

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

Name: Name suppressed

Date Received: 28 August 2021

Partially
Confidential

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

- [Mr Peter Dingwall](#)
- [Mr Barrie Smith](#)

Hon Daniel Mookhey MLC

27 August 2021

Chair, Public Works Committee

Legislative Council Parliament of NSW

Email publicworks@parliament.nsw.gov.au

**Re: Contract number OoS17/18-021 with the Office of Sport -
Submission regarding the Public Works Committees Investigation**

Dear Mr Mookhey,

I wish to express my gratitude to Mr Latham and the NSW department of Public Works for pursuing the issue of the Berejiklian Government under-funding of ICAC, specifically in relation to their failure to fully investigate the possible corrupt conduct of the NSW Office of Sport and others in the awarding of its million dollar grant to Barrie Smith Motor Sport in November 2017 for the upgrade of facilities at the Sydney International Equestrian Centre; despite ICAC having identified questionable conduct that clearly warranted further investigation, explanation and possible sanctions for the parties and individuals involved- specifically 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 Sydney International Equestrian Centre (hereafter called SIEC) is a publicly held asset with public funds used to administer and maintain it. The NSW Government has an obligation to ensure that public funds are administered correctly and prudently regarding its maintenance and useability. The issue of the re surfacing of the 2 arenas at SIEC and the failure of ICAC to pursue an investigation into highly questionable conduct surrounding this matter ensures that this waste of public money and manipulation of systems intended to protect processes and public assets will continue with impunity.

I have watched the SIEC drama unfold with concern, my understanding is that the “modus operandi” of ENSW in this matter is representative of the management of Equestrian Sports in all states and Nationally and inherently wrong. I hope the fact that I am a resident of Victoria will not negate my input here; as an Australian citizen and taxpayer SIEC is of National Significance and the Australian Government partly funds the States. I had hoped that the NSW ICAC investigation would call all parties to account , alas I was disappointed but not surprised.

Please be aware that I have no legal knowledge regarding making a submission to a government inquiry; if in doing so I open myself to actions against me by the individuals or organisations I refer to herein or if I am indemnified under any law as clearly I do not have the protection of parliament. Accordingly, I make the following disclaimer – 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. I have a perception that there are clear allegations of corrupt conduct in the public arena regarding this matter, that ICAC identified and failed to pursue. These issues require investigation and possible sanctions, I leave this to your investigation. I offer you my research and years of involvement in equestrian sports to pose knowledgeable questions and directions for inquiry.

I have no personal vendetta regarding the individuals, departments and organisations involved other than to see justice done, the law enacted, and transparent governance returned for my sport which has suffered years of questionable governance, that in my personal opinion this situation is an example of. My purpose here is to provide some starting points, questions and suggestions that may aid your investigation and direct you to seek and examine specific *evidence* where available, and to consider your findings under the requirements of the law and balance of probability.

Though is probably outside the scope of your investigation, my following comment is relevant as background : With regards to ENSW, Equestrian Australia and the other State Branches I perceive a management culture that is endemic throughout Australian equestrian sports administered by these organisations jointly and severally and has been permitted to continue with impunity for years. Your investigation provides an official pathway and gravitas to refer your findings onto other responsible government bodies to achieve broad rectifications beyond the alleged mismanagement of a public asset, to show these officials that this is not OK and there are repercussions.

Equestrian Sport receives significant public funding within your state and Nationally and by its nature requires major investment in public infrastructure, SIEC is an important public utility and is relevant on a National scale, it should be managed efficiently and with integrity, did the NSW Office of Sport do this? I implore you to extend your area of influence to include refer your findings for

rectification using the full scope of all relevant government bodies who have neglected to act thus far.

Regarding your terms of reference Items- (c) (e) and (i) any other related matters

The public has a right to expect the NSW Government to hold public bodies to correct legal and professional standards. 1 million dollars+ is not an insignificant sum, abuse of process that is permitted to go un-investigated and un-sanctioned sets a precedent for further abuse. Failure to pursue this matter in ICAC demonstrates that the NSW Government tolerates abuse of process and public funds. This is not acceptable thank-you for calling them to account via your investigation.

