

Mr Joseph Bayssari Secretary and Manager Seven Hills Toongabbie RSL Club Ltd	Mr Darren Duke Director of Hospitality & Gaming Operations NSW Department of Creative Industries, Tourism, Hospitality and Sport
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Our ref: DOC26/206229

31 July 2026

Dear Sir

Decision regarding a complaint about Mr Joseph Bayssari under section 57F of the *Registered Clubs Act 1976*

Grounds of complaint

The grounds of the complaint are that:

- the club or the person has contravened a provision of this Act or the regulations, whether or not the club or the person (as the case requires) has been convicted of an offence in respect of that contravention under section 57F(3)(d) of the *Registered Clubs Act 1976* (the **Act**).
- the secretary of the club is not a fit and proper person to act as such under section 57F(3)(g) of the Act.

Our decision

We are satisfied that both of the grounds of the complaint are established and have determined to:

- declare** that Mr Joseph Bayssari is ineligible to stand for election or to be appointed to, or to hold office in, the position of secretary and/or member of the governing body of all registered clubs for five years under section 57H(2)(g) of the Act.
- order** Mr Bayssari to pay the maximum monetary penalty of 100 penalty units (\$11,000) pursuant to section 57H(2)(a1) of the Act; and
- order** Mr Bayssari to pay the costs of the investigation pursuant to section 57H(2)(i)(i) of the Act. L&GNSW has determined the investigative costs for this matter to be \$7,811.01.

Background

On 15 July 2022, Liquor and Gaming NSW (**L&GNSW**) received correspondence from an anonymous complainant alleging Mr Joseph Bayssari (**Mr Bayssari**) was receiving gifts and benefits from [REDACTED] and his company [REDACTED] since September 2017. [REDACTED] provided catering services to the Seven Hills Group (**SHG**) though there was no formal written contract in place. The complaint alleged that Mr Bayssari received cash payments from [REDACTED] received free food and had [REDACTED] employ [REDACTED], as well as pay for [REDACTED] home renovations.

On 5 August 2024, Mr Andrew Garcia (A/Director, Compliance & Enforcement, L&GNSW as a delegate of the Secretary, Department of Creative Industries, Tourism, Hospitality and Sport) made a complaint under section 57F of the Act.

Submissions and consultation

On 26 November 2024, the Authority issued a show cause notice to Mr Bayssari.

On 27 August 2025, the legal representative acting on behalf of Mr Bayssari provided a submission to the Authority as summarised below:

The letter raised perceived issues about conflicts of interest, undisclosed benefits, and alleged improper conduct of Mr Bayssari between September 2017 and January 2022.

The submissions raised the following points:

Admissions and defences/mitigating factors

- Mr Bayssari admitted to receiving \$35,000 cash and some smaller payments, accepting occasional food items and failing to complete the disclosure register for [REDACTED] and gifts. He denied acting with coercion, inducement, or intent to deceive.
- Mr Bayssari stated that the payments made to him were unsolicited and kept untouched for years, undermining L&GNSW's claims of bribery.
- The employment of Mr Bayssari's [REDACTED] and awarding of the catering contract to [REDACTED] was approved by the SHG Board and openly known.
- There is no evidence of threats, blackmail, or concealment. The covert recordings noted in the investigation report lack corroboration and were illegally obtained.
- [REDACTED] acted as 'agent provocateur', exaggerating claims and creating misleading evidence.

Legal submissions

- Mr Bayssari requested that the Authority ensure it applies the standard established in *Briginshaw v Briginshaw* [1938] HCA 34 (**Briginshaw standard**) when considering the complaint allegations.
- He noted that illegally obtained covert recordings should be excluded under the *Surveillance Devices Act 2007*.
- Additionally, the delay between when the investigation occurred to when the matter was brought to the Authority, together with the lack of financial loss or reputational harm to SHG should mitigate any potential penalty.

Public interest and character

- Mr Bayssari has extensive industry experience, no criminal history, and continues to hold the confidence of the SHG Board. He has not been the subject of any investigation, charge or convicted of any matter under the Act since becoming the Secretary of the Seven Hills Toongabbie RSL Club Ltd (the **Club**) in 2003.
- Mr Bayssari has acknowledged his misconduct but submits that it is at the lowest end of the spectrum compared to precedent cases. He notes that the proposed penalty of a disqualification for a reasonable period is adequate however wishes to make further submissions on this.

