

PORTFOLIO COMMITTEE NO. 1 – PREMIER AND FINANCE

Wednesday 25 February 2026

Examination of proposed expenditure for the portfolio areas

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

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The Committee met at 9:15.

MEMBERS

The Hon. Jeremy Buckingham (Chair)
The Hon. Robert Borsak (Deputy Chair)
Ms Abigail Boyd
The Hon. Anthony D'Adam
Ms Cate Faehrmann
The Hon. Wes Fang
The Hon. Scott Farlow
Ms Sue Higginson
The Hon. Emma Hurst
The Hon. Mark Latham
The Hon. Stephen Lawrence
The Hon. Jacqui Munro
The Hon. Cameron Murphy

PRESENT

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

CORRECTIONS TO TRANSCRIPT OF COMMITTEE PROCEEDINGS

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

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

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The CHAIR: Welcome, Minister and officials, to the first hearing of Portfolio Committee No. 1 - Premier and Finance for the additional round of inquiry into budget estimates 2025-2026. 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. My name is Jeremy Buckingham, and I am the Chair of the Committee. I welcome Minister Harris and accompanying officials to this hearing. The Committee will examine the proposed expenditure for the portfolios of Aboriginal Affairs and Treaty, Gaming and Racing, Veterans, the Central Coast and Medical Research.

I ask everyone in the room to please turn their mobile phones to silent. Parliamentary privilege applies to witnesses in relation to the evidence they give today. However, it does not apply to what witnesses say outside of the hearing. I urge witnesses to be careful about making comments to the media or to others after completing their evidence. In addition, the Legislative Council has adopted rules to provide procedural fairness for inquiry participants. I encourage Committee members and witnesses to be mindful of these procedures. Again, I welcome the witnesses. Thank you for making the time to give evidence. Minister, I remind you that you do not need to be sworn as you have already sworn an oath to your office as a member of Parliament. Ms Oxford, Ms Hawykes and Ms Lamb, as you did not attend the initial round of hearings, you will need to be sworn in prior to giving evidence. All other witnesses have sworn and do not need to be sworn in again.

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

Ms KATE MEAGHER, Deputy Secretary, Delivery and Engagement Group, Premier's Department, on former affirmation

Ms TRISH OXFORD, Acting Deputy Secretary, Aboriginal Affairs NSW, Premier's Department, affirmed and examined

Ms MELANIE HAWYES, Secretary, Department of Creative Industries, Tourism, Hospitality and Sport, affirmed and examined

Mr TAREK BARAKAT, Deputy Secretary, Hospitality and Racing, Department of Creative Industries, Tourism, Hospitality and Sport, on former affirmation

Dr JEAN-FRÉDÉRIC LEVESQUE, Deputy Secretary, Clinical Innovation and Research, NSW Health, on former affirmation

Ms CAROLINE LAMB, Chairperson, Independent Liquor and Gaming Authority, affirmed and examined

Mr MATTHEW TUTT, Acting Chief Executive Officer, Greyhound Welfare and Integrity Commission, on former oath

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

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

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

The Hon. SCOTT FARLOW: Good morning, Minister. How are you?

Mr DAVID HARRIS: Good. Yourself?

The Hon. SCOTT FARLOW: Very good. One of your roles—one of the many hats you wear—is as the Minister for Aboriginal Affairs and Treaty. The treaty process started consultations in August of last year. Is that correct?

Mr DAVID HARRIS: Yes. It's a consultation about whether there should be treaty, not actual consultation about what should be in a treaty.

The Hon. SCOTT FARLOW: With respect to whether there should be a treaty or not, what activities have been conducted so far by the Treaty Commission?

Mr DAVID HARRIS: The treaty commissioners have been very busy. They have been holding consultation meetings right across the State. They can actually be followed online—they have a website and a Facebook page which details those consultations. I met with them last week and they have updated me, recently, on the conversations and the feedback that they have been getting from communities around the State. They have indicated that there is low literacy amongst Aboriginal people about what a treaty might actually be. Of course, the other issue is, particularly in more urban communities, about who you would negotiate a treaty with, for example, but also understanding what has happened in Victoria. Part of what we've done is an analysis of what is in the Victorian treaty as opposed to what we already have in place in New South Wales.

New South Wales is actually ahead of the game. We have passed legislation, for example, with languages. They're recognised in our State Constitution. We have Aboriginal land rights. Connected with Aboriginal land rights, we had a reparations program. We've had Stolen Generation reparations, as well. New South Wales is actually in quite a good place when it comes to what an overarching agreement might look like. That's all part of the conversation. That's continuing. They're due to report to me fully midyear and also feed back to me what they think the next steps should be.

The Hon. SCOTT FARLOW: With respect to the report you will be receiving midyear, is that something you will commit to publish after receiving it?

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Mr DAVID HARRIS: I have no problem that. As I said, all their activities are totally independent of government. All their activities have been documented online. It certainly hasn't been a secretive process or anything like that. When they do have a meeting, the whole community is invited. I think they have found it quite valuable, those conversations. It has posed new questions for them. I think what we committed to do at the last election is fully being delivered.

The Hon. SCOTT FARLOW: With respect to that, if the report comes back to you and does suggest that there is a treaty embarked upon, what will be the process from then that you will be undertaking?

Mr DAVID HARRIS: That's obviously a decision of the Government and would go through Cabinet. There would obviously be public consultation on that. At the moment, that's not part of the conversation. The conversation now is about understanding of treaty, understanding what might be in a document. Essentially, modern treaty-making is making agreements. It may just be formalising a process for how those agreements are made. We have Federal legislation that overlaps, such as native title and other things which make it more complicated. There are issues around Aboriginal heritage, which the Federal Government is looking at and we're looking at as a State, as well. There is a whole lot of information that would need to feed into what a final process might look like.

The Hon. SCOTT FARLOW: The Premier has committed that there will be no treaty entered into in this term of Parliament. If your treaty commissioners come back with that, will it be something you take to the next election?

Mr DAVID HARRIS: I think what we will take to the next election is whatever the next phase is. I don't want to pre-empt that. I don't know. I'm getting an indication of where it might be going. I would probably say, pretty confidently, that at this stage the community itself isn't ready for a negotiation or anything like that leading to a formal treaty.

The Hon. SCOTT FARLOW: In terms of another of your portfolios, in veterans affairs—

Mr DAVID HARRIS: I have several.

The Hon. SCOTT FARLOW: You have several, indeed—many hats to wear.

The Hon. ROBERT BORSAK: He's only got one head.

The Hon. SCOTT FARLOW: But he looks good in lots of different caps. It's not necessarily a Central Coast Mariners cap, but you've got that one as well. Minister, with respect to veterans affairs, one of the big issues recently has been the Commonwealth's proposal to sell part of military estate, particularly Victoria Barracks and Lancer Barracks. What consultations were undertaken with you as part of that process from the Federal Government?

Mr DAVID HARRIS: Prior to the publication of the report from the Federal Government, we didn't have any formal discussions or negotiations around those sites. That was a Commonwealth responsibility. What we have done since is I have written to the Assistant Minister, Peter Khalil, and asked for a thorough briefing. The Minister for Veterans' Affairs also sent me the pack of all the sites in New South Wales that are under consideration. We have issued a statement that clearly says that we understand that the Commonwealth has the right to look at these things, but it should be done in very close consultation with both veterans and the general community to make sure that all the sites have appropriate protections and that only those sites that go through that process should be under consideration.

I think there's a long way to go on this. There have certainly been opinions from the veteran community. I have spoken to a number of veterans. I had a long conversation on Sunday with a veteran who was looking for guidance about how they might interact. I encouraged them to make sure they do put in a submission to the Federal Government process to make their views very well known. These sites are cherished by veterans. But, also, they hold great heritage value. Lancer Barracks and Victoria Barracks, for example, are two of the oldest military installations in New South Wales. In fact, Lancer Barracks is the oldest. I know that the member for Parramatta and the member for Granville have both contacted me about the significance of that particular site. I've spoken to my colleague the member for Campbelltown and also the member for Coogee, and I think that all of these views need to be part of the process in the Commonwealth's consideration of what they finally decide to do.

The Hon. SCOTT FARLOW: The member for Coogee, for instance, has said that when it comes to Victoria Barracks it's not surplus land; it's not a disposable asset. Is that something you agree with?

Mr DAVID HARRIS: What I encourage local members to do is to put forward their point of view. Government will reach its own conclusion. There hasn't been an internal discussion in Cabinet or anything about that at this stage, and that will be when the Commonwealth comes up with their final proposal. I assume that there

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will be more detailed discussion around that. But some sites may be suitable for—for example, parts of the site to be used for other purposes, but the historical parts maintained. It may be that if some of those historical sites were passed on to other organisations, they might actually get greater care. But there is also a very strong argument from the military, including from the New South Wales RSL, that some of those sites are key urban military command areas, and that there may be detrimental effects back on recruitment and other things like that. I think all those views are absolutely valid and should be fed into the Federal Government's process.

The Hon. SCOTT FARLOW: While local members can put their views and you're encouraging veterans to put their views, as the voice around the Cabinet table for veterans, what's your view in terms of the sale of these assets?

Mr DAVID HARRIS: As I said, we've had no formal discussion around this. I believe that our military history is very important. Certainly, if I'm asked, I'll put that view forward. But that's ultimately a decision for the Commonwealth. It's not State land. The State can have a view, but it'll be up to the Commonwealth in the end what they decide to do.

The Hon. WES FANG: Minister, you say the State can have a view, but do you think you as the Minister for Veterans have done enough here to ensure that the view of veterans is captured and communicated to the Federal Government? I mean, ultimately I don't know any veteran—I'm a veteran, and I know a number of your colleagues are veterans, and your colleagues are screaming at you to make sure that this site is retained for veterans.

Mr DAVID HARRIS: They're not screaming at me.

The Hon. WES FANG: Well, they should be if they're not. The veterans community in general—you've said the RSL have clearly outlined why it's important to keep Victoria Barracks. Your colleagues that have served are telling you that it needs to be retained in public ownership and not be sold off to developers. Minister, what are you doing other than putting out a statement reviewing a pack that's sent to you by the Federal Minister and—what else have I written down here? You've issued a statement and you've received no opportunity to invite a formal brief prior to the decision being made. What is the Labor Government doing?

Mr DAVID HARRIS: I've just told you what we're doing.

The Hon. WES FANG: Do you think that's enough?

Mr DAVID HARRIS: It's a Commonwealth decision. We are putting forward the views—

The Hon. WES FANG: In New South Wales. It's a Commonwealth decision that is occurring in New = South Wales. You are the New South Wales Minister for Veterans. What are you doing to ensure New South Wales veterans' views are being reflected to the Federal Government?

Mr DAVID HARRIS: I've just told you what I'm doing.

The Hon. WES FANG: Issuing a statement, Minister, is not good enough.

Mr DAVID HARRIS: I'm talking to stakeholders. I have requested a briefing from the assistant Minister—

The Hon. WES FANG: Minister, it's the case that people outside of this building—

Mr DAVID HARRIS: Mr Fang, these sites aren't going to be sold tomorrow. There is a long process of consultation.

The Hon. WES FANG: People outside of this building are having to take up the fight. Michael McLaren from 2GB has got a petition up. He is doing more for this issue than you are.

Mr DAVID HARRIS: I don't think Ministers generally start petitions, but you might have a different view.

The Hon. WES FANG: Well, that'd be a start, Minister. That would be an absolute start in this case.

The CHAIR: Order!

Mr DAVID HARRIS: I enjoy your faux outrage on these issues.

The CHAIR: Order, Minister!

The Hon. STEPHEN LAWRENCE: Point of order—

Mr DAVID HARRIS: We're following a process.

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The Hon. WES FANG: But what I meant—

The CHAIR: Order, Mr Fang! A point of order has been taken.

The Hon. STEPHEN LAWRENCE: I think it's probably pretty clear. The continual interruption is discourteous.

The CHAIR: It is discourteous. I uphold the point of order.

The Hon. WES FANG: What's discourteous is the way this Minister treats veterans.

The CHAIR: Order, Mr Fang!

Mr DAVID HARRIS: I don't do well for bullies who yell at me, but that's the way that you do business. It's not the way I do business.

The CHAIR: Order!

The Hon. WES FANG: I do business by representing my community.

The CHAIR: Order!

Mr DAVID HARRIS: I follow the process. That process will be set up by the Commonwealth and the Government will engage in that process.

The CHAIR: Order! Minister, I am calling you to order.

The Hon. WES FANG: Two more and you're kicked out.

The CHAIR: Order! I call Mr Fang to order for the first time. I remind everyone to treat each other with courtesy, please. It's very early in the morning. It's a bad way to start the day. It's going to be a long day, so let's treat each other with courtesy. Let's ask good questions and let's hear the answer without interrupting and hectoring each other.

The Hon. SCOTT FARLOW: Minister, it seems like the Government's sitting on the fence when it comes to this one. You've got the Premier, who's already said that this is like his neighbour selling a boat. We've got you, who is encouraging everyone to make their voices heard, but isn't making your own voice heard on this issue.

Mr DAVID HARRIS: I did. I put out a statement. I don't know what else you would like me to do.

The Hon. SCOTT FARLOW: I'd like you to come out against it. I'd like you to do what your own backbench want, which is—

Mr DAVID HARRIS: Against every site? Is that what you're suggesting? Is that what the Liberal Party policy is?

The Hon. SCOTT FARLOW: What about Victoria Barracks? Would you say, "Hands off Victoria Barracks" or not?

Mr DAVID HARRIS: We haven't seen what the proposals are, other than they are under consideration.

The Hon. SCOTT FARLOW: Well, the Commonwealth is disposing of these assets.

Mr DAVID HARRIS: So you want us to pre-predict what the final decision might look like before the consultation process is undertaken? Is that what you're suggesting?

The Hon. SCOTT FARLOW: The Commonwealth is undertaking a fire sale of military assets, and the veterans affairs Minister in New South Wales, with veterans crying loudly on this issue, is saying nothing.

Mr DAVID HARRIS: That's your political view.

The Hon. SCOTT FARLOW: It's the reality.

Mr DAVID HARRIS: I don't know that it's a fire sale when they are undertaking a consultation process.

The Hon. SCOTT FARLOW: With respect to the Premier's comment about this being like his neighbour selling a boat, what's your perspective on that commentary that the Premier made?

Mr DAVID HARRIS: I think what the Premier was saying is that ultimately this is a decision of the Commonwealth, and while the State can provide feedback, it will be a decision the Commonwealth will make.

The Hon. SCOTT FARLOW: Don't you think that's offensive to veterans?

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Mr DAVID HARRIS: Not at all. I think it's the truth.

The Hon. SCOTT FARLOW: So you think that the Premier's comments were perfectly acceptable in saying that something like Victoria Barracks was the equivalent of his neighbour's boat?

Mr DAVID HARRIS: The Premier himself explained the next day that those words may not have been the best words, but what he was trying to convey is that whilst we have a role in a consultation process, ultimately it's the Commonwealth—it's Commonwealth land. They will decide whether they keep the land, sell the land, transfer the land, some of it, all of it—we don't know.

The Hon. WES FANG: Actually, Minister, the Premier corrected himself later that day, not the next day. He actually said his comments were offensive to veterans. Are you suggesting that they weren't offensive, in your opinion? Because that's exactly what you just said.

Mr DAVID HARRIS: No, I didn't. Please don't put words in my mouth.

The Hon. WES FANG: You just said—

Mr DAVID HARRIS: I've seen how you operate in these committees—

The Hon. WES FANG: I operate well—

Mr DAVID HARRIS: —and I'm not going to engage in silly games.

The Hon. WES FANG: —because I represent my communities and I make sure I hold Ministers to account. That's how I operate in these committees.

Mr DAVID HARRIS: I've given my answer. Don't put words or make up words—

The Hon. STEPHEN LAWRENCE: Point of order—

The CHAIR: Order!

The Hon. WES FANG: We'll check *Hansard* and we'll see what it says.

The CHAIR: Order, Mr Fang! Please desist.

The Hon. STEPHEN LAWRENCE: That exchange that degenerated started because Mr Fang interrupted the Minister. It's exactly the same thing that occurred before. He should be called to order again.

The CHAIR: Mr Fang, I remind you that you're already on one call to order and it's only—what time is it? It's 9.33 a.m., so you're only 20 minutes in. I am reluctant to call you to order for the second time, but please desist from hectoring the witnesses. The resolution of the House is to treat all our witnesses with courtesy. Interrupting and interjecting does not help the Committee hearing. There are strongly held views. I think they can be expressed through pertinent questions without hectoring the witnesses or responding in that way.

The Hon. SCOTT FARLOW: Minister, with respect to these sites, you've undertaken that you're having a briefing from the Federal Minister. When is that occurring?

Mr DAVID HARRIS: We haven't received a response yet.

The Hon. SCOTT FARLOW: Following that briefing, what is the course of action that the New South Wales Government will be undertaking?

Mr DAVID HARRIS: I think once we understand what the Commonwealth is suggesting and how the consultation process will work, then we'll engage.

The Hon. SCOTT FARLOW: So the position of the New South Wales Government will be effectively just a watching brief to see what happens from the Federal Government?

Mr DAVID HARRIS: As I said, we put out a statement saying that the views of veterans need to be carefully considered. I think that's a sensible way to deal with it, calling on the Commonwealth to have a proper consultation. Then we'll see what that consultation looks like. If necessary on some particular sites, the State may have a position. It may have a different position on other sites. There's a wide range of sites that are under consideration that may have different approaches.

The Hon. SCOTT FARLOW: You've had both the planning Minister and the Minister for Housing express interest in these sites for State Government ownership. Is that something that the State will be investigating, in terms of the State purchasing these sites from the Federal Government?

Mr DAVID HARRIS: The planning Minister and the Minister for Housing have made the statements they have. Some of the sites may be appropriate for that.

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The Hon. SCOTT FARLOW: What's the benefit of the Commonwealth transferring these military assets to the State? Wouldn't that be something for the Commonwealth to look at how they develop themselves, or some sort of transfer to the State for no compensation whatsoever?

Mr DAVID HARRIS: You're asking me to predict, or crystal ball gaze, into future conversations. We haven't had those conversations, so I honestly can't answer your question.

The Hon. SCOTT FARLOW: With respect to Victoria Barracks, comments have been made that you're welcoming the opportunities that could come from that site. What do you see the opportunities as being?

Mr DAVID HARRIS: I don't know in what terms—me, personally, or the Government?

The Hon. SCOTT FARLOW: I think that was in the statement in terms of "welcome opportunities", but in terms of—

Mr DAVID HARRIS: There may be opportunities—for example, open space. I know the City of Sydney has indicated that there may be some opportunities there. There may be other opportunities; we don't know. We haven't seen what's being proposed. Again, you're asking me to crystal ball gaze. All we're saying is there may be opportunities, actually, for improvement—giving the public more access to those historical sites. There may be parts that need to be kept for their current purposes and other parts of the site used for different purposes. You're asking me to predict a whole lot of things without the information, and I'm not prepared to do that.

The Hon. SCOTT FARLOW: Has the New South Wales Government made any assessment when it comes to both the heritage and commemorative functions that are undertaken on their sites?

Mr DAVID HARRIS: You'd have to ask Minister Sharpe. I think she was here yesterday, so I'm not sure whether you asked her that.

The Hon. SCOTT FARLOW: But in terms of the commemorative functions, I don't think Minister Sharpe is having any role when it comes to the commemorative functions that occur.

Mr DAVID HARRIS: Which commemorative functions?

The Hon. SCOTT FARLOW: In terms of the historic commemorative functions that may mark, for instance, the 150th anniversary of Victoria Barracks. Have you done any analysis as to these sorts of functions?

Mr DAVID HARRIS: No, because it's too early in the conversation. We don't know what's going to happen with the site. You're asking me to crystal ball gaze. I don't know. I've told you that I don't know. All we have on the table is the proposal of a number of sites and that there will be a consultation process.

The Hon. WES FANG: Have any of the veterans that you've spoken to actually advocated for a sale of Victoria Barracks?

Mr DAVID HARRIS: Some veterans have indicated that it may not be, necessarily, the best use for the site, but that's people's personal opinions. In my portfolios, you get a lot of people's personal opinions.

The Hon. WES FANG: Fair enough.

Mr DAVID HARRIS: They help educate me but, ultimately, we'll make any decision based on facts and analysis.

The Hon. WES FANG: We spoke about the petition before on 2GB. Have you signed that petition to stop the Federal Government selling?

Mr DAVID HARRIS: I wasn't aware of it.

The Hon. WES FANG: You're not aware of the petition from Michael McLaren about not selling Victoria Barracks?

Mr DAVID HARRIS: No.

The Hon. WES FANG: Will you sign it?

Mr DAVID HARRIS: No.

The Hon. MARK LATHAM: MPs aren't allowed to sign petitions.

Mr DAVID HARRIS: That's correct.

The Hon. WES FANG: Will you sign that petition, Minister? Will you take it to Cabinet to sign?

Mr DAVID HARRIS: As a Minister, I'm not allowed to sign a petition anyway.

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The Hon. WES FANG: How about your backbench?

The Hon. MARK LATHAM: We're not, either, by convention.

The CHAIR: I will now turn to questions from the crossbench.

The Hon. ROBERT BORSAK: Welcome, Minister.

Mr DAVID HARRIS: Thank you.

The Hon. ROBERT BORSAK: Minister, why is Chief Commissioner of GWIC Mr Alby Taylor not at today's estimates hearing?

Mr DAVID HARRIS: My understanding is that that was a decision of Mr Taylor. I don't know.

The Hon. ROBERT BORSAK: I'm aware that Mr Tutt's here, but Mr Tutt's not the senior executive in that organisation. Mr Taylor was invited and he dodged it.

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

The Hon. ROBERT BORSAK: Yes, could you do that, please? I think it's a pretty significant omission from the commissioner who runs GWIC. I'm not reflecting anything on Mr Tutt in terms of his running of the organisation.

Mr DAVID HARRIS: I'm not aware that he has attended in the past, but—

The Hon. ROBERT BORSAK: He hasn't attended in the past—reasonably, I would think—because he was a part-time commissioner. Now he's a highly paid full-time commissioner. I think it's incumbent upon him to turn up here, given the dollars he's being paid.

Mr DAVID HARRIS: It might be a relevant point.

The CHAIR: And he was invited.

The Hon. ROBERT BORSAK: And he was invited.

Mr DAVID HARRIS: Yes. I think for those organisations it's up to the individual, isn't it, to decide. I don't know what the rules are, sorry.

The Hon. ROBERT BORSAK: Minister, I just don't think it's good form. You've got a number of other senior executives of your various responsibilities sitting around you, and Mr Taylor's managed to dodge it today. I don't think it's good form from his point of view. Minister, what is the current remuneration of the Chief Commissioner of GWIC, including the applicable SES band and his total remuneration package? Do you know that?

Mr DAVID HARRIS: Yes. I think it's at the appropriate level. I'll have to take that on notice to get you the exact amount. It's published. It's band 2.

The Hon. ROBERT BORSAK: Does he get paid more than you, Mr Tutt?

MATTHEW TUTT: I don't know.

The Hon. ROBERT BORSAK: I'm not asking you to tell me how much you get paid, but I would assume you do get paid less than him.

MATTHEW TUTT: We're both band 2 in my acting capacity.

The Hon. ROBERT BORSAK: Minister, is it correct that the chief commissioner's role was historically part time? I think you inferred that earlier. On what basis, and why, was he elevated to a full-time position?

Mr DAVID HARRIS: I took feedback that the role had changed, where it was more important that it was a full-time role because of the level of responsibility. Whilst there are three commissioner positions, there were two part-time ones and there was no third one. Now there's one full time and one part time. I think that the reason behind that decision is that GWIC obviously holds a really important role. It was pointed out that the commissioner tries to personally get across different tracks and actually engage with the industry. On that basis, it was changed to a full-time role. Tarek might be able to give more detail, whether you want that now or later on today.

The Hon. ROBERT BORSAK: I don't mind, if someone's got some detail on that.

TAREK BARAKAT: I think, too, the chief commissioner was only recently appointed, so there was a publicly advertised expression of interest process.

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The Hon. ROBERT BORSAK: Sorry, can you talk into the microphone a little bit more?

TAREK BARAKAT: I think at the end of last year there was a publicly advertised expression of interest process. A selection panel was established by the Minister. That panel provided the Minister with a range of names to consider, and the Minister determined to reappoint Mr Taylor. The change wasn't reflective, I don't think, of Mr Taylor. It was reflective of the requirements of the role, as the Minister has just outlined.

The Hon. ROBERT BORSAK: How does the role then interface with the CEO's role?

TAREK BARAKAT: My understanding is the chief commissioner is the employer of the CEO.

The Hon. ROBERT BORSAK: What does the chief commissioner do that differs from the CEO, if they're both on the same band?

TAREK BARAKAT: This might be a question better directed to Mr Tutt, as the acting CEO.

The Hon. ROBERT BORSAK: Through you, Minister.

Mr DAVID HARRIS: Yes.

The Hon. ROBERT BORSAK: Mr Tutt?

MATTHEW TUTT: Yes. There's a significant distinction.

The Hon. ROBERT BORSAK: Could you talk into the mic a little bit more. I'm a little bit deaf; I've been asking questions for too long in these places and I don't get answers.

MATTHEW TUTT: The chief commissioner has an extensive array of duties that he performs. Obviously, there's the strategic decisions that get made at commissioner level, both by the chief commissioner and our other commissioner. Under the legislation, the CEO—I'm the acting CEO at the moment—is responsible for delivering on those strategic objectives that are set.

The Hon. ROBERT BORSAK: So setting strategy for GWIC keeps him busy full time, much like the CEO does.

MATTHEW TUTT: There's a significant amount of strategic direction that the commission is currently dealing with, including, of course, the Drake report statement of expectations. There is a significant level of work. Again, as the Minister has already outlined, we've gone from having a chief commissioner and two commissioners previously to, in more recent times in the last couple of years—

The Hon. ROBERT BORSAK: Mr Tutt, why do we need a commissioner at all?

MATTHEW TUTT: That's a matter for the legislation.

The Hon. ROBERT BORSAK: Maybe that's a question for the Minister, then.

Mr DAVID HARRIS: When the new legislation was passed in 2018, that was part of it, so that's the way it's been operating. Whether it's time to have a look at that, I'm more than happy to have a discussion. But to Mr Tutt's comments, following the Drake report, there is a lot of strategic information that has to be looked at, including around changes to track standards. I've just issued a new statement of expectations which gives GWIC a greater role in terms of greyhound rehoming et cetera. There is a lot of work on at the moment, as one would expect, and then once all of that work's finished and everything's embedded then maybe there's an opportunity to have a rethink. But, at the moment, I think that that full-time role is appropriate.

The Hon. ROBERT BORSAK: Minister, did Mr Taylor lobby you at all to move from part time to full time?

Mr DAVID HARRIS: Certainly he explained the intricacies of the role and how the role had changed. My decision-making is based on recommendations from the department et cetera, but it did form part of the conversation, yes.

The Hon. ROBERT BORSAK: So he made direct representations to you in relation to that?

Mr DAVID HARRIS: In meetings, yes.

The Hon. ROBERT BORSAK: He did?

Mr DAVID HARRIS: Explaining the role, yes, and how the role had changed.

The Hon. ROBERT BORSAK: Why was it important for him to go from part time to full time?

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Mr DAVID HARRIS: Not him per se, because the position was being advertised. It wasn't guaranteed that he would even get the position. What he was saying is that the role had changed and it needed to be a full-time role. I think that's appropriate. All the different organisations come with different views on different issues, and we have discussion around it.

TAREK BARAKAT: The requirements of the role were changed before it was advertised, but it was as a result of what the new requirements of the role were. The case that Mr Taylor made was that the chief commissioner, under legislation, makes a range of strategic decisions and has a range of regulatory obligations under the Act. The legislation provides for the chief commissioner role to be full time. On that basis, the role was made full time, and that's how it was advertised when it was at the end of last year.

The Hon. ROBERT BORSAK: Was it advertised actually as an SES band 2 position at the time?

TAREK BARAKAT: I believe so, yes.

The Hon. ROBERT BORSAK: Minister, has Mr Taylor approached you and the Office of Racing, or the department, seeking an increase in remunerations since then?

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

TAREK BARAKAT: Not to my knowledge, no.

The Hon. ROBERT BORSAK: Minister, given the Chief Commissioner of GWIC did not attend today's estimates hearing, despite being paid at a senior executive level, do you consider this is acceptable behaviour?

Mr DAVID HARRIS: I would have to say that I wasn't across, necessarily, all the invitations and everything that went out. My answer would have to be that maybe there is an expectation that the chief commissioner should be here, but I wasn't involved in the discussions about whether or not he should. It's hard, in retrospect, to—

The Hon. ROBERT BORSAK: With respect, he should be here, surely.

Mr DAVID HARRIS: I think, given the change in the role, that's probably appropriate.

The Hon. ROBERT BORSAK: Yes. Minister, are you aware that the chief commissioner previously applied for the role of chief executive officer at GRNSW?

Mr DAVID HARRIS: Sorry, who did?

The Hon. ROBERT BORSAK: Mr Taylor applied for the chief executive role at GRNSW, and he was unsuccessful.

Mr DAVID HARRIS: No.

The Hon. ROBERT BORSAK: He did apply for it.

Mr DAVID HARRIS: Okay. As far as I know, that was never disclosed to anyone.

The Hon. ROBERT BORSAK: Are you aware that, since that time, GRNSW has raised repeated concerns about GWIC's approach, including delays, noncooperation and what it describes as "obstruction" across a number of operational matters?

Mr DAVID HARRIS: I am aware, yes. What I would say to that is that the way the bodies were set up, in some senses, whilst—it's in the expectations and in the new operating licence for Greyhound Racing NSW that we would expect a level of cooperation. However, in some cases the regulator will naturally be in conflict with the operator, if you like, on certain issues. I think in some senses that would be expected. What I do expect, though, is that they should be able to work through those differences to get the right outcome. The trouble is that there is—and this is why we've tried to clarify this in the new regs that I have undertaken and in the operating licence. In some areas, there's no clear indication of who is in charge. There's only an indication of: People need to talk to each other. In terms of things like track standards, that has been part of my frustration since coming to the role. It has been—

The Hon. ROBERT BORSAK: Minister, it's a large part of GRNSW's frustration at the moment, too.

Mr DAVID HARRIS: It is. The hard part is that both parties can be right at the same time, depending on which perspective you're coming from. I would expect that GWIC, as the regulator, wouldn't necessarily be wanting to improve things taking a risk-based approach that might lead to, for example, increased injury rates. Now, looking from an operational point of view, Greyhound Racing NSW would be—

The Hon. ROBERT BORSAK: Surely they have the same goal?

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Mr DAVID HARRIS: They do, but they also have the financial considerations and a whole range of other things. The arguments are about, if you like—and it's terrible terminology—GWIC doesn't want corners cut. In some cases, that might be what has been fraught.

The Hon. ROBERT BORSAK: But GRNSW wants straight tracks approved, so there are no corners.

Mr DAVID HARRIS: No. The new track at Taree, for example, there was agreement—

The Hon. ROBERT BORSAK: I was coming up to that one.

Mr DAVID HARRIS: I know. I thought you would. There was sort of agreement that they would use a different coarseness of sand to improve safety in order to make a part of that track work better. When the track was inspected, the outcome wasn't what had been envisaged. Therefore GWIC—I think, rightly—stepped in and said it can't be used until it met the terms of what was discussed. They're the sorts of toing and froing that happen. It's a really difficult thing. At the end of the day, what we want is the best outcome for animal welfare.

The Hon. ROBERT BORSAK: Minister, I understand exactly what you are saying, and what you are saying is perfectly reasonable. But the ongoing delays out of GWIC in terms of doing various approvals—and I will get to Goulburn track later on, too, but Taree is a good example. Do I smell a conflict of interest here with Mr Taylor, having applied for a job and then having sour grapes because he didn't get it, now making sure that this corporation, which is trying to make money—and the only way it can make money is to successfully run races and have animals uninjured, of course. Now we're seeing a whole swathe of delays coming through. What can we do to make sure that things are not being handled in a way that is detrimental to Greyhound Racing NSW?

Mr DAVID HARRIS: I am hoping, through the issue of the expectations and also the new operating licence, that some of those issues may be able to be resolved more quickly. From the evidence I have seen, I don't see a conflict of interest; I see a conflict of opinion. As I said, two things can be true at the same time. GWIC wants the best outcome for animal welfare, therefore they're not approving directly some of these things, and—

The Hon. ROBERT BORSAK: With respect, Minister, it's not in the interests of GRNSW not to have the same level of requirements of safety and wellbeing and humane treatment of the dogs, surely?

Mr DAVID HARRIS: But they have different objectives. Greyhound Racing NSW's is to run the industry with, absolutely, animal welfare in mind but also to make a profit and to run races.

The Hon. ROBERT BORSAK: Is it GWIC's job to make sure they don't make a profit?

Mr DAVID HARRIS: No, GWIC's job is to look after animal welfare.

The Hon. ROBERT BORSAK: But if they keep going like this, you're not going to have an industry at all.

Mr DAVID HARRIS: Correct. That's why we had the Drake report. That's why she made recommendations, and that's why we're implementing those recommendations to try to make it work better. But there will always be conflict between a regulator and an operational body in terms of the perspective they come from, in terms of decision-making.

The Hon. ROBERT BORSAK: Minister, are you aware that GWIC has introduced local rule LR 15A?

Mr DAVID HARRIS: Not specifically; I may be generally.

The Hon. ROBERT BORSAK: It gives the commission the power to cancel race meetings or refuse race dates.

Mr DAVID HARRIS: I have just been told it has been deferred.

The Hon. ROBERT BORSAK: Sorry?

Mr DAVID HARRIS: It has been deferred. My recollection is that Greyhound Racing NSW wrote to me on that issue. I referred it to GWIC and GWIC has now deferred that, pending further discussion.

The Hon. ROBERT BORSAK: So you're saying that that has not been implemented?

Mr DAVID HARRIS: Yes, according to my advice.

The Hon. ROBERT BORSAK: You are nodding your head, Mr Tutt.

MATTHEW TUTT: I can assist. That particular rule has been deferred so that we can do further consultation with GRNSW, particularly. That rule is not currently in place.

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The Hon. ROBERT BORSAK: If that rule was to be implemented, does GWIC have to explain to GRNSW why they should have a race meeting cancelled?

MATTHEW TUTT: Again, that rule is essentially an extension of rules that we currently have in the whole suite of greyhound racing rules.

The Hon. ROBERT BORSAK: Why do you need an extension if you have existing rules covering those things?

MATTHEW TUTT: That draft rule made it clearer, to our responsibilities. I can go into more—

The Hon. ROBERT BORSAK: So you can advertise a race meeting and just have it cancelled—bang!—like that.

MATTHEW TUTT: No, that rule made it much more clearer about the allocation of race dates. It was largely dependant on welfare matters. But, again, when GRNSW wrote to us, we took on board their further submissions and we've deferred that rule for further discussions with GRNSW and other stakeholders.

The Hon. ROBERT BORSAK: Minister, when you look at all these matters collectively—delays on MTS, obstruction at Taree and the introduction of rules that extend GWIC more control on the operational side, and I know you've just said that's been deferred—do you accept that there's a pattern of the regulator seeking to exert increasing control over the commercial activity of GRNSW?

Mr DAVID HARRIS: I don't see it's exerting power over—

The Hon. ROBERT BORSAK: It's stepping away from just looking after the humane interests of the dogs now, isn't it?

Mr DAVID HARRIS: It goes back to what I said earlier, that both organisations can be right at the same time. If GWIC's main purpose is to protect the welfare of animals and make sure that tracks meet a standard, that will sometimes be in conflict with commercial outcomes. You can't avoid that. We have it in the other codes of racing as well, particularly in country racing where the stewards will go out and inspect a track and call a meet off, and the locals get very upset about that. But, at the end of the day, the regulators, if they allow racing to go on or they allow a track that may not quite be where it should and there are injuries, then the regulator is responsible. It's around risk assessment and how you assess that risk, and then how you apply those rules. I think that's fair.

The Hon. ROBERT BORSAK: I hear what you're saying in relation to track condition. That's one of the things Mr Taylor is obstructing, trying to get these tracks sorted out to minimise the risk during race meets. Nothing is happening.

Mr DAVID HARRIS: I have heard the different arguments around the track standards. It can be as simple as debate over what is the best surface to ensure that dogs' injury rates are reduced. Since we've come to government, injury rates are down and euthanasia and death of dogs on tracks is down, so one might suggest that the process that's in place might be working because of the work of both sides. But that is difficult work, and it will bring them into conflict. You will never avoid that. The difference is that at the moment there is, in some cases, no clear pathway of who is actually in charge. For example, if Greyhound Racing NSW put forward a business case, it doesn't have to be approved by GWIC, but they have to give their acknowledgement of it before it goes to the department for the department to determine whether the money will be allocated. They've got to give the tick-off, so there is toing and froing around those things.

The Hon. ROBERT BORSAK: Given Mr Taylor is a failed GRNSW CEO candidate, are you concerned that a reasonable observer could conclude that the regulator's approach reflects a level of institutional hostility or an attempt to influence the operational direction of the organisation?

Mr DAVID HARRIS: That's your characterisation.

The Hon. ROBERT BORSAK: That is my characterisation. I'm asking, is it yours?

Mr DAVID HARRIS: No.

The Hon. ROBERT BORSAK: It's not yours?

Mr DAVID HARRIS: No.

The Hon. ROBERT BORSAK: You don't think there's any even perceived conflict of interest going on there?

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Mr DAVID HARRIS: No, because I get to see the different levels of evidence. I get to see the interactions. I get explained to me—

The Hon. ROBERT BORSAK: It's just that GRNSW, particularly these days, with revenue under pressure, is feeling the pressure. Perhaps GWIC should adopt a more cooperative approach in terms of working hand in glove?

