

**INQUIRY INTO GRANTING OF CONTRACT NUMBER
OoS17/18-021 BY THE OFFICE OF SPORT**

Name: Name suppressed

Date Received: 29 August 2021

Partially
Confidential

Written responses to this submission published by resolution of the committee 10 November 2021 are hyperlinked below:

- [Mr John Vallance](#)
- [Ms Mary Seefried](#)
- [Mr Peter Dingwall](#)
- [Mr Barrie Smith](#)

NSW LEGISLATIVE COUNCIL

Public works committee

Inquiry into the granting of contract number OoS17/18-021 by the Office of Sport

Terms of Reference and submission –

CONFIDENTIAL (Name etc, email and address to be withheld only) –

Introduction:

As a member of Equestrian Australia, I am required to be a member of ENSW. I am a resident of NSW and as such a NSW tax payer. As a breeder and owner of Dressage FEI Sport horses in Australia and the EU, I have current knowledge of the standard of Dressage Arena surfaces which are FEI best practice standard requirement, and the 'impact' any imperfection has upon the horses, their wellbeing, as well as rider and horse safety concerns.

Below I highlight the issues I have regarding the awarding of contract number OoS17/18-021 by the Office of Sport and tender my submission by referring to the Terms of Reference cited.

Inquiry into the granting of contract number OoS17/18-021 by the Office of Sport

Terms of Reference –

That the Public Works Committee inquire into and report on the granting of contract number OoS17/18-021 by the Office of Sport, and in particular: -

(a) the awarding of a contract to Barrie Smith Motor Sports P/L by the Office of Sport to resurface two arenas at the Sydney International Equestrian Centre (SIEC),

Q1. Please request the original Risk Assessments carried out on the condition and safety of the original 2017 arenas (prior to upgrade) and if these were carried out by Independent Experts from overseas FEI Olympic Arena Contractors X 3 (who had no financial or vested interests in the outcome of any decision) which ultimately determined the need for the upgrade, and also any surveys sent to ALL Equestrian Organisations who use the SIEC indoor etc facility with members' feedback as to whether they felt there was a need to upgrade these arena surfaces.

Please supply the Arena Risk Assessments and those recommendations made within the Risk Assessments, which determined the need for an 'Ebb and Flow' arena construction, rather than open the tender to ALL FEI Arena Construction Companies with expert evidence of which type of Arena would be best suited to the indoor, and the outdoor arena on a use and needs basis.

Q2. Please request all data of who was involved at the Office of Sport in the determination and evaluation of the data from the Risk Assessments and recommendations, all data of why the 'Ebb and Flow' technology was chosen against other forms of arena technology, the data of whom and how the tender was devised (and all evidence which supported that) and EACH Tender application on MERIT, (the testimonials for same, proof of best practice installations, durability and longevity of surface, environmental best practice standards and cost effectiveness for product).

Q3. Please request and show evidence of reasons why the other Tenderers failed on –

1. Cost,
2. Testimonials,
3. Proof of Best Practice FEI Dressage arena installations,
4. Meeting ALL original Tender Specifications.
5. Benchmark quality assurance and testimonials from clientele which show an arena construction which is SAFE, DURABLE, LASTING, meets FEI Best Practice standards, has proven LONGEVITY and is efficient and cost effective in price and ongoing maintenance.
6. What evidence was used by the Office of Sport to determine the winning tender, on what grounds, and who made that decision?

Q4. Please request and show evidence of reasons why and how the Office of Sport awarded the SIEC Contract to Barry Smith Auto Sport P/L when they were the (1) most expensive Tender, (2) had only one Testimonial of installation in Australia at Alex Townsend's property (a sitting ENSW Board member of the time). Please request and supply all Risk Assessments, emails between Office of Sport staff, the ENSW CEO, the ENSW Board, Ms. Alex Townsend (ENSW Board member) the NSW Minister of Sport Mr. Stuart Ayers to the Office of Sport and to ENSW CEO, and any other documentation between the winning Tenderer and the Office of Sport and ENSW CEO, Chair, Board via emails, phone records (mobiles included) and ENSW Board Minutes.

I call on this Parliamentary Investigation to obtain ALL evidence for the above, to be able to make a determination as to whether there was a FAIR, UNBIASED, TRANSPARENT, NEED-BASED DETERMINATION, IN THE BEST INTERESTS OF THE NSW TAXPAYERS, Competitors, and owners of horses, as to whether the SIEC upgrade was actually needed, and if so, exactly WHAT was required and WHICH Tenderer offered the best PROVEN BEST PRACTICE VALUE for MONEY! I also call upon this Parliamentary Investigation to determine by accessing all the above, as to whether there was 'in house collusion' on the part of Minister Stuart Ayers, Office of Sport staff and ENSW persons in regard to 'steering' the SIEC arena upgrade to favour Barry Smith Motor Sport P/L, the ENSW CEO, Chair (and his son and father-in-law) and Ms. Alex Townsend (ENSW Board Member).

(b) the role played by the board, CEO and members of Equestrian NSW (ENSW), Equestrian Australia and officials within the Office of Sport, in both the application for funding and the process for selection of the grant by the Office of Sport,

Q1. Was the ENSW Board of the time aware of the application made by the ENSW CEO (for the resurface of the SIEC arenas) to the Office of Sport, and where is this shown in the ENSW Board Minutes. Please also supply ALL phone records and emails between these persons during this timeframe. (the ENSW CEO has commented publicly at AGMs that he relies upon emails and phone calls to communicate with Board members etc). Please supply all emails from the ENSW CEO to ALL Board members, the Office of Sport, the Minister of Sport Mr. Stuart Ayes, and all mobile phone records of the time, from 'original' idea for SIEC upgrade to the final completion of the arenas.

Q2. In the above ENSW Board Minutes, what role did Ms. Alex Townsend play regarding the discussion regarding HER Barry Smith Motor Sport P/L installed arena, and her supporting testimonial for same (being the ONLY arena in Australia installed by that Company at the time). How much weight did Ms. Alex Townsend's testimonial for Barry Smith Auto Sport P/L have in the winning tender - whereby after Barry Smith Auto Sport P/L won the tender, her arena was deemed 'failed' and was then dug up and dumped into the SIEC facility, to be passed off as NEW? Please supply ALL evidence in regard to emails and phone records between Ms. Alex Townsend and the ENSW CEO, Chair, and Barry Smith and any staff involved at Office of Sport, during the timeframe from 'inception of need for SIEC upgrade to completion of project'.

Q3. Were the ENSW Board shown ALL documents of the submission put into the Office of Sport by the ENSW CEO Mr. Bruce Farrar and were the ENSW Board shown the Tender Specifications for same. (Please request evidence of ENSW Board minutes for same).

