

Lands and Water, Hospitality and Racing Portfolio

Friday 2 September 2022

Responses to Questions taken on Notice

Question 1 (page 5 of transcript)

The Hon. MICK VEITCH: Minister, do you think it's appropriate? This is the administrator that you've appointed to OneCrown for the purposes of managing the cemeteries and crematoria in Sydney. We've asked you questions about whether or not they will be privatised. The administrator has registered private companies clearly titled "Sydney Cemeteries and Crematoria" in their own name. Is that appropriate?

Mr KEVIN ANDERSON: Mr Veitch, I'll ask Ms Hawyes to—

The Hon. MICK VEITCH: But you don't know whether it's appropriate or not, Minister? I can't ask the public servants for opinions. I can ask you for an opinion. Do you think that is appropriate, Minister?

Mr KEVIN ANDERSON: Mr Veitch, I've just received these documents. I'll take that question on notice and further investigate it. I'm happy to take the time to look at them now, if you wish, but I'm happy to take that on notice.

The Hon. MICK VEITCH: Minister, seriously, this is a pretty straightforward question. Is it appropriate for the administrator, in light of the terms upon which the administrator—the Act that you're responsible for makes clear what the administrators can and can't do. One of those terms is about using information for their own purposes. Is it appropriate, Minister, for these companies to have been registered in the name of Ms Shearer when Ms Shearer and her company are the administrators of the very same cemeteries and crematoria that she's responsible for?

Mr KEVIN ANDERSON: Mr Veitch, I'd need to get further detail and a full briefing on that before I can provide an opinion for you on that. I'm happy to take that on notice.

ANSWER

The Department understands that the Administrator:

- registered two business names to ensure they were available for use by One Crown operators if needed in future;
- intended to immediately transfer the business names to one of the operators under her administration (Rookwood General Cemeteries);
- asked her team (and has provided evidence of this) to arrange the transfer on the same day as the registration but the request was overlooked; and
- has started the process to complete the transfer the names to Rookwood General Cemeteries.

Neither the Minister nor the Department directed Ms Shearer to register the two business names. Ms Shearer has been asked to ensure that any business names, or similar, required in future are obtained by one of the Crown cemetery operators.

There are no plans to privatise the Crown cemetery operators as the Minister confirmed in his later testimony in the hearing.

Question 2 (page 6 of transcript)

The Hon. MICK VEITCH: Maybe we need to ask Ms Hawyes. Were any of these approved?

MELANIE HAWYES: This is new information. I'd like to take the time and also have the ability to have a discussion with Ms Shearer. There may be a range of reasons to do with the operations of Rookwood. I don't have that information to hand so I'd prefer to take that on notice before we potentially infer that there are things amiss, which is arguably not the case. This is new information.

The Hon. TAYLOR MARTIN: There's no context.

The Hon. MICK VEITCH: Can you see, though, that these are currently vested in the responsibility of the Minister? Via the legislation and the administration of Acts, these are currently publicly owned and they are vested in the responsibility of the Minister. Why would an individual who is the administrator on behalf of the Minister be registering companies clearly with the names Greater Sydney Cemeteries and Crematoria and Sydney Cemeteries and Crematoria? That registration took place on 4 April, a handful of days after you met Ms Shearer, according to your diaries, Minister.

Mr KEVIN ANDERSON: In relation to those discussions, Mr Veitch, it was about the complex process of providing new burial space and the search for new burial space. This information has just been brought to light. I'll need a full briefing and further information to be able to provide a response to you—

The Hon. MICK VEITCH: Are you concerned?

Mr KEVIN ANDERSON: —and I'm happy to take that question on notice.

<p>The Hon. MICK VEITCH: Can you think of any reason that Ms Shearer would have for registering such business names for use by her private company?</p> <p>Mr KEVIN ANDERSON: Mr Veitch, again, that information has just come to light. I'm happy to get a full briefing before I can provide an opinion in relation to why that was set up.</p>
<p>ANSWER</p> <p>Refer to answer to question 1.</p>
<p>Question 3 (page 6 of transcript)</p>
<p>The Hon. COURTNEY HOUSSOS: And you did not discuss the need to set up a private company to administer these existing trusts; is that correct?</p> <p>Mr KEVIN ANDERSON: No.</p> <p>The Hon. COURTNEY HOUSSOS: That was not part of your discussion with Ms Shearer?</p> <p>Mr KEVIN ANDERSON: No.</p> <p>The Hon. COURTNEY HOUSSOS: Can you rule out your office discussing that with Ms Shearer?</p> <p>Mr KEVIN ANDERSON: I will take that on notice.</p>
<p>ANSWER</p> <p>Refer to answer to question 1.</p>
<p>Question 4 (page 7 of transcript)</p>
<p>The Hon. COURTNEY HOUSSOS: Ms Hawyes, are you the person in the bureaucracy who Ms Shearer reports to?</p> <p>MELANIE HAWYES: She is appointed as administrator, so there is a relationship, but she doesn't report in to me in that traditional sense as a line manager. She is the administrator for the four operators. There may be a range of reasons why Ms Shearer secured that name in her remit as administrator, and I don't want to make comment on that in this forum. But we will take on notice any questions you may have about that.</p>
<p>ANSWER</p> <p>Refer to answer to question 1.</p>
<p>Question 5 (page 7 of transcript)</p>
<p>The Hon. COURTNEY HOUSSOS: It is complex. It is incredibly delicate, as you said at the outset. We are dealing with people's loved ones and their burials, which is incredibly delicate and difficult, yet the person that you have charged with this seems to be going around behind your back, behind the bureaucrats' backs, and setting up private companies.</p> <p>MELANIE HAWYES: I don't think that's the case. I think that she secured the name for Rookwood, which she is the administrator. But we'd like the opportunity to confirm that. I don't think it's the case that there is an assertion here of freewheeling in a personal capacity; I think it's in relation to her remit as an administrator. We would like to take that on notice and get back to you.</p> <p>The Hon. COURTNEY HOUSSOS: Can you explain then why the holder name is her personal company?</p>
<p>ANSWER</p> <p>Refer to answer to question 1.</p>
<p>Question 6 (page 7 of transcript)</p>
<p>MELANIE HAWYES: I am not making a comment on that because I am not even clear that that is the case. I understand your concern, and we will look into that and come back to you.</p> <p>The Hon. COURTNEY HOUSSOS: If you can provide that back to us today, I think that would be quite helpful.</p> <p>MELANIE HAWYES: Yes.</p>
<p>ANSWER</p> <p>Refer to answer to question 1.</p>
<p>Question 7 (page 8 of transcript)</p>
<p>The Hon. EMMA HURST: How much in total was given from the New South Wales Government budget towards horseracing and towards harness racing?</p> <p>Mr KEVIN ANDERSON: In terms of what came out of the budget for both, I will take that on notice so I don't mislead you. But in terms of thoroughbred racing, there was \$67 million, which was for the racing for the regions fund.</p>
<p>ANSWER</p> <p>The \$67 million Racing for the Regions funding, announced as part of the 2021-22 State Budget, included funding for both thoroughbred and harness racing projects.</p>

Question 8 (page 8 of transcript)

The Hon. EMMA HURST: That's fine, but my question is: How much money from the New South Wales Government budget was given to the greyhound racing industry? If you don't have that number on hand, could you please take it on notice?

Mr KEVIN ANDERSON: Sure, but just by way of background, Ms Hurst, the point of consumption tax, which I'm sure you are familiar with, is part of that process where funding goes to those three codes. But just to be clear, I am happy to take that on notice for you and come back to you.

ANSWER

In 2022-23, \$14,000,000 was allocated to the Greyhound Racing Capital Grants Program. This includes funds that has been carried forward from previous years.

The 2022-23 Budget also included funding for industry regulation, as the Greyhound Welfare and Integrity Commission is budgeted to receive \$9.5 million from a pass through of Point of Consumption Tax (POCT) from Greyhound Racing NSW, and an additional \$9.25 million from POCT.

Question 9 (page 12 of transcript)

Mr JUSTIN FIELD: Because you said so and because Minister Griffin said so is not an answer to the question, Minister. In response to ICAC, the Government undertook to do a section 10 review. Are you aware of what a section 10 review is?

Mr KEVIN ANDERSON: Yes, I am, Mr Field.

Mr JUSTIN FIELD: What is it?

Mr KEVIN ANDERSON: Mr Field, I'm not going to get into the detail in terms of what that—

Mr JUSTIN FIELD: Section 10 states:

- (1) The Minister is to ensure that the work and activities of the Department are reviewed at intervals of not more than 5 years for the purpose of determining whether they have been effective in giving effect to the water management principles of this Act ...

When was the last section 10 review done?

Mr KEVIN ANDERSON: Mr Field, I'll have to take it on notice, but—

ANSWER

This question was answered by Dr Jim Bentley later in the hearing – refer to page 80 of the transcript.

Question 10 (page 14 of transcript)

The Hon. COURTNEY HOUSSOS: I wanted to come back to this issue of the Sydney cemeteries and crematoria—the registration of this new private company by Ms Shearer. If the cemeteries were to be privatised, would you be comfortable with the current administrator taking a financially profitable role or having a financially profitable arrangement with a new privatised operator? What's your opinion on that?

Mr KEVIN ANDERSON: Ms Houssos, I'll take you back. I said earlier in my testimony that the Government has no intention—to my knowledge, and I'm the Minister responsible—of privatisation. The discussions that we've had with Ms Shearer are all in relation to the search for new space. It's now State significant. In terms of the document that was presented by Mr Veitch earlier, we will get advice on that and come back to you with a more formal response when we are briefed. But I'll ask Ms Hawyes if she would like to add anything further.

MELANIE HAWYES: My understanding is that it's the registration of a business name, not a private company. We will take on notice the questions you have raised about that. But that is something that Ms Shearer has been clearly actioning in the capacity as an administrator. If there is a further decision to further amalgamate the four operators, that would be accompanied by the appointment of a board.

The Hon. COURTNEY HOUSSOS: Minister, I understand that it might be the registration of a business name, but a private company is a very different operating model for our cemeteries to the current arrangements under a trust. There are very different obligations; there are very different rules. Even if there is a board, there are very different rules for members of a board of a private company versus members of a board of a trust. Are you comfortable with that kind of arrangement and with Ms Shearer progressing that kind of arrangement by registering a private business name?

Mr KEVIN ANDERSON: Ms Houssos, my dealings with Ms Shearer have been all around progressing OneCrown. And the document that you've provided, and Ms Hawyes has provided further commentary for you—my view is that we will continue to progress trying to stand up the model of OneCrown. The Government has not yet made a decision. If there are other, further matters in relation to Ms Shearer and the document that was produced earlier, we'll come back to you with further clarification on that this afternoon.

The Hon. COURTNEY HOUSSOS: If it was OneCrown and not Ms Shearer that wanted to register those business names for the operation, why didn't they do it through one of the existing four operators like they did for the OneCrown business name when it was registered?

Mr KEVIN ANDERSON: Again, Ms Houssos, the discussions that we've been having as a government with Ms Shearer are looking to progress OneCrown and looking to land on an operating model so that we can provide the security—

The Hon. COURTNEY HOUSSOS: Minister, you're not answering my question. My question is that when OneCrown, the business name, was registered, it was done through one of the existing four operators. Why wasn't that done? Why was this registration process done by a private company and not through one of those existing trusts?

Mr KEVIN ANDERSON: Again, Ms Houssos, I wasn't party to those discussions back then. But I'm sure that Ms Hawyes would be able to provide you further information if you need it.

MELANIE HAWYES: It's something that we'll ask the administrator. The administrator has a degree of independence in that role and is not here to answer the question. So we'll take that on notice.

ANSWER

Refer to answer to question 1.

Question 11 (pages 15 & 16 of transcript)

The Hon. COURTNEY HOUSSOS: Let me be very clear. After the lunch break we are expecting a considered response from the department about these perceived conflicts of interest and how they are being addressed. Minister, you've had a chance to look at the documents now and you've had a chance to digest them. Do you think that these indicate plans on the part of Ms Shearer to gain a personal advantage?

Mr KEVIN ANDERSON: Again, Ms Houssos, the documents were presented to me this morning. We'll have those discussions with Ms Shearer and get an explanation as to why she went down that pathway. Ms Hawyes will do the same. And we will come back to you this afternoon with further information. Ms Hawyes would like to further comment.

MELANIE HAWYES: Just to be clear, it's a registered business name at this point, and my understanding is that it has been transferred to Rookwood. So there is no personal interest, but we will clarify this afternoon.

The Hon. COURTNEY HOUSSOS: When was it transferred to Rookwood?

MELANIE HAWYES: I'll need to get that on notice.

The Hon. COURTNEY HOUSSOS: Are you able to provide that—

MELANIE HAWYES: This afternoon, hopefully. Yes, absolutely.

The Hon. COURTNEY HOUSSOS: Excellent, and the date on which it was transferred?

MELANIE HAWYES: This afternoon.

ANSWER

Refer to answer to question 1.

Question 12 (page 17 of transcript)

The Hon. COURTNEY HOUSSOS: But my question to you, Ms Hawyes, is: If she is the one that is undertaking the role as an administrator, why is it that her company was appointed as the administrator, a company that I understand also trades as a landscaping design business?

