

REPORT ON PROCEEDINGS BEFORE

PUBLIC ACCOUNTABILITY AND WORKS COMMITTEE

**INQUIRY INTO INTEGRITY, EFFICACY, AND VALUE FOR MONEY
OF THE LOCAL SMALL COMMITMENTS ALLOCATION PROCESS**

UNCORRECTED

At Macquarie Room, Parliament House, Sydney, on Friday 27 June 2025

The Committee met at 9:30

PRESENT

Ms Abigail Boyd (Chair)

The Hon. Mark Buttigieg

The Hon. Mark Latham

The Hon. Sarah Mitchell

The Hon. Peter Primrose

The Hon. Chris Rath (Deputy Chair)

PRESENT VIA VIDEOCONFERENCE

Ms Cate Faehrmann

The Hon. Dr Sarah Kaine

The CHAIR: Welcome to the fourth hearing of the Committee's inquiry into the integrity, efficacy and value for money of the Local Small Commitments Allocation process. I 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 or watching us online.

My name is Abigail Boyd, and I am the Chair of this Committee. 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 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, which I intend to uphold. I encourage Committee members and witnesses to be mindful of these procedures.

Mr DAMIAN O'CONNOR, Former Chief of Staff, Office of the Hon. John Graham, affirmed and examined

The CHAIR: Welcome, and thank you for making the time to give evidence. Would you like to make a short opening statement?

DAMIAN O'CONNOR: No, not really. I was chief of staff for Minister Graham from when the Government was sworn in, in March 2023, and I was there till February 2024.

The Hon. CHRIS RATH: Thank you for appearing today. I have a copy here of Alison Morgan's email of 1 December 2023. I have a copy for each member of the Committee and for you, Mr O'Connor, which I'd like to hand to everyone. Basically, the email lists the status of the nine projects in Sydney, and it was printed by you and with handwritten annotations on it. When and why did you print this email?

DAMIAN O'CONNOR: It's my handwriting. I probably printed it to resolve this issue about the projects in Sydney.

The Hon. CHRIS RATH: What were those issues in Sydney?

DAMIAN O'CONNOR: I became aware—there was the list of projects and there was also some advocacy around where that money was to be allocated. There were two things happening at the same time. When I started as chief of staff, we were putting in place the guidelines for this program. It was in the context of revising the grant guidelines, which had been an issue in the election, and there had been to-and-fro about that. There was a process of applying a new set of guidelines to grant schemes, so I was working in the background on some of the policy stuff on that. In the context of that, there was advocacy around different projects and people wanting different outcomes. But, clearly, in the guidelines, what was happening in parallel was that there wasn't to be any change.

The Hon. CHRIS RATH: And that advocacy was coming from the member for Sydney, and that was the genesis of this document.

DAMIAN O'CONNOR: Yes, he certainly had a view about how the money should be allocated. He was doing his job, basically. He was taking the number, the \$400,000, and applying it in a way that he thought was more effective in terms of homelessness in Sydney. In parallel with that was the guidelines coming together, which said that, basically, you needed to stick with the pre-election commitments.

The Hon. CHRIS RATH: So you've got these two columns, the typed column and the handwritten column. What column was the Alex Greenwich advocacy?

DAMIAN O'CONNOR: Yes, just under the—I assume it's the "Alex G/PO".

The Hon. MARK LATHAM: That's your handwriting, so you wrote that on top there to reflect his advocacy through the PO?

The CHAIR: Order! It's the Opposition's questions.

The Hon. CHRIS RATH: No, that's fine. He can answer that.

DAMIAN O'CONNOR: It's a little bit hard to read, but—

The Hon. CHRIS RATH: It's got "Original" at the top of the handwritten column and "Alex G/PO" on the typed column. So the original was as at the election—they're the election commitments—and then the typed column was what Alex was advocating for, to the best of your knowledge?

DAMIAN O'CONNOR: I believe "Original" would have been what I understood to be the original allocation.

The Hon. SARAH MITCHELL: So the pre-election commitment.

DAMIAN O'CONNOR: Correct.

The Hon. MARK LATHAM: By whom?

DAMIAN O'CONNOR: It would have been the Labor candidate in Sydney, I assume.

The Hon. CHRIS RATH: So, to your understanding, the Labor candidate in Sydney's allocation is the handwritten and then the Alex Greenwich advocacy is the typed. "Alex G" obviously means Alex Greenwich, and "PO" means Premier's office?

DAMIAN O'CONNOR: Yes.

The Hon. SARAH MITCHELL: So your recollection is the Premier's office were helping facilitate the member for Sydney's advocacy.

DAMIAN O'CONNOR: I think there was an error in the numbers that I was aware of. I knew what the original allocations were, and there was an error in the list.

The Hon. SARAH MITCHELL: Where did you get those original allocations from? Where did they come from?

DAMIAN O'CONNOR: It was either a media release or a media story from the Labor candidate for Sydney, or it could have been Alex himself, because he was advocating for a change to the numbers.

The Hon. CHRIS RATH: Was the advocacy with you, with the Premier's office or both?

DAMIAN O'CONNOR: I don't know what he did with the Premier's office, but he certainly advocated to me. He's a busy bee—he's on the job—and he definitely had a view about what was the most effective allocation. I guess it's unremarkable when you get two people and give them an allocation of money and say, "Put it towards homelessness in Sydney", that they would come up with different outcomes. But my concern was to ensure that what went before Minister Graham as the decision-making Minister were the original allocations.

The Hon. CHRIS RATH: So you were essentially correcting this document. This document was given to you with the typed Alex Greenwich advocacy, and then you wanted to assure yourself that the original amounts were given to these community groups.

DAMIAN O'CONNOR: Correct. That was the guidelines of the program. I thought Alex's arguments actually were pretty cogent and effective, and as good an argument as you could have for any division of numbers. But the issue was that the understanding about the program and the guidelines for the program were the commitments pre-election.

The Hon. CHRIS RATH: I suppose I don't understand why your handwritten originals aren't the ones that are typed up by the Premier's office or the department. Why was it up to you to make corrections later? Why wasn't that just in the original list that was given to you?

DAMIAN O'CONNOR: I think this is what the department had, because this is an email from the department.

The Hon. SARAH MITCHELL: Can I just ask about that? It is an email from Alison Morgan to you, and it says, "Further to our discussions yesterday we are forwarding a tranche". What was the nature of those discussions you had with Mrs Morgan that premeditated this email?

DAMIAN O'CONNOR: There were tranches coming up; they were called tranches. They were a bunch of documents; there were heaps of them. On this one, because of what I knew from Sydney, either through a media release or through a story in the paper or through Alex himself, I was aware that there were two sets of numbers.

The Hon. SARAH MITCHELL: You were concerned that the corrections that had been made by the department weren't in line with what the original election commitments were.

DAMIAN O'CONNOR: My concern was that there was an error there and it should be corrected.

The Hon. SARAH MITCHELL: Did you discuss with the Minister those concerns about the Sydney projects?

DAMIAN O'CONNOR: No.

The Hon. SARAH MITCHELL: Not at all?

DAMIAN O'CONNOR: No, I mean, I just held it back. I looked at the tranches. When I thought that they were okay to go forward—I flicked through them, and there was quite a lot of paperwork associated with them, and assessments and various other departmental essential processes and so on and suchlike. When I was satisfied, I put them in his in-tray.

The Hon. SARAH MITCHELL: Back to that "Original" column, did you have any discussions about those figures with Skye Tito, who was the Labor candidate for Sydney, to verify those numbers?

DAMIAN O'CONNOR: No. I don't think I've ever spoken to Skye Tito.

The Hon. SARAH MITCHELL: I think the tranche 7 brief came to your office or your Minister's office about 1 December. Do you know if that brief was put to the Minister by yourself or any other staff for approval between 1 December and 1 February, when we got evidence that it was cancelled? Do you recall anything to do with that particular brief?

DAMIAN O'CONNOR: Did I—

The Hon. SARAH MITCHELL: Did you put it to the Minister? What happened after it coming to you on 1 December?

DAMIAN O'CONNOR: No, I did not put it to the Minister. I was concerned about there being this error, so I didn't put the brief up. As far as I can recall, when I left, the matter had still not gone to the Minister.

The CHAIR: Firstly, thank you for coming and giving such clear evidence. In your view, which I think is confirming what we've been trying to get to on this, the grant guidelines referred to pre-election commitments as being one of the criteria. This particular allocation for the electorate of Sydney, as proposed here, wouldn't have met those guidelines.

DAMIAN O'CONNOR: That was my view.

The CHAIR: Are you aware of any other anomalies like this that came through?

DAMIAN O'CONNOR: No, Sydney was kind of the one where, clearly, there were two sets of numbers and they were quite different.

The CHAIR: Were you aware of other members of Parliament making requests to change those commitments?

DAMIAN O'CONNOR: Not to change. There were a lot of MPs who wanted the grants approved so those could go out and asked, "When is my grant going to be approved? Can I go out and hand over a cheque?"—yadda yadda yadda. I spent a fair bit of time with those people, explaining that there was a whole-of-government, wraparound process that was being put in place—the guidelines—that that would take some time, that people should perhaps cool their heels a bit, and that the new process with a single decision-making Minister meant that in time the department would go through all their checks and governance and ability to deliver and all of that sort of stuff. The tranches literally came up as they were completed by the department, and there was no particular order or science in that, as far as I know.

The CHAIR: It was reported in the media this morning that the member for Newtown had made a request or at least spoken with Minister Graham about the large sum of money that was going to a particular P&C in her electorate that the Labor candidate had been closely associated with. It was reported that she had asked the Minister whether there was scope to spread that money across a few different P&Cs in her electorate. Are you aware of that request?

DAMIAN O'CONNOR: She didn't speak to me, as far as I recall, about that. But, once again, I think our view was it was the pre-election commitments. That was the way the program was developed, and I assume that that's what happened.

The CHAIR: I guess the difference there, though, was that the member for Newtown had approached Minister Graham, according to the article this morning, whereas this particular change in allocations in relation to the electorate of Sydney had come from the Premier's office. Was there any other—

DAMIAN O'CONNOR: Not that I recall.

The CHAIR: Nothing else that came from the Premier's office making requests for changes?

DAMIAN O'CONNOR: No.

The CHAIR: We now know that some of that original promised allocation from the candidate for Sydney was satisfied through a Premier's allocation of money—a discretionary fund. Was that known to Minister Graham's office as part of this? Was that part of what you understood to be the case?

DAMIAN O'CONNOR: My role was with respect to making sure that the LSCA delivered, so that's what I was really focused on. That was the extent of my involvement in grants generally—except for policy, I guess, because we were a Special Minister of State.

The CHAIR: When you raised this anomaly with the Minister, why did it go ahead anyway?

DAMIAN O'CONNOR: What anomaly?

The CHAIR: Sorry, the fact that the allocation didn't meet the grant guidelines.

DAMIAN O'CONNOR: I don't think I ever spoke to Minister Graham about this. I just dealt with it at this level, going, "This brief isn't right. Can we sort this out?"

The CHAIR: Understood.

The Hon. MARK LATHAM: You say you didn't speak to Minister Graham about it. Minister Graham has told the Parliament repeatedly that he became aware of concerns that the Sydney allocations didn't reflect the Labor election commitments. To the best of your knowledge, how did he become aware?

DAMIAN O'CONNOR: I don't know.

The Hon. MARK LATHAM: With regard to whether or not these were Skye Tito's election commitments, isn't the easiest thing to do to pick up the phone and call Skye Tito, who I understand at the time was working in Rose Jackson's office?

DAMIAN O'CONNOR: I had no idea of that.

The Hon. MARK LATHAM: You didn't know she was working in Rose Jackson's office?

DAMIAN O'CONNOR: No. I don't think I've ever met her.

The Hon. MARK LATHAM: You made no attempt to contact the Labor candidate to see if these were her commitments?

DAMIAN O'CONNOR: No.

The Hon. MARK LATHAM: How do you think Alex Greenwich ever got into a position to tell a Labor Minister's office, the Minister in control of approving the funds, what the Labor commitments were in the seat of Sydney?

DAMIAN O'CONNOR: I assume he found out through the announcement that was made.

The Hon. MARK LATHAM: Do you know who in the Premier's office was dealing with him, to give him that authority to be telling people what the Labor commitments were initially and, outside the guidelines, what he thinks the commitments should be?

DAMIAN O'CONNOR: I don't know how those numbers ended up in the list.

The Hon. MARK LATHAM: Do you know who he was dealing with in the Premier's office?

DAMIAN O'CONNOR: I assume that he deals with a lot of people in the Premier's office.

The Hon. MARK LATHAM: Anyone in particular that you can recall?

DAMIAN O'CONNOR: Cherie Burton was running the program, but he talked to the Premier's office about a lot of things, I imagine.

The Hon. MARK LATHAM: Yes, he sure did. You've said Mr Greenwich was a busy bee and a compelling advocate. That may well be the case, but wouldn't it have been the most proper thing for you to say, "Alex, the guidelines are clear; we can't change these from election commitments so, notwithstanding your busyness and your advocacy, you need to stop being involved in this because it's contrary to the guidelines"?

DAMIAN O'CONNOR: I didn't tell him to stop being involved. He was doing his job and he was advocating. But I did tell him that I was of the view that the way to administer these guidelines and put it in place was to use the original numbers. He advocated very well, and I think I put to him that we were going with the original numbers. But I don't know what actually happened after that.

The Hon. MARK LATHAM: How do you mean you don't know what happened?

DAMIAN O'CONNOR: I left before the decisions on Sydney, I'm pretty sure, were made. But it was my view that we should go with the original numbers.

The Hon. MARK LATHAM: Sure, and that's what the guidelines say. Ethically, you'd think that's what a Minister's chief adviser would do.

DAMIAN O'CONNOR: And I told Alex that.

The Hon. MARK LATHAM: But how can you say Mr Greenwich was doing his job, if his job involved breaking guidelines for a funding program?

DAMIAN O'CONNOR: I don't think he knew—there were two things happening at the same time. There was the formation of the guidelines, which was new for the program. We were in office at the end of March 2023. It probably took two or three months of decisions to get the guidelines right. Before then, I don't think there were any decisions made under this program at all, because we had to bed down the guidelines. It was probably—I don't know—June or July 2023 when the Minister was making his first decisions under this, I think, roughly.

The Hon. MARK LATHAM: The guidelines are set, in your memory, in June or July. But this email from Alison Morgan—

DAMIAN O'CONNOR: So he's advocating about "Can we cut the numbers this way?" at the same time as the guidelines are coming together saying we can't. I'm not sure he was aware what the guidelines were or were going to be.

The Hon. MARK LATHAM: Your recollection is the guidelines are set in June or July, which is understandable—four months after the election. It doesn't take that long to work out a simple guideline that the programs to be funded have got to be Labor Party election commitments.

DAMIAN O'CONNOR: Well, it wasn't simple; it was quite complicated.

The Hon. MARK LATHAM: This email from Alison Morgan to you with the handwritten notations is dated 1 December. That's some five months later. Isn't it clear, then, you should say to Mr Greenwich, "You might be thinking you're doing your job and you're well intentioned, and you're busy and so forth, but you're acting outside the guidelines, so we can't take any more representations from you"? You're saying two things are happening simultaneously, but they're not at this point, are they?

DAMIAN O'CONNOR: I more or less did say to him that we were going back—we were using the original numbers. They were the ones we would be going on, and I told Alex that.

The Hon. MARK LATHAM: What did he say in response?

DAMIAN O'CONNOR: He advocated, sort of saying, "Well, okay. If that's the way it's got to be, it's got to be. But this is a better allocation." He continued his advocacy.

The Hon. MARK LATHAM: He didn't want to hear what the guidelines were. He just wanted to bat on with his view.

DAMIAN O'CONNOR: Well, I told him what the guidelines were, but he's entitled to argue something else.

The Hon. MARK LATHAM: Not outside the guidelines he's not.

DAMIAN O'CONNOR: He's an MP. You have discussions with people about things all the time like that, about policy.

The Hon. MARK BUTTIGIEG: Mr O'Connor, you were in one sense, obviously, post-election. Guidelines get developed in June or July. You had oversight of all 93 electorates coming in.

DAMIAN O'CONNOR: Sorry, when?

The Hon. MARK BUTTIGIEG: During this phase of gestation, where we had the post-election period and then you were developing the guidelines in June or July. You were overseeing this for all 93 electorates, so you would have seen these figures.

DAMIAN O'CONNOR: I was overseeing the program, and it obviously was \$400,000 for the 93 electorates.

The Hon. MARK BUTTIGIEG: I was just looking at some of these figures and most of the "Original" column correlates with the other one. Of the 93 electorates, were there any other examples like this where the figures were mismatched?

DAMIAN O'CONNOR: No, not that I recall.

The Hon. MARK BUTTIGIEG: So 92 electorates that were carried out with the original criteria.

DAMIAN O'CONNOR: There were a lot of electorates where there were no allocations made at all. There were maybe half where the Labor candidate didn't make commitments, and so that's where we did the council thing.

The Hon. MARK BUTTIGIEG: Yes, that's where the council parks and programs kicked in. You've been around politics a long time. In your experience, it'd be somewhat unremarkable, in the event that the Labor candidate wasn't successful and the sitting member was successful, that he would advocate as to where parts of a \$400,000 fund would go. It's not really remarkable that he would do that, is it?

DAMIAN O'CONNOR: No, it's completely unremarkable. I assume that's him just doing his job. He may well have had a different view about what the guidelines should be, and he can advocate around that, but he was just doing his job.

The Hon. MARK BUTTIGIEG: Mr O'Connor, were you involved in discussions with the Minister and other people on the historical context of why this program was designed that way, which was \$400,000 for each of the 93 electorates—that is, an equal distribution across the board?

DAMIAN O'CONNOR: I wasn't involved centrally during the 2023 State campaign, and so I wasn't involved in the formation of the general structure of this \$400,000 for each of the 93 electorates. I wasn't around for all of that, but I think there was advocacy around improving the grant allocation process from the former Government, where there'd been some issues with the Auditor-General and ICAC and so on and suchlike. There were reports sitting around and there were recommendations that either the former Government had not responded to or had not put into place, and I think we were in the process of coming into government saying that we would put certain things into place to increase the guardrails around the process. We did that. In fact, I'm pretty sure the first bill to pass this Parliament was a grants bill upgrading the grants guidelines to incorporate some of the Labor commitments that were made during the campaign, generally around grants. It wasn't just about this program, but of course this program fell under that. It was probably the first one in which the new guidelines were being put together, so it actually was quite involved and it did take a bit of time.

The Hon. MARK BUTTIGIEG: There was a high level of consciousness from the new Government to prioritise transparency and equity because we had things like 96 per cent of the old Stronger Communities Fund grants—\$252 million—going to Coalition-held or marginal electorates. Then we had the old bushfire recovery grants—35 projects sent to the Deputy Premier's office, 26 of the 27 projects, again, in Coalition electorates. Then we have the ClubGRANTS—75 per cent awarded to Coalition electorates. Some 92 per cent of schools and renewable energy infrastructure pilot projects, again, went to Government seats—23 out of 25—and \$9.3 million of the Regional Cultural Fund was awarded by Ministers to projects not recommended by the panel. That's the historical context, then we fast-forward to Labor in government. You've got 93 electorates where the \$400,000 per electorate was allocated on a one-for-one basis, matched to the candidates' promises, and then you've got this one electorate in Sydney where the member for Sydney advocates for a few line item reshuffles. This is apparently a Watergate moment.

The Hon. MARK LATHAM: Point of order: Is this a question or a speech?

The CHAIR: I will hear the point of order.

The Hon. MARK BUTTIGIEG: I'm asking the witness whether this is a Watergate moment.

The CHAIR: If we can get to the question.

The Hon. SARAH MITCHELL: Just a little change of the line items is fine, is it?

The Hon. MARK LATHAM: To the point of order: Was the witness at Watergate?

The Hon. PETER PRIMROSE: You're taking time. Let him ask his question.

The Hon. MARK BUTTIGIEG: I'm sure the witness is aware of the analogy that I'm trying to make.

DAMIAN O'CONNOR: I think the Government—93 electorates are roughly equal numbers of people. If you put an equal number of an allocation to each electorate that's equal, that obviously means an even spread, if you like—for want of a better phrase—across the State. Some of the issues that you raised where there was a view—for instance, I recall the issue about the bushfire money not going to Blue Mountains council. I'm not quite sure whether that was ever explained but, anyhow, it was trying to deal with some of those issues that you identified by saying that this program would ensure and the outcome would be that each electorate would get \$400,000, so a fair distribution across the State.

The Hon. MARK BUTTIGIEG: On any objective comparative analysis, you'd have to say that this program was much more transparent, open and equitable than those programs that I just outlined, given the context as to what the reason for the program was.

DAMIAN O'CONNOR: I thought so but, at the end of the day, probably different people have different views on that. But that was the way—the program was put together before I was involved, in terms of the structure.

The Hon. MARK BUTTIGIEG: I guess when you're lifting standards off such a low base, people have higher expectations, which is understandable. In your evidence, you said that there were other MPs clamouring at the door wanting you to approve these funds. Was that across the board—Coalition, Greens?

DAMIAN O'CONNOR: Certainly the Labor MPs who'd made the commitments and who had been elected, that cohort were obviously keen for their commitments to be rolled out, which is them doing their job. The Coalition—well, there were different views. Some of them actually associated themselves with the grants and tweeted about it, which we noticed in the office. Others were critical of the program and have articulated it could

have been done better, which is politics, and crossbenchers the same. It wasn't the commitments they'd made so they, in the case of Alex and perhaps Jenny Leong—although she didn't speak to me—were trying to get a different cut. But, as I said, we said it had to be the prior commitments.

The Hon. MARK BUTTIGIEG: But you never had MPs of any persuasion coming back and saying, "We don't want this because it's a rort".

DAMIAN O'CONNOR: No.

The Hon. MARK BUTTIGIEG: In your view, overwhelmingly, the view was that this was accepted with open arms and people were happy to take credit.

DAMIAN O'CONNOR: Certainly the Labor MPs and some of the Coalition MPs associated themselves with the announcements. Among the others, it varied. But the announcements—nobody was criticising the organisations that received the money. I don't think there was any criticism of the organisations at all, and there were hundreds of commitments. I don't recall anyone saying, "This is an unworthy organisation."

The Hon. CHRIS RATH: Mr O'Connor, who did you tell that Minister Graham wouldn't sign off on briefs unless they were election commitments? Was it Cherie Burton?

The Hon. MARK BUTTIGIEG: Point of order: Isn't our time up? Don't we have a time limit?

The CHAIR: I think just one last question, if Mr O'Connor is happy to answer.

The Hon. MARK BUTTIGIEG: Okay, we've got more questions too.

The Hon. MARK LATHAM: One more each.

The Hon. CHRIS RATH: One more each, if you want. The question was who did you tell that Minister Graham would not sign off on briefs that weren't election commitments. Was it Cherie Burton?

DAMIAN O'CONNOR: I can't recall.

The CHAIR: Does anyone else have a final question? Feel free.

The Hon. MARK LATHAM: Mr O'Connor, do you have any recollection about how Will2Live got in the Sydney allocations, given that it was outside of the seat of Sydney and none of its five food distribution points are in the seat of Sydney, and why there was any attempt in the original listing to give it \$100,000 for a service that wasn't even part of the seat?

DAMIAN O'CONNOR: In terms of the commitments that were made prior to the election, I had nothing to do with them, so I don't know how the numbers came about.

The Hon. MARK LATHAM: You didn't dig into any of the detail; you were just trying to make sure of one job—"These have got to be election commitments. I can recommend them to the Minister and we've complied with the guidelines."

DAMIAN O'CONNOR: It was just a brief. The recommendations were coming from the review panel. I was looking at it and just flicking through it.

The Hon. MARK LATHAM: So no-one studied it in detail; it was just a flick-through.

DAMIAN O'CONNOR: No, I can't say that. I think somebody probably studied it in detail. It wasn't me.

The Hon. MARK LATHAM: Someone in your office?

DAMIAN O'CONNOR: It was put together prior to the election, I assume, and somebody put that together and it went to the PO.

The Hon. MARK BUTTIGIEG: On that point, just so we're clear on the process, the process was that the review panel examined the efficacy or the worthiness of where the money was going and then, by the time it got to you, they'd done their job.

DAMIAN O'CONNOR: Yes, it was a lot of paperwork, and there'd clearly been a lot of good work by the department going through what would have been a very arduous process, because the list just had schools, churches and so on and suchlike. You needed to work out the governance, what the bank account was and whether there was a capacity to deliver. That was all part of the guidelines in the program, which the department, I thought, did an excellent job on.

The Hon. MARK BUTTIGIEG: So something like the \$90 million that turned up in Hornsby Park under the previous Government would have been avoided by this program.

The Hon. MARK LATHAM: Point of order: That's not relevant to the Committee.

The Hon. SARAH MITCHELL: It's not relevant.

The Hon. MARK LATHAM: That's three years ago.

The Hon. SARAH MITCHELL: You're trying to justify taking some of the line items apart.

The Hon. MARK LATHAM: Three years ago, calling junior ministerial staff.

The CHAIR: Order!

DAMIAN O'CONNOR: I think that grant was three times larger than this program.

The CHAIR: We're abusing my generosity now.

The Hon. MARK LATHAM: Thanks, Damian. We thought we needed a Rosetta Stone to decipher this, so you've been it.

The CHAIR: Thank you very much, Mr O'Connor.

(The witness withdrew.)

(Short adjournment)

Ms CHERIE BURTON, Director, Caucus Liaison Unit, Office of the Hon. Chris Minns, on former oath

The CHAIR: Welcome, Ms Burton, and thank you for making the time to give evidence. You will not be required to give an oath or affirmation as you've already done so at your previous appearance at this inquiry on 24 March of this year. Would you like to start by making a short statement?

CHERIE BURTON: No.

The Hon. CHRIS RATH: Thank you for appearing. Did you provide verbal confirmation to the program office—and this was mentioned in the Auditor-General's report yesterday—that, to quote the report, "conflicts of interest processes had been implemented by NSW Labor for all electorates"?

CHERIE BURTON: I wasn't involved in any of the conflicts of interest.

The Hon. CHRIS RATH: You weren't in that process at all.

CHERIE BURTON: No. I've said that in previous evidence when I was here last time, so I'll refer you to that.

The Hon. CHRIS RATH: Do you know who was?

CHERIE BURTON: No.

The Hon. CHRIS RATH: You've never seen all of the pre-election stuff—all of those conflicts of interest checks that were done?

CHERIE BURTON: We've canvassed this in previous evidence that I've given, so I'll refer you to my previous statement when I last appeared in the inquiry.

The Hon. CHRIS RATH: Sure, but I thought that, with a little bit more time to make inquiries and to think about the issue, maybe you would have more information to provide to this Committee. One thing we do want to know is if you've had any more time to think about where the original "source of truth" document came from.

CHERIE BURTON: I'll refer you to my answer from the previous hearing.

The Hon. CHRIS RATH: Who told you that the conflict process had been completed by NSW Labor before the election?

CHERIE BURTON: I was never involved in that. I've already explained my involvement in this process, and I was not involved prior to the election. Once the documents went in for processing through the Premier's Department, I was not involved in the assessment or approval of any of the projects. My only role—and I'll explain it again—was to ensure that the lists were provided to the department with the contact details for the organisations, so that the department could then contact those said organisations. That was my role.

The Hon. CHRIS RATH: But surely somebody said to you that the conflict of interest check had been done by NSW Labor.

CHERIE BURTON: No, that was not my role.

The Hon. SARAH MITCHELL: Ms Burton, on that, there's an email from you to Alison Morgan where you say, "Any potential COIs that we have been made aware of have been immediately forwarded to the department." How can you say you weren't involved in any of the conflict of interest processes, yet you're telling the agency that you've been made aware of them and forwarded them to the department? That doesn't stack up.

CHERIE BURTON: That doesn't give me involvement; it's just that I'm forwarding on information. I was not involved in how those processes were set up or what was happening. If anything came to my attention, I forwarded it to the appropriate people. What I'm saying is I had no involvement in anything to do with the conflicts of interest. I've said that before, and I've answered those questions around conflicts of interest.

The Hon. CHRIS RATH: Turning now to the Sydney matter, you previously told this Committee, referring to the Sydney electorate, "Nothing changed from the original commitment and what went out the door." The member for Sydney told the Parliament this week:

I asked if funding could be provided to organisations that were based in the electorate, including Wayside Chapel, Rough Edges and Canice's Kitchen. The result was that those organisations, which feed people who are homeless, all received funding ...

Were you the person he asked this to?

CHERIE BURTON: As I said in my previous evidence, I did have conversations with Alex Greenwich. Alex Greenwich is a very good member of Parliament. He's a strong advocate for his community. The election commitments were \$400,000 for homelessness shelters. There was a list that was provided to me. That was the original list. When we contacted Alex to get the contact details, which I've stated before, Alex had very strong views about where he felt the money should go, which any good MP would. At the end of the day, though—and I'm not hiding anything in this Committee; I've been very forthright in all my evidence—the inarguable fact is that, despite any assertions from anyone at this Committee, the original election commitments were the ones that went forward under the LSCA program and were assessed and paid out.

I did not even see the final thing. My understanding is that some of the original projects didn't stand up and may have gone to parks and playgrounds. But, once again, there was an error, which I've said in my last evidence. When that error was discovered, it was corrected. So, first of all, that proves that there was a good system set up to do that, and that was corrected. The ones that were actually assessed under LSCA were the original election commitments that were made prior to the election.

The Hon. CHRIS RATH: The handwritten note that had the different amounts versus the amounts that were provided by the program office to Minister Graham's office—how was it wrong? How was that amount wrong, and it just so happens to be that the amounts that were provided for approval to Minister Graham's office are also the exact same amounts that Alex Greenwich was lobbying for? What's the explanation behind that?

CHERIE BURTON: Well, there was an error. The obvious explanation is there was an error. Once that error was corrected—they were all homelessness organisations and there was an error that was made. The error was picked up. I'm really not sure what you're trying to get at here because—

The Hon. CHRIS RATH: What a big coincidence of an error—

The Hon. SARAH MITCHELL: How was there an error?

CHERIE BURTON: No, you're trying to say—this Committee is about the integrity and efficacy of the local small commitments thing. I'm telling you that the original commitments were the ones that went through for processing. They were the ones. There was an error made; I've been up-front about that, even in my original testimony. I've been up-front about that there was a mistake. There's nothing to hide here. These are about homelessness organisations. There's nothing going on. There was a mistake. When it was picked up through the process, it was corrected. It's that simple.

