the second most important asset for thoroughbred racing in New South Wales?

Mr DAVID HARRIS: Look, I think that's up to their members. If their members vote to go down that path, then that's a decision for them. I'm not part of the process thus far, and I think rightfully so, and they will make that decision. Ministers in government need to be very careful interfering with the rights and views of actual memberships of independent organisations. The ATC brought that proposal to government. They now have to go and do their work with their membership and then come back with their unsolicited proposal, so I'm not commenting more than that.

The Hon. MARK LATHAM: Why is it "rightfully so" that, as racing Minister, you're not part of the proposal to sell the second most important thoroughbred racing asset in New South Wales? What's the point of being the racing Minister if you're not involved in the biggest thing that's happened in New South Wales racing in our lifetime?

Mr DAVID HARRIS: It's around probity. Unsolicited bids have a special process they go through, which is independent, and it's not appropriate for individual Ministers to get involved with that. They will follow the process. The bid has come from the organisation. They will come back with their proposal if their membership supports it. It will go through an independent process. I'm not getting involved in and putting it out in the public when there's an independent process involved.

The Hon. MARK LATHAM: You say it's not appropriate for individual Ministers to be involved. Why were individual Ministers Scully, Haylen and Mookhey at the announcement at Rosehill with the Premier and the ATC officials on 7 December, and you weren't? A lot of people in the racing industry are asking, "Where was our Minister?"

Mr DAVID HARRIS: I'd have to check my calendar, but I'm pretty sure I was required somewhere else, so I wasn't there. But it's not something that—I was informed by the Premier that a proposal had been put in. I had not been part of the conversation before that. That's appropriate because of the way the process works. We'll

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wait for the members to have their say and they will vote on it, and then if an unsolicited proposal comes forward then it will go through the proper independent scrutiny.

The Hon. MARK LATHAM: Did you know in advance about the announcement on 7 December at Rosehill?

Mr DAVID HARRIS: I was told on 22 November at 3.15, and that was appropriate because of the way the proposal had been put forward, through that process. It wasn't appropriate for me to know before then.

The Hon. MARK LATHAM: But if you're not to be involved, why did they tell you weeks in advance and undoubtedly seek your opinion about it?

Mr DAVID HARRIS: Because, obviously, it involves one of the racetracks. But it was made clear how the process worked, what my role would be. I have since asked the department to prepare how I should interact—so my probity responsibilities. I've now received that, and I won't be commenting any more on it because it's an issue for the membership. If they put forward a proposal, as the Premier said yesterday, it will be assessed on its merits.

The Hon. MARK LATHAM: Did you know in advance of the announcement on 7 December, or did you hear about it in the media?

Mr DAVID HARRIS: No, I was told on 22 November.

The Hon. MARK LATHAM: That there'd be an announcement on the seventh?

Mr DAVID HARRIS: No, I didn't know when the announcement—well, I think we did know when the announcement would be. I'd have to check; I can't remember.

The Hon. MARK LATHAM: Can you take that on notice?

Mr DAVID HARRIS: Yes.

The Hon. MARK LATHAM: Because racing people are stunned that the racing Minister would have so little involvement in this. But as it progresses beyond an unsolicited proposal or thought bubble and it gets to rezoning, sale, development proposals and the idea that you can put 25,000 homes on 150 acres, are you planning, as racing Minister, to have involvement at that stage, particularly in checking how the money is spent—the idea of a new training facility at Horsley Park and the upgrade of Warwick Farm?

Mr DAVID HARRIS: As I said, I've received advice on how I should act in terms of this. That's what I'll be following.

The Hon. MARK LATHAM: That's not what I'm asking. It won't stay a thought bubble forever. It obviously has a plan, with the Government's approval on 7 December, to advance it to rezoning, development and building housing. The Government has said it supports the construction of the housing. As racing Minister, are you planning to get involved when it becomes a firm proposal, particularly looking at the financing of a new training centre at Horsley Park and upgrade of Warwick Farm?

Mr DAVID HARRIS: If it gets to that stage and then there are other decisions to be made in terms of how racing operates in the State then, yes, of course I would be involved or talking about those issues.

The Hon. MARK LATHAM: Have you spoken to other Ministers about what I'm told is disquiet in the Government about the idea of putting 25,000 homes on 150 acres? That's 167 homes per acre, so it's not exactly the quarter-acre block, is it?

We're talking about, most likely, once you factor in some land for open space, schools and transport, 100 60-storey towers on that site.

Mr DAVID HARRIS: No, I haven't spoken to other Ministers about it.

The Hon. MARK LATHAM: Do you have a view on that feasibility? The ATC is saying they'll raise \$5 billion, but that is contingent, it seems, on 100 60-storey towers at Rosehill.

Mr DAVID HARRIS: As I said, I'm not going to comment any more on it until we see the outcome of the proposal, if there is one.

The Hon. MARK LATHAM: Have you thought about a plan B? You mentioned the voting rights of ATC members, of which I am pleased to report I am one, but it seems unlikely, doesn't it, that you would get 51 per cent of ATC members now that Gai Waterhouse and Chris Waller, the two pre-eminent racing personalities and contributors to the industry, have come out so strongly against it?

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Mr DAVID HARRIS: That's for the membership.

The Hon. MARK LATHAM: Is there any plan B that you're aware of? This is plan A; is there a plan B?

Mr DAVID HARRIS: The club came to the Government. The Government didn't go to the club, is my understanding, so I don't know that it's up to us to have a plan B. It's a proposal that's come from them. It will be assessed through the process, and we'll see where it ends and then we will have to make decisions, if and when a decision is made.

The Hon. MARK LATHAM: I just thought, the Government is saying it wants the housing, that there might be a plan B to achieve that goal?

Mr DAVID HARRIS: Not that I'm aware of.

The Hon. MARK LATHAM: Have you had discussions as racing Minister with the trainers affected at Rosehill, particularly Chris Waller?

Mr DAVID HARRIS: Not at this stage because, as I said, when I received the probity advice it was, at this stage, that I should not be involved.

The Hon. MARK LATHAM: What's the basis of that advice? Why would anyone say on probity grounds a racing Minister shouldn't talk to Australia's leading racehorse trainer, Chris Waller, especially given Chris's statement that the ATC should give themselves an uppercut and he is talking about moving to Melbourne. Aren't you worried about that?

Mr DAVID HARRIS: Yes, we would be, if Mr Waller moved. As I said, this is, as you described it, a proposal that has come from the club itself. They will go through a process of talking to their membership, who will vote on it. If there is a positive vote, then it will go forward as an unsolicited proposal, through an independent process, and I'm not talking about it more than that.

The Hon. MARK LATHAM: But what, really, is the basis of the probity advice that stops you from—you've said you'd be very worried if Chris Waller went to Melbourne; we all would. It would be a devastating blow to racing in New South Wales, but that's what he is talking about with this sale of Rosehill. He's not happy to move to Horsley Park, if in fact that is at all viable. So what is the probity advice that would stop you, as racing Minister, sitting down with the leading racehorse trainer to talk about his concerns and the possibility of losing him to our State?

Mr DAVID HARRIS: I understand that the ATC signed a confidentiality agreement and a memorandum of understanding. I have to be very careful how I deal in that space, so I'll be following the probity advice.

The Hon. MARK LATHAM: What's the corruption concern here? What is corrupt in you sitting down as racing Minister with someone like Chris Waller, who is flagging he'll move to another State, to do everything you can to keep him here in New South Wales? What's the problem with that? Isn't that your job?

Mr DAVID HARRIS: Yes, I talk to the industry all the time about a range of issues, but I have to be very careful in engaging in this process. That's all I'm saying.

The Hon. MARK LATHAM: Why? But you can't say why? No-one can understand why, as racing Minister, you wouldn't talk to the leading racehorse trainer?

SIMON DRAPER: If I can help, Mr Latham, the unsolicited proposals policy that's published, that's been adopted by Cabinet for many years, does set out that once a proposal is live proponents and others who have an interest in that proposal should not lobby Ministers, and so it is not unreasonable for the Minister—

The Hon. MARK LATHAM: It's not lobbying. Chris Waller doesn't want to lobby the Minister. He wants to outline his concerns and we want to save him in this State.

SIMON DRAPER: Just to explain further, it's not unacceptable for the Minister to speak to stakeholders, but not about that proposal.

The Hon. MARK LATHAM: Sorry?

Mr DAVID HARRIS: I can't talk about the proposal.

The Hon. MARK LATHAM: You can't talk about the proposal? Okay. He's not a lobbyist.

The Hon. EMMA HURST: Minister, I have a few questions, but I want to ask Mr Griffin a couple of questions and then I'll probably have some follow-up questions to you based on what I hear from Mr Griffin.

CORRECTED

Mr Griffin, has GWIC ever done their own internal audit or checks to confirm that the number of greyhound deaths reported by the industry are correct?

STEVE GRIFFIN: Yes, we have.

The Hon. EMMA HURST: When did that occur?

STEVE GRIFFIN: It was part of the eTrac rollout tranche 1 of eTrac that has just been finalised at the end of last year.

The Hon. EMMA HURST: So that finished around what month?

STEVE GRIFFIN: The end of December last year.

The Hon. EMMA HURST: Did you discover through that process that the number of greyhound deaths identified are the same as the number of greyhound deaths reported by the greyhound racing industry participants?

STEVE GRIFFIN: There is an under-reporting of greyhound deaths generally, we found, that were very aged—we're talking about 10 or 11 years old—and certainly a lot of those participants, or former participants, those people have left the industry. We can say unequivocally we do have the most accurate database of greyhound register in Australia and New Zealand through the first tranche of e-tracking. I've seen reports in relation to Victoria and I can tell you that in terms of deaths of greyhounds and post-race injuries, we completely monitor that process.

The Hon. EMMA HURST: Just in regards to the identified greyhound deaths that weren't reported, do you have the figure that you discovered of dogs that were dead that hadn't been reported?

STEVE GRIFFIN: I'll have to take that on notice.

The Hon. EMMA HURST: From your recollection, was it hundreds, thousands more that hadn't been reported?

STEVE GRIFFIN: I'd have to take that on notice but it's certainly not in the thousands; it's in the hundreds in my understanding. As I said, a lot of the reason for implementing eTrac was the fact that—was relying upon a paper-based reporting system historically. But since eTrac has been in place, that process is streamlined.

The Hon. EMMA HURST: Is that what would be classified as a legacy euthanasia?

STEVE GRIFFIN: Certainly it would. We obtain statutory declarations from participants about those deaths or rehoming incidents that they advise us of that occurred pre the creation of GWIC to make sure that we've got something of a record as to the whereabouts of those greyhounds.

The Hon. EMMA HURST: Those hundreds of dogs that are dead that haven't been reported—did you report this to the Minister?

STEVE GRIFFIN: We're in the process of still trying to define how many there are, so we've still got to do investigations. What we can say is where that amount of greyhounds are not accounted for we need to determine whether they've been rehomed or they've died. We don't know that. As I said, these greyhounds are—

The Hon. EMMA HURST: So they haven't been listed as legacy euthanasias?

STEVE GRIFFIN: No, let me clarify that. They haven't been—at the moment we're doing inquiries to establish where those aged greyhounds are and, as I said, the majority of the greyhounds are attached to people who are no longer in the industry. So we need to track down those people and find out what happened to those greyhounds. Were they rehomed or did they die a natural death, and so forth.

The Hon. EMMA HURST: Minister, given that there are hundreds of missing greyhounds, as has been identified by GWIC, does that concern you?

Mr DAVID HARRIS: Look, what I can say is that since we've taken government the implementation of eTrac—we're looking to have a robust system that is transparent, and it keeps up to date. There will be legacy issues—I can't control history—but what I can say is that, moving forward, we now have a regime in place that will track dogs across New South Wales from birth to death and make sure that the right thing is being done. That's the commitment from this Government. eTrac gives us the ability to do that and it will make sure that these issues don't occur into the future.

The Hon. EMMA HURST: Mr Griffin, have any of these missing greyhounds occurred while the eTrac system or the OzChase platform has been in place? Or we don't know at this point?

CORRECTED

STEVE GRIFFIN: We don't know. Certainly eTrac has been in place since 2022, so there's nothing—and, as the Minister said, that gives complete transparency to what's occurring. We would know and identify if there's any deaths. All deaths and particularly injuries are well known within eTrac. Again, we're looking at a very old legacy system. We inherited a database that was 20, 30 years old.

The Hon. EMMA HURST: I understand that the legacy system is old. But when we're talking about hundreds of missing greyhounds, what are the date ranges for those missing greyhounds? Could they have been missing and possibly dead over the past year? Over what period of time?

STEVE GRIFFIN: Again, we're talking very aged matters, so certainly not in recent times. We're talking about things that are very historical, so we need to do our inquiries with those former participants that were involved and find out where those greyhounds went to. Then we can determine and update the system in relation to those greyhounds.

The CHAIR: Thank you, Mr Griffin. Ms Higginson?

Ms SUE HIGGINSON: Good morning, Minister. When we last met in estimates in October, you committed to setting up an independent treaty commission. What steps have been taken since that time to set that commission up?

Mr DAVID HARRIS: The department has been doing the hard work of putting the structure together. We've also been working with experts to make sure that it's structured in a way that will be effective. So in the next few weeks or months, it will—

Ms SUE HIGGINSON: I was going to ask you could you be a little bit more particular about "the next few weeks or months"?

Mr DAVID HARRIS: I'm not giving you a day, but we're currently putting together the committee that will go out for expressions of interest for commissioners. For the actual rollout of the process, we've got a time line in place. We're hoping that will be achieved. I think I mentioned to you last time that we'll be starting with free, prior and informed consent, making sure that the community is ready to have a discussion. Whilst that process is underway, there will be the expressions of interest and the selection of the commissioners.

Ms SUE HIGGINSON: Sorry, Minister, just to interrupt, in terms of that expression of interest and that feeding into the terms of reference for those commissioners, how has that come about? Who has been involved in that?

Mr DAVID HARRIS: Shane might be able to give you some detail on that.

SHANE HAMILTON: We haven't actually refined those. That's going to be part of the advice through the panel—to give us the advice around what should be in the selection criteria for treaty commissioners. We've established a panel. Part of their role is to—

Ms SUE HIGGINSON: Can I ask who is on that panel? Is that public?

SHANE HAMILTON: No, it's not. We haven't finalised that yet.

Ms SUE HIGGINSON: So there is not yet a panel?

SHANE HAMILTON: No.

Ms SUE HIGGINSON: There will be a panel?

SHANE HAMILTON: Yes.

Ms SUE HIGGINSON: Minister, are you concerned? It was October. It's now nearly the end of February. Are you content with the timing of things at the moment? When we spoke, you were saying "very early this year".

Mr DAVID HARRIS: Yes.

Ms SUE HIGGINSON: We don't quite have a committee, a panel, yet.

Mr DAVID HARRIS: We have to understand that many in the Aboriginal community were quite devastated after the Voice referendum. So we made the choice to ensure that we took that into account, rather than just come straight over the top again with another process. I think that's really reasonable. And this is hard for government. It's hard for us. It has to actually be the Aboriginal community making these decisions, so we will set up some of the structures but they have to then determine what those structures become. It's a consultation with community. It's not government telling community what they should be doing.

CORRECTED

Ms SUE HIGGINSON: You're the Minister in the position to lead, drive and advocate positively for what we know First Nations communities have been asking for for decades and decades. South Australia, for example, right now is going full steam ahead with creating a voice to Parliament. Why are you suggesting that this is not a positive project forward? Why are we not hearing about it?

Mr DAVID HARRIS: I'm not suggesting it's not a positive project forward; I'm suggesting that we want to make sure that we do it correctly with community.

Ms SUE HIGGINSON: And, so far, we don't have a panel. We don't have a committee. Has there been any engagement more broadly yet or are we still just waiting?

Mr DAVID HARRIS: No, we've been talking to different groups.

Ms SUE HIGGINSON: Which groups?

Mr DAVID HARRIS: I have a lot of confidential conversations. If you start naming groups, they often become targets, so I'm not going to do that. What I will say is that we want to make sure that when we go out for expressions of interest that criteria is developed by Aboriginal people, that the commissioners that are selected are selected by Aboriginal people and that the consultation is done with Aboriginal people by Aboriginal people.

Ms SUE HIGGINSON: The expressions of interest for the commissioners, you think, will be out in weeks or months. How many months? Possibly at the outer, are we looking at?

Mr DAVID HARRIS: We've got a time line, but I'm not going to tell you that here today, because there's a whole range of factors—

Ms ABIGAIL BOYD: Why not?

Ms SUE HIGGINSON: Why not? It's estimates. Can I just confirm, you have committed \$5 million over 12 months?

Mr DAVID HARRIS: Yes.

Ms SUE HIGGINSON: Has that been spent? Has any money been spent on that?

Mr DAVID HARRIS: Yes.

Ms SUE HIGGINSON: That was for the treaty process, but it sounds like the treaty process hasn't started.

Mr DAVID HARRIS: That's right—

Ms SUE HIGGINSON: Has any money been spent?

Mr DAVID HARRIS: —and the process will start when the commissioner is in place.

Ms SUE HIGGINSON: It has been nearly 12 months, Minister.

Mr DAVID HARRIS: I want to get this done more than anyone, but it has to get done right.

Ms SUE HIGGINSON: You need to do it, Minister.

The CHAIR: Order!

Mr DAVID HARRIS: We have been doing a lot of work around Closing the Gap and making sure the Government's set up for that, and this is part of that. So it's all interconnected. It's not just one thing out by itself happening. It has to be part of the total work of government which is currently going on. There is a massive amount of work going on inside of government in terms of Closing the Gap.

Ms SUE HIGGINSON: We're not seeing it. It would be lovely to know what that is, Minister, and that's what today is about.

Mr DAVID HARRIS: It gets reported on each year, so the Premier will be reporting on that.

Ms SUE HIGGINSON: In 12 months time. When will we find out?

The CHAIR: Order! Thank you, Ms Higginson. Your time has run out.

Ms SUE HIGGINSON: I'll come back.

The Hon. SARAH MITCHELL: Minister, what is the Government's position in relation to The Star and their suitability to hold a casino licence free of independent management?

CORRECTED

Mr DAVID HARRIS: That's a matter for the independent regulator.

The Hon. SARAH MITCHELL: There's a new inquiry that's underway, as you would know, but don't you think the public should know what your position is as the Minister and your views on these issues?

Mr DAVID HARRIS: This is really in the realm of the regulator. They are responsible to make sure that the casinos are meeting their requirements. They are going through that process. They keep me informed on what is happening all the time, but it is a process for the independent regulator.

The Hon. SARAH MITCHELL: You say that they keep you informed. Are you confident that the NICC are progressing that mission to reform The Star to a point where they will eventually operate independently of appointed management?

Mr DAVID HARRIS: I am really confident that the casino commission are doing some excellent work and making sure that the dual purpose of harm minimisation and also anti-money laundering becomes part of how casinos operate in this State.

The Hon. SARAH MITCHELL: The current manager was appointed by the commission in October 2022; I think that was meant to be for a period of 90 days. My understanding is that's now been extended three times and we're sitting at 489 days. I assume you're aware of that. Do you think that's an issue?

Mr DAVID HARRIS: I think the commission is giving Star the opportunity to show that they are changing the way they do business. There are a lot of jobs involved, but probably it is more appropriate for Phil Crawford to comment on those specifics. We also have to be aware that making public comment in this area is quite a serious matter, particularly because Star is listed on the stock market. I am happy if you want to ask—

The Hon. SARAH MITCHELL: We might ask Mr Crawford this afternoon, if that's fine, Minister. We have a little less time with you. My understanding is that Star had hoped to have a remediation plan implemented and concluded by the end of this year. Is that your advice as well?

Mr DAVID HARRIS: That's a question for the commissioner.

The Hon. SARAH MITCHELL: You met with Star on 1 November—is my understanding from your records.

Mr DAVID HARRIS: Last year, yes. That was the last time.

The Hon. SARAH MITCHELL: In terms of that meeting, did they indicate that they were pleased with the process and they're happy with what's happening with the commission? What was the feedback?

Mr DAVID HARRIS: I think they have a commercial view, but our view is that the regulator are the people who make these decisions. They know their work very well. I trust that they are making sure that Star is sufficiently compliant, and they will decide whether they are up to standard to get their licence back or not.

The Hon. SARAH MITCHELL: But in that meeting did they talk to you about wanting to be independent from the commission, in the engagement that you had?

Mr DAVID HARRIS: Not that I recall.

The Hon. SARAH MITCHELL: Were there any concerns that you discussed in terms of the remediation of Star at that meeting? What was your approach to that discussion?

Mr DAVID HARRIS: They are matters for the commission and Star.

The Hon. SARAH MITCHELL: You are the Minister, with respect.

Mr DAVID HARRIS: But I am not the regulator. Again, we have to be very careful. When there are independent regulators, Ministers are in very dangerous territory when they start meddling in that regulation. I, at a macro level, along with the Treasurer, have listened to concerns from the industry. Some of those concerns have been taken into account. But at that micro, business-operation level, that is a matter for the regulator.

The Hon. SARAH MITCHELL: We might come back to this with Mr Crawford this afternoon for a little bit more detail. I'll hand over to my colleague.

The Hon. JACQUI MUNRO: Minister, on to ClubGRANTS, I'm wondering if the Government intends to remove or dilute ClubGRANTS at all. Obviously, the majority of charitable recipients of those grants don't actually receive any other sort of government support. I wanted to understand where that's up to.

Mr DAVID HARRIS: The Government is doing a review of ClubGRANTS. We are committed to transparency and accountability in the grants program. A review hasn't happened since 2013. That was a decade

CORRECTED

ago. Liquor and Gaming is leading that review with the Cabinet Office and with Treasury. The terms of reference were published publicly on the Liquor and Gaming website in October 2023. That review is underway.

The Hon. JACQUI MUNRO: I'm just wondering if you intend to remove or dilute the grant, with the review happening now. There are a lot of organisations that are very heavily community focused and rely on these club grants that have been put out, completely in terms of their operations, whether it's a small regional club or a larger urban organisation that is dealing with education or children's welfare. There are organisations like this that rely on ClubGRANTS, so they're very concerned about the lack of certainty at the moment and where their funding will come from in the future. I'm trying to get an understanding on their behalf of what the Government intends to do.

Mr DAVID HARRIS: The Government intends to look at the findings of the review and make a decision based on that.

The Hon. JACQUI MUNRO: If the decision is that the ClubGRANTS scheme is not working at the moment and wholesale changes need to occur, which means that community organisations and charitable organisations don't receive funding anymore because there's no money coming through that stream, will they be compensated?

Mr DAVID HARRIS: I think you can be assured that the needs of the community and some of the benefits of the current scheme are not at risk.

The Hon. JACQUI MUNRO: When you say "some of the benefits", could you explain what you think those are?

Mr DAVID HARRIS: You're asking me to keep commenting on reviews that haven't finished yet. Why would you have a review if you're already asking me what the answer is going to be? I don't know. I will get the information back. We have spoken to NCOSS. That's why we put the review in place. Their feedback has been really important. We certainly have spoken to ClubsNSW about it. The review is underway. Tarek might be able to tell you exactly where that's up to—

The Hon. JACQUI MUNRO: I might just ask in the afternoon.

Mr DAVID HARRIS: —but I'm not going to speculate on what the answer is going to be before we see the report.

The Hon. JACQUI MUNRO: It's about certainty. I guess the question is around ensuring that you, as Minister, are focused on making sure the ClubGRANTS scheme works effectively, rather than scrapping it altogether.

Mr DAVID HARRIS: That's what we said from the outset. We want it to work effectively.

The Hon. JACQUI MUNRO: Does that mean something like focusing on those organisations that are not following the rules, which is part of the reason for this review—that there are some specific organisations that are not doing the right thing—and being very targeted about the approach of dealing with those organisations, and leaving the rest?

Mr DAVID HARRIS: Two things have actually been underway. One is the review. The second thing is there has been an audit undertaken of ClubGRANTS to make sure that people are compliant with the current rules. There has also been an examination—as I said, Treasury is part of this—about some of the tax implications of the scheme. Those things are all happening as part of this review. When we get that report, we'll be able to give you a fulsome pathway forward. But this was never about scrapping them all together. It was about making sure they actually were meeting the original purpose, which is what NCOSS was worried about—that some organisations had got away from this—and that it was being administered in a way that was transparent.

The Hon. JACQUI MUNRO: One of the common pieces of feedback that we've been receiving about this review is that charitable organisations are not being given an appropriate mechanism to actually provide feedback—that the feedback is geared towards clubs rather than charitable organisations. The impost on charitable organisations to actually make recommendations is not so much through the form response survey online, but actually that they have to provide a full submission that they have to prepare. It takes, obviously, quite a lot of time, and particularly charity organisations don't have a lot of time and money. I am wondering if you're aware of that, Minister, and if you have been receiving an appropriate amount of feedback from those charitable organisations in addition to clubs?

Mr DAVID HARRIS: I, personally, am not aware if people have been contacting us about that. Tarek might be able to—

CORRECTED

TAREK BARAKAT: I am not aware of that, but I would say that if—there is a discussion paper out publicly until 18 March. There are a number of ways feedback can be provided. But if there are other things that we can do to make it easier for these organisations, then very happy to do that.

The Hon. JACQUI MUNRO: Thank you. We will be in touch about that. The specifics of the club grant funding—this goes to the review and the structure of it: whether club grants will have a consideration of multi-year funding, rather than single-year funding, to provide additional certainty to charitable organisations that are working in the community. Is that something that's under consideration?

TAREK BARAKAT: As part of the review?

The Hon. JACQUI MUNRO: Yes.

TAREK BARAKAT: I think everything is really on the table as part of this review. To the Minister's point, it's not really appropriate now to pre-empt any outcomes. But I would expect that the concerns you've raised and the concerns of these organisations will come to us through the review, and they will be put to the Government for its consideration.

The Hon. JACQUI MUNRO: Minister, when are you expecting to get the final review paper and the audit report?

Mr DAVID HARRIS: Is there a set date yet?

TAREK BARAKAT: There's no set date for when we will provide that to the Government. As I said, the discussion paper is open until 18 March. I think the time frames after that will be determined by the quantum of feedback we get and the complexity of that feedback. We will need to do some work then to provide the Government with appropriate advice. But I think the expectation of the Minister and the Government is that certainly before the end of this year they will have something in their hands to make some decisions.

The Hon. JACQUI MUNRO: Well, it didn't sound like the Minister had that expectation. But, as the Minister, are you asking your department to make sure that there is an expectation for a delivery time line? Obviously, clubs are working under regulations that may not exist into the future, and therefore charitable organisations are extremely concerned that their funding streams are not going to be viable into the future. Can you give them some certainty that you are putting a time line and a deadline on your department to get a review and to make a decision about this club grant scheme?

Mr DAVID HARRIS: Obviously, it is a priority. It was one of the first things we announced. We're getting on with the job of doing it. Can I point out this hadn't been reviewed for 10 years. You guys had the chance to look at this multiple times, and you didn't. We are actually doing something, so—

The Hon. JACQUI MUNRO: I know that things are getting frustrating when Ministers have to refer to previous governments.

Mr DAVID HARRIS: Putting time lines on us and all this sort of thing—it's pretty hypocritical when you guys had all that time and you didn't address it at all.

The Hon. JACQUI MUNRO: Here we go.

Mr DAVID HARRIS: At least we're doing it. We're doing it.

The Hon. JACQUI MUNRO: What I am actually asking from you, Minister, as the Minister, is to provide certainty and a time line to stakeholders.

Mr DAVID HARRIS: And we will do that. We will get through the process as quickly as we can, making sure that we're doing it properly.

The Hon. JACQUI MUNRO: So that's a report to you from the department by the end of the year?

Mr DAVID HARRIS: I would expect so.

TAREK BARAKAT: Yes.

The Hon. JACQUI MUNRO: And a decision would be made how long after that?

Mr DAVID HARRIS: How long is a piece of string? It would have to go to Cabinet et cetera to get a response.

The Hon. JACQUI MUNRO: Is it a priority or not? You've said it is a priority.

Mr DAVID HARRIS: You keep wanting actual dates—

CORRECTED

The Hon. JACQUI MUNRO: Yes.

Mr DAVID HARRIS: —so you can come back in the future and say we didn't meet them or not.

The Hon. JACQUI MUNRO: The one thing the public should be able to rely on from Ministers—

Mr DAVID HARRIS: You guys in this space did nothing.

The Hon. JACQUI MUNRO: —and from the Government—

Mr DAVID HARRIS: You did nothing, and you put us in this space.

The Hon. PETER PRIMROSE: Point of order—

The Hon. Dr SARAH KAINE: Point of order—

The CHAIR: A point of order has been taken. Mr Primrose.

The Hon. PETER PRIMROSE: I think we're both—a number of people are saying that a question has been asked, the Minister is providing a detailed response, and the member doesn't seem to like the answer being given and talks over the Minister. If it's worth asking the question, my point of order is that as a matter of courtesy it's appropriate for the Minister to be allowed to respond.

The CHAIR: Yes, Mr Primrose, I uphold the point of order. As a matter of courtesy, if we ask a question the Minister is entitled to answer and we should avoid interjecting and talking over the top of him. Minister, have you concluded your answer?

Mr DAVID HARRIS: We will get it done by the end of the year.

The Hon. JACQUI MUNRO: So the report will be done by the end of the year, but a decision will be made by the end of the year as well?

Mr DAVID HARRIS: I can't commit to that because I don't know how detailed it is. There's a Cabinet process and there's a whole lot of factors in place, so I'm not going to give you ambit dates.

The Hon. JACQUI MUNRO: When the decision is made at some point in the future—we don't quite know when yet, like estimates—will that decision be made and then there will be a time line in which that new decision is implemented? Do you have an idea of when the new scheme would be implemented after this decision is made? Do clubs and charities have a year to prepare for a changed grant program? Do they have six months? Do they have two years?

Mr DAVID HARRIS: With all these things there would obviously be a transition.

The Hon. JACQUI MUNRO: But can you anticipate how long that would be?

Mr DAVID HARRIS: No, because I don't know what's going to be recommended yet.

The Hon. SARAH MITCHELL: Minister, you said before in your evidence that you don't want to give dates because then we'll come back here and ask you why you didn't meet them. Well, that's accountability in government. It's not about the Opposition; it's about the charities and the clubs who are wanting to know what's happening. Can you give them any clarity today in terms of a time frame?

Mr DAVID HARRIS: We are working on it in a purposeful way. The report will come to us and the Government will make a decision. We will do that as quickly as we can in a sensible and considered way. That's our commitment. We've taken on a lot of reform in this space and it is unreasonable to want exact time lines. What we want to do is make sure that we actually bring the industry with us. We are talking to them and, as far as I know, they're currently comfortable with the process that is being undertaken.

The Hon. SARAH MITCHELL: But isn't it unreasonable for them to have so much uncertainty? Because that's what they're telling us.

Mr DAVID HARRIS: It is a massive reform agenda. There's no doubt about that. That's why we're talking to them every step of the way. But we're trying to fix a whole lot of things that are decades old and that's difficult work. It means engaging with stakeholders right across the board and bringing them with us, and that's what we're attempting to do. We're not going to come in and arbitrarily change the rules on people; we want to do it in a supportive way that makes sure that works.