Q4. Why was the ENSW CEO so heavily involved in the request to the Office of Sport for SIEC arena upgrade, and why did ENSW Board not request an 'Independent' be employed to formally canvas/govern the submission which would have included ALL other Equestrian Organisations which utilize the SIEC Facility. Please request ALL evidence of where ALL other Equestrian Organisations who use the SIEC facility were contacted re same. Please supply ALL evidence whereby ENSW ensured total equity to all those Organisations who also use the SIEC facility, and where ENSW contacted them, either by email or phone records. Please supply all evidence from these other SIEC users as to their answers to any queries sent from ENSW in regard to possible SIEC upgrade needs.

Q5. Why are there certain 'favoured members' of ENSW who PERSONALLY were contacted by the ENSW CEO to support HIS submission, which blatantly EXCLUDED those other 8000 paying ENSW members who may have wished to have input into whether the SIEC arenas needed upgrading, and to possibly submit whether there were other issues at SIEC which would/or should take priority of 'need for upgrade'. Just how did the ENSW CEO determine just which ENSW members to request 'favours from' and why were the other ENSW 8000 paying membership excluded from his apparent preferential contact? There are hundreds of paying ENSW members who utilize the SIEC facility (many of whom have horses competing at FEI International Level Dressage competing on the SIEC indoor and outdoor arena) - why were they denied access to transparency in this submission, and the opportunity to give their opinion? Why did the ENSW CEO ask for supporting letters from two Eventing Riders who do not utilize the SIEC indoor and outdoor arena frequently? Why did the ENSW CEO exclude 'Dressage NSW' input? Why did the ENSW CEO exclude the well-known and highly credentialed top Dressage Coaches in NSW from any input – and example being Mr. Clemens Dierks who had previously been the Australian Dressage Team Coach, and who has major experience in FEI Competition arena best practice surfaces in Europe and the UK, and who also has the contacts with the best Dressage Coaches in the World, to gain their professional feedback on which surfaces are best?

Q6. Why did the ENSW CEO exclude from his submission, those other Equestrian Organisations who use SIEC, thus excluding their input into whether there was a need to upgrade the arenas in the first place, OR whether there were other PRIORITIES whereby the submission to the Office of Sport could be better focused – eg; the Cross Country Course and Rider/Horse Safety improvements.

The exclusion of these other Equestrian Organisations certainly has led to an extremely biased NSW Office of Sport review of needs for the NSW Government owned SIEC Facility and any need for upgrades, and what exactly they might be.

Q7. Where is the EXTENSIVE evidence and data which shows that the SIEC facility arenas even needed an upgrade? These being Rider/Owner complaints, Equestrian Organisation complaints, evidence via photos, documents, etc and RISK ASSESSMENTS with recommendations for arena upgrade.

Q8. Please request the survey to ALL other Equestrian Organisation users of the SIEC Facility, from the Office of Sport, to determine their concerns and requirements for ANY upgrade of the Facility, which would show that a FAIR, TRANSPARENT, EQUITABLE and NEEDS-BASED Survey was carried out PRIOR to ENSW CEO becoming involved in 'HIS SIEC original submission'. Please request ALL evidence of what was the 'issue' which then led the ENSW CEO to request the NSW Office of Sport to tender for an upgrade of the SIEC facility arenas. Please supply ALL emails and phone records between the NSW Sports Minister (at the time) the ENSW CEO, the Office of Sport and any other persons involved in this determination of need for upgrade.

Q9. Was the Equestrian Australia Board informed by the EA Chair Judy Fasher, of HER involvement in the SEIC upgrade submission and where is this recorded in EA Board Minutes. If EA supported the ENSW CEO request, where is this evidence shown in Minutes from EA Dressage Discipline Committee whereby Ms. Fasher informed both the EA Board and the National Dressage Discipline Committee?

Q10. Why were two Showjumpers/eventers asked by the ENSW CEO to write their support for the upgrade, when NO OTHER members of ENSW or Equestrian Organisations who use the indoor or outdoor arenas given the same opportunity? – there are over 8000 members of ENSW! It is a well-known fact that the two showjumpers/eventers who gave testimonials for the SIEC arena upgrade are close friends of the ENSW CEO (noted on his fb page) and he has publicly made this common knowledge, around the Eventing and Showjumping elite whom he corresponds with on fb. Please supply evidence of the ENSW CEO facebook 'friends page' to verify his close contacts. Please access the ENSW CEO phone records.

Q11. Prior to the tender process, what investigations did the Office of Sport carry out to determine any SIEC indoor and outdoor arena Risk Assessment, which included up to date environmental safety, whereby possible contamination of arena materials by toxic fabric carpet shredding (or any other contaminant) was excluded (eg; determined in the UK in 2014 to be carcinogenic, and thus banned from installation – followed by the EU). Where is the Risk Assessment from the Office of Sport whereby they outline the environmental concerns regarding ANY surface which would ultimately be a contagion risk, OR whereby there would be a 'contaminant risk' and where in the Tender is this outlined to exclude any highly carcinogenic material OR any material that is cause for RISK to safety of horses and rider use.

Q12. Where are the Office of Sport environmental studies prior to the letting of this tender, on any possibility of "leaching of toxic contaminants into the water table around SIEC" from any new SIEC arena surfaces and has the Australian Environmental Protection Authority (+Air Contamination when surface is disturbed in a closed area) been informed and supplied their reports. Please request ALL

environment reports to this enquiry, which were attended prior to and after completion of the project.

I call on this Parliamentary Investigation to obtain ALL evidence for the above, to be able to make a determination as to whether there was a FAIR, UNBIASED, TRANSPARENT, NEED-BASED DETERMINATION, IN THE BEST INTERESTS OF THE NSW TAX PAYERS, and as to whether the surfaces which subsequently were installed, are SAFE ENVIRONMENTALLY FOR USERS AND THE ENVIRONMENT, and as to WHETHER THEY MEET THE FEI BEST PRACTICE DRESSAGE ARENA SURFACE SPECIFICATIONS, which are SAFE for horses and riders (please supply current Risk Assessment Documentation on the surfaces which we NOW know require regular raking to remove ‘foreign objects which rise to the surface, and the second hand ‘failed’ surface which was installed’). Please supply any ongoing RISK MITIGATION reports to ensure the SAFETY, DURABILITY, LONGEVITY and value for money of these arenas which the NSW Tax Payer has paid over \$1 million + for – ongoing!

I call on this Parliamentary Investigation to determine whether persons at ENSW acted in a corrupt and/or self-interest, which EXCLUDED ALL other Equestrian Organisations who utilize SIEC for their Competitions and usage, and whether the Office of Sport colluded with ENSW CEO (and Barry Smith Auto Sport P/L) in regard to same – thus biasing and skewing the Tender Process for personal gain for ENSW CEO, certain Board Members and the ENSW Chair, his son and father-in-law, against possible other submissions which may have placed the priorities for improvement at SIEC in other, more priority needy areas in this NSW Government owned Facility.

