

**INQUIRY INTO AGISTMENT OF HORSES AT YARALLA
ESTATE**

Name: Mrs Linda O'Neill

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Partially Confidential

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Submission to Agistment of horses at Yaralla Estate Committee

By Linda O'Neill

This submission will make comment and provide a personal view on the actions of the Sydney Local Health District in relation to Yaralla Estate and will address the following terms of reference:

- a. the actions of the Sydney Local Health District
- b. the eviction of community members whose horses are agisted on the Estate lands
- c. the "independent audit of the site" referred to in a 19April 2013 media release issued by the Sydney Local Health District, and
- d. any other related matter.

Background

We have lived in Concord for 21 years, having moved here in 1992 to raise our family. We were attracted to the area for many reasons, including the community atmosphere, the number of Parks and the opportunity to have a horse at Yaralla. I owned a horse throughout my childhood that unfortunately was kept over 2 hours from where I lived – I hoped that we would be able to keep one much closer at Yaralla, for either myself or our children.

Both our children and myself owned horses from 2004 and I made several enquires about paddocks at Yaralla. On the numerous occasions I enquired over the coming years, no vacancies were available, and as the horses were kept at or cattle property, where we spent every school holidays, the matter was overly pressing. We continued to enjoy the company of the horses that were at Yaralla.

In August 2007, our daughter, then not quite 15 years old, and I climbed Mt Kilimanjaro to raise money for the School of St Jude in Tanzania where our daughter sponsored a young girl. Very close to the summit, our daughter suffered a High Altitude Pulmonary oedema. Although she survived, her lungs were severely damaged. Her health has declined over the past 6 years and currently she has a lung function of less than 20% (of predicted). Towards the end of 2012 her health declined to such an extent that she completed the work up for a lung transplant. Fortunately, she has regained sufficient health that currently this has been taken off the table as an immediate requirement.

Information provided here

Other submissions will contain details of the Sydney Local Health District's (SLHD) systemic failings in relation to its management of Yaralla Estate, and the subsequent attempts to blame the horse owners for the perceived damage to the Estate. They will also detail the gross inadequacies and misleading details contained within the reports by Blue Vision.

The purpose of this submission is to provide a personal view of the benefits of Yaralla to the health and well being of our daughter and to her best friend.

From our personal perspective, SLHD has sought to misrepresent the horse owners to the wider public publishing blatantly false and misleading information. They do not appear to be interested in providing accurate information, rather only inaccurate information that is biased to their purpose.

Our daughter's horse at Yaralla

From about 2010, our daughter's health was deteriorating to such an extent that it was very difficult to take her to our cattle property to see her horse Breeze. Our property is quite isolated from medical assistance and there is no mobile or internet coverage. On several occasions she has been rushed via ambulance to hospital and then transferred to either Canberra or Sydney (neither

Crookwell or Goulburn hospitals are equipped to provide the care required), including being airlifted by helicopter.

Our daughter missed Breeze, and although unable to ride for more than 10-15 minutes at a time, once her horse was saddled for her, the companionship provided much needed emotional support to her.

In late 2011 I again looked into the possibility of keeping a horse at Yaralla, and in late March 2012 was fortunate to obtain a place and we brought Breeze to Sydney. It was wonderful that our daughter could see Breeze every day and the joy it brought both of them was heart lifting to us as parents.

Our daughter's life is severely restricted in terms of going out, however, even on days she was unable to get out of the car, she could see Breeze from the car window. The health benefits to her of seeing Breeze at least once a day, and often more, both physical and mental, were enormous and evident.

In June 2012, my daughters best friend, took leave from her Vet studies at Wagga University to return home to Sydney due to a health crisis. She had ridden Sporty, one of the horse at our Farm during school holidays with my daughter for over 8 years and when a vacancy came up in the paddock Breeze was in, I organised for Sporty to come to Yaralla, so that both girls could enjoy the health benefits horses together. Breeze and Sporty provided both my daughter and her friend with companionship.