The Hon. CHRIS RATH: And the error was that the amounts in the brief were the exact same amounts that Alex Greenwich lobbied for. That was the error?

CHERIE BURTON: Irrespective, it was picked up and corrected. That's the point.

The Hon. SARAH MITCHELL: But how did the error come about in the first place unless those figures were provided by Alex Greenwich after the election?

CHERIE BURTON: I said in my previous evidence that Alex made very strong—what he felt, where it should go. And good luck—that's fine for him. They were very important organisations.

The Hon. SARAH MITCHELL: Those numbers then ended up with the department and started to be processed as correct.

CHERIE BURTON: And then the mistake was found and it was fixed. There's nothing untoward there.

The Hon. SARAH MITCHELL: So it was just a random mistake, a coincidence—

CHERIE BURTON: It was. Correct.

The Hon. SARAH MITCHELL: —that it was the exact same numbers that Alex Greenwich was advocating for suddenly found themselves in an official department brief.

CHERIE BURTON: Absolutely, yes.

The Hon. SARAH MITCHELL: That was just a pure coincidence.

CHERIE BURTON: Absolutely.

The Hon. SARAH MITCHELL: Who gave those figures to the department? Was it you?

CHERIE BURTON: It would have been, yes. I was the one who provided the documents to the department.

The Hon. SARAH MITCHELL: So you provided the wrong document to the department? The error is on you. It's your mistake.

CHERIE BURTON: I assume so, yes.

The Hon. SARAH MITCHELL: Right. Just in relation to conflict of interest again, you've said a couple of times today that you weren't involved in that process at all. But there is also an email from Alison Morgan to you in relation to Alex Greenwich where she says:

... in our meeting yesterday you confirmed that you had consulted with Alex Greenwich ... about the organisations in his electorate to be nominated ... We will need to include Alex Greenwich in our COI process.

Do you recall her telling you that?

CHERIE BURTON: I don't recall that. But, as I said—

The Hon. SARAH MITCHELL: It's in black and white in public documents.

CHERIE BURTON: As I said, a mistake—I'll just go back to it. A mistake was made and the mistake was corrected.

The Hon. SARAH MITCHELL: So why was Alex Greenwich not then put through a conflict of interest process for the projects in the Sydney electorate, given it was a clear recommendation to you from Ms Morgan that he was included in that process?

CHERIE BURTON: Because Alex's recommendations didn't go forward.

The Hon. SARAH MITCHELL: So it wasn't worth having a look at any conflict of interest in the Sydney electorate. You defied the advice of the department?

CHERIE BURTON: I will say, again, the original election commitments were the ones that went forward and were assessed, and that's where taxpayers' money was released. That is the importance here—nothing else. There was a mistake made. I've been up-front and honest about that to this Committee. I respect the Committee and the integrity of it and giving correct information. I've given that.

The Hon. SARAH MITCHELL: Sorry, Ms Burton, you expect us to believe it was a pure coincidence that the error is for the exact amounts for each of those organisations that Alex Greenwich was openly lobbying for post the election? Is it really your evidence to us that that was just a pure coincidence and not an intended mistake to give him what he was asking for? Are you telling the truth to the Committee?

CHERIE BURTON: Yes. I'm under oath—of course. It was a mistake that was picked up, and it was corrected. Let's look at what happened. What happened was the original election commitments were the ones that went through the process.

The Hon. SARAH MITCHELL: But there was a period of time when the department was working off the wrong list that you had given them.

CHERIE BURTON: It was a mistake.

The Hon. SARAH MITCHELL: But it was an intentional mistake because it was an attempt to give Alex what he was asking for and to thwart the guidelines of this program, wasn't it?

CHERIE BURTON: That's your assertion. But, once again—

The Hon. SARAH MITCHELL: It's pretty evident.

CHERIE BURTON: No, it's your assertion. It's not true. It's not correct. It was a mistake that was made, and it was picked up and corrected. There is nothing to see here.

The CHAIR: Ms Burton, we've had evidence that the list for the Sydney projects—we had evidence just before from Mr O'Connor that those amounts that came through were different to what had been put forward by Skye Tito during the election. Did you hear that evidence this morning?

CHERIE BURTON: Yes.

The CHAIR: We've also heard a statement from Mr Greenwich himself in Parliament where he said—I admit that I don't have the wording in front of me so I'm summarising, but my understanding is he said that one of the projects that Ms Tito had put forward was not within his electorate, and that is why there had been a change. How do you take those two bits of evidence and square them with your evidence that there was some error made by yourself?

CHERIE BURTON: Because there was. Once again, the correct list was the list that went forward for processing—the correct list. That's what happened.

The CHAIR: Let me clarify that. You're saying that those numbers that ended up being allocated through the program to the electorate of Sydney are the ones that Ms Tito had put forward during the election?

CHERIE BURTON: Sorry, what did you say?

The CHAIR: The list of projects that ended up being paid out for the electorate of Sydney under the LSCA program—were they the same projects that Ms Tito put forward during the election?

CHERIE BURTON: Yes, that's what I've been saying, except I think there were maybe one or two organisations that might not have been able, or didn't have the money, or weren't able to deliver whatever the candidate had nominated. I think that went to parks and playgrounds. But, once again, once the mistake was highlighted and corrected, I had no involvement.

The CHAIR: But the statement that has been made in Parliament by Mr Greenwich is that one of those projects nominated by Ms Tito was not in his electorate.

CHERIE BURTON: I wasn't aware of that, no. I wasn't aware that one of the projects wasn't in his electorate. What happened was there was a mistake made, and when that mistake was brought to our attention, everything went back to what was originally committed. I wasn't aware that any of the organisations were outside of his electorate. That was never brought to my attention.

The CHAIR: The evidence from Mr O'Connor before where—we showed him a document that had what was titled "Original" in one column and there was another column that said "Alex / PO". His evidence to us just now was that the original amounts and the writing that he'd done down that side column reflected what Ms Tito had committed to during the election, and that the amounts in the column titled "Alex / PO" were the amounts that then went through the grants program to be paid out. Are you disputing that evidence?

CHERIE BURTON: What I'll say again is that the amounts that went through for processing were the election commitments that were made by the Labor candidate for Sydney. That is my answer.

The CHAIR: I'm putting to you—because that was your answer in March as well—given all of the evidence that this Committee has now received, your statement and the statements from other members to this Committee and publicly don't match. Are you—

CHERIE BURTON: That's not true.

The CHAIR: No, it is.

CHERIE BURTON: No, it's not true.

The CHAIR: You are saying that the commitments that ended up being paid out are the same as those commitments made by Ms Tito.

CHERIE BURTON: No, I didn't say that. I said the ones that went forward for processing for the local small commitments were the original election commitments. I said I think I believe a couple of them didn't qualify for some reason, or something happened, and then it went to parks and playgrounds. The actual final list I'm not aware of, but I can tell you—and I have said this under oath—that the list that went forward for processing after the mistake was corrected was the original election list.

The CHAIR: One of the reasons, Ms Burton, that you've been called back in front of this inquiry is that your answers to questions on notice were found to be unhelpful. One of the questions that was asked to you very clearly was, "Did you create the list of election commitments that were then passed on?" You didn't answer that. You said you refer to your previous answer, but there is no previous answer in relation to that.

CHERIE BURTON: There is in my evidence.

The CHAIR: Please clarify for us, who created the list?

CHERIE BURTON: I've already answered that.

The CHAIR: What was it?

CHERIE BURTON: It's in my original statements. I've already answered it.

The CHAIR: No, you've not answered—

CHERIE BURTON: And what do you mean by "create"? What does that mean?

The CHAIR: Who made it? Who made the list?

CHERIE BURTON: I answered that. It's in there.

The CHAIR: No, you said you got a list.

CHERIE BURTON: It is in there.

The CHAIR: You said you were passed a list. You can't remember who from or who created it?

CHERIE BURTON: Then that's my answer.

The CHAIR: That's honestly your answer?

CHERIE BURTON: That's my honest answer.

The Hon. MARK LATHAM: Thank you, Cherie, for your appearance today. Could I just ask, in trying to find out the contact details of these fairly high-profile organisations like Salvos and St Vinnies in the seat of Sydney, why didn't you ring Skye Tito?

CHERIE BURTON: I did, but she didn't know who the actual contact person was, and so that's when I went to Alex Greenwich.

The Hon. MARK LATHAM: When you spoke to her, did she give you any reasons why these allocations were made out to these particular organisations or her methodology in arriving at these outfits and figures?

CHERIE BURTON: No. That wasn't my role. You have to appreciate, Mr Latham, that there were 600 projects across 93 seats. We were coming into government. There was a lot going on, and it would've been just a quick phone call to say, "How do we get in touch with these organisations? Who is running them?" She wasn't aware, and so then I made the approach to Alex Greenwich.

The Hon. MARK LATHAM: Who gave you that role in your office? Was it the chief of staff or the Premier?

CHERIE BURTON: Who gave me what role?

The Hon. MARK LATHAM: The role you've undertaken here to get what you thought were accurate lists to go forward to the program office, the role you just described to us.

CHERIE BURTON: It would've been the chief of staff.

The Hon. MARK LATHAM: Was the Premier aware of the role you undertook?

CHERIE BURTON: No.

The Hon. MARK LATHAM: Did you report at any time back to the Premier about the 600 projects?

CHERIE BURTON: No.

The Hon. MARK LATHAM: Who did you report to?

CHERIE BURTON: Nobody. I prepared the list, as was requested, and I submitted it to the department, and that was the end of my role.

The Hon. MARK LATHAM: In how many electorates did you contact non-Labor MPs or candidates to get the contact details?

CHERIE BURTON: I don't know. There would have been a few. There were some that already had the contact details on the list so I didn't need to, and then there were some that the candidate didn't know, so I would've contacted MPs and I would've talked to candidates.

The Hon. MARK LATHAM: Non-Labor candidates?

CHERIE BURTON: Well, I would have, yes. I've just said, and I've said in my previous evidence, 600 projects across 93 seats, and they were very small amounts of money that were for important community organisations. My sole job was to ensure that they had the contact details for the department to start processing.

The Hon. MARK LATHAM: When did you first contact Mr Greenwich, to the best of your memory?

CHERIE BURTON: I don't know. It would've been when we were doing it in that period.

The Hon. MARK LATHAM: The middle of '23? Is that your recollection?

CHERIE BURTON: It probably would have been, maybe. May or something like that.

The Hon. MARK LATHAM: How did the conversation unfold? You said, "Alex, have you got the contact details for these different organisations in your seat?" Was that his first awareness that these moneys were being allocated?

CHERIE BURTON: I believe so.

The Hon. MARK LATHAM: And then the conversation evolved into him advocating off the top of his head?

CHERIE BURTON: I'm not sure if he advocated straight away. I'm not sure exactly how it happened, but I know that there were subsequent conversations between myself and Alex in relation to him—

The Hon. MARK LATHAM: To the best of your memory, by telephone—what, a week later, two weeks later, a month?

CHERIE BURTON: I don't know, but I do know that we did speak and he was very strongly advocating for where he felt the money would be better spent, which is fine. I didn't see anything wrong with that, really.

The Hon. MARK LATHAM: But that advocacy was outside the guidelines, wasn't it?

CHERIE BURTON: I'll refer you to the evidence given earlier that, at the time, the guidelines were still being developed, and I don't see anything wrong with advocacy. At the end of the day, though, the guidelines were complied with.

The Hon. MARK LATHAM: But you must have known at that time that this was a program to be funded solely on the commitments given by Labor candidates, which was the—

CHERIE BURTON: We never agreed to Alex's changes, so—

The Hon. MARK LATHAM: No, I am not asking you that. My question is that you must have known at that time the nature of this program, which was to fund commitments given by Labor candidates and Labor candidates alone prior to the March election.

CHERIE BURTON: But there was no problem with him advocating. The election commitment for—

The Hon. MARK LATHAM: That is not the question I am asking. I am asking, did you know at the time and through the second half of 2023, when the guidelines were set, that this was a program solely to allocate public money to programs that were committed by Labor candidates prior to the election?

CHERIE BURTON: The election commitment for Sydney was \$400,000 for homelessness organisations.

The Hon. MARK LATHAM: Cherie, that is not the question I am asking you. You need to give a direct answer to the question you have been asked, under oath, and that is, did you know in the second half of 2023 that these were allocations to be made solely on the basis of commitments by Labor candidates prior to the March election?

CHERIE BURTON: Yes, that was the program.

The Hon. MARK LATHAM: So why did you allow Mr Greenwich to advocate, knowing that it was outside the guidelines?

CHERIE BURTON: You can't stop someone from advocating.

The Hon. MARK LATHAM: Yes, you can say to Mr Greenwich—why didn't you say to Mr Greenwich, at any time, "Alex, what you're saying and putting to me is impossible because it's outside the guidelines and, ethically, we can't accommodate you."

CHERIE BURTON: Because the guidelines had not been properly set yet.

The Hon. MARK LATHAM: They were, in the middle of 2023.

CHERIE BURTON: But my understanding is that my conversations with Alex were way before that—probably at the beginning of the whole process.

The Hon. MARK LATHAM: That is not the evidence you gave moments ago.

CHERIE BURTON: I can't really remember. It was two years ago. Here's what the issue is: The issue is that the original election commitments went through for processing. There's nothing to see here. Nothing untoward went on—nothing like that.

The Hon. MARK LATHAM: What we're seeing is your—

CHERIE BURTON: And the guidelines were complied with, Mr Latham.

The Hon. MARK LATHAM: What we're seeing is your deliberately misleading evidence.

CHERIE BURTON: No, I'm not. It was two years ago.

The CHAIR: Order!

CHERIE BURTON: There were lots of things going on. There were lots of things happening and lots of phone calls.

The Hon. MARK LATHAM: It's not an excuse.

The CHAIR: Order!

CHERIE BURTON: But the outcome, Mr Latham, is what is important to the taxpayer.

The Hon. MARK LATHAM: That's not an excuse either.

The CHAIR: Order!

The Hon. MARK BUTTIGIEG: Thank you, Ms Burton, for appearing. I just want to relitigate some of these things which have been raised by my colleagues. This was quite a rigorous process—a multistage process—and, as I said with the previous witness, in the context of what was seen as a litany of rorts by the previous Government, this Government was very conscious in designing a program which stood up to transparency and equity. But, in terms of the advocacy piece, which you were just asked about, it is fundamentally different, isn't it, to have a process that is ultimately complied with and a local member being able to advocate? You can hardly stop an active local member like Alex Greenwich ringing up and lobbying for funds. That's his job description, isn't it?

CHERIE BURTON: Yes. There were conversations had, and he was very forthright about where he felt the money should go, and it was for—let's talk about this. It's for homelessness organisations like the Salvation Army and all of these other organisations that provide food and shelter to hungry and homeless people. This is what we're talking about here. If he has his view about how that money should be better allocated, he's allowed to have that view. But, like I said, at the end of the day, the guidelines were adhered to. There's nothing that has happened here that has been the wrong thing or a misallocation of taxpayers' money.

The Hon. MARK BUTTIGIEG: Because part of a process like that is to actually instil the discipline so that if anything untoward appears to be happening the process corrects it, which is exactly what happened, right? Because Greenwich rings up, lobbies and says, "I want this, this and this." Then, ultimately, the process irons it out and says, "No, these were the guidelines. We're following them."

CHERIE BURTON: That's exactly—

The Hon. CHRIS RATH: No. It goes in the official brief to the Minister's office.

The Hon. SARAH MITCHELL: It goes into the brief first, and then the mistake.

The Hon. MARK LATHAM: "Untoward" is a very good description.

CHERIE BURTON: There was—

The Hon. Dr SARAH KAINE: Point of order: Sorry, Chair, but it is starting to get to the point where I cannot hear online what is going on. People are talking over each other and Ms Burton is trying to answer. Can we allow the witness to answer so we can hear?

The CHAIR: I uphold the point of order. It is very hard for Hansard to record if we are all speaking over each other.

The Hon. MARK BUTTIGIEG: Ms Burton, I think it's worth us going through what Mr Latham characterised as the Rosetta Stone, because no-one has actually gone through these line items here. The "Original" column has \$50,000 for essential services to vulnerable people and \$50,000 in the column scrawled "Alex G/PO", which, as you've pointed out, then subsequently gets vetted again and rejigged. So they were aligned anyway. Then you've got another line item, "essential services to vulnerable people" again, changed from \$50,000 down to \$5,000. "Essential services to vulnerable people" again—\$50,000 to \$75,000. Keep in mind these were all corrected in line with the original commitments.

"Essential services to vulnerable people" again—\$100,000 for \$100,000. That's a direct match. "Essential services to vulnerable people"—zero up to \$30,000. Then you have "Valuing Lived Experience: A framework for the New South Wales homelessness sector"—\$50,000 and \$50,000. "Vulnerable Communities Food Program -

Rough Sleepers"—\$50,000 and \$50,000. "Wayside Chapel Pathways Program"—\$50,000 to \$100,000. "Rough Edges Community Assistance Partnership Program"—zero to \$30,000. Even if those figures had got through to Greenwich—and they didn't—they are hardly controversial organisations to give money to, are they? By the way, they were vetted by the panel anyway, weren't they?

CHERIE BURTON: The point that I'd like to make on the record about Sydney is that the overarching commitment was \$400,000 for homelessness shelters. There was a mistake made in those lists. When that mistake was picked up, then it was corrected. Under the guidelines, as per the guidelines, the original election commitments that were made by the Labor candidate for Sydney were the ones that went forward. I think that is really important to note.

The Hon. MARK BUTTIGIEG: Because the process worked.

CHERIE BURTON: That's right, and that's, I understand, what this inquiry is about—the integrity and efficacy of the program. Ultimately, that mistake was picked up and it was corrected, and the correct organisations that were made prior to the election were the ones that went through for processing. It adhered to the guidelines. We had 93 seats, 600 projects. There was a lot going on, a lot of populating data, but it's a testament to the system that it was picked up and corrected to ensure that it complied with the guidelines. Once again, we're talking about homelessness organisations feeding hungry people and giving them shelter. As you've said, they are small amounts of money that would just help them to do that.

The Hon. MARK BUTTIGIEG: Obviously, these committees are very important to the transparency and integrity of government. But what does it say to you that after these hearings and this process, with 93 electorates and 600 projects, as you've said, the time of this Committee has distilled down to one seat—that is, the seat of Sydney—where \$400,000 was allocated to homelessness services, which no-one seems to be arguing is an unworthy allocation of funds anyway? A mistake was made in terms of the initial allocation, which was corrected in the process. What does it say to you about the integrity of the process if that is the conclusion that we're focusing on here today?

CHERIE BURTON: I have respect for the Committee and I'm here today, voluntarily, to do a follow-up. I'm happy to answer the questions, but what I do find is the questions have been answered. The Sydney seat was a mistake and it was corrected, but nobody seems to want to hear that. Everybody wants to put their own assertions and their own layers of accusations on that. The evidence that I've given has been truthful today, as it was last time I was here. There is nothing to see here, because the inarguable fact is that the correct organisations and correct amounts went through the LSCA program. That's the fact.

The Hon. MARK BUTTIGIEG: Ms Burton, do you think that, given the litigation of these grants programs in the context of the record of the previous Government, there's been an attempt to try and say that this is a rorted program? That is essentially what the implication is. Well, it's not an implication; it's a direct accusation. Do you think a program like this is worthy of future governments pursuing, given the way it was designed—that is, \$400,000 per electorate, every electorate and candidates for a party seeking to get the electorate's confidence to get office? Do you think that, as a result of this, we should not have grants programs as part of election campaigns into the future? Or are they a valid thing, given the way that this has unfolded?

CHERIE BURTON: That's probably not for me to say. But what I will say is that in response to the pork-barrelling of the previous Government, where Labor seats were left high and dry, the idea of giving \$400,000 per electorate, regardless of the outcome, I think is a very good proposition in the sense that it doesn't matter how you vote. So it runs contrary to any assertions that it was vote buying, because whether you returned a Labor member or not, what was committed to you—to your area, to the organisations in your area—was going to be fulfilled, and that's what we did. Not once throughout any of this inquiry has anybody come up with an organisation that was unworthy of any of these projects—not once.

In fact, we've had a conga line of Liberal and National MPs getting out there in the media and claiming credit for these local small commitments. For me, that is demonstrable. Even the mistake was picked up and it was corrected. It is showing you that we were coming from opposition into government. Guidelines had to be made. It was always going to be a bit clunky, but I think we had the processes—and Sydney is an example of this—in place that when there was a mistake, it was found and it was corrected. So, for me, \$400,000 per electorate, regardless of the outcome, I think is very valuable, particularly to those organisations.

The Hon. SARAH MITCHELL: Ms Burton, I want to take you back to the error that you say needed correcting. I have an email—which I've got copies of, so I'll give it to the staff to hand out—to Kate Meagher, written by Matthew Iemma, that you were cc'ed in on from 1 February 2024. It says:

Cherie has advised me that it has come to her attention that there was an error in the Sydney electorate ...

It lists seven organisations and funding allocations beside them. Could you confirm exactly where those figures came from—those numbers—for those particular projects?

CHERIE BURTON: I would assume that these are the original commitments, but I would have to take it on notice.

The Hon. SARAH MITCHELL: When you take it on notice, I just want to put to you that that list in that email from Matthew Iemma does not exist in any of the other documents that have been provided to the House or to this Committee. The only other place that they exist are the handwritten notations that Damian O'Connor told us this morning was his handwriting. We are just very keen to understand where that particular list came from, given it wasn't in the original source of truth document and it hasn't been provided in any other way except for via this email. Would you be able to provide more insight into that for us?

CHERIE BURTON: I'd have to take that on notice.

The Hon. SARAH MITCHELL: I am going to put to you this issue of the error or the mistake. We heard evidence this morning from Damian O'Connor that he actually picked up that there was an error and that the wrong amounts had been given to the program office and that he effectively wouldn't let the Minister sign off on figures that were incorrect and not in line with the election commitments. I am going to put it to you that it wasn't a mistake: It was an intentional move from your office, from yourself, to put those figures that Alex had asked for to the program office and it was caught out by Minister Graham's former chief of staff. Was it an intentional opportunity that you took to try to doctor those figure amounts to give Alex Greenwich what he had asked for?

CHERIE BURTON: I have already answered that question.

The Hon. SARAH MITCHELL: Can you clarify, did you do that intentionally?

CHERIE BURTON: No, I have already answered it. I have answered it a number of times. I have answered that question.

The Hon. CHRIS RATH: But Damian O'Connor pushed back on that brief and that is why the whole thing was held up.

CHERIE BURTON: I have still answered the question. You might not like the answer, but I have answered it.

The Hon. CHRIS RATH: We just don't believe it.

CHERIE BURTON: That's your call.

The Hon. SARAH MITCHELL: In relation to the source of truth document—which, again, you have said this morning that you can't remember who gave it to you, which is extraordinary—are you able to say whether or not Josh Wright provided you with that source of truth document?

CHERIE BURTON: I have already answered that question.

The Hon. SARAH MITCHELL: No, you haven't.

CHERIE BURTON: I have.

The Hon. SARAH MITCHELL: I am asking you specifically, did Josh Wright provide you with that document?

CHERIE BURTON: I have answered that question. I think you should go through my previous evidence from the last time I was here. It clearly tells you what my answer is in relation to the lists.

The Hon. SARAH MITCHELL: Ms Burton, no, it didn't.

CHERIE BURTON: It does.

The Hon. SARAH MITCHELL: You said that you couldn't remember. I am asking you about a specific individual.

The Hon. Dr SARAH KAINE: Point of order—

CHERIE BURTON: That is my answer.

The Hon. SARAH MITCHELL: Did Josh Wright hand you that document?

The CHAIR: Order! I will hear the point of order.

CHERIE BURTON: That is my answer.

The Hon. SARAH MITCHELL: That's not an answer.

CHERIE BURTON: It is an answer. You just don't like the answer.

The CHAIR: Order! Dr Kaine?

The Hon. Dr SARAH KAINE: The witness has answered the question several times and also pointed to where the answer might be. I suggest that the questioner move on. The witness has answered it.

The Hon. SARAH MITCHELL: To the point of order: With respect, Chair, I can use my time as I see fit. I am going to ask you again, Ms Burton, did Josh Wright—

The Hon. Dr SARAH KAINE: It has to be respectfully done, Sarah.

The CHAIR: Order! I do not uphold the point of order.

The Hon. SARAH MITCHELL: Did Josh Wright provide you with that list? Yes or no?

CHERIE BURTON: I have answered the question.

The Hon. SARAH MITCHELL: No, you haven't.

CHERIE BURTON: Yes, I have.

The Hon. SARAH MITCHELL: No, you have not.

CHERIE BURTON: Yes, I have. Refer to my previous evidence. What is it?

The Hon. SARAH MITCHELL: The reason you are back here is because you said you couldn't remember who gave it to you.

CHERIE BURTON: That is my answer.

The Hon. SARAH MITCHELL: So you can't remember if it was Josh Wright?

CHERIE BURTON: That was my answer and that is my answer.

The Hon. SARAH MITCHELL: How do you not recall who gave you this list?

CHERIE BURTON: I have answered the question.

The Hon. SARAH MITCHELL: With respect, you haven't.

CHERIE BURTON: Chair, seriously? Come on.

The CHAIR: Order!

The Hon. SARAH MITCHELL: I am going to move to—

CHERIE BURTON: What is happening here? I have answered the question and you are letting her keep going and badgering me. I have answered the question.

The CHAIR: That has not been a point of order raised.

CHERIE BURTON: Well, I am raising one.

The Hon. PETER PRIMROSE: Point of order—

The CHAIR: A point of order has been raised.

The Hon. PETER PRIMROSE: I think the witness is seeking to answer the question truthfully, as per the oath. It is inappropriate for a member to continue asking the same question and saying, "You must come back with a different response."

The CHAIR: In relation to the point of order, it is very frustrating when a witness won't answer a question, but you cannot badger the witness. Please, go ahead.

The Hon. SARAH MITCHELL: Sure. I will move on, Chair.

The Hon. PETER PRIMROSE: I take a point of order, Chair, to your ruling and the suggestion that the witness is not answering the question.

The CHAIR: I think that's very clear on the facts, Mr Primrose.

The Hon. PETER PRIMROSE: The witness has answered the question. I think it is inappropriate for you to suggest that she hasn't.

The Hon. SARAH MITCHELL: You are just wasting time. The Chair has ruled.

The CHAIR: Go ahead.

The Hon. PETER PRIMROSE: No, I asked the Chair to make a ruling.

The Hon. SARAH MITCHELL: She already did. Just to be very clear, under oath to this Committee—the whole truth and nothing but the truth—you maintain that you still cannot recall who handed you that list?

CHERIE BURTON: That is my answer.

The Hon. MARK BUTTIGIEG: Point of order—

The CHAIR: I will hear the point of order.

The Hon. SARAH MITCHELL: It was just one more question.

The Hon. MARK BUTTIGIEG: This is now beyond ridiculous.

The Hon. SARAH MITCHELL: You don't have to run cover, Butters.

The Hon. MARK BUTTIGIEG: Not believing that the witness doesn't have a recollection and then trying to extract something that is not there is not a valid line of questioning. I ask that you call her to order and move on.

The Hon. SARAH MITCHELL: I will move on, Chair.

The CHAIR: These are quite extreme circumstances. Please, do move on.

The Hon. SARAH MITCHELL: Ms Burton, do you use Signal or any other kind of disappearing message app?

CHERIE BURTON: Pardon?

The Hon. SARAH MITCHELL: Do you use Signal or any other kind of disappearing message app?

CHERIE BURTON: I use lots of methods of communication.

The Hon. SARAH MITCHELL: So, yes, you have Signal on your work phone? Is it one that you use?

CHERIE BURTON: I will take that on notice.

The Hon. SARAH MITCHELL: Are you confident that all of the documents that are required to be provided through the calls for papers have been provided to the House?

CHERIE BURTON: Yes.

The Hon. SARAH MITCHELL: Have you deleted or refused to give the House any correspondence between you and the member for Sydney through that process?

CHERIE BURTON: No, I have not.

The Hon. CHRIS RATH: Just on the allocations in Sydney, the documents that we GIPAA'ed back in 2023 basically showed that within Sydney there was an amount of \$400,000 to be given to vulnerable people, which is a very noble cause, but at no point was that allocation broken down into different organisations. The way that the spreadsheet looks is that it was a single amount of \$400,000 to vulnerable people. At what point did that \$400,000 for vulnerable people get broken down into different organisations in the way that has been provided to us in the Matthew Iemma email?

CHERIE BURTON: I've answered that question, and the answer is that they were the original commitments.

The Hon. CHRIS RATH: The Matthew Iemma?

CHERIE BURTON: The ones that went forward for processing were the original commitments, and I've taken this one on notice. I just need to make sure that this is the same. It is the first time I've seen this email. I've taken that on notice, so I will get back to the Committee on that.

The Hon. CHRIS RATH: Sure. Just to assist you in that, the original that we were given basically just had one amount—\$400,000 to vulnerable people.

CHERIE BURTON: I'm not aware of that.

The Hon. CHRIS RATH: The original that we were given through GIPAA didn't have this amount.

CHERIE BURTON: I'm not aware of that. There was always organisations and amounts attached to them, so I'm not aware of what you are talking about.

The Hon. CHRIS RATH: Just moving back to the conflict of interest aspect, can you please elaborate more why Alex Greenwich wasn't included in the conflict of interest process? Why did you push back on the department from him being included?

CHERIE BURTON: I didn't push back on anyone.

The Hon. CHRIS RATH: The email from Alison Morgan was about whether Alex Greenwich should be included, and you made a decision not to include him in the conflicts.

CHERIE BURTON: Because there was a mistake made; it was corrected. The ones that went forward were not put forward by Alex Greenwich. It's that simple. I'm just going to keep going back to the same thing because the local small commitments allocation were allocated on the original election commitments. I can't be clearer than that. I cannot be clearer.

The CHAIR: Ms Burton, just on that, there was a statement made by Mr Greenwich. I now have the wording in front of me. This was made on 25 June this year. He said:

I asked if funding could be provided to organisations that were based in the electorate, including Wayside Chapel, Rough Edges and Canice's Kitchen. The result was that those organisations, which feed people who are homeless, all received funding to be able to feed more vulnerable people.

He's saying that he asked for that funding to be changed.

CHERIE BURTON: Can you read that again?

The CHAIR: Yes. I might just read from the beginning. I quote:

When I was informed about the Local Small Commitments Allocation grants, I highlighted that one of the organisations, Will2Live—a very worthy organisation—was not based in the Sydney electorate. I asked if funding could be provided to organisations that were based in the electorate.