(c) the potential or otherwise for the existence of corrupt conduct and/or conflicts of interest within the Office of Sport, Barrie Smith Motor Sports P/L and ENSW, in the granting of the contract, with reference to the ICAC letter of 1 December 2020 to the Office of Sport,

Q1. Where are the declarations of ‘Conflict of Interest’ from –

1. CEO ENSW regarding his close friendships with Judy Fasher, Shane Rose, Stuart Tinney and Alex Townsend, who supplied the ENSW CEO with their support recommendation letters for the CEO ENSW application to Office of Sport for an upgrade of the SIEC arenas, (who are known publicly as close friends of his whom he socialises with – publicly noted on his fb account).
2. the CEO ENSW close friendship and working relationship with the father of the Manager of Barry Smith Auto Sport P/L – (the Manager being the son of the ENSW Chair and an aspiring Showjumper),
3. the CEO ENSW close friendship with the ENSW Board member Alex Townsend, where the CEO ENSW has moved ‘ENSW owned property (ride/transport buggies)’ – to her Robertson Property (a privately owned property) without ENSW member consent or knowledge. Please request ALL ENSW emails whereby the 8000 paying membership have been informed of this CEO decision to move ‘membership property’ to a privately owned facility and where the membership granted approval of same. It is also concerning that Ms. Alex Townsend gave a testimonial for Barry Smith Auto Sport P/L in regard to their ONLY arena installation in Australia at her Wallaby Hill property – and yet when the tender was won by Barry Smith, her arena was DUG UP and put into SIEC as a “second-hand failed arena surface”. This use of second-hand material was NOT disclosed in the original Barry Smith Auto Sport P/L tender application. Who at the Office of Sport granted this change to the tender and why was this allowed? Please supply ALL emails, phone records, reports, material removalist invoices and documentation in regard to the moving of the arena material from Wallaby Hill to SIEC. Please supply ALL evidence of financial statements from those person involved in the

removal of the arena surface from Wallaby Hill and the dumping of same to SIEC. Please supply all financial statements in regard to the repair to the substructure and new arena surface placed into the Wallaby Hill area by Barry Smith Motor Sport P/L.

Q2. Where are the Office of Sport Tender Documents where the notification of “Conflicts of Interest” which should have been disclosed to ALL Tenderers, prior to any awarding of the winning Tender, which outline the ENSW CEO and other ENSW members ‘Conflict of Interest’ declarations.

Q3. WHO at the Office of Sport allowed the ‘obvious conflict of interest’ to be hidden, undisclosed and denied knowledge to the other Tenderers?

I call on this Parliamentary Investigation to obtain ALL evidence of the above, to be able to decide as to whether there was a FAIR, UNBIASED, TRANSPARENT, NEED-BASED DETERMINATION, IN THE BEST INTERESTS OF THE NSW TAXPAYERS.

I call on this Parliamentary Investigation to determine whether persons at ENSW acted in a corrupt self-interest -which EXCLUDED ALL other Equestrian Organisations who utilize SIEC for their Competitions and usage, and whether the Office of Sport colluded with ENSW CEO in regard to same – thus biasing and skewing the Tender Process for personal gain for ENSW CEO, Board Members and Barry Smith Motor Sport P/L, against possible other submissions which may have placed the priorities for improvement at SIEC in other more priority needy areas in this NSW Government owned Facility.

I call on this Parliamentary Investigation to investigate the ‘relationship’ that the ENSW CEO has with those who supplied him with their Testimonials to support HIS application to the Office of Sport, and whether ALL this evidence was supplied to the ENSW Board of the time and recorded in minutes, to ensure that there was NO Conflict of Interest or Bias involved in the request for SIEC upgrade or the Tender Process – these being the ‘close contacts on his Facebook account, his emails, his mobile phone records, and any other data which shows his very close friendships with those persons involved in the entire raising of a possible SIEC arena upgrade and the subsequent completion of same.

I call on this Parliamentary Investigation to determine whether the ENSW CEO, ENSW Board and EA Chair acted in a corrupt manner, which has led to this investigation, and which has resulted in our NSW and National Equestrian Sporting Body being brought into DISREPUTE due to selfish, corrupt, and subversive conduct.

(d) Office of Sport correspondence to Mr. Barrie Smith showing that the original tender specifications were changed from ‘importing new material and mixing onsite’ at SIEC to ‘relocating a surface from another site which had (already) failed’ and these contaminated materials were taken from the Wallaby Hill (Robertson” property of Alex Townsend, an ENSW Board member,

Q1. After Barry Smith won the Tender (under extremely questionable circumstances) WHO signed off from the Office of Sport for the CHANGE to the original specifications of the Tender for NEW material, to then be SECONDHAND material, and allowed the NSW Taxpayer to pay for material stated in the original Tender as NEW (costing the original tender price + ongoing major maintenance of second-hand contaminated material).

Q2. Was this abnormal and potentially illegal administrative behaviour by the Office of Sport openly reported to the other Tenderers who had LOST the Tender, and declared to the Client Representative ie; the NSW Government representing the NSW Tax payers, and thus publicly declared via NSW Parliament to the NSW Shadow Ministry, Independent Politicians and other

Parties who represent the NSW Tax Paying Public - who vote for our Politicians whom we have faith to ensure that NO corruption or favouritism occurs in regard to the upgrade of NSW public owned facilities? Where is this declaration of sub-standard SIEC upgrade noted in the Liberal NSW Parliamentary documents of the time?

What actions were then ordered by the Liberal Government of the time, to rectify the obvious UNSAFE SIEC Facility arena upgrade? Where is the evidence of this 'rectification works' which shows ALL Risk Assessments attended by Independent Contractors, Environmental Safety Checks, Safe Work checks, and Insurance Liability cover to ensure total transparency and accountability for the second-hand unsafe surface that was the final outcome of the Office of Sport SIEC arena upgrade tender of 2017. Please supply ALL evidence of same.

I call on this Parliamentary Investigation to obtain ALL necessary correspondence regarding a FAIR, EQUITABLE, TRANSPARENT and OPEN Tender Process, and to identify those at the Office of Sport who colluded and denied a legitimate FAIR Tender process, and who were and are involved in a COVERUP of possible CORRUPT behaviour.

(e) whether successive ministers for Sport and the Office of Sport failed to report the information in paragraph (d) above, to the appropriate authorities for probity investigation,

Q1. Please request a FULL disclosure of the 'Conflict of Interest' between the CEO ENSW and his friendship, personal and professional relationships (including any social interactions or social meetings or functions whereby they met in years prior to the awarding of the Contract) with the Hon Mr. Ayres, Mr. Lee, Mr. Barrie Smith, Mr. Stephen Dingwall, and any officers of the NSW Office of Sport, as determined above in my previous request for ALL email, phone and facebook evidence of the CEO ENSW and those mentioned in this Parliamentary Investigation of the SIEC facility arena upgrade.

