

REPORT OF PROCEEDINGS BEFORE

**SELECT COMMITTEE ON THE AGISTMENT OF
HORSES AT YARALLA ESTATE**

INQUIRY INTO THE AGISTMENT OF HORSES AT YARALLA ESTATE

At Sydney on Monday 5 August 2013

The Committee met at 10.15 a.m.

PRESENT

The Hon. R. Borsak (Chair)

The Hon. T. Khan (Deputy Chair)

The Hon. L. Foley

Dr J. Kaye

Mr S. MacDonald

The Hon. Dr P. Phelps

The Hon. E. Wong

CHAIR: Welcome to the first public hearing of the Select Committee on the Agistment of Horses at Yaralla Estate. This Committee was established on 27 June 2013 to inquire into the current and future agistment of horses at the Yaralla Estate, also known as the Dame Eadith Walker Estate. The Committee's terms of reference also require it to have particular regard to the actions of the Sydney Local Health District; the eviction of community members whose horses were agisted on the estate lands; and the audit conducted by Blue Visions Management Pty Ltd. Today we are hearing from representatives of the NSW Police Force, Blue Visions Management and the City of Canada Bay Council. The Committee will also hold a public forum this evening at Concord RSL Club in which we will have the opportunity to hear from community members who are impacted by the issues that are the subject of this inquiry. The forum will commence at 6.00 p.m., and members of the public are welcome to attend. As chair of the Committee I thank all our witnesses who are attending today.

Before we begin I will make some comments about procedural matters. The Committee has previously resolved to authorise the media to broadcast sound and video excerpts of the public proceedings. Copies of the guidelines governing broadcast of the proceedings are available from the table by the door. In accordance with the guidelines, media can film Committee members and witnesses but people in the audience should not be the primary focus of any filming or photographs. In reporting the proceedings of this Committee the media must take responsibility for what they publish or what interpretation is placed on anything that is said before the Committee.

Witnesses are advised that if there are any questions they are not able to answer today but which they would be able to answer if they had more time or certain documents at hand, they are able to take a question on notice and provide us with an answer within seven working days. Witnesses, members and their staff are reminded that any messages should be delivered through the attendants or the Committee clerks. I also advise that under the standing orders of the Legislative Council any documents presented to the Committee that have not yet been tabled in Parliament may not, except with the permission of the Committee, be disclosed or published by any member of such Committee or by any other person.

Witnesses are advised that if they should consider at any stage during their evidence that their response to particular questions should be heard in private by the Committee, please state the reasons and the Committee will then consider their request. I also remind witnesses that the freedom afforded to witnesses by parliamentary privilege is not intended to provide an opportunity to make adverse reflections on specific individuals. Witnesses are asked to avoid making critical comments about specific individuals and instead speak about general issues of concern. Finally, please turn off mobile phones for the duration of the hearing.

NICK KALDAS, Deputy Commissioner, Field Operations, NSW Police Force, and

AIDAN HUGHES, Director, Finance and Business Services, NSW Police Force, sworn and examined:

Mr SCOT MacDONALD: Thank you for coming in today. I have not had a lot of time to read your submission, only a few minutes, so bear with me. Has either of you gentlemen been out to the site at all?

Mr KALDAS: I have not.

Mr HUGHES: No.

Mr SCOT MacDONALD: Obviously people who went out there reported to you. What was the impression of the condition of the grounds, the suitability for the horses and the infrastructure and things like that? I am just scanning briefly your submission. It looks like you had some serious concerns?

Mr KALDAS: Perhaps I might start and then I will hand over to Mr Hughes for more specific information. Mr Hughes is the director of finance and business services for the NSW Police Force. I am the Commander of Field Operations, which includes the mounted unit, the Mounted Police, as well as a number of other areas, obviously. Certainly the Mounted Police have been out there many times and they have inspected it, up to and including Assistant Commissioner level. I apologise, our thoughts about what we were going to say were based on the fact that Dr Anderson from Health would be speaking before us and we would simply follow up on issues that affect the police. That has not happened; she has been moved. I do apologise if it may seem a little more disjointed than it otherwise would have.

The bottom line is that we were approached by Health in relation to the use of the land there. We had a number of discussions. We felt that the land could be used better. There were some issues there that we have been made aware of but I do not have direct knowledge of. Health would be in a much better position to discuss that. At the end of all of that, in our view this presented a logical, appropriate use of the land and we certainly have an urgent need to agist horses that are required operationally to be close to the city regularly. We felt, and still do, that the NSW Police mounted unit's use of the land would be the best option for looking after the land properly, good for the mounted unit itself and good for the greater public interest. Again, from our perspective, we felt there had been quite a deal of engagement and effort to communicate the reality of the situation and what was happening, but that has not happened.

I need to say at this point that NSW Police mounted unit is the oldest continuously operating Mounted Police Unit in the world. The men and women staffing it are recognised experts in the field of horse care. They are also incredibly devoted, compassionate individuals who are committed to excellent care of their horses and working for the safety and welfare of the people of New South Wales. They engage and connect with the community every day and hold open days and visits which are always well attended and much appreciated. Their reputation is such that they were the only Mounted Police Unit in the Commonwealth to be invited to take part in the United Kingdom in the Queen's Diamond Jubilee celebrations. I have to make the point that it has been disappointing and perhaps a little unfair that they have been singled out and painted as being involved in something untoward behind closed doors when in reality this was a very open, transparent process from our perspective to make sure the appropriate thing happened and the appropriate use of the land is something for the greater good.

The Hon. Dr PETER PHELPS: Mr Hughes, the current police mounted facilities and stables are located in Redfern, are they not?

Mr HUGHES: Correct, yes.

The Hon. Dr PETER PHELPS: There is no opportunity for agistment at that location, is there.

Mr HUGHES: No.

The Hon. Dr PETER PHELPS: Prior to Yaralla being available, what did you do in the way of agistment for your horses?

Mr HUGHES: The police Mounted Unit had a number of agistment properties around the State of New South Wales.

The Hon. Dr PETER PHELPS: Owned by the police?

Mr HUGHES: Six.

The Hon. Dr PETER PHELPS: Owned by the police?

Mr HUGHES: Two of them are owned by the police. Others are owned by private individuals.

The Hon. Dr PETER PHELPS: Did you pay any fee for the use of that facility?

Mr HUGHES: Basically, token amounts.

The Hon. Dr PETER PHELPS: I will not ask the cost because that would be commercial. You were paying for some areas of land and you had two areas of land that were already owned by the police. Is that correct?

Mr HUGHES: Actually, I correct that: three—three areas of land; three out of six.

The Hon. Dr PETER PHELPS: Were these areas located within the Sydney what you might call the Cumberland Basin area, or are they outside that area?

Mr HUGHES: One of them is in Goulburn, the Goulburn training academy. Another one is at Helensburgh and a third one is at Menai. There is a broad spread—certainly not close to the centre of the central business district [CBD].

The Hon. Dr PETER PHELPS: What would be the closest one to the central business district?

The Hon. TREVOR KHAN: Menai.

The Hon. Dr PETER PHELPS: No. What about the ones that you privately pay for?

Mr HUGHES: The closest is 32 kilometres approximately round trip, so 16 kilometres and that is a small premise at Sans Souci.

The Hon. Dr PETER PHELPS: Having Yaralla being made available to the police, did you then cease any of your private contracts with private agistment areas?

Mr HUGHES: From our organisation's perspective, this transaction has not been consummated, so no changes.

The Hon. Dr PETER PHELPS: Let me put it another way: If you were to have access to Yaralla, would you need to seek out private agistment areas above and beyond what was provided either by the police internal resources and the land at Yaralla?

Mr HUGHES: I would need to take advice from the Mounted Unit on that issue, and that would be influenced by the final shape of the Yaralla transaction. But on face value, we would be able to rationalise the number of properties involved.

The Hon. Dr PETER PHELPS: Say the property were to be made available by an open public tender, would there be any capacity within police resources to bid on the tender for that land?

Mr HUGHES: There would be no reason why we would not.

The Hon. TREVOR KHAN: Putting aside the Goulburn facility, can you tell us what the acreage or hectare-age is of the facilities that you had in the Cumberland Basin area?

Mr HUGHES: The Sans Souci property is around an acre and we have had up to two horses spelled there. The Helensburgh paddock, which is further afield, is half an acre. We have a property at Tocal, which is in excess of 10 acres, so four to six horses have been at that property.

The Hon. Dr PETER PHELPS: Did you say Toukley?

Mr KALDAS: Tocal.

The Hon. Dr PETER PHELPS: Where is Tocal?

Mr SCOT MacDONALD: Maitland.

Mr HUGHES: In upper Colah, around 10 acres as well, or thereabouts.

The Hon. TREVOR KHAN: In due course, we can convert those to hectares to compare what we have in the two locations. What is the security that you have at these various locations?

Mr HUGHES: They are open paddocks, as I understand. I would have to defer to others on that specific question.

The Hon. TREVOR KHAN: This is probably my final question in view of time issues. What would be the nature of the fencing and security that you would envisage having at Yaralla Estate?

Mr HUGHES: The detail of that would be dealt with in the actual execution of the lease. We have got the transaction as we saw it stood at an agreement to accept an offer to move to a lease stage, and that would entail actually getting more detail around the nature and style of the fencing. But I am informed through the Mounted Unit that the property, subject to some work that Health undertook to do in the time between the offer being made and the actual transaction being consummated, they would do work. I think they need to answer that question.

The Hon. TREVOR KHAN: I suppose the question is this: The horses that the police have are, as I understand, ex-thoroughbreds. Is that right?

Mr HUGHES: I would have to defer on that.

The Hon. Dr PETER PHELPS: I do not think you can be an ex-thoroughbred. I think you are a thoroughbred for life.

CHAIR: You either are, or you are not.

The Hon. TREVOR KHAN: Sorry—an ex-racehorse.

The Hon. Dr PETER PHELPS: They are ex-racehorses.

Mr KALDAS: Like Aidan, I would have to get some advice on it, but my sense is that that is not the case. Some of them would be, but I do not think they all are.

The Hon. TREVOR KHAN: My feeling is that they are sort of an above-average horse. They are not a pony club sort of horse, are they?

Mr KALDAS: Certainly.

The Hon. LUKE FOLEY: They are superb.

The Hon. TREVOR KHAN: I am sure you will develop that.

The Hon. LUKE FOLEY: I saw some of them in Hyde Park yesterday.

The Hon. TREVOR KHAN: They are horses generally of not some inconsiderable value. Would that be right?

Mr HUGHES: Correct.

The Hon. TREVOR KHAN: I am just interested in the security issues that arise from keeping what are not inexpensive horses in a suburban area and the implications for them to be uplifted. Have you given that some consideration?

Mr KALDAS: Some security would have to be put in place, obviously—fencing, and perhaps camera—and there was some discussion about someone living on the premises, although that has not sort of been fleshed out in any real way.

The Hon. Dr PETER PHELPS: But I think what my colleague is getting at is that at the current time, there is no-one living on the premises at Sans Souci or at Tocal or at Helensburgh or at Menai or at Upper Colah.

The Hon. TREVOR KHAN: Actually, that is not what I was getting at. I am just interested in how you would effect this and ensure that your horses do not walk off the premises, but are moved off the premises.

Mr KALDAS: It would be something we will look at when we get to that stage.

Mr SCOT MacDONALD: I have just a quick question relating to your submission on page three. I acknowledge the presence of the member for Drummoyne, John Sidoti—welcome. On page three under the lease agreement your submission states, "One of the benefits of having the Mounted Police take on the lease and premises is having one operator with expert knowledge of horse management and paddock health." Can you give me a very quick overview of what the mounted police do in that respect—what sort of staff and what sort of structure you have—to handle that?

Mr HUGHES: I would have to defer on the more detailed knowledge of the operation of the unit. But, if you look at the responsibilities of the mounted unit, they care for the horses, they arrange veterinary care, they arrange spelling, they move the horses to and from sites, they move the horses to and from operational needs. They are totally accountable for the health and well-being of the animals. And, given the earlier comments about the standard of the animals, they are responsible for maintaining the animals to that standard. So, they have a wide ambit in their care of the horses.

Mr SCOT MacDONALD: And they are dedicated—that is their responsibility.

Mr KALDAS: Yes, and they would be responsible for putting into action the supervision of the site as envisaged by the offer from Health where there was an obligation on the Mounted Police Unit to provide appropriate supervision on a regular basis to the site. So that would involve, I am informed, people visiting the site on a daily basis, caring for the animals, moving the animals around and making sure that there are no issues with their health and well-being.

Mr SCOT MacDONALD: I was interested to see paddock health because I think that was one of the issues brought up by Blue Vision, so you have got someone within your staff who actually looks at the condition of the paddocks?