Mr DAVID HARRIS: I would have a problem if a regulator acted hand in glove. It's the regulator's job to make sure that they're regulating the industry. They should work together to make sure that the industry is acceptable and decision-making is transparent. As I said, I see the discussion, I see the evidence and I'm happy at the moment that that occurs. But I am frustrated that on some issues like track standards, we can't reach consensus, so we're encouraging more discussion around that to try and get that done.

The Hon. ROBERT BORSAK: Track standard approvals are just too slow, Minister. That's the reality.

The CHAIR: We'll take that as a comment, Mr Borsak. Questions from the Opposition, and Mr Fang.

The Hon. WES FANG: Minister, you would be aware that the announcement from Greyhound Racing NSW around track closures has been somewhat unwelcomed by members of the greyhound racing community. Is it fair to say that that was based on the Deloitte report that was given to Greyhound Racing NSW?

Mr DAVID HARRIS: There's been a whole process, Mr Fang, when it comes to track closures. This has been controversial for a number of years. There's been a couple of attempts in the past to do track rationalisation. In this particular case, there was a consultation with industry that developed criteria. A report was undertaken by Deloitte to do an analysis of tracks right across New South Wales in terms of that criteria, who made recommendations to the board, and the board made a decision. I think there was a proper consultation. There was a full process. In saying that, anyone who is notified their track is closing won't be happy, but the whole industry keeps saying, "There are too many tracks, but don't close ours." That's a really difficult issue. I think the board's in a really difficult position where they're going to have to make recommendations, and some people will be deeply unhappy with that.

The Hon. WES FANG: Do you know how much that Deloitte report cost?

Mr DAVID HARRIS: I don't. I can take it on notice. It's independent of me.

The Hon. WES FANG: It would have been handy to have the CEO of Greyhound Racing NSW here but, of course, he dodged that. I believe that when you indicated that you weren't made aware, we asked some questions earlier in our deliberative and it was indicated, from memory, that your office handled the invitations. So you would have been aware that Mr Griffin wasn't coming here to provide testimony.

Mr DAVID HARRIS: Mr Griffin, I was.

The Hon. WES FANG: You were aware?

Mr DAVID HARRIS: Yes, of Mr Griffin.

The Hon. WES FANG: You didn't insist that he show up and be accountable to this Parliament?

Mr DAVID HARRIS: No, because he's part of an independent body. He's not required, as far as I'm aware, to come. The invitation was sent. It's up to him and Greyhound Racing NSW.

The Hon. WES FANG: For example, he would have been able to answer the question that I've just asked you that you had to take on notice.

Mr DAVID HARRIS: Yes, that's fine. But the Deloitte report was done by Greyhound Racing NSW, not the Government.

The Hon. WES FANG: Yes, and I'm curious how much it cost. You'll take that on notice?

Mr DAVID HARRIS: We can ask Greyhound Racing NSW, yes.

The Hon. WES FANG: Has anybody made you aware that there is believed to be quite a number of errors within that report?

Mr DAVID HARRIS: No, it's not our report.

The Hon. WES FANG: Nobody's written to you and suggested that there are errors in the Greyhound Racing NSW Deloitte report?

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

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The Hon. WES FANG: No?

Mr DAVID HARRIS: I can take that on notice.

The Hon. WES FANG: Mr Ben Talbot from Wagga Greyhound Racing Club hasn't written to you and pointed out specifically where there are errors within that Deloitte report?

Mr DAVID HARRIS: I'm not saying he hasn't written. I haven't seen it.

The Hon. WES FANG: Why would that be the case?

Mr DAVID HARRIS: It just hasn't come to me yet.

The Hon. WES FANG: Did your staff not think it was appropriate to bring it to your attention?

Mr DAVID HARRIS: I can't answer that. I don't know.

The Hon. WES FANG: You're going to close a greyhound racing—

Mr DAVID HARRIS: You're asking me to hypothesise again.

The Hon. WES FANG: There is a greyhound racing club in Wagga that's existed for over a century, and it's about to close because of a Deloitte report. The chair of that committee has written to you and indicated that there are substantial errors within the report that was used as a basis for closing that club, and it hasn't been brought to your attention?

Mr DAVID HARRIS: I've just said to you it hasn't been.

The Hon. WES FANG: We know that Deloitte have been AI to generate—

Mr DAVID HARRIS: It doesn't mean it's not in the system; it just hasn't come to me.

The Hon. WES FANG: It was a number of weeks ago. How long do issues take to get to you, Minister?

Mr DAVID HARRIS: Depends.

TAREK BARAKAT: I'm not aware of the letter either, Mr Fang, but I'm happy to take it on notice and check if anything's come through.

The Hon. WES FANG: I think we need to be having a little bit more engagement with those clubs that are being shut down, because I know that there are errors.

Mr DAVID HARRIS: Yes, but it's not the Government's decision, so all I could do is refer that letter to Greyhound Racing NSW.

The Hon. WES FANG: You say that, Minister, but you understand that you are the racing Minister and are ultimately—

Mr DAVID HARRIS: Do you understand the concept of independence?

The Hon. WES FANG: Minister, I understand it better than you think.

Mr DAVID HARRIS: You don't, because you're wanting me to make decisions for independent organisations who are put there to make their own decision.

The Hon. WES FANG: Minister, in that instance, why did you appoint a board on a substantial figure, yet they've outsourced their decision-making to Deloitte?

Mr DAVID HARRIS: That's a decision for them.

The Hon. WES FANG: We know Deloitte has been using AI to generate their reports. Have you done any work around ensuring that—

Mr DAVID HARRIS: I don't know that.

The Hon. WES FANG: Maybe you need to do a little bit more research, Minister. It's not my job to do your research for you.

Mr DAVID HARRIS: I'm not the AI Minister.

The Hon. WES FANG: It's not my job to hold your hand to be a Minister, Minister.

The CHAIR: Order! Mr Fang said "we know". He didn't say "you know"; he said "we know". Mr Fang, tell us more about what you know.

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Mr DAVID HARRIS: What you know, I don't know.

The Hon. WES FANG: So you haven't been made aware, Minister, that there are issues around the funds, the leases that were offered and the facilities, for example, that are in the Deloitte report around Wagga that may have actually shaped a different decision had they been correct?

Mr DAVID HARRIS: No, because I haven't been made aware of that.

The Hon. WES FANG: Are you going to instruct that further work be done before you start closing clubs that have had a history around—

Mr DAVID HARRIS: I'm not closing any clubs.

The Hon. WES FANG: You may not be, but Greyhound Racing NSW is closing down clubs that have had a history in rural and regional New South Wales.

Mr DAVID HARRIS: Have you written to them?

The Hon. WES FANG: I haven't written to them, no, Minister.

Mr DAVID HARRIS: Maybe you should raise your concerns with them.

The Hon. WES FANG: Minister, I was hoping to come to estimates today and ask questions of the CEO—

Mr DAVID HARRIS: It's not my report.

The Hon. WES FANG: —but he's not here!

The Hon. ANTHONY D'ADAM: Point of order—

The Hon. WES FANG: He's not here!

The CHAIR: Order! Mr Fang, come to order, please.

Mr DAVID HARRIS: Don't yell at me. It was his choice.

The Hon. WES FANG: That's my job!

The CHAIR: Order!

Mr DAVID HARRIS: I didn't make the choice.

The CHAIR: A point of order has been taken. I want to listen to the point of order.

The Hon. ANTHONY D'ADAM: This is an opportunity for members to ask questions, not yell statements at the witnesses. Mr Fang is repeatedly exercising that approach, and I ask you to direct him to ask questions of the witnesses rather than yell at them.

The CHAIR: I uphold the point of order. Mr Fang, ask questions rather than badger the witness with statements. I think that would better serve the Committee's inquiry.

Mr DAVID HARRIS: Can I suggest, though, you write to Greyhound Racing NSW with your concerns—to the board.

The Hon. WES FANG: Minister, it would have been better to have them here so that I could ask them in person, which is usually the way that estimates goes. That's okay. We'll work around that failure. Minister, I'm not the only person from Wagga that's concerned about the closure of the Wagga track. I'm sure Dr Joe McGirr has also raised the issue.

Mr DAVID HARRIS: Absolutely.

The Hon. WES FANG: What has he said to you?

Mr DAVID HARRIS: I met with Dr McGirr, and I encouraged him, as I did with all of the members, including the member for Barwon and the member for Maitland—and I have had a verbal conversation with the member for Upper Hunter—to advocate as hard as they want on behalf of their community.

The Hon. MARK LATHAM: That's your advice? Go hard.

The Hon. WES FANG: Your response as the Minister—

Mr DAVID HARRIS: Yes. If they think it's the wrong decision, they should be representing their community, as all local members should be, to put forward the best case. But I'm not the decision-maker. I can

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listen to their concerns. I've passed on their concerns. Greyhound Racing NSW is in the intolerable position that every time they make a decision the people concerned aren't happy with it. Eventually, they have to make a decision.

The Hon. WES FANG: Minister, your reply to Dr Joe McGirr and the other local members that have raised issues around the closure of tracks in their communities is "You can advocate as hard as you like", not "I'll take on board your comments and I will seek to engage with you, and I will seek to work towards a resolution"? It is "Go and do it yourselves"?

Mr DAVID HARRIS: So you want me to intervene in an independent organisation? They're independent.

The Hon. WES FANG: You are a Minister. That is exactly what a Minister does at times.

Mr DAVID HARRIS: No, it's not.

The Hon. WES FANG: At times, Ministers have to—

Mr DAVID HARRIS: Do you understand the law?

The Hon. ANTHONY D'ADAM: Point of order—

The Hon. WES FANG: Are you outsourcing being a Minister to bureaucrats?

The CHAIR: Order!

Mr DAVID HARRIS: They're not bureaucrats.

The CHAIR: Please come to order. Minister Harris, please desist.

The Hon. ANTHONY D'ADAM: Mr Fang is again badgering the witness with statements rather than questions.

The CHAIR: It's true. I uphold the point of order. Mr Fang, if you want good answers, please allow the witness the time to answer, without continually talking over the top of the Minister and interjecting. It's much better for the Committee. It's also very difficult for Hansard to keep up.

The Hon. WES FANG: I apologise to Hansard.

The CHAIR: Thank you for your apology. Noted. Minister, you were saying?

Mr DAVID HARRIS: To make it clear, I have to be confident that the board is complying with the legislation. If they're not, then I have the power to intervene, which I did in calling for the Drake report. But in this case, they've followed a process, they've received a report, they are consulting with the affected people, and so they are not going outside the boundaries of what they're supposed to be doing. You can read the legislation and find the part if you think I'm wrong that says that I can tell an independent board about how they should engage in operational issues.

The Hon. SCOTT FARLOW: Minister, another one of the tracks which is slated for closure is in Broken Hill. Broken Hill City Council has written to you, inviting you to come out and have a look at their track and have a look at the impact on the community. Will you be going out to Broken Hill to do that?

Mr DAVID HARRIS: I'm not aware of that, but I will if I can. I would be acting improperly if I went to the board and said to them, "Don't close this one, close that one instead." That's not appropriate, and that is why this has gone on for all of these years where no decision gets made because of the politics. They have to make hard decisions, and I will back them to make those hard decisions as long as they've followed a process. They have followed a process. They have done nothing wrong. They are making those decisions, and I have to back them in otherwise they can never make a decision because they're always worried that the politicians are going to get on the phone and say, "Don't do this and don't do that."

The Hon. SCOTT FARLOW: Minister, while you can skate away from any culpability when it comes to these ones, when it comes to Wentworth Park, however, this is a decision of the State Government with respect to the closure of Wentworth Park.

Mr DAVID HARRIS: Correct.

The Hon. SCOTT FARLOW: Minister, Steve Griffin has described the compensation offer that has been made by the New South Wales Government as bordering on extortion. How do you justify making a \$10 million grant for country tracks conditional on the industry forgiving a \$6.5 million debt that's owed by a government trust?

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Mr DAVID HARRIS: This is a matter for Minister Kamper, not for me as the racing Minister. But what I will say is this: There's \$11.8 million sitting in the account to upgrade tracks, and so with this additional \$10 million, that makes \$21.8 million in total of State Government money to go towards upgrading tracks. It has taken Greyhound Racing NSW seven years to spend the \$18 million. I was particularly critical that they were taking too long to spend the additional. I've had to go back and argue twice that they be allowed to keep the money that was allocated, or that the Government keep the fund that they're drawing on, because they hadn't spent it. Treasury rightly asked, "If they're not spending the money, why is it there?" This is \$10 million on top of that.

In terms of the loan, whilst I think it's generally recognised there was a loan, we've done a search through the department, Crown Lands did a search, Greyhound Racing NSW did a search, and there is no loan contract and no documentation. We reported that to the Public Accounts Committee. In terms of that liability, there's actually no documentary evidence of what that liability is, the terms and all of those sorts of things. The \$10 million is not compensation; it's a transitional fund. Participants were telling us, and they were telling me—and I know they told Minister Kamper the same things—that they knew a few years ago that they probably wouldn't be continuing at Wentworth Park. I asked for heat maps of where participants are. Participants are on the edge of Sydney and so, therefore, there was great support for, for example, Richmond to be the main track. Some people talked about Camden as a possible place for another one.

The Hon. MARK LATHAM: In the flood zone.

Mr DAVID HARRIS: Yes.

The Hon. MARK LATHAM: Cawdor Road.

Mr DAVID HARRIS: Greyhound Racing NSW had a great penchant for purchasing land in flood zones.

The Hon. MARK LATHAM: They're doing it again.

Mr DAVID HARRIS: The former CEO is not here anymore, so we can't ask him that.

The Hon. SCOTT FARLOW: Can't ask the current one either.

Mr DAVID HARRIS: The issue is that that \$10 million was on top of the \$11.8 million that's still in the fund for transition, and I think there was acceptance. Participants were saying it was actually costing them too much to come into Wentworth Park. Fields were starting to reduce—and I'll be corrected on that—and that was causing a problem. A lot of people have fed back—and I've read the social media and a whole lot of other places—that Greyhound Racing NSW has known this was coming for a long time and just stuck its head in the sand. You can take that how it is, but that's what participants themselves have been feeding back. Should they have a metropolitan place to meet? Maybe Richmond's the answer to that, but that's not my decision. That's an operational issue for Greyhound Racing NSW.

The Hon. SCOTT FARLOW: So you believe that the \$10 million is adequate?

Mr DAVID HARRIS: I'm saying that was the money that was put forward. It wasn't inside my portfolio. That may be a question for Minister Kamper.

The Hon. SCOTT FARLOW: But as the Minister who has responsibility for racing in New South Wales, wouldn't you be advocating on behalf of participants in the sport?

Mr DAVID HARRIS: I did. They got money. There's \$11.8 million, so now there's \$21.8 million to get tracks up to what the minimum standards will be when that standard is set, and there are still a few months to go for that to occur. They have until midyear to have those minimum standards. They've then got 12 months to get those tracks up to minimum standard. There is \$21.8 million in the kitty, and they hadn't spent all of the original 30. Giving more money doesn't necessarily improve the outcome in terms of what the money is for.

The Hon. SCOTT FARLOW: Do you believe that \$21.8 million is sufficient to upgrade all the tracks to minimum standards within 12 months?

Mr DAVID HARRIS: What we expect is that business cases for each of the tracks are put forward. Of course, if more are required, then future government—because it will be after the next election—will have to make a decision around that.

The Hon. SCOTT FARLOW: So you're opening the door to more money potentially being—

Mr DAVID HARRIS: No, what I'm saying is there's \$21.8 million to do the work. In seven years they didn't spend that much money, so there probably is enough. But I'm not going to sit here and say that maybe there's some unforeseen circumstances or something that may mean that it needs to be re-looked at in the future. That

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would be silly. But, at the moment, there are sufficient funds to do what needs to be done given, in the previous seven years, they only spent \$18 million.

The Hon. SCOTT FARLOW: Before the announcement was made by the Government, what consultation was undertaken with Greyhound Racing NSW and the NSW Greyhound Breeders, Owners and Trainers Association?

Mr DAVID HARRIS: I understand that there were meetings between the Premier's Department and with Crown Lands. There was some advocacy towards us. I have to say—I don't want to verbal anyone, but it was sort of indicated to us that there was an expectation that the lease wouldn't be extended, so I don't think it was any great surprise. There had been a plan for that area put out by the previous Government that had been on the public record for a while. As I said, participants were feeding back that going to Wentworth Park was becoming an issue and that they may have to look at alternatives. So the industry was sort of thinking that way as well. I don't think there's any great surprise. I expect, though, that Greyhound Racing NSW would be strong advocates in terms of wanting more money. I think that's part of their role. But there's \$21.8 million on the table for track upgrades. Let's see how that goes when it took seven years to spend \$18 million.

The Hon. SCOTT FARLOW: With respect to another area within your Gaming and Racing portfolio, has the Hazzard review been completed yet?

Mr DAVID HARRIS: I think he's in the final stages. I'm due to get it about mid-year.

The Hon. SCOTT FARLOW: Will you be making that report public upon its arrival?

Mr DAVID HARRIS: Yes.

The Hon. SCOTT FARLOW: If any redactions are proposed, will they be determined by you or your office?

Mr DAVID HARRIS: No, it's an independent—so that would be by Mr Hazzard and his secretariat. I think it's fair to say that Mr Hazzard has been very thorough. He's spoken to everybody.

The Hon. SCOTT FARLOW: He's that kind of individual, yes.

Mr DAVID HARRIS: He's gone to Queensland. He's gone to Victoria. He's got a difficult task now in probably two things. One is it's actually a statutory review, so it's about the legislation itself and how the legislation might be changed or reviewed. However, in a conversation with him, he's also picked up a lot of other thoughts and opinions about the industry and how the industry is run. He may want to deal with that as part of his report as well.

The Hon. SCOTT FARLOW: One of those things he might have picked up were the funding arrangements when it comes to the club. That wasn't part of the terms of reference for the review.

Mr DAVID HARRIS: No, because that's not set out in that legislation.

The Hon. SCOTT FARLOW: But, if he were to have picked that up, will that be able to be captured as part of that review or will that be deliberately excluded?

Mr DAVID HARRIS: Again, the Racing NSW board is independent and they're responsible for operational issues. It might be, in a sense, like the Drake report where there are some things that a government and legislation can deal with and other things that would have to be referred to the board for their consideration in terms of their operation. I don't want to predict what he might put in his final report but I would say that, if he's picking up strong signals about certain issues, then they would be worthy of the board to consider.

The Hon. EMMA HURST: My understanding is that on 20 February GWIC had a disciplinary meeting regarding CCTV footage and allegations that the president of Dubbo Greyhound Racing Club was beating a greyhound calling Terry Keeping. Are you able to give us an update on the outcome of that disciplinary meeting?

Mr DAVID HARRIS: I might hand over to Mr Tutt.

The Hon. EMMA HURST: I might go to him in the afternoon.

Mr DAVID HARRIS: But I am aware of the incident.

The Hon. EMMA HURST: Are you aware of the outcome of the disciplinary meeting?

Mr DAVID HARRIS: No.

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

MATTHEW TUTT: It's adjourned.

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Mr DAVID HARRIS: It's adjourned. It hasn't had an outcome.

The Hon. EMMA HURST: So there's no outcome?

Mr DAVID HARRIS: Not yet.

The Hon. EMMA HURST: Are you aware of new allegations that Mr Stiff beat a 15-year-old boy at Dubbo racetrack on 14 February?

Mr DAVID HARRIS: I am not.

The Hon. EMMA HURST: Is GWIC aware of those allegations?

MATTHEW TUTT: Again, I'll take that on notice but, in relation to those other matters, as they're currently disciplinary processes we're not in a position to provide any commentary on them.

The Hon. EMMA HURST: If you could let me know this afternoon whether GWIC knows about these new allegations of the 15-year-old boy who was beaten by Mr Stiff on 14 February in Dubbo, that would be fantastic. There have been further concerns raised that Charmaine Roberts and Shayne Stiff have a dog called Sooty Keeping, who was awarded Greyhound of the Year.

The Hon. MARK LATHAM: They do—joint winner.

The Hon. EMMA HURST: The dog has returned a positive swab to a category A drug recently. Have you been informed of that?

Mr DAVID HARRIS: I have.

The Hon. EMMA HURST: Can you tell us any more about that?

The Hon. MARK LATHAM: It should be disqualified.

Mr DAVID HARRIS: It occurred in Queensland. It's the A swab, so I understand that Queensland—the regulator up there—is dealing with the issue. Because it didn't happen in New South Wales, we're sort of in the hands of the Queensland regulators.

The Hon. EMMA HURST: This particular individual, Mr Shayne Stiff, is currently under investigation, with CCTV footage of him beating a greyhound. In 2023 he was found guilty of providing a prohibited substance to a greyhound before a race. He's now looking at more charges around prohibited substances in regards to Sooty Keeping. In 2020 he was suspended for misconduct towards a club official and two stewards. In 1997 he was convicted of 11 counts of fraudulently obtaining gaming chips and two counts of larceny. He then didn't disclose that, when he applied for a bookkeeper's licence, he inappropriately had a bookkeeper's licence. When that was questioned by Greyhound Racing NSW, he lied to and was dishonest with them in regard to when he was found guilty of those charges. Should somebody like this be the president of Dubbo Greyhound Racing Club and are you aware of this particular individual's history?

Mr DAVID HARRIS: I've been aware of one of those incidents.

The Hon. EMMA HURST: Just one?

Mr DAVID HARRIS: Yes, which I actually don't think you mentioned—it was where he had abused a steward or someone at a racetrack.

The Hon. EMMA HURST: Yes, that was the situation in 2020 when he was suspended.

Mr DAVID HARRIS: My expectation would be that the regulator would look at that information and any other information and they would make an appropriate decision.

The Hon. EMMA HURST: Are you happy with this particular—hearing that background of concerns. We're talking about abuse of animals, drugging animals and human assault.

Mr DAVID HARRIS: If there's a pattern, then I would expect the regulator to be very hard on that individual.

The Hon. EMMA HURST: In the past few months, we've talked about Stephen Lambley, who has been accused of live baiting. That was on Channel 7. Martin Cini, who has a previous criminal record for bestiality-related offences—he still works at Richmond Racing Club. We've got Shayne Stiff, who reportedly assaulted a dog at Wentworth Park and a 15-year-old child at Dubbo racetrack. We've got Paul Van Gestel, who's the acting chief steward of GWIC, who was fined for using anabolic steroids on greyhounds. And we've got Steve Griffin—nicknamed "Handsy"—the CEO of Greyhound Racing NSW, with accusations of sexual harassment.

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Mr DAVID HARRIS: Which he denies.

The Hon. EMMA HURST: Sure, but we've also got a lot of evidence that these allegations are true. This is a long list of concerns within this industry. What are you doing to deal with this?

Mr DAVID HARRIS: Society has individuals who act improperly across the whole of society.

The Hon. EMMA HURST: But these are people in positions of power.

Mr DAVID HARRIS: That doesn't mean that everybody in the industry or the group—so sometimes we'll have teachers or police who act improperly. It's right across society.

The Hon. MARK LATHAM: Politicians before the courts.

Mr DAVID HARRIS: You don't shut down the whole of an industry and penalise every participant because some people can't do the right thing.

The Hon. EMMA HURST: But we're talking about the president of the Dubbo racing club—

Mr DAVID HARRIS: He's being dealt with under the rules.

The Hon. EMMA HURST: —we're talking about the CEO of Greyhound Racing NSW, we're talking about an acting chief steward for GWIC.

Mr DAVID HARRIS: There are processes in place to deal with these things.

The Hon. EMMA HURST: We're talking about animal abuse, sexual abuse of animals, drugging animals, live baiting, human assaults and sexual harassment, and you're saying there's nothing to see here?

Mr DAVID HARRIS: How many participants are there altogether in the industry?

MATTHEW TUTT: There are 4,600.

Mr DAVID HARRIS: There are 4,600 participants, plus all the people that are employed, plus all of the other things, and you've named seven people.

The Hon. EMMA HURST: In 10 minutes I don't have the time to list all the different accusations that I'm getting from different individuals.

Mr DAVID HARRIS: Some of those are historical.

The Hon. EMMA HURST: They're all active now and involved in the industry.

Mr DAVID HARRIS: As I said, you could make this case across society in general. There will always be individuals that are attracted to places and try to do the wrong thing, particularly when money is involved. The job of regulators—

The Hon. EMMA HURST: But when there are vulnerable animals involved, when children are being beaten, when animals are being beaten, when animals are being killed in these situations, when animals are being sexually assaulted, don't you think that that's a point where you need to actually step in?

Mr DAVID HARRIS: We have. That's why we have the regulator. These people, if they're found guilty, will face police charges.

The Hon. EMMA HURST: But these things are happening despite the fact that there's a regulator.

Mr DAVID HARRIS: I'm assuming some of these people have faced police charges.

The Hon. EMMA HURST: They're still involved in the industry, despite the fact that they have faced police charges.

Mr DAVID HARRIS: The expectation we have is we want people in the industry that are doing the right thing.

The Hon. EMMA HURST: Why haven't you kicked these people out of the industry?

Mr DAVID HARRIS: We have to follow the rules, so the regulator looks at these cases.

The Hon. EMMA HURST: But you make the rules.

Mr DAVID HARRIS: I don't understand the purpose of your question. The rules are there.

The Hon. EMMA HURST: You're saying that you need to follow the rules and therefore you can't kick out people who have been involved in sexual abuse of animals—

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Mr DAVID HARRIS: I expect they would be.

The Hon. EMMA HURST: —animal abuse, drugging animals, live baiting, human assault, sexual harassment. You're saying that we have to follow the rules, so they're allowed to stay in this industry?

Mr DAVID HARRIS: Some of the issues you describe are actually police issues. For example—

The Hon. EMMA HURST: No. My question isn't so much "What are the police doing about this?" I'm saying, why are you allowing these people to remain in this industry when they're clearly dangerous individuals?

Mr DAVID HARRIS: I don't think I'm allowing them to. We try to have rules to keep these people out.

The Hon. EMMA HURST: Maybe we need to review those rules if they're still in there.

Mr DAVID HARRIS: If you've got specific rules that you don't think are being enforced through the regulatory body, who really is—and police and other organisations. All of these things are subject to investigation. There are outcomes from the courts, and a whole range of things which we have to wait on.

The Hon. EMMA HURST: Minister, I might move on. We've talked a lot about the number of animals that have died in the US export program. However, I'm now looking at the number of dogs that have been injured. Off the top of your head, do you have the number of dogs that have been injured as part of the Aussie Mates in the States program?

Mr DAVID HARRIS: No.

The Hon. EMMA HURST: A greyhound with a grade 3 heart murmur was passed, even though there was flagging from veterinary advice to say that the dog flying long distance would be at risk. Would you be shocked to hear that the greyhound racing industry still approved that dog to fly?

Mr DAVID HARRIS: I can't comment on something I have no knowledge of. I'm happy to refer that to Greyhound Racing NSW, who oversees that program.

The Hon. EMMA HURST: A dog by the name of Ryder was sent overseas with a grade 3 to 4 heart murmur. Are you familiar with the case of Terry and Philippa, two dogs who were attacked by another dog after they arrived at LAX airport in August 2023?

Mr DAVID HARRIS: No.

The Hon. EMMA HURST: Are you aware of the case of Blackie, who had a panic attack and was biting so hard on the bars of the crate he broke off his canine teeth?

Mr DAVID HARRIS: No. As I said, we don't oversee that program.

The Hon. EMMA HURST: But, Minister, what you do oversee is the operating licence. A condition of the operating licence is that when there is a concern within the industry which could bring the industry into disrepute, they need to inform you of those cases immediately. Within a period of under six months there were 20 quite extreme injuries of dogs having their tails cut off—some of the examples I've just given you. Why are you not being updated on these?

Mr DAVID HARRIS: Under the new operating licence and the new powers of GWIC, they will have greater role in the rehoming program.

The Hon. EMMA HURST: So you're taking a step back in overseeing cases of animal cruelty that occur in the industry?

Mr DAVID HARRIS: Sorry?

The Hon. EMMA HURST: Are you taking a step back from overseeing cases of cruelty?

Mr DAVID HARRIS: No, we're giving GWIC more powers.

The Hon. EMMA HURST: But are you taking a step back from that?

Mr DAVID HARRIS: I don't understand.

The Hon. EMMA HURST: Under the operating licence, as I explained, the Minister needs to be informed if anything occurs that could bring the industry into disrepute. You're saying GWIC will oversee that. Does that mean that you will no longer oversee that? If these injuries are happening to these animals—

Mr DAVID HARRIS: I oversee that through GWIC, because they're the regulator.

The Hon. EMMA HURST: So why aren't you being informed of these cases of injuries?

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Mr DAVID HARRIS: Under the current situation, I don't think they have to inform GWIC because they're technically being retired.

The Hon. EMMA HURST: Aren't they still under the control of Greyhound Racing while they're being transferred into rehoming?

Mr DAVID HARRIS: It depends. That's what we're trying to fix.

The Hon. MARK LATHAM: Thank you, Minister, for your attendance today and ongoing support for various racing codes. In relation to the Hazzard review, which the Hon. Scott Farlow was asking about, if the Government were to adopt recommendations later in the year, are you committed to legislating the recommendations that you approve of prior to the next election? It's not going to be delayed indefinitely, is it? What's your intention?

Mr DAVID HARRIS: If possible. But there's a legislative schedule and it's whether or not we can fit it into that schedule. As you can imagine, as we're headed into—

The Hon. MARK LATHAM: If you can fit it in, would you like to act before the next election while you're still the Minister?

Mr DAVID HARRIS: Once we get the report, obviously there has to be discussion and consultation that's undertaken. Then any changes specific to legislation have to go to Parliamentary Counsel et cetera. If there are urgent things, we will try to put that in place. If not, then certainly we make a commitment to do that in the next term of government.

The Hon. MARK LATHAM: He's an old sparring partner of mine. I'll just pass on that around the industry, people are very happy with the way Brad Hazzard is conducting himself and his level of consultation.

Mr DAVID HARRIS: That's why I chose him.

The Hon. MARK LATHAM: Well done. I just thought I'd pass that feedback on. Minister, when did you first learn of the existence of the Kick Collective racing website?

Mr DAVID HARRIS: Which one?

The Hon. MARK LATHAM: The Kick Collective racing website. You've never heard of that?

Mr DAVID HARRIS: No.

The Hon. MARK LATHAM: Are you aware that the CEO of Racing NSW, Peter V'landys, is suing the Kick Collective racing website and its principal, Vicky Leonard, using a delegation from Racing NSW?

Mr DAVID HARRIS: I read about that in the media.

The Hon. MARK LATHAM: You read about it yesterday?

Mr DAVID HARRIS: I didn't know that's what it was called.

The Hon. MARK LATHAM: It's not *The Washington Post*. I'm not going to call it obscure, but it's not the *New York Times* either. It's not a website—

Mr DAVID HARRIS: I think she was a big advocate of the equestrian program.

The Hon. MARK LATHAM: She plays a wonderful role in putting out facts about animal welfare in horseracing and is generally a supporter of the industry in the right kind of way. She published an article about Mr V'landys that I thought was very even-handed. Others have said the same: He's done some good things but he is spending too much time on rugby league and has he been there too long? It's a view that the great Gai Waterhouse put at the Rosehill inquiry. For her troubles, she's now being sued, with Mr V'landys using a million-dollar delegation from Racing NSW, approved by the board. Is this something that you condone?

Mr DAVID HARRIS: Again, what they do is independent from me. I'm happy to ask them the question. That seems an awful amount of money, but—

The Hon. MARK LATHAM: Would you agree that a million dollars suing a fairly obscure racing website would be better used on country track upgrades and other useful purposes than indulging the egomania of Peter V'landys—that anyone who's got any criticism of him gets in the gun?

Mr DAVID HARRIS: Without commenting on that specifically, I do agree that \$1 million is a lot of money.

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The Hon. MARK LATHAM: So what are we going to do about it? When you didn't like a rogue vet report with Greyhound Racing NSW, you threatened to sack the board. What action are we going to take? Or is this something that would be covered by the Hazzard review?

Mr DAVID HARRIS: Yes, it may be. I haven't seen the Hazzard review, so I'm not 100 per cent sure about that.

The Hon. MARK LATHAM: It's been raised with him, the million-dollar delegation from the board. The problem with the board—and you've appointed two members recently—is they are good-time Charlies, solely interested in getting out there on the grog and the free food in the best box at Randwick and Rosehill—

Mr DAVID HARRIS: I don't think that's a fair characterisation.

The Hon. MARK LATHAM: —and entrust everything else to Mr V'landys.

The CHAIR: Order! Mr Latham, we have to avoid adverse mention of people—and Billbergia as well.

The Hon. WES FANG: It was a collective.

The CHAIR: I have to remind you about Billbergia and the board. I'm just reminding you of the—

The Hon. MARK LATHAM: It's a collective, and I'm just saying they're having a good time. They'd agree they're having a good time. Are you happy with the performance of the board of Racing NSW in this regard, delegating so much power to one person who's a part-time CEO, given his rugby league commitments and he's presently in Las Vegas?

Mr DAVID HARRIS: The members of the board are selected through an independent process. They go through probity checks and other things to make sure they're properly qualified. Then I nominate the people from the list that's provided as being—eligible, is that the word?

MELANIE HAWYES: Suitable.

Mr DAVID HARRIS: Suitable.

The Hon. MARK LATHAM: Why did you nominate David Tierney, who's a protégé and sycophant of Graham Richardson—he eulogised him at his funeral—given Graham Richardson's longstanding association with organised crime through Balmain Welding, White Bay engineering, Danny Casey, the Baldwin bashing, Offset Alpine printing, Rene Rivkin's Swiss bank accounts, Ron Medich, McGurk, the Marshall Islands affair, trading government secrets for sex and paying \$80,000 to get Eddie Obeid into Parliament? Is Tierney the sort of person who really should be anywhere near a racetrack in an official capacity?

Mr DAVID HARRIS: He went through the independent process and was one of the recommended people.

The Hon. MARK LATHAM: Were any of these probity matters raised, that he thinks all of this behaviour is worth eulogising at a funeral?

Mr DAVID HARRIS: That wouldn't come up necessarily in a probity report, I wouldn't have thought.

The Hon. MARK LATHAM: Sorry to speak ill of the dead, but he was a crook.

The CHAIR: Order!

Mr DAVID HARRIS: I can't comment on that. I didn't know him personally.

The Hon. MARK LATHAM: In regard to other racing matters, what role have you played in trying to reconcile the Racing NSW war with the Australian Turf Club? Again, profiting lawyers massively in this court case, rather than money going into actual racing facilities. Have you tried to sit the parties down and sort things out as the racing Minister?

Mr DAVID HARRIS: Not directly. It's not directly part of my role. I have been updated from both parties as we've gone, both in writing and verbally, on the stance of the two parties. But, again, it's very dangerous territory—that a Minister would get involved in operational issues. As long as I'm assured that they're following the proper processes in terms of determining these things—

The Hon. MARK LATHAM: Are you confident, given that the processes have landed in the Supreme Court?

Mr DAVID HARRIS: I think that it was inevitable that that was going to happen. But down in Victoria all the clubs are in court as well.

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The Hon. MARK LATHAM: It's an embarrassment for racing. As racing Minister, would you try and overcome this massive embarrassment and waste of resources for racing?

Mr DAVID HARRIS: As much as I can but, as I said, I don't have direct—I can't tell anyone to do anything.

The Hon. MARK LATHAM: I know, but would you consider bringing the parties in, V'landys and Tim Hale, and trying to get a reconciliation so this money doesn't go to barristers but goes to country racetracks and other facilities? Warwick Farm?

Mr DAVID HARRIS: I'd have to take advice on whether that is appropriate or not.

The Hon. MARK LATHAM: Minister, are you confident that GWIC abides by all the laws of New South Wales?

Mr DAVID HARRIS: Yes, I assume so. I haven't been shown—

The Hon. MARK LATHAM: Do you believe they should abide by the sex discrimination laws of New South Wales?

Mr DAVID HARRIS: Yes. No-one's indicated to me to the contrary.

The Hon. MARK LATHAM: Are you aware of a case of a female trainer at Gunning who's being persecuted by GWIC for the sins of her partner, her male partner?

Mr DAVID HARRIS: No.

The Hon. MARK LATHAM: Mr Tutt?

MATTHEW TUTT: Look, in relation to that particular matter, it's currently subject to a Racing Appeals Tribunal hearing, so—

The Hon. MARK LATHAM: Why are you punishing a woman for the sins of her male partner?

MATTHEW TUTT: We can't comment. Just in relation to that, that matter is currently before the Racing Appeals Tribunal.

The Hon. MARK LATHAM: Why has it gone anywhere? You must be aware of the longstanding, famous case of Gai Waterhouse who was denied a trainer's licence by the AGC because of the alleged sins of Robbie Waterhouse. Why are you repeating that historic failure—

MATTHEW TUTT: It's not the case—

The Hon. MARK LATHAM: —going back to the dinosaur era where a woman is punished for the sins of her partner?

MATTHEW TUTT: Again, that is certainly not the case. As I said, that particular matter is before the Racing Appeals Tribunal, and that is the right forum for that matter to be determined.

The Hon. MARK LATHAM: Are you confident that they're actually after her, or the male partner?

MATTHEW TUTT: Again, in relation to that applicant for registration, that matter has been determined by the commission and that person has availed themselves of the opportunity to go to the Racing Appeals Tribunal.

The Hon. MARK LATHAM: That's a cop-out, isn't it?

MATTHEW TUTT: That's where the matter is going to be heard and determined. That's the appropriate place.

The Hon. MARK LATHAM: Do you follow the sex discrimination laws in New South Wales?

MATTHEW TUTT: We do.

The Hon. MARK LATHAM: Are you aware of this?

MATTHEW TUTT: The commission follows all the legislation that it's required to follow in New South Wales. As I said that matter will be heard—

The Hon. MARK LATHAM: Are you aware of the Gai Waterhouse precedent?

