

**REPORT ON PROCEEDINGS BEFORE**

**PUBLIC ACCOUNTABILITY AND WORKS COMMITTEE**

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

**CORRECTED**

**At Jubilee Room, Parliament House, Sydney, on Friday 14 November 2025**

**The Committee met at 9:30.**

**PRESENT**

Ms Abigail Boyd (Chair)

The Hon. Mark Buttigieg

The Hon. Dr Sarah Kaine

The Hon. Sarah Mitchell

The Hon. Peter Primrose

The Hon. Chris Rath

**The CHAIR:** Welcome to the sixth 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 the broadcast at home.

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

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

**Mr PAUL MILLS**, Senior Caucus Liaison Officer, Office of the Hon. Chris Minns, on former oath

**The CHAIR:** I welcome the witnesses appearing before the Committee today. You are scheduled to give evidence from 9.30 a.m. until 11.00 a.m. In the event that members have no further questions, I will conclude our session early. I'd like to give you the opportunity to make a short opening statement, should you choose.

**CHERIE BURTON:** No.

**PAUL MILLS:** All good.

**The Hon. CHRIS RATH:** Let's start with something quite simple, and I'll ask both of you: Are you aware of section 13 of the Parliamentary Evidence Act 1901? I'll just quote from it. Part 13, penalty for false evidence, states:

If any such witness wilfully makes any false statement, knowing the same to be false, the witness shall, whether such statement amounts to perjury or not, be liable to imprisonment for a term not exceeding five years.

Are you aware of that?

**CHERIE BURTON:** Is this how you're going to start this inquiry, by threatening the witnesses? We have come here. We're under oath, Mr Rath.

**The Hon. CHRIS RATH:** You are aware you are under oath?

**CHERIE BURTON:** Yes, we are aware—

**The Hon. CHRIS RATH:** And you have been the previous times that you've appeared as well.

**The CHAIR:** Order!

**CHERIE BURTON:** —and I don't appreciate those kinds of subtle threats. Is this why I'm called back a third time—to be threatened? That's just ridiculous.

**The Hon. SARAH MITCHELL:** You're here to answer questions.

**The CHAIR:** Ms Burton, you are being asked a very simple question.

**CHERIE BURTON:** No, I'm not. I was given a statement that was basically threatening to put us in jail. I don't think that that's appropriate.

**The CHAIR:** Can I just check: I believe you said, "Are you aware"?

**The Hon. CHRIS RATH:** I said, "Are you aware of the Parliamentary Evidence Act?"

**CHERIE BURTON:** Of course we're aware, so what are you insinuating?

**The Hon. CHRIS RATH:** I'm just asking if you're aware.

**CHERIE BURTON:** Of course we're aware, Mr Rath.

**The Hon. CHRIS RATH:** Thank you, and you're aware—

**CHERIE BURTON:** Is this going to be the tone of the inquiry today?

**The CHAIR:** Order!

**CHERIE BURTON:** Because we're happy to come here and assist the inquiry. The role of this Committee is to inquire and ask for—and we're here, happy to support that. We're here to tell you everything that we know. This is my third time. This is Mr Mills's second time—junior staff member, second time—and the opening statement is to ask us if we're aware of the fact that we might have to go to jail. I mean—

**The CHAIR:** No, Ms Burton—

**CHERIE BURTON:** It is. That's exactly what this is about.

**The CHAIR:** Ms Burton, the way that this works, and it'll go a lot easier, is if we just do question, answer, question, answer—

**CHERIE BURTON:** I'm not—that question is just—

**The CHAIR:** You asking questions isn't helpful. I think if the answer is yes, just say yes. I think it will go a lot easier.

**CHERIE BURTON:** No, and I think as the Chair I would ask—I feel like that's trying to intimidate witnesses, that is.

**The CHAIR:** I'm sorry, I disagree.

**CHERIE BURTON:** It is. It's intimidatory. Of course we all know why we're here and we all are aware that we are giving evidence under oath. So I don't think that those sorts of statements straight up are really appropriate.

**The Hon. CHRIS RATH:** I'll move on.

**The CHAIR:** Thank you, Mr Rath. Mr Rath has indicated he will move on.

**PAUL MILLS:** Sorry, you directed that to both of us.

**The Hon. CHRIS RATH:** Do you want to answer, Mr Mills, as well?

**PAUL MILLS:** Yes, I'm a junior staffer. I don't know of many other junior staffers that have ever been called up to a committee.

**The Hon. SARAH MITCHELL:** That wasn't the question. Do you know about the Parliamentary Evidence Act or not?

**PAUL MILLS:** Can I finish my answer? I'm just being honest. I'd have to prepare—as a junior staffer, anyone who's ever come in to this Committee would have to prepare pretty rigorously, knowing what they're allowed and what they're not allowed to do.

**The CHAIR:** From a procedural fairness perspective, it does sound like you have things you would like to say outside of the questions that are being put to you.

**PAUL MILLS:** I've answered the question.

**The CHAIR:** You are open to make an opening statement, and we're very happy to give you the time to do that.

**CHERIE BURTON:** No, we didn't realise that this was going to be the tone of the inquiry. We didn't realise that.

**The Hon. SARAH MITCHELL:** It's just a simple question.

**CHERIE BURTON:** We thought that there was additional information that you required of us. So we're here to give that additional information, if we can.

**The CHAIR:** With respect, that question is not out of order.

**The Hon. PETER PRIMROSE:** Are you or have you ever been a member of the Communist Party?

**The CHAIR:** Order! The member has indicated that he will move on. If we could just try and maintain a bit of civility at the beginning of this. Thank you.

**The Hon. CHRIS RATH:** Ms Burton, who provided you with the original list of LSCA election commitments?

**CHERIE BURTON:** I've answered this question. As far as any of that line of questioning goes, you can look back at my previous evidence that I have given. That is my evidence, and I have nothing further to add. I have spent three hours in front of this Committee and I've answered almost 100 supplementary questions. To the fullest extent of my ability and my knowledge and my recollection, I've answered every question truthfully. I've given you as much information as I can possibly give, so I'm not going to revisit that because I have answered it.

**The Hon. SARAH MITCHELL:** Your truthful answer to that was you can't remember. You still sit here today and you can't remember who gave you that list.

**CHERIE BURTON:** The fact that you don't like the answer, it's not an issue for me. You can't keep calling me back and asking me the same questions.

**The Hon. CHRIS RATH:** Ms Burton, you originally said when we asked you about this previously, that the campaign gave you the list.

**CHERIE BURTON:** I stand by all of those answers.

**The Hon. CHRIS RATH:** What I'm asking is, in the last few months since you last appeared, do you have any further information—

**CHERIE BURTON:** No, I do not have any further information to give.

**The Hon. CHRIS RATH:** —about who from the campaign gave you that original list?

**CHERIE BURTON:** I have no further information to give you in relation to any of my previous answers.

**The Hon. CHRIS RATH:** You stand by the fact that the original list was given to you in hard copy.

**CHERIE BURTON:** I have—yes.

**The Hon. CHRIS RATH:** So it's a hard copy list from the campaign. You have no further recollection about who gave you that list?

**CHERIE BURTON:** No. I think there needs to be a bit of context there. As I've said before, we were coming into government after 12 years in opposition. It was a very, very busy time. There was a lot going on. Now it's nearly three years ago. We had a lot to do to support setting up a new government, so it's not unusual that there are things that after nearly three years are difficult to recollect. That's my evidence.

**The Hon. CHRIS RATH:** When was the list that you were given—this hard copy list—when was that turned into an electronic document?

**CHERIE BURTON:** It was over the course of a few months before we submitted the final list on 28 July.

**The Hon. SARAH MITCHELL:** Who transferred it from a written document to an electronic document? Who had responsibility for that in your office?

**CHERIE BURTON:** I think there was a few people that worked on it, but probably Paul, Mr Mills, did the main data entry.

**The Hon. SARAH MITCHELL:** Do you recall when that was, Mr Mills?

**CHERIE BURTON:** It would have been over a period of time.

**PAUL MILLS:** Yes. Got the hard copy list and—took a long time. A couple of months.

**The Hon. SARAH MITCHELL:** A couple of months, sorry?

**CHERIE BURTON:** Yes, you've got to remember it was 600 projects over 93 seats. We had to make sure that we collected all of the contact details for all of those organisations. We had to ring through and make sure if there were any corrections or whatever that needed to be done in order to ensure that the list that we gave was the list that the department was then going to work on.

**The Hon. CHRIS RATH:** Did you ever think to ask the person who gave you the hard copy list that it might be a little bit easier for you and your office if they'd given it to you in an Excel document?

**CHERIE BURTON:** No, it wasn't a consideration at the time because as I—

**The Hon. CHRIS RATH:** Mr Mills said it took months to transfer from a hard copy into an Excel spreadsheet. Very poor use of his time, I would have thought.