MELANIE HAWYES: I'll take on notice the specifics of her appointment, but your question was about why she was selected for the role. My understanding is that it was her prior experience in the sector.

The Hon. COURTNEY HOUSSOS: That was my previous question. My next question was: Why was her company appointed? Why wasn't it her in an individual capacity, when my understanding is that the company also trades as a landscaping and design business?

MELANIE HAWYES: I'll take that on notice because I'm not privy to the specific rationale, but I'll get that for you.

ANSWER

It is not unusual for an Administrator to be a corporate entity and appointed as such in a professional capacity. Ms Shearer, is the only approved nominated person for that corporate entity who can operate as the Administrator.

Question 13 (page 17 of transcript)

The CHAIR: I might start before I pass to my Deputy Chair. Minister, I might start with the Yarrie Lake trust. To recap your memory, there were some concerns around failure to lodge financial returns and produce accounts for around a decade. The former Minister committed to doing a review, which we found out last estimates was done by Deloitte, and your department was expecting that report within a couple of weeks of estimates. Has that report been delivered?

Mr KEVIN ANDERSON: Thanks, Mr Banasiak. My understanding is that report has been delivered. I can ask Ms Hawyes for further details, if she wishes.

MELANIE HAWYES: Yes, thank you. The board has been re-established. The report was delivered. It had no substantiated findings of anything inappropriate or improper, but we do have a new board. It held its annual

general meeting in July. A strong part of that meeting was making it very clear to the new board that they are required to complete the annual report for 2022 and that it's due in October, so we're onto a new start with that board.

The CHAIR: Are you able to table that report for the Committee to have a look?

MELANIE HAWYES: The Deloitte report?

The CHAIR: Yes.

MELANIE HAWYES: I think we previously did provide that, but I can confirm that.

The CHAIR: No. At last estimates you said you were waiting for it in a couple of weeks.

MELANIE HAWYES: Yes, we can certainly provide some elements of it. I'm not sure if there's anything that's sensitive in there in a personal, identifying way, but absolutely.

The CHAIR: I'd happily accept that you de-identify any personal information. That's fine. How much did we pay Deloitte for this report?

MELANIE HAWYES: I'd need to take that on notice. I don't have it to hand, and it was quite some time ago.

ANSWER

A copy of the Deloitte report has been provided for tabling. It was not previously provided to the Committee.

The Deloitte report cost \$35,640 (inc GST).

The Deloitte review was undertaken based on a review of documents. The Department facilitated the provision of any documentation by requesting this directly via email from the Yarric Lake Crown Land Manager and the former Secretary. These documents were then forwarded to Deloitte. Deloitte contacted the Area Manager North West, Department of Planning and Environment – Crown Lands, for information on financial and governance processes. Deloitte did not contact or interview other persons.

The review period covered from 1 July 2017 to January 2022.

Question 14 (page 18 of transcript)

The CHAIR: Can you take that on notice? Also perhaps take on notice how far back Deloitte did go in terms of unrepresented financials to establish that there were no substantiated findings.

MELANIE HAWYES: Can do, but we do have annual returns for the 2017, 2018 and 2019 years, so it was really 2021 that was missing. The new board has been set up. Clearly they're aware of the need to provide these reports.

The CHAIR: But they had missing financials for over a decade. I accept there was 2017, 2018 and 2019, but that doesn't excuse 2015 and back.

MELANIE HAWYES: No. We can take that on notice. But I also do note that many of the Crown land boards are volunteer based, and that has been a factor in the past in terms of getting them up to speed with more contemporary reporting requirements as legislation has changed. They are volunteer-based boards in many cases.

ANSWER

Refer to answer to question 11.

Question 15 (page 19 of transcript)

The Hon. EMMA HURST: Minister, we were talking before about the industry rehoming body rejecting greyhounds for rehoming for reasons like a broken toe, as reported on The Project. What happens to the greyhounds that are rejected by the industry rehoming body?

Mr KEVIN ANDERSON: I'll have to take it on notice, Ms Hurst. But I can tell you that in terms of the numbers in relation to rehoming—

The Hon. EMMA HURST: I'm not looking at the number that they have rehomed. What I would like, though, is maybe a percentage of the dogs that GAP has actually rejected. If you don't have that on hand, I'm happy for you to take that on notice.

Mr KEVIN ANDERSON: Yes, I will take that on notice. But what I would also like to pass comment on, particularly in relation to the rehoming numbers, is that those numbers are strong. They are strong. The amount of work that is going into rehoming greyhounds, particularly right across New South Wales—and you, yourself, Ms Hurst, when you move around you will see more and more greyhounds as pets being walked on the streets. We are seeing more of those greyhounds.

ANSWER

The information requested is Greyhound Racing NSW (**GRNSW**) operational information that is not held by the Department of Enterprise, Investment and Trade. The member may wish to seek this information directly from GRNSW.

Question 16 (page 19-20 of transcript)

The Hon. EMMA HURST: I have some questions on that. But you did mention that there's a lot of heavy lifting being done by these other charities outside of the industry rehoming body. Do those charities get any New South Wales Government funding to help the amazing work that they are doing that you pointed out?

Mr KEVIN ANDERSON: I will have to take that on notice, but I can come back to you on that.

The Hon. EMMA HURST: I also wanted to know what it would cost per dog on average for GAP to actually rehome them. In other words, on average, how much does it cost per dog to rehome from the industry rehoming body? I'm happy for you to take that on notice, if you need to.

ANSWER

Information on GRNSW financial support for independent rehoming organisations is available in its Annual Report and on its website.

Greyhounds As Pets (GAP) rehoming costs is GRNSW operational information, which is not held by the Department of Enterprise, Investment and Trade. The member may wish to seek this information directly from GRNSW.

Question 17 (page 20 of transcript)

Mr KEVIN ANDERSON: Sure. I'm happy to take that on notice. But I would also like to place on record the good work that's being done and the numbers of dogs that have been rehomed privately by an owner or a trainer, particularly in relation to the years 2020 and 2021. There were 1,448 greyhounds that were rehomed. That's a significant number.

The Hon. EMMA HURST: What is that as a percentage of the entire number of greyhounds that would be coming out of the industry in that year?

Mr KEVIN ANDERSON: We can take that on notice. But in terms of those that are retired for export, zero; accepted by another animal rescue or adoption agency, 477; and accepted as greyhounds as pets, 339 greyhounds have entered people's homes across New South Wales. That's a good thing. We are seeing more and more of those dogs enter into that environment.

ANSWER:

I am advised by the Greyhound Welfare & Integrity Commission that it reports regularly on the retirement and lifecycle outcome for all greyhounds. The Greyhound Welfare & Integrity Commission reports for the years referred to in the question are available on its website.

Question 18 (page 20 of transcript)

The Hon. EMMA HURST: Sorry, my question was just in regards to the GAP program—the Greyhounds As Pets program. I'm wondering what sort of government oversight there is specifically on that program, rather than on greyhounds generally.

Mr KEVIN ANDERSON: I will check on the GAP because there might be some transitional requirements there, Ms Hurst. I'm happy to provide that information for you. If you like, we can provide that answer for you now. I will pass to Mr Griffin from the Greyhound Welfare Integrity Commission.

ANSWER:

An answer was provided as part of this discussion (page 20 of the Transcript):

Mr KEVIN ANDERSON: Once a greyhound leaves the racing industry, per se, it then crosses over into another jurisdiction, which is local government and the prevention of cruelty to animals. While they are still microchipped, they are then into that system where they can be looked after

The Hon. EMMA HURST: You are suggesting that any greyhound that ends up in the GAP program would then no longer be under your portfolio? Once they are in the GAP program, that would go under local government.

Mr KEVIN ANDERSON: Once they go into private ownership, they then come under prevention of cruelty to animals.

The Hon. EMMA HURST: And that includes GAP—the Greyhounds As Pets program?

Mr KEVIN ANDERSON: I will check on the GAP because there might be some transitional requirements there, Ms Hurst. I'm happy to provide that information for you. If you like, we can provide that answer for you now. I will pass to Mr Griffin from the Greyhound Welfare Integrity Commission.

STEVE GRIFFIN: Any greyhound that is in the custody and control of the Greyhounds As Pets program is still a registered greyhound. It's not taken off the NSW Greyhound Register until we place it on the Companion Animals Register.

Mr KEVIN ANDERSON: Which is that transition we were just talking about.

Question 19 (pages 23 & 24 of transcript)

The Hon. COURTNEY HOUSSOS: I have some documents that I'd like to provide to the Minister, and perhaps to Ms Hawyes as well. Minister, I come back to this question about the ASIC registration of the name Sydney Cemeteries and Crematoria. The evidence that was provided to us this morning was that this name has been transferred to Rookwood. I checked just before the break—in fact, you'll see at the bottom of the page that this document was printed at 10.45 a.m. today; indeed, that was when it was accessed from ASIC's database. This name is still registered to Leedar Investments. It is not with Rookwood cemeteries. Can you please explain why that is the case?

Mr KEVIN ANDERSON: Thank you, Ms Houssos, for your question. As we said earlier, this is new information to us. We will get a full brief in relation to the activities that Leedar Investments are undertaking and we will come back to you later this afternoon with the information as we would understand it. But I'd ask Ms Hawyes if she has anything further she would like to add.

MELANIE HAWYES: We are trying to get some further information to provide the Committee this afternoon. The advice I had was that the intent is certainly to have it transferred to Rookwood. I'm not clear whether it has actually been transacted at this point, but I will get that clarified for this afternoon and take anything on notice if we need to follow up and get further information for the Committee.

The Hon. COURTNEY HOUSSOS: Let's be clear, though, that that is a change in answer from what we received this morning. We were told that it had been transferred. We went and checked—

MELANIE HAWYES: That was my understanding, but it was new information presented to me with five minutes to scramble, so my apologies. We do intend to completely get to the bottom of this and give you the correct answer.

The Hon. COURTNEY HOUSSOS: Ms Hawyes, in no way do I want to say that you are misleading the Committee. I just want to say that it's different, that initially we were told it had been transferred—

MELANIE HAWYES: My understanding was that it had been transacted but it may not have finally completed. The intent is certainly that it is a transferred name, but I will take that on notice so that we do provide completely up-to-date information.

The Hon. COURTNEY HOUSSOS: Let's turn the page. First of all, we've got "Sydney Cemeteries and Crematoria". The next business name that is registered is "Greater Sydney Cemeteries and Crematoria". Again, this is to Leedar Investments, which is the private company that is owned by Ms Shearer and operated by herself and her partner. To be clear, the registration and the renewal date is the same on each of these—sorry, it is 4 April for Sydney Cemeteries and Crematoria and then, the next day, 5 April for Greater Sydney Cemeteries and Crematoria. Ms Hawyes, perhaps you can provide us on notice why it has taken so long to do the transfer?

MELANIE HAWYES: Yes, I'm happy to. As I say, Ms Shearer is the administrator, so I can't really speak for her acting in the remit of that role and I wouldn't want to. We will certainly look into it now that it has been raised with us and get the Committee the up-to-date understanding of where those business names are.

The Hon. COURTNEY HOUSSOS: I will take you to page 3 of the document I have provided you, which shows the current details for the ABN listed. This is the ABN for Rookwood General Cemeteries Reserve Land Manager—that is, the organisation that is charged with running Rookwood. You will notice that underneath there are a number of business names listed. One of them is "ONECROWN SYDNEY CEMETERIES". The second one is "ONECROWN". The third one is "ONECROWN CEMETERIES". You can now see, Minister, that this is a fundamentally different approach to the one on the first two pages, where these business names have been registered to a private company linked to the administrator that you have appointed.

Mr KEVIN ANDERSON: Again, Ms Houssos, once I get a brief and a greater understanding of the actions undertaken by Leedar Investments then I will be able to provide an opinion for you. But we will get the

information in relation to the activities of Leedar Investments and come back to you with clarification this afternoon.

The Hon. COURTNEY HOUSSOS: But, Minister, you can see these documents show that it has been a fundamentally different approach. This is not being done under the auspices of Rookwood in the way that they are currently operating. This has been done by a private company. One of the people who runs that private company has been appointed an administrator by you, and instead of registering these organisations—they were registered nearly six months ago, Minister. They've been sitting there under the auspices of this private company instead of sitting under Rookwood, which is where they should—as they should on the third page. Do you understand that, Minister?

Mr KEVIN ANDERSON: Thanks, Ms Houssos. Again, we will get clarification for you in relation to the activities of Leedar Investments and their intentions. From where I sit, as the Minister responsible for Crown lands—and looking at providing that additional burial space under OneCrown, and looking to stand up the operating model—I have no intention, and the Government at this point in time has no intention, to privatise OneCrown. In terms of the intent of Leedar Investments, as we said earlier today we will get some clarification on that and we will come back to you this afternoon as to the reasons why.

ANSWER

Refer to answer to question 1.

Question 20 (page 25 of transcript)

The Hon. COURTNEY HOUSSOS: How much is Ms Shearer being paid in her role as the administrator?

Mr KEVIN ANDERSON: I don't have that in front of me, but I can take it on notice.

The Hon. COURTNEY HOUSSOS: Can you provide that to us this afternoon?

Mr KEVIN ANDERSON: Yes, of course.

The Hon. COURTNEY HOUSSOS: How much she is being paid for the previous year of her appointment and how much she is slated to be paid for the next year of her appointment.