Another benefit was the new group of friends that we made through the other horses at Yaralla. We also were able to share our horses with other young girls, providing them the opportunity to ride and care for a horse. The sense of community at Yaralla reminded us of the community we had at our farm - People looking out for others, lending a helping hand. In addition, the contact with community members who walked and jogged through Yaralla provided endless opportunities to engage with others. Most regulars knew the horses by name – and the horses knew them! Yaralla was a sanctuary of old fashioned community.

Throughout our time at Yaralla we saw many of the community benefit from exposure to horses. Not only did horse owners gain the health (emotional and physical) benefits of being around horses but so too did many other. Families would walk down to visit their favourite horse, encouraging children to exercise, whilst others benefited more from the emotional connection to horses. We met many people who had a mental illness and for whom Yaralla provided some relief. One lady told us how after years of failed therapy for depression the only thing that helped her improve was being around the horses at Yaralla for a few hours a week. Some horse owners worked directly with special needs children, providing horse therapy (hippotherapy) – a service that our community must now go without.

My family members and I have invested many hours hand pulling out fireweed (and paying for its proper disposal), harrowing the paddocks, collecting manure and picking up rubbish, both from within the paddocks and on the driveway. Many of the other horse owners also took great care of their paddocks and invested considerable time – all to the benefit of Yaralla Estate. We had been

advised when first taking a paddock at Yaralla, that we were not allowed to touch the fencing, put up any additional fencing or buildings or alter things in any way.

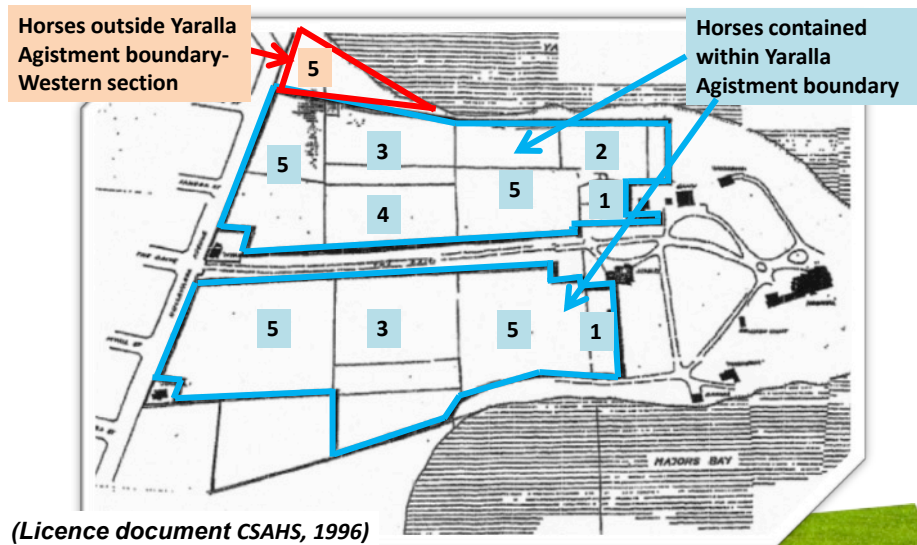
SLHD starts the process of removing current horse agisters

- **Oct-Dec 2012**- Legal proceedings commenced by Licencee supported by SLHD to remove
- **30.11.12**- Agisters notified by Licencee, SLHD has terminated Licence for vacant possession
- **7.12.12**- Notice received by Licencee lease extended until Feb 2013
- **12.12.12**- Meeting with D. Flood and agisters/ horse owners
 - informed “no one going anywhere”
 - SLHD needed to activate termination to evict at-fault horse owner
 - Consultant assessment required to report on damage caused
 - Horse owners asked to fill in questionnaire re: what needs to change for good management for future solutions
 - Advised consultants will be asked to collaborate with horse owners

Debbie Flood met with horse owners at Concord RSL on the 12th December. We were asked to provide details of our horses at Yaralla, any concerns we had and our contact details. We were advised by Debbie, that we would be contacted and be involved in the report in relation to Yaralla estate.

Mention was made, by Debbie Flood, in relation to horses that had escaped onto the helipad at Concord hospital – in fact the horses that escaped were not kept on grounds that were part of the Yaralla Estate used for horse agistment. The horses were on land outside the agistment boundaries and were there illegally. SLHD were not interested in this and have continually blamed the horse agisters for this breach.