**CHERIE BURTON:** We're not saying that any of this—we were coming in from Opposition. Prior to the election, we only had the resources of Opposition. When we came into government, yes, it was clunky. No-one's saying that administratively the whole thing was perfect. We've had an Auditor-General's report which has looked at it and made a few recommendations—which I believe the Government has welcomed—about how we could do it better next time. No-one's saying it was an absolutely perfect process. No-one's saying that. What we are saying is that everyone acquitted themselves to the very best of their ability to get all of those contact details and get those lists to the department so that they could start acquitting the election commitments.

I'll say again that there was an independent process that neither myself, nor Mr Mills, nor any of the candidates or MPs were involved in. During that process, there were projects that didn't go forward for a number of reasons. There were projects where the council didn't want to fulfil those commitments, and I'll draw your attention to Ryde. Ryde always stands out for me because there was a very big change. It was a commitment for \$400,000 for the planning of a Korean cultural centre. Then when it went through to the council, the council said no. There was a bit of politics. They were trying to say that we gave them \$400,000 to build the centre. There was a lot of discussions backwards and forwards and letters about, no, it's just for planning.

Then in the end, the council said, "No, we don't want to do that. We're going to put it into"—then, of course, it went to parks and playgrounds, which is a complete deviation from what the initial election commitment was. I think that happens in any grants process. We've had some interim reports about how well this program has been received in the community, and how successful it's been in the acquittal of those projects in the sense that the

organisations that have received them have actually delivered those projects. Not one complaint anywhere. While I will say that it wasn't administratively perfect that the overarching election commitment—I'm quite proud of it. It's probably the fairest grants process that's ever gone through a government, where every seat got \$400,000 for either community organisations—

**The Hon. CHRIS RATH:** Ms Burton, I understand all of that—

**CHERIE BURTON:** I just want to finish my answer.

**The Hon. CHRIS RATH:** It's a very long answer. We've got lots of questions.

**CHERIE BURTON:** I think it's important to note that—

**The Hon. CHRIS RATH:** We've heard all of this before.

**The Hon. Dr SARAH KAINE:** Point of order—

**CHERIE BURTON:** You're asking the same questions, so I'll give the same answer.

**The CHAIR:** I will hear the point of order.

**The Hon. Dr SARAH KAINE:** I understand that Mr Rath might be a bit frustrated at Ms Burton giving her answer but we are, I presume, going to abide by procedural fairness and not interrupt in an inappropriate way, which Mr Rath was beginning to do. We do have an hour and a half, which is a lot of time.

**The CHAIR:** I do agree. We can just deal with this one up-front. There is a certain amount of give and take and there is a certain amount of being directed by the member, and that is within your right, Mr Rath. But we should allow some reasonable amount of time for the witness to answer as well. I think your time is up, so that brings it to me. Ms Burton, I don't enjoy having this entire session with you again, as much as you don't enjoy having this session again. The only reason, from my perspective, that you're here is because we didn't believe that we were getting full and frank answers—just this particular bit—in relation to this list.

When we had Mr Mills appear on 27 June, we had a conversation about effectively typing into a spreadsheet. I think there was concern because previously Mr Mills had said that he'd got this in a paper format and then was talking about editing it in electronic format. It seems like we've come to this quite absurd place where we just want to know where this list originated from. I think I would like to give you an opportunity, Mr Mills, but also with the assistance of Ms Burton. You've now told us that there was a process of typing in from a hard copy. Could you just talk us through the process from receiving it to having it produced, now that we have these two different versions—and they are really chunky; there's a couple of hundred pages in there—so that will take us some time.

**CHERIE BURTON:** First of all, I'd like to just put on the record that they're the same document. They are iterations of the same document. Prior to 28 July, anything was a working document. In the end, and as I said before in my previous answer, we're not saying it was administratively perfect. We had a situation where we were coming out of opposition. We didn't have the ability to, like these guys did, have that benefit of being in government. When we came in, yes, things were clunky administratively. It could have been a lot better. I think the Auditor-General made some comments in relation to that, in how we could improve the process if we were ever to go down that path again. The overarching thing is that we contacted MPs and candidates as these lists were being transcribed onto a document for the department.

There was checking done—contact details, where we couldn't get them from them, we went to other places to get those contact details. And, because there were so many, there were iterations of them and they were constantly being worked on and populated to get to that final document on 28 July. So that's really all I can say about it. There's nothing more I can add. I understand that you're not happy with the answers, but we've been honest to the best of our ability and, it is true, it was nearly three years ago. It was very busy. We were making lots of calls. There was lots of data to populate and particularly chasing down contact details for over 600 projects is not an easy task, and we're just a small team. We were just all doing our best to get it right and get it into the department so that we could start acquitting those election commitments.

**The CHAIR:** Do you still have this document somewhere—the Excel spreadsheet?

**CHERIE BURTON:** Which Excel spreadsheet?

**The CHAIR:** Sorry, the one that was provided to us that you say is two versions of the same document—the versions that were provided to us in the call for papers. There is, from Alison Morgan, an Excel spreadsheet and that is what we have attached in printout form. We also have another one that was provided to us separately, which is again that sort of Excel spreadsheet. As you say, it looks like there are two versions printed off at different times or emailed at different times. Do you have the original document somewhere—that Excel spreadsheet?

**CHERIE BURTON:** Under the call for papers we've submitted everything we have. However, I am happy to take that on notice and Mr Mills and I will go back and have another look. But, as I sit here now, we've submitted all the documents that we have. But, as I said, I'm happy to take it on notice and just go back and have another look.

**The CHAIR:** I'm curious as to where it sits now, because it fell in that weird sort of space between a campaign thing and a government thing. Where does it sit in terms of being able to check the bona fides of that or, from a records management perspective, where does it reside?

**CHERIE BURTON:** I'm happy to go back and have a look. Yes, happy to do that.

**The CHAIR:** That would be very useful. I know you have responded to this, I just want to double or triple check: Your recollection still, Ms Burton, is that you were handed a physical copy of this?

**CHERIE BURTON:** That's my recollection, yes.

**The CHAIR:** And that that physical copy was then typed in to a spreadsheet?

**CHERIE BURTON:** Yes, a spreadsheet, for the department.

**The CHAIR:** Can I check, Mr Mills, that's also your—

**PAUL MILLS:** Yes, that's my recollection.

**The CHAIR:** Did you personally type in from the paper version to a spreadsheet? Was that your role?

**PAUL MILLS:** I refer to what I said in my previous evidence.

**CHERIE BURTON:** He wouldn't have done all of it, but most of it. But there would have been other people working on it as well because we had 600 projects. There would have been other people in the team obviously making calls and putting things in it—

**The CHAIR:** But in terms of that original transposing process, you've got a hard copy and then you go, "Right, this is not effective; we need to put this into an electronic format so we can change it", who did the actual looking at the document and typing it in? Was that you, Mr Mills?

**PAUL MILLS:** I did the contact details, as I said in my previous—there's nothing I can add.

**The CHAIR:** Okay, fine.

**PAUL MILLS:** From memory, I can't add anything further.

**The CHAIR:** Who set up the spreadsheet? Who would be the author of the spreadsheet if we were to look at the metadata?

**PAUL MILLS:** I'm happy to take that on notice. There's nothing further I can add to my previous evidence.

**The CHAIR:** I'm giving you the chance to clarify it because I think when we look back at the transcript it does refer to you typing into a hard copy document, which clearly was not the case. You were typing into a document that was already set up before you—

**CHERIE BURTON:** But I think, yes, he's taking—

**PAUL MILLS:** Like I said, I'm happy to take it on notice.

**CHERIE BURTON:** He's taken it on notice. He'll get back to you.

**The CHAIR:** Okay. I think it's easier if we allow each witness to speak, but—

**PAUL MILLS:** Yes. Like I said, I'm happy to take it on notice. I've said it twice now.

**The CHAIR:** —appreciating you are more junior, that's why you've arrived with someone else. I will rest my questions for this round here and go to Government members.

**The Hon. MARK BUTTIGIEG:** I just want to go over some of your testimony in response to the lines of questioning. It would be highly unremarkable, wouldn't it, Ms Burton, having been involved in several election campaigns, you've got—how many seats were there?

**CHERIE BURTON:** There are 93.

**The Hon. MARK BUTTIGIEG:** You've got all this information flooding in from candidates. It would be highly unremarkable if there weren't some errors in the information that was solicited from candidates that then ended up in whatever form it ended up in, wouldn't it?

**CHERIE BURTON:** That's correct. As we've just stated, we're not saying that it was administratively perfect. I wasn't involved in it on the campaign end, so when it came in to us, that's what we did. We went through all of the seats and we did the checking and the contact details and prepared the lists as best as we could to give to the department. It's really important to note that even with that not being administratively perfect, it went through an independent, rigorous probity process that was independent of us. We had no say in what projects actually went forward and got approved and paid out. We had no influence, nothing to do with it, and we had nothing to do on the approvals end either. I can't even tell you in the end what projects got approved because it just wasn't our role. Once we finished our role, we moved away from it.