Mr KALDAS: I would have to take that question on notice.

The Hon. LUKE FOLEY: Gentlemen, thank you for your submission and for appearing today. Deputy Commissioner, how many horses are in the New South Wales Mounted Police Unit?

Mr HUGHES: Thirty-two, with three or four on trial on a regular basis.

The Hon. LUKE FOLEY: Can I ask about the status of the current headquarters at, is it Surry Hills or Redfern?

Mr KALDAS: Surry Hills. It is the old Police academy, I think it is Baptist Street in Surry Hills. A portion of it was sold some time ago and there is a very small portion of it which is still used by us. It is not a place where you would certainly spell horses or have them agisted. It is simply a place where they get ready to go.

The Hon. LUKE FOLEY: And is the area that remains there adequate for your needs?

Mr KALDAS: No. Certainly in terms of agistment, no.

The Hon. LUKE FOLEY: Are you looking to move out of Surry Hills and have the headquarters of the Mounted Police Unit somewhere else?

Mr KALDAS: No.

The Hon. LUKE FOLEY: So, the headquarters will remain at Surry Hills?

Mr KALDAS: Certainly operationally it makes sense for us as a staging post because it is very close to the City and they are involved in many, many events in the Central Business District and surrounding areas and it is a very useful place for us to have a last foothold in the Central Business District.

The Hon. LUKE FOLEY: And you are on a peppercorn rent there, aren't you?

Mr KALDAS: I am not certain of the renting arrangements.

The Hon. LUKE FOLEY: So your needs are for locations to agist horses. Is that correct?

Mr KALDAS: Yes.

The Hon. LUKE FOLEY: And the Sydney Local Health District approached the Mounted Police Unit regarding the possibility of police horses being agisted at Yaralla, didn't they?

Mr KALDAS: That is my understanding, yes.

The Hon. LUKE FOLEY: Can I ask who did the approaching from the health district?

Mr KALDAS: I am not certain. I know that ultimately there was a meeting held to discuss the possibility between the mounted police and the health district.

The Hon. LUKE FOLEY: Can you help us, Mr Hughes? Do you know who from the health district did the approaching and who from the police was the approached?

Mr HUGHES: I know from our organisation that the approach was the mounted unit. I am not sure, I can't answer the question as to who.

The Hon. LUKE FOLEY: Inspector McFadden, was it?

Mr HUGHES: Yes, I am not sure who made the approach.

The Hon. LUKE FOLEY: I might put that question to you on notice in writing after today's hearing, thanks.

Mr HUGHES: Certainly.

The Hon. LUKE FOLEY: But the first point you make in your written submission to us is that that approach from the health district to the Mounted Police Unit occurred in January of this year. Is that correct?

Mr HUGHES: Yes.

The Hon. LUKE FOLEY: And an initial inspection occurred on 18 January, is that right?

Mr HUGHES: Yes, that is what we say in our submission.

The Hon. LUKE FOLEY: And do you know who represented the Mounted Police Unit at that 18 January inspection of Yaralla?

Mr KALDAS: I suspect it was Inspector McFadden. I can check for sure, if you wish us to take that on notice.

The Hon. LUKE FOLEY: Thanks, yes. Would you have any knowledge of who was there from the Sydney local health district, at that 18 January inspection?

Mr KALDAS: No.

Mr HUGHES: Personally, no.

The Hon. LUKE FOLEY: Perhaps I can put these questions on notice to you and you can get some advice from inspector McFadden.

I am interested in the line of inquiry that Mr Khan initiated about safety policies and the audit report from Blue Vision's management to the health district, which contemplated a potential move, sorry, which contemplated the potential for police unit horses to be agisted at Yaralla which said:

The Police operate under strict operational and safety policies and procedures, ensuring both their own safety and others sharing the facility.

Could you give us some detail on what exactly those safety procedures would entail? For example, would you have to limit or reduce public access to horse paddocks to protect the very valuable police horses?

Mr HUGHES: Personally, I have no knowledge to be able to answer that question. In terms of the security and arrangements with regard to fencing, as I said earlier, that detail will be fleshed out, from our point of view, in a better understanding of what health are going to do to the site and the final shape of the lease which is now on hold, subject to the public tender. We, from a property point of view, which is the area that I have been involved in in this phase, will be looking to the mounted unit to satisfy themselves that the safety that they require for the horses is in place. If you need more specifics on what that means, I will take that question on notice.

The Hon. LUKE FOLEY: Would the Mounted Police Unit have defined standards that would need to be met to satisfy the unit that their horses were safe?

Mr KALDAS: My understanding is, there are standard operating procedures that they adhere to and I suspect that they will be readily available. I don't think it is a secret document or anything like that. Again, I will be happy to take it on notice and try to provide it to the Committee at a later date.

The Hon. LUKE FOLEY: Thank you. If I could ask, gentlemen, if you could provide the Committee with any written safety standards that the Mounted Police Unit adheres to with respect to the agistment of horses, if you could provide that to us that would be greatly appreciated.

The Hon. TREVOR KHAN: It would be your expectation, would it not, that in a paddock where you had your horses, members of the public would not be moving through those paddocks. They would be essentially, if I can put it, no-go areas to members of the public?

Mr KALDAS: Not in an unsupervised way. They have a great number of open days with engagement with the community but, apart from that, yes.

The Hon. TREVOR KHAN: I am not being critical of you, it would be a matter of public safety, with large horses, for instance, that you would not have members of the public wandering through those paddocks?

Mr KALDAS: Yes.

The Hon. ERNEST WONG: I have a follow-up question with regard to the approach by the health district, the Police. Have you or the police unit ever indicated that you have looked at that place and you think that would be a suitable place, before the approach? What I am trying to find is, is there any communications between the two units before the approach, or the hospital unit approached you, or just out of the blue someone picked up the phone, rang you guys up and said, "Look, I have got a place here, do you want to take it?"

Mr KALDAS: I am not aware of any previous discussion or approach. We can double check but I am not aware of any previous approach or discussion.

The Hon. ERNEST WONG: Has your unit actually been really looking into that place before that approach or you have never ever thought of that?

Mr KALDAS: I am not aware of any interest expressed by the unit prior to the engagement from the district health.

The Hon. LUKE FOLEY: I am sure that you are aware of the outcry from people whose horses were agisted at the Yaralla estate. Can I put to you that it was never the responsibility of the NSW Police Force to liaise with those people, but it was, in fact, the responsibility of the licensor, the Sydney Local Health District, to deal with those people? That would be a fair statement, would it not?

Mr KALDAS: Yes.

Mr SCOT MacDONALD: Point of order: I think the member is asking the witnesses to comment on an area that is outside their responsibility and their expertise.

CHAIR: Order! No he is not. I rule that out of order.

The Hon. LUKE FOLEY: To put it slightly differently, the NSW Police was in no way shape or form obliged to liaise with the people who had their horses at the paddocks. It was none of your business, was it?

Mr KALDAS: No, we really did not have any role, formal or otherwise. We had not entered into any agreement; we had not taken up any offer. We really had not got off the ground yet. It would have been inappropriate for us to do that.

The Hon. LUKE FOLEY: That is right. Mr Hughes, you signed the document, the heads of agreement, dated 18th April on behalf of the NSW Police Force, didn't you?

Mr HUGHES: I did.

The Hon. LUKE FOLEY: Were you the hands-on person, as far as the police force is concerned, that negotiated the arrangement with the Sydney Local Health District?

Mr HUGHES: No, at the end of the day, I was the management representative that could sign that document on behalf of the organisation. I did have involvement in briefing material and I was aware of where our negotiations with Health were on the subject.

The Hon. LUKE FOLEY: So who, from the NSW Police Force, was hands-on in negotiating the terms of an agreement with the Sydney Local Health District earlier this year?

Mr HUGHES: The hands-on involvement came from the Mounted Unit in terms of Inspector McFadden and representatives of the Police Property Group who had limited interaction with representatives of Health, when it came to the actual commercial conditions.

The Hon. LUKE FOLEY: So ultimately you, as the Director of Finance and Business Services formally signed off but members of the Mounted Police Unit and the Property Group did the hands-on negotiation?

Mr HUGHES: Yes, but if I look at the terms that I ended up executing the acceptance of the offer on, they were very much aligned with the initial parameters that the health district put on the transaction in their initial approach.

The Hon. LUKE FOLEY: Do you have any knowledge of who sat across the table from your colleagues and negotiated the arrangement with the Mounted Police Unit earlier this year? Can you assist us on that one?

Mr HUGHES: There would have been representatives of Blue Vision and others but specifically on days and events no, I am not in a position to answer that. I can take that on notice should you require any more detail.

The Hon. LUKE FOLEY: Were Blue Vision involved in the negotiations over an agreement between the Sydney Local Health District and the NSW Police Force?

Mr HUGHES: Not specifically in the agreement between us and Health but they were in the transaction space, I am aware of that name.

The Hon. LUKE FOLEY: I wonder what you mean by the "transaction space". Mr Turner from Blue Vision's management conducted the tour of the paddocks on 18 January with your colleagues from the Mounted Police Unit, didn't he?

Mr HUGHES: Yes.

The Hon. LUKE FOLEY: Is it the intention of the NSW Police Force to tender for the Yaralla paddocks, now that there is a tender under way?

Mr KALDAS: Yes.

The Hon. LUKE FOLEY: Have you had ongoing discussions with the Sydney Local Health District since they cancelled your heads of agreement unilaterally in May, about the possibility of the Mounted Police Unit agisting your horses there in future?

Mr KALDAS: I am not aware of any recent discussions. I am not sure there is a great deal to be gained by discussing. It is simply a matter of us now deciding to enter the race and make a bid.

Mr HUGHES: From the Police Properties point of view, we received notice of termination in writing on 14 May and we have had no discussions with the health district since then.

The Hon. LUKE FOLEY: And, to be clear, the termination of your heads of agreement that the NSW Police Force and the health district both voluntarily signed up to, the termination of that was unilaterally taken by the Sydney Local Health District, wasn't it?

Mr HUGHES: There were some discussions around the situation that the health district was heading towards cancellation, but ultimately they decided to cancel. We accepted their decision because the document that I signed was not legally binding on either party, so both could walk away from it and, from the perspective of the NSW Police Force, if in negotiating the subsequent lease transaction there was a potential difference of opinion that we could not resolve we could have walked away at that point as well.

The Hon. LUKE FOLEY: But you had an agreement or thought you had an agreement which was then revoked?

Mr HUGHES: We had an agreement to move to the next stage and, for their own reasons, Health decided not to move to that stage so the transaction was over.

The Hon. LUKE FOLEY: The actions of Health must have come as a blow, Deputy Commissioner.

Mr KALDAS: I am not sure I would call it a blow, but we certainly had intended to go ahead and move forward.

The Hon. LUKE FOLEY: Has the police force maintained its wish since that date to enter into the tender process that Health flagged with you in May?

Mr KALDAS: We are certainly still interested. We still feel it is a viable option and a very good one for both the NSW Mounted Police and the police horses, but we just have to wait and see what happens with the tender process, obviously.

The Hon. LUKE FOLEY: If all goes well for the police force and, in an ideal world, you enter into a tender process and win the use of the Yaralla paddocks to agist a small number of those 32 horses, is it possible for the horses of the Mounted Unit to share horse paddocks with other horses?

Mr KALDAS: I am not an expert, I have to say. However, I am aware that a panel of experts were convened a month or two ago and they were of the firm view that that would not work.

The Hon. LUKE FOLEY: That was a panel convened by the Sydney Local Health District, was it not?

Mr KALDAS: I think so, yes.

The Hon. LUKE FOLEY: From the point of view of the Mounted Unit and the NSW Police Force, is there a problem so far as the police are concerned—at Yaralla, Sans Souci, or anywhere else—inherent in police horses sharing paddocks with other horses? Is that an option or was it never an option?

Mr KALDAS: I am not an expert, as I said earlier. I would have to get advice from the Mounted Unit on that.

The Hon. LUKE FOLEY: Thank you, gentlemen.

Dr JOHN KAYE: Your submissions suggest that you paid \$18,200 for the lease of agistment paddocks, is that correct?

The Hon. TREVOR KHAN: Is that in—

Dr JOHN KAYE: No, it is not. Unlike your Coalition colleague, I am not going to quote from the—

The Hon. TREVOR KHAN: Unlike yours as well, John. I would not go there. I wanted to make sure it was not confidential.

CHAIR: Order.

Dr JOHN KAYE: To be clear, that is \$18,200 for the annual agistment fee just for the paddocks, is that correct?

Mr HUGHES: Yes.

Dr JOHN KAYE: You also sought to get leases over other facilities?

Mr HUGHES: Some of them being minor buildings on the site. That was another \$3,600.