Mr KEVIN ANDERSON: Sure.

ANSWER

This information is available in the annual reports of the various Crown Land Trusts under administration.

Question 21 (page 25 of transcript)

The Hon. COURTNEY HOUSSOS: Minister, I am going to ask you again, what checks did you do before you appointed Ms Shearer? Did you do even a basic ASIC or company check on what her private business was up to while she was administering the fund?

Mr KEVIN ANDERSON: Ms Houssos, as I stated earlier, the recommendations particularly in relation to progressing the standing up of the operating model of OneCrown and working with those faith-based organisations, particularly in relation to the culturally sensitive nature of this particular project—Ms Shearer had had carriage of that issue, and it was recommended and there was no predisposition or anything that was brought to my attention as to any red flags there. But, having that document brought forward this morning, we will come back to you this afternoon with a clarification.

The Hon. COURTNEY HOUSSOS: Just to be clear, Minister, though, you got a brief from the department that said, "We recommend that you reappoint Ms Shearer," and you did no other checking. Part of that brief did not involve a check of what her private company, that you were appointing to this role, had been doing whilst she was already the administrator.

Mr KEVIN ANDERSON: I was going on the advice and the briefings and the fact that she was undertaking this work. She was right in the middle of trying to do what she had been asked to do in terms of standing up OneCrown, and that work was ongoing. The recommendation was to reappoint. But in relation to what you are saying now, Ms Houssos, and the document that you have produced, we will get further clarification in a briefing for you.

ANSWER

Probity checks were undertaken as part of the initial appointment and did not identify any issues of concern.

Question 22 (page 26 of transcript)

The Hon. MICK VEITCH: What are your conversations with Sydney Water then? What are you saying to Sydney Water? As the Minister, what are you saying?

Mr KEVIN ANDERSON: We are saying that they need to look at every option available to them to fast-track

what they need to do to provide those services. My understanding is that options have been put to the developer, and I'm happy to ask the CEO of Sydney Water to provide that clarification for you now, if you wish.

The Hon. MICK VEITCH: No, this afternoon will be fine, thank you.

Mr KEVIN ANDERSON: Sure.

ANSWER

This question was answered in afternoon session of the hearing by Sydney Water's Managing Director – refer to pages 66 and 67 of the transcript.

Question 23 (page 28 of transcript)

Mr JUSTIN FIELD: That would be the statutory body responsible for reviewing water sharing plans in New South Wales. I asked for the NRC to appear at today's hearings. Minister, did you ask them to appear?

Mr KEVIN ANDERSON: I can take advice on that, Mr Field, if you wish. It is not to my knowledge. That request doesn't come to me.

ANSWER

The NRC falls under the remit of the Minister for Planning.

Question 24 (page 36 of transcript)

The Hon. MICK VEITCH: Yes, okay. I might leave that there. Very quickly, Minister, I want to go back to a couple of water questions, and then I'm going to hand over to my colleague. As you would be aware, Dubbo was put on a boiled water alert for about a month recently. Do you think it's acceptable that residents of Dubbo and surrounding towns were on boiled water alerts for a month?

Mr KEVIN ANDERSON: Significant work was being done to rectify that issue, Mr Veitch. That also falls under the Safe and Secure Water Program, where we are providing the 92 water utilities across New South Wales with funding to upgrade their aging infrastructure, and that includes water treatment plants.

The Hon. MICK VEITCH: I'm glad you've mentioned that particular program. Maybe take it on notice and get back to us, but I wouldn't mind knowing how much has been spent and how much is remaining in that fund?

Mr KEVIN ANDERSON: Certainly.

ANSWER

This question was answered by Dr Jim Bentley later in the hearing – refer to page 81 of the transcript.

Question 25 (pages 37 of transcript)

The Hon. MICK VEITCH: We've appointed Mr Murray Smith, as well, as a commissioner for NICC. pIs that right? So he's been carried across as part of the process? I think ILGA might have appointed McGrathNicol, of which he is a partner, to conduct probity on Blackstone prior to them acquiring Crown. Did you know that, Minister? Is that correct?

Mr KEVIN ANDERSON: I'll get some detail on that, Mr Veitch. That's operational in terms of what needs to happen there, but I'm happy to provide that detail for you, if you wish.

The Hon. MICK VEITCH: That would be good. What I want to know is, in light of that, what probity was conducted on Mr Smith's appointment to the NICC in light of that work which occurred after his appointment to ILGA?

Mr KEVIN ANDERSON: Sure.

ANSWER

Mr Smith retired as a partner of McGrath Nicol in June 2014. Mr Smith was appointed to ILGA in May 2016 and as Deputy Chairperson in November 2019.

The appointment of NICC Commissioners occurred in accordance with the transitional provisions in the *Casino Legislation Amendment Act 2022*.

Question 26 (pages 39 & 40 of transcript)

The CHAIR: I will stop you there. To questions taken on notice in the last estimates, I asked about how much money had been allocated, received and then spent for the Better Baaka and Better Bidgee projects. We got back

that roughly \$23,977,000 has been spent out of a total funding allocation of roughly \$337 million. How much of that \$23-odd million has gone to local groups and local organisations compared to how much has been spent through government agencies, both State and Federal?

Mr KEVIN ANDERSON: I would have to take that on notice. What I can say is, particularly around the Better Baaka—

The CHAIR: Is it around \$180,000 out of \$23 million that has been spent on local groups?

Mr KEVIN ANDERSON: I'll have to take it on notice, Mr Banasiak.

The CHAIR: Does anyone around the table have a rough idea?

Mr KEVIN ANDERSON: I will have to ask Mr Bentley.

JIM BENTLEY: We can get you details this afternoon. When you are in these phases of the project, our teams are doing consultation and so on. These are not the phases where we are spending money on construction. As you move into construction it will be heavily dominated by local workforce, but it's not that phase of the project. We have to have our people doing the consultation to be hearing what the public are saying to us.

ANSWER

The amount of \$23,977,000 refers to expenditure under the Sustainable Diversion Limit Adjustment Mechanism (SDLAM) Acceleration Program as of 9 March 2022. The expenditure on the SDLAM Acceleration Program as of 30 June 2022 was \$37.2 million (not \$28.2 million as stated in the afternoon session of the hearing – p55 of transcript).

The Better Baaka Program includes the rescoped Menindee Lakes SDLAM project and the Better Bidgee Program includes the rescoped Yanco Offtake SDLAM project. Work to date with these projects has focused on community consultation, reinforcing NSW's commitment to not proceed with projects that do not have broad community support. Total local contractor expenditure for these two programs as at 30 June 2022:

- Better Baaka: \$ 193,000
- Better Bidgee: \$89,000

Question 27 (page 41-42 of transcript)

The Hon. MARK PEARSON: So the way this is stated at the moment is that a person can make a statement—it could be the owner of the greyhound; it could be a friend—that the animal has a behavioural problem and therefore cannot be rehomed and, therefore, it'll be killed.

STEVE GRIFFIN: That's not permissible under the policy as it currently stands.

The Hon. MARK PEARSON: Can you please come back to me explaining why there is that discrepancy?

STEVE GRIFFIN: Absolutely. I'll take it on notice, but at the end of the day I just want to make it quite clear that a greyhound cannot be put down by an individual participant on their view that that greyhound might not be suitable for rehoming. That has to go through a process that I have outlined and a veterinarian has to be involved.

ANSWER

If Mr Pearson is asking whether the use of the phrase "Euthanasia with statement that greyhound was behaviourally unsuitable for rehoming" is evidence that there has been a change of euthanasia policy, the answer is no. There has been no such change of policy, and the Commission's Rehoming Policy which includes policy on euthanasia has remained the same since December 2019.

The Commission's Rehoming Policy states that every euthanasia of a greyhound, with the exception of emergency euthanasia which occurs very rarely, must be performed by a registered veterinarian. Notification of euthanasia must be accompanied by a certificate signed by a registered veterinarian that outlines the reason for euthanasia, and this is a requirement irrespective of the reason for the euthanasia.

The phrase "Euthanasia with statement that greyhound was behaviourally unsuitable for rehoming" appears in the legend of graphs in the Greyhound Life Cycle Reports from July – September 2021 onwards.

It is not a statement of policy, but a guide to understanding the graphs.

To avoid any future misinterpretation, the Commission will endeavour to always use the phrase “Euthanasia with statement by a registered veterinarian that greyhound was behaviourally unsuitable for rehoming” in future reports, and not use the shorter phrase.

Question 28 (page 43 of transcript)

The Hon. MICK VEITCH: Minister, I just want to wrap up this issue around the probity aspects of ILGA. As I understand it, Mr Parbery and Mr Smith were already on ILGA when their companies were engaged to conduct work for ILGA. Are you satisfied that all conflicts have been declared and treated appropriately at ILGA?

Mr KEVIN ANDERSON: Mr Veitch, to take further clarification on that, I will take it on notice. But those were transition arrangements and all of those probity checks were done.

ANSWER

Upon appointment and reappointment of a new Authority member, third party probity checks are undertaken.

Mr Parbery declared his involvement with Kroll and was excluded from the procurement process relating to the engagement of Kroll as an independent monitor.

Mr Smith retired from McGrath Nicol eight years ago.

Question 29 (page 44 of transcript)

The Hon. COURTNEY HOUSSOS: Minister, we only have a few minutes left. I wanted to quickly ask you about the issue of steel sheet pilings in the Cooks River. Are you aware of this?

Mr KEVIN ANDERSON: I'm not. I will have to take it on notice.

The Hon. COURTNEY HOUSSOS: There is a small section that requires remediation. All other parts of the river are the responsibility of Sydney Water, but there is a narrow section that has not been remediated that is causing pollution in the river. The Cooks River Alliance has raised the issue and they are currently creating the Cooks River catchment coastal management program. But this has been going on since 2016. It took three years for the planning to decide on the values before they could even start the planning process. Can you please look into this and come back to tell us what is going to happen to ensure that this final part is going to be remediated?

Mr KEVIN ANDERSON: Ms Houssos, we can sort that out now with WaterNSW if you like. Mr George, are you aware of Cooks River in terms of—

ANDREW GEORGE: No.

Mr KEVIN ANDERSON: Okay, we'll come back to you with information on that.

ANSWER

The Department of Planning and Environment – Crown Lands is working with the Cooks River Alliance to identify and address the risks associated with the presence of sheet metal piling. The focus is on understanding any immediate public safety risks that require management, whilst the Cooks River Catchment Coastal Management Plan (CMP) is developed and finalised to set the strategic direction for managing this issue over the longer term. Management action could include decommissioning the piling, bank naturalisation, or implementation of other, contemporary bank protection treatments.

Question 30 (page 46 of transcript)

MELANIE HAWYES: There were a number of questions asked, some of which we took on notice. The question about the administrator reserving the names of Greater Sydney's cemeteries and crematoria, the advice I have is that we will be able to evidence that there was from the outset an intent to have them transferred to Rookwood and that that is being actioned presently, and we'll provide that documentation on notice to the Committee.

ANSWER

Refer to answers to questions 1, 10 and 15.

Question 31 (page 48 of transcript)

The Hon. MICK VEITCH: I just want to move on now to another area. It's to do with harm minimisation, but specifically in regional New South Wales. What action has been taken to make gambling counselling services more accessible in regional New South Wales? I think this might be Mr Keon.

ANTHONY KEON: Yes, thank you, Mr Veitch, I can handle that one. The Government, for this upcoming financial year, has allocated \$33 million towards gambling support services, and that's delivered through the Office of Responsible Gambling under the GambleAware banner. There were some significant reforms last year to consolidate those services to improve the service delivery. There are now 10 GambleAware providers

throughout the State that do outreach into 78 key centres. That support is multidimensional, so it's through telephone call—GambleAware helpline—there are online chats, there is referral to online counsellors as well as a number of self-help resources that can be accessed, and I can give you some of the figures of the take-up on that if you'd like.

The Hon. MICK VEITCH: If you want to take them on notice and provide them on notice, that'd be good.

ANTHONY KEON: Yes, we've got all those.

ANSWER

In 2021-22 there were:

- 4,736 clients of GambleAware providers
- 7,634 people assisted by the GambleAware NSW Helpline
- 2,069 online counselling sessions provided to NSW residents through Gambling Help Online

Question 32 (page 48 of transcript)

The Hon. MICK VEITCH: A couple of these next questions you might want to take on notice, unless you've got the figures there. How many GambleAware staff are located in regional New South Wales?

ANTHONY KEON: I would have to take that on notice, but there are 10 GambleAware providers that provide outreach to 78 centres throughout the State.

The Hon. MICK VEITCH: How many are there in metro New South Wales? So the same sort of thing.

ANTHONY KEON: I will take that one on notice.

The Hon. MICK VEITCH: How many GambleAware counsellors—the same thing—are located in regional New South Wales and how many are located in metro New South Wales?

ANTHONY KEON: Yes.

The Hon. MICK VEITCH: I might just go on to drink spiking, if I could.

ANTHONY KEON: Yes. I will take all of those on notice but, just to give you a flavour, for the last financial year there were 4,736 clients at GambleAware counselling and that resulted in 16,728 sessions—just to give you an idea of the volume that we are servicing.