Are you saying that—

CHERIE BURTON: Do you have the final list that was approved?

The CHAIR: I've just put to you what Mr Greenwich said.

CHERIE BURTON: And I'm going to tell you again that the original list that was provided by the Labor candidate for Sydney were the ones that went forward. That's his view. That's what he wanted.

The CHAIR: That's fine. Are you saying—

CHERIE BURTON: But what I'm saying to you is the original election commitments went through. I cannot understand—

The CHAIR: I know. You keep saying that, but that is inconsistent now with what Mr Greenwich has—

CHERIE BURTON: No, it's not. It is not.

The CHAIR: It is inconsistent with Mr Greenwich saying that when he found out about what had been put forward during the election by Ms Tito, he asked for it to be changed and it was changed. Are you saying that Mr Greenwich has misled this Parliament?

CHERIE BURTON: He hasn't said that it was changed.

The CHAIR: He just said it. He said, "I highlighted that one of the organisations was not based in the Sydney electorate."

CHERIE BURTON: Yeah. He doesn't say it was changed. He just said that he highlighted that something wasn't in his electorate.

The CHAIR: He said, "I asked if funding could be provided to organisations that were based in the electorate."

CHERIE BURTON: But I think you will find that Will2Live went forward for funding, if you have a look.

The CHAIR: How much was promised to Will2Live during the election?

CHERIE BURTON: As I said, I'll take that on notice.

The CHAIR: Is it true that there was an actual amount agreed with Will2Live?

CHERIE BURTON: I don't know. I just got the list that was provided from the Labor candidate. That's it.

The CHAIR: You can imagine why we might ask these questions, though. It's quite weird that no-one knows, given that—

CHERIE BURTON: They're homelessness organisations. What are you saying?

The CHAIR: I understand the intention of continually talking about these organisations being worthy. Everybody accepts that. But we believe in a fair process where every homelessness organisation can apply for funding, not just ones that a candidate wants. It's about fairness.

CHERIE BURTON: There we get to the crux of it. It was not an open grants program.

The CHAIR: No, it was not.

CHERIE BURTON: It was not. It was never intended to be. They were election commitments. I'll say it again—

The CHAIR: No, they were not election commitments. It was a—

CHERIE BURTON: —and again and again.

The CHAIR: —candidate slush fund.

CHERIE BURTON: No—

The CHAIR: Now, can I ask my question?

CHERIE BURTON: —that's out of order.

The Hon. MARK BUTTIGIEG: Point of order—

CHERIE BURTON: Is this the behaviour of a Chair?

The CHAIR: What is the point of order?

The Hon. MARK BUTTIGIEG: The point of order is that the Chair should not involve herself in political commentary. That was not a question.

The CHAIR: I am a member like everyone else and entitled to ask my questions, Mr Buttigieg.

CHERIE BURTON: But you're the Chair. Where do I get some procedural fairness here?

The Hon. MARK BUTTIGIEG: It wasn't a question.

The CHAIR: You have been continually putting forward your spin on what this was. I am entitled in my questions to say what I think this was.

The Hon. PETER PRIMROSE: And the witness is entitled to respond.

The CHAIR: I haven't asked the question yet because you keep running interference.

CHERIE BURTON: But you've levelled those accusations before and I've told you that's not the case. They were election commitments. I will say it again and again.

The CHAIR: I know you will.

CHERIE BURTON: They were election commitments. And if you don't accept that, that's up to you. But you're the Chair. I'm supposed to get some procedural fairness here, and I'm not, because you're making assertions about things that just aren't true.

The CHAIR: Ms Burton, I would ask that you do not reflect on my performance as Chair and instead we have a civil conversation.

CHERIE BURTON: That's a two-way street.

The CHAIR: I am trying to get a question out. The question that I'm trying to put to you is that, under the guidelines, one of the criteria is that every single one of the allocations made had to have been an election promise by a candidate during the election period.

CHERIE BURTON: Correct.

The CHAIR: We have evidence that there are not just Sydney but many electorates where that was not the case. Where did that list of election commitments come from?

CHERIE BURTON: What I'm saying to you is that the election commitments that were made during the election were the ones that went forward. During the process they may have changed if certain organisations weren't able to—it fell over during the assessment process, which I was not involved in. The Sydney election commitments were the ones that were made during the election, and they are the ones that went forward for processing under the Local Small Commitments Allocation. That's what happened.

The Hon. MARK LATHAM: Just coming back to your conversations with Mr Greenwich, you said they started in the middle of 2023. The tranche went up to the Minister on 1 December. Would you have had conversations with Mr Greenwich right through the second half of 2023, to the best of your recollection?

CHERIE BURTON: I'd have to take it on notice. I'm not sure. I have conversations with lots of MPs.

The Hon. MARK LATHAM: I know, but earlier on in evidence you said you had a series of conversations with him starting in the middle of 2023. When do you recall those conversations ending about these allocations in Sydney?

CHERIE BURTON: I don't recall.

The Hon. MARK LATHAM: When were you first made aware of the program guidelines—this document?

CHERIE BURTON: I don't recall. I don't know.

The Hon. MARK LATHAM: Have you ever seen this document and read it?

CHERIE BURTON: I have.

The Hon. MARK LATHAM: When did you first do that?

CHERIE BURTON: I don't know. It's two years ago, Mr Latham. It was whenever it came out.

The Hon. MARK LATHAM: Two years ago in June of 2023?

CHERIE BURTON: Around that time.

The Hon. MARK LATHAM: Around the time when it was released on 31 July—that would be your recollection?

CHERIE BURTON: I couldn't say.

The Hon. MARK LATHAM: So you knew at that time that it was outside the guidelines for an MP who is not Labor and didn't make these commitments to be changing them?

CHERIE BURTON: We're going down the same line of questioning.

The Hon. MARK LATHAM: No, I'm asking you about your knowledge of the guidelines, which you haven't been questioned about. You knew these guidelines and you knew that Mr Greenwich's advocacy was outside the guidelines.

CHERIE BURTON: And as I said, he is entitled to his advocacy.

The Hon. MARK LATHAM: Yes, obviously it was very impressive, powerful advocacy—

CHERIE BURTON: It was very good. He is a very good member.

The Hon. MARK LATHAM: —but you knew it was also outside the guidelines. Why did you allow it to go forward to Ms Morgan if you knew it was outside the guidelines?

CHERIE BURTON: As I said—and I'll say it again—it was a mistake and it was corrected.

The Hon. MARK LATHAM: What was the nature of the mistake? It seems to be a conceding to Mr Greenwich's advocacy, knowing it's outside the guidelines. Is that an accurate description?

CHERIE BURTON: No, that's not accurate at all. That's your assertion.

The Hon. MARK LATHAM: What was the nature of the mistake?

CHERIE BURTON: I'm telling you, there was a lot of—

The Hon. MARK LATHAM: What was the nature of your mistake?

CHERIE BURTON: The nature of the mistake is, as I'll say again—93 seats, 600 projects. We were populating a lot of data. There was a mistake made and it was corrected. That is my answer.

The Hon. MARK LATHAM: Okay, that's not answering the question.

CHERIE BURTON: Well, it is.

The Hon. MARK LATHAM: The nature of your mistake—

CHERIE BURTON: Once again, you're not liking—

The Hon. MARK LATHAM: What are you saying? You're overwhelmed by the workload, so you just let any old thing go through.

CHERIE BURTON: No, that's not what I'm saying at all.

The Hon. MARK LATHAM: What are you saying?

CHERIE BURTON: I'm saying there was a mistake made and it was corrected. That's exactly what I'm saying. There was no-one overwhelmed. It was just a mistake, and I've been very open and very honest to this Committee about that—also that it was corrected. The election commitments that were made prior to the election were the ones that went forward. If we're talking about value for money for taxpayers and making sure that these organisations were legitimate organisations, they were. If we're talking about were these organisations committed to prior to the election? Yes, they were. That's it.

The Hon. MARK LATHAM: When Mr Greenwich told you that Will2Live was outside his Sydney electorate, did you understand at that point—

CHERIE BURTON: Well—

The Hon. MARK LATHAM: Can I finish my question, please? Can I? When he told you that, did you recognise that it was contrary to the guidelines at the bottom of page 3 that—

CHERIE BURTON: I wasn't aware. I've told you. I've just answered that question as well. I've answered the Will2Live question.

The Hon. MARK LATHAM: When Mr Greenwich told you it was outside the seat of Sydney, how did you respond?

CHERIE BURTON: I just told you that I was not aware that it was outside the seat of Sydney.

The Hon. MARK LATHAM: Did he say that to you?

CHERIE BURTON: No, not to my recollection—no.

The Hon. MARK LATHAM: He's said in Parliament that he's pointed out several times to the Government that Will2Live was outside the electorate. But you're saying—

CHERIE BURTON: Well, I have no recollection of him—

The Hon. MARK LATHAM: —in your series of conversations with him, he never said that to you.

CHERIE BURTON: I've had no recollection of him saying that to me.

The Hon. MARK LATHAM: When did you first become aware Will2Live was outside the seat of Sydney?

CHERIE BURTON: Yesterday.

The Hon. MARK LATHAM: Yesterday. Okay.

CHERIE BURTON: Have you guys looked at what went through? Have you guys looked at that—what actually went through?

The Hon. MARK LATHAM: We looked at it and our understanding is that Mr Greenwich has given you advocacy that you've put forward to the program office—

CHERIE BURTON: No.

The Hon. MARK LATHAM: —knowing it was outside the guidelines.

CHERIE BURTON: No, that's your assertion.

The Hon. MARK LATHAM: No, you're asking us a question. Our procedural fairness is to answer you. You put forward allocations to the program office, based on Mr Greenwich's powerful advocacy, that were outside the program guidelines. And you now describe that as an error because you're overwhelmed—there are too many things happening.

CHERIE BURTON: No, I dispute what you're saying. You're wrong. You weren't there. You're wrong. That's not what happened.

The Hon. MARK LATHAM: How am I wrong?

CHERIE BURTON: It was a mistake. It was found. It was corrected. And the proper commitments that were made prior to the election were the ones that went through and were processed. And that was the use of taxpayers' money, Mr Latham.

The Hon. MARK LATHAM: You're under oath.

CHERIE BURTON: I am. I'm telling the truth.

The Hon. MARK BUTTIGIEG: Ms Burton, you've been around for a while and you were a very, very successful and well-respected member for the seat of Kogarah. What do you think the average person out there in voter land, who actually cares about things being delivered for them, would think about this implication whereby 93 electorates receive \$400,000 and there's an examination of the minutiae of where \$400,000 was reallocated through a process that went to homeless people? What do you think the average person's reaction out there, who elected us on a platform of delivering integrity and transparency, would be compared to what happened under the previous regime?

CHERIE BURTON: Once again, I'll say that \$400,000 to every seat for very worthwhile projects, and no-one has come forward to say that anyone was unworthy—nobody. There was a process set up. We were in opposition, coming into government. A process was set up, and that process was followed. My view is that it gave the community faith that, regardless of whether they returned a Labor member or not, they would be no worse off. I think that's why the program was good in that sense, that it gave people that—because they had 12 years of different experience, particularly in catastrophic things like bushfire grants and things like that, which is appalling.

The Hon. MARK BUTTIGIEG: If I—

CHERIE BURTON: So here we're talking about these small things for community organisations that don't normally—they need help. They need support. Particularly in a cost-of-living crisis, they need help; they need support. They're just getting some support regardless of who was returned as their local member. That is the real point of that exercise: making sure that everyone felt, "I am free to choose who I want to represent me, despite assertions otherwise. My area is not going to be worse off. My organisations are still going to get the promised funding if Labor is to form a government." I think that's what makes this a good program, in that sense. Everyone is going to get the same. It's going to go to organisations that desperately need it.

Like I said, no-one has come forward, not even with one project. I read in the paper and on Facebook every day of Coalition and National Party MPs coming out, not only praising the projects but claiming that it's their advocacy that got these projects—which is fine, because for us it's really about the worthiness of the project. That's why the process was set up: to make sure that the community got value for money, that the organisation was able to deliver the project and that there was a community benefit. Those processes were put in place. I had no role prior to the election in the program. My only role was to get the contact details for those lists and submit them to the Premier's Department, which then put the process in place and did the assessment independently. And then the money—if they got through that independent process, it went to the Special Minister of State for approval. So I had no say in who got the project and who actually got the money, and I had no say in the approval of it. My role was very specific, and it was about preparing those contact details so that the department could contact those organisations to encourage them to apply and go through this process. That's it.

The Hon. MARK BUTTIGIEG: It was purely facilitative.

CHERIE BURTON: That's it. I had no involvement before the election and no involvement once they went in for assessment or approval—no role. It was very, very specific and that was it.

The Hon. MARK BUTTIGIEG: You might want to give us your perspective on this. If you're a Liberal candidate or a Greens candidate or a Shooters candidate in a relatively comfortable seat, and a potential incoming Labor government is saying there's \$400,000 for your electorate—notwithstanding the fact that your opposition candidate is nominating projects, you'd grab it with both arms, wouldn't you?

CHERIE BURTON: I think that when anyone is a good local member or even a candidate that's very active in their community, they know what the needs are in their area and they know that there's a lot of

organisations that need support and are unable to get it. And so to have something like that, where you can say, "If we are successful in forming a government, regardless of whether I'm elected or not, these are the projects that I'm putting forward because I feel that these are important and worthwhile things in this electorate."

The Hon. MARK BUTTIGIEG: Again, it would be a shame, wouldn't it, if the record of the previous Government on this was projected onto this program and therefore future governments were not of the mind to do this sort of thing? It's actually a great benefit for the community and actually part of the democratic process in an election campaign.

CHERIE BURTON: That's right. The fact is—and I think this is really important to, once again, have on the record—that these were election commitments. They were committed in the election. They were election commitments. Once we got into government, we had to then set up a process, which makes it different to—if you're already in government, you can do that. But we had to set up a process to administer these election commitments properly. It went through a proper process, and everything was administered correctly.

The Hon. MARK BUTTIGIEG: I will clarify some of that previous testimony. You did articulate, to be clear, this wasn't a program whereby organisations would apply for grants; it was a program whereby the Labor candidate got to allocate \$400,000 of hypothecated money to the electorate, regardless of whether they won or not. It then went through the process of probity, conflict of interest, value for money and worthiness of the project, and then it was subsequently allocated. It's not your traditional grant program where organisations applied. Correct?

CHERIE BURTON: That's right. It's not like Community Building Partnership. It's not an open process for the elected MPs. It was an election commitment by the Government. Like anything else, if we're going to build a hospital or a school or what have you, it's the same. It's just that they are small amounts of money, so under the grants administration Act, they had to be administered as a grant. That's the way they had to be administered. But they were and will always be election commitments.

The Hon. MARK BUTTIGIEG: In all your time in dealing with this post-election, did you ever get anyone from the Opposition, The Greens or any other non-Labor party expressing concern to you that, "Look, this was made by the Labor candidate, and I don't think that's fair. Therefore, I don't think the money should be allocated" or any conversations to that effect?

CHERIE BURTON: No. Advocacy is a normal sort of thing, but with all of the commitments that were made, as I've said, there has been no-one who has been able to say, "This was unworthy" or, "This shouldn't have gone forward," or anything like that. No-one has brought not one project forward to say that.

The CHAIR: It's almost like that's not the point. That concludes our time with you, Ms Burton. To the extent that there were questions taken on notice or supplementary questions, the Committee secretariat will be in touch.

(The witness withdrew.)

(Short adjournment)

Ms ALISON MORGAN, Executive Director, Grant Program Office, Premier's Department, on former oath

Ms KATE MEAGHER, Deputy Secretary, Delivery and Engagement Group, Premier's Department, affirmed and examined

The CHAIR: Welcome, and thank you for making the time to give evidence. Would either of you like to commence with an opening statement?

ALISON MORGAN: No, thank you.

KATE MEAGHER: No, thank you.

The Hon. CHRIS RATH: Thank you both for appearing before the inquiry today. This is to you first, Ms Morgan. Yesterday, the Auditor-General's report said that someone provided verbal confirmation to the program office that "a conflicts of interest process had been implemented by NSW Labor for all electorates". Who gave you this verbal confirmation?

ALISON MORGAN: Cherie Burton.

The Hon. CHRIS RATH: Do you know when she would have given you that information?

ALISON MORGAN: In one of the very early meetings in early June, around how we would implement this election commitment.

The Hon. CHRIS RATH: That was when you were putting the guidelines together?

ALISON MORGAN: Yes.

The Hon. CHRIS RATH: Did you seek documentation regarding that conflicts process?

ALISON MORGAN: No.

The Hon. CHRIS RATH: It was all just left with NSW Labor and the campaign.

ALISON MORGAN: Correct.

The Hon. CHRIS RATH: You never received anything from Labor about their conflicts process?

ALISON MORGAN: No.

The Hon. CHRIS RATH: You said that Alex Greenwich needed to be part of the conflicts process to Cherie Burton in an email. Was he ever included?

ALISON MORGAN: I don't believe I said that.

The Hon. CHRIS RATH: Well, you asked, I suppose.

ALISON MORGAN: I asked, did they wish to have him included? This is much later, when we'd been asked to undertake the conflict of interest reviews in the 17 electorates. I asked, was there any reason why he needed to be included? I was told, no, there was not.

The Hon. CHRIS RATH: Was there any reason given why he shouldn't be included?

ALISON MORGAN: They said it wasn't necessary.

The Hon. CHRIS RATH: Why did you ask whether he should be included?

ALISON MORGAN: The projects in the Sydney electorate, as you well know and have well explored, were corrected. We had some changes that had needed to be made to projects to be assessed. I had had some informal advice from the previous chief of staff of the Minister that there were some questions around whether the Sydney electorate projects were properly and accurately recorded in the master list. He indicated to me that there had been some advice from Alex Greenwich that possibly they weren't correct. That's why I had simply followed up and said, was there any need for us to involve him in the conflict of interest?

The Hon. SARAH MITCHELL: On that point, Ms Morgan, there is an email here from you to Ms Burton, and this is a direct quote: "We will need to include Alex Greenwich in our COI process".

ALISON MORGAN: If he had had any involvement in the nomination of projects, yes.

The Hon. CHRIS RATH: Did you discuss the Alex Greenwich conflict of interest with Minister Graham or Minister Graham's office?

ALISON MORGAN: I didn't directly, no.

The Hon. CHRIS RATH: But others did?

ALISON MORGAN: They may have. I can't answer for everybody else.

The Hon. CHRIS RATH: Why were the Sydney projects quarantined by your office, labelled "pending review Sydney electorate"?

ALISON MORGAN: Because there were some projects that had been assessed and had been included in tranche 7 for consideration for approval. When we were advised that there were errors in the list of nominated projects for Sydney, we clearly quarantined everything in the Sydney electorate and put it on hold until the matter had been resolved.

The Hon. CHRIS RATH: So just getting my head around it, the list was given to you originally that had essentially what was given to the Minister's office as the original tranche 7 that was sent—

ALISON MORGAN: There were some Sydney electorate projects in tranche 7, but not all of them.

The Hon. CHRIS RATH: Yes, that's right, and that was the original that was given to you.

ALISON MORGAN: Yes, we had called for applications and assessed them based on the projects that were nominated in the original list we received on 28 July.

The Hon. CHRIS RATH: So you had no reason to think otherwise that the tranche 7 Sydney list was election commitments. To the best of your knowledge, you assumed that they were the original election commitments list?

ALISON MORGAN: Yes.

The Hon. CHRIS RATH: What reason did the Minister's office give when tranche 7 was essentially rejected or sent back to you?

ALISON MORGAN: You've seen that. It's an email that was sent on through Kate Meagher from the Premier's office advising us that there were errors in the master list and to please correct them.

The Hon. CHRIS RATH: Your email of 26 February 2025 says, "In February 2024 the PO asks us to correct"—and correct is all in capital letters—"errors in the master list and made a number of changes to the organisations being nominated and the correct funding amounts to be allocated in the Sydney electorate." When you wrote "correct" in all caps, you clearly didn't believe the Premier's office when they told you that they needed to make corrections, did you?

ALISON MORGAN: I had no reason not to believe them. I believed them. There were errors in the Sydney electorate, and they corrected them. There had been some other errors as well. I have no evidence or reason to doubt that that was the case.

The Hon. CHRIS RATH: So you said, "The PO asks us to correct", and then correct all in caps.

ALISON MORGAN: Correct, for clarity.

The Hon. CHRIS RATH: So you were making abundantly clear essentially—

ALISON MORGAN: Clear that we are correcting them in line with the guidelines.

The Hon. CHRIS RATH: So it wasn't disbelief; it was more clarity.

ALISON MORGAN: Compliance.

The Hon. SARAH MITCHELL: Just on that too, Ms Morgan, you also say in brackets, "In February 2024 (seven months after we received the master list from the PO) the PO asked us to correct errors." Were you concerned about the lag in time between receiving the master list and these supposed corrections?

ALISON MORGAN: Administratively it made it difficult for us. We had assessed projects that then no longer need to be considered for funding. We'd spoken to organisations around receiving funding, so it wasn't ideal. But sometimes these things happen.

The Hon. SARAH MITCHELL: Were you given any indication from the Premier's office why there was that seven-month delay for that error to be picked up and need to be corrected? Did you ask how that had occurred?

ALISON MORGAN: No, I didn't.

The Hon. CHRIS RATH: But your assumption was, with these projects, that the member for Sydney was involved?

ALISON MORGAN: No, that was not my assumption. I was just clarifying whether anybody else needed to be included in a conflict of interest process.

The Hon. SARAH MITCHELL: I just want to pick up on that point. There's an email, and I'm happy to provide it for you, Ms Morgan, from you to Cherie Burton, Paul Mills—Ms Meagher, you're included it in as well—and a couple of other departmental staff, and it very clearly says:

Hi Cherie, in our meeting yesterday you confirmed that you had consulted with Alex Greenwich, Independent MP about the organisations in his electorate to be nominated to fulfill the Government's commitment to allocate LSCA funding to homelessness services. We will need to include Alex Greenwich in our COI process.

That would indicate that Ms Burton did tell you she had consulted with Alex and that he needed to be included in the process.

ALISON MORGAN: I can't remember her telling me that, but I do remember Damian O'Connor telling me when I was chasing the tranche 7 brief that Alex Greenwich had advised that he believed that there were errors.

The Hon. CHRIS RATH: In terms of other crossbench members of Parliament, non-Labor members, you never asked for any of them to be included in the conflict of interest process; it was only the member for Sydney?

ALISON MORGAN: I was questioning whether or not they needed to be included. I didn't ask for anybody to be included in the conflict of interest process around the nominations. It was not a process we managed, so I wasn't directing around that process of reviewing conflicts of interest. I was asked by the Special Minister of State to run a review of the process, which we did for 17 electorates.

The Hon. CHRIS RATH: But something must have sparked the question, "Should we include Alex Greenwich in this?"

ALISON MORGAN: Yes, a comment made to me by Damian O'Connor that the tranche 7 was not being approved and was being held while some questions that had come to light around which were the correct projects to be included in the Sydney electorate were verified.

The Hon. CHRIS RATH: Was it your knowledge that Cherie Burton was dealing with Alex Greenwich through that process?

ALISON MORGAN: I have no idea.

The Hon. CHRIS RATH: Moving to Will2Live, your advice was that the Sydney electorate is the only beneficiary of the Will2Live food relief program, but it clearly services others as well, doesn't it?

ALISON MORGAN: I was basing that on advice received from the organisation.

The Hon. CHRIS RATH: Their advice to you was that it only covers the Sydney electorate, even though the organisation is technically just outside of it?

ALISON MORGAN: Their kitchen and some of their facilities are in a different electorate, yes.

The Hon. CHRIS RATH: With Shelter NSW, you were told that Shelter NSW did not provide essential services to the homeless, so why did you insist on pressing on with this grant in spite of the advice that they were not eligible?

ALISON MORGAN: I did not receive advice that they were not eligible. The nomination had said services—I haven't got the exact language here. Shelter NSW do provide services to homeless people, not directly to individuals. They provide services through their advocacy, through their policy development, through influencing Cabinet submissions and the way that the homeless service sector works. The description on the original list of the 28th was very broad. It was just around services to homeless people. I believe you have the email in front of you around the analysis that I did as to whether or not what we would call a "scope change" would have been required, and I determined that it was not required. These were still services to be delivered to homeless people.

The CHAIR: Can I ask if you have both had a chance to read the Local Small Commitments Allocation Program performance audit that was conducted by the Auditor-General and released yesterday?

KATE MEAGHER: Yes.

ALISON MORGAN: Yes.

The CHAIR: Good. I suspected you would have. One of the key findings from the Auditor-General was that, obviously, because this began during an election period, many of the activities set out in the guide as key steps in the grants administration process were actually conducted by NSW Labor rather than an auditable public sector entity. So the part before the Government took power was outside the scope of the Auditor-General's investigations. However, there is one finding here where the Audit Office writes:

The Program Office advises it received verbal confirmation that conflicts of interest processes had been implemented by NSW Labor for all electorates. The Program Office did not seek, nor was it provided with, documentation supporting NSW Labor's conflicts of interest assessments.

Why was no further investigation made by the office in relation to whether or not those conflicts of interest checks had been done?

ALISON MORGAN: Because it related to the nomination process, which was not a process that we had managed at all.

The CHAIR: Were you involved in the creation of the guidelines?

ALISON MORGAN: Yes.

The CHAIR: Was it considered that it would be prudent to actually investigate whether conflicts of interest disclosures—and basically get that sort of level of assurance into the guidelines?

KATE MEAGHER: Ms Boyd, I'm happy to answer that. We have talked about this in previous forums as well—in budget estimates et cetera. I guess it's that bright line, the way we think about the program with regard to the election campaign process and the nominations, and then how we administer that as a public service in accordance with the laws of the land. As I think we've said in previous sessions—and also Kate Boyd from the Cabinet Office—we really turned our minds to this because I guess this was a bit novel for us. The grants guidelines had been introduced and implemented in 2022. This was the first election campaign process, if you like, since the guidelines were in place. With regard to the grants guidelines, if I can quote from section 6.3.3, it contemplates that when we designed the LSCA guidelines, we made sure there was a process in place where managing interactions with MPs or stakeholders is clearly defined.

In the way we established the guidelines, the nomination process happened prior to the election and formation of government. As we designed the guidelines, MPs and candidates were not involved in assessing. They weren't involved in decision-making. They weren't part of the consultation, if you like, with us as the administrators. But the Special Minister of State, as the only member of Parliament involved in the process, was required to assign any attestation et cetera if he had had relationships with candidates or MPs in regard to grants. I guess that's a long way of saying we definitely turned our minds to the issue around conflicts, and our assessment was that there was a removal of the issue around conflicts because the assessment and the decision-making wasn't done by MPs—as opposed to, say, the Community Building Partnerships, where—

The CHAIR: Understood. The Auditor-General says:

The Guide could be enhanced to be more specific about the public sector's role when dealing with election commitments.

KATE MEAGHER: Yes, and I was just about to come to that.

The CHAIR: What are the learnings?

KATE MEAGHER: We're really grateful that—in some respects, it's a shame that the Audit Office report wasn't able to go into detail around that, because it does give rise to these issues. We're very mindful of that. In the response that we've provided from the department, we've identified that the Cabinet Office will undertake to look at the guide in the context of those observations of the Audit Office. We take that very seriously.

The CHAIR: One of the other alarming findings in this report is that some of the summarised merit assessment criteria don't fully reflect the legislative purpose of the fund from which these amounts were paid and that there is a risk that the Minister was not provided with sufficient guidance to reach the required state of satisfaction that amounts paid promote the purpose of the fund.

KATE MEAGHER: I might let Ms Morgan answer that.

ALISON MORGAN: We disagree with that.

The CHAIR: You disagree with the Auditor-General.

ALISON MORGAN: We do respectfully disagree. Section 12 of the Act lists a number of purposes, and they're very broad purposes. Again, we turned our mind to this significantly very early in the piece when decisions were made about how and where this grant program would be funded from and whether or not the CSFF was

appropriate. It was considered by us, it was considered by Treasury and it was approved that we use that. We are confident that it certainly aligns with significant sections of the purpose of the Act.

The CHAIR: Did you get legal advice?

ALISON MORGAN: Did we get legal advice? I'd have to take that on notice. I can't answer that for you. But, as you'll see in the letter, in our response to the audit from the department, we've called out where we think that this very clearly aligns with the purpose for the CSFF.

The Hon. MARK LATHAM: Ms Morgan, if I can take you to the tranche 25 document and your recommendation that the eligibility criteria that the project be delivered in the electorate for which funding was allocated be waived, because the Sydney electorate is the only beneficiary of the Will2Live food relief program. On the Will2Live website today, they have five outlets for the distribution of their food, two in the electorate of Newtown, two in the electorate of Balmain, one in the electorate of Heffron and none in the electorate of Sydney. What do we now do about an organisation that clearly has given you misleading advice about its intentions and clearly doesn't qualify in any respect? Because the \$100,000 is not servicing the Sydney electorate; it's servicing three other seats.

ALISON MORGAN: I'd have to take that on notice.

The Hon. MARK LATHAM: For these questions I declare an interest, Chair, with regard to Damien Quinnell and Jacob Nicholls, with whom a decade ago I was a part share owner in some racehorses. I take the witnesses to page 12 of the audit report, regarding the grant to the Camden Musical Society initiated by the now member for Camden, Sally Quinnell. It states she made a declaration of interest that she was a foundation member of the organisation, the Camden Musical Society, which has received \$75,000, was formerly a member of the organisation, has a family member who has been playing in one of their productions and became a patron of the organisation as an MP. Would the witnesses expect that in that declaration, there should have been a clear declaration by Sally Quinnell that, according to today's ASIC records, she has a company called Bandemonium, which provides music training and encouragement, operating out of her home in what's known as the Camden suburb of Ellis Lane?

ALISON MORGAN: I'd have to take that on notice. There's a lot of information in that question, Mr Latham. I'd have to go back and compare what was originally declared to us and what advice we provided to the independent probity advisers.

The Hon. MARK LATHAM: Who was the independent probity adviser for tranche 11?

ALISON MORGAN: It was the same probity adviser we had for the whole program.

The Hon. MARK LATHAM: In terms of probity, given that the commitment was made to the Camden Musical Society in March 2023 and the program office initiated the grant application on 21 July, should Ms Quinnell have declared that she was still a secretary of this music company operating out of her home in Camden called Bandemonium up to the date of 26 August 2023? That is still after the grant application was initiated.

