

REPORT OF PROCEEDINGS BEFORE

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

INQUIRY INTO THE AGISTMENT OF HORSES AT YARALLA ESTATE

UNCORRECTED PROOF

At Concord on Monday 5 August 2013

The Committee met at 6.00 p.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: Thank you, ladies and gentlemen. I encourage you to come forward to the front. I would like to see the room full, and it is getting there slowly. We still have people coming in. Can I get a show of hands of people who might like to speak tonight, because we only have five people registered who want to speak. If you are not on the list and would like to say something, we would like to hear from you, so come forward to register because it makes it easier for Hansard. It does not mean that if you are not registered you cannot get up and speak. It makes it a bit easier as we go through the process because we are here to get your opinions and to gauge the public's stand on the issue.

On behalf of the Select Committee on the Agistment of Horses at Yaralla Estate, I welcome all to tonight's public forum on the Inquiry of the Agistment of Horses at the Yaralla Estate. On behalf of the Committee, I thank you all for giving up your time to participate in this parliamentary process. The Committee was established on 27 June 2013 to examine various aspects relating to the current and future agistment of horses at 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 work conducted by Blue Visions Management.

This evening's forum follows a public hearing held this morning in Parliament House in which the Committee heard evidence from representatives of the NSW Police Force, Blue Visions Management, and the City of Canada Bay Council. The Committee has also conducted a site visit to Dame Eadith Walker Estate. We will be hearing from the Sydney Local Health District on Wednesday. This forum is an important part of the Committee's inquiry. We know there is a high level of concern about the agistment of horses at Yaralla Estate and about the decisions of the Sydney Local Health District in relation to that issue. With that in mind, tonight the Committee is hoping to learn how the recent announcements and changes relating to the agistment of horses at Yaralla Estate have affected you, your families and your community.

Before the forum begins, I will make some comments about procedural matters. Speakers are allowed to register in advance of tonight's forum. If you have not yet registered, but would like to speak, please register now with the secretariat staff. Those of you who have registered to speak will have five minutes to address the Committee. A timer will beep and will ring after four minutes to let you know you are nearing the end of your time. Another timer will be for five minutes at which time you must finish your comments. In order to be fair to other speakers, the Committee will be strict in enforcing the five-minute time limit. If a speaker is unable to finish his or her speech, then the speaker can request to incorporate the remainder of his or her speech into a transcript of proceedings, assuming the speaker has a written statement, and the part that has not been read will be included in the record of tonight's proceedings.

What is said today is being recorded. That recording will later be transcribed and will become part of the public record. A transcript will be made publicly available and posted on the Committee's website. I remind speakers that the freedom afforded to witnesses by parliamentary privilege is not intended to provide an opportunity to make adverse reflections about specific individuals. Speakers are asked to avoid making critical comments about specific individuals. Instead, speakers should speak about the general issues of concern and how it affects him or her.

The Committee has previously resolved to authorise the media to broadcast sound and video excerpts of these public hearings. Copies of the guidelines for the broadcast of proceedings are available from the table by the door. In accordance with the guidelines, the media can film Committee members and speakers, 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 it publishes or the interpretation it places on anything that is said before the Committee. Under Standing Orders of the Legislative Council, any documents presented to the Committee that have not been tabled in Parliament may not, except with the permission of the Committee, be disclosed or published by any member of any such committee or by any such other person. I welcome Ms Carolyn Hartley, the first speaker this evening.

CAROLYN HARTLEY, before the Committee:

Ms HARTLEY: I have lived in Concord all of my life. I have also had the pleasure of agisting my horses at Dame Eadith Walker Estate for the past 31 years. My love of horses started at an early age, drawing stick figures of horses and pretending to gallop around the backyard when I was about four. It grew from there, a passion that probably should have been more suited to someone who resided in a rural area, but I lived in Concord: this was my home, my community where I grew up. I owned my first horse when I was 13, agisted him at different places for a few years before, finally, a vacant spot was available at Yaralla. My life really began there. The local horse community was supportive and friendly. Everyone worked together and shared a love of horses. We were all community members and shared our knowledge and conversation with other local community members who would also come to Yaralla Estate and walk their dogs, bring their children, grandchildren and have picnics. Over the years I have developed many longstanding friendships that still continue to this day with people I have met at Yaralla.

My parents used to help me with my horse and also were extremely supportive as equestrian was my chosen sport and I competed for many years in dressage and hacking. Sadly, my father passed away in 1997 on Yaralla Estate after suffering a major heart attack whilst helping me tend my horse. As said at his funeral and in his eulogy, if he had a choice of where he wanted to pass away, it would have been at Yaralla Estate: his little bit of country. My mother has since passed away, too, suffering from a longstanding kidney disease that saw her on dialysis four times a week. She also, for a period of time, had her dialysis treatment at Yaralla House when it was a kidney unit. She loved the estate and enjoyed her time there, even if it was for dialysis treatment. She would also tell me she felt close to dad there, which helped her through her illness. I have three children, all of whom have learnt to be with horses, ride them, have them in their life and learn the responsibilities and get "horse dirty". I love the fact that my kids were all happy and healthy, being outdoors and being active, riding our horse, Murphy. In the past few years I have become a single mother of my three children. Their life and mine went through so many changes in the past few years, but I was always comforted to feel that the routine of caring, riding and socialising with our horse at Yaralla did not change—until now.

I feel the way Sydney Local Health District treated the Yaralla horse agisters and the wider community is unacceptable. They have used us as scapegoats and hidden the real agenda of their actions. As caretakers of this wonderful estate as they profess to be, I feel they have failed—failed Yaralla and failed the community. Now the tender is officially open for public application as from last Thursday. It has been written in a way that is near impossible for any applicant, other than the police Mounted Unit to be successful. The stipulations have been unrealistically set. The time frame to apply has changed, now giving only three weeks to put together a proposal of tender as well as addressing all points that have to be met. The new licensee will also have to meet the cost of maintenance and care of the entire estate, including outbuildings, not just the horse agistment allocated here. I fear what will become of Dame Eadith Walker Estate if community-owned horses are not there. I fear it is the first step towards the Government's bigger picture and all this hard work and lies to get us off the property are the first steps to accommodate their process. Thank you.