I'll say again, I know it's come under a lot of scrutiny but, to me, I was quite proud of the program because it was extremely fair. If you go to an election and you've got a candidate—especially in a seat that Labor's not going to win—and the \$400,000 of commitments are made, and then we win government, even though that candidate didn't win, those community organisations don't miss out. They still get what they were promised. That's unique. It's unheard of. It's the first time that's happened. There's been some interim reports come out about the program, and it's actually one of the most successful programs in relation to projects actually going forward and being acquitted. The money's gone out and the organisations have actually delivered the programs which were committed to be funded, so it's actually quite a successful program. There's been zero complaints out in the community. As I've said before, even if you're—we've had Liberal members of Parliament heralding these commitments, taking credit for them even, so it's actually probably electorally benefited them.

**The Hon. MARK BUTTIGIEG:** I think the member for Terrigal is one of our biggest fans.

**CHERIE BURTON:** In fact, he wrote us a letter, which I have here. He was actually saying:

I seek your commitment to funding the below projects and funding programs that I have been advocating for, which our community needs.

He then lists the local small commitments that were committed by the candidate, which is fine. I think that's good advocacy for him. But it just goes to—

**The Hon. MARK BUTTIGIEG:** This is actually to your point. It's quite unusual for a government to be giving leg ups to the Opposition and letting them take credit for what were essentially government promises. The architecture was purposely designed to avoid the mistakes of the previous Government and, by and large, that's what's happened. I think your point is that, sure, there's going to be administrative clunkiness because you've got 93 candidates in the heat of a campaign putting in claims. There's going to be issues with addresses, there's going to be issues with the veracity of organisations that you guys have to tidy up, and it seems to me as though there's a desire from the Opposition to project their previous rorts onto this program when it just doesn't exist. It's largely an administrative dysfunction to a degree but, by and large, a successful program. Is that a fair summary of how you see it?

**CHERIE BURTON:** That's correct. I think the whole point of it was that after we saw the Opposition's record—the bushfire recovery grants, where we had 26 out of 27 projects going to Coalition-held seats. We had almost three-quarters of the Government's ClubGRANTS category 3 fund awarded to projects in Coalition seats. So that's \$76.6 million of the \$103.4 million in funding. More than 68 per cent of Refresh and Renew grants went to Government-held seats, despite only around half of the eligible areas being in Government-held electorates. Ninety-six per cent of the \$252 million Stronger Communities Fund grants went to councils in Coalition-held electorates. More than 90 per cent of the Schools Renewable Energy Infrastructure Pilot Project went to Government seats—that's 23 out of 25—and \$9.3 million of the Regional Cultural Fund was awarded by Ministers to projects that weren't recommended by the panel.

For us, the community looked at that and was like, "Well, unless we're voting the right way, we're not going to get any fairness, or we're not going to get what we need for our communities." I think that the genesis of this was to demonstrate to the community—and even though it's not perfect, Mr Buttigieg. It isn't. As I said, the Auditor-General has looked at it and given recommendations for improvement, which I understand the Government has welcomed. But the pride that I take in it is that, over the 93 seats, everybody, every seat, regardless of how they voted, got \$400,000 and it went to community organisations. It went to sporting groups. It went to homelessness organisations. Some of the reporting that's coming in now about how it's assisted communities is really outstanding. It's really something, in my view, to be proud of.

**The Hon. MARK BUTTIGIEG:** In fact, the A-G's report here says in the conclusion, the very first sentence:

The LSCA Program was effectively administered by the Program Office from July 2023 and complies with the Act and most of the requirements of the Guide. However, there were 54 assessment panel members' conflicts of interest declarations that were not identified and managed ... There is also a risk that some payments do not fully reflect the legislative purpose of the funding source ...

What it's basically saying is a ringing endorsement that, by and large, it was successful. This is from an independent oversight probity body. I just wonder why you think there's such a focus on this, given it's actually a strong point for the Government, I would have thought, given the success of the program. What do you think? I mean, without wanting to put you in a political position, the point I'm trying to make I guess is that I understand the Opposition were very embarrassed by their record and now appear to be trying to find us mirroring them when exactly the opposite has happened, hasn't it?

**CHERIE BURTON:** Yes, that's correct. I think also it's very difficult. You've got Community Building Partnerships, and things like that, where the individual MPs that are elected pick the projects. I think it was very difficult for elected members that weren't Labor to—for some, not all, because as you know a lot of them were very excited about the program. I think there were probably some that felt that they should have been able to pick the projects themselves, like they do under Community Building Partnerships. I'll just say that these were election commitments.

**The Hon. MARK BUTTIGIEG:** If I were a local member from the other side, I'd be grabbing this with both hands and saying, "I delivered," which is what you've seen with Crouch and others.

**CHERIE BURTON:** Well, some did.

**The Hon. SARAH MITCHELL:** Mr Mills, I just wanted to pick up with you. You had the hard copy document and you were part of the team in the office that entered it into electronic format. That's correct?

**PAUL MILLS:** Yes.

**The Hon. SARAH MITCHELL:** So that original hard copy document that you had, where is that now?

**PAUL MILLS:** I don't know. I can't say anything further. I don't know.

**The Hon. SARAH MITCHELL:** Did you keep a copy of it?

**PAUL MILLS:** I don't know where the hard copy document is.

**The Hon. SARAH MITCHELL:** It's gone missing? You don't know where it is?

**PAUL MILLS:** I didn't say that.

**CHERIE BURTON:** He's answered the question. Stop badgering.

**PAUL MILLS:** I believe I complied with my responsibilities as a staff member under SO 52. You have the documents in front of you.

**The Hon. SARAH MITCHELL:** That document isn't in the SO 52 and it was part of the work that was done when you were in government working in the Premier's office on this program, which is what we called for in many of those calls for papers. Why wasn't it provided to the House then and where is it now? How can you not know where it is?

**CHERIE BURTON:** He's answered that question.

**The Hon. SARAH MITCHELL:** With respect, Ms Burton, I'm asking Mr. Mills; I'm not asking you.

**CHERIE BURTON:** We have complied—

**The Hon. SARAH MITCHELL:** If I want to ask you a question, I'll direct it to you.

**CHERIE BURTON:** I'll take the question.

**The Hon. SARAH MITCHELL:** No, that's not how this works. I'm asking Mr Mills. I'm not trying to be cute here.

**CHERIE BURTON:** He's answered the question and you keep asking the same question.

**The Hon. SARAH MITCHELL:** It's a genuine question: Why was it not provided?

**CHERIE BURTON:** He said he doesn't know. He's answered.

**The Hon. SARAH MITCHELL:** I'm not asking you, with respect, Ms Burton.

**CHERIE BURTON:** He's answered the question.

**The Hon. SARAH MITCHELL:** Mr Mills, why was it not provided, given it was a document in the Premier's office post the election, captured under the call requirements under the SO 52? Why was it not provided and where is it now?

**PAUL MILLS:** I've answered that question.

**The Hon. SARAH MITCHELL:** Did you destroy it?

**CHERIE BURTON:** He said he doesn't know.

**PAUL MILLS:** I don't know where it is.

**CHERIE BURTON:** Madam Chair, he's answered the question.

**The CHAIR:** Order! The reason that we invite witnesses together is so that there can be some sort of solidarity, really. But it's not so that one witness can answer the question directed to another witness. That's not how this works. If members of the Committee want to raise a point of order in relation to it, they can. But, unfortunately, Ms Burton, it's not for you to raise.

**CHERIE BURTON:** I can actually.

**The Hon. PETER PRIMROSE:** Point of order: My point of order in relation to this matter is that if witnesses are asked the same question and then continue to provide the same truthful answer, it's inappropriate to keep repeating the same question with a view that eventually you might get a different answer. I just think the member should move on. The witness has answered it. But it's up to the member. You can't expect, by asking the same question, ultimately you might get a different answer. That is what we call badgering.

**The CHAIR:** I will rule on the point of order. I appreciate there is potential to end up badgering a witness and I'm being very aware of that. I don't think that's where we're at. But also, if a question is asked and the answer isn't heard because someone else is speaking over it, that makes it very hard. If you want to ask the question again and if we could have the answer clearly from Mr Mills without any other interruptions, then we can move on.

**The Hon. SARAH MITCHELL:** That document was not provided under the SO 52 and you don't know where it is now. Is that your evidence?

**PAUL MILLS:** I don't know where it is and I've complied with my responsibilities under SO 52. I have nothing further to add.

**The Hon. SARAH MITCHELL:** Sure. You said it was a working draft at one point.

**PAUL MILLS:** Yes.

**The Hon. SARAH MITCHELL:** But do you accept that that draft document was used to inform the decision—the final spreadsheet—that went into the department for funding?

**PAUL MILLS:** It was a working draft, yes.

**The Hon. SARAH MITCHELL:** But it was used to inform the decision or that final spreadsheet that then ended up at the department. That's correct?

**PAUL MILLS:** It was a working draft.

**The Hon. SARAH MITCHELL:** Yes, but it was a document that was used as you started to implement the LSCA commitment that you made?

**PAUL MILLS:** Yes, that working draft ended up becoming what you have in front of you, which I've provided under SO 52.

**The Hon. SARAH MITCHELL:** Sure, I accept that. That's fine. But, under that rationale, that should have been a document that was provided to the Parliament and, under the State Records Act, that should still exist. Do you want to take on notice and check with your office if anyone knows where it is?