This matter requires investigation under the definition of corrupt conduct : “The conduct as demonstrated in this matter by Corrupt conduct, as defined in the *Independent Commission Against Corruption Act 1988* ("the ICAC Act"), is deliberate or intentional wrongdoing, not negligence or a mistake. It has to involve or affect an NSW public official or public sector organisation.”

This SIEC matter warranted further investigation officially by ICAC. I implore the NSW Public Works Department to pursue this matter to achieve this end and make ICAC do their job. The money saved by public departments and related organisations doing their jobs competently because through fear of an ICAC investigation should outweighing the costs of investigations and sets an example, currently it is too easy to “get away” with things because the cost of investigation is under-funded.

The matter of ENSW and the NSW Office of Sports involvement in the resurfacing of the SIEC has been the subject of negative National Newspaper coverage that clearly demonstrates the need for a public inquiry.

AND ALSO : Regarding your terms of reference Item- (i) (c) any other related matters

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.

ENSW's behaviour in this matter also contravenes their own Constitution, Statement of Purpose and Directors Behaviour document. I would ask that your inquiry lodges an official complaint to ASIC regarding ENSW's various infractions of the Act, should your findings support my allegations.

With reference to your terms of reference items (a) (b) and (c)

Within any organisation there may be issues under your item "(c)". The issue of NSW's ICAC underfunding is mirrored in ASIC's inaction – lack of funding resulting in a very narrow window for investigation.

Timely investigations with appropriate sanctions would act as deterrents, this is not happening. If these organisations did their jobs, your actions in this investigation should not have been necessary. If people could rely on due process being adhered to and infractions investigated and consequences awarded then the public could have more confidence in public institutions, corporate bodies and ultimately their government, unfortunately this is not the case.

Investigations and sanctions would help reduce corruption and save money on rectifications. In this case the Public Works is left with a utility that requires significant rectification.

For incorporated organisations, if ASIC was sufficiently funded to pursue breaches of the Corporations Act , and IF they had ANY process or terms for non-standard "stake-holders" of organisations such as Sporting Bodies to lodge a complaint, then your item "(b)" would be pursued by the body that should be the initial starting point for such actions - ASIC. Certainly, a number of issues identified under your terms of reference come under the Corporations Act and ASIC.

ASIC has an extremely narrow framework to pursue any claims other than those that affect the largest number of people, leaving smaller companies entirely un-protected. The abuse of power goes on while “the little people” remain under the misapprehension that they are protected. They are not .

The Article in The Australian by Olivia Caisley – February 19, 2020 puts these perceptions very clearly - E.N.S.W. - Conflict Claims Over Sydney International Equestrian Centre Surface Upgrade. This article can be accessed [here](#)

I offer these comments, suggestions and questions for your consideration in this investigation:

Regarding your terms – items (b) (c) and (d)

1. Did the surfaces actually need upgrading, was this misrepresented by ENSW?

- (i) Who made the initial approach to Sport Australia regarding the need to resurface these 2 arenas at SIEC. Was it the CEO of ENSW ,Bruce Farrar? Under whose direction was the need identified and approach made to Sport Australia or Sport Australia identify the requirement, who exactly?

I quote from “The Australian” Newspaper article titled E.N.S.W. - Conflict Claims Over Sydney International Equestrian Centre Surface Upgrade, Exclusive- Olivia Caisley-February 19, 2020 : ” Documents seen by The Australian show that in March 2017, Equestrian NSW made representations to the state’s Office of Sport for funding to upgrade two dressage arenas at the centre, an upgrade it claimed would yield upwards of “\$1.2m per annum” for the state economy.”

- (ii) What direction, if any, did the ENSW Board give Mr Farrar. What input did the ENSW Board Chairman, Peter Dingwall, have in this recommendation that the resurfacing was required?

- (iii) What evidence was submitted to support this requirement?
- (iv) What weight was given in the eventual decision, to the support of the need for resurfacing the arenas by the letters from eventing riders Shane Rose and Stuart Tinney? Note: neither are Olympic dressage riders.