ALISON MORGAN: I can't comment on that without having all the documentation in front of me. I would need to confer with the independent probity advisers.

The Hon. MARK LATHAM: Can you find out when she made her declaration to the probity adviser?

ALISON MORGAN: I can.

The Hon. MARK LATHAM: That would've been before the grant was initiated to the organisation, obviously.

ALISON MORGAN: I can't confirm that.

The Hon. MARK LATHAM: That would be the normal practice?

ALISON MORGAN: Some projects had already been approved for funding before we were requested by the Special Minister of State to undertake the review of conflicts of interest.

The Hon. MARK LATHAM: If you can take that on notice and find out when she signed.

ALISON MORGAN: We can do that.

The Hon. MARK LATHAM: And, as much as possible, provide us with a copy of the probity declaration she made. It's summarised here. The Auditor-General has obviously seen it, so it would be helpful for the Committee.

ALISON MORGAN: I'd have to check whether they've already been—I think they've already been tabled, along with the 25,000 other pages we've tabled. I'll confirm that for you.

The Hon. MARK LATHAM: Among the 25,000 pages, I wasn't able to find that. But if you can assist, that would be useful for me and the Committee, I'm sure. Also in terms of probity, given that a close personal friend of the Quinnells, Jacob Nicholls, is now the director and operator of the company, should that have been declared?

ALISON MORGAN: Again, I'll have to take that on notice. I don't know enough about the circumstances to understand.

The Hon. MARK LATHAM: Given that Mr Nicholls has an address in Bowral but the contact details for ASIC—and, I assume, other organisations—for Bandemonium is a post office box in Camden, the home town of the Quinnells, should that have been declared right up to this point?

ALISON MORGAN: I'd have to take that on notice. Without any documentation to understand what was or was not declared at the time, I can't comment.

The Hon. MARK LATHAM: What's the legal standing of declarations—given that it clearly appears that if you're seeking money for a musical organisation in Camden and you're running a musical company, you'd think this is a valid declaration, as per the questions I've asked. What's the legal standing of the declaration Ms Quinnell signed?

ALISON MORGAN: Well, I'm not a lawyer. I can't comment on that.

The Hon. MARK LATHAM: Is it according to the code of conduct in the Legislative Assembly, where they have some standards and some severe penalties for members who sign false declarations?

ALISON MORGAN: Certainly members of Parliament who are involved in any grant program for any reason are still subject to the code of conduct that covers them, definitely. But I couldn't make a comment about the legal standing of a declaration.

The Hon. MARK LATHAM: But if you can take that on notice and look at this material.

ALISON MORGAN: Yes, I can take that on notice.

The Hon. MARK LATHAM: I'm happy to provide to you material that's available at ASIC if you pay the fee and do the search. It does indicate issues here that need to be further investigated.

The Hon. MARK BUTTIGIEG: Thank you to both witnesses for appearing. Ms Meagher, how long have you had involvement as a senior official presiding over the Premier's Discretionary Fund team in the Cabinet Office or the Premier's Department?

KATE MEAGHER: On and off, because I am no longer responsible for grants as of October last year, but probably about two years, approximately.

The Hon. MARK BUTTIGIEG: Are you aware of any PDF grants under the former Government where it made announcements prior to the change of government that had not yet been processed by your department?

KATE MEAGHER: Sorry, can you repeat the question?

The Hon. MARK BUTTIGIEG: The question is whether or not you're aware of any Premier's Discretionary Fund grants under the former Government where it made announcements prior to the change of government that hadn't yet been processed for your department. In other words, there's a promise made before gaining government and your department hadn't processed them yet.

KATE MEAGHER: I will have to take that on notice, I'm sorry. I can't recall.

The Hon. MARK BUTTIGIEG: What about any PDF grants under the former Government where grants were announced during the caretaker period but, again, where the department hadn't processed those?

KATE MEAGHER: I will take that on notice as well, apologies.

The Hon. MARK BUTTIGIEG: That's fine. Are you aware of any applications that have either come from or included letters of support from members of Parliament?

KATE MEAGHER: Yes.

The Hon. MARK BUTTIGIEG: Do you see anything wrong with that?

KATE MEAGHER: I think, under the former Government, letters of application came from a variety of MPs from different political parties, and it's the same here. In this Government, obviously, the PDF guidelines allow for small discretionary, ad hoc, one-off grants, and it is very common for those representations to be made by community organisations or MPs. And then the process is that the Premier's office asks us to assess those projects against published guidelines, and the results are published also.

The Hon. MARK BUTTIGIEG: In that particular narrow sense or that particular situation, it is hardly fast-breaking news that local members would advocate for allocations from the Premier's fund and actually put in supporting letters to that effect. But then the process teases out the validity of the claim.

KATE MEAGHER: I wouldn't comment on whether it's fast-breaking news, but certainly the process allows for nominations to come from MPs.

The Hon. MARK BUTTIGIEG: To both of you, in terms of your general experience, I'm not sure to what degree, if any, you were involved in the administration of some of the previous Government's grants programs—things like stronger communities, bushfire recovery, club grants, schools' renewable energy infrastructure, Regional Cultural Fund and WestInvest, for example. What's your experience of the process and administration of those programs compared to this one? There is a lot of context here. The Government's contention is that we were very conscious of the bad rap that those programs got in the public's mind and in the media, and we were conscious to try and tighten all that up. I want to get your perspective of a compare and contrast between how those programs were carried out and how this one was carried out.

KATE MEAGHER: I think that's asking for an opinion. I wasn't involved in other grants processes. I can't speak for Ms Morgan.

The Hon. MARK BUTTIGIEG: Not WestInvest at all?

KATE MEAGHER: Ms Morgan was involved in the design of WestInvest.

ALISON MORGAN: I have a couple of comments. One is that a lot of those grants were run prior to the *Grants Administration Guide* being in existence, so the rules were different. That would be one comment. The only one I have had any direct engagement with has been WestInvest. I now administer WestInvest jointly with the Department of Primary Industries and Regional Development. They are very different programs, though. You are comparing a \$2 billion infrastructure program. Right from the time it was very first designed, WestInvest was targeted in a particular area. It came out of COVID responses. The structure of it, the nuancing of it, the rules around it, the assessment process—everything is completely different because it needs to be. The *Grants Administration Guide* gives some fantastic principles and some things that you must and should do, but a lot of that you have to then interpret what is the right way to apply it to a particular grant program. If you are dealing with 600 very small local grants compared with 191 very large infrastructure grants, a lot of the process has to be very different.

KATE MEAGHER: As a general observation, I would just say that, working alongside Ms Morgan and her team, our north star is the communities and the organisations that we engage with. There is a lot of focus on—and I appreciate the focus and the interest from the Committee. For us, we are glad to see that the laws allow for a high degree of transparency and a high degree of accountability. Our focus is on how we service those community organisations and giving confidence to community that taxpayer funds are spent well. That is a general observation about our role in grants administration more broadly.

The Hon. MARK BUTTIGIEG: In your opinion, those organisations—

The Hon. SARAH MITCHELL: Point of order: I am reluctant to do this, but the member continues to ask the witnesses for their opinion, and I think Ms Meagher has already commented on that. I think the member should be asking them for facts rather than their opinion.

The CHAIR: I uphold the point of order.

The Hon. MARK BUTTIGIEG: If I could rephrase the question: In your view, then, since we're quibbling on semantics, do you think that the recipients of this particular grants program—\$400,000 to 93 electorates—and the process that the program office went through in vetting the worthiness, if you like, of the recipient of those funds is robust?

ALISON MORGAN: Yes.

The Hon. MARK BUTTIGIEG: Again, it would be hardly surprising if local members, notwithstanding the guidelines whereby the Labor candidate had the specificity over how it was allocated, inserted themselves into the process to try to advocate for their electorate, would it? Previous evidence was that supporting letters come in all the time, right?

ALISON MORGAN: We didn't receive very many for Local Small Commitments Allocation. They'd already been nominated, so we had very strict rules around how any advocacy or engagement from MPs would be managed. It had to be declared and, of course, no MPs had any role at all in the assessment or the decision-making other than the Special Minister of State, so that's a bit different. Certainly, other MPs across all sorts of grant programs—I receive a lot of inquiries from local MPs asking me do I know about a grant program that this organisation might well be able to apply for. Certainly, they do advocate on behalf of their communities, very effectively. We also administer the Community Building Partnership Program, which is an allocation to every electorate, and every local MP is actively involved as an assessor in those programs, so it's a very different structured program.

The Hon. MARK BUTTIGIEG: In this particular configuration where the residual of the \$400,000 was to go to parks and playgrounds and, in the first instance, be under the remit of council, but then the local member was to be consulted—that was the process—did you get involved in any of that?

ALISON MORGAN: Not in the consultations, no, but the Special Minister of State was very clear that he wanted local members to be able to have some say with the councils about which projects were priorities in the electorate.

The Hon. MARK BUTTIGIEG: Yes, so any residual goes through to council, and council consults with the oversight of the Special Minister of State that the local member definitely gets it. And you're satisfied that that happened?

ALISON MORGAN: Yes. We ask them to document the consultation process as a part of the application form.

The Hon. SARAH MITCHELL: Ms Meagher, my questions will be directed to you. I have a brief copy that I'll provide for you to be able to have a look at. It's just in relation to the Premier's Discretionary Fund and some funding that was put forward from the Premier's office for Wayside Chapel, The Salvation Army and St John's Community Services Rough Edges back in February 2024. Do you recall that brief asking for money from the discretionary fund?

KATE MEAGHER: I can't recall the brief.

The Hon. SARAH MITCHELL: It's coming to you now.

KATE MEAGHER: Yes, thank you. As part of preparing for today, I do recall that process being initiated.

The Hon. SARAH MITCHELL: And the Premier's chief of staff, I think, asked for you to provide that.

KATE MEAGHER: Correct, yes.

The Hon. SARAH MITCHELL: I want to take you particularly to the letter which is on the very back of that document that I've given you now. That's a letter from the Premier to St John's Community Services. In the second paragraph, it says that they'd made a submission for an LSCA grant, "but, unfortunately, funding constraints within the program mean that this grant cannot be approved". There weren't any funding constraints for that grant, were there? Why is that included in the letter back to this organisation?

KATE MEAGHER: Ms Morgan, actually.

ALISON MORGAN: There were. There was a limit of \$400,000 in every electorate and once the Sydney electorate's nominated projects had been corrected, there wasn't sufficient funds then for that program.

The Hon. SARAH MITCHELL: So the reason that this group had to be given money from the Premier's fund was because there was an error in the list that you had.

ALISON MORGAN: Correct.

The Hon. SARAH MITCHELL: So this is actually tidying up a government error and giving them money through a different channel?

ALISON MORGAN: Yes, that was the outcome that was achieved. But the reason they weren't able to be funded through the Local Small Commitments Allocation was because the funding had been exhausted for that electorate.

The Hon. SARAH MITCHELL: Because there was an error that was put to you from an incorrect list from the Premier's office?

ALISON MORGAN: Yes.

The Hon. SARAH MITCHELL: Why was that not made clear, to say to this organisation: "Funding constraints mean that it can't be approved"? I don't think that's accurate information coming from the Premier. It's not actually telling the truth to this organisation about what has happened.

ALISON MORGAN: Well, I disagree. I think it is accurate information. It may not explain every background internal transaction that might have happened. But, effectively, for this organisation, it explained why they weren't funded through the Local Small Commitments Allocation.

The Hon. SARAH MITCHELL: You had to tidy up the error is what has happened here, really.

ALISON MORGAN: The Premier asked us, where we had already spoken to organisations—we'd already indicated with them that they were nominated for funding through the program. The Premier asked us then to consider them for funding through the Premier's Discretionary Fund.

The Hon. SARAH MITCHELL: Just on the same brief, the Wayside Chapel—it says I think on the second page that they were going to get joint funding, a co-contribution from both the LSCA and the PDF. Were there any other projects out of all of the hundreds of projects that got joint funding from both LSCA and the PDF, or was this the only one?

ALISON MORGAN: I'd have to take that on notice, but I don't think so. But I will take it on notice.

The CHAIR: Mr Latham?

The Hon. MARK LATHAM: I seek to table the ASIC printout about Bandemonium, the company operating out of the Quinnell family home in Camden, with the redaction of their exact address for privacy reasons.

The CHAIR: Thank you.

The Hon. MARK LATHAM: I'll provide a copy to the witnesses as well at the end of their evidence. Regarding tranche 11, the Minister has signed off here officially and twice dated it 1 February 2023. That can't be right, can it?

KATE MEAGHER: It must be a mistake.

ALISON MORGAN: Yes, it must be an error. I'm not sure. I'd have to check that. I'll take it on notice for you.

The Hon. MARK LATHAM: Get us a correct dating. He has signed it twice with a date that obviously can't be accurate, because it's before the election and the program hadn't officially started. In terms of the conflict of interest review outcome by the standard probity adviser you mentioned, in the 25,000 pages, this is the sort of thing, is it, with the yellow band in tranche 11? This is the conflict of interest review? Is this the document you were referring to earlier, Ms Morgan, or is there a separate probity document?

ALISON MORGAN: I'd have to have a look at it. Is that an assessment outcome report?

The Hon. MARK LATHAM: Yes, it is.

ALISON MORGAN: The assessment outcome report flagged the fact that there had been a probity review, but that's not the probity review document. That's providing advice to the Minister when he's having a look at that in order to make a decision about whether to fund or not fund a project that had been subject to a conflict of interest review.

The Hon. MARK LATHAM: In the standard practice, would a program office initiate grant applications after a conflict of interest review outcome had been determined?

ALISON MORGAN: That's a very general question. It depends on who the conflict of interest is coming from, the reasons why you're seeking it, is it an open and competitive grant program, or is it a selective grant program—can you rephrase the question in a way so I can try to be helpful?

The Hon. MARK LATHAM: In the LSCA processes, was it the normal practice that the grant applications would only go out after a conflict of interest review outcome had been determined?

ALISON MORGAN: No, that was not the normal practice. Nominations were undertaken and arranged and managed by the Labor Party prior to the election, prior to us starting to commence our running of the program. We only undertook—this is for nominations. Or are you asking me about the assessment process?

The Hon. MARK LATHAM: The assessment process.

ALISON MORGAN: The assessment process did not involve any of the MPs or any of the candidates. The assessment process COIs only involved those people who were involved in the assessment process.

The Hon. MARK LATHAM: You haven't seen the Labor Party declarations of interest?

ALISON MORGAN: No, it was not a process I had anything to do with managing.

The CHAIR: Sorry, the timing got a bit stuffed up there. The Opposition has two more minutes.

The Hon. SARAH MITCHELL: I want to go back to the issue in relation to St John's Community Services and the Rough Edges program that got the Premier's discretionary funding. Was this ever an original election commitment through the LSCA program? Isn't the issue here that you were incorrectly told it was?

ALISON MORGAN: Yes.

The Hon. SARAH MITCHELL: That's why they began the process. But then that list was corrected?

ALISON MORGAN: Yes.

The Hon. SARAH MITCHELL: And therefore it had to go through the PDF. So it wasn't a funding constraint; it was that they were never an election commitment to begin with. Is that correct?

ALISON MORGAN: There was a funding constraint because, when the list was corrected, there was not sufficient funding left in the electorate to fund that project.

The Hon. SARAH MITCHELL: But—

ALISON MORGAN: Because it had been incorrectly announced.

The Hon. MARK BUTTIGIEG: Point of order: The question has been directly addressed and the member wants to litigate a political point.

The CHAIR: Order! Just on that point of order, it is completely within the member's right to continue to ask the same question and get the same answer. That's within their rights.

The Hon. SARAH MITCHELL: But, to be eligible for LSCA, it needed to be an election commitment, correct?

ALISON MORGAN: And we had been advised it was an election commitment in the first version of the list that we received.

The Hon. SARAH MITCHELL: Yes, and then subsequently you were advised that that needed to be corrected because that wasn't the case.

ALISON MORGAN: Correct.

The Hon. SARAH MITCHELL: That's why it became a PDF. So my point to you is, even if there was adequate funding, they would still not have been eligible because you later realised that they were incorrectly classed as an election commitment.

ALISON MORGAN: Hypothetical—possible. The facts in front of us were that there was insufficient funding to be able to fund that project. It was not election commitment, so they were offered an alternative fund.

The Hon. SARAH MITCHELL: So then it wouldn't have been eligible even if there was money. I don't mean to be obtuse but my point is, if it was never an election commitment—if that was wrong and that information was given to you in error, as Ms Burton said today in relation to those projects—regardless of how much was left in the funding envelope, it would never have been eligible. So it wasn't a funding constraint; it was because it was never eligible to begin with.

ALISON MORGAN: That's your interpretation. I felt confident about the advice we were providing to an external organisation that the reason they were not receiving a Local Small Commitments Allocation was there was not funding in the electorate, and an alternate source of grant funding had been found for them.

The Hon. MARK LATHAM: Could I just seek what would normally be the probity rules around a member of Parliament who has failed to declare a music business running out of their family home—their residence—when they're receiving \$75,000 for a music entity in that same town? Would that normally be something that should be declared?

ALISON MORGAN: When we were asked to undertake the COI process across the 17 electorates, we asked the candidates to nominate all conflicts or all interests that they may have had with those organisations.

The Hon. MARK LATHAM: Did the probity officer have any access to what declarations Ms Quinnell might have made to the Labor Party as their candidate when she first proposed the \$75,000 for the Camden Musical Society, which she set up herself? She's a patron. She goes to their events. You'd normally expect that

she would find new clients for the Bandemonium business run out of her home as a consequence of that involvement with the group that's now getting the \$75,000. Did the probity officer have any access to her declarations there?

ALISON MORGAN: No.

The Hon. MARK LATHAM: Is there any indication that the Labor Party still holds those documents?

ALISON MORGAN: You'd have to ask them.

The Hon. MARK LATHAM: Ms Quinell did say she was a foundation member of the Camden Musical Society. She's now their patron and, on social media, she goes to their events, and a family member has participated. Would you normally expect this is a pretty good place to farm out new clients for her business, Bandemonium?

ALISON MORGAN: I have no expectation around anything on that.

The Hon. MARK BUTTIGIEG: If I could just tease out some of that previous testimony regarding the attempted characterisation of some sort of mistake, let's get this clear: The organisations concerned had an expectation that they may receive funds but, when it was subsequently found out—due to the robust process—that that was a misallocation, the funds became exhausted because the original list applied. Therefore, the Premier's discretionary funding was used on a fairness basis to make good on the expectation. Is that an accurate characterisation?

ALISON MORGAN: Yes.

The Hon. MARK BUTTIGIEG: That's literally what the word "discretion" means in the English language, isn't it? The Premier has discretion to allocate funds as he sees fit. In this case, it was based on the fairness principle.

ALISON MORGAN: No, the Premier has discretion to nominate organisations to be considered for a grant through the Premier's discretionary funding. Once there, they come to our attention. We then undertake the assessments to make sure that they meet the guidelines.

The Hon. MARK BUTTIGIEG: In terms of the auditor's report that came out yesterday, do you have any commentary around the findings of that and what we might do to address some of those suggestions?

ALISON MORGAN: We're very supportive of the findings of the Audit Office. We're very open to hearing from them about things that we can do better. There certainly are some findings there about processes that we can improve. I think the letter from the secretary of the department makes it quite clear that generally we appreciate the input that they have. I don't know what else there is to say.

The Hon. MARK BUTTIGIEG: Was there anything in particular?

ALISON MORGAN: Obviously, I'm very pleased that the auditor found that we'd managed the process in compliance with the *Grants Administration Guide*. Clearly, I'm not happy that there was one final step in some of our internal conflict of interest processes that we didn't follow. We do strongly believe that the purpose for the CSFF is well aligned with the Local Small Commitments Allocation, and we've outlined that. There was some commentary around assessing value for money, which I think is always very challenging in these very low value small grants.

The Hon. MARK BUTTIGIEG: Is this referring to the big wombat controversy?

ALISON MORGAN: The wombat controversy?

The Hon. MARK BUTTIGIEG: Wasn't there something to with wombats not being worthy or something?

ALISON MORGAN: I might need a little more definition around the wombat controversy.

The Hon. SARAH MITCHELL: Wombats?

The Hon. MARK BUTTIGIEG: Yes.

The Hon. MARK LATHAM: It's up there with Watergate.

ALISON MORGAN: Clearly.

The Hon. SARAH MITCHELL: Wombatgate.

ALISON MORGAN: They have made a comment around how much evidence we asked for around value for money. In these very small grant programs, where you have community organisations that generally are run by volunteers, they don't know if they're going to get funding or not in most cases, and so they may or may not—in many cases, they don't have three competitive quotes. They don't go to tender. There is a core principle in the *Grants Administration Guide* around proportionality.

The Hon. MARK BUTTIGIEG: Yes, because you could end up in a situation where, if the probity is too onerous, worthy organisations could end up missing out just because they haven't got the infrastructure in place to deal with it.

ALISON MORGAN: Indeed. We try to have an appropriate requirement for some level of documentation that allows a robust assessment around whether the costs that are proposed really are balancing the benefits the community is going to receive from the grant. That can be a qualitative analysis and a qualitative decision. It's not a business case. There's not a return on investment of one or greater; it's a qualitative assessment. Similarly, we generally in our grants have a criteria around the organisation's capacity to deliver. Again, if it's projects that don't involve complex construction or building—if you're just buying AV equipment or you're buying a vehicle—usually it's a judgement call around whether this organisation has enough internal capability to be able to appropriately manage the grant. There are some comments in there from the Audit Office. Being auditors, of course they would have liked to have seen more documents around some of the value-for-money assessments. I'm confident that we certainly did require those for some of the larger grants. But for the smaller grants, I'm confident that we have made an appropriate and proportionate assessment of the value for money of those grants.

The CHAIR: That concludes our session for today. Thank you very much for making yourselves available. To the extent there are questions on notice or supplementary questions, the Committee secretariat will be in touch.

(The witnesses withdrew.)

Mr JOSH WRIGHT, Former Senior Policy Adviser to then Opposition Leader Mr Chris Minns, MP, sworn and examined

The CHAIR: I welcome our next witness. Would you like to commence with a short opening statement?

JOSH WRIGHT: No.

The Hon. CHRIS RATH: Thank you for appearing today. When you were in the office of the Leader of the Opposition, were you responsible for approving nominations under the Local Small Commitments Allocation?

JOSH WRIGHT: I was not the decision-maker. I was not responsible for approving. I was collating information to support the shadow ERC.

The Hon. CHRIS RATH: So Labor candidates and MPs came to you with projects that they wanted funded through the election campaign?

JOSH WRIGHT: Yes. As you will have seen from the previous evidence, a bulletin went out to each of the MPs. Obviously they're spread across the State, for obvious reasons. Through that bulletin, they were given the guidelines. They were given a form to fill out. That form was done electronically and arrived on a desktop at Sussex Street, which I assessed, obviously, for completeness. I did certain checks on those, I suppose, recommendations. That includes a check against the guidelines that existed, whether or not they were a legitimate organisation—for example, an ABN check or whether they're on the ACNC charities website—and confirmation that the nominations remained within the budget allocation of \$400,000 per electorate.

The Hon. CHRIS RATH: After you looked at them and assessed them, who did you then send them to for approval?

JOSH WRIGHT: That was a matter for the shadow ERC.

The Hon. CHRIS RATH: So you sent it to the shadow ERC, and they determined which projects should be funded and which ones shouldn't?

JOSH WRIGHT: Yes. Clearly, within those checks, it was "Yes, these meet the guidelines" or annotated where they did not—whether they met the guidelines, whether they were legitimate organisations, whether there was a conflict and that they were within the budget envelope.

The Hon. CHRIS RATH: Who was on the shadow ERC?

JOSH WRIGHT: I can't recall all members that were on there, I'm sorry.

The Hon. CHRIS RATH: Was there any conflict of interest process undertaken by you and your office?

JOSH WRIGHT: Yes. On notice, Mr Dominic Ofner has provided the application process, which I've got. It does go through each of those, and it does have conflict of interest, which I think is the second-last cell that was filled in: Do you have any actual, potential or perceived, or direct, indirect or personal interest in this commitment? It goes on to give an example. Those cells were tabulated within the online spreadsheet, and they were passed onto the shadow ERC for consideration.

The Hon. CHRIS RATH: What was Ofner doing and what were you doing?

JOSH WRIGHT: No, he was not involved. What I'm saying is he has provided—

The Hon. CHRIS RATH: He just sent around the circular?

JOSH WRIGHT: He provided evidence that—and I'm simply pointing to that form. I'll just talk you through the process. Candidates were given an electronic copy within a bulletin that provided them the guidelines and the form that Mr Ofner has provided on notice. They would fill out that electronic form he'd send. It would appear on a spreadsheet, and they would appear sequentially. They were all timestamped, which we'd sort by electorate or by portfolio or time that it was received. They would sequentially populate that database. That database was then provided in a few tranches, because they were announced in a few tranches through the shadow ERC to make that decision.

The Hon. CHRIS RATH: Do you recall collating conflicts of interest and projects for the Sydney electorate?

JOSH WRIGHT: All of the electorates would have gone through the same process.

The Hon. SARAH MITCHELL: You just referred to an online spreadsheet, where presumably all the nominations from candidates were kept.

JOSH WRIGHT: Correct.

The Hon. SARAH MITCHELL: What happened to that online spreadsheet after the election? Where did it end up?

JOSH WRIGHT: I'm not entirely sure. I didn't stay with the Leader of the Opposition's office. My computer was handed back to Parliament, presumably wiped and reissued. The parliamentary staff—the Leader of the Opposition's staff are on a completely different computer system to the DPC staff.

The Hon. SARAH MITCHELL: Yes, I understand that. But you weren't involved at all in the transition from opposition to government? You had left by that stage?

JOSH WRIGHT: That's right. I didn't go to the Leader of the Opposition's office. I went to another office.

The Hon. SARAH MITCHELL: Okay. Who else had access to that electronic spreadsheet that you've just mentioned?

JOSH WRIGHT: I couldn't tell you. I don't know. I didn't administer—I didn't own the spreadsheet or administer or provide access to people, so I don't know exactly.

The Hon. SARAH MITCHELL: You don't recall leaving that spreadsheet with anybody when you left the now Premier's office? You didn't say, "Hey, listen. These were the election commitments. Here's the list." Did you give that to Cherie Burton, or how did that list then come about?

JOSH WRIGHT: No, I didn't provide it to anyone.

The Hon. SARAH MITCHELL: You finished up, you left it on your computer, you didn't pass it on to anyone and you didn't hand it over.

JOSH WRIGHT: The process is a two-stage process. It was done from opposition and then it was to be ratified through a full Cabinet process, should Labor form government, as they did. Once Labor formed government, that, to my knowledge, became part of the Cabinet submission and not a submission that I was involved in.

The Hon. SARAH MITCHELL: What was the format? Was it on a Google Drive?

JOSH WRIGHT: Yes, it was like an Excel spreadsheet or, more similar, a Google Drive or something like that. I don't remember the exact interface, but it was certainly a spreadsheet.

The Hon. CHRIS RATH: Would James Cullen have had access to that spreadsheet?

JOSH WRIGHT: Not to my knowledge.

The Hon. CHRIS RATH: Was he chief of staff at the time, in your office?

JOSH WRIGHT: He was, but it's not something—he had a few other things on his plate.

The Hon. CHRIS RATH: It was an electronic spreadsheet—an Excel spreadsheet.

JOSH WRIGHT: Correct.

The Hon. CHRIS RATH: Can you offer any explanation as to why, eventually, this electronic spreadsheet was given to Cherie Burton in hard copy in the transition from the campaign to government?

JOSH WRIGHT: You might realise this at the moment. I'm not sure how it is in opposition now, but the Opposition, while I was there, did not have an eCabinet-type system in the same way that Government does. Decisions, through the time that I was in the Leader of the Opposition's office, were paper based.

The Hon. CHRIS RATH: It's quite strange, isn't it, that a usable Excel spreadsheet, with nice columns and numbers and that is easily editable, somehow goes from that in the opposition to being handed to Cherie Burton in government in an unusable hard copy format? That's quite strange.

JOSH WRIGHT: No, I don't agree.

The Hon. CHRIS RATH: Why wouldn't it be given to her in a more usable Excel spreadsheet? Someone then had to type up this hard copy spreadsheet in the transition from opposition to government. Why wasn't it just given to her electronically?

JOSH WRIGHT: I'm not the secretariat of the shadow ERC, so I don't know how they choose to run things and what goes in and what comes out. I can only talk to the part that I played. I'm not a member of the shadow ERC. I'm not a decision-maker. I'm not the secretariat. What came out, came out. If it came out in a paper-based format, then that's a matter for the shadow ERC.

The Hon. CHRIS RATH: Who was the secretariat for the shadow ERC?

JOSH WRIGHT: I don't recall.

The Hon. CHRIS RATH: Who else was working in the Opposition leader's office at the time?

JOSH WRIGHT: At the time?

The Hon. CHRIS RATH: During the campaign.

JOSH WRIGHT: As in, the entire office?

The Hon. CHRIS RATH: Yes.

JOSH WRIGHT: James Cullen was the chief of staff. Ed Ovadia was the director of policy. Sachin was one of the policy advisers. I was there. Bill Hawker was there. We had a media team. I don't recall all of their names, to be honest. Largely, the same people are probably there now.

The Hon. CHRIS RATH: To go back to this circular, Ofner and Labor send it out to all Labor MPs and candidates.

JOSH WRIGHT: Correct.

The Hon. CHRIS RATH: But the return is to you in the leader's office. The return of that information is to you to assess, which you're then putting into these Excel spreadsheets.

JOSH WRIGHT: The spreadsheet was automatically populated through filling out that form. I didn't do manual inputs. I didn't retype anything.

The Hon. CHRIS RATH: That's very smart.

JOSH WRIGHT: You would receive an online portal to log in to.

The Hon. CHRIS RATH: A Google form.

JOSH WRIGHT: You would fill that out. It would populate a spreadsheet. It would be time stamped and whatever the applicant had put into that spreadsheet would appear on the screen.

The Hon. CHRIS RATH: You were assessing that automatically populated information, essentially. That was your job. You were looking at conflicts. You were looking at whether it was within the \$400,000 envelope and whether the projects were worthy et cetera and then sending it through to shadow ERC.

JOSH WRIGHT: Correct.

The Hon. SARAH MITCHELL: In terms of how it was populated and then automatically came through, were you the only person who had access to that document or did Labor Party head office have that as well?

JOSH WRIGHT: Again, I don't know who had access. I know that I did. I know that I wasn't the only person, but I couldn't give you a list or an understanding of how broad it was.