Agistment Area as per Licence Agreement (Blue)



- **18.1.13-** Mounted Police (MPU) First seen at Yaralla inspecting paddocks with D. Flood, when questioned justification given "issues with the public access and drugs"
- **31.1.13-** D.Flood emailed a horse owner contact person and informed she was expecting first draft of consultant report
- **4.2.13-** Licencee's agreement extended till 31st March
- **11.3.13** – Linda and Michael O'Neill email Debbie Flood as no contact has been received from SLHD or consultants in relation to collaboration as promised at the meeting of 12th December 2012

Letter to Debbie Flood from Michael and Linda O'Neill – emailed 11th March 2013

14 Park Ave

Concord

NSW 2137

8th March 2013

Deborah Flood

Director Capital Asset & Contract Services

Sydney South West Area Health Services

Deborah,

We are writing to you specifically in relation to our horses at Yaralla and are not speaking for, or on behalf, of others.

Firstly, thank you for taking the time to meet with the owners who currently agist horses at Yaralla Estate Concord on the 12th December 2012, and the two subsequent time extensions.

At the meeting on the 12th December 2012, you mentioned several positive issues in relation to the community with having horses at Yaralla, one of those mentioned being health benefits – a particularly personal issue for us.

Our daughter Kate (20 years old) has suffered from a chronic lung condition for the past five years and currently has a lung function of approximately 20% (of predicted).

We own a cattle property north of Crookwell which was where Kate's horse, Breeze, lived until we brought her to Yaralla nearly 12 months ago. As Kate's health has deteriorated over the past five years it has been increasingly difficult for her to even go to the farm to see Breeze.

Yaralla is only 4 minutes drive from our house in Concord, and having Breeze this close has enabled Kate to see her every day. Some days Kate is well enough to get out of the car to feed Breeze; on other days she is happy just to watch her from the car while we feed Breeze. She has managed to ride Breeze twice since she has come to Sydney, and though the rides are of less than 10 minutes duration they accentuate Kate's breathing difficulties and cause great fatigue. The extremely close proximity of our home to Yaralla (and Breeze) is the only thing that makes it possible for Kate to even attempt these rides.

Kate's close friend has had to take a year's leave from university due to an eating disorder. As she used to spend her school holidays at our farm, often riding one of our other horses (Sporty), we have brought this horse to Sydney for her. Being involved with Sporty's care has helped her during her recovery.

From our personal perspective, it has been of the foremost benefit in terms of both physical and mental health for Kate to have her horse so close. Unfortunately, if Breeze is unable to stay at Yaralla, she will return to our property, as other agistment options in the Sydney region are not feasible in terms of location/distance.

Colin has always assisted us with paddock slashing and has always been approachable and helpful, however we have invested considerable personal time and cost to maintain the paddocks our horses currently use. Before Colin slashed our paddocks after we first arrived, we spent more than forty hours hand pulling fire weed from the paddock and then paying to dispose of it at the Waste Transfer Station. We felt it essential that the weed was removed prior to slashing to stop further seed distribution and therefore an increase in the weed problem. In addition we bring our harrows back from the farm and drag them over the paddocks to disperse the manure, which acts as fertilizer for the grass and improves soil biodiversity and health. Like the majority of the horse owners at Yaralla, we have the paddock health and surrounding environment foremost in our minds.

We are happy to discuss with you the possibility of running a non-trading co-operative with a view to maintaining horses at Yaralla, or other options you may consider feasible for the Health Department.

We look forward to speaking with you in relation to any issue we have raised or any other matters of relevance.