JULIET MAZZONE, before the Committee:

Ms MAZZONE: Honourable members, Mr Mayor, and ladies and gentlemen, thank you for letting me speak. I am not a horse owner. I have lived in Concord for 34 years. My children have grown up being able to see horses and see the remains of an Edwardian farm still working in the centre of Sydney. It is precious to me beyond expression. Since the horses went, I have not had the courage to go back and look at the place because it is empty and I just cannot bear to see it without those horses that I have come to know. I have no interest in them personally. I do not have anybody who rides in the family, but there is something about seeing those horses there. I have seen grandchildren with their grandparents and children with their parents and the children have giggled with delight to be able to see animals there. We do not get a chance to do that in the city and I think it is very important—if we ever want to do something about our environment—that the small ones learn to love animals. This is a very good way of doing it. You do not have to have your own dog or own cat, it is there, and that is all I have to say. Thank you.

ALEXANDRA GAVEL, before the Committee:

Ms GAVEL: Good evening. Until 1 June 2013, I agisted a horse at Yaralla. In 1996 I discovered Yaralla Estate with my dad. As a 10-year-old, I was struck with disbelief that a place so beautiful existed so close to home, and was overjoyed to see horses grazing and people riding and had immediate respect for a very special person: Dame Eadith Walker, who left her property to the people to continue to enjoy as she had. The most special pony that I met that day was Willy. I was fortunate enough to lease Willy for two years, an experience that taught me many life skills and kept me active. At 17 years old, I got my first horse, Whiskey. After living at Yaralla for 11 years, he now lives just under two hours away from me. This has been a difficult transition for Whiskey and me as it has impacted on the amount of time we get to spend together.

Whiskey is 19 years old this year. He is not the youngster he used to be, so as his human comrade I owe it to him to ensure he is kept fit and healthy to give him maximum quality of life. This has been made more difficult for me to do on my own, especially due to the recent move. A round trip of over three hours of travel means I am only able to see him twice a week. Having had the privilege of teaching many local kids and adults how to ride, I know that I am not the only person who misses having him close by. According to our critics, though, we have been told to accept change and move on. But what change are we actually accepting in this process?

I feel that it is necessary to highlight what a vital resource the locally owned horses are to the young people in our community. Firstly, there are the young children who visit Yaralla to see horses up close and often experience their first pat. Then there are the many local kids and teenagers who have enjoyed the unique experience of learning to ride, leasing and owning horses. As a secondary schoolteacher and member of the welfare team at my school, I am no stranger to the pressures and changes that confront teenagers. I strongly believe that the interactions children and adolescents have with horses provides genuine positive experiences and help builds resilience in individuals. Through horses individuals learn kindness and respect, and how to care for themselves and others. They learn about discipline, responsibility and empathy. They learn the value of trust in forming and maintaining positive relationships. Horses teach us compassion and patience, and give us a sense of confidence in who we are, the errors we make and how we overcome them.

But this just is not about the horses. Many of us have other ties to the estate that make it so precious and worth fighting for. It is a special place for me and my father that we have always shared, and last year my fiancé proposed to me on the grounds. I would hate to see this place go. The fact is that Sydney Local Health District is a trustee of the land without ownership of it. Its reasons for eviction are unfounded, biased and, in some cases, unsubstantiated and completely unfair. Whether lawful or not, its actions are not in the interests of the community and at the very least contravene the philanthropist intentions of the Walker Estate when the property was bequeathed to the people of New South Wales.

A number of attempts have been made in years gone by to develop this site. Should another attempt be made we fear that a fellow government department is far less likely to put up as much fight to preserve the site as we have and that this invaluable community resource would be lost forever. I believe it is so important to our community that local people and local horses remain strongly involved in the future of Yaralla. The week before our eviction I gave a speech at a public rally and expressed that there was no certainty that the community's concerns would be considered in the open tender process. How can we be sure that the criteria set by Sydney Local Health District would not favour a certain applicant such as the mounted police unit? How could we know that the mounted police unit would not just happen to be the most ideal and preferred applicant? I stated that regardless of the change in process, the agenda remained unchanged, that the mounted police were the favoured tenant all along and no-one in the community should trust that this would be a fair and open process.

And what do you know? The tender was published on 1 August, 2013—one day after submissions closed for this inquiry. There was never any intention for this to be a fair and open process, I feel. I refer to item 3 of the tender. Under "prohibited uses" it states, "Recreational horse riding, horse riding lessons". It says also "an arrangement where the owner provides feeding and/or management of their horse is expressly prohibited." There is a bigger issue at hand. As a community we cannot just overlook the gross negligence that Sydney Local Health District has demonstrated over the past 17 years. It must accept its poor judgement in that it did not inspect the grounds regularly to make sure that it met the condition required. It must accept that this is its mistake—not the community's. In fact, it is thanks to the hard work of many community members that the fences are still standing, that the grounds are not fully eroded and that the historic buildings still stand. I believe that there is the potential to arrive at a solution that involves all stakeholders, and strongly insist that the locally

owned horses be reinstated as soon as possible so that Yaralla can return to the tranquil, picturesque community estate that we all want to retain and sustain for generations to come. Thank you.

JOHN ADAM, before the Committee:

Mr ADAM: I am a geologist and a local. I have had 20 years of familiarity with Yaralla, although I am not a horse owner. The eviction of privately owned horses from Yaralla has been portrayed as an issue that affects only a small group of horse owners but, in fact, it is a matter of far wider public importance. The injustice to the horse owners and their animals represents an injustice to the entire public of New South Wales in that as much as anyone has been deprived of the right to keep horses at Yaralla, so has everyone. Sydney Local Health District has sought to justify its actions on various grounds, one of them being the accusation of date about the former licensee and horse owners. This relies entirely on the specious assessment of neglect commissioned from a development consultant about appropriate qualifications. I recommend to the Committee the report of Peter McMoore, senior agronomist, on the actual condition of the Yaralla horse paddocks. The report shows that the paddocks are in good condition considering the soil type and intended land use. I am a geologist and geochemist and have studied soil science, so I would like to make a few comments on soils since it has been claimed that the soils on the estate have been seriously degraded.