Dr JOHN KAYE: \$3,600 annually for those buildings?

Mr HUGHES: Yes.

Dr JOHN KAYE: That is the total amount?

Mr HUGHES: Plus utilities, so the total amount before the goods and services tax for our organisation is \$24,400.

Dr JOHN KAYE: For which buildings do you have a lease?

Mr HUGHES: We have no lease in place at this point in time.

Dr JOHN KAYE: I am a bit confused. You do have a lease for the agistment paddocks?

Mr HUGHES: No, we have no lease.

Dr JOHN KAYE: That is what you are seeking at this stage?

Mr HUGHES: We were seeking a move to discussions with Health about putting a lease in place on those broad commercial terms, but there is no transaction on foot at this point in time.

Dr JOHN KAYE: These are the amounts you have agreed to pay?

Mr HUGHES: We have not agreed to pay anything. We have agreed to move to the next stage of the negotiation, which is to put a lease in place.

Dr JOHN KAYE: I quote from your public submission, which I must admit I only saw this morning, which says, "NSWPF agreed to pay costs of \$18,200 for lease of the agistment paddocks."

Mr HUGHES: Yes, on the assumption that Health put a lease in front of us with those terms on it.

Dr JOHN KAYE: That is what we were talking about before. In respect of the other buildings, which other buildings were you interested in? You quote a figure of \$3,800.

The Hon. ERNEST WONG: I think that is confidential.

Dr JOHN KAYE: Maybe it is. I do not know whether that is the case or not, but I am asking the question to you, Mr Hughes: which other buildings?

Mr HUGHES: There is an old dairy and a piggery specifically involved in the transaction.

Dr JOHN KAYE: You were not interested in any of the residential buildings?

Mr HUGHES: No.

Dr JOHN KAYE: That signals your intention to not have a residential manager or a residential person on site?

Mr HUGHES: We are looking at an agistment facility with non-residential accommodation, yes.

Dr JOHN KAYE: I want to pick up on the question asked by the Hon. Ernest Wong a minute ago. Mr Kaldas, you were unaware whether the Sydney Local Health District had contacted the police beforehand. You have no details on that?

Mr KALDAS: I am not aware of it happening, no.

Dr JOHN KAYE: From your perspective, suddenly the New South Wales Mounted Police were aware of this and were inspecting it. Something happened at that point, but you have no knowledge what happened prior to that?

Mr KALDAS: Yes.

Dr JOHN KAYE: Mr Hughes, do you have any knowledge of what happened prior?

Mr HUGHES: No.

Dr JOHN KAYE: We are talking January this year when they first inspected—

Mr KALDAS: I would not use the word "suddenly". There was an approach made to see if we interested and that simply evolved into them doing a site inspection.

Dr JOHN KAYE: How do you know there was an approach made?

Mr KALDAS: I cannot recall exactly who told me, but I am aware that the Mounted Unit were approached at some point by the Sydney Local Health District.

Dr JOHN KAYE: You cannot remember who this person was, but when this person contacted you, was it a written approach, or a verbal approach, or was it a formal approach?

Mr KALDAS: It was not an approach to me. It was an approach to the Mounted Unit.

Dr JOHN KAYE: When the person—whose identity you are saying you cannot remember—spoke to you, you are saying they told you there had been an approach. Did they tell you whether it was a written approach or a verbal approach?

Mr KALDAS: I cannot shed any light on that. I think it was verbal, probably just a phone call, I would say, initially.

Dr JOHN KAYE: Would you take it on notice that this member of the Committee is interested in knowing when that approach occurred from the local health district and who made the approach?

The Hon. Dr PETER PHELPS: They have already taken that, from Luke.

Dr JOHN KAYE: Did that include when the approach was made? If it is on notice that is a good thing. My next question to you relates to the issue of section 19B of the Walker Trusts Act. Mr Hughes, are you aware of section 19B of the Walker Trusts Act?

Mr HUGHES: No.

Dr JOHN KAYE: I will read you section 19B(4) of the Act:

The Minister must not give a direction under this section—

This section allows a lease to be written:

—unless the Minister is of the opinion that the lease or licence will not detrimentally affect the administration of, or the care of patients of, the Dame Eadith Walker Hospital or the Thomas Walker Convalescent Hospital.

Does that impose a constraint on what you would do on the site?

Mr HUGHES: In respect of the NSW Police Force operations, I am not in a position to answer that question. I think that question is best directed to Health. We approach this as an arm's length transaction with a party who was capable of leasing a property to us.

Dr JOHN KAYE: In your negotiations with Health, did they ever talk to you about the role that horses currently play in convalescence?

Mr HUGHES: I would have to take that question on notice.

Dr JOHN KAYE: To be clear, the question I am putting to you is: at any stage did the Sydney Local Health District alert you to the fact that horses play some possibly passive role in convalescence?

Mr HUGHES: Personally I cannot answer that question so I will have to take it on notice.

Dr JOHN KAYE: Thank you. You may have answered this before: how many horses do you propose having on these paddocks?

Mr HUGHES: That is an operational matter that is best answered by the Mounted Unit. If you want a specific number, we would take that question on notice.

Dr JOHN KAYE: I formally put that on notice with you that we would like to know the maximum number of horses you would have on site. Do your negotiations and the lease that you are seeking go to exclusive use of the site?

Mr HUGHES: The expectation we had going into the transaction was that it was. As I said before, it depends on the final shape of the transaction that Health put and given that this transaction has been rescinded, we would now have to look to the terms of the new tender with regard to ourselves.

Dr JOHN KAYE: But the original transaction was for exclusivity?

Mr HUGHES: Yes.

Dr JOHN KAYE: My time has expired.

CHAIR: My question was going to be along similar lines. If the police were successful in this current tender process, would they propose to share any of the Yaralla Estate with public agisters or, indeed, the public in general? I think you are telling us probably not, or you would want exclusive use of the site.

Mr KALDAS: We would have to get some advice from the Mounted Unit about the technicalities of it.

CHAIR: You are saying you are not sure?

Mr KALDAS: No.

CHAIR: Will you take that on notice?

Mr KALDAS: Certainly. The Walker Trusts Act 1938 clearly provides for the availability of public space to be open to the public, certainly in that area, and/or horse agistment.

Mr HUGHES: Some of those issues are best addressed to Health. As I said in my answer, we are looking to engage in a transaction with a party capable of executing their side of the deal, so any conditions that apply to the property or the general space within the estate is a matter for Health to advise on.

CHAIR: I would agree with that. You are saying that you would really require exclusive use of the site to do it properly for the security of the horses?

Mr HUGHES: In an earlier answer I think the Deputy took that question on notice.

CHAIR: Thank you. Do you have any feel for what the current costs of agistment of the horses are in comparison to the \$27,000-odd that would be paid or was proposed to be paid under the old heads of agreement? Is the \$27,000 substantially less in your view or greater than what you currently would be paying?

Mr KALDAS: I have a sense that it is greater than what we are paying now, but I might stand corrected.

CHAIR: What you are paying now is not an economic cost?

Mr KALDAS: It is not an economic cost. One of the benefits we would be seeking is consolidation; instead of having two or three places around Sydney, to have them all in the one place.

CHAIR: I note in some of the papers, and I think you mentioned it earlier, there was provision for leasing of various outbuildings, stables and whatnot. Was there any provision in those numbers or was it envisaged by the police that they would be taking on the long-term maintenance of those historical buildings?

Mr HUGHES: We, as a lessee, would only be responsible for maintenance issues that we cause in the property, so we revert back to Health as the landowner to maintain the fabric and structure of the property.

CHAIR: If you made a lease with the Sydney Local Health District, you would be assuming responsibility for those buildings in the condition they were at the time and the Sydney Local Health District would have to keep them in good order?

Mr HUGHES: In similar vein to any rental tenancy. We go in as a tenant, we take a condition report on arrival; we have to maintain the property to that standard.

CHAIR: I am not positive, but I think those buildings are listed buildings and have to be maintained properly, so the police would not be taking that on, but the Local Health District would.

Dr JOHN KAYE: Should.

The Hon. Dr PETER PHELPS: If the situation were to arise where you only had a partial lease of the property—for example, if Health decided to partially lease the property to other parties—would the New South Wales Mounted Police Unit still be interested in that option? Would you still have enough land to consolidate your existing holdings because, presumably, it would still be greater than what currently exists between the three or four private holdings that you use publicly?

Mr KALDAS: I would have to get some advice on that.

The Hon. Dr PETER PHELPS: You will take that question on notice?

Mr KALDAS: Yes.

The Hon. TREVOR KHAN: You may be aware that there is a public document and a confidential document with a commercial in confidence issue. There is talk about annexures. Are there any more annexures other than these two documents? In fact, in one place it talks about annexure four. I am somewhat at a loss. In due course would you be able to have a chat with the secretariat to make sure that the Committee has everything that you propose.

Mr KALDAS: Certainly.

The Hon. TREVOR KHAN: A public access road runs down the middle of Yaralla Estate to what I will call the Trust building on the point and foreshore runs around each side of Yaralla estate. Was the road access running down the middle of the property to be part of your lease area?

Mr HUGHES: My understanding is that the lease relates to the paddocks only. Anything to do with the public road I think you need to refer to Health.

Dr JOHN KAYE: I do not think that is a public road: it is a carriageway.

The Hon. TREVOR KHAN: John, I understand what you are saying. I am asking about that strip of land upon which cars drive to get to the hospital.

Dr JOHN KAYE: Mr Hughes gave you a response indicating that he thought it was a public road. I am just clarifying the matter.

The Hon. TREVOR KHAN: Was the foreshore area, which is not a public road so there is no illusion, to be included in the anticipated lease?

Mr HUGHES: I will have to take that question on notice.

Dr JOHN KAYE: In the public submissions there has been quite a deal of debate about the star picket fences. Do NSW Police have a view on whether picket fences are safe or not safe for horses? If so, would it be the intention of NSW Police to seek the SLHD to remove the existing star picket fences?

Mr KALDAS: We will have to take that question on notice.

The Hon. ERNEST WONG: Is there an urgent need for NSW Police to have this estate to consolidate its horses or is it because you have been given this offer and it is convenient to have it?

Mr HUGHES: In terms of pressing urgency it is not urgent but like an organisation we look for opportunities to improve our operational efficiency. We were presented with an opportunity here that works for us on a number of levels so we were keen to move forward with the deal; it would have been irresponsible of us not to.

The Hon. LUKE FOLEY: I thank the Deputy Commissioner and Mr Hughes for appearing before the Committee. I make it clear that no-one on this Committee makes any criticism of the bona fides or actions of NSW Police Force in this matter.

Mr KALDAS: Thank you, much appreciated.

(The witnesses withdrew)

(Short adjournment)

RON TURNER, Senior Project Manager, Blue Visions Management Pty Ltd affirmed and examined:

CHAIR: Welcome Mr Turner. The Committee has received your report. Would you like to make an opening statement?

Mr TURNER: No thank you.

Mr SCOT MacDONALD: I read your report on Friday. Frankly, I found a lot of it a bit stressing. My background is not so much the horse side of things but agriculture, pastures and that sort of thing.

Mr TURNER: Sure.

Mr SCOT MacDONALD: I have not been to Yaralla. Can you give me a little background on the condition of the pastures? Can you elaborate a little on the ground cover, the species of pastures and whether it is capable of—

Mr TURNER: My inspection in late December and subsequent inspections revealed that it has very poor ground cover with a lot of weeds content. Subsequently, we commissioned a detailed report. We engaged landscape architects and they took 29 or 30 soil samples and did an analysis of them and confirmed our suspicions that the ground was in very poor condition with a low carrying rate.

Mr SCOT MacDONALD: I guess I am more putting things to you than asking questions. From what I have read and from looking at the photographs, restoring and rehabilitating the pasture's condition would be a big job. If I had been given that job, the premises would have to be vacated probably for a few months, rehabilitate the soil with gypsum and lime, and then re-sow it. It looks to me that it probably has a lot of compaction and poor drainage. I see that the carrying capacity is supposed to be 28. How do we arrive at such a figure? Again, I have not been there so I have to be a little careful.

Mr TURNER: The carrying capacity of 28 was determined in the previous licence. Subsequently, we had that analysed and it is substantially lower improved.

Mr SCOT MacDONALD: Is that in the report?

Mr TURNER: Not in my report in January because we had not completed the tests at that time, but the S.E.S.L. and Environmental Partners reports made a recommendation after the pastures were improved and worked on—so after we had completed the works. The capacity was in the order of 15 units.

Mr SCOT MacDONALD: I read somewhere that to rehabilitate that pasture the health authority thought it might take a month or a couple of months splitting it up. I do not think that is right. I think you would be looking at taking it out of production for six months or something like that.