The Hon. SARAH MITCHELL: In terms of when you left the office, presumably there was other work you would have done in the Opposition leader's office that would also carry on to their implementation in government. Was any of that in other areas passed on, that you can recall, or is it just this particular program where it seems to stop when you leave?

JOSH WRIGHT: I don't recall the transition very well. I did not transition with that office. I didn't seek re-employment or offered. I moved on to another role. The majority of the office stayed on, so it wasn't really a matter for me to transition those documents.

The CHAIR: We've got this spreadsheet that is being automatically updated by people putting in the information. What software program was that spreadsheet in?

JOSH WRIGHT: Again, I couldn't say. It was an online spreadsheet. It may have been Excel; it may have been Google. I'm not entirely sure.

The CHAIR: Then when it was sent through, you said it was sent through to shadow ERC. How was it sent through? In what form?

JOSH WRIGHT: I don't recall. I don't know that it was emailed or sent or whether certain members had access. I'm sorry, I can't enlighten you any further on that.

The CHAIR: To your knowledge, it wasn't printed out at that moment in order to send—

JOSH WRIGHT: I don't recall printing a copy at all. No, I'm sorry, I don't know who printed a copy. I don't know who finalised it or who did the final submission. There was a rolling set of tranches of what could be approved, or at least approved for the purpose of the commitment. It wasn't that formal of a process.

The CHAIR: Given that it was automatically populated but then you've just said you were going through just to check that it was meeting requirements, was there then another column on that spreadsheet that you would tick once you'd looked at it? How did people keep track of which ones had been looked at and which ones hadn't?

JOSH WRIGHT: My recollection is there was a notes column possibly where I would've annotated whether there was a concern about it meeting the guidelines or the legitimacy of an organisation or in fact whether it was within the budget parameters.

The CHAIR: Were there minutes kept of the shadow ERC meetings?

JOSH WRIGHT: I'm not on shadow ERC. I'm not secretariat. I'm sorry, I can't assist.

The CHAIR: That's fair enough. Would you imagine that there would be ordinarily?

JOSH WRIGHT: I imagine there would be, but, again, I don't know.

The CHAIR: As former senior adviser to the Opposition leader, would you have been included on emails from the shadow ERC to the Opposition leader saying things like "Here's an agenda" and "Here are the minutes".

JOSH WRIGHT: Generally not, no, not unless I had direct relevance over a specific proposal.

The CHAIR: To your knowledge, you have no idea how that final list then was approved?

JOSH WRIGHT: No, I don't. I couldn't say with any confidence how that was done. Clearly it'd say in the guidelines that were sent out by the party, "Initial commitment requests should be submitted by 1 February for assessment by Labor's expenditure review committee."

The Hon. MARK LATHAM: In those guidelines you mention, was it clear to everyone that what was going to be put up at the election was the only thing that could then be funded in government?

JOSH WRIGHT: That's my recollection, yes.

The Hon. MARK LATHAM: Are you surprised then that in government there were some various attempts and some outcomes that are different to the guidelines?

JOSH WRIGHT: I didn't transition to government, Mr Latham.

The Hon. MARK LATHAM: Are those guidelines available to us as a committee?

JOSH WRIGHT: I've not seen them in the documents that are tabled. I don't retain copies of things like that, I'm sorry.

The Hon. MARK LATHAM: This is just from your recollection of what the guidelines basically said, or have you got notes in front of you?

JOSH WRIGHT: Clearly they had to be within the budget envelope, they had to be in the public purpose and they had to be something that was deliverable.

The Hon. MARK LATHAM: Have you got records of them?

JOSH WRIGHT: I haven't retained those records.

The Hon. MARK LATHAM: But you have a clear recollection that the intention definitely was that in government the guidelines will also say, as they do pre-election, that the only thing that can be funded by a Minns Labor Government are the commitments of our candidates at the March election.

JOSH WRIGHT: It was an election commitment process. What transitioned beyond that, I wouldn't know.

The Hon. MARK LATHAM: But that was the intention. They were the guidelines to the best of your recollection pre election night.

JOSH WRIGHT: It was very clear that it was a two-stage process.

The Hon. MARK LATHAM: It was a two-stage process.

JOSH WRIGHT: We were doing an initial assessment. We had very limited resources, as oppositions do, and we know that we didn't know everything. That was an initial run-through. It was very clear to candidates that this would go through a full Cabinet process should Labor form government, as they did.

The Hon. MARK LATHAM: Do you recall Skye Tito, the candidate in Sydney, produced a detailed list of her commitments, or was it just a \$400,000 blanket sum for, say, homelessness services

JOSH WRIGHT: I don't recall the entry, I'm sorry.

The Hon. MARK LATHAM: No. Do you recall any of the electorates, one by one? Not Sydney? Camden?

JOSH WRIGHT: There are 600 or something.

The Hon. MARK LATHAM: No, there was too much—

JOSH WRIGHT: They don't really jump out at me. If you put something in front of me, I might be able to recall it, but—

The Hon. MARK LATHAM: You don't wake up in the morning and they just pop into your head as a bad memory.

JOSH WRIGHT: If it does, I'll send you an email, Mr Latham.

The Hon. MARK LATHAM: A lot of politics just pops into your head as a bad memory. Fair enough; I'm with you on that. You read out earlier on what you thought was some probity guideline—a declaration of interest.

JOSH WRIGHT: Yes, correct.

The Hon. MARK LATHAM: Could you read that out again?

JOSH WRIGHT: I'm just saying that in the form that was sent out, and again—

The Hon. MARK LATHAM: You've got that form, have you?

JOSH WRIGHT: This has been provided by Mr Dominic Ofner, on notice.

The Hon. MARK LATHAM: In the form that was sent out.

JOSH WRIGHT: What I'm suggesting there is—I think the second-last entry is "Conflict of interest, if any. Do you have any actual, potential or perceived direct or indirect personal interests in this commitment?" Sorry, it's very fine print there. Then it goes on to have an example: "a conflict of interest, i.e. MP or relative or member of a local club receiving funding may not rule out a commitment, but we may need to be aware of any potential conflicts."

The Hon. MARK LATHAM: The candidates, did they sign that off? Was that their commitment—they'd sign it and date it?

JOSH WRIGHT: No, it was electronically submitted, so it wasn't signed. It was dated by virtue of it being—I think the first column was a timestamp.

The Hon. MARK LATHAM: Did it need to be witnessed? Did it have any legal standing as a witnessed document under oath?

JOSH WRIGHT: No, it was a—

The Hon. MARK LATHAM: Just an internal party declaration.

JOSH WRIGHT: It was just an internal declaration.

The Hon. MARK LATHAM: Can you remember the declaration of the candidate Sally Quinnell in the seat of Camden regarding the \$75,000 for the Camden Musical Society that she announced during the campaign?

JOSH WRIGHT: Not in detail. I don't recall—there were some declarations. Some made declarations; others didn't. It wasn't for me to decide whether it would go through or not. It was for me to annotate that and provide it to the shadow ERC for a decision.

The Hon. MARK LATHAM: Could you advise the Committee where you think we could access these declarations? They'd be held not by the now Premier or any other Labor Party office, or are they just at Sussex Street, electronically?

JOSH WRIGHT: I couldn't say, I'm sorry, Mr Latham. I don't know. I don't actually know entirely where the spreadsheet was hosted.

The Hon. MARK LATHAM: They were part of the spreadsheet, were they? The spreadsheet would have the programs, the allocation and the declaration that there was no interest involved.

JOSH WRIGHT: Correct. What I'm saying is the bulletin would go out—

The Hon. MARK LATHAM: So it sat on a computer in this building at one stage, and it's probably on a computer in Sussex Street.

JOSH WRIGHT: It could be hosted anywhere. I'm not sure. It could be on the computer that I handed back and been wiped and returned to the Opposition.

The Hon. MARK LATHAM: The members of the shadow ERC—Mr Minns would have been on it, as leader, and the shadow Treasurer, Mr Mookhey.

JOSH WRIGHT: Presumably

The Hon. MARK LATHAM: The shadow finance Minister, Courtney Houssos.

JOSH WRIGHT: Again, presumably yes.

The Hon. MARK LATHAM: John Graham, obviously, because he's—do you recall who was the initiator or the author of what has become the LSCA program? Whose idea was it that it was a campaignable device to use?

JOSH WRIGHT: No, I don't recall the genesis of it but, per Mr Ofner's evidence, it was brought to my attention.

The Hon. MARK LATHAM: It was up here. It's in Macquarie Street. There was no talk in the Leader of the Opposition's offices that "We're doing this now. So-and-so has come up with it," and a bit of a workshop as to how it's going to play out and how it can be campaigned on? Have you got a recollection of that?

JOSH WRIGHT: It was certainly mentioned well before the campaign. It was a costed policy through the PBO. It was discussed. I didn't go into the detail or design of it, but it was certainly discussed that that was a policy that they were putting forward to the PBO.

The Hon. MARK BUTTIGIEG: Mr Wright, I just want to clarify what has been made self-evident. You've got this multilayered approach whereby, pre-election, the party puts in place a process for submission of commitments per electorate from the candidate, which is entirely appropriate given that the candidates are under the remit of a political party trying to gain office, and then those submissions are put on the online spreadsheet along with the conflict of interest to the party.

JOSH WRIGHT: Correct.

The Hon. MARK BUTTIGIEG: You would vet them for amount, ability of the organisation to actually exist—just basic mechanical stuff to make sure that it gets past that first hurdle—and then it went to the shadow ERC. Then, of course, on the transition to government, you had nothing to do with it. But, as we've heard extensively this morning, there was a whole other layer of vetting and probity. I just want to ask your view. As someone who was involved with the pre-election period administration, was there anything that jumped out to you that caused concern or issues?

JOSH WRIGHT: No, Mr Buttigieg, there wasn't. I was involved in opposition and, as a result, saw some of the grants processes from the previous Government. There were some things where we wanted to make sure that we had our ducks in a row—as in, that they were legitimate organisations. This wasn't forensic detail on their ability to deliver a project but do they exist, do they have an ABN, are they on the charities website if they are a not-for-profit, do they have a website. There were some concerns. There had been previous grants where money was issued to companies set up after a natural disaster that had been given funding. We didn't want to fall into those types of traps, so it was "Yes, this is a legitimate organisation" as far as we knew. But we weren't doing a detailed financial analysis or checking the ability of them to deliver a certain project. That just would not have been possible from opposition.

The Hon. MARK BUTTIGIEG: But your cursory desktop analysis—ABNs and all that sort of thing—would have picked up anything obviously dodgy.

JOSH WRIGHT: Yes, correct. Look, if I was given the name of an organisation and there was just no trace of it—no ABN, no website, no email, no point of contact—I would have had some very serious concerns and annotated anything like that. I don't recall that something like that did occur but, clearly, I would have noted that for decision by the shadow ERC. But within the resources and time frame we had, I think we did do a fairly robust process of ensuring that it met the guidelines, that it was in the public interest, that the money was for a public purpose and that it remained within the financial capacity of the program.

The Hon. MARK BUTTIGIEG: And you had no editing capacity on that spreadsheet; it was just a populate and desktop check.

JOSH WRIGHT: Yes, so I didn't edit what the request was. The request was what it was. My purpose was to validate each of those cells, to the best of my ability, and then to annotate my views on whether it was within budget and whether it met the guidelines or not.

The Hon. MARK BUTTIGIEG: And there was never any suggestion of some sort of third-party influence on the details or the entries on that sheet. It was just purely candidate, sheet, veracity of organisation and off to ERC.

JOSH WRIGHT: Yes, correct. Essentially, they would fill out a form. That form populates a spreadsheet. I go through it and I'm doing an ABN and ACN check. Do they have a website, an email? Do they have an online presence? Do they exist? Is it within budget, and does the request meet the guidelines? Then I would annotate that and send it through, but it wasn't for me to change the request that was provided by a candidate.

The Hon. MARK BUTTIGIEG: In the previous answer, you touched on the desire to avoid the pitfalls of the previous Government's programs. Could you just articulate that a little bit? To the degree that there were conversations surrounding the desire to avoid that, were those had with you?

JOSH WRIGHT: Look, in fairness to the former Government, a lot of these things were done prior to the grants administration guidelines. But in the previous term, the Audit Office had brought out that \$113,000 was given to bikie gangs for bushfires—setting up ABNs after the bushfires. I didn't want to be the person who made that mistake a second time, so I wanted to make sure that they were legitimate organisations.

The Hon. MARK BUTTIGIEG: And you were absolutely confident that you went through enough detailed analysis to make sure that none of that happened?

JOSH WRIGHT: Again, I was confident that the information that I had put forward was true and accurate. I had a firm belief that each of the entries met the guidelines and were within budget, and I did the due diligence that I could within the resources that I had. Clearly, it was a two-step process. I accept that we did form government and Cabinet had picked up a lot more than what was presented to me. It shows the process worked, and I think a two-step process was entirely appropriate in that case.

The Hon. MARK BUTTIGIEG: Indeed, the level of scrutiny stepped up a level once we transitioned to government. I know you weren't involved with that, but it was pretty clear from the testimony that that's what happened. What about your view—your commentary, as opposed to your opinion—on the compare and contrast of those previously rorted programs and this one?

JOSH WRIGHT: What I'd say is that from opposition, we learnt a lot. It's always good to learn from other people's mistakes. It's how governments improve term on term. We ran a process at that point in time that sought to counter any view of pork-barrelling by making sure that every electorate got the same amount. Each candidate was able to articulate their personal priorities to the electorate, which is very rare in a lot of campaigns. At a State level campaign, generally it's very much a top-down approach of where a hospital, a school, a ferry wharf or a light rail might be, and candidates are quite often deprived of the ability to articulate their views, values and priorities.

The Hon. MARK BUTTIGIEG: So compared to previous campaigns, leaving aside all the rorts, this was very much a bottom-up process whereby a grassroots democratic process candidate is competing for political office with someone who is currently in office. "This is where I think the deserving projects are," as opposed to "No, the executive team trying to gain government has made the decision that we're going to tip it all into this marginal seat because we think we can win it."

JOSH WRIGHT: That's correct. When you look at any campaign, probably pretty much anywhere in the democratic world, you'll find that at the top level, that State or national party is trying to articulate their views to the population. There are some cases where a candidate—for example, Barwon; there are parties that made no election commitments at all in Barwon because it wasn't in their political interest—could articulate his views, values and priorities.

The Hon. MARK BUTTIGIEG: In your view, Mr Wright, if you were advising a future government, would you have this program regurgitated again? Do you think it's a valid program that benefits the community and it's part of the valid process of an election campaign?

JOSH WRIGHT: They were fully costed election commitments. It's clear from the Audit Office report yesterday that lessons can be learnt, especially in the guidelines on such a program transitioning from opposition

into government. Lessons can certainly be learned, but it's a matter for each party. All parties make election commitments.

The Hon. MARK BUTTIGIEG: To finish off, the conversations that were had in that shadow Leader of the Opposition's office specifically pertained to making sure this was tight to avoid the problems we had for previous programs. Were you privy to those conversations?

JOSH WRIGHT: I was privy to a lot of it. From opposition, I did a lot of the research on the Stronger Communities Fund, which was quite an egregious expenditure of public money—I think it's fair to say on the bushfire recovery funds as well. But they've been well documented by the media and by the Audit Office.

The CHAIR: That concludes this session. Thank you very much, Mr Wright, for making yourself available and for giving us your evidence today. To the extent that there were questions taken on notice or supplementary questions, the Committee secretariat will be in touch.

(The witness withdrew.)

(Luncheon adjournment)

Mr PAUL MILLS, Senior Caucus Liaison Officer, Office of the Hon. Chris Minns, MP, sworn and examined

Mr GEORGE PSIHOYIOS, Former Caucus Liaison Officer, Office of the Hon. Chris Minns, MP, sworn and examined

The CHAIR: Welcome back. Thank you very much to our next witnesses for coming along today. Would you like to make a short opening statement?

PAUL MILLS: Yes, please.

The CHAIR: Please go ahead.

PAUL MILLS: I'm employed under the MOPS Act 2013 to assist the Premier in his ministerial role, working under the direction of the director of the caucus liaison unit. This involves liaising with the caucus on government priorities and the Government's election commitments. My role in assisting the director of the caucus liaison unit in supporting the Government's delivery of its election commitments is the reason for my involvement in Local Small Commitments. Prior to the 2023 election, the Labor Party, being in opposition, committed \$400,000 per seat for community organisations, not-for-profits, parks, playgrounds and other vital projects. This was \$400,000 for all 93 seats in this State. The commitment was made to assure the community that, regardless of who they returned to Parliament, their seat would be no worse off. It was designed to ensure fairness in all electorates.

When Labor came into government in 2023, my job was to assist the director of the caucus liaison unit in making sure that the contact details of over 600 projects to be submitted to the Premier's Department were correct so that every electorate received \$400,000 as per the election commitment. The Government set up an independent probity process that all projects went through to ensure value for money and community benefit for the New South Wales taxpayer. That was handled by the Premier's Department. Once a project was either recommended to be approved or not to be approved, they were sent to the Special Minister of State before any taxpayer money went out the door. I had no role in the assessment or the approval of these projects. Of course, I supported the caucus under the direction of the director of my unit in announcing these projects.

Over the last 12 months, many MPs across all political parties, community groups and councils have stated publicly how wonderful these initiatives have been for their local communities. These are small but vital projects that are often overlooked. Every seat in New South Wales received \$400,000, which went to community organisations which were able to deliver assistance to homeless people, support for migrant workers, funding for housing in the regions, funding for play equipment, walking pathways, tennis courts and other small projects that deliver a huge benefit for local communities.

GEORGE PSIHOYIOS: Good afternoon, Chair, and members of the Public Accountability and Works Committee. I voluntarily appear today at the invitation of the Committee to assist with its inquiry into the integrity, efficacy and value for money of the Local Small Commitments Allocation process. I note that the context of my appearance today is as a result of my previous employment as a caucus liaison officer in the Office of the Premier of New South Wales, where I reported to the director of the Caucus Liaison Unit in that office. I carried out my function as a caucus liaison officer at the direction of my director. This was my first full-time occupation in politics and, by extension, in a ministerial office. The role that I occupied was junior in nature with no direct reports and with no remit to approve or make Government decisions. The nature of my role in the Premier's office was fast-paced and involved a high volume of conversations with Government members and their offices, with those conversations being overwhelmingly informal in nature.

The tenure of my employment as a caucus liaison officer was between January 2024 and May 2025. I was employed under the Members of Parliament Staff Act 2013 to assist the Premier in his ministerial role by liaising with the caucus—that is, Government members of Parliament—on matters related to the Government's priorities and its election commitments. It is on this basis that I liaised with Government members with respect to the Local Small Commitments Allocation program. As the Committee would be aware, the program came to formation as a result of an election commitment made by the now Government when it was in opposition prior to the 2023 State election. It is my understanding that the commitment was to provide funding of \$400,000 for each of the 93 electorates in New South Wales to support small local projects, enhance community wellbeing and provide benefits to communities across the State.

At no point in time during my tenure as a caucus liaison officer was I a decision-maker with respect to any projects associated with the Local Small Commitments Allocation program. With specific reference to my role in the Premier's office insofar as it relates to the Local Small Commitments Allocation program, my role was to provide information to Government members and, if required, their offices, announcing approved projects as and when required. This would often take the form of being an informal surrogate, as it were, between busy members

of Parliament and the various channels within Government. I am happy to answer any questions that the Committee may have for me.

The CHAIR: Mr Mills, we received your request to leave at 2.45 p.m., and that has been agreed to.

The Hon. CHRIS RATH: Thank you both for appearing today. I will start with you, Mr Mills. The LSCA master spreadsheet shows that between 20 July and 28 July 2023, either you or Rhys Patton is recorded as the person notified of approval of nominated projects in over 15 electorates. You are listed against each of the nine Sydney projects with the date notified as 26 July 2023. There is evidence that, as at 20 July 2023, there was only a single nomination for the Sydney electorate of \$400,000 for "providing essential services to vulnerable members of the Sydney electorate". Could you please explain for the Committee what the process was that led to this being replaced with nine nominated amounts for organisations?

PAUL MILLS: In reference to my opening statement, my job was to make sure that the contact details were correct. I did that on the direction of my director. I believe she's answered that question.

The Hon. CHRIS RATH: The GIPAA that we have from ages ago basically showed Sydney with one entry of a single amount, \$400,000. At some point a decision was made and you would have had to chase up the contact details for nine different community groups for homeless services within the electorate. Can you enlighten us in any way when you're chasing up these contact details—

PAUL MILLS: Yes. If you refer to my director's evidence, she was the interface on that matter. My job was to fill out the contact details to provide to the Premier's Department. I was not the interface with Mr Greenwich. Cherie Burton has explained how that went about in her previous evidence and I refer you to that evidence.

The Hon. CHRIS RATH: Thank you. But, of the nine different projects that you were entering into the spreadsheet and getting the contact details for, where did you get this information from?

PAUL MILLS: As I explained in my previous answer, Cherie Burton was the interface on that matter.

The Hon. SARAH MITCHELL: Did she give you the spreadsheet with the nine on them? Is that how you got them?

PAUL MILLS: I was the interface—no, I was not the interface, my apologies. Cherie Burton was the interface between the member for Sydney. My job was to make sure the contact details were on that list.

The Hon. CHRIS RATH: What information were you populating into the spreadsheet?

PAUL MILLS: My job was to make sure that the contact details for the organisations—

The Hon. CHRIS RATH: So Cherie came to you and said, "This organisation is getting this much. This one is getting this much," and then what you were doing essentially was making sure that the contact details were correct—nothing more or nothing less? You weren't checking the amount or—

PAUL MILLS: I refer you to my opening statement. That was my job, as referred to in my opening statement, and that was all.

The Hon. SARAH MITCHELL: But with respect, Mr Mills—I appreciate what you're saying. Your job was to check the contact details for those nine organisations.

PAUL MILLS: Yes.

The Hon. SARAH MITCHELL: How did you get the list, knowing that they were the nine organisations that you had to enter the information into? That's our question.

PAUL MILLS: I believe I answered that.

The Hon. SARAH MITCHELL: I'm just not clear—where did that list come from? Did it come from Ms Burton? Did she give it to you, those nine projects for Sydney?

PAUL MILLS: I believe I've just answered that question a couple of times.

The Hon. MARK LATHAM: Point of order: This witness is deliberately avoiding answers, which is a serious matter under oath. He should be made to answer the questions that are being asked.

The CHAIR: I don't uphold that point of order. But can I ask you—apologies, Mr Mills, just so that we have the evidence really clear, could you repeat or actually answer the question being asked directly, even if you think you have already responded? It would be really useful if you could spell it out.

PAUL MILLS: As I said, my job was to fill out the contact details. We were directed under the director of the caucus liaison unit to assist her in doing that. She was the interface with the member for Sydney, and I was provided those contact details. That is what is reflected in the document that you're discussing.

The Hon. CHRIS RATH: I might just give this document to you and each Committee member, just to be absolutely clear about what you were doing. It says "contact person"—so this is the contact person from the community group—"contact person number", so their phone number, and "contact person email". Was it your job to make sure that those three columns were correct?

PAUL MILLS: Could you repeat that please?

The Hon. CHRIS RATH: In this document, which you'll be given in a moment, the three columns of "contact person", "contact person number" and "contact person email", your job was to ensure that those columns were correct?

PAUL MILLS: So "contact person", "contact person number" and "contact person email"?

The Hon. CHRIS RATH: Yes.

PAUL MILLS: Yes.

The Hon. CHRIS RATH: Your job was not to determine whether the other columns—"commitment" or "allocated expenditure"—were correct? That's your evidence? You weren't the interface—to use your word—on those two columns, "commitment" or "allocated expenditure"? You were the interface on "contact person", "contact person number" and "contact person email"?

PAUL MILLS: As I've stated, my job was to ensure that the contact details were correct.

The Hon. SARAH MITCHELL: So you didn't fill out the column that says "allocated expenditure"?

PAUL MILLS: As I've stated, my job was to ensure that the contact details were correct.

The Hon. CHRIS RATH: And that was your only job with this spreadsheet?

PAUL MILLS: Yes.

The Hon. CHRIS RATH: Presumably, then, you were given a spreadsheet that had the "commitment" column and the "allocated expenditure" column filled in, and then you needed to just essentially assess the other three columns?

PAUL MILLS: It was two years ago. There was a lot happening. What I can say factually was my job was to make sure that those details were correct. I'm happy to take it on notice if you'd like. As I said, it was two years ago.

The Hon. MARK LATHAM: You've got all the techniques, haven't you?

The CHAIR: Order!

The Hon. SARAH MITCHELL: In relation to the last project on that list that is in front of you in relation to Rough Edges and that contact person, how did you get those contact details? Where did they come from?

PAUL MILLS: I feel like I've answered that question already.

The Hon. SARAH MITCHELL: No, you said it was your job to put in the contact details.

PAUL MILLS: Yes, that's right.

The Hon. SARAH MITCHELL: So where did you get that name and those contact details from? Did you google it? Did you talk to someone?

PAUL MILLS: Sorry, my apologies for interrupting, but I refer you to Cherie Burton's evidence that she gave earlier this morning.

The Hon. SARAH MITCHELL: I'm not asking about Ms Burton. With respect, Mr Mills, you've just told us your part of the job was to populate the contact details. My question to you is, for Rough Edges, there is a contact person here, an email address and a phone number, presumably, that's redacted. Where did you get those details from, specifically for that Rough Edges project, in order to populate this sheet, which you've just given us evidence under oath that that was your job? Where did that come from?

PAUL MILLS: I've stated that I did not interact with the member for Sydney.

The Hon. SARAH MITCHELL: I didn't mention the member for Sydney. I'm just saying to you, where did—

PAUL MILLS: Can I please finish my answer? I was not the interface with the member for Sydney. Cherie Burton was the interface with the member for Sydney, so if I didn't engage with that person—

The Hon. SARAH MITCHELL: With respect, Mr Mills, I didn't mention the member for Sydney. I'm asking you. You had to fill out this sheet. Where did you get the details for the contact person who was the appropriate contact person for Rough Edges? Did you google it?

PAUL MILLS: I think I'm going to take that on notice.

The Hon. CHRIS RATH: The spreadsheet was presumably given to you electronically.

PAUL MILLS: If you refer to—I believe that's already been answered by the director.

The Hon. CHRIS RATH: No, I'm asking you whether the spreadsheet was given to you electronically. I did not ask Cherie Burton whether the list was given to Paul Mills electronically.

PAUL MILLS: Sure. I believe that that answer has already been answered by my director: in hard copy.

The Hon. CHRIS RATH: So you were working this spreadsheet in a hard copy format when you were checking the details.

PAUL MILLS: The details you have in front of you—it was two years ago. There's a lot that was going on. But, like I said, it was given in hard copy, as explained by my director.

The Hon. SARAH MITCHELL: And she gave you that hard copy as well?

PAUL MILLS: Yes.

The Hon. SARAH MITCHELL: You got it from Ms Burton.

PAUL MILLS: Because there's only one.

The Hon. CHRIS RATH: If you had to correct one—the contact person, contact person number or contact person email—it's quite unusable in a hard copy format. What did you do? You how did you correct it if it was in hard copy?

PAUL MILLS: Yes, I obviously had to fill it out—like, not on the hard copy document. How do you do that? Well, like I said, I've—referring back to your initial question, I received it in hard copy.

The Hon. SARAH MITCHELL: So when you got it in—

PAUL MILLS: But I had to fill it out, obviously. I believe many documents have been sent to you by SO 52 showing those details being passed on to the department.

The Hon. SARAH MITCHELL: When you got it in hard copy, can you recall were there nine projects on this list when you were first given it?

PAUL MILLS: No, I can't. Sorry.

The Hon. SARAH MITCHELL: Can you take that on notice?

PAUL MILLS: Yes, I can.

The Hon. CHRIS RATH: Do you often do complex spreadsheeting in the Premier's office in a hard copy format?

PAUL MILLS: Is that question relevant to this Committee?

The Hon. CHRIS RATH: I'm just trying to get you to answer whether it's normal practice or whether this was an anomaly that you were working on a spreadsheet in hard copy.

PAUL MILLS: I don't think your question you're asking is relevant to—

The Hon. CHRIS RATH: It is relevant to compare to what the baseline is of how you usually do your processes, and comparing this to other processes.

The CHAIR: Just to clarify your evidence, Mr Mills—because I think it's important that we understand exactly how it all pieces together. My understanding, as you've said multiple times now, is you are responsible for checking those details—ensuring that the contact details were correct. You've said that you got that list in a hard copy. Did you make any changes? Did you input any changes into that spreadsheet?

PAUL MILLS: My job is to make sure that the contact details were correct and, where there were changes that needed to be made, I made sure that the contact details were associated with those changes.

The CHAIR: So you typed them in.

PAUL MILLS: I typed in the contact details in the sheet, yes.

The CHAIR: If you had typed in, you must have had access to the electronic version.

PAUL MILLS: It came in as a hard copy and we had to populate the data.

The CHAIR: In electronic version.

PAUL MILLS: I believe. It was two years ago. There's a lot happening. It was my first role in government.

The CHAIR: If we were to obtain this document in electronic version and look at the metadata, would we see your name as having typed in some of those contact details?

PAUL MILLS: I can't recall, sorry. What I can say as fact is my job was putting in the contact details and I did definitely put in those contact details.

The CHAIR: Can you tell us who coached you in your answers before you came to this Committee?

PAUL MILLS: Obviously, I did receive support in preparation for this Committee.

The CHAIR: Who was giving you support and training ahead of this Committee for your appearance?

The Hon. MARK LATHAM: Well, Cherie in the Strangers last night.

PAUL MILLS: I speak to a lot of people. My job is like—

The CHAIR: I have a lot of sympathy for your position because you are here as a more junior person than we would normally get here. I'm trying to help you. Can you tell us who coached you and trained you for your appearance ahead of this Committee hearing?

PAUL MILLS: I would have received advice from people, yes. I can't state one person. I'm happy to take that on notice, if you'd like.

The CHAIR: I appreciate your position, but you are under oath. Has the director been the—

The Hon. PETER PRIMROSE: Point of order: The witness has sought to answer that question. He's taken it on notice. I haven't challenged whether or not this is a legal question that you're asking. You're asking a question that I believe is outside the terms of reference. The witness has been asked for information. He has sought to answer it. He's provided an answer. I think we should move on.

The CHAIR: I appreciate that. I'm trying to be cautious, but I also think it would be very unfair on this witness if he has been coached ahead and told what he can and can't say.