Concerns around investigation by L&GNSW Senior Investigator

- It is suggested that an officer displayed 'reprehensible and unethical behaviour' during the investigation of this matter, which brings into question the integrity of the investigation.
- It is alleged that the officer shared evidentiary material replete with hearsay with other agencies including Police and the Australian Tax Office.

- L&GNSW made a finding of misconduct against that officer following the breach of the secrecy provisions under the *Gaming and Liquor Administration (GALA) Act 2007* and subsequently reported the matter to Police to investigate the alleged integrity breach.
- It is also suggested that the officer engaged in ‘sleight of hand’ and ‘coercive questions’ during recorded interviews with witnesses. Namely, that the officer ‘coached or assisted’ a witness in the construction of his statements in the recorded interview.

Conclusion

- Mr Bayssari accepted responsibility for disclosure failures and receipt of gifts but strongly disputed allegations of coercion, bribery, or dishonesty.
- Mr Bayssari’s submission emphasised that he perceives that the investigation lacked procedural fairness and contained significant evidentiary weaknesses.
- Mr Bayssari concluded his submission by making reference to his longstanding good character and contributions to the club industry.

On 27 August 2025, a 114-page statutory declaration was also received from Mr Bayssari, as summarised below:

The statutory declaration noted that Mr Bayssari was appointed as the Secretary and General Manager of the Club in June 2003 and had been employed by the Club since November 1995.

Key Admissions and Denials

- Mr Bayssari summarised his key admissions, noting a failure to record [REDACTED] and certain interests in the Club’s Conflict of Interest Register. He also noted receiving cash payments and small food items from [REDACTED], which were not disclosed as required. Mr Bayssari accepts that these actions breached governance obligations under the Act.
- Mr Bayssari denied any inducement, coercion, or threats toward [REDACTED] or his company [REDACTED]. He also denied any involvement in negotiations for [REDACTED] or remuneration and denied any allegations of blackmail, extortion, or improper influence.

Mitigation

- Mr Bayssari asserted that no financial loss or detriment occurred to the Club or its members. He expressed remorse, acknowledged poor judgment, and outlined corrective measures, including implementing monthly governance checklists and enhanced compliance processes.
- Mr Bayssari emphasised his long-standing service, professional achievements, and contributions to the Club’s financial recovery, governance, and community programs.

Allegations investigated and preventative actions taken

- Mr Bayssari noted the following allegations were investigated by L&GNSW:
 - Non-disclosure of personal/financial interests and gifts exceeding \$1,000.
 - Employment of [REDACTED] by contractors without proper disclosure.
 - Receipt of cash payments totalling \$35,000 (seized during investigation) and sporadic smaller payments.
 - Alleged improper involvement in catering contracts and renovations.
- The following actions were taken in response to the investigation:

- Strengthened governance framework with monthly declarations and Board oversight.
- Directors and executives completed compliance and governance training.
- Ongoing commitment to transparency and adherence to statutory obligations.

Mr Bayssari argued that his continued role serves the public interest given his experience, contributions, and corrective actions, while acknowledging the seriousness of the admitted breaches.

On 10 December 2025, a submission was received from L&GNSW, as summarised below:

Over several years, Mr Bayssari received significant cash payments and personal benefits from [REDACTED] and related businesses linked to the Club's catering contract. These benefits were not disclosed to the Club's Board, despite clear legal and ethical obligations to do so. The conduct created a sustained and serious conflict of interest and undermined proper governance.

Key facts and admissions

- Mr Bayssari admitted that he regularly received payments and other benefits from [REDACTED] over a period of years. These included cash, free food and hospitality, forgiven rent, gift cards, and home renovations. [REDACTED] were also employed or financially supported by [REDACTED] related entities during the time Mr Bayssari was responsible for overseeing the catering arrangement. Mr Bayssari accepted that none of these benefits or interests were disclosed to the Board, as required by legislation and the Club's Code of Conduct. He also failed to formalise the catering arrangement in a written contract or obtain proper Board oversight, creating an environment where improper payments could occur.