Mr TURNER: It has been out of action for two months in rest. We have a weed spray program underway now. It has not made substantial recovery just from rest. Soils reports say that it requires fertilisation and some care—substantial works.

Mr SCOT MacDONALD: I imagine the soil structure would be heavily compacted. I refer again to animal condition. I do not understand if you have a number of horse owners, some of which, from reading your report, are quite good at animal welfare, worming and that sort of thing, but others may not, that they are all still using the same pastures and spelling paddocks. How do you keep a worm burden down if you cannot isolate a paddock and keep it free for a period when you have cross-use?

Mr TURNER: The problem is that you cannot. Essentially, the paddocks were self-managed as individual paddocks. As you said, the standard of care varied dramatically and the process was not evident or coordinated. That is further substantiated in the survey completed by the agisters where eight of the 16 raised concern over a coordinated worming program.

Mr SCOT MacDONALD: That would be for external parasites as well, would it not?

Mr TURNER: Yes.

Mr SCOT MacDONALD: Other Committee members have said that maybe there should be shared usage and that sort of thing. Is it possible to fence off or restructure it in such a way that you could get on top of those sorts of issues? I cannot see that could be done with so many different owners with different skills and resources looking after their animals. How would you do that?

Mr TURNER: The issue is not shared. The issue is that we do not have—or did not have—a single person in control. It is fine to have many different owners on the same site, but many of the issues, in my opinion, arose because they were each managed as individual paddocks and did what they liked.

Mr SCOT MacDONALD: Can you give me a quick, broad summation of the animal welfare condition?

Mr TURNER: I made a very brief observation that the animal welfare was mixed. Some appeared to be in reasonably good condition while others less so. It was not the focus of my report.

The Hon. Dr PETER PHELPS: When were you approached by the area health service to investigate the condition of the land at Yaralla?

Mr TURNER: In December 2012.

The Hon. Dr PETER PHELPS: Was any reason given at the time as to why it wanted you to investigate the land?

Mr TURNER: My brief was that the licensee had been given notice, that in March it would be vacant and I was to assess the property and make recommendations on its future use.

The Hon. Dr PETER PHELPS: The termination did not come about because of your report?

Mr TURNER: No.

The Hon. Dr PETER PHELPS: The termination had taken place prior to that report coming to fruition?

Mr TURNER: Correct.

The Hon. Dr PETER PHELPS: Your assessment of the quality of the land was that it was in a poor condition overall or was it pockets of poor condition land?

Mr TURNER: Overall it is in very poor condition, some areas worse than others but some showing evidence in photographs in the report of substantial stripping of the land, be it pockets, and substantial areas of weed infestation.

The Hon. Dr PETER PHELPS: Would it be substantially different to other commercial agistment facilities in the Cumberland Basin in respect to its low standard?

Mr TURNER: I did not compare it to other facilities. I compared it to the good pasture and reasonable expectation of reasonable management. My assessment was that the weed issue is only one of many issues and problems on the estate.

The Hon. Dr PETER PHELPS: One problem I believe you identified was that there was no single point of management for any of the individual lots, is that correct?

Mr TURNER: Correct.

The Hon. Dr PETER PHELPS: Are you aware of instances where agisted properties or other paddocks for grazing purposes are managed by a single individual, a single point of reference, to ensure the quality of the soil and weed management?

Mr TURNER: Am I aware of others?

The Hon. Dr PETER PHELPS: Yes?

Mr TURNER: Yes.

The Hon. Dr PETER PHELPS: Would you say that it is standard practice?

Mr TURNER: I could not comment on whether it was standard practice.

The Hon. Dr PETER PHELPS: Is it desirable practice?

Mr TURNER: In terms of the estate it is a desirable practice, yes.

The Hon. Dr PETER PHELPS: In relation to other aspects, for example fencing, what were your views about the standard of fencing on the land?

Mr TURNER: On the twenty-eighth I spent four or five hours on the estate. The purpose of that was to assess the fencing to see what we could do, whether we could make repairs or recover any of the fencing. But I found that none of it was an acceptable standard or recoverable.

The Hon. Dr PETER PHELPS: None of it?

Mr TURNER: None of it.

The Hon. Dr PETER PHELPS: Was that because it was rotten, rusted, archaic, dangerous or just that it was not best practice at the current time?

Mr TURNER: There are areas of substantial rot and white ant damage to the timber fences. Some of the fencing was inappropriate.

The Hon. Dr PETER PHELPS: The star picket arrangements, for example?

Mr TURNER: Star picket in itself is not an issue, but there are areas where the star pickets were not capped. There are areas where there is loosely attached mesh wire, which is dangerous to the horses, and there are areas where star pickets have been broken off just above ground level inside a paddock.

The Hon. Dr PETER PHELPS: That they had been broken off?

Mr TURNER: Broken off.

The Hon. Dr PETER PHELPS: So, effectively if you fell on it you would impale yourself, or if you stepped on it or a horse stepped on it?

Mr TURNER: Yes.

The Hon. Dr PETER PHELPS: Whose responsibility was that?

Mr TURNER: Under the licence, the licensee is responsible for maintenance.

The Hon. Dr PETER PHELPS: Maintenance of the fences?

Mr TURNER: Yes.

The Hon. Dr PETER PHELPS: And for the quality of the land itself?

Mr TURNER: Yes. It is responsible for both maintenance of the fencing and the pasture.

The Hon. Dr PETER PHELPS: So, if you had been the licensee, for example—I am going to use this as a hypothetical—you would be required, for example, to get agronomists out there to check soil, the nature of compaction, things of that nature, and make necessary adjustments?

Mr TURNER: The licensee, regardless of whoever that may be, was responsible for those works.

The Hon. Dr PETER PHELPS: In your professional opinion did they do that?

Mr TURNER: No.

The Hon. TREVOR KHAN: I think it is the case that under the licence agreement entered into, clause 6 sets out various obligations that fall upon the licensee with regard to the condition of the land, the fences and for water, is that right?

Mr TURNER: Whether it is 6 or 6B, it is set out there.

The Hon. TREVOR KHAN: There are a whole series of them. I have to admit I have not seen the full license agreement yet, although it might be in a document we were provided with this morning. Were there conditions with regard to insurance being in place?

Mr TURNER: Yes.

The Hon. TREVOR KHAN: Do you know whether insurance was in place, held by the licensee with regard to these premises?

Mr TURNER: At the time of writing the report I suggested it be checked as to its value and its currency. Subsequently I found out that insurance was not in place.

The Hon. TREVOR KHAN: Potentially that left both the horse owners and the area health service liable, for instance, if a horse escaped from the land into other areas?

Mr TURNER: Potentially.

The Hon. TREVOR KHAN: Were you able to identify any licence agreements that existed between the licensee and, if we could describe it as sublicensees?

Mr TURNER: We were advised by the licensee that contracts were verbal and on a month-to-month basis.

The Hon. TREVOR KHAN: Was there any documentation that showed whether there had been termination of any of the sublicensees' rights with regard to individual paddocks, for example, for failure to keep the paddock in good order and repair? Would that be a term and condition of the sublicensees' agreement?

Mr TURNER: It was a verbal agreement. We never saw the conditions of the agreement, of the contract.

The Hon. TREVOR KHAN: You did not have any idea whether there had been a turnover of sublicensee agreement?

Mr TURNER: Turnover?

The Hon. TREVOR KHAN: In the sense of whether people had been taking up space upon the land for the purpose of keeping their horses and then leaving and going somewhere else and new people coming in, or was it the same people who had been there since 1996 or some earlier time?

Mr TURNER: I am aware that some had been there for some time.

The Hon. TREVOR KHAN: But you are not aware, in terms of the overall population of people there, whether they were the same who had been there for a very long time?

Mr TURNER: No.

The Hon. TREVOR KHAN: The fencing on the land, is it generally older wooden posts with wire between them or is it principally star picket, or what is it?

Mr TURNER: It is a mix. Existing post and rail fencing, star picket and wire.

The Hon. TREVOR KHAN: The water that is on there, I think I have seen a photo of a large trough at least in one yard that was heavily discoloured. Was the photo that showed that heavily discoloured water indicative of the water that was available to the horses?

Mr TURNER: The photographs were taken on 28 December and, yes, they were all of similar quality.

The Hon. TREVOR KHAN: With the potential for worm burden or parasitic burden in the water?

Mr TURNER: There is always a good test when we request somebody to clean out a water bucket for horses: Would you drink from that? You have seen the photographs.

The Hon. LUKE FOLEY: Mr Turner, I am confused. The Sydney Local Health District has publicly maintained for months now that the decision to evict the Yaralla horse agisters was taken on the basis of your independent audit, but this morning you have told us when you were engaged that decision had already been taken by the health district. Do you stand by that evidence that you gave a few minutes ago?

Mr TURNER: I do.

The Hon. LUKE FOLEY: What were the terms of your engagement or, more properly, Blue Visions Management Pty Ltd's engagement? Was a written contract entered into?

Mr TURNER: Yes. We were briefed, requested a fee proposal. We submitted and were successful to provide services.

The Hon. LUKE FOLEY: There was not a tender, was there?

Mr TURNER: No.

The Hon. LUKE FOLEY: Did you approach Health to do the job or did they approach you?

Mr TURNER: Health approached me.

The Hon. LUKE FOLEY: Health approached the company or you personally?

Mr TURNER: The company.

The Hon. LUKE FOLEY: You are senior project manager at Blue Visions Management Pty Ltd, are you not?

Mr TURNER: Yes.

The Hon. LUKE FOLEY: In that capacity have you done similar audits of properties that are home to animals in the past?

Mr TURNER: No.

The Hon. LUKE FOLEY: This was your debut, was it?

Mr TURNER: No.

The Hon. LUKE FOLEY: Was this your debut in writing a report about a property housing animals and the standards that should apply?

Mr TURNER: I have done many audits and they cover a wide variety of subjects. I have a background. I own three horses. I have run an agistment facility. I have been a project manager for 16 years. I am well qualified to make an assessment.

The Hon. LUKE FOLEY: A project manager with Blue Visions for 16 years?

Mr TURNER: No.

The Hon. LUKE FOLEY: What is the major business that Blue Visions Management engages in?

Mr TURNER: We provide project management services.

The Hon. LUKE FOLEY: How long have you been at Blue Visions?

Mr TURNER: Five years.

The Hon. LUKE FOLEY: In those five years you have never done a report on anything to do with properties housing animals, have you?

Mr TURNER: I have done many property reports. I have done many inspections. I have done many assessments of buildings and grounds.

The Hon. LUKE FOLEY: We are not talking about a building here. We are talking about paddocks for horses and the particular requirements for the upkeep of paddocks housing horses. This was a first, was it not, for you?

Mr TURNER: I would have to check my records, but I do many audits—

The Hon. LUKE FOLEY: What do you mean you have to check your records? Have you done a report in the past—

The Hon. TREVOR KHAN: Point of order: Apart from the issue of civility, the witness is entitled to finish his answer before the Hon. Luke Foley jumps down his throat for a further time. He should be given the opportunity to complete his answer before the Hon. Luke Foley starts on his next question.

CHAIR: I think Mr Turner is answering the questions as he goes along, but the Hon. Luke Foley should give him a second or two—take a breath.

The Hon. LUKE FOLEY: I will do you a deal, Mr Turner. If you just admit that this is the first time you have done a report about paddocks and animals and the standards required, I will not jump down your throat. How about you admit that this is the first time you have done a report as a senior project manager on paddocks and animals and the standards required to house those animals adequately?

Mr TURNER: I will check my records and see if at the time of several scientific institutes, the animal house was populated and whether previously I have done inspections of paddocks in excess of the one hectare.

CHAIR: Can you take that on notice and tell us please?

Mr TURNER: Thank you.

The Hon. LUKE FOLEY: Who approached you to do this job for the health district? Was it Deborah Flood?

Mr TURNER: Yes.

The Hon. LUKE FOLEY: It was made clear to you that the decision had been taken to evict the Yaralla horse agisters, was it not?

Mr TURNER: No. I was advised the licensees' agreement had been terminated.

The Hon. LUKE FOLEY: What were you asked to report to the health district on?

Mr TURNER: The condition of the property and assess what needed to be done, engage experts if I needed them and prepare a package of works to be completed with the possibility of a new operator.

The Hon. LUKE FOLEY: Was there a written description of what the health district required from you or were the instructions verbal?

Mr TURNER: No, there is a brief somewhere.

The Hon. LUKE FOLEY: Would you be so kind as to provide the Committee with a copy of that written brief?

Mr TURNER: Happy to do so.

The Hon. LUKE FOLEY: On 18 January you showed representatives of the Mounted Police Unit the Yaralla paddocks, did you not?

Mr TURNER: Yes.