Q2. Please ask for a full explanation of the processes which led to the SIEC second-hand arena surface being signed off as NEW, and which subsequently cost the NSW Taxpayer to date approximately \$1 million + ongoing costs for clean-up, raking of surfaces and monitoring of same for foreign bodies rising to the surface and potential air contamination with possible carcinogenic particles or particles of plastic contaminants which rise to the surface and which are not degradable or environmentally safe.

I call on this Parliamentary Investigation to obtain ALL known interactions both socially and otherwise between the parties I have listed in Q1, and to ascertain through ALL documentation how a second hand dug up surface (Q2.) can be signed off as NEW and placed into SIEC as NEW whereby the NSW Tax Payer has paid for a 'known failed surface' which raises concern in regard to its safety, longevity and fitness for purpose. Refer to <https://buy.nsw.gov.au/buyer-guidance/source/select-suppliers/probity-and-fairness>

(f) the engagement of and role played by O'Connor Marsden in the examination of probity issues regarding the granting of the contract and the failure to examine aspects prior to and following the evaluation and awarding of the contract,

Q1. Please supply all documentation supplied by the Office of Sport to O'Connor Marsden for the examination of probity of awarding the contract to Barry Smith Motor Sport. Please supply ALL emails, documents supplied and phone records of same.

Q2. Were all emails and correspondence from ENSW CEO, ENSW Board Minutes, EA Board Minutes, Office of Sport Minister/s and officials, and Facebook friends accounts of same, plus Barry Smith

Motor Sport Directors and Manager (and facebook friend account of same), supplied to O'Connor Marsden for examination of probity issues.

I call on this Parliamentary Investigation to refer to <https://buy.nsw.gov.au/buyer-guidance/source/select-suppliers/probity-and-fairness> in regard to ensuring all information is made available to this investigation.

(g) the granting of a peppercorn rent by the Office of Sport to Equestrian NSW for access to and usage of the SIEC site,

Q1. When was this 'deal' granted,

Q2. What other Equestrian Organisations (who use the SIEC facility) were offered the option of such a 'deal',

Q3. Which Sports Minister was involved in this awarding of the peppercorn rent deal to ENSW, and who at the Office of Sport procured and signed off this peppercorn rent,

Q4. Was the NSW Parliament aware of this ENSW peppercorn rent,

Q5. Were the NSW Taxpayers made aware of this ENSW peppercorn rent and the potential loss of valuable rent from such a site where prime real estate was being leased annually for \$1.

I call on this Parliamentary Investigation to get to the bottom of the awarding of the 'ENSW peppercorn lease/rent deal' and to supply ALL information regarding same and who was involved, to the NSW Taxpayer who have been denied appropriate income from this prime real estate site owned by the NSW State. Which NSW Sports Minister signed off on this deal, who at the Office of Sport supported this deal, who at the Office of Sport 'enabled' this deal, and just HOW was this deal/rental documented by the NSW Office of Sport in any financial report to the NSW Parliament, and how was this 'peppercorn rent' documented and reported by the ENSW Accountants, and reports to the ENSW membership at the AGM in financials.

I call on this Parliamentary Investigation to recommend this 'peppercorn rent deal' be terminated, and that a FULL LEASE agreement be organised whereby a full current market value lease be made available to those Organisations who utilize the SIEC Facility under an open tender arrangement.

(h) options for rectification of any defects or complete replacement of the indoor arena surface to ensure the arena is safe for horse and rider and capable of use for high level competition,

Q1. What independent expert international FEI approved Companies have been employed to fully test the 'failed arena surface' which is 'second hand' that now is being passed off as NEW at SIEC. Please supply all relevant documentation from these independent International Companies which outline how they have determined their decisions on the 'safety, durability, longevity and fitness for purpose' of the current questionable SIEC arena surface. Please supply ALL evidence of actions in Risk Mitigation these reports determine in regard to the ongoing RISK of 'foreign materials/particles rising to the surface' of the known second-hand arena surface.

Q2. Under the following legislation, please supply full evidence of the compliance supplied by the Office of Sport in the awarding of the Contract to Barry Smith Motor Sport for the SIEC resurfacing, against EACH of the following legislation –

- a. OH&S legislation
- b. Environmental safety legislation – especially relating to possible carcinogenic material in surface material, and foreign objects infrequently appearing to rise to the surface from a known second-hand surface, plastic contaminants which are not biodegradable which need removing frequently, and other contaminants which breach environmental safety and rider/horse safety in such a Government owned Facility.
- c. Safe work,
- d. EA Rider Insurance Policy, and other Organisations' Rider Insurance Policies,
- e. Equine Insurance Policies.
- f. NSW Government SIEC facility Insurance Policy

I call on this Parliamentary Investigation to ascertain the full safety of the now current SIEC arena surface (which is a noted 'failed arena surface from another site') and to determine whether it is safe, against the legislation I have listed above.

(i) any other related matters,

Q1. What are the Insurance Policy cover details on this 'second hand failed arena surface' under –

- a. Liability for injury to Rider or Horse,
- b. negligence and failure in 'duty of care' to supply the FEI International best practice arena surface 'fit for purpose', which was specified in the original tender specifications as NEW and where the NSW taxpayer has paid for second-hand contaminated material, AND which the NSW Parliament and Office of Sport has passed off as NEW since the completion of the tender in question.
- c. possible environmental health safety for workers required to rake this failed second-hand arena surface, and with any constant usage, the durability and longevity of such second rate failed surface. What other environmental risks does this surface pose in the long term to surrounding environmental acreage of the SIEC facility and it's water table and any water drainage of same.
- d. what other environmental risks does the contaminants of this second-hand arena surface post to those of the Office of Sport staff at SIEC tasked with the raking and clean up of rising foreign objects from this second-hand dug up surface, and what environmental safety precautions have been put in place for these staff, to ensure they are not at RISK.
- e. what environmental studies have been determined by the NSW Office of Sport and the NSW Government to determine the FULL spectrum of any possible environmental damage to surrounding water table and acreage, whereby over time, the CONTAMINANTS in the now known 'SIEC second-hand contaminated dug up arena surface' are deemed safe, for environmental degradation over time.

f. what environmental studies have been attended by the NSW Office of Sport and the NSW Government to determine that NO contaminants of this known 'SIEC second-hand contaminated dug up arena surface' become part of the surrounding water table or inadvertently by frequent raking of the surfaces in question, breakdown or breakup and then move as micro-contaminants which cause much worse environmental issues.