The rock we are standing on is wianamatta shale. The soils that develop on it are heavy clay pod soils that are not particularly known for their fertility. Like other Australian soils, generally they are depleted in phosphorous. It is a condition of the new lease that the soils be harrowed and fertilised. This will be the duty of the new licensee. Australian plants are quite susceptible to phosphorous toxicity, given that they have evolved generally to adapt to low-phosphorous soils. Just down slope from the horse paddocks on either side are turpentine forests, which are listed as a critically endangered habitat. I would like to ask: Has an environmental impact assessment been conducted by Sydney Local Health District to look at this matter? Moving on to more general issues, if Sydney Local Health District had wished to implement an unpopular but otherwise legitimate decision, it could easily have done this openly. But instead, it has manipulated due process and veiled its actions in secrecy. This is consistent with a hidden agenda that can only be the eventual disposal of either part or the whole of the estate in return for financial or other advantages. I do not think it is for our public servants to have such agendas. Neither should they bully and blame the defenceless. I appeal to the Committee to hold those responsible accountable for such behaviour.

Dame Eadith Walker left Yaralla to the public of New South Wales as a hospital and public benefit. But it should be remembered that public health is not attended to in hospitals alone. The horses and semirural landscapes of Yaralla for years have provided the public with a health benefit that is, in the words of Nathan Rothschild, "as necessary as bread". The population of Sydney will inevitably increase and there will be a resulting increase in housing densities. This will be bearable only if there are places like Yaralla for people to escape to and refresh themselves. It is vitally important that they are not lost to satisfy short-term expediencies, particularly when these involve personal career ambitions and similar vested interests. Thank you.

ANGELO TSIREKAS, before the Committee:

Mr TSIREKAS: Thank you to the panel and Chair for the opportunity to speak. I had the opportunity to speak at Parliament House earlier today. I know that since then you have been to the site. I am sure that would have opened your eyes to the fact that Yaralla is a special place not only for Concordians and Canada Bay but for the whole of Sydney. Again, any opportunity I have to speak to someone about this issue I will take up because it is a very important issue. In fact, if you had driven down Nullawarra Avenue a couple of months ago you would have seen horses parading around, and children and families enjoying the beautiful atmosphere that we did once have. But driving down there today as you did you would have seen cyclone fences; you would have seen no horses and no children or families there. As I said today, the mayor receives lots of interesting calls—some like "That parcel of land down at Nullawarra, is that up for sale?" "Is it up for development?" Of course, the answer would be, "No, that's Crown land. That's bequeathed to the people of New South Wales"; bequeathed to the people of New South Wales for health reasons, for public access or public open space and the agistment of horses.

But it would be hard to explain that to anyone now when they see the cyclone fences sterilising off half of Yaralla with no use at all. I would be comfortable hearing—I think everyone here would like to hear—from the Government what its intentions are by sterilising half the site and leaving it vacant, as it indicates on its

management plan that is out there for public access and view. Again I need to stress that I have nothing against Concord Hospital. In fact, I am great supporter. We do lots of great things as a council and community with the hospital. The funds from my golf day—I am happy to encourage people to play this year at the mayor's golf day—are going to the hospital because we think it is an integral part of our community. I was a little surprised when I had a visit from a resident at the beginning of April regarding this issue mentioning that the agisters are going and they are going to lock out the public access—getting rid of the agistment of horses that have been there for so many years, encouraging everybody to go down there to use the facility and to walk through the paddocks—and telling me that it was a done deal with the mounted police.

Since then we went into overdrive as a community and as a council to raise this issue and put it to the forefront to make sure everyone is well aware of what is happening, to encourage people to be active and to make sure that we do not lose that special parcel of land that was bequeathed to the public and to the people of New South Wales. We had a bit of win. The tender has gone out now. It is open to the public to tender. I was asked, "Why hasn't council tendered today?" It only came out on 1 August, only a couple of days ago. Give us a break. We do have other functions and the core function of council is not the agistment of horses. But we are happy to look at it.

Certainly we can participate and be part of the solution. I think it is important as a government and a community to find a solution. It has been mentioned by some great speakers before me that there should be a solution where everyone can be accommodated in respect of the agistment for horses and the police regarding the maintenance of public access to Yaralla. Council and the community have spent lots of money and shed lots of blood. Volunteers are always down there and we do not want to stop that. The historical society and Bushcare are always down there looking after and maintaining where it can. We do not want to lose that and I think lots of people in this room tonight would advocate it is a special part of the community.

Council has supported it over many years as have residents. I would like to think that from tonight's public meeting and the hearing that the message will be clear that we do not want to lose Yaralla and we do not want to lose the opportunity to maintain this for future generations. Public access should not be denied and it looks like a sterile parcel of land that has been left there to go derelict providing an excuse for a future government to sell off the asset. Finally, a question was raised about why council was not looking after the fireweed. I had the opportunity to quickly look up the register and it is not a noxious weed under the register but if there is a real problem we are happy to write to the authority and to serve an order on the land—and that would be the Minister—and follow that up. That is the fireweed. Again, as a community I am supportive of bringing back the agistment of horses and maintaining the public access for future generations. Thank you.

CLAYTON JAMES, before the Committee:

Mr JAMES: Hopefully everyone can hear. Thank you, Chairman, and thank you panel. I moved into this area over 13 years ago and as you do when you are new to a location or part of the world you go for a drive. Within my first week I and my wife found this hidden gem; we stumbled upon Yaralla. At that moment when we saw the beautiful old Edwardian house that was bequeathed, as noted earlier, to the people of New South Wales by Dame Eadith Walker, the beautiful rose gardens and most importantly those wonderful horses that would gallop freely within a built-up part of Sydney it was like, (a) you stepped back in time and (b) you walked into this wonderful rural oasis in the middle of the inner west of Sydney. We fell in love. That is probably the nicest thing I can say—we fell in love.