The Hon. JACQUI MUNRO: I think the problem is, Minister, that people don't know if it's a massive reform agenda or not. That's the concern. They are waiting for certainty and they're waiting to understand what on earth is happening, because there isn't much communication about what's on offer and certainly no time line, which is the most important thing—that deadline and time line.

CORRECTED

Mr DAVID HARRIS: I think there is a lot of communication with industry.

The Hon. JACQUI MUNRO: When you're getting to stakeholder engagement and management, especially as government, surely the one thing that they can rely on, if not money or policy certainty even, is a deadline and a time line. That's why I am asking for that.

Mr DAVID HARRIS: We're talking to industry all the way through this. They are absolutely being consulted. If they have problems, they give me a call, I can tell you.

The Hon. SARAH MITCHELL: You might find your phone is ringing soon, Minister. I want to move on to the issues around the Racing for the Regions program—I asked you about this last estimates hearing—and some of the upgrades and particular tracks. There was some information provided on notice which I thank you for but it's obviously been some months. Can you let me know which tracks are still waiting for work to commence. I want to particularly ask first about the Gosford Race Club. The information that we got from you in November indicated that they were working through council density and minimum height issues prior to lodgement of a DA. Has that DA been lodged yet?

Mr DAVID HARRIS: My understanding is—I only just recently met with Gosford Race Club—that those issues are still being worked out with Central Coast Council.

The Hon. SARAH MITCHELL: So no progress since we last received this information.

Mr DAVID HARRIS: No, and that was part of the reason why we were meeting, although there will be some good news on a range of projects shortly.

The Hon. SARAH MITCHELL: Under this program, or just in general?

Mr DAVID HARRIS: Yes, I think it is under this program.

The Hon. SARAH MITCHELL: How do you work through that issue with council? What would be the time frame to actually see delivery of the upgrade?

Mr DAVID HARRIS: I don't work through it with council; it's a matter between Racing NSW who work—

The Hon. SARAH MITCHELL: How does the club? You've said you met with them.

Mr DAVID HARRIS: They've got a DA in with Central Coast Council, so they work with council to resolve the issues that they have.

The Hon. SARAH MITCHELL: But when you met with the club—you said you met with them recently. No idea of that time frame because it's stuck with council and you've just got to wait through that process?

Mr DAVID HARRIS: Like a lot of things stuck with Central Coast Council.

The Hon. SARAH MITCHELL: What about in Scone? The advice, again, was that that work has started and is on track to be completed—two parts of it—one in April this year and one in December this year. Is that still the case?

Mr DAVID HARRIS: If they were the times given to you, I understand that would still be the same.

The Hon. SARAH MITCHELL: Again, for both Moruya and Muswellbrook, the advice back in November, when we received the questions on notice, was that they were going through the processes—that they were going to have imminent lodgement of DAs. Has that occurred?

Mr DAVID HARRIS: We will take that one on notice.

The Hon. SARAH MITCHELL: You might need to take on notice as well—I think, for Cessnock, the DA had been lodged as well. Could you provide an update on that particular track as well?

Mr DAVID HARRIS: Happy to do so. Can I make a correction?

The Hon. SARAH MITCHELL: Sure.

Mr DAVID HARRIS: Earlier you said that I'd met with Star on 1 November.

The Hon. SARAH MITCHELL: Yes.

Mr DAVID HARRIS: I actually met with Crown on 1 November.

The Hon. SARAH MITCHELL: Right, sorry. I've got the wrong advice.

CORRECTED

Mr DAVID HARRIS: It may have been the Treasurer that met with Star. I met with Star last on 27 April. Because of the work being done with the independent commission, I've been leaving that to them to meet with Star.

The Hon. SARAH MITCHELL: But the Treasurer met with them.

Mr DAVID HARRIS: Yes. That was on the jobs guarantee.

The Hon. SARAH MITCHELL: So he can meet with them but you can't?

Mr DAVID HARRIS: No, I can. But in terms of the jobs guarantee, that comes under the Treasurer, not me.

The Hon. SARAH MITCHELL: But you said earlier in evidence that Ministers shouldn't be getting engaged when you've got an independent commission. But the Treasurer can do that and that's fine?

Mr DAVID HARRIS: The work the Treasurer is doing is not connected specifically. He was working out the taxation issues, which were, again, a legacy from the previous Government. He had to put in place that regime, and he was doing that work earnestly. So he was meeting with Star over that, and that's appropriate.

The Hon. SARAH MITCHELL: Okay, we might come back to that.

The Hon. JACQUI MUNRO: It was very good to see you at the WugulOra ceremony on Australia Day this year, but I was a little bit concerned to note that it seemed like a much smaller ceremony than in previous years. I was wondering what the funding comparison for the event was this year compared to last year.

Mr DAVID HARRIS: I'd have to take that on notice. I'm not involved in organising that ceremony.

The Hon. JACQUI MUNRO: Obviously, if it's under a different portfolio, it's something that you would be consulted on, as an event?

Mr DAVID HARRIS: No. Those sorts of events are put on by whoever the portfolio Minister is, and we're only asked for input if it's necessary.

The Hon. JACQUI MUNRO: Does that concern you?

Mr DAVID HARRIS: No.

The Hon. JACQUI MUNRO: Do you want to have more engagement in events around Australian Day?

Mr DAVID HARRIS: I've got five portfolios. My time is very full.

The Hon. ROBERT BORSAK: Mr Harris, thanks very much for coming today. I want to ask you about the Greyhounds as Mates program—the rehoming of greyhounds to PTSD-affected police and first responders in the USA. How is that program going?

Mr DAVID HARRIS: It's going very well. I don't know if Steve wanted to give some detail on the program.

STEVE GRIFFIN: Yes, I can. Thank you, Minister. The program is part of the Aussie Mates program that Greyhound Racing NSW has put in place, and it has been hugely successful. Let me just say that I think we all support Greyhound Racing NSW's endeavours to look for other markets to rehome greyhounds. We have conducted our own audit of the program, just to make sure that the Government and the community can be confident that the program is best rehoming practice. We've done that and our report in relation to that is on our website. It's a great program and we fully support what Greyhound Racing NSW has done. They're looking to expand the program to include about another 500 greyhounds this financial year. That is my understanding from speaking to—

The Hon. ROBERT BORSAK: Where is the program up to in terms of numbers of greyhounds that have been rehomed?

STEVE GRIFFIN: Just over 500 at the moment. And they expect to have at least 1,000 by the end of this financial year, is my understanding.

The Hon. ROBERT BORSAK: Where are they primarily going to?

STEVE GRIFFIN: Primarily to Dallas. That's where they're arriving, and then moving off into other parts of Arizona and into, I believe, Kentucky and other areas in central USA.

CORRECTED

The Hon. ROBERT BORSAK: Through you, Minister, I turn to the eTrac system that GWIC set up back in 2021. The original grant of funding was \$3.59 million for that system. What's the current level of funding for that system?

Mr DAVID HARRIS: Again, I have to hand over to Steve to answer that question specifically.

STEVE GRIFFIN: Thank you, Minister. The ongoing cost of eTrac, to answer your question, Mr Borsak, is operational expenditure for the commission that it incurs as part of its overall budget. It hasn't asked government for any more money. It's funded within its budget, and it costs the commission around about \$250,000 a year to operate it.

The Hon. ROBERT BORSAK: About a quarter of a million dollars a year to run.

STEVE GRIFFIN: That's correct.

The Hon. ROBERT BORSAK: Have any other States or anyone else taken it up in Australia?

STEVE GRIFFIN: We're currently in discussions with Greyhound Racing SA to look to license eTrac to them, and also talking to Racing WA in relation to looking at licensing the e-tracking component of the eTrac to them.

The Hon. ROBERT BORSAK: If a dog transfers out of New South Wales, what happens to it on the tracking system?

STEVE GRIFFIN: If it transfers out of New South Wales, Mr Borsak, it's actually transferred. If it's just visiting another jurisdiction for racing then we know where it is, in terms of the trainer that it's being taken to in that jurisdiction. But if it's being transferred to another owner and another jurisdiction, it's taken off the New South Wales register and placed on the register of the jurisdiction where the greyhound is now owned.

The Hon. ROBERT BORSAK: Is there interchangeability of the systems?

STEVE GRIFFIN: At the moment the systems don't talk to each other directly, but what Greyhounds Australasia does have is called a national data repository. It allows information across jurisdictions to transfer very quickly so that dogs can race anywhere in Australia and New Zealand. That allows that interoperability in terms of greyhound information, but it doesn't in terms of e-tracking.

The Hon. ROBERT BORSAK: How does the eTrac system interact with Greyhounds as Mates?

STEVE GRIFFIN: The Greyhounds as Mates—once they're entered into that program, they're placed on the Companion Animals Register. They also then go off to the United States. They're then no longer on the e-tracking system.

The Hon. ROBERT BORSAK: You say the dogs are mostly going to Dallas. Are there other places in the United States that are showing an interest in taking up some rehoming?

STEVE GRIFFIN: Probably a better question to Greyhound Racing NSW, but my understanding is, yes, there's a very large demand for greyhounds to be rehomed. The actual genesis of the whole program was an approach to GWIC about three or four years ago by a range of rehoming of organisations in the US. Because greyhound racing is in decline in the US, the demand for greyhounds for pets is significant in the US.

The Hon. MARK LATHAM: Minister, are you happy with the decision of Racing NSW to acquire what *The Straight* magazine has described as a \$125 million property empire, including a lucerne farm and inner-city apartments?

Mr DAVID HARRIS: Again, Racing NSW is an independent body. They make those decisions at their board level. People have expressed lots of views to me about the operation of Racing NSW, but that would be a better question to ask them directly.

The Hon. MARK LATHAM: You mentioned earlier on that there's no plan B inside the Government for the housing at Rosehill. Is there a plan B that you or Racing NSW are working on for the upgrade of Warwick Farm Racecourse, which is a museum from the 1970s?

Mr DAVID HARRIS: Not at this stage.

The Hon. MARK LATHAM: Would you be of the opinion that it's better to spend \$125 million on upgrading Warwick Farm and keep Rosehill, rather than spending that money on lucerne farms and inner-city apartments?

Mr DAVID HARRIS: Again, that's a matter for Racing NSW's board.

CORRECTED

The Hon. MARK LATHAM: You've got no opinion on this major decision about the assets in Racing?

Mr DAVID HARRIS: No, they're responsible for their decisions, and my responsibility is to ensure they're complying with the racing Act.

The Hon. MARK LATHAM: Are you happy with the Racing NSW treatment of provincial and country clubs, who are complaining they're under pressure to spend money they haven't got and, if they don't do it, they're threatened with being replaced by an administrator?

Mr DAVID HARRIS: Not that, specifically, but I have a great interest in regional and provincial racecourses and industry. I have been having discussions with Racing NSW to ask for a better deal for the regions, and I believe they are starting to respond. One of the things they have changed is that they've gone from yearly funding to more regular funding of those tracks, so I'm pleased that advocacy at board level is being heard. I know that they understand clearly that I have a very keen interest in that area.

The Hon. MARK LATHAM: The concern I've just outlined to you, have you heard that from the Wyong club—the beautiful Wyong racecourse that is within the borders of your electorate?

Mr DAVID HARRIS: It's a very nice racecourse. In an industry as big as racing, with so many players, there will always be interplay about whether the board and the administration are spending money where they think is the right place. That is normal. But it's up to the board and the management to make those decisions.

The Hon. MARK LATHAM: Minister, what recommendations did you receive from the Office of Racing for those who go on the selection panel for the replacement of Mr Balding?

Mr DAVID HARRIS: None.

The Hon. MARK LATHAM: So how was the selection made of the three individuals who have been chosen?

Mr DAVID HARRIS: That's done through the process, by the department, outlined in the legislation. So that was all done—

The Hon. MARK LATHAM: What recommendations did you get from the department?

Mr DAVID HARRIS: They have lists of people who are eligible to sit on selection panels. They put names forward. I ticked off the names and then they went through what is an independent process that has no interference from me.

The Hon. MARK LATHAM: How many names did they put forward?

ELIZABETH MILDWATER: Just to clarify, is the question how many names we put forward for the panel?

The Hon. MARK LATHAM: Yes, for the Minister to possibly tick off.

ELIZABETH MILDWATER: To choose the selection panel? I would have to take that on notice, but it was multiple.

The Hon. MARK LATHAM: Did it include Mr John Dumesny from Harness Racing NSW, a very close personal friend of Peter V'landys?

ELIZABETH MILDWATER: The process is currently with government for decision, so I'm not going to talk about the details of that. But we can get you—

The Hon. MARK LATHAM: Hang on, it's not with government. The selection panel has been chosen and Mr Dumesny is on it.

ELIZABETH MILDWATER: The selection panel has met and made recommendations to government and it's with government at the moment.

The Hon. MARK LATHAM: Did you recommend Mr Dumesny to be involved?

ELIZABETH MILDWATER: It's not a personal recommendation of me, Mr Latham. The panel has made recommendations to government. The Minister chose the panel, a process was run—

The Hon. MARK LATHAM: Minister, on what basis did you choose Mr Dumesny and, given your earlier statement about a supreme concern about probity, weren't you worried about the close personal relationship he has with Peter V'landys, who is employed by the board?

CORRECTED

Mr DAVID HARRIS: I understand that the process includes a declaration by any members if there is any potential conflict. I was not aware of any conflict. The names were put forward and at the time I had no reason or purpose not to select them.

The Hon. MARK LATHAM: You had never seen publicity in the racing media that Dumesny and V'landys are close personal friends—

Mr DAVID HARRIS: No, I haven't.

The Hon. MARK LATHAM: —a working relationship at Harness Racing NSW that goes back 20 years? You were totally unaware of that?

Mr DAVID HARRIS: Yes, I was unaware of that, and what I would say is that most people in the industry have a whole range of relationships. I can't know every relationship.

The Hon. MARK LATHAM: Well, this is one that is pretty common knowledge. But on what basis did you pick Mr Dumesny to be on the selection panel?

Mr DAVID HARRIS: It's not necessarily a conflict because Mr V'landys wasn't being interviewed.

The Hon. MARK LATHAM: He's employed by the board. There is not a conflict? No probity advice on that one. Did you receive representations from Mr V'landys about that selection?

Mr DAVID HARRIS: No.

The Hon. MARK LATHAM: What is your policy for stamping out the doping of horses in harness and thoroughbred racing in New South Wales?

Mr DAVID HARRIS: There is a policy in place that is put in place by those particular boards, and that's a matter for them. As far as I'm aware, they are very, very diligent in their work to make sure that those things don't happen.

The Hon. MARK LATHAM: That includes Mr Dumesny when he was running Harness Racing NSW?

Mr DAVID HARRIS: I don't know.

The Hon. MARK LATHAM: You don't know?

Mr DAVID HARRIS: No.

The Hon. MARK LATHAM: What did you know about him before you picked him?

The CHAIR: Thank you, Mr Latham. Sorry, your time has expired. You'll get another round.

Ms CATE FAEHRMANN: Minister, I want to turn to the issue of facial recognition in pubs and clubs. I understand that was an election commitment by the Labor Party before you formed government, deadline 30 June this year. Is that what's happening? Is every pub and club in this State getting facial recognition technology installed?

Mr DAVID HARRIS: There's a process underway to have a look at that particular issue in terms of, first, personal or third-party exclusion. It is a very difficult discussion. We've been talking to some interstate colleagues about it as well. But, yes, our work on that is underway.

Ms CATE FAEHRMANN: Pubs and clubs are installing this technology right now. Is that what you're saying?

Mr DAVID HARRIS: I have no idea what they're doing now, but it's not mandatory at the moment.

Ms CATE FAEHRMANN: It's not mandatory, but you should know if pubs and clubs are installing facial recognition technology. I understand they are.

Mr DAVID HARRIS: Right.

Ms CATE FAEHRMANN: You tell me, Minister.

Mr DAVID HARRIS: There are a lot of things that I wouldn't necessarily know.

TAREK BARAKAT: Some venues, Ms Faehrmann, have had this technology installed for many years.

Ms CATE FAEHRMANN: Yes, so there's a rollout because Labor had a commitment to install facial recognition technology as part of its pokies commitment. That was a key plank, Minister. Is it happening? Has there been public consultation on this?

CORRECTED

Mr DAVID HARRIS: We haven't had public consultation on it yet.

TAREK BARAKAT: The commitment, from memory, was to mandate the installation of facial recognition technology by 30 June. The consultation that has occurred at this point—and it's not to say that's the end of the process—has been through the independent panel. The independent panel met only recently, last Friday, to discuss a range of the outstanding election commitments. Facial recognition, a statewide self-exclusion register and third-party exclusion were three of those. I haven't got the full outcomes of that meeting because it was quite recently, but the panel's expected to provide some advice to government in the near future as to the implementation of those three commitments specifically and possibly others as well.

Ms CATE FAEHRMANN: In terms of mandated facial recognition technology, will that be legislated, Minister?

Mr DAVID HARRIS: Our commitment is to mandate facial recognition for clubs and hotels by 30 June. It is an important—

Ms CATE FAEHRMANN: Yes, I said that in my first question, but where is that up to? When is the public going to be able to have their say? Have you even checked whether this is legal to do?

Mr DAVID HARRIS: My advice is that legislative amendments are required to mandate facial recognition in New South Wales venues through amendments to the Gaming Machines Act and Gaming Machines Regulation. However, administrative arrangements may be implemented earlier through things such as government guidelines and codes of practice. There are, as you mentioned, privacy concerns, and that's part of what government is looking at, and I'm working with colleagues on those issues.

Ms CATE FAEHRMANN: There are a lot of privacy concerns. In relation to something like this, how can the public be assured that they will get a say and that people who are concerned about privacy can get a say? I'm asking you now—it's not long until 30 June—what is your Government doing to open this up to ensure that everybody is aware of it and it gets debated in the public? It's a very serious matter, Minister.

Mr DAVID HARRIS: Obviously, we have had some initial discussions with different stakeholders on this and heard their views—organisations like NCOSS and Wesley, as well as others represented on the panel.

Ms CATE FAEHRMANN: That's part of the panel, which is not the public. That is a very private discussion. I understand there's confidentiality agreements signed, for example. I don't know what NCOSS and Wesley have said to you in terms of facial recognition technology, because they can't talk to me about it.

Mr DAVID HARRIS: Yes. If and when the Government makes the decision around legislation, there will obviously be consultation around any such legislative change. We're really examining, at the moment—there are a few concerns that have been raised. Casinos already have facial recognition. That's in place and operating.

Ms CATE FAEHRMANN: That's very different to every pub and club.

Mr DAVID HARRIS: There's also the consideration of, if there is facial recognition, where would it be located. For example, in small regional areas it wouldn't be excluding people from a whole venue; it might only be a gaming room.

Ms CATE FAEHRMANN: These are the discussions, Minister, that the public has to have. These are the discussions that need to be put to the wider civil society groups, to the Parliament and to the public. When will that happen?

Mr DAVID HARRIS: I'll get advice from the panel after their discussion about how we proceed with that.

Ms CATE FAEHRMANN: Will you commit now to making sure that any move to install facial recognition technology in our pubs and clubs—mandating it—will come before this Parliament?

Mr DAVID HARRIS: Yes, we have to change legislation to do it.

Ms CATE FAEHRMANN: And you're open to full public consultation?

Mr DAVID HARRIS: Yes.

Ms ABIGAIL BOYD: I understand, Mr Griffin, that GWIC lowered the greyhound racing participation age to 12. When did that happen?

STEVE GRIFFIN: In 2022, probably.

Ms ABIGAIL BOYD: Those children will be exposed, obviously, to an environment of gambling. But also I understand they'll be working, or are working, in the catching pens where many of the deaths and injuries

CORRECTED

happen. Often there are a lot of quite confronting scenes where greyhounds are, with bones protruding and screaming and broken spines, broken limbs and stuff. Was any research or any consideration given to the psychological impact on children exposed to those injuries and deaths?

STEVE GRIFFIN: No, there was no research done. The age for the associate attendant—the ages 12 to 14—is designed basically for those young people that have parents already in the sport. They're not children that are not already familiar or participating in some way, shape or form in terms of their participation in greyhound racing generally off the track—

Ms ABIGAIL BOYD: So they've already been traumatised.

STEVE GRIFFIN: It's more about their participation on the track and being available for their relatives to help assist them handle the greyhounds at the track.

Ms ABIGAIL BOYD: Minister, did the New South Wales Government get any advice about liability for future gambling or other psychological problems that these children might face in the future?

Mr DAVID HARRIS: I can take that on notice but not that I'm aware of.

Ms ABIGAIL BOYD: Mr Griffin, how many investigations are underway into assaults on children at greyhound tracks?

STEVE GRIFFIN: By GWIC?

Ms ABIGAIL BOYD: Yes.

STEVE GRIFFIN: None.

Ms ABIGAIL BOYD: Or any that you know of? Are there police investigations you know of in relation to assaults on children?

STEVE GRIFFIN: There is a police investigation into relation to a matter, yes.

Ms ABIGAIL BOYD: Can you give me any more details about that?

STEVE GRIFFIN: I cannot. It's currently before the courts.

Ms ABIGAIL BOYD: Do you think that racetracks are a safe place for children as young as 12 to be?

STEVE GRIFFIN: Generally in what I can see, yes. They're part of their family groups. What's being alleged in some of these other matters are outside the track premises, from what I understand. But I can't speak about those matters—as I said—before the courts. Generally these young people are with their families at the tracks and so there have been no incidents that we've detected of any issues at the tracks themselves.

Ms ABIGAIL BOYD: For a long period of time Greyhound Racing NSW has failed to meet the minimum track standards. I know that GWIC has been doing quite a lot of work in trying to assist with improving the minimum track standards, but Greyhound Racing NSW is still falling short of those standards, isn't it?

STEVE GRIFFIN: Is that a question to me or to—

Ms ABIGAIL BOYD: Sorry, I will ask you.

STEVE GRIFFIN: GWIC doesn't have a role in enforcing the minimum track standards. GWIC's role is to approve the minimum track standards that are developed by Greyhound Racing NSW, and that was done in 2020. It's Greyhound Racing NSW's remit to then enforce the minimum track standards that it has developed on greyhound racing clubs themselves.

Ms ABIGAIL BOYD: Sure, but those clubs are not compliant, are they, universally? They're still falling quite well short of the minimum track standards.

STEVE GRIFFIN: Again, that's not for us to—what I can say is those are matters for Greyhound Racing NSW.

Ms ABIGAIL BOYD: Okay, but you know, don't you, that Greyhound Racing NSW has said that they're not meeting those minimum track standards. It's quite well known.

STEVE GRIFFIN: I don't believe they've said that they're not, but I know that they've acknowledged that there are some tracks that need to be upgraded to meet those minimum track standards.

Ms ABIGAIL BOYD: That's right, so they're falling below the standards. So you're saying that GWIC has no responsibility over that?

CORRECTED

STEVE GRIFFIN: No.

Ms ABIGAIL BOYD: But Minister, you do, because you approve the licence and the licence conditions for Greyhound Racing NSW. It took us a long time under the previous Minister to get the licence conditions, but we now know that they include a requirement to meet those minimum track standards. What will you be doing to ensure that those minimum track standards are met?

Mr DAVID HARRIS: I've actually very recently had a discussion with the department about how we can assist those venues to do work that's necessary to bring them up to the standard. It was pointed out to me that some of the issues outstanding are of a very minor nature, and very technical, and so hopefully they're pretty easy to fix. Some other ones may need more remediation, so we're actively looking at how we can support clubs to do that.

Ms ABIGAIL BOYD: Is Greyhound Racing NSW suggesting to you that the solution to them not meeting their minimum track standards is to just reduce those track standards and make them easier to meet?

Mr DAVID HARRIS: They have never put that proposition to me.

Ms ABIGAIL BOYD: Have you had any representations, Mr Griffin, in relation to lowering those minimum track standards from Greyhound Racing NSW?

STEVE GRIFFIN: We've had representation from them about amending the track standards, yes.

Ms ABIGAIL BOYD: Lowering them—making them easier to meet?

STEVE GRIFFIN: I wouldn't say that, no. They're talking about attempting to include some innovation in design.

Ms ABIGAIL BOYD: We might come back to that.

The CHAIR: We'll now turn to questions from Government members.

The Hon. Dr SARAH KAINE: On some topics we haven't touched on yet, how is the Government supporting investment in cardiovascular research in New South Wales?

Mr DAVID HARRIS: Thank you—a very important question. We're committed to making New South Wales number one when it comes to health and medical research funding. A particular priority is funding and investment for cardiovascular research. Cardiovascular disease contributes significantly to the fatal and non-fatal burden of disease in Australia, particularly for Aboriginal and Torres Strait Islander populations. One in four deaths in Australia are caused by cardiovascular disease, which is why investing in this area is critical and, I note, has strong bipartisan support. I'm always very pleased, when I address meetings and things, to acknowledge that this is a bipartisan issue and pay tribute to former Ministers for the work that they've done. Particularly, I run into former Minister Skinner on a regular basis, and I know this is very dear to her.

The New South Wales Government has committed \$150 million in cardiovascular research funds over a 10-year period from 2018. We have a terrific Cardiovascular Research Capacity Program with \$50 million in funding this year. This builds capacity in research to improve outcomes in cardiovascular disease. Since the launch of the research capacity program, \$84 million has been allocated to 132 research projects. The research spans the breadth from fundamental science in state-of-the-art laboratories in our centres of cardiovascular excellence in New South Wales, to critical trials led by our dedicated NSW Health clinicians in our hospitals, to projects focused on preventing key risk factors for cardiovascular disease, such as diabetes and obesity.

Ms ABIGAIL BOYD: Point of order: Given that the Minister is reading from a prepared statement, he may want to just table that, rather than continuing, so that we can allow the Government to ask more questions.

The Hon. PETER PRIMROSE: To the point of order: I'm sure the Minister may refer to copious notes regularly in his addresses, and I think it's up to the Minister if he wishes to table documents. I'm listening to this with great interest.

The CHAIR: Yes, it is up to the Minister. I think there are people who are interested in this matter, and so the Minister is free to read from whatever he wants to. There is no point of order.

Mr DAVID HARRIS: I was just about to hand over to Jean-Frédéric to talk a little bit more about some of the great work that's happening in New South Wales.

JEAN-FRÉDÉRIC LEVESQUE: Thank you, Minister. If I may just add to your description of the program that we're also going to have a specific, targeted call for proposals for Aboriginal health in cardiovascular disease, which is an area where Aboriginal populations have worse outcomes compared to other groups in New South Wales. We'll dedicate \$5 million out of the program in the coming years to have this rolled out. Also,

CORRECTED

just to emphasise the fact that we're also supporting the cardiovascular academic network in New South Wales, bringing the different academic settings together to both increase the competitiveness of New South Wales at the national level as well as making sure that the research that's done is aligning with real healthcare system priorities.

Mr DAVID HARRIS: The other night I attended an awards presentation, where we met some of the people who have been working in the industry for a number of years and some new researchers. I have to say that it's very impressive, the work that is being done here in New South Wales. The theme of the night was around Aboriginal heart health. Those practitioners working in Aboriginal communities are doing an amazing job, including Ray Kelly, who is working with people with diabetes and getting amazing results without any drugs involved—just lifestyle, with incredible results. Right across Aboriginal communities, everyone wants to do Ray's program. Thank you for the question.

The Hon. Dr SARAH KAINE: On a separate issue, how is the New South Wales Government supporting veterans in finding work?

Mr DAVID HARRIS: This is a really important initiative, particularly in light of the current royal commission that is underway and making sure that New South Wales plays a role in helping veterans transition from service back into the community. We know that veterans have a wide range of skills when they leave service, but they often don't know how to quantify those skills in order to work on employment. So New South Wales has put together a plan for assisting veterans. I'm pleased to advise that 532 veterans were employed across the New South Wales public service through to September 2023, exceeding the 12-month target, which was set at 500. The program remains on target to hire 2,000 veterans into new roles within the New South Wales Government by December 2026.

I was very pleased, only a couple of days ago, to join City of Sydney council, who have come on board as a local government organisation to help with employing veterans. There are a number of local government areas that have taken on the role of employing veterans in their organisations, and they find great value in that. There are also other public service organisations, like Corrective Services—and I know that the firies and others are looking at this as well. It's really important that government plays a role in that transition, because we know of the terrible rates of suicide that occur. Anything we can do as a State to support what happens federally is so important.

The Hon. Dr SARAH KAINE: Thank you very much. Now a question that I remember that you did speak to—I think it was based on questions from Ms Mitchell, because I know it's an area of interest for her as well—what is the New South Wales Government doing to support the revitalisation of Aboriginal languages in New South Wales?

Mr DAVID HARRIS: I think I walked a couple of steps behind Sarah when the legislation went through. It was an important day. Unfortunately, we're losing our Aboriginal languages at a terrible rate. The fact that the New South Wales Government at that time stepped in with the legislation—I think we're the only State that has legislation to support and grow Aboriginal language. It's a very important initiative. Yesterday I announced the next round of funding for language revival projects of \$1.6 million, which will go to the community to help them teach young students and others in the community Aboriginal languages, which is a really important initiative.

We know that, through Closing the Gap, we improve outcomes for Aboriginal people through connection to culture and country, and there's no more important part of culture than language. I've been to a number of preschools and schools, as I'm sure Sarah did as well, to see these young people learning their language. It can be a bit tricky when you're sitting with them, as I did at La Perouse, and they're playing the word games. They were a lot quicker than me, I have to say—although I don't have a great brain for language. It was really good. One of the lessons from that was that the young Aboriginal children were going back home and their parents were becoming interested in language as well.

I think, as a country, as a State, we can be very proud of those 65,000 years of Aboriginal culture on this land, and preserving and keeping those languages is a huge part of that. We acknowledge that there's still too few Aboriginal language speakers in New South Wales. But there is a scholarship program in direct response to calls from Aboriginal language stakeholders so that we can actually train people up so that they can go into classrooms and teach Aboriginal language.

I think it's a great program. As I said, it's a bipartisan program. It was started under the former Government and continued under the current Government. One of the new initiatives we put in place last year was the first ever Aboriginal Languages Week. That was held at Redfern. This year it will actually go out to the regions. During that week, as well as the grants to support community there's also that celebration of Aboriginal

CORRECTED

language and culture in community, making sure that we are supporting that important link between language and culture.

The Hon. PETER PRIMROSE: We will come back to some more questions, maybe, later on, arising out of the Minister's future points.

The Hon. MARK LATHAM: Many great things have been achieved.

SIMON DRAPER: Chair—

The CHAIR: Mr Draper, you want to add to an answer?

SIMON DRAPER: I didn't want to take up anyone's time earlier. Ms Munro asked earlier about WugulOra.

The Hon. JACQUI MUNRO: Yes.

SIMON DRAPER: Just to clarify, that event—which is a fantastic event, and I really appreciate your support in being there—is delivered by the Australia Day Council in partnership with the Premier's Department. I can confirm that the funding hasn't reduced; in fact, it's gone up a little bit from previous years. I thought it was a terrific event. I didn't notice that it was any smaller. My congratulations to all the performers who were there and all the staff who put that on. I thought it was a really wonderful event.