ANSWER

An answer was provided on page 74 of the Transcript:

***ANTHONY KEON:** Sorry, Mr Veitch, I've got the answer to some of those earlier questions, if you want to just tackle those now. In terms of the GambleAware staffing, for metro there are 92 GambleAware staff and there are 48 regional staff. As a subset of that, in terms of counsellors there are 66 metropolitan and 28 regional...*

Question 33 (page 50 of transcript)

The Hon. MICK VEITCH: I want to go to the RGF in the last few minutes of this first session—the Responsible Gambling Fund. How much has been paid into the RGF-controlled community benefit fund in the 2021-22 financial year? Is that possible?

ANTHONY KEON: Yes. So the 2021-22 community benefit fund?

The Hon. MICK VEITCH: Yes.

ANTHONY KEON: Sorry, I've got the expenditure.

The Hon. MICK VEITCH: You can take it on notice.

ANTHONY KEON: I might have to, or I can come back to you once I find it.

ANSWER

Community Benefit Payment income for 2021-22 was \$4,727,000.

Question 34 (page 50 of transcript)

The Hon. MICK VEITCH: Again, how much money has been granted from the fund in total? If you've got the breakdown, you can table that too, if you want.

ANTHONY KEON: Yes, certainly.

ANSWER

Community Benefit Payment expenditure for 2021-22 was \$1,049,000.

Question 35 (page 50 of transcript)

The Hon. MICK VEITCH: If you could provide on notice a list of who the successful applicants were for the 2021-22 financial year?

ANTHONY KEON: Yes.

ANSWER

The following organisations signed agreements in 2021-22 to receive Community Benefit Payment funding:

- NSW Police Force (Coffs-Clarence Police Force)
- NSW Police Force (Orana Mid-Western Police)
- Moving Forward DFV Case Management Services
- Port Macquarie Neighbourhood Centre (formerly Hastings Neighbourhood Services)
- LeaderLife
- Burwood Community Welfare Services
- Macarthur Family & Youth Services
- Community and Cultural Connections.

Question 36 (page 51 of transcript)

The Hon. EMMA HURST: I'll just start with a few questions to Mr Keon in regards to racing. In November last year the Thoroughbred Aftercare Welfare Working Group released a final report called "The Most Important Participant". That report has a comprehensive framework for improving thoroughbred welfare in Australia. Do you know if any steps have been taken in New South Wales to address some of the recommendations in that report?

ANTHONY KEON: Are you talking about the traceability initiatives?

The Hon. EMMA HURST: I think that there was a whole range of recommendations from that report. The report I am referring to is "The Most Important Participant". It was done by the TAWWG. There are quite a few recommendations. I can ask you about one of the key recommendations if you're not able to address all the recommendations. One of the recommendations from the report was that the racing industry should create a national welfare body to drive improved outcomes for thoroughbreds at all stages of life. Has there been any progress towards establishing that kind of a body in New South Wales?

ANTHONY KEON: Sorry, I do have that here. That report is currently being considered by the racing control bodies in consultation with government, so we're waiting to discuss their positions on those.

ANSWER

An answer was provided on page 74 of the Transcript:

***The Hon. EMMA HURST:** Mr Keon, I think you took a few questions from me and said you might have something in the afternoon.*

***ANTHONY KEON:** Yes, and I can answer those for you now. In relation to the TAWWG report, in relation to recommendations coming out of that, the recommendation in relation to creating a national welfare standard, that is being considered by the Department of Primary Industries. The Minister for Agriculture would be the responsible Minister in relation to that. In relation the national traceability register, there has been a national working group formed, which is led by being the Victorian Department of Jobs, Precincts and Regions. That working group has been consulting with the industry about a property identification code and the potential use of microchipping. The latest advice we have is that they will bring their report to the upcoming Agricultural Ministers Conference in a couple of months. The balance of the recommendations, I am advised, are a matter for Racing NSW to consider.*

Question 37 (page 51 of transcript)

The Hon. EMMA HURST: What is the time line on that, given that that report was released in November?

ANTHONY KEON: I'd have to take that on notice.

The Hon. EMMA HURST: Yes, if you could let me know. So none of the recommendations at this point have been taken on because they are still under consideration?

ANTHONY KEON: I will double-check that and confirm with you, hopefully later this afternoon

ANSWER

An answer was provided on page 74 of the Transcript:

***The Hon. EMMA HURST:** Mr Keon, I think you took a few questions from me and said you might have something in the afternoon.*

***ANTHONY KEON:** Yes, and I can answer those for you now. In relation to the TAWWG report, in relation to recommendations coming out of that, the recommendation in relation to creating a national welfare standard, that is being considered by the Department of Primary Industries. The Minister for Agriculture would be the responsible Minister in relation to that. In relation the national traceability register, there has been a national working group formed, which is led by being the Victorian Department of Jobs, Precincts and Regions. That working group has been consulting with the industry about a property identification code and the potential use of microchipping. The latest advice we have is that they will bring their report to the upcoming Agricultural Ministers Conference in a couple of months. The balance of the recommendations, I am advised, are a matter for Racing NSW to consider.*

Question 38 (page 51 of transcript)

The Hon. EMMA HURST: The Thoroughbred Aftercare Welfare Working Group report also states that Racing NSW has spent \$33 million buying and upgrading four properties designed for care and retaining and rehoming New South Wales thoroughbreds. That is on page 84 of the report. Can you tell me—it's okay if you take this on notice—how many horses have benefited from this program since its inception? How many retired horses are currently living on those properties?

ANTHONY KEON: I'll take that one on notice and I'd say we'll have to get that information from Racing NSW, so it's unlikely this afternoon. I would have to give a written response to that.

ANSWER

The information requested is Racing NSW operational information that is not held by DEIT. The member may wish to seek this information directly from Racing NSW.

Question 39 (page 54 of transcript)

GRANT BARNES: Now, 72 per cent of those works are now fully compliant in that they have been connected to the telemetry system. Of those 28 per cent of active works not yet fully compliant, most of those are because they are unable to connect at the moment to the telemetry system due to a number of circumstances. I can break it down further, if it's helpful to you.

Mr JUSTIN FIELD: I might put a series of questions on notice with regard to that.

ANSWER

This is not a question.

Question 40 (page 55 of transcript)

The CHAIR: Yes, well, that's another matter. He was hesitant to really address this issue, and I'm sure your department has given this some thought. If an extension isn't granted for any of the States, including New South Wales, what are the options that are available to still meet those water saving targets that you've agreed to? What are the options available?

JIM BENTLEY: There's no simple option because at least one change—probably multiple changes—to the plan would need to be made whatever we do. I know that the question you were asking earlier, I think, was leading to the topic of potential buybacks, which everybody is concerned about. But there's only so much money that's currently budgeted in the Commonwealth for buybacks, and there's not enough money left in that total to buy back all of the water that would currently be forecast to be a shortfall if we don't extend the time scale. There has often been conversation that extending the time scale requires a change to the plan, which requires legislation. But,

actually, not extending the time will also require a change because there isn't currently enough money budgeted for the amount of buyback if we don't make more progress.

The CHAIR: How much money would you need?

JIM BENTLEY: I can't answer that because it depends on market values. It depends also on what the analysis—

The CHAIR: A rough ballpark figure. Like, how short are we in that front?

JIM BENTLEY: I'll take that on notice.

ANSWER

Water recovery under the Basin Plan is the responsibility of the Commonwealth Government.

Question 41 (page 55 of transcript)

INGRID EMERY: Just to provide an update, the Locks 8 and 9 and the Mid-Murray Anabranches projects are the most advanced of the five accelerated projects, with detailed design well progressed, and some early works are already underway for the Locks 8 and 9 project. The Koondrook-Perricoota project and Yanco Creek modernisation, Yanga and Millewa national park projects are currently completing concept designs. That includes preparing basis of design reports, preliminary procurement details, and delivery and operational plans as well as obtaining planning approvals for each project component. Completing this stage is a significant milestone and will guide these projects for the next stage of design ahead of construction.

The CHAIR: In the last 30 seconds, I did ask for those figure as of 9 March.

INGRID EMERY: I can provide those.

ANSWER

For the SDLAM Acceleration Program as at 30 June 2022 there has been:

- Total funding allocated: \$338 million
- Total funding received: \$44.65 million
- Total expenditure: \$37.2 million

Question 42 (pages 55 & 56 of transcript)

The CHAIR: Do we have an update in terms of those figures too? In terms of have we had more allocated? Have we spent more?

INGRID EMERY: The figures provided in response to your question we took on notice were actually just for the SDLAM acceleration component. There has been no further funding allocated. The total expenditure to date is—sorry, I did have it but I had it aggregated—\$28.2 million as at the end of June.

The CHAIR: I did ask before the break for a dissection in terms of where that money has gone to.

INGRID EMERY: We will need to take that one on notice. We can't do it today.

ANSWER

Outlined below is the estimated local expenditure figures for each of the five accelerated SDLAM projects as at 30 June 2022. It is important to note that when projects are in the early stages like the SDLAM Acceleration projects are, the projects are making sure the design is right, that all the necessary environmental and technical assessments are undertaken and the planning approval process is on track so construction can start as soon as possible.

Many of these activities need to take place on site – for example the environmental studies – but the bulk of the local spend on any infrastructure project occurs when projects enter the construction stage. That is when the work is heavily dominated by the local workforce, including all the services that support construction works including accommodation, cafes and restaurants, and even services like the local barber. While the SDLAM Acceleration projects are not yet at that phase, some of the projects are very close to construction commencement.

SDL offsets in the Lower Murray (Locks 8 & 9 Project)	\$0.425m
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Modernising Supply Systems for Effluent Creeks Project (Yanco Modernisation)	\$0.292m
Murrumbidgee and Murray National Park Project	\$.025m
Koondrook-Perricoota Flow Enabling Work	\$0.795m
Mid-Murray Anabranches Demonstration Reach.	\$0.367m
TOTAL	\$1.9m

Question 43 (page 57 of transcript)

The Hon. MICK VEITCH: That's an increase of how many on last year?

MELANIE HAWYES: I have that here, if you bear with me to find that stat. A couple of hundred from memory. It has grown by 209 from June last year. So we have seen that we're better able to keep pace. But as I said, more importantly, we fundamentally changed the way we work with the land council network.

The Hon. MICK VEITCH: Can you take on notice for me what are the five longest land claims that have been sitting on the books? What is the length of those claims that are yet to be resolved?

MELANIE HAWYES: Absolutely. Some of them are quite old and date from the initiation of the Act itself. There's no shying away from that. But they are complex claims for legal reasons that we're working through. I can take on notice the five oldest. Is that your question?

ANSWER

Number	Date lodged	Location	Status
ALC 815	31 October 1984	Red rock	Part determined, remaining part currently under assessment
ALC 1083	20 September 1984	Brewarrina	Currently part of Aboriginal Land Agreement negotiations
ALC 5316	3 March 1994	Wee Waa	Assessment complete currently in approvals process
ALC 5512	12 April 1995	Caroona	Assessment complete currently in approvals process
ALC 5513	12 April 1995	Caroona	Currently under assessment

Question 44 (page 57 of transcript)

The Hon. MICK VEITCH: This is being done under a memorandum of understanding between the two departments with the intention of alleviating housing shortages in rural and regional areas. Can I ask some questions here? When will the MOU be made public?

MELANIE HAWYES: The MOU is a signed instrument between myself as the head of Crown Lands and the head of Land and Housing Corporation. It is essentially a public document in that sense.

The Hon. MICK VEITCH: Is it on the website?

MELANIE HAWYES: I'll have to take on notice if it has gone on the website. It's essentially an agreement to work together to—with Crown land, because it is public land, we need to be conscious of how the use of that land for the purposes of social and affordable housing delivers public values. It's a case-by-case assessment to determine which parcels of Crown land would be suitable and to work with land and housing as a delivery partner, and very often with Aboriginal interest holders who may have claims in that land, to negotiate outcomes that are essentially win-win for different parties.

The Hon. MICK VEITCH: If the MOU is a public document, are you able to table it with the Committee at some stage?

MELANIE HAWYES: I don't see why not, but I'll take it on notice. It may very well be on the web.

ANSWER

The department has provided a copy of the Memorandum of Understanding (MOU) between Department of Planning and Environment - Crown Lands and Land and Housing Corporation (LAHC) to the Committee. The

MOU is intended to be an internal, intra-agency agreement detailing how each agency will work together to achieve housing outcomes and has not been published. LAHC and Crown Lands provide general details of the agreement and its purpose on their websites.

Question 45 (page 61 of transcript)

Ms ABIGAIL BOYD: We may need to take this one on notice, but I'll ask it and see. In terms of greyhounds that are turning up at pounds and shelters, are you able to tell me how many greyhounds were impounded as seized or surrendered in New South Wales pounds or shelters in each of the financial years since 2018-19?

ANTHONY KEON: I don't have that. I'll see if Mr Griffin does.

STEVE GRIFFIN: I'll have to take that on notice, if you don't mind.