Disputed issues and credibility

- Mr Bayssari claimed the benefits were genuine gifts given out of friendship and denies that he demanded or coerced payments. He also disputed parts of the evidence and criticised the investigation, including the use of covert recordings. However, his explanations are inconsistent, incomplete, and implausible when assessed against independent evidence, including witness testimony, admissions, documents, and video and audio recordings.
- Key matters including the following were not adequately explained by Mr Bayssari:
 - Why Mr Bayssari kept \$35,000 cash received from [REDACTED] for over a year in a safe.
 - Evidence relating to the allegation Mr Bayssari solicited \$70,000 for 'rent' during a COVID-19 closure.
 - Why [REDACTED] sent \$15,000 to Mr Bayssari. The allegation is that this money was coerced and used to purchase a Ford Focus motor vehicle for Mr Bayssari's [REDACTED]
 - Mr Bayssari soliciting free food and catering for personal use on multiple occasions.
 - A secret weekly \$2,000 cash kickback purportedly for a rent increase (totalling \$280,000 over three years).
 - Home renovations (around \$14,340 for [REDACTED] apartment) and gift cards (\$2,264 purchased at Mr Bayssari's request).
- The evidence supports a finding that the payments and benefits were linked to maintaining [REDACTED] ongoing commercial relationship with the Club. The suggestion that substantial and regular payments were made with no expectation of benefit is not credible.

Use of evidence and procedural fairness

- This is an administrative disciplinary matter, not a criminal trial.
- L&GNSW rejects the assertion that the investigation was carried out with improper motives or otherwise than in accordance with the *Gaming and Liquor Administration Act 2007*.
- The Authority is entitled to rely on the covertly obtained video and audio recordings as the Authority is not bound by the rules of evidence. The *Surveillance Devices Act 2007* does not prohibit the use of such recordings in a disciplinary complaint.
- Additionally, the recordings are highly probative and corroborate other evidence, including testimony regarding cash deliveries.
- Ignoring the evidence merely because it was obtained covertly would undermine the Authority's protective function. The recordings support the broader evidence (inclusive of Mr Bayssari's own admissions). Mr Bayssari was given ample opportunity to respond to the recordings, which satisfies the requirement for procedural fairness.
- The record of interview involving the L&GNSW Investigator was conducted fairly and appropriately, and neither Mr Bayssari nor his legal representative raised any objections at the time of the interview. The officer's misconduct occurred after all evidence had been gathered, did not affect the evidence itself and there is no evidence that any of the information obtained during the investigation was obtained in a way that would deem it unreliable.

Conflict of interest and fitness to hold office

- Mr Bayssari's conduct shows a serious failure to act honestly and in the best interests of the Club. By receiving undisclosed benefits, he placed his personal interests ahead of his duties and actively concealed the conflict of interest which arose. The conduct occurred repeatedly over many years and demonstrates a lack of integrity and moral judgment. His attempts to downplay the seriousness of the misconduct, and his lack of remorse, further support a finding that he is not a fit and proper person to hold office.
- In failing to report the benefits to the Club, Mr Bayssari flouted clause 8 of the Registered Clubs Accountability Code (found at schedule 2 of the *Registered Clubs Regulation 2015*) and created an opaque environment where he and his [REDACTED] benefited financially (clause 8 states that a director, top executive or employee of a registered club must disclose any gift or remuneration valued at \$1,000 or more, received from an affiliated body of the club or from a person or body that has entered into a contract with the club). A person is not 'fit and proper' if they partake in conduct that shows a 'moral blindness rather than error of judgment'. Mr Bayssari's conduct is demonstrative of moral blindness and he must therefore be considered not fit and proper.
- Mr Bayssari's lack of fitness to hold a leadership position in a registered club is aggravated by his repeated wrongdoing over an extended period (2017 to 2021). His conduct indicates that he was either being intentionally dishonest or he was unaware of his obligations as a governing member of the Club. Either explanation demonstrates an unacceptable lack of fitness.