The CHAIR: Thank you, Mr Draper. We will now have a short break and reconvene at 11.15 a.m.

(Short adjournment)

The CHAIR: We will recommence with questions from the Opposition.

The Hon. DAMIEN TUDEHOPE: Minister, it is nice to be here with you.

Mr DAVID HARRIS: Always a pleasure.

The Hon. DAMIEN TUDEHOPE: In questioning from Mr Latham prior to the morning tea break, you answered a question with respect to the Rosehill racecourse provision that you had signed a confidentiality agreement. Is that correct?

Mr DAVID HARRIS: No.

The Hon. DAMIEN TUDEHOPE: So that wasn't correct when you gave—

Mr DAVID HARRIS: I didn't say I had signed anything, no. I said that my understanding is the Government and the club had signed a confidentiality agreement and an MOU.

The Hon. DAMIEN TUDEHOPE: The Government had signed a confidentiality agreement?

Mr DAVID HARRIS: That's my understanding.

The Hon. DAMIEN TUDEHOPE: When did you understand that it had done that?

Mr DAVID HARRIS: I think it was in—very recently, in the last couple of days.

The Hon. DAMIEN TUDEHOPE: Mr Draper, do you know?

Mr DAVID HARRIS: I haven't been involved in the process, so I can't comment.

The Hon. MARK LATHAM: He said "the last couple of days".

SIMON DRAPER: No, there was a memorandum of understanding signed. I don't know the exact date but it was certainly prior to that announcement last year. That was at an officials level, designed to allow us to engage with the Australian Turf Club in a way that was appropriate at that time, and it set out processes and it put in place arrangements such as from that period we asked the Australian Turf Club, I believe, to refrain from—to meet just with those officials who are managing that process and to start conducting themselves in a way that was consistent with the idea that they would be leading in to an unsolicited proposal process. It was to support the integrity and probity of the matter. They haven't lodged, yet, a proposal, so the full unsolicited proposals protocols haven't yet kicked in. We're trying to manage it as appropriately as possible and that was the purpose of that memorandum of understanding entered into between officials and the club.

The Hon. DAMIEN TUDEHOPE: But you, Minister, had formed the view that the unsolicited proposals had kicked in by that date, had you not?

CORRECTED

Mr DAVID HARRIS: No, I received advice on if I was meeting with the ATC that I would have to ensure that we were discussing issues other than Rosehill.

The Hon. DAMIEN TUDEHOPE: But you had formed the view, on the basis of probity advice that you'd received, that an unsolicited proposal had in fact commenced?

Mr DAVID HARRIS: No.

The Hon. DAMIEN TUDEHOPE: Well, when you talked about the media release on 7 December, you weren't there, were you?

Mr DAVID HARRIS: No.

The Hon. DAMIEN TUDEHOPE: In fact, the evidence you gave to Mr Latham was that, in relation to your not being there and commenting in relation to that matter, you wouldn't comment because of the probity advice that you'd received?

Mr DAVID HARRIS: Correct.

The Hon. DAMIEN TUDEHOPE: So you had formed the view, isn't it right, that an unsolicited proposal was in fact in front of the Government?

Mr DAVID HARRIS: No, what I had done is make sure that any of my decision-making or any interactions I had couldn't be called into question. I just formed that personal view that it wasn't appropriate for me to be engaging on it whilst there was another process underway.

SIMON DRAPER: Just to be clear, Mr Tudehope, the memorandum of understanding, the probity, that relates only to the unsolicited proposals process. The Minister has other obligations in terms of probity as a regulator in that space. He has other obligations.

The Hon. DAMIEN TUDEHOPE: Thank you for that, Mr Draper.

ELIZABETH MILDWATER: And we obtained the probity advice for the Minister—

The Hon. DAMIEN TUDEHOPE: And just let me ask you this—

The CHAIR: Sorry, Mr Tudehope, Ms—

The Hon. DAMIEN TUDEHOPE: I had not asked Ms Mildwater a question. I'm asking the Minister questions.

Mr DAVID HARRIS: I think she was giving important clarification.

The CHAIR: Yes, I think she was giving important information. Ms Mildwater, you had something to say?

ELIZABETH MILDWATER: I was just going to add to Mr Draper's answer that the probity advice was obtained by the department for the Minister, given there were public announcements and given his role—so we obtained him probity advice.

The Hon. DAMIEN TUDEHOPE: Just in relation to that, were you surprised, in the circumstances, by the announcement and those Ministers who accompanied the Premier to the announcement on 7 December?

Mr DAVID HARRIS: No, because the Premier informed me on 22 November that there was a proposal that was being talked about.

The Hon. DAMIEN TUDEHOPE: Did you share the probity advice with them?

Mr DAVID HARRIS: Did I? No.

The Hon. DAMIEN TUDEHOPE: So you'd formed one view in relation to the probity, in your capacity as the regulator, no doubt, but it didn't apply to them. Is that what you're saying?

Mr DAVID HARRIS: No. I am following the guidelines that I was given, and I think that's appropriate.

The Hon. DAMIEN TUDEHOPE: Do you form the view that if, in fact, there was an unsolicited proposal in front of the Government on that date, the media which they engaged in on 7 December—

Mr DAVID HARRIS: My understanding is there hasn't been an actual unsolicited proposal put forward.

The Hon. DAMIEN TUDEHOPE: Well, just in respect of that, when you say it wasn't an unsolicited proposal, what do you understand the proposal was?

CORRECTED

Mr DAVID HARRIS: I understand that an idea had been taken to government to see what their appetite was and that the announcement was about saying that the club should go away now and do the work they need to do and talk to their members.

The Hon. DAMIEN TUDEHOPE: So it was a proposal, wasn't it? To sell Rosehill racecourse.

The Hon. MARK LATHAM: The Premier said he supported it. He wanted it to happen.

Mr DAVID HARRIS: From the club itself.

The Hon. DAMIEN TUDEHOPE: That was a proposal.

Mr DAVID HARRIS: The actual proposal itself is a formal process that is different and separate from that.

SIMON DRAPER: To clarify, Mr Tudehope, I did explain this in another hearing yesterday with you: that the unsolicited proposals policy, which is published, does envisage engagement between government and potential proponents and other players leading into those proposals—because we don't want people to put in proposals that are of no interest to the government—and for them to understand the requirements that are going to be on them if they do put in a proposal.

The Hon. DAMIEN TUDEHOPE: Correct. I recall your evidence, Mr Draper. In fact, I recalled it so clearly that, in fact, what has occurred is that an unsolicited proposal has been received in the Premier's office. You weren't at that meeting, were you?

Mr DAVID HARRIS: No.

The Hon. DAMIEN TUDEHOPE: Have you had any meetings with the ATC, by the way?

SIMON DRAPER: I'm just going to confirm we have not received an unsolicited proposal.

The Hon. MARK LATHAM: No, he said he hasn't received it yet.

Mr DAVID HARRIS: There has been no proposal.

The Hon. MARK LATHAM: Two and a half months later, it hasn't been lodged.

The Hon. DAMIEN TUDEHOPE: You and I might disagree on definition, Mr Draper. The fact is that you've had no meetings with the ATC, have you?

Mr DAVID HARRIS: Not on this, no.

The Hon. DAMIEN TUDEHOPE: In your time as a Minister?

Mr DAVID HARRIS: I've met with the chair, Peter McGauran, on a couple of occasions.

The Hon. DAMIEN TUDEHOPE: When was that?

Mr DAVID HARRIS: I'd have to take that on notice.

The Hon. DAMIEN TUDEHOPE: Is it disclosed in your diary?

Mr DAVID HARRIS: Yes.

The Hon. DAMIEN TUDEHOPE: Are you sure?

Mr DAVID HARRIS: Yes, because I got asked the question last time. We went as the friends of racing.

The Hon. DAMIEN TUDEHOPE: Since that date, have you had any meetings with the ATC?

Mr DAVID HARRIS: Not a formal meeting, no.

The Hon. DAMIEN TUDEHOPE: Again, these are questions that have also been canvassed by Mr Latham. There is a selection panel, I understand, to select a new chair for Racing NSW?

Mr DAVID HARRIS: Yes.

The Hon. DAMIEN TUDEHOPE: In fact, that panel has provided a list of candidates to you?

Mr DAVID HARRIS: Yes.

The Hon. DAMIEN TUDEHOPE: So they have finalised their determination?

Mr DAVID HARRIS: No, it's now subject to Cabinet process.

CORRECTED

The Hon. DAMIEN TUDEHOPE: You will be making a recommendation to Cabinet. Is that part of the process?

Mr DAVID HARRIS: It's subject to Cabinet process.

The Hon. DAMIEN TUDEHOPE: Subject to the Cabinet process. There are names which are in front of you for the purposes of being approved by Cabinet, on your recommendation?

Mr DAVID HARRIS: Yes, so it's subject to the Cabinet process.

The Hon. DAMIEN TUDEHOPE: Who is on the committee? Can you tell me?

Mr DAVID HARRIS: Sorry?

The Hon. DAMIEN TUDEHOPE: Who is on the committee?

Mr DAVID HARRIS: It's subject to Cabinet process now.

The Hon. DAMIEN TUDEHOPE: No, the committee that made a recommendation to you.

The Hon. JACQUI MUNRO: The panel.

The Hon. MARK LATHAM: It has been announced.

Mr DAVID HARRIS: The selection panel?

The Hon. DAMIEN TUDEHOPE: The selection panel.

Mr DAVID HARRIS: We haven't announced that.

The Hon. MARK LATHAM: Yes, you have. It's public knowledge.

The Hon. DAMIEN TUDEHOPE: I'm asking you to tell us.

Mr DAVID HARRIS: No, because part of—that's someone else. We've never broken—part of it is that we don't do that. The purpose of that is so they can't be lobbied whilst they're making their decision.

The Hon. DAMIEN TUDEHOPE: You have disclosed to Mr Latham that Mr Dumesny is one of those people.

Mr DAVID HARRIS: No, he said Mr Dumesny was.

The Hon. DAMIEN TUDEHOPE: You confirmed it, did you not?

Mr DAVID HARRIS: No, I said I didn't know that he had a relationship with anyone.

The Hon. DAMIEN TUDEHOPE: Let's not split hairs. You confirmed that he is one of the people on the selection committee. Is that right?

Mr DAVID HARRIS: I can't recall. I have to go back through *Hansard*.

The Hon. DAMIEN TUDEHOPE: There is a process set down by the Act, is there not, for the appointment of the chair, and that process has been adopted for the purposes of appointing the chair?

Mr DAVID HARRIS: As the Act says, yes.

The Hon. DAMIEN TUDEHOPE: Can you confirm that none of the people that you have recommended to Cabinet or who will be going to Cabinet will include Labor identities?

Mr DAVID HARRIS: Well, that's confidential.

The Hon. DAMIEN TUDEHOPE: Will you rule out that a Labor Party identity will be appointed as chair of Racing NSW?

Mr DAVID HARRIS: It's subject to Cabinet. I am not going to make that comment.

The Hon. DAMIEN TUDEHOPE: This is an opportunity for you to say that it will not be someone who has been a member of the Labor Party.

Mr DAVID HARRIS: I can't break Cabinet confidence.

The CHAIR: Order!

Mr DAVID HARRIS: You have been a Minister and you know that too, so it's a bit naughty of you to ask the question.

CORRECTED

The Hon. DAMIEN TUDEHOPE: No, it's not naughty.

Mr DAVID HARRIS: You know what happens in the Cabinet process.

The Hon. DAMIEN TUDEHOPE: Minister, what process was gone through in relation to the appointment of Dr Saranne Cooke?

Mr DAVID HARRIS: In what capacity?

The Hon. DAMIEN TUDEHOPE: Was there a selection panel appointed for her appointment?

Mr DAVID HARRIS: Originally, yes, under your Government.

The Hon. DAMIEN TUDEHOPE: No—for the two-year extension which you have just given her?

Mr DAVID HARRIS: No, because under the recommendations that were given to me, she was recommended as not having any issues or anything and could be extended.

The Hon. DAMIEN TUDEHOPE: No. Have you read the Act, Minister?

Mr DAVID HARRIS: When there is a set number of directors, you don't have to go to the outside process, and she was already in the role.

The Hon. DAMIEN TUDEHOPE: She's the deputy chair and—

Mr DAVID HARRIS: We just extended it.

The Hon. DAMIEN TUDEHOPE: When you made the decision to appoint Dr Cooke—are you asserting here today that there is no process to go through?

Mr DAVID HARRIS: No, we went through—

The Hon. DAMIEN TUDEHOPE: She had had two four-year terms, had she not?

Mr DAVID HARRIS: The department put forward to me their recommendations which I accepted and took to Cabinet through the Cabinet process.

The Hon. DAMIEN TUDEHOPE: It wasn't a casual vacancy. She had completed two four-year terms.

Mr DAVID HARRIS: Yes.

The Hon. DAMIEN TUDEHOPE: You should be aware of the requirements under the Act that the recommendation to extend Dr Cooke's term must come through an independent panel. That did not happen, did it?

Mr DAVID HARRIS: I'd have to check. That's not the advice that I had.

The Hon. DAMIEN TUDEHOPE: In the circumstances, is it the case that Dr Cooke may not have been properly appointed, because the Act makes it clear that you must, in fact, establish a selection panel?

ELIZABETH MILDWATER: We don't believe that to be true, but we can take it on notice and get back to you.

Mr DAVID HARRIS: In reading the Act, I don't see that—

The Hon. DAMIEN TUDEHOPE: Have you read it?

Mr DAVID HARRIS: Yes, I have, and that section particularly, given what has happened. I don't have the same interpretation.

The Hon. DAMIEN TUDEHOPE: Did you get advice that you had complied with the Act?

Mr DAVID HARRIS: Yes.

The Hon. DAMIEN TUDEHOPE: Are you prepared to table that advice?

TAREK BARAKAT: We'd have to take that on notice, but to the extent we can, we can come back to you on that.

The Hon. DAMIEN TUDEHOPE: The advice that her reappointment, outside the two four-year terms that she had already had, which are in fact defined by the Act, it does require—

The Hon. PETER PRIMROSE: Point of order: The Minister has said that he would take this matter on notice.

CORRECTED

The Hon. DAMIEN TUDEHOPE: Would you accept from me that if, in fact—

The CHAIR: I will do the point of order.

Mr DAVID HARRIS: I won't accept the conjecture. We'll check and we'll get back of you.

The CHAIR: Sorry, Minister. There has been a point of order raised.

The Hon. PETER PRIMROSE: My point of order is that the Minister said that he would take the matter on notice and the honourable member keeps asking the same question.

The CHAIR: I'll rule on that. He has said that he will take parts of that question on notice. The member may ask other questions.

The Hon. DAMIEN TUDEHOPE: In the event that you have not complied with the Act—and this is self-evident—then the effect of her appointment may be invalid, may it not?

Mr DAVID HARRIS: I don't accept the premise of your question. We will take it on notice and we'll check, but the advice I received was that the process was proper.

The Hon. DAMIEN TUDEHOPE: Given the manner in which we treated the appointment of Russell Balding, it is not unlikely that you have made a mess of that, is it?

The CHAIR: Order! We will avoid commentary and just ask questions.

Mr DAVID HARRIS: I don't think you really want to go down that particular road—

The Hon. DAMIEN TUDEHOPE: I'm happy to.

Mr DAVID HARRIS: —given that the shadow Minister and others on your side of politics were very heavily involved. The only people I was lobbied by—not by Racing NSW, not by Mr Balding. I was lobbied by Liberal and National Party members.

The Hon. DAMIEN TUDEHOPE: Not by Mr V'landys?

Mr DAVID HARRIS: If you want to go down that pathway, I am more than happy. You know who they were.

The Hon. DAMIEN TUDEHOPE: I am happy to demonstrate that you are incompetent.

Mr DAVID HARRIS: No.

The Hon. DAMIEN TUDEHOPE: The first time in 100 years—

Mr DAVID HARRIS: I took on the word—

The CHAIR: Order!

The Hon. Dr SARAH KAINE: Point of order—

The CHAIR: I don't need to hear your point of order.

Mr DAVID HARRIS: I keep my word, unlike some others.

The CHAIR: Minister, please. Order! We must treat witnesses with civility and courtesy at all times and not make personal reflections on them. Please desist from that, Mr Tudehope, and ask questions rather than making comments and engaging in a to and fro across the room. We've got limited time. Ask some questions and avoid making reflections on the Minister or any other witness.

The Hon. SARAH MITCHELL: Minister, obviously, in your responsibility as Minister for the Central Coast, you have an ongoing interest in government funding and programs that benefit that region.

Mr DAVID HARRIS: Sure.

The Hon. SARAH MITCHELL: I want to specifically ask you about the Local Small Commitments Allocation. That's a Government program that will provide money into the Central Coast. That's correct?

Mr DAVID HARRIS: Correct.

The Hon. SARAH MITCHELL: Particularly in your own seat of Wyong, we now know that a number of projects have been approved or announced for funding in that particular area.

Mr DAVID HARRIS: Correct.

CORRECTED

The Hon. SARAH MITCHELL: I want to take you to one—\$20,000 for the Soldiers Beach Surf Life Saving Club. It's a club you know well, I understand.

Mr DAVID HARRIS: I know it very well; I'm a member of the club.

The Hon. SARAH MITCHELL: Yes, you are, and I believe you were also the president for a period of time.

Mr DAVID HARRIS: Yes, for three years. I think I finished at the end of the 2016 season.

The Hon. SARAH MITCHELL: As a local member, have you ever been able to secure any funding for that club in the past?

Mr DAVID HARRIS: Absolutely.

The Hon. SARAH MITCHELL: Through what processes?

Mr DAVID HARRIS: Through Community Building Partnership.

The Hon. SARAH MITCHELL: How much have you been able to secure? You can take it on notice if you want.

Mr DAVID HARRIS: I'll have to take that on notice. It's been over—right back to 2008, so many years.

The Hon. SARAH MITCHELL: Sure, if you could provide that on notice. You'd be aware then, of course, that the Community Building Partnership process has quite strict rules around declaring conflicts of interest, including if you're a member or you have any benefit.

Mr DAVID HARRIS: Absolutely, yes.

The Hon. SARAH MITCHELL: You did that through that process?

Mr DAVID HARRIS: Absolutely.

The Hon. SARAH MITCHELL: Did you have to do that through the Local Small Commitments Allocation as well?

Mr DAVID HARRIS: Yes, my understanding was yes.

The Hon. SARAH MITCHELL: Did you, or not?

Mr DAVID HARRIS: Yes.

The Hon. SARAH MITCHELL: To whom did you provide information that you might have had a conflict of interest in relation to that grant?

Mr DAVID HARRIS: Initially, when the grants were put in, there was an online form which was filled out.

The Hon. SARAH MITCHELL: Sorry, when you say "initially", these were pre-election commitments?

Mr DAVID HARRIS: Correct.

The Hon. SARAH MITCHELL: We heard evidence yesterday from the Premier's Department, who are working to administer the grants, that they received a list from the now Premier's office of those commitments. But you're saying that, prior to that, there was a form that you had to fill out?

Mr DAVID HARRIS: Well, we had to nominate the projects.

The Hon. SARAH MITCHELL: Who did you nominate the projects to?

Mr DAVID HARRIS: To the party.

The Hon. SARAH MITCHELL: Did you declare your conflict of interest to the party?

Mr DAVID HARRIS: Yes.

The Hon. SARAH MITCHELL: In what way?

Mr DAVID HARRIS: As I just said, there was an online form.

The Hon. SARAH MITCHELL: In that online form, what information did you give?

Mr DAVID HARRIS: There was a question saying, "Is there any potential conflict?"

CORRECTED

The Hon. SARAH MITCHELL: And you said, "Yes, because I am a current member"?

Mr DAVID HARRIS: Yes.

The Hon. SARAH MITCHELL: Did you reveal you'd been a president before?

Mr DAVID HARRIS: I always say that I've been a member of the club. Whether I'd been president before, I don't know if it makes a difference. I'm there, I patrol, I volunteer.

The Hon. SARAH MITCHELL: Sure, and I have no disrespect for the club. I'm sure they do amazing work.

Mr DAVID HARRIS: They do.

The Hon. SARAH MITCHELL: And I'm very happy for you to be a member.

Mr DAVID HARRIS: They're also the only surf club in my electorate, so it makes it a bit easier to choose.

The Hon. SARAH MITCHELL: I understand that, but I'm trying to get to the process here. So you declared the conflict of interest to the Labor Party head office?

Mr DAVID HARRIS: Yes.

The Hon. SARAH MITCHELL: Okay, so the process has now gone through. My colleague asked a number of questions to the Minister responsible about this, and particularly in relation to this particular project. He indicated that he was aware of the potential conflict of interest and he requested that the project office review the project. Did the Local Small Commitments Allocation team, or projects, speak to you about that conflict of interest?

Mr DAVID HARRIS: Not that I recall.

The Hon. SARAH MITCHELL: So the only time that you declared that you had a potential conflict of interest was to the Labor Party head office as part of a pre-election process. Since forming government and that taxpayer money going out, you haven't had anybody contact you to ask about whether there was a potential conflict of interest?

Mr DAVID HARRIS: My understanding is—and I did hear the answer yesterday from Ms Meagher—that that was a separate process. It underwent a separate probity check and I played no further part. Other than putting it up initially, I played no further part in any decision-making.

The Hon. SARAH MITCHELL: I accept that. My concern is that you rightly understood you had a potential conflict of interest, through your internal Labor Party processes, but it appears that that hasn't gone anywhere beyond Sussex Street because no-one in government or in an agency has come to you and said, "Is there any potential conflict of interest we need to be aware of?" That's your evidence?

Mr DAVID HARRIS: My understanding is that it went through a separate probity process that was described yesterday in great detail. That was how grants were determined in the end.

The Hon. SARAH MITCHELL: But Minister Graham is saying to us in a question on notice that he's asked the project office to review it and go through that process. I just want to be clear: You're confirming that at no point during the process that that project office has gone through they've come to you and said, "Mr Harris is the local member."

Mr DAVID HARRIS: I'll have to take that on notice. I have filled out a separate form where, again, I did indicate that I am a member of the club.

The Hon. SARAH MITCHELL: But who did that form go to?

Mr DAVID HARRIS: I think it went to Premier's—

The Hon. SARAH MITCHELL: Premier's office?

Mr DAVID HARRIS: No, Premier's Department.

The Hon. SARAH MITCHELL: Right, so there are two forms.

Mr DAVID HARRIS: That's my recollection.

The Hon. SARAH MITCHELL: One that you did pre-election to the Labor Party and then now—sorry you said before that you hadn't had any contact but now there might have been a form to go to the Premier's Department about that?

CORRECTED

Mr DAVID HARRIS: Yes.

The Hon. SARAH MITCHELL: But no-one, that you can recall, tried to speak to you about it or had any kind of contact beyond, potentially, maybe a form?

Mr DAVID HARRIS: No, not that I can recall.

SIMON DRAPER: Can I just be clear: The Premier's Department—and I think Ms Meagher gave this evidence yesterday so I'm just verballing her a little bit—played no role in the nominations or the process of how they arrived. Our teams were assessing the grants according to the guidelines once they had been received as a list consolidated from the Premier's office.

The Hon. SARAH MITCHELL: I might come back to this.

The CHAIR: Thank you, Mr Draper. Mr Latham.

The Hon. MARK LATHAM: Thank you, Chair. Thank you, Minister. Can we just get some clarity about what has happened with this unsolicited proposal? It hasn't been lodged and when is the Government expecting it to be lodged regarding the Rosehill racecourse?

SIMON DRAPER: It's a pretty normal process, Mr Latham. There's early engagement and, as I said, we encourage potential proponents to do that because we want to make sure that when they lodge it, it's in a form that we can assess. We haven't yet received it but we have received updates from the turf club that they're very advanced in preparing that proposal. I understand that the turf club held some sessions with members—I don't know if you attended it.

The Hon. MARK LATHAM: Yes, it went terribly.

SIMON DRAPER: Well, I don't know; I didn't attend and it's not really a matter for us, in any case.

The Hon. MARK LATHAM: Well, it will be.

SIMON DRAPER: I understand that they're pretty advanced, that they have engaged advisers and that they'll be lodging that proposal in the near future. But until they do there's very—

The Hon. MARK LATHAM: The near future being weeks or months?

SIMON DRAPER: I would expect it more likely weeks than months but that's not a matter for me.

The Hon. MARK LATHAM: Okay.

SIMON DRAPER: This is a pretty normal time frame for receiving these proposals and a pretty normal process that it goes through.

The Hon. MARK LATHAM: Yes, sure. So at the moment all we've got is the 7 December press conference at Rosehill and some media speculation. There's no proposal been lodged with the government. Can I ask you, Minister, who prepared the probity advice saying you can't talk about this proposal?

Mr DAVID HARRIS: The department.

The Hon. MARK LATHAM: Your department?

Mr DAVID HARRIS: I've received that subsequent to the announcement.

The Hon. MARK LATHAM: Your department?

Mr DAVID HARRIS: They obtained advice.

ELIZABETH MILDWATER: We obtained it from an external probity advisor.

The Hon. MARK LATHAM: On what date did you give that advice to the Minister?

ELIZABETH MILDWATER: Just recently. I'd have to take it on notice the exact date, but just recently.

The Hon. MARK LATHAM: Sometime in February?

ELIZABETH MILDWATER: Yes.

The Hon. MARK LATHAM: Right. Does that advice state that the Minister can't talk about the announcement that was made on 7 December, or the Minister can't talk about an unsolicited proposal when it's lodged?

CORRECTED

ELIZABETH MILDWATER: The advice covers what the Minister should do in the current circumstances—so everything.

The Hon. MARK LATHAM: So you've given the Minister probity advice that states that he can't talk about a press conference on 7 December, even though no unsolicited proposal has been lodged?

ELIZABETH MILDWATER: Mr Latham, what we've given him advice about is the engagement in the context of the events that are out there. It doesn't talk about a press conference.

The Hon. MARK LATHAM: The events that are out there? Well, the main event out there is the press conference. We're not silly here; we know what's happened—it's all on the public record. The main event is the press conference, isn't it, on 7 December, where the Premier said it's clear the ATC wants to do this and we want it to happen as well?

ELIZABETH MILDWATER: So the advice is about the matters discussed there, yes, but not a press conference.

The Hon. MARK LATHAM: Right. Minister, why doesn't this advice apply to the Premier? If there's a probity problem in you, as racing Minister, talking about the second most important racing asset in New South Wales being sold, how can the Premier, on 7 December and again at estimates yesterday if I understand, be saying that it's clear the ATC wants to do this and we want it to happen as well? Why doesn't it apply to your Government leader?

Mr DAVID HARRIS: I don't know. You'd have to ask—you missed him; he was yesterday. You'll have to ask him that question.

The Hon. MARK LATHAM: Why doesn't it apply to Minister Haylen, who is modifying Sydney Metro West to accommodate this thought bubble?

Mr DAVID HARRIS: My understanding is that—

The Hon. MARK LATHAM: Why doesn't it apply to Treasurer Mookhey, who was there on 7 December?

Mr DAVID HARRIS: My understanding is—

The Hon. MARK LATHAM: Why doesn't it apply to Minister Scully, who is trying to build in the housing—the 25,000 housing—as part of his housing plan?

SIMON DRAPER: If I could say, Mr Latham, if the Minister has regulator responsibilities, none of those other Ministers you mentioned have those regulator responsibilities as the decision-maker—as a regulator.

The CHAIR: Well, they've got other regulatory responsibilities. Probably the planning Minister has got more than anyone.

The Hon. MARK LATHAM: They have responsibility for making this happen.

SIMON DRAPER: And I also have to really—

The Hon. MARK LATHAM: Mr Draper, have you prepared any probity advice for these other Ministers that they can't make comment about this proposal?

SIMON DRAPER: No.

The Hon. MARK LATHAM: Have you seen the advice from Minister Harris's department?

SIMON DRAPER: I don't believe I've seen that advice.

The Hon. MARK LATHAM: Does it sound like it is normal advice as part of an unsolicited proposal not yet received?

SIMON DRAPER: Well, I—

The Hon. MARK LATHAM: That a Minister responsible for racing can't talk about the biggest thing in racing in our lifetime?

SIMON DRAPER: Not that I have been asked. But if you're asking me now, my view would be that, if you're a regulator, I wouldn't participate in any detailed discussions with those proponents.

The Hon. MARK LATHAM: On discussions, you mentioned earlier, Minister, that since 7 December you've had no formal meetings with the ATC. Have you had informal meetings?

CORRECTED

Mr DAVID HARRIS: I'd have to take that on notice. I don't believe so, but I'll have to take that on notice.

The Hon. MARK LATHAM: You have no recollection of discussing this with ATC officials at any stage since 7 December?

Mr DAVID HARRIS: No.

The Hon. MARK LATHAM: But you will check and come back to us on notice?

Mr DAVID HARRIS: Yes.

The Hon. MARK LATHAM: Okay. All right.

Mr DAVID HARRIS: I'm very sure that I haven't discussed this with anyone outside my office.

The Hon. MARK LATHAM: Right. Is that consistent with the probity advice?

Mr DAVID HARRIS: It was consistent with my own caution, because it's also dealing with areas that are under the responsibility of other Ministers and so they're discussions for Cabinet, not discussions that you would have generally, out in public or with stakeholders.

The Hon. MARK LATHAM: On the selection panel for the replacement of Mr Balding, we had a discussion earlier on while I was talking about the credentials, or lack of them, or potential conflict of interest for Mr Dumesny, and you proceeded on the basis he was on the selection panel, correct?

Mr DAVID HARRIS: I think our policy has been not to say who is or isn't on the selection panel, for the reasons I outlined before.

The Hon. MARK LATHAM: But we had an exchange where you were confirming that he is. He is.

Mr DAVID HARRIS: I'm not willing to discuss any of the process, other than to say that the correct probity was undertaken, and people had the opportunity to put forward any potential conflicts.

The Hon. MARK LATHAM: Mr Dumesny didn't do that? He would be selecting the boss of his very best friend.

Mr DAVID HARRIS: I wasn't part of that process because it was done—

The Hon. MARK LATHAM: Has Mr Dumesny declared a conflict that he'd be part of the selection process for the boss of his best friend?

Mr DAVID HARRIS: Again, because it's subject now to Cabinet confidentiality, we're not commenting on it.

The Hon. MARK LATHAM: This is budget estimates, so we'd like an answer to a basic question of probity. Has he declared a conflict of interest?

The CHAIR: Order! Mr Latham, I just remind you that we have to avoid making adverse mentions of any party.

The Hon. MARK LATHAM: I'm asking has he declared that conflict of interest?

The CHAIR: Yes, but I'm mindful of some of the comments you've made about the relationship between this person and other parties.

The Hon. MARK LATHAM: No-one is denying that. It's on the public record.

The CHAIR: I understand that. I am just reminding you that we need to avoid adverse mentions.

The Hon. PETER PRIMROSE: May I take the point of order? I understand the Minister has taken this line of questions on notice previously. For another member to be asking the same questions—the Minister has already taken these on notice. Maybe I am incorrect, but that was my recollection.

The CHAIR: He has taken the elements of the questioning on notice, but Mr Latham is free to ask the questions he wants. But I am reminding him of that.