The Hon. LUKE FOLEY: Tell me about how you came to be involved in discussions with the Mounted Police Unit about the possibility of that unit moving into the Yaralla paddocks. How did that commence?

Mr TURNER: My report outlined that as an option for discussion.

The Hon. LUKE FOLEY: But your report is dated 4 February, is it not?

Mr TURNER: Yes.

The Hon. LUKE FOLEY: You were showing the police around the paddocks on 18 January, were you not?

Mr TURNER: Yes.

The Hon. LUKE FOLEY: So it is not simply a matter that your report led to Health approaching the Mounted Police Unit, is it, because you were showing it around more than a fortnight before you even submitted your report for Health, were you not?

Mr TURNER: I started the report on 28 December.

The Hon. LUKE FOLEY: And you submitted it on 4 February, did you not?

Mr TURNER: Thereabouts.

The Hon. LUKE FOLEY: How did you come to be in contact with the Mounted Police? Was that facilitated by the health district or did you have a direct line of communication to the Mounted Police Unit?

Mr TURNER: I discussed the option with Health, and there was a meeting prior to the 18th where it was agreed that I should have some preliminary discussions.

The Hon. LUKE FOLEY: With whom, with the police?

Mr TURNER: Yes: To approach the police and discuss it with them.

The Hon. LUKE FOLEY: So you approached the police, did you?

Mr TURNER: Yes.

The Hon. LUKE FOLEY: On behalf of the health district?

Mr TURNER: Yes.

The Hon. LUKE FOLEY: Was this part of your terms of engagement, to communicate on behalf of the health district with the Police Force?

Mr TURNER: Not specifically, but my brief was to facilitate what was required for getting a new operator in place, tender or otherwise.

The Hon. LUKE FOLEY: So part of your role was not simply to provide a report on the status of the paddocks but to stitch up a new arrangement for the paddocks?

The Hon. Dr PETER PHELPS: Point of order: "Stitch up" is entirely pejorative and is unfair to the witness.

CHAIR: It probably is. The Hon. Luke Foley might use another term.

The Hon. LUKE FOLEY: Mr Turner, can I take it from your evidence that your role was not merely to provide a report on the current state of the paddocks then but also to assist the health district to find a new licensee for the paddocks? Would that be fair?

Mr TURNER: It was to identify options initially and then facilitate tender or otherwise discussions with the new operator.

The Hon. LUKE FOLEY: So, from January through to April you were involved in the discussions that led to the heads of agreement being entered into between the health district and the Police Force, were you?

Mr TURNER: I had some involvement.

The Hon. LUKE FOLEY: Is it not the case that the licence that the health district had with Mr Colin Wale stated that the health district would inspect the horse paddocks regularly?

Mr TURNER: I do not recall that being the licence. It may be.

The Hon. LUKE FOLEY: Is it not the case that that licence between the health district and Mr Wale stated that the health district would advise the licensee, that is Mr Wale, if repairs or replacements needed to be done? That was the case, was it not?

Mr TURNER: The requirements for repairs and maintenance and management of the facility itself are self-evident.

The Hon. LUKE FOLEY: I do not know what that means, with respect. What I asked you—

Mr TURNER: It means that any competent operator would have understood what was required on the site.

The Hon. LUKE FOLEY: Thank you for that. What I am asking you is was it not the case that the licence between the health district and Mr Wale stated that the licensor—that is, the health district—would advise the licensee if the licensor required repairs or replacement?

The Hon. TREVOR KHAN: Point of order: That is actually not what the licence agreement requires.

The Hon. Dr PETER PHELPS: No.

The Hon. TREVOR KHAN: Section 6 (2) (b) sets out the conditions that apply. That is not correct.

The Hon. LUKE FOLEY: Mr Khan does not have to put that. The witness can put that. I am framing questions off the basis of Mr Wale's written submission to this inquiry.

The Hon. TREVOR KHAN: He is entitled to put what is in the licence agreement.

The Hon. Dr PETER PHELPS: Yes. May is not must: "The licensor may demand such repair work be carried out immediately by the licensee at its own expense."

The Hon. LUKE FOLEY: If you want to ask him Dorothy Dixers, you can. I am entitled to frame the questions as I see fit.

The Hon. Dr PETER PHELPS: But you cannot mislead.

CHAIR: Order! Please carry on.

The Hon. LUKE FOLEY: Where are we, Mr Turner? Are you familiar with the licence? Did you familiarise yourself with the licence that existed between the health district and Mr Wale?

Mr TURNER: I did.

The Hon. LUKE FOLEY: Is it not the case that between 1996 and 2013 the Sydney Local Health District conducted no audits of the licensee's performance. That is the case, is it not?

Mr TURNER: It is a question for the health service, not me.

The Hon. LUKE FOLEY: Wait a minute: You were doing—

Mr TURNER: I did not manage it.

The Hon. LUKE FOLEY: You were reporting on the state of the paddocks, the nature of the licence—you go into great detail in your report—yet you decline to answer my question whether or not the health district conducted any audits whatsoever of Mr Wale's performance. Why won't you answer that?

Mr TURNER: I cannot comment on what the area health service, the local health district, may or may not have done in the way of audits. I have no—

The Hon. LUKE FOLEY: Why not? You have done a report on what they may or may not have done. Why will you not answer my question?

Mr TURNER: My report is on the condition of the property, not previous audits.

The Hon. LUKE FOLEY: Is it not the case that no improvement notices were ever issued by the Sydney Local Health District to Mr Wale between 1996 and 2013?

Mr TURNER: You would have to direct that to the local health district.

The Hon. LUKE FOLEY: Is it not the case that there were no performance reviews conducted by the health district over Mr Wale's performance as licensee? Is that not the case?

Mr TURNER: I cannot comment on the operation of the health service.

The Hon. LUKE FOLEY: Is it not the case that the Sydney Local Health District now says they have \$500,000 to be spent on the paddocks, yet spent not a brass razoo between 1996 and 2013 on the paddocks?

Mr TURNER: There is a substantial budget to correct and address the condition of the property.

The Hon. LUKE FOLEY: To correct their neglect for 17 years.

The Hon. TREVOR KHAN: Point of order: My point is the same as previously. Apart from the issue of civility to the witness, again Mr Foley is jumping down the throat of the witness before he has the opportunity of finishing his answer.

CHAIR: Thank you. Mr Foley?

The Hon. LUKE FOLEY: Where was I? I see that Blue Visions Management Pty Limited is represented on the New South Wales lobbyists register by Mr Michael Photios. Have you had any discussions with Mr Photios about the Yaralla horse paddocks?

Mr TURNER: No.

The Hon. LUKE FOLEY: Have you had any discussions with the office of the Health Minister or the Health Minister herself about the Yaralla horse paddocks?

Mr TURNER: No.

The Hon. LUKE FOLEY: All of your discussions have been with representatives of the Sydney Local Health District?

Mr SCOT MacDONALD: Point of order: I cannot see anywhere in the terms of reference where that could be of any relevance.

Dr JOHN KAYE: I comprehensively disagree. It goes to the very first of our points of reference.

CHAIR: I do not find for the point of order. Do you want to finish your question?

The Hon. LUKE FOLEY: Yes. Where was I? All of your discussions have been with the health district directly. Is that right?

Mr TURNER: In regard to?

The Hon. LUKE FOLEY: In regard to the future use of the Yaralla paddocks.

Mr TURNER: Yes.

The Hon. LUKE FOLEY: And since you handed in your report on 4 February, you have had an ongoing role. Can you tell us what that role entails?

Mr TURNER: It has been, in the first part, discussions with the police and then subsequently preparing the scope of work and a design briefing. We have engaged sub consultants to prepare design briefs and packages of works that we will tender.

The Hon. LUKE FOLEY: You have been involved in the preparation of tender documents, have you?

Mr TURNER: The works tender documents.

The Hon. LUKE FOLEY: What about the tender that is now occurring for the licence to agist horses at the Yaralla Estate? Have you had any involvement in that?

Mr TURNER: Part of the panel. As project manager, yes.

The Hon. LUKE FOLEY: What is "the panel"? Is it the panel preparing the tender specifications? Is that one of the roles of the panel?

Mr TURNER: We are talking in terms of the assessment panel. I am a member of the assessment panel. I prepared, along with advice from a number of experts of the Crown Solicitors Office, the licence agreement, yes.

The Hon. LUKE FOLEY: Tell us who is on the assessment panel.

Mr TURNER: I do not think I should be making comment in regard to the tender.

The Hon. LUKE FOLEY: You just have, Mr Turner, with respect. You have told us you are on it. Why will you not tell us who else is on it?

Mr TURNER: I am not prepared to make comment on the tender.

The Hon. LUKE FOLEY: You just have.

Mr TURNER: It is inappropriate.

The Hon. LUKE FOLEY: But you are on the assessment panel.

Mr TURNER: This is an active tender.

The Hon. LUKE FOLEY: You who negotiated a deal with the police for them to move in now sit on the assessment panel, you tell us.

The Hon. TREVOR KHAN: Point of order: Chair, you have given Mr Foley some latitude with regards to being beyond his time. He is now well and truly beyond that time frame.

CHAIR: Right. Well, I have some time I can allocate. At that juncture, we will let Mr Foley finish and we will go to Dr Kaye.

Dr JOHN KAYE: Thank you, Chair. Mr Turner, can I ask you whether at any stage anybody from the local health district said to you or gave you cause to believe that the mounted police would be a better tenant than the current licensee?

Mr TURNER: I am sorry—did the area health service advise me?

Dr JOHN KAYE: Yes, anybody in the area health service. Did they ever give you reason to believe that was the case or that it was their desire to replace the current licensee with the mounted police?

Mr TURNER: The previous licensee was no longer in existence and my assessment of options was just that, the options. The area health service—

Dr JOHN KAYE: Just to be clear, they presented you with a series of options. Is that what you are saying?

Mr TURNER: No, no. I assessed options as part of my brief.

Dr JOHN KAYE: What options did you assess?

Mr TURNER: To continue under a similar arrangement, to self-manage or tender the facility, and part of that tender was the recommendation on the police.

Dr JOHN KAYE: So you are saying that part of the tender was a recommendation that police should win that tender.

Mr TURNER: No.

Dr JOHN KAYE: You said the tender and that part of that tender was the police. Could you please elaborate on what you mean by "part of the tender was"?

Mr TURNER: The third option was an option to tender the licence.

Dr JOHN KAYE: I am confused now because before you said the tender and part of that option was the police, so how can the police be part of that? Was it to invite the police to put in a tender?

Mr TURNER: Yes.

Dr JOHN KAYE: That is what you meant.

Mr TURNER: Yes.

Dr JOHN KAYE: But that is not what you told me a minute ago.

Mr TURNER: I think it is. That is what I meant.

Dr JOHN KAYE: All right. I am confused. The first I have seen of your report is today and I have just had a quick read of it. It would be fair to say, would it not, that you were deeply critical, of the previous management of the properties.

Mr TURNER: It is critical, yes.

Dr JOHN KAYE: Deeply critical. In fact, at one stage you referred to evidence of illegal tipping of rubbish, mulch and uncertified fill and you conclude that because some of the tipping was inside the paddocks and the keys were controlled either by the tenant or the subtenant. You say, "It would be reasonable to assume that those responsible for illegal tipping inside the paddock area are known to anyone with access to paddock gate keys." How do you argue that?

Mr TURNER: Self-evident.

Dr JOHN KAYE: But in other places you talk about the fences being in poor condition, so you are implying here, quite dramatically I think, that either the agisters or Mr Wale allowed illegal tippers onto the site. That is the implication of that sentence, is it not?

Mr TURNER: Whether it is illegal, authorised or unauthorised, it is quite clear that tipping has been made on the site. There is a requirement not to bring fill in as part of the agreement.

Dr JOHN KAYE: I am sorry, if I may just interrupt you there, I will read your sentence: "It would be reasonable to assume that those responsible for illegal tipping inside the paddock area are known to anyone with access to the paddock gates keys." You are implying by that sentence—and it is a direct implication without any move to go around it—that either Mr Wales or one of the agisters unlocked the fence and let illegal tippers in there.

Mr TURNER: The example that I was referring to happened after 28 December and before my next visit, which was early in January. There was no evidence of cut fences. It was adjacent to the public road next to the gate that remained locked.

Dr JOHN KAYE: Fair enough. It is between the first inspection and so it is not Mr Wales. The only people with the keys therefore would be the agisters. You are suggesting by that statement one of the agisters let them onto the land?

Mr TURNER: As part of her assessment, we asked the question of what the process was for allowing access to the public and the response was, "We give them the key." I do not think the keys are controlled in any way.

Dr JOHN KAYE: That is interesting. Maybe you might want to have a look at your report again and see because that is not what how your report reads.

The Hon. TREVOR KHAN: It is not how you interpret it, John.