The Hon. PETER PRIMROSE: Further to my point of order: That's a presumption that you're making. I believe it was not a legal question to be asking of a witness who has taken the matter on notice.

The CHAIR: Is there a particular procedural basis on which you would take that point of order, Mr Primrose?

The Hon. MARK BUTTIGIEG: To the point of order: It goes to relevance. Each one of us as individuals has numerous conversations and background briefings on any number of matters, including, I might say, members of Parliament, who don't then have to regurgitate who they spoke to prior to moving a motion that may have some political motive. I don't see why a witness should have to retail who they spoke to about coming to the Committee hearing.

The CHAIR: I understand that. Personally, I would be very happy to tell everyone who I talk to all the time. But it goes to the credibility of the evidence that is being given to us today. I will move on. Can you tell us, Mr Mills, your checking of this evidence and your typing of this evidence into a document—would there be an email chain? What sort of evidence would there be that you had done your job properly? If there had been an error identified later and someone wanted to blame someone, is there an email chain? How did you describe how you had finished your work, or when you'd finished your work?

PAUL MILLS: Sorry, could you repeat that?

The CHAIR: That's fair enough; it was a bit of a convoluted question. You've got this spreadsheet. You've completed it. Did you then email somebody to tell them that you had finished that? Would that have been the normal process?

PAUL MILLS: I believe I provided all documents pertaining to the question I think you're asking, so I'll leave it at that.

The Hon. MARK LATHAM: Mr Psihoyios, on this document that was provided in the SO 52—an email to Damian O'Connor from Alison Morgan on 1 December 2023—you're listed as the author of the image. How did that come about?

GEORGE PSIHOYIOS: Mr Latham, is it possible to be provided a copy of that, just so I'm on the same page?

The Hon. SARAH MITCHELL: I've got some here.

The Hon. MARK LATHAM: It's the one where earlier in the day, if you heard, Mr O'Connor said that the handwritten notations were his. But you're listed as the author of the image.

GEORGE PSIHOYIOS: I'll just wait until I get a copy, please, before I answer, if that's all right. Is that okay?

The Hon. MARK LATHAM: How many documents did you provide for the SO 52?

GEORGE PSIHOYIOS: I might answer your questions in reverse, Mr Latham. I provided all the documents that I held at the time, responsive to the SO 52 for the Local Small Commitments Allocation program. I can see the document now that you've provided. That's a notation. Where it says document data creation, author of image, that's a notation that I provided as part of completing my return of documents responsive to the SO 52. In other words, I took that photo, if that makes sense.

The Hon. MARK LATHAM: You took a photo. Where did you get the document from, at the time, to photograph it?

GEORGE PSIHOYIOS: I recall being asked by my director to attend a meeting. It would have been at or about on this date, so we're talking about a period of time of about 16 months ago. I recall going to—my director asked that I meet with the Special Minister of State's ministerial office. I attended a meeting. I recall Mr O'Connor being at that meeting. I recall, as part of that meeting, a printout of this email that's captured in this photo was at that meeting. I observed Mr O'Connor writing on this document.

The Hon. MARK LATHAM: At the meeting?

GEORGE PSIHOYIOS: Correct, that's right. At the conclusion of the meeting or towards the conclusion of the meeting, I took that photo. That's basically what traversed.

The Hon. MARK LATHAM: What was the purpose of the meeting?

GEORGE PSIHOYIOS: It appears to me, as I arrived at the meeting, that it was a discussion about the LSCA projects in the electorate of Sydney. Now, just for context, though, Mr Latham—and I just want to be very clear here—at the meeting, I would regard myself as being much more of a participant rather than a lead in that meeting. Like I said, it's not my handwriting, and that has been given into evidence this morning by Mr O'Connor, as I understand it. I believe I was basically there just to, essentially, be a pivot of information from the Premier's office, caucus liaison unit to the Minister's office.

The Hon. MARK LATHAM: What information did your director ask you to take to the meeting? What did she say the office was hoping to achieve from the meeting?

GEORGE PSIHOYIOS: I don't recall any specific purpose or information given to me. I just recall being asked to go to the meeting. That's my honest and best recollection. Again, it was 16 months ago, so I'm just being completely transparent about what I remember.

The Hon. MARK LATHAM: She didn't say words to the effect of, "George, you better head over there. There's a dispute as to whether these Greenwich changes will be surviving in the program, and you need to go and push the case"?

GEORGE PSIHOYIOS: No, that's not what I recall, Mr Latham.

The Hon. MARK LATHAM: How many meetings in these offices did you go to when you don't know why you're going to the meeting?

GEORGE PSIHOYIOS: Again, it would often be the case that I'd get asked to go to a meeting to meet with a specific person. Like I said in my opening statement, and I will refer to it, the nature of our role in the caucus liaison team is high volume and a lot of conversations with people across government.

The Hon. MARK LATHAM: Well, this is my point, you see? We've been told lots going on, high volume, intensity, settling into government, blah, blah.

GEORGE PSIHOYIOS: Sure.

The Hon. MARK LATHAM: Your time is valuable. You must have had some discussion with your director about why your very valuable time was going to be allocated to this meeting in the office of the Special Minister of State. What was said in that discussion?

GEORGE PSIHOYIOS: I think you're making a presumption there, Mr Latham. Again, I'm being completely up-front and honest of what I recall, and I've given evidence to that effect.

The Hon. MARK LATHAM: You don't recall why she sent you to the meeting or any instructions as to what to do at the meeting?

GEORGE PSIHOYIOS: I genuinely don't. It was 16 months ago.

The Hon. MARK LATHAM: What did you do at the meeting, with your valuable time?

GEORGE PSIHOYIOS: I was at the meeting, and, like I said earlier, I observed Mr O'Connor speaking to this document and writing notes on it, and I believe that I took a photo of it. My recollection is that I showed it to my director at some point after the meeting.

The Hon. MARK LATHAM: So you just sat there to watch someone else write on a document, and that's all that happened?

GEORGE PSIHOYIOS: I'm not saying that that's exactly happened. What I am saying that did happen was that I did observe Mr O'Connor writing—

The Hon. MARK LATHAM: Was it your interpretation that Mr O'Connor, with the writing that you're noting, at the meeting was trying to send these allocations back to their original form after your director had altered them with this very effective, intense lobbying from Mr Greenwich?

GEORGE PSIHOYIOS: With all due respect, Mr Latham, it has already been tendered into evidence earlier this morning that this handwriting is not mine. What I would suggest is if you want to ask questions about what certain things mean on a piece of paper, you might want to speak to that witness.

The Hon. MARK LATHAM: Chair, this is an insult to the Committee that we're led to believe a ministerial officer of the Premier goes to a meeting where nothing is said, apparently, and just watches a chief of staff write some numbers on a piece of paper and can't give an explanation.

The Hon. MARK BUTTIGIEG: Point of order—

The Hon. MARK LATHAM: The Committee shouldn't tolerate—

The CHAIR: Order!

The Hon. MARK LATHAM: The Committee should not tolerate for a minute this disrespect to our Chamber—a deliberate disrespect.

The CHAIR: Order! I can anticipate the point of order. Please go ahead, Mr Buttigieg.

The Hon. MARK BUTTIGIEG: The witness has been very, very frank, sincere and honest.

The Hon. MARK LATHAM: We should do something with these people.

The Hon. MARK BUTTIGIEG: He is a junior staffer in a caucus liaison unit, and he is answering the question to the best of his ability. Just because the member doesn't like the fact that he was a low-level operative doing admin work is not good enough to then try to extract something that the member wants, which is exactly what's happening.

The Hon. SARAH MITCHELL: You still have to tell the truth, no matter what your role is.

The Hon. MARK LATHAM: No, no. I'm trying to get honest answers, or even vaguely honest answers, instead of fantasy.

The CHAIR: Order! It would be very helpful if, when members are taking points of order, they take actual points of order, not provide commentary—from both of you. It is now Government time. Please go ahead.

The Hon. MARK BUTTIGIEG: Thank you, Mr Mills and Mr Psihoyios, for appearing under difficult circumstances. We understand. I want to go through this whole smoke in search of a gun, which we appear to be

trying to find. Mr Mills, you simply got the details of the spreadsheet, correlated the contact details, basically did an admin vetting role and that was it.

PAUL MILLS: Yes.

The Hon. MARK BUTTIGIEG: In terms of the characterisation that was attempted to be projected onto the situation prior, about this mysterious hard copy and "how could I edit a hard copy" and the ins and outs of a secretarial role, it wouldn't be inconceivable, would it, that the document was scanned from a hard copy to PDF? There is software that does that these days.

PAUL MILLS: It was two years ago.

The Hon. MARK BUTTIGIEG: There are any number of reasons as to why the methodology of the entry could have been done in any manner or form, but your evidence is that you got the list, you checked the veracity of the contact details and then basically passed it on.

PAUL MILLS: Yes.

The Hon. MARK BUTTIGIEG: Mr Psihoyios, in terms of your evidence, it would be highly unremarkable, wouldn't it—I don't know about you—that when you're called to a meeting, depending on the nature of the meeting, you might not even say a word. Sometimes you're there as just an adjunct to observe and collect information. In this particular situation, your role was to collect the documentation for the SO 52 request. Is that right?

GEORGE PSIHOYIOS: Sorry, Mr Buttigieg, can you clarify: When you say collect the documentation for the SO 52 request—

The Hon. MARK BUTTIGIEG: This "document, photo of written edits to email from Alison Morgan to Damian O'Connor; date of creation, 12 February 2024; author of image, George Psihoyios", which has an annotation "1310"—that was you annotating basically what you did on the date.

GEORGE PSIHOYIOS: The image there is the image that I—

The Hon. MARK BUTTIGIEG: You took it on your phone.

GEORGE PSIHOYIOS: Correct—on my work device. That's right.

The Hon. MARK BUTTIGIEG: It's simply stating the fact of when it was done.

GEORGE PSIHOYIOS: Yes, and I provided that notation. That's just the way I completed the SO 52 return. It was the first SO 52 return that I completed where I held documents responsive to an SO 52 return. That's just the way I completed it.

The Hon. Dr SARAH KAINE: I have a question for both witnesses in light of the questioning about attending meetings and whatnot. If, for example, in your roles, I requested a meeting with you, which I have done for both of you at various times, you would not necessarily know what that was about, but you would have agreed to come and see me, because that's part of your role in the jobs that you do. I wouldn't have given you an agenda, and you would have come along.

GEORGE PSIHOYIOS: Yes, absolutely.

PAUL MILLS: Yes, of course. We have that all the time.

The Hon. Dr SARAH KAINE: It's not unusual, then, for you to be asked to a meeting and for you to attend, not really knowing what you're going to but knowing that part of your role is to make sure that you're available. When members or, indeed, ministerial officers ask you to attend, you'll go and then see what is appropriate for the situation, which could, as Mr Buttigieg has said, be not much. But the fact that you've been requested to go is enough for you to go.

PAUL MILLS: Yes.

GEORGE PSIHOYIOS: Absolutely.

The Hon. MARK BUTTIGIEG: I don't really have any other questions.

The Hon. MARK LATHAM: You can't.

The Hon. MARK BUTTIGIEG: Seriously. It's a purely functionary role. I don't have any other questions.

The Hon. MARK LATHAM: All you can do is laugh.

The Hon. MARK BUTTIGIEG: I don't know what we're doing here, to be honest.

The Hon. MARK LATHAM: We're laughing. That's what we're doing.

The Hon. SARAH MITCHELL: I want to check with you, Mr Mills. I think you said earlier that this was your first parliamentary job. Is that correct?

PAUL MILLS: To correct whatever you might have heard—

The Hon. SARAH MITCHELL: I thought I heard you say that.

PAUL MILLS: This is my first job in a ministerial office, yes.

The Hon. SARAH MITCHELL: But you'd worked in opposition for—

PAUL MILLS: This is my first job in a ministerial office, to correct what you might have heard.

The Hon. SARAH MITCHELL: My second question to you is, you had worked as an Opposition staff member, yes?

PAUL MILLS: Yes.

The Hon. SARAH MITCHELL: Did you get coached by Cherie Burton before you came here today and told what not to say?

PAUL MILLS: I spoke to a lot of people, as I do in my role.

The Hon. SARAH MITCHELL: Did you speak to Cherie? She's your director; it would make sense.

PAUL MILLS: I speak to Cherie all the time. She's my director.

The Hon. SARAH MITCHELL: About today and the evidence that you'd give and what you would and wouldn't say?

PAUL MILLS: I speak to Cherie all the time about 10 million things that happen in the mechanics of government.

The Hon. SARAH MITCHELL: Including today's hearing?

PAUL MILLS: I've answered the question.

The Hon. SARAH MITCHELL: Including today's hearing?

PAUL MILLS: I speak to Cherie Burton numerous times a day about various different types of things.

The Hon. SARAH MITCHELL: If you speak to her a lot, she would've given evidence, you would've seen this morning, about the errors to the Sydney electorate list and that that was a mistake that needed to be fixed. Are you aware of that?

PAUL MILLS: Yes.

The Hon. SARAH MITCHELL: Did you take any steps to correct those errors?

PAUL MILLS: I just want to refer you to my opening statement. My job was to make sure that all the contact details were there. I was not a decision-maker in any way, shape or form. My job was purely to make sure that those contact details were on that list.

The Hon. SARAH MITCHELL: So you were aware that there were errors, though, with Sydney, but your evidence to us is that that wasn't your job to correct them, you just had to put in the contact details and that was up to somebody else to do. Is that correct?

PAUL MILLS: I didn't make any decision-making and I wasn't privy to any decision-making on this.

The Hon. SARAH MITCHELL: I'm not asking about decision-making. You've said that you did work that was directed to you by Cherie Burton as your boss.

PAUL MILLS: Yes.

The Hon. SARAH MITCHELL: She gave evidence that there were errors that were made. There was a mistake somehow and the Sydney numbers ended up being wrong. Were you involved in those errors?

PAUL MILLS: Sorry?

The Hon. SARAH MITCHELL: Were you involved at all in making those errors or those errors coming about? Did you talk to her about that?

PAUL MILLS: I feel like I've answered this question. My job was to make sure the contact details were there.

The Hon. SARAH MITCHELL: So therefore I'm assuming that your evidence is that, no, you weren't involved in any correction of those errors with Sydney. Is that what you're saying to us under oath?

PAUL MILLS: What I'm saying is my role was to make sure the contact details were there.

The Hon. SARAH MITCHELL: In relation to interaction with Mr Greenwich, obviously you've said that you didn't speak to him about these projects at all. That's your evidence?

PAUL MILLS: I've never spoken to Mr Greenwich.

The Hon. SARAH MITCHELL: But are you aware that Ms Burton has spoken to Mr Greenwich about these projects?

PAUL MILLS: I've already made reference to that in your previous questions.

The Hon. SARAH MITCHELL: What about Skye Tito, who was the Labor candidate? At any point, did you speak to her about the details of what her election commitments were in relation to these projects?

PAUL MILLS: I haven't spoken to Skye Tito, no.

The Hon. SARAH MITCHELL: So there was no point when you were populating this list with contact details that you ever checked that they were correct, that they were in line. You just got handed the list with the nine on it and you just filled in the emails and phone numbers. That was the only involvement you had with this.

PAUL MILLS: I believe I've answered that already. I refer you to my opening statement.

The Hon. SARAH MITCHELL: Do you have any concerns that the grant guidelines were breached with the information that was put through here that was incorrect?

PAUL MILLS: I just want to refer you to Damian O'Connor's evidence at the start of this hearing today where there were two machinations happening, the population of the list and the grant guidelines being established. I wasn't privy to any of that. My job was to purely make sure that the contact list was up to date.

The Hon. CHRIS RATH: Mr Mills, were you the campaign manager for the seat of Riverstone at the 2023 election?

PAUL MILLS: I believe that answer has already been put to you by previous evidence by Dominic Ofner and Bob Nanva.

The Hon. CHRIS RATH: I don't remember that. It's a simple question.

PAUL MILLS: I was an organiser.

The Hon. CHRIS RATH: You were an organiser for the seat of Riverstone.

PAUL MILLS: Yes.

The Hon. CHRIS RATH: Was it ever raised with you that the then candidate, now member for Riverstone, had a potential conflict of interest with one of the projects that he had nominated as part of the LSCA program during the campaign?

PAUL MILLS: Just referring to the evidence provided by Dominic Ofner and Bob Nanva, my job was to be the interface and to make sure that the candidates for which I was the organisers for filled out their details. I wasn't privy or involved in the decision-making process for that. That was my job.

The Hon. CHRIS RATH: But the candidate for Riverstone submitted projects in his electorate for funding to you as the interface?

PAUL MILLS: No. I was the interface between the candidate filling out the details and sending them to I think shadow ERC or whatever. They filled out the forms and it was sent to whoever received those forms. I had no other involvement in that.

The Hon. CHRIS RATH: So the candidate for Riverstone wasn't discussing conflicts of interest with you or declaring conflicts of interest to you in any way?

PAUL MILLS: I can't recall. All I know is, from memory, we were told to make sure the candidates filled out their forms, and it was my job to make sure they filled them out.

The Hon. CHRIS RATH: Because Mr Kirby says that he did declare a conflict of interest when it came to Riverstone and one of the projects that he put forward for funding. But, unfortunately, that wasn't one of the 17 that was later assessed by the probity officers, post-election. What we think he means is that he put forward this conflict during the campaign—so the pre-election process rather than the post-election process. What we're trying to understand is how that conflict of interest would have been registered and assessed. But your evidence is that you didn't have any involvement with that.

PAUL MILLS: That's not my evidence. My evidence was, in reference to what was provided by Dominic Ofner and Bob Nanva, I was the interface making sure that the candidates who I was an organiser for filled out those forms. I believe Josh Wright previously mentioned that he went through the process in the form as, I believe, you're describing. And that's, I suspect, what they had to fill out.

The Hon. CHRIS RATH: Post-election, then, you're working in the caucus liaison office and you're dealing with the LSCA program. Was the conflict of interest in Riverstone ever raised with you in the post-election process?

PAUL MILLS: I just want to refer you to my opening statement. My job was to fill out the contact details and make sure they were correct.

The Hon. CHRIS RATH: So it was not raised with you.

PAUL MILLS: I'd just refer you to my opening statement.

The Hon. SARAH MITCHELL: Just further on that, your job might have been to fill out the contact details, but you've just told us that you were an organiser, including for the seat of Riverstone. So is your evidence, under oath, to this Committee, knowing full well what the impacts are if you don't tell us the truth and that you might well find yourself back here again, Mr Mills—are you saying that not one person asked you about any of the issues to do with Riverstone, noting your involvement in it pre the election?

PAUL MILLS: It was two years ago. I'd have to take that on notice.

The Hon. SARAH MITCHELL: So you can't remember if anyone ever spoke to you about the work that you'd done.

PAUL MILLS: My job is—

The Hon. SARAH MITCHELL: You're under oath.

PAUL MILLS: Yes, under oath—

The Hon. SARAH MITCHELL: I'm just going to remind you that you are under oath.

The Hon. MARK BUTTIGIEG: Point of order: The member attempts to intimidate the witness.

The Hon. SARAH MITCHELL: I am not intimidating. I'd like an honest answer.

The Hon. MARK BUTTIGIEG: There is such a thing as being able to take a question on notice. That's exactly what the witness has done, and now we're proceeding to say, "If you don't tell me what I want to hear, we'll have you arrested or you'll be back here," or whatever. The question has been answered.

The CHAIR: Again, can we make our points of order short and sharp so that I can understand them? I didn't actually know what the point of order was there. Can you please go ahead?

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

PAUL MILLS: Thank you.

The Hon. SARAH MITCHELL: Just to you, Mr Psihoyios, in relation to that meeting that you went to in reference to this sheet, can you just tell us who else was present at that meeting? Obviously, we know Mr O'Connor was there, and yourself.

GEORGE PSIHOYIOS: Yes.

The Hon. SARAH MITCHELL: Who else was in attendance?

GEORGE PSIHOYIOS: My best recollection is it was myself and Mr O'Connor. That's just my honest and genuine recollection from a meeting from 16 months ago.

The Hon. SARAH MITCHELL: Sure, but just the two of you? No-one else that you can recall?

GEORGE PSIHOYIOS: I can't recall any other individual. To say so would potentially mislead.

The Hon. SARAH MITCHELL: That's fine. I appreciate that.

The CHAIR: Mr Mills, in Ms Burton's evidence this morning we heard for the first time this information that there had been an error in the list with the Sydney amounts. Ms Burton claimed that that was her error. When did you first discover that Ms Burton had made an error?

PAUL MILLS: Like I said, my job is to fill out the lists. Any conversations privy to any errors being made, I wasn't privy to.

The CHAIR: With respect, could you just answer the question? When did you first find out?

PAUL MILLS: I can't recall. I'd have to take that on notice.

The CHAIR: Was it today?

PAUL MILLS: I can't recall.

The CHAIR: When you were listening to the evidence today of Ms Burton, and she said it was an error, did you register surprise? Was this new to you?

PAUL MILLS: I'd have to take it on notice.

The CHAIR: Did you speak with Ms Burton today?

PAUL MILLS: Yes.

The CHAIR: Good. Did you speak with Ms Burton yesterday?

PAUL MILLS: Yes.

The CHAIR: Did you speak with Ms Burton the day before?

PAUL MILLS: I feel like I've answered this line of questioning, and I think you're trying to get to—

The CHAIR: I don't think I've asked that particular question. Did you speak with Ms Burton the day before?

PAUL MILLS: She my director.

The CHAIR: Right, exactly. Okay, good. Did Ms Burton give you instructions on how to answer the questions that you would be getting here today? You're under oath.

PAUL MILLS: She spoke to me about the Committee, of course—what to expect.

The Hon. MARK LATHAM: We'll take that as a yes.

PAUL MILLS: Yes.

The CHAIR: Is she the one that told you to respond to questions by referring to your opening statement, taking things on notice or saying that you cannot recall? Were they the three instructions you were given?

The Hon. MARK BUTTIGIEG: Point of order—

The CHAIR: This is really important.

The Hon. MARK BUTTIGIEG: It is really important that I take a point of order too, with all due respect. It is highly unremarkable and within the witness's right to seek counsel on how they should approach a Committee meeting.

The Hon. SARAH MITCHELL: What's the point of order?

The Hon. MARK BUTTIGIEG: I don't understand the relevance.

The CHAIR: Can you please take a point of order?

The Hon. MARK BUTTIGIEG: The point of order is that it's out of order to question the witness on whether or not he's entitled to coaching.

The Hon. SARAH MITCHELL: To the point of order: This is actually about trying to ascertain whether the witness is providing honest advice, so I think it's entirely within the scope.

The CHAIR: It's a very simple question. I make no judgement. I probably would seek coaching if I was going before a parliamentary committee, but I would be straight about it.

The Hon. PETER PRIMROSE: To the point of order: The witness has previously indicated that he'd take this line of questioning on notice.

The CHAIR: Not these particular questions. He is most welcome to do that, but he has not done that in response to this particular question. So, without the interference, if you could answer my question, Mr Mills.

PAUL MILLS: Could you repeat your question, please?

The CHAIR: Did Ms Burton instruct you to either refer to your opening statement in response to questions, to take the question on notice or to say, "I can't recall"?

PAUL MILLS: If I can't recall something, I can't recall.

The CHAIR: The question was whether or not—

PAUL MILLS: If I've listened to the previous speakers in this hearing, then I can refer to what they've said. I think it's irrelevant.

The CHAIR: With respect—

PAUL MILLS: With respect, if I've listened to what you guys have been talking about all day, I can refer to evidence given.

The CHAIR: Yes, so my question is did Ms Burton give you those three instructions. Did she give you those tips for how to respond here today?

PAUL MILLS: Lots of people have spoken to me about this. This is my first time being in a committee.

The CHAIR: It's a yes or no answer, Mr Mills. Did she give you those tips?

PAUL MILLS: I've spoken to various people. This is my first time at a committee.

The Hon. MARK LATHAM: Chair, in fairness, Mr Mills has to leave now for an important family event.

PAUL MILLS: Thank you, I do appreciate it.

The CHAIR: Apologies, go ahead.

(Paul Mills withdrew.)

The Hon. MARK LATHAM: Mr Psihoyios, that leaves you. When you arrived in Mr O'Connor's office for this meeting, for which you'd received no prior instructions as to its purpose, what did Mr O'Connor say to explain the purpose?

GEORGE PSIHOYIOS: I don't recall the specifics of what Mr O'Connor said at the meeting, and that's just my honest recollection of a meeting that took place 16 months ago. But as I said in my earlier evidence, I do recall seeing and observing Mr O'Connor writing on this email printout and speaking to it. As I said in my earlier statement, it was clear that I was there to ascertain information from one source, being the Minister's office, and convey it back to my director, which I've already confirmed.

The Hon. MARK LATHAM: Had you had any kind of discussion with Mr O'Connor before you started writing down the numbers to bring the allocations back to their original form, as promised by Skye Tito?

GEORGE PSIHOYIOS: Like I said in my earlier evidence, Mr Latham, I was much more of a participant rather than the lead in the meeting. It was much more a case—

The Hon. MARK LATHAM: Your evidence is to recall it was just the two of you, so he just did all the talking and you watched him write down the numbers?

GEORGE PSIHOYIOS: Again, he was the lead—

The Hon. MARK LATHAM: It's not much of a meeting, is it? So what was the real purpose of it?

GEORGE PSIHOYIOS: That's just what happened, Mr Latham.

The Hon. MARK LATHAM: Why do you think he was writing these numbers in the "Original" column to revert it to the Skye Tito promises?

GEORGE PSIHOYIOS: That might be a question that you might have to ask him, Mr Latham, because it's his actions, and I can't possibly speak for a third party.

The Hon. MARK LATHAM: He didn't explain to you anything as to why he was writing these numbers on the document—a document you thought was so important, you took a photograph of it?

GEORGE PSIHOYIOS: I can't recall. Like I said, I don't recall the particulars of what he said at the meeting. It was 16 months ago, and I'm giving you my honest recollection of something from 16 months ago.

The Hon. MARK LATHAM: We've heard from his Minister, John Graham, saying there was a concern that these allocations in Sydney as of 1 December weren't election commitments from Skye Tito. So they're outside the guidelines. The Minister has said he sought his office to get some assurance that they were, in fact, the commitments promised by the Labor candidate in Sydney so the Minister could sign off on them. Would it be reasonable, do you think, for this Committee to assume that's what your meeting was about, to act on the Minister and Mr O'Connor's concern that the column headed "Alex G/PO", the collaboration between Cherie Burton and Alex Greenwich, weren't election commitments and Mr O'Connor, in discussion with you, was trying to bring them back to the original amount, handwritten on the right-hand side.

GEORGE PSIHOYIOS: I don't believe so, Mr Latham, and I'll give you the reason why. My understanding from evidence given by Ms Alison Morgan—and I believe it's been tendered as a supplementary document to the Committee's inquiry—was that that communication, recorded as coming from the Premier's office, was on 1 February and the time stamp on the photo was 12 February. My honest view of that would be that that was a communiqué or an action that clearly happened before this photo was taken.

The Hon. MARK LATHAM: I hope you're not implying that Minister Graham is not telling the truth. He says he's got a legitimate concern that these weren't the election allocations, so obviously he sought his chief of staff to bring them back to the correct Skye Tito allocations. Isn't that a reasonable thing for the Committee to assume, given that Mr Graham has said he did that and Mr O'Connor has indicated he did that after 1 December 2023, when they received this email from Alison Morgan and had obviously been alerted to the fact, by virtue of writing "Alex G/PO", that the printed numbers there weren't the right ones?

GEORGE PSIHOYIOS: With all due respect, Mr Latham, that was quite convoluted. I'm not really following exactly what your question is. Can you perhaps restate it?

The Hon. MARK LATHAM: You're telling us what the meeting wasn't about. What was it about, Mr Psihoyios?

GEORGE PSIHOYIOS: I've told you what the meeting was about, Mr Latham. I've already given evidence to that.

The Hon. MARK LATHAM: And what was that? Can you tell us again? It was for you to go to a meeting you supposedly you knew nothing about, with no introduction from Mr O'Connor as to what the meeting was about and for you to sit there and just watch him write some numbers on a bit of paper.

GEORGE PSIHOYIOS: No. Mr Latham, I've given evidence of what took place at the meeting.

The Hon. MARK LATHAM: Well, what was said at the meeting?

GEORGE PSIHOYIOS: You have asked me the same question again in different forms.

The CHAIR: Order!

The Hon. MARK LATHAM: Why was it so important that you would take a photo of it and take it back to Cherie Burton?

GEORGE PSIHOYIOS: Because Cherie Burton, my director at the time, asked me to go to a meeting. I took a photo to show to her. "Hey, you asked me to go to a meeting. This is what happened at the meeting."

The Hon. MARK LATHAM: And what did you tell her?

GEORGE PSIHOYIOS: What I just said.

The CHAIR: Order! It is Government time.

The Hon. MARK BUTTIGIEG: Mr Psihoyios, let's go through that chapter and verse again.

GEORGE PSIHOYIOS: Sure.

The Hon. MARK BUTTIGIEG: As has been the case on a number of occasions here, there's an attempt to project a certain atmosphere around a situation, which is highly unremarkable, I think. How many meetings

would you have gone to in your life where you might not have necessarily been told what the subject matter of the meeting is?

GEORGE PSIHOYIOS: Are you talking about a meeting as a caucus liaison officer?

The Hon. MARK BUTTIGIEG: Yes. Which you and I have had many of, by the way.

GEORGE PSIHOYIOS: Incalculable, Mr Buttigieg, I wouldn't want to speculate, because it would be a lot over my tenure. I refer to my opening statement.

The Hon. MARK BUTTIGIEG: And you wouldn't necessarily find it conspiratorial or concerning that you got called to a meeting without necessarily knowing what the content of the meeting was?

GEORGE PSIHOYIOS: Correct. Or being asked to go to a meeting by my boss and then reporting back to my boss about the outcome of the meeting or what happened at the meeting.

The Hon. MARK BUTTIGIEG: Walk us through that process then. You got to the meeting with Damian O'Connor. What happened then?

GEORGE PSIHOYIOS: At the meeting I observed Mr O'Connor speaking to this email printout. He had been writing on the document. Then, at the conclusion of that meeting, I took a photo of it, showed it to my boss afterwards and said, "This is what happened at the meeting."

The Hon. MARK BUTTIGIEG: So you were purely—

GEORGE PSIHOYIOS: Sorry, just to add to that, Mr Buttigieg, if I can, like I said earlier in my evidence to Mr Latham's question, I was much more of a participant, being a junior staffer in the presence of a chief of staff to a Minister. Mind you, the context here is that this meeting was on 12 February 2024, about five weeks of me being into the job. I'm basing off the experience of other far more experienced staff members to take the lead in a meeting that I've been asked to go to by my director.