ANSWER

An answer was provided on page 72 of the Transcript:

STEVE GRIFFIN: *Sorry to interject, not wishing to be outdone by my esteemed colleagues here, I am able to answer a question I took earlier on notice from Ms Boyd. Would you like me to give a response to that now?*

The CHAIR: *Sure.*

STEVE GRIFFIN: *It related to greyhounds lodged at council pounds over the past four financial years. The number of greyhounds lodged at council pounds in 2018-19 was three, 2019-20 was 14, 2020-21 was 45 and 2021-22—the last financial year—was 14. I am advised that the majority of those greyhounds were subsequently taken from council pounds and relocated to rehoming organisations.*

Question 46 (page 61 of transcript)

Ms ABIGAIL BOYD: Can you confirm if any of those South Australian participants had greyhounds that had been transferred from New South Wales?

STEVE GRIFFIN: I can't confirm that. I will have to make inquiries and take that on notice.

ANSWER

This information is held by Greyhound Racing South Australia.

Question 47 (page 65 of transcript)

MELANIE HAWYES: Mr Veitch, I've got the five oldest land claims, if you want me to go through them now. I can take it on notice.

The Hon. MICK VEITCH: Just take it on notice, thanks.

ANSWER

Refer to answer to question 26.

Question 48 (page 66 of transcript)

PHILLIP CRAWFORD: Certainly it's recorded in the minutes. Whether the book is now being kept, I'm not sure.

The Hon. MICK VEITCH: Can you take that on notice and get back to us?

PHILLIP CRAWFORD: I will, absolutely.

The Hon. MICK VEITCH: It also says there is a fee. As a matter of interest, if you could take it on notice, what is that fee?

PHILLIP CRAWFORD: I'll have to take that on notice.

ANSWER

An answer was provided on page 68 of the Transcript:

PHILLIP CRAWFORD: *I can fill in a bit more on the questions you asked me. For the record, we don't have a book.*

The Hon. MICK VEITCH: You don't have a book?

PHILLIP CRAWFORD: No. We don't charge a fee but we do record the conflicts, as I indicated before, but there is no book and there is no fee charged, and in my time there I've never seen the book and I've never heard of a charge being made. Just in terms of what we do publish, we do publish a document each month after our meetings but it covers off all of our decisions at the meeting.

The Hon. MICK VEITCH: And that document is publicly available?

PHILLIP CRAWFORD: On our website.

The Hon. COURTNEY HOUSSOS: From what I can see—we've just had a quick look at the notices—

PHILLIP CRAWFORD: Yes, they don't disclose minutes.

The Hon. COURTNEY HOUSSOS:—they don't disclose minutes. They also don't disclose interests that are declared. Is that correct?

PHILLIP CRAWFORD: No. What I said before is, in terms of the procurement, these conflicts arise in the context of a procurement of an external adviser and any conflicts are identified in that documentation, which is prescribed by regulation.

Question 49 (page 67 of transcript)

The Hon. COURTNEY HOUSSOS: Is there an additional cost to the developer as a result of the interim solution?

ROCH CHEROUX: Absolutely.

The Hon. COURTNEY HOUSSOS: What's the total cost?

ROCH CHEROUX: I have to take that on notice.

The Hon. COURTNEY HOUSSOS: Give us a rough ballpark figure. Is it tens of millions of dollars?

ROCH CHEROUX: No, absolutely not.

The Hon. COURTNEY HOUSSOS: Is it \$100,000?

ROCH CHEROUX: No, no, no, we're not talking tens of millions of dollars. I'll get back to you with the cost. Just to be completely clear about what it is, for Torana Estate we're talking about a situation where we have a piece of land that is far from the existing network that the developer has decided to develop. Technically they can do that, but we can't ask for all the customers in the Greater Sydney area to pay for the connection of this piece of land to the main network. That would be completely unfair. So in that sort of situation when it happens, the developer has to fund the connection between their development and the existing network, and this is exactly the situation that we are in with Torana Estate. What we do in this sort of situation, we say, okay, there is an interim solution which is building a pipe here, using another one that is existing there et cetera, but then the developer has to pay for the price of the connection, which is fair because if they don't then it means that all our customers would have to pay for it.

ANSWER

This question was answered by Sydney Water's Managing Director, Roch Cheroux, later in the hearing.

Question 50 (page 69 of transcript)

The Hon. COURTNEY HOUSSOS: Can you just provide us with the list of the 63 and the 37 and the period of time that the boil water alert was in place for, please?

JIM BENTLEY: Great though my team is, I probably won't do that this afternoon, but we will get back to you very soon.

The Hon. COURTNEY HOUSSOS: No, on notice. Sorry, I should have—

JIM BENTLEY: Yes, of course.

ANSWER

A full list of boil water alerts and their duration is available on NSW Health's website:

<https://www.health.nsw.gov.au/environment/water/Pages/drinking-water-quality-and-incidents.aspx>.

Question 51 (page 69 of transcript)

The Hon. MICK VEITCH: No, that's good. Thank them for that. The only thing I want to ask about on this, Dr Bentley, is if there is a national benchmark for this type of event so New South Wales could be benchmarked against other jurisdictions to see how we are comparing?

JIM BENTLEY: There is a national performance report produced by the BOM that compares water utilities of different types and sizes for a range of quality and volumetric and pricing parameters. Whether this is specifically one of them, I will take on notice and come back to you.

ANSWER

No, there is not a national benchmark but the NSW events are listed on the NSW Health website

Question 52 (page 72 of transcript)

The Hon. EMMA HURST: I am still with you, Mr Griffin. I just have some questions around disciplinary action. If you don't have this data to hand then I am happy for you to take them on notice. I am wondering how many disciplinary action matters involving specifically animal welfare breaches by either owners or trainers have been investigated since GWIC was established.

STEVE GRIFFIN: I will take that on notice. We have given that information previously to the select committee inquiry into GWIC but I am more than happy to provide those to you shortly.

The Hon. EMMA HURST: I am not on that inquiry, but thank you. Also if you could let me know, one, would be investigated and if you could let me know how many were actually proven animal welfare breaches as well. Also, and this one might have to also be on notice, in terms of disciplinary action about animal welfare, what the average length of suspension or disqualification was in those cases.

STEVE GRIFFIN: I will take that on notice and get that back to you.

ANSWER

Since its commencement on 1 July 2018, the Commission has investigated 103 reports relating to animal welfare or breaches of the code of practice.

Question 53 (page 75 of transcript)

Mr JUSTIN FIELD: My understanding is that those documents raising concerns—these were internal ClubsNSW board documents—were provided to Liquor and Gaming at the time. It was before your time, I might add.

ANTHONY KEON: Yes.

Mr JUSTIN FIELD: Were they ever investigated by Liquor and Gaming?

ANTHONY KEON: I would have to take that on notice because it was prior to my time.

ANSWER

Refer to answer for question 54.

Question 54 (page 75 of transcript)

Mr JUSTIN FIELD: My understanding is that Liquor and Gaming received these reports at the time that they were being made public through the Parliament and the like. They were provided by Mr Stolz. Are you saying that Liquor and Gaming has no obligations at all in the event that clubs that it regulates aren't complying with their obligations with regard to any money laundering and organised crime? You've got absolutely no interest in that?

ANTHONY KEON: No, I didn't say we had no interest. I said we had no enforcement powers. The general process should be that they would be then referred through to the current Crime Commission inquiry or to AUSTRAC at those times.

Mr JUSTIN FIELD: This all occurred before that. That's my point.

ANTHONY KEON: That's what I'm saying. In terms of what we specifically did with it, I can take that on notice and come back to you and confirm that. But what I was saying was in terms of our ability to then take action coming out of that, in terms of direct enforcement action, we have no legislative basis to that. Anything that we could do with it, we should be appropriately referring it to those agencies that can take that action.

ANSWER

Liquor & Gaming NSW has previously received a complaint from Mr Stolz regarding a 2019 report into club compliance with AML/CTF obligations. A review of the complaint indicated it was outside Liquor & Gaming NSW's jurisdiction as there was no legislative basis to take enforcement action. Mr Stolz was advised to refer his complaint to AUSTRAC.

Question 55 (pages 80 & 81 of transcript)

Mr JUSTIN FIELD: How much technical knowledge have you got on the new, redrafted greater metropolitan region unregulated water sharing plan? If I was to ask you quite a specific question about Tallowa Dam and environmental releases, would you have a clue?

JIM BENTLEY: I'd have a clue what they're about. The specifics I would have to take on notice.

Mr JUSTIN FIELD: The NRC reviewed the water sharing plan and made recommendations to review the environmental release regime for the Shoalhaven River, I think by 2025 or 2027. In the redraft that has been done now by the department that's out for consultation, you have proposed what I see as quite substantial changes to the environmental flow regime for the Shoalhaven River without having done that review. It will see more water transferred from Tallowa Dam, I think, but also provide for less environmental releases. What they're doing is going to make the releases from Tallowa downstream into the Shoalhaven—it's going to be linked to the storages in the Greater Sydney area for the first time. That seems to me to mean that if the storages are falling then less water is released from Tallowa Dam into the Shoalhaven. I want to know what modelling is being done about how that is going to change the environmental flows in the Shoalhaven over the cycle?

JIM BENTLEY: I was really hoping, as you were asking that, that we were going to get to something I would know the answer to. I will be taking that bit on notice.

ANSWER

Because the increase in sustainable supply from increasing the transfer rules was small, this option was not included in the final Strategy, and as a result the transfer rules in the 2011 Metropolitan Region Unregulated River WSP will be retained. That is, transfers from Tallowa Dam will commence when total volume of water held in all of WaterNSW's storages that supply the Sydney metropolitan area will commence when total storage falls below 75% and cease when dam levels recover to 80% total storage. No access below –1m Full Supply Level is planned.

By retaining the dam level above –1m Full Supply Level, Tallowa Dam will spill a modelled 48% more often than under the old regime, when access was permitted down to –3m below Full Supply Level when total storage reached 30%. Increased spills will provide ecosystem benefits** downstream including:

- Australian bass and Freshwater mullet migration opportunities are increased by 10-15%
- Destratification flows will increase by 13%
- Salinity changes in the estuary will be minimal (migration upstream of the salt wedge)

*all dam percentages refer to Sydney's total system storage level.

**benefits are determined by flow and ecological modelling.



Review of financial governance and management practices

Yarrie Lake Flora & Fauna Reserve Land Manager

31 March 2022



Russell Coleman

Partner

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Kylee Warner

Department of Planning and Environment

4 Parramatta Square

12 Darcy Street

Parramatta 2150

31 March 2022

Dear Kylee,

It is with pleasure that I enclose our report in connection with the review of financial governance and management practices at Yarrie Lake Flora & Fauna Reserve Land Manager ('Yarrie Lake'). The objective of this review was to assess the financial governance and management practices at Yarrie Lake against the relevant legislation and guidance including the prescribed code of conduct standards provided for Crown Land Managers ('CLM') in NSW. Our scope, approach and limitations have been outlined in slide 9 of our report.

We would like to take this opportunity to thank you and your team for the co-operation which we have received in performing this review.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Russell Coleman".

Russell Coleman

Finance Assurance Partner

Contents





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Partner

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Important Notice

The report is confidential and is subject to the restrictions on use specified in the Work Order dated 08 September 2021 and our agreed terms and conditions.

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A photograph of a business meeting in progress, showing several people in professional attire gathered around a table. They are looking at documents and holding pens, suggesting a collaborative work environment. A large, dark blue, semi-transparent geometric shape is overlaid on the left side of the image, containing the text.

Executive Summary

Overall Summary

Procedures performed

- Obtain an understanding of, and document, the key aspects of the financial governance and management practices at the Yarrie Lake Flora & Fauna Reserve Land Manager ('Yarrie Lake'), with a focus on financial governance processes at board meetings, procurement and receipting of goods, order to cash / revenue recognition (if appropriate), reporting and cash management.
- Compare and contrast to the foundational principles of governance and financial control practices as prescribed in the Crown Lands Management Act 2016 and Crown Land Management Regulation 2018 (collectively, the Guidance)
- Discuss our findings with Crown Land and Yarrie Lake (as appropriate) to validate our understanding.
- Identify insights and observations based on the work undertaken within the context of the governance requirements identified.

Key high level observations – to be read in conjunction with slide 6

We have made the following key observations based on the review procedures:

- Board meetings are not conducted on a regular frequency. Further there is no evidence of any telephonic board meetings conducted. No evidence of voting, resolutions were evidenced in the board meeting minutes provided.
- Annual report submissions required by Crown Lands Management regulations 2018 have not been submitted subsequent to financial year ended 30 Jun 2019.
- The day to day operations and maintenance of Yarrie Lake are the responsibility of a voluntary caretaker. Financial record keeping is largely manual with income and expenditure records, log of all tax invoices, cash receipt book for camping fees and boat permit license register maintained in a reasonable manner. Considering the small size of operations, limited funding and voluntary nature of board, the record keeping appears reasonable. Please refer to the key recommendations section below.

Key recommendations and potential next steps – to be read in conjunction with slide 6

The recommendations included here do not point to a systematic failure of financial governance practices at Yarrie Lake based on our review procedures. Rather our findings relate to the financial control, processes or documentation deficiencies and/ or opportunities for improvement.