Dr JOHN KAYE: I do not know about that, Trevor. I mean, I have read the section twice. I think that is a reasonable implication.

CHAIR: Order!

Dr JOHN KAYE: On page 11 of your report, you talk about "the current number of 33 agisted horses is not only in excess of the allowable limit set out in the licence"—which I think is 28—"but is also significantly more than the land is capable of carrying in its current condition." Let us just take that sentence. On what basis did you assess? What expertise did you bring to bear to assess the carrying capacity of the land?

Mr TURNER: The capacity of the land is self-evident. If you look at the photographs at the time of the report and any of the subsequent photographs, you will see that the groundcover is very poor, the grass root growth is very slow and overstocking is evident from the large dirt areas and eroded sections of the land.

Dr JOHN KAYE: Mr Turner, you are saying in order to be able to work out that 33 is not the correct carrying capacity, I am able to look at these photos, which are snapshots which are taken in the middle of what I recall to be an extremely hot summer.

Mr SCOT MacDONALD: Angry summer.

Dr JOHN KAYE: I think, actually, it was the hottest summer on record.

The Hon. TREVOR KHAN: Every summer is the hottest on record for you, John.

Dr JOHN KAYE: Maybe not me, but for the bureau. But leaving that aside, you are saying it was based on that, and that was the only expertise you brought to bear. The average person out there with no expertise in horses or pasture management could go in there and say, "No, 33 is too many." Is that what you are saying?

Mr TURNER: The approved maximum stock numbers under the previous licence is 28. There were 32 there on the day of my inspection.

Dr JOHN KAYE: To be fair, Mr Turner—

Mr TURNER: Please let me finish.

Dr JOHN KAYE: —these are two separate questions. You are going somewhere I do not want to go. I have accepted that the approved number was 28; that is fine. But you also state, and I will read it to you again, "the current number of 33 agisted horses is not only in excess of the allowable limits set out in the condition but is also significantly more than the land is capable of carrying in its current condition." In order to make that statement, it would be an ethical imposition on you to have a view on what the carrying capacity was. I am asking you: What expertise did you use with respect to that? Did you call in pasture experts? Did you call in agronomists? Who did you call in to get that opinion?

Mr TURNER: Twenty-eight is the maximum. In managing the facility—

Dr JOHN KAYE: No, 28 is a licence maximum.

Mr TURNER: No, no. This is the second time I have tried to finish my answer.

The Hon. TREVOR KHAN: Point of order: The witness is attempting to answer the question and Dr Kaye is not giving him the opportunity of answering the question as he wishes to, which he is entitled to do.

Dr JOHN KAYE: To the point of order: The witness is not answering the question. The witness is answering a separate question about what is in the lease. We have accepted what is in the lease is 28. What I am trying to get at here is: What basis, what expertise, what scientific expertise did Blue Visions use to come to the conclusion that 33 was too many?

The Hon. TREVOR KHAN: Further to the point of order: A witness in these inquiries is entitled to answer a question as he sees fit. That is the standard that applies to all witnesses and the witness should be entitled to answer the question as he sees fit, as long as he is generally relevant.

CHAIR: Please continue, Mr Turner.

Mr TURNER: Thank you. I will start again. This is the third attempt. The maximum stock numbers are 28. That is the maximum allowable. In management of the facility you should use your knowledge, skill and good judgement to assess what the current carrying capacity is. That will vary dramatically. Twenty-eight is not a mandatory number. It should be much less, if required, and occasionally it could be more. The conditions of the paddock are self-evident. There is a lack of ground cover, large dirt areas and regrowth has subsequently been very slow. There are clear signs of overstocking, as are the prevalent weed infestations linked to

overstocking. We subsequently sought expert opinion and testing of the facility. A report was prepared over three days. They conducted 30 test bores and completed scientific analysis and that confirmed my findings.

Dr JOHN KAYE: You say "they" in that sentence, who is "they"?

Mr TURNER: We engaged Environmental Partners to complete the design. One section of their work was to complete soils analysis and assessment of stocking levels.

Dr JOHN KAYE: Environmental Partners?

Mr TURNER: Yes.

Dr JOHN KAYE: That is a company?

Mr TURNER: Yes.

Dr JOHN KAYE: Do they have specific expertise in pasture management?

Mr TURNER: Yes.

Dr JOHN KAYE: Would you take on notice: We would like to know who their expert was and what qualifications they had in pasture management?

Mr TURNER: I would be happy to provide the detail and the soils report.

Dr JOHN KAYE: Did they also recommend, or did you recommend that the land should be fertilised?

Mr TURNER: Yes.

Dr JOHN KAYE: Was that their recommendation or yours?

Mr TURNER: Both.

Dr JOHN KAYE: So you both recommend it should be fertilised. Can you tell us what sort of soil there is on this land?

Mr TURNER: It is outlined in the report.

Dr JOHN KAYE: Yes but I only got the report this morning, so can you tell us what sort of soils they are, predominantly?

Mr TURNER: I will have to take that on notice and I can provide you with the exact breakdown on the soil type because it is a mixture across the estate and it varies from shale at one end to a silty loam at the other and everything in between.

Dr JOHN KAYE: The previous licence holder says that the soil was mostly clay. Do you dispute that?

Mr TURNER: I will take it on notice and check the report. "Mostly clay" does not come to mind.

Dr JOHN KAYE: The previous licence holder asserts that it is mostly clay and he also asserts that fertilising the land—because it is clay soil and I think it is probably right—that fertilising the soil will lead to the fertiliser just running off into the Parramatta river. Your recommendation of fertilising the soil, would that not run the risk of the fertiliser just running off into the Parliament river?

The Hon. Dr PETER PHELPS: Not if it is done properly.

Dr JOHN KAYE: If I wanted your opinion, Dr Phelps, I would have asked you but I asked Mr Turner his opinion.

CHAIR: Order!

The Hon. Dr PETER PHELPS: It is a stupid question.

Dr JOHN KAYE: I beg your pardon?

CHAIR: Order!

The Hon. Dr PETER PHELPS: It is a stupid question.

CHAIR: Order!

Dr JOHN KAYE: If you would like to continue, Mr Turner—without the assistance of your buddy, Dr Phelps—that would be of benefit to the Committee.

Mr SCOT MacDONALD: Point of order: That is implying there is some sort of relationship between the witness and—

CHAIR: Order! I take your point of order.

The Hon. LUKE FOLEY: There are tens of thousands in donations to your political party so there is a relationship.

CHAIR: Order!

Dr JOHN KAYE: Mr Turner, let us briefly step aside from the run of questioning, I want to ask you this question—

The Hon. LUKE FOLEY: You might ask him about all his company's donations to the Liberal Party.

Dr JOHN KAYE: Mr Turner, how much did your organisation give to the Liberal Party?

CHAIR: Order! That is outside the scope.

Dr JOHN KAYE: It is an issue that was raised by the Government. Clearly, they have an interest in this matter.

CHAIR: You are over your time. I may allow you another question.

Dr JOHN KAYE: Thank you Chair. I have a good one.

CHAIR: Mr Turner, I also have only just had the benefit this morning of getting a copy of your report. I note, on page 12, where you explore the options for future leasing as an agistment facility, you recommend against the existing arrangement which, based on their evidence, I can understand. You recommend against a self-managed operation by the Sydney Local Health District [SLHD]. I suppose I can understand that too. Under the section "Tender for a new operator under a new licence", you do not actually recommend anything, although you do say: "It is recommended to undertake a cost-benefit analysis and if found viable, a licence for the facility be offered to a suitably qualified operator" et cetera. Then, in the next section, you deal with a lease option to the NSW Police which, the way I read it, seems to be an argument why the previous recommendation for a tender not occur and that you should just go ahead and negotiate with the Police. In fact, you do recommend that discussions continue with the New South Wales Mounted Police, is that true?

Mr TURNER: In respect to ongoing discussions, yes.

CHAIR: Yes, in respect to ongoing discussions, with a view to establishing a new licence for up to 10 years with a right for renewal of another five years, is that correct?

Mr TURNER: I make the same recommendation in respect to any tender.

CHAIR: So you are saying that the previous recommendation in relation to undertaking a costs benefit analysis and putting it out to general tender really wasn't necessary at all because you're recommending that they continue to have discussions with the Police with a view to wrapping it up with a ten plus five. Is that true?

Mr TURNER: It is an option. I do not think they are weighted any differently.

CHAIR: In your section where you are dealing with the lease option to the New South Wales Police which, by my reading, seems to be what you are really recommending and an open tender was not part of that process, there is a point there which you say is a potential major benefit—"an increased and highly visible police presence on the estate". On what basis do you make that recommendation? Why is that a benefit to the Yaralla Estate? What professional background do you have to make that recommendation?

Mr TURNER: Those comments come from some of the agistors' own responses to a survey: Speeding cars and illegal activities on the site. I am aware of discussions with the Area Health Service that there have been numerous problems there and I think that an increased police presence on the estate would be helpful.

CHAIR: So you are qualified to make that recommendation, especially when you are recommending, through the continual negotiation with the police, that the people who have the complaints be ejected from the estate?

Mr TURNER: No, that's not what I am—

CHAIR: It is therefore more important to have the police with their horses there, to exclude everybody from what is a public estate. Is that what you are saying?

Mr TURNER: No.

CHAIR: Can you explain again to me why you would make a recommendation and see that as a benefit?

Mr TURNER: I think having an increased police presence in any location would be beneficial, particularly if you have had problems in the past.

CHAIR: But are you aware of the fact that there has been no police presence on that estate in the past?

Mr TURNER: An increased presence, I didn't say "no".

CHAIR: You said an "increased presence" but are you aware that there was no police presence on that estate in the past?

Mr TURNER: Is that a question?

CHAIR: I said, "are you aware". Was there a police presence on there in the past? Yes or no?

Mr TURNER: Am I aware?

CHAIR: Are you aware of it, yes.

Mr TURNER: Have the police ever been there?

CHAIR: No, was there a police presence in the terms of which you are recommending now?

Mr TURNER: An occupation?

CHAIR: Yes.

Mr TURNER: No, I am not aware of it.

Dr JOHN KAYE: I take you to page 13 of your report:

A well-run facility could provide a reasonable return for operators and therefore support a substantial increase in the current return to SLHD.

What do you see as a reasonable return on this land?

Mr TURNER: It is objective, in terms of an increased return. The point I am trying to make is that a better operator making an income there can provide better oversight and better management of the facility and it would result in an increased return for the area.

Dr JOHN KAYE: Is that the end of Mr Turner's time?

CHAIR: No, we can extend.

Dr JOHN KAYE: You do not have a view of what a reasonable return on this site would be?

The Hon. TREVOR KHAN: Point of order: This witness is a member of the tender panel. There is certain in confidence material that we have received already. I would be concerned that questioning be allowed that, in fact, may undermine a tendering process if Dr Kaye continues with this line of questioning.

CHAIR: Let us hear Dr Kaye's question.

Dr JOHN KAYE: Can I have clarification of the Committee staff? The report which I am working through here, Blue Vision's report, is not a confidential report, is that correct?

CHAIR: I am told it is a public document.

Dr JOHN KAYE: In that report it says:

A well-run facility can provide a reasonable return for operators and therefore support a substantial increase in the current return to SLHD.

That means that the author of this report—who I take to be Mr Turner—had, at the time that he wrote that, a view of what the return would be. And I imagine, from SLHD's point of view, that statement would have played quite significantly on their thinking about how they should run the future of this. Therefore, I would like to know—

The Hon. TREVOR KHAN: Further to the point of order: The question of what the SLHD might or might not consider is an appropriate return, is a matter for them, not to a witness who is part of the tender process. And if the evidence goes to—

The Hon. LUKE FOLEY: But it is a disgrace that he is part of the tender process—an absolute disgrace.

Dr JOHN KAYE: Therein lies the problem, surely.

The Hon. TREVOR KHAN: Interjections such as that are unhelpful, Chair. It is not appropriate to allow commercial in confidence matters to be dealt with at this stage and that is a matter that does not relate simply to this Government, it relates to all governments.

CHAIR: Order! I take the point of order. I do not think Dr Kaye is going to the current tender process. Am I right or wrong in saying that you are asking for a personal opinion?

Dr JOHN KAYE: You are correct, I am asking for the opinion that Mr Turner held at the time that he wrote that statement in that report and I take the warning from the Hon. Trevor Khan seriously. However, in this document—which a lot seems to turn on—Mr Turner expressed the opinion that: "A well-run facility could provide a reasonable return for the operators." I want to know what you meant by "reasonable return" there and where I was going to go to with that is, how do you trade that off against public accessibility to the site, or was that not a concern when you made that statement?

Mr TURNER: I cannot see the connection between the two questions.

