

Statutory Declaration

OATHS ACT 1900, NSW, EIGHTH SCHEDULE

I, Peter Geoffrey Dingwall do solemnly and sincerely declare that -

My involvement with the SIEC upgrade

1. I was elected to the Board of Equestrian New South Wales Inc. ("ENSW") in December 2014. On 25 June 2015, I was elected President of ENSW following the preceding President's resignation to take up the position of Chair of Equestrian Australia. I remained a member of the Board of ENSW and President until the Annual General Meeting held on 22 November 2020.
2. At its meeting held on 25 January 2016, the Board of ENSW ("the Board") discussed the state of the arenas at the Sydney International Centre ("SIEC") and the need for them to be upgraded. SIEC is owned by the NSW Government and managed by the NSW Wales Office of Sport ("Office of Sport"). Its primary users are members of ENSW (some 9,000). It is used to run competitive events in the three Olympic disciplines of jumping, eventing and dressage, as well as show horse, vaulting and interschool equestrian competitions. At the meeting it was resolved that the Chief Executive Officer be authorised to prepare and submit a submission to the NSW Government seeking the provision of funding through the Office of Sport for the resurfacing of the indoor arena at SIEC ("the submission").
3. At each subsequent meeting of the Board held prior to its meeting on 30 January 2017, Mr Farrar informed the Board that he was still working on the preparation of the submission. This was simply noted on each occasion.
4. At the meeting of the Board on 2 February 2017, Mr Farrar presented the Board with the completed submission to the NSW Government. The Board noted that the submission had been completed and that Mr Farrar would submit it through the appropriate channels.
5. The penultimate paragraph of the submission stated as follows –

"To ensure compliance with NSW Government Procurement Rules, it is proposed that NSW Sport & Recreation Asset Management Group invite Expressions of Interest (EoI) from suitably qualified and competent arena suppliers, including:

 - Otto (Germany)
 - Capricorn (Australia)
 - Equestrian Services (Australia)"
6. At no time did I have any involvement in the preparation of the submission – neither through any contribution to it, nor through any discussion concerning it.
7. At the meeting of the Board held on 2 March 2017, Mr Farrar reported that he would be attending a meeting with the NSW Minister for Sport, Mr Stuart Ayres ("the Minister") on 13 March 2017 for the purpose of presenting the submission.

8. At the meeting of the Board held on 30 March 2017, Mr Farrar informed the Board that, Ms Judy Fasher (Chair of Equestrian Australia) and Mr Brett Parberry (an elite Australian representative dressage competitor) had met with the Minister and that a response to the submission was awaited.
9. At each of the subsequent Board meetings held on 27 April 2017, 22 May 2017 and 3 July 2017, Mr Farrar reported that a response to the submission and the meeting with the Minister was awaited.
10. At the Board meeting held on 31 July 2017, Mr Farrar reported that he had met with members of the SIEC staff (employees of the Office of Sport) on 25 July 2017 and had been advised that the request for funding was expected to be approved but not prior to September 2017.
11. At the Board meeting held on 28 August 2017, Mr Farrar reported that he had been informed that funding for the arena upgrade had been approved by the NSW Government, that a Project Manager would be appointed soon by the Office of Sport and that the Office of Sport had commenced the tender process.
12. At the Board meeting held on 25 September 2017, Mr Farrar reported that a Project Manager had been appointed by the Office of Sport and that installation of the new arena was planned for January 2018.
13. At the Board meeting held on 30 October 2017, Mr Farrar reported that he had been informed by employees of the Office of Sport that invitations to tender had been issued for a planned upgrade of the indoor arena in January 2018.
14. At the Board meeting held on 27 November 2017, Mr Farrar reported that Otto Sport had been the successful tenderer and that work on the upgrading of the arena had commenced and would be completed in January 2018.
15. At the Board meeting held on 31 January 2018, Mr Farrar reported that the upgrading of the indoor arena had been completed and had been ridden on by two elite dressage riders, who had provided positive feedback.
16. The foregoing sets out the extent of my knowledge and involvement with the upgrading of the SIEC arenas. At no time did I discuss the tender process relating to the upgrade with Mr Farrar, any employee of the Office of Sport, its employees at SIEC, members of any panel involved in the tender process, Mr Barrie Smith, my son or my daughter-in-law. I had no knowledge as to the membership of any panel or committee involved in the tender process. In particular, I was unaware that Mr Farrar was a member of the Technical Advisory Panel.
17. I was unaware that Otto Sport or Barrie Smith Motorsports ("BSM") intended to tender, or had tendered, for the contract to upgrade the indoor arena at SIEC.
18. I have never seen any documents relating to the tender process beyond those that have been published subsequently by various people on social media sites.

19. During my six years as a member of the Board of ENSW, I was fully aware of my responsibilities and obligations, particularly in relation to my obligation to disclose to the other members of the Board any material personal interest in a matter that related to the affairs of ENSW. In relation to the SIEC arena upgrade, I had no personal interest, either directly or because of my son, in any decisions made in relation to the matter and, accordingly, no disclosure was required.