It is a unique place in New South Wales and since that time 13 years ago myself and my wife have had two children. They have grown up in the grounds of Yaralla, they have had the opportunity to ride the horses, to feed the horses, to get to know the beautiful storm which I know many of you know today. When I found out that this beautiful place was to be taken away from the people of Canada Bay and potentially the people of New South Wales I became involved with the good people from the save Yaralla campaign. As the campaign got its momentum there was a common thread that went through and it is the thread that has been told by many of you here today. There is not a person that I have spoken to in our local community that does not say the same thing.

Now every time I walk down that path, that road, I am in tears. Every time I walk down to that place it is not the same and I do not want to go back there. I spoke to a lady about a young woman who had mental health issues and this was her means of therapy. It kept this young woman sane going down and talking to the horses on a daily basis. I would hate to know her mental health outcomes now with the situation that she is in. Considering our campaign and where we have gone there have been many issues. We have had a real battle. The

people of save Yaralla and the people of Concord attended a public rally. As was noted by a previous speaker, we got halfway there with the public tender and a concern we have is that public tender that has now gone out is not a public tender, it is a tender that is stacked. Many of the other speakers here tonight have already said that. It is stacked with an outcome in mind. I think we all know what that outcome is.

Furthermore, as the mayor just said, within the period of time there is no way that council, any group, the Yaralla community or the horse owners could achieve a tender response with effect and covering the requirements within that tender. They are automatically precluded and excluded from that tender process. It is a shame that we have been treated this way and that our community has been treated this way by the bureaucrats and New South Wales Government. They tried to get their midnight deal through and now we are going down this track. Now I know, as the Hon. Luke Foley mentioned in the hearings this morning at Parliament House, there are now real concerns over the people on the panel. Are they truly completely unbiased individuals when one of them has involvement with Sydney Local Health District and was involved in the report that was more than questionable on the agistment of horses at Yaralla? That report was pretty much the killing document for our community.

There is also, of course, the timing of the tender: Three weeks roughly to do a detailed response. It cannot be done for our community. Our community wants one thing—to bring our community horses back. And unlike what has happened so far the community wants consultation between the Government, NSW Health and the mounted police. If we cannot bring all of our horses back let us have a 50-50 split, let us share this land for our community, for the people of New South Wales and for the New South Wales police, the mounted police, who obviously need a home as well. I am sure that this can be done and I hope the panel can recommend this to the Government. Finally, I would like to thank the Hon. Luke Foley, Leader of the Opposition in the New South Wales upper House, for his commitment to our community and this project.

COLIN WALE, before the Committee:

CHAIR: Mr Wale, you had the lease on the property previously?

Mr WALE: I do apologise I am not in the best of health. I have had the agistment rights for the paddocks for the last 27 years or 25 years—one of the two. I think I did a good job as far as I was concerned and I did a good job as far as area health was concerned—they did not complain. What are they complaining about now? They are blaming me for everything. So what is the fuss? They knew my lease was a very very touchy subject. They even requested me to take a confidentiality clause on it when riding for the disabled tried to get on the grounds because they knew my lease was only on a monthly basis and I could have got kicked out at any time. So what the hell is area health trying to pull?

Let us look at the plan here. The pointy ends they commandeered are part of the historical formal lawns. Now that is brought back to life and they are going to put horses on it. This should be the historical part of the business fighting against this. The other end where the roadway is they are putting up a cyclone fence. Those big paddocks at the top have a long term listing of fencing. Those two paddocks are about 120 acres and would bring them close to \$200 million, I suppose. Now they cannot deny that because blueVisions was in the driveway with people in collar, coat and tie on numerous occasions looking over those two paddocks. What the hell are they doing there? Now, what happened with the seven boxes that are supposed to be parliamentary and are closed and we cannot look at them? Have they already made a deal with the Government to build flats or houses on it? They get \$200 million to \$300 million back from the developers so they won't give a dam.

This is why when they asked me on 12 August last year to maintain my lease whether I lived there or not, because they did not want to do what they had to do and that was sell the top end of the paddocks. They are denying it but then again the head of the area health has denied quite a lot. She said it costs hospital dollars to look after the property. How much money in the last 70 years has the hospital received from the trust and what have they done with it, sent their doctors overseas? Nothing. They have had grants to do the big end stuff twice so what do they do with the trust money? You tell me because I'm frustrated by the whole situation and the way area health has taken this stupid way of doing things. They have to be like little kids in school. They have no idea how to get people off the premises other than try to criticise them, blame them and not look at the captain of the ship. Sack her, that is what they ought to do.

What have we got next in line? What am I going to tell my grandkids or some of the people in Concord in 20 years' time when they find out they have got asbestosis? There was 300 tonnes of it, plus what was

dumped in the driveway with the permission of Sydney area health. What are you going to do about it? I feel downtrodden with the asbestosis business. They are not doing much about it. WorkCover is not interested. Have they got a set of rules for area health and a different set of rules for me pulling a shed down and costing me \$2,700 to get rid of because it is asbestos. There are different rules for the poor and the bloody rich. You have my submission anyway. I feel that area health is a farce. The doctor or chief executive officer of it, I will not mention her name, but by God I would not like to be treated by her if she is still working in the hospital. Thank you.

LINDA O'NEILL, before the Committee:

Ms O'NEILL: I have been a resident of Concord for 22 years. I have owned horses for my whole life. I have two children. When we first moved here and I found Yaralla our kids were not born but I always thought, well, I could have my horse here or maybe their horses. We owned a cattle property so that is where our horses were. While our children were at school we looked a couple of times and we could not get a spot at the paddocks so the horses stayed at the farm. Our daughter, who is 21, has a serious lung condition and is extremely unwell. She probably spends 90 per cent of her time in bed and walks less than 100 metres.