The Hon. MARK LATHAM: You said the meeting was around this date.

The Hon. Dr SARAH KAINE: Could I just ask something on that?

The Hon. MARK BUTTIGIEG: Point of order: It's actually my question time.

The CHAIR: Order!

The Hon. MARK BUTTIGIEG: Sorry, Sarah.

The Hon. Dr SARAH KAINE: Sorry, Mr Buttigieg. It's hard because I can't see you. I was going to ask something directly following on from that bit of evidence, Mr Psihoyios. In your understanding, what is the status of the chief of staff in the Minister's office?

GEORGE PSIHOYIOS: To run that ministerial office. Essentially, they are the most senior staff member in the ministerial office.

The Hon. Dr SARAH KAINE: Without in any way trying to diminish the role of a caucus liaison officer, what status would your role have within the hierarchy of a ministerial office?

GEORGE PSIHOYIOS: Especially in contradistinction to a chief of staff, I would be very junior—at the bottom of the pecking order.

The Hon. Dr SARAH KAINE: So it wouldn't be really appropriate for you to question a chief of staff as to what an agenda of a meeting with you would be. You would just be, as appropriate, deferential enough to turn up and, in the case of a very new staffer, listen, take notes and report back.

GEORGE PSIHOYIOS: That's exactly right, Dr Kaine.

The Hon. Dr SARAH KAINE: I just wanted to ask a more general question, which goes to some of the evidence about preparation for inquiries. Having been around Parliament, you would have watched inquiries and witnesses and the types of answers witnesses give?

GEORGE PSIHOYIOS: From time to time, yes. That is correct.

The Hon. Dr SARAH KAINE: In general, in terms of preparation in coming along, I am guessing that you would have had in the back of your head, as perhaps other witnesses who appeared today and had to leave might have had in their heads, the way that questions are taken and answers are given in inquiries as a model for how you might answer questions.

GEORGE PSIHOYIOS: Correct. Helpfully, the Legislative Council sent me instructions about what the day would look like, what giving evidence looks like, what you can and can't say, and how the process operates, which I found overwhelmingly helpful. Kudos to the staff here at Parliament House for that. That is exactly right.

The Hon. Dr SARAH KAINE: You would have watched, over the course of all of the inquiries we have run, how witnesses engage.

GEORGE PSIHOYIOS: That's right.

The Hon. PETER PRIMROSE: Can I follow up on that? So you were provided with information by the Legislative Council?

GEORGE PSIHOYIOS: It would appear to me that it was standard protocol.

The Hon. PETER PRIMROSE: Did you talk to anyone in the Legislative Council at all in the office? Did they seek to coach you on your answers by giving you information?

The CHAIR: Yes, did they?

GEORGE PSIHOYIOS: No, Mr Primrose.

The CHAIR: There you go. It's a "no" answer. Very good.

GEORGE PSIHOYIOS: To that point, though, you asked me if I spoke to anyone specifically—only the correspondence that I did over email. I was contacted by a director of the New South Wales Parliament—I think they work for the Parliament—via my LinkedIn account. No judgement, but I found that a little strange. Obviously, the Committee was trying to get in contact with me. I believe I had a phone conversation with that director to say what your inquiry is in relation to. I just want to be fully transparent about the conversation I had with parliamentary staff.

The Hon. MARK BUTTIGIEG: What was your impression of the scheme overall in terms of the process? I know you only had limited involvement after the fact, but, in terms of the fact that you were witnessing this unfold, what was your overall impression of the integrity of the scheme?

GEORGE PSIHOYIOS: I guess for the integrity of the scheme I never for one minute had any doubts about it. My view of it was that it was an election commitment of the Government when it was in opposition, as per my opening statement to the Committee. It was \$400,000 equally for all 93 electorates, in contradistinction to schemes run by the previous Liberal-Nationals Government, which in contrast pork-barrelled millions of dollars disproportionately to Liberal-Nationals seats and target seats as well. In answer to your question, Mr Buttigieg, I viewed this idea of an equal portion of \$400,000 for each electorate to be fair in principle, in contradistinction to practices of the previous Government.

The Hon. MARK BUTTIGIEG: Were you privy to those discussions about the desire of the Government to avoid those previous mistakes and perceptions about those rorted grant programs under the previous Government?

GEORGE PSIHOYIOS: My understanding, Mr Buttigieg, was that this was an election commitment formulated when the Government was in opposition at the time. Obviously, I wasn't privy to those discussions because, like I said in my opening statement, my first job in politics started—

The Hon. MARK BUTTIGIEG: Post.

GEORGE PSIHOYIOS: Yes, post and in January 2024. But that was certainly the ethos that I understood it to be during the tenure of my role as a caucus liaison officer, yes.

The Hon. MARK BUTTIGIEG: You're a trained lawyer by profession, aren't you?

GEORGE PSIHOYIOS: Yes, I am. I have a practice certificate. It's not currently registered because my previous role was not practising. My previous role as a corporate liaison officer did not involve practising law or giving legal advice.

The Hon. MARK BUTTIGIEG: Part of that training, of course, is to have a natural radar for these sorts of things, and anything untoward surely would have raised your eyebrows and required some sort of self-reporting role, had you thought anything was untoward. Correct?

GEORGE PSIHOYIOS: I think that's fair to say, Mr Buttigieg, and I think it's also fair to say with regards to, as I outlined in my opening statement, the context of my role as a caucus liaison officer insofar as it related to the LSCA program, as I said in my opening statement, was to assist Government members with making announcements about the projects. That, in totality, is my involvement on my view of the program.

The Hon. MARK BUTTIGIEG: Yes. Again, as a pure functionary, carrying out the instructions of superiors in those environments, it is highly unremarkable in terms of the evidence you have put here today, I would have thought.

GEORGE PSIHOYIOS: Correct. Absolutely, especially in circumstances where I didn't think, or I didn't suspect, any wrongdoing—absolutely.

The Hon. MARK BUTTIGIEG: All right. Thank you very much.

The CHAIR: That does conclude this session. Thank you very much for making the time to appear. To the extent there were questions take on notice or supplementary questions, the Committee secretariat will be in touch.

(The witness withdrew.)

Mr JAMES CULLEN, Chief of Staff, Office of the Hon. Chris Minns, MP, sworn and examined

The CHAIR: Welcome, Mr Cullen. Do you want to make a short opening statement?

JAMES CULLEN: No, all good.

The CHAIR: Excellent. Let's start with questions from the Opposition.

The Hon. SARAH MITCHELL: Thank you, Mr Cullen, for being here today. I appreciate you might not have seen my earlier questioning because I know that you were in another hearing this morning, but I put some questions to the department about a request you made for Premier's discretionary funding for a number of projects: Wayside Chapel, Canice's Kitchen, Streetlevel and Rough Edges. Where did the suggestion come to you that these projects should be put forward for discretionary funding?

JAMES CULLEN: I would have heard through the office, and I can't recall who. It would have been brought to my attention that Mr Greenwich was keen for some funding for those four organisations and some amounts, which then led me to initiate that PDF request. In terms of the PDF program, and you'd have some awareness of this previously as well—

The Hon. SARAH MITCHELL: Sure.

JAMES CULLEN: —it's obviously a non-competitive grant program. I would, on occasion after representations, send information for the relevant team in the Premier's Department to process, so on this occasion that's basically what I did.

The Hon. SARAH MITCHELL: Okay. You just mentioned before that you were probably made aware that Mr Greenwich was advocating for funding for these organisations.

JAMES CULLEN: Yes.

The Hon. SARAH MITCHELL: Were you also aware that they were projects that had been invited to apply for funding under Local Small Commitments Allocation as well?

JAMES CULLEN: I can't recall. I can't recall whether or not it was put to me in terms of that they'd either been processed or were in some sort of a mix for LSCA funding at all. No, I'm not sure. It probably would have been the best part of two years ago in terms of—or maybe it was a little bit shorter. It might have been 18 months ago in terms of the PDF request. It was a while ago, yes.

The Hon. SARAH MITCHELL: Would it be fair to say that there is a brief, which we have a copy of, that came through—Ms Meagher signed off on it; the Premier signed off on it—to give money through the PDF, and it makes it clear that, for these organisations, they didn't get LSCA money and therefore they're getting PDFs? Do you accept that that's correct?

JAMES CULLEN: I take you at your word. I must say I don't have the LSCA—

The Hon. SARAH MITCHELL: I did table it earlier.

JAMES CULLEN: —breakdown by electorate, but I take you at your word that they didn't receive funding under the LSCA. The four that you read out—I think that was Wayside, Canice's Kitchen, Streetlevel and Rough Edges. We put them through the process, which ultimately ended up with them receiving funding under the Premier's Discretionary Fund.

The Hon. SARAH MITCHELL: Wayside Chapel actually got money under both the LSCA and the Premier's Discretionary Fund. Are you aware of any other organisations that got money through both the Premier's Discretionary Fund and the LSCA?

JAMES CULLEN: Not specifically, but it wouldn't surprise me. Can I say, I probably got more experience through the role in from time to time—not routinely but from time to time—sending information to the relevant team in the Premier's Department to process PDF grants. It's sort of unsurprising and often common that a member of Parliament or an organisation would come to you directly and explain their circumstances. Often it is: "We've been unsuccessful in a grant round elsewhere. We've only received part of what we want." Those sorts of things are pretty common, to be honest. So I am not surprised.

The Hon. SARAH MITCHELL: Could you take on notice then perhaps whether any projects received money through the Premier's Discretionary Fund and also got LSCA?

JAMES CULLEN: LSCA and also—organisations? I'm happy to take that on notice.

The Hon. SARAH MITCHELL: That would be great. In relation to that, do you then accept, given that these were organisations within the Sydney electorate that did not successfully get money under LSCA even though they were in the mix at some point—and the letter from the Premier says it was because of funding constraints. Do you accept then that the Sydney electorate actually did receive more funding because it got topped up by the Premier's Discretionary Fund?

JAMES CULLEN: No, and here's my argument as to why. We routinely get requests from members of Parliament. I happen to have one with me from Mark Speakman regarding the Cronulla Surf Festival, which Premier Minns has provided some grant funding for under the PDF. I don't think that's a fair characterisation to say that Mr Speakman has got \$400,000 under the LSCA in terms of his electorate of Cronulla, plus the 25 or whatever the number is for the PDF. I just think they are separate grant programs.

The Hon. SARAH MITCHELL: Yes, but in this instance, with respect, Mr Cullen, there are projects—one example is the one that we had here for the Wayside Chapel, where they actually got money under both, so they weren't separate.

The Hon. MARK LATHAM: It was a joint letter.

The Hon. SARAH MITCHELL: Yes, it was a joint letter saying, "You're going to get a bit from LSCA and a bit from PDF." I would put to you that that is a top-up from the Premier's fund to the electorate of Sydney.

JAMES CULLEN: It would not surprise me to see that NGOs have received funding from multiple sources of different funding or buckets from the State Government. That just would not surprise me. A lot of these organisations are applying for funding from a whole range of grant schemes. As you'd expect, they're non-government. I think we're talking about homelessness services in the main here. They would be routinely reaching out to every kind of grants funding program to get support. I just think that's completely unsurprising.

The Hon. CHRIS RATH: But you can see why the perception could be that Alex Greenwich was given special treatment, given there was the funding constraints from the LSCA.

JAMES CULLEN: The \$400,000 per electorate?

The Hon. CHRIS RATH: Yes. So that had come to its maximum and you needed to fund it in another way. He was given special treatment through additional funding through projects, because the LSCA had reached its cap and those two things were linked. It wasn't just an email coming from an MP like in other examples.

JAMES CULLEN: I don't really accept that one follows from the other. I think that often these NGOs are coming directly—some of them with letters of support. Some are actually coming to us directly from members of Parliament to be funded—if I'm talking about the PDF and other things. It's just not the way that we would sit back and consider things. We don't keep a running tally and go, "Okay, great—under the PDF. Okay, we've ticked off Cronulla now," et cetera. I just think it's rather arbitrary, to be frank, to be bringing both of those particular programs together.

The Hon. CHRIS RATH: But no other electorate was given special treatment in that way.

JAMES CULLEN: Well, again, I think that's your assertion and I wouldn't agree with it.

The Hon. CHRIS RATH: When did you first learn that Cherie Burton had put forward to the LSCA program office, for LSCA funding, two projects that were nominated by Greenwich and never nominated by the Labor candidate, and therefore were ineligible?

JAMES CULLEN: I'm just being frank: That's not something that I've been specifically focused on. In terms of the Premier's office, I've got senior staff who I trust to be able to make decisions to engage with the department accordingly. I don't stand over their shoulder every day looking at what they're doing. Obviously they understand the basic rules and the codes that they're supposed to work under and how that works. So that's not something I've got particular knowledge on, Mr Rath.

The Hon. CHRIS RATH: So Cherie Burton never told you?

JAMES CULLEN: Specifically about what? About Mr Greenwich putting forward?

The Hon. CHRIS RATH: Yes, about the two projects that were never nominated by the Labor candidate that Alex Greenwich wanted funding for as part of the LSCA program.

JAMES CULLEN: That's not something I recall.

The Hon. CHRIS RATH: I might just move on to some of the evidence we heard from Josh Wright before. Who was on shadow ERC when you were in opposition?

JAMES CULLEN: I'd probably have to take it on notice. I understand you might have asked a similar question to Mr Graham, who was reluctant to go into details in terms of the confidentiality of that particular forum. It wouldn't surprise me if they had the shadow Treasurer and the shadow finance Minister, for example, but let me take it on notice and see if I can come back to you.

The Hon. SARAH MITCHELL: The Leader of the Opposition would have been on it, I'm assuming.

JAMES CULLEN: You might speculate that, yes.

The Hon. SARAH MITCHELL: Mr Cullen, come on—as if the Leader of the Opposition wasn't going to be on the shadow ERC. You don't have to be cute.

JAMES CULLEN: To be fair, time's marching on and—

The Hon. SARAH MITCHELL: Are you seriously suggesting that the now Premier wasn't on your shadow ERC when he was the Leader of the Opposition? Come on.

JAMES CULLEN: I'm confident he is, but why don't I take it on notice to get you an accurate answer.

The Hon. CHRIS RATH: Did shadow ERC approve all the LSCA projects prior to the election?

JAMES CULLEN: I wasn't a member of shadow ERC. Let me take it on notice and, trying to help the Committee, see if I can come back to you with something on that.

The Hon. CHRIS RATH: Who was the secretariat for the shadow ERC? Who was assisting them?

JAMES CULLEN: There probably would have been—I've got to say I wasn't sitting in those meetings, so I'm not sure. I'm actually just genuinely not sure.

The Hon. CHRIS RATH: Surely someone from the Leader of the Opposition's office was assisting the shadow ERC in the process.

JAMES CULLEN: It may have been the case, but it also may not have been. It may have been that they were just the shadow Minister's—

The Hon. SARAH MITCHELL: So was anyone taking notes or recording what the decisions were of the shadow ERC?

JAMES CULLEN: I would be surprised. Just a general reflection about, particularly, shadow Cabinets and comparing them to Cabinets, the levels of formality—for understandable reasons in terms of decisions you're making and the import and the fact that you're actually implementing decisions as opposed to taking Opposition policy positions—quite understandably is much higher when it comes to a Cabinet or a subcommittee of the Cabinet. You would have this now and you're probably having a position where you're bringing forward submissions as a shadow Minister to a shadow ERC. I think that's probably the level of formality that you would have.

The Hon. SARAH MITCHELL: But my point is, if these were your election commitments that Labor were working through—in opposition with limited resources, I get that—surely someone was recording, "Yes, shadow Cabinet agreed to tick off on X, Y, Z and this is what will go to PBO for our costings." There must be some kind of record of what they've decided so that your staff can then do that work for PBO costings.

JAMES CULLEN: I'm at a disadvantage in that I wouldn't have been in the room, so I can't speak to it.

The Hon. SARAH MITCHELL: I'm not asking—you didn't have to be in the room.

JAMES CULLEN: You're asking me to speculate.

The Hon. SARAH MITCHELL: Yes but, when shadow ERC made decisions, presumably it was your role as Opposition leader staff to do the work to, say, draft up the PBO costings. You would have known what they decided to approve as election commitments.

JAMES CULLEN: Yes, but I think—

The Hon. SARAH MITCHELL: So how did you know what they—there had to be a record, Mr Cullen. That's my point.

JAMES CULLEN: The reality is, with this particular program, albeit—let's be frank, it's an Opposition policy program that was being put forward. There's presumably a decision for the Opposition that "We are going to proceed with the program"—local small commitments or whatever we call it at the time. That might have been something that went to shadow Cabinet. Again, I'm speculating. But actually, the process that flowed from there, which I understand you've had testimony about—about engagement with candidates, conflicts of interest,

managing that kind of process—that's something that's going on outside of obviously a shadow Cabinet or a shadow ERC. It relates to it, but it's obviously then the detailed work of going through the \$400,000 and the grants.

The Hon. SARAH MITCHELL: Josh Wright told us today that there was an online spreadsheet with the LSCA projects that he had when he worked in the office prior to the election. Did you have access to that spreadsheet? Did you see it after he left? Where did it go? He said he handed his computer and everything back in, so where did his work end up? You're the chief of staff. What happened to it?

JAMES CULLEN: I can't help you. I wasn't wandering around picking up everyone's computer and taking everyone's notes off the table.

The Hon. SARAH MITCHELL: So, you've got no idea where—all that work that was done in opposition to inform what you would implement in government just disappeared when Mr Wright left?

JAMES CULLEN: I don't think that's the case.

The Hon. SARAH MITCHELL: Where is it?

JAMES CULLEN: I think a list was handed over to the Government, and that's what then was later on processed.

The Hon. SARAH MITCHELL: A hard copy. But what about the electronic list? That's what we're interested in.

JAMES CULLEN: I can't help you.

The Hon. SARAH MITCHELL: Extraordinary.

The CHAIR: Picking up on that then, clearly you've been paying attention to—no, maybe not clearly. I'll ask it as a question. Have you been paying attention to the hearings that we've been holding for this inquiry?

JAMES CULLEN: There's been a lot going on. No, I haven't been going through the hearings or the transcripts. My role in terms of my relationship with the LSCA would actually be pretty limited, if I'm being frank.

The CHAIR: But are you aware that one of the key questions that we're investigating here is where that list came from, who created it and who gave it to Cherie Burton?

JAMES CULLEN: Sure.

The CHAIR: Have you made any inquiries to work out where that document came from?

JAMES CULLEN: No, I'm not a detective, and I don't intend to—and I don't know who handed over a particular list. I can't really help you on that one. I'm sorry.

The CHAIR: But in your role as chief of staff, do you have a strategic advisory role for the Premier? Do you give strategic advice to the Premier?

JAMES CULLEN: Sure.

The CHAIR: It would be reasonable to assume that you are looking out for potential risks coming his way, given the importance of where that list came from. Are you saying you didn't? You haven't made any inquiries? You haven't asked Cherie Burton?

JAMES CULLEN: No, I haven't. The Premier has been asked about this in multiple forums. I think I'm right in saying question time. I think he got a question about the LSCA today at a press conference. He's put a very strong view on the record about the program, the outcome, where the money went, which organisations it went to. But, apart from that, that would be the sort of conversation I'd have with the Premier: "You're likely to get a media inquiry. There's a bit of interest. There's going to be a story in *The Sydney Morning Herald*." That's basically it when it comes to the LSCA.

The CHAIR: Given what you know, having worked with the Premier and worked in government, does it strike you as unusual that an entire grants program is based on a paper version of a list?

JAMES CULLEN: A paper version of a list? I suppose you're asking me about my experience and my observations, and I've seen some pretty horrific examples of rorting by governments previously. We can go through a list if you like.

The CHAIR: No, me too.

JAMES CULLEN: I mean, the bushfire grants, for goodness' sake. Oh my God.

The CHAIR: You don't need to convince me.

JAMES CULLEN: And that wasn't an opposition coming to government; that was a government being in government with the full support of the public service, and still—

The CHAIR: You do not need to convince me—a pox on both their houses.

JAMES CULLEN: I just make a general point that I think that we, in opposition, coming into government, actually took care in a way that I'm not aware of an opposition previously—about trying to have a process where equity was at its heart, where there was an equitable distribution.

The CHAIR: The Government can ask you those dixer.

JAMES CULLEN: There was \$400,000 for 93 electorates and a process including looking at things like conflict of interest, with the resources of opposition. I have never seen anything like that, with respect.

The CHAIR: From my perspective—again, I'm a crossbencher. I wasn't in either of these major parties doing what I believe to be—I think there are questions over both sets of programs. I could be quite satisfied on the list issue if someone just told me who gave it to Cherie Burton. It's very frustrating to not have anyone be able to tell me, given that that could be so easily cleared up. And then I, for one, could be satisfied and go off on my separate way. Why has nobody within the Premier's office said to Cherie Burton, "Can you just tell the Committee where the list came from?"

JAMES CULLEN: I'm sorry, I think you've had her multiple times now. I didn't see her evidence today; I was otherwise indisposed. But I'm sure you asked the same question again.

The CHAIR: Do you view it as credible, though—

JAMES CULLEN: Yes, I do. Absolutely, yes.

The CHAIR: —that somebody would base an entire grants program based on a paper version of a list handed to one person when no-one can even remember who gave them that list?

JAMES CULLEN: I think that you would—LSCA is significant, and it's right that you ask questions. This is a very tiny, tiny part of the Government's agenda. It was a tiny part, to be frank, of what we took over from opposition to government. I think you need to know that there was a lot of work done across a lot of programs and a lot of key policy areas—yes, PBO costings but other related policy work. A lot of material being transferred from very a small, underpaid and underappreciated, perhaps at times, staff into government is a lot of work there. No, I'm not surprised that someone doesn't know who handed me a piece of paper. I'm really not.

The CHAIR: But, with respect, if you build an entire grants program on top of a piece of paper, you might want to investigate. This is on par with the Gladys Berejiklian shredding papers revelation. The idea that—

The Hon. MARK BUTTIGIEG: That's a bit much.

JAMES CULLEN: With respect—

The CHAIR: The idea that we have an entire \$400 million program based upon a paper version—

JAMES CULLEN: Sorry, \$400 million? It wasn't \$400 million. I can assure you that.

The Hon. MARK LATHAM: It was \$37 million.

The CHAIR: Sorry, \$40 million. That we can have it based on this one piece of paper that no-one knows where it came from is quite extraordinary, isn't it?

JAMES CULLEN: It's probably—no, I'm just not surprised. It's actually a very small part of expenditure in terms of what we were taking. Yes, there were details attached to it and a process. I just think, in those circumstances, the then Labor Opposition did what I haven't seen done before.

The CHAIR: Printed out a version of a spreadsheet!

JAMES CULLEN: Should there be improvements? To make a point for the Committee—and I know I've got Liberal and National Party colleagues here—I think we're kidding ourselves if we think that major and minor parties aren't going to be taking to the next election promises regarding commitments to NGOs and organisations.

The CHAIR: That's not what this is, though. This was a candidate slush fund.

JAMES CULLEN: This actually attempted to put a framework around it in a way that it hasn't been done before.

The CHAIR: After the event.

The Hon. MARK LATHAM: Thank you, Mr Cullen. You said earlier on that Alex Greenwich was keen for funding from the Premier's Discretionary Fund. Was that a verbal representation, or was there something in writing?

JAMES CULLEN: I don't think there was anything in writing. I'm happy to take that on notice. I didn't have—no, there was no conversation with Mr Greenwich.

The Hon. MARK LATHAM: How do you know he was keen for funding, as you gave evidence earlier on?

JAMES CULLEN: Again, the period of time—I think it was somewhere between 18 months and two years ago in terms of me sending that PDF request to the Premier's Department, for those four organisations. It came to me indirectly. It wasn't from—it was a conversation in the office. It wasn't from him direct at all, no. Let me take it on notice, particularly to see if there was—

The Hon. MARK LATHAM: Who in the office were you speaking to?

JAMES CULLEN: A lot of people. There are a lot of people in the office.

The Hon. MARK LATHAM: We've been through some of the people—

JAMES CULLEN: Sure. Yes, I'm aware of that.

The Hon. MARK LATHAM: —and there's only one person who has given evidence to say they spoke to Alex Greenwich directly, and that was Cherie Burton. Were you talking to Cherie Burton?

JAMES CULLEN: It could have been Cherie. It might have been someone else.

The Hon. MARK LATHAM: Could you take that on notice and also find out if there was a written submission?

JAMES CULLEN: I'm happy to.

The Hon. MARK LATHAM: How often for this Premier's Discretionary Fund would you give away public money just because an MP rang up?

JAMES CULLEN: Mr Latham, the Premier's Discretionary Fund is a longstanding program. I think it does exceptional work, and I'd be happy to—there's clear public record of previous financial years of where the funding goes. I'd think more often than not it's going in the right direction—to be fair, under the former Government as well. I think it's a legitimate right for a member of Parliament to draw attention to the Government, requesting needs for organisations like, for goodness sake, homelessness services.

The Hon. MARK LATHAM: Mr Cullen, with due respect, to answer my question?

JAMES CULLEN: What was your question?

The Hon. MARK LATHAM: Well, it wasn't the one you were answering. That is how often do members just ring up on the telephone and get money and without a written submission or any analysis?

JAMES CULLEN: Do they ring up? Yes, ring, email, send in mail—all of it.

The Hon. MARK LATHAM: To answer my question, how often do they just ring up?

JAMES CULLEN: Probably weekly.

The Hon. MARK LATHAM: Sorry?

JAMES CULLEN: I would say weekly.

The Hon. MARK LATHAM: Just ring up and get the money? Nothing in writing?

JAMES CULLEN: They would make the request. Members of Parliament routinely make requests for funding under the PDF.

The Hon. MARK LATHAM: Can you take on notice how many MPs have got PDF money just by a telephone call, which appears to be the case here?

JAMES CULLEN: The answer will—and I can tell you, I'll make sure it goes back five years, because it will be every single—I've got Mark Speakman's letter here asking for funding. It's routine.

The Hon. MARK LATHAM: That's a letter, you see. Do you understand the difference between a phone call and a letter?

JAMES CULLEN: They are requesting funding under the PDF.

The Hon. MARK LATHAM: We know from Alex Greenwich's diary, Mr Cullen, that he had a meeting with the Premier between 2.00 p.m. and 3.00 p.m. on Thursday 11 January 2024. It is listed in his diary as being at the Premier's office at 52 Martin Place regarding the equality bills. Were you part of that meeting?

JAMES CULLEN: The equality bills—

The Hon. MARK LATHAM: It's 11 January, so you're coming back from leave early last year. It's in the time zone where there's—

JAMES CULLEN: No, I don't believe I was.

The Hon. MARK LATHAM: Could you take it on notice and check your own diary? I assume you keep a diary.

JAMES CULLEN: I'd be confident the answer is no, but I will take it on notice.

The Hon. MARK LATHAM: You've got no recollection of that meeting and if it evolved into a discussion about grants in Sydney?

JAMES CULLEN: I'm very confident I wasn't in the meeting. I wasn't in the meeting, so I can't—

The Hon. MARK LATHAM: The very next day, arising from the meeting perhaps, at 11.30 a.m. on Friday 12 January Mr Greenwich has a meeting in his electorate office regarding homelessness services funding. Do you recall, from that, further submissions to your office about the rejigging of the Sydney allocations?

JAMES CULLEN: I just don't.

The Hon. MARK LATHAM: Does Cherie Burton report to you?

JAMES CULLEN: Yes.

The Hon. MARK LATHAM: What did she report regarding the rejigging of the allocations, particularly regarding what we now know is Damian O'Connor's intervention to ensure that the representations that Mr Greenwich had made to Cherie Burton to get extra money for certain projects were then returned back to Skye Tito's election funding commitments in this document that Mr O'Connor handwrote his figures on?

JAMES CULLEN: I don't recall any such conversation. I'm obviously aware that that's a line of inquiry that you've picked up at multiple hearings, Mr Latham. But, apart from that, no.

The Hon. MARK LATHAM: Cherie Burton, at no stage reporting to you, said, "We've got an issue here in Sydney where, with his wonderful, persistent advocacy, we were going to give Mr Greenwich the funding he wanted within the \$400,000 envelope. But now Damian O'Connor has returned it to the original allocations and we've got a shortfall, which coincidentally turned out to be the amount of money you authorised for the Premier's Discretionary Fund." You never had that discussion?

JAMES CULLEN: No, I recall no conversation like that. Can I just make a comment on the way through, Mr Latham? You do seem to have an unhealthy obsession with the member for Sydney.

The Hon. MARK LATHAM: I'll decide what interests I have in propriety issues. I don't need someone like you telling me what I do as an elected member of the Parliament. You might just hold your place and answer the questions.

JAMES CULLEN: You seem to be using every form of the House, including committees, to do what I would argue is to harass and attempt to bully and intimidate. I think it just needs to be called out for what it is.

The Hon. MARK LATHAM: Well, you're an idiot for saying that.

The CHAIR: Order!

The Hon. MARK LATHAM: I'm an elected member of Parliament, and I don't take advice from you or your harassment of the things I do as an elected MP.

The Hon. MARK BUTTIGIEG: Point of order—

The Hon. MARK LATHAM: You might want to think about your role under parliamentary privilege.

The CHAIR: Order! I'll hear the point of order.

JAMES CULLEN: I'll take that as a comment.

The Hon. MARK BUTTIGIEG: Can we refrain from using language that is disparaging to witnesses? It's all right to have a robust interchange, but when you start using words like "idiot", I think it's unacceptable.

The CHAIR: In relation to the point of order, I will say to the witness that if the witness could—

The Hon. MARK LATHAM: He called me a bully and an intimidator and harasser for doing my job. There's a first-rate rort here that you don't want held to account.

The CHAIR: Order! Mr Latham, I am ruling on the point of order that was raised by Mr Buttigieg. If the witness could refrain from having a go at Mr Latham and if Mr Latham could refrain from having a go at the witness, that would be much appreciated. Can we have question and answer, please?

The Hon. MARK LATHAM: I responded with a reflection on my work, which I'm entitled to do. It's outrageous that this staffer would come here reflecting on MPs.

The CHAIR: I've asked you both to refrain.

The Hon. MARK LATHAM: You should have stuck with Bill Shorten.

The Hon. MARK BUTTIGIEG: Thank you, Mr Cullen, for appearing.

JAMES CULLEN: We were lucky you didn't get there in 2004, mate.