In what capacity, if any did Judy Fasher, the Chair of the Equestrian Australia Board, act regarding facilitating the letters from Shane Rose and Stuart Tinney as submitted on the Equestrian Australia Letterhead?

Was their advice followed up by Matt Miller for more details regarding their recommendations?

- (v) Were there any supporting recommendations from dressage riders? They are the most inclined to require a premium surface. Were any complaints by elite dressage riders regarding the old surface, tendered?
- (vi) Regarding “Did the surfaces actually need upgrading?”: What follow up due diligence was undertaken by the Office of Sport, Matt Miller, to confirm this requirement?
- (vii) With reference to 1 (i) an upgrade it claimed “ would yield upwards of \$1.2m per annum for the state economy.” What evidence did ENSW offer to support this claim? What evidence was provided that the current surface of the 2 arenas in question were a disincentive for competition organizers to utilize SIEC? (figures, bookings pre Covid, categories of users)

It should be noted that there is a limited number of elite equestrian competitors nationally that could conceivably require/ or be knowledgably critical of an arena competition surface sufficiently enough to be “put-off” by a competition surface. Conservatively, this would be competitors competing at Inter 1 and above in

dressage and equivalent high levels in other equestrian sports. National numbers for these competitors could be obtained from Equestrian Australia and from ENSW for NSW.

Having been an equestrian competition organiser in the past I submit that there are many other variables that influence choice of venue. Location, accessibility, facilities etc are all influential variables, some of which are not modifiable regarding the SIEC.

- (viii) A major question is : **who exactly would benefit by the SIEC upgrade of two arena surfaces?**

2. Preferred Technology – Why did ENSW recommend the ebb and flow and mat technology? This resulted in an invitation only tender to a limited number of companies, one of which was Barrie Smith Motor Sport Pty Ltd, BSM Sport Equestrian (which is the Australian distributor for German arena surfaces company Otto Sport), a company that Peter Dingwalls (CEO of ENSW) son, Stephen Dingwall is employed by :

- (i) Who provided the “expert” advice on the type of new surface required and was that advice impartial in the true sense of impartiality?
- (ii) It is my understanding that the primary purpose of Ebb and Flow technology used under an arena surface is for drainage. Drainage becomes more problematic where certain conditions exist such as very high rainfall, lack of surface maintenance, high usage, base soil type, site slope and improper base.

Given that the indoor arena at SIEC is undercover, drainage issues caused by high rainfall should not have been an issue, a diverting external drain should have sufficed.

Why was Ebb and Flow with mats favoured for both arenas, indoor and outdoor?

Why was it necessary for the indoor arena? Surely installation under 2 arenas made the entire tender more expensive, at a minimum this should have been questioned by the Office of Sport.

- (iii) What expert evidence/ investigations were submitted re: rainfall, base soil type i.e. tests, landfill, maintenance schedule, was provided that an “ebb and flow” system was the best option for one / both arenas?

Surely expenditure of public money of this magnitude deserved at least the level of investigation and documentation required for an average suburban house?

- (iv) I understand that the initial application and the resultant tender document for the SIEC work were researched and prepared by ENSW CEO Bruce Farrar, even though the SIEC is a government asset and not owned by his employer ENSW:

- Did the ENSW board sanction Farrar’s work on this project or did he embark on this task under his own initiative? How likely was this – balance of probabilities?
- What were Farrar’s reporting requirements back to the ENSW Board? i.e. What did the ENSW Board know and what were their directives on this matter? (evidence- meeting minutes, witnesses)

Here I am not questioning the concept of involvement of ENSW in this process ,their members are the primary end-users of SIEC and they are arguably the best placed to provide information; it is the impartiality, transparency, and checks and balances of

the process that are under question here. I would also ask if the outcome demonstrated an “abuse of privilege and power”?