Just over 12 months ago we managed to get a spot at Yaralla and we brought her horse to Sydney. Our farm is three hours away and it was impossible for her to get to the farm. She has been evacuated by helicopters and ambulances, so it is quite dangerous to have her there. I brought her horse to Sydney so that she could see her horse every day. She is not able to ride at all at the moment, so every day we would go for coffee in Concord and then we would see the horse. Some days she was not well enough to get out of the car, so I would bring the horse out of the paddock and she would talk to her horse through the window.

The best thing about having the horse at Yaralla was the health benefits to our daughter by being able to see the horse every day. However, it was also the sense of community that she found there with other horse owners and with the people who came to the community to visit the horses there—people who learnt the horse's name, learnt our daughter's name and shared in feeding her horse and patting her horse. There is a very strong sense of community in Concord, which is one of the things we have loved about it as we have lived here. There is a strong sense of historical perspective. We live in a heritage house. Canada Bay supports heritage and we have a Heritage Society that looks after the Dame Edith Walker Estate. A lot of members of the community here have invested time and money restoring buildings there with their own funds and fund-raising for the squash courts and other buildings there.

The horse owners pull out the firewood. I have spent hours down there pulling the firewood out of our paddocks and paying for its disposal. The wider community that we have met there—we have met other people who have told us they come here. One girl in particular who lives up in Ryde comes. She has mental health issues and my daughter and she now correspond. So that has again strengthened the sense of community. She comes there and she said that out of all the psychiatrists she has visited and all the drugs she has tried, Yaralla and the peace and quiet she finds there talking to the horses, is the best therapy that she can get. So Yaralla provides a sense of community; it provides health benefits to those in the community; and if it is taken away from the community, the community itself will lose and so will future generations.

Sydney Local Health District has been at pains to point the finger at horse owners and say that having horses in a local community is dangerous. Ryde Council and Ku-ring-gai Council—they have horses. They run horse shows at St Ives. They do not seem to have a problem managing horses in their local communities. I do not see why Concord should be any different. The tender process has already been spoken about. It is interesting that I mentioned to a member of the Sydney Local Health District, when I was told the tender was coming out, that I might agist my cattle there. It seems very strange now that, having said that, the tender specifically says only horses can be kept at Yaralla. Cattle used to be kept there before horses were agisted. It seems a sad day when bureaucracy and government officials can take something away from the community that the community has built, the community has contributed to and that has many health benefits. Thank you.

CHAIR: That is the end of the registered presentations. Does anyone else want to get up and have their say, having heard the previous speakers?

JOHN SIDOTI, Member for Drummoyne, before the Committee:

Mr SIDOTI: Thank you, members of Parliament and members of the community. I have been sympathetic, from day one, to the local horse owners. But I have been distressed at the same time by a number of mistruths that have been circulating. From day one, in the interests of the community, I have tried to represent their views—contrary to a number of letters I have received from community members that have been quite offensive. At the same time, if they believe that was true, they are either politically motivated or they have an agenda. But you are always going to get that. Mistruths have been circulating. On the night of the last community gathering, I was the person who suggested there was an opportunity for shared views, but another motion was passed and it was disregarded. I was the person who said, whether it is a community horse, a police horse or any other horse, that there will always be horses there. Then the argument changed to which horses are going to go there.

I then read that there are posters up in community areas suggesting that there will be a Breakfast Point style development. Anybody in this room who thinks that will ever happen is just 100 per cent wrong. There will never be any development there and if anyone even suggests that there is to be a development there, they are really mistaken. Those were some of the things I was hearing from members of Parliament today. If there is going to be a Breakfast Point style development there, I am quite prepared to resign tomorrow. However, those members of Parliament who are spreading the mistruths, if in a year's time or two or three years time there is no development there, maybe they should resign. The mistruths have to stop. There will be no Breakfast Point style development; there will be no development at all. It is a fact. It is legislated for. That is just another mistruth that has been circulated.

Then there were the access issues—false again. There will always be public access. There are other mistruths circulating. I think you have heard tonight that the estate was left to the people of New South Wales. I continue to hear that the estate was left to the people of New South Wales. My understanding is, it was left to RPA—Royal Prince Alfred—with the conditions of public use which includes horse agistment and, of course, predominantly for medical purposes. If there is any other interpretation, I am more than happy to look at that. But for all the people that I have shown that to, that is the truth as my understanding and it has been circulated to all the people in Concord. Members of the audience say they have not seen it but it was placed in all the letterboxes. I put the truth in the letterboxes, I distributed it and many people in the room here were distributing the facts.

Let us keep everything in context. It was about process and that was my issue from day one. Could they have done things better? Of course they could have, absolutely, 100 per cent. There was an issue relating to asking local horse people to remove their horses because of a report that suggested that the land was in a dilapidated state. If that were the case, I would have none of this putting police horses or any horses on there. The whole idea would have been to rehabilitate the site and then to put it to proper public open tender. I fought for that and that is why the police contract was cancelled and now it is going through the public tender stage.

I understand your scepticism. There seems to be a feeling that a conspiracy is going on and that a decision has already been made. But the decision has not been made. And what if the NSW Mounted Police do not get the contract? Is that conspiracy out the window? Time will tell. But please just keep things in context. We are trying to represent the horse owners and come with the facts and the facts only. This is not about politics; this is about horse owners, their horses and people's lives and all those things in the Concord area.

CHAIR: Thank you. This lady put her hand up earlier—

LOIS MICHEL, before the Committee:

Ms MICHEL: I support the horse owners for wanting to keep their horses in the paddocks but like John Sidoti said, I am very concerned at the rumours that are running around about selling off the property and all the rest of it. Another thing that concerns me here at this meeting and at the previous public meeting, is all these people who profess their love of Yaralla and then say, "I will not go there again". The horse paddocks are only a part of Yaralla. There are the buildings, the grounds and the gardens which are the main part of the estate. If all these people would come out and support us, we could make a huge difference to the area. If they love it, they should support it. We have spent thousands of man hours physically doing work there. We have spent over \$100,000 on restoring properties that the Health Department cannot spend money on. We can always use help and, if you love the estate, come and learn about it.