**CHERIE BURTON:** That's been taken on notice.

**The Hon. SARAH MITCHELL:** No, he didn't take it on notice.

**CHERIE BURTON:** It has.

**The Hon. SARAH MITCHELL:** No, he said he didn't know.

**The CHAIR:** Let's just make it clear.

**The Hon. SARAH MITCHELL:** Just to be clear, I'm very happy if you want to take it on notice and see if you can find it anywhere in your office, if any of your colleagues have it.

**PAUL MILLS:** Sure.

**CHERIE BURTON:** We're here to help.

**The Hon. SARAH MITCHELL:** It would be great if you could do that.

**The Hon. CHRIS RATH:** Mr Mills, have you communicated with anyone in the Government relating to the LSCA program via Signal?

**PAUL MILLS:** I'll take that on notice.

**The Hon. CHRIS RATH:** You can't recall ever communicating to others—

**CHERIE BURTON:** He's taken it on notice.

**The Hon. CHRIS RATH:** Do you communicate inside the Government via Signal in general?

**PAUL MILLS:** We use various messaging platforms. I'd have to take that on notice.

**The Hon. CHRIS RATH:** You don't know if you use Signal?

**CHERIE BURTON:** He's answered it. He said he's taken it on notice.

**The Hon. CHRIS RATH:** But this goes to the very reliability of the witness.

**CHERIE BURTON:** No, it doesn't.

**The Hon. CHRIS RATH:** If you can't recall what messaging apps you use, you could pull out your phone—

**The Hon. Dr SARAH KAINE:** Point of order—

**The CHAIR:** Order!

**The Hon. CHRIS RATH:** You could pull out your phone right now and check whether you've got Signal and whether you're using it to communicate with people.

**The Hon. Dr SARAH KAINE:** Point of order—

**The CHAIR:** Order!

**The Hon. SARAH MITCHELL:** We can always get you back again.

**The CHAIR:** Order! When I say order, we all shoosh. What is the point of order?

**The Hon. Dr SARAH KAINE:** The witness gave the answer three or four times and Mr Rath seemed to be trying to make some grander point and wouldn't let the witness even give the same answer. If he could please treat the witnesses according to the procedural fairness rules, that would be a really good start.

**The CHAIR:** In relation to the point of order, again, I feel like what is happening is that we're getting interference between the question and the answer. Ms Burton, if we could just allow Mr Mills to answer. I agree, I don't think we should be asking multiple questions over and over, but it's very hard to get a clear answer when other people are talking over it, so if you could just—

**CHERIE BURTON:** I'd just like to say, just further to this, I am Mr Mills's superior in the office. When these questions are being asked and he's answered them, that's it. I'm not going to sit here and allow a junior staff member who's been called here for the second time to be badgered in that way. They're entitled to ask their questions—

**The Hon. CHRIS RATH:** It was a simple question.

**The CHAIR:** Order!

**CHERIE BURTON:** They're entitled to ask their questions and we're here to help.

**The Hon. SARAH MITCHELL:** We could have split you and we are happy to have you here. We're happy for him to answer questions.

**CHERIE BURTON:** We're here to help. We have a great deal of respect for the Parliament—

**The CHAIR:** Order! If I could just deal with this it would make things—

**CHERIE BURTON:** —and the Committees and the processes, and we are here to help as best we can. But I will not sit by and let a junior staff member be harassed in that way.

**The Hon. SARAH MITCHELL:** He's not being harassed.

**CHERIE BURTON:** That is why I have just now come in over the top. Not for any other reason than it's not fair to put him in that position.

**The CHAIR:** I understand. It's because of that dynamic and because of the junior status of Mr Mills that I made the decision to call you together. We didn't have to do that.

**CHERIE BURTON:** I appreciate that.

**The CHAIR:** That is why that is there. However, any points of order do need to be made by the Government members. There are three of them there. It would just make things a lot easier, and it would take the temperature down, if we could just have question and then answer. If you could trust me to not allow the badgering. I will absolutely hear every point of order.

**CHERIE BURTON:** Thank you. I appreciate that.

**The Hon. CHRIS RATH:** Mr Mills, if I could refresh your memory, perhaps, on your use of the Signal app. I have an email that's been part of the SO 52 documents from 29 January 2024, from Ryan Park's office to yourself and Matthew Iemma. I'll just quote from it. Basically, the email's asking for contact details in the department. This person's asking:

... could I get that department contact again (It was sent over Signal) to provide to the other schools if they are having the same issues?

**PAUL MILLS:** Can I have a look at that document, please?

**The Hon. CHRIS RATH:** If you want. It's part of the SO 52. Sure. We can table that. Does that refresh your memory at all about your use of communicating with others about the LSCA program via Signal?

**PAUL MILLS:** Can I look at it before I give my answer, please?

**The Hon. SARAH MITCHELL:** Sure. We'll let you do that and we can come back to that in the next question. I'll just ask you in the time we've got left, Ms Burton, before you were saying that with the different lists, there were iterations and it was worked on and contact details were put in. I accept that after an election, you've probably got candidates who say, you know, we want to give it to this club but we're not sure who the best person is. But can you explain why, for some of the seats, it wasn't just contact details that were changed significantly between the versions of the list we had? It was entire new projects added. It was changes from all of the money going to councils to suddenly having a list of eight or nine projects. Wollondilly is the seat that I want to raise. Surely, you can understand that's more than just iterations and contact details being added. Why did that happen in a seat like Wollondilly? Can you explain that?

**CHERIE BURTON:** I can't speak to the individual seats because, as I said before, it was a very busy time. What I can say is that, obviously, as we were going through and collecting details, there would have been corrections or whatever. I'm not aware of any particular seats. We've talked about Sydney but apart from that— and Ryde, I guess.

**The Hon. SARAH MITCHELL:** With Wollondilly—again, it's all in the public documents that we've got—it went from all going to local councils to most of it then going to individual projects, but you have no idea how it went from one to the other.

**CHERIE BURTON:** I can't comment on Wollondilly, so I'd have to take—

**The Hon. SARAH MITCHELL:** Would you take that on notice and maybe explain to us how it was such a dramatic iteration between the original list and the source of truth list that the department's using?

**CHERIE BURTON:** Yes.

**The Hon. MARK BUTTIGIEG:** My question is just on this Sydney, Wollondilly—all that sort of business. Again, aside from administrative errors, the basic premise of the program was that if there was money left over that wasn't specifically hypothecated from a candidate then it was to go to councils for a parks and playgrounds program, and then the local member, regardless of their political persuasion, would have a say or be consulted at least on the configuration of that.

**CHERIE BURTON:** That was my understanding.

**The Hon. MARK BUTTIGIEG:** What the Opposition is now trying to say is that it was somehow perverted. From what I can see, we've been faithful to the original configuration. The idea that you would consult a local member, regardless of their political persuasion, I would have thought was a good thing, isn't it?

**CHERIE BURTON:** Lots of the projects changed from the election to the actual acquittal of the projects—for a whole number of reasons, they changed. Whether it was because the council didn't like that project, such as Ryde or, for whatever reason, the organisation couldn't deliver it—there was all sorts of factors involved. The list, now, if you looked at it, of commitments that actually got acquitted would probably look quite different to the earlier iterations or the July final list. But that happens as you go through a process, as we know. The most important thing here, and what the taxpayer got, and even in all of the interim reports, was value for money, community benefit and every seat got the same amount of money, regardless of who they voted for. And that was our overarching commitment, it was that fairness that they had sorely missed in the previous 12 years of the other government.

We've explained in great detail that we're not saying that it was administratively perfect. It wasn't absolutely 100 per cent perfect, but it was put through an independent probity process. It went to parks and playgrounds. It went to sporting organisations. It went to homelessness shelters. It was all independently assessed that the taxpayer was getting value for money and that the community was getting a good benefit from it. I've got interim reports here that say how successful that's been. I'll say again, the Auditor-General has said, "Look, it wasn't perfect and here are some recommendations on how you can improve it", which I understand that the Government has accepted. Everybody did their very best to make sure that we delivered a very good, fair program that benefited the community. It's something that I'm very proud of and I think has been very, very successful.

**The Hon. MARK BUTTIGIEG:** To address the Opposition's concerns, the implication they're attempting to draw out is this big conspiracy theory that what you did was you changed it all to target it to particular crossbench MPs to curry favour. When you actually look at the final configuration, as you've pointed out, \$400,000 for every electorate regardless of political persuasion—they, in fact, in their testimony on this Committee have not once questioned the veracity and the deservingness of the organisations. How on earth could you be currying favour, given that equity of distribution and the validity of the organisations in receipt? I don't understand. Let's be honest, this is a political attempt to try and portray the Government in a bad light, given their trauma of their previous programs. I don't see how you can possibly make that argument, given what we've heard in testimony here.

**CHERIE BURTON:** I've explained in previous evidence, ad nauseum, that the reason that argument falls over is that we had no say in the approvals. To even suggest that is just ridiculous. Because once those lists went in, we had no involvement at all in the approvals—and, as I said, projects changed. Projects fell over. Projects didn't get approved. Because of that separation, there was no way there could have been that kind of interference. You're looking at these lists going into the department and then we have no further role in it. It goes to an independent assessment panel. So that whole argument is just preposterous.