Regards,

Linda and Michael O'Neill

- **21.3.13-** D.Flood advises via email need to organise a meeting with horse agister/ owners to discuss the “paddocks”. She suggests 28th March
- **28.3.13-** D.Flood delivers a verbal summary of consultant report
 - SLHD has allocated \$500,000 to rehabilitate land and replace all fencing
 - Works can be completed on rotation paddock by paddock but this was not her preference
 - Works can be completed in 3 months if all horses removed
 - Following works intention that MPU will exclusively occupy Yaralla paddocks
- **2.4.13-** Horse owners contact Local Member John Sidoti for opinion
- **9.4.13-** GIPA request for access to the “consultant” report damning horse owners re: care of horses and paddock condition
- **17.4.13-** Request for extension letter from horse owners with Local Member support sent to SLHD CE and Chairman of the board, John Sidoti, Health Minister Jillian Skinner and Local Mayor Angelo Tsirekas.
- **19.4.13-** CE SLHD Dr Teresa Anderson provides media release advising contract with MPU for exclusive use of Yaralla paddocks had been signed in the dead of night

1. Negotiating with another party while current horse owners maintain occupation of the site.

2. Evidence that SLHD have been aware for an extended period of time of the many failings of the current Licencee and did not intervene or rectify the situation appropriately.

3. Concerns regarding the absence of any expression of interest or public tender process being sort by the SLHD regardless of their inter-government negotiations. It is imperative that SLHD abide by these processes for transparency, openness and fairness.

Monday 27th May 2013

On Monday 27th May 2013, two meetings took place:

On the 27th May I met with Canada Bay Council (Angelo Tsirekas Mayor, Bruce Cook A/ GM, John Ausland Manager Parks and Gardens Bianca Kinnear. At this meeting, the Mayor, Angelo Tsirekas, spoke with me about a letter he had received from SLHD on Friday 24th May 2013. The letter detailed information about a photo taken by Ron Turner – Blue Visions at Yaralla Estate on Thursday 23rd May. SLHD claimed that the photo was of a child sitting on top of a horse - the horse was not saddled or bridled and the girl was without any riding gear. Although the Mayor did not state that my name had been mentioned in association with the photo, he asked me directly what happened.

I provided him, verbally, with the following information:

The person on the horse is 21 years old.

She has been riding since the age of 8 and has been riding Sporty, the horse she was sitting on, for over 8 years.

She was not riding the horse simply sitting on him while he ate food off the ground.

She was sitting on him in a position such that she could dismount easily and quickly if required to do so.

There was an additional adult on the ground to assist - myself

The horse was in its own paddock – with a fence 1metre in front of him and another 2-3metres to the side of him

It is not illegal for an adult to be on a horse without a helmet or riding equipment (as far as I am aware and could ascertain) in its own paddock

At that time, there were not rules or regulations in place in relation to riding on Yaralla Estate.

The second meeting was with Canada Bay Council (Angelo Tsirekas Mayor, Bruce Cook A/ GM, John Ausland Manager Parks and Gardens), SLHD reps (Teresa Anderson, Deborah Flood, Tim Sinclair A/ GM Concord Hospital, Kate Benson media/ communications), BlueVision's Ron Turner and Bianca Kinnear.

According to the account Bianca wrote from this meeting – the following was said:

“They also identified that despite all of the safety risk items written that I still have no control on what someone else does (they then stated for example Linda O'Neill over the road from you). This is when they produced an A3 blow up of a person on a horse without a helmet, no bridle , no halter, no saddle riding in a paddock and stated that it is this type of behaviour which is an unacceptable risk to the health district and all shook their heads at me and rolled their eyes and huffed out disapproving sighs (felt like I was still in the head masters office). They took no notice of any attempt to explain that this was a one off, unusual occurrence”

Bianca had the following information at the meeting to provide to SLHD – they refused to listen.

The person sitting on the horse (Sporty) is 21 years of age.

She has been riding since she was 8 years old.

She has been riding Sporty since she was 14, both at our farm and in Wagga Wagga.

She has experience riding bareback.

She was sitting on the horse in a position that would enable her to dismount quickly and safely if the horse moved, as determined by herself as an experienced rider.

She was not riding the horse – the horse was standing still eating food from the ground

I was standing within a metre of them both to assist if required.

The person taking the photos was my daughter, who is 20 years old.

All three individuals involved were over 18.

It is not illegal to be on a horse without a helmet (unless on a public road)

It is not illegal to be on a horse that is not under saddle or bridle.

