

**A STATEMENT BY THE OWNERS OF WOMBAT HOLLOW CONCERNING
COMPLIANCE UNDER LEP 2010 - ZONE E3 ENVIRONMENTAL
MANAGEMENT and the LIQUOR ACT 2007
4 September 2015**

BACKGROUND

- Wombat Hollow is a 20 acre property at Kirkland Road East Kangaloon comprising mainly Australian bushland and a home with associated buildings, gardens and lawns
- The property has been owned by Michael and Susie Yabsley since 1997 and has been occupied permanently by them since 2013
- The move to Wombat Hollow was on medical advice due to a permanent neurological injury sustained when Michael was in Saudi Arabia in 2010 where he was required to undergo emergency eye surgery
- Wombat Hollow has occasionally been used for weddings and other events, and has been made available to many charities and local organisations at either no charge or on a cost recovery basis
- This includes organisations such as Legacy and the National Trust
- Wombat Hollow is first and foremost Michael and Susie Yabsley's home.
- The number of functions held at Wombat Hollow annually is similar to the number of functions that commercial function venues would hold in a few days
- In September 2014 The Wombat Hollow Forum was launched by Michael and Susie Yabsley to present a monthly programme of political and public affairs speakers as well as functions and exhibitions in the visual and performing arts
- The day to day business of WHF is run by Susie Yabsley
- The only complainant to Council or the Police in relation to Wombat Hollow since we acquired Wombat Hollow in 1997 is the publisher of Latte Life or her representative
- Wombat Hollow has never been used as a means of back door funding for the Liberal Party or any other organisation
- The nature of any function held at Wombat Hollow is totally transparent
- Consideration of all compliance matters is occurring against a backdrop of media attacks based on a series of lies, perversions and distortions

COMPLIANCE -LOCAL GOVERNMENT

- A Development Application (DA) was submitted to Wingecarribee Shire Council on 13 July 2015
- The DA seeks consent from Council for 'Temporary Use - Functions and Events'
- Guests at Wombat Hollow functions are personally invited

- These functions are generally not open to the public with the exception of two art exhibitions held this year where art lovers in the Southern Highlands and beyond are encouraged to attend
- Art exhibitions at Wombat Hollow are run along the lines of Art Trail which is organised and run by Council
- If a DA is required we regret that it was not submitted in a more timely way
- All relevant functions scheduled to be held at Wombat Hollow have either been cancelled, postponed or moved to another venue, pending the outcome of the DA
- The cancellation, postponement or moving of functions has been taken as a precautionary step in view of differing opinions about what constitutes a function that would bring into play the need for a DA
- No order to close the Wombat Hollow venue has been received at any time
- Affected functions relate primarily to charitable and local organisations that have previously been held at Wombat Hollow either at no charge or on a cost recovery basis
- Private functions where guests are invited personally will continue to be held at our home and associated buildings, consistent with our inalienable rights as private property owners and rate payers
- We fully appreciate and respect the professionalism of Council staff in dealing with this matter
- All Council members and staff have been removed from Wombat Hollow invitation lists to address any suggestion of influence or gain being obtained by attending functions held at Wombat Hollow
- All website content relating to Wombat Hollow as a venue has been taken down as a precautionary measure pending Council consideration of the DA
- Elected Council members should declare any interest in dealing with this matter, as required under Parts two and three of the Local Government Act 1993 and Council's Statement of Business Ethics
- Media outlets reporting on this matter should declare any interest as required under the Press Council's Statement of General Principles - Integrity and Transparency provisions

COMPLIANCE - LIQUOR

- We totally reject any claim that alcohol is being served at Wombat Hollow in breach of licencing laws
- Since the launch of the WHF we have sought to ensure the service of alcohol has been covered by a 'caterer's licence'
- Staff at all functions at Wombat Hollow are RSA qualified
- A commercial caterer has been used for all events hosted by WHF and this caterer was the holder of a liquor licence. In good faith we believed the caterer's licence being used was valid
- The validity of the licence was confirmed by the Licencing Police by email on 17 June 2015 - (see attachment 1)
- On the following day 18 June 2015 the Licencing Police withdrew this advice by email (see attachment 2) with further verbal advice that 'sometimes Licencing

Police records are not as up to date as records kept by the Office of Liquor, Gaming and Racing'