My relationship with Mr Bruce Farrar

20. I first met Mr Farrar in 2013 at the Boorowa Showgrounds during a showjumping event being conducted there. We had a relatively brief interaction as result of both of us being asked by the event organisers to investigate an allegation of bad behaviour by a couple of competitors.
21. My next meeting with Mr Farrar was at the first meeting of the Board after my election in December 2014.
22. During the six years following my election, I had frequent contact with Mr Farrar - in person, by telephone and by email. Our contact increased significantly after July 2015, following my election to President of ENSW. Over those six years we worked closely in relation to a myriad of matters relating to the affairs of ENSW.
23. Mr Farrar is a very experienced and capable Chief Executive Officer. He is very aware of the differing roles and responsibilities of the governing Board of a corporation and its Chief Executive Officer. He has always been assiduous in ensuring that the members of the Board are aware of their obligations to abide by the Code of Conduct set by the Board and to bring to attention any conflicts of interest. He has an excellent knowledge of the requirements of good corporate governance, having completed relevant courses conducted by the Australian Institute of Company Directors.
24. Prior to the completion of the upgrading of the arenas at SIEC, Mr Farrar never sought any input or comment from me as to whether I supported any particular type of arena or any of the tenderers for the project, nor did I offer any view on the matter to him or anyone else. The reason for this is simply that I know not the first thing about what is required for an equestrian arena. My involvement in equestrian sport has been as a club official and a member of the Board of ENSW. My involvement came about because of my son's desire to become a professional equestrian competitor. Once I developed an interest in the sport, I decided to offer my services to help organise and run showjumping events and assist with the administration of the sport. I did this for some 20 years.
25. Any suggestion that Mr Farrar acted in any way as a favour to me, my son or his father-in-law is false.

My relationship with and knowledge of Mr Barrie Smith, Otto Sport and Barrie Smith Motorsport

26. At some stage in 2016, I became aware that Mr Barrie Smith, who of course I knew as my son's father-in-law, and his company BSM was involved in some way with Otto Sport, a German company. I do not recall when or how I became aware of this, but it

was as a result of a casual conversation with someone at the time that Ms Alexandra Townsend was having a gallop track installed at her property.

27. I have never discussed with Mr Smith or any other person, including my son and daughter-in-law, the commercial relationship between Otto Sport and Mr Barrie Smith and BSM. It is simply, and remains, none of my business to enquire into it. I remain unaware of the nature of the relationship, beyond the fact that they collaborate in the construction of equestrian arenas in Australia.

Submission received by the Public Works Committees

28. The Public Works Committee ("the Committee") has provided me with submissions submitted to it which are said to "contain potentially adverse comments about your conduct in relation to the matters being examined as part of this inquiry". What I have stated above can be treated as my general response to those submissions. However, I will offer a few responses to some of these submissions.

Submission No.2 - Bernice Saunders

29. Ms Saunders's opening sentence immediately reveals her lack of objectivity and preparedness to make general statements, based on no evidence, which, if not protected by parliamentary privilege, would give rise to actionable defamation.
30. On the fourth page of her submission, Ms Saunders refers to "acknowledged but undisclosed conflicts of interest" but fails to identify the conflicts to which she refers, how they arose and who has acknowledged them.
31. In the next two sentences of the same paragraph, Ms Saunders states – "The NSW President Peter Dingwall saw his son Stephen benefit. Stephen Dingwall is married to Barrie Smith's daughter Nicky (sic) and also works for Barrie Smith as manager of the arena surfacing arm of the business that sells the German 'Otto' brand ebb and flow technology. In Australia, similar styles of 'insider trading' would contravene the corporate governance laws ...". It is simply false to suggest that my son benefited from the granting of the subject contract or that I "saw" him benefit in such a way. It is also false to state that my son is, or ever has been, the manager of any business conducted by Mr Barrie Smith. These statements and the statement that "insider trading" was involved are serious and false allegations. Parts would clearly amount to actionable defamation if published other than under the protection of parliamentary privilege.
32. In my submission, Ms Saunders's contribution is so infected by bias, misinformation and speculation that it will be found to be of no assistance to the Committee's inquiry.

Submission No. 8 – Maggie Dawkins

33. As with the Saunders's submission, this submission is infected with clear bias, misinformation and speculation.
34. On page 7 of the submission, Ms Dawkins states "...Alex Townsend who may have been conflicted given her association with Peter Dingwall, through her membership of the Board of Equestrian NSW and her clear knowledge of the involvement of his son

Steven (sic) in the tender, after all, Steven (sic) had just supplied the surface to her arena". However, Ms Dawkins fails to explain how Ms Townsend's shared membership of the Board of NSW with me, and the fact that she acted as a referee for an arena installed on her property, created a conflict of interest in relation to a project to be undertaken by the NSW Government, whose servants and agents were to make all the necessary decisions. Her statements that my son had had an "involvement" in the tender and had supplied the surface for Ms Townsend's arena are simply false. My son was not involved in the tender and has never supplied an arena surface to anyone. These statements are clear examples of Ms Dawkins preparedness to make reckless, ill-informed and baseless statements, with no regard to the harm they may do to reputations, whilst protected by parliamentary privilege.

