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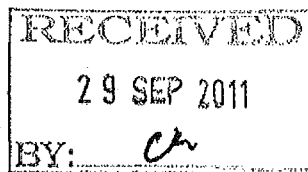


## HON GARY GRAY AO MP

Special Minister of State  
Special Minister of State for the Public Service and Integrity

REF:C11/2672

Mr John Murphy MP  
Chair  
Standing Committee on Petitions  
Parliament House  
CANBERRA ACT 2600



21 SEP 2011



Dear Mr Murphy

Thank you for your letter of 22 August 2011 to the Minister for Sustainability, Environment, Water, Population, and Communities, the Hon Tony Burke MP, and to me, concerning a petition submitted to the Standing Committee on Petitions regarding the removal of horses from Malabar Headland.

The terms of this petition are such that the petitioners object to the termination of the Malabar Riding School's licence to occupy the Commonwealth owned Malabar Headland site, effective 31 October 2011. The petitioners also request that the House ensure that equestrian activities are continued during the transfer of the site to the NSW Government, and that the House grant a portion of the land at Malabar Headland for use as an equestrian sports facility.

The decision to issue termination notices to the licensed users of Malabar Headland occurs in the context of concerns about a diverse range of health and safety risks. These include, but are not limited to, contamination arising from previous and current usage of the site, and trip and fall hazards. Licensees cannot continue to use the site while these risks exist because the safety of all users is the Commonwealth's priority.

The interim measures the Department of Finance and Deregulation (Finance) has taken to mitigate risks are based on the assumption that the Malabar Riding School and other licensees will vacate the property by 31 October 2011. Continued occupancy and usage of the site beyond that time for equestrian purposes would not be compatible with the Commonwealth's health and safety responsibilities.

The formal intention to transfer Malabar Headland to the NSW Government has been on the public record since the 2007 federal election campaign. In August 2010, the Commonwealth reiterated a commitment to transfer parts of the site to the NSW Government for conservation purposes. In February 2011, the

Commonwealth and NSW Governments signed agreements to formalise and progress the transfer.

I understand the petitioners' concern to protect and promote the interests of the equestrian activities in the region; however, I must also have regard to the Commonwealth's stated intention to transfer the Malabar site, health and safety responsibilities, and the views of other stakeholders, including state and local governments and other community groups.

Finance is continuing to consult with licensed users to facilitate vacation of the site by 31 October 2011. I trust this information is of assistance to the Committee.

Yours sincerely

**GARY GRAY**