The Hon. MARK LATHAM: I'm asking on the basis—we were working on the assumption earlier in this estimates inquiry that Mr Dumesny was on the selection panel and then, in answers to Mr Tudehope, the Minister was saying, "I can't say whether he was or not." So I am seeking clarity. Minister?

CORRECTED

Mr DAVID HARRIS: I've given my answer that it's now subject to a Cabinet decision, and so I am not commenting on it.

The Hon. MARK LATHAM: But it is well known within the racing industry that Elizabeth Mildwater and Don Colagiuri and Mr Dumesny are the three on the selection panel. Why are we in a state of denial about it here?

The Hon. Dr SARAH KAINE: Why did you ask?

Mr DAVID HARRIS: We've never confirmed or denied that. Other people have made those statements.

The Hon. MARK LATHAM: It's like the CIA.

Mr DAVID HARRIS: It's our—no, because it's important when you're actually going through these processes that there is confidentiality. People are subject to probity checks. People are subject and given the opportunity to make declarations, and that is all built into the process.

The Hon. MARK LATHAM: I asked you earlier on about your policy for the doping of horses in harness and thoroughbred racing in New South Wales. You said it was up to the clubs and the organisations to deal with it. Are you aware of legislation in the United States where governments have legislated serious offences—for this to be a criminal penalty with jail time?

Mr DAVID HARRIS: No.

The Hon. MARK LATHAM: Will you undertake to have a look at that? Do you acknowledge the problem in harness racing left by Mr Dumesny—that there's a serious doping problem that is plaguing the industry? There's one trainer in particular who only takes older horses and, within two or three weeks, they've improved by 20 or 30 metres, which is a fraud on the industry and animal cruelty to be doing this. Isn't it time to acknowledge that the cheats are always ahead of the vets—sometimes by months but, many times, years, as we saw, for instance, with Darren Weir in thoroughbred racing—and that it's time for government to have criminal penalties and jail time for the serious offences of people who do this to the animals?

Mr DAVID HARRIS: That's an issue that we can have a look at. But any of the things that you have raised, we have no awareness of that.

The Hon. MARK LATHAM: Can I raise with you a question of natural justice within Harness Racing for someone who had done the wrong thing but has now served a 12-year suspension? Cameron Fitzpatrick hasn't had his trainer's licence returned to him by Harness Racing NSW. Would you accept my representations about this and ask Harness Racing NSW why someone who has served their time, and has clearly rehabilitated, can't return to the industry?

Mr DAVID HARRIS: Yes. It predates my time, but if you made representations we would be happy to write to the board on your behalf.

The Hon. MARK LATHAM: Thank you. Turning to greyhounds, do you support the retention of greyhound racing at Wentworth Park?

Mr DAVID HARRIS: Minister Kamper and I have met with Greyhound Racing NSW. We are open to them putting a formal submission to us, which will be considered—obviously together with our colleague the planning Minister.

The Hon. MARK LATHAM: When is that happening?

Mr DAVID HARRIS: We're waiting for them to formally approach us. The meeting that I had was a few months ago. The meeting with Minister Kamper was just recently. We indicated that we are open to them making a submission.

The Hon. EMMA HURST: Minister, to questions asked earlier by the Hon. Mark Latham, you said that you hadn't spoken to Peter V'landys in any aspect in regard to the selection panel. Can you confirm that no-one within your office spoke to Peter V'landys in regard to the selection panel?

Mr DAVID HARRIS: I will take that on notice, but I don't think anyone has spoken directly to Mr V'landys.

The Hon. EMMA HURST: Also, on notice, if he was appraised in the process at all by anyone within your office—

Mr DAVID HARRIS: My understanding is no, but we'll check.

CORRECTED

The Hon. EMMA HURST: Did you receive any advice or suggestions from Racing NSW about who should be on the panel?

Mr DAVID HARRIS: It was an independent process that we set up. They did the interviewing et cetera. It's subject to Cabinet, and no decision has been made.

The Hon. EMMA HURST: As mentioned earlier, Mr Dumesny is a close friend of Peter V'landys. I'm happy to provide this media article to your office that explains that. I understand that you said you didn't know that at the time. Now that you do know, do you have concerns about his involvement on the selection panel?

Mr DAVID HARRIS: I would have to take advice on whether that constitutes a conflict, because Mr V'landys isn't a candidate.

The Hon. MARK LATHAM: He's employed by the person being appointed.

The Hon. EMMA HURST: Is this likely to give rise to the perception that Peter V'landys may have had some undue influence over that selection process?

Mr DAVID HARRIS: No matter what the outcome, people were always going to make their own conclusions because that's what happens in industries that have a lot of players. We have tried to play it straight down the line and make sure that we followed the procedures that are put in place, and Cabinet will make a decision.

The Hon. EMMA HURST: Did any staff member from Racing NSW sit in on any of the interviews?

Mr DAVID HARRIS: I don't know. I wasn't there.

The Hon. EMMA HURST: Can you confirm, on notice, that no staff member from Racing NSW sat in on any of the interviews?

Mr DAVID HARRIS: I'm being told that because we're not talking about the process it's not appropriate.

The Hon. EMMA HURST: So you can't confirm that no staff member from Racing NSW sat in on any interviews?

ELIZABETH MILDWATER: Racing NSW was not part of the process.

The Hon. EMMA HURST: Can you confirm that they didn't sit in on any of the interviews?

ELIZABETH MILDWATER: There's no role for Racing NSW in the actual process.

The Hon. EMMA HURST: I'm just asking you to confirm that no-one from Racing NSW sat in on any of the interviews. So you're confirming that absolutely did not happen?

ELIZABETH MILDWATER: Yes. They did not play a role in the recruitment process.

The Hon. EMMA HURST: Thank you. Minister, were you aware prior to today that GWIC had identified hundreds of missing greyhounds?

Mr DAVID HARRIS: No.

The Hon. EMMA HURST: Mr Griffin, can you confirm that none of these missing dogs died or were killed in the past year?

STEVE GRIFFIN: Let me just say, in terms of—I don't want to go into semantics here, but when you say "missing" what the first tranche of eTrac has done is allowed us to cleanse the historical database. So now we have a number of greyhounds, as I said earlier, that we now need to do inquiries to find out where they're at. So when you say they're missing, to our mind, they're not missing yet until we complete our inquiries. So we need to go through—

The Hon. EMMA HURST: But they're missing from the database. We don't know what's happened to them. We don't know if they're alive or dead.

STEVE GRIFFIN: They're still on the database. They're still there. We need to make our inquiries. They're associated, largely, with a lot of participants who are no longer a part of the industry, plus they're very aged greyhounds—we're talking 11, 12, 13 years old. They're probably not—greyhounds don't live that long. We've got to go through a process of finding out what happened to those greyhounds. So when you say they're missing, no, they're not missing. They're still on our database, but we've got to find out where they ended up—were they rehomed, did they die a natural death and so forth. We need to go through a process—

CORRECTED

The Hon. EMMA HURST: It does sound like they are missing, if we don't know where they are or if they're alive?

STEVE GRIFFIN: The good thing is, we need to go through a process to find out what happened to those historical legacy data and then we can come back to the—

The Hon. EMMA HURST: Sorry, I'll just take you back to the question.

STEVE GRIFFIN: Just to your point—and then I'll be able to come back and report to the Minister if there are missing greyhounds.

The Hon. EMMA HURST: I only have a few seconds left, so I want to bring you back to the question that I asked. Can you confirm if none of these missing dogs died in the past year?

STEVE GRIFFIN: I can't. I'd have to take that on notice.

The Hon. EMMA HURST: Can you confirm that none of these dogs were used for breeding in the past year?

STEVE GRIFFIN: I'd have to take that on notice.

The Hon. EMMA HURST: Okay. Thank you. Minister, in regards to the Wentworth racing track, you've said that you've spoken to Greyhound Racing NSW. Have you consulted at all with the City of Sydney?

Mr DAVID HARRIS: We haven't actually received a formal proposal. If we receive a formal proposal, the Government would then obviously consult with other groups, but all we've had so far is a conversation to say that they're interested in remaining and extending the lease.

Ms ABIGAIL BOYD: In your capacity as Minister for the Central Coast, we have been putting up with illegal dumping of asbestos on the Central Coast for at least a decade now. You would be familiar, wouldn't you—

Mr DAVID HARRIS: Probably longer.

Ms ABIGAIL BOYD: Probably longer.

Mr DAVID HARRIS: Some of it goes back to the '70s.

Ms ABIGAIL BOYD: That's right. Mangrove Mountain is in recent history. Vales Point, they had dumping of asbestos there. Are you as annoyed as I am that it has taken this long for any government to pay attention to the issue of illegal dumping of asbestos and it only happens when it happens in the city?

Mr DAVID HARRIS: I haven't formed a view about that. What I would hope is that we're better educated these days and we should be doing these sorts of things better.

Ms ABIGAIL BOYD: We know that it's easier to dump illegally outside of populated areas and so it's pretty likely that the extent of asbestos dumping across the State is a lot bigger than what we're seeing in the city, isn't it?

Mr DAVID HARRIS: I mean, I don't disagree with your statement but I'd only be speculating on the size of the problem. What I do know is that where there is bushland, councils and Aboriginal Land Councils and others have real difficulty around illegal dumping.

Ms ABIGAIL BOYD: So knowing what you know about the situation that we've had on the Central Coast for some time and how annoyed Central Coast residents are about all of that dumping, would you support an inquiry into waste and illegal dumping in New South Wales?

Mr DAVID HARRIS: It's not a question that I can give you an answer on today, but I would certainly be happy to have a discussion with Minister Sharpe to see whether that was something that was feasible or not and whether it would get the desired outcome. I think an inquiry—I'm not sure what that would achieve, because we already know it's happening. I think it's more about what we actually do about it. It is difficult, because even when you put up cameras and other things it's a really hard thing to track.

Ms ABIGAIL BOYD: With the experience that you've had on the Central Coast—particularly in relation to Mangrove Mountain, where criminal charges were placed in 2014—do you have concerns that there is corruption and potentially organised crime within the waste industry in New South Wales?

Mr DAVID HARRIS: That would be speculation. I have no specific information around that and I don't like to speculate.

Ms SUE HIGGINSON: Minister, back to the treaty process, how many external consultants have currently been engaged in informing the treaty process to date?

CORRECTED

Mr DAVID HARRIS: I might get Mr Hamilton to talk about that.

SHANE HAMILTON: We've had one engagement with the Jumbunna Institute at UTS.

Ms SUE HIGGINSON: How do you determine who to engage at this point?

SHANE HAMILTON: It's Aboriginal people in New South Wales. We haven't formed a view on how we would do that because we won't do that until we actually appoint the treaty commissioners.

Ms SUE HIGGINSON: But even to date, who are you engaging with to determine the first step? Is that just based on—

SHANE HAMILTON: What we've done to date is to look at other jurisdictions—at those States that have started the treaty process—to understand how they've gone about that, what were some of the issues they encountered and how they've overcome those, to get a good understanding, so Queensland, Victoria and South Australia.

Ms SUE HIGGINSON: So Jumbunna has been engaged to assist you in preparing knowledge about that?

SHANE HAMILTON: Yes.

Ms SUE HIGGINSON: Minister, can I ask about the investment? You say that nobody wants this more than you. In terms of the \$5 million that you have announced that will go to this, will there be additional money in the budget next year or will that \$5 million carry on?

Mr DAVID HARRIS: The initial \$5 million is part of the budget of Aboriginal Affairs. There's a budget process—

Ms SUE HIGGINSON: Sorry, for treaty?

Mr DAVID HARRIS: For treaty, yes. As was said earlier, I probably don't want to put a percentage, but the vast majority of that is not yet spent.

Ms SUE HIGGINSON: Can I just get the answer to this question? Have you put in a request for more money for the treaty process in the upcoming budget?

Mr DAVID HARRIS: That's part of the budget process. If it's necessary, we will certainly be making those sorts of requests.

Ms SUE HIGGINSON: But you did say earlier that these discussions are well underway in terms of this upcoming budget. Will we see—

Mr DAVID HARRIS: At the moment we think that it will fit within the \$5 million, what's being done.

Ms SUE HIGGINSON: So you're not currently advocating for more money in the next budget for the treaty process?

Mr DAVID HARRIS: No, because until the commissioners do their work, we probably won't know what the next steps are.

Ms SUE HIGGINSON: So you're not advocating for any more money yet.

Mr DAVID HARRIS: Well, advocate for what?

The CHAIR: Unfortunately, Ms Higginson, your time for questions has expired. It's now time for questions from the Opposition.

Mr DAVID HARRIS: That would be in a future budget.

The Hon. DAMIEN TUDEHOPE: Mr Barakat, can I ask you a question? When Mr Balding was reappointed in 2019, was a selection panel established to recommend his reappointment?

TAREK BARAKAT: I wasn't around in 2019, but I'm happy to take that on notice and come back to you.

The Hon. DAMIEN TUDEHOPE: I can tell you the answer is yes. When Mr Balding was reappointed in 2021, was a selection panel established that recommended his reappointment?

TAREK BARAKAT: I'm happy for you to provide the answer to that one too, Mr Tudehope.

CORRECTED

The Hon. DAMIEN TUDEHOPE: The answer is yes. Given that Dr Cooke was reappointed with no selection panel, does it concern you that, in those circumstances, her appointment may be invalid?

TAREK BARAKAT: I think I'll just refer you to my previous answer on that one, which is that we'll take it on notice and come back to you with some detailed advice.

The Hon. DAMIEN TUDEHOPE: Do you think that there is the potential that she may have been?

TAREK BARAKAT: With respect, Mr Tudehope, I'm not here to offer my opinion.

The CHAIR: I remind Mr Tudehope that officials are not to be asked for their opinion.

The Hon. DAMIEN TUDEHOPE: Minister, are you concerned?

Mr DAVID HARRIS: Am I concerned?

The Hon. DAMIEN TUDEHOPE: That she may have been invalidly appointed?

Mr DAVID HARRIS: We'll wait and see what the answer is. So we're taking that on notice and we'll get back to you with an answer.

The Hon. DAMIEN TUDEHOPE: Will you rule out that Joel Fitzgibbon will be appointed the chair of Racing NSW?

Mr DAVID HARRIS: No, because we're not even going to talk about the people who didn't apply.

The Hon. DAMIEN TUDEHOPE: Okay, that's a good answer. Thank you.

The Hon. JACQUI MUNRO: Minister, going back to the Wentworth Park site, you've said that you've met with Greyhound Racing NSW. Minister Kamper has said that he's had discussions with you about the site. You said that you haven't received a proposal yet. I'm wondering what you think the site should be used for, as Minister?

Mr DAVID HARRIS: As the Minister for Gaming and Racing, I believe there is great historical value to the greyhound industry at that site. It's occurred there for a long time. Greyhound racing does not have a strong metropolitan base so I am leaning towards being convinced that if they seek an extension that that might be supported, but obviously I'm not the landholder so that's a decision for Minister Kamper. I think that it's something that should be looked at and if it stacks up, then Government will make a decision.

The Hon. JACQUI MUNRO: What do you mean by "stacks up"?

Mr DAVID HARRIS: They have to come back and demonstrate to us that it can be financially viable, that there is benefit to the industry and to the area—all of those sorts of things. It's not a matter of just saying yea or nay; it's a matter of actually looking at their proposal, seeing what they're putting up. They had some interesting ideas of what they might be able to do in to the future, and then it's a decision of Minister Kamper as the owner of the land.

The Hon. JACQUI MUNRO: Will you be making your representations to the Minister reasonably public about what you think the benefits or merits of such a proposal would be when, I presume, it arrives?

Mr DAVID HARRIS: I will be very careful because once a proposal arrives to Minister Kamper and he enters the decision-making period, it is probably not appropriate for me to directly intervene because he's got to make the decision through the process. In Cabinet there's obviously lots of discussion that happens et cetera. I've told you my view. It may be that when we get proposal, I will think, "Actually, no. That's not very good," but I haven't seen it yet.

The Hon. JACQUI MUNRO: Do you know the deadline for that site to have a confirmed future?

Mr DAVID HARRIS: It runs out in 2026.

TAREK BARAKAT: Its 2027.

Mr DAVID HARRIS: In 2027.

The Hon. JACQUI MUNRO: Sure, but presumably there will be a decision made well before that time about the future of the site so I'm just wondering when you anticipate that will be.

Mr DAVID HARRIS: You love all these dates, don't you?

The Hon. JACQUI MUNRO: Well, it's actually quite important, as a government, for transparency and accountability.

CORRECTED

Mr DAVID HARRIS: We haven't got a proposal yet.

The Hon. JACQUI MUNRO: So if you don't receive a proposal then you're not going to worry it?

Mr DAVID HARRIS: The lease runs out in 2027.

The Hon. JACQUI MUNRO: You're not going to encourage the industry to—

Mr DAVID HARRIS: If the industry doesn't make a submission then the license isn't renewed.

The Hon. JACQUI MUNRO: Will you be encouraging greyhound racing to make a submission?

Mr DAVID HARRIS: I have encouraged them that if they want to remain there they need to make a submission.

The Hon. JACQUI MUNRO: Which you will support?

Mr DAVID HARRIS: No, I said I haven't seen it. I said I'm leaning towards thinking that it may be not a bad idea but until I actually see what they're proposing, I can't make a yea-or-nay call on that.

The Hon. JACQUI MUNRO: Okay. Minister, in budget estimates in October we discussed the LECC report in relation to Closing the Gap with the New South Wales police Aboriginal Strategic Direction. You said at the time that you believed it was important to meet with the police commissioner to talk about the issues and you thought that that meeting would be in the next couple of weeks at that time. We couldn't find any diary disclosures that indicated that you'd met with the police commissioner, so I just wondered if you had?

Mr DAVID HARRIS: I had. So you probably know—or you may not know—the way diaries work is that we don't put entries when we meet with colleagues; it's only with external groups. I met with the police commissioner, the Minister for Police and several other officers and had a discussion.

The Hon. JACQUI MUNRO: So you're not disclosing meetings with the police commissioner because it happened in the presence of a ministerial colleague?

Mr DAVID HARRIS: I believe our calendar complies with the rules. Our diary, sorry.

The Hon. JACQUI MUNRO: Okay.

The Hon. SARAH MITCHELL: I believe you're also right, having done that before. Just for the interest of transparency for the Committee—and happy for you to take on notice—can you let us know what date that meeting did occur? I know it's beyond what you need to do, but that would be great.

Mr DAVID HARRIS: It was a parliamentary sitting day.

The Hon. SARAH MITCHELL: Okay, you can take that on notice.

The Hon. JACQUI MUNRO: The next thing I wanted to ask about—the LECC report recommended that the New South Wales Government amend its Closing the Gap implementation plan to list the NSW Police Force as a responsible agency. You said it was enough that the police reported in the Closing the Gap annual report and the most recent report was released at the end of the year. The recommendation that you referred to in your answer, which possibly was a supplementary or a response on notice—

Mr DAVID HARRIS: It must've been a supplementary.

The Hon. JACQUI MUNRO: —that the 2022-24 New South Wales Closing the Gap implementation plan specifically provides a commitment for New South Wales police to "design and deliver community-led prevention and early intervention initiatives including a place-based community policing model."

That single recommendation is listed in the planned section of one of the socio-economic outcomes—number 10. That's the one that is about Aboriginal and Torres Strait Islander adults being over-represented in the criminal justice system. That planned list means that it hasn't commenced at all, and I'm wondering if you still think that it is an adequate response from the police—that they don't need to provide a dedicated strategy—given that recommendation you referred to hasn't even begun.

Mr DAVID HARRIS: I'll take part of that on notice. What I will say is that it was a very constructive meeting with police. Since then, as part of the Closing the Gap process, the police and the police Minister have met CAPO as part of Closing the Gap and reported on what they're doing as part of that formal process.

The Hon. JACQUI MUNRO: Within CAPO?

Mr DAVID HARRIS: Within CAPO. Within Closing the Gap, yes.

CORRECTED

The Hon. JACQUI MUNRO: The problem is that those reports to the meeting are not public. I'm wondering if you stand by your approach, which is that the New South Wales police don't have to come up with any formal public strategy or approach to actually deliver these outcomes. Socio-economic outcome 10 is not the only one that relates to policing. It's really a matter of demonstrating that the New South Wales police are taking these outcomes seriously.

Mr DAVID HARRIS: The New South Wales Implementation Plan that was signed by the Premier and also local government a fortnight ago—we did that, closing it before we had the reporting meetings—includes an action to design and deliver community-led prevention and early intervention initiatives, including a place-based community policing model. The NSW Police Force is also included in the New South Wales Closing the Gap governance through the New South Wales partnership working group. I understand through the working groups those issues are being addressed and progressed, and we report on those outcomes each year.

The Hon. JACQUI MUNRO: So you're still not going to agree with the recommendation of the LECC report?

Mr DAVID HARRIS: It's not up to me to agree with the thing. The Government will give a response to that report, or the police Minister.

The Hon. JACQUI MUNRO: So you're not advocating for such a response?

Mr DAVID HARRIS: We're doing a lot of discussions behind the scenes about the role of police and policing, the court system and a whole range of issues under our work in Closing the Gap. Those conversations are continuing. I can tell you the CAPO representatives ask very hard and direct questions, and that's all part of the process that we're implementing across government.

The Hon. JACQUI MUNRO: As I said, I think the problem is that these aren't public and the reports that we're getting about the Closing the Gap targets are that many of them are still off track and worsening. The LECC report recommended that there be a public demonstration from agencies. As the Aboriginal affairs Minister, it's about understanding what you're advocating for.

Mr DAVID HARRIS: If you're asking if I'm advocating, yes, I'm advocating on behalf of these issues, as I know does the department. It's all part of that mix under Closing the Gap and that Implementation Plan.

The Hon. SARAH MITCHELL: Minister, you said in your earlier answer just then that the Government will respond to the LECC report. I think there's only one recommendation in it. Do you know when there'll be a formal response?

Mr DAVID HARRIS: No, that's not under my portfolio area.

The Hon. JACQUI MUNRO: Minister, there were dedicated positions for Aboriginal Australians funded under the previous Government to enhance culturally appropriate care for Aboriginal people in palliative care. Are you aware of how many of these dedicated positions were requested and funded before the last election compared to today, given the \$150 million cuts to palliative care?

Mr DAVID HARRIS: We can take that on notice. It's outside my portfolio area, so it may be more appropriate to ask the Minister for Health across the hall.

The Hon. JACQUI MUNRO: That would be very much appreciated, but—

The Hon. SARAH MITCHELL: She's in here with us.

The Hon. JACQUI MUNRO: That's right. I think it's something that you should be aware of as Aboriginal affairs Minister. In terms of Anzac Day and the Pandemonium festival, I'm very curious about why the Premier was forced to step in and make announcements about this matter, given it's within your portfolio.

Mr DAVID HARRIS: It's not within my portfolio.

The Hon. JACQUI MUNRO: What portfolio was it in?

Mr DAVID HARRIS: We don't approve festivals.

The Hon. JACQUI MUNRO: But you presumably are interacting with the veteran community.

Mr DAVID HARRIS: Yes.

The Hon. JACQUI MUNRO: Did they raise concerns with you about the concert?

Mr DAVID HARRIS: Yes.

The Hon. JACQUI MUNRO: When did they do that?

CORRECTED

Mr DAVID HARRIS: Around the time when it was appearing in the media.

The Hon. JACQUI MUNRO: So they didn't speak to you before that time?

Mr DAVID HARRIS: No.

The Hon. JACQUI MUNRO: Had you spoken to Legacy at all?

Mr DAVID HARRIS: Not Legacy, no. RSL NSW had made representations, which our office forwarded on to the relevant Minister.

The Hon. JACQUI MUNRO: What about speaking with the Federal Minister about this, given he had some involvement or at least knowledge of the festival?

Mr DAVID HARRIS: No. None of that was discussed with us, because we have no involvement in letting concerts go ahead or not. We received representations from RSL, and we advocated their view on their behalf.

The Hon. JACQUI MUNRO: With other events that happen, like NRL and perhaps the ATC as well, they claim that they do actually consult with veteran communities before they put on events. Are you engaged in those processes at all?

Mr DAVID HARRIS: No, because most of those are historical events. They've been operating for a very long time and they're under agreement between RSL, particularly if they're using the Anzac name.

The Hon. JACQUI MUNRO: Are you comfortable with the Premier making his announcement on the day in the media without consulting other Ministers or yourself?

Mr DAVID HARRIS: No. I don't believe we weren't consulted.

The Hon. JACQUI MUNRO: So the Premier spoke to you?

Mr DAVID HARRIS: As I said, we passed on the—as advocacy. I understand that RSL spoke directly to the Premier as well.

The Hon. JACQUI MUNRO: Did the Premier speak to you before that decision was made to actually move—

Mr DAVID HARRIS: We had contact with the Premier's office, yes.

The Hon. JACQUI MUNRO: But you didn't speak to the Premier directly?

Mr DAVID HARRIS: Not directly.

The Hon. JACQUI MUNRO: If you know—you may not know this—was there any cost to the taxpayer in moving this festival?

Mr DAVID HARRIS: I don't know. No idea.

The Hon. JACQUI MUNRO: Is that something you would ask your colleagues?

Mr DAVID HARRIS: It falls outside of my portfolio area. Other than doing the advocacy, I played no other role in the issue.

The Hon. SARAH MITCHELL: Minister, does your Government currently have a veterans strategy?

Mr DAVID HARRIS: We do.

The Hon. SARAH MITCHELL: When's that due to finish?

Mr DAVID HARRIS: It's about due to finish.

The Hon. SARAH MITCHELL: Soon?

Mr DAVID HARRIS: Yes.

The Hon. SARAH MITCHELL: This year, that's my understanding as well. You'll look to refresh that strategy, I'm assuming, given it's due to end.

Mr DAVID HARRIS: Yes, we are. Might I say, I appear before the royal commission into veteran suicide in the next few weeks. We will be looking very closely at the recommendations from that royal commission in terms of how we formulate our strategy moving forward.

CORRECTED

The Hon. SARAH MITCHELL: In terms of a time frame of when we would anticipate to see a new strategy and what's within it—

Mr DAVID HARRIS: Caroline would have a pretty good idea about that. She's already starting the work.

The Hon. SARAH MITCHELL: I might come back, with respect.

Mr DAVID HARRIS: We have discussed it and very much acknowledge the important work of the royal commission and how it's important that we look at their findings to make sure that we're getting the settings right.

The Hon. SARAH MITCHELL: Is your Government committed to continuing some of the programs within the strategy, or are you looking to bring in new initiatives? What are your thoughts as Minister?

Mr DAVID HARRIS: That will be part of the process. We're not looking to cut any at this particular stage, I wouldn't have thought. No.

The Hon. SARAH MITCHELL: Then in terms of how much funding there will be available for that going forward?

Mr DAVID HARRIS: Yes. That obviously goes back again—it wouldn't be in this budget, but in a future budget there may be requests for funding for particular projects or programs. That will go into the mix, and hopefully we can be successful.

The Hon. SARAH MITCHELL: I might ask a few more questions this afternoon.

The Hon. DAMIEN TUDEHOPE: Mr Barakat, I asked you some questions earlier and you took them on notice. Is it possible you can get advice in relation to that over the lunch break and advise us this afternoon?

TAREK BARAKAT: I will do my best, Mr Tudehope, but I can't commit to that. It sounded like there's detailed legal advice and it may take a little bit more time.

The Hon. DAMIEN TUDEHOPE: Okay. I'm not sure. Minister, when did you obtain the probity advice?

Mr DAVID HARRIS: When did I obtain it?

The Hon. DAMIEN TUDEHOPE: Did you request it?

Mr DAVID HARRIS: I think these things happen as a matter of course.

The Hon. DAMIEN TUDEHOPE: Did you request it?

Mr DAVID HARRIS: I didn't request it specifically, but I think it was very important.

The Hon. DAMIEN TUDEHOPE: What was the time line in relation to Rosehill? When was the time line—

Mr DAVID HARRIS: I received it this month.

The Hon. DAMIEN TUDEHOPE: When?

Mr DAVID HARRIS: In the last couple of days.

The Hon. DAMIEN TUDEHOPE: The last couple of days?

The Hon. MARK LATHAM: Before budget estimates.

The Hon. DAMIEN TUDEHOPE: What you're telling us is that you had no probity advice in respect of the announcement on 7 December which prevented you from commenting in relation to that at the time.

Mr DAVID HARRIS: What I said was that I'd made a personal decision not to comment about it because I felt that it would be very risky to do so.

The Hon. DAMIEN TUDEHOPE: But I think it was also in combination with the probity advice you'd received. And I think now you're telling us that the probity advice—

Mr DAVID HARRIS: That's the official—the actual document.

The Hon. DAMIEN TUDEHOPE: —document was only provided in the last couple of days.

CORRECTED

Mr DAVID HARRIS: Yes. In all these things I put to my staff, "This is the issue. How should we proceed?" And the advice I got back was, "Be very careful about this. There's a whole lot of moving parts. You probably shouldn't comment on it." And so that's the policy that I thought—

The Hon. DAMIEN TUDEHOPE: So it wasn't based on probity advice at any point in time prior to the last two days. It was purely—

Mr DAVID HARRIS: But I'm pleased because it actually backs up the course of action that I took.

The Hon. DAMIEN TUDEHOPE: Maybe the Premier should have received the same advice. Is that what you're suggesting?

Mr DAVID HARRIS: I can't comment on that.

The Hon. DAMIEN TUDEHOPE: Well, I think that's the implication which we would draw. To you, Mr Draper, do you accept that there are regulatory provisions which would impact on the planning Minister?

SIMON DRAPER: Yes. If there's a proposal that the site be rezoned, for example, or there's a State significant development approval required or something of that nature, then certainly my view would be, at that time, the planning Minister should not participate in any of the dealings in relation to the unsolicited proposal.

The Hon. DAMIEN TUDEHOPE: In terms of the attitude taken by this Minister, it didn't, certainly. Because of the regulatory involvement that he has, it certainly doesn't seem to have applied to the planning Minister.

SIMON DRAPER: I said—I thought it was very clear. At the time when a rezoning or an application might be being dealt with, then the planning Minister certainly should not be involved in the consideration of the unsolicited proposal. To the best of my knowledge, he is not involved in the consideration of the unsolicited proposal.

The Hon. DAMIEN TUDEHOPE: Yet he appears at a public event for a once-in-a-generation announcement.

SIMON DRAPER: He may have appeared at a media conference, and that's transparent and very clear to everybody. Mr Latham has been referring to it, so it's hardly secret. But he's not playing any role in the unsolicited proposal as part of that.

The Hon. DAMIEN TUDEHOPE: But not consistent with his regulatory obligations.

SIMON DRAPER: I don't think it's inconsistent with his regulatory—I mean, the Minister for planning, not only in the case of the Rosehill proposal, but in the case of many other places, also has responsibility for delivering on New South Wales's housing targets. He's been very clear about that; so has the Premier. That is the case in all of those things: that a delivery of housing will also require, at some point, planning determinations to be made by either councils, the planning Minister or the secretary of planning. That's consistent across all of those.

The CHAIR: Thank you, Mr Draper. Before I hand over to Mr Latham, I'd like to ask you a couple of questions, Minister.