I'd like to add, if they're trying to assert that, if we look at the Coalition, I've got a thing from the Parliamentary Budget Office where, if the Coalition was to win government, they just put in a four-line document, not anything built around—they were in government. There were no rules, nothing built around it. It just basically stated:

... \$298.6 million in grants to councils and non-government organisations to support local upgrades of sporting infrastructure across NSW, assist in delivering local projects through improving local amenities and expand local infrastructure and tourism.

So going by those assertions by the other side, this 298 is four times the cost of the LSCA with absolutely nothing built around it, even though they were in government. It was just "we want \$298 million" to do whatever—and who knows what their candidates were going around promising.

**The Hon. MARK BUTTIGIEG:** There was no equity of distribution requirement, was there?

**CHERIE BURTON:** That's right, and no equity of distribution at all. Based on their previous record, who knows where that money would have went. If what they're saying is true, then what they're actually saying about themselves is they were going to pull four times the roort. This was a very fair and proper process that went through—and it's been stated by the Auditor-General that it was administered within the guidelines, following the guidelines of the grants administration Act. There's been no criticism about how that was administered at all.

**The Hon. MARK BUTTIGIEG:** Do you think, Ms Burton, given your experience in government, both as a member, a Minister and now in the role you've got in the Premier's office, that notwithstanding the administrative glitches and some of the criticisms of the Auditor-General, as minor as they are, this could be a template approach for future programs?

**The Hon. SARAH MITCHELL:** Best practice, is it?

**The Hon. MARK BUTTIGIEG:** As a government, we're not embarrassed by this at all.

**CHERIE BURTON:** No, not at all.

**The Hon. MARK BUTTIGIEG:** In fact, we're proud of it.

**CHERIE BURTON:** I think there's definitely—and you can get the tone by the snigger by Ms Mitchell that this is getting quite political now.

**The Hon. SARAH MITCHELL:** It's a dodgy program.

**CHERIE BURTON:** The only thing dodgy was the grants that you guys were running around putting in your own seats while you were in government. But this, as I've said, is very fair. It is the fairest program probably in the history of government—\$400,000 to every seat. But, Ms Mitchell, you've not been able to identify one program that you think is unworthy. Not one.

**The Hon. SARAH MITCHELL:** Keep talking; it's great.

**CHERIE BURTON:** I'm just saying that it is fair, and I think probably what's upset them—the fairness of it.

**The Hon. MARK BUTTIGIEG:** I remember, having been a candidate myself in two Federal elections, and I'm sure all the people in this room have a similar experience, previous campaigns were actually built on candidates promising things for a certain electorate "if you vote for me". This is almost exactly the opposite.

**CHERIE BURTON:** It is.

**The Hon. MARK BUTTIGIEG:** It's like, "You're all going to get \$400,000, regardless of what you do."

**CHERIE BURTON:** Regardless, yes, exactly.

**The Hon. MARK BUTTIGIEG:** I find the whole thing bizarre.

**The Hon. Dr SARAH KAINE:** I was going to ask the same question just to confirm, Ms Burton, that there was no mention in the document that the Opposition put to the budget office of how it was going to be distributed.

**CHERIE BURTON:** No.

**The Hon. Dr SARAH KAINE:** Fairness guidelines?

**CHERIE BURTON:** Zero.

**The Hon. Dr SARAH KAINE:** Equity?

**CHERIE BURTON:** Zero. And I find that quite odd because they were actually in government. We were in opposition.

**The Hon. Dr SARAH KAINE:** Yes, they had all the resources.

**CHERIE BURTON:** So they had all the ability and resources to be able to build something around it.

**The Hon. Dr SARAH KAINE:** But they also had a history of a particular way of doing things.

**CHERIE BURTON:** That's right, exactly.

**The Hon. CHRIS RATH:** Mr Mills, does the document you now have refresh your memory at all about whether you've used the Signal app to communicate with other staffers?

**PAUL MILLS:** What was the question again, sorry?

**The Hon. CHRIS RATH:** The first question was do you use Signal?

**PAUL MILLS:** No, the last question when you provided this document. You read it out.

**The Hon. CHRIS RATH:** I was asking you, given this document, does that refresh your memory at all about whether you were using the Signal app to communicate to others about the LSCA program?

**PAUL MILLS:** I have no recollection of engaging with the person mentioned in this document—

**The Hon. SARAH MITCHELL:** Ever?

**PAUL MILLS:** —from that period of time.

**The Hon. SARAH MITCHELL:** That's your answer under oath?

**The Hon. CHRIS RATH:** This is a document provided to us as part of the SO 52, of which you now have a copy, so it clearly exists.

**PAUL MILLS:** I have nothing further to add on that. I'm happy to take it on notice.

**The Hon. CHRIS RATH:** Why didn't the SO 52—our request for documents—include the Signal messages that are referred to in this document?

**PAUL MILLS:** I have no history—I have no recollection of interacting with this person over that period of time. Happy to take that on notice, too.

**The Hon. CHRIS RATH:** Is this staffer to Ryan Park lying, or are you lying?

**The Hon. Dr SARAH KAINE:** Point of order, Chair.

**The Hon. SARAH MITCHELL:** Well, someone is.

**The CHAIR:** Order! I'll hear the point of order.

**The Hon. Dr SARAH KAINE:** My point of order is that Mr Mills has answered the question. He's answered that he has no recollection. I don't know what kind of abilities Mr Rath has to question someone's recollection, but Mr Mills has said he can't recollect but he's prepared to go and take something on notice. We should accept that and respect it.

**The Hon. SARAH MITCHELL:** We might have to call some of the electorate staff and see who's telling the truth, then. I'd like to get to the bottom of that.

**The CHAIR:** I will hear the point of order.

**The Hon. PETER PRIMROSE:** To the point of order: Leaving aside the pejorative question, the facts are that if you read from the document that's been provided, it doesn't say that the information was provided by Mr Mills.

**The Hon. CHRIS RATH:** Mr Primrose, as you well know, all documents regarding the LSCA program should have been provided to this House under SO 52 regardless of whether it was a one way or a two way interaction. All documents regarding LSCA, including Signal messages, were required to be provided to the Legislative Council.

**The Hon. PETER PRIMROSE:** Further to the point of order: The question being asked is in relation to—Mr Mills has been questioned about electronic traffic but if you look at the document, it doesn't say that the document, the so-called Signal, was sent by Mr Mills.

**The CHAIR:** In relation to the point of order, there needs to be enough time for clarity to be sought in relation to the answer being given so that there's no doubt as to what the answer is. Going beyond that does begin to come into the sort of badgering realm, so if we could just make it very clear what the question is, have a very clear answer, and then we can move on.

**CHERIE BURTON:** Madam Chair, can I just add, under parliamentary privilege, we've had to endure being called names.

**The Hon. CHRIS RATH:** It was a question.

**CHERIE BURTON:** To insinuate that anyone is lying like that is just very hostile. I'd ask that, as witnesses, we just be treated with respect. Mr Mills is here to assist the Committee. He's trying to answer to the best of his ability. If he takes something on notice, it's on notice, and he will come back to the Committee. To then accuse him of lying is like a whole other realm.

**The CHAIR:** Can we just be clear, though: A question that is trying to ascertain whether or not something is the truth is not an accusation of lying. If there are any accusations of lying then, absolutely, I agree with you. But let's just be very careful and proceed on that basis.

**The Hon. SARAH MITCHELL:** I'll just finish with you with a couple more, Mr Mills. Do you send text messages to work colleagues about work matters?

**PAUL MILLS:** I send various messages.

**The Hon. SARAH MITCHELL:** We all use text. You must have a work phone that you text people on about work related matters. It's not a trick question.

**PAUL MILLS:** A work phone. I send various messages.

**The Hon. SARAH MITCHELL:** Would you have ever texted colleagues about the LSCA program?

**PAUL MILLS:** Not to my recollection.

**The Hon. SARAH MITCHELL:** Never, not once, have you ever messaged Ms Burton to say, "Hey, I'm putting this stuff in the list," or, "I'll be running a bit late to something," or anyone else, any electorate office, never, ever sent a text ever about LSCA in the couple of years you've had this job?

**PAUL MILLS:** Not to my recollection.

**The Hon. CHRIS RATH:** You're a caucus liaison officer. Your role is to liaise with the Labor caucus. Surely Labor MPs are contacting you about projects in their electorates. Do you seriously think that we believe—are you suggesting that on no occasion in the three years that you've been in the Premier's office that you've ever had any contact with any other Labor staffer or MP about the LSCA program via text message or Signal or WhatsApp? Is that really your suggestion?

**PAUL MILLS:** What's the question, sorry?

**The Hon. SARAH MITCHELL:** Have you ever spoken to any of your Labor colleagues, other staffers or members of Parliament via text about LSCA? Have you ever sent texts?

**PAUL MILLS:** I just refer you to my previous evidence about having to collect contact details.

**The Hon. SARAH MITCHELL:** I didn't ask that. This is the first time I've asked you this, with respect. Have you ever talked about LSCA via text—received any, sent any about LSCA?