35. On page 17 of her submission, Ms Dawkins poses the following question – "Why did the CEO of the Office of Sport, Matt Miller not make a conflict of interest declaration as to his association with Peter Dingwall, Stephen Dingwall and their familial associations with Barrie Smith?". Here again Ms Dawkins reveals clear examples of her preparedness to make reckless, ill-informed and baseless statements. The first time I met Mr Matt Miller was at a NSW Equestrian Awards presentation night held in Sydney on 20 February 2018, after the completion of the SIEC arena upgrades. I had had no contact with him prior to that night. My son informs me that he has never met nor communicated with Mr Miller.

Submission No. 15 – Name suppressed

36. The author of this submission shows clear bias and preparedness to make wild, reckless and serious imputations through the posing of questions for the Committee, based on no evidence whatsoever, under the protection of both anonymity and parliamentary privilege. I submit the submission will not assist the Committee's inquiry.
37. I have no response to this submission beyond what I have stated above.

Submission No. 18 – Name suppressed

38. The author of this submission reveals their bias immediately by the statement in the first paragraph that ICAC had identified "questionable conduct" and then asserting, by implication, that the conduct referred to was engaged in by "the Office of Sport and former CEO Matt Miller, Equestrian NSW (hereafter termed ENSW) and its CEO Bruce Farrar, The Board and Board Chairman Peter Dingwall and Barrie Smith Motor Sport". The Committee will be aware that ICAC made no reference to "questionable conduct".

39. On page 2 of the submission, the author states as follows-

"I have watched the SIEC drama unfold with concern, my understanding is that the "modus operandi" of ENSW in the matter is representative of the management of Equestrian Sports in all states and Nationally and inherently wrong".

The author then fails to describe the "modus operandi" referred to or what are the aspects of the management of Equestrian Sports to which reference is being made. I

submit that such a statement is so clearly biased and so general that the Committee will find it of no assistance.

40. Having made the above statements calling into question the integrity of a very large group of people, the author proceeds to make the following disclaimer in the last line on page 2 and continuing on page 3 –

“I have no verified ‘insider knowledge’ or evidence and as such I do not and cannot accuse any individual, department or organisation of wrong-doing or illegalities but I do identify un-answered questions, lines of inquiry and information gained by my research”.

Whilst the Committee may or may not find some of the lines of enquiry suggested by the author useful, I submit the author provides no information of any value to the Committee’s inquiry.

41. At the top of page 5 of the submission the author asserts that “ENSW is an incorporated Company and I believe that their behaviour in this matter contravenes the Corporations Act 2001 – section 191 and warrants pursuing through ASIC”. This statement reveals the author’s inability to carry out proper “research” because ENSW is not an incorporated company, and immediately contradicts the author’s disclaimer quoted in paragraph 39 above. ENSW is an association established under the *Associations Incorporation Act 2009* (NSW) and is under the supervision of the NSW Office of Fair Trading, not ASIC. Having said that, I have no difficulty in accepting that a member of the governing committee of an incorporated association has the same duty to disclose to the other members of the committee a material personal interest in a matter that relates to the affairs of the company as that of a director of an incorporated company. I refute the statement made in the author’s next sentence asserting that ENSW has contravened its “Constitution, Statement of Purposes and Directors Behaviour document”. The Committee will note that there is no explanation provided as to which parts of these documents have been contravened, nor in what way they have been contravened. The author’s assertion is gratuitous, not particularised and unsupported by any evidence.
42. The Committee will note that, despite there being no evidence whatsoever of my involvement in drafting the submission to request funding from the NSW Government, nor of any involvement, or knowledge held, by me in the calling for tenders and the selection of the successful tenderer, the author devotes pages 11, 12, 13, 14 and 15 to an analysis of a statement I made to a reporter from *The Australian*, describing it as “legally very careful” and allowing for “wiggle room”. The analysis clearly calls my honesty and integrity into question, contains several speculative possibilities and suggested unlikelihoods about my involvement with the SIEC arena upgrade and a gratuitous reference to my then position as a Magistrate. I strongly reject the imputations as to my honesty and integrity arising from the analysis and I refer the Committee to what I have stated above. I hope that the Committee will express its dissatisfaction with the use of parliamentary privilege and anonymity by persons such as the author of this submission, and others, to facilitate them making unfounded and, if not protected by parliamentary privilege, defamatory statements about others.

and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1900*.

Declared at: Yass in the State of new South Wales on 21 October 2021

[signature of declarant]

in the presence of an authorised witness, who states:

I, Margaret Anne Hunter, an Australian Legal Practitioner,

certify the following matters concerning the making of this statutory declaration by the person who made it:

1. I saw the face of the person, and
2. I have known the person for at least 12 months.

.....
[signature of authorised witness]

M A HUNTER DAM

21/10/2021
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[date]