Mr DAVID HARRIS: Sure.

The CHAIR: In correspondence received and published by *The Daily Telegraph*, Liquor and Gaming has written to stakeholders and they've said that they are "considering further formal regulatory action by declaring a class of liquor products, being those that leverage well-known soft drink branding, as undesirable". That is extending the ban on the Hard Solo. My questions are, would Billson's Vodka with Tangle and similar drinks be considered undesirable products under Liquor and Gaming's plans, and will Billson's be able to sell Billson's-branded alcoholic drinks as well?

Mr DAVID HARRIS: I will let Tarek talk a little bit more about this, but we've taken a view that some of those products are crossing the line. We have written to them and indicated that, and given them the opportunity to address it. I believe, in some cases, they have started to do that. Tarek will be able to give you a more fulsome answer.

TAREK BARAKAT: The Minister is right. In relation to those iconic soft drink brands—Hard Solo was the one that sort of triggered this—we have commenced a consultation process, so no decisions have yet been made. Billson's is slightly separate to that, but we've had ongoing engagement with Billson's and they've agreed not to supply retailers in New South Wales with several products considered by us to have a high risk of appealing to minors due to the use of confectionary- and dessert-themed flavour profiles and packaging. They've committed

CORRECTED

to not supply some of those in New South Wales. That is separate to the consultation we're undertaking with industry on the iconic soft drink branding.

The CHAIR: What happens to the product, the Hard Solo, that is on the shelves now? What's happening to that stock?

TAREK BARAKAT: I can provide you with more detail on notice, but my understanding was that an agreement was reached with the manufacturers of Hard Solo to stop supplying stores in New South Wales with the Hard Solo product by a date. And then the Hard Solo would sell out by natural attrition as more supply was not coming in. They have agreed to rebrand that product. You might be aware of the name; it escapes me at the moment.

The CHAIR: Hard Rated.

TAREK BARAKAT: That's correct.

The CHAIR: What about products overseas that are branded with the alcohol first, like Jack and Coke or Absolut and Sprite? What is the attitude of Liquor and Gaming to those?

TAREK BARAKAT: That's not something we're looking at at this point in time. This is really about the Hard Solo branding, where it is a direct connection to the soft drink, and the concern we have around the appeal to minors, or potential appeal to minors, of that packaging.

The Hon. MARK LATHAM: Minister, what are you hoping to achieve with the Indigenous treaty?

Mr DAVID HARRIS: We made an election commitment. We were up-front that we would have consultation with Aboriginal people to find out what they think about treaty. That's the process we're currently undertaking. There is no plan at this stage until that conversation happens and we get feedback about what the community actually thinks about progressing a treaty. My view has always been you can't have a treaty; this is about agreement-making. It's important that we have this conversation because, under Priority Reform No. 1—and if you go to, I think, 31 or 32 in there—it talks about how government can do business with Aboriginal communities, ensuring that there is agreement and that there is a responsibility of government to actually deliver on what it says it will deliver.

Part of that is putting in place a process that ensures that, if an agreement is made—and, remember, treaty-making generally is a process where two parties sit down and they may not reach agreement. The fact that somebody puts something up doesn't mean it will be successful. But if there is agreement, and that agreement is signed, then there has to be a process to make sure that it actually happens.

The Hon. MARK LATHAM: So it's a process about an agreement about governance processes. In substance, what can be achieved that hasn't been done in the last 50 years, with two land rights jurisdictions—Federal and State—a lot of extra employment, education, health-specific programs, Stolen Generation initiatives, extra transfer payment spending, welcome to country, flags and the like? What, in substance, can be achieved by a treaty that hasn't been done out of goodwill and well-intentioned government policy over the past 50 years?

Mr DAVID HARRIS: It's really important. Closing the Gap is about changing the way that governments do business with mob. What we know through history is that governments, with the best intentions, probably in most cases have put in place programs that may not have hit the mark or been successful because the gap still exists. What this seeks to do, sitting down and from the community up, is come up with solutions to local problems—so place-based solutions. I'm not going to sit here and tell you that every one of those is going to be successful. Wherever there is human beings involved, there will be frailties, mistakes and a whole range of things. At the moment, in any negotiation the Government has all the power. Community doesn't have that power. So a treaty process is about equalising that power so that they can negotiate from an equal position.

We've got examples. For example, the Eden Local Aboriginal Land Council signed an agreement, a forest agreement, in good faith. It was never honoured. So government has in the past been able to shirk its agreements and responsibilities, rightly or wrongly. Governments of all persuasions have done it. It's not pointing the finger at anyone in particular. But we need to have a process where there is good-faith negotiation that actually can be enforced. That's why we're going through this conversation, because the community is pretty sick to death of people coming to them and making offers, promises and all that sort of thing, and then walking away and never delivering.

The Hon. MARK LATHAM: Minister, in Closing the Gap, aren't outcomes more important than process? When I visited Bourke with the former President of the Legislative Council, the police there told us that 100 per cent of the Indigenous kids over the age of five have been sexually interfered with. The child protection officer said it was 50 per cent. It is an horrific figure either way. Former Government Ministers have told me that

CORRECTED

at Toomelah it's 100 per cent. Because of this epidemic of child sexual abuse, the kids don't go to school because they're out all night on the streets getting away from the predators—we heard stories of sleeping on the roof.

At Walgett high school, a predominantly Indigenous school, only 3 per cent of students attend school for nine days a fortnight. The absolute minimum are getting a decent education. These young lives are being destroyed—no education, no hope in life. Isn't this the basic problem that needs to be addressed, but the one that seems to be too hard for people to talk about—particularly Ministers in a government?

Mr DAVID HARRIS: The point you're making about outcomes being important, I support what you're saying 100 per cent. Minister Burney has made the statement at a Federal level, one that I support, that "no-one's going to thank us for having nice systems, they're going to thank us if there are actual outcomes". The treaty process and the agreement-making is part of a whole-of-government approach to this which is changing the way the Government does business. This is a part of it; it's not the whole of it. So what you're talking about in terms of programs on the ground and all of those sorts of things, they are happening as well. But what we have to make sure is that the community have confidence that when government comes in, with money or whatever, that they're not six months or a year later leaving and nothing's changed. This is about embedding—doing business a different way.

The Hon. MARK LATHAM: The data I've just given you, this human tragedy, requires an urgent, immediate response. Imagine in Wyong—

Mr DAVID HARRIS: And that's happening.

The Hon. MARK LATHAM: Is it?

Mr DAVID HARRIS: Yes.

The Hon. MARK LATHAM: What's happening in Bourke to deal with this problem?

Mr DAVID HARRIS: Under Closing the Gap, DCJ, all of those different departments, are all working to address those particular issues. Ministers are holding discussions about how those programs will actually be delivered, money is going directly to community. There are a whole lot of things happening. It was started under the former Government; we're continuing it. But the big missing piece under Priority Reform No. 1 is about how you make sure that when you do make change that change is embedded, and that's what a treaty or agreement-making process is all about. It's saying that government can't just walk away from its responsibility because the government changes.

The Hon. MARK LATHAM: But what's changing in Bourke? How is sending more money, to anywhere, solving the problem of child sexual abuse?

Mr DAVID HARRIS: Because what this is looking at is the creation of community-based programs, community actually coming up with the solutions that meet the needs of their community. Every community is different. In the past we've rolled out programs across the State but they haven't really been unique to that particular community, so they missed the mark. This is about creating programs on the ground—with Elders, with mums, with aunties—to make sure that when we do make these interventions and the money is spent that it actually is successful. We've been in government for not quite a year yet, but already if you have a look at the grant programs et cetera they are more place based. They're actually going directly to community, not to other organisations that take out heaps of money. This is not a process that will change overnight—I can sit here and tell you that—but it is a way that government has to change if we are going to make a difference.

The Hon. MARK LATHAM: Why don't you arrest the predators and put them in jail so these kids are safe at night, as we assume in our communities?

Mr DAVID HARRIS: The police tell us that's their role, that's what they do. Ministers are talking to each other across the board about these issues. If there is evidence of these things, as you say—and I know they've been raised in other forums, but police can only arrest people with evidence.

The Hon. MARK LATHAM: With the right laws.

The CHAIR: Thank you, Minister. Thank you, Mr Latham.

Ms SUE HIGGINSON: Minister, you spoke about what the treaty process is about. I think most of us are aware, precisely as you say, that it is actually about the transferral of power. I note, and I'm sure you've noted too, that the most recent Productivity Commission report identified that the one fundamental failing that is providing the reason we can't deliver on Closing the Gap is because we have not yet gone to that transferral of power. Is that your understanding of the Productivity Commissioner's report?

CORRECTED

Mr DAVID HARRIS: That's correct. I will say, though, that New South Wales is actually furthest along out of all the jurisdictions in terms of this happening. There is a whole-of-government approach, and Mr Draper might be able to talk a little bit more about that, to make sure that that power balance becomes shared in a real partnership.

Ms SUE HIGGINSON: But it's your understanding that the Productivity Commission's report identified that as the primary reason Closing the Gap isn't delivering?

Mr DAVID HARRIS: Yes.

Ms SUE HIGGINSON: And that is actually what treaty goes to—

Mr DAVID HARRIS: Correct.

Ms SUE HIGGINSON: —self-determination and that power shift, finally.

Mr DAVID HARRIS: Yes.

Ms SUE HIGGINSON: On that, you stated last year that one of the big issues we have in terms of culture, cultural heritage and the dispossession of cultural heritage is that New South Wales has system where you can just get a permit to destroy or move cultural heritage or affect cultural sites. Minister, how many cultural sites have been destroyed in New South Wales since you became the Minister?

Mr DAVID HARRIS: That doesn't come under my portfolio, so I can take it on notice and get a number, if there have been.

Ms SUE HIGGINSON: There have been quite a lot, Minister.

Mr DAVID HARRIS: The issue there is that, at the moment, cultural heritage sits within national parks legislation. We made an election commitment to have it as standalone legislation.

Ms SUE HIGGINSON: You did.

Mr DAVID HARRIS: I can update you and say that we are progressing that.

Ms SUE HIGGINSON: Give me some more.

Mr DAVID HARRIS: I can tell you that in the first half of this year, we're doing the important work around that now. We start consulting stakeholders next week, directly, and then there'll be workshops that will follow that up for the different stakeholders. What I will say clearly is that we are not going down the Western Australian path. We will not make the same mistakes. We're very lucky.

Ms SUE HIGGINSON: What do you mean by that, though, Minister, "not going down that path"?

Mr DAVID HARRIS: In Western Australia, allegedly—

Ms SUE HIGGINSON: No, I know what happened, but what are we doing? It was a very good attempt to empower First Nations people and give them the power and responsibility for cultural heritage.

Mr DAVID HARRIS: That's right, but as soon as it hit hurdles it was overturned.

Ms SUE HIGGINSON: The National Party made a big huff about it.

Mr DAVID HARRIS: We don't want to be in that position, so we're going to do proper stakeholder engagement with people like the Property Council, the Minerals Council, Aboriginal groups—

Ms SUE HIGGINSON: Have we not done this for 10 years, Minister?

Mr DAVID HARRIS: As I said, we've only been here a short time. There's been a lot of consultation on this that started in 2009, but what's been proposed in the past was a full bill to implement the whole thing. What we're looking at now is doing it in parts, and so our first job will be to set up a statutory Aboriginal group under its own legislation who will then inform government. This is consistent with Closing the Gap, which is why it's been a little bit harder, because some of the Aboriginal stakeholders haven't necessarily understood that up-front. We need to set it up so that they can then develop the pathway. Otherwise it's government telling them how to do it again, and that's not consistent with what we're trying to do under Closing the Gap.

Ms SUE HIGGINSON: Okay, so you're saying today that what we're going to do now, which is different from what we've anticipated, is that we will have a legislated statutory Aboriginal authority that will then do—

Mr DAVID HARRIS: Initially, they will continue to do what the current system does. As they meet and develop the protocols et cetera, then there will be further legislative change down the track.

CORRECTED

Ms SUE HIGGINSON: So this new statutory Aboriginal-controlled authority will determine permits and applications for the destruction of cultural heritage?

Mr DAVID HARRIS: The same role they do now. Shane might be able to say exactly what the role is.

Ms SUE HIGGINSON: When will we see this legislation, Minister?

Mr DAVID HARRIS: As I said, we're talking to all those groups. We have to take the feedback that we get from all the stakeholders. This is a very complex area because we don't just have our New South Wales requirements and laws; there's also native title and traditional owners and a whole lot of things. So negotiating a framework that covers everyone is quite a difficult thing, as you might imagine. Again, doing it in a way that actually is listening to Aboriginal voices, which is what we've committed to under Closing the Gap, will sometimes extend some of these processes, not because we want it to, but because it has to. That's why we've been making sure that the engagement is spot on. But we also want to make sure that the non-Aboriginal community is confident that this is not something that will impact them adversely unless they do the wrong thing.

The CHAIR: Ms Hurst?

The Hon. EMMA HURST: Minister, were you aware that one dog was killed and 11 were injured on Saturday night at Wentworth Park racetrack?

Mr DAVID HARRIS: No.

The Hon. EMMA HURST: Wentworth Park is actually one of the most dangerous tracks in Australia when it comes to looking at the number of deaths and the injuries that occur. Given this, can I ask why you're leaning towards—to use your terms—supporting this track continuing to operate?

Mr DAVID HARRIS: One of the issues the industry is very much aware of is animal welfare. I have to say that last week, for the first time ever, there was a meeting of all the stakeholders.

The Hon. EMMA HURST: I just want to talk about Wentworth track. I don't want to talk more generally.

Mr DAVID HARRIS: I'm contextualising it, because you can't just answer that as a yes or no.

The Hon. EMMA HURST: Well, I want to talk about specifically Wentworth Park, because 11 injuries and one death, you must admit, is problematic, correct?

Mr DAVID HARRIS: The industry—at this meeting, one of the issues they looked at were injuries and all of those things, and they are working out the strategies to put in place to reduce the number of injuries. It may need financial support to make changes to the track. They've just installed a double lure at Wentworth Park.

The Hon. EMMA HURST: And the injuries have increased since they've done that.

Mr DAVID HARRIS: That's because we had to trial. We have to trial different things. We have to make sure—

The Hon. EMMA HURST: But the injuries have increased at Wentworth Park since that was put in.

The Hon. MARK LATHAM: A pulled muscle. We get pulled muscles.

The Hon. EMMA HURST: Order! Minister, please just answer my questions.

Mr DAVID HARRIS: The industry is very much aware of this, and they're working towards making sure that they limit injuries as much as possible. Now, I am confident that they understand their obligation and their social licence. I also understand—

The Hon. EMMA HURST: It was just on Saturday that we had 11 injuries and one killed.

Mr DAVID HARRIS: One-offs. I think, overall—

The Hon. EMMA HURST: One-offs! That's 12 in total.

Mr DAVID HARRIS: Steve might be able to update, but I think there actually are some improvements overall.

The Hon. EMMA HURST: Overall there might be, but at Wentworth Park it's getting worse. I'm wondering why you are leaning towards giving your support to Wentworth Park when we're seeing statistics like 11 injured and one dead on one night.

Mr DAVID HARRIS: I said it would be based on a proposal. I would expect, from them, part of their proposal would be upgrades to the track.

CORRECTED

The Hon. EMMA HURST: Thank you. Obviously Minister Kamper has the final decision, but can I also get confirmation from you before you give him your opinion, which I'm assuming will have some sway, that you will also talk to the local community and to other interested stakeholders outside of Greyhound Racing NSW?

Mr DAVID HARRIS: I understand there would be a process around this. I would assume that would include engaging with City of Sydney and a whole range of stakeholders.

The Hon. EMMA HURST: So you will be doing that?

Mr DAVID HARRIS: I may not be doing it personally, because I'm not the person who has the power to extend the licence.

The Hon. EMMA HURST: If there were some organisations that reached out to you, would you meet with them?

Mr DAVID HARRIS: We're always happy to meet with organisations.

The Hon. EMMA HURST: In regards to this?

Mr DAVID HARRIS: We do all the time.

The Hon. EMMA HURST: Mr Griffin, I just wanted to ask you about Trevor Rice. I understand you can't give any specifics about the case; I'm not going to ask you any of that information. Just for background, did you consult with the RSPCA or the Animal Welfare League or New South Wales police about this case to determine whether animal cruelty proceedings should be brought under POCTAA at all?

STEVE GRIFFIN: Yes. We referred the matter to New South Wales police and they conducted their own investigation, did a review of the evidence and elected not to proceed on criminal charges.

The Hon. EMMA HURST: They elected not to proceed?

STEVE GRIFFIN: Correct.

The Hon. EMMA HURST: RSPCA have stated publicly that they cannot now criminally prosecute under POCTAA because of GWIC's decision to proceed with disciplinary action.

STEVE GRIFFIN: I don't think that's what they said at all. What they said is that we have an MOU in place with RSPCA, and when we take action, they do not. We have taken action to discipline Mr Rice and disqualify him for life. On that basis, the RSPCA believes that that is sufficient; it's been dealt with in that forum. On that basis, they don't then take action on their own volition.

The Hon. EMMA HURST: I might give you this article as well. It says, "In a statement, the RSPCA told ABC they had no authority now to take carriage of the matter." My understanding is they're saying that they now are not able to actually take criminal prosecution because of the case by GWIC. Is your legal advice different to that?

STEVE GRIFFIN: No. I think the basis of what they're talking about is the statute of limitations that apply in terms of taking actions under the Prevention of Cruelty to Animals Act. The fact that we take disciplinary action doesn't stop the RSPCA from what they want to do themselves. Generally, as they said in the media—and I've had conversations with them too—where there's action taken in another forum then they tend not to take action themselves, because they're focusing on other matters.

The Hon. SARAH MITCHELL: Minister, I want to take you to Racing NSW's annual report, particularly the key management personnel section, including board members, that says that there are 21 key personnel. That's consistent with the 2022 annual report. However, despite no increase in head count, the salary bonuses and fees paid to key management personnel have increased by just over 17 per cent. Were you aware of that?

Mr DAVID HARRIS: I read the report, but that's a matter for the board.

The Hon. SARAH MITCHELL: But you're the Minister and you weren't aware of that?

Mr DAVID HARRIS: I have no authority over the board, as long as they're meeting their licence requirements.

The Hon. SARAH MITCHELL: But if this is what is effectively a government statutory body—

Mr DAVID HARRIS: No, it's not. The board has to have the freedom to make its own commercial decisions, because it also runs as a business.

CORRECTED

The Hon. SARAH MITCHELL: Sure. But as the Minister who has responsibility for racing—and I take what you're saying about the board—does the fact that there has been an increase of 17 per cent concern you?

Mr DAVID HARRIS: Racing NSW have to make commercial decisions and they operate in a marketplace. In order to keep key staff, they would be making decisions on that basis. I'm not going to comment whether that's a good or bad decision because I don't have all the information that the board would see before making those decisions.

The Hon. SARAH MITCHELL: You said you saw that in the annual report but, just confirming, you didn't know about that beforehand?

Mr DAVID HARRIS: No, they're not required to give me a phone call and tell me when they're increasing wages.

The Hon. SARAH MITCHELL: Is it possible to provide on notice—and I appreciate you may need to seek advice—a list of which key personnel received those bonuses or increased pay in 2023?

Mr DAVID HARRIS: That's a matter for the board.

TAREK BARAKAT: We can take it on notice, and we will seek some advice and come back to you with that advice or with the answer.

The Hon. SARAH MITCHELL: Thank you, I'd appreciate that.

The Hon. JACQUI MUNRO: Could you also provide the salaries of the board and chairperson, on notice?

TAREK BARAKAT: Again, we'll seek some advice on that and, if it's appropriate to do so, we will.

The Hon. MARK LATHAM: Minister, what advice have you received from the police or Minister Catley regarding the new laws that would be needed to deal with the problem of child sexual abuse in Indigenous communities in country New South Wales?

Mr DAVID HARRIS: I haven't received anything specifically, but there is a group of Ministers, with Minister Daley as the Attorney General, that will be looking more broadly at these types of issues. That one at the moment, to my knowledge, isn't one of the ones under discussion. But there certainly are ways of looking at a whole range of issues and Aboriginal people in the justice system.

The Hon. MARK LATHAM: When I was in Bourke the police and the child protection office said a lot of these prosecutions go nowhere because of problems about evidence and people being intimidated if they were to appear in court. Police, in particular, were talking about the need for the equivalent of the consorting laws that we have for bikies in New South Wales. Would you undertake to talk to police in Bourke and other places where this terrible problem exists to get some grassroots advice on what would actually help to solve the problem, allowing police to arrest the perpetrators?

Mr DAVID HARRIS: Yes, if you were to write to me and make representations that way, I would be more than happy to talk to the police Minister and others on the ground about the particular issue. But it does fall outside my portfolio. It's more a question for the Attorney General.

The Hon. MARK LATHAM: Do you think you can ever reasonably close the gap, given the nature of this problem and what it means in terms of school truancy and lawlessness in the communities, where these kids have got no hope in life?

Mr DAVID HARRIS: We're under no illusion that right across the broad spectrum of community there are a whole lot of issues that need intensive care. As the Government, we've committed to look at those things. We're doing it internally, and the Premier has gone to Moree today, I understand. So we're getting out and actually talking to people on the ground about those issues.

The CHAIR: Thank you, Minister. Questions now from the Government members. Dr Kaine.

The Hon. Dr SARAH KAINE: Minister, I wanted to ask: What is the New South Wales Government doing to reflect on and celebrate the contribution of women veterans across the State?

Mr DAVID HARRIS: Thank you, that's a really important question. I acknowledge that International Women's Week is coming up as well. I'll let Caroline talk a little bit more about this but we currently have the *HERstory* exhibition and the work of Carla Edwards, who's a Central Coast resident—I'm pleased to say—who served in the Australian Defence Force. She has, with what started with a small number of women on the Central Coast—ex-service people—now extended that across the State. That exhibition is on display at the

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Anzac Memorial in Hyde Park. We invite people to go down there and have a look at that. It features photos and digital stories of 24 New South Wales women whose military service extends from 1942 up to the present day. They served right across all of the different services.

As part of the process, Carla was able to manage to break down barriers and she said she has had memorable, and even fun, moments creating what you see when she was on the road. It follows two other successful exhibitions: one of Korean veterans and another of Vietnam veterans. I think it's really good that the memorial at Hyde Park has the opportunities for these important exhibitions. I might hand over to Caroline to talk a little bit more about some of the events that are going to occur around that.

CAROLINE MACKANESS: Thanks, Minister, and thank you for the question. We have a fantastic strategy. It's been referenced in questions today and I can talk further this afternoon about development of the next strategy. Carla's exhibition is beautiful. We had two centenarian female veterans at the opening, which was just amazing. The exhibitions we've been doing are part of the strategy, which is to tell the stories of all veterans but female veterans are part of that, obviously. We're really proud of our activities on International Women's Day. We've now been running for four years an event in the evening for female current serving and female veterans to recognise them and enable a networking opportunity. We are continuing that and it's been greatly received and a great number of veterans are attending that this year.

In addition, we added events during the day for International Women's Day that invite the broader female community—partners of veterans, war widows, current-serving women—who are all included in a day of activities at the Anzac Memorial this year. Anyone is welcome to come and attend those events. We start the day with a commemoration at 10.00 a.m. The Minister for Women is attending that event with us, which is very nice gesture for her to be there. Then there are other activities through the day. There are some performances and there's of donation of some material from women's service to the Anzac Memorial. We are very proud of the work that the Anzac Memorial does as part of the Veterans Strategy as our State memorial.

There are other activities under the Veterans Strategy. We've referenced the Veterans Employment Program, which supports female veterans as well as male veterans. The *Rank 2 Grade Guide*, I work with TAFE for veterans transitioning to have additional opportunities for learning and education in their transition. We've been working with Women NSW, in particular, to deliver International Women's Day and to deliver activities under their strategy. There is a return to work needs that has particularly called out female veterans and current-serving as being eligible as a cohort to apply for those supports. There's a lot happening in that space.

The Hon. Dr SARAH KAINÉ: Minister, the exhibition you noted, when was that open till? So it's there now and across women's day—the one that you were talking about. The artist?

CAROLINE MACKANESS: It's up until—I'd have to confirm the exact date. We have the *Schools Remember ANZAC* art exhibition going in just ahead of Anzac Day so—

The Hon. Dr SARAH KAINÉ: So into April?

CAROLINE MACKANESS: Yes.

The Hon. Dr SARAH KAINÉ: Thank you. Thank you, Minister.

The CHAIR: Mr Primrose?

The Hon. PETER PRIMROSE: No, very satisfied with all the answers.

The CHAIR: Excellent. Thank you very much for your attendance today, Minister. We very much appreciate you appearing, and the other officials—some of whom are coming back this afternoon. I think most of them are. We will now have a pause and reconvene at 2 o'clock.

(The Minister withdrew.)

(Luncheon adjournment)

The CHAIR: Welcome back, everyone. We will now recommence the hearing with 20 minutes of questions from the Opposition.

The Hon. SARAH MITCHELL: Mr Tudehope asked whether you might be able to receive some advice over the break in terms of the reappointment of Dr Saranne Cooke. Have you been able to find anything? Can you provide an update to the Committee?

CORRECTED

TAREK BARAKAT: Only to confirm that we're confident in the advice that we've received and, therefore, confident in the process that was undertaken and the subsequent appointment. But we're very happy to provide detail as to why we think that, on notice, if that would be helpful.

The Hon. SARAH MITCHELL: Okay. Did you want to add something, Ms Mildwater?

ELIZABETH MILDWATER: No, I was going to say the same.

The Hon. JACQUI MUNRO: Thank you for returning. Mr Draper, I'm curious about this Wentworth Park situation, because the Minister seems very comfortable talking about a situation where there is apparently no proposal on the table regarding Wentworth Park and its possible role in the future of greyhound racing being cemented, unlike the plans that had been in place before, yet he wasn't able, according to advice, to speak about the non-proposal from the ATC. Could you please explain to me what is the difference between the non-proposal in both cases, where the Minister feels comfortable speaking about Wentworth Park but not Rosehill?

SIMON DRAPER: I don't want to try to interpret or reiterate the Minister's own evidence. I don't want to—I'll just say that. The only thing I'll say is that my understanding of what he had to say about Wentworth Park is that there is no proposal at the moment. At the moment there is a lease that is going to lapse in 2027. They haven't received any proposal. In the case of Rosehill, although we haven't received a formal unsolicited proposal that is capable of being assessed under the unsolicited proposal guidelines, it was clear—and I think Mr Latham made this point—that the ATC was going to bring something to the table. They made it very clear to the Government prior to that announcement. I think the Minister was differentiating on that basis. Again, I don't want to put words in his mouth but in the case of the ATC he's got a regulatory role, he's got a role in development of the industry, and he's got a position which is not the case for other Ministers who are participating in that event.

The Hon. JACQUI MUNRO: It's not about the other Ministers. It's about his role. He also has an oversight role, obviously, as the Minister for greyhound racing in New South Wales and he has chosen to make a comment that if there were to be a proposal that he would support it in the case of Wentworth Park. So I'm wondering, have you—

SIMON DRAPER: I don't know if he actually said that.

The Hon. JACQUI MUNRO: He said he would be inclined to support it. Nevertheless, he expressed an opinion which he hasn't expressed or he's declined to express about Rosehill and I am wondering, have you seen the probity advice that he received a couple of days ago?

SIMON DRAPER: I have already answered that question—no, I have not.

The Hon. JACQUI MUNRO: Ms Mildwater, have you seen the probity advice that the Minister—

ELIZABETH MILDWATER: Yes, I have.

The Hon. JACQUI MUNRO: Would you say that probity advice prevents the Minister from also speaking about other matters where there has been some indication by the industry that they would be interested in making a proposal, despite a proposal not formally being presented?

ELIZABETH MILDWATER: The advice we got him in relation to Rosehill was very specific, given how much publicity it's had, his role, that sort of thing. So I can see why he might be distinguishing the situations, but the advice was confined to the Rosehill situation.

The Hon. JACQUI MUNRO: What caused you to provide him with this advice, given he didn't ask for it?

ELIZABETH MILDWATER: Just because it had been so public and because he regularly meets with stakeholders, it seemed like an appropriate thing to do, to give him some guidance if somebody approached him. It's not only about when he does and doesn't take a formal meeting, but if he's out and about engaging with people. It just seemed to help—

The Hon. JACQUI MUNRO: Why wasn't that advice given last year when there was a lot of media about the issue?

ELIZABETH MILDWATER: It's a matter of timing, when it actually arrived. It did take a while to get the probity advisor engaged and get it crafted. It wasn't—

The Hon. JACQUI MUNRO: When did you ask for that probity adviser to be engaged?

ELIZABETH MILDWATER: I would have to take that on notice.

CORRECTED

The Hon. JACQUI MUNRO: That would be appreciated, but are we talking at the end of 2023 or the beginning of this year?

ELIZABETH MILDWATER: I would have to take that on notice. I actually don't know.

The Hon. JACQUI MUNRO: Would you say that there is a general time frame in which you would expect to receive probity advice for Ministers when it's essentially unsolicited from the Minister? Do you do this for any other Ministers? Do you provide them with unsolicited probity advice?

ELIZABETH MILDWATER: It would depend on the situation. We haven't had this situation since I've have been in the role—something like this being announced.

The Hon. JACQUI MUNRO: So you haven't done it for any other Minister?

ELIZABETH MILDWATER: I would have to take that on notice. I haven't done it for this Minister in this role, as far as I'm aware.

The Hon. JACQUI MUNRO: That would be helpful, thank you. I'm happy to open this question up. My understanding is that the Wentworth site had a number of essentially in-principle but very firm agreements with Greyhound Racing and GBOTA; that there was even a strategy in place for the use of that Wentworth Park site essentially as a green space, with other Western Sydney areas being explored as sites for greyhound racing; that the industry was not just involved with that but relatively comfortable with all of that occurring; and that that's something that was occurring in 2022. So I'm wondering what work was done since 2022 on that in-principle agreement to have that site used as a green space and to move greyhound racing out to Western Sydney?

The Hon. MARK LATHAM: GBOTA changed their mind and said they want to stay.

The Hon. JACQUI MUNRO: Can I have an answer, please?

The Hon. MARK LATHAM: That's the basic fact. That's what changed.

The Hon. JACQUI MUNRO: You'll get answers and questions too.

TAREK BARAKAT: I'm not aware of that, but I think it would probably be a question for Greyhound Racing NSW and GBOTA, to understand, if they did change their mind, why they did change their mind. If there's anything we can provide on notice, I'm happy to do that. But it's not something I'm aware of.

The Hon. JACQUI MUNRO: What I actually asked was whether there was any work done since March 2022 when there was an agreement between the Government and the industry that there would be a future for greyhound racing in Western Sydney and that that site in Wentworth Park would be used as a green space. So I'm curious about what work happened in the last two years.

ELIZABETH MILDWATER: The question you're asking is about a time that predates both of us, but we are happy to take it on notice.

The Hon. JACQUI MUNRO: That would be very helpful because it does seem like there has been quite a big change of heart, if that's what has occurred. One of the things that was going to be developed in that time was the metro racing strategy, so can you specifically provide an update on the development of the metro racing strategy?