**PAUL MILLS:** I'd have to take that on notice.

**The Hon. CHRIS RATH:** Ms Burton, moving to some of the evidence you've previously given to this inquiry, my colleague Sarah Mitchell asked you—and I quote from 24 March this year:

This wasn't a grant process per se in that there were applications. You would agree that it was Labor candidates in each of those 93 seats that nominated projects?

You responded:

They were election commitments, yes.

Then Ms Mitchell asked:

But they were nominated from Labor candidates?

You answered:

Absolutely, as election commitments.

Do you stand by that evidence?

**CHERIE BURTON:** It was evidence that I gave and so, to the best of my ability and recollection, I stand by that statement. But I have said that projects did change. I have made that very clear. It's not a perfect system. There were corrections. There were administrative changes. However, to the best of our recollection and ability, we compiled the list based on what we believed were those commitments. So I stand by that evidence. Yes, I do.

**The Hon. SARAH MITCHELL:** What did you classify an election commitment under this program to be?

**CHERIE BURTON:** I've already answered that: what was committed during the election.

**The Hon. SARAH MITCHELL:** Prior to election day, it all had to be in, and that had to be what the election commitment was?

**CHERIE BURTON:** Like I've said before, the overarching commitment was—because it wasn't perfect, like I said, and the election commitments that were made prior to the election, not all of those commitments were the ones that got funded. So it did change. But the overarching commitment was the \$400,000 per seat for community organisations, sporting groups, and parks and playgrounds. And that was what was acquitted.

**The Hon. SARAH MITCHELL:** But what was within that \$400,000 was a bit fluid; there was movement in that post-election is what you're saying?

**CHERIE BURTON:** Of course. I've cited Ryde as a classic example. The Ryde commitment, in the end, was nothing like what was committed prior to the election and that's because the council refused to fulfil that commitment. They said, "We're not doing it", and we ran the risk of losing that \$400,000 and then that wouldn't have stayed true to our overarching commitment of the \$400,000 per seat. That's why that commitment was

allowed to change. I don't know—like, at the end of the day, we've talked ad nauseam about the fact that some commitments had to change because we had to fundamentally stay true to the fairness of the overarching election commitment, which was for every seat to receive \$400,000.

**The Hon. SARAH MITCHELL:** Just so I'm crystal clear, your overarching commitment, when these program guidelines talk about it having to be election commitments, from your perspective, is that every seat gets \$400,000 and what the make-up of that is. If that has changed post-election to where you were pre-election, that doesn't matter; it's that every seat gets \$400,000. Is that your evidence?

**CHERIE BURTON:** That was the main commitment. If you look at when it went through the probity process, I don't know exactly how many, but I know that there were some projects that weren't approved for whatever reason. I know that there were some organisations that actually couldn't deliver what was committed. I know there were some organisations, particularly some councils, who wanted to decide what they wanted. They even wanted to decide—they didn't like what was presented to them and they wanted to decide what projects they put it into because they had different priorities. So, yes, there were changes. Like I've said, Ms Mitchell, this program was not perfect. It was not administratively perfect and it wasn't perfect. But it was a fair process and the overarching commitment, regardless of what happened, was this \$400,000 per seat, which is what was delivered. All of those projects that went in, the ones that were approved after the final assessment, those ones were acquitted and the community got value for money.

**The Hon. SARAH MITCHELL:** But you influenced what went in for acquittal. You can't pretend you didn't have any oversight or influence on it. You did.

**CHERIE BURTON:** The taxpayer got value for money and every seat got \$400,000—

**The Hon. SARAH MITCHELL:** They took the list you gave them as gospel and you've doctored it.

**The CHAIR:** Order!

**The Hon. SARAH MITCHELL:** It's very clear.

**The Hon. Dr SARAH KAINE:** Point of order—

**CHERIE BURTON:** I think if you took all of the election material—

**The Hon. Dr SARAH KAINE:** The Hon. Sarah Mitchell just started talking over Ms Burton as she was giving the answer to the question that she had been asked by the Opposition. Again, I just ask that we, at a bare minimum, adhere to the procedural fairness resolution.

**CHERIE BURTON:** I'll just add that, as I said at the time—I've said before in the last two hearings that I've been here, it was 93 seats, over 600 projects. It was a very, very busy time and everyone did their best to put that list together and make sure that all of the contact details were correct and that it was correct and submitted to the department. Like I said, it wasn't a perfect process. But at the end of the day, we had a very big separation from us. What projects were finally approved, we had no say in the assessment or anything like that. There was a very big separation.

For us the overarching thing was to make sure \$400,000 per seat. Even during the assessment process, when projects fell over or things like that, then money was changed from that project into parks and playgrounds or whatever went to councils or what have you. It is difficult when the process comes in after the commitments and those sorts of things. I'll say again, while I can't talk about specific seats or things like that, what I can say is that it was a fair program, \$400,000 per seat, and it went through an independent process and then was approved or not approved. I don't think there's anything more I can add. It's been exhaustive evidence and I just don't think there's anything more we can add in relation to this.

**The Hon. MARK BUTTIGIEG:** I just want to tease out this line of questioning from Mr Rath and, to a lesser degree, the Hon. Sarah Mitchell regarding the stress on Labor candidates—Labor candidates got to choose, as if this is some sort of national revelation or conspiracy. It would be bizarre, wouldn't it, if we were trying to win government and we said to Jordan Lane, "Mate, go and feel free to promise whatever you want. We'll use our election promises to help you get elected"? I don't understand. We're trying to get government, so we say to all our 93 Labor candidates, "You've got \$400,000. Tell us what projects you need." What is strange about that? I didn't understand the question, did you?

**CHERIE BURTON:** No. I just think that any suggestion that me or my team did not do their very best to acquit their role, and that there was something nefarious going on, I just object. I just dismiss that absolutely outright. That was never the case. It was a big job and we acquitted it to the best of our ability. As I said, those projects went in to a process that we had no involvement in. The overarching election commitment was fulfilled. That is, \$400,000 per seat.

**The Hon. MARK BUTTIGIEG:** In fact, their program, which you identified before, was basically—how many multiples was it again of ours?

**CHERIE BURTON:** Four times.

**The Hon. MARK BUTTIGIEG:** Four times. This is where it's going to. No criteria whatsoever, so their candidates would have had discretion to go around and say, "We can just do it all in our seats."

**CHERIE BURTON:** Yes. It could have gone to anything. Yes, exactly.

**The Hon. MARK BUTTIGIEG:** But this particular one was, no, everyone's getting \$400,000, and—here's the kicker—if the Labor candidate doesn't win, you still get it and you actually have some say if there's residual money for parks and playgrounds.

**CHERIE BURTON:** Yes. And if you look at the reception of the Coalition MPs to it, they're loving it. Even through all of these hearings and all of the questions that we've been asked, no-one's said that any of these organisations weren't worthy or it wasn't community benefit. As I've said before in previous evidence, it's about, in the end, where the taxpayer dollar goes and is the taxpayer getting value for money, and was there community benefit. The interim reports of the Local Small Commitments Allocations state that very clearly, that there was huge community benefit. Their own MPs are saying it. To suggest that there was something untoward going on is just not correct. Like I said, the thing that I'm personally most proud of is the fairness of it. It was so fair. We've watched Coalition MPs take the credit and all that; fair play to them. We're just happy their community was able to benefit from such a good program.

**The Hon. MARK BUTTIGIEG:** If you're a constituent in one of these electorates and you're looking at this, presumably you're saying, "This is actually good. I'm living in a Liberal electorate"—let's call it Terrigal or Ryde or Cronulla—"I'm still getting my money even though their candidate lost."

**CHERIE BURTON:** Correct. That's the fairness of it. That's why it's so unique. It was to give the community comfort that this Government was always going to do things based on need. I think the local small commitments, \$400,000 per seat, regardless of who you returned to the Parliament—these communities were not going to miss out. It was really a demonstration to the community that this Government was going to be different.

**The Hon. Dr SARAH KAINE:** Ms Burton, you've been a candidate yourself. What's not unique is candidates making promises in their electorate, is it?

**CHERIE BURTON:** No.

**The Hon. Dr SARAH KAINE:** I can't remember the promises of the Opposition candidates in their seats. But they would have been making promises in their seats which they would have been intending to fulfil when they got elected.

**CHERIE BURTON:** Absolutely.

**The Hon. Dr SARAH KAINE:** But they didn't make a guarantee that the Labor member or the Independent member would get the same amount of money. So there's nothing unique about making promises during an election.

**CHERIE BURTON:** That's an important point to make about the uniqueness of it, which also adds to a bit of clunkiness in administering it for the first time. They were election commitments, not an open grants process or Community Building Partnerships. They were very, very different. Working out how to administer that properly to make sure that there was proper probity and community benefit and best use of taxpayers' funds—I think that the Premier's Department did an amazing job in setting that up and making sure that the community and the taxpayer could have comfort that their taxpayer dollar was not being wasted.