MATTHEW TUTT: It's a long time ago. I know there was a question on notice from yourself in relation to that. We've responded. We're aware of all those matters.

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The Hon. MARK LATHAM: Minister, fortunately we've got the head of Greyhound Racing NSW here—although the great Wade McInerney is his representative in the gallery and possibly could be sworn in after lunch. Are you aware of Greyhound Racing NSW wasting money on the Apollo Communications consultancy headed by Adam Connelly, the partner of the Leader of the Opposition—and that's just by the way. But the main point is that Connelly is a woke Liberal who would have supported the Mike Baird ban on greyhound racing. Why would we be funding people who supported the ban on greyhound racing under the Baird regime?

Mr DAVID HARRIS: One, I'm not aware of it, and, two, that's an operational matter for Greyhound Racing NSW.

The Hon. MARK LATHAM: Can you take it on notice and try and get an answer from Greyhound Racing NSW?

Mr DAVID HARRIS: Yes, we can certainly ask the question.

The Hon. MARK LATHAM: I think participants expect that if we pay money to people at least they would support the industry.

Mr DAVID HARRIS: I'm not sure we'll ask it in exactly those terms, but we can ask the question.

The Hon. MARK LATHAM: You were there on the night. Can we find out from Greyhound Racing NSW how much they pay Tedesco and Moses, the rugby league players, to be ambassadors and why they showed such disrespect on the awards night of leaving straightaway after they presented their awards? Wouldn't that money be better off going to the young disabled fellow from Casino, who I think deserves a lot more support than these millionaire footy players who walk in and walk out of these functions not really caring about the participants and the awards, the major awards, later in the night, including greyhound of the year?

Mr DAVID HARRIS: We can ask the question.

The Hon. MARK LATHAM: You can ask the question. Given the impending disqualification for Sooty Keeping, do you believe the award should now go solely to the great Power and Glory?

Mr DAVID HARRIS: That's an operational issue for Greyhound Racing NSW, but I would assume if there's—

The Hon. MARK LATHAM: A drugged dog shouldn't be eligible, should it?

Mr DAVID HARRIS: I would agree with that.

The Hon. MARK LATHAM: You agree with that. Thank you, Minister.

The Hon. SCOTT FARLOW: Minister, you must be very excited, as the Minister for Central Coast, at the prospect of high-speed rail.

Mr DAVID HARRIS: Yes, always. It's been around a long time.

The Hon. SCOTT FARLOW: It has been around a long time. I suspect, Minister, that you may share some of the scepticism that many of us do when it comes to the high-speed rail announcement.

Mr DAVID HARRIS: Certainly not—said with great sarcasm.

The Hon. SCOTT FARLOW: With the Premier saying—and, I believe, reported today—that it could be built, it doesn't sound like a ringing endorsement. One of the plots that's looked at is a stop on the Central Coast as part of the High Speed Rail Authority. There's no specialisation as to where that location will be—Gosford, Tuggerah or Wyong. Have you got any ideas, bids or reservations for where you think a high-speed rail station should be on the Central Coast?

Mr DAVID HARRIS: In my 20 years in politics, there have been many potential sites. Tuggerah has been talked about. Warnervale was talked about at one stage. They're both in my electorate.

Ms SUE HIGGINSON: Ourimbah.

Mr DAVID HARRIS: I think if it was Ourimbah, it'd probably be in the State forest, because I don't know that there's any room down the bottom.

Ms SUE HIGGINSON: That's going to be a national park, surely.

Mr DAVID HARRIS: They've talked about Somersby. As part of the consultation and the detailed planning work, they will choose the right place. I remember Kerry Chikarovski was representing a group that was talking about the Somersby plateau and a big uplift a few years ago, but that proposal disappeared as well. There has been lots of talk about it. I think the community, rightly, is a little bit cynical. They sort of feed back that

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they'll believe it when they see it. If it stacks up financially and the Central Coast has a stop, which I think would be very important, then I certainly wouldn't be against it, but let's see where it goes.

The Hon. SCOTT FARLOW: But you're not doing anything for it at the moment. Thank you, Minister.

The CHAIR: Just a question from me before we have a break, in the absence of questions from the Government: Australia recorded 33 First Nations deaths in custody in 2024-25, the highest since records began in 1979-80. In New South Wales specifically, the Coroner confirmed 12 Aboriginal deaths in custody in 2025, the highest annual number recorded in the State. How does the Government justify police shutting down a peaceful rally about deaths in custody at the very moment that New South Wales is recording the highest number of Aboriginal deaths in custody in its history?

Mr DAVID HARRIS: A large part of that is actually outside of my direct ministerial control. What I have done is, in terms of when the Coroner released that report, I spoke to Minister Chanthivong and to Corrections and got a breakdown of those particular deaths that had been recorded and how they occurred. Some are still under coronial investigation. The Government—all my colleagues—believes that one death is too many. There is a review being done by Corrections. This was part of the briefing that I received, which will come out very shortly, which is looking at this particular issue that Corrections has undertaken. I'll be very keen to make sure that any recommendations that come from that report are implemented.

The CHAIR: I appreciate that, in relation to the issue of deaths in custody. I accept what you're saying. But do you accept that restricting a rally about deaths in the custody risks deepening mistrust amongst First Nations people at this time?

Mr DAVID HARRIS: My only understanding in terms of that particular rally—and if we're talking about the same one, it may have been Hyde Park—is that the police negotiated with the organisers to not march. That was done through agreement. But also we made sure—and I advocated—that on Australia Day, the march that was undertaken was allowed to continue on the route that was agreed. That went off without incident and the police acted very well in support. I was actually at Yabun when the march arrived. It was very well attended and, under the direction of police, went off without incident. As a government—I think we've said this—we support people's rights to protest. Because of other incidents that have happened, including mainly Bondi, there were specific restrictions in place. That was designed to calm the city down, if you like.

Ms SUE HIGGINSON: It didn't work, did it?

The CHAIR: Order!

Mr DAVID HARRIS: You can have views on that. Certainly, the police have tried to act in the best interests of people, in consultation with those particular people in terms of the Aboriginal rally that took place and the subsequent march on Australia Day. Can I make one correction, as I always do? With five portfolios, my recollection of numbers is sometimes a little bit out. I overstated that there was \$21.8 million available for Greyhound Racing NSW after the offer of a \$10 million transitional fund. The figure is \$21.322 million.

The CHAIR: You just stripped out half a million dollars straightaway.

Mr DAVID HARRIS: I apologise for that, and I correct the record.

The CHAIR: Thank you for that apology and that correction. In the absence of questions from the Government, we will have a recess and be back at 11.15 a.m. for more grilling.

(Short adjournment)

The CHAIR: The time being 11.15 a.m., we will recommence with questions from the Opposition.

The Hon. SCOTT FARLOW: Data from Liquor and Gaming NSW shows that New South Wales gamblers lost \$2.45 billion in just 92 days during quarter three 2025. That's an 8.8 per cent increase on the same quarter of last year. Do you consider that an acceptable outcome under your watch?

Mr DAVID HARRIS: It's really interesting. We've gone back and had a look at the data on turnover through poker machines. I want to make it clear at the start—I know Mr Borsak is well aware of this—that turnover doesn't equal profit. There is actually the increased cost of running venues et cetera, employing people, food, beverages, all of those sorts of things. I always want to make clear that turnover in poker machines doesn't equate to profit directly for the industry. The other thing is that when I went back and had a look at the figures over time—and this is data that's available online—the current turnover revenue from machines is actually roughly equal to what it was in 2005. During that period there was a slight drop-off, but it's sort of returning to historical levels. When you have a look at gaming machines—and that's adjusted for inflation.

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The Hon. SCOTT FARLOW: But that's 8.8 per cent above what it was a year preceding, isn't it?

Mr DAVID HARRIS: Yes, but you can't take one year or one quarter alone; you have to look at trends. What we're doing is we're looking at reform, some of which we've already put in place, which has been quite extensive, at great cost to the industry. A lot of that is only new, and so it will take time for that to start to manifest itself in the way that people behave when they're interacting with machines. But the other side of it we're doing—and I did note the very promising comments from the Opposition leader—is there is new technology. And we have not stopped since the trial. We've actually been continuing the trial. In fact, I've just signed off on a further extension, plus a new sandbox to trial the use of facial recognition and AI on a machine-based basis. What we're calling that is identified play.

If you have a look at the industry over 30 years, there has been pretty much no major reform. What we're moving to now is a period where the next step will be significant reform, and so we have to get that right. We have to make sure that it does help those most vulnerable in the community. I don't think it's any great secret. We're looking at two things. One is first-person and third-party exclusion, which would be statewide. It would cover every venue. It would be a central database operated by the State. That would take the privacy and other pressures off venues that they currently have. People may remember the out-of-the-box incident where a former employee tried to blackmail certain venues by placing people's personal details on the internet from their membership details. This is something that we have to look at in terms of privacy and data security.

But also, we've been monitoring other events in the community. Most recently, it was the determination by the court in favour of Bunnings in terms of facial recognition use. The new technology is based around facial recognition and AI so that we could actually run a statewide system, not a venue by venue, which is, "You get banned from this one; you walk down the road." This would be that if you get banned from a venue, then you're banned from every venue in New South Wales. Part of that is we need significant ways for people to appeal because we've also got to protect individuals' rights as well. This is complex. It's the biggest change in 30 years. We have to get it right. We have a trial out at Wallacia with Konami and—the name of the company?

The Hon. ROBERT BORSAK: Aristocrat.

Mr DAVID HARRIS: No.

TAREK BARAKAT: I'll have to take it on notice, Minister. I can't remember.

Mr DAVID HARRIS: Xailient. They have a device which is about this big, which is a motherboard with a little camera on it, and that links into a network. When you sit down at the machine, it recognises your face. That's what we're calling identified play. There would be a membership mixed with that. It could be a mixed environment where there is cash and cashless—and there are limits being placed, I think. But in New South Wales, we've been well behind the eight ball because we have only one-way communication at the moment, from the machines back to the centre. The new system that we look at has to be two-way communication. Victoria already has it, so there are a whole lot of upgrades we need to do. We're working through those processes.

If we go out and choose the wrong technology, we could spend—the Government could spend, and venues could spend—an awful lot of money and it be redundant in a very short amount of time. The answers are there. We're well on track to implement some of those strategies, if you like, on top of the other things we've done, which includes putting in responsible gaming officers, having those gaming registers in venues, moving ATMs, removing signage. All of those things will impact in the longer term on individuals' behaviour. We don't apologise for taking our time. We understand that there are people that need additional assistance, and we've just approved to go out to tender for the contracts for the next lot of GambleAware.

TAREK BARAKAT: Yes, we're in the final stages of procuring those providers.

Mr DAVID HARRIS: We're looking at making sure that those services are in place. But the technology mix and the next step, which is going to be hugely expensive, has to be the right one. Take carded play. If you look at the other States, they said they were going to do things—Victoria, for example—and then they pulled back because there are issues with carded play. If New South Wales went down that—and I know that the previous Government, with the best of intentions, said that was the way to go because that's what people knew at the time. But that has been absolutely superseded. The Opposition leader, in her statement, recognised that there are new technologies. I think we're obliged to make sure that, after 30 years, we get the next 30 years—hopefully plus—right.

The Hon. SCOTT FARLOW: Minister, with these reforms in place that you're outlining, would \$26 million a day still be an acceptable amount for people to be losing on the poker machines?

Mr DAVID HARRIS: Again, you have to take it into context. Whilst those figures are confronting—and, absolutely, they are confronting—in New South Wales and in Australia, we have a free country. People are able

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to choose how they spend their money. I asked the question: At a time when there's a cost-of-living crisis, why are the numbers going up? It's not actually more people playing. The people are spending more. We've done a lot of analysis on this. The answer back is that, across the economy, there are certain parts of the economy that have more disposable income at the moment for a range of reasons. They may not have a mortgage, or they may not be paying rent. The biggest group of players is 18- to 24-year-olds. They may be living at home. Therefore, that may account for why there's an increase in spending. We do a lot of analysis. The department and the Office of Responsible Gambling are looking at all of these issues to understand why the behaviour is. If people's view is that poker machines are bad and nobody should play them, that's a view you can have. That's not the view we have. We think responsible adults can choose the way they spend their money on entertainment.

The Hon. SCOTT FARLOW: Minister, one of those areas—Canterbury-Bankstown alone—had \$202.7 million in losses in a single quarter. Do you think that's because people have got more disposable income in that area to be able to spend on poker machines, or do you think it shows a problem with gambling in that area?

Mr DAVID HARRIS: It could be both. The two things could be true at the same time. This is the issue. It's very complex. If you just look at headline figures, it doesn't tell the whole story. There are a whole lot of other things going on that, unless you actually understand that—

The Hon. SCOTT FARLOW: To that point, Minister, what are you doing to understand that? What are you doing to understand that in Canterbury-Bankstown?

Mr DAVID HARRIS: We're talking to industry. I went out to the Canterbury League Club and met with the board there. We had a discussion about what they've got in place. They are actually quite advanced. I think ILGA even went out there and were quite impressed—I don't want to verbal you, but I think that was your wording—with the culture they had at that particular club in terms of harm minimisation support. So headline figures—

The Hon. SCOTT FARLOW: But I'm not talking about one club here. I'm talking about a whole local government area in the Canterbury-Bankstown area. Are you doing any work to try and understand why that area is leading the charge?

Mr DAVID HARRIS: Maybe not specifically that area. The whole thing is that, when the casinos had to change their business model, people who may have gone there may be going to a different venue. There's a whole range of reasons why different venues. We did an audit and we did find that some venues were doing the wrong thing, and they've been very heavily penalised for that. That's one of the things we're doing. If we find that people actually aren't putting in place the expectation we have, then there are consequences. The industry knows that and they're actually being subject—I think I'm right in saying we've increased the number of audits.

TAREK BARAKAT: Off the back of the Audit Office report, we accepted a recommendation to increase our focus on harm minimisation. We've recently—and it's publicly available—republished our strategy for 2026-28 and our regulatory priorities. They clearly outline our enduring priorities plus key focus areas for this year. One of our enduring priorities is absolutely minimising rates of harm. I have some statistics here about gambling rates of harm across the State from the NSW Gambling Survey, which I'm happy to talk to now or we can come back to this afternoon.

The Hon. SCOTT FARLOW: I might come back to it this afternoon. Minister, with respect to poker machines across New South Wales, how many additional are there since you've come to government?

Mr DAVID HARRIS: Again, you have to make sure you're getting the data right. In New South Wales we have entitlements. An entitlement allows you to have a poker machine. In terms of the number of entitlements, that has reduced. There were some venues for different reasons—one was COVID and one might be that they're doing renovations et cetera and so they weren't actually out on the floor. The actual number of machines fluctuates from time to time, but the number of entitlements has reduced.

The Hon. SCOTT FARLOW: In terms of the machines, though, when you came into government in March 2023 to now, what's the increase in the number of machines that are actually out on the floor?

Mr DAVID HARRIS: We would have to take that on notice. Do you have the figures, Mr Barakat?

TAREK BARAKAT: I've got financial year figures. In financial year 2022-23, there were 87,328 machines. As at 1 February this year, there are 87,965 machines.

The Hon. WES FANG: Minister, Mr Latham raised the issue about Racing NSW taking defamation action previously. Have you requested a written brief from the board of Racing NSW in relation to that expenditure?

Mr DAVID HARRIS: No, I said that we would do that after Mr Latham asked the question.

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The Hon. WES FANG: So you have not spoken to anybody at Racing NSW about the appropriateness of taking that action?

Mr DAVID HARRIS: No.

The Hon. WES FANG: You don't think that it's appropriate that the Minister for Gaming and Racing in New South Wales might speak to Racing NSW about commencing defamation action for an article that was critical about the time allocation of the CEO?

Mr DAVID HARRIS: I explained to you before, Mr Fang, about independence. They don't have to consult with me before they do that. That's a decision of the board.

The Hon. WES FANG: In those circumstances, then, Minister, what you do have is the power to review and create an inquiry into the operation and conduct of Racing NSW. Do you think it's appropriate for Racing NSW to conduct themselves in that way? If not, do you think you need to implement a review in relation to the way that Racing NSW has launched defamation action against somebody for writing an article that's critical about the CEO's time allocation?

Mr DAVID HARRIS: We'll have to take legal advice on that. But we have started a review. It's the Thoroughbred Racing Act review. We've allowed Mr Hazzard to, as well as looking at legislation specifically, have conversations about other issues that might be concerning the industry.

The Hon. WES FANG: Will you ensure that the issue is raised with Mr Hazzard so that it becomes part of the inquiry and not something that may fall outside the terms of reference? If it's not inside the terms of reference, will you amend them to ensure that it does?

Mr DAVID HARRIS: The terms of reference say "any other matters", so not much falls outside the terms of reference.

The Hon. WES FANG: Do you think it needs a parliamentary inquiry into Racing NSW?

Mr DAVID HARRIS: This is the problem. In our racing codes—and just through the questions you can see the different conflict that happens. Lots of people involved in the industries have a lot of opinions. Their opinion isn't necessarily wrong, but it may not be the same opinion as what the different code organisation is doing. You can have an inquiry, but all you're going to do is you're going to get lots of people's opinions. It doesn't mean they're doing the wrong thing. It just means that people think they should be doing it differently.

The Hon. WES FANG: Minister, I don't know what sort of inquiries you run but, when I run inquiries or I'm involved in inquiries, we get facts, we get figures, we get recommendations and we get findings. This is not about opinions. This is about understanding the expenditure and the operation of Racing NSW. Will you support a parliamentary inquiry into this matter?

Mr DAVID HARRIS: No, because there's an inquiry underway. A statutory inquiry—

The Hon. WES FANG: That's all right. You've said no. That's fine.

Mr DAVID HARRIS: We would be having an inquiry of the inquiry. Let's see what Brad Hazzard says and then have a discussion after that.

The Hon. WES FANG: We'll do that. In terms of Mr V'landys himself, what is the CEO of Racing NSW agreed time that he committed to Racing NSW and what does he expend on other roles that he may hold?

Mr DAVID HARRIS: That's an operational issue for Racing NSW.

The Hon. WES FANG: You have no position?

Mr DAVID HARRIS: I have no jurisdiction in that area. It's up to the board and Mr V'landys to negotiate his work contract.

The Hon. WES FANG: We've just spoken about opinions. Do you have an opinion on it, Minister?

Mr DAVID HARRIS: No, because Ministers have to make sure that—I have opinions on a lot of things, but it's not my role to have an opinion. My role is to say whether they are following the legislation. If they are, then we've got no power to intervene.

The Hon. WES FANG: In circumstances where you might have an opinion but you're not prepared to provide it, do you understand or know if Racing NSW has a conflict of commitment management measure in place with Mr V'landys to make sure that his time is appropriately—

Mr DAVID HARRIS: No idea. It's an operational issue for the board.

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The Hon. WES FANG: Minister, do you just outsource all your decision-making?

Mr DAVID HARRIS: No, I follow the law.

The Hon. WES FANG: This is ridiculous—"It's not my responsibility. It's another Minister's responsibility." What do you do?

The Hon. CAMERON MURPHY: Point of order: Chair, unfortunately, we seem to be back in this situation where Mr Fang is just berating the witness instead of asking questions. He's talking over the top of the witness—

The Hon. WES FANG: I'm asking lots of questions. I'm just not getting many answers.

The Hon. CAMERON MURPHY: —with statements filled with invective, and he should stop.

Mr DAVID HARRIS: I'm answering all your questions.

The CHAIR: Yes, I uphold the point of order. Please assist me, Minister. That doesn't help. Mr Fang, you've been warned a couple of times. Just ask your question and avoid interjecting, if you can. I know you're into your second Pasito at the moment and so it's harder.

The Hon. WES FANG: It is a sugar-free one, Chair.

The Hon. SCOTT FARLOW: There's no caffeine in there.

The Hon. WES FANG: Yes, it's caffeine free. It's like water.

The CHAIR: If you can avoid interjecting, it will help and then we'll avoid the circumstance where I'm calling you to order for the second time.

The Hon. WES FANG: All purchased on my own dollar, I might add, Chair.

Mr DAVID HARRIS: Can I say, if I were to move outside my purview, as it has been described to me—and I do seek legal advice on many of these issues—then you could rightly be sitting here criticising me for political interference in independent bodies. You can't have it both ways. That might have been the way the previous Government did business, but it's not the way I do business. That's your assessment of the role of the Minister.

The Hon. WES FANG: You can cast aspersions all you like, Minister.

Mr DAVID HARRIS: I'm not. You cast aspersions.

The Hon. WES FANG: Ultimately, the fact that you are a hands-off Minister is for you to answer.

Mr DAVID HARRIS: I'm not.

The Hon. WES FANG: The question I'm going to ask you now is what policies and approvals govern the use of Racing NSW premises, hospitality and media-facing events and where do the records show who was being hosted at these facilities in the past 12 months?

TAREK BARAKAT: These are matters for Racing NSW, Mr Fang. The Minister's role is limited. The legislation establishes Racing NSW to be separate to and not under the direction of the Minister or the Crown. We would expect that Racing NSW has policies and procedures in place, but whether or not they do is not something that we're in control of.

The Hon. WES FANG: You would expect that Racing NSW has policies and procedures in place, but it's not your business if they're there or not.

TAREK BARAKAT: That's correct.

The Hon. WES FANG: Do you think that's a bit ridiculous to say that you expect them to do something, but whether they do it or not doesn't concern you?

Mr DAVID HARRIS: You guys were in government for 12 years and you didn't change the legislation.

The Hon. WES FANG: It doesn't really concern you. Minister, you're the Minister now. This is another problem with this Minns Labor Government.

Mr DAVID HARRIS: It's only a problem when you're in opposition.

The Hon. WES FANG: You obfuscate every single issue.

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The Hon. ANTHONY D'ADAM: Point of order: There is an understanding that witnesses should be treated with respect. Pointing and yelling is not appropriate.

The CHAIR: I uphold that point of order and I call you to order for the second time, Mr Fang. I do so because—

The Hon. WES FANG: You are running cover for the Government.

The CHAIR: Order!

The Hon. ANTHONY D'ADAM: Point of order: The Hon. Wes Fang has just cavilled with the Chair's ruling.

The CHAIR: I can deal with that myself. You have just cavilled with my ruling. You have cast an aspersion on me, an independent Chair. I ask you to withdraw that or I'll call you to order for the third time. Make a choice, right now. Withdraw it or I'll call you to order for the third time.

The Hon. WES FANG: That seems somewhat disappointing, Chair, that you would—

The CHAIR: You're cavilling with my ruling again. You're on the clock. Withdraw or I'll call you to order and then we'll go into deliberative.

The Hon. WES FANG: For the benefit of the Committee, I will withdraw.

The CHAIR: Thank you, and you are called to order for the second time.

The Hon. WES FANG: Yes, you already said that. Minister, on what basis did the board approve the recent extension of the contract of the CEO of Racing NSW? Did you seek any advice about alternatives to that position prior to the extension? It's a matter for Racing NSW, is it?

Mr DAVID HARRIS: When did it get extended?

TAREK BARAKAT: The employer of the CEO of Racing NSW is the board of Racing NSW.

The Hon. WES FANG: Yes, hands off again. Hands off. Got it.

Mr DAVID HARRIS: You're asking me, Mr Fang, to operate improperly, which I think it pretty outrageous.

The Hon. WES FANG: No, I'm just asking you to do something, Minister, in your portfolios instead of being hands off all the time.

The CHAIR: Thank you for that, Mr Fang.

The Hon. WES FANG: That's all. I think the people of New South Wales—

The CHAIR: Order! Mr Fang, please act with some grace and decorum.

Ms SUE HIGGINSON: Minister Sharpe yesterday confirmed what the Premier has earlier said, and that is that no-one in Cabinet opposed the post-Bondi anti-protest laws. As you've already acknowledged here in the this hearing, many Aboriginal people have reasons to protest often. Why didn't you defend their interests in Cabinet as the Minister responsible?

Mr DAVID HARRIS: The right to a static process is still available. The right to march has to go through a process. It's not banned per se, unless—

Ms SUE HIGGINSON: I understand that. I'm asking—

Mr DAVID HARRIS: I'm not sure what you're asking, then.

Ms SUE HIGGINSON: Why, in Cabinet, did you not defend the rights of First Nations people to protest how they see fit, which is to march?

Mr DAVID HARRIS: Pretty much, in negotiation with the police, they can still protest.

Ms SUE HIGGINSON: I'm talking about in Cabinet, at that time when the Government was talking about laws to actually stop marching and protests.

Mr DAVID HARRIS: When it comes to public safety and the safety of people involved, the law allows for a static protest, and then the police—

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Ms SUE HIGGINSON: But you yourself recognise—and you've given evidence today that you went into bat after those laws came in around Invasion Day for the ability of the community, along with First Nations people, to march.

Mr DAVID HARRIS: Yes.

Ms SUE HIGGINSON: Do you accept that restricting the rally—

Mr DAVID HARRIS: And they were allowed to march.

Ms SUE HIGGINSON: They were allowed to march, that's right. What about the period when the laws were passed to that time in January?

Mr DAVID HARRIS: That's a matter for the police commissioner to decide on—public safety and a whole range of issues. He was looking at reviewing or extending the law. At that stage it was appropriate to advocate that, in this case—

Ms SUE HIGGINSON: You do know that as a consequence of not advocating for First Nations rights to protest in Cabinet—

Mr DAVID HARRIS: That's not true.

Ms SUE HIGGINSON: Did you, in Cabinet, advocate for the rights of First Nations people to—

Mr DAVID HARRIS: I can't talk about what we discuss in Cabinet.

Ms SUE HIGGINSON: It's clear that Chris Minns and Minister Sharpe have said that there was no opposition. Are you now telling us you did oppose those laws in Cabinet?

Mr DAVID HARRIS: No. Everyone in Cabinet supported the laws. There are different parts to the laws.

Ms SUE HIGGINSON: Do you recognise those laws shut down a peaceful protest that was about deaths in custody. It was in Hyde Park, where people wanted to march and couldn't? Do you recognise that?

Mr DAVID HARRIS: Yes, and the police deemed at that time that that wasn't allowable.

Ms SUE HIGGINSON: I was there, and it was absurd. The people just wanted to cross the road and disperse and march. But aside from that, do you accept that, as a consequence, you not advocating to protect the rights of First Nations people to march and protest risks deepening the mistrust amongst First Nations communities?

Mr DAVID HARRIS: No, because they still have the right to protest. Under certain circumstances, they can continue to march.

Ms SUE HIGGINSON: Do you acknowledge that in the year, as we've recorded the highest number of deaths in custody since records began, that that peaceful march was organised to mark 10 years since the death of David Dungay Jr in Long Bay, where he was killed by guards when he was saying, "I can't breathe." Was any assessment undertaken about that march and that protest not being able to take place as a result of your laws?

Mr DAVID HARRIS: It's around the context. We just had the worst terrorist attack in Australia's history, and so the police were given powers to make sure the community was safe.

Ms SUE HIGGINSON: But you thought it was okay—

The CHAIR: Order! Please let the Minister respond.

Mr DAVID HARRIS: They made an assessment. They make the assessment around that. It's the police commissioner.

Ms SUE HIGGINSON: Minister, you thought it was okay to say, "We can march on Invasion Day," but you didn't think it was okay for the people in Hyde Park to do a small march about deaths in custody?

Mr DAVID HARRIS: I think it's up to the police to do an assessment of public safety and make decisions appropriately.

Ms SUE HIGGINSON: On deaths in custody, did you have any response, or were you consulted specifically when the Minister for Corrections and the Premier introduced the Crimes (Administration of Sentences) Amendment (Standard of Proof) Bill?

Mr DAVID HARRIS: Everything goes through Cabinet.

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Ms SUE HIGGINSON: As part of any process, are you aware that the views of several of the Coalition of Aboriginal Peak Organisations, including AbSec and ALS, stated that that bill increased the risks of First Nations deaths in custody?

Mr DAVID HARRIS: The Attorney General met with those organisations and had a discussion. It doesn't mean necessarily that they reached agreement, but there was consultation.

Ms SUE HIGGINSON: About the fact that it will increase the likelihood and risks of First Nations deaths in custody?

Mr DAVID HARRIS: No, about the legislation. That may have been part of the conversation. I wasn't with the Attorney General.

Ms SUE HIGGINSON: Now that you know—other than the review that you understand Corrections is undertaking into its own practices—what do you intend to do about First Nations deaths in custody in response to the Coroner's statement, other than restrict protests for First Nations people and change the laws to increase the risks of First Nations deaths in custody? What else do you intend to do?

Mr DAVID HARRIS: The whole of Government has put forward a range of programs. I think we put \$28 million towards it. Our aim is to keep people out of custody if we can. I had aunties contacting me, worried about their own safety because of some of the things that were happening in their community. I've talked about this before. It's important that this isn't a one-sided story. Protecting the community when people are doing the wrong thing is a really important thing.

Ms SUE HIGGINSON: How is it protecting the community—

Mr DAVID HARRIS: I'm sure when you see an 82-year-old person who's been bashed with a machete that you would not expect the Government to say, if the person is of Aboriginal descent, that it won't do anything.

Ms SUE HIGGINSON: Are you suggesting if you are an Aboriginal person and you are put in prison, then it's okay to expect you may die there too?

Mr DAVID HARRIS: Absolutely not.

Ms SUE HIGGINSON: Then what are you actually doing to avoid First Nations—

Mr DAVID HARRIS: I said there is a review going on.

Ms SUE HIGGINSON: A review? No actions, just a review? Even though we've recorded the highest—

Mr DAVID HARRIS: When the review has been completed, there's actions that'll be connected to it. It's outside my portfolio area. Minister Chanthivong and I have spoken about these issues—

Ms SUE HIGGINSON: You think deaths in custody is not your portfolio area?

Mr DAVID HARRIS: I don't have direct responsibility for the response. It doesn't mean that I can't advocate, which I do all the time. Every time there's a death in custody, we seek to find out what the situation has been. But when the direct actions sit outside my portfolio—I can advocate, I can make sure—

Ms SUE HIGGINSON: But you didn't.

Mr DAVID HARRIS: Well, I did.

Ms SUE HIGGINSON: But you didn't.

The CHAIR: Order!

Mr DAVID HARRIS: Don't say things that aren't true. That's not fair. You're better than that.

The CHAIR: Order!

Ms SUE HIGGINSON: It was your evidence.

The CHAIR: Order! Thank you, Minister, and thank you, Ms Higginson.

Ms ABIGAIL BOYD: Good morning, Minister. In previous estimates sessions, we have talked about the cruelty that happens in the greyhounds US export program. The Drake review recommended that it be cancelled now completely. Are you intending to implement that recommendation and close down the US export program?

Mr DAVID HARRIS: That's a matter for Greyhound Racing NSW, whether they continue that or not. What we are doing is giving more discretion to GWIC to more closely monitor dogs in the GAP program. That is

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also in line with what Commissioner Drake said. Some of these things are business—commercial issues which are matters for the governing body, not for the Government.

Ms ABIGAIL BOYD: But you have the power, don't you?

Mr DAVID HARRIS: I don't have the power.

Ms ABIGAIL BOYD: Or if you don't, you've got the power to put in place legislation that could say that this shouldn't be occurring?

Mr DAVID HARRIS: That's a different matter. You would then be very careful, because lots of dogs travel on aircraft to America for lots of reasons.

Ms ABIGAIL BOYD: No, we're talking about this particular—

Mr DAVID HARRIS: Are they different from other dogs, though?

Ms ABIGAIL BOYD: I'm sure that you could draft a bit of legislation that gave you the power, if you don't already have it.

Mr DAVID HARRIS: Not sure.

Ms ABIGAIL BOYD: You certainly could. After the Drake report was released, confirming just how cruel the practice is, Hanrob pulled out of the program and is ceasing involvement with Greyhound Racing NSW. Are you aware that the company that replaced Hanrob in the program is Jetpets?

Mr DAVID HARRIS: No.

Ms ABIGAIL BOYD: Jetpets was one of the companies involved in exporting greyhounds to China and Macao prior to 2015. Knowing that, are you comfortable that Greyhound Racing NSW is now using Jetpets?

Mr DAVID HARRIS: It's a matter for Greyhound Racing NSW. As I've explained, Ms Boyd, it's operational issues. When Ministers go beyond their powers then the organisation has the power to go to court and challenge such decisions.

Ms ABIGAIL BOYD: Yes, I understand that.

Mr DAVID HARRIS: I have to be very careful about overstepping what I can and I can't do.

Ms ABIGAIL BOYD: Sure, but you are in this incredibly privileged position of being able to actually suggest legislation and do all sorts of things, if that was something you wanted to do. Is there any intention of taking more control over Greyhound Racing NSW on the back of the damning Drake report?

Mr DAVID HARRIS: Only by giving GWIC further powers and also renegotiating the operating licence for Greyhound Racing NSW, which is pretty significant.

Ms ABIGAIL BOYD: In relation to the Drake report, there was also a recommendation for a breeding cap, and that was rejected out of hand by the Government as well. Why is that? What work are you doing in relation to a breeding cap, if any?

Mr DAVID HARRIS: Again, that's an operational issue for Greyhound Racing NSW. The number of pups is actually reducing already. I'm pretty sure that's correct, isn't it?

Ms ABIGAIL BOYD: There's a recommendation—

Mr DAVID HARRIS: Yes, so the industry's actually already addressing some of these issues.

Ms ABIGAIL BOYD: That's not what Drake found, though. You appointed—

Mr DAVID HARRIS: Drake looked historically, so Greyhound Racing NSW has made a whole lot of changes on the back of those recommendations already. The data shows us that the number of pups being whelped is already reducing.

Ms ABIGAIL BOYD: Minister, it's quite perplexing. We had a whole lot of scandal in relation to the greyhound racing industry again, which resulted in a whole bunch of pressure on you and your Government. The response from you was then to have a commission of inquiry and to have Assistant Commissioner Drake come on board to run that, albeit with a riding instruction that she couldn't go as far as to say the industry should be shut down.

Mr DAVID HARRIS: No, because the Government's policy is that the industry continues.

UNCORRECTED

Ms ABIGAIL BOYD: I know. But that report then got delivered, after some delay. You then sat on it for six months and then when it was released, just before Christmas, it went out with a media release that implied that somehow you were taking it seriously. But, when you look at it, you're actually rejecting a huge number of the Drake recommendations. What was the point of the expense of the report in the first place?

Mr DAVID HARRIS: No, I don't think that characterises it at all. If you haven't seen the new orders for GWIC and the new operating licence, it's very hard that you could make that statement.

Ms ABIGAIL BOYD: And it would be great if that was just a transparent process and we were all made fully aware of it. Are you publishing that?

TAREK BARAKAT: The statement of expectations that has been issued to GWIC is public.

Ms ABIGAIL BOYD: Yes, and the operating licence?

TAREK BARAKAT: Yes.

Ms ABIGAIL BOYD: Because it took us ages to get the last one published.

TAREK BARAKAT: Yes.

Mr DAVID HARRIS: That impacts on commerciality, so we're obliged to go through a process in negotiating a new licence.

Ms ABIGAIL BOYD: Okay, but why haven't you put these things that Drake has recommended into your statement of expectations?

TAREK BARAKAT: I could answer this if you'd like me to, Ms Boyd.

Ms ABIGAIL BOYD: Just be very quick, because I've only got a minute.

TAREK BARAKAT: Sure. The statement of expectations includes things for GWIC—enhancing reporting and transparency, establishing minimum welfare standards—

Ms ABIGAIL BOYD: Sorry, does it cover the things that I'm asking about?

TAREK BARAKAT: Yes—considering greyhound breeding and whelping rates, and whether additional measures are needed to ensure sustainable breeding practices.

Ms ABIGAIL BOYD: "Considering", yes.

TAREK BARAKAT: Well, that's what the Minister has asked GWIC to do at this stage, and then I assume they'll provide that advice back to Government.

Ms ABIGAIL BOYD: It would be better if you just implemented the recommendation, though, wouldn't it?

Mr DAVID HARRIS: Where's the number?

Ms ABIGAIL BOYD: You're saying that you do? Okay, so you are going to—

Mr DAVID HARRIS: No, but you're telling me. What would the number be without us actually having a discussion and working it out?

Ms ABIGAIL BOYD: Well, at the moment it's, like, six times as many greyhounds as race, so I don't know—maybe you reduce it by five-sixths?

Mr DAVID HARRIS: So you wouldn't consult anyone on that; you'd just make up a number?

Ms ABIGAIL BOYD: No, I personally would consult, but I would have consulted years ago when I first got the portfolio.

Mr DAVID HARRIS: Well, we're consulting now.

Ms ABIGAIL BOYD: So you are consulting?

Mr DAVID HARRIS: Yes, that's what I just said.

Ms ABIGAIL BOYD: Right, so that's the answer to the question.

Mr DAVID HARRIS: Yes.

Ms ABIGAIL BOYD: You are committing to a breeding cap; you just don't know what number. Is that what you're saying?

UNCORRECTED

Mr DAVID HARRIS: We haven't committed to a cap. What we're saying is that the industry was already reducing breeding numbers. We're now having a look at it and seeing what the next steps might be in that area.

Ms ABIGAIL BOYD: Are we going to do the same thing we do with coal-fired power station emissions and just say that the cap is whatever they're already doing? Is that what this is leading towards?

Mr DAVID HARRIS: All of you people want me to go out with an answer before we've actually consulted. That's not how you consult.

The Hon. WES FANG: It's what you usually do.

The CHAIR: Order!

Mr DAVID HARRIS: Not me—you were just criticising me because I don't do that. You can't have it both ways.

Ms ABIGAIL BOYD: What I'm asking for is not a consultation on whether or not to put a cap.

Mr DAVID HARRIS: Well, it may be that there's a cap, but we're asking GWIC to have a look at the issue.

Ms ABIGAIL BOYD: Okay, even though Drake has looked at the issue and said that there should be a cap. We're just ignoring what's been said by Drake, despite all of the money—

Mr DAVID HARRIS: But you've got to go through the process to actually know, if there is going to be a cap, what a cap might look like.