Conclusion and sanctions sought

- The evidence establishes sustained, undisclosed payments made to Mr Bayssari to advance his personal interests in conflict with his responsibilities to the Club. L&GNSW submitted that the Authority should:
 - declare Mr Bayssari as being ineligible to stand for election or to be appointed to, or to hold office in, the position of secretary or member of the governing body for

the club, and all other registered clubs, for life pursuant to section 57H(2)(g) of the Act;

- order Mr Bayssari to pay the maximum monetary penalty of 100 penalty units pursuant to section 57H(2)(a1) of the Act; and
- order Mr Bayssari to pay the costs of the investigation pursuant to section 57H(2)(i)(i) of the Act (\$7,811.01).

On 19 February 2026, a submission was received from Mr Bayssari, as summarised below:

The letter noted that Mr Bayssari's submissions had been detailed and factual in addressing the alleged conduct and that while certain factual matters are admitted (including receipt of some benefits and disclosure failures), core allegations of inducement, solicitation, intent, systemic corruption, and compromised governance are denied. Further, the evidentiary foundation for those allegations is inadequate, internally inconsistent, and in parts legally impermissible (notably covert and allegedly illegal recordings).

Failure to follow Authority direction

- ILGA expressly directed that submissions be confined to established allegations. The L&GNSW submissions are vague, overstated, and procedurally unsatisfactory. L&GNSW ignored the Authority's direction and adopted a 'scatter gun' approach, increasing complexity and cost unnecessarily.

Breach of Model Litigant obligations

- As a government agency, L&GNSW is bound by the Model Litigant Policy. Its conduct is criticised for:
 - lack of specificity.
 - over generalisation.
 - failure to respond to specific points raised in Mr Bayssari's detailed submissions, and
 - seeking maximum penalties without proportionate analysis.

Non-compliance with Guideline 5

- Guideline 5 requires submissions to address allegations and evidence concisely and comprehensively. Mr Bayssari complied via detailed, document-based submissions and a response table. L&GNSW did not provide equivalent specificity or a structured rebuttal.

Evidentiary deficiencies

- L&GNSW asserts 'corroborative' and 'documentary' evidence without identifying it with precision. Their submission relies heavily on:
 - illegally obtained covert recordings.
 - questionable witness independence, and
 - rolled up conclusions without analysis.
- Rules of evidence may not strictly apply in administrative proceedings, but fairness and reliability still do.

Misuse of Admissions

- L&GNSW improperly treats qualified admissions as establishing full factual cores. Mr Bayssari admits certain conduct (e.g. receipt of cash, some non-disclosures) but denies

any inducement, coercion, solicitation, corrupt intent, or governance compromise. The admissions L&GNSW relies upon are repeatedly overstated or mischaracterised.

Briginshaw standard not met

- The allegations made against Mr Bayssari are serious and career ending in nature. L&GNSW fails to identify the primary material capable of satisfying the Briginshaw standard, particularly on intent and systemic misconduct.

Procedural fairness concerns

- Mr Bayssari has consistently protested certain aspects of the investigation, including interview conduct and covert recordings. L&GNSW's assertions that Mr Bayssari failed to cooperate or acquiesced without complaint are incorrect.

Penalty submissions are disproportionate

- L&GNSW seeks a lifetime ban for Mr Bayssari, the maximum monetary penalty and the L&GNSW investigation costs. This is inconsistent with:
 - Mr Bayssari's contrition and cooperation
 - the remedial steps taken
 - any absence of repetition; and
 - comparable outcomes in recent Authority decisions – where the respondent in a similar matter was not banned, but rather declared ineligible to stand for election or be appointed to the position of secretary or member of a registered club for 12 months.

Contrition mischaracterised

- L&GNSW incorrectly asserts that Mr Bayssari lacks contrition. Mr Bayssari's submissions state that he has expressed remorse in sworn statements and disclosed all significant matters to the Board. This factor should mitigate, not aggravate, any penalty.

Use of response table is appropriate

Mr Bayssari's use of a structured response table aligns with the Authority's direction, promotes clarity and efficiency and properly addresses the issues. L&GNSW's failure to engage with it undermines orderly determination.