- Governance could be further improved by conducting board meetings on an increased frequency (e.g monthly) to identify and manage operational and governance issues in a timely manner.
- Annual reports should be prepared and submitted annually to provide Crown Lands with an up to date overview of Yarrie Lake operations and its financial position.
- Financial record keeping could be further improved to include reconciliation of cash receipt books and boat permits issued to the collections made, useful life of assets and condition should be regularly updated with best estimates of replacement costs included annually.
- As a category 2 non-council statutory land manager, certain foundational principles of financial governance and control practices are prescribed in the Crown Lands Management Act 2016 and Crown Land Management Regulation (collectively, the guidance). Crown Lands could support Yarrie Lake with more general guidance, including examples, from the Crown Lands division of DPE on the smooth running of Board meetings and record keeping. Such examples could usefully be developed in consultation with statutory land managers and rolled out dependent on an overall cost/ benefit assessment.

Summary of key observations and recommendations

Key observations



Governance	The structure and composition of the board is sufficient.
	Although board meetings are conducted irregularly, they have been conducted per the minimum number of board meetings and manner prescribed in accordance with the applicable legislative guidance for FY21. Board meetings are yet to be conducted for FY22. There is no evidence of board meetings conducted telephonically.
	No evidence was sighted to suggest potential conflict of interest declarations were disclosed during board decisions.
	Records and Legislative guidance is followed in a manner not inconsistent for the size of operation, limited funding and volunteer time committed to managing the reserve.
	No evidence was sighted to suggest decisions are being made other than in interest of the Crown Reserve.
Financial Control	No evidence was sighted to suggest resources and assets are being used for purposes other than reserve related purposes.
	The Caretaker is responsible for the day to day management of the Yarrie Lake reserve operations. Routine expenditure necessary to manage and maintain the reserve are authorised, incurred and paid for by the caretaker. Purchase of capital equipments is authorised by the board.
	Financial records comprise of income and expenditure records, list of assets owned by the reserve and bank statements. Records are maintained manually and completeness cannot be assured.
	Annual reports required under the Crown Land Management Regulation 2018 (clause 18) have not been submitted post the 30 Jun 2019 reporting period.
	Processes and record keeping in relation to collection of camping fees and boat permit licenses appear reasonable considering the size of operations.
Two authorised signatories are required for issuing payments/ withdrawing cash.	

Key recommendations

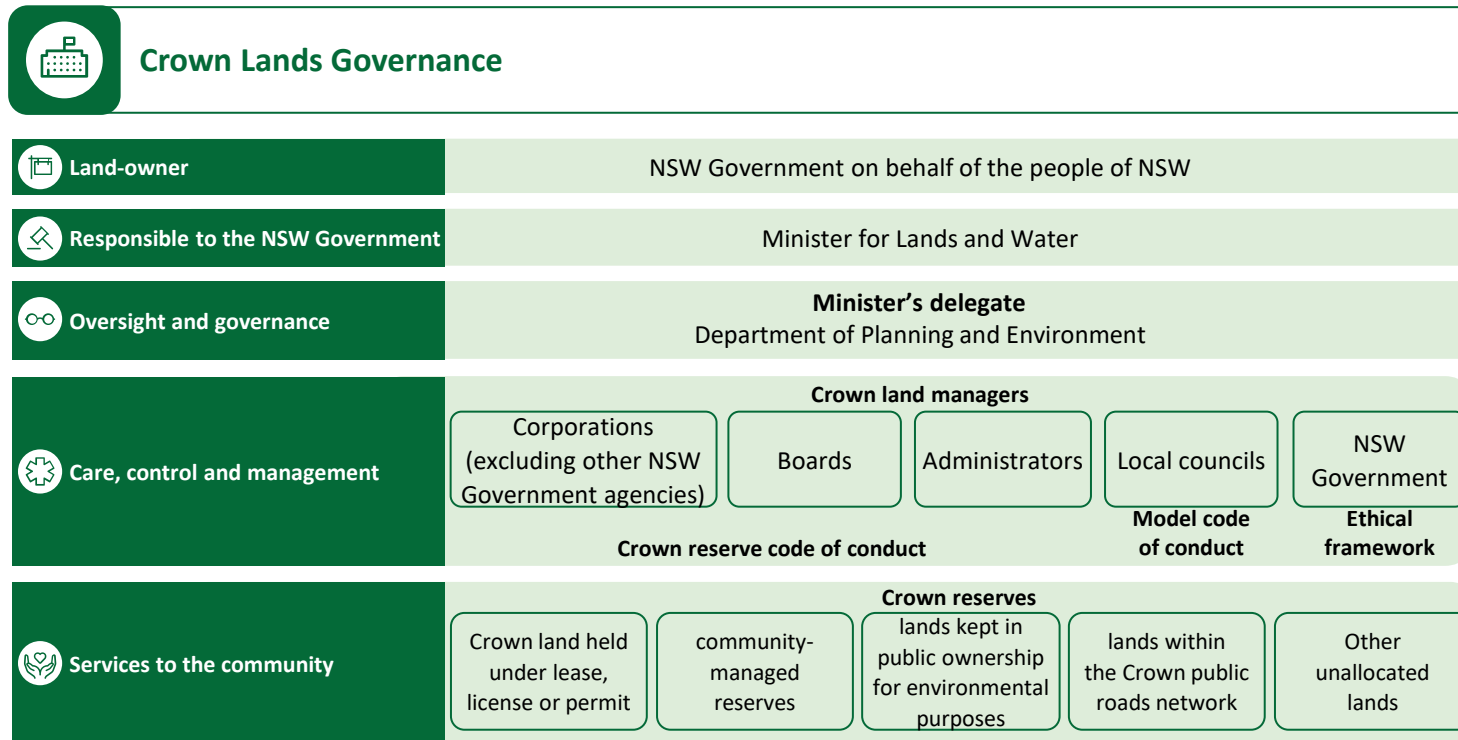


Governance	Board meetings <ul style="list-style-type: none"> We recommend voting and consequent resolutions should be incorporated as standard operating procedures during conduct of meetings and as required by Crown Land Management Regulation 2018. Whilst potential conflicts of interest were not raised with us during the course of our work, we recommend declaration of potential conflicts of interest should be incorporated as standard operating procedures during conduct of meetings and as required by Crown Land Management Regulation 2018. Such inclusions will promote transparency and accountability of those charged with governance. Minutes of board meetings held telephonically should be documented and adopted subsequently. Board meetings should be conducted regularly (example monthly) to identify and manage operational and governance issues in a timely manner.
	Annual reporting <ul style="list-style-type: none"> Annual reporting as required under the Crown Land Management regulation 2018 (Clause 18) should be brought up to date. Annual reporting details should be complete and provide an overview of the operations including fire prevention and health and safety measures in place; details of any environmental activities undertaken by management, any particulars of pecuniary interests recorded in the book referred to in clause 26(3) of schedule 5 to the Act; details of the managers compliance with any applicable guidelines for Crown land Managers issued by the department and published on its website. It is recommended Crown Lands considers whether these disclosures would be relevant for Yarrie Lake and to the extent necessary discuss with the Board the extent to which they should be included in future reports.
	Procurement of Goods and Services <ul style="list-style-type: none"> Voting procedures, consequent resolutions and conflict of interest declarations should be incorporated as a standard operating procedure during meetings in relation to major works or large expenditure. The asset list should be maintained with condition of assets updated regularly (quarterly or annually). Such records should be tabled at the board meetings with sufficient frequency (quarterly) to identify and manage any repairs/ maintenance or replacement issues. Ensure asset list is upto date by regularly reconciling physical assets through an annual survey. Asset values should include a best estimate of replacement costs updated with sufficient frequency (annually) as to be useful to the Board and stakeholders Tenders/ quotations should be obtained for large purchases wherever practical to ensure value for money and accountability. Evidence/ register of ongoing works/ contracts should be adopted where practical. The register of contracts should include the following minimum information: <ul style="list-style-type: none"> Type of work and \$ value of the contract Current status of works Contractor info (ABN/ other contact details)
	Collection and Receipting of Money <ul style="list-style-type: none"> We recommend regular reconciliation (monthly) of the camping fees receipt book (number of receipts issued and \$ value) and the amount of cash collected and banked. Any discrepancies to be investigated in a timely manner. The total number of boat permits issued should also be reconciled with the boat permit fees deposited in the Yarrie Lake Bank account periodically (monthly). Such reconciliations should form part of the treasurers report and should be tabled at every board meeting.
	Financial Control

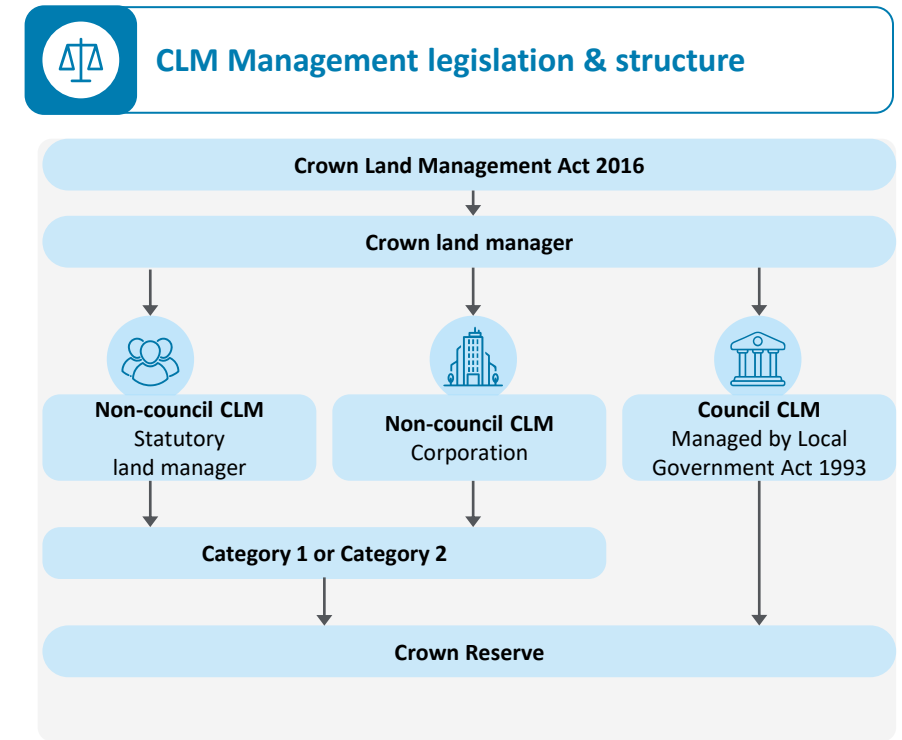


**Background, Engagement scope
and assessment framework**

Background to Crown Land Reserves and their governance



- The Crown Reserve system is a construct maintained by the NSW Government on behalf of the people of NSW. The broader community expects that Crown Reserves will be managed with transparency, integrity and good governance.
- The Minister for Lands & Water has oversight of NSW Crown reserves to ensure appropriate standards of care, control and management are provided.
- Crown Lands include:
 - The different types of Crown Land held under lease, license or permit
 - Community-managed reserves
 - Lands kept in public ownership for environmental purposes
 - Lands within the Crown public roads network
 - Other unallocated lands.
- The use of Crown land depends on the type and the purpose of the land. Generally, the use of a reserve must be consistent with or support the purposes stated in the reservation or dedication.



Yarrie Lake

- Yarrie Lake Flora and Fauna Reserve ('Yarrie Lake') is classified as a category 2 Crown Land Manager ('CLM') i.e. it is not a local council and is not assigned as a category 1 CLM.
- The Yarrie Lake Board comprises of members of the local community.
- The Yarrie Lake Board is required to carry out management duties in accordance with relevant legislation i.e. Crown Lands Management Act 2016 and Crown Land Management Regulation 2018.
- Yarrie Lake is also required to submit annual reports per Crown Land Management Regulation 2018 (clause 18)

Scope and snapshot financial information

Engagement scope and approach



Background

- DPIE has asked Deloitte to assess compliance of Yarrie Lake’s financial governance and management practices with a specific focus on financial governance processes at board meetings, procurement and receipting of goods, order to cash / revenue recognition (if appropriate), reporting and cash management.

Our review procedures include:

- Obtain an understanding of, and document, the key aspects of the financial governance and management practices at the Yarrie Lake Flora & Fauna Reserve Land Manager (‘Yarrie Lake’), with a focus on financial governance processes at board meetings, procurement and receipting of goods, order to cash / revenue recognition (if appropriate), reporting and cash management.
- Compare and contrast to the foundational principles of governance and financial control practices as prescribed in the Crown Lands Management Act 2016 and Crown Land Management Regulation 2018 (collectively, the Guidance)
- Discuss our findings with Crown Land and Yarrie Lake (as appropriate) to validate our understanding.
- Identify insights and observations based on the work undertaken within the context of the governance requirements identified.

Limitations

- Our observations and consequent recommendations are therefore limited to our scope and approach as discussed above.
- Our review procedures are based on the information provided by DPIE. If the information is untrue, incorrect, incomplete or misleading then our work may be incorrect or inappropriate.
- We have not undertaken a review of procedures in relation to workplace health and safety procedures or other risks.

Snapshot of financial information



Particulars	31 Dec 2021
Cash and Bank balances	\$77,972
Assets	\$1,218,484
Total Assets	\$1,296,456
Income*	\$70,340
Expenses*	\$27,269
Net Income	\$43,071

Source: Management Information.

*12 months ended 31 Dec 2021.