The Hon. MARK LATHAM: Your bloke didn't either.

JAMES CULLEN: I tell you what: The Australian people got that one right.

The CHAIR: Order!

The Hon. MARK LATHAM: What about you? A first-rate rorter.

The Hon. PETER PRIMROSE: Point of order: The witness is protected by the procedural fairness resolution in relation to courtesy. That is a rule that we adopted covering ourselves. What the witness does is up to the witness, but we are bound by that procedural fairness resolution. I concur with your ruling, Chair.

The Hon. CHRIS RATH: It's pretty two-way.

The Hon. PETER PRIMROSE: No, it isn't.

The CHAIR: Everyone, calm down. Could we ask some questions please?

The Hon. MARK LATHAM: You wouldn't cop that. No-one would.

The Hon. PETER PRIMROSE: I've copped it from you.

JAMES CULLEN: Mr Primrose isn't a bully.

The CHAIR: Mr Cullen, it's not helpful.

The Hon. MARK BUTTIGIEG: As chief of staff to the Leader of the Opposition and now Premier, you wouldn't involve yourself in the intricacies of whether or not things are read off an electronic screen or a piece of paper, would you?

JAMES CULLEN: No.

The Hon. MARK BUTTIGIEG: Does it matter, in a sense? We're human beings; we can read off a sheet of paper or a screen, can't we?

JAMES CULLEN: I think that's a fair observation.

The Hon. MARK BUTTIGIEG: Can I ask you, Mr Cullen, if you could just explain, having been involved from an Opposition leader's office point of view and now as the chief of staff to the Premier, the logic and rationale for the program that we took from opposition?

JAMES CULLEN: As I've already alluded to, Mr Buttigieg, it is difficult, as we know, making the transition from opposition to government and putting for the first time that I'm aware of—certainly in New South Wales—a framework around a small commitments program, which includes a fair bit of rigour and looking at things like conflicts of interest, from opposition. Trying to administer that from opposition in a way to give a sense that there's a bit of transparency and rigour, consistency in that each electorate was getting the same amount of money, I think we were absolutely alive to a fact in opposition that there was a pretty strong record, unfortunately, in this State of money being skewed to certain areas and certain electorates. I'm not talking about hundreds of thousands but talking about tens and hundreds of millions of dollars to some electorates and not others. The bushfire grants would probably be the most acute example, I would argue.

Those sorts of lessons, we tried to incorporate that in what we were doing with the LSCA in opposition. I'm not going to argue it was perfect, but I think in the circumstances, with the small staff, it was actually something quite amazing to do that and keep to those principles. I have heard bits and pieces of the reporting and seen bits and pieces of the reporting about the program. I'm yet to see someone come and say, "That organisation is undeserving," or, "By the way, that organisation is somehow misspent." This money hasn't been directed to other areas or the New South Wales branch of the Labor Party, for goodness sake. We're complaining about funding going to homelessness services. I've got to say, I just think, in the circumstances, we did an excellent job actually.

The Hon. MARK BUTTIGIEG: In terms of the other aspect of that—and you make the valid point that it has all gone to worthy organisations and not one person has pushed back against that—the other sort of allegation is that this is just to curry favour to get votes, but in one sense it's almost inoculating against that, isn't it? Because if you happen to be the fortunate sitting member that's in a relatively safe seat, you still cop the 400, thanks very much.

JAMES CULLEN: Correct, and, as you've probably had evidence already, there's a long list of LSCA grants being announced/welcomed by Liberal and National parties MPs in their electorate. Fantastic! That's the program. The money is going to organisations in their electorate and they're celebrating it and are back here endorsing it. That's great.

The Hon. MARK BUTTIGIEG: In fact, if I were the sitting member in a seat like that and candidate hope beyond hope is saying, "You're going to get \$50,000 here and you're going to get \$100,000 here," you'd be just sitting back waiting to say, "I can't wait till I get elected because I'm going to take credit for this and we didn't even win government."

JAMES CULLEN: That's what has happened. The fact that you've got that spread and that even spread across the 93 electorates allows that to happen. There is nothing wrong with members of Parliament, regardless of where they're coming from, welcoming that.

The Hon. MARK BUTTIGIEG: But that was a conscious function of the design, right, to avoid—

JAMES CULLEN: The distributional bit is the most important part.

The Hon. MARK BUTTIGIEG: We've heard this litigated now for God knows how many months. What alternative could there be?

JAMES CULLEN: It's actually funny you say that. This is probably something, to be frank, which is actually absolutely within the standing orders, and I'm surprised it hasn't got any attention at all. It would be open to the Committee to consider perhaps inviting someone like a Chris Stone, who was probably involved in this process. There's a PBO costing the Coalition put forward in the last election for not a \$37 million program but a \$298.5 million program. The policy proposes to provide a total of that number in grants to councils and non-government organisations—

The Hon. CHRIS RATH: Point of order—

JAMES CULLEN: —to support local upgrades to sporting infrastructure—

The CHAIR: I will hear the point of order.

The Hon. CHRIS RATH: This is clearly outside of the terms of reference. It has nothing to do with the Local Small Commitments Allocation program. We're not here to assess the Liberal Party's commitments at the last election. We're here to assess the Local Small Commitments Allocation scheme.

The Hon. MARK BUTTIGIEG: To the point of order: My question was directly and specifically to what the alternatives are, and the witness is directly answering that with an exemplar.

The CHAIR: In relation to the point of order, I think it's entirely within the member's right and the witness's right to waste their time however they feel fit.

JAMES CULLEN: The policy proposes to provide a total of \$298.6 million in grants to councils and NGO organisations to support local upgrades to sporting infrastructure across New South Wales, to assist in the delivery of local projects through improving local amenity, expand local infrastructure and tourism. That sounds like the LSCA but, by the way, it's \$300 million. The policy proposes to provide a total of \$160 million in grants for sporting infrastructure, and then they break it down after that. That's it. That's the level of detail on this thing. I've got to say, I spent a bit of time in the lead-up to the last election having a look at the Government and what they were doing. There was no media statement. There was no media release. There was no rigour. There was nothing about distribution.

The Hon. MARK BUTTIGIEG: Point of order—

JAMES CULLEN: There was nothing about how you access the money. There was nothing about individual projects announced under this—\$300 million.

The Hon. SARAH MITCHELL: Did your LSCA one have all that detail? I don't think it does.

JAMES CULLEN: What a disgrace. Not even talked about—nothing.

The Hon. SARAH MITCHELL: Have a look at your LSCA PBO. You didn't even keep notes.

JAMES CULLEN: A big black hole.

The CHAIR: Order! I will hear the point of order.

The Hon. MARK BUTTIGIEG: The point of order is that I ask questions and I'd actually like to hear the answer rather than have under-the-breath comments because they don't like what I'm asking and what's being answered.

The CHAIR: Members will try to refrain from having conversations while the questioning is—

JAMES CULLEN: I finished my answer.

The Hon. MARK BUTTIGIEG: The Auditor-General's report—have you had a chance to digest that?

JAMES CULLEN: A little bit, yes, I have.

The Hon. MARK BUTTIGIEG: In light of that, have you got any reflections on that?

JAMES CULLEN: Yes, I do. I'm sure the Government, ultimately, will pick up the recommendations, and I think the Premier's Department has already been working on some of that. Some of the recommendations are directed at them and some of the conflict of interest declarations and the processes regarding that. I think they've called for an upgrading of the grants guide, particularly in relation to how the public sector is to administer grants involving election commitments. That's obviously a good thing. I think it looks positive. The program office conducted an effective process for administering the LSCA program, so they obviously got some positive feedback but also room for improvement, and I think that's absolutely as it should be.

If I was going to make a personal observation, particularly observing what I saw during the last election, the election campaign and these sorts of programs, there may well be an ability for—as the guide is updated, I understand that some of this stuff is outside the purview, for example, of the Auditor-General when it comes to the pre-election process, but maybe there's something to be able to enhance the Parliamentary Budget Office costing process. And for these sorts of programs where funding is going to third-party organisations and NGOs, outside of small equipment—it could be small equipment programs, but it could be bigger—that that information is being assembled and provided and public as part of the PBO costing arrangement in the last week of the campaign. I think that level of transparency would take this to the next level, and that's probably the sort of thing that basically all political parties should be looking at—but, in the first instance, the Government, in responding to the Auditor-General's report.

The Hon. MARK BUTTIGIEG: If this is done properly and those recommendations are taken on board, in a lot of ways, this is a lot more democratic and bottom-up. One of the alternatives, presumably, could be that you just—because the Committee has been trying to project the previous atmosphere of rorting onto this particular program, which I don't think has been successful at all. But if you were going to consider the alternative and throw the baby out with the bathwater, it's a top-down approach, then, isn't it? Governments, in opposition, just say, "We're going to stick a hospital in this particular electorate because we think you can win it."

JAMES CULLEN: Yes. How—

The Hon. MARK BUTTIGIEG: How is that more democratic?

JAMES CULLEN: That's right. For a local small commitments grant, I just think that the key feature is every electorate gets same amount of money. For goodness sake, look where the money's going as well. I think it was a really good program. That PBO costing I referred to from the Coalition during the last election—they were in government with the resources of government, and it was a \$300 million black hole without any detail anywhere. God knows what candidates and MPs were going out announcing. We may never know. Maybe we do; I don't know. But I think there's probably room for improvement. I think the Auditor-General's report goes to that. But those key principles—and again, let's just think about outcomes here. That even distribution and these NGOs getting that money—I haven't seen anything raised with me about concerns about that money or that money being misspent. I'm happy to entertain those allegations, but that's a good program.

The Hon. MARK BUTTIGIEG: Yes. It was hardly perfect, but coming off such a low bar and the vast improvement that's been made, and given the Auditor-General's report and the Government's willingness to take that up, these are programs we should be fostering and pursuing into the future, I would have thought.

JAMES CULLEN: Yes, as I said to the Chair before, the way election cycles work, and particularly the few months leading up to an election, is NGOs do go and talk to candidates about funding requests. I'm sure members around this table have got experience of that. Having some rigour around it—if there are some improvements that can be made to the process through the feedback from the Auditor-General, I think that's fine. But I just think that this was a long way away from what I've seen, particularly under the former Government, particularly with the sorts of skewing—96 per cent of the \$252 million Stronger Communities Fund. That wasn't an opposition going to government; that was a government, in government, with the resources of government.

The Hon. MARK BUTTIGIEG: Taxpayers' money.

JAMES CULLEN: Is that a problem? I mean, that's bloody outrageous. We're talking about a small amount of money distributed evenly across the community. Look, I'm sure we can always do better, but jeez. I compare it to what's come before, with a government, with the resources of government, and I tell you—yes, do better, guys.

The CHAIR: It's a shame that two wrongs don't make a right.

The Hon. CHRIS RATH: When you moved from opposition to government, who printed off the Josh Wright spreadsheet and gave it to Cherie Burton in hard copy?

JAMES CULLEN: I can't help you with that. I don't know.

The Hon. CHRIS RATH: This is a program so good that nobody wants to take any credit for it.

JAMES CULLEN: You asked me; I'm turning up; I'm giving you honest answers. I just don't know.

The Hon. CHRIS RATH: Why was that original document, the hard copy document that Cherie Burton was given, not included in the SO 52 documents that the Legislative Council requested?

JAMES CULLEN: I really can't help you.

The Hon. CHRIS RATH: Because we were given the "source of truth" document.

JAMES CULLEN: Sorry, the document that was handed to—

The Hon. SARAH MITCHELL: Cherie Burton.

JAMES CULLEN: The one that you're talking about.

The Hon. CHRIS RATH: Cherie said that she got a hard copy document when you moved from opposition to government. It was given to her in hard copy. Then we requested documents as part of an SO 52—what is now known as the "source of truth" document. That "source of truth" document was inaccurate when it came to allocations for Sydney. We now know that. So where is the original hard copy?

JAMES CULLEN: My sense is you're asking the same question I've been asked five or six times already. I can't help you.

The Hon. CHRIS RATH: Okay, I'll put it this way. That hard copy document that Cherie Burton was given coming into government—where is that today? Does it still exist?

JAMES CULLEN: I don't know. Correct me if I'm wrong. Haven't you had Cherie Burton at two hearings? Have you not asked any of these questions of Cherie?

The Hon. CHRIS RATH: She doesn't answer any questions, which is why we're—

JAMES CULLEN: If she can't recall, that's it.

The Hon. MARK LATHAM: But she reports to you.

The Hon. CHRIS RATH: Was that document shredded?

JAMES CULLEN: If she said she can't recall, I just think that's it. I don't have any knowledge of it.

The Hon. CHRIS RATH: We were never given that original document as part of the SO 52. We were given the "source of truth" document with the errors on it for Sydney, but presumably the original document wouldn't have those errors on it.

JAMES CULLEN: I can't help you. I haven't seen it.

The Hon. SARAH MITCHELL: With calls for papers that are returned, as the chief of staff from the office, you sign off and say, "Yes, these are all present and true and correct".

JAMES CULLEN: Yes.

The Hon. SARAH MITCHELL: Did you ask Ms Burton, "Is everything here that you've got? Are all the documents accurate and nothing's being withheld?" Did you have that conversation before you put your name to that letter to tell us, as elected members, that you're providing everything you're required to?

JAMES CULLEN: There's a general expectation with SO 52s. As you know, there's a high volume of those and members of staff are used to doing searches to do those. That expectation is across everybody in the office—the basic searches that you've got to do in line with the terms of reference of the SO 52 to be able to go and do that. It's the same expectation I've got for Cherie that I do for all members of staff: that they would go and look at that information. I haven't gone through and looked at—I think you've had a couple of SO 52s now on the LSCA. Has Cherie provided documents as part of those?

The Hon. SARAH MITCHELL: Yes, but you should know that, as the chief of staff.

JAMES CULLEN: Guys, there are a lot of SO 52s that have come through, with a high volume of documents over a long period of time. I'm telling you the process.

The Hon. SARAH MITCHELL: With respect, Mr Cullen, it's your job as the chief to ensure every member of staff, from the most junior to yourself—

JAMES CULLEN: To go and search everyone's computer?

The Hon. SARAH MITCHELL: That's not what I'm asking. Let me ask my question. It's your job to ensure that they provide the documents that they are required to, as captured by the order of the House. We are putting to you today that that original document has never been provided. Was it shredded? Does it still exist?

JAMES CULLEN: I don't know what document referring to, so I just don't know.

The Hon. SARAH MITCHELL: Can you confirm that it hasn't been destroyed?

JAMES CULLEN: It's not a document that I've seen, so it's really hard for me to help you anymore. Again, we've done the dance around this issue and a particular document being handed over. I didn't see it. I don't have it. That's it.

The Hon. CHRIS RATH: Do you have complete confidence in Cherie Burton as head of the Caucus Liaison Unit?

JAMES CULLEN: Of course.

The Hon. CHRIS RATH: You have complete confidence in her handling of the LSCA program?

JAMES CULLEN: Absolutely.

The Hon. CHRIS RATH: I also wanted to ask a bit more about the shadow ERC process. Obviously, as you said, government and opposition are very different. Oppositions don't have the same formality. I think that was your word. We're seeing that now with us being in opposition compared to government. Obviously, oppositions with shadow ERC and shadow Cabinet also don't have the same cabinet in confidence. That's right, I would assume.

JAMES CULLEN: Sure. Under the law, I think that's right. But, obviously, you want to maintain confidentiality. You're in the shadow Cabinet.

The Hon. CHRIS RATH: Yes.

JAMES CULLEN: You'd want to be doing that too.

The Hon. CHRIS RATH: Yes, but it doesn't have cabinet in confidence.

JAMES CULLEN: Sure.

The Hon. CHRIS RATH: I'm trying to ascertain a little bit more. What type of notes were taken during shadow ERC?

JAMES CULLEN: I may have sat in one or two. I don't know. I don't have a recollection from that long ago of being in them, and certainly I wasn't taking notes. Again, on the level of formality, when you're in some sort of a Cabinet environment, you do have a note taker—which obviously, unsurprisingly, is a member of the Cabinet Office—to make sure that you're clearly getting the decision of that Cabinet or that Cabinet subcommittee.

Often that's a question of dollars and cents, process or policy changes and making sure that information is then relayed back to the public service. So I think we all accept it's very different for the shadow ERC.

The Hon. CHRIS RATH: What about shadow Cabinet? Put shadow ERC to one side. You've probably sat in many meetings of shadow Cabinet.

JAMES CULLEN: Again, not really.

The Hon. CHRIS RATH: Surely notes were taken there.

JAMES CULLEN: You guys might do it a bit differently.

The Hon. CHRIS RATH: We take notes. People take notes during shadow Cabinet, surely.

The Hon. SARAH MITCHELL: Surely there would be notes taken in shadow Cabinet to record what the decisions are of shadow Cabinet.

The Hon. MARK LATHAM: They don't take notes on explosives.

JAMES CULLEN: Am I responding to that?

The CHAIR: No, just continue.

The Hon. SARAH MITCHELL: No, you're responding to my question. Were notes taken during shadow Cabinet?

JAMES CULLEN: I'm now an expert on shadow Cabinet.

The Hon. SARAH MITCHELL: You were the Leader of the Opposition's chief of staff.

JAMES CULLEN: The basic decision-making document of the shadow ERC or a shadow Cabinet compared to Cabinet is—

The Hon. SARAH MITCHELL: That's not my question. Were notes taken in shadow Cabinet, Mr Cullen?

JAMES CULLEN: Am I going to—

The Hon. SARAH MITCHELL: You're the chief of staff.

JAMES CULLEN: Can I—

The Hon. SARAH MITCHELL: Come on.

The CHAIR: Order!

JAMES CULLEN: Can I give you an answer? Can I try and help you out?

The Hon. SARAH MITCHELL: Yes. Were there notes taken in shadow Cabinet? I'll ask again.

JAMES CULLEN: If it was a submission brought by a shadow Minister—it would be a bill submission if it's a shadow Cabinet thing. If it's a funding proposal, there'd be a proposal with perhaps a PBO costing. That's routine for a shadow Cabinet or a shadow ERC.

The Hon. SARAH MITCHELL: And there would be notes and a record of what was decided, surely.

JAMES CULLEN: Notes on the record. What do you mean? We're not publishing them.

The Hon. SARAH MITCHELL: No. There would be notes or a record of what was decided. There has to be. How do you know what you've decided to do as an opposition if you don't write it down?

JAMES CULLEN: I'm sure there would be some sort of process, and there's a party room process that follows that as well.

The Hon. SARAH MITCHELL: Okay. So there'd be some notes or some record somewhere. There'd have to be.

JAMES CULLEN: For bill submissions and for basic policy proposals, yes, I'm sure that's right.

The Hon. SARAH MITCHELL: Thank you. That's all I was trying to get.

The CHAIR: Cherie Burton reports to you, does she, Mr Cullen?

JAMES CULLEN: I think I've already answered that question—yes.

The CHAIR: Help me out. I get that you don't know where the document came from, which Cherie Burton then says she was given and has used as a basis for this program. I understand that. We've been through that. But if she isn't able to produce that document today and there's no other record of it, then is the source of truth just Cherie Burton when it comes to—

JAMES CULLEN: "Source of truth"—was that somewhere in an SO 52 or did you guys make that up?

The CHAIR: Please don't try and obfuscate.

JAMES CULLEN: You keep on using it like it's a title.

The Hon. CHRIS RATH: It's her term. She calls it the "source of truth" document.

JAMES CULLEN: Sure.

The CHAIR: She called it the source of truth. But if it doesn't exist or she can't prove to us where that is, then are we just relying on what's in her head? How are you getting comfortable that she's done her job properly in producing something that this program has been based on? You must understand how—

JAMES CULLEN: Sure. I take your point. It would be a fair point if there wasn't a pretty detailed, extensive process that occurred in opposition for how those commitments were put together—a process that happened with candidates. I'm at a disadvantage. I didn't see the evidence today. You might have spoken to some other witnesses who might have been able to talk to you a bit more about that process and how that process works. But let's dispel this myth that somehow Cherie's come up with 93 electorates' worth of up to \$400,000 commitments by herself.

The CHAIR: It must be a myth, right?

JAMES CULLEN: There was a clear process where candidates had an opportunity to input—

The CHAIR: But, Mr Cullen, I have asked this question now. I am quite happy for all of those documents to be provided that show us where all of the nominations came from, but that hasn't been provided either. The only evidence we have that the grants guidelines were met when it came to these being actual commitments made by candidates during the election is this one document that we are told Cherie Burton received from somebody that she can't remember. What I am saying to you is, if that's the case, then we are all just relying on her word. And then she has told us today that she made an error and that's why the Sydney electorate amounts were changed. But was that an error in her head or was that an error based on this source of truth? What did you say when she said to you, "As the person I report to, I need to inform you I have made an error"? Did you say, "How did that happen? Show me the document"?

JAMES CULLEN: No, we didn't have a conversation like that.

The CHAIR: How does it happen that you have somebody working in such a senior position whose word is being taken as the basis for an entire program and nobody within your office has sought to ask any questions about that?

JAMES CULLEN: You've got a lot of evidence from a lot of people, including the Premier's Department. Obviously, the decision-maker here, ultimately, was John Graham. There was a process of him being briefed. There were many, many parts of this process. I understand you have frustration about one tiny aspect of that in terms of, for want of a better term, the transition from opposition to government. I just cannot help you with this particular document. But I've got absolutely no problems with what you're telling me Cherie has said. People do make mistakes and you fix them up and move on.

The Hon. MARK LATHAM: Mr Cullen, earlier on Mr Wright said that there was an extensive declaration-of-interest process for the 93 Labor candidates prior to the election and a document prepared setting all that out. Did that come to your office at any time?

JAMES CULLEN: Are we talking about in opposition, Mr Latham?

The Hon. MARK LATHAM: These were the candidates nominating programs and Labor required a declaration of interest as a probity measure for the money that was allocated in this unusual scheme.

JAMES CULLEN: I put that editorial comment aside. I genuinely don't know. I am sure it was something that Josh—

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

JAMES CULLEN: Again, I am sure you have got questions to Mr Wright. Mr Wright would have been the one dealing with those forms.

The Hon. MARK LATHAM: But you are the chief of staff to the now Premier. Is it held in your office? Did it come to your office in opposition or government?

JAMES CULLEN: There was a lot happening across a lot of policy fronts.

The Hon. MARK LATHAM: That's not answering my question.

JAMES CULLEN: I have got to say, the time that I spent in opposition to deal with the local small areas program would have been an infinitesimal bloody part at the time.

The Hon. MARK LATHAM: Bloody great. Can you take it on notice and check whether this important document came forward?

JAMES CULLEN: I really think that's a question that you should be directing to other witnesses.

The Hon. MARK LATHAM: I am asking you.

JAMES CULLEN: Did you ask Mr Wright while he was here? I wasn't involved in that particular process.

The Hon. MARK LATHAM: You don't need to be.

JAMES CULLEN: I'm not going to take something on notice—

The Hon. MARK LATHAM: As the chief of staff in charge of this office, I am asking you if you can check the declarations of interest.

JAMES CULLEN: To be clear, you are asking me questions about what was occurring prior to the election. I am telling you I didn't have a role with that. I am not going to take something on notice that I know I can't help you with.

The Hon. MARK LATHAM: Your office had a role. Can you check office records?

JAMES CULLEN: Ask the question to Mr Wright. You had Mr Wright here all day. I don't know what's going on here. You are parading a whole lot of junior staff and people who have left. What questions are you asking? Ask a question and put it on notice.

The Hon. MARK LATHAM: We are trying to establish facts, which is our job. We are trying to fulfil that role.

JAMES CULLEN: I suppose I am trying to say to direct your question to the right witness.

The Hon. MARK LATHAM: Are you surprised that, in the declaration of interest for this music grant in Camden, your candidate in Camden, now the MP, right up until August 2023 was the company secretary running a music business out of a private home?

JAMES CULLEN: I just can't help you with any of the particulars of that. I wasn't dealing with paperwork or anything like that at all. I really don't know. I do know at a high level there was a conflict of interest process both in opposition and then, obviously, a process involving the Premier's Department when it comes to the LSCA guide as well. Are you saying that that hasn't been looked at at all?

The Hon. MARK LATHAM: She hasn't declared it, that we can see. I'm asking you whether you know of any declaration or a discussion with her about this particular problem.

JAMES CULLEN: No.

The Hon. MARK LATHAM: It's a major impropriety and it's also not declared in her interest as an MP.

JAMES CULLEN: Well, look, that's your view. I don't know anything about it. I certainly haven't spoken to the member for Camden about it.

The Hon. MARK LATHAM: Did you discuss with her when the publicity first arose about the fact that she gave \$75,000 to a music outfit that she set up?

JAMES CULLEN: I haven't had any conversation with the candidate about the LSCA.

The Hon. MARK LATHAM: Has your office tried to help her? It's in the paper today that she refers all inquiries about this to your office.

JAMES CULLEN: Again, I can't help you with that too.

The Hon. MARK BUTTIGIEG: Mr Cullen, can we just relitigate this A-G report again? In terms of your views on the implementation of the recommendations, what are your thoughts?

JAMES CULLEN: As I think as I have alluded to, Mr Buttigieg, I think there's definitely—I think that it's obviously had a decent look. I think it's provided some supportive comments about how the program's been administered by the department. Clearly, it's making suggestions about how you might update the grants guide. I've tried to be as fair and as helpful as I can to the Committee about what I see are some of the general take-outs, particularly for oppositions transitioning into government and some of the challenges that you have, and about how I think, for my part, I'd be keen to have a look at how, in terms of the government response to the Auditor-General's report, you might have some further improvements to the guide to be able to give political parties guidance during that election process, and particularly that caretaker period as well.

We are talking about the expenditure of public moneys and people have got a right to expect that you're going through these processes. I would just make a general reminder point—and no doubt Mr Rath and Ms Mitchell will be in this position at the next election. You have a lot less resources and these are difficult to do—the stuff that we did, regarding the LSCA—in opposition. The fact that we did have a process to be able to go through and look at these sorts of issues, including conflicts, but doing it in a way which was fair, with an even distribution—I think that we can continue to make some enhancements and provide some more guidance to political parties about how you might do that kind of process and engage with, perhaps, the Parliamentary Budget Office during the caretaker period. I think that would be useful. Ultimately, it's really clear for all voters in the lead-up to election day that—not one of the big-ticket items, but when it comes to organisations getting funding from the major parties, the minor parties having that on a nice spreadsheet with which particular grant scheme or program that's coming from, I can only see as being a benefit to transparency and the voters being able to decide where they want to go.

The Hon. MARK BUTTIGIEG: It's pretty telling, isn't it, that of 93 electorates and 600 projects, an inordinate amount of focus has zeroed in on one particular electorate, which is Sydney. We've litigated the process there, which I might just get you to re-articulate because you've had a fair bit of experience with this, in terms of applications for funding under the Premier's Discretionary Fund.

JAMES CULLEN: Yes.

The Hon. MARK BUTTIGIEG: What was so unusual about Greenwich saying, "I'd like some money"?

JAMES CULLEN: There's nothing. That's not something that he raised with me, but I've got to say: Is it unusual a member of Parliament—an Independent crossbencher, Lib, Nat—getting on the phone or sending an email or writing in with a request; or, to be fair, from time to time engaging directly with the Premier and asking for funding under the Premier's Discretionary Fund? That happens very regularly. I think it's appropriate. It's how the scheme's designed, and this Premier makes sure that he's actually having a look at what's being put forward. You can go and have a look at some of the projects that have been funded. It's all there in black and white. There are Liberal and National Party MPs who've put forward things in the last couple of years under the PDF and they've received funding for it, and great for them. Good for them but, more importantly, good for the NGO or the organisation they're representing.

The Hon. PETER PRIMROSE: Just on that point, how many representations have you received saying that the funding should have been withdrawn from any of these projects?

JAMES CULLEN: That's probably a big duck egg, Mr Primrose. Yes, I just think that the one part of this debate—and I understand the main moving parts and the areas of excitement. But the output, where the money is going and what is being done with the money—across the State, they are NGOs. They are dealing with really pressing issues: community issues, mental health, homelessness services and councils and parks. I mean, it's pretty straightforward. It's pretty useful in terms of enhancing community amenity and services that are provided to people.

The Hon. PETER PRIMROSE: There was \$8.7 million, I read, in that.

JAMES CULLEN: Sorry, what was that?

The Hon. PETER PRIMROSE: There was \$8.7 million to playground and park upgrades.

JAMES CULLEN: Yes. I think that's just a helpful boost. Again, they're relatively small amounts of money, but I think they can really go a long way, particularly when it comes to a lot of these NGOs which have received funding. But, again, a lot of attention on a few NGOs who deliver homelessness services—these services would get government funding from multiple sources. It wouldn't surprise me—and I'm happy to check—but I'm sure they received, over a long period of time, funding from the former Government under various grant programs or block funding perhaps from certain departments, and rightly so, looking at the services they deliver.

The Hon. MARK BUTTIGIEG: Even on the so-called Greenwich scandal, the LSCA—there were expectations which were raised with the recipients, right?

JAMES CULLEN: Yes.

The Hon. MARK BUTTIGIEG: When the mistake was identified and then the funding envelope was maxed out, isn't it valid for those organisations to then ask for the discretionary fund as—what is qualitatively different about that than the member for Cronulla and the Leader of the Opposition getting extra money? I don't understand the difference.

JAMES CULLEN: It just seems to be peculiar and a little bit perverse that we're focusing on one particular electorate.

The Hon. MARK LATHAM: No—Camden, Riverstone.

JAMES CULLEN: As I said, we don't routinely link the PDF—the only questions I've had from you, Mr Latham, have been very much, with the exception of the last few, all about the member for Sydney. But we don't, through the PDF, go and look at the electorate source. But, yes, I'd be confident that there are NGOs which do receive money from potentially LSCA and PDF but other grant programs too. I just don't see why that's a concern. When you miss out on funding in a certain round, you go to your member of Parliament, you get a meeting with a Minister, you rattle the cage, sometimes you go and knock on the Premier's door as well.

The CHAIR: Thank you, Mr Cullen. On behalf of the Committee, I reiterate our earlier statements that no-one is begrudging any community organisation any money. I'm very glad to hear that you're pleased about these homelessness services getting this money, as are all of us. Perhaps you could pass on to the Premier from me that I would love it if he just funded them in the budget to begin with. On that note, that ends the hearing for today. Thank you very much for your time, Mr Cullen. To the extent that there are questions taken on notice or supplementary questions, they will be forwarded to you in due course.

(The witness withdrew.)

The Committee adjourned at 16:05.