I call on this Parliamentary Investigation to gain ALL environmental reports in regard to RISK mitigation on these arena surfaces which require ongoing raking and maintenance and just HOW that impacts upon the known 'foreign material and contaminants' in the second-hand arena surfaces which are now in SIEC.

I call on this Parliamentary Investigation to investigate all Insurance Policy cover details on this 'second hand failed area surface' under ALL aspects of possible litigation which could be mounted by Horse Owners, Riders, and Sponsors under LIABILITY INSURANCE COVER, where the NSW Government has failed in its Duty of Care to ensure that ALL persons using the Government owned NSW SIEC Facility were made fully aware of the failure to meet best practice NEW surface requirements as per the original tender specifications, thus leaving litigation open in the case of injury, illness or death.

Q2.

On 6 March 2020 at 5:15:12 pm I wrote to **Ms. Karen Jones at the NSW Office of Sport**

highlighting my serious concerns regarding the **Subject:** 2017 Sydney SIEC re-surfacing request by ENSW CEO and Board of 2017 and the Tendering process: – *extract of same* -

"Dear Ms. Jones,

IN CONFIDENCE AND WITHOUT PREJUDICE

RE: The Sydney SIEC re-surfacing request by ENSW CEO and Board of 2017 and Tendering process.

I have become aware that there are issues which have been identified in regard to the Sydney SIEC re-surfacing of the Indoor arena and the process put in place for the Tendering to upgrade same by the ENSW CEO and Board of 2017.

Due to my very real concerns regarding HONESTY, INTEGRITY and TRANSPARENCY, I ask you the following questions -

1.Has the NSW Office of Sport attended to a FULL SIEC SURFACE RISK ASSESSMENT for upgrade to International Surface Standards prior to the Tendering process of 2017 and was this supplied to ALL Organisations that use the Facility – and then also to the Tendering process?

2.Was this SIEC SURFACE RISK ASSESSMENT document supplied to the ENSW Board (other than to Mr. Bruce Farrar) separately - ? via the ENSW Board Chair? Q. Was the ENSW Board fully aware of the full needs under a Risk Assessment of what the upgrade for the SIEC Arena surface involved and was there the opportunity for ALL types of Internationally FEI superior Dressage surfaces which are 'World renowned technology and best practice/safety assessed' to be involved in the tendering process?

3. Were ALL suppliers of FEI International Dressage Surfaces canvased and given the opportunity to Tender for the SIEC re-surfacing? I ask this as there are many International FEI Dressage surfaces which are supplied by many Companies that are highly successful Worldwide and take into effect Dry conditions and the need for Water. An example would be the surfaces used in Dubai and other Countries with limited water supply and very hot conditions. Many other Countries have superior Dressage surfaces which also do not rely upon use of Water. From my understanding during my own trips to Europe (every two years), this is a current matter of contention – the need for water, with an ongoing ‘best practice model’ for top FEI International Dressage surfaces which do not rely solely upon water infrastructure. The International Companies which promote this form of surface would be better able to explain the new technology of requirements for FEI Dressage arena surface advancement strategies, which over time in the future may well be seen as ‘best practice standard with safety and economic issues ie; need for water supply’ taken into consideration for the Australian Climate.

4. HAS THERE BEEN A CURRENT NSW Office of Sport RISK MITIGATION document supplied – with EXPERT data from Independent (overseas) Engineers and Dressage Arena suppliers on the current SIEC Arena surface?

5. If NOT, how does the NSW Office of Sport intend to deal with the RISK OF POTENTIAL INJURY AND POOR SCORES which could be attributed to the current SIEC indoor surface, given there will be an Australian Dressage Olympic Qualifier event in April 2020?

6. HAS THE NSW Office of Sport informed the AOC of their concerns,

7. Should Rider/owners of top Olympic Horse Qualifiers be informed under ‘disclosure’ legislation, to question their Equine Insurance Companies of possible unsafe surface which has NOT had a CURRENT RISK MITIGATION ASSESSMENT (by an Independent International Dressage Arena Specialist.)

Given we are talking about a NSW State Government owned Facility, which was built for the 2000 Olympic Games, and has since been a Major Venue for Olympic Qualifiers and WEG Qualifiers since, for ‘Aussie and NZ Rider/Horse Combinations to try to reach EA/NZ Olympic or WEG Selection Criteria, one would assume that the NSW Office of Sport has been ahead of ALL things to do with RISK MITIGATION in regard to such a Facility, and the need to ensure that the Facility is FULLY SAFE (under Workers Compensation Legislation, EA Rider Insurance Legislation, Work Health and Safety Legislation and Safe Sport Legislation, and Public Liability Insurance). The potential for an international level FEI Grand Prix Horse to sustain a ‘check ligament strain’ or a ‘suspensory ligament strain’ OR worse to stumble, which would endanger the Rider is HIGH if the surface of the Dressage Arena does NOT meet current FEI International Dressage Arena surface standards – especially for Dressage Horses who perform highly intricate athletic movements whilst balancing with cadence, forwardness and power!”

I call on this Parliamentary Investigation to investigate the lack of response to the questions I raised to Ms. Karen Jones at the NSW Office of Sport highlighting my serious concerns regarding the 2017 Sydney SIEC re-surfacing request by ENSW CEO and Board of 2017 and the Tendering process. I request that Ms. Karen Jones be required to produce ALL the data on her request for a full transparent and unbiased investigation into the SIEC resurfacing tender, and to supply all emails between herself and her staff and parties involved in the answering of the questions I have raised above.

I also request that this Parliamentary Investigation be supplied ALL evidence of the independent professional RISK ASSESSMENTS (attended on behalf of the NSW Office of Sport) which were made on the SIEC arenas and the SIEC facility (prior to the agreeance of the SIEC arena tender publication), which apparently highlighted a need for the SIEC arena upgrade.

I also request that this Parliamentary Investigation be supplied ALL email documentation (with any attached documents) which occurred between the NSW Minister of Sport, the NSW Office of Sport and the ENSW CEO, the ENSW Board, Alex Townsend ENSW Board, Judy Fasher EA Chair, Shane Rose and Stuart Tinney ENSW members, the ENSW Chair, Barry Smith and his Barry Smith Auto Sport P/L Manager Steven Dingwall – AND ALL phone records of same, in regard to the ‘development’ for a need for a SIEC arena upgrade which then resulted in the ‘formation of such an unfair tender’.

Q3.

On Saturday, 20 March 2021 11:25 AM I wrote to the **Honorable Mr. Mark Latham**

[<mark.latham@parliament.nsw.gov.au>](mailto:mark.latham@parliament.nsw.gov.au)

Subject: FW: Sydney SIEC re-surfacing Request by ENSW CEO and Board of 2017 and Tendering process – extract of same -

“Re: Current media reports regarding the SIEC arena upgrade of 2017 and the Tendering process.