Ms ABIGAIL BOYD: So that report was just a farce—that whole inquiry.

Mr DAVID HARRIS: What a load of rubbish.

The CHAIR: Order! Let's keep it nice.

Mr DAVID HARRIS: It didn't find what you wanted because it wasn't there.

Ms ABIGAIL BOYD: No, but it is there; you're just ignoring it.

The CHAIR: We will now have some questions from Ms Cate Faehrmann, MLC.

Mr DAVID HARRIS: The industry's improving and you don't like it.

The CHAIR: Order! Minister, please stop.

Ms ABIGAIL BOYD: That's clearly not true.

Mr DAVID HARRIS: Injury rates are down; death rates are down.

Ms ABIGAIL BOYD: They're not.

The CHAIR: Order!

Mr DAVID HARRIS: They are.

The CHAIR: Minister, I call you to order for the first time. I don't want to have to throw you out.

The Hon. WES FANG: It's actually the second. You've called the Minister to order two times now.

The CHAIR: You're on two calls, Minister.

The Hon. WES FANG: Minnsy's going to get really tough with you, mate, for calling your own side to order.

Mr DAVID HARRIS: Thank you, Chair. But can I say, Chair, it's very difficult when people use the last couple of words in their sentence to disparage me personally. That's unfair and I should get a response.

The Hon. WES FANG: Point of order: I used the first part of my question to disparage him.

The CHAIR: Order!

Ms ABIGAIL BOYD: Point of order: I don't know if that was directed at me.

The CHAIR: It clearly wasn't, so there is no point of order.

Ms ABIGAIL BOYD: Okay, because in that particular case it was the Minister.

The CHAIR: It was just a general comment.

UNCORRECTED

Mr DAVID HARRIS: It was a general comment.

The CHAIR: He did not mention you, so we will continue. Ms Faehrmann.

Ms CATE FAEHRMANN: Minister, why haven't we seen the Government response to the ClubGrants review yet?

Mr DAVID HARRIS: The ClubGrants, in its form, is part of the wider strategy that we will announce soon to do with gambling reform in New South Wales overall. What we have been doing—

Ms CATE FAEHRMANN: Sorry, do you mean that we're going to see the response to the Independent Panel on Gaming Reform—the road map as well? Is that what you're saying?

Mr DAVID HARRIS: Yes, we've been working really hard on that.

Ms CATE FAEHRMANN: It's just surprising because submissions closed for the ClubGrants review on 18 March.

Mr DAVID HARRIS: Yes.

Ms CATE FAEHRMANN: The Government has received recommendations, I'm assuming.

Mr DAVID HARRIS: Yes. What we've done is—we didn't get the results and do nothing.

Ms CATE FAEHRMANN: Is that report going to be released publicly?

Mr DAVID HARRIS: Yes, when we release everything. What I can say is ClubGrants will continue. The community sees value in ClubGrants. We have already tightened some of the criteria that's there. We've also done—and this is an important part of it—an audit of ClubGrants.

Ms CATE FAEHRMANN: Yes, I'm aware of all that.

Mr DAVID HARRIS: We've also made sure that some people who did the wrong thing have received consequences for that.

Ms CATE FAEHRMANN: Thanks, Minister. I'm aware of all that.

Mr DAVID HARRIS: After we got the review, we didn't do nothing.

Ms CATE FAEHRMANN: There's just a significant review that Government money has gone into. The recommendations are sitting with the Government. People are wanting to know whether it's going to be reformed substantially. We haven't heard much in terms of your response on the Independent Panel on Gaming Reform's road map.

Mr DAVID HARRIS: It didn't need to be reformed substantially.

Ms CATE FAEHRMANN: So there's not going to be any substantial reform?

Mr DAVID HARRIS: In what way?

Ms CATE FAEHRMANN: Is there going to be any other change to what you've just said?

Mr DAVID HARRIS: Yes. We've been talking with industry. We've been talking to stakeholders, like charities and people who actually get the money, and we've been looking at the rules. We've had different groups like Little Wings come and advocate that we broaden some of the guidelines in terms of the fact that they provide services across a whole lot of areas.

Ms CATE FAEHRMANN: Are you looking at any of the tax regime?

Mr DAVID HARRIS: The Treasurer certainly has been looking at the tax regime.

Ms CATE FAEHRMANN: I'll ask him about that. I understand you've commissioned economic and financial modelling on cashless gaming.

Mr DAVID HARRIS: Yes.

Ms CATE FAEHRMANN: Is that going to be released?

TAREK BARAKAT: The modelling, Ms Faehrmann, was provided to the Government along with the panel's report when that was considered through Cabinet, so that modelling would be considered Cabinet in confidence at this time.

UNCORRECTED

Ms CATE FAEHRMANN: It's like everything that the Government has used in terms of research, reports and data that the taxpayer has paid for seems to be part of this entire Cabinet-in-confidence process, which is laughable, really. Are you saying that when you release the response, Minister, you will release all of those documents so the public can have a look at them?

Mr DAVID HARRIS: I'm sorry, Ms Faehrmann. You weren't here earlier when I went into great detail to describe what we're actually doing.

Ms CATE FAEHRMANN: I was watching on screen, and I heard what you said.

Mr DAVID HARRIS: This is part of a wider process to make sure we get things right. The economic modelling et cetera has fed into that. We are continuing trials to look at the best technology mix in terms of delivering things.

Ms CATE FAEHRMANN: I did hear that, and I want to ask you a question about what you said earlier, if I can.

Mr DAVID HARRIS: I don't think it has been that secret. We have been doing a lot of things, and a lot of people know about it.

Ms CATE FAEHRMANN: It is very secret, because I put in a call for documents under Standing Order 52, and two boxes containing a few pieces of paper in each box—

Mr DAVID HARRIS: Because Cabinet hasn't made a final decision.

Ms CATE FAEHRMANN: —as opposed to the thousands of pages of documents that the members of the Independent Panel on Gaming Reform looked at. I'm sorry, but it is secret. None of it has been released, and that's what the stakeholders are saying.

Mr DAVID HARRIS: That part is still Cabinet in confidence—

Ms CATE FAEHRMANN: "That part"? The whole part.

Mr DAVID HARRIS: —until Cabinet makes a decision on the final product.

Ms CATE FAEHRMANN: I've heard that loud and clear.

Mr DAVID HARRIS: But we're quite public with reaching that decision.

Ms CATE FAEHRMANN: I have a question about what you said earlier. You mentioned identified play, and you said that there could be a combination of cash and cashless gaming. AI and facial recognition technology on machines—where has that advice or recommendation come from? Did the panel recommend that?

Mr DAVID HARRIS: One of the things that we picked up—and I don't know if it was exactly in the panel information, but I did do it in discussion with the panel.

Ms CATE FAEHRMANN: It wasn't.

Mr DAVID HARRIS: Some people who experience harm are more fearful of cashless. The physical thing of being able to have money and know how much they're putting in is important. We have research from the US and other places. We're feeding all of this into the final thing. I think the whole aim of this whole thing is to really protect people who experience harm.

Ms CATE FAEHRMANN: I think the gambling survey that was undertaken—that's about 20 per cent, I think.

Mr DAVID HARRIS: No. I don't know where that figure came from.

Ms CATE FAEHRMANN: The gambling survey that the Office of Responsible Gambling has undertaken.

Mr DAVID HARRIS: Serious harm? No, I don't think so.

Ms CATE FAEHRMANN: Your Government committed—or Labor committed—to introducing third-party exclusion. Is that going to be delivered before the election? I assume that also requires legislation.

Mr DAVID HARRIS: The commitment is that we will have a response before the next election. We've gone out to public—

Ms CATE FAEHRMANN: But not legislation before the next election? Not to make it happen.

UNCORRECTED

Mr DAVID HARRIS: We've gone out to public consultation. There were a number of issues raised. We've been working through those issues.

Ms CATE FAEHRMANN: That's three years.

Mr DAVID HARRIS: No, that consultation wasn't finished three years ago.

Ms CATE FAEHRMANN: You've been in government for three years. That's what I'm talking about.

Mr DAVID HARRIS: Again, you want us to make the decisions before we've actually done the consultation. The consultation pointed to a whole lot of factors, which have been examined and looked at. The department has been working, I have to say, ultra hard on these issues. We have to make sure things around privacy, how facial recognition might work and appeal processes—

Ms CATE FAEHRMANN: Maybe don't put AI into every single poker machine in the State if you're worried about privacy and facial recognition.

Mr DAVID HARRIS: How do you monitor a statewide system with 2½ thousand venues relying on humans to be able to pick up whether people should or shouldn't be in the venue?

Ms CATE FAEHRMANN: I'm talking about the individual machines, not the venue.

Mr DAVID HARRIS: It's actually better, because what happens is the technology is such that if you put \$10, \$10, \$10, \$10 and you set a limit to say that you have to have a membership after you spend \$100—the only way you can monitor that is if the machine knows that you are the same person putting the money in even if you walked down the road to the next venue. If you put \$50 in here, and you walk down the road and you put \$50 in there, the system will know that you've reached your limit for that day. Therefore, it will say, "Are you a member?" If you're not a member, you can't put another dollar in. This is a really amazing system that will actually help those people really experiencing harm from being able to get around the system. We have cases now where people are banned from venues, and they just walk down the road.

Ms CATE FAEHRMANN: I'm very aware of that.

Mr DAVID HARRIS: Even when we have people who have been banned from the whole liquor accord—so all of the areas they're banned—they just go somewhere else. This system, when perfected and when it's all put in place, won't allow that to happen. Surely, as an advocate for people who experience harm, you'd have to be a big supporter of that.

Ms CATE FAEHRMANN: Well, there hasn't been any consultation on it.

The Hon. JACQUI MUNRO: Minister, in October 2022 Labor promised \$8.5 million for a business case for council's Gosford waterfront revitalisation. It included marina, ferry terminal—

Mr DAVID HARRIS: Sorry, it wasn't for council's revitalisation.

The Hon. JACQUI MUNRO: Well, it was for the area's revitalisation. The report hasn't got a business case. Where is the business case?

Mr DAVID HARRIS: Our commitment was to go out and consult on what was possible, so we did that. We went through the process of talking to industry, because council had put out another plan—and there have been a lot of plans for the Gosford waterfront—and lots of talk about the previous Government started something in 2018, I think it was, and it fell over.

The Hon. JACQUI MUNRO: Your business case was supposed to have a marina, a ferry terminal, the amphitheatre and the pedestrian bridge.

Mr DAVID HARRIS: No, it wasn't. That's incorrect.

The Hon. JACQUI MUNRO: There was \$8.5 million put aside for this.

Mr DAVID HARRIS: What happened was we went out to industry and we said, "Is there the ability of industry at this time to invest in an upgrade of the waterfront?" Industry came back and said, quite clearly, that there are so many units under construction in Gosford at the moment that it would be cost-prohibitive to build and sell units over the water, so in the short to medium term that is not viable. What we then did was we went out to the community and did a second consultation that said, "Before we reach that economic milestone in the future, what can we do in the meantime to approve the amenity of the Gosford waterfront?" That went out. They've now come back with designs and things. It went to council last night for them to have a look at, and work will start on some of those smaller projects before the end of the year. That will expend the whole \$8½ million.

UNCORRECTED

The Hon. JACQUI MUNRO: That original promise of the \$8.5 million business case for the full revitalisation—does that have a deadline?

Mr DAVID HARRIS: The business case itself was guided by the consultation with industry. We came out and said that industry has indicated that that's not viable at the moment.

The Hon. JACQUI MUNRO: But if industry is still saying that there is going to be a time at which there is a full revitalisation, is there a deadline for that?

Mr DAVID HARRIS: No, because it will depend on the economics of the situation. For example, at the moment, there's \$2.3 billion worth of investment going into Gosford. Units are going up everywhere. The cost—

The Hon. JACQUI MUNRO: That's why the revitalisation of the waterfront is so valuable.

Mr DAVID HARRIS: And that's why we're doing the upgrade of the amenity.

The Hon. JACQUI MUNRO: The amenity is bike paths, a bit of bush—

Mr DAVID HARRIS: Cafes, parks and seawall.

The Hon. JACQUI MUNRO: How much has been invested into that?

Mr DAVID HARRIS: At the moment, it will be around about—

KATE MEAGHER: It was \$6 million that was allocated in the budget.

The Hon. JACQUI MUNRO: How much, sorry?

Mr DAVID HARRIS: It's \$6 million.

KATE MEAGHER: It's \$6 million in the 2025-26 budget.

Mr DAVID HARRIS: Some of that's going into the planning and the geotechnical work et cetera for the bike path from Point Clare to Gosford, because that's a really difficult project.

The Hon. JACQUI MUNRO: Is that going to be reflected in the next budget?

Mr DAVID HARRIS: There's a budget bid in.

The Hon. JACQUI MUNRO: It's already in?

Mr DAVID HARRIS: There's a budget bid in.

The Hon. JACQUI MUNRO: We'll see how successful that bid is by the time we get to—

Mr DAVID HARRIS: It's up to our very generous Treasurer.

The Hon. JACQUI MUNRO: PFAS has been detected in the Ourimbah Creek catchment at up to 58 times the national Drinking Water Guidelines. When were you first briefed about this?

Mr DAVID HARRIS: There was a general briefing—it might have been mid-last year. It sits under Minister Sharpe's portfolio. We've kept updated, and they're doing testing and a whole range of other things, but probably Minister Sharpe would have more detail on the actual work that the EPA are doing.

The Hon. JACQUI MUNRO: More than a dozen residents notified the ABC that they weren't notified at the time. I'm wondering if you took any action to brief the local community when you were briefed halfway through last year.

Mr DAVID HARRIS: No, that would be for the EPA to provide those things. That's their normal practice.

The Hon. JACQUI MUNRO: Did you check that they were actually notifying residents, given that there were complaints made that, in fact, residents hadn't been notified?

Mr DAVID HARRIS: No, I wasn't aware of that. People who have corresponded with me knew that there was an issue—not that there wasn't an issue.

The Hon. JACQUI MUNRO: I don't know if you've seen the ABC report but, given people have raised concerns that they are not being notified appropriately—

Mr DAVID HARRIS: We can follow that up.

The Hon. JACQUI MUNRO: That would be excellent.

UNCORRECTED

Mr DAVID HARRIS: My understanding is the area involved is quite contained. Whilst people have views about other factors, the EPA is still investigating that, so it may be that their investigations haven't actually got to the stage where they've been able to—

The Hon. JACQUI MUNRO: If we've got public notifications through the ABC that it's 58 times the level—

Mr DAVID HARRIS: Where did they get that data from if the EPA hasn't notified them?

The Hon. JACQUI MUNRO: I don't know how ABC get their information, but I trust them as a news source. I don't know if you do, Minister, but they—

Mr DAVID HARRIS: I do, but I don't know if they're talking specifically about the area that we're aware of or it's the whole catchment, because—

The Hon. MARK LATHAM: It's fake news.

The Hon. JACQUI MUNRO: I don't know if the Minister would agree that the ABC is fake news.

Mr DAVID HARRIS: No, but I was just saying that people may have looked at the information that was out there and applied it to themselves rather than the total catchment.

The Hon. JACQUI MUNRO: It seems as though the people of the Central Coast that we have seen are confused about what was going on. That's the problem—that they're not being notified. If they're not getting appropriate news from the department or from the Minister for the Central Coast, then that's the issue.

Mr DAVID HARRIS: The sampling that was undertaken by the EPA of Ourimbah Creek showed low levels of PFAS in water close to the Mangrove Mountain landfill, which I think is where people think it's coming from. The EPA regulates the Mangrove Mountain landfill, located in the upper reaches of Ourimbah Creek. It hasn't operated for a number of years, since 2014. The water monitoring by the landfill operator, VerdeTerra, has detected low levels of PFAS contamination in several onsite groundwater bores and leachate contamination.

On 29 May the EPA issued a second prevention notice requiring VerdeTerra to investigate leachate migration and assess its impact on both surface water and ground water. The EPA is currently reviewing the information and determining next steps. On 23 January 2025 council notified the EPA and NSW Health that it had detected PFAS at levels above the Australian Drinking Water Guidelines in some samples of raw, untreated water within Ourimbah Creek as part of routine water-quality sampling. As a precaution, Central Coast Council has ceased extracting raw water from the catchment for household supply. Tap water delivered via their reticulated network remains safe to drink.

The EPA regularly undertakes water sampling and updates its website to show current water quality monitoring data in relation to Mangrove Mountain landfill and the broader catchment. In response to community concerns about pollution, particularly PFAS, across the broader catchment, the EPA has commenced a widescale ambient water quality monitoring program. The results are available publicly on the EPA's website. The EPA continues to liaise with council, DCCEEW and NSW Health, and keeps the community updated about regulatory action and water quality sampling via its website. If you need more information, the Minister for the Environment is the responsible Minister.

The Hon. JACQUI MUNRO: Thank you for the information. Regarding the Mangrove Mountain landfill, there are concerns that the EPA is actually failing to enforce licensing conditions, which has left potentially 800,000 cubic metres of general waste where only 80,000 was approved. Have you raised this issue with the Minister for the Environment?

Mr DAVID HARRIS: The Minister for the Environment, and the member for Gosford particularly, are well aware of this issue. Before we came to government, and since we've come to government, it's something that we have continued to raise and have discussions around.

The Hon. JACQUI MUNRO: Are you advocating for actual enforcement of the licensing conditions?

Mr DAVID HARRIS: I don't have to advocate; that should just happen.

The Hon. JACQUI MUNRO: What's the point of being a Minister if you're not advocating amongst your colleagues?

Mr DAVID HARRIS: Can you identify any breaches where they haven't been charged?

The Hon. JACQUI MUNRO: There's one breach that required a \$30,000 fine, which was to VerdeTerra.

Mr DAVID HARRIS: So they were fined?

UNCORRECTED

The Hon. JACQUI MUNRO: They were fined \$30,000 for polluting waters beside a drinking water catchment, which serves 350,000 people.

Mr DAVID HARRIS: So it was followed up?

The Hon. JACQUI MUNRO: Yes, but do you think \$30,000—one instance was followed up.

Mr DAVID HARRIS: I don't set the fines. That's for Minister Sharpe. You just said that they weren't following it up, and then you've given me the example of where they did follow it up and they did fine them.

The Hon. JACQUI MUNRO: I'm giving you an example—one example of following up. But I'm saying that even you've recognised that your colleague Liesl Tesch has actually referred the environment network's request for an independent inquiry to Minister Sharpe, so that is much broader than one particular fine. Would you support an inquiry?

Mr DAVID HARRIS: Yes, as I said, this has been an issue for a long time so—

The Hon. JACQUI MUNRO: Have you advocated for an inquiry with Minister Sharpe?

Mr DAVID HARRIS: Yes, her staff have been in the—every Thursday morning in Parliament, all of the Labor Central Coast MPs meet, and this is where we discuss these issues. Departments come in and we advocate—

The Hon. JACQUI MUNRO: So are you expecting an inquiry to occur?

Mr DAVID HARRIS: I don't know. I haven't recently spoken to Minister Sharpe about it, but—

The Hon. JACQUI MUNRO: Do you think, as the Minister for the Central Coast, it is part of your responsibility to ensure that an inquiry of this nature gets up?

Mr DAVID HARRIS: You upper House people love a good inquiry, but it's what it would—

The Hon. JACQUI MUNRO: That's part of our job.

The Hon. WES FANG: Yet your Government hates it. Your Government hates it!

The Hon. JACQUI MUNRO: That's right.

The CHAIR: Order! Mr Fang, you're on two calls to order. I know you just got a bit excited there.

The Hon. WES FANG: It's two-and-a-half actually.

The CHAIR: You are on 2.95 calls to order.

The Hon. WES FANG: Whatever.

The CHAIR: Please desist from just screaming out in the middle of the Committee meeting.

The Hon. WES FANG: The Minister compels me.

The Hon. MARK LATHAM: We get paid by the Committee.

The CHAIR: Order! Both of you, please desist.

Mr DAVID HARRIS: The point is the EPA is acting on this. They are doing broader work. What do you want the inquiry to actually look at? Because a lot of this happened under the previous Government, where there was no inquiry. There wasn't any of the work done.

The Hon. JACQUI MUNRO: This is not about the previous Government. This is what's happening now.

Mr DAVID HARRIS: No, I know. It's never about the previous Government. We have to fix your problems.

The Hon. JACQUI MUNRO: You're in government. The point of being in government is that—

Mr DAVID HARRIS: We're forever fixing your problems.

The Hon. JACQUI MUNRO: —you get to make decisions about how you represent your constituents. I'm asking if you would—

Mr DAVID HARRIS: Yes, and I just read out to you that very detailed work is being undertaken.

The Hon. JACQUI MUNRO: That was one question that I had about one issue that constituents—

Mr DAVID HARRIS: Right, and the site hasn't operated since 2014.

UNCORRECTED

The Hon. JACQUI MUNRO: That's right, but fines are still being allocated, so there are problems still occurring. Your colleague has asked for an inquiry. You've just told me that you speak about this issue with the Minister for the Environment. I'm wondering if there will be an inquiry into this issue.

Mr DAVID HARRIS: You'll have to ask the Minister for the Environment. I don't make the inquiries.

The Hon. JACQUI MUNRO: This is where I'm trying to understand what you think your responsibility is as Minister for the Central Coast, if it's not to advocate and deliver an inquiry.

Mr DAVID HARRIS: I just said we've been advocating on this issue.

The Hon. JACQUI MUNRO: Yes, but then it's about the actual delivery.

Mr DAVID HARRIS: Sometimes I think I come to talk to myself.

The Hon. JACQUI MUNRO: It is about the actual delivery. What's the point of being in Cabinet if you're not able to convince your colleague the Minister for the Environment to run an inquiry on an issue that affects your constituents?

Mr DAVID HARRIS: It depends whether the agency and the Minister think that there's already work being done and will an inquiry add to the benefits—or will a separate inquiry make a substantial difference.

The Hon. JACQUI MUNRO: Do you think enough is being done, in that case?

Mr DAVID HARRIS: It's being monitored. The company has had to stop doing its work.

The Hon. JACQUI MUNRO: So you think that enough is being done.

Mr DAVID HARRIS: What's the next step?

The Hon. JACQUI MUNRO: Your colleague wants an inquiry. Liesl Tesch would like an inquiry. So do you think enough is being done?

Mr DAVID HARRIS: We're trying to find out where the water's coming from, and they're already doing that.

The Hon. JACQUI MUNRO: So you think enough is being done, and you don't think there needs to be an inquiry?

Mr DAVID HARRIS: What I'm saying is that if the company is doing other things, nefariously or otherwise—and I don't want to cast any aspersions because I don't know—then it might be necessary to have an inquiry. But the Minister and the department are actually looking at actual factual stuff that's already being done, and at this point in time they might decide that that's enough. It doesn't rule out that there'll never be an inquiry, but what it says is that whilst they're doing the monitoring and the testing and all of those sorts of things which I just read out, is an inquiry appropriate at this particular time? Or do we let that run its course?

The Hon. JACQUI MUNRO: That's what I'm asking you. You're the Minister, so I'm asking you if you think an inquiry is appropriate at this time.

Mr DAVID HARRIS: Given what's there, I would wait until they get the information and then decide whether an inquiry actually would add to what is already happening.

The Hon. JACQUI MUNRO: Okay, so you don't agree with your colleague Liesl Tesch that there should be an inquiry at this time?

Mr DAVID HARRIS: You people like playing semantics.

The Hon. JACQUI MUNRO: You're responsible for this.

Mr DAVID HARRIS: We all advocate on this issue and we all want to make sure that it's cleaned up appropriately and all that. We're trying to fix a mess that we didn't make, that we didn't license. Gosford council, at the time, did a terribly wrong thing—ICAC and all sorts of people looked at it. We want to make sure, and the department is actually—

The Hon. JACQUI MUNRO: But if you think that these things—

Mr DAVID HARRIS: If the department was doing nothing—

The Hon. JACQUI MUNRO: But don't you think that if these things are so important, then they should see the light of day and that's why an inquiry is valuable, so that people understand what's going on?

Mr DAVID HARRIS: They have had inquiries. There's already been an inquiry. It's been looked at.

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The Hon. SCOTT FARLOW: So you disagree with Liesl, effectively?

The CHAIR: Order!

Mr DAVID HARRIS: No, what I'm saying is I'm not ruling out that, at some point, an inquiry might be appropriate. What I'm saying is that Minister Sharpe has to weigh up the information on the work that the department's doing before she commits to an inquiry that may not add any new information to what they already find out.

The Hon. JACQUI MUNRO: I can assure you that inquiries invariably and inevitably find new information about how things are occurring. If you would like more information about this issue, I suggest that you support an inquiry.

Mr DAVID HARRIS: That's a decision for Minister Sharpe.

The Hon. SCOTT FARLOW: One other area where Ms Tesch has also advocated is when it comes to illegal smoke shops operating. I think she has identified one which is just down the road from her electorate office. There still seems to be no closures that have occurred on the Central Coast.

Mr DAVID HARRIS: I'd have to take that on notice. We have raised that with Health. I'd have to check because it was only a fortnight ago.

The Hon. SCOTT FARLOW: Looking at the website yesterday, it's still showing absolutely no closures on the Central Coast at all. It seems to be the area that inspectors haven't looked at yet. You've raised this with the Minister for Health?

Mr DAVID HARRIS: Yes.

The Hon. SCOTT FARLOW: What action are they undertaking?

Mr DAVID HARRIS: I'll have to take that on notice. I haven't had feedback since we raised the issue.

The Hon. WES FANG: Minister, in January 2023 Chris Minns himself committed to facial recognition, not a trial. Are you going to deliver on that commitment before the next election or are you going to break that commitment?

Mr DAVID HARRIS: No, I don't think it's breaking the commitment making sure that it's implemented properly. What we would make is a commitment to implement facial recognition. We've been going through that process. It's quite complex because we have to protect people's rights. A lot of advocates don't support facial recognition, even though it will make everybody's life easier in terms of identifying people experiencing harm and keeping them out of gaming rooms. As I said earlier, we've had to monitor the Bunnings case. Bunnings has won that case, so that adds, if you like, to our arsenal of evidence in terms of how we might be able to do it. The industry is actually very keen to put it in place. We have some discussions still going on around whether it should be at the entry to the venue or at the entry to the gaming room. There are different views around that. The actual people with lived experience tell us that it should just be gaming rooms because they still want to be able to go and use bistros and coffee shops and restaurants in pubs and clubs. It's all part of the mix.

The Hon. WES FANG: I'm just not clear, Minister. Are you going to implement this before the election, or is it going to be a broken commitment?

Mr DAVID HARRIS: Clearly not, because it's hugely expensive and we have to do 2,500 venues.

The Hon. WES FANG: So when Chris Minns committed in January 2023 that the Minns Labor Government would implement facial recognition—

Mr DAVID HARRIS: I think he said "investigate".

The Hon. WES FANG: No, he said he would implement it.

Mr DAVID HARRIS: Have you got his actual quote? Can you read me his actual quote?

The Hon. WES FANG: Yes, I can. He actually tweeted it out on 16 January 2023. It's a tile, and I don't have it with me, but I will provide it on notice.

The Hon. SCOTT FARLOW: Rapid response—I'll find it for you, Wes.

Mr DAVID HARRIS: Did Hansard clearly get that on the record?

The Hon. WES FANG: I know we've only got two minutes left, so I will provide it on notice, and you can ensure that you deliver on your commitments to the people of New South Wales, Minister. I also want to ask just in terms of—

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Mr DAVID HARRIS: Like you guys did.

The Hon. WES FANG: Sorry, Minister, I'm asking the questions here.

Mr DAVID HARRIS: Yes, not very well.

The Hon. CAMERON MURPHY: Point of order: There was no question; it was a statement.

The CHAIR: Order!

The Hon. WES FANG: In terms of assuring that this Committee can do its job, are you going to make sure that Greyhound Racing NSW and Racing NSW attend the next budget estimates hearing and don't dodge it like they've done this one?

Mr DAVID HARRIS: I think I can only pass on an invitation. I don't think I can make them come.

The Hon. WES FANG: You are the Minister.

Mr DAVID HARRIS: Unless there's a law that you know of that I don't know of.

The Hon. WES FANG: I just don't understand how you think—

Mr DAVID HARRIS: No, but it goes back to ministerial responsibility, and I have to follow the Act, not what you want, Mr Fang.

The Hon. WES FANG: "Labor's policy," it said, "will work in conjunction with facial recognition technology already being introduced into pubs and clubs."

Mr DAVID HARRIS: Yes.

The Hon. WES FANG: You were going to continue the rollout and the implementation—

Mr DAVID HARRIS: Yes, so he's 100 per cent correct because venues have facial recognition and they're using it, and we haven't stopped it.

The Hon. WES FANG: And you're going to implement that across the board, as the Premier indicated?

Mr DAVID HARRIS: Yes, and we're going to extend it.

The Hon. WES FANG: And you're going to do that before the next election?

Mr DAVID HARRIS: No, that's not what he said.

The Hon. WES FANG: So the time frame's just out there—however long it takes. "We're doing it but there's not time frame."

Mr DAVID HARRIS: I hope you're never a Minister and you actually have to implement something. I seriously doubt that you ever will be.

The Hon. WES FANG: Minister, I couldn't be any worse than you are. Let me tell you that right now.

The CHAIR: Order! Mr Fang, please desist.

Mr DAVID HARRIS: The personal insults, Mr Chair—I'm giving fulsome answers to these things. If he doesn't like them, that's his problem.

The Hon. WES FANG: You're giving fulsome obfuscations, but that's about it.

The CHAIR: Order!

Mr DAVID HARRIS: We're actually doing all of this stuff.

The Hon. SCOTT FARLOW: Mr Harris, this final question can only be answered by you, unfortunately. Ms Oxford has been sitting at this table, which we welcome indeed, but has been in the role acting for six months. Will Ms Oxford be appointed to the continuing role or is there a recruitment process to be undertaken?

Mr DAVID HARRIS: Mr Draper can answer that.

SIMON DRAPER: I'm afraid I can answer it rather than the Minister because I'm actually the employer of the Deputy Secretary for Aboriginal Affairs, and we've already announced a new head of Aboriginal Affairs as deputy secretary. It's Ms Haylene Grogan. She is commencing in May. Ms Oxford is hopefully staying on with us and returning to her previous role.

Mr DAVID HARRIS: She has done an excellent job.

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SIMON DRAPER: She has done an excellent job, and I take this opportunity to congratulate her on the work she has done.

The Hon. ROBERT BORSAK: Minister, just taking you back to the questions in relation to the GRNSW debt they say they're owed. They say they're in possession of letters that show there were loans and it was in fact in the *Government Gazette* in 1998 that these amounts were outstanding. The \$6.5 million loan is also on the GRNSW audited balance sheet as a debt due. Will you reassess the loan of \$6.5 million, or does GRNSW need to initiate debt and commercial recovery?

Mr DAVID HARRIS: My advice is that no documentation has been provided, but that's actually for Minister Kamper. When it comes to Wentworth Park, it's outside my portfolio area.

The Hon. ROBERT BORSAK: Say that again, sorry. It's outside your portfolio?

Mr DAVID HARRIS: Yes. The loan was between, from memory—

The Hon. ROBERT BORSAK: Is it between GRNSW and the trust? Is that what you're saying?

Mr DAVID HARRIS: Yes, which is Crown Lands.

The Hon. ROBERT BORSAK: Which is technically outside—okay.

Mr DAVID HARRIS: Yes. Unfortunately, it's not that I don't want to answer. It's just something that I have not been any part of.

The Hon. ROBERT BORSAK: It's in Lands. So the debt recovery has to go to Steve Kamper, does it?

Mr DAVID HARRIS: Do you want to ask the former secretary?

MELANIE HAWYES: I'm not here in the capacity of Crown Lands today obviously, but it was my previous role as the dep sec of Lands. There have been exhaustive reviews into that loan, including through the Public Accounts Committee, and there's no documentation to show terms of loans or loan documentation.

The Hon. ROBERT BORSAK: Yes, but that doesn't mean it doesn't exist.

MELANIE HAWYES: There's no evidence of the terms of those loans.

The Hon. ROBERT BORSAK: There is evidence from Greyhound Racing NSW. That's what they are saying. It's on their accounts.

MELANIE HAWYES: Then they would be invited to bring that forward because in those reviews no evidence was able to be tabled or provided.

The Hon. ROBERT BORSAK: I'm sure that they will table that and make a claim at some stage.

MELANIE HAWYES: That would be a matter for them.

The Hon. ROBERT BORSAK: Minister, regarding capital grants programs—and you talked about money laying around that's not being used—are you aware that your department is sitting on four grants applications since April last year, including Goulburn?

TAREK BARAKAT: I think a number of—

The Hon. ROBERT BORSAK: Goulburn especially, I go down there quite regularly, and all I ever do is get harangued by how much time it's taking. In the past it was DAs; now it's not that, it's the department.

TAREK BARAKAT: To provide some context, Mr Borsak, in June last year a number of applications were approved by the Minister for Temora, The Gardens, Dubbo and Gosford, and funding agreements between us and Greyhound Racing NSW are in place for those projects. I think it's really important to point out that Greyhound Racing NSW has had, I think the Minister said, six or seven years to expend these funds. We and the Minister have had to put carry-forwards in place to make sure the funding remained available. They, to be fair, under the new executive put forward a significant number of applications right at the end of last financial year.

A number of those that I've just read out were approved, but I think it's slightly unfair to say that the department has been sitting on these. Greyhound Racing NSW has had since 2018-19 to get these applications in, and they left it until the last minute at the end of last financial year. I think it's also worth pointing out—and Greyhound Racing NSW is well aware of this—that in response to the Drake inquiry, the Government made it clear that any new funding provided under this program will be considered in the context of upgraded minimum track standards. Those track standards have to be upgraded by the end of this financial year, and that has not happened yet and Greyhound Racing NSW is aware of that.

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The Hon. ROBERT BORSAK: That's fair enough to say that, but how is GRNSW going to get all tracks upgraded to the standard by next June if they're stalling on grants applications?

TAREK BARAKAT: Again, I reject the premise that anything's being stalled. They've had six years to put in applications under this program. They waited until the end of last financial year.

The Hon. ROBERT BORSAK: Mr Barakat, are you setting the industry up for failure?

TAREK BARAKAT: Absolutely not.

The Hon. ROBERT BORSAK: Are you working in conjunction with GWIC to do that?

TAREK BARAKAT: I reject the premise, Mr Borsak.

Mr DAVID HARRIS: I think it's important to understand that the minimum standards have to be decided by the upcoming June. They then have a further 12 months to actually get those tracks up to standard.

The Hon. ROBERT BORSAK: Then it's not fair to criticise them for not spending the money when they've got the applications in and then other things come over the top. I'm sure you can go in and fight Treasury to keep the money.

Mr DAVID HARRIS: We've had to do that twice already. These are two separate issues. The previous time it took to put in applications is historical. When the CEO changed and we had the Drake report et cetera, the new regime then put in a number of applications. That process has been worked through. We have really important responsibilities in terms of making sure that taxpayers' money is being spent appropriately and those applications have to be assessed in detail. After GWIC, it says that they concur with what's being proposed. But it is made more difficult in that, until we actually get agreement on what the minimum standards are, it's hard to upgrade a track to the minimum standard other than the current standards. We hope that doesn't put them in a position where they may still—if the standards change, they'll be in a worse position.

The Hon. ROBERT BORSAK: Can you stick a red-hot poker up GWIC so they can get it done?

Mr DAVID HARRIS: As I said, everyone is working really hard. My frustration with the previous regime was that we would go to meeting after meeting after meeting and I would keep raising it with them and we were getting nothing back except argument. The new regime is different to that. They're actually acting more quickly. That puts other pressures on.

The Hon. ROBERT BORSAK: I go to Gaming for a second, Minister. Regarding implementation of new control technologies, if the Government decides to go down that track, will you subsidise smaller clubs to make those upgrades?

Mr DAVID HARRIS: That's part of what we're looking at. That's where the economic modelling was done. It's still part of the mix. We're not sure yet because, until we actually understand what the final technology might look like, we can't necessarily understand the full cost and we also have to take into account whether we broaden the horizon for implementation. It may be that we require—and this is just a hypothetical I'm talking about now—the bigger venues to upgrade more quickly than the smaller ones.

The Hon. ROBERT BORSAK: I sit here and listen to the elites talking about turnover all the time. You properly answered the question by saying, "This is not about turnover; this is about net return and problem players." Do you know what the net return is on gaming machines in general?

Mr DAVID HARRIS: There is that data. We'll take that on notice and get that for you.

The Hon. ROBERT BORSAK: Can I tell you what my club does?

Mr DAVID HARRIS: Sure.

The Hon. ROBERT BORSAK: I'm informed that it's between 9 and 15 per cent and that our club, for example, is set on 9 per cent. If we were to set it at even 11 per cent, gamers see that and basically walk away from the machines. So—let's call it 10 per cent—90¢ in every dollar that goes through the machine in turnover, leaving tax out of it, goes back to the players.

Mr DAVID HARRIS: I agree. Part of my responsibility in the Act is to ensure the sustainability of the industry. I take that responsibility very seriously. I think Caroline and I have great debates over that. It's important that we know—and we've done some analysis that, for example, when you take into account loans that venues have taken for upgrades to improve facilities, including facilities like GP clinics and aged care and a whole range of things that add to the general community, they're actually under financial strain for quite a number of years. People just look at that turnover and they say, "They're making all this money." They're employing people. They're—

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The Hon. ROBERT BORSAK: The clubs are not making that money.

Mr DAVID HARRIS: No, and our analysis shows that. Some of the analysis shows, particularly with smaller ones, they're actually under great stress and at risk of closing. For some communities that would be diabolical, because it's the only thing in town. So we have that responsibility to make sure that, when we make decisions, we're looking at all the issues. We do absolutely have a responsibility to help people experiencing harm, and also—

The Hon. ROBERT BORSAK: In the time I have left, can I take you to Aboriginal Affairs?