The individual on the horse is currently on a leave of absence from her Veterinary Science Degree at Charles Sturt University Wagga due to an eating disorder. Sporty (the horse) was bought to Yaralla to provide her physical and emotional support while she was back in Sydney.

The individual on the horse is under the care of a psychologist and is in a fragile state both physically and mentally.

My daughter is unwell with her lung disease, currently with a lung function of 20% (predicted).

The reason for the photo shot was two-fold:

My daughter is currently undertaking a Bachelor of Primary teaching by Distance Education with Curtin University (WA). Due to her lung disease she cannot attend university. One of her subjects this study period was a photography subject (as a general education subject) with RMIT.

For her final course assignment, she chose as her subject her best friend and Sporty, a horse that her best friend has ridden with us since she was 14, that currently shares a paddock with Breeze at Yaralla. The subjects of the assignment was particularly important to her as her best friend is suffering from an eating disorder and has had to take the last 12 months off from her Veterinary Science Degree at Charles Sturt in Wagga Wagga to return home to Sydney to seek medical treatment. We are looking for a lease arrangement for both Sporty and Breeze as the girls do not wish to sell the horses, however are not well enough to look after them if they are moved further afield. My daughter and her best friend are sad that they will lose the close contact they have enjoyed with the horses.

On Thursday the 23rd May 2013 my daughter, her best friend and I went to the horse paddocks to take more photos for the assignment in the light of dawn and early morning. Excavation work had started that morning, on behalf of SLHD, in front of the gate to access our paddock, for the removal of hazardous waste located immediately outside our paddock, identified as asbestos by a representative of SLHD.

My daughter and her best friend had a selection of photo shots that they wished to shoot. One of these shots was with the best friend sitting on top of Sporty. Sporty was quietly eating food from the ground, and the individual was sitting with one leg crossed so that in the event that Sporty started to walk off, she could simply slide to the ground. I was standing just out of camera shot – less than half a metre away.

We are very concerned with how SLHD plans to handle this photograph now, and into the future and the effect that this could have on one, or both of the young women. It was implied at the meeting that this behaviour is proof of the irresponsibility of the current horse owners. Neither of these young women need to be implicated by SLHD, privately or publicly, that they have contributed to SLHD refusal to allow the horse owners to stay. They have done nothing illegal, and mitigated risks they identified, prior to conducting the photo -shoot, including:

The use of a horse that they were both intimately familiar with.

The site in the paddock chosen to take the photographs considering –

- My daughter's severe limitations of her lung disease - She is unable to walk distances so the photos needed to be taken close to the road to reduce walking.
- Excavation was occurring down the other end of our paddock on the road side – so we were positioned as far away as possible (considering the requirement to reduce walking)

The participation of a third adult, experienced with horses, to attend and assist as required.

The report commissioned by SLHD accuses current horse owners of over grazing paddocks and poor weed management.

Below is a photo of one the current MPU managed spelling facilities in Sydney – over grazed and enormous amounts of toxic weeds.

Our aim is not to cast any dispersions on the NSW MPU – simply to indicate that the body being proposed by SLHD as the ‘holy grail;’ of responsibility may not be all that SLHD believes.

What resources will be allocated to manage Yaralla by the MPU?



Current MPU managed spelling facility in Sydney

Green cestrum is a Class 3 noxious and toxic weed

The past horse owners have cared for Yaralla with respect and appreciation. They value the asset that they have been able to avail themselves of and I believe have been good custodians within the limits of how they were able to operate.

SLHD failed to monitor or audit the site or its management and are now blaming the individuals who have tried to care for the paddocks.

Asbestos

In addition, it appears that SLHD, has failed in its duty of care to the public in terms of asbestos dumping and subsequent removal from Yaralla. One of the asbestos dumping area was immediately outside the entrance to the paddock where we kept our horses. My daughter and I were there the morning they started removing the asbestos – there was no signs warning of asbestos and we had not been advised by SLHD that asbestos had been found, or that it was going to be removed. It is

interesting to note that Telstra has recently had problems with asbestos, however SLHD has managed to have the whole issue swept under the carpet.