- (v) The ENSW recommendation that the Ebb and Flow with mats system was the preferred option had a direct impact on the number of suppliers and installers who could furnish the end-product; and resulted in focusing the tender on a limited number of invited suppliers. Anyone with a suspicious mind could surmise that the effect of this was to channel the eventual outcome towards a specific supplier, especially when appraised of the “connections” of the “influential players”. i.e. perceptions of corrupt conduct”
- (vi) “The decision to award the contract to Barrie Smith Motor Sport Pty Ltd was made by the NSW Office of Sport”:

However, given that ENSW, had identified the alleged need for re-surfacing and then generated the (draft?) tender documents, and had nominated Barrie Smith Motor Sport Pty Ltd, BSM Sport Equestrian as the preferred supplier then this decision was hardly surprising. Especially, where there appeared to be a lack of due diligence by the Office of Sport in corroborating the initial application for funding, facts and the tender details independently.

- (vii) Again- A major question is : **who exactly benefitted by the SIEC upgrade of two arena surfaces, IF they did in-fact require upgrading?**

In my opinion it would be difficult to not have a perception of corrupt conduct given the information that has been revealed under “Freedom of Information”. The outcome and the missing answers deserve thorough investigation on behalf of the NSW public:

3 I believe that these are verifiable facts available in the public domain – Following an invitation-only tender process, Barrie Smith Motor Sport Pty Ltd was selected by the NSW Office of Sport to carry out the upgrade of the surfaces of 2 SIEC arenas . According to tender documents seen by “The Australian”, this selected company was the **most expensive** of the three companies considered. “ This company furnished only **one testimonial** regarding their work and was allegedly the **least experienced** in arena surface installations in Australia (see 4 following)

- (i) Mr Dingwall’s (Board Chairman ENSW) son, Stephen, is married to the daughter of Barrie Smith and has worked for his father-in-law’s company, BSM Sport Equestrian, which is the Australian distributor for German arena surfaces company Otto Sport.
- (ii) Stephen Dingwall and his wife, Niki, are sales representative for Otto Sport Australia, whose products were used in the upgrades at SIEC.
- (iii) I note from the afore mentioned “The Australian “ article that “Peter Dingwall said the tender process was conducted by the NSW Office of Sport. At no time prior to, during or since the tender process have I had any -involvement in the process, nor have I had any communications whatsoever with any employees of the NSW Office of Sport or SIEC concerning the upgrade, he said. I have never seen, nor been privy to, the contents of the tender documents *issued by the NSW Office of Sport* or the *submissions made by any tenderers*. Consequently, I have never been in a position giving rise to a conflict of interest.”

I find the language used in this statement interesting because it is legally *very* careful. It is my understanding that the tender process was “*administered*” by the NSW Office of Sport, “administered” has various connotations as to the level of actual involvement in the “nuts and bolts” of the tender, it implies “oversight” not

necessarily sole input; clearly the Office of Sport made the final decision; however, this was based on the information and recommendation supplied solely by ENSW.

Documents obtained under FOI (Freedom of Information) show that the Terms of Reference (Tender) documents and Finance Application for the SIEC job were researched and prepared by ENSW CEO Bruce Farrar (even though the SIEC is a government asset and not owned by his employer ENSW).

This calls into question Peter Dingwall's statement to that paper that "the tender process was conducted by the NSW Office of Sport." This statement can be interpreted as very broad, what does "conducted" encompass? As expressed, it obfuscates the level of involvement by a paid ENSW employee, a key person in the process, the ENSW CEO.

For me Mr Dingwall's statement is open to interpretation: "the process was conducted by the NSW Office of Sport"; which strictly speaking in its *broadest* interpretation is truthful. The exclusion of the words - the process "*in its entirety*" was conducted "*solely / exclusively* by the NSW Office of Sport " means that the involvement of other parties in the process was not excluded. Furthermore, Mr Dingwall did not define exactly what elements "*the process*" included and by omission fails to explain the role of ENSW's CEO.

The remainder of Mr Dingwall's statement "At no time prior to, during or since the tender process have I had any -involvement in the process, nor have I had any communications whatsoever with any employees of the NSW Office of Sport or SIEC concerning the upgrade, I have never seen, nor been privy to, the contents of the tender documents issued by the NSW Office of Sport or the submissions made by

any tenderers.” Still leaves a large amount of “wobble room” and is open to various interpretations.