**The Hon. MARK BUTTIGIEG:** Then I notice on top of this, you've got the Leader of the Opposition, for example, writing letters to the Premier—12 February 2025 and 9 May 2025—for the first Cronulla Surf Festival, the Cronulla Jazz and Blues Festival, asking for money to be allocated out of the Premier's Discretionary Fund, which was then subsequently granted. On top of the LSCA \$400,000, you get the Premier doling out money to his opponent in a Liberal seat. Hardly smacks of favouritism or bias, does it? You've got other examples here, too—the Women's Shelter Armidale, towards the Women's Shelter Armidale food project. The Manly Wheelchair Basketball Association received \$500,000 towards funding host games at the NWBL 2024. Any rational person looking at this objectively would say this is probably the fairest government in the history of New South Wales, I would have thought.

**CHERIE BURTON:** In my experience, yes. Even though the Auditor-General has recommended ways that we could do it better, which is great, the intention was always to demonstrate to the community that this

Government was about fairness. As I said, if you look at the interim reports of how successful this program has been, and how much it's benefited communities right across the State, I think we've really achieved that objective. It was about allaying community fears that the things that were going on before in relation to some people being even proud of pork-barrelling Coalition seats, that this government was not going to be like that. That this government was going to be fair across the State and really address the needs of the State, taking the politics out—without that political bias.

**The Hon. MARK BUTTIGIEG:** Yes. It's been a game changer.

**The Hon. PETER PRIMROSE:** I'm reminded of the exploits of largesse from Pork Barilaro in the last Government. But in relation to this program, I just again note the findings of the Auditor-General's report.

**CHERIE BURTON:** That's right.

**The Hon. PETER PRIMROSE:** The Auditor-General found that the Premier's Department Program Office conducted an effective process for administering the LSCA program in line with the Grants Administration Guide and the Government Sector Finance Act 2018.

**CHERIE BURTON:** Yes.

**The Hon. PETER PRIMROSE:** Do you have any comment on that?

**CHERIE BURTON:** Once again, it's quite remarkable because we have come in from Opposition, these were election commitments, and then a process was put in place for the process to be as rigorous as it was and as independent as it was to make sure that where the taxpayer's dollar went was going to give them best value for money and support communities, particularly in the current climate, to really support homelessness shelters and vulnerable people. Even some housing was in there and shelters and things like that. With the way that that was set up, to make sure that that was all done properly and at arm's length from politics, I thought was really great.

**The Hon. PETER PRIMROSE:** That has been endorsed by the Auditor-General.

**CHERIE BURTON:** It has, yes.

**The Hon. CHRIS RATH:** Ms Burton, the evidence you gave just before was about the \$400,000 per electorate was the main election commitment, not individual projects. You said there was flexibility in the projects that went on to be funded versus the commitments that were made during the election campaign. But you previously said to us that no election commitments were changed. You said that on 24 March this year. Is that correct?

**CHERIE BURTON:** No, I think that you are being selective. We were talking about Sydney at the time. You were asking me were the election commitments changed for Sydney and I was telling you that what was committed for Sydney were the ones that went through for funding, so you're taking my comments out of context.

**The Hon. CHRIS RATH:** You said, "With local small commitments allocation, I really want to drive this home. They were election commitments made during an election." But they weren't all election commitments, were they? Some of them have been changed.

**CHERIE BURTON:** You've taken me out of context again. It was the argument in relation to whether it should have been like community building partnerships which, I kept saying, they were election commitments. So they couldn't have come in to government and said, "Okay, we'll forget all of that. We're going to put it out to a competitive process or whatever."

**The Hon. CHRIS RATH:** It wasn't a competitive process.

**The Hon. SARAH MITCHELL:** It has never been competitive.

**The Hon. CHRIS RATH:** It's a closed, uncompetitive process.

**CHERIE BURTON:** That was what I was saying in that evidence.

**The Hon. CHRIS RATH:** The grant guidelines for the LSCA says that they need to be election commitments.

**CHERIE BURTON:** Well they changed during the process.

**The Hon. CHRIS RATH:** How can the election commitments change after the election?

**CHERIE BURTON:** I've already explained that.

**The Hon. CHRIS RATH:** They are not election commitments.

**CHERIE BURTON:** I've already explained that. Ryde is always the one that sticks out, but I'm sure there were others as they were going through the process.

**The Hon. CHRIS RATH:** Yes, it defaults to parks and playgrounds.

**CHERIE BURTON:** I think the Special Minister of State has said in his evidence—

**The Hon. PETER PRIMROSE:** Point of order: Is there any chance the witness can actually answer the question without being interrupted constantly?

**The CHAIR:** I uphold the point of order.

**CHERIE BURTON:** I've already said many times on the record that things did change. There were there were very good reasons for them, because we had to stay true to the \$400,000 per seat. That is my evidence. You would have to get a list of what was actually approved because you would see that there was changes. I think the Special Minister of State has said many times that there were even projects that came up that were recommended not to approve for certain reasons. But we still had to stay true to the \$400,000. Because a project might have fallen over or not been able to be delivered, why should that community then get less than \$400,000? So, yes, things did change. But, like I said, as far as our involvement in the process, we did our very, very best to acquit our role, which was to ring through and collect the data in relation to contact details and then submit those to the department.

**The Hon. SARAH MITCHELL:** Just on those projects, Ms Burton, that changed—and you use Ryde as an example. There was a specific project that was identified—it was the cultural centre, I think—that didn't go ahead for whatever reason, or you said there's other community groups that couldn't take the money. Then the default of what was left over in those seats to make up 400 grand should have gone to local councils. That was the process? Is that right?

**CHERIE BURTON:** It's still a change. You're saying there's no changes. That wasn't true then to the election commitment.

**The Hon. SARAH MITCHELL:** Your point was, if the election commitment wasn't approved on the advice of the department, for whatever reason—proponent wasn't able to do it—then the default was that money then went to councils. That's correct?

**CHERIE BURTON:** That was my understanding, yes.

**The Hon. SARAH MITCHELL:** Why are there examples where it's gone the other way round? I draw you back again to Wollondilly, where the election commitment was \$400,000 to councils, and now approved on the LSCA website are about a dozen community groups that have gotten money. Can you explain that?

**CHERIE BURTON:** I've said that the only real seats that stand out to me, obviously, are Sydney and Ryde, because we had some issues there.

**The Hon. SARAH MITCHELL:** I'm not asking you about those, with respect.

**CHERIE BURTON:** But in relation to—

**The Hon. SARAH MITCHELL:** Can you explain to me why it would have gone the other way?

**CHERIE BURTON:** I'll take it on notice. I'll take that one on notice.

**The Hon. SARAH MITCHELL:** But sitting here, you can't explain why it—

**The Hon. Dr SARAH KAINE:** Point of order—

**The Hon. SARAH MITCHELL:** I don't now if what you are saying is true.

**The CHAIR:** Order! I have a point of order. I need to hear it. Go ahead, Dr Kaine.

**The Hon. Dr SARAH KAINE:** My point of order, Chair, is that Ms Burton has said she would take something on notice. As well as earlier this morning, in relation directly to the Wollondilly question, she also said that she would take it on notice. Once someone's taken something on notice, we really have to start being a bit respectful of the process in this place.

**The CHAIR:** I uphold the point of order.

**The Hon. SARAH MITCHELL:** Sure. Just one more. So under the guidelines as you understand them, Ms Burton, is it permissible for projects to change from being allocated to council pre-election and to individual community groups post-election?

**CHERIE BURTON:** Not to my knowledge, no.

**The Hon. CHRIS RATH:** Ms Burton, just on that then, how do you explain that the list that the department has given us from June 2023—what we call the original list—differs from the July 2023 list—

**CHERIE BURTON:** Like I said—

**The Hon. CHRIS RATH:** Let me just finish—the source of truth document. Surely we should rely on the original June 2023 list rather than the July 2023 list because there are discrepancies in over 20 seats between those two documents.

**CHERIE BURTON:** We've already explained that it was a working document and that things were being updated and it was being worked on for a number of months. You're asserting that—I don't even know what you're asserting, but I said that I don't know specific seats because there was a lot going on at the time. Ninety-three seats, we've been through all of that. I'm happy to take it on notice and have a look. Happy to assist the Committee. As I said, in relation to the list, they were constantly being worked on. Contact details and things were being updated, so I think you just have to be—I'll take it on notice.

**The Hon. CHRIS RATH:** The original list versus the source of truth, as examples—

**CHERIE BURTON:** That's not the original.

**The Hon. CHRIS RATH:** Let me just finish.

**CHERIE BURTON:** It's the same list.

**The Hon. CHRIS RATH:** Let's call it the 23 June list versus the 23 July list. I won't put any adjective to describe it, but the 23 June list versus the 23 July list, the discrepancies are seats like Sydney—which we've spoken about at length. Wollondilly, Murray, Barwon, Orange are discrepancies between that June list and the July list. Do you have any explanation why those seats in particular have changed in that intervening one-month period?

**CHERIE BURTON:** I'd have to take it on notice because I do want to make sure that I look into it. As I've said, it was a process. It was a working document. It was being worked on in relation to checking details, checking commitments and those sorts of things. I can't be specific but I'm happy to take it on notice.