There is a lot of misunderstanding about the history of Yaralla. One false belief is that Dame Edith Walker bequeathed this property to New South Wales. The property was left in trust by her father and when she died without kin, it reverted to Thomas's Will. Fifty per cent of the money that he left went to next-of-kin; the other 50 per cent was for charitable purposes. The trustees of the estate purchased Yaralla from Dame Edith's estate for \$60,025. They added extra cash to it to make \$100,000 to turn it into a hospital. There was a ballot to see who would take control of the estate and the Royal Prince Alfred hospital won the ballot. RPA does not own the estate. If it has to be sold, it must go through Parliament because the estate is covered by an Act of Parliament. That is basically it. I just wanted to get the truth out there.

BRONNEN COKER, before the Committee:

Ms CROKER: I am the licensee's daughter. I have lived on the property for about 30 years. When we first moved to the property there were no fantastic fences like there are today. I know that some have deteriorated over time but some of them were held together with bits of metal and pipe. There were bricks everywhere and, as I mentioned in my speech when we had our last rally, we went along and dug out some of those bricks and things from the grounds. Now, John Sidoti asked about facts. With the fences, before we came the facts are that, apart from that licensee's contract to replace the fences—maintain the fences, I should say, not replace them—that was done but, like the Harbour Bridge, when you start painting on one side and you go all the way over to the other side, you have got to start again. So, yes, some of the fences had deteriorated but the majority of them had been replaced over time.

You asked about facts on fertiliser. The hospital never requested—never requested—for fertiliser to be used on the premises. How will it affect the mangroves if we are going to start using fertilisers now? I do not know how many years it has been, because years go really quickly, but there are endangered frogs down in the mangroves. What happened to those? What will happen to those? Maybe somebody should look into the endangered species also in those mangroves.

As to the independent testing, I am really sorry but, as mentioned before, there was a relationship between somebody who held the testing and the Sydney Local Health District [SLHD] or whatever they are called. Why did they not pick up the asbestos that has also been dumped on the ground? If they did all of this testing why was that not picked up? My children are the grandchildren of Mr Wale. I hope they do not come down with asbestosis later on in life, because my daughters were actually helping the runners being dug into the 300 tonnes of dirt dumped down behind our house. They were actually playing in that dirt. Maybe there should be something set up just in case something happens. There was something set up for the Telstra thing. The people of Concord need something like that as well, especially the residents that are still on those grounds and the gardeners who are still working on those grounds and cutting the grass over where the asbestos is. They are still down there doing it now.

I have actually contacted the Environment Protection Authority [EPA] on several occasions and asked them to go down and have a look at it. They went down and the black fencing went up. Then the signs went up saying that there is asbestos there. These guys need to be made accountable for what they have done, or what they have not done. They did not inspect the dirt turning up. They did not come down and look at the grounds. They did not invest any money into that property. It is not our fault. It is not the community's fault. The hospital is accountable for it. If I run a big business and I have got four managers who are not performing I am responsible. You can delegate but you cannot delegate the responsibility, and that is what they have done this time.

You asked for the facts. I do not have anything against SLHD. I have never had anything against any of the hospitals. Royal Prince Alfred Hospital [RPA] has always been really good, my parents have worked there for years, but I have something against them now because they have turned around and tried to blame my family, my father, and they have tried to blame these horse owners for what has happened on that property. Tell them to look at themselves first of all.

TONY CONNOLLY, before the Committee:

Mr CONNOLLY: There are a couple of questions I would like to ask. At the meeting that was held here Sydney Health stated that they did not have to go through the tender process because they were acting between one government department and another government department, which were Sydney Health and the

police. Fair enough, but Sydney Health is trustee for the estate, not the owner of the estate, and so by law that original contract would have been null and void. The issue of the eviction orders, was that in the name of Sydney Health? Were they the ones that were issuing it, or was it Sydney Health as trustee for the Yaralla Estate? If not, there could be a good chance that those that were evicted could make claims for wrongful evacuation.

The other thing that was mentioned was the lovely silver fence there. I do not think I would like to have my horses on that property now because if you get a horse that decides he will have a good old rub he is likely to push right through it. I was walking down tonight and I thought I would check some of the posts. If I just pushed them slightly they would move. I also had a look down at the ground. It comes up in handfuls. If you get a rogue horse that is around there he is going to have a lovely time. He will put his rump into the fence and be straight out.

I came here 39 years ago. My father was a farmer and he came to visit us at times. At the end of the street was one of the paddocks. I do not know how many times he said to me, "Son, I should have brought my truck down; I could have taken a few of those cattle there." I would say there could have been at least 100 head of Hereford cattle there that were in prime condition with lush grass. Why did it go from that to what it is now? Everyone is saying it is soil erosion there. It is the trustees that are responsible for maintaining it. I have not seen this present tender, but if there are clauses in it that the future tenants have to maintain it and keep it in order it should be in a proper state to take possession and not for them to have to pay to get it into that state. Thank you.

KATE FOOT, before the Committee:

Ms FOOT: Good evening. I am a resident of Concord and I simply have one question for Mr Sidoti, if you do not mind.

The Hon. Dr PETER PHELPS: Yes, we do.

Ms FOOT: You do mind?

CHAIR: Can you make it a statement?

Ms FOOT: Okay, fine. I will make it a statement. Mr Sidoti has told us that the trust ensured that the property was available to the public including for the keeping of horses, so my rhetorical question is: Why are we here?

CHAIR: I hope this Committee can try to answer that question.

ELIZABETH WEBSTER, before the Committee:

Ms E. WEBSTER: I was born and bred in Concord. I will just make one quick comment. You had the lady stand up and ask why people have not been back to Yaralla. As beautiful as the grounds are, you can go out to the country. I do have a garden at home. The land is historic, yes, but I do have buildings surrounding me. I am not in special want for that. Being in the middle of the city what is not readily available is the country and the horses. I do not actually know anywhere else like that. Even if you do go out to the country I do not know anywhere you can go up and pat and feed the horses. I even have friends who own property. They do not want their horses getting treats. It is not the same. Basically, Yaralla, as we value it, will be lost. It is not the same. You can keep your pretty gardens; I do not know if we care.