- Yarrie Lake is managed by volunteers appointed by the NSW Government. Yarrie Lake is assisted by a voluntary caretaker who resides at the Lake and collects camping fees and assists in maintaining the area.
- Revenues comprise of camping fees and boat permit fees. Income from camping fees are generated from the public’s use of the reserve grounds. Boat permits are issued to end users to authorise the use of the lake.
- Operating expenses comprise of capital purchases, day-to-day supplies, repairs and maintenance of the reserve.
- Yarrie Lake’s assets comprise of cash and bank balances and Reserve related assets including buildings, amenities and other capital equipment. As at 31 Dec 2021 Yarrie Lake held a cash balance of \$78k and its reserve related assets were valued at \$1,218k as at 31 Dec 2021. The COVID border closures in 2020 led to an increase in campers, and therefore a significant increase in Yarrie Lake’s bank account balance.
- Yarrie Lake’s net income for the period between January 2021 and December 2021 aggregate to \$43k.

Assesment framework



In considering the engagement scope and objectives, we have referenced the following relevant legislation in the Crown Land Management Regulation 2018 to perform our review, document findings and provide recommendations.

- Clause 18 Division 1 - Annual report for non-council managers
- Clause 19 Division 1 of Crown Land Management regulation 2018 - Record Keeping by non-council managers
- Clause 20 Division 2 statutory land managers - Receipts and disbursements of statutory land managers.
- Clause 22 Division 2 statutory land managers - meetings.
- Clause 3.16 Application of proceeds of managed crown land

We have also considered the guidance provided on the reserve managers portal on Crownland.nsw.gov.au in relation to the following:

- Guidance around how financial records and asset registers should be used and recommendations on other records that make the process of managing the reserve easier.
- CLM procurement code of conduct prepared for CLM’s and reserve user groups to guide procurement activities
- CLM guidance provided for managing conflicts of interest
- CLM guidance provided for managing board meetings.

Assessment



Financial Governance at Board Meetings and Record Keeping

Principles under relevant legislation



CLMs are accountable for the reserve funds under their control, and must ensure they maintain high standards of accountability, transparency and good governance surrounding the use of these funds and expenditure. CLMs must be able to demonstrate that all expenditure and use of funds is reasonable, acceptable, necessary and incurred for the general purposes of the reserve.

Application of proceeds of managed Crown Land according to *Crown Land Management Regulation 2016 (Sect. 3.16)*

The amount of the proceeds must be applied for a permitted purpose for the land managed by a Crown land manager. The permitted purpose for land falls under:

- the purpose of making improvements to the land
- the purpose of preparing plans of management
- the purpose of purchasing, leasing or acquiring an easement over land
(the proceeds of dedicated or reserved Crown land means any amounts received by a Crown land manager from sales, leases, easements, licences or other dealings with the land)

Recommendations provided for annual reporting for CLMs

(Source: Reserve manager portal)

Non-council CLMs are required to act in accordance with the Crown Reserve Code of Conduct and report to the minister annually on their activities.

CLMs make decisions regarding the use and management of the reserves and are responsible for the implementation of those decisions. These decisions might include:

- how a reserve is used
- environmental and asset management within the reserve
- fundraising activities and commercial arrangements
- allocation and expenditure of generated funds

Fact pattern Yarrie Lake



Application of proceeds of managed Crown Land according to *the relevant legislation*

- Our review procedures indicate monies collected from users of the Yarrie Lake reserve are utilised for day to day expenditure required to maintain the reserve. The caretaker as a volunteer is authorised to incur the day-to-day maintenance expenditure of the reserve including the purchase of necessary supplies from the funds collected for the particular period.
- Our review procedures indicate, board meeting minutes provided for board meetings held between Sep 2020 – Apr 2021 contain discussions in relation to making improvements and upgrades to the reserve. Fund raising activities such as grant funding applications for the maintenance of the reserve are also discussed.
- Our review of the monthly income and expenditure summary provided for the period between July 2020 and December 2021 indicated the following revenue and operating expenditure:
 - Revenue comprises of camping and boat permit fees.
 - Operating expenditure is mainly attributable to repairs, maintenance and utilities required for the reserve.

Scope Limitation

- Board meeting minutes were provided for Board meetings held between Sep 2020 – Apr 2021. No subsequent board meeting minutes were provided.

Observations and recommendations



Application of proceeds of managed Crown Land according to *Crown Land Management Regulation 2016 (Sect. 3.16)*

Based on the practices required under the legislation and best practices for similar-sized organisations, we noted the following:

- The nature and type of revenue and operating expenditure appear reasonable and aligned to the operating activities of the Yarrie Lake reserve.
- The operating expenditure appears to be aligned with the requirements of the legislation, whereby the permitted purpose for the expenditure pertains to making improvements to the land and managing the associated operations of Yarrie Lake.
- Use of the land reserve and any planned capital expenditure and development activities are discussed during the board meetings
- While not mandatory to adopt, we recommend Yarrie Lake board consider developing a long term development plan i.e a ‘Master Plan’, which provides an agreed direction and intent of the board in relation to the proposed development activities. This will provide Yarrie Lake with a foundational understanding of risks and opportunities that the Board should consider and provide a baseline against which operating expenses can be assessed and prioritised.

Financial Governance at Board Meetings and Record Keeping

Principles under relevant legislation



Financial record-keeping under the *Crown Land Management Regulation 2018*

CLMs are required to maintain certain financial records along with other records in accordance with the *Crown Land Management Regulation 2018 (clause 19)*. The records to be kept are as follows (relevant sections):

- (a) account books showing details of all income and expenditure,
- (b) records of assets and liabilities and improvements made to the land,
- (c) bank, building society or credit union deposit books or statements,
- (d) records of other financial instruments or investments,
- (e) plant and asset register,
- (f) heritage register,
- (g) records of leases, licenses and permits granted or in force,
- (h) insurance policies and certificates
- (i) details of fire prevention and other workplace health and safety measures in place
- (j) details of any contractual arrangements with third parties,
- (l) for a manager with a board—the minutes of all meetings of the board or any committee of the board,
- (n) any other records necessary for the manager to prepare an annual report under section 3.30 of the Act.

Fact pattern Yarrie Lake



Financial record-keeping under the *Crown Land Management Regulation 2018*

- Our review procedures indicated the following records are maintained:
 - Monthly summary of all income and expenditure (including capital purchases) incurred.
 - List of assets that details the asset description, purchase/ build date, cost, current condition and replacement cost.
 - Meeting minutes for the period ranging between September 2020 – April 2021 are documented.
 - Bank statements are maintained.
 - Other records include record of boat permits issued, receipt book for camping fees and a weekly banking sheet showing record of all monies deposited in the bank.
 - Annual reports were submitted for the year ended 30 June 2018 and 30 June 2019. No annual reports were submitted subsequently.
 - Yarrie Lake is not required to prepare and audit its annual financial statements. Yarrie Lake is subject to the exemption criteria mentioned under the COVID amendment rules of the Government sector finance act 2018 for preparation and submission of annual general purpose financial statements annually. Accordingly no annual financial statements are prepared and maintained on an annual basis.

Scope Limitation

Our review did not include a review of insurance policies and certificates, contractual arrangements with third parties, record of leases, licenses, details of fire prevention and other workplace health and safety measures in place.

Observations and recommendations



Financial record-keeping under the *Crown Land Management Regulation 2018*

Based on the practices required under the legislation and best practices for similar-sized organisation, we note the following:

- Financial records are kept at a minimum and are reasonable for the current size of operations and compared to an organisation of this size and nature.
- All income, expenses and capital purchases are recorded in the monthly summary reconciled to cash and bank balances, which we deem to be a good practice.
- The list of assets contained a description of all assets held by Yarrie Lake including description of purchase or build year, current condition and replacement values for each asset.
- The replacement cost values appear to be a rough estimate rather than an estimate based on reliable inputs.
- Upon our review of the board meeting minutes provided, the treasurer tables the following reports at every board meeting:
 - Monthly summary of Income and Expenditure reconciled to the cash and bank balances
 - Monthly bank statements
- The financial records appear to be partially compliant with the *Crown Land Management Regulation 2018* clause 19 with the following exceptions noted:
 - No meeting minutes of board meetings conducted telephonically are maintained.

We recommend the following practices:

- Meeting minutes to be documented for all board meetings held including meetings that are held telephonically.
- Voting, consequent resolutions and conflict of interest declarations to be incorporated as a standard operating procedures during meetings and as required by Crown Land Management Regulation 2018.
- Improvements can be made to the asset list by updating the following:
 - condition of assets on a regular basis (quarterly).
 - by updating the best estimate of the current replacement cost on a regular basis.
 - ensure asset list is upto date by reconciling physical assets with the asset list on an annual basis. We did not review completeness of the asset list.
 - Such records should be tabled at the board meetings with sufficient frequency (quarterly) to identify and manage any repairs/ maintenance or replacement issues.

Financial Governance at Board Meetings and Record Keeping

Principles under relevant legislation



Annual reports for non-council managers according to *Crown Land Management Regulation 2018 (clause 18)*

Non-council CLMs are required to submit annual reports each year, as prescribed in the *Crown Land Management Regulation 2018*. Annual reporting helps to determine whether a CLM's financial resources are being controlled and managed appropriately. They also enable the department to review the reserve's operations and identify reserves that may need assistance. The annual report comprises of the annual financial statements and other operational and strategic information in relation to the reserve activities as prescribed in clause 18.

Fact pattern Yarrie Lake



Annual reports for non-council managers according to *Crown Land Management Regulation 2018 (clause 18)*

- The latest annual report was submitted for the year ended 30 June 2019. The annual report included the following;
 - Reserve board member details.
 - Details of the officer bearers and Board members.
 - Reserve details and purpose for which the land is used.
 - Details of the number of board meetings held during the year.
 - Details of any leases and insurance arrangements.
 - Yarrie Lake is run by volunteers and does not have any employees and therefore employer related statutory obligations are not applicable.
 - Brief details of funding received and details of funding allocation for necessary improvement activities. We note Yarrie Lake reported nil funding.
 - Value and condition of reserve's assets worth more than \$5,000.
 - Summary of income and expenditure and assets and liabilities for the year ended and as at 30 Jun 2019

Observations and recommendations



Annual reports for non-council managers according to *Crown Land Management Regulation 2018 (clause 18)*

- We note that the annual report for the year ended 30 June 2019 does not include the following:
 - Fire prevention and workplace health and safety.
 - Details of the manager's compliance with any applicable guidelines for Crown land managers issued by the Department and published on its website.
 - Details of any environmental management initiatives undertaken.
 - Any particulars of pecuniary interests recorded in the book referred to in clause 26 (3) of Schedule 5 to the Act.
- It is recommended Crown Lands consider whether these disclosures would be relevant for Yarrie Lake and to the extent necessary discuss with the Board the extent to which they should be included in future reports.
- Given that no annual report has been submitted for the year ended 30 June 2020 and 30 June 2021, we note that compliance of the legislation is not up to date.

Procurement of goods and services

Principles under relevant legislation



Receipts and disbursements of statutory land managers according to *Crown Land Management Regulation 2018*

The following guidance provides a framework applicable to the expenditure of SLMs funds in accordance with the *Crown Land Management Regulation 2018 (clause 20)*:

(a) Each item of expenditure is to be authorised or confirmed for payment at a duly convened and constituted meeting of the manager by tabling and approval of a report by the treasurer of the manager relating to that item of expenditure.

(b) Cheques drawn on the statutory land manager's account are to be signed by one or more persons approved by the manager.

(c) If an administrator of a statutory land manager has been appointed under the Act, cheques are to be signed by the administrator and one other person chosen by the administrator.

Fact pattern Yarrie Lake



Our review procedures indicate the following practices for procurement of goods and services:

- Consumables and capital expenditure are treated separately and follow separate approval and payment processes.
- Consumables such as toiletries and cleaning products that are required on a monthly or more frequent basis are procured by the caretaker from the collections made and the balance of funds with the caretaker.
- Consumables purchases are not required to be authorised by the board/ treasurer.
- The caretaker maintains a record of all the consumables expenditure including tax invoices.
- Emergency expenditure carried out by the caretaker such as urgent repairs and plumbing are reported to the treasurer separately.
- A summary of the expenditure and the tax invoices are included in the banking details provided to the treasurer. Please refer to the cash management section for further details.
- We understand from our review procedures capital expenditure requests are discussed at board meetings and agreed upon by the board before approving a purchase. The caretaker is not authorised to procure capital equipment irrespective of the value. There were no discussion and decisions regarding purchase of capital equipment in the board meeting minutes provided.

Observations and recommendations



Recommendations provided to CLMs for practices of procurement of goods and services:

The recommendations provided are followed in a reasonable manner by similar-sized organisations.

- Voting procedures, consequent resolutions and conflict of interest declarations should be incorporated as a standard operating procedures during meetings in relation to purchase of capital equipment.
- Tenders/ quotations should be obtained for large purchases wherever practical to ensure probity and accountability. What is considered 'large' should be determined on a case by case basis by the board.
- Evidence/ register of ongoing works/ contracts should be adopted where practical. The register of contracts should include the following minimum information:
 - Type of work
 - Current status of works being carried out
 - \$ value of work
 - Contractor info (ABN/ other contact details)

Scope Limitations

- We were unable to sight any tenders/ quotations for large purchases. We understand no such purchases were made during the period of review. Procurement was limited to consumables and maintenance expenditure incurred on a day to day basis for which tenders/ quotations are not requested.