Mr DAVID HARRIS: Yes, sure.

The Hon. ROBERT BORSAK: The Closing the Gap report talks about \$206 million worth of new funding. Could you tell us what the total funding for Closing the Gap is in New South Wales?

Mr DAVID HARRIS: Yes, we can get that figure for you. There's a bid at the moment, too, for a bit extra.

The Hon. ROBERT BORSAK: While you're doing that, can I also get information on the specifics of what those dollars will actually provide to Aboriginal communities on the ground?

Mr DAVID HARRIS: I think we can do that. Is that Treasury stuff available? We'll take that on notice and we can provide that.

The Hon. ROBERT BORSAK: Take it on notice.

Mr DAVID HARRIS: It has funded a number of programs that will be rolled out across the communities.

The Hon. ROBERT BORSAK: Yes, please. You'd be aware that the local Aboriginal land council—

Mr DAVID HARRIS: Do you want that figure? We've got that figure if you'd like it.

The Hon. ROBERT BORSAK: I'll take it on notice. I've just got a couple more seconds. You'd be aware that, while local Aboriginal land councils around New South Wales are granted native title, so often they are not allowed to actually subdivide, develop or even manage pests and noxious weeds on their properties. These properties are theirs and they should be able to determine their use. Instead the land is tied up in green tape pushed by the NSW National Parks and Wildlife Service, The Greens political party and, of course, the Animal Justice Party. Is this practical racism? In other words, Minister, are they actually being stopped from realising the benefits of their own land?

Mr DAVID HARRIS: I just have to correct one thing at the start: They don't receive the land under native title; they receive the land under the Aboriginal Land Rights Act. The land they receive, yes, has become a burden in many cases. That means that, where we thought back in 1983 that it would provide economic benefit to land councils, in practice, in some cases, it has actually become a liability where they have to actually fund those activities that you're talking about. We are currently proactively looking at ways of, if you like, releasing that land for better economic purpose. That is being frustrated in some cases. The northern beaches would be one example, where metro land council has had to go through an absolutely exhaustive process to try to get a relatively small number of housing blocks approved, and that does impact on their income. So, broadly, yes, it hasn't delivered the outcomes that it was originally intended to. Some land councils have been able to sell specific parcels of land and have done well out of that.

The Hon. ROBERT BORSAK: They shouldn't have to sell the land.

Mr DAVID HARRIS: Correct, yes. And we're looking at that. We agree. We're in discussions with them about how we can approve those. There has been the Aboriginal SEPP, for example. There are negotiations currently underway with the department and land councils for housing in certain places—Cooma. There is a Cooma one.

MELANIE HAWYES: Again, this is speaking in my previous role as the former deputy secretary of Crown Lands. To your point about Closing the Gap funding, part of the last budget round included some funds to better activate Aboriginal-owned land by working on feasibility studies that could result in rezonings and DAs. So there is work afoot, but these are questions better put to the Planning and Lands portfolios.

The Hon. EMMA HURST: The Drake inquiry found that the US export program had a fatality rate 10 times higher than Greyhound Racing's target catastrophic injury rate, which Commissioner Drake described as a shocking statistic. We talked this morning about the fact that not only are there a lot of dogs dying in this rehoming program but there's also a case of mass injuries happening within this program. Can you not make ending the program a condition of Greyhound Racing's operating licence?

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Mr DAVID HARRIS: I'm not sure.

The Hon. EMMA HURST: You're not sure if you have the power to do that?

Mr DAVID HARRIS: I can take it on notice. I'm not sure, under the current legislation, whether I can do that.

TAREK BARAKAT: Happy to take it on notice. What the Minister has done or will do through the operating licence is seek for Greyhound Racing NSW to prioritise domestic rehoming programs.

The Hon. EMMA HURST: This morning you also said that there were several bad actors within this sector. How many bad actors in Greyhound Racing would you consider to be an acceptable number?

Mr DAVID HARRIS: I think there has been a big push, particularly from GWIC, to get rid of bad actors. That has created great controversy.

The Hon. EMMA HURST: I gave you six examples of executives this morning. Obviously in other sectors such executives facing such allegations would be suspended. Why is the standard so much lower in Greyhound Racing?

Mr DAVID HARRIS: I don't accept the premise that the standard's lower.

The Hon. EMMA HURST: But I gave you six examples this morning of bad actors and they're still within the industry. You're telling me that there's a lot happening to get these bad actors out of the industry.

Mr DAVID HARRIS: I think in some cases where you've written to us we reviewed them and found that GWIC doesn't actually have the power because they're not directly—

The Hon. EMMA HURST: There you go. So why aren't we changing the power so that GWIC can actually get rid of these bad actors?

Mr DAVID HARRIS: Because they're covered by other laws.

The Hon. EMMA HURST: So there are bad actors in the industry and there are no powers for GWIC to actually remove them. Is that what you're telling me?

Mr DAVID HARRIS: In some cases.

The Hon. EMMA HURST: How many people sexually abusing animals or bashing dogs would be acceptable to the Government?

Mr DAVID HARRIS: Zero is acceptable. What I am saying is that GWIC—

The Hon. EMMA HURST: But we're leaving them in there.

Mr DAVID HARRIS: I don't know that that actually characterises—

The Hon. EMMA HURST: Can we not give GWIC more powers to be able to remove these bad actors? Is that something your Government is considering?

MATTHEW TUTT: I could—

The Hon. EMMA HURST: Sorry, the question is to the Minister. Minister, are you considering giving GWIC more powers?

Mr DAVID HARRIS: There is already work underway, so it's better if Mr Tutt tells you what they're actually doing.

The Hon. EMMA HURST: My question is to you, Minister. My question is are you not going to give GWIC more power so they can remove these bad actors?

Mr DAVID HARRIS: If police already have powers, then I'm not sure by giving—

The Hon. EMMA HURST: Do police have powers to remove bad actors from the greyhound racing industry?

Mr DAVID HARRIS: If they have done criminal activities, if they're charged and found guilty, then GWIC has the power to ban them from—

MATTHEW TUTT: And we do.

Mr DAVID HARRIS: And they do.

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The Hon. EMMA HURST: But you're telling me that there are bad actors within this industry who you cannot remove from the industry.

Mr DAVID HARRIS: No. You listed all the people. I'm saying—

The Hon. EMMA HURST: I listed six, and they're still in the industry.

Mr DAVID HARRIS: I don't know that they all are.

The Hon. EMMA HURST: I'm wondering how many do we leave in the industry.

MATTHEW TUTT: If I can assist, some of those names that were mentioned earlier are subject to some criminal prosecutions. Those participants have had interim action taken against them so that they're no longer participating in our industry.

Mr DAVID HARRIS: So there is action that already occurs.

The Hon. ROBERT BORSAK: Minister, just for the record, I'm informed that there were never any allegations of sexual harassment against Mr Griffin. That was mentioned earlier in this budget estimates hearing. He denies that.

Mr DAVID HARRIS: Yes, I know. He's told me that too.

The Hon. MARK LATHAM: Minister, you said earlier on in answer to the Hon. Wes Fang that one of your roles is to ensure that the boards of the governing bodies follow the legislation. What have you done at Racing NSW, given the consistent failure to produce a strategic plan for the industry?

Mr DAVID HARRIS: I've gone back and had a look at the legislation. The legislation requires Racing NSW to be strategic. It doesn't say specifically they have to have a plan. However, I did follow up on that. They inform me they're currently—they have a plan. They are currently consulting with stakeholders and that will be produced in due course.

The Hon. MARK LATHAM: They're supposed to do it every three years. Obviously they're well overdue.

Mr DAVID HARRIS: I don't know if that's an internal rule. That's not in the legislation—not that I could find.

The Hon. MARK LATHAM: I thought it was. Anyway, moving on. Our very important and impressive Privileges Committee of the upper House found Racing NSW had had a chilling effect on witnesses to the Rosehill inquiry. Have you raised that with the board members and the CEO, given the importance of respect for the Parliament, they shouldn't be trying to intimidate witnesses and scare them away from honest and frank evidence at our committees?

Mr DAVID HARRIS: I think they denied that that was the case.

The Hon. MARK LATHAM: But our Privileges Committee had found it.

Mr DAVID HARRIS: I think they denied it was the case.

The Hon. MARK LATHAM: So you asked them and that was their response, was it—just to deny it?

Mr DAVID HARRIS: I think they said that publicly in response as well.

The Hon. MARK LATHAM: So you're taking their word, not the outcome of our Privileges Committee, chaired by your colleague over there Mr Lawrence?

Mr DAVID HARRIS: As I said, they're matters for the board to decide for themselves. I haven't had any advice that I require any intervention into.

The Hon. MARK LATHAM: One of the matters that Mr Griffin is raising in relation to track closures for greyhounds—I think he is doing way too many track closures too quickly—is the prospect of changing the inter-code agreement and the funding distribution. That's pie in the sky, isn't it, I would have thought? As long as Peter V'landys' backside points to the ground, no government is ever touching that. Have you got any initiatives inside your Government to that effect?

Mr DAVID HARRIS: We recognise that funding—and the Drake report says this, that funding is an issue for the industry. We're investigating different avenues. The RDA itself is very difficult, because it's a commercial agreement between the then TAB, which is now Tabcorp, and the other two codes. It's not based simply on turnover of the industry; it's based on a whole lot of other factors when it was developed. One criticism I've seen from the greyhound industry themselves is that they question why back in the day in 1997 people signed

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up to basically a 99-year agreement which only had a three-year review period built into it, which expired in 2011, is my understanding. So, yes, it is difficult. Some of the complex parts is that it sits under the Totalizator Act, which sits with the Treasurer. There was some initial work done on reviewing the Totalizator Act, so we actually did that. One of the main parties didn't want to continue, and it wasn't Racing NSW.

The Hon. MARK LATHAM: That's the TAB?

Mr DAVID HARRIS: It's gone into a sort of hiatus. Now this has been raised again. It would be up to the participants themselves to want to enter into a new agreement.

The Hon. MARK LATHAM: So it ain't happening.

Mr DAVID HARRIS: The RDA itself is—TAB's involvement has about nine years to run, but the agreement had no end point, really.

The Hon. MARK LATHAM: This is TAB under the new management, is it? Gil McLachlan?

Mr DAVID HARRIS: Yes. I think their exclusivity rights end in nine years. If all the parties are in agreement, they may want to look at it then.

The Hon. MARK LATHAM: We'll come back in 2035 and have a good look at it.

The CHAIR: I'm sure you will.

The Hon. WES FANG: Minister, I've had the benefit of the hardworking staff upstairs who have pointed me to Yasmin Catley's website when she was the then shadow customer service and digital Minister. On 16 January 2023 she indicated, "A deadline of 30 June 2024 will be established for pubs and clubs to implement facial recognition technology." Minister, why are you breaking your election commitment?

Mr DAVID HARRIS: My brief was to investigate a system that could be brought in across the whole of New South Wales, across all the venues.

The Hon. WES FANG: Where was that brief from?

Mr DAVID HARRIS: When I became Minister, I got a brief.

The Hon. WES FANG: So the Premier told you or the Cabinet told you that that's the brief?

Mr DAVID HARRIS: You get a brief of what you have to do. We have election commitments.

The Hon. WES FANG: Why is Labor breaking its election commitment to have facial recognition in place by 30 June 2024?

Mr DAVID HARRIS: I don't know if it's breaking the election commitment, but what it is—

The Hon. WES FANG: It's in black and white, Minister.

The CHAIR: Order!

Mr DAVID HARRIS: In order to do it properly, we had to go out and consult, and we found that the time that it needs to take is longer.

The Hon. WES FANG: You didn't do that before you made the commitment, prior to the election?

Mr DAVID HARRIS: I didn't make the commitment.

The Hon. SCOTT FARLOW: The Labor Party did. The Premier did.

Mr DAVID HARRIS: All I'd say to you is that when you get into government and you have the resources of a department—rather than your one staffer—then you find sometimes that what you might have thought was achievable needs more time. The commitment is still there. It is taking longer to put in place.

The Hon. SCOTT FARLOW: The commitment is there, but it won't be delivered by the election even?

Mr DAVID HARRIS: No, it won't be. That's just an honest fact. If you can work out a way to do it across 2,500 venues, up to a standard that protects privacy, that has a backbone where all the systems talk to each other, then I'm more than happy to hear it. But I'm telling you it doesn't exist, and we need to do the work to make sure that we get a system that's fit for purpose, that protects people, that venues can actually implement and that is privacy-proof.

The Hon. SCOTT FARLOW: So your promises aren't worth the paper that they're written on.

Mr DAVID HARRIS: We're still doing it.

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The Hon. EMMA HURST: Minister, can I just clarify, I've heard from several women and several witnesses in regards to sexual harassment allegations in regards to Mr Steven Griffin. Are you saying that you don't actually believe these allegations or these witnesses?

Mr DAVID HARRIS: No. I said Mr Griffin has denied the allegations.

The Hon. EMMA HURST: You're just clarifying that he is denying the allegations?

Mr DAVID HARRIS: Yes.

The Hon. EMMA HURST: Are you concerned that there are these allegations coming forward?

Mr DAVID HARRIS: There are proper processes for investigating these things within GWIC, within different departments. My understanding is that if someone makes a complaint, then that follows the normal HR procedures.

The Hon. EMMA HURST: Thank you. I will probably have some more questions this afternoon for Mr Tutt. Earlier today you said that you hadn't rejected the majority of the Drake inquiry recommendations. My understanding is there was 65 recommendations. The Government has rejected 46 of those, accepted seven, several others were undecided, and I think one was partially accepted. Would you agree that then it's wrong—I mean, 46 out of 65 is the large majority of the recs.

Mr DAVID HARRIS: What we're saying is that some of the things that have been suggested in the Drake report are operational matters that have to be considered by Greyhound Racing NSW. They're not in the purview of the Government to implement. It's not that we've rejected them; it's just not within our purview. We're doing all the things that we can do.

The Hon. EMMA HURST: Based on what advice, Minister? Obviously there's an operating licence that you sign off for in regards to allowing the industry to continue, and there are certain conditions that can be added to that operating licence. For example, there can be a cap on the number of dogs that are being bred, or that could be put into legislation. How are you deciding what is and isn't within your power to change?

Mr DAVID HARRIS: What was said to you earlier was we haven't rejected the notion of a cap. We're doing more work on it to decide what is the best model.

The Hon. EMMA HURST: The cap was just an example. Beyond that, the other sort of 46 recommendations—

Mr DAVID HARRIS: What other ones specifically are we not agreeing to?

The Hon. EMMA HURST: There was so many, Minister.

Mr DAVID HARRIS: Just give me another example. Maybe I can elucidate for you.

The Hon. EMMA HURST: I think I just gave an example. What was the other one that I gave just a moment ago? I mean, there was 46 out of—

Mr DAVID HARRIS: No, people keep saying we've rejected all this stuff.

The Hon. EMMA HURST: What did you accept?

Mr DAVID HARRIS: If you've got specific examples.

The Hon. EMMA HURST: There's not many things that you did accept.

Mr DAVID HARRIS: It's online. Have you read the expectations that we've sent to GWIC?

The CHAIR: No, Minister, I don't think it is your role to be asking the Committee members questions.

The Hon. WES FANG: He didn't answer any, so he might as well ask them.

The CHAIR: Order! I appreciate that. I think the Government members might have a question.

The Hon. WES FANG: Come on. Mop up the mess, Lawrence.

The CHAIR: Order!

The Hon. STEPHEN LAWRENCE: Minister, is there anything that's arisen in the course of questioning that you would like to clarify or expand upon?

Mr DAVID HARRIS: Apparently.

The Hon. WES FANG: Look at all those notes. They're all coming.

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The CHAIR: Order!

The Hon. WES FANG: "I should be better."

The CHAIR: Order! You should be. You should be better, Wes.

The Hon. STEPHEN LAWRENCE: It's on Hansard now, Wes.

Mr DAVID HARRIS: I think the other members of the Committee find I try to be quite reasonable and follow up on things, but I really—

The Hon. WES FANG: Shall we poll them? I'm happy to poll them, Minister.

Mr DAVID HARRIS: I find you very offensive.

The Hon. WES FANG: I'm not sure that'd be the answer.

Mr DAVID HARRIS: I find you very offensive, and you don't need to be.

The Hon. WES FANG: I'm sure that's not the answer.

The CHAIR: Order! Minister, answer the question from Mr Lawrence, please.

The Hon. MARK LATHAM: He has. He finds Wes offensive.

The Hon. WES FANG: Yes, that's the sum total of his contribution.

Mr DAVID HARRIS: I think there's many in the Liberal Party that would agree with me.

The Hon. WES FANG: Good on them. Get at the back of the line, Minister.

The CHAIR: Order!

The Hon. CAMERON MURPHY: Point of order—

Mr DAVID HARRIS: In the earlier—

The CHAIR: Sorry, Minister. A point of order has been taken.

The Hon. CAMERON MURPHY: Chair, the Hon. Wes Fang just keeps interrupting. It's not even his time. He's not asking a question. He ought to be called to order for the third time and thrown out. It is ridiculous behaviour.

The CHAIR: I have a lot of sympathy with the submission you've made, Mr Murphy, but at this late stage I don't think it would assist us greatly. I do uphold the point of order. I won't call you to order for the third time, but please desist for these last couple of seconds, Mr Fang, from interjecting. Please desist from provoking him, Minister Harris. You have a clarification to make.

Mr DAVID HARRIS: Yes, sorry, Mr Chair. I earlier referred to gaming turnover in that report where I said between 2005 and now is roughly the same. That was actually—it wasn't turnover; it was expenditure that I was referring to. I earlier referred to a trial at Wallacia on facial recognition technology. For clarity, this is an expression of interest for that trial and is yet to commence, but we anticipate that the assessment for that will be finalised in the coming weeks. However, I have been in deep conversation with those people at various times. I earlier mentioned in answer to a question from Mr Latham that I wasn't sure if there was a requirement in legislation for Racing NSW to produce a strategic plan. I can confirm there is, but no powers for me to demand it. So there you go.

The Hon. MARK LATHAM: That's typical, isn't it? But you said your role is to uphold legislation.

Mr DAVID HARRIS: The Hazzard inquiry is actually looking into that. Hopefully, he will provide me with recommendations about how I can do that.

The Hon. WES FANG: You needed a note to do that?

The CHAIR: Excellent. Thank you, Minister.

The Hon. WES FANG: You needed a note to be told that?

The CHAIR: Minister, thank you very much for that clarification.

The Hon. WES FANG: You're kidding.

Mr DAVID HARRIS: Mate, if you had five portfolios and 23 different pieces of legislation, it's not straight—

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The CHAIR: In the absence of any more questions from the Government, that will—

The Hon. WES FANG: None of them you do very well.

The CHAIR: Order! Mr Fang, shut up. For God's sake.

The Hon. WES FANG: Chair, that language. It's unparliamentary.

The CHAIR: Your entire behaviour is unparliamentary. You bring this entire Committee and process into disrepute with your constant heckling and carrying on. Just be quiet. Thank you very much, Minister, for your attendance. We appreciate it greatly. If you've taken things on notice, we'll be in contact with you for those answers. Other than that, everyone, I will see you at 2.00 p.m.

(The Minister withdrew.)

(Luncheon adjournment)

The CHAIR: Good afternoon, everyone. Welcome back to our government officials for this part of the budget estimates hearing. We will turn to questions from the Opposition.

The Hon. WES FANG: Mr Draper, how are you?

SIMON DRAPER: Good, thank you.

The Hon. WES FANG: You would have heard the questioning I put to the Minister about the issue of facial recognition. There was a commitment prior to the election that facial recognition would be introduced by 30 June 2024. Has the Minister provided you or your department any instruction in relation to that facial recognition commitment from the Minns Labor Government?

SIMON DRAPER: No. I should expand on that. We're not responsible for administering that commitment.

The Hon. WES FANG: In terms of the Premier and you being part of the Premier's Department, I imagine you would be involved in any rollout that is implemented by the gaming Minister, and the Premier would also be involved. There has been no instruction to you in relation to this matter?

SIMON DRAPER: To clarify, the reason that I'm here today is really because of the Aboriginal Affairs portfolio, as is my colleague Ms Oxford. Our department is not involved in the delivery of that election commitment. The responsible Minister for that is Minister Harris rather than the Premier.

The Hon. WES FANG: I appreciate that. I'm taking advantage of the fact that you are here and that I can put these questions to you in the first instance.

The Hon. ANTHONY D'ADAM: Point of order: Mr Draper is not here to field questions outside the scope of this estimates inquiry. If he wants to ask questions to the appropriate Minister or the appropriate public servant with the appropriate responsibility, he should take that opportunity at the appropriate estimates hearing, which isn't this one.

The Hon. WES FANG: To the point of order: I have put it to the appropriate Minister. I have here the secretary in charge of the Premier's Department. I'm seeking to understand if the racing Minister has provided any guidance or instruction to the secretary for the Premier's Department in relation to this matter. I have the answer. I'm satisfied that the Minister hasn't given any instruction at all. It seems like there is no chance to honour this commitment.

The CHAIR: Order! I don't need a debating point.

MELANIE HAWYES: I might just, if I can—

The CHAIR: I'll just rule on the point of order. I appreciate the comment, but there is no point of order. I don't uphold it. Mr Fang, if you could direct an appropriate question to the appropriate public servant, that would be great.

The Hon. WES FANG: I think Ms Hawyes was about to volunteer an answer, which I was very appreciative of.

MELANIE HAWYES: I will ask my colleague Mr Barakat to provide a bit more of a detailed response. The Minister this morning outlined reforms and the direction they're going in, including that they've consulted on third-party exclusion and the use of mandatory facial recognition technology. The manner in which that is rolled

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out on a broader and more statewide scale is yet to be determined. Mr Barakat, do you want to elaborate on where we're at with those reforms?

TAREK BARAKAT: Sure. In terms of facial recognition specifically, we've undertaken a public consultation process. We've received a range of feedback in relation to that. We've developed a code of practice which could be used by venues that are currently using facial recognition, as a best practice guide about what to think about and what to do when they install it. The other thing we're doing, which is a Government commitment, is establishing a statewide exclusion register. We're in the final stages of procurement for that. We're hoping to finalise that in the coming months. Once that exclusion register is built, the plan will be for the facial recognition system to link in with that exclusion register so that we're helping people exclude themselves from venues across the State. You're probably aware, Mr Fang, that, as it currently stands, venues are required to offer self-exclusion, but there's nothing that actually links every single venue across New South Wales. From our perspective, the first step is to build and establish the statewide exclusion register and then deliver the facial recognition over the top of that.

The Hon. WES FANG: Appreciating that there has been some background work on this policy, was it the case that, in coming to government, there was instruction to the department to make that commitment a reality—that by 30 June 2024 facial recognition would be implemented across all clubs—and there were barriers that came up? Or is it the case that those barriers were already identified before an instruction was given to honour that election commitment by the Minns Labor Government?

TAREK BARAKAT: I can't speak to what work the Government did prior to being elected. Ultimately, the Government has come to power and a range of work has been done. There has been the establishment of the independent panel. There has been a report provided. A range of different advice has been provided as part of that process. You heard the Minister this morning talk about some of the complexities and issues in relation to timing.

The Hon. SCOTT FARLOW: In terms of what the Minister outlined, I think he outlined that a brief was provided to him on becoming Minister. Was there something contained in the incoming government brief—the Red Book, so to speak—that this would not be possible on the Government's election?

TAREK BARAKAT: No. I understood what the Minister was saying was that when he was appointed as Minister, he received a briefing on his portfolio from the Premier. It's not something that I'm involved in, so I can't really speak to the detail of what that was.

The Hon. SCOTT FARLOW: So this wasn't the department's assessment, at the time, of the incoming Government's policies and a delivery timeline?

MELANIE HAWYES: It's probably a fairer characterisation, as the Minister outlined this morning, that it's a very complex area in terms of the technology, the privacy considerations and how to do it appropriately and well at a pace that keeps up with current advances in technology. I think that's where the Minister was outlining some of the challenges in rolling it out.

The Hon. SCOTT FARLOW: When did the department first identify that the commitment that the incoming Government made could not be delivered?

TAREK BARAKAT: I'd have to take that on notice as to the specific time. The point that Ms Hawyes made, and that I made previously, is that a range of things have happened since the Government came to power, including the establishment of an independent panel of experts to provide advice to government on a whole range of gaming reforms. The Minister made the point earlier around complexity and time frames.

The Hon. WES FANG: While I appreciate that answer, what I'm trying to establish is that an election commitment was made prior to the 2023 election where the Premier and the then shadow Minister indicated that by 30 June 2024 the Minns Labor Government, if elected, would implement facial recognition across all clubs. That didn't occur. What I'm trying to understand is whether that instruction was given to the department by the Minister. Was it a priority of the Minns Government to honour its election commitment or was it not and the Minister is now floundering and trying to implement something without a time frame?

MELANIE HAWYES: Again, I don't think that's a fair characterisation, as you've just put it. Progressing this—the consultation, understanding the perspectives of the experts in the field and industry, and the Minister's desire to have a considered rollout that takes on board all of those technical and stakeholder perspectives—is what the Minister was talking about this morning.

The Hon. WES FANG: If I understand, what you're saying to me is that they've now understood the complexity in rolling this out and making this a priority for the Government. Was it premature? That's probably the better word; I had another word in mind. Was that a premature election commitment for them to make?

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MELANIE HAWYES: I don't think we can answer that.

The CHAIR: Order!

MELANIE HAWYES: Mr Barakat can outline a number of other reforms that have progressed.

The CHAIR: Sorry, Ms Hawyes. Mr Fang, you know well and truly that you can't ask public servants for their opinions on matters.

The Hon. WES FANG: I can ask public servants whether it was an unrealistic time frame for the Government to provide.

The CHAIR: You can do that.

The Hon. WES FANG: Was it an unrealistic time frame for the then Opposition, now Minns Labor Government, to provide the voters of New South Wales—that they would go to the election and implement a policy in 15 months—when we're now almost three years since the election and we don't have it in place?

MELANIE HAWYES: A range of initiatives have been progressed. I might invite Mr Barakat to outline some of those initiatives.

TAREK BARAKAT: All I can say is that a number of reforms have been implemented since March 2023. We have consulted on facial recognition, as I've discussed. We've consulted on the development of a third-party exclusion scheme, which was another election commitment. We're in the final stages of procurement for a statewide exclusion register. We've mandated that venues with over 20 gaming machine entitlements will be required to have responsible gambling officers in place. We've put in new restrictions around the placement of ATMs in venues and signage associated with those ATMs. We've banned signage external to venues advertising the existence of gaming machines within those venues. We've lowered the cash limit on all new gaming machines coming into gaming rooms to \$500. I think 54 per cent of the entire fleet in New South Wales has that lower cash limit. So a range of reforms have been progressed over this time.

The Hon. WES FANG: I appreciate that those reforms, I trust, are making a measurable difference in the lives of problem gamblers, but that wasn't an election commitment per se. The election commitment was that facial recognition would be implemented by 30 June 2024. Have you provided the Minister a realistic time frame of when that election commitment can be delivered?

TAREK BARAKAT: We've undertaken public consultation on facial recognition, and we've provided advice to the Minister off the back of that consultation process. We've developed a industry code of practice that is currently with the Minister, which could guide venues currently using facial recognition about best practice for how to use it. Ultimately, how Ministers and governments choose to progress their election commitments is a matter for them. What we have done is undertaken the consultation, done the work and provided the advice to the Government to inform its decision-making.

The Hon. WES FANG: In that circumstance, when will the Minns Labor Government honour its commitment to introduce facial recognition?

TAREK BARAKAT: That's a question for the Minister. It's not something I can answer.

The Hon. WES FANG: Has the Minister asked for or provided any feedback in relation to timelines?

TAREK BARAKAT: As I said previously, we provided a range of different advice on a range of different matters—election commitments and others—to the Minister and the Government for their consideration. The Government will now consider that information and make a decision as to how it wishes to proceed. But when and how it does that is a matter for the Government.

The Hon. WES FANG: When did consultation open up?

TAREK BARAKAT: For facial recognition?

The Hon. WES FANG: Yes.

TAREK BARAKAT: I do have that here. If you just bear with me, I can find the exact date. Apologies, we'll take it on notice. It was 2025, sometime. I'm sure I'll be able to get you the exact date before this session is over.

The Hon. WES FANG: My understanding is that it wasn't until 2025. Would that be a reasonable guide as to when the consultation opened up?

TAREK BARAKAT: Yes, that's my understanding. As I said, I think it was 2025. As to the exact date, I'd have to take that on notice and come back to you.

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The Hon. WES FANG: In those circumstances, it was actually after when the deadline for implementation was committed to by the Minns Labor Government. That would be a failure, wouldn't it, to effectively—

TAREK BARAKAT: I'm not going to—I can comment on the fact that 2025 is after 2024.

The Hon. WES FANG: Did the Minister ask you to do it before 30 June 2024?

TAREK BARAKAT: As I said previously, we provided a range of advice to the Minister on this issue and many, many other issues. There has been no direction one way or another yet, to us, as to how the Government wishes to proceed in this space or in the gaming reform space generally, but a lot of work has been done. A lot of information has been provided to the Government. It's now a matter for the Government to determine how it wishes to proceed.

The Hon. WES FANG: In those circumstances, it would be fair to say that if the Minister made a priority of this matter to implement it, you would, as best as you can, implement the priorities of the Minister as instructed, correct?

TAREK BARAKAT: I think we would do the work that is required to provide the Minister and the Government with the advice that they need in order to progress their election commitments. If the Government then chooses to, as the Minister said, understand the complexities in more detail, take more time to get across those complexities, understand some of the privacy issues, then that's a matter for government. What we were asked to do is provide the advice and information. The Government has now made a decision—well, the Government is yet to make a decision in this space.

The Hon. WES FANG: Every time I ask a question, I feel like I get a lot of words, but I don't particularly get a lot of clarity about these things. As I see it, it can only be one of two things: The Minister failed to give instruction to the department to make sure that that election commitment was honoured, or the Minister just hasn't done the work and hasn't made that instruction. I'm seeking to understand with these questions which of the two scenarios it is. Is it that in coming to power, there was no way that this Government could honour its commitment and therefore just failed to implement it, or that the Minister didn't prioritise this as something that he thought should be worthy of his department working on?

TAREK BARAKAT: Some of those are probably questions for the Minister.

The Hon. WES FANG: Yes, and he didn't answer them.

TAREK BARAKAT: What I'm saying is that we have provided advice to government. The Government has then determined how to proceed in relation to this election commitment and all of their other election commitments.

The Hon. WES FANG: Let's dive into that advice. When the Minister came to government, did he seek from you a timeline to implement his election commitment by 30 June 2024?

TAREK BARAKAT: I'd have to take that on notice. I can't remember the specifics of what we were asked for.

The Hon. WES FANG: Did the Minister ask you for advice about how the department could implement the Minns Labor Government's election commitment for facial recognition by 30 June 2024?

TAREK BARAKAT: We were asked for advice on how the Government could deliver on all their election commitments within this space.

The Hon. WES FANG: Was the Minister provided any advice that said it was impossible to deliver facial recognition by 30 June 2024?

TAREK BARAKAT: As to the specific nature of the advice, I'd have to take it on notice. If it's appropriate for us to share that, I'm happy to do so. But, again, I can't remember exactly—

The Hon. WES FANG: Why would it not be appropriate for you to share it?

TAREK BARAKAT: If these are—

The Hon. WES FANG: Is it Cabinet in confidence?

TAREK BARAKAT: I don't know. That's what I'm saying. I'll take it on notice and, if it's appropriate, I will—

The Hon. WES FANG: So you don't know if you prepared a Cabinet document for it?

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TAREK BARAKAT: I'm saying that—

The Hon. ANTHONY D'ADAM: Point of order: The substance of the question and the associated elements have been taken on notice. I think that the further—

The CHAIR: That's true, Mr D'Adam, but I don't think that's a point of order.

The Hon. WES FANG: The Minister having missed the 30 June 2024 deadline—was, subsequent to that date, any advice provided to the Minister as to how quickly facial recognition could be implemented by the Government?

TAREK BARAKAT: As I said, we undertook public consultation and we provided advice in relation to the outcomes of that consultation to the Minister and the Government. The Minister is now considering that advice, along with a range of other advice on some of the other election commitments and gaming reforms, and the Government will make a decision in due course.

The Hon. WES FANG: When was that advice provided to the Minister?

TAREK BARAKAT: On facial recognition?

The Hon. WES FANG: Yes.

TAREK BARAKAT: I'd have to take on notice the exact time frame.

The Hon. WES FANG: What subsequent work, having been provided the advice, did the Minister seek from you or the department in relation to further work to see this implemented before the election in 2027?

TAREK BARAKAT: I think the Minister was clear on the time frames earlier this morning. I won't repeat what he said, but I think it's recorded that he gave clear time frames in relation to the implementation of facial recognition. What he has asked us to do, which we've provided, is to prepare a code of practice which could be used by venues currently utilising facial recognition or wanting to put in facial recognition until such time as the Government makes a decision on how it wishes to proceed.

The Hon. WES FANG: When did the Minister ask you to provide that code of practice?

TAREK BARAKAT: I'd have to take that on notice.

The Hon. WES FANG: How far progressed is that work on the code of practice?

TAREK BARAKAT: The code of practice has been provided to the Minister. From our perspective, the work is completed. It's now a matter for the Government if they wish to make that publicly available.

The Hon. WES FANG: When was the code of practice provided to the Minister?

TAREK BARAKAT: I'd have to take that on notice.

The Hon. WES FANG: When will the Minister release that code of practice?

TAREK BARAKAT: That's a question for the Minister.

The Hon. WES FANG: Can you take that on notice?

TAREK BARAKAT: I can't. I don't know when the Minister will—

The Hon. WES FANG: Can you take on notice when you provided it to the Minister?

TAREK BARAKAT: Yes, I said I would take that on notice.

The Hon. WES FANG: Has the Minister provided feedback to stakeholders in relation to implementing the code of practice?

TAREK BARAKAT: The Minister regularly meets with stakeholders. What feedback is provided to them is probably a question for the Minister.

The Hon. WES FANG: So the Minister hasn't provided the code of practice to stakeholders in order to get feedback on it?

TAREK BARAKAT: We, as the department, have consulted with industry and relevant stakeholders on the code of practice. What the Minister has done is a question for the Minister.

The Hon. WES FANG: In terms of the implementation, has the Minister provided you any guidance as to a staged rollout, or is it to be just implemented by a certain date?

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TAREK BARAKAT: Again, the Government hasn't made decisions in this space, but the discussions that we have had and some of the advice that we provided is consideration about the impacts of this on smaller venues in regional areas and rural venues. There is consideration about different issues in this space and how best to roll some of this out.

The Hon. SCOTT FARLOW: With respect to some of the budget projections, I note in the budget that when it comes to gaming revenue from hotel gaming devices, the budget is expecting 7 per cent on average—7 per cent, 7.33 per cent and 7.1 per cent over the forward estimates increases. Whereas, when it comes to clubs, it's anticipating revenue increases of 2.11 per cent, 2.88 per cent and 2.62 per cent over the forwards. Why is there that disparity? Why is there the higher expectation from hotel gaming devices than from clubs?

TAREK BARAKAT: I think the revenue figures in the budget and the projections are done by NSW Treasury. It's not something Hospitality and Racing is involved in. They're probably questions better directed to the Treasurer.

The Hon. SCOTT FARLOW: So you have no feed-in at all?

TAREK BARAKAT: As to why pubs—

The Hon. SCOTT FARLOW: Is it because of any policy changes? Is it because of the reduction in gaming devices within clubs or the like? Is there any policy outcome which would explain why there's the differential?

TAREK BARAKAT: The policy reforms that I ran through earlier in response to Mr Fang's questions are applicable to both hotels and clubs. They don't differentiate between the two.

The Hon. SCOTT FARLOW: From your perspective, you can't see why there would be such a disparity between hotel gaming devices and club gaming devices?

TAREK BARAKAT: Not sitting here right now, but I'm happy to take that on notice. If there's anything additional we can provide, then we're happy to do so.

The Hon. SCOTT FARLOW: With respect to the road map for gaming reform, when do you anticipate a response to be made to that report?

TAREK BARAKAT: That's a question for the Government.

The Hon. EMMA HURST: I've got questions for Mr Tutt. I'm sure he's prepared for that. I've got some questions about Mr Paul Van Gestel. Given his previous category 1 drug charge for using an anabolic steroid, how did he get the role of chief steward?

MATTHEW TUTT: Again, the commission doesn't discuss direct individual employee matters at these sorts of committees.

The Hon. EMMA HURST: This isn't an active investigation or case, is it?

MATTHEW TUTT: Again, we don't discuss how we go about our individual employee recruitment. But the commission does follow the usual government recruitment processes, and they have been followed in this case.

The Hon. EMMA HURST: Where is this rule that you aren't to discuss anything to do with employees in a budget estimates hearing?

MATTHEW TUTT: The commission's view is that it wouldn't be appropriate to talk about individual employees.

The Hon. EMMA HURST: Even when there are controversial situations such as chief stewards—this man can act as a judge and jury over others when he himself has been a serious offender in the past. I think that's a very fair issue to bring up in budget estimates for our consideration, when we're looking into this industry. We're certainly looking into GWIC as a regulator under the Minister.

MATTHEW TUTT: Again, those matters, it appears, happened a long time ago and well before the commission. But, as I said, the commission doesn't talk about its recruitment processes for its current employees— or former employees, for that matter.

The Hon. EMMA HURST: I'm not interested in the recruitment process. What I'm trying to understand is how did somebody get into this role, generally? How does somebody with a history of drugging animals end up being somebody that judges and is the jury for other people who are potentially drugging animals?

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MATTHEW TUTT: Like every recruitment that happens in the commission, there's an application process, there's a recruitment panel and there are decisions made as a result of that recruitment process. A variety of matters are taken into account.

The Hon. EMMA HURST: What immediate action are you going to take to either suspend or remove Mr Van Gestel, given this has come forward?