I write to you after seeing online reports of your tabling the above matter in the NSW Parliament. Below is an email I sent to Ms. Karen Jones of the NSW Office of Sport in 2020 highlighting my very real concerns over this matter. It is my understanding that this matter has not fully been resolved, nor any appropriate accountability taken for the very poor arena surface which subsequently was put into SIEC.

I would like to respectfully ask you to raise in the NSW Parliament, the need for owners of horses that have been injured on this surface since its completion, to have access to the SIEC Facility Insurance details, so that these owners can seek ‘damages’ from their horses’ suffering injury whilst competing on what was supposed to be a SAFE surface.

There are many Equestrian Organisations and Associations that use the SIEC Facility who were not informed about the events whereby ENSW was involved in questionable tendering activities (which benefited persons who were serving members of the ENSW Board and their Family members) and whereby fair and transparent tendering arrangements were lacking from the Governance of the NSW Office of Sport.

Of note are the owners of horses competed on these upgraded arenas who have subsequently incurred ‘losses’ to –

- 1. The horses’ health and wellbeing – suffering musculoskeletal injuries from stepping on ‘foreign bodies’ found in the surface,*
- 2. The loss of the horses’ performance whereby the horses were unable to be competed for several days to months after,*
- 3. The ability to achieve a fair score in competition due to poor surface for Dressage, faulty and unsafe surface material which endangered the career aspects of top equine athletes,*
- 4. Veterinarian expenses incurred by the horses’ owners whilst horses were being treated for injuries sustained on the surface.*

An example of such injury as stated above, is where a top Australian FEI Rider/Horse combination was competing at SIEC at the first FEI Competition after the re-surfacing, and during the FEI test, the horse stepped on a plastic ? rivet which was in the surface material. This caused the horse to stumble and go immediately lame with uneven steps and obvious pain. The Rider/owner of the horse made a formal complaint to the Technical Delegate representing the 'Federation Equestre Internationale' (FEI) who subsequently reported this to the FEI. The injury incurred by the horse, cost valuable points toward international selection, veterinarian fees for treatment, time spent rehabilitating the horse back to elite FEI competition status.

The RISK of a more serious incident cannot be overstated. If the horse had gone down and over onto the Rider, the matter would have had far more serious consequences. These horses weigh anywhere from 500kg to 800kg – any incident whereby a horse was to step on a 'foreign body' in the surface which caused the horse to stumble and fall could be a death sentence for the Rider if trapped under the horse”.

In the interests of fairness, transparency, and accountability I wish to ask the following –

I would like to request that the owners of horses who have suffered injury whilst competing on that surface, be afforded the right to know the Insurance Company that SIEC is insured with, and that this information be made available to those Equestrian Organisations who use the SIEC Facility, who will then pass on that information to their membership, so that horse owners can be afforded the opportunity to commence any litigation procedure they consider their right.

I take this opportunity to thank you for bringing this matter to the attention of the NSW Parliament”.

I call on this Parliamentary Investigation to supply the FULL NSW Government Insurance Policy on the SIEC Facility, and to ensure that a 'Duty of full Disclosure' by the NSW Government to the Insurance Company has been attended, whereby the Government has ensured that it is 'noted' on the Insurance Policy that the arena surface laid by Barry Smith Auto Sport P/L is known to be **second-hand and failed arena material which has been dug up from another client's failed arena, and placed into SIEC being passed off as new.** I formally request that the full Insurance Policy and its contents be available for inspection by this Parliamentary Investigation Committee. I fully request that ALL Risk Assessments and Risk Mitigation reports attended on this SIEC arena surfaces be made available to horse owners, and hope these were made to the SIEC Insurance Company. Please supply evidence of same.

The arena surface was not what the tenderer originally was contracted to provide. When it was changed by the Contractor Barrie Smith Auto Sport P/L, during the installation and life of the project, it was with materials that were second-hand and contaminated with foreign particles from another, private contract.

Barrie Smith cannot remove all the contaminated particles. The presence of these particles, no matter how few, are a risk to injury to horses and riders. There is a lack of trust and confidence in the surface of the arena from horse owners and riders.

How is it possible to insure the surface - public liability - if it was installed contrary to the conditions for the NSW government contract?

I call on this Parliamentary Investigation to ensure that there is a 'Duty of Care' to those persons who use the Government owned SIEC Facility whereby under the SIEC Insurance Policy, they have redress under litigation cover, for any negligence and failure to supply by the NSW Government, a SAFE and durable arena surface which meets ALL FEI best practice arena construction requirements, ALL safe sport legislation requirements and all safe environmental requirements under relevant NSW Legislation of same.

Q4.

On Sunday, 16 May 2021 7:59 PM I wrote to the Honorable Mr. Mark Latham

Subject: FW: Sydney SIEC re-surfacing Request by ENSW CEO and Board of 2017 and Tendering process – extract of same –

"Re: Letter from The Hon. Dr. Geoff Lee MP to The Hon. Mark Latham MLC., dated 26th April 2021.

I write to thank you for bringing to the attention of The Hon. Dr. Geoff Lee MP, the very serious issues in regard to the Sydney SIEC re-surfacing and the very concerning tender process and subsequent laying of second-hand surface material, which concerns me as a NSW Tax payer and Australian and International Dressage Horse Breeder, in regard to possible corruption by those at ENSW (Board member/Family members and others) and the NSW Office of Sport.

May I say, I acknowledge the offer of The Hon. Dr. Geoff Lee MP to myself and others to meet with senior representatives of the Office of Sport, Ms. Seefried, Mr. John Vallance and three elite dressage riders, BUT I fail to see how this meeting of us all standing on an arena of second-hand sand/clay material, has anything to do with the issues I have raised which are of major concern. I also state that NONE of these persons are Independent, nor have the qualifications to answer the questions I have raised to you and the NSW Office of Sport in my previous emails. I might also add that I consider these persons to have a MAJOR conflict of interest (all have close involvement in decisions and governance of ENSW and EA – private equestrian organization) in seeing that a transparent and accountable investigation does NOT commence into the highly concerning facts of the SIEC re-surface of 2017 and any possible corruption involved.

A). I fear The Hon. Dr. Geoff Lee MP has missed the point of my concerns regarding the 'arena surface'. In his letter to you, he states 'In March 2021, the Office of Sport engaged Ms. Seefried (FEI Technical Delegate) and Mr. John Vallance (FEI Jumping course Designer) to conduct an independent inspection and assessment of the safety and standard of the indoor arena surface'. This was followed by three elite Dressage riders riding in the indoor arena and giving feedback to both.