The tender documents issued by the NSW Office of Sport were based on the application for funding for the SIEC upgrade made by the CEO of ENSW; likewise the tender documents issued by the NSW Office of Sport were based on the work done by the ENSW CEO. It is quite possible that Mr Dingwall did not sight the final tender document issued by the Office of Sport but does not rule out the possibility of him sighting draft documents prepared by the ENSW CEO.

I find Mr Dingwall's alleged statement :“Consequently, I have never been in a position giving rise to a conflict of interest.” extremely alarming. As a Magistrate he would have been very aware of the “appearance of impropriety” and should have ensured that ENSW declared a director's material personal interest as required under the Corporations Act.

On the balance of probabilities are we to believe that the ENSW Board Chairman had no input and knew nothing? I would assume that the ENSW CEO communicated with his board? Realistically how could the board chairman Peter Dingwall maintain this position and be oblivious to the major role played by his ENSW CEO?

Whilst Peter Dingwall may not have “had any communications whatsoever with any employees of the NSW Office of Sport or SIEC concerning the upgrade”, surely he communicated with his own organisation's CEO on this major undertaking that would have diverted his CEO from other ENSW duties?

Furthermore, under the balance of probabilities how likely is it that Stephen Dingwall would not have communicated his employers involvement, and possibly his own

direct involvement (bears investigation), in a tender that was researched and developed by ENSW CEO; to his own father, the Board Chairman of ENSW?

I would hope that the Department of Public Works investigates the questions I have raised regarding these key issues.

- (iv) ***The issue of credibility and probability*** - It beggars belief that the ENSW Board was not appraised of the fact that their CEO, a paid employee, was involved in the SIEC tender and was not required to report to the Board on his work output; that he received no ENSW Board directives or input regarding this work and was completely oblivious to the family connections regarding one of the key companies under consideration regarding this tender and the ENSW Board Chairman .

It would appear that there was a confluence of coincidences where Peter Dingwalls son's employer was the preferred and eventual winner of the tender? If the ENSW board was not involved, then they should have been on some level, or do they make it a practice of permitting their CEO to work on external tenders without any input? This is not to say that the ENSW Board could have been involved without Mr Dingwalls input as he had the option, and indeed the requirement under the Corporations Act, to declare an interest and opt to withdraw from all discussions on this matter.

Mr Dingwall appears to have made no claims to having taken the action described above, I have not heard of any substantiating meeting minutes have being tendered as evidence of this action. This would lead me to believe that this did not happen.

Regarding Me Dingwalls assertions that he essentially knew nothing and wasn't involved : have board meeting minutes been presented to support Mr Dingwalls assertions and were other board members questioned over this matter?

At the very least this situation possibly speaks to sloppy, negligent, inept business practices conducted by an Incorporated Company. Mr Dingwalls previous occupation as a Magistrate would have alerted him to the legal requirements of the Corporations Act and Directors duty to disclose material interest, he should have erred on the side of caution, all of which should have been documented and warrants a thorough investigation where ASIC should be notified.

(v)

- (vi) I would hope that this investigation requests copies of all communications between , Barrie Smith Motor Sport Pty Ltd, BMS Equestrian and Otto Sport and Bruce Farrar, to identify if the name Stephen Dingwall or his wife, Niki Dingwall, who are sales representative for Otto Sport Australia; ever appeared in notes or documents during Mr Farrar's formulating the tender. Surely if they did then Mr Farrar would have had cause to alert Peter Dingwall of this issue?

Mr Farrar failed to disclose the connection between the Dingwalls when signing a "no conflict of interest" declaration on October 25, 2017. Given the role of Stephen Dingwall with the preferred supplier Barrie Smith Auto- BSM Sport Equestrian and Otto Sport ,how likely is it that Mr Farrar would not have been alerted to the

relationship with NSW Board Chair Peter Dingwall? It would be interesting to see if Stephen Dingwall or Niki Dingwalls names appears anywhere in the documents submitted by Mr Farrar to the Office of Sport or indeed in any of his research. (Brochures, contacts etc.)

