



HON GARY GRAY AO MP

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

REF:C11/2167

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

Dear Mr Murphy

Thank you for your letter of 4 July 2011, 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 grant a portion of the land at Malabar Headland for use as an equestrian sports facility.

The decision to issue termination notices at 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 because the safety of all users is the Commonwealth's priority. Notwithstanding the Commonwealth's health and safety responsibilities, it would be very difficult for the Department of Finance and Deregulation (Finance), as landlord, to mitigate the risks on the site if licensees were to continue their use of the site during any such mitigation process.

Due to these mounting health and safety concerns, Finance issued termination notices to the licensed users of the site, giving six months notice to vacate the property by 31 October 2011. This period of notice is in accordance with the terms and conditions of the licences.

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

08 AUG 2011