MATTHEW TUTT: Again, the commission is not going to take any action in relation to Mr Van Gestel in relation to the matters that you've raised.

The Hon. EMMA HURST: So GWIC is comfortable that one of the chief stewards has formerly used drugs on animals?

MATTHEW TUTT: Again, we're comfortable with the recruitment choices that we make. We're certainly comfortable with Mr Van Gestel as our acting chief steward.

The Hon. EMMA HURST: Can you tell me what Mr Peter Davis's relationship is with GWIC? Is he an employee or a paid adviser? What's the relationship?

MATTHEW TUTT: I don't believe there is any relationship.

The Hon. EMMA HURST: There's no relationship? He has never received any kind of remuneration from GWIC whatsoever?

MATTHEW TUTT: I would have to take on notice if that has occurred in the past. But certainly in the period that I've been acting CEO there has been no commercial relationship with Mr Davis.

The Hon. EMMA HURST: In regards to the CCTV footage of Mr Stiff, I understand that's currently under investigation. Once that investigation is complete, are you able to provide that CCTV footage to this Committee?

MATTHEW TUTT: Not necessarily. Again, it wouldn't be appropriate for me to talk about matters that are currently subject to a disciplinary process.

The Hon. EMMA HURST: My question is about whether or not you can provide that CCTV footage to this Committee after the investigation is complete.

MATTHEW TUTT: Again, the investigation has been completed and is currently subject to a disciplinary matter.

The Hon. EMMA HURST: I'll rephrase the question. Are you happy to provide the CCTV footage once that disciplinary process is finished?

MATTHEW TUTT: I would have to consider what next steps might occur. We're also mindful that there's an ability to appeal, for participants that are subject to disciplinary matters. It would be a bit pre-emptive of me to make any commitments on behalf of the commission now, whilst the matter is still proceeding through its disciplinary process.

The Hon. EMMA HURST: Once the whole matter is complete, though, is there a reason why you wouldn't be able to provide that CCTV footage?

MATTHEW TUTT: Again, it's certainly not the practice of the commission to publicly release information that's part of its disciplinary processes. That would certainly be a matter that we would have to consider in the fullness of time. But it's generally not a practice that the commission does, to publicly release evidence that's part of a disciplinary process or the subsequent appeal process.

The Hon. EMMA HURST: Or even after the case is completed entirely?

MATTHEW TUTT: At any stage, that's right.

The Hon. EMMA HURST: What's the current timeline? You said that this current case has been adjourned. When are you expecting to have a—there were cases that were heard after this case. I believe it still occurred on the 20th. There are other cases that have been completed. What's your timeline on this one and what's the delay?

MATTHEW TUTT: There's no unreasonable delay, in the commission's view. The matter has been adjourned to 16 March, I believe. Again, it's dealt with by commission decision-makers. With all these matters, there's a need to consider all the evidence. That can sometimes take some time. Again, without committing to a set time, it would be the expectation that we would deal with it fairly quickly.

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The Hon. EMMA HURST: Are the most recent allegations for the drugging of dogs and the recent assault of a 15-year-old boy being included at all in this current investigation or disciplinary process?

MATTHEW TUTT: Again, without going into the details of the current disciplinary process—and I took a matter on notice previously in relation to that allegation that you've raised about the individual—that is a matter that's currently subject to commission investigation. Again, I can't make any comment in relation to that.

The Hon. EMMA HURST: The incident with the child at Dubbo racetrack is an allegation that you are at least aware of?

MATTHEW TUTT: We're aware of those allegations. But again I make no public comment about it. It's under investigation and the commission will do what it does with all its investigations: consider them appropriately.

The Hon. EMMA HURST: Will the previous issues that I listed earlier today also be given consideration, particularly given the fact that he was lying on his application to become a bookkeeper and had previous convictions as well? Will that all be considered as part of that disciplinary process or will it be considered entirely separate?

MATTHEW TUTT: Again, without going into specific details, how it would work with the commission's registration processes is, if there was a registration application by the individual, all matters relevant to that individual would be considered by our applications assessment panel and a decision would be made. But, again, those aren't matters that are relevant here.

The Hon. EMMA HURST: In what way do you mean that they're not relevant?

MATTHEW TUTT: As far as a disciplinary process.

The Hon. EMMA HURST: In what way do you mean that they're not relevant, though? Obviously disciplinary processes fall under the Minister. The operating licence for greyhound racing requires that the Minister is alerted any time there is anything that could bring the industry into disrepute. In what way have you personally decided on behalf of the Committee and the inquiry here and budget estimates that certain matters of disciplinary action are not relevant?

MATTHEW TUTT: The answer to the question is that the disciplinary matters don't involve the matters that you're referring to—the ones that appear to be historical. They're in relation to more recent matters, of which I won't go into detail, and a decision will be made in relation to those disciplinary matters.

The Hon. EMMA HURST: GWIC conducts an annual People Matter Employee Survey. Did GWIC conduct such a survey in 2019 and 2020?

MATTHEW TUTT: It would have.

The Hon. EMMA HURST: What sort of information does GWIC get back from these surveys? Obviously, when I've had surveys done of a similar nature, you might get a percentage of people that tick certain boxes and then there's often an open question section as well. Would you get de-identified text of most of those responses when staff raise concerns?

MATTHEW TUTT: I'd have to take that on notice as to what we precisely receive. But I know certainly from recent times, given my current role, that we receive a whole lot of data from the Public Service Commission, and that contains results that have all been collated. In the recent documents that we've received, I don't believe there's been any de-identified material in that. It's all been statistics and data.

The Hon. EMMA HURST: But as I understand it, there's an open-ended response section for staff to put in their own feedback. I'm assuming that at least some of that would come back in a de-identified way. I say "de-identified" because I imagine they haven't put the staff member's name next to that feedback that they're providing. If there was something problematic raised in those open-ended sections by staff, what would be the process within GWIC to deal with that?

MATTHEW TUTT: I can speak for the current leadership at the commission. If there was, the commission would consider that quite seriously. In relation to that, given that you've raised things about the PMES surveys, the commission has already instituted a process where we're going through, we're workshopping with our staff and we're recognising some of the responses that we've received in relation to those. We're developing an action plan as to how we can best respond to those results. I think even as soon as next week, we've got the next iteration of our workshopping, so we are recognising those issues and we're taking those on board and coming up with the response to those.

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Ms ABIGAIL BOYD: Mr Tutt, still with you, why wasn't Shayne Stiff interim-suspended after he punched that dog at Wentworth Park?

MATTHEW TUTT: Again, I'm not going into details of the particular matter. We don't comment in relation to those particular matters. But what I can assist this Committee with is the sorts of matters that we take on board when considering to impose interim suspensions or interim disqualifications. If you look at our current list of interim sanctions, 80 per cent—or eight or so out of the 10—all relate to matters where participants have been charged with criminal matters and are currently before the courts, including matters prosecuted by the commission. The other smaller, remaining matters are those of current investigations that are yet to be resolved. It's the preference of the commission, where we have all the evidence gathered, to proceed to the substantive disciplinary matters so that we can finalise those matters fairly quickly, as is the case with the current matter.

Ms ABIGAIL BOYD: Are you saying that there's no other circumstance where there's been an interim suspension before action has been taken?

MATTHEW TUTT: No, I'm not saying that. I'm saying that we consider each matter on a case-by-case basis with regard to a variety of factors, including how quickly we can move to the substantive disciplinary processes. In the present case, we're certainly comfortable with the way that that matter has progressed.

Ms ABIGAIL BOYD: It was caught on camera, so you'd think that that was pretty conclusive.

MATTHEW TUTT: Again, I can't go into the details of that particular matter.

Ms ABIGAIL BOYD: Is it really just because the stewards just don't think it's that big a deal to punch a dog, in your industry?

MATTHEW TUTT: Again, probably not the most appropriate line of questioning, but we've got a case.

Ms ABIGAIL BOYD: Well, it's not appropriate to punch a dog.

MATTHEW TUTT: Again, without going into details of this matter, we take all matters of animal welfare very seriously, and we resolve those matters as quickly as possible, bearing in mind there's procedural fairness elements that we've got to be alive to. In this particular matter, we're ensuring that we adhere to all those principles so that we can come to a quick outcome, but an appropriate outcome.

Ms ABIGAIL BOYD: There seems to be a significant number of bad apples in the greyhound racing industry. What do you think about Greyhound Racing NSW elevating some of those baddest of bad apples onto working groups? Mr Ken Burnett is now one of the members of the Sydney Metropolitan Racing Precinct Working Group, despite the biggest long list of disciplinary actions and misconduct that's occurred. Does GWIC have any powers or influence over the kinds of people that get elevated within the greyhound racing industry?

MATTHEW TUTT: Not in relation to GRNSW bodies. They're matters for GRNSW.

Ms ABIGAIL BOYD: So how does the integrity function at GWIC work if there's not that ability to actually intervene and ensure that they are acting in a professional way where they're taking this kind of wrongdoing seriously?

MATTHEW TUTT: Importantly, the commission's not responsible for regulating GRNSW. The commission's responsible for regulating the industry—that's participants. Our legislative powers are quite clear from the Greyhound Racing Act. But we don't have any regulatory role when it comes to GRNSW.

Ms ABIGAIL BOYD: So do you need another—I guess, if there was some sort of legislative power for you to put onto people's records when they had done things like Mr Burnett has done, to then be able to say, "This person, as a participant, cannot then be on certain boards or the chair of certain clubs" and that kind of thing?

MATTHEW TUTT: Again, they're matters for government.

Ms ABIGAIL BOYD: I understand that GWIC refused to approve the 400-metre starting boxes at Taree. How many other tracks don't comply with that standard at issue?

MATTHEW TUTT: I'd have to take that on notice, but in relation to that Taree 400-metre box start, that is as a result of a new build. On the minimum track standards, there are existing tracks and then there are the new builds. The Government, as I understand it, have provided a timeline for GRNSW to meet the minimum track standards in relation to all tracks, but with respect to the Taree 400-metre box, that occurs in the new build phase where that was constructed after the minimum track standards were developed and implemented.

The commission took a particularly strong view in relation to that 400-metre start on the basis that it was constructed after the minimum track standards had been made known and the UTS research was made known. The commission, it was put to me earlier, was talking about collaborating with GRNSW. We are still working

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with GRNSW in relation to that. We've received some information from GRNSW. We've provided GRNSW with some additional information, including engineering reports, as to why the commission is adopting the position it is, and as I said, it's coming from a position of welfare based on the minimum track standards and what's contained within those standards.

Ms ABIGAIL BOYD: With those minimum track standards, I understand there are no tracks at the moment that meet them. Is that correct?

MATTHEW TUTT: Yes, that's my understanding.

Ms ABIGAIL BOYD: So, we have zero tracks at the moment that meet the minimum standards. They were set back in 2020, so the industry's already had a good, long time. What is the deadline that you are giving them to get there?

MATTHEW TUTT: Again, it's not the commission's deadline, it's the Government's deadline. I believe it's 30 June 2027, is that right?

TAREK BARAKAT: Yes. The track standards have to be agreed and complete by 30 June this year. Tracks have to be upgraded against those revised standards by 30 June next year.

Ms ABIGAIL BOYD: Right. So the minimum standards won't be the same as the ones in 2020, then? We're going to revise them so that they're easier to meet?

MATTHEW TUTT: That's correct.

TAREK BARAKAT: "Easier to meet" I think is probably not the way I would put it. They're going to be revised and tracks are going to be upgraded against them. How GWIC and Greyhound Racing NSW revise them is a matter for them. But the outcome of the minimum track standards is to make tracks safer for racing.

Ms ABIGAIL BOYD: Hang on a minute. We had research that has led to minimum track standards being presumably mandated in 2020 and everyone was supposed to meet those. They didn't meet them. We're five years down the track, and now instead of making them meet those based on the best available evidence for track standards to make it safer, we're now going to revise the track standards to relax them, presumably?

TAREK BARAKAT: No, my understanding is not to water them down; it's to strengthen them. That's my understanding of the process.

MATTHEW TUTT: Yes. If I can assist, too, there'll be no diminution of any of the standards as far as the commission is concerned. The commission, under the legislation, is required to approve the minimum track standards.

Ms ABIGAIL BOYD: Right. But they haven't met—so you're talking about making them more strict, but they haven't even met the less strict ones? I don't understand why you would then delay the process to agree a whole bunch of new standards and give them even more time to do that.

TAREK BARAKAT: I can take this and confirm this on notice later in the day if I'm incorrect, but my understanding was this was a recommendation from the Drake inquiry that the track standards be revised and uplifted, so that's what is happening. There'll also be a range of—well, the Government's in consultation now on the revised operating licence, but there will increased accountability and responsibility and reporting requirements. I'm against those standards but the Minister has made it clear that if the standards aren't revised by 30 June this year and the tracks aren't upgraded by 30 June next year, then he has the ability to cancel that operating licence for Greyhound Racing NSW. They're the deadlines that have been set, and that's the outcome of not meeting those standards.

Ms ABIGAIL BOYD: Okay. I was going to say that that's what Drake recommended.

MATTHEW TUTT: Yes.

Ms ABIGAIL BOYD: She said that if they hadn't been met by 26 December; you're saying a little bit longer than that.

TAREK BARAKAT: Yes, 30 June 2027.

Ms ABIGAIL BOYD: What you're saying, though, is that racing will be suspended on tracks that don't meet these standards?

TAREK BARAKAT: I'm not saying that. I'm saying the Minister has said if he can make that decision, which is to suspend Greyhound Racing NSW's licence—so if these things don't happen, the Minister will be the one who makes that call.

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Ms ABIGAIL BOYD: The Minister will make a decision to do a thing he can already do in the future rather than committing to actually saying to these tracks that, if they're not up to the minimum standards, then we're going to shut them down. What incentive do they have, given they've had five years of not complying?

TAREK BARAKAT: I think the idea was that, off the back of the Drake report, the industry would be given a chance with GWIC to revise the standards. They will then be given a chance to upgrade the tracks to meet those standards. If those two things don't occur, the Minister may choose to suspend racing or cancel the operating licence.

Ms ABIGAIL BOYD: This industry gets a lot of second chances, third chances and fourth chances, doesn't it? Can I ask, then, in relation to this new commercial agreement between Jetpets and Greyhound Racing NSW, is GWIC aware of the details of that?

MATTHEW TUTT: No.

Ms ABIGAIL BOYD: Right. Would GWIC expect to be made aware of the details?

MATTHEW TUTT: No. They're matters that are under the responsibility of GRNSW.

Ms ABIGAIL BOYD: Right. We've been through this. They're no longer part of the industry, so you're not tracking them; you don't care?

MATTHEW TUTT: That's right. They're no longer in our jurisdiction because they move off the greyhound register in New South Wales, and they then become the responsibility of GRNSW.

Ms ABIGAIL BOYD: Okay. So they might die on the tarmac but at least they're not being punched in the head.

The Hon. SCOTT FARLOW: Ms Oxford, I want to ask you a couple of questions. With respect to the treaty commissioners, there were three appointed. Is it right that there's only two that are currently operating?

TRISH OXFORD: Yes, that's correct.

The Hon. SCOTT FARLOW: What happened with Mr Fernando?

TRISH OXFORD: The treaty commissioners are appointed by the Minister and that's really a question for the Minister. The treaty commissioners actually report to the Minister, not to Aboriginal Affairs.

The Hon. SCOTT FARLOW: Are you aware of whether there are any protests underway for the appointment of a new treaty commissioner?

TRISH OXFORD: No. I'm not aware of that.

The Hon. SCOTT FARLOW: With respect to Reconciliation NSW being able to secure an additional six months of funding from the Government to the end of 2025, after the Minister's initial intention to cease government funding, what are the Government's continued funding plans now for Reconciliation NSW?

TRISH OXFORD: We've been working with Reconciliation NSW for quite some years now and we've provided them funding. There is the understanding, though, however, that they should really seek other funding and not just be reliant on Aboriginal Affairs funding. So we've actively supported that organisation to help them gain funding from other areas.

The Hon. SCOTT FARLOW: Have they been successful in being able to do that?

TRISH OXFORD: I'm not aware of if they've been successful or not.

The Hon. SCOTT FARLOW: So the New South Wales Government is continuing no funding at this stage with Reconciliation NSW?

TRISH OXFORD: No. We are funding it and we've made a commitment to support them in ensuring that they seek other funding elsewhere as well.

The Hon. SCOTT FARLOW: How much is that commitment? How long is that commitment for?

TRISH OXFORD: An additional six months.

The Hon. SCOTT FARLOW: That's to 30 June this year?

TRISH OXFORD: Yes.

The Hon. SCOTT FARLOW: How much is that funding for at this stage?

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TRISH OXFORD: I have to take that on notice.

The Hon. SCOTT FARLOW: Have there been any meetings with Reconciliation NSW in 2026 from your department or the Minister?

TRISH OXFORD: I'm not aware if there have been any meetings, but I can take that on notice and get back to you.

The Hon. SCOTT FARLOW: With respect to Closing the Gap as well, the 2025 data shows that New South Wales has seen a decline in four of the socio-economic outcomes. How is the Government working to reduce this growing decline to zero?

TRISH OXFORD: Within New South Wales and according to the July 2025 Productivity Commission report, there are nine targets actually improving and there are four targets where we haven't got real data back, and two are worsening. What we do find, though, is that within the areas that the targets are worsening, it really is around not having that deep structural change. Where they're improving, we have systems that have been working and have been around for some time. In terms of addressing those deep structural changes, Aboriginal Affairs is working really solidly with our community partners as well as our partner agencies to ensure that the voice of Aboriginal people is heard. That's the way that we can support the change.

The Hon. SCOTT FARLOW: One, for instance, to pick up on, which is not worsening but there's no improvement and remains not on track, is when it comes to healthy birth rates. What are some of the actions that are being taken with respect to that target?

TRISH OXFORD: That's really a matter for Health to address, but from an Aboriginal Affairs perspective, again, we support and really take an active role in providing feedback on a regular basis to officer working groups. That's how we support our line agencies to address these issues.

The Hon. SCOTT FARLOW: That's effectively the role that Aboriginal Affairs plays in terms of those working groups and having representatives and voices on those working groups to work with other agencies?

TRISH OXFORD: Correct, yes.

The Hon. SCOTT FARLOW: With respect to cultural fishing rights, the ABC recently reported that seven Aboriginal men were prosecuted for illegal trafficking of abalone, but the police later abandoned this for \$1.9 million. As part of the Closing the Gap implementation plan, an initiative the Government is seeking to implement is support for increased access to cultural fishing rights. Is the Government undertaking work to amend the New South Wales Fisheries Management Act to support this initiative? Is there any role that Aboriginal Affairs has played in terms of advising Primary Industries on that?

TRISH OXFORD: No. That's really a matter for DPIE, but Aboriginal Affairs recognises that cultural fishing has a deep cultural significance for our people, but Aboriginal Affairs is not involved in that.

The Hon. SCOTT FARLOW: The Chair raised with the Minister previously some of the issues with deaths in custody recently and of course it's very sad that there were 12 Aboriginal men and women who died in 2025. I am just interested in terms of the role that Aboriginal Affairs is playing with respect to Corrective Services and the NSW Police Force on this worrying metric.

TRISH OXFORD: Aboriginal deaths in custody is a very sensitive matter and a very personal matter for Aboriginal people, including me, but in terms of the role that Aboriginal Affairs plays, it's another supporting role. We have met with the State Coroner and that was a productive meeting. We have given an undertaking to engage more with the State Coroner. She's very concerned about the numbers as well, but we do play an advocacy role in terms of supporting agencies and our Aboriginal community controlled organisations.

The Hon. SCOTT FARLOW: With respect to native title reform, recently it was announced that the Government had started consultations for developing a new policy for how native title claims could be settled in New South Wales. Is Aboriginal Affairs having any role in terms of the design of that policy?

TRISH OXFORD: Again, we take the role as advisory, and we sit on those committees. However, we sit on a senior officers group as well; but in terms of the lead, that's not for Aboriginal Affairs, either.

The Hon. SCOTT FARLOW: So Aboriginal Affairs has no role in terms of the consultations that are being undertaken with that at all?

TRISH OXFORD: I'll need to take that one on notice, thanks.

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The Hon. WES FANG: Ms Hawyes, the Minister met with Racing NSW on Friday 12 December. On the following Monday, Racing NSW put the ATC into administration. Did the Minister discuss with you prior to that announcement that that would occur?

MELANIE HAWYES: Absolutely not. But I would say this is my eighth day in this role, so I can't really comment on the Minister's—

The Hon. SCOTT FARLOW: Congratulations on your appointment, by the way.

MELANIE HAWYES: Thank you very much. I really can't answer that. I've only been in this role eight days, but I've had no conversations with the Minister about that matter.

The Hon. WES FANG: Congratulations. I wasn't quite aware. Given you indicated you were here for the department, I figured I would put the questions to you. Maybe you could refer to somebody who might be able to provide me a little bit of insight, perhaps.

The Hon. SCOTT FARLOW: Mr Barakat, perhaps.

TAREK BARAKAT: No, the Minister did not raise that with me at all.

The Hon. WES FANG: Did the Minister raise afterwards in his meeting with Racing NSW that the issue around the attempt to put ATC into administration was raised?

TAREK BARAKAT: Not with me.

The Hon. WES FANG: Has the Minister made any instruction to the department in relation to Racing NSW seeking to put the ATC into administration?

TAREK BARAKAT: No. The only conversations the Minister has had with the department in relation to the ATC is the appointment of members to some vacancies that exist on the board. Aside from that, there have been no conversations with me in relation to the ATC.

The Hon. WES FANG: That is a perfect segue, because you know what I'm about to ask next.

TAREK BARAKAT: I thought it might be.

The Hon. WES FANG: What is happening in relation to the vacancies on the ATC board?

TAREK BARAKAT: As you probably know, the Minister is responsible for any independent members to the ATC board. The ATC board is also responsible for appointing some members itself. For the two independent vacancies that exist, the responsibility of the Minister is to establish a selection panel, which is made up of a recommendation from the chair of Racing NSW, an independent director nominated by the ATC, and a non-independent director nominated by the ATC. The Minister has written to both the ATC and the chair of Racing NSW asking for their nominations for that selection panel.

The Hon. WES FANG: Where are we with that communication process that the Minister has implemented?

TAREK BARAKAT: To the best of my knowledge, the ATC has returned and put forward a nomination; I don't know who that is. My understanding is that Racing NSW has responded indicating, because of the process that was underway and the court hearings that happened last week, that they didn't think it was appropriate for this to continue at this point. The Minister subsequently, to my understanding, wrote to Racing NSW saying that, nonetheless, these two things are separate and that he still expects them to put forward a nomination for the selection panel so we can establish the panel and commence the process to fill those vacancies.

The Hon. WES FANG: In the circumstance that Racing NSW continues to not provide somebody to be part of this process, what is the circumstance that occurs then?

TAREK BARAKAT: I'd have to take that on notice and then get some advice. I'm happy to do that.

The Hon. WES FANG: Has the Minister indicated to you what his preference will be should Racing NSW continue to not engage in the process and how he will resolve this matter so that the vacancies can be filled?

TAREK BARAKAT: No, not at this time. He has written again to the chair of Racing NSW, reiterating the requirement. Outside of that, there have been no further discussions with me about the issue.

The Hon. SCOTT FARLOW: Could I ask one further question on this? The Minister has indicated several times when he had been asked about the interactions with Racing NSW that he sought legal advice. Has the Minister sought legal advice on this issue at all?

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TAREK BARAKAT: He has sought advice on his requirements under the legislation to fill the vacancies, but that's the extent of the advice that we've provided and that he sought.

The Hon. WES FANG: The next question is: What does that advice say?

TAREK BARAKAT: That the Minister has an obligation to fill the vacancies and he should be taking steps to do so. The advice is that he has taken those steps, to date. As to your previous question about what happens next if they still don't put forward a nomination, I'll take that on notice and I'm happy to come back with some information for you.

The Hon. WES FANG: Did that advice provide the time frame in which this should occur by?

TAREK BARAKAT: Not to my knowledge, no.

The Hon. WES FANG: When was the process due to have been completed?

TAREK BARAKAT: I don't think there's a time frame. It's simply that the Minister is required to take action when vacancies arise. The vacancies have arisen. The board is still quorate, I should note—it's still functioning—but the Minister does have an obligation under the legislation to take steps to establish this panel. But I don't think there's a timeline linked to that.

The Hon. WES FANG: How long have the vacancies been in existence?

TAREK BARAKAT: I'll take that on notice.

The Hon. WES FANG: What is the average time for those vacancies to be in existence, previously?

TAREK BARAKAT: I don't know that there would be, but if there is, I'm happy to take it on notice and come back to you.

The Hon. WES FANG: Is it the case that with the vacancies on the ATC board, where Racing NSW refuses to provide somebody to fulfil the obligations, it would indicate that Racing NSW is then perhaps in breach of their legislation? Is the Minister prepared to take action on Racing NSW should they fail to follow through with the nomination process?

TAREK BARAKAT: Whether or not the Minister is prepared to take action is probably a question for the Minister. As to whether or not Racing NSW would be in breach of any requirements under the legislation, I'm happy to take that on notice.

The Hon. SCOTT FARLOW: Ms Mackaness, I am interested whether you and your office are aware of approximately 35 per cent of New South Wales war widows being excluded from full council rate concessions on the death of their spouse. Is that something that has been raised with you or your office?

CAROLINE MACKANESS: Yes, we liaise regularly with the office of war widows and their CEO, Renee Wilson. We're aware of a few issues in that space where there are some complexities with DVA and their entitlements and how they intersect with State government concessions and also with local government. They are advocating for some changes in that space. I'm not sure of the current status. I'd have to get back to you on that particular issue.

The Hon. SCOTT FARLOW: If you could, and whether there has been anything that has been taken up with the Office of Local Government or the like or individual councils, if that is the problem, and whether anything can be done to support those war widows. With respect, you might also want to take on notice as to whether the Government is considering any changes to section 134 of the regulation to be able to support those war widows too. I suspect this will be on notice as well, but are you able to provide how many war widows in New South Wales currently receive a partial or no local government rate concession due solely to failing the PCC test, the pensioner concession card test?

CAROLINE MACKANESS: I think we'll have to take all of that on notice.

The Hon. SCOTT FARLOW: I thought you might. Thank you. With respect to the Veterans Strategy, there were 50 discrete actions across four themes that are contained within that strategy. How many of the actions have commenced, how many are completed and how many have not yet started since the strategy's release?

CAROLINE MACKANESS: Excellent question. The team are in the process of just finalising our one-year report card. A lot of them are ongoing and continuous. Some are new initiatives; some are related to work in relation to the royal commission actions and the work of the Commonwealth, State and Territory committees. I would like to say that we're actually doing really well across all of them. Some are being staged. Where there are new initiatives—for example, resources to assist partners of veterans find meaningful employment is being worked on at the moment, and that's likely to take the rest of this year to gather those

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resources, noting, as I think you know, we're a very small team. Another initiative that will be rolled out this year is the improvement to the resources for community war memorials. We've been working on that over the last year, and that's coming to fruition. We should be able to release the report in about a month's time.

The Hon. SCOTT FARLOW: So you'll be releasing a progress report on that, will you?

CAROLINE MACKANESS: Yes, we're required under the strategy to release the full report every two years. It's a four- to five-year strategy. We've actually taken our own initiative to report on the first year of progress. It's an informal update to the community on where everything is up to.

The Hon. SCOTT FARLOW: Well done. We'll look out for that report. With respect to veterans' mental health support, beyond the National Centre for Veterans' Healthcare, what additional New South Wales mental health capacity has been funded specifically for veterans and their families?

CAROLINE MACKANESS: Veterans and their families fit within the broad strategies of mental health across the State. It's quite complex because the Commonwealth has the white card, and they have their own services that are paid for and supported. Open Arms, for example, is a peer-led support network. It's complex, but there are no additional specific veteran-funded initiatives in that space that I'm aware of. The NCVH, of course, is a very specialised and important service. We are connecting veterans through the hub network that we're working very closely with the Commonwealth and LifeCare to deliver. It's complex. Veterans access services through many different channels, I would say.

The Hon. SCOTT FARLOW: With respect to one initiative, which is very new—the policy that was introduced from term one 2026—that allows the children of serving personnel to enrol in a New South Wales public school without a fixed address, has this rollout been a success? Have you had any involvement with that at all?

CAROLINE MACKANESS: It's really early days for that but, yes, it has been rolled out and communications have been shared through all of the channels that we can influence. Again, we sit on the Commonwealth, State and Territory Committee. The ADF is engaged in that as well. We promulgate our messages through lots of different channels, but then they're shared by those channels as well, so defence communities have let their family network know as well.

The Hon. SCOTT FARLOW: Do you have any data on how many veteran families have taken advantage of these changes?

CAROLINE MACKANESS: No, not yet. Again, it's very early. It's just the first term of it being implemented.

The Hon. SCOTT FARLOW: With respect to veterans' employment, part of the strategy is providing support for veterans and their families to be able to participate in employment. I'm interested whether you have any data in terms of how many veterans are directly employed by the New South Wales Government now.

CAROLINE MACKANESS: Yes, I do, in fact, and we're tracking well. We're on target with that. We currently have a target of 2,000 to achieve by the end of this year. As at 30 September 2025, we had 1,521 against a 1,500 target, so only slightly over.

The Hon. SCOTT FARLOW: Is that the end of the calendar year or the financial year?

CAROLINE MACKANESS: The reporting has been in line with the Public Service Commission collecting data from all the different agencies. We have an end of March and end of September, so by September, we hope, for 2026, to have reached that 2,000 number.

The Hon. EMMA HURST: Mr Tutt, as a reminder, obviously our budget estimates hearings really are our responsibility to look into transparency and accountability for department and regulatory bodies in regard to their day-to-day work. It's not really a press conference. It's really part of our job to make sure that there is that transparency and accountability. With that in mind, I want to review some of the questions we talked about before in regard to the employment of Mr Paul Van Gestel. You said that GWIC stands by the decision to appoint him as a chief steward and you feel very comfortable. Can I get you to give me details about why GWIC considers it okay to employ somebody with a history of drugging dogs in a role of chief steward?

MATTHEW TUTT: Again, it's the same answer. We don't comment in relation to individual employees. In relation to Mr Van Gestel, he went through a government recruitment process and he was successful in his appointment as a steward. Currently he's the acting chief steward, so we propose to go through a process where we will seek a recruitment process for the chief steward's role. It may be that Mr Van Gestel applies as part of that process, but we're satisfied that Mr Van Gestel's—

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The Hon. EMMA HURST: But why are you satisfied that he's okay in the acting role, given the history?

MATTHEW TUTT: Again, we don't comment about employees and their history.

The Hon. EMMA HURST: When you say you don't comment, are you rejecting the ability of this Committee to compel witnesses to provide evidence?

MATTHEW TUTT: Again, it's not appropriate that I discuss individual employees at an estimates hearing.

The Hon. EMMA HURST: Why do you believe that it's inappropriate to be asked questions about an individual employee when we're talking about transparency and accountability of a regulatory body under the Minister, which receives a significant amount of taxpayers' money? When an employee has a very controversial background—we're not talking about accusations of drugging dogs. He was convicted of that particular offence and now he's working as an acting steward, overseeing other people accused of the same actions.

MATTHEW TUTT: Again, I don't accept that characterisation of Mr Van Gestel's history.

The Hon. EMMA HURST: You're saying that you don't believe he was convicted?

MATTHEW TUTT: No, I'm not saying that. I'm saying that we don't comment publicly in relation to employees and how we go about our recruitment processes, save to say that the commission went through a process and Mr Van Gestel was successful in that recruitment process. Again, that wasn't for the chief steward's role, because Mr Van Gestel's in an acting capacity currently.

The Hon. WES FANG: Point of order: Chair, can you rule if Ms Hurst's questions are lawful? I believe they are. If the questions are lawful, then you, as Chair, can direct the witness to answer. I would ask you to do that.

The CHAIR: I'll take some advice. Ask some questions.

The Hon. EMMA HURST: Thank you for that. Can you also talk me through the decision process to suspend or not suspend a participant with extremely serious concerns raised, similar to Mr Shayne Stiff? What is your process in regard to putting that suspension in place?

MATTHEW TUTT: The commission has a very clearly defined disciplinary process. It's governed by the legislation. Section 58 of the Greyhound Racing Act requires the commission to provide the proposed disciplinary action in writing. We do that. It's a requirement of the Act, of course. The participant is then given an opportunity to respond to the charges, like a normal sporting disciplinary tribunal. The decision-makers of the commission then make a decision based on the evidence. Depending on what the outcome is—if it's a finding of guilt, then the matter will proceed to—

The Hon. EMMA HURST: I'm wondering more about a suspension during this process. This particular example was of somebody who aggressively bashed an animal. They still have animals in their care during this entire process. It's now being dragged out to March. There are potentially other animals at risk, without a suspension being put into place. How do you decide when a suspension does or doesn't occur? Potentially if it doesn't occur, animals will continue to be put at risk.

MATTHEW TUTT: Again, you're asking in relation to interim disciplinary processes, from what your questioning is. The commission does assess each matter case by case as to whether there's likely to be any ongoing risks—if there's an imminent risk to welfare or integrity. Without going into particular matters that are subject to disciplinary action, the commission does assess those. If a matter is at a certain threshold, as I said previously in response to your question, frequently those matters that we take interim steps against will be those where the participant is charged with criminal offences and they are currently before the court. We let the court processes play out before we take regulatory action. So it's a matter of assessing each matter on a case-by-case basis, and whether we're satisfied that there might be any ongoing risk. If there is, then the commission doesn't hesitate to take interim steps to ensure that the welfare of greyhounds and the integrity of racing is protected.

The Hon. EMMA HURST: Given there is clearly an ongoing risk, now that there's been an incident in Queensland with drugging of a greyhound, or allegations of that, will that be included in any considerations about whether a threshold has been met as an interim suspension in regard to Mr Stiff?

MATTHEW TUTT: Again, I'm not aware that Mr Stiff's got some matters from Queensland. The greyhound involved was not trained by Mr Stiff, as I understand it.

The Hon. EMMA HURST: His partner and Mr Stiff had the greyhound, is my understanding. Is that not your understanding?

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MATTHEW TUTT: The greyhound that you referred to in question is trained by Mr Stiff's partner or wife.

The Hon. EMMA HURST: I also want to ask you what steps have been taken to ensure that confidential information obtained by Mr Griffin, when at GWIC, was not passed on to Greyhound Racing NSW.

MATTHEW TUTT: Again, they were matters that were discussed, as I understand it, between Mr Griffin and the commissioners. My role as acting chief executive officer occurred after Mr Griffin had left the organisation.

The Hon. EMMA HURST: Hypothetically, if a senior staff member went to a female staff member, put his hand on their shoulders for an extended period of time and started to massage their shoulders to the point where other people noticed and asked if that staff member felt okay, would you consider that inappropriate conduct?

MATTHEW TUTT: I would certainly consider that conduct which would need to be investigated.

The Hon. EMMA HURST: What actions internally would happen if that concern was raised?

MATTHEW TUTT: If it was a matter currently where I'm the acting CEO, we would conduct an investigation and we would, depending on the nature of the matter, consider whether independent assessment was required and go through a process.

The Hon. EMMA HURST: Can GWIC confirm whether in 2021 the commissioner at the time was informed about such an incident and provided a written response?

MATTHEW TUTT: I can't—in 2021.

The Hon. EMMA HURST: Are you able to take that on notice?

MATTHEW TUTT: I can take that on notice.

The Hon. EMMA HURST: Are you able to provide the Committee with a copy of that response if it does exist?

MATTHEW TUTT: I'll take that on notice.

The Hon. EMMA HURST: Does GWIC maintain records of grievances raised by staff?

MATTHEW TUTT: We do.

The Hon. EMMA HURST: If staff requested that notes be retained on GWIC's official records, even prior to you taking on this role, you're sure that they would be there?

MATTHEW TUTT: I can't speak to the periods before my acting CEO duties commenced. It would certainly be my expectation that proper record keeping would be kept. I can speak to the period that I have been acting CEO, and the leadership team at the commission currently is very mindful of those sorts of matters. We keep—

The Hon. EMMA HURST: Sorry to interrupt. I appreciate you saying that you're mindful while you're in this role, and that's great. Do you have concerns that prior to you stepping into this role, grievances or sexual harassment allegations and things like that may not exist anymore and that they may have been thrown out or not kept as records?

MATTHEW TUTT: Again, I don't have concerns because I have no knowledge of what matters might have occurred before my time as CEO, and I can only speak to the period that I am the acting CEO and how they do those sorts of things.

The Hon. EMMA HURST: Obviously we both know that there have been allegations in that period, and so I would assume, now that you are the acting CEO, you would know if the documentation around those allegations exists or not.

MATTHEW TUTT: In relation to those, the commission has been responsible for responding to multiple—I think it's at least two—requests for documents from the upper House. We've complied with those, and we're currently subject to another request for those documents. We're undertaking, of course, those searches. It's returnable, I think, in the next week or so. We are going through that process. But it would certainly be my expectation that proper record keeping would be kept. As I said, if in our search for any further documents it is revealed that there are some, the commission will naturally comply with the request from the Legislative Council.

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The CHAIR: Before I hand over to Ms Boyd, in relation to your point of order, Mr Fang, after taking some advice, which I thought would be the case, I cannot compel anyone here to answer a question—despite that probably being my preference, but I can't.

The Hon. WES FANG: But you can indicate whether a question's lawful.

The CHAIR: Mr Tutt is perfectly within his rights to answer the way he sees fit, but he also can take a particular matter on notice and has.

MATTHEW TUTT: I don't think I've taken that on notice, Chair, to be honest.

The CHAIR: But seek some legal advice, or advice, and take the matter on notice and potentially provide the Committee with a confidential answer or one that's—

The Hon. WES FANG: It was more in relation to, Chair, that Mr Tutt questioned whether a question was appropriate. You, as Chair, can rule whether a question is lawful or not.