TAREK BARAKAT: Could I ask a question? What's your understanding of who would be developing the metro racing strategy? Was that something you understood government had committed to developing or is this a strategy being developed by Greyhound Racing NSW to guide its metro operations?

The Hon. JACQUI MUNRO: My understanding is that it was going to be essentially like a joint task where you had agreement from both parties, but government was certainly a part of that because it involved the Pyrmont Peninsula Place Strategy. So those things would be developed in some way in tandem, given the discussions that were had at the time.

TAREK BARAKAT: That place strategy would sit with the department of planning, I think, so we are happy to take that on notice.

The Hon. JACQUI MUNRO: Yes, I understand. Since you've been in your roles, you haven't had any knowledge or involvement in anything like a metro racing strategy?

TAREK BARAKAT: No, not to my knowledge.

The Hon. JACQUI MUNRO: That is helpful to know, thank you. In terms of gaming reform, I want to ask about whether stakeholders who received revenue from the pot of taxation that, in the half-yearly update is revised down by over \$300 million, have been engaged with as part of that assessment by Treasury.

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TAREK BARAKAT: I think that's probably a question for Treasury, if Treasury is revising down forward estimates. It's probably a matter for them to consult to the extent that they need to, but I don't think that would be usual practice.

The Hon. JACQUI MUNRO: But when you've got organisations that are receiving funding from taxation revenue, do you reach out to them and say, "Hey, this isn't what we planned. This isn't, maybe, what you planned for, so do we need to review our activities?"

TAREK BARAKAT: In terms of organisations—my understanding of the revenue that's generated from poker machine tax, for example, is that would go back into consolidated revenue, and it would be dispersed by government as it sees fit through a budget process.

The Hon. JACQUI MUNRO: What about things like point-of-consumption tax?

TAREK BARAKAT: Point-of-consumption tax is dispersed across the racing industry, as you are probably aware, and also some of the Responsible Gambling Fund. Are you asking if the racing industry has been consulted as to—not to my knowledge.

The Hon. JACQUI MUNRO: Do you ever do that? Is that something that occurs through a normal budget process, not just the half-yearly updates?

TAREK BARAKAT: We're consulting with our stakeholders all the time. We don't necessarily consult with them about forward estimates of potential tax reductions. But, certainly, if they raised that as a concern during our regular consultations, we would seek advice and provide that.

The Hon. JACQUI MUNRO: And that includes things like, for example, regional racing clubs that don't fall under Racing NSW per se?

TAREK BARAKAT: We don't actively engage with every single regional club. But, certainly, if they came to the Minister or to the department and were concerned or sought advice, we, off our own bat—

The Hon. JACQUI MUNRO: You would engage.

TAREK BARAKAT: —would seek advice from Treasury, I assume, and provide that to them.

The Hon. JACQUI MUNRO: So they're welcome to engage directly?

TAREK BARAKAT: Absolutely. Anyone is welcome to engage directly with us.

The Hon. JACQUI MUNRO: I was wondering if, possibly, Ms Mildwater is working with the Federal Government in relation to the BetStop program, and whether the State Government has been doing any work to enhance the BetStop program that the Federal Government is running or monitoring the impact of the BetStop program on gambling in New South Wales.

TAREK BARAKAT: We're not doing any additional work, to my knowledge. Obviously it is operational. We did participate actively as a member of the national consumer protection framework that brought about the implementation of BetStop and a range of other things, like the responsible wagering messaging—the messaging that replaced "Gamble responsibly", for example. We were an active participant in that group. I think there were 10 recommendations from that group, and BetStop was the last of those. That has now been implemented. Should there be further engagement at the Commonwealth level like that, or on something else, we would absolutely be a part of it.

The Hon. JACQUI MUNRO: Is that technology being rolled out amongst New South Wales agency programs?

TAREK BARAKAT: I think it's being rolled out by the Commonwealth. I'm not sure that we have a role to play, but I'm happy to take that on notice and, if we do, provide some advice to you on that.

The Hon. JACQUI MUNRO: It seems like it has been taken up so far with reasonable success or enthusiasm, so having that as part of a suite of options that is provided by New South Wales services, I presume, would be useful. I was wondering if there had been any consultation with the Federal Parliament since the Standing Committee on Social Policy and Legal Affairs recommended that gambling advertising be banned within three years. Was there any response from your department?

TAREK BARAKAT: We provided a submission to the inquiry. Obviously the Commonwealth hasn't provided its response to that inquiry yet, so we're awaiting that. There was a State Ministers' meeting with the Federal Minister. I'd have to take on notice the exact date; I think it was late last year. But, no, the Commonwealth Government hasn't actually provided a formal response to that parliamentary inquiry, is my understanding.

CORRECTED

The Hon. JACQUI MUNRO: Is there any view in government about a response to that?

TAREK BARAKAT: We've certainly had discussions about the recommendations made by the inquiry. But as to whether or not we'd be looking to do certain things, or the Government would be looking to do certain things, I think the position is that we need to wait and see what the Commonwealth response is going to be to those recommendations before we would take any action.

The Hon. SARAH MITCHELL: I have some questions for Mr Crawford in relation to The Star, which I alluded to in the earlier session with the Minister. Obviously I'm aware that you have made some media comments, but would you be able to advise the Committee about the decision to conduct that second inquiry and to appoint, once again, Adam Bell, SC, and the rationale or decision behind that?

PHILIP CRAWFORD: We made a decision in November or December that, when the position of the manager was going to expire in early January, we needed to make a decision as to what to do with the manager. So we collected information and got submissions from our manager from Liquor and Gaming and from the company itself. We considered that and made a decision that we were not yet satisfied that they were capable of getting to suitability. We thought the best decision at that time was to maintain the status quo and seek to reappoint the manager for a further six months to the end of June, and notify the company of that, which we did, and say, "Look, we're still not comfortable." We communicated quite openly and frankly with them about our concerns and pretty much said, "A final decision will be made in June this year." That was conveyed in December. I think you made a point earlier today in terms of—

The Hon. SARAH MITCHELL: How long, yes.

PHILIP CRAWFORD: The Act says 90 days. I think by then it will be about 22 months, so we think that is sufficient opportunity. Then we got to the point, "Well, what's the best framework for getting to that decision, given the gravity of the decision?" Having made a decision as the commission ourselves, we thought it would be wise to use our powers under the Act to institute or constitute an inquiry under the Act, which we're entitled to do, that would provide this process with independence. There's a judicial air about it, because the person running the inquiry has the powers of a royal commission. And who better than Adam Bell? Our first concern, obviously, was his availability, but he is available for the window we need. We couldn't think of anyone better, with a great knowledge of the company and the business, to conduct the inquiry and give The Star every opportunity to put its case forward about getting to suitability. That's how the process went.

The Hon. SARAH MITCHELL: You said that the commission is still not comfortable with how things are progressing. Can I ask if there is any evidence of fresh criminal activity at The Star since the first Bell inquiry?

PHILIP CRAWFORD: No, it shouldn't be construed that there's any suggestion that there is infiltration by organised crime or anything of the sort we identified in the last inquiry. No, that's not prevalent here.

The Hon. SARAH MITCHELL: So it is more about working through the remediation plan, or trying to work a way forward for the casino to operate again independently? I note that there were comments again in the media about still being under the management of the casino commission. The report, I think, is due at the end of May, from what I have read. What would be the next steps after that?

PHILIP CRAWFORD: The process will be that it's going to be a confidential inquiry and Adam Bell will do his work primarily in March and April, and then he will spend some time writing his report in May, deliver it to us by the end of May, and we will make a decision in June. That's the time frame.

The Hon. SARAH MITCHELL: I appreciate this might be difficult to answer, given that there is still a process to go through, but I am just trying to understand—what would it take to convince the commission that The Star have been appropriately remediated and able to be given that licence to operate independently? What's the threshold for that process?

PHILIP CRAWFORD: Look, we will be waiting for a recommendation from Adam Bell. He will be interviewing witnesses and he will be looking at documents that will be delivered in accordance with the powers to collect information. If you have a look, we've published the terms of reference on our website. Do have a look at that. There are two fairly general terms of reference, initially. One is Adam Bell will be looking at his own findings and then looking at the company's response since those findings were handed down two years ago. And then he'll be looking at how they're operating now and whether or not they've got the capability or the capacity to properly meet the challenges of the regulatory environment we're now in.

The Hon. SARAH MITCHELL: I just want to clarify: June is when you would anticipate that the commission will make a response to the findings?

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PHILIP CRAWFORD: We are hoping that Adam Bell will report back to us—the plan is by the end of May. And we will then have some time in June to consider that and make a decision.

The Hon. SARAH MITCHELL: I also want to ask—and I am not sure if this is best directed to you—about the \$100 million funds from The Star in terms of reducing gambling harm. It might be Mr Barakat.

TAREK BARAKAT: Probably.

The Hon. SARAH MITCHELL: In September last year there was a media release from the Minister that talked about how much had gone out, but it didn't total the full amount. I think it was at \$84.9 million, so it seems that there is \$15 million yet to be spent or allocated. Is there any update on that for us?

TAREK BARAKAT: My understanding is that's in the planning years—so the years after the forward estimates. The announcement covered, I think, 21.7 a year over the forward estimates, which, yes, I think left an amount of about 15.1 or something, and that sits in the planning years, is my understanding. So the whole \$100 million has been committed as a harm minimisation fund by government.

The Hon. SARAH MITCHELL: Okay, but not yet fully spent, as it's over the years ahead as well.

TAREK BARAKAT: Not spent, or not yet fully allocated either. I think the idea is that some of the recommendations made by the panel may require funding and that funding might be there, then, to draw down on.

The CHAIR: Mr Latham, you have 10 minutes.

The Hon. MARK LATHAM: Ms Mildwater, you're the chair of the selection panel for the new head of Racing NSW. Were you aware of the John Dumesny conflict of interest whereby he's involved in the selection of the boss of his very best friend, Peter V'landys?

ELIZABETH MILDWATER: Firstly, I will confirm, yes, I was the chair of the selection panel. I don't think that's been publicly said, but that's perfectly usual process. In relation to the rest of the process, I'm not going to comment in detail because it is before Cabinet. But I will say that there was a conflict of interest declaration process. Conflicts were appropriately declared and discussed, as would be the normal process for these.

The Hon. MARK LATHAM: But given what you found out today, you must have concerns that Mr Dumesny shouldn't have been on the panel picking the boss of his best friend, Peter V'landys, as documented extensively in the racing media.

ELIZABETH MILDWATER: I'm not sure what I've found out today. You've put some questions to us. I haven't heard anything that changes the fact that I think the process was conducted as it should be under the Act.

The Hon. MARK LATHAM: Seriously? You don't think this is a conflict of interest?

ELIZABETH MILDWATER: I haven't read what you've got in front of you. I'm happy to take it away and have a look, but I haven't heard anything that—

The Hon. MARK LATHAM: Do you think someone should be on a selection panel picking the boss of their best friend?

ELIZABETH MILDWATER: As I say, conflicts are appropriately declared in relation to relationships of panel members, candidates—that sort of thing. I believe the process was appropriate.

The Hon. MARK LATHAM: Did Mr Dumesny declare this conflict?

ELIZABETH MILDWATER: As I also said, I'm not going to talk about the specifics of this process because it is still live.

The Hon. MARK LATHAM: Why not? It's a matter of public concern. You're at budget estimates, and people want an assurance all this is done with probity.

ELIZABETH MILDWATER: And as I say—

The Hon. STEPHEN LAWRENCE: Point of order: The witness and the Minister have repeatedly stated the reason for not answering the question, and it's perfectly legitimate. The witness is entitled, on the basis that's been advanced, to not answer. In my submission, it's discourteous to be so repetitive in relation to it.

The Hon. MARK LATHAM: Discourteous? What about open government?

The CHAIR: To the point of order?

CORRECTED

The Hon. MARK LATHAM: There was a Government promise for open government. They were going to be transparent, much more than the last regime. If this was happening with John Barilaro, the Labor members would be all over it like a rash.

The CHAIR: I think you are all over it like a rash, so don't worry about that. Ms Mildwater has explained that it's subject to Cabinet processes and has given that answer. Mr Latham, I ask you to continue with your questioning.

The Hon. MARK LATHAM: Mr Draper, you give probity advice to the Premier, yes?

SIMON DRAPER: Not as a functional role. But we have the Cabinet Office, who have a legal team and a governance team, and they would more formally be providing that advice.

The Hon. MARK LATHAM: And having heard today about this conflict of interest in the selection of the new head of Racing NSW, will you report back to the Premier that there's a problem that needs to be addressed?

SIMON DRAPER: It's not really a matter for the Premier. If it comes to Cabinet, of course, then there'll be an interest from all the members of Cabinet in making sure that process was done properly, but I don't think there's any particular reason to advise the Premier about this.

The Hon. MARK LATHAM: Mr Draper, you've mentioned that the unsolicited proposal from the ATC is imminent. You said a couple of weeks time. What sort of resources have been mobilised in the Premier's bureaucracies to deal with that?

SIMON DRAPER: Just to clarify the time line, you asked me whether it was months or weeks. I said I thought it was more likely weeks rather than months, but it's really a matter for the ATC about when they deliver their proposal, so I can't provide—

The Hon. MARK LATHAM: But are you mobilising a team to assess this proposal?

SIMON DRAPER: We've started to mobilise a team. But until we have a proposal, we wouldn't set up a full process until we have that.

The Hon. MARK LATHAM: Given what we know about the concerns of ATC members and leading figures like Gai Waterhouse and Chris Waller, wouldn't it be better for the ATC to put this to their membership before the Government wastes a lot of resources assessing something that looks like a dead duck?

SIMON DRAPER: It's really a matter for the ATC about how they make decisions. They haven't—

The Hon. MARK LATHAM: No, it's a matter for you. You could waste a lot of time and resources here mobilising your team on something that's not going to get past square one.

SIMON DRAPER: Every significant unsolicited proposal—or any project, really, that we've been involved in—has a number of steps to get through. It's never over till it's over. You incrementally increase resources along the way depending on the status of the proposal or the project. That's true of everything.

The Hon. MARK LATHAM: How many of these unsolicited proposals rely on a membership vote, in your experience?

SIMON DRAPER: I don't have a number for that handy. I don't know.

The Hon. MARK LATHAM: This would be the first one, wouldn't it?

SIMON DRAPER: I don't know.

The Hon. MARK LATHAM: Don't you think, in terms of allocating your scarce bureaucratic resources that we hear about, it is better for the ATC to have a membership vote to see if this is viable in the first instance?

The Hon. STEPHEN LAWRENCE: Point of order—

The CHAIR: A point of order has been taken.

The Hon. STEPHEN LAWRENCE: I think that's asking for an expression of opinion on a matter of Government policy.

The Hon. MARK LATHAM: It is about the use of the resources for which the witness is responsible.

The CHAIR: Maybe you could reframe it, Mr Latham. You said, "Do you think." Maybe consider the question and reframe it.

SIMON DRAPER: I am happy to respond to what you are getting at, which is you asked me before about the amount of resources we have committed. I have made the point that we haven't committed large amounts

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of resources pending receiving a proposal and doing a preliminary assessment—a state-run assessment—on whether that proposal will meet our criteria for an unsolicited proposal. So we haven't committed vast amounts of resources to it at this stage, but we would certainly be progressing with our assessments on the basis that, incrementally, both parties become more and more committed along the way. That's how these things normally work.

The Hon. MARK LATHAM: What sort of detail are you expecting from the ATC to make this a productive process, given that two days ago the Office of Sport, responsible for SIEC at Horsley Park, couldn't say whether or not there was enough space at Horsley Park for a replacement training track for Rosehill?

SIMON DRAPER: What we need is enough to assess it at what I would call a stage one level. Ms Mildwater might be able to add to this because her department is the custodian of that process. For a stage one, as you can see in the guidelines, there are a number of criteria. There is the question of is it unique? That's the first threshold question. Is it aligned to government priorities? Is it likely to be value for money? We need enough detail to assess against those criteria. We don't ask proponents to develop a hugely expensive and comprehensive proposal. That is why we have a staged process. After stage one, if there's a view that it does meet those criteria and that is approved by Cabinet, at that point we would enter into an agreement with the proponent—a participation agreement—and we would then start to work on much more comprehensive and detailed proposals.

The Hon. MARK LATHAM: Is it available to you in the early stages of your assessment to say, "This is not appropriate as an unsolicited proposal. What you are talking about is the ATC as a land developer for 25,000 homes supposedly on 150 acres"—Harry Triguboff doesn't get to bring forward an unsolicited proposal for 150 acres—"It would be better for the ATC to go back, as any other land developer with a proposal for rezoning, housing DA and design, and be assessed that way?"

SIMON DRAPER: Our unsolicited proposal process is not a de facto planning assessment. That is a much more involved process that involves a lot of public consultation and all the rest of it. I am sure you understand all that.

The Hon. MARK LATHAM: Yes.

SIMON DRAPER: What we are trying to do is assess whether government should enter into direct dealings with a party. That is what the unsolicited proposal process is about. The planning assessment process will come much later.

The Hon. MARK LATHAM: Unsolicited proposals in New South Wales have an interesting history, don't they? They came out of the Alan Jones lunch, where he served sausages and mash to Barry O'Farrell and James Packer, about Crown casino. How many of these things have ever got off the ground? I looked at them a while ago, and they looked as fruitful as some of my punting at Rosehill. Have any of these ever succeeded and seen the light of day as practical implementation?

SIMON DRAPER: Yes. A couple of examples: If you go down to Wynyard station you'll see there has been a major redevelopment—much better than what it was five or 10 years ago. That was an unsolicited proposal—the redevelopment of Wynyard station. The sale of Ausgrid in 2016 was done by way of an unsolicited proposal. That was another example, by the way, where government was clearly very enthusiastic and committed to proceeding with the sale. Everyone knew that before that. In fact, the Government, I think, had been re-elected on that as a policy. That was really quite a major unsolicited proposal. It was about a \$20 billion transaction. So, yes, there have been quite a few.

The Hon. MARK LATHAM: Have we ever had a major housing and land development proposal like this come through as unsolicited?

SIMON DRAPER: There have been proposals. Some of them, I think, may even still be being assessed. But one thing I guess I would say is that given the clarity of government policy around creating new housing and the need for new housing supply, they are the sorts of proposals that would be in line with government policy—that's pretty clear—but there are many other ways for those sorts of things. The only reason why you do an unsolicited proposal is where there is a likelihood of direct dealing between government and another party. There's lots of cases where people can go and do these things; they don't need government involved.

The CHAIR: Thank you, Mr Draper. Ms Higginson, you've got 10 minutes.

Ms SUE HIGGINSON: Wasn't Barangaroo an unsolicited proposal?

The Hon. MARK LATHAM: That went well for Mr Draper. It's a big hole in the ground. That's a ripper, that one.

SIMON DRAPER: No, the Crown Casino element was.

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The Hon. MARK LATHAM: Don't mention Barangaroo in front of Mr Draper. Boy, what a disaster.

Ms SUE HIGGINSON: I remember doing an interview a long time ago with Quentin Dempster about it.

SIMON DRAPER: That's all going ahead very well, thank you.

Ms SUE HIGGINSON: All right. Now if we could just talk about cultural heritage for a little while. I'm just wondering—and I realise there's a crossover here and that the AHIPs are administered by a different agency. I'm just trying to understand: Is the remit at the moment of your work within Aboriginal Affairs and Treaty only in relation to creating the new laws? Or do you have a lens on how much cultural heritage is currently being destroyed?

SHANE HAMILTON: Only on the new—the Government's commitment to standalone Aboriginal culture and heritage?

Ms SUE HIGGINSON: Yes.

SHANE HAMILTON: We have responsibility for that election commitment.

Ms SUE HIGGINSON: As part of that, are you tracking, or are you getting fed into that work, what's happening under the current system?

SHANE HAMILTON: No.

Ms SUE HIGGINSON: So at the moment it's very separate. We're just running the old system as it was under the previous Government and this new Government hasn't done anything that you're aware of to change that?

SHANE HAMILTON: No.

Ms SUE HIGGINSON: The focus is that new laws will come in and perhaps there might be some change?

SHANE HAMILTON: Yes, the focus is to move towards standalone legislation.

Ms SUE HIGGINSON: So just on that, from what I understood from the Minister's answer earlier is that we'll now be doing this in two tranches. The first tranche will be—there will be constituted an Aboriginal-controlled body. Is it right that I understood that that new body will just administer the laws as they are? Did I misunderstand that?

SHANE HAMILTON: No, that's not the intention. The intention would be to establish an Aboriginal council, if you like, to determine what the standalone legislation should look like, to undertake consultation with key stakeholders in community and establish that legislation.

Ms SUE HIGGINSON: Is it your understanding that that's because we need to consult more even though—you and I both know—there's been over 15 years of consultation. I think that we all know that Aboriginal organisations have put on the table many times what best-practice laws would look like?

SHANE HAMILTON: I think what the Minister alluded to, which is in the spirit of the priority reforms, if you like, under Closing the Gap, is that by establishing a standalone council to develop the legislation, they're actually front and centre in charge of developing that legislation and undertaking consultation of key stakeholders. They're actually driving the process. It's not the Government driving the process and they're seen as outside of that process; they're actually front and centre. The idea is that they would run that process.

Ms SUE HIGGINSON: All right, thank you. I do understand. I just feel like it's possibly one of those areas where that work has already been done. Then it's fair to say that there is nothing at the moment that is coming internally from within Aboriginal Affairs to try to protect cultural heritage at the moment?

SHANE HAMILTON: No, because we don't have responsibility for the system.

Ms SUE HIGGINSON: Are you aware of how many Aboriginal land claims are expected to be resolved for the remainder of this financial year?

SHANE HAMILTON: I can tell you how many are outstanding; I don't know about what would be likely to be resolved.

Ms SUE HIGGINSON: Sure, yes.

SHANE HAMILTON: Sorry, just bear with me.

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Ms SUE HIGGINSON: That's all right. I think there was some questioning in Lands and we got some idea. If you want to take any on notice, I'm fine with that too.

SHANE HAMILTON: No, I know that I've got the number, that's all.

Ms SUE HIGGINSON: You've got it there?

The Hon. SARAH MITCHELL: Sue, it's a perennial issue raised at these estimates hearings.

Ms SUE HIGGINSON: I know.

SHANE HAMILTON: As of 22 January, there were 38,532 Aboriginal land claims awaiting assessment.

Ms SUE HIGGINSON: Does government prioritise these?

SHANE HAMILTON: I can give you a breakdown of that number. From 1 July 2023 to 22 January 2024, 333 land claims were lodged, with 236 claims being resolved, 70 per cent of the resolved claims—or 165—resulted in positive outcomes, either land being granted or partially granted.

Ms SUE HIGGINSON: I managed to ascertain an understanding of "partially granted" two days ago, so I understand that now. Are there targets set? Do you have a target for, you know, 90 per cent of these will be resolved or 50 per cent of these will be resolved by a certain date?

SHANE HAMILTON: We don't, but Crown Lands obviously do the assessment and then grant the claims, so they would be—

Ms SUE HIGGINSON: Are you consulted? Is the department of Aboriginal Affairs consulted around what their priorities look like and how they're working?

SHANE HAMILTON: Not directly. I mean, we discuss the outstanding claims amongst a number of other issues in relation to land rights, but not that in particular.

Ms SUE HIGGINSON: Fair enough. Do you know anything about the previous Government's plan to hand back the title of national parks to Aboriginal people within 20 years? Do you have a lens on that?

SHANE HAMILTON: As I understand it, National Parks are working with the part 4A boards and working through that process of joint management of the national park system.

Ms SUE HIGGINSON: But that's happening over there?

SHANE HAMILTON: Yes.

Ms SUE HIGGINSON: Okay, good. There has been a report tabled about the Biodiversity Conservation Act review that basically put a really strong focus on engaging with Aboriginal people and organisations in the desperately needed reform of those laws. Has your agency been consulted about that?

SHANE HAMILTON: Yes.

Ms SUE HIGGINSON: What sort of work is being asked of you in relation to that?

SHANE HAMILTON: It's generally to make comment on progress of the work that they're doing, not being asked to do anything particular to that as a stakeholder, I guess.

Ms SUE HIGGINSON: So feeding into their—because the Government hasn't responded to that yet, so is that what that is looking like?

SHANE HAMILTON: Yes.

Ms SUE HIGGINSON: As an agency, are you working outside of the government agency to get input into that or are you leading on First Nations expertise feeding into that?

SHANE HAMILTON: More the First Nations expertise, not doing any work in particular outside of what they're doing.

Ms SUE HIGGINSON: With the treaty process that the Minister spoke about, as I understood it, there will be an expression of interest going out at some point and, just so that I am correct, that was sometime within the next few weeks or the next few months?

SHANE HAMILTON: Yes. Yes, soon.

Ms SUE HIGGINSON: And to date that has had input with Jumbunna?

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SHANE HAMILTON: No, the first step is—there are three things that will happen between now and the end of June. The first is the establishment of an independent panel that will oversee the process of the appointment of treaty commissioners. The Minister has made a commitment to the co-chairs of CAPO to be one of those people who would be part of that advisory panel, if you like. We are in the process of finalising two other panel members to be part of that. We hope to do that in the next couple of weeks. Then we'll go out for an expression of interest for treaty commissioners. Their role will be to ensure that we've got the criteria right and the expression of interest process right, and then run the process and then provide recommendations to the Minister. The other piece of work is to engage a proponent to undertake the free, prior and informed consent work that will be part of the first piece of work that we do to test the readiness of community to undertake an engagement regarding to treaty.

Ms SUE HIGGINSON: Just with that free, informed, prior and ongoing consent, what has that involved to date?

SHANE HAMILTON: We haven't done any work on that to date. The work of Jumbunna is to determine how have other jurisdictions gone about it and what is best practice. We know that, given what has happened post-referendum, that there's a lot of hurt in the community and we want to test that readiness before we start to engage in that. The best way to do that is under those principles.

The Hon. SARAH MITCHELL: Back to you, Mr Crawford. In relation to The Star, I'm just seeking some clarification. Earlier in his evidence, the Minister—and I don't want to verbal him—basically indicated that, given the nature of the situation, any decisions around The Star are with the commission. We did also briefly speak about the Treasurer meeting with them and signing the agreement in relation to the jobs. I know that the union was involved in that as well. Was the commission consulted as part of that? How does that work in terms of one area of government effectively being able to liaise directly with The Star as an employer versus the work and the oversight of the commission? Can you unpack that a little bit for me?

PHILIP CRAWFORD: The tax and levy side of the arrangements with government have always been handled by Treasury. They have never been either with ILGA or with the commission. It's not something that we have any purview over, except to the extent that we are looking, as part of this inquiry, into their financial capability to execute what they need to under the casino licence and under the rules that govern the operation of the casino. But levies and taxes have always been handled by Treasury.

The Hon. SARAH MITCHELL: In a sense, when the Minister says they are separate and that is appropriate for the Treasurer to be doing that, that is in line with the requirements under the commission?

PHILIP CRAWFORD: Yes, absolutely. Yes, that's fine.

The Hon. SARAH MITCHELL: I wasn't sure, so it's always good to clarify. Coming back to you, Mr Hamilton, on land claims, I know that this is something that comes up very frequently. I had that experience when I was Minister for Aboriginal Affairs. I want to seek some clarification. You may need to take it on notice. We did ask some supplementary questions last time about it and the Minister referred the responses to Minister Kamper, which is appropriate. There was some evidence from the Minister where he said, "A group of relevant Ministers has been established who meet when required." My understanding is that there's Closing the Gap meetings quarterly to talk about issues generally in terms of the portfolio, and all portfolios, when it comes to Closing the Gap. But are land claims and that process discussed through Closing the Gap or would they be separate engagements between the Minister for Lands and Property and the Minister for Aboriginal Affairs and Treaty?

SHANE HAMILTON: The short answer is both. But there is another committee. The Auditor-General had done a review of the land claims, and one of her recommendations was to establish a committee specifically to deal with the land claims backlog and have an independent Chair, which the previous Government set up. That has continued.

The Hon. SARAH MITCHELL: How often does that group meet? As needed, or is that a regular meeting as well?

SHANE HAMILTON: No, it's a regular thing. I think it is every couple of months.

The Hon. SARAH MITCHELL: Who chairs that?

SHANE HAMILTON: Jack Beetson is the independent Chair.

The Hon. SARAH MITCHELL: Thank you. That is helpful.

The Hon. JACQUI MUNRO: Mr Barakat, I'm curious about the way that the regulatory oversight of the different organisations works, and why ILGA and the commission are different to Racing NSW, which also

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has a regulatory function. Obviously ILGA and the commission are represented here today, but Racing NSW is not. Can you explain to me why there's a difference?

TAREK BARAKAT: I can't really talk to the Racing NSW side of things. I'm happy to provide some advice on notice, if you'd like. But ILGA and the NICC are statutory decision makers. They are two boards that have separate staff agencies attached to them. They make decisions—in the case of ILGA in relation to pubs and clubs, and in relation to the NICC for casinos. Their relationship to us is that we do hospitality and racing and Liquor and Gaming NSW and that we would provide the advice. We obviously make decisions under delegation for each of them. We can make decisions under our own delegations as well, but we also refer matters to them for consideration—disciplinary complaints against venues and licensees and things like that.

I think it is slightly different to harness racing and greyhound racing in that they are commercial bodies that do have a regulatory function but are also responsible for the commercial side of those particular areas, whereas the NICC and ILGA don't have that. It is a different set-up. I understand that it is complicated. It's even complicated for someone like me, who is working in the space. But, to that end, if there's any more detail that you'd like, I'm happy to take that away and see if we can more clearly distinguish for you how all of these things are separate.

The Hon. JACQUI MUNRO: That would be helpful. Obviously, Racing NSW now has a commercial function, but it obviously came from being a regulatory body and still is that. The board and the chair, as we know, are selected by a panel which is selected by the Minister, so there's certainly an oversight mechanism that the Minister and the Government and, I guess, the Cabinet have in administering Racing NSW as a body. There is still government oversight into its functions. Perhaps, if you're not able to answer, I think Ms Mildwater is looking interested in answering.

ELIZABETH MILDWATER: I was going to say the levels of oversight are different, and it is set out in legislation. Maybe the best thing would be for us to take it on notice and give you a summary.

The Hon. JACQUI MUNRO: That would be helpful. And not just a summary but also, if it can be provided, the actual legislative differences between those bodies, just to assist my understanding. Obviously, you've just said you can't really speak for Racing NSW, but it obviously does perform an important function here, and we've been talking a lot about them as an organisation today because of the way that they are governed.

TAREK BARAKAT: Absolutely. We can provide that on notice.

The Hon. JACQUI MUNRO: I really appreciate that. I think, Mr Hamilton, this will be for you. In terms of the review of the national agreement on Closing the Gap, obviously that was released earlier this month. There are four very detailed recommendations that came from that report. I'm wondering what steps—obviously, I understand the New South Wales Government made a submission to that inquiry or reporting process. Are you taking steps to actually incorporate those recommendations into New South Wales Government policy and the programs that you're running? We can go through some of the detailed ones, but a broad answer is fine to begin with.