- In view of the Licencing Police advice no alcohol was served at the Wombat Hollow Forum on 19 June
- Alcohol has been served at strictly private functions such as the lunch in honour of the Yale University vocal group The Whiffenpoofs on 16 August.
- This lunch was by private invitation only, and at no charge to attendees. Attendees comprised neighbours, friends and the Whiffenpoofs
- Wombat Hollow was made available for use by "Two Country Cooks" at no charge for the truffle lunch hosted on 11 July 2015
- We simply provided the venue for this lunch and were not otherwise involved in hosting of the lunch.
- Michael Yabsley attended the lunch as an invited guest
- A complimentary wine tasting to match the food dishes was offered at this lunch by Tertini Wines
- No alcohol was sold at this function
- We fully appreciate the professionalism of officers from the Licencing Police and the Office of Liquor, Gaming and Racing
- There has been no financial consideration for Wombat Hollow in relation to either the truffle lunch or the Whiffenpoofs lunch, contrary to material made public by Latte Life and Channel 10
- In the past 16 years one political function has been held at Wombat Hollow in 2007
- Where Wombat Hollow is occasionally hired for functions such as weddings, catering and alcohol is not provided by Wombat Hollow
- Wombat Hollow is simply the venue and we are not otherwise involved in the function
- Our understanding is that the hosts of these functions BYO alcohol in which case no licence is required as the alcohol is not sold
- There has never been a cash bar at a Wombat Hollow function
- We have never sold or supplied alcohol to outside organisers of functions or guests at Wombat Hollow
- No caterer has ever sold or supplied alcohol to outside organisers of functions or guests at Wombat Hollow
- The publisher of Latte Life or her representative complained to the Licencing Police about the truffle lunch
- A WSC ranger visited Wombat Hollow in response to a complaint by the publisher of Latte Life or her representative about the truffle lunch
- A cameraman from Chanel 10 was present at the entrance to Wombat Hollow to record the arrival of guests for the Whiffenpoof lunch
- Allegations by Chanel 10, Latte Life and associated commentary including by Greens MLC John Kay MLC, that Wombat Hollow or the Wombat Hollow Forum

1. Are being used to divert funds to the Liberal Party
2. Have been ordered to close the venue, and that

3. Michael Yabsley is responsible for an illegal alcohol trade
are total fabrications, defamatory and libellous

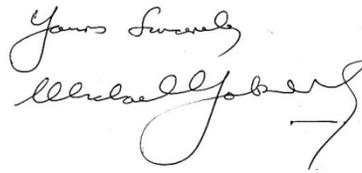
COMMENTS

- One can only conclude that sections of the media and perhaps other interests are trying to harm what we are doing at Wombat Hollow
- A line by line review has been made of the claims reported by Channel 10 on 18 and 19 August and published by Latte Life in its June and August editions
- As the owners of Wombat Hollow we are understandably upset and disappointed by the allegations made against us
- We regard those allegations as total fabrications and we believe that they are defamatory and libellous
- Both the business WHF and WH as a venue available for hire have been seriously damaged by the false allegations
- We are committed to continuing the WHF and to build on what has been achieved in the past year since it was launched
- We are committed to continuing to make Wombat Hollow available as a venue for suitable functions
- In this context we are seeking development approval from WSC whether that Approval is required by law or not
- In this context we are concerned by suggestions that the DA may be approved with conditions that are financially or aesthetically unsustainable
- All claims in this document will be supported under oath if required

WOMBAT HOLLOW FORUM AT A GLANCE

- Launched by Alan Jones AO in September 2014
- The programme includes lunches with speakers, art exhibitions and musical occasions
- Guest speakers have included;

- Alan Jones AO, Andrew Tink AM, Rod Cavalier AO, David Irvine AO, Nick Greiner AC, Mark Latham, Brendan Nelson, Thomas Keneally AO,
- Special Guests have included;
 - Margaret Reid AO, Sally Crossin AM, Quentin Dempster, Angus Taylor MP, Rhondda Vanzella OAM, Ros Kelly AO, Jennifer Byrne
- Musical events have included;
 - AWO Chamber Orchestra, Whiffenpoofs from Yale University
- Art Exhibitions have included
 - 2015 Exhibition of Australian artists, Carlos Barrios Exhibition opened by John Olsen AO
- Wombat Hollow Forum chef is Geoff Jansz
- Wombat Hollow Forum wines are supplied wholesale by Peter Weiss' Wollumbi Estate
- Wombat Hollow Forum has been asked to consider establishing in other locations. This is under consideration

A handwritten signature in black ink, appearing to read "Yabsley Family" on the top line and "Michael & Susan" on the bottom line. The signature is written in a cursive, flowing style.

for Michael and Susan Yabsley

ATTACHMENT 1

From: Phillip Anderson [<mailto:ande1phi@police.nsw.gov.au>]
Sent: Wednesday, 17 June 2015 4:19 PM
To: michael@michaelyabsley.com
Subject: Liquor License.

Hello Michael,

I have looked up liquor license number LIQ0624001238. The Department of Fair Trading site shows that it is current and should be sufficient for the Wombat Hollow lunch in relation to serving of alcohol.

Regards.
Phillip Anderson
Senior Constable Licensing
The Hume LAC
Ph 48240812

ATTACHMENT 2

From: Phillip Anderson [<mailto:ande1phi@police.nsw.gov.au>]
Sent: Thursday, 18 June 2015 4:19 PM
To: michael@michaelyabsley.com
Cc: Chad Gillies
Subject: Liquor License Liq0624001238,

Hello Michael,

In relation to my earlier email in relation to the suitability of Liquor License number LIQ0624001238 to be used at the function Wombat Hollow Forum to held on 19th of June, 2015 at 300 Kirkland Road, East Kangaloon NSW, 2576.

I have further information from Office of Liquor, Gaming and Racing that this license is not suitable for your function and if police attend the function and are given the above license number as the liquor license the function is operating under the Licensee in committing an offence under the Liquor ACT 2007. If the function goes ahead and is serving alcohol without a valid Liquor License the organiser of the function is committing an offence under the Liquor Act 2007.

If I can be any further assistance please contact me.

Regards.
Phillip Anderson
Senior Constable Licensing
The Hume LAC
Ph 48240812