The CHAIR: I think all the questions are lawful.

The Hon. WES FANG: Some aren't. I might be guilty of asking a few of those.

The CHAIR: The ruling is that there was no point of order.

The Hon. EMMA HURST: Before I go, could I just ask that that is taken on notice and a confidential response provided in regards to the details about why GWIC considers it okay to employ Mr Van Gestel?

MATTHEW TUTT: I'll take that on notice, then.

Ms ABIGAIL BOYD: I might just throw a couple of quick ones to Mr Crawford, if I may, before going back to Mr Tutt. Mr Crawford, when did you get appointed to Juel Solutions and how long is that? How long have you been appointed and what's your role there?

PHILIP CRAWFORD: I'm chairman of that company—about three years ago, 3½ years ago.

Ms ABIGAIL BOYD: It has been described to me as a bit of a loan shark of a company. Do you have any concerns about the reputation of what that company does and how that impacts on your reputation as commissioner?

The CHAIR: Just to be clear, what did you say, Ms Boyd? For my benefit and for Hansard's, how did you describe it?

Ms ABIGAIL BOYD: As a loan shark company.

PHILIP CRAWFORD: That description is just ridiculous. Whoever gave you that description doesn't know much about the company.

Ms ABIGAIL BOYD: But it gives loans to people at incredibly high interest rates, doesn't it?

PHILIP CRAWFORD: I'll explain what the core business is. The core business of the company is to give loans to people primarily who are going through litigation to pay their legal fees and to pay personal expenses. Most of our customers are people going through matrimonial litigation. A lot of them are women who haven't been left with any money by their husbands to pay legal fees—very often to buy food or pay mortgage payments. We assess it on the basis that it's secured against some future benefit they'll get out of litigation in the Family Court. Our lending rate has just come down, but it's pretty much dictated by where we can raise money. Traditional banks will not lend in this area, and we borrow. It's not my money; it's not my colleague's money. We borrow money and we on-lend it at a margin. If our borrowing costs go down, we'll pass that on.

Ms ABIGAIL BOYD: But if they lose the litigation, they just have to pay you at that exorbitant rate?

PHILIP CRAWFORD: The litigation is always around, particularly, family law but there are other areas of law such as estate matters and personal injury cases where very often the worker doesn't have any access to any money until the process is completed. It's always secured against what they're going to get. We don't lend money where there is nothing to receive at the future time.

Ms ABIGAIL BOYD: So there's no-one who has just ended up being bankrupt or worse off because they've had to pay your legal fees?

PHILIP CRAWFORD: No. We had one unfortunate situation last year where one of the borrowers who was going through a family law matter took her own life, and that's working its way through with the executors, but in all cases they will have access to assets at some future time.

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Ms ABIGAIL BOYD: I understand that this company has lent recently to a pub. Is that correct? How many pubs does it—

PHILIP CRAWFORD: No, it hasn't lent to a pub.

Ms ABIGAIL BOYD: No? No sort of pubs or clubs or any of that?

PHILIP CRAWFORD: I'll explain the transaction if you like, but certainly we didn't lend to a pub.

The CHAIR: Ms Boyd, can I just ask how this relates to the budget?

Ms ABIGAIL BOYD: I'm just coming to that.

The CHAIR: If you could come to that, because it's causing me a little bit of concern.

Ms ABIGAIL BOYD: No worries. Have you disclosed your relationship with Juel as a conflict of interest on the NICC conflict of interest register?

PHILIP CRAWFORD: I have.

Ms ABIGAIL BOYD: When I go on the website, there's nothing on that register. Where would I find that?

PHILIP CRAWFORD: You've got me beat; I'm not sure. Let me explain. The first circumstance around the core business, I just can't see any way in which the sorts of loans we give for the most part would conflict in me fully discharging my duties and obligations in the NICC. If they did, sure, but for the most part I can't see any basis on which the core business has any direct conflict with what I do at the NICC.

Ms ABIGAIL BOYD: I want to get the timeline right. How long have you been in the NICC?

PHILIP CRAWFORD: It was set up by this place in September 2022.

Ms ABIGAIL BOYD: Did you start work with Juel before or after that?

PHILIP CRAWFORD: I'm not clear about the dates, but somewhere around that time in that year it would have been.

Ms ABIGAIL BOYD: Did the Minister ever explicitly approve that arrangement? Was he asked to approve the arrangement of you also having that role with Juel?

PHILIP CRAWFORD: The Minister back then was Kevin Anderson. I don't think I discussed it with him, but I think the obligation I have is if there is a conflict or likely to be a conflict of interest, it's a matter that I should have talked to him about. But that didn't arise.

Ms ABIGAIL BOYD: Just confirming, though, in terms of disclosing a conflict, are you saying that you don't see that there was a conflict? So there has not been a conflict, or you've just sort of declared that you are—

PHILIP CRAWFORD: When I was asked to do it by some friends of mine who set it up, I looked at whether there was any possible conflict—and, the type of business we normally do, there just wasn't. We do not lend to the casino industry.

Ms ABIGAIL BOYD: Or to the pubs and clubs industry or anyone else who could be indirectly impacted by casino policy?

PHILIP CRAWFORD: No. We don't fund anyone who's got litigation with casinos. Some staff members have disciplinary actions taken against them. But, no, we don't.

Ms ABIGAIL BOYD: Are the interest rates on these loans that are given still at around 20 per cent?

PHILIP CRAWFORD: No, they're around 15 point something or other at the moment.

Ms ABIGAIL BOYD: Is it correct that the second mortgage is taken on someone's home when they can't pay?

PHILIP CRAWFORD: We don't lend on an unsecured basis. We've had occasions where people have come along and said, "I've been saddled with a big costs order in a case. I want to borrow money." Unless they put up security, we're not interested. We really only lend where money's going to be able to be repaid from the sale of an asset.

Ms ABIGAIL BOYD: Has either the former Minister or this Minister ever been asked whether they view you being involved in that sort of business as being at all at odds with the integrity of your function as the head of the NICC?

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PHILIP CRAWFORD: Are you asking me whether the Minister's asked me or whether I've asked the Minister?

Ms ABIGAIL BOYD: Either.

PHILIP CRAWFORD: There was an article run about this issue in *The Australian* about two years ago. There was a number of articles pretty much about me. Not everyone is happy with some of the decisions we've made in terms of reformation of these casinos. There are some people with their noses out of joint. There was a series of articles. I actually cracked the front page of *The Weekend Australian* two years ago, which is a bit interesting as just a humble regulator. But there was a specific article about Juel, I think, explaining my role in some detail maybe two years ago. I can't really remember whether the Minister spoke to me about it or not.

Ms ABIGAIL BOYD: Mr Tutt, the Drake report also recommended lowering the maximum racing temperature to 34 degrees. What's happening with that recommendation? Is there any research or review being done?

MATTHEW TUTT: There is. That's one of the statements of expectations of the commission. We are currently reviewing that, including obtaining scientific and veterinary information. That's going to be subject to our response to the Government by 30 June, but it is certainly well advanced—having a look at a whole lot of veterinary and other factors that ensure that there are high welfare standards, especially in hot temperatures, which occurs, of course, at this time of year.

Ms ABIGAIL BOYD: Will veterinary expertise be sought as part of that review?

MATTHEW TUTT: Yes. In fact, the draft documentation that we've got has been authored by veterinary practitioners.

Ms ABIGAIL BOYD: Which tracks in New South Wales don't have air conditioning for the kennels at the tracks?

MATTHEW TUTT: I'd have to take that on notice. I'd expect that there'd be very few, if any, because it's part of the Race Day Hydration and Hot Weather Policy that all kennels must be under 26 degrees. I'd expect that all tracks would, but I'll take that on notice to confirm.

Ms ABIGAIL BOYD: That would be useful. Is it the case that there's no requirement for the transportation to and from the tracks to be air conditioned?

MATTHEW TUTT: Yes, that's right. The transportation to and from tracks under our current code of practice requires that the transportation compartments are ventilated and that greyhounds are taken out—there are long distances. They're given a break so that there is an appropriate level of care, but currently there's no requirement that they be air conditioned but that they be appropriately ventilated.

Ms ABIGAIL BOYD: Is that being reviewed?

MATTHEW TUTT: We haven't got a program for the review of the code of practice, but it is something that we are going to look into.

The Hon. SCOTT FARLOW: Ms Mackaness, maybe I'll ask you a few more questions and you might get an early mark—you never know your luck. With respect to the questions relating to veterans employment, I'm interested in the road map for the partners of veterans and their employment prospects as well. What is the Government doing with respect to the digital employment road map for the partners of veterans?

CAROLINE MACKANESS: Sorry, just a point of clarification when you talk about the digital employment road map?

The Hon. SCOTT FARLOW: I believe that is part of the Veterans Strategy—or I'm informed, I should say.

CAROLINE MACKANESS: As I just mentioned, the team's working on the partners of veterans employment strategy currently, on resources. At the moment we're in the consultation phase, talking to war widows, the Partners of Veterans Association and other groups. We're also researching what's available because, within our own government, different departments have programs for employment for women, for example, support toolkits. We're going to draw together what's available and look at how we can partner and work with others. Defence, of course, also has a role in this. Through the royal commission, they've got some tasks of improving the way they do things to support families as well.

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The Hon. SCOTT FARLOW: With respect to the employment of veterans through government, are you tracking the employment of veterans in local government as well or is that a figure that you aren't getting any visibility on?

CAROLINE MACKANESS: No, we're trying. The Veteran Employment Program manager, Craig Delaney, and Meg Banton, who works with him, meet regularly with all the different local government groups. I think they've recently met with the regional mayors group. They have different forums that they attend. I think they're up to 37 local governments now that have actively engaged and delivered employment programs to veterans. Craig's working with them to try and track those numbers. It's like our own government number collecting. We didn't have anything before 2016. We implemented the question through the Public Service Commission and that data is now building. But with the PMES, not everyone answers that. You do your best with data, but it's not always as fulsome as we would like. But, yes, we're definitely working on that and have great success in engaging with local government.

Ms ABIGAIL BOYD: Back to you, Mr Crawford. We were talking before about Juel's arrangement with pubs. Kurrajong Hotel, apparently, Juel now has a second mortgage on that after lending to a Mr Tom Wallace. Are you aware of that?

PHILIP CRAWFORD: It's a lot more complex transaction than that. We were approached for a loan through our CEO just on Christmas, for a loan—not from a pub group. They haven't to date invested at all in the pub group, in anything to do with the hospitality industry. But they do want to acquire a number of pubs in Sydney. They pretty much requested a short-term loan. It was approved on the basis that it was a bit like one of those deposit bonds. It's a four-month loan for the deposit only, and we get repaid in full when they buy whatever they're buying.

Ms ABIGAIL BOYD: Do you see that as a conflict of interest or a potential conflict of interest?

PHILIP CRAWFORD: Not at all, because we're not giving a loan to a company at the moment that has anything to do with the hospitality industry. As soon as they do, the day they convert and buy these assets, our loan gets repaid and we're not there. We don't want to go there. We did not want to lend into the hospitality industry. It's not our core business, anyway. It was a specific request made on Christmas, looked at by our CEO and recommended to the board for approval.

Ms ABIGAIL BOYD: That's not disclosed to the NICC or to anyone else when you do that sort of—

PHILIP CRAWFORD: The circumstances of that loan, first of all, we're not lending to anyone in the industry; secondly, the terms of the loan and the arrangements are confidential. It certainly, on any basis, cannot be considered a conflict for me in terms of discharging my duties.

The CHAIR: The time being 3.30 p.m., we're due for refreshment. We have a 15-minute break. A request has been made from a couple of our witnesses for a possible early mark. I think it was from Ms Lamb and Mr Crawford. I don't know how Committee members feel about that. Maybe they'd prefer them to stay.

Ms ABIGAIL BOYD: I think maybe, because Cate's coming in next.

The CHAIR: Sure.

The Hon. SCOTT FARLOW: I have no further questions for Ms Mackaness or for Ms Oxford. I don't know if you do, Abigail.

Ms ABIGAIL BOYD: I'm going and Cate's coming, so let me check with Cate.

The CHAIR: We'll see after the break.

(Short adjournment)

The CHAIR: Thank you for coming back. We will recommence. I don't think the Government's got many questions. The Opposition—we don't have any crossbench here, apart from myself of course, and I don't have any—are there any of the officials that you do not need to have here today for the rest of the session?

The Hon. SCOTT FARLOW: The package deal that is Mr Draper and Ms Oxford, I don't require, so they can be dispensed with. Ms Mackaness, as well, I've exhausted my questions to.

The CHAIR: What about you, Wes?

The Hon. SCOTT FARLOW: From our perspective, Mr Crawford as well, we have no questions for.

The Hon. WES FANG: I think at this stage that might be it. We will try and get through—

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The Hon. SCOTT FARLOW: Ms Meagher, as well, we have no questions for.

The Hon. WES FANG: If we can be timely with our questions, we might all get an early mark.

The Hon. SCOTT FARLOW: I don't think we have any questions for Ms Lamb either, but I do understand that that was what Abigail was saying.

The CHAIR: I've got a text message from Cate Faehrmann saying, "I'm coming." Just kick off. We'll just see who Cate's got questions for when she gets here—apologies. Fire away please, Mr Farlow.

The Hon. SCOTT FARLOW: Mr Levesque, the Commonwealth Government's Medical Research Future Fund now exceeds \$24 billion and continues to grow. Has the New South Wales Government formally advocated to the Commonwealth for an increase in the annual MRFF disbursement at all?

JEAN-FRÉDÉRIC LEVESQUE: We have provided advice to the Minister. There will be communication sent to the Minister advocating for a review of the spend so that the allocation of the MRFF is reviewed, given the significant under-allocation that we've seen in recent years.

The Hon. SCOTT FARLOW: What is the under-allocation? What do you believe the discrepancy is between what New South Wales has been receiving and what it should receive?

JEAN-FRÉDÉRIC LEVESQUE: I've got no insights into the reasons why. We are tracking the performance of our research teams. There has not been a significant drop recently. It looks like it's more general, all across Australia, that there's been less funds allocated in the recent rounds.

The Hon. SCOTT FARLOW: You believe it's something that isn't just impacting New South Wales but is impacting all States equally, so to speak?

JEAN-FRÉDÉRIC LEVESQUE: Not to my knowledge impacting New South Wales specifically.

The Hon. SCOTT FARLOW: What strategy does the State Government use to maximise its share of the MRFF funding? Is there a coordinated unit within NSW Health or Investment NSW dedicated to bid readiness?

JEAN-FRÉDÉRIC LEVESQUE: We do have various programs that aim at working with our research ecosystem to support research teams in different areas for them to be competitive. Sometimes, of course, there is seed funding provided to research teams. We do provide different grants that are also helping them then to apply for more significant Federal grants like translational research grants. We've got early and mid-career research grants that really enable various researchers from New South Wales to be competitive. We do have networks of directors of research in all of the different local health districts that we also work with to see what other capability and training we need to provide to our clinicians, our clinical researchers, to be competitive in that area.

The Hon. SCOTT FARLOW: Thank you, Mr Levesque. We might just pause if Ms Faehrmann's here to—

The CHAIR: Yes. After talking with Ms Faehrmann, Mr Crawford, Mr Tutt, Ms Meagher, Ms Oxford, Mr Draper and Ms Mackaness, you're excused, if you'd like.

The Hon. WES FANG: I need Mr Tutt.

The Hon. SCOTT FARLOW: You need Mr Tutt, sorry.

The CHAIR: Everyone except, Mr Tutt, sorry. Ms Mackaness, Mr Draper, Ms Oxford, Ms Meagher and Mr Crawford, you are excused if you feel that way inclined.

(Philip Crawford, Kate Meagher, Trish Oxford, Simon Draper and Caroline Mackaness withdrew.)

The Hon. SCOTT FARLOW: Is there any co-investment which is envisaged by the New South Wales Government to increase the funding allocation to New South Wales research initiatives?

JEAN-FRÉDÉRIC LEVESQUE: Do you have in mind a specific program?

The Hon. SCOTT FARLOW: That's why I'm asking. Are there any programs? Are you looking at any avenues by which the New South Wales Government might co-invest in terms of the Medical Research Future Fund?

JEAN-FRÉDÉRIC LEVESQUE: With the Medical Research Future Fund?

The Hon. SCOTT FARLOW: Yes.

JEAN-FRÉDÉRIC LEVESQUE: There's not been any specific approaches with regard to the Medical Research Future Fund in particular. We do have regular communications with our Commonwealth partners, and

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there are areas where in New South Wales we have centres of excellence that are really national centres of excellence. Therefore there are various discussions around potential co-investments. Those are, of course, always provided to government for ultimate approval and decisions. But we are certainly talking to the Commonwealth in many different areas that relate to research. Precision medicine, genomics, advanced therapeutics are really areas where New South Wales has got lots of skills and capabilities, and the Commonwealth is, of course, always interested to see if we could partner in establishing national centres in New South Wales.

The Hon. SCOTT FARLOW: Thank you. Doctor Levesque, in light of the global instability—particularly in the US—when it comes to medical research, has New South Wales developed a strategy to attract international research talent and investment to our shores?

JEAN-FRÉDÉRIC LEVESQUE: We do have a program that aims at attracting senior researchers that have specific skills that would really contribute to our research ecosystem. We work with universities and medical research institutes asking them to submit proposals. Like any proposals, they are then reviewed by peer review committees. Highly qualified applicants then get often offered funding for three years, for example, to support either their repatriation into New South Wales or migration anew to Australia from other countries.

The Hon. SCOTT FARLOW: With respect to regional clinical trials, are there any moves from the Government to increase regional clinical trials?

JEAN-FRÉDÉRIC LEVESQUE: Yes. We've got a rural, remote and regional clinical trial program which is a multi-year program that we actually have received from the MRFF funding. There's a bit more than a year to go with that funding. That's a program that has enabled us to establish different hubs across the State so that we support clinical trial units in rural settings and help to really lift the capability for clinician researchers especially to be active in research and also support what we call decentralised trials, which really are collaborative trials between metropolitan centres and rural areas. That rural, remote and regional clinical trial program has been the main vehicle that we've used to really promote that capacity in rural settings.

The Hon. SCOTT FARLOW: How many New South Wales based proposals have missed out on MRFF funding in the past three years? Is that something that you track?

JEAN-FRÉDÉRIC LEVESQUE: That's not something that we track. It would be difficult to get that information, given the fact that those programs are run by the Commonwealth Government, by their specific subcommittees, peer review committees et cetera. I doubt that we would have a full capture of those. It's not something that's reported back to us from the Commonwealth.

The Hon. SCOTT FARLOW: What is the projected utilisation rate of the Westmead viral vector facility?

JEAN-FRÉDÉRIC LEVESQUE: The Viral Vector Manufacturing Facility is in the last stages of commissioning. There is a company that was established to run the facility and support its commercial activity. Their expected volume of activity really depends on their own commercial activities and planning. That's something that the company would be better able to provide. That's not something that we directly control, given the fact that we've established that entity to run the facility.

The Hon. SCOTT FARLOW: Does the RNA research facility fall under your watch as well?

JEAN-FRÉDÉRIC LEVESQUE: No, the RNA manufacturing facility is led by the chief scientist. We do collaborate with the chief scientist on that program of work and contribute to various committees to ensure that the RNA facility will collaborate and interact with the Viral Vector Manufacturing Facility, but also to ensure that our research community accesses the facilities at RNA to accelerate their research from a health perspective, understanding that the RNA manufacturing facility will not just be for health but will support other areas of research outside of health.

The Hon. SCOTT FARLOW: With respect to the Westmead viral vector facility, how many New South Wales led trials are expected to be supplied annually at that facility? Is that something that you have data on?

JEAN-FRÉDÉRIC LEVESQUE: Again, it depends on the timing of the facility coming on board and receiving its TGA certification, because the Viral Vector Manufacturing Facility will be what we call a good manufacturing practice facility. Therefore, they have to go through that accreditation process before having contracts. I can take on notice the quota that was part of the contractual agreement with the company. There is a path of activity that, as part of the establishment of the company, should be reserved for clinical trials within New South Wales.

The Hon. SCOTT FARLOW: Thank you very much. I think we can put the rest to you on notice. We're happy to let Dr Levesque leave.

The CHAIR: Thank you, Dr Levesque. You are excused.

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(Jean-Frédéric Levesque withdrew.)

The Hon. WES FANG: Mr Barakat, when I asked the Minister earlier today about the issues with the closure of the Wagga Wagga track, he indicated to me that he wasn't made aware of any of the communications from the president of the Wagga Greyhound Club. What is the process when somebody such as the president of the Wagga Greyhound Club writes to the Minister to indicate that there are issues with a report? How does that become elevated to the Minister?

TAREK BARAKAT: That's probably a question for the Minister's office, if the letter has gone to the Minister's office or to the Minister. It has not come through the department.

The Hon. WES FANG: The department liaison officer doesn't ask you for any guidance in relation to advice on this before it goes to the Minister?

TAREK BARAKAT: No. If there was a response required, that's a different question. If someone writes to the Minister, the process is up in the Minister's office. If a response is required and advice from the department is sought, that will come back to us, we will provide the advice and a response will be sent.

The Hon. WES FANG: And that only comes after the Minister has been made aware of an issue, right?

TAREK BARAKAT: I don't know how it works in the Minister's office. That's a question for them.

The Hon. WES FANG: The department liaison officer doesn't ask for a brief to go up to the Minister with the correspondence?

TAREK BARAKAT: If a response was required, the DLO would request the department do that.

The Hon. WES FANG: Does the DLO ask for a brief on matters prior to the Minister being provided correspondence?

TAREK BARAKAT: I don't know what happens to correspondence when it's directed directly to the Minister's office. When it comes to the department, it's because advice has been requested in relation to a particular response that's been received. Whether that's a request from the Minister, the chief of staff or other staff in the Minister's office is a question for the Minister's office.

The Hon. WES FANG: When I ask you if you've provided any briefing notes to the Minister's office in relation to the closure of the Wagga track, you don't know if that has come from the Minister directly or whether it has been through the DLO?

TAREK BARAKAT: I would know that a request has been received by the department from the Minister's office. Who initiated the request, I wouldn't necessarily be sure of.

The Hon. WES FANG: Has a brief been requested in relation to the closure of the Wagga track from the Minister's office?

TAREK BARAKAT: I'm happy to take it on notice. It hasn't been requested of me, but it wouldn't come directly to me; it'd come through our department's central services and then be farmed up.

The Hon. WES FANG: If a brief was required to be developed, you would require to sign it off before it goes to the Minister?

TAREK BARAKAT: Depending on the nature of the brief. The majority would come through myself, and some would also go through the secretary.

The Hon. WES FANG: Has one gone through you since the closure of the Wagga track was announced?

TAREK BARAKAT: Not that I recall, no. If it has and I've forgotten, I'm happy to take it on notice. I would also point out that for a period of time before Ms Hawyes was appointed, I was acting in the secretary role. If something happened during that period when I wasn't in this role, it's not something I would have seen either.

The Hon. WES FANG: We haven't really established yet whether a brief has gone to the Minister and who has ordered a brief in relation to the Wagga track.

TAREK BARAKAT: I'm very happy to take on notice, Mr Fang, if a briefing has been provided to the Minister on this.

The Hon. WES FANG: Mr Tutt, I'll come to you now. Some of my colleagues have raised the issue of Mr Shayne Stiff and the charges that have been laid against him. I note that in an answer you provided, you

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indicated that an interim suspension wasn't believed by GWIC to be appropriate. What are the circumstances when an interim suspension is applied?

MATTHEW TUTT: As I said in my previous answer, the commission takes on board a variety of matters—whether there is likely going to be an ongoing investigation, whether the investigation is still ongoing or whether it can proceed to substantive disciplinary matters. In relation to the particular matter you're referring to, the commission conducted its investigation and then commenced its substantive disciplinary process, and that's ongoing. I can't go into too much more detail, but they're the circumstances that we'd have regard to.

The Hon. WES FANG: I'm aware of at least two interim suspensions that, on prima facie analysis, would be less severe and were committed by people with a less severe record than somebody like Mr Shayne Stiff. What I don't understand is, when there is video evidence and a clear pattern of behaviour, how an interim suspension hasn't been sought by GWIC. On notice, can you provide to me the documentation around how the consideration was reached, who was involved in that consideration and the time frame between when GWIC was made aware, the completion of the investigation and when the charges will be finalised?

MATTHEW TUTT: Some of the information that you're requesting will be sensitive to the investigation, so it wouldn't be the case that the commission would disclose that sort of information.

The Hon. WES FANG: Why not?

MATTHEW TUTT: If I can just go on, frequently the decision to impose an interim suspension or not is conducted by a review from our chief operating officer in conjunction with other decision-makers. Those decisions are made based on the evidence. Frequently documentation won't be available for that because it's a consideration of the evidence and decision made.

The Hon. WES FANG: From participants within the industry, there are concerns—and I've heard this from multiple people now—that it's due to Mr Stiff's connections with people in GWIC. It's due to his ability to provide threatening behaviour to other participants. There is concern that he has been given favourable treatment. What can you provide me by way of documentation to assure this Committee that that is not the case?

The Hon. STEPHEN LAWRENCE: Point of order—

MATTHEW TUTT: That proposition I completely—

The CHAIR: A point of order has been taken.

The Hon. STEPHEN LAWRENCE: I'm concerned about the question of adverse mention. This was ventilated in an estimates committee last year—I think it was actually Portfolio Committee No. 1. We got advice that it's not the same as in the House and that the reference to adverse mention in the standing orders is broadly applicable to third parties. If someone is going to be seriously impugned, this is not the appropriate place. There was an element of that question that referred to threatening behaviour, for example, so we seem to have moved beyond just the mere allegation to some sort of additional imputation.

The Hon. WES FANG: I haven't even got to the fact that he's a CFMEU member, mate, so let's—

The CHAIR: Order!

The Hon. STEPHEN LAWRENCE: Just hold it, Wes. This is not a joke, mate.

The CHAIR: No, it isn't a joke.

The Hon. WES FANG: I'm not suggesting it is.

The CHAIR: Order! You will cease interjecting during this hearing at every opportunity you get. It is a serious point of order. It was adverse mention of a third party. You're being reckless in the use of a very important power, which is the privilege we have here for free speech, and so I—

The Hon. WES FANG: Actually, Chair—

The CHAIR: Order! I uphold the point of order. I advise you to be very careful to use the powers of this Committee, as set down by the resolution of the House and the standing orders, carefully and not to make adverse mention of third parties unless it is absolutely necessary.

The Hon. WES FANG: Chair, I might take a point of order myself.

The CHAIR: I have ruled.

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The Hon. WES FANG: I am taking a separate point of order to that. Mr Lawrence might want to make a declaration that he may have a conflict of interest, given Mr Stiff and he are both from Dubbo. I would be interested to know if he is running cover—

The CHAIR: There is no point of order.

The Hon. STEPHEN LAWRENCE: I wouldn't mind the opportunity to respond to that.

The CHAIR: There is no opportunity to respond to it. There is no point of order.

The Hon. STEPHEN LAWRENCE: I always comply with my obligations. If I think I need to declare something, I declare something.

The Hon. WES FANG: So you say.

The CHAIR: Order!

The Hon. STEPHEN LAWRENCE: I obviously shouldn't have said that, but it's not an opportunity for Mr Fang to then impugn me and suggest that I'm breaching the code of conduct.

The CHAIR: I know it's not.

The Hon. STEPHEN LAWRENCE: You should grow up, mate, and you should take your job more seriously.

The CHAIR: Order!

The Hon. WES FANG: I am taking it very seriously.

The Hon. STEPHEN LAWRENCE: Seriously, don't start having a go at me. You're just a child, on occasion.

The CHAIR: Order! I call Mr Lawrence to order for the first time. I remind Mr Fang that he is on two calls to order. We're nearly there. In actual fact, if I take another three seconds to keep deliberating then his time is up.

The Hon. WES FANG: You've just kept Mr Tutt here for another 20 minutes, so that's fine.

Ms CATE FAEHRMANN: Mr Barakat, good afternoon. I understand that the review into mandatory shutdown hours is going reasonably well in terms of reviewing those licences. Could you give an update on that, to begin with, please?

TAREK BARAKAT: Yes, of course. As you're aware, there were 672 venues that had exemptions to the 4.00 a.m. to 10.00 a.m. shutdown. They were given until 4 February to make submissions as to why they should be allowed to keep those exemptions. We are reviewing those in consultation with ILGA. Of the 672, 610 have now been told that those exemptions have been revoked. There are 62 outstanding, and those 62 will continue to be considered on a case-by-case basis. Those decisions will be made before the end of March, which was the Government's commitment. All the new shutdown hours or the venue operating hours will commence from 1 April. Of the 672 venues that had them, 610 have already been advised that they will be revoked. There are 62 remaining to be assessed.

Ms CATE FAEHRMANN: That's good news. Those new hours have to be in place by 1 April—is that what you said?

TAREK BARAKAT: Yes, the Government committed to making a determination by 31 March and then the hours will commence from 1 April.

Ms CATE FAEHRMANN: Will there be a list of venues published? One of the issues with this has been a lack of transparency and information around the different licence conditions. What will be published?

TAREK BARAKAT: If there are any venues that are able to retain the exemption?

Ms CATE FAEHRMANN: Yes.

TAREK BARAKAT: I can take that on notice. At this point, the only mechanism for the general public to look at a venue's operating hours is on the Verify licence Service NSW website, which will list the operating hours. I'm happy to take on notice whether there is a plan to publish any venues that are able to retain the exemption, but I don't have that answer here today.

Ms CATE FAEHRMANN: That's basically where my question was going: Who has been able to retain them—or will be after 31 March—and on what basis?

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TAREK BARAKAT: Just to be clear, to this point, none of the venues that have been assessed—and I think it's worthwhile pointing out that a large chunk of venues didn't actually even apply to be allowed to keep the shutdown exemption. I think there were 590-odd venues that didn't make an application.

Ms CATE FAEHRMANN: In response to the review that happened into the shutdown hours, the department commissioned research around whether gamblers needed more than a six-hour break. The department stated that there was no evidence that suggests that a break in gambling needs to be longer than six hours to have a significant impact. What was that evidence? Do you know? For the life of me, I have been trying to find what the department is referring to.

TAREK BARAKAT: I don't, Ms Faehrmann. I'm happy to take it on notice. The panel also recommended that the existing shutdown hour period from 4.00 a.m. to 10.00 a.m. should be retained. Obviously, the Government is still considering that report and hasn't responded yet. But, at the moment, I think the first step was to review existing exemptions and then to consider whether or not there are any further changes required under the legislation.

Ms CATE FAEHRMANN: I think the productivity commission suggested 2.00 a.m. is better than 4.00 a.m. I may have asked in the past about getting information or evidence to substantiate what the panel was saying, but I'll put it on notice for you as well. The facial recognition technology that the Government is referring to and is very excited about, by the sounds of it—what safeguards will be put in place? Will there be guidelines, requirements and protocols, in terms of the regulatory framework, to stop venues with poker machines using AI and facial recognition technology in those poker machines to, in fact, incentivise people to gamble more?

TAREK BARAKAT: Yes. First of all, to the question you asked the Minister this morning—I think you may have left, but we did clarify that the trial of that technology is not actually yet underway. What the Minister has approved are changes under section 205A of the Gaming Machines Act to allow this innovative technology to be trialled. Before that actually commences, there will be—it's not public yet, but there is a framework, there are criteria, there is a range of things that potential manufacturers will have to meet before that technology is approved for trial, and that will all be made public. I don't have a time frame on that yet. It has only recently been approved.

Ms CATE FAEHRMANN: What is the framework? Is it going to be gazetted? Is it a regulation? Is it a guideline?

TAREK BARAKAT: It'll be a framework that manufacturers need to demonstrate adherence with for us to approve that their technology is appropriate to trial under this rule the Minister has made. A key part of that will be that the primary purpose of the technology has to be harm minimisation.

Ms CATE FAEHRMANN: But the primary purpose of the technology being harm minimisation doesn't necessarily reassure people, with respect, that it won't be used to also spot people and encourage them to stay on the machine. That is what AI is being used for in poker machines.

TAREK BARAKAT: And this is what was ventilated at the panel—

Ms CATE FAEHRMANN: Sorry, facial recognition with AI.

TAREK BARAKAT: Facial recognition—yes, for sure. I'll come back to you today, if I can. There are very strict requirements about the fact that—whether it's this technology that the Minister was referring to, or facial recognition more generally, or digital wallets that capture people's identity—it's not to be used for marketing purposes. It's not to be used for identifying people who game frequently and seeking to attract them to gamble more frequently. It's not to be used for any of that. I'll take on notice exactly what document that's constituted in, but that is a clear direction of the Minister and something that we're very well focused on. These are harm minimisation interventions—they're not to be used for any other purpose.

Ms CATE FAEHRMANN: While we're on the subject of facial recognition technology—and this probably goes a little bit into what would be Minister Graham's session; I'm conscious of this, but I think it's linked—I understand there is a request by the police for the Marlborough Hotel in Newtown to put in place a range of different measures, including facial recognition technology. Is that a usual request by police, for a venue to put in FRT regardless of whether or not they've got poker machines? This isn't a poker machine issue, I assume.

TAREK BARAKAT: It's not one that I've come across before, but I wouldn't necessarily come across it.

Ms CATE FAEHRMANN: Yes, I understand.

CAROLINE LAMB: Yes, it is. We do from time to time get applications from venues that have put in facial recognition technology as a harm minimisation initiative. I wouldn't say it's common, but it certainly does occur.

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Ms CATE FAEHRMANN: When you say you've got applications from venues, are they requesting approval from you, just to be clear of this process? Have they put FRT in themselves or do they require approval from the regulator?

CAROLINE LAMB: No, they don't require approval. Some of them, of their own initiative, have chosen to introduce FRT.

Ms CATE FAEHRMANN: What record is kept of the clubs and pubs across the State that have facial recognition technology? Is there a register?

CAROLINE LAMB: I can't tell you the answer to that. I don't believe there's a statewide register of who does and who doesn't have facial recognition technology. Mr Barakat?

TAREK BARAKAT: No, pubs, clubs and venues are allowed to use facial recognition. There's nothing stopping them. They have to comply with relevant privacy legislation and guidelines. I would imagine that there would have to be appropriate signage at entry to the venue to alert people to the fact that facial recognition technology was operating. But, from our perspective, we have no oversight of venues that are currently using it.

Ms CATE FAEHRMANN: Compliance wise, who checks on the venues? You're saying that they need to comply with various privacy regulations. It sounds good, but who checks that they're doing that?

TAREK BARAKAT: From a privacy perspective, the privacy laws aren't something that we have oversight over.

Ms CATE FAEHRMANN: Maybe there's no oversight?

TAREK BARAKAT: Can I take it on notice, Ms Faehrmann? I'm not trying to be difficult. It's not something that Liquor and Gaming NSW regulates under the Gaming Machines Act and the liquor laws. The privacy legislation isn't something we administer.

Ms CATE FAEHRMANN: Sure. The Minister is all gung-ho about facial recognition technology. With respect, I think the department needs to work out who is overseeing it.

TAREK BARAKAT: They're probably two slightly different things. If government was to mandate it and make it compulsory for venues to have, I think we would absolutely have a role to play in regulating and overseeing it and making sure people were complying with the relevant legislation. But, at the moment, venues can just put in facial recognition technology. It's not illegal. They're allowed to do it off their own back. If government was to mandate it, we would then be required to develop the framework and mechanism to oversee its implementation and usage.

Ms CATE FAEHRMANN: But you did just also say there are privacy guidelines and other things.

TAREK BARAKAT: Yes, the privacy commission and the Commonwealth guidelines.

Ms CATE FAEHRMANN: You're taking that on notice as to who actually checks?

TAREK BARAKAT: Yes.

Ms CATE FAEHRMANN: I think it's probably within the department that's responsible for the venues, I would think.

TAREK BARAKAT: I'll take it on notice, Ms Faehrmann, and come back to you.

Ms CATE FAEHRMANN: Ms Lamb, can the police also submit to the regulator for a venue to have to have FRT?

CAROLINE LAMB: The police can ask ILGA to impose conditions of various kinds, and one of them might be a requirement for facial recognition technology.

Ms CATE FAEHRMANN: What's your process after? What do you do when you receive something like this from the police?

CAROLINE LAMB: We consider all the circumstances of the case. We consider the evidence in that sort of situation. It would be typically evidence from the police of any circumstances which might warrant the additional conditions which impact that particular venue. It's very much a case-by-case approach. It is dependent on, very obviously, police evidence but also submissions from other people, like, obviously, the proprietor of the venue and community groups.

Ms CATE FAEHRMANN: Have you got a time frame on the Marlborough Hotel?

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CAROLINE LAMB: From memory, we received it on 4 September last year, which sounds like some time ago. Our process is to ensure that everybody has an opportunity to put in submissions. In this case, the venue itself asked for an extension of time to get an expert report. We granted that extension. The police have been asked to provide further information about why they think that long list of conditions they've requested are, in fact, required.

Ms CATE FAEHRMANN: Mr Barakat, I wanted to ask whether anything was being done—and I think it's a question for Liquor and Gaming. There was a story in *The Sydney Morning Herald* in December about Merivale's Club Rose Bay and the poker machines there. Merivale said these statements were false about Merivale potentially having poker games in its establishments and that the operator or venue charged a fee. There were allegations that 20 per cent was collected for every poker game played and that Merivale charge members between \$5,000 and \$20,000 a year to become a member. This is at level 6. That's not legal, though, is it?

TAREK BARAKAT: I'm not aware of that. My understanding is that poker like that is regulated under the Unlawful Gambling Act. The enforcement powers under that Act are exercised by police, not Liquor and Gaming NSW.

Ms CATE FAEHRMANN: This article says that New South Wales police are liaising with Liquor and Gaming in relation to Merivale poker nights.