Collections and receipting money

Principles under relevant legislation



Receipts and disbursements of statutory land managers according to *Crown Land Management Regulation 2018*

All money received by a SLM is to be deposited to the credit of an account established with any authorised deposit-taking institution in the name of the manager.

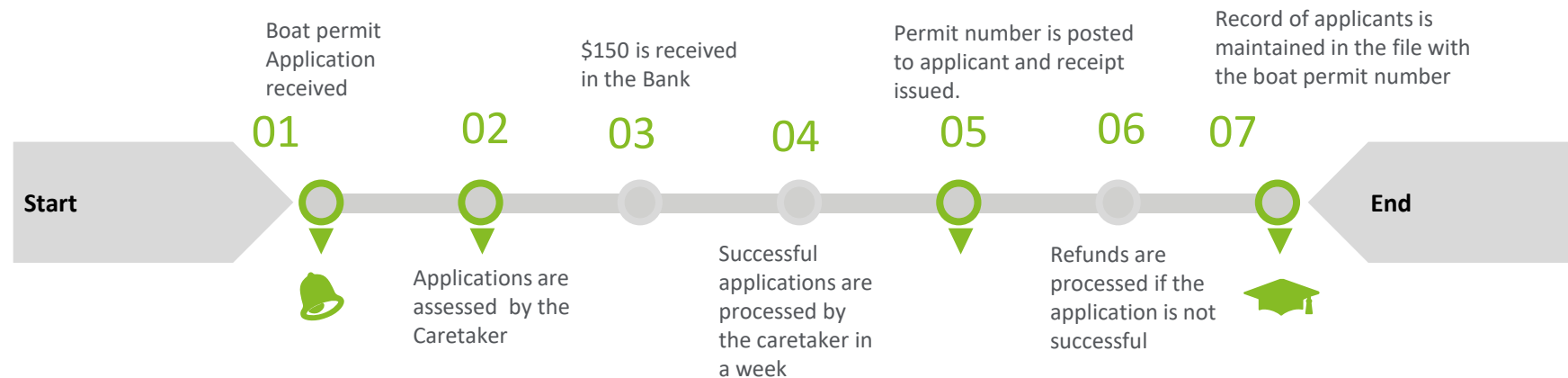
Fact pattern Yarrie Lake



Our review procedures indicate the following practices for collections and receipting of money:

- Collections are primarily sourced from boat permits issued (\$150 per year) and camping fees charged based on usage. The chart below depicts the typical process for issuing boat permits and collection of cash. We understand the boat permit fees are primarily paid directly in the cheque account as part of the application process.
- Boat permit application forms comprise of contact details of applicants, boat specifications including registration, a questionnaire for the applicant to fill. The Yarrie Lake Bank account is nominated on the application forms and money is paid directly into the bank account as part of the application process. Applications are processed and boat permits are issued within a week with permit stickers issued on site when the applicants present themselves.
- Camping fees are charged to users of the lake at \$20 per night or \$ 30 per night depending on whether access to electricity is required. The camping fees are collected by the Caretaker in cash. Receipts are issued to the users through a serially numbered receipt book maintained on site.
- All cash received from camping fees are maintained by the Caretaker and utilised for the day to day maintenance of the Lake Reserve. Surplus cash after meeting the expenditure is deposited into the interest bearing deposit account frequently (usually weekly). Please refer to the cash management section for further details.

Boat permit issue process



Collections and receipting money

Observations and recommendations

- Our review procedures indicate, the practice followed for issuance of boat permits and subsequent collections are reasonable considering the size of Yarrie Lake's operations and as compared to similar sized organisations.
- Although boat permit fees are directly deposited in the Yarrie Lake Bank account, on some occasions fees are also paid by the applicants in cash. We understand such situations are kept to a minimum.
- Maintenance of a serially numbered receipt book is a reasonable practise to monitor the \$ of camping fees paid by users.

Recommendations:

- We recommend regular reconciliation (monthly) of the camping fee receipt book (number of receipts issued) and the amount of cash collected. Any discrepancies can be investigated in a timely manner.
- The total number of boat permits issued should also be reconciled with the \$ boat permit deposited in the Yarrie Lake Bank account periodically. We recommend such reconciliations to be performed on a monthly basis.
- Such reconciliations should form part of the treasurers report and should be tabled at every board meeting.

Treasury - cash management practices

Principles under relevant legislation



Fact pattern Yarrie Lake



Observations and recommendations



Recommendations provided for CLMs financial record-keeping (Source: Reserve manager portal)

CRM policies suggest a number of actions CLMs should perform to follow the best bookkeeping practices and controls around cash management:

- A bank reconciliation is performed to identify any differences, such as unrepresented cheques, unbanked receipts, bank charges etc.
- Bank statements should be scrutinised often for any irregular activities and be circulated and discussed as an agenda item at all board meetings.
- For statutory land managers the bank accounts require two signatories and should ideally be the Treasurer, Chairperson or Secretary.
- Cash and cheques should not remain unbanked for more than a week
- Issue of serially numbered receipts for all cash receipted
- Use of petty cash should be kept at a minimum
- Petty cash book is reconciled to the bank statements daily.
- A lease/license fee register should be maintained

Our review procedures indicate the following cash management practice:

- Yarrie Lake has 2 bank accounts. Namely, a Cheque account for deposit and withdrawal of funds for reserve maintenance. Surplus funds are then transferred from the cheque account to a separate interest bearing deposit account.
- Two authorised signatories are required for issuing payments/ withdrawing cash. The President, Secretary and Treasurer are authorised signatories.
- Use of cheques is kept to minimum.
- Petty cash balances are not maintained. Cash collections in excess of the spend is deposited in the bank account by the caretaker on a frequent basis (usually monthly)
- A monthly banking reconciliation that details cash deposited in the bank represented by total collections (i.e camping fees) less the \$ value of total expenditure incurred is regularly maintained. The records are supported by a serially maintained cash receipt book and tax invoices for expenditure incurred. Such records are submitted to the treasurer on a monthly basis and are part of the treasurers reports discussed at the board meetings.
- Monthly bank statements are tabled at board meetings as part of the treasurers report.
- A monthly summary of income and expenditure is maintained manually. Such summary is then reconciled with the total available funds in the bank on a monthly basis.




Recommendations provided for CLMs financial record-keeping

Our review procedures indicate, the practise followed for cash management practises are reasonable considering the size of Yarrie Lake's operations and as compared to similar sized organisations.




Appendix I - Other observations



General Matters – Managing Board meeting minutes

Principles under relevant legislation 	Fact pattern Yarrie Lake 	Recommendations 
<p>Crown Reserve Management policies guided by Crown Land Management Regulation 2018 Conduct of board meetings:</p> <ul style="list-style-type: none"> • Introduce each section of the agenda as the meeting progresses • Clarifying past decisions and/or actions, summarising the previous meeting’s minutes, including decisions and actions • Conveying any important correspondence that has been received • The treasurer reports on the current financial situation and performance of the CLM. The treasurer’s report should be a standing meeting agenda item. <p>CLM board meetings principles outline the roles and responsibilities including that of the chairperson, deputy chairperson, secretary, treasurer and any other attendees.</p>	<ul style="list-style-type: none"> • Our review procedures included review of the board meeting minutes held between September 2020 – April 2021 (3 in number) and minutes of annual general meeting held in Sep 2020. The meeting minutes provided to Deloitte were documented in a structured format with separate sections for each of the agenda discussion points, including minutes of previous meetings, past decisions and action points. • The Treasurer reports on the Yarrie Lake’s financial position at each of the Board meetings. • Important correspondence received by Yarrie Lake are conveyed during the board meetings. • The procedures around the required attendees were followed at all meetings, documented in the meeting minutes provided to Deloitte. The apologies, arrival times, the start and the end of the meetings have been appropriately documented. 	<ul style="list-style-type: none"> • Upon the review of documentation, it is reasonable to conclude the current practice of conducting meetings and roles and responsibilities of meeting participants at Yarrie Lake to be a sufficient application of the requirements prescribed by the relevant guidance and appropriate for the size of the organisation. • We recommend any significant matters arising from the discussion of the treasurers report should be seperately minuted
<p>Crown Reserve Management policies guided by Crown Land Management Regulation 2018 Frequency of board meetings</p> <p>The frequency of board meetings will depend on issues such as the size of the reserve and its board, the nature of its operations and its dealings with third parties. A quorum is the minimum number of people needed to be present at a meeting before it can officially begin and before official decisions can be taken. The quorum for a meeting of the board is a majority of its board members.</p> <p>The Board of a statutory land manager is to meet at least 4 times a year at the places and times as determined by the board (<i>Crown Land Management Regulation 2018, clause 20</i>).</p>	<ul style="list-style-type: none"> • Yarrie Lake held 3 board meetings and 1 annual general meetings between September 2020 – April 2021. There were no board meetings held subsequent to April 2021 until the current board expired in September 2021. We further understand no board meetings were held subsequent to the appointment of the new board. Matters concerning the reserve were communicated and discussed with the new board via text messages. Such discussions have not been minuted. • Our review procedures indicate a quorum was achieved for all meetings during the board meetings held between September 2020 – April 2021. 	<ul style="list-style-type: none"> • The frequency of conducting board meetings for the annual reporting period 01 Jul 2020 to 30 Jun 2021 were appropriate for the size of the organisation and sufficient application of the requirements prescribed by the relevant guidance • No board meetings have been conducted for the annual reporting period commencing 01 Jul 2021 subsequent to the appointment of the new board. • Board meetings could be conducted either telephonically or physically. Meeting discussions should be minuted and adopted in a timely manner.

General Matters – Managing Board meeting minutes

Principles under relevant legislation 	Fact pattern Yarrie Lake 	Recommendations 
<p>Crown Reserve Management policies guided by Crown Land Management Regulation 2018</p> <p>Board Resolutions and Voting</p> <p>Where an issue requires action, or where a contract or agreement is to be entered into, the matter must be agreed upon by a resolution of the CLM board. All members, including ex officio members and the person chairing the meeting, have one vote on resolutions. A resolution is approved if a majority of the votes cast are in favour of it. If the votes are tied, the person chairing the meeting has a second or ‘casting’ vote.</p>	<ul style="list-style-type: none"> • We understand from our review procedures, matters raised during the meetings, and subsequent actions are discussed and agreed upon in a general manner, however, we note that actions are not explicitly assigned to any particular board member. • There is no evidence of ‘voting’ and consequent resolutions in the documented board meeting minutes provided as part of our review. • We understand in circumstances where a meeting is not practical, board members correspond via phone, or the board executive may make a decision on matters of urgency. However, such discussions and decisions have not been minuted subsequently. 	<ul style="list-style-type: none"> • We recommend voting and consequent resolutions should be incorporated as standard operating procedures during conduct of meetings and as required by Crown Land Management Regulation 2018. • Telephonic board meetings are appropriately documented in meeting minutes including voting resolutions and in compliance with the guidance provided for Crown Reserve Management policies guided by Crown Land Management Regulation 2018 • Such inclusions will promote transparency and accountability of those charged with governance.
<p>Crown Reserve Management policies guided by Crown Land Management Regulation 2018</p> <p>Potential conflict of interest</p> <p>A member cannot vote on a matter in which they have a financial or non-financial interest unless the CLM board has agreed that they can do so. Pursuant to section 26 (clause 3 – 4) of the <i>Crown Land Management Act 2016</i>, particulars of any disclosure made under this clause must be recorded by the Board in a book kept for the purpose and that book must be open at all reasonable hours to inspection by any person. After a board member has disclosed the nature of an interest in any matter, the member must not, unless the Minister or the board otherwise determines—</p> <ol style="list-style-type: none"> be present during any deliberation of the board with respect to the matter, or take part in any decision of the board with respect to the matter. 	<ul style="list-style-type: none"> • Our review procedures indicated, no conflict of interest declarations were reported during the board meetings held between September 2020 to April 2021. Voting and consequent resolutions was not adopted as a operating procedure during the conduct of these meetings. We have therefore not been able to conclude on any potential conflict of interests identified and any non compliance with conflict of interest declarations. 	<ul style="list-style-type: none"> • We recommend declaration of potential conflicts of interest / duties should be incorporated as standard operating procedures during conduct of meetings and as required by Crown Land Management Regulation 2018. Such inclusions will promote transparency and accountability of those charged with governance. • More generally, the board should consider whether it is appropriate for Members with interests in recipients of monies to vote on those expenditures or outlays.

Appendix I

Yarrie Lake documents subject to our review:

- Board meeting minutes for the period between September 2020 and April 2021
- Monthly income and expenditure summary maintained by type and value
- Asset register outlining the costs, replacement values, description, condition and purchase/build year
- Annual Report for the year ended 30 Jun 2018 and 30 Jun 2019
- Responses from Danny Young outlining financial governance and management processes at Yarrie Lake
- Bank statements for June 2021 and December 2021
- Bundle of Miscellaneous Invoices

Example of financial governance processes we sighted:

- Boat permit application and permit granted for the period 2020/2021
- Reconciliations performed to total cash deposited in the bank for the period between December 2021 and January 2022
- Caretakers Receipt Book as an example of cash receipts processes for April 2021



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