SHANE HAMILTON: The short answer is yes. Last week we had our quarterly ministerial meeting with CAPO chairs and each of the Ministers, and at the beginning of that the Premier signed an implementation agreement with CAPO. It was a commitment by the Government to work in partnership to address the commitments under the National Partnership Agreement.

The Hon. JACQUI MUNRO: In terms of that implementation agreement, are there very specific sets of actions that come under that agreement that will be reported against at a State level?

SHANE HAMILTON: The national agreement, you mean?

The Hon. JACQUI MUNRO: Will the State agreement that the Premier signed have really practical steps and actions that will lead to the implementation of those recommendations?

SHANE HAMILTON: No, it is more about the principles of the Closing the Gap national agreement: the five priority reforms, the 17 socio-economic targets, and our commitment to working—

The Hon. JACQUI MUNRO: What is different in that agreement to essentially what the Government is already doing?

SHANE HAMILTON: It's an opportunity for the Government to reinstate its commitment to Closing the Gap and to the work that we've started to do, and will continue to do.

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The Hon. JACQUI MUNRO: It sounds nice, but are you confident in those CAPO meetings that actions are being not just planned but actually undertaken and reported against, which are leading to outcomes that can be publicly spoken about?

SHANE HAMILTON: Yes, I think last time—I don't know if we did provide that supplementary information, the breakdown of the governance structure, if you like: the various groups at work below the ministerial group who are actually taking action on each of those areas.

The Hon. JACQUI MUNRO: So it doesn't really change that. It just says, "Yes, we still believe that this is the right path."

SHANE HAMILTON: Yes, but it allows for changes to be made when we know that things may not be working as they should. It reinstates our commitment to the national agreement but also our partnership with CAPO.

The Hon. JACQUI MUNRO: Priority Reform 5 is around economic prosperity, business growth and employment. Obviously it's an important one for enfranchisement. Are the Minister for Small Business, the innovation Minister, the Minister for Women and the regional Minister engaging on the strategies in those CAPO meetings that were provided as part of supplementary answers last time? Are those pieces of work—the small business strategy, the First Nations women's strategy and the Regional Economic Development Strategies—still on track? Obviously this is fairly detailed.

SHANE HAMILTON: Yes. To give you a complete answer—are they on track or not, or what they've actually done—I'd have to take that on notice.

The Hon. JACQUI MUNRO: That would be helpful to understand where those are. Obviously the road map has been published, which is good. But those other documents and where they're up to would be helpful, and just to confirm that they are forming some of the agenda items in the CAPO meetings.

SHANE HAMILTON: Yes.

The Hon. JACQUI MUNRO: Is that the type of thing that is discussed?

SHANE HAMILTON: Yes.

The Hon. JACQUI MUNRO: In terms of how many Aboriginal businesses have started in the last year, are you tracking that information?

SHANE HAMILTON: We don't; Aboriginal Affairs doesn't. I think Finance track expenditure by Aboriginal businesses.

The Hon. JACQUI MUNRO: So that information isn't reported to the Minister?

SHANE HAMILTON: Not to our Minister, no, but we can provide it, obviously.

The Hon. JACQUI MUNRO: Yes, that would be helpful. It would be good to know how many businesses there are but also how many have started in the last year.

SHANE HAMILTON: When you say "started"—started as in the Government is engaged in a procurement sense?

The Hon. JACQUI MUNRO: No, just operating. Maybe it's more of a Federal Government registration process, but I think having that information as a State Government is going to be helpful to understand progress towards those goals or outcomes.

SHANE HAMILTON: They won't track who has registered as a business or started a business. They'll track what their spend has been with an Indigenous business. It's more at a Federal level where they would track the establishment of—

The Hon. JACQUI MUNRO: ABNs and everything, yes.

SHANE HAMILTON: Yes.

The Hon. SARAH MITCHELL: I have some Medical Research questions, and I also have some Veterans ones as well. I'll start with Dr Levesque. I want to ask you about the 10-year medical research strategy review that started back in 2012. Our understanding is that a review into that would be two years overdue. Do you have any insight into the work in that space or if the Government is looking at an updated version of that, which you could provide some information on?

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JEAN-FRÉDÉRIC LEVESQUE: Yes, we have progressed a proposal to the Secretary of Health to revise the Health and Medical Research strategy. We're working on a research and innovation strategy. There's a consultation process that will start. Over the next six months we're going to consult with academic partners and local health districts to identify the needs, the gaps and what are the specific areas that we need to concentrate on, going forward, to continue to promote medical research and innovation in New South Wales.

The Hon. SARAH MITCHELL: And that consultation is due to start shortly?

JEAN-FRÉDÉRIC LEVESQUE: It is starting, actually. We have surveys being drafted and it's going to be rolled out across stakeholders, so it is actually starting now.

The Hon. SARAH MITCHELL: Fantastic. Obviously, I know it's up to Government and Ministers with responsibility, but is there any intended time frame of when there might be a new strategy released? How long do you think your consultation will take?

JEAN-FRÉDÉRIC LEVESQUE: There's no specific dates identified, but we hope in the next 12 months to be able to have an endorsed strategy, really identifying what the key priorities will be going forward, and this will help to consolidate the creation of the new division that we made in NSW Health to focus on innovation and research.

The Hon. SARAH MITCHELL: Fantastic. I want to ask a few questions about the Medical Research Support Program. One of the pieces of feedback that we have received is that the program can be quite narrow in its guidelines in terms of the eligibility and such. Someone has provided advice to me that pharmaceuticals and some of the corporate sector aren't part of that program. That's correct, I understand. But are there any conversations with government or within the department in terms of greater industry collaboration and what that could mean in terms of economic opportunities for the State? How does that arrangement work, and is there potential for reform?

JEAN-FRÉDÉRIC LEVESQUE: I can confirm the Medical Research Support Program is for independent research entities in New South Wales. These tend to be research organisations established as separate entities. We do have programs that relate to engaging with industry because, obviously, medical research is going very fast in certain areas that do require thinking about manufacturing and thinking about commercialisation. We're also establishing, within NSW Health, a Commercial and Business Unit that will, on an ongoing basis, enable our relationship with industry. We do have a Medical Devices Fund program, for example, which is a very applied grant program where startups and small and medium-sized companies can apply to get support to develop their products. We do have some infrastructural work in place at Westmead precinct and other precincts that will also support a stronger engagement with industry and the biomedical sciences.

The Hon. SARAH MITCHELL: Under the Medical Research Support Program, my understanding is that if you receive under \$3 million of grants annually, you're not eligible. But what you're saying is there are other programs and initiatives for those who might be a smaller emerging research organisation, for instance.

JEAN-FRÉDÉRIC LEVESQUE: Yes. There are criteria to guide our allocation of funds to the different independent medical research institutes. Various factors like volume of research, number of researchers and funds received through competitive processes are all considered to classify different institutes and different tiers of funding. Therefore, there are some smaller groups that can qualify for the program, but we have other funding streams where they can apply.

The Hon. SARAH MITCHELL: Thank you for that. I'll move on now to Veterans. I want to come to the plan, but I also want to ask, in the last estimates hearing we had a conversation with the Minister. I asked some questions about the concept of a veterans ID to be introduced when veterans are dealing with different government agencies. The Minister said that he thought that that seemed like a policy that had some merit. I'm wondering if there has been any work done or an update on that concept of a veterans ID. I think he indicated that he might refer that to the Minister for customer service. Is there anything happening between departments or agencies in relation to that?

CAROLINE MACKANESS: Sure. Thank you. I'm very happy to answer that question. It is actually a really complicated issue. It has been discussed at numerous Veterans' Ministerial Councils, because of the issue of trying to get a national approach to veterans, with the Commonwealth with the key responsibility. We looked into a veteran ID card in New South Wales. It was extremely costly and burdensome from an administrative perspective but also not necessary because we have systems in place and have been working very hard with customer service, Transport for NSW et cetera to implement recognition of existing Department of Veterans' Affairs cards.

The Hon. SARAH MITCHELL: From the national level?

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CAROLINE MACKANESS: The national system, because Veterans Affairs is responsible for classifying a veteran's level of disability or health support needs et cetera, and that then feeds into our recognition in terms of concessions and services that we, as a State, provide. It would have been duplicating and messy. Victoria has done their own card and the other States—

The Hon. SARAH MITCHELL: You can say it hasn't worked well if you'd like. You probably can't; I can say that.

CAROLINE MACKANESS: Well, they have just gone in a different direction, but it didn't seem very sensible to because there's already enough lack of cohesion between the different States at a State level, and we're trying to get more cohesion for veterans because they move between States and they don't want to deal with different systems in different States. They want to be able to transfer seamlessly between States.

The Hon. SARAH MITCHELL: At a national level of ministerial meetings, other than the Victorian example, largely the consensus has been that it's better to be that nationally led program?

CAROLINE MACKANESS: Yes, there's the difference between veteran identifier because there are discussions in place also—obviously if a veteran goes to a New South Wales hospital and is acknowledged as a veteran for health services, there is a reimbursement between the Commonwealth and the State. We also have implemented some identifiers in some parts of State systems—Corrections, for example. Veterans can self-identify; we can't force them to. We have the veteran identifier for the New South Wales public service—the Veterans Employment Program—

The Hon. SARAH MITCHELL: We might ask about that in a little while.

CAROLINE MACKANESS: —which we've been tracking for seven years now. We've implemented identifiers, where it's sensible and practical, within our own systems.

The Hon. SARAH MITCHELL: I think that's my time, so we might come back to it.

The CHAIR: The Greens have 20 minutes.

Ms CATE FAEHRMANN: Mr Barakat, I just wanted to ask about pokies, of course, specifically in relation to the exemptions that some pubs and clubs are provided in terms of the six-hour shutdown. How many clubs and how many pubs have been granted that exemption from the mandatory six-hour pokie shutdown?

TAREK BARAKAT: I'll have to take the exact figure on notice but it is something we are looking at. If you just bear with me, I can give you some more information about what we're doing in that space. The Minister has asked us to look at that exact question: Which venues currently have access to these exemptions? You have to remember these exemptions have been in place since late '90s, early 2000s, in many cases. There are three specific types of exemption. There's a hardship exemption, a tourist exemption and I think it's called an early openers exemption. These have been around for a long time. The Minister has asked us to look at that and provide him with some advice about what venues currently have access.

As well as that, we'll be releasing a discussion paper about exemptions generally, in March, to seek some feedback from the community about whether or not these things should continue on, whether there should be any exemptions at all and, if these exemptions should exist, what should they look like. The findings from that consultation, the Government has directed the panel to consider. As part of its road map, the panel will provide advice on the broader policy question as to whether there should be exemptions at all.

Ms CATE FAEHRMANN: I put questions on notice, you might be aware, in relation to this matter and got back a similar answer, despite asking for the specifics around the numbers of the three different shutdowns that you mentioned. It does seem as though ILGA hasn't been collecting this data. Would that be correct?

TAREK BARAKAT: No, I don't think so; I just don't know the figures off the top of my head. I'm very happy to—

Ms CATE FAEHRMANN: Well, I submitted very detailed questions on notice requesting the amount, and I got a similar answer back. Again, I am asking you but I don't expect you to know the stats—of course not—but I do expect when I submit a question on notice to the department asking for that data that if it's available and exists it would have been given to me. So it does seem, does it not, Mr Barakat—I'll ask you now. Does ILGA collect the data? Do you have the numbers in terms of how many exemptions—those particular exemptions in each category for clubs and pubs? If you don't have it here—firstly, do you collect it?

TAREK BARAKAT: I don't know if ILGA collects it. That's probably a question for Ms Lamb. I don't know that we do. I have to come back to you on that. I don't know if Ms Lamb does either.

Ms CATE FAEHRMANN: We will go there in a second. So will you take it on notice?

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TAREK BARAKAT: Of course.

Ms CATE FAEHRMANN: Who am I asking? Thanks, Ms Lamb.

CAROLINE LAMB: I can say that we don't collect the data, but I do have some data to tell you how many exemptions were granted in 2022 and 2023, if that's of assistance.

Ms CATE FAEHRMANN: So you started collecting since 2022 but not since—when was it, did you say, Mr Barakat—1990?

TAREK BARAKAT: I would have to give you the exact date on notice, but some of them came into place from the late '90s and early 2000s.

Ms CATE FAEHRMANN: While Ms Lamb is collecting that, is there any idea of percentages here? Are we talking about 5 per cent of pubs and clubs that have an exemption from the mandatory shutdown, or is it 85 per cent of pubs and clubs? Or maybe it's 55 per cent?

TAREK BARAKAT: I would be guessing. I would be making an assumption, so I would prefer to take that on notice and come back to you.

Ms CATE FAEHRMANN: Do you know what Queensland's is?

TAREK BARAKAT: I don't, no.

Ms CATE FAEHRMANN: It is 97 per cent don't have—

TAREK BARAKAT: Don't have an exemption.

Ms CATE FAEHRMANN: They have not been granted any exemption from a mandatory shutdown. If I had more time I would have put this question to the Minister—but 97 per cent in Queensland. I somehow think that New South Wales might not be able to boast that percentage. Ms Lamb?

CAROLINE LAMB: Ms Faehrmann, all I can tell you at the moment—and I regret that I don't have more data. I can tell you that in 2023 ILGA determined only three applications for exemptions to the six-hour shutdown. It approved one and refused two. In 2022 ILGA determined three applications and, once again, it approved one application and refused two applications.

Ms CATE FAEHRMANN: That is interesting, but the real information is—

CAROLINE LAMB: How many are old, yes.

Ms CATE FAEHRMANN: —how many existing venues, of course. So you don't have it. You are seeking that for this taskforce—for the paper; is that correct?

TAREK BARAKAT: Yes. The Minister has asked us to look at those two things. Who has the exemptions now? And then the broader policy question for the panel: Should there be any exemptions? If so, what should they look like?

Ms CATE FAEHRMANN: Do you see a problem in relation to that? Of course if there's public consultation other than—yes, industry are going to say that for hardship provisions, for goodness sake, they have to have their pokies open at 5.00 a.m., but the public will be saying they shouldn't be open at 5.00 a.m. Would it be as simple as making a change to the law and those gaming rooms would have to shut?

TAREK BARAKAT: My understanding is, for the venues that have the existing exemptions, the ILGA is a decision-making authority in relation to that. If, through this process, a decision was made to provide that information to ILGA for ILGA to make a decision, I think you could overturn the exemptions.

Ms CATE FAEHRMANN: Are you able to guarantee here that we will get an indication publicly of just how many pubs and clubs have got that exemption, for this discussion paper, to work out how far this goes?

TAREK BARAKAT: I think that's probably a question for Government, what it wants to release publicly. I will take on notice what I've said I will take on notice and come back to you with the information that we can.

Ms CATE FAEHRMANN: I ask a question of Mr Crawford, considering you are here. I know that a question about Star was asked earlier. I am curious, because not much has been released publicly in terms of why there's a need for this second inquiry. You have been quoted as saying you needed to see whether Star has made the deep structural change and there are concerns that they hadn't. What kind of probing did you do to determine that this second Bell—Bell Two—was needed? What did you do as an ongoing basis? Did you meet with senior management? Do you still look at the books? Are people talking to you from within Star? How did you determine

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that, because it obviously did seem to come very quickly and out of the blue? I would be interested if you could share what you could with this Committee?

PHILIP CRAWFORD: Pretty much all of the above. We have a manager in there and he's got his nose right in the business, obviously. The structure is, he holds the licence, but he attends board meetings, he talks to senior management, he does his own work and he's had several consultants in doing works on different aspects of the business. It's quite a complex business. We, as the commissioners, have met with senior management on an ongoing basis and in more recent times have had several meetings with the board.

Liquor and Gaming have an ongoing relationship with them in terms of compliance. In November-December last year—so only a few months ago—we went through a process where we considered what to do with the manager and whether we were satisfied. Parliament was rising shortly and his term expired in early January, so we needed to make a decision as to what to do—whether to approach Parliament to extend the time or what. We sought a submission from the company, from Liquor and Gaming and from the manager. Reviewing all of those, we came up with a view that they weren't at that stage, we didn't think, in a position to become suitable. There were too many problems still with execution—the way the business was run.

We informed the company in January of our decision. We applied and had the manager's role extended until the end of June this year. We made it clear that we weren't really inclined to seek a further extension, so a final decision would be made in June. Having been through that process we then considered, "Well, what is our framework for making that decision?", because it's a big one. The consequences are very big for the company and big for the State, so we needed to come up with a process. We have, under the Act, the ability to start an inquiry. We couldn't think of a better way to do it than having Bell, who knows the company. The company gets the benefit of independence. He's independent and judicial. He has the power to compel witnesses. He has the power to dig into documentation. It's what we really want to see before we either give them the green light and put them on a framework to get to suitability, or we cancel the licence or do something else.

Ms CATE FAEHRMANN: It almost sounds like you potentially were in a position where you wanted to cancel their licence. It's like when you performance-manage somebody out of a job, Mr Crawford. You have to give them written notice and due warning, and possibly that's what you're doing, but they've been through a lot. That initial report was pretty scathing, and to do another one—it takes a lot to take a licence off a casino operator in New South Wales, doesn't it?

PHILIP CRAWFORD: We've got to balance the public interest, and one of the big balancing issues for us when we set up this framework at the moment was the jobs and the public interest. They had a new CEO coming on board and, for the first time, just after the Bell report was issued, the company lodged a statement with the ASX signed by the then chairman. I call it the mea culpa letter, but basically it said, "We've done bad stuff". For the first time there was a big public admission: They'd done bad stuff, but they wanted to get on the pathway to reform. They would work with the regulator. With those three things in mind—jobs, a new CEO coming on board and that public admission—we put this framework in place with the manager there to hold the licence to see how they went. The licence is still suspended and if we need to make that decision, we will. But we think it's reasonable that there are processes where they can have a say and an independent person, and I think you can assume that Adam Bell will dig as far as he needs to to make a good assessment.

Ms ABIGAIL BOYD: If I could ask some questions around drink-spiking training, let's start there. What is the progress of rolling out mandatory drink spiking and sexual violence awareness training for bar staff and security guards in all New South Wales pubs?

TAREK BARAKAT: We've committed to including that in updates to our RSA modules and to consulting with What Were You Wearing on the content of that training. I don't think those materials have been provided to us yet; I believe it's imminent. As soon as those updated training modules—and I think, also, we committed to consulting on updates to our intoxication guidelines with those stakeholders. As soon as we have those they will be provided, and I believe that's imminent. As soon as they're agreed, that will commence.

Ms ABIGAIL BOYD: When do you anticipate that we will have everybody trained across pubs and clubs in New South Wales?

TAREK BARAKAT: I'd have to take that on notice. I don't want to give you the wrong information.

Ms ABIGAIL BOYD: Thank you. Liquor and Gaming previously said it would be reviewing the Ask for Angela campaign that commenced in 2017. Has that review occurred?

TAREK BARAKAT: That was something we committed to, I think, in the response to the What Were You Wearing petition to Parliament late last year. We have looked at that. It's not something that has been

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relaunched, is my understanding. But, again, before we were to do that, we would be consulting with those stakeholders on any update to that program.

Ms ABIGAIL BOYD: If I could come back to you, Mr Griffin, around these track standards. I have great concern with the idea that these track standards—I understand Greyhound Racing NSW said that they would be fully compliant with the minimum standards by 30 June 2023. I have got that statement, for instance, in their strategic plan. To your knowledge, are they fully compliant with those minimum track standards?

STEVE GRIFFIN: We asked for some documentation last year. The documentation was an audit done by someone on behalf of Greyhound Racing NSW which indicated that, of the 28 tracks, 15 were compliant with the minimum track standards and the remaining weren't, obviously. Again, we don't regulate Greyhound Racing NSW in terms of minimum track standards, but that audit was done by Greyhound Racing NSW and supplied to us. I guess it underscored the fact that they knew that they had some tracks that were not to a minimum track standard as yet.

Ms ABIGAIL BOYD: We touched on this earlier, the idea that Greyhound Racing NSW are now proposing different track standards. You said before there was some modernisation. I think you used the word "innovation". In the drafts that you have seen, is a weakening being proposed around injured greyhound welfare, vets, kennels and other welfare-related issues?

STEVE GRIFFIN: No, absolutely not. Greyhound Racing NSW came to us with a completely rewritten set of guidelines, and so we met with them. Most of those guidelines were predicated on a desire, from what they said, to be world-leading in the space in terms of using innovation, using drone lures, new lure rail systems and so forth and so forth. We said that was a step too far. We are supportive of innovation and anything that reduces injuries, absolutely. Our view was that that was to be done in a very evidence-based way. And so we said, "No, we're not going to agree to signing off on a fresh set of minimum track standards," but rather they should come back to the commission and seek agreement from the commission to do pilots and trials of various aspects of new things that they want to do with track design, and that we would look at that, get information and support and evidence from Dr Eager at UTS and, if those things worked well, then we'd modify the existing minimum track standards to take effect—if the trials worked well.

Ms ABIGAIL BOYD: To clarify, from your perspective, Greyhound Racing NSW should still be working towards complying with the existing minimum standards, but you may pilot additional improved standards?

STEVE GRIFFIN: Yes. That's what they are looking at doing with their new track design. I know that the current track at Taree is one of those cases in point where they're looking at new innovative design in terms of rail lure systems and soft sands and those sorts of things. It's meant to be incremental rather than holistic. They initially wanted a holistic change to the minimum track standards—a complete rewrite. We said no to that. We want an evidence-based approach so that we can be sure that there is good welfare involved. They have agreed to that, and so they're going to have an innovative approach from this point onwards.

Ms ABIGAIL BOYD: Just so I understand the process, if Greyhound Racing NSW was to come to you with standards that you viewed as being weaker from a welfare perspective, do you have powers to basically not approve those minimum standards? Will the buck stop with you?

STEVE GRIFFIN: In terms of the changes of minimum standards, yes. Under the legislation, Greyhound Racing NSW has to obtain approval of those track standards from the commission. Again, on behalf of Government, our role is to assess the proposed changes that Greyhound Racing wants to make to those standards. We've met with them and said, "Yes, we don't want to stifle innovation. We support innovation. But we want it to be done in a very sensible and evidence-based way, and we're happy to work with you on that. If the evidence proves that your innovation works and improves welfare, then we'll make the changes to the minimum track standards that are applicable to those changes."

Ms ABIGAIL BOYD: Are you aware of how many New South Wales-bred greyhounds have been exported overseas in the last year? Is that something that GWIC oversees?

STEVE GRIFFIN: Yes. Exported to which country?

Ms ABIGAIL BOYD: You tell me.

STEVE GRIFFIN: From Greyhound Racing to Australasia, there are a few hundred. I'll have to come back to you with the number. The vast majority go to New Zealand and, obviously, the US program has taken up quite a substantial number. They are in the hundreds, under the Greyhound Passport program. As for those that sit outside of that program; however, which we've learnt about in the media, there have been two that were former racing greyhounds that were exported by people from outside the industry to China.

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Ms ABIGAIL BOYD: Are any efforts being made to get those dogs back from China? What happens now with that?

STEVE GRIFFIN: I understand there has been some rescue group that has retrieved one of those greyhounds. They're not the responsibility of the industry, because they were privately rehomed. That's obviously something that's outside the role of both government and the industry to that degree. But I did see some media that some rescue group retrieved one from China. Other than that, we've taken disciplinary action against the two New South Wales participants who rehomed those two greyhounds to a third party. It was contrary to our rehoming guidelines.

Ms ABIGAIL BOYD: Finally, I've had some concerns raised with my office in relation to greyhounds being raced in temperatures of up to 38 degrees. Obviously, the world is getting hotter, or at least we're getting more extreme temperatures in different places. What are you doing in relation to preventing greyhounds from being raced in extremely hot temperatures?

STEVE GRIFFIN: Yes. We do have a hot weather policy. I understand that some people, particularly anti-racing groups, are not happy that the temperature that's set of 38 degrees Celsius is too high. But we do actually monitor very closely. We've made a change in our process. We were using local weather stations to determine those things. We're now using the Bureau of Meteorology as, obviously, it's the government weather service. We're using the Bureau of Meteorology to determine whether a race or a race meeting is likely to exceed the 38-degree policy setting. So I think that gives greater transparency as to whether greyhounds are being raced in extreme heat. We do have a new cooling policy and advice to participants, and providing cooling baths at the tracks has also been put in place more recently to make sure that dogs are immediately cool following the race.

The Hon. SARAH MITCHELL: Mr Barakat, I have a quick question for you. How long have you been in the acting role for?

TAREK BARAKAT: I don't know the exact date. I think it was about August last year.

The Hon. SARAH MITCHELL: Can I ask either yourself or Ms Mildwater—and this is in no way a reflection on you and please don't take it that way—I'm wondering about recruitment for that position permanently. Is there an update on that?

ELIZABETH MILDWATER: It's in market at the moment. I think applications close at the end of—I have forgotten whether it's this week or next week, but it's imminent.

The Hon. SARAH MITCHELL: So you would expect there to be a decision in terms of a permanent appointment to that role imminently.

ELIZABETH MILDWATER: In the next couple of months. It's the usual process with applications, shortlisting, panel and appointment. It's a public service process.

The Hon. SARAH MITCHELL: Okay, thank you. I just wanted to clarify.

The Hon. JACQUI MUNRO: Dr Levesque, you mentioned earlier the role of manufacturing in medical research, and that's extremely exciting. You mentioned that you've got a report and proposal going through the health Minister or the department. So you're obviously working with a range of different Ministers. I was wondering if you are working with the innovation Minister as well on that manufacturing aspect?

JEAN-FRÉDÉRIC LEVESQUE: For some of the programs, we do have a relationship with other Ministers, including Minister Chanthivong. It really depends on the scope. We have a lot of relationship with Investment NSW, which also sits across the portfolio.

The Hon. JACQUI MUNRO: Do you have specific things that you are working with Minister Chanthivong on—specific programs or grants?

JEAN-FRÉDÉRIC LEVESQUE: Yes, we collaborate around RNA manufacturing at the moment. There is the ongoing building of an RNA manufacturing facility at Macquarie. NSW Health has been a partner with the chief scientist in that specific project. And we have ongoing discussions to identify new areas where medical research would benefit from that linking with industry and trade.

The Hon. JACQUI MUNRO: That's the only one at the moment?

JEAN-FRÉDÉRIC LEVESQUE: I can take that on notice, but that's certainly the one that occupies us the most at the moment.

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The Hon. JACQUI MUNRO: If you could take extra ones on notice, that would be helpful. As part of that, we obviously now have a Minister for domestic manufacturing. Does that Minister or her office become engaged at all with the work that you do, or is it primarily Minister Chanthivong?

JEAN-FRÉDÉRIC LEVESQUE: It's primarily Minister Chanthivong. To my knowledge, we have not had specific projects developed with the new Minister. I think it would really depend on what are the new technologies that we need to explore as part of the research and innovation pipeline both in New South Wales and internationally.

The Hon. JACQUI MUNRO: Were you also a part of the innovation blueprint round table that was held a few weeks ago?

JEAN-FRÉDÉRIC LEVESQUE: Yes, Health was represented during that meeting.

The Hon. JACQUI MUNRO: Having a representative at that meeting, was that designed to give you ideas or feedback on the strategy that you have as part of your work specifically?

JEAN-FRÉDÉRIC LEVESQUE: Not explicitly. We have regular meetings with many of the participants at that round table, and they are part of the consultation as well. But that innovation blueprint didn't have that as a specific focus.

The CHAIR: Ms Higginson, you have three minutes and 28 seconds.

Ms SUE HIGGINSON: I have a couple of others. Mr Draper, in your position in the Premier's Department overseeing Aboriginal Affairs—

The CHAIR: Sorry, Ms Higginson, could you just move the microphone for the benefit of Hansard?

SIMON DRAPER: I could hear you.

Ms SUE HIGGINSON: Yes, it was Hansard. They are the superheroes. We must please them. I'm not really asking for your opinion here; I'm asking about the oversight you have. Are you satisfied, at this point, that the treaty process that is being undertaken is still reflected within the Premier's Department as a high priority for the State?

SIMON DRAPER: Yes, it's a really high priority. One thing I would say is that Aboriginal Affairs sits within the Premier's Department. That puts it at the centre of government. I think that's really important because it's whole of government, and you can see that from the Closing the Gap commitments that are about transforming government organisations as one of the priority reforms. The other thing, apart from my role working with Aboriginal Affairs, is I also chair the secretaries board of government. That's all of the secretaries, and that gives us a lot of direct access to work across government. Only probably 10 days ago, Shane came and briefed all of the secretaries on the treaty process, and we engage all of those parts of government on that. I think it's a really good place for the organisation to sit.

I can certainly say that there's a lot of enthusiasm both for Closing the Gap and the treaty process amongst all of the secretaries. There's a lot of good access. I have also recently met with the executive of CAPO, and I've invited them to come and meet with all of the secretaries as well. That was just prior to all of the quarterly meetings with Ministers—the progress meetings on Closing the Gap. I don't want to conflate treaty and Closing the Gap, but there is a closely related—

Ms SUE HIGGINSON: It's very related. Earlier there was the question on why it is relevant. Most of us engaged in the space know how fundamentally and inextricably linked this is. In terms of the Productivity Commission's report back—and, again, I'll emphasise that the biggest take-home reading, I thought, that came out of that report was that the reason we're failing to close the gap is because of the reluctance or the intractability of handing power to First Nations people and communities. Are you satisfied from where you sit that we are on track as a State, that that's the work that we're undertaking at all levels of government from the Premier's Department?

SIMON DRAPER: Maybe I won't say I'm satisfied. I'm satisfied that we all know what we need to do. I don't think any of us are satisfied with where we're at yet.

Ms SUE HIGGINSON: No, not where we're at.

SIMON DRAPER: Absolutely, I think there is a strong commitment to that. Particular issues come up from time to time and they're moments of truth, if I can put it that way, where we say, "How are we going to deal with this one?" You may be familiar with the Cabbage Tree Island communities and the decision-making there.

Ms SUE HIGGINSON: Yes.

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SIMON DRAPER: Mr Hamilton and myself and the secretary of Planning went up there recently and, really, the mindset we were trying to take was that this is a decision that that community and the land council need to make for themselves and we're facilitating that. There a myriad of things that happen within government that require that approach and we are increasingly trying to roll that out, but it does take questioning ourselves every time we're making those decisions.

Ms SUE HIGGINSON: Thank you.

The CHAIR: We'll now have a break and reconvene in 15 minutes at 3.45 p.m.

(Short adjournment)

The CHAIR: Thank you all for coming back. Following discussions, we have good news for Ms Harriet Whyte. Apparently, you are not needed for questions, so you are getting an early mark.

The Hon. SARAH MITCHELL: You will get some questions on notice though.

The CHAIR: Thank you for your attendance. We just thought that rather than you having to sit through this, you can go home. She is out the door like a flash.

(Harriet Whyte withdrew.)

The CHAIR: We now have 20 minutes of questions from the Opposition.

The Hon. DAMIEN TUDEHOPE: Mr Barakat, I'm sorry I wasn't here when you were able to advise the Committee that you are confident in relation to your advice to the Minister. Do you accept from me that a member of the board is appointed for two four-year terms?

TAREK BARAKAT: Mr Tudehope, I'm probably just going to have to refer you to my previous answer, which is, we're confident in the process that was undertaken and—

The Hon. DAMIEN TUDEHOPE: No, this is a separate question.