Dr JOHN KAYE: Let me go to the first question. On what basis did you establish the statement: "A reasonable return for operators"? What were you thinking of then?

Mr TURNER: For the operators, not the Area Health Service? For an operator?

Dr JOHN KAYE: We are just talking about the operators.

Mr TURNER: The operators must be viable, or they are not going to be there very long.

Dr JOHN KAYE: In this statement: "A well-run facility could—" and therefore you are talking in the future, in a hypothetical sense, "—provide a reasonable return for operators".

Mr TURNER: The opposite of that being, they could not make a reasonable return and therefore would not be viable. So I am making the point that, in order to be viable to provide the services required, they can—could—make a reasonable return.

Dr JOHN KAYE: So, what was that reasonable return?

Mr TURNER: You are asking me to quantify it?

Dr JOHN KAYE: Well, normally people talk about \$30 an hour or \$50 an hour for horse agistments and then they talk about returns based on that. You must have had some business model, when you made that statement. You were being paid to give advice to the SLHD, so you must have had some business model for horse operators or some kind of operator for that site?

Mr TURNER: Return is a factor of their expenses and their income. We know neither and we are talking about hypothetical that they could make a reasonable return.

Dr JOHN KAYE: Do you know what the return made by the previous operator was?

Mr TURNER: No.

Dr JOHN KAYE: So, you made that statement in the absence of knowledge of what the return made by the previous operator was. How much were they paying to the SLHD?

Mr TURNER: I think it is public knowledge. I do not have the exact figure.

Dr JOHN KAYE: When you wrote that statement, you were aware of what they were paying to the SLHD?

Mr TURNER: Yes.

Dr JOHN KAYE: So that statement went to the fact that you felt that the SLHD could be making more money out of this land if there was an operator there who was charging higher rates and therefore, getting a higher return?

Mr TURNER: The point I make is that they could provide an increased level of management and supervision and make a reasonable return.

Dr JOHN KAYE: That is probably not how you have written it.

The Hon. LUKE FOLEY: Mr Turner, given you wrote the report that recommended handing the paddocks over to the police; given you then negotiated arrangements for the police to be granted the licence to the paddocks, how on earth can you sit on the tender panel now and objectively assess the bids made? How on earth can you be objective? You just cannot, can you?

Mr SCOT MacDONALD: Point of order: Surely that is a question to be directed to other people handling the tender.

Dr JOHN KAYE: To the point of order: Not at all—it is a question directly, it is Mr Turner who is sitting on this board.

Mr SCOT MacDONALD: Have we got a new Chair?

Dr JOHN KAYE: I am talking to the point of order.

CHAIR: I am recognising Dr Kaye.

Dr JOHN KAYE: Mr Turner plays a key role in the deliberations of the Committee because he wrote the Blue Vision report. He also plays a key role in what we would determine as our outcome because we are obviously looking at the tendering process. The question to Mr Turner is: how could Mr Turner, as a consultant who wrote this report, then sit on the tender report?

The Hon. Dr PETER PHELPS: To the point of order: The argument is based on a false premise in that it implies that the only outcome suggested by the witness was a lease option for NSW Police when, clearly, on the page beforehand it indicates a tender for a new operator under a new licence. On that basis, it is perfectly reasonable for the witness to be involved in this process. The second part of the point of order relating to the question is that I believe the questioner implied that the person was responsible for showing the police around. That was not, as I understand from the witness, of his own initiative, but done at the behest of the area health service. So the implication on both points is wrong and the question should be ruled out of order.

The Hon. LUKE FOLEY: That is my point. Health and Mr Turner will not stop until the paddocks are given to the police, and no-one else need apply in this completely bogus, bodgie tender process.

Mr SCOT MacDONALD: Is this a statement?

The Hon. LUKE FOLEY: That is my point of order.

CHAIR: Mr Turner can then elect to answer Dr Kaye's question himself, or do you wish to take it on notice?

Mr TURNER: I will take it on notice.

CHAIR: That being the case, at this stage we will call for our next witness. Thank you very much, Mr Turner.

(The witness withdrew)

ANGELO TSIREKAS, Mayor, City of Canada Bay, sworn and examined:

CHAIR: For the sake of the record, I welcome Councillor Angelo Tsirekas. Would you like to make an opening statement?

Mr TSIREKAS: Thank you for the opportunity to be part of the hearing today. Certainly as the mayor representing the community of Canada Bay, this issue, along with others, rates highly in the concerns of the community that has been brought to my attention at a very late stage of the consultation proceedings and I will get to that in a moment. In early April I was visited by Mr Mark Farlow, an agister and a resident of our municipality, who brought to my attention the concerns of the agisters, the matter of many months of meetings that were held and the issue being that the Yaralla Estate was to be vacated by the agisters by December, but that they had been given an extension, and that he would like council to be involved with assisting the agisters. I certainly was very happy to be part of the process of trying to negotiate between the parties to see if we could get some resolution.

Quite clearly an important fact that council and myself were left out of the process and were not consulted by either the area health, the State Government or the State member regarding a very important issue, even given the courtesy and told that there were matters at hand about changing the use of Yaralla, given clearly that the Trust was set up for the public hospital, public open space and the agistment of horses. Since then, with the matter coming out to the public forum, given that Mr Mark Farlow tried to resolve the issue internally with assistance through his party or government clearly indicated to me that he wanted assistance to try to have this negotiated. Since then, there have been public meetings, public rallies, and this issue is one of high importance.

All of you would know where Yaralla Estate is. I have been the mayor for over 11 years and quite frequently get calls by prospective developers saying, "That vacant block up there, those open areas, are they up for sale or up for development?" Quite concerningly, I say, "No, that is part of the Yaralla Estate, and they are agisting horses there as part of the Act. Keep your grubby hands off it. You are not to go anywhere near there." Certainly we do not want to go back to the bad old days in 1989/1990 when there was massive concern about the then Greiner Government looking at the potential for Yaralla. The fact is that there was never any denials of the potential action that could possibly be forthcoming. It has been an important issue that the site is unique. Council has nothing against the police, council has nothing against the hospital.

I am a great supporter of the hospital and police, and council has a great partnership with Yaralla, with the hospital, Bushcare, the historical society. We have great partnerships with the hospital to do with health. We sponsor the Rivendell function. The funds from my golf day this year are going to go to the hospital. I am on the Kokoda Track Walkway Committee. There is a great partnership, great level of responsibility between two parties. From a background like that, it was of concern to myself and others on council that this was being done without any prior consultation and it looked to me by discussions with the agisters and people from Concord that the deal was done with the police without proper tender. We have put forward a submission outlining our concerns as well. I will stop at that as an opening remark.

CHAIR: Thank you, councillor.

The Hon. Dr PETER PHELPS: You have raised the issue of possible development to the site. Has council been approached by either Health for a different use of the land or by the State Government in relation to disposal of the land or to a change in the zoning of the land?

Mr TSIREKAS: Not to me personally. The only concern is that there has been a change that was considered without consultation to council. That was to rid the estate of the agisters, one that has had a long history, and certainly my concern, and I will raise it with you now, is that the management plan that is proposed, the new planning, actually seems to me, and I am not a planner—isolating the lots towards Nullawarra Avenue, fencing them off and letting them sit there would concern me because, to me, it looks like they are being isolated away from the public. If you drive down that road today, you are not going to see the horses. You are not going to see anything except a fenced off area of land. To me, quite clearly, again, the potential is that down the track, after many years of neglect, whatever government is in power might look at raising revenue and what better way to raise revenue than sell off vacant land that is not being used for anything. A couple of months ago you would drive up there and you would see horses there. You would see members of the public, you would see children enjoying the outdoor life with horses that were seen from the street. What is going to happen now is that will be isolated and that is on the management plan.

The Hon. Dr PETER PHELPS: Getting back to my original question: there is no plan before you or the council for any development of that site on that site, nor is there any request for a change in the development status of the land, is there? So when things appear on billboards around the local area which say this is going to end up as another Breakfast Point, as there have been, then no doubt you would tell people, if they approach you with that concern, that that is ridiculous, would you not?

Mr TSIREKAS: Certainly. I have not seen the billboards about another Breakfast Point. It is—

The Hon. Dr PETER PHELPS: Do you have concerns it will end up as another Breakfast Point?

Mr TSIREKAS: I certainly would like to put on record that any concern of any development of any kind on the Yaralla Estate by any government—it is a unique historical society bequeathed by the Walker Trust and the Walker family, and any talk of development, any talk of selling off the land for any other use would be of major concern and the public outcry would be immense.

The Hon. Dr PETER PHELPS: I agree, it would be of concern, but the only person I have heard so far speaking about selling off their land is yourself and these anonymous billboard fliers. I have not heard anything from the current Government. I have not heard anything from the Opposition about selling off land.

CHAIR: Not yet.

Mr TSIREKAS: Mr Chair, I do not think I said that it is there for selling off. I said that the isolation of the paddocks towards Nullawarra, if you look at the management plan, would be of concern if they were left there vacant without any use. Certainly the enclosures for the horses have been moved away from Nullawarra and the public access is of great concern potentially of closing the area off where people or public could not see or touch the horses.

The Hon. Dr PETER PHELPS: You were the mayor of Canada Bay Council when Breakfast Point development went through, were you not?

Mr TSIREKAS: No.

The Hon. Dr PETER PHELPS: You were not?

Mr TSIREKAS: No, that was under Concord Council with Peter Woods as Mayor.

The Hon. Dr PETER PHELPS: What year was that?

Mr TSIREKAS: Before 2000.

The Hon. TREVOR KHAN: You are aware of a proposal, including from the last witness, that this go out to tender? Yes?

Mr TSIREKAS: Just of last week when I was told that the tender papers were out there.

The Hon. TREVOR KHAN: Is council considering putting in a tender to then take on the management of the area for the purposes of agisting horses?

Mr TSIREKAS: I have not raised that with the councillors. It has been discussed in an open forum with other interested agisters that would like to see council more involved. Without looking at the tender documents, without looking at what is proposed, we would have to put it to—

The Hon. TREVOR KHAN: Why do you not have a look at the tender documents?

Mr TSIREKAS: I was told by email that they were out there and we will have a look at them and certainly council does a lot of in-kind work for Yaralla Bushcare, the historical society—

The Hon. TREVOR KHAN: This is an opportunity to represent your community by putting in a tender.

Mr TSIREKAS: I would like to answer that, if I can.

Dr JOHN KAYE: Point of order: The witness should be allowed to answer the question.

Mr TSIREKAS: We are doing a lot of work with Yaralla at the moment and supporting them, and we will look at the tender documents. If there is an opportunity, that would have to go before council. I cannot speak on the other Liberal councillors or Green councillors that are before the council. That sort of decision has got to go for a vote.

The Hon. TREVOR KHAN: Sure, but you can move a motion, you can put a proposal before the council.

Mr TSIREKAS: The council will look at the report, or the officers will, and they will consider putting up a report if they think it is viable for us to be involved.

The Hon. TREVOR KHAN: What would be the time frame for the preparation of that report so that you could get into the tender process?

Mr TSIREKAS: I would have to ask my officers that.

The Hon. TREVOR KHAN: You have not done that yet?

Mr TSIREKAS: No.

The Hon. TREVOR KHAN: Why not? If you are so concerned about this issue—

Mr TSIREKAS: Certainly.

The Hon. TREVOR KHAN: —why not?

Mr TSIREKAS: If you give me the opportunity, it has only been out—how long have the tender documents been out?

The Hon. LUKE FOLEY: They were put out from the day after submissions closed for this inquiry.

The Hon. TREVOR KHAN: Why not? Come on.

Mr TSIREKAS: I am not involved with the timing, but yes I will certainly—if we can have an opportunity—put forward a tender document, if it is viable for council. Council is running a very tight budget, we are rate pegged and we are cost shifting. Governments are putting more duties on councils to do the job of the State Government. We do not have money to throw away or to look after Crown land all the time. But if there are opportunities to work with the area health and work with the agisters we would certainly like to do that. That was the case when I was involved at a very late stage, in April when I was told about what was happening—this was after months and months of negotiations. If the Government was serious about council being involved would you not think that we would have been told upfront that there may be an opportunity for council to be involved in working with area health and the agisters as we have been doing over many years? The transparency in this is of concern and the way it was handled without talking to a major stakeholder. You are asking why we have not done anything. We would have loved to have been involved at a very early stage and certainly we will look at opportunities in the future.

The Hon. LUKE FOLEY: Are you familiar with the Walker Trusts Act?

Mr TSIREKAS: I am familiar that it exists. I am familiar in fact that it does bequeath the land under the Act to the Government or to area health to make sure that the potential future of it is kept in public hands and, of course, under trust for the public open space and for the agistment of horses.