- (vii) What exactly does “ease of dealing with” the preferred tenderer mean? What weight was put on this recommendation? What were the obstacles regarding dealing with other tenderers? In my opinion this statement clearly indicates a “relationship” bias and requires further explanation from Mr Farrar. In what way were other companies more difficult to deal with?

Regarding your terms – items (a) (b) (c) and (d)

4 The use of “second-hand” material, not accounted for in the tender document: its provenance and link to NSW Board Member, Alexandra Townsend.

- (i) Alexandra Townsend is the proprietor of Wallaby Hill Equestrian Centre situated in the NSW Southern Highlands.
- (ii) Ms Townsends installation was the ONLY reference for the successful tenderer Barrie Smith Motors, an agent for the German riding surface company Otto Sport.
- (iii) Alexandra Townsend did not declare any conflict of interest, being an NSW Board Member, when providing the reference to the NSW Office of Sport. This evidences that at least 1 board member knew about the tender process.

- (iv) I understand that the surface from Wallaby Hill was subsequently dug up and re-used in the SIEC project. The SIEC documentation does not note the use of pre-used materials.
- (v) Has Alexandra Townsend provided any explanation as to why the surface at her property was removed? At whose cost was it removed? Was she aware that the surface would be re used at SIEC? If the surface had not gone to SIEC how would it have been disposed of and at what cost? Did Wallaby Hill/ Alexander Townsend receive any price advantage on her replacement surface as a consequence of the old surface being used at SIEC?
- (vi) Was the use of pre-used components notified to the Office of Sport, when and by whom? Did the Office of Sport authorise its use, if so why? If yes, were the circumstances regarding the surfaces removal from Wallaby Hill disclosed and its suitability for re-use guaranteed?
- (vii) Did the use of pre-used materials provide a reduction in the cost of the SIEC project to the Office of Sport / Public Works Department? If not, why not?
- (viii) It has been alleged that the surface from Wallaby Hill contained chemical contaminants that were injurious to the environment and possibly humans and horses. Nearby residents had been made aware of this contamination and submitted complaints to their local council resulting in the removal of the surface. It would be prudent to check this matter with the relevant council and the EPA to determine the facts.

It is further alleged that if the Wallaby Hill Arena surface was contaminated with harmful chemicals the disposal of this surface would have been problematical and at significant cost to Alexandra Townsend. How fortunate that SIEC provided a “useful dumping site”.

On this matter of contaminants: I refer to the following websites as a starting point on this issue:

<https://www.plasticsoupfoundation.org/en/2021/01/how-hazardous-carpet-waste-ends-up-in-horseboxes/>

“Surface strengtheners made of waste textiles are the most popular and, within this, synthetic materials are the material of choice as they do not disintegrate. Wool rots and smells, but carpet fibres (shredded carpet offcuts, polyflakes [residues from the textile industry]), or geopad (shredded weighing cloth), remain good for years. However, these residues or waste products are often made of polyester and are frequently treated with chemicals that are toxic for humans, animals and the environment.”

OVER 59 DIFFERENT HAZARDOUS SUBSTANCES

“This is a problem, especially for the environment. Research conducted by Anthesis demonstrated that European carpets are made from a complex mix of synthetic materials such as polyester, polyamides and polypropylene. Carpets are made of several layers of different materials that are then coated with chemicals to make them flame retardant and stain-resistant. More than 59 hazardous substances have been found in European carpets, including toxic substances such as lead, phthalates, PFAS, fluorine compounds and metals. These substances pose various health risks, including developmental disorders, endocrine disruptors, asthma, reproductive disorders and cancer.....

Sometimes these fibres contain dangerous additives that can be released into the environment. These could be certain types of flame retardants that keep carpets from catching fire easily but could also be biocides. Fabric fibres also absorb chemicals and our surroundings thus act like sponges that absorb chemicals”.