**The Hon. CHRIS RATH:** Did you talk to any of the members of Parliament in those seats—Murray, Barwon, Orange, Wollondilly? We already know about Sydney, but what about those other seats?

**CHERIE BURTON:** All I can tell you is the process. The process was that initially we'd get in touch with the candidate, or attempt to get in touch with the candidate, just to get the contact details. If they didn't know them—which was the case in Sydney—then we would contact the MP. I can't say for certain but I would say that, if I couldn't get the details from the candidate, I may well have. But it was nearly three years ago now.

**The Hon. CHRIS RATH:** They didn't have any involvement or influence in the decision—these members of Parliament—between changing the grant allocations between the June list and the July list? They didn't have any involvement in that change?

**CHERIE BURTON:** Well if they were contacted—I'm not even sure I contacted them. I'm going to have to go back and have a look, because—I don't even know if I can remember. But like I said, if I had have contacted them, it would have been specifically in relation to contact details and how do I get in touch with these organisations.

**The Hon. CHRIS RATH:** Have you made contact with any Federal Labor MPs about the LSCA program?

**CHERIE BURTON:** I may have, if I couldn't get the detail. It was really about how do I find—because some people didn't know the exact contact person in order for the Premier's Department to be able to contact them to get them to fill out the paperwork and move forward with the project. I made lots of phone calls. What I do recall is I had a process in my own mind about trying to get in touch with the candidate first and, if not, then who else could I talk to that would possibly know how to get in touch with these organisations?

**The Hon. CHRIS RATH:** It was reported that you and the Premier met with the registered lobbyist Morris Iemma on 8 April 2024. The meeting wasn't disclosed in the Premier's diary. Why not? And was LSCA—

**The Hon. Dr SARAH KAINE:** Point of order—

**The Hon. CHRIS RATH:** Just a second. Let me finish. And was the LSCA program discussed at that meeting?

**CHERIE BURTON:** That would be outside the terms of reference of this Committee.

**The Hon. CHRIS RATH:** No, it's not. I'm asking about the LSCA program specifically. Did you meet on that date? Why wasn't it disclosed, and did the LSCA program come up in conversations with Morris Iemma?

**The Hon. Dr SARAH KAINE:** Point of order—

**The CHAIR:** Order! I'll hear the point of order.

**The Hon. Dr SARAH KAINE:** With regards to disclosures, they're not Ms Burton's disclosures, for a start, so that part of the question is completely out of order.

**The Hon. CHRIS RATH:** She works for the Premier.

**The Hon. Dr SARAH KAINE:** Yes, but she doesn't control the Premier's disclosures, so you'll have to address that question elsewhere, Mr. Rath.

**The Hon. CHRIS RATH:** If I could repeat the question before you make a ruling, Chair. It was about the meeting between the Premier and Morris Iemma on 8 April 2024. I was asking why that meeting wasn't disclosed and was the LSCA program—was Ms Burton in attendance at that meeting and was the LSCA program discussed?

**The Hon. SARAH MITCHELL:** Good question.

**The CHAIR:** There is an aspect of that which goes to you.

**CHERIE BURTON:** I'm not at liberty to answer that in the sense that whatever I do as a private citizen is my private business. I'm not dissembling that to a Committee. I'm happy to answer any questions in relation specifically to LSCA, but what I do in my private time is my private time. I'm a private citizen. I know what you're trying to do here. This is why you wanted to drag us back. It's not because you're really concerned about what happened in relation to local small commitments—

**The Hon. SARAH MITCHELL:** No, we are. We certainly are.

**CHERIE BURTON:** No, you're not. You're just trying to make out that there was something untoward—

**The Hon. SARAH MITCHELL:** Just tell the truth; it's easy.

**CHERIE BURTON:** —because that's what you guys were up to. I'm just saying that that was very sneaky. What I do as a private citizen, Mr Rath, is my business. If you really want to go there, I think that you should really check your own self because I've become aware of certain dealings that you've been having in relation to going after me as a member of staff, so I think you just need to—I will not answer that.

**The Hon. CHRIS RATH:** I'm not asking about you as a private citizen.

**CHERIE BURTON:** What I do as a private citizen is my business. Nobody else's.

**The Hon. SARAH MITCHELL:** So that wasn't a work meeting? You were there with your boss, but it's not a work meeting.

**CHERIE BURTON:** What I do as a private citizen is my business, not this Committee's.

**The CHAIR:** The question has been answered. Ms Burton, from my perspective, I have two issues with this program. The first one, we can have a philosophical difference about. I personally view the idea of having a fund that only Labor candidates can allocate as being nothing like what is in the previous Government's pork-barrelling. I absolutely agree, but I personally view it as being anti-democratic and a slush fund, but that is not for us to debate here. The reason that we've brought you here, from my perspective, is in relation to the administration of the program. As a lawyer, and as an autistic lawyer, so you'll have to forgive me, I am very focused on one aspect of those guidelines. That is in relation to those pre-election commitments—the idea that it needs to have been a pre-election commitment in the guidelines.

That is why we are so focused on working out whether the list that we've been given changed between what was actually committed to by Labor candidates during the election and what then ended up being handed out in those electorates. Having frankly given you what my concern is, is there any information you can give me, and this Committee, to assure us that every one of the commitments that were on the sheet that is now being used as what Mr Rath refers to as "the single source of truth" were actually pre-election commitments by those candidates?

**CHERIE BURTON:** All I can say is that throughout all of this process, the third time being here and answering almost 100 supplementary questions, I have given full and frank answers. I just have nothing more to give you and nothing more to add.

**The Hon. MARK BUTTIGIEG:** I just want to drill in on that. I think, unlike the Opposition, the Chair is quite objective and genuine on this, to be fair to her.

**CHERIE BURTON:** I appreciate that.

**The Hon. MARK BUTTIGIEG:** This idea that, in principle, you have a pre-election commitment and, by and large—this was your evidence earlier, Ms Burton. If you look at the final list versus the election commitments, by and large, they were mostly delivered. Due to various issues with the recipients, administrative errors and residual funds that needed to be allocated, obviously there's going to be a difference. It would be highly unremarkable that you would consult local members over that. That's it. That's the story, isn't it?

**CHERIE BURTON:** That's correct. There's nothing more to add. At the end of the day, just to sum up, it was \$400,000 per seat. That commitment was honoured. There was a separate process set up to ensure integrity in the processing of those commitments. Of course, during that process, commitments changed. They had to. So there were projects, or there were things that happened, that weren't committed prior to the election for certain reasons. Those reasons have been very widely canvassed.

**The Hon. MARK BUTTIGIEG:** It would be naive to think that wouldn't happen.

**The Hon. Dr SARAH KAINE:** Ms Burton, we've heard about particular seats that Mr Rath likes to list, and he likes to list them quite frequently, but isn't it also true that those changes from the \$400,000 to the specific projects also happened in Coalition seats, like Kellyville and Castle Hill? It's not as if there were just some seats where this happened. By implication, the Opposition is trying to suggest that it's only Independent seats. There were more than that. There were more seats than just those that are listed.

**CHERIE BURTON:** Yes. It's really unfortunate, I think that they're just trying to politicise this—

**The Hon. CHRIS RATH:** You did that, though.

**The CHAIR:** Order!

**CHERIE BURTON:** Possibly the Committee, with this being my third appearance—

**The Hon. SARAH MITCHELL:** It's all right, we can come back a fourth time.

**The CHAIR:** Order!

**CHERIE BURTON:** Now I'm being threatened that they're going to call me back again. I'd like to think—when does that start to tip over? This Committee is a committee of inquiry. I've come here for the third time and answered those supplementary questions. Mr Mills, a junior staff member, is here for the second time. We've answered the questions truthfully and to the best of our recollection and ability. There's just nothing more that we can add. And we're still getting threatened with being called back. You kind of have to ask yourself, when does this tip over into bullying and harassment and intimidation of members of staff. I feel like, from my experience, that we're coming to that point. To be quite frank, it's starting to become quite distressing for myself and to have to watch my staff, my junior staff, who work very hard. Mr Mills is a man of very high integrity.

To watch this, and the insinuations that have occurred, not just in this Committee but during question time and budget estimates about myself personally, particularly under parliamentary privilege—where are the protections in relation to that? I just feel like there's a very big power imbalance and that we have really done our very best in the work that we've done to get those lists into the department. The way that we've tried very, very hard, to the best of our recollection and ability, to assist this Committee—both of us are people of integrity and we believe in what we are doing, working to help the Government deliver its agenda and working to help the community. Like I said, happy to answer the questions, but only to the best of our ability. That's all we can ever do.

**The Hon. Dr SARAH KAINE:** I think it's really important that was put on the record, so thank you for that.

**The CHAIR:** We are over time. The Committee will thank you very much for making yourselves available. To the extent there were questions taken on notice or supplementary questions, the Committee secretariat will be in touch. Sincere thanks for assisting us with our inquiries. That concludes today's hearing

**(The witnesses withdrew.)**

**The Committee adjourned at 11:05.**