Show Cause notice – declaration

Following submissions, the Authority found that the grounds of the complaint were established and were minded to declare that Mr Joseph Bayssari is ineligible to stand for election, or to be appointed to, or to hold office in, the position of secretary or member of the governing body of all registered clubs for five years under section 57H(2)(g) of the Act. On 12 May 2026, a Show Cause notice was sent to Mr Bayssari affording him an opportunity to show cause why the declaration should not be made. On 17 June 2026, Mr Bayssari provided a submission on this discrete subject, as summarised below:

- Some findings relied on by the Authority were not admitted by Mr Bayssari and lack clear evidentiary basis.
- A period of ineligibility is accepted as necessary; however, the proposed five-year industry-wide ban is excessive. A two-year period, applying to secretary and governing body roles, is submitted as appropriate.

- While the seriousness of the findings is acknowledged, evidence of insight, remorse, and corrective action reduces the likelihood of recurrence and supports a shorter exclusion period.
- There was no financial loss or operational detriment to the Club which significantly reduces demonstrated risk and informs what is proportionate.
- Comparable Authority decisions show ineligibility periods of one to three years for similar matters, with longer bans reserved for serious cases involving criminality or financial loss. This indicates the proposed five-year period is disproportionate.
- Mr Bayssari's tenure as General Manager reflects strong performance, growth, and positive industry contributions. Continued employer support and absence of further concerns or compliance action indicates a manageable future risk.

Our findings

Mr Bayssari, in his role of secretary manager the Seven Hills Toongabbie RSL Club Ltd, engaged in behaviour that was dishonest, not in the best interests of the Club and not in good faith over a four-and-a-half-year period.

Mr Bayssari admitted to receiving \$35,000 in connection with his role with the Club and that he has behaved dishonestly in his dealings with the cash with no legitimate reason put forward by Mr Bayssari as to why he received the money.

Mr Bayssari awarded catering contracts to [REDACTED] company in the absence of a transparent tender process indicating that he was not acting in the best interests of the Club.

We found that in addition to the \$35,000 that Mr Bayssari admitted to having received, that he also received regular payments of \$2,000 each from a Club supplier between 2018 and 2022, totalling \$280,000 (Note, this sum includes the aforementioned \$35,000). Given his role at the Club as Secretary and Manager, these payments should never have occurred. A person who was acting in good faith would not have accepted these payments.

This systematic misconduct by Mr Bayssari severely undermines the governance, accountability, administration, and management of the Club and its associated entities. The detrimental impact to the Club and [REDACTED] caused by Mr Bayssari's offending and trust placed in him as the Secretary Manager of the Club is significant.

While we considered Mr Bayssari's submissions that a shorter exclusion period would be appropriate, we were not persuaded by the argument to limit the period of exclusion. We note that the decision is protective of the club industry and in line with community expectations.

In consideration of all the circumstances of this complaint we are of the view that the decision to declare Mr Bayssari ineligible to stand for election or to be appointed to, or to hold office in, the position of secretary and/or member of the governing body of all registered clubs for five years is appropriate. We are also of the view that a monetary penalty and requirement to pay the investigation costs is an appropriate deterrent against potential future compliance breaches.

Relevant legislation

Part 6A of the Act

Prescribed grounds of the complaint

We are satisfied that the complaint was made validly and that the established grounds of the complaint are prescribed grounds under section 57F of the Act.

The material we considered

In determining the disciplinary complaint, the following material was considered:

- disciplinary complaint from L&GNSW, received 5 August 2024
- a submission and statutory declaration from Mr Bayssari, received 27 August 2025
- a submission from L&GNSW, received 10 December 2025
- a final submission from Mr Bayssari, received 19 February 2026
- a submission in response to the Show Cause notice declaration, received 17 June 2026.

If you are dissatisfied with this decision

The respondent or complainant may apply to NCAT for a review of this decision under the *Administrative Decisions Review Act 1997*.

For more information, please contact the NCAT Registry at 1300 006 228 or visit the NCAT website.

This decision will be published on the website.

If you have any questions

Please contact the Office of ILGA at office@ilga.nsw.gov.au if you have any questions.

Yours sincerely



Jeff Loy
Chair, Disciplinary Matters Committee
NSW Independent Liquor and Gaming Authority