TAREK BARAKAT: They may well be. I'm happy to take it on notice. That's not something I'm aware of. But, again, my understanding is that the enforcement powers sit with the police under that particular piece of legislation. They may well have sought advice from us in relation to things that are occurring there, but it's not something that I've been made aware of.

Ms CATE FAEHRMANN: Is it something that you should be made aware of, do you think, or have I got your position wrong?

TAREK BARAKAT: No, I think the police are co-regulating with us under the legislation. We talk to them on a daily basis about all range of investigations and matter of things. They don't all necessarily get escalated to me as deputy.

Ms CATE FAEHRMANN: This is a pretty big one. If you haven't been informed of it, I think something's going wrong within your department.

MELANIE HAWYES: It depends on the period we're talking about, but also Mr Barakat was recently acting secretary. He has taken on notice to find out if it has been raised with the department and in what capacity.

Ms CATE FAEHRMANN: The Auditor-General's report into the Gaming Machines Regulation found that the department does not set any outcome targets for reducing gambling harm. It recommended establishing indicators, baselines and targets. How is the work going to do that?

TAREK BARAKAT: We're on track. I think that has to be delivered by the end of June this year. We've accepted that recommendation. We've just released our new regulatory priorities for this year and also our new strategy for 2026 to 2028. They're available on our website now. Both of those things commit us to focusing on harm minimisation as a key area for us. The strategy also commits us to reporting against our regulatory priorities and delivering against those priorities and outcomes from implementing those regulatory priorities over 12 months. Those reports will be made publicly available.

In terms of measuring levels of harm and how interventions may or may not be working, the key gambling harm survey is the NSW Gambling Survey. The most recent one was published in 2024. That's kind of the baseline there. Levels of high-risk harm, moderate-risk harm and low-risk harm, and rates of gambling and things like that, are outlined in that strategy. We use that as the baseline to determine whether or not interventions that the Government has announced and we have implemented are having effect. We've also, to that point, just commissioned an external party to undertake a review of the 2024 gaming reforms. That organisation will be looking at implementation of responsible gambling officers, gaming incident registers, gaming plans of management, new requirements around ATM location and signage, and they'll be starting surveys and consultation in the first half of this year to complete that evaluation of those reforms to determine what impact they've had.

Ms CATE FAEHRMANN: So that's a consultant to have a look at the reforms of 2024? I'm pretty sure the Auditor-General's report found that there was a bit too much focus on those reforms.

TAREK BARAKAT: The Auditor-General, in relation to those reforms, was sort of suggesting that our compliance activity was too heavily weighted to monitoring implementation—venues implementing those new obligations. That's what the Auditor-General said. What we've done here is engaged, at Central Queensland University, someone else whose name escapes me at the moment to actually evaluate the impact that the

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implementation of those reforms had, and then our strategy and priorities going forward commit us to doing these evaluations and publishing reports against them every 12 months.

Ms CATE FAEHRMANN: Have you done the work in terms of looking at what a gambling harm outcome would be in terms of indicators for whether gambling harm specifically has been reduced? Has the department done that work? Because that's a bit trickier, I think.

TAREK BARAKAT: It's really tricky, and we haven't completed that work. We're thinking about it now.

Ms CATE FAEHRMANN: Are you working on it?

TAREK BARAKAT: Yes, we are. But you are correct; it is really tricky to actually get an accurate measure of reductions in harm based on specific implementations of interventions.

Ms CATE FAEHRMANN: The \$100 million fine against The Star casino, which the Government announced on 16 October 2023 was going towards harm minimisation initiatives—it's tricky to get full transparency on exactly what this \$100 million has gone towards. I've got a list in front of me. I actually did put in a question on notice on this that I thought I'd use. I've got a range of different things, but it does say there's \$15 million that seems to be unaccounted for in what the Government says it's spending things on.

TAREK BARAKAT: Yes. The media release that you're referring to, I don't recall that allocating money to specific things. I think it just said there was \$21.7 million available over the next three years, which then left the \$15 million. I don't want to get too technical, but the \$100 million is entirely earmarked by the Government for a gambling harm minimisation fund. What needs to happen from us and from the Minister is that, to allocate aspects of that to specific projects, we need to go back and seek a Government decision. Thirty million of that \$100 million has been allocated to the Responsible Gambling Fund over the last three years, and they've incorporated that into their budget to undertake the activities that they undertake. There's been portions allocated to the independent panel and to facial recognition. All of that money is still available. What we have done is finalised proposals to take through this budget process to get all of that remaining money allocated to specific harm minimisation initiatives.

The Hon. WES FANG: Mr Tutt, was Shayne Stiff the former president of Greyhound Clubs NSW?

MATTHEW TUTT: I believe he's the current president.

The Hon. WES FANG: He's the current president? Okay. Did that have any bearing on the fact that he wasn't provided an interim suspension initially?

MATTHEW TUTT: None whatsoever.

The Hon. WES FANG: Did his role as a former CFMEU official have a bearing on the fact that he wasn't provided an interim suspension?

MATTHEW TUTT: None whatsoever. In fact, to your last question, the commission has only recently written to Greyhound Clubs NSW to advise that, whilst the disciplinary processes involving the individual that you name are ongoing, the commission wouldn't be meeting in any official capacity with Greyhound Clubs NSW.

The Hon. WES FANG: When do you expect the disciplinary action to conclude?

MATTHEW TUTT: Again, as I said earlier, I think it's been adjourned to 16 March. That's a process that happens independently of me as the acting CEO. Decision-makers will hear the evidence. They'll make a determination. I'd expect that it would be dealt with either on 16 March or fairly soon after.

The Hon. WES FANG: Is there a prosecutor that's involved in making the case for GWIC?

MATTHEW TUTT: Again, the commission, in relation to most of its disciplinary matters—its regulatory matters—has two or three stewards as decision-makers. In this matter, that's also the case.

The Hon. WES FANG: Has the commission ensured that there are declarations and independence in place to make sure that there are no connections between stewards and participants?

MATTHEW TUTT: Again, the commission is very comfortable that its management of conflicts between staff and participants—or anyone, for that matter—is a very robust process.

The Hon. WES FANG: Are the same stewards that'll be making the determination in relation to this disciplinary matter the same stewards that elected to not provide an interim—

MATTHEW TUTT: Again, in relation to the interim disciplinary processes, they're matters that really are run by our chief operating officer. I'd have to take it on notice as to whether they were involved, but my

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understanding is that's a decision that sits with our chief operating officer, as to whether an interim suspension or otherwise is imposed.

The Hon. WES FANG: So there's only one person that makes the determination as to an interim suspension?

MATTHEW TUTT: No, it's managed by our chief operating officer. There can be others. In relation to this, as I said, it's a substantive disciplinary matter dealt with by three decision-makers. I'd take it on notice, although I can probably check—in this particular instance, it's my understanding that decisions have been made by our chief operating officer and not the decision-makers involved in the disciplinary process.

The Hon. WES FANG: In terms of an interim suspension only, the sole decision-maker was the chief operating officer? There were no other members of GWIC that were involved in making that determination?

MATTHEW TUTT: No, just the chief operating officer.

The Hon. WES FANG: In circumstances where you have a high-profile person with union links and with links to one of the biggest industry groups, do you think that it's perhaps advisable to have other people in the decision-making process, given that an interim suspension wasn't sought by GWIC?

MATTHEW TUTT: Again, I'm not here to give my opinion in relation to the links that you refer to, but we do have a fairly robust process as to what circumstances we impose interim suspensions or disqualifications. We're satisfied that, in relation to the matter that you're raising, the commission has acted appropriately and taken the right steps, and we're going to deal with the matter on a substantive disciplinary basis.

The Hon. WES FANG: In terms of where an interim suspension has been implemented by GWIC, you've indicated that the consideration of the length of time it takes for a matter to be brought forward for a hearing, the previous conduct and the matter that is at hand in relation to the disciplinary matter are all considerations as to whether an interim suspension is implemented. Are there any others?

MATTHEW TUTT: There's many. It's an assessment of whether there's any ongoing risk, how long the substantive matter might take—as I've said frequently, and again I'm repeating myself, the interim matters that we've taken largely relate to criminal prosecutions that are occurring in relation to participants. We let those court processes play out and then we take the regulatory action, if required.

The Hon. WES FANG: Understanding that answer, is that your answer then that, in terms of Mr Stiff's upcoming matter being progressed, you aren't seeking criminal charges?

MATTHEW TUTT: Again, I'm not going to go into details, as I've said, in relation to specific matters.

The Hon. WES FANG: Well, this Committee has every right to seek to understand the operation of the bodies before us. Certainly, in the case of GWIC, there are questions in relation to why an individual hasn't been provided an interim suspension. I am seeking to understand that better. I know that concerns have been raised with me and, in circumstances where there is clear footage of a participant injuring a dog, I'm seeking to understand where those charges are going. We have every right to ask those questions. They are lawful questions.

MATTHEW TUTT: Again, it would be completely inappropriate of me to go into any details of an active disciplinary matter whilst that matter remains before decision-makers. You've asked me in a few different ways. I've given you the same response. It's going to be the same response again.

The Hon. WES FANG: We can sit here and do the same response until 5.30 this afternoon, if that's how we're going to go, but I'll continue asking my questions, thank you very much, Mr Tutt. In circumstances where there has been footage of Mr Stiff injuring a greyhound, have you sought independent advice from animal welfare agencies, such as RSPCA?

MATTHEW TUTT: Again, I'm not in a position to go into any details in relation to the matter that you're referring to.

The Hon. WES FANG: In circumstances where you indicated to me that a consideration in the matter is that whether criminal charges are laid or not, I'm seeking to understand if one of those considerations is that there are perhaps charges from the RSPCA that may stem from this action.

MATTHEW TUTT: If I can just correct you there. What I said was that, in consideration of whether we impose interim sanctions or whether it be a suspension or disqualification, consideration is had as to whether there are criminal charges on foot. We have many matters currently where participants are subject to criminal matters; where they are also interim suspended or disqualified. That's what I said, and, again, I'm not going to descend into the details of what actions the commission or others may or may not do in relation to that specific matter.

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The Hon. WES FANG: Okay. More broadly, then, in circumstances where the commission is provided evidence of animal abuse, does the commission then refer matters to animal welfare agencies, such as the RSPCA?

MATTHEW TUTT: No. The commission has powers under POCTAA, the Prevention of Cruelty to Animals Act, where our inspectors are authorised officers. The commission itself takes prosecutions through the court process, as we've done and as we have some matters that are currently before the courts. The commission is prosecuting that themselves.

The Hon. WES FANG: In the circumstances, can I assume that Mr Stiff has been charged?

MATTHEW TUTT: Again, Mr Stiff has some disciplinary matters, which are active and remain with decision-makers. There are no further details that I can go into in relation to an active matter.

The Hon. WES FANG: You can tell me, though, whether he's been charged or not.

MATTHEW TUTT: Again—

The Hon. WES FANG: Sorry, under what provision do you think you can't tell me that he's been charged?

MATTHEW TUTT: Again, Mr Stiff's got some regulatory matters by the commission. Those matters are set, as I said, for an adjourned hearing on 16 March. At this stage, there are no other matters by the commission in relation to Mr Stiff.

The Hon. WES FANG: Do I understand that, in terms of the footage where he is abusing an animal, there are no charges to come out of that footage, or it's just a regulatory matter?

MATTHEW TUTT: Again, currently we have a matter, which is a regulatory matter, before decision-makers of the commission, which is yet to be resolved.

The Hon. WES FANG: And what are the charges?

MATTHEW TUTT: I'd have to take on notice the precise nature of the charges but, again, they're still subject to determination by the decision-makers, so it'd be in—

The Hon. WES FANG: I accept that. However, the question of what charges are referred upon a person is not a question that is unlawful.

MATTHEW TUTT: No. I didn't suggest it was.

The Hon. WES FANG: Do any of the charges relate to animal welfare issues?

MATTHEW TUTT: They are matters that are of an animal welfare nature.

The Hon. WES FANG: In circumstances where you have provided the participant with notification that they have animal welfare charges, do you not see that it is perhaps appropriate to provide an interim suspension where they are not only a participant, they are the president of a body and also are continuing to participate in the industry?

MATTHEW TUTT: Again, the individual that you're naming and their position in the industry has absolutely nothing to do with the commission's consideration process and its disciplinary action.

The Hon. WES FANG: I'm seeking to better understand that because I, at face value, am concerned that the participant's position within the industry and the people that he may know is a factor in the fact that this matter has not been provided appropriate consideration for an interim suspension.

MATTHEW TUTT: If I can allay some of those concerns, that person, Mr Stiff's position in the industry has no bearing whatsoever on how the commission goes about its disciplinary processes.

The Hon. WES FANG: Let me explore this in another circumstance then. How many interim suspensions have been given to participants in the past 12 months, or in this financial year and the last financial year?

MATTHEW TUTT: There's some level of detail that's required to answer that, so I'd have to take that on notice.

The Hon. WES FANG: How many matters has GWIC investigated? Let me start there. Let's start at the top and we'll work our way down and see how we can go.

MATTHEW TUTT: How many matters over what period?

The Hon. WES FANG: In the last financial year and in the current financial year.

MATTHEW TUTT: I may have to take some of that on notice.

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The Hon. WES FANG: Surely, you've come to budget estimates with at least that number.

The CHAIR: Order!

MATTHEW TUTT: I do have. I can give you some information.

The Hon. STEPHEN LAWRENCE: Point of order: That's a really discourteous and ridiculous assertion, honestly.

The Hon. WES FANG: No, it's not.

The Hon. STEPHEN LAWRENCE: It's sarcastic. It's rude. It's intended to demean the witness. It's in a context where he's been misbehaving all day.

The CHAIR: Yes, it is.

The Hon. STEPHEN LAWRENCE: He really should be brought to order.

The CHAIR: I uphold the point of order. It was utterly unnecessary. It had a level of detail. It was discourteous.

MATTHEW TUTT: I can assist with that.

The Hon. WES FANG: A level of detail of how many prosecutions a welfare industry body is actually conducting.

The Hon. STEPHEN LAWRENCE: You're behaving like a bully. I wouldn't like to see your performance held to this standard.

The CHAIR: Order!

The Hon. WES FANG: I'm behaving like someone who's seeking accountability.

The CHAIR: Order! That's enough. I will call you to order for the third time, Mr Fang. I don't want to do it. I've ruled on the point of order. I've upheld it. It was unnecessary to be interjecting in that way. It was discourteous to the witness. It's unnecessary.

MATTHEW TUTT: If I may, Chair, I can provide the Committee with some information.

The CHAIR: Yes, Mr Tutt. He has the information.

MATTHEW TUTT: In the last financial year, the commission finalised 113 disciplinary matters. That was against 110 registered participants, and 40 of those related to breaches of prohibited substance matters; 29 were breaches of animal welfare requirements and the remaining were conduct-related matters.

The Hon. WES FANG: That was the finalised number. How many were commenced as a proceeding where an outcome wasn't determined, or the case was dismissed?

MATTHEW TUTT: I'd have to take that on notice precisely how many cases—

The Hon. WES FANG: I assume you didn't start 113 cases and get 113 convictions. I imagine that you'd started maybe—I don't know.

MATTHEW TUTT: That's certainly very likely that there were more cases commenced than were finalised.

The Hon. WES FANG: You don't have that figure with you?

MATTHEW TUTT: I don't have that figure with me.

The Hon. WES FANG: That was in the last financial year, 2024-25?

MATTHEW TUTT: In 2024-35, 113 disciplinary matters. That's correct.

The Hon. WES FANG: And what have we got for 2025 to date?

MATTHEW TUTT: I don't have those figures. As I've said, the figures that we've collated for today are based on the FY figures for 2024-25.

The Hon. WES FANG: Are you able to provide me with the figure for 2024-25 of the number of interim suspensions that were provided for?

MATTHEW TUTT: I'd have to take that on notice. I can't provide it to you now.

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The Hon. WES FANG: If you could provide to me on notice the number of interim suspensions that GWIC had in 2024-25. In terms of the breakdown, I think you said that there were 40 for substance abuse. How many of those had an interim suspension applied? For the 29 animal welfare issues, how many of those had an interim suspension applied? In terms of the remaining, which you said were conduct related, how many interim suspensions were applied to that?

MATTHEW TUTT: Yes, I'll take that on notice.

The Hon. WES FANG: In terms of the charging process, I note that the matter was raised in the Legislative Council by one of my colleagues. How long before it was raised were charges conferred on Mr Stiff?

MATTHEW TUTT: I'm not sure of the dates that you're talking about.

The Hon. WES FANG: When was Mr Stiff charged?

MATTHEW TUTT: The precise date, I'd have to take that on notice. I could provide that to you this afternoon.

The Hon. WES FANG: That would be great. In terms of the investigation into Mr Stiff, how long was the investigation before charges were then provided?

MATTHEW TUTT: Again, we're getting into the realms of an active matter, where it would be inappropriate of me to make any comment about it whilst it remains outstanding.

The Hon. WES FANG: I'm sure it's not an issue to say if it was a week or two weeks where the investigation took place. I'm just seeking to understand, for our taxpayers, how the budget is being expended in New South Wales in relation to the greyhound racing integrity commission. These are questions that are clearly appropriate and lawful. How long you spend on an investigation is, I think, appropriate.

The Hon. STEPHEN LAWRENCE: Point of order: I am just concerned that there's a suggestion in that statement from Mr Fang that, because it's lawful, the witness has to answer. In fact, he doesn't have to answer in terms of any particular answer. He's perfectly entitled to say it's a matter that goes to the investigation, whereas he's really being pressed. It's being suggested that he has to answer in the way that it is sought, and he doesn't.

The CHAIR: I uphold the point of order. The inference you are making to the witness is that because the question, in your terms, is lawful, he has to answer. He does not have to answer in any particular way, or at all, in actual fact.

The Hon. WES FANG: To the point of order—

The CHAIR: No, I've ruled on it. Do you have some questions, Mr Fang?

MATTHEW TUTT: If I can assist the Committee, over the past 12 months, the commission's average time to complete investigations has been 39 days.

The Hon. WES FANG: What is the average time from an investigation to a tribunal or a—what do you call it where you have the three commissioners or the three decision-makers appear?

MATTHEW TUTT: Just a regulatory disciplinary action.

The Hon. WES FANG: What is the average time between finalising an investigation and charging somebody and then actually getting to a hearing?

MATTHEW TUTT: I don't know what that is. I could certainly do some—39 days. It is 39 days. Once the investigation completes and should there be a disciplinary action, that occurs after that period.

The Hon. WES FANG: Noting that the matter was raised in the House—and I'll have to check, but I think it was somewhere around September or October last year—

The Hon. SCOTT FARLOW: And the estimates last year.

The Hon. WES FANG: —and the estimates as well, why is it that we see the matter hasn't progressed to a tribunal hearing or a disciplinary action until March? You said it was adjourned. When was it adjourned and for what reason was it adjourned?

MATTHEW TUTT: Again, it would be inappropriate for me to go into the reasons for an active matter. If I may, I'm not aware of whether these matters were raised at a previous hearing.

The Hon. WES FANG: You are aware that it was raised in Parliament, though?

MATTHEW TUTT: I'm aware it was raised in Parliament very recently.

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The Hon. WES FANG: Was that before or after commencement of the investigation?

MATTHEW TUTT: I'm not sure what day it was raised in Parliament, but I can assist the Committee that the charges were issued on 30 January.

The Hon. WES FANG: In that instance, it would seem to me that the time frame is a lot more than 39 days.

MATTHEW TUTT: I said the average time was 39 days.

The Hon. WES FANG: Is this a particularly complex matter, compared to the other 113 that we did in 2024-25?

MATTHEW TUTT: Again, in relation to most matters, there's consideration by the decision-makers. Frequently there will be some legal advice sought. As part of our usual disciplinary processes, we ensure that we go through all elements that need to be satisfied. Again, in this matter, without going into the details, we're comfortable at the way that this matter has progressed.

The Hon. WES FANG: Is the matter that's being held over until 16 March consigned to one event or is it multiple events that are being examined on 16 March?

MATTHEW TUTT: Again, without going into details, the matters on 16 March involve one series of events on one occasion.

The Hon. WES FANG: We're talking about one piece of footage.

MATTHEW TUTT: Again, I'm not going to go into the details; I've said that multiple times today. I'm not going to the details of that particular matter or any outstanding matter.

The Hon. WES FANG: Was it on 30 January that the matter was deferred until 16 March or was there a hearing that existed?

MATTHEW TUTT: The matter is part heard. It had an initial hearing date on about 20 February, so last week, I believe.

The Hon. WES FANG: Was that matter before the three decision-makers?

MATTHEW TUTT: You might just have to give me some more detail in your question.

The Hon. WES FANG: You said the matter was part heard. Was it part heard as a mention-type or were you seeking to progress to a full hearing, which was then adjourned?

MATTHEW TUTT: Again, I wasn't present on the occasion.

The Hon. WES FANG: Who was present?

MATTHEW TUTT: The decision-makers.

The Hon. WES FANG: Who from GWIC was present other than the decision-makers?

MATTHEW TUTT: I don't believe there would have been anyone else present.

The Hon. WES FANG: Is it held in a shed out the back somewhere?

MATTHEW TUTT: No. In the modern age, we deal with these matters through AVL. It would have been conducted via Microsoft Teams.

The Hon. WES FANG: Does the participant have the opportunity to have legal representation at that?

MATTHEW TUTT: They do.

The Hon. WES FANG: Does GWIC have, in effect, a prosecutor that makes the case for—

MATTHEW TUTT: No. Like all racing codes, these matters are heard by decision-makers, who are frequently appointed as stewards.

The Hon. WES FANG: How is evidence provided in these hearings?

MATTHEW TUTT: In any manner that is deemed appropriate. A participant can call any witnesses to provide evidence. They can provide written evidence reports. Just like any usual disciplinary process, evidence can be given in a variety of ways.

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The Hon. WES FANG: Noting that there isn't a person acting in a prosecutorial way, how does evidence that is presented against a participant be introduced and argued?

MATTHEW TUTT: Like any judicial or quasi-judicial process, a brief of evidence with charges is provided to a participant, and they get an opportunity to respond to that and to put any submissions or further evidence forward in defence of their case.

The Hon. WES FANG: What are the normal circumstances where an adjournment is provided for?

MATTHEW TUTT: A variety of matters. There might be a request—and I'm speaking generally, of course, not in relation to this particular matter—

The Hon. WES FANG: Very generally. The most general of natures.

MATTHEW TUTT: There might be a request for further evidence to be sought. There might be a request to make further submissions. There can be a variety of matters, just like any process.

The Hon. WES FANG: Who determines whether an adjournment is granted?

MATTHEW TUTT: The decision-makers would make that determination.

The Hon. WES FANG: In terms of the decision-makers, is it required to be a unanimous decision or a 1:2 decision?

MATTHEW TUTT: Generally, the majority would be how it would work. But, frequently, these decisions are made collaboratively amongst decision-makers.

The Hon. WES FANG: How long is it between the hearing—the tribunal matter—being heard and a decision being communicated?

MATTHEW TUTT: From when a decision on guilt or otherwise is made to when a penalty is imposed? Is that the question?

The Hon. WES FANG: Yes. Do they conclude the hearing and then provide a—

MATTHEW TUTT: There's a variety of ways. A hearing can be an oral hearing, can be an in-person oral hearing or can be via Teams. Frequently, the commission will deal with the matter in writing. Charges and a brief of evidence will be provided, a participant can respond in writing, and the decision-makers will make a decision based on the material that's available to them.

The Hon. WES FANG: And that's not occurring in Mr Stiff's case. There will be a hearing via AVL, effectively, and evidence heard?

MATTHEW TUTT: I believe that's the case.

The Hon. WES FANG: In circumstances where you have an AVL hearing, is it that a judgement is then provided in writing post the event, or is it given on the day orally? How does it work?

MATTHEW TUTT: No. Frequently a decision might be made on the day, and then a decision notice will be published on our website a couple of days or a week later.

The Hon. WES FANG: In terms of what is made public by GWIC after one of these hearings, what do you provide to the community?

MATTHEW TUTT: I'd invite you to have a look at our website, which outlines all the disciplinary matters that we take across both prohibited substances and conduct and welfare matters. They contain the charges, a brief summary of the facts, how the participant dealt with the matter—whether they pleaded guilty or not—and the ultimate penalty.

The Hon. WES FANG: What is the appeal process?

MATTHEW TUTT: The appeal process is to the Racing Appeals Tribunal within seven days of the penalty being handed down.

The Hon. WES FANG: During an appeal process, is a suspension, or interim suspension if that is what has been determined by the tribunal, implemented?

MATTHEW TUTT: During an appeal process, a participant can seek a stay of the decision imposed by the commission. Whether that stay is granted is a decision of the tribunal.

The Hon. WES FANG: Of the same three members?

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MATTHEW TUTT: No, separately. The Racing Appeals Tribunal is a completely different appellate body, which is under the Racing Appeals Tribunal legislation, and that is a body that is completely separate from the commission. That Racing Appeals Tribunal also deals with the other two codes.

The Hon. WES FANG: In circumstances where an interim suspension is imposed on a participant prior to a tribunal being heard and a suspension, or not, being granted, is it the case that an interim suspension time served will be deducted from a penalty?

MATTHEW TUTT: Frequently, that's the case. If a participant has served a period under interim suspension and they receive a penalty for the substantive matter, that is the case. It's taken into account.

The Hon. WES FANG: If somebody's on an interim suspension and they then subsequently find themselves convicted, for want of a better term, and then they find that they elect to appeal the matter, is it the case that the interim suspension continues? Or does the appeal provide for the lifting of the interim suspension, assuming that your COO has actually been the one that has elected to provide the interim suspension?

MATTHEW TUTT: That's a slightly confusing question, but perhaps if I can answer it this way: If there is an interim suspension, a participant can appeal that. Whether that suspension remains is a decision for the tribunal. If there's a substantive matter and a penalty's imposed, a participant can go to the Racing Appeals Tribunal and seek a stay of that penalty whilst the appeal is heard.

The Hon. WES FANG: In circumstances where your COO, as the decision-maker on interim penalties—is that the only person that makes—

MATTHEW TUTT: No, it's not necessarily the only person, but certainly our disciplinary processes are under the responsibilities of our chief operating officer.

The Hon. WES FANG: What would be a circumstance where the COO doesn't provide for their delegation to look at an interim suspension? Why might they delegate it elsewhere?

MATTHEW TUTT: Because there might be a need for another staff member of the commission to consider whether an interim suspension or disqualification process should occur. As I said, the responsibility stops with the COO in relation to our disciplinary processes. Frequently, they will be a conversation between our chief operating officer based on some legal advice from internal GWIC legal.

The Hon. WES FANG: Is it perhaps a circumstance where the COO is conflicted or has declared a conflict?

MATTHEW TUTT: If that was to be the case but, again, as I said previously, the commission has a very robust process for conflict management. That would be, as I said, the case. It'd be most unusual that there would be any conflict between one of the executives of the commission and a participant, for instance.

The Hon. WES FANG: The COO is ultimately responsible for disciplinary matters, it would seem, and it's normally the case that the COO would make that determination of an interim suspension. You've indicated to me that that's not always the case, but short of there being a conflict of interest or the person being on leave, I can't understand why it wouldn't be—

MATTHEW TUTT: Yes, they might be unavailable. That's right. The COO might be unavailable, then there might be another senior member of staff that's able to make a decision on whether an interim suspension should be imposed.

The Hon. WES FANG: Is it ever the case that the COO delegates it when they are available and just simply wants to provide somebody with more experience or the opportunity to make a determination so that you've got growth within your organisation?

MATTHEW TUTT: Whilst that could be the case, it's frequently a decision that rests with the COO.

The Hon. WES FANG: So you would say that the vast majority of determinations of interim suspensions sit with the COO?

MATTHEW TUTT: Yes, that's correct.

The Hon. WES FANG: Where the COO determines that there is, in fact, the need for an interim suspension to be applied, the participant can appeal that, you indicated?

MATTHEW TUTT: They can.

The Hon. WES FANG: That appeal would be heard by the appeals—

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MATTHEW TUTT: It would be heard by the Racing Appeals Tribunal, if they sought an appeal. There's also a mechanism under our legislation to seek an internal review. That's a process which is dealt with by the commission itself, frequently by a more senior member of the commission than the decision-maker.

The Hon. WES FANG: So your COO applies an interim suspension and that participant appeals that interim suspension. If an internal review is elected by GWIC, who makes that decision and who would it be assigned to review?

MATTHEW TUTT: It can be any number of people in the commission. Frequently, the commissioners themselves will determine internal reviews. If I can clarify one of the questions, the chief operating officer of the commission will determine whether a process for an interim suspension or disqualification should occur, but frequently that process will be heard by stewards. They'll be the decision-makers, if you like.

The Hon. WES FANG: So an interim suspension isn't imposed by the COO; the COO elects to send a matter for interim suspension?

MATTHEW TUTT: To get a bit technical, the COO can sit as a decision-maker in relation to interim suspensions but, frequently, they wouldn't.

The Hon. WES FANG: Judge, jury and executioner, in effect.

MATTHEW TUTT: That, in fact, is the process in all racing codes and many sporting disciplinary tribunals.

The Hon. WES FANG: No, that's fine. Like I said, I'm just seeking to understand how these processes play out.

MATTHEW TUTT: But it must be understood that there is a very comprehensive appellate process, where, if a participant is dissatisfied with any decision of the commission, they can go to the independent Racing Appeals Tribunal and put forward whatever evidence and submissions they wish. Under the legislation, at the Racing Appeals Tribunal, it's a hearing de novo, so they're not fettered by whatever decisions the commission decision-makers might have made.

The Hon. WES FANG: In terms of the decision to have an appeal for an interim suspension handled by an internal review, what is the process there?

MATTHEW TUTT: The participant would lodge an application for an internal review, and that would be referred to an internal reviewer, who frequently will be a commissioner.

The Hon. WES FANG: So one of the three decision-makers will deal with the matter?

MATTHEW TUTT: No. Under the internal review provisions in our legislation, it must be dealt with by an internal reviewer who had nothing to do with the previous decision.

The Hon. WES FANG: If an appeal is sought, do they just review it and then can overturn it?

MATTHEW TUTT: Under our legislation, the internal reviewer can revoke, confirm or vary the decision that was made at first instance. They are the three avenues that can occur after an internal review is considered.

The Hon. WES FANG: In circumstances where GWIC may not agree with the overturning or varying of an appeal, what is the process then? Is it just accepted that the appeal process is finished after one of the non-connected decision-makers varies or annuls?

MATTHEW TUTT: Are you referring to the internal review process?

The Hon. WES FANG: Yes.

MATTHEW TUTT: If an internal review is made by an internal reviewer against a decision of, for instance, stewards, the commission would not then appeal to the Racing Appeals Tribunal based on that because it's effectively two decisions of the commission. Of course, the participant who is subject to the internal review still has their appeal avenues to the Racing Appeals Tribunal if they're dissatisfied with the decision made by the internal reviewer.

The Hon. WES FANG: So then they have to elevate it to the Racing Appeals Tribunal?

MATTHEW TUTT: That's right.

The Hon. WES FANG: In circumstances where you have the COO—who can also be a decision-maker under the legislation, as you've indicated to me—make a decision to confer an interim suspension on a participant,

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is it the case that that COO, where they haven't made the interim suspension decision, may be the reviewer of the interim suspension decision?

MATTHEW TUTT: No. Sorry, if the chief operating officer, to use your example, wasn't involved in the decision at first instance, they could under our legislation also be the internal reviewer. It's just important that there's the separation between the decision-makers and the person doing the review. That's a very express provision in our legislation. They must be separate.

The Hon. WES FANG: Where the three decision-makers sit in the tribunal where any charges being considered by GWIC are presented, is it the case that the COO can be one of those three?

MATTHEW TUTT: They can be. It doesn't have to always be three; that's certainly a preference. It can be as little as one, it can be two, it can be three or it can be more. But the chief operating officer can, although not frequently, sit as a decision-maker.

The Hon. WES FANG: Who makes the decision as to how many decision-makers attend?

MATTHEW TUTT: Matters are allocated by our chief operating officer and others at an allocation process. As I said, whilst there's no hard and fast rule, our preference is to have multiple decision-makers so that the panel has some balance and the ability to bounce ideas off decision-makers.

The Hon. WES FANG: Could you provide—on notice, I suspect—in terms of the 2024-25 figures how many of the 113 hearings were heard by a single decision-maker and then how many were heard by multiple decision-makers?

MATTHEW TUTT: For clarity, they wouldn't have all been hearings. As I said previously, frequently matters dealt with under our disciplinary action processes can be dealt with in writing.

The Hon. WES FANG: When it's dealt with in writing, how is a matter considered by multiple decision-makers?

MATTHEW TUTT: Just like any review process, the decision-makers consider the evidence, discuss it and deliberate, and then make a decision.

The Hon. WES FANG: If they disagree on the process, do you add a third? Say you have two people looking at it, do you add a third?

MATTHEW TUTT: You never in these processes add a decision-maker to a matter that has already commenced. To do so would offend procedural fairness principles.

The Hon. WES FANG: If you have made the provision for two people to consider these matters and there is a disagreement as to what occurs, do you then start all over again?

MATTHEW TUTT: Again, going back to fundamental principles in relation to steward and disciplinary-type processes, whilst it might be unusual that there would be a disagreement between the decision-makers, there's always a chairperson of the decision-making panel.

The Hon. WES FANG: So one of the two is more senior.

MATTHEW TUTT: That's right.

The Hon. WES FANG: "I'm calling rank and I'm going to say this."

MATTHEW TUTT: Whether they're more senior or not, one would be chairing the panel as opposed to the other members. It wouldn't necessarily have to be more senior in our structure.

The Hon. WES FANG: Does the CEO have a role in being a decision-maker?

MATTHEW TUTT: No. Certainly in my time as the acting CEO I haven't been involved in any disciplinary matters. It doesn't mean that the CEO, if they were properly appointed, couldn't be. But certainly, under the current leadership of the commission, the CEO wouldn't be involved as a decision-maker. It's important that there is a separation between the CEO and decision-makers who do the operational work.

The Hon. WES FANG: In circumstances where there is that separation, does the CEO ever become involved in internal reviews?

MATTHEW TUTT: Again, certainly not whilst I'm the CEO. It would be unusual for the CEO to do an internal review. It certainly hasn't happened since I've been acting CEO, but it's most likely the case that the chief commissioner and another commissioner, or the chief commissioner by himself, would be the internal reviewer

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for decisions made by decision-makers. There have been a number of those dealt with by the commission over the last year or so.

The Hon. WES FANG: How long have you been acting in the role of CEO?

MATTHEW TUTT: Since February/March 2025. I don't know the precise date, but it'd be about 12 months.

The Hon. WES FANG: How long do we keep interim CEOs before we appoint a CEO?

MATTHEW TUTT: Again, they're not matters for me; they're matters for the commissioners.

The Hon. WES FANG: So it's the commissioners that make a decision as to—

MATTHEW TUTT: Yes, the chief commissioner is responsible for appointing the CEO.

The Hon. WES FANG: Has the CEO role been advertised?

MATTHEW TUTT: No, not to my knowledge.

The Hon. WES FANG: Do we just intend to keep an interim CEO position open forever or do the commissioners actually have a plan to have a recruitment process?

MATTHEW TUTT: There would be a plan. Again, they're matters for the for the chief commissioner and the other commissioner.

The Hon. WES FANG: What were your previous roles with the commission prior to being the acting CEO?

MATTHEW TUTT: My previous role has been the director of legal services or general counsel.

The Hon. WES FANG: Does the director of legal services or general counsel have a role in being a decision-maker under the umbrella of the GWIC?

MATTHEW TUTT: They have done in the past. But, again, the legal section of the commission really serves to provide advice to various sections of the commission, including in disciplinary processes. Whilst in the past my role has been involved in disciplinary processes as a decision-maker, it's certainly now, under the current regime, not the preference. We leave that to decision-makers, principally stewards, to deal with matters, and principally stewards in the regions—which is quite common across racing control bodies, to deal with matters in the regions by the stewards.

The Hon. WES FANG: When you say under your time in regime—an interesting choice of words, but that's okay—

MATTHEW TUTT: Acting CEO, I should say, just to clarify.

The Hon. WES FANG: In your time as acting CEO, you say these are not—so it's effectively a cultural decision that you can make as CEO. Another CEO might choose to lead the organisation in another way and seek that advice or provide—

MATTHEW TUTT: Of course. I can't hold whatever future decisions of CEOs of the commission might make, but what I can speak to is how the commission currently functions. As I said, I've provided information as to what the processes are now. But it is certainly the case that, in my substantive role as general counsel in more recent years, we've stepped away from being actively involved in those disciplinary processes and provided advice.

The Hon. WES FANG: It seems to me that it's somewhat incongruous that a CEO can shape an organisation such as an integrity agency by either having decision-makers appointed or not appointed depending on who's in that role—that is, another CEO in the organisation might say that this person is now a decision-maker or that they're not going to allow someone to be a decision-maker, even if they have been previously. Is it not the case that an integrity agency should have clearly defined roles as to who has powers and which roles have decision-making responsibility, and not have it just delegated by the CEO?

MATTHEW TUTT: Yes. We do now, as I said, in the commission, while I'm in the leadership role. We do have clearly defined roles and who is a decision-maker in disciplinary processes. Again, some of it, whilst a little bit philosophical, your question—what may or may not happen with future CEOs of the commission—is not really something I can answer. But, under the current way that we deal with things, there are very clearly defined roles and delegations as to who are decision-makers in disciplinary matters.

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The CHAIR: That is the end of questions from the Opposition. You have 15 minutes for questions, Mr Lawrence. Do you have any questions?

The Hon. STEPHEN LAWRENCE: No questions.

The CHAIR: Thank you very much, everyone, for your attendance today. Thank you to all the government officials for your attendance. The Committee secretariat will be in contact with you in due course regarding any matters taken on notice. We very much appreciate your attendance and the evidence you have given today. Thank you again, and see you next time.

(The witnesses withdrew.)

The Committee proceeded to deliberate.