Just HOW is this 'assessment' deemed INDEPENDENT, or PROFESSIONALLY attended by appropriately qualified International Dressage Arena Contractor/s (there should be at least two). I would assume that the SIEC staff were required to 'rake the arena surface' prior to this 'assessment'? My question here would be, how many times does the indoor arena get used, by whom, and is the arena surface raked every time prior to ensure the safety of the Riders and Horses given the documented knowledge of 'frequent floating foreign materials coming to the surface' with use? (refer FOI documents which cite over 2500+ foreign objects being raked from the SIEC arena surface – ongoing)."

I ask this Parliamentary Investigation to please supply ALL evidence of where is it being recorded by the NSW SIEC Office of Sport staff, just how much 'foreign material' is being raked from the SIEC arenas surface – date, and amounts of contaminants procured, and how is this information being tabled for evaluation into the ongoing SAFETY of these surfaces, and where has this evidence been sent, to who, and what reports have been generated, and what action taken? Please supply ALL this evidence.

"I am surprised that Ms. Seefried agreed to 'sign off' on an arena surface as being safe when she is NOT qualified in any way to do so. Given that INDEPENDENT Civil Engineering or Geo Technical reports (have NOT been submitted) nor has any INDEPENDENT assessment by two suitably qualified Contractors with extensive knowledge of International Dressage Arena design and construction been sourced and submitted regarding the now SIEC second-hand indoor surface, how then has Ms. Seefried based her opinion, without any expert reports which deem the structure/content to be safe? I highlight her obvious 'conflict of interest'.

The now existing second-hand surface in regard to RISK to riders and horses has certainly NOT been subject to a Full, Impartial, Transparent investigation into current Risk Mitigation nor Ongoing Risk Mitigation reports. I can only assume that as The Hon. Dr. Geoff Lee MP organised this 'assessment' of the SIEC arena surface (as evidenced in his letter to you) with:-

- 1) persons who have very close connections with ENSW/EA and the NSW Office of Sport, and who have a noted 'conflict of interest' into a possible successful cover-up,*
- 2) persons who have absolutely no qualifications in regard to true assessment of the arena surface (which I have asked for previously), therefore this invitation was meant to 'silence' those who have raised the concerns over possible corruption between ENSW, Barry Smith, the NSW Office of Sport and others who are noted documented parties which has resulted in an extremely costly second-hand surface in the SIEC Government owned facility, which was dug up from an ENSW Board member's private property as a FAILED surface, and 'passed off' as NEW, costing the NSW Tax Payer over \$1million+ as well as major ongoing maintenance requirements and costs to ensure horses don't step on 'floating foreign objects'.*

I find it very interesting that The Hon. Geoff Lee MP has NOT mentioned anything in his letter about the SIEC surface being second-hand material that has required extensive 'clean up' to ensure its safety (ongoing), costing nearly twice as much as the original tender contract + and I respectfully question if this FACT is to be swept under the carpet by his Office, and why?

- 1. If Ms. Townsend (ENSW Board Member) had originally paid for her installation of her Wallaby Hill Dressage Arena which was then later decided to be a 'failed' arena surface by ?herself or Barry Smith Auto Sport P/L, WHO then paid for Barry Smith to dig up and dump this 'failed surface' into SIEC? Also, WHO then paid for Ms. Townsend's NEW arena surface to replace it and the construction costs for same, including the repair to the substructure which we now know was damaged in the excavation of removal, causing plastic rivets to be dumped with the second-hand clay/sand into SIEC?*
- 2. Who paid for the costs for Ms. Townsend's arena to be removed and then subsequently dumped into SIEC and passed off as NEW? Please supply ALL financial evidence of same.*
- 3. Where is the evidence of the money trail of these transactions?*

4. Just exactly WHAT has the NSW Taxpayer paid over \$1million+ for? Has the NSW Tax Payer paid for ALL of the above? Please supply ALL evidence of ALL financial transactions for Ms. Alex Townsend (ENSW Board member) and Barry Smith Auto Sport P/L, AND the CEO ENSW and CHAIR, in regard to their involvement with the tender process and subsequent supply winning contract for the SIEC arenas upgrade.

I formally request this question be raised in the NSW Parliament and that a comprehensive answer be sought, with evidence-based explanation, from Independent Experts.

*It is apparent that the winning tender was granted to Barrie Smith, who had only ONE recommendation of arena construction in Australia – that being from the ENSW Board member Ms. Alex Townsend (whose Otto arena installation from Barrie Smith – the first in Australia – was DUG UP as a 'FAILED' arena and dumped into SIEC to be passed off as NEW in the tender process) refer FOI documents. In the documents which I have viewed from the winning tender Barrie Smith, he does NOT mention that he will be using 'second-hand dug up material' from the ONLY arena surface he had constructed in Australia, which was deemed 'FAILED' by the owner of the private property – Ms. Alex Townsend ENSW Board Member, **yet why did she give a testimonial for Barry Smith Auto Sport P/L to win the Tender and on what basis?***

1. Why did Barrie Smith fail to document on his tender bid, that he would be using 'second-hand material' from a Failed Arena which was the first he had constructed in Australia or anywhere? This tender bid from Barrie Smith was the most expensive of all tender bids for SIEC – yet failed to mention the use of 'second-hand material' proposed to be used.

2. Who in the NSW Office of Sport was administering and overseeing this SIEC re-surfacing installation, and how was this enormous corruption missed – surely someone was 'on-site' at SIEC and saw the clay filled sand being dumped?

It is also apparent that in the original documents supplied to the Office of Sport from the ENSW CEO, he does NOT supply any evidence in regard to the requirement for a new SIEC re-surface from any INDEPENDENT International Dressage Arena Contractor/s x 2 (which ENSW should have paid for) to show JUST CAUSE for such an expense to be placed upon the NSW Tax Payer, nor any written complaints from Riders/owners who use the Facility to substantiate such a massive expense upon the NSW Tax payers.

3. How then did this request (without ANY evidence) result in a NSW Government owned facility supposedly granting \$700,000 for the upgrade of the SIEC Facility with the ENSW CEO becoming the person who was 'managing the local tender process' ? (a person who is not qualified, and who appears to have very close contacts within the NSW Office of Sport, Barrie Smith winning contractor, Family members of ENSW Board member and Ms. Alex Townend, thus raising concerns about a 'conflict of interest' in regard to questionable favouritism, bias and possible corruption).

4. was the entire Tender process steered toward a 'favourable win for Barrie Smith Auto Sport P/L' which would give a winning recommendation on the Company CV for further arena installations? ONLY an INDEPENDENT Auditor General's investigation into the entire Tender Process can ascertain the truth of this matter.

The FACT that the Barrie Smith SIEC re-surfacing has cost the NSW Tax Payer more than \$1million+ (ongoing for clean-up raking procedures) on a 'SECOND-HAND dug up surface', which is sub-standard for FEI Competition and where there has been NO INDEPENDENT RISK ASSESSMENT attended by at least two International Dressage Arena Installation Companies is a disgraceful mark against the NSW Government who have allowed the NSW Office of Sport to cover-up this total 'rip-off' of NSW Tax Payer monies.