NOELENE WOO, before the Committee:

Ms WOO: I have been sitting there just listening to everything. I have been a resident of Concord for about 22 years. I have owned my horses for about 30 years. Guess what? I do not keep my horses at Yaralla, which is really unusual. That is why I was a bit hesitant to stand up and have a chat. I am not sure whether I am going to be fairly unpopular. But I guess I have a question for all horse owners. With horses, as you know, people do not understand what to feed them or what treats you can give them, because they get colic and they get sick and whatever. Horses are dangerous animals and you are allowing the public to touch your horses willy-nilly whether you are there or you are not. People can walk into paddocks where the horses could kick them or bite them. What I want to know is what actually happens if the public gets injured? Do they then come to you as a horse owner and say, "Your horse bit my child"? I just want to find that out.

I have been a resident of Concord for a long time. I said I was not sure if I should speak. I have been sitting there just listening to everyone be pro the Yaralla horses, but I think it could be great if there was structure and a policy. I am looking at the people who actually have their horses there. There are about 30 horses there and most of you people have had your horses there for about 20 years or all of your lives, except for Linda O'Neill who been there for 12 months. I remember when I went there many years ago I spoke to people and asked them, "How do you get your horses here?" It was very much who you knew; that is how you got in. I am just wondering how it actually works. That is why I am here and just trying to listen to whether there is a process in place to say that it is open to anyone with horses.

I have lived in Canada Bay for 22 years. I have had horses and my horses are agisted out near Windsor. I pay triple the amount that you are paying weekly. It costs me in tolls and everything weekly to go and visit my horses. I guess I accept that is what it is, but I live in the city and I have my horses out further. People out there think I am mad. They say, "My God, why don't you move out here?" But I have lived most of my life here in Concord. I just wanted to find out from you guys. I will not say any more.

CHAIR: Thank you. We do not want to get into a tit-for-tat discussion here.

Ms GAVEL: I do not want to get into that either and I am not here for a chat, but she had some questions. I just thought if I can answer them—

CHAIR: No, you have had your chance to make a statement.

Ms GAVEL: I will speak to her then

CHAIR: You can talk to Ms Woo individually if you want to.

VINCENT SILVESTRO, before the Committee:

Mr SILVESTRO: I live in Concord, The Drive, which used to be the dirt driveway into the estate. When Dame Eadith Walker had her cart and horse it would be the dirt driveway from Concord Road right into her estate. Anyhow, I live in The Drive. I have had horses here at Yaralla Estate for the last 25 years. I am one of the trotting guys that were on the little circular trotting track, which we used for over 20 years. We trained, we raced horses. We ran many races. That particular area is not a licensed area. Sydney Local Health District [SLHD] has found many, many reasons why the horse people should leave the estate. Of course they are looking for reasons because they have an agenda. Anyhow, one of the reasons is that a horse escaped from that bottom area. It was not my horse of course, it was someone else's, but it is not the licensed area. It is their responsibility. It was not Mr Wale's fault that that horse escaped.

Then there was another horse that escaped into a neighbour's backyard. It happened to be the backyard of a property that SLHD owned. It was one of the residences down the bottom here. It was their fence. It was their responsibility to fix that fence. The other fence in the trotting area was the responsibility of the council. It was a fence erected by council. It was nothing to do with Mr Wale.

Prior to Mr Wale taking on the lease, the land was in pretty bad condition. I remember it. He has been the licensee for many years and—the way I see it—he has done a fantastic job of improving the property based on how it was. He was never asked to fertilise, but, as he said, he did the repairs that were necessary, which was maintenance. SLHD have looked for every excuse under the sun to find a reason why the horse owners should be evicted. They said the land was not properly looked after. We had an agronomist look at it. He said that the fences were in quite normal condition for a horse estate.

If you go anywhere out west and look at the fencing where there are horses, you will not find fencing that is by far superior to what you see here. Insofar as the public and horses go, and horses biting people—if I can come back to answer the question—you have to take out insurance. If a mother is allowing her child to go near the horse then she should realise that there are hidden dangers. Horses may bite; a dog might bite. So you do have to approach a horse with caution, but each individual owner—or at least the sensible ones—had, and continue to have, insurance. In fact, there was a blanket cover of public liability insurance to insure the public against injury to all the horses that were in the paddocks. I believe that was taken out in August or September—yes, it was August-September. So we had our own insurance.

Anyhow, SLHD are now asking us to repair a property because they have spoken to these la-di-da agronomists. We have spoken to our own agronomists, who said that the land was perfect. It has sustained horses and cattle for years and years. It can take 28 horses, or even more as it stands now. But that is not satisfactory as far as SLHD are concerned. They got their own agronomist. I would love to know what did they pay this company to write a 30-page report on the 17 soil samples. That would be really interesting to know. It is public money that they are spending just to prove that we should leave the paddocks because the soil is not correct. That really stinks. Their budget is unlimited—they can spend money on all sorts of reports to prove that we have all destroyed the land when in fact they are the licensor. It is their responsibility not our responsibility. They are supposed to tell us, 'Okay, we're not happy with this; you need to fix it up.' But they didn't, did they? So they are trying to blame the horse owners; they are trying to blame the licensee; they are blaming anyone but themselves.

My grandson usually comes down there and plays with Rusty. But, for the last two months, I have had to say to him, 'Rusty's gone. He's not there.' So we just drive straight past now. It is despicable. It is quite criminal. But they have a licence to do it. They are able to do it. Anyhow I certainly hope that the committee will take into consideration everything that the people have said here tonight because it is a local treasure that should be maintained. It has been for the community and the people of New South Wales for many years. They tried to take it once before. Let's just hope they do not try to take it again.

GINA RIZAKOS, before the Committee:

Ms RIZAKOS: I grew up in Concord West. I have lived here most of my life. I live in Bangalla Road, a couple of blocks away from Yaralla Estate. I went to Concord West Public School, and in 1980 my class was taken on a school excursion. The ladies who took us around Yaralla Estate were Rose and Violet Plant. Some of you may remember them. These lovely ladies were the ones who, in 1980, told my class from Concord West

Public School that Yaralla Estate belonged to the people of New South Wales—whether that is a legal concept or whether it is just an idea—and that it would always belong to them because that is what Dame Edith Walker wanted in her bequest.