Mr Scot MacDonald: Point of order: That is not correct. I was going to ask that question. The City of Canada Bay has got it wrong, it is "or".

CHAIR: There is no point of order.

The Hon. LUKE FOLEY: I put it to you that you are correct—namely, under the Walker Trusts Act the land is to be used for the provision of health services, public use, public access and the agistment of horses.

Mr Scot MacDonald: Point of order: We continue to get this wrong. The Act says "or" not "and".

CHAIR: There is no point of order. You can tease that out with a question later on if allowed.

Mr TSIREKAS: I agree with you on that. That is the way I read it and that is the way the community reads it.

The Hon. LUKE FOLEY: Is it an important consideration of the council that that there should be the opportunity for those members of the City of Canada Bay who own horses to have them agisted at the Yaralla Estate?

Mr TSIREKAS: Rightly so. In fact, historically the connection with the local community, the Yaralla Estate and hospital has been that way.

The Hon. LUKE FOLEY: You do not want just any horses there. Is it correct that you think local residents who own horses should have some priority?

Mr TSIREKAS: Indeed. I can say that if it were in the Government's interest to put the police there that there also should have been an option or negotiations upfront for the sharing of the facility and the public should still have the opportunity for the agistment of horses on that land.

The Hon. LUKE FOLEY: You mentioned sharing.

Mr TSIREKAS: Yes.

The Hon. LUKE FOLEY: The council would have no objection to the model of a small number of police horses sharing the paddocks with the horses owned by members of your local community, would it?

Mr TSIREKAS: We are not the consent authority but if we were of course we would seek the sharing of horses between them both.

The Hon. LUKE FOLEY: You would be fine with that.

Mr TSIREKAS: Yes, the sharing of horses between both the public and police.

The Hon. LUKE FOLEY: We have heard from the police over the past few months, and indeed this morning, that they only desire a very small number of their 32 horses to be agisted at the Yaralla Estate. They told us this morning that they do not desire to move their headquarters out of Surry Hills. Given that, and with good will from all concerned, in the view of council it should be possible for a shared solution to be reached where a small number of police horses are agisted in those paddocks alongside the horses owned by members of your local community, should it not?

Mr TSIREKAS: One would expect that would be given a great airing upfront to maximise the opportunity for a win, win on all fronts. At the meetings in which I was taking part it was raised that sharing should be considered but I do not think that was an option that area health were going to take account of.

The Hon. LUKE FOLEY: Mr Khan, my colleague, has asked why the City of Canada Council does not stump up and submit a tender. Would you be concerned to learn that the fellow who wrote the report that recommended handing over the paddocks to the police and then negotiated the deal with the police to move in is now on the tender panel to assess the tenders?

The Hon. TREVOR KHAN: Point of order: Where can that possibly go within the Committee's terms of reference? Mr Foley is giving the witness an invitation to essentially defame the last witness; that can be its only benefit.

CHAIR: Let us see if Councillor Tsirekas does actually defame him.

The Hon. TREVOR KHAN: With the benefit of parliamentary privilege—

CHAIR: If he were to do that I would stop him.

Mr TSIREKAS: I am here to represent my community. As mayor I always make sure that we deal with matters with transparency, there is no conflict of interest or that parties involved in the transactions and concerns that have been raised by that question are certainly—

Mr SCOT MacDONALD: Even when you get fundamental information wrong.

CHAIR: Order!

Mr TSIREKAS: It should be transparent and there should not be any conflict of interest. That is the way the council deals with matters and I would expect the Government to do likewise.

The Hon. LUKE FOLEY: You told us earlier that your council is required to be prudent with its limited budget, with ratepayer dollars. If council were to make a decision to submit a tender you would want to be certain that the tender process was entirely transparent and objective, would you not?

Mr TSIREKAS: Indeed.

The Hon. LUKE FOLEY: In the words of Dr Phelps, if I could put a hypothetical. If a government agency was to recommend handing over its land to another arm of government and then negotiated it only to be forced to be put it to tender, and then the person who had written the report and driven the negotiations to handover that land to another arm of government was on the tender panel, would you then have any concerns about the transparency of the tender process and its objectivity?

Mr TSIREKAS: That might be a matter for ICAC to investigate if it did happen. The fact is that it should be transparent; there should be no conflict of interest. People should consider their positions if it is raised that there may be a conflict there by participating in the tendering process if they are on the panel.

Dr JOHN KAYE: You said council was left out of the process entirely. When were you first aware of the issue of the mounted police being access to the site?

Mr TSIREKAS: It was by email by Mr Mark Farlow—that was the beginning of April.

Dr JOHN KAYE: April of this year?

Mr TSIREKAS: Yes, early April.

Dr JOHN KAYE: Prior to that you would have been aware that the previous licensee had gone?

Mr TSIREKAS: No.

Dr JOHN KAYE: So you were not alerted to any issues with the site by the Sydney Local Health District until April when you got an email from Mr Mark Farlow?

Mr TSIREKAS: That is correct.

Dr JOHN KAYE: Prior to that there were no discussions with you and to your knowledge there were no discussions with council officers?

Mr TSIREKAS: To my best of knowledge that was the first time that any contact was made to council regarding this issue.

Dr JOHN KAYE: It would be reasonable to say that the Yaralla Estate is one of the premium pieces of open space in your municipality, would it not?

Mr TSIREKAS: Without doubt, it is unique historically. It sits in the centre of Concord. It has had a great relationship with the community through the hospital, through the Walker estate, Rivendell. The parcel of land is unique in Australia regarding its heritage value. Certainly as mayor on many occasions—people speak so highly about what we do have here and the possession of open space so close to the city. The agistment of public horses there is always a comment made by people who visit the site and certainly who drive up Nullawarra Avenue. It is unique to be so close to the CBD and have paddocks which look like farmland in the middle of Sydney.

Dr JOHN KAYE: The Heritage Council says that the agistment of horses is a significant component of the heritage value of the site inasmuch as it shows a function of the site that would have been typical of its use in the 1920s and 1930s when it was operating as an estate. Is that your assessment and also that of the officers of your council?

Mr TSIREKAS: I cannot answer for the officers but from my perspective as mayor and as a representative of the area it is certainly brought to my attention on numerous occasions that that is the benefit of Yaralla—namely, it brings the feel of living close to a farm that can be touched and can be viewed from a residential area. It is a priceless parcel of land that we hold dearly.

Dr JOHN KAYE: Do you have concerns that moving from public agistment, which is what we effectively have now, to agistment by the New South Wales Mounted Police Unit could take away some of that heritage value?

Mr TSIREKAS: There is a concern and, of course, the fact that the current management plan that I have viewed—I do not know if it is current anymore—does show that the adjustment of the police or whoever is agisting horses has been taken away from the area that has closest access for the public to use and that the portions of land towards Nullawarra have been sort of isolated and fenced off with high cyclone fences. It does give you that feeling of closing off, like boarding or hoarding a parcel of land that is ready to be developed.

Dr JOHN KAYE: High cyclone fences certainly would not be characteristic of the 1920s or 1930s?

Mr TSIREKAS: I can only go on pictures. That is correct, yes.

Dr JOHN KAYE: Were you at the rally held at Arthur Reserve on 26 May?

Mr TSIREKAS: The recent rally, yes.

Dr JOHN KAYE: That is 26 May?

Mr TSIREKAS: Yes, I was.

Dr JOHN KAYE: Were you surprised by the number of people who turned out to the public rally?

Mr TSIREKAS: I was quite pleased to see the reaction from the residents who had turned up on a beautiful Sunday morning, and indeed the support they showed the local agisters. Because a lot of the parents who brought their kids were parents who actually grew up in the area and had enjoyed the feeling of horses. They were trying to show their kids the benefit of having horses there and having the opportunity to have horses so close to the residential area.

Dr JOHN KAYE: You did not say you were surprised; you said you were pleased?

Mr TSIREKAS: That is right.

Dr JOHN KAYE: Can the Committee take it that you were not surprised because the depth of public feeling about this issue would be consistent with the number of people who turned up?

Mr TSIREKAS: Indeed. Again, this is one of those issues that, as mayor, you can feel the pulse of the community. This has touched a raw nerve and there has been a lot of support from people not only in Concord but from far off suburbs as Drummoyne and Five Dock who do not even live there.

Dr JOHN KAYE: That is a long way away, is it not Mr Mayor?

Mr TSIREKAS: It is. By horse it is not. It has stirred up the whole area a bit.

Dr JOHN KAYE: Based on your sense of where the community is at and your sense of community concern for the future of the site, what do you see as the optimal solution? Given, obviously, that the previous licensee has gone, there are 15 to 20 people with horses requiring agistment and the community's interest in the site, how would you resolve that as the community leader?

Mr TSIREKAS: I will just go back a couple of steps. I think it was mentioned before, the area that was used by agisters without doubt was run down. It needed work, without doubt, and I supported the upgrade. But that was in line with keeping the current situation, that is, the public agisters. I understand that governments sometimes need to view how it looks after, continues and maintains opportunities in trying to resolve the cost impact. The sharing of the Yaralla paddocks with the police horses indeed would be a solution that the community would consider is a win-win—the opportunity for the public to still access the horses without having to go to too much trouble to view those horses by going through security gates or boom gates or having to drive half way down the Walker estate at Yaralla to get to the horses. The whole feel and look of Yaralla has changed since the cyclone fences have gone up and the horses have gone. It does look sterile. Certainly, the concern is that the cut and paste of the current situation might happen again over the Yaralla Estate. That would be of concern.

CHAIR: Is it fair to say then that the council is very disappointed with the alienation of this property from the general public in the area?

Mr TSIREKAS: Without doubt that is a real concern and the impact it is having on what used to be open space, public horses and access to that site. The change has been dramatic to what was a very serene, peaceful and farm-like atmosphere at Yaralla.

CHAIR: In general, that space was used by local residents, not just for agistment but also for walking?

Mr TSIREKAS: The nature of the area leads to the want of use and access through the site to the Parramatta River and is an integral part to the whole area of that hospital precinct. The Yaralla and Kokoda Track all formed a wonderful piece of open space that people could enjoy for whatever activity.

CHAIR: Then it is true to say that if the grant of a lease to the police, as was envisaged prior to the current tender process, were to proceed, this whole area would be alienated from local residents?

Mr TSIREKAS: Again, I have nothing against the police—in fact, very big supporters of them—but the way it was done and the way it was proposed, it felt like there was going to be alienation of the land: it was going to be used by the police and there was going to be concern about access that would be denied, given the current usage of the site. Yes.

Mr SCOT MacDONALD: I did have a few questions for you, but I am going to talk about the conditions of the paddock. I am concerned about the pictures of the fireweed—a weed of national significance. Local government is the responsible authority. How could we have any confidence in the City of Canada Bay if it is not fulfilling its responsibility now to control and manage those weeds and talk to whomever owns the property under whatever tenure? If you cannot manage your responsibilities now, how can the City of Canada Bay have any future role either as someone who tenders or has any function when it cannot seem to fulfil its basic responsibilities now?

Mr TSIREKAS: I am not a weed expert, but I do know in fact that we do a lot of in-kind work for the Crown on that land. We have volunteers working every weekend for the Crown for free. The historical society does a lot of maintenance work there. In fact, I for one assisted in the upgrade of the dairy on that site—I am not sure if you are aware of it—out of my own pocket. You said that we are incompetent. Did you mention incompetent?

Mr SCOT MacDONALD: You are not fulfilling your functions now.

Mr TSIREKAS: I do not know that to look after weeds on the paddocks was our function. I think that may have been the job of lead—

Mr SCOT MacDONALD: You do not seem to understand your responsibility as a councillor. Under the Act you are supposed to control a class 4, I think. I will read it to you, if you like. It states, "The growth of the plant must be managed in a manner that reduces its numbers, spread and incidence." It is your responsibility to work with the landholder and identify those weeds. You are there every day, according to what you are telling me, but you are not fulfilling that basic function. How could the City of Canada Bay have any greater role if you cannot do that basic function?

Mr TSIREKAS: I am sure that the State Government would be aware that there are weed infestations all over the State and I do not know if you are doing your job either. We certainly work hard in trying to maintain the site as best we can with the lessee and the Crown. Again, our bush care worker is there every weekend giving their own volunteers time to maintain that site. The council is working as best it can to assist the Crown and the Government in maintaining the site for the future.

The Hon. Dr PETER PHELPS: Could you take on notice whether in the past four years, shall we say, any council officer has brought to the attention of the local area health service or the lessor of the property the presence of prescribed weeds on that property?

Mr TSIREKAS: I will take it on notice.

CHAIR: On that basis, we will now conclude. Thank you for attending, councillor Tsirekas. This hearing will now close and reconvene at the Yaralla Estate at 3.30 p.m.

(The witness withdrew)

(Short adjournment)