I formally request the investigation into the SIEC tender documentation, contract, tenders submitted, the awarding of the winning tender to Barrie Smith (and WHY), the administrations of same – including :-

- 1. all processes of assessment of tenders submitted and by whom,*
- 2. the Contract documentation,*
- 3. letting of the contract,*
- 4. administration of the contract including compliance with the contract requirements by the contractor, and who was responsible,*
- 5. inspection and certification of the SIEC arena construction during construction and at completion, to ensure the delivery of product **'fit for purpose and as paid for by the NSW Taxpayers' -according to the winning original contract.***
- 6. Contract and ongoing data supplied and WHO was responsible for ensuring a FAIR, TRANSPARENT and OPEN Tender process (with independent supervision), so that NO bias or favouritism occurred, nor any form of corrupt behaviour, be raised in the NSW Parliament and that a comprehensive answer be sought, with evidence-based explanation, from Independent Experts".*

A 'second-hand dug up failed arena surface' was NOT what the NSW Tax Payers have paid over \$1million+ for, where the original tender was much less, and where other MAJOR Australian Dressage Arena Construction Companies' tender applications were more cost efficient, with evidence of previous 'major best practice installation testimonies'.

In my opinion, the ONLY way for this disgusting chain of events which has led to the NSW Tax Payer paying over \$million+ for a 'second-hand arena surface that is full of foreign material frequently rising to the surface' etc is for a FULL AUDITOR GENERAL'S INVESTIGATION into ALL which occurred, which has resulted in this disgraceful sub-standard arena surface which has cost us, the NSW Tax Payer over \$1million + ongoing!

I also submit, that the ONLY way to correct all the above is –

- 1. refer this entire matter to the NSW Auditor General's Office for a full investigation,*
- 2. have the SIEC 'second-hand arena surface' (which is unsafe) dug out and tender appropriately and honestly for a world class International FEI Dressage Arena surface to be installed, which is LOW MAINTENANCE, of high quality, and has proven evidence of endurance of wear over time of use, which meets requirements of the Australian climate.*

I call upon The Hon. Geoff Lee MP, to ensure that his NSW Department of Sport is above ANY possible corruption concerns whereby the call for an 'Independent Auditor General investigation' into this SIEC mess is supported – anything less, certainly throws suspicion on a potential 'cover up' under HIS Governance – especially given his rather lack of action and pathetic reply, to your and my + others concerns. As a NSW Tax payer I expect honesty, integrity and transparency from Senior Government MP's, who are tasked to ensure corruption has no place in Government decision-making and spending of Tax payer monie"s.

I call upon this Parliamentary Investigation to investigate ALL the above concerns, especially regarding why Minister Lee did not refer this matter to the ICAC.

Why would anyone who understands 'conflict of interest management' have any trust or confidence in the Office of Sport 'engaging' John Vallance to 'independently' certify that the arena was safe? Mr John Vallance certainly is not independent and is conflicted at every stage and level of the process. He is friends with Stephen Dingwall. He was on the advisory panel to the tender evaluation committee. He approved the arena as suitable to complete the contract in January 2018.

How can any trust be placed in Mary Seefried when she has NO professional documented evidence to support her statement that the arena surface is safe? How does she support her 'assumption' to an Insurance Company? The Equestrian Community know that the arena is second-hand and contaminated - how then can Mary Seefried recommend it as being SAFE under Insurance Policy Specifications for same and duty of care for possible Litigation against safety in the face of injury or death?

I would like to question whether this Parliamentary Investigation can ascertain whether Minister Geoff Lee, Mr. John Vallance and Ms. Mary Seefried were given copies of the SIEC Insurance Policy to read, where it specifically states that the policy covers any 'negligence in duty of care to disclose and ensure a safe, durable surface which meets FEI standards and requirements for International FEI Competition' in the case of any injury or death from the known second-hand contaminated failed material in the SIEC arenas.

OF NOTE: - IF the Insurance Policy on the SIEC arenas does NOT cover this second-hand failed surface, THEN WHY NOT? The Liberal NSW Parliament knew this Government owned facility had a 'second -hand failed surface' dumped into its Government owned facility, and should have tabled this in NSW Parliament to be then determined by ALL sitting NSW Parliamentarians of ALL Parties, to determine the then actions to rectify this huge safety concern and the miscarriage of use of NSW Taxpayer monies. The Liberal NSW Parliament should then have mounted a FULL investigation into how this occurred (now being held) and then what exactly the NSW Government was going to do, to rectify this HUGE oversight in their 'Duty of Care' to those who utilize the SIEC facility and to ensure that ALL data is supplied to the Insurance Company in regard to 'faults and possible defects' which may later bring about litigation in regard to 'Injury or Death of Rider or Horse' – especially in light of all evidence supplied in this NSW Parliamentary Investigation. WHY was this not done – and which Minister of Sport, Office of Sport officials and NSW Parliamentary staff were involved in this cover-up.

Ongoing, if the SIEC arena surface is NOT removed and a new surface NOT tendered transparently and merit based, just what actions are the NSW Government going to take to ensure users of the SIEC facility are made aware of the Insurance Policy which covers liability for same -that the SIEC Insurance Policy identifies the known second-hand failed and contaminated arena surface material that was placed by Barry Smith Auto Sport P/L, to ensure the right of litigation by persons who ride,

or own horses, and those Sponsors who may be negatively impacted by horse or rider injury or death from this failed second-hand surface.

I call on this Parliamentary Investigation to supply ALL details of ALL the above, and of the Insurance Policy on the SIEC arena surface and to make this public for examination by the NSW tax payers and ALL those who use the NSW Government owned facility.

IN SUMMARY –

I formally request this NSW Parliamentary Investigation access and review ALL the documentation in regard to the issues I have raised above, to ensure that a transparent, open and fair Tender process was obtained prior to the decision to award Barry Smith Motor Sport P/L the winning tender for the upgrade of the NSW Government owned SIEC facility.

I formally request this NSW Parliamentary Investigation access and review ALL of the documentation in regard to the RISK ASSESSMENT attended prior to any decision being made by ? persons at the NSW Office of Sport for a need to upgrade the SIEC arenas.

I formally request the NSW Parliamentary Investigation supply ALL documentation of ongoing RISK MITIGATION for the SIEC facility arena issues (unless the arenas are dug out and totally replaced on a new transparent Tender process which is open to public scrutiny),

I formally request this NSW Parliamentary Investigation refer ALL documentation of this review to ICAC for possible criminal and/or corruption investigation.

Yours sincerely,

Australian and EU Dressage Sport horse Breeder,

Member of EA, ENSW