TAREK BARAKAT: Any further detail, I am happy to take on notice and provide that.

The Hon. DAMIEN TUDEHOPE: Mr Barakat, I am asking you a separate question in relation to your knowledge of the Act. Does a member of the board have a period of appointment for four years?

TAREK BARAKAT: I'm going to take that on notice, Mr Tudehope.

The Hon. DAMIEN TUDEHOPE: You mean you don't know what is contained in the Act? Is that what you're telling me today? I will give you a copy of the Act if you need it.

TAREK BARAKAT: Mr Tudehope, I'm going to take that on notice and seek some advice on that and come back to you, as I've said in my previous answers to this line of questioning.

The Hon. DAMIEN TUDEHOPE: Mr Barakat, you provide advice to the Minister in relation to this issue. The Act is reasonably clear in relation to appointments. Appointments to the board are for four-year terms, are they not? Do you agree with that as a proposition?

TAREK BARAKAT: I think they are for a period of up to four years. I think the Minister has discretion to make a decision within that time frame. Again, I'd prefer to take these on notice and give you accurate answers, but that's my understanding.

The Hon. DAMIEN TUDEHOPE: Have you read the report of Racing NSW which was lodged with the Parliament in December last year?

TAREK BARAKAT: What report are you referring to, Mr Tudehope?

The Hon. DAMIEN TUDEHOPE: The *Racing NSW Annual Report 2023*.

TAREK BARAKAT: I have not read that document, no.

The Hon. DAMIEN TUDEHOPE: It says that Dr Saranne Cooke was a chairperson and she was reappointed on 19 December 2019. Would you agree with me that her appointment terminated on 19 December 2023?

TAREK BARAKAT: I haven't seen that document. I haven't read that document. It's not in front of me.

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The Hon. DAMIEN TUDEHOPE: If that is true, would you agree with me that her appointment terminated on 19 December 2023?

The Hon. Dr SARAH KAINE: Point of order: Mr Tudehope is asking the witness a hypothetical question. I don't think that is appropriate.

The CHAIR: Yes, that is a hypothetical, Mr Tudehope.

The Hon. DAMIEN TUDEHOPE: I'll give you a copy of the report, Mr Barakat.

The Hon. Dr SARAH KAINE: Don't we all need a copy, if it's going to be tendered?

The CHAIR: Yes. Would you like to table that?

The Hon. DAMIEN TUDEHOPE: For the providence of the document, let me assure you that her appointment terminated on 19 December 2023. If that is the case, Mr Barakat, can you point to any provision in the Act which allows her to be reappointed other than by a selection panel? Can you point to any provision in there?

The Hon. Dr SARAH KAINE: Point of order—

TAREK BARAKAT: I think, Mr Tudehope, with great respect, I have told you that if you want more detail in relation to our position and advice to the Minister on this, I'm happy provide that on notice. I remain happy to do so.

The CHAIR: A point of order has been taken. Dr Kaine on the point of order.

The Hon. Dr SARAH KAINE: Mr Tudehope was simply restating the same hypothetical that you had ruled out of order, Chair.

The CHAIR: We must treat all our witnesses with courtesy, Mr Tudehope. You have repeated the same question again and again. The witness, Mr Barakat, has answered the question this morning and this afternoon by saying he wishes to take it on notice.

The Hon. DAMIEN TUDEHOPE: What's your role with the office, Mr Barakat? What's your role?

TAREK BARAKAT: At the moment I'm the acting chief executive officer of Hospitality and Racing.

The Hon. DAMIEN TUDEHOPE: So as the acting chief executive of Hospitality and Racing, do you know what the provisions of the Act that governs Racing NSW are?

TAREK BARAKAT: Not by heart, Mr Tudehope.

The Hon. DAMIEN TUDEHOPE: Can I refer you to section 7 of the Act relating to the appointment of members by way of reappointment, where it says it requires the Minister to establish a selection panel. Did that occur in the case of Ms Saranne Cook?

TAREK BARAKAT: Mr Tudehope, I can only repeat my previous answer to this line of questioning, which is that any further detail in relation to that process, I'm happy to take on notice.

The Hon. DAMIEN TUDEHOPE: Why don't you know, Mr Barakat?

TAREK BARAKAT: I'm happy to take it on notice.

The Hon. DAMIEN TUDEHOPE: Why don't you know, Mr Barakat? Why don't you know? You're the acting chief executive. Why don't you know?

The Hon. Dr SARAH KAINE: Point of order—

The CHAIR: I don't need to hear the point of order. Mr Tudehope, you are badgering the witness at the hearing. Mr Barakat has said repeatedly that he will take this question on notice, which he has the right to do, so it's moving into discourtesy by badgering the witness. That's against the resolution of the House. So, please, if you could move on.

The Hon. DAMIEN TUDEHOPE: Well, I'll ask the same question to you, Mr Draper. Do you know?

SIMON DRAPER: No, I'm not familiar. I also don't have that Act memorised, Mr Tudehope.

The Hon. DAMIEN TUDEHOPE: Are you aware of the provisions relating to the reappointment of members of the Racing NSW board?

SIMON DRAPER: No, it's not something that I deal with within our portfolio.

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The Hon. DAMIEN TUDEHOPE: Who would know that?

SIMON DRAPER: Our general counsel would probably have a much better idea or the parliamentary—

The Hon. DAMIEN TUDEHOPE: Would you expect the CEO to know?

SIMON DRAPER: Look, I also have a view that it's very difficult for people administering many Acts to have memorised every section of every Act. Given that were talking about hypotheticals, if someone asked me about an Act—for example, the GSE Act for which I have some involvement—or about a particular section, I would go and look it up and check my recollection of that Act before I gave an answer.

The Hon. DAMIEN TUDEHOPE: And you would expect that the acting CEO would be able to do exactly that, would you not?

SIMON DRAPER: I am not offering an opinion on that.

The CHAIR: Order! Let's—

The Hon. DAMIEN TUDEHOPE: Mr Drinkwater. Where's Mr Drinkwater?

ELIZABETH MILDWATER: I think you mean Ms Mildwater.

The Hon. DAMIEN TUDEHOPE: Mildwater. Sorry, I beg your pardon.

ELIZABETH MILDWATER: And I'm sitting here and I think Mr Barakat—

The Hon. DAMIEN TUDEHOPE: Do you know? Do you know?

The CHAIR: Order! Mr Tudehope, I know that you are very interested in this particular area but that was discourteous.

The Hon. DAMIEN TUDEHOPE: I beg your pardon.

The CHAIR: You're asking one witness to reflect on the performance of another witness, which is completely out of order, so please refrain from being discourteous and treat the witnesses with some respect, please.

The Hon. DAMIEN TUDEHOPE: Ms Mildwater, I apologise. Do you know the answer?

ELIZABETH MILDWATER: I know the answer the question is that you're asking a technical question about the Act. We have said we'll get back to you on notice because we have had advice on it during the process and we remain confident that the advice we got was good, so we will get back to you on notice. We've heard the question.

The Hon. DAMIEN TUDEHOPE: Have you had the opportunity of looking at the Act over the break?

ELIZABETH MILDWATER: No, we've given you an answer, Mr Tudehope. What we've confirmed is that we are comfortable. We got advice at the time and we still believe it's correct.

The Hon. DAMIEN TUDEHOPE: If the advice is wrong, will you resign?

ELIZABETH MILDWATER: I think that's a hypothetical question.

The CHAIR: Order! That is a hypothetical question. Mr Tudehope, that is out of order and completely discourteous and unnecessary at this time. Please refrain from treating the witnesses in what is a poor manner and a discourteous way. Are there any other questions from the Opposition?

The Hon. JACQUI MUNRO: I have a question for Mr Barakat about the club grants. You mentioned that you expected to have advice to the Minister by the end of the year. Is that an internal deadline?

TAREK BARAKAT: I think we'll have advice to the Minister well before the end of the year. The review closes on 18 March and we'll be working post that date to get advice to the Minister quickly. The end of the year time frame was really just "we'll get this to the Minister this year". What the Government chooses to do after that is really a matter for government.

The Hon. JACQUI MUNRO: Do you have an internal deadline for the provision of that advice to the Minister?

TAREK BARAKAT: Not a specific date, no.

The Hon. JACQUI MUNRO: Is it six months, three months?

TAREK BARAKAT: Six months from now?

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The Hon. JACQUI MUNRO: Yes.

TAREK BARAKAT: Look, without being 100 per cent, I think we'd September, October advice to government so that they are in a position to hopefully form a position before the end of the year.

The Hon. JACQUI MUNRO: I mentioned before that charities are concerned that they haven't been given an adequate opportunity or structure to provide feedback to the review, and that specifically that form survey was really geared towards clubs rather than charities. You mentioned that charities could actually approach you in some way, or provide feedback—or is there going to be some engagement to ensure that charities have the easiest way possible to engage with the process?

TAREK BARAKAT: I think in the discussion paper there was an option for interviews. We're happy to sit down with organisations and speak to them to receive their feedback, as well as receive feedback through the survey on the Have your say website, as well as receive formal written submissions. If there are other mechanisms that maybe would benefit and may be easier for these organisations to use, we are happy to hear that feedback. I think there are contact details within the discussion paper, that is publicly available, for them to ask us about that.

The Hon. JACQUI MUNRO: And you're confident that they would receive adequate responses within a time frame that they could then make appointments and have those interviews conducted?

TAREK BARAKAT: I mean, that's the plan. The paper has been out for a while now. It has been out since the end of last year, and we are coming up closer to 18 March. I guess I would have expected, if they were concerned about this, they could have got in contact earlier because the details are there and that interview process is available and publicly known. But certainly we'll do the best we can to accommodate their needs.

The Hon. JACQUI MUNRO: That sounds good. I mean, you say that it has been publicly known but, again, it sounds like the charities that are recipients from those grants may not have been aware of this process, and that while clubs are engaged with those beneficiaries of the club grants, were actually not so well engaged with.

The Hon. Dr SARAH KAINE: Is there a question?

The Hon. JACQUI MUNRO: Were they part of the process? I can use the time as I wish, thank you, Dr Kaine. I am explaining the context of organisations that are engaging with the program.

The Hon. Dr SARAH KAINE: A lot of explaining.

The Hon. JACQUI MUNRO: I am wondering if you have engaged with charities as part of this process?

TAREK BARAKAT: We would have gone through the peak bodies, as we would have done—sorry, the discussion paper was released publicly. It's on our website. We would have gone through NCOSS, Wesley Mission, I assume the peak bodies for the club sector as well, and we would expect that those organisations are engaging with their members. There were also media announcements and links sent to a range of organisations. I think we did do a pretty good job of making people aware that this program is under review. But, again, if there are other things that we can do to accommodate the needs of these charities, then happy to do that.

The Hon. JACQUI MUNRO: Thank you. I will certainly pass that on. In terms of liquor levies, my understanding is that the levies have been imposed through the vibrancy reforms upon distributors—not just clubs or pubs or hotels, but actually distributors of alcohol.

TAREK BARAKAT: You're talking about packaged liquor, I think.

The Hon. JACQUI MUNRO: Yes, exactly.

TAREK BARAKAT: The proposal which has been put to the sector is that licence fees might increase by a tiered amount depending on the licence fee type you would have. That is a proposal at this point. We put out a paper again outlining those potential increases, sought feedback from industry, and that message came through loud and clear from the packaged liquor industry that they were concerned about the amount that was in that initial paper. No decision has been made yet. That feedback is currently being considered by government and a decision will be made shortly, I would assume.

The Hon. JACQUI MUNRO: That decision is currently with Cabinet or the Minister and not the department?

TAREK BARAKAT: It will be going through a Cabinet process, yes.

The Hon. JACQUI MUNRO: But it's still with department at the moment?

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TAREK BARAKAT: No. It's in that process. There's been no decision yet though.

The Hon. JACQUI MUNRO: Have organisations within that packaged liquor industry been engaged with? Have you met with those organisations, because I have heard that there are key bodies that haven't been met with?

TAREK BARAKAT: The discussion paper, again, went to the peak body, Retail Drinks Australia. The Minister himself met with Retail Drinks to hear their concerns, and we would expect those peak organisations to be again engaging with their members.

The Hon. JACQUI MUNRO: That's different to what I have heard in terms of engagement with organisations like Retail Drinks Australia and wine growers New South Wales as well, who are concerned that the increase is too great, basically.

TAREK BARAKAT: I am confused by their saying they weren't consulted with, because we received feedback from them to that effect, and that is now being considered by government.

The Hon. JACQUI MUNRO: Fair enough. Do we know when that advice will be provided from government?

TAREK BARAKAT: Again, I can't give you a specific date, but it has to be soon because certain things need to happen to allow the regulations to be changed in a timely manner to advise industry of this before, I think, the fee cycle commences in May. So it's imminent, but I can't give you an exact date.

The Hon. JACQUI MUNRO: This is actually a question that came up at last budget estimates with Mr Phillips regarding the Office of the Registrar. I understand there is now a registrar; it is not an interim registrar, which is great. I was wondering whether there were any instances the Office of the Registrar ceding responsibility to the Premier's Department on any matters in the time since the last budget estimates?

SHANE HAMILTON: Not to my knowledge.

The Hon. JACQUI MUNRO: Would you be able to take that on notice?

SHANE HAMILTON: Can I just clarify?

The Hon. JACQUI MUNRO: Yes.

SHANE HAMILTON: Referred matters from the registrar to the Premier's Department?

The Hon. JACQUI MUNRO: Yes. There is a provision in the Act, I believe, where the Office of the Registrar can essentially cede responsibility for their activity to a member of staff in the Premier's Department. But the next part of this question is, who is that person? If those responsibilities have been ceded at all, who are the people or who is the person who has taken on that responsibility, because in the past it was specifically designated as somebody within Aboriginal Affairs. But it was explained last time that the reason that provision was excluded from the legislation with the amendment was that it was no longer a kind of functioning body within the department, or there was no need for it to be mentioned. I am just wondering if the Office of the Registrar has ceded responsibility to the Premier's Department for anything and if that has been somebody who is an Aboriginal Australian or is within the Aboriginal Affairs component of the Premier's Department?

SHANE HAMILTON: To my knowledge, the registrar's office haven't ceded that, but I am happy to take that on notice and double-check that.

The Hon. JACQUI MUNRO: Thank you. I wanted to clarify something about veterans. It was on the matter of veterans and identification but more related to their children and whether schools will be advised of the veteran status of the parents of any of the children going to their schools and be able to provide support accordingly? Is that something that is being looked at?

CAROLINE MACKANESS: Yes. There has been a lot of correspondence about it, and it's been raised at a national ministerial meeting. The Minister has, I believe, approached the Minister for Education and Early Learning, and I understand the department is looking into how that might be accommodated. There are a lot of programs and supports. We have worked actively with the Department of Education on a resource kit, and that has been rolled out.

The Hon. JACQUI MUNRO: Statewide?

CAROLINE MACKANESS: The Department of Education resource, yes. Statewide, yes.

The Hon. JACQUI MUNRO: So that's to all schools? It's not an internal kit; it's actually for teachers?

CAROLINE MACKANESS: No, it's been made available to support—yes.

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The Hon. SARAH MITCHELL: Can I ask a follow-up? Is there any work happening with the non-government school sector as well?

CAROLINE MACKANESS: We do do a lot of work with the non-government sector. We supply resources for commemorations and activities across all the sectors. All sectors are involved in the Aboriginal and Torres Strait Islander commemoration service, and we put resources out for that, so we do work very closely with them. I'll have to check, on notice, whether that resource has been shared with the other sectors.

The Hon. SARAH MITCHELL: I've got one other one for Veterans. We've only got a minute and a half, but there's no-one else here so we might go over the bell, depending on the Chair's discretion. Before the break we were talking about how last estimates we were given some numbers of veterans in the public service and how the work is going in terms of the strategy. Do you have any updated figures for the number of veterans in the public service?

CAROLINE MACKANESS: I think the Minister mentioned that we're tracking six-monthly, so the last 12 months is slightly over the 500 target—I think 534, from memory. I don't have my paper in front of me, but the Minister did give the correct figure.

The Hon. SARAH MITCHELL: Sorry, I didn't hear that this morning, but I may have been otherwise engaged.

CAROLINE MACKANESS: Generally we get the figures from the Public Service Commission just ahead of Anzac Day and Remembrance Day, and we try to put out reports. In fact, just today Secretary Mildwater will have received our annual report.

The Hon. SARAH MITCHELL: A big day, then!

CAROLINE MACKANESS: We report annually on the veteran employment program figures, and they're quite comprehensive because they look at the PMES data. We now have data coming in concerning reservists in the public sector as well, so we really actively engage. We've got champions across the public sector. We have veteran employment working groups. It's a very good program, and we now have 17 local governments who have also engaged with and set up their own veteran employment programs, so we're trying to reach into the regions, as well, with that.

The Hon. SARAH MITCHELL: Just for both mine and probably Hansard's benefit, what is PMES?

The CHAIR: Ms Mitchell, you've got all the time you need. There's no-one else here, so just run your questions out.

CAROLINE MACKANESS: Apologies, the People Matter Employee Survey that comes out annually is a good source of information for us. But the report will be on our website, and it's full of really interesting data.

The Hon. JACQUI MUNRO: I think that's all my questions.

The Hon. SARAH MITCHELL: I'll just check that there wasn't anything that I missed.

CAROLINE MACKANESS: I'm happy to talk about the Veterans Strategy, just to save you looking.

The Hon. SARAH MITCHELL: Yes, sorry, I did ask about that. Thank you.

CAROLINE MACKANESS: The current strategy is to the end of this year, with a two-year action plan which is to the end of this year. In the next six months we will be finishing delivery of all of the actions in the current action plan, working on the reporting of the last two years—which we continually track, but we will deliver a report—and then, in that time frame, the Royal Commission into Defence and Veteran Suicide report will come out in September. There's been a lot of work. The Minister will appear in the royal commission on 18 March. All of the work we've been doing with whole of government—the different departments, Health particularly—on veteran-related issues will feed into our next strategy, which will be for the period 2025 to 2028.

A lot of things will continue. Anzac Day will continue, and our resources and coordination of that. The Anzac Memorial work will continue. There will be a lot of continuation, but there will be some new actions, I believe, in response to some of the work of the royal commission and some of the information that has been gathered as a result of all of the work we've been doing on notices to give and notices to produce, which is a whole-of-government response into the royal commission.

The Hon. SARAH MITCHELL: I think last time we got some data in relation to how many ADF members transfer out of defence each year and settle in New South Wales. Is there any updated data on that since we were here last?

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CAROLINE MACKANESS: It remains fairly consistent, at about 1,200 per annum into New South Wales. I think there's some tracking of where the ADF are exiting into in New South Wales in the current Veterans Employment Program report. We are tracking that, and that's very useful for our Veterans Employment Program manager, who is working actively with the regions to encourage veteran employment in the regions.

The Hon. SARAH MITCHELL: Earlier we asked the Minister about the Pandemonium concert issue. Obviously, he mentioned that there's other events that are on, but they have been in place for some time. Potentially learning from that experience, where there was a bit of concern about the timing of that concert—and I know that there has now been a decision to make some changes there—will there be any further engagement between your agency and Create NSW, or whoever is responsible for putting on the concert, to have better systems in place in terms of those major events to ensure that something like that doesn't happen again?

CAROLINE MACKANESS: Absolutely. I'm sure that will happen because it was so high profile. The Minister's office, our office, heard about the concert very late in the piece, it's fair to acknowledge. There was concern around it being in the Domain and being very loud, because the Anzac Memorial is quite close and there are services at midday and late afternoon. There was some concern about the number of people in the city already and the number of additional people for the concert and the noise impacts. The Commonwealth was only engaged in that process insofar as they are the legal owner of the word "Anzac", so anyone who uses "Anzac Day" in promotion applies to the Commonwealth for the use of the words "Anzac Day".

The Hon. SARAH MITCHELL: But since that media interest and story, you anticipate there'll be more engagement between agencies, but that hasn't happened yet? I appreciate that it wasn't that long ago, but—

CAROLINE MACKANESS: I think the agency responsible for the botanic gardens and the Domain is not normally in the whole-of-government working group for Anzac Day, which sits with Secretary Draper. The Premier's Department coordinates whole of government, and we sit on that group as the stakeholder representative.

The Hon. SARAH MITCHELL: Mr Draper, did you want to add anything?

SIMON DRAPER: No, that's fine. A lot of those ceremonial occasions are operated by the Premier's Department, but I think Ms Mackaness has answered that question thoroughly.

The Hon. SARAH MITCHELL: Mr Crawford, coming back to you quickly with one more follow-up with The Star, how would you describe the culture or the working relationship between the commission and The Star throughout this recent period of time?

PHILIP CRAWFORD: Most of it has been through the manager. He attends, as I said, meetings with different parts of the business—with the board and with senior management—every day almost, so it's pretty constant. As to our relationship, we're the regulator and we're doing our job. At times, I'm not sure they agree with our assessment of how they're going. I've always had a cordial relationship with their chairman, but things have become a bit more difficult since December. They didn't agree with our decision. They made submissions that were contrary to the decision we ultimately took. But it's a very cordial and business-like—

The Hon. SARAH MITCHELL: Even though there's differing viewpoints, I would assume, they do work with you in that professional way and you're getting the outcomes that you—

PHILIP CRAWFORD: We meet with them. I'd rather not make any further comment.

The Hon. SARAH MITCHELL: That's fine. I appreciate that can be difficult.

The Hon. JACQUI MUNRO: Back on this consultation regarding the packaged liquor licences, my understanding is that there is industry frustration that, basically, the industry was told that the co-contribution would be absorbed by the licensees who benefited from the vibrancy reforms, which are primarily the outlets like clubs, pubs, hotels and bars that are open for longer and get to have more patronage through the doors, and that the packaged liquor industry is not benefiting from these vibrancy reforms so shouldn't have to absorb additional licensing fees.

TAREK BARAKAT: Again, that decision has been made. Also, yes, that came through loud and clear in the feedback. What was put to industry was a tiered increase across all licence types, with the pubs and clubs that you said were going to benefit more paying more. We received feedback from the packaged liquor industry and others that they thought that what was proposed was too high, and I think the Government is considering that. I would say that the idea of the vibrancy reforms is to create vibrancy, which we expect would mean greater foot traffic across the board, and there would be an uplift for everyone, but not to the same extent. As you say, some venues are probably going to get a better outcome than others. I would agree that packaged liquor aren't going to see the same benefits as your pubs and clubs. We've heard that feedback and the Government is currently considering that. But there's probably not too much more I can say other than that came through loud and clear.

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The Hon. JACQUI MUNRO: How was the process broken up between the industry being told that they wouldn't have to take on this additional fee to saying, "Oh, now there's a proposal that actually considers that they might take that extra fee on board", to the recommendation to Government?

TAREK BARAKAT: I think you're probably referring to letters where Retail Drinks said that I may have made some commitment that they wouldn't see an increase and that possibly others in the Minister's office may have made a similar commitment. To be honest, I have absolutely no recollection of saying that. I don't think I would have, because ultimately it's not my decision, so it makes no sense for me to say that sort of thing. It has always been on the cards that there might be something here for industry to contribute to the cost of these reforms. The liquor industry is based on a model where they do contribute to the cost of their own regulation. The other thing to be mindful of is licence fees haven't increased in real terms since they were introduced in 2015. They were backdated in 2019 to account for CPI, and they've only increased by CPI since. So in real terms they haven't actually increased. What's proposed is really about supporting those vibrancy reforms that the Government thinks will drive that uplift across the board and provide greater economic activity to all licence holders.

The Hon. JACQUI MUNRO: We definitely got correspondence from a range of organisations, including community liquor stores in regional areas or more rural areas where they are very concerned that an increase of 55 per cent was much too great. They couldn't possibly absorb that increase, and it would have an enormous impact on their ability to survive as businesses.

TAREK BARAKAT: We received that feedback. Certainly, Minister Harris was very concerned about the impact, particularly in those smaller rural and regional areas and those small liquor stores. As I said before, that feedback has been heard and is currently being considered.

The Hon. JACQUI MUNRO: That is good to hear and hopefully we'll find that out soon. In terms of the recommendations that you've made to Government, have you got A, B and C options? How have you structured that advice?

TAREK BARAKAT: As it's going through a Cabinet process, I can't really say too much about the advice we've provided and the recommendations we've provided. I'm not trying to be difficult, but that's just the appropriate thing to do.

The Hon. JACQUI MUNRO: I'm not sure if this goes to you as well, but are you aware of the declaration of any new restricted alcohol areas across the State since the last budget estimates?

TAREK BARAKAT: I'm not. I would have thought that that was a local government decision—alcohol-free zones and things like that. Is that what you're referring to?

The Hon. JACQUI MUNRO: The Minister, under the Liquor Act, has to consult himself as the Minister for Gaming and Racing and as the Minister for Aboriginal Affairs on a number of the declarations of alcohol-free areas. So I'm curious to know if that has occurred since the last budget estimates?

TAREK BARAKAT: Not that I'm aware of but, if it has, we can come back to you and let you know.

The Hon. JACQUI MUNRO: That sounds good. Thank you very much. It's an interesting quirk when you've got lots of different ministries that are related in very interesting ways.

The Hon. SARAH MITCHELL: We all talk to ourselves sometimes. Back to the vibrancy reforms—and, I apologise, you may have said it—the consultation process, particularly with the wine industry and wine groups, are you able to outline what that was?

TAREK BARAKAT: I can't with the wine. I know we went to the peaks, like Retail Drinks Australia. I'd have to take on notice whether that also included going to specific wine industry associations. I don't know that.

The Hon. SARAH MITCHELL: In terms of the regional areas—because, like my colleague, it is something that has been raised with me as well—did you just say that the licence fees are being reviewed at the moment?

TAREK BARAKAT: Yes, so we put that proposal out to industry, which looked at a tiered increase for licence fees. The feedback has come back from industry in relation to those proposed increases and now that's being considered by the Government. The Government will make a decision very soon on that.

The Hon. SARAH MITCHELL: One of the things that I have heard, particularly in smaller communities where the post office, the bottle shop and everything is together, is concern about their viability if there is a big increase in their fee. I guess it is a matter, ultimately, for the Minister, but what sort of consultation

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has there been in terms of financial support and viability? There is concern about that in some of those communities. Have you heard that feedback?

TAREK BARAKAT: Again, if we're talking about packaged liquor then, yes, we have and the Minister—I think there are probably a number of concerns from packaged liquor. An increase of the amount in the consultation paper of 55 per cent was too high generally and then also there is this concern about the impact on smaller, rural and regional areas. So we did get that feedback but, as I've said, it's currently before government. A decision hasn't been made at this point.

The Hon. SARAH MITCHELL: I am sure that the Minister will appreciate that, like I said, in some of those smaller towns when that is the only kind of commercial hub that is there but they have a range of products that they provide, any concern or issue around their viability has wide-reaching impacts—

The Hon. JACQUI MUNRO: And they're not really going to be benefiting from the vibrancy reforms.

The Hon. SARAH MITCHELL: Well, some of them have a pretty good nightlife, if you ever want to go—but that's not a discussion for estimates. I don't expect you all to have these documents in front of you. They relate to some of the questions that we put on notice and the responses that we received back in the Aboriginal Affairs space. I think my colleague Jacqui asked about the Closing the Gap budgets. In the forward estimates there was a table that was provided on notice and there is quite a difference between the financial year 2022-23, the total amount was \$82,696,000, and then for 2025-26 and the outer years it goes down to \$26,272,000, from what I have got here. Is there any explanation why the outer years of the budget don't have as much funding allocated to those initiatives? If you need to take it on notice, that's fine. I have copies, but you may not.

SHANE HAMILTON: I have got a breakdown of the entire expenditure, but it's quite different. Can I just clarify what exactly—are you talking about the entire funding envelope for Closing the Gap?

The Hon. SARAH MITCHELL: It was in answer to a question that you guys took on notice last time. The question was about "a table of the budget items, the forward estimates for Closing the Gap on notice", and it lists the New South Wales implementation plan and then in enhanced funding it goes through Community and Place Grants, Delivering Better Outcomes, PR5 initiatives and Closing the Gap delivery, and there are totals down the bottom. It's probably a broader question in that it looks like there is more of a budget allocation in the earlier years than there is in the outer years. That may just be a Treasury process, but I am just curious as to why it looks like it may be going down, based on this data. I am happy for you to come back to us on notice on that if you need to check what was provided?

SHANE HAMILTON: Yes, I can double-check, but I would say that the expenditure is going to be in the—like, now.

The Hon. SARAH MITCHELL: Yes, I understand that.

SHANE HAMILTON: We need to spend the money now. Obviously at some point, given that we're in a 10-year agreement and we're only year three, there will be further budget requests.

The Hon. SARAH MITCHELL: If there is any more that you can provide on notice, that would be helpful. I don't know if Jacqui covered this earlier—I'm sorry if you did—the Aboriginal employment and enterprise strategy. Last time I think we were told, again on notice through an answer, that there is a pilot of the approach in Western Sydney that was planned for this year. Is there any further information on that particular initiative?

ELIZABETH MILDWATER: I think it was actually me that answered that.

The Hon. SARAH MITCHELL: Sorry, it might have been you, Ms Mildwater.

ELIZABETH MILDWATER: I think so, because I think that one sits in our portfolio. I don't have an update. We are still working on the strategy, but I don't have an update.

The Hon. SARAH MITCHELL: But it is still intended that it will be at some point this year?

ELIZABETH MILDWATER: That's my understanding, yes.

The Hon. SARAH MITCHELL: And in Western Sydney?

ELIZABETH MILDWATER: Yes. As far as I'm aware, we're still working to the same plan; it just hasn't rolled out yet.

The Hon. JACQUI MUNRO: In terms of your agreement with the Federal Government and funding for Aboriginal Affairs and Closing the Gap initiatives, when do you usually get the confirmation for funding? Is it before your budget cycles in an adequate term? Is it three- to four-year cycles?

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SHANE HAMILTON: The current Closing the Gap funding is over a four-year period. We've still got another full year to run on that. We'll be in the process of developing the next iteration of the implementation plan. As we progress that, there will be further asks from a budget perspective.

The Hon. JACQUI MUNRO: So you're asking the Federal Government for money relating specifically to the programs that you're delivering?

SHANE HAMILTON: I wouldn't say necessarily the Federal Government. I think the New South Wales Government is funding the bulk of the stuff happening in New South Wales.

The Hon. SARAH MITCHELL: I think we might be done.

The CHAIR: Thank you to all of the officials that have spent the day here. We really appreciate your attendance. We have no questions from the Government and no more from the crossbench.

The Hon. PETER PRIMROSE: I haven't finished writing them yet.

The CHAIR: None have emerged from the ether?

The Hon. SARAH MITCHELL: Sorry, Peter. We've technically used all our time, we're pretty sure.

The Hon. PETER PRIMROSE: I'll put all mine on notice.

The CHAIR: And none from the ether. In the absence of any from the ether, the Committee secretariat will be in touch with you in the near future regarding any questions taken on notice and any supplementary questions. Thank you all very much for your attendance today. We will see you next time.

(The witnesses withdrew.)

The Committee proceeded to deliberate.