<https://www.gov.uk/government/publications/using-shredded-waste-carpet-in-equestrian-surfacing-rps-248>

- (ix) Does the Office of Sport and the Public Works Department support the use of second-hand chemically contaminated material in publicly held facilities?
- (x) It is my understanding that the used arena material from Wallaby Hill was also contaminated by hard plastic grommets (used to join the matting sheets) that were inadvertently scraped off the matting when the surface material was removed. These grommets were then deposited on the area surface at SIEC and reportedly have caused an injury to a competition horse that was reported to the FEI. These grommets are a danger to horses and will also require being removed, probably

along with the chemically contaminated material. This poses the same problem as the removal of the surface material caused at Wallaby Hill, that is the loosening of the new mat grommets already installed at SIEC where they become inter-mixed with any new surface installed and pose the same problem as the loose Wallaby Hill grommets. This issue must be factored into rectification work and addressed effectively.

- (xi) Regarding the relationships mentioned above, did Mr Farrar and the ENSW Board know about the re use of the Wallaby Hill arena surface at the SIEC? If yes, when? (evidence- minutes).
- (xii) Did Alexandra Townsend attend the ENSW board meetings if / where the SIEC funding project was discussed if it was. Did she declare a conflict of interest to the ENSW board or CEO Bruce Farrar? (meeting minutes, ASIC)
- (xiii) Is there any commercial relationship between Alexandra Townsend or Wallaby Hill with Barry Smith Motorsport, BSM Equestrian or OTTO ? If so, what is the nature of the relationship? Ms Townsend appears in a YouTube video on the Otto Sport website promoting their product -
<https://www.bsmsportequestrian.com.au/pages/otto-sport>
It appears that Otto Sport has sponsored events held at Wallaby Hill, this connection bears investigation.
- (xiv) The issue of contaminated “second-hand” material should never have become an issue if the tender document as submitted was adhered to. Whose responsibility was it to oversee that the on-site work was completed as per the contract?

In Conclusion :

In undertaking this research I note that some elements of the questions I have posed have been posed in some form by Mr Latham - Legislative Council Questions and Answers No. 406—

Thursday 17 December 2020 17 December 2020 (Paper No. 406) 2762 Sport, Multiculturalism, Seniors and Veterans - Upgrade of Sydney International Equestrian Centre

—Mr Latham To Ask the Minister for Mental Health, Regional Youth and Women Representing the Minister for Sport, Multiculturalism, Seniors and Veterans.....etc

I am sure that the questions as posed in this paper and not addressed by ICAC or any other investigative authority will be tabled in your investigation of the matter especially due to Mr Latham's involvement in this investigation

I realise that a significant number of my questions are covered in Legislative Council Questions and Answers No. 406. However, I do feel that I have posed some additional pertinent questions, "fleshed out" some areas, pointed out a number of discrepancies and further areas for investigation that hopefully will aid your investigation

It is clear to me that due process has not been followed in this tender and completion process as applied to a government asset and that the Office of Sport and ICAC have not performed as required by their duties to the public and the NSW government. I hope that your investigation will clarify the issues I have raised in my submission and hold those responsible to account by using your influence to force ICAC and ASIC to act.

Any way you look at the outcome of this process, the public facility that has been damaged and put out of commission is SIEC, and someone else has benefited. The rectification will take time and further "down-time" for the facility even before the cost of rectification and the party responsible is factored in. It is unacceptable that a Government Department and the State's Peak Equestrian

Body have been complicit in this outcome and that another Government Body, ICAC , has identified issues and failed to call any party to account.

Perhaps the over-riding question should be “Who stood to benefit from this tender if the issues raised herein had remained un-disclosed”? Certainly not the NSW public or equestrians.

Thank you for your time and effort

Sincerely

ADDENDUM

This is a suggestion regarding requests for evidentiary minutes and source documents. I would suggest that you request these documents in MS Word format not hard copies. Hard copies don't provide any of the editing date details other than what is claimed on the document itself. Though digital copies are open to editing, sometimes the creation date and editing dates remain in the meta data attached to the MS Word file unless the computer operator that generated/saved the document has set the document properties to hide these details. If this data remains it allows you to see if the original un-edited version was submitted or changed.