So of course as an adult now it saddens me that we have reached this point where we all have to come together with a fear that this is probably the thin edge of the wedge of developers getting hold of this heritage-listed estate. I think that is why most of us are quite passionate about this matter and why we are all concerned. We have been putting our names down on petitions and sending submissions in. I hope that that is not the case and that, in a few years' time, we do not see this estate sold off. I hope we here in the western suburbs can see something similar to what Vacluse has in Vacluse House out in the eastern suburbs. I think that would be a great way of protecting this property. It would still be in the hands of the public, we would still have animals on the property and we would still have it as a health-giving property.

JOHN MURPHY, Federal member for Reid, before the Committee:

Mr MURPHY: For those of you who do not know me, I am John Murphy, the Federal member. A number of you here have approached me over the past few months in relation to this issue. I apologise for not getting here earlier—would you believe it, but I have been at a dinner in Auburn with Tony Abbott. That is a fact. It was an iftar dinner. For those of you who do not know what an iftar dinner is, it is the meal where the Muslim community break the fast at the end of each day during the holy month of Ramadan. I was there, and it was good to have Tony Abbott in the electorate.

I notice that John Sidoti is here tonight. There are many community activists here tonight, who I certainly know. Caroline is here, and she has a horse called Murphy. I am from the country. I grew up on properties and I rode horses. I love horses. I am a member of the Australian Turf Club [ATC] with my wife. I have been involved with thoroughbreds for many years. I am here to support you. I have spoken in Federal Parliament following the rally down at Yaralla Estate and I just want to publicly record at this hearing that I applaud this committee for coming out here and responding to the community, because your voice has been heard here this evening and there should be a negotiated settlement so the horses can come back. We all stand together, whatever our political persuasion, and defend this wonderful environmental oasis that we have here at Yaralla.

I am sure that Dame Edith Walker would be turning in her grave if she thought for one moment that a developer could lay even one brick here. We know that we will never allow that to happen, no matter which side of politics is involved. That will not happen. We have to bring the horses back and we have to make sure that there is access. The state government will have to come to its senses and get a negotiated settlement that we can all be happy with. Thank you for attending and letting your voice be heard here this evening.

MEGAN WEBSTER, before the Committee:

Ms M. WEBSTER: You have my submission. I want to respond to some of the things that have been said tonight. As Vince mentioned, we did have public liability insurance. I just wanted to point that out in terms of a public risk factor which has come up in the reasons given by Sydney Local Health District to get the horses off site immediately. In terms of getting onto the property itself, if you went to the Concord Heritage Society then you would have seen the licensee, Colin Wale, was listed and so was quite easily contactable. There were contact details there.

I went down there when I was 12 years old. I did not know anyone at all there so there was no contact or network or anything like that. I just asked some questions. I was lucky enough that a spot came up and so I got one. I had a horse there for half of my life. My horse lived there for more than half of his life. He is my life. It has been absolutely devastating to lose that aspect of my life. For me growing up he was everything for me. I used to go there every single day, twice a day whenever I could. That was not even to ride him. I hurt myself as a teenager and so I could not ride after that, but he was just that pet that you could go and spend time with to keep you sane in this crazy world that we live in.

I went up to see him last weekend and it was just the best thing ever, but I only get to see him every three weeks or so because it is a five-hour round trip and I work full time. So it has just been absolutely devastating for all of us to lose that. I know that I sound like a privileged horse owner, because I know that a lot

of people do just agist elsewhere, but it was a bit different for us because we did get our horses relying on the fact that there was this place nearby. We did not expect that that would be cancelled on a month's notice. I know we did get an extension, but the whole time we were told that nobody was going anywhere, that Sydney Local Health District would consult with us and keep us in the loop, and that they wanted to work towards a resolution with us. That did not happen at all. They did not let us know anything. They did not give us a chance to even make any sort of submissions on their findings. So it has been just completely one-sided and there has been a complete lack of transparency.

Having had a look at the tender now, they have not only banned things like recreational horse riding, which would obviously rule out a lot of community members who want their children to be able to learn to ride and that sort of thing, but also gotten rid of the possibility of commercial horse racing or anything like that. Essentially is not going to be commercially viable for pretty much anyone. So it does seem that it is very much targeted towards mounted police, which seems a little bit of a stitch up. I know that we have the community support here. Hopefully, we can see it go back. Even if it does not go back to what it was, we are more than happy to work towards a resolution that will work for everyone. I hope that you give some consideration to the community members who have essentially looked after this deed. Because it is a part of our community as much as anything else.

CHAIR: We are drawing to the end of our time and we are scheduled to finish at 7.30 p.m. We can run over time, I am sure, if there is more to be said.

MICHAEL STAVROU, before the Committee:

Mr STAVROU: I have lived here for over 50 years. I am not a horse owner, but there were a few comments made earlier about sharing the property—and could there be a possibility of sharing it between the police horses and the local horses. My concern there around sharing it with the police horses is that, with the police thoroughbred horses, I am pretty sure they are going to be locked up and public access will not be allowed there. I am not sure if that was mentioned earlier before I got here. I got here a little bit late. So that is my concern. That is all I have to say.

HELEN TSOROMOKOS, before the Committee:

Ms TSOROMOKOS: I just wanted to say that, on top of all the issues around the horses, I hope the medical part stays open as well so that people do not have to travel for hours to be treated. My mother is being treated there, and that is one of the reasons why I hope it stays open. I know people who have had to travel for hours to come to Concord—for example, for chemo or dialysis. So I hope that part stays open as well at Yaralla.

CHAIR: I do not do not think there is any issue with that. The access to hospital facilities will always remain available as far as we understand it. Thank you very much, everyone, for attending tonight and for your enlightened opinions and excellent presentations. We have to report back to the Parliament by 19 September.

The Committee adjourned at 7.30 p.m.