



Legislative Assembly Hansard (Extract)

University of Technology (Kuring-gai Campus) Bill

Extract from NSW Legislative Assembly Hansard and Papers Thursday 25 May 2006.

Second Reading

Mr BARRY O'FARRELL (Ku-ring-gai—Deputy Leader of the Opposition) [10.23 a.m.]: I move:

That this bill be now read a second time.

This bill has resulted from community frustration. The frustration is born from the unwillingness of the State Government to act to ensure the University of Technology, Sydney [UTS] Kuring-gai campus Lindfield site is preserved for educational purposes. The frustration is due to the efforts of UTS to have the determination of the future use of the site taken out of the hands of Ku-ring-gai Council and given to the State Government. The frustration is also that, in vesting the site to UTS in 1989, no provision was made for the site to be returned in the event it was ever found to be either no longer needed or surplus to requirements.

The University of Technology (Kuring-gai Campus) Bill has a clear and simple purpose: it will ensure the Lindfield site continues to be used for educational purposes. It would, in my view, keep faith with those who in 1989 presided over the transfer of the site to the UTS. It would also meet the desire of the immediate and wider Ku-ring-gai community. The Kuring-gai campus of the UTS is located on a magnificent site overlooking the Lane Cove National Park. It is a site with an interesting history and I am indebted to local resident Fay Pettit for the following timeline. In 1915, the site was acquired by the Commonwealth Government for use as a rifle range. In February 1961, the then State Labor Government purchased the site for the stated purpose of "public instruction", that is, education. In April 1971, William Balmain Teachers College opened on the site. In 1974, William Balmain Teachers College changed into the Kuring-gai College of Advanced Education [CAE]. In 1990, the University of Technology was created with the old Kuring-gai CAE as its Kuring-gai campus.

It is worth pointing out that significant public funds have been invested in this site over its history. For instance, when the site was acquired by the State in the 1950s it cost £44,000. Construction, in the early 1970s, of stages 1 and 2 of the buildings that remain on the site were financed by grants from the Commonwealth Government totalling \$5.2 million. The 2003 annual report of the UTS lists the value of the Kuring-gai campus at \$60 million. In the legislation establishing the UTS, section 18 (2) states that:

The Council shall not except with the approval of the Minister, alienate, mortgage or demise any lands of the University.

I will return to that point later. It is also clear that, in the process of establishing the UTS, and vesting property in the new tertiary institution, there was an expectation the land would continue to be used for academic purposes. The issue generated correspondence between the UTS and the then education Minister and his department before the vesting of the land was finally approved. The intention that the site be used for educational purposes is the justification for the transfer of the site to the UTS back then for just a single dollar. One cannot imagine any government of any political complexion handing over public assets and land worth millions to any individual or body for \$1, with the expectation it would then be on sold. If such a decision had been made, it would merit a corruption inquiry.

The issue that rankles so many residents is the windfall profit that will flow from the transfer of this site from educational to residential purposes. People resent the fact that public assets that were clearly always intended for educational or academic purposes are about to be sold for a windfall profit. I deeply regret that, at the time of the land's transfer, such a scenario was not envisaged and steps were not taken to prevent it happening. All it would have taken was a single clause stating, "If no longer needed for educational purposes the land reverts to the Crown upon payment of the original purchase price".

Such a clause would have stopped what is currently occurring. In discussions with me, the UTS argued that the Kuring-gai campus is no longer attracting sufficient student enrolments. That may be true. However, I am sure that even given such conditions, in considering options for future use of the site, the possibility of a windfall profit has unduly influenced decision-making. I am convinced that the UTS would have more vigorously pursued other options if it clearly understood that disposal of the site would have generated just \$1 and not potentially tens of millions of dollars. But, as in life generally, hindsight is a luxury that fails to resolve a quandary.

This legislation can resolve the matter. It would ensure continued use of the site for educational purposes. Importantly it is based upon a precedent—an earlier example of a State Government stepping in to stop the alienation of a similar property. Highly significantly, the precedent to which I refer was established by the current State Government. In 1999, then State education Minister, John Aquilina, rushed the University of New South

Wales (St George Campus) Bill through Parliament. That legislation—it passed both Houses—stopped New South Wales selling the site of another former CAE, a site that had also earlier housed a teachers college, a site that had been similarly transferred to a higher educational institution for just a single dollar again on the same expectation that it would be used for educational purposes. The parallels with the current situation at Lindfield are extraordinary. In justifying the decision to move special legislation to prevent this sale the then State education Minister declared:

I am not willing to see a valued educational facility like that at St George wound down and taken out of the public domain.

I say the same in relation to the Lindfield site. The then education Minister pointed out the legislation establishing the University of New South Wales, and specifically that section outlining the university's functions, did not contain a single clause referring to "selling public assets". I note the same in relation to the UTS. The then Labor Minister for Education and Training stated, "The public interest will suffer if the university effectively removes the land from public use." I say the same about the Kuring-gai campus of the UTS.

Finally, this Government's former education Minister noted his responsibility under the 1989 Act to approve or otherwise any proposed sale of land. Section 18 (2) of the University of Technology, Sydney Act gives the State education Minister the same power. That is, the current Minister for Education and Training, the Hon. Carmel Tebbutt, could, without the need for this legislation, refuse to allow the UTS to sell the Lindfield site. I regret that, to date, no such refusal has been forthcoming. I regret that the State Government seems to have double standards. I regret that, what was apparently sound policy when it came to the St George campus is not important in relation to the Kuring-gai campus. I regret that the 1999 refusal to allow a university to sell a site—a refusal based in the words of this State Labor Government, on the basis of an absence of public interest—is not being repeated in 2006 with this site. As a result I am introducing this legislation.

The University of Technology (Kuring-gai Campus) Bill 2006 is very simple. If passed it would prevent the site being used for anything other than educational purposes. Whilst I would prefer a continuing use of the site by a university or school, the definition of "educational purposes" contained in the bill would allow the site to be used, for instance, as a site for theological training. This would keep open the option of the site's use by Moore Theological College. Moore College has expressed interest in using the site. The bill would not prevent that, nor would it prevent UTS profiting from such an arrangement. That arrangement would comply with the bill's main purpose: to maintain the site for educational purposes.

There are many reasons why this site deserves to be preserved, but the bill relies on just one: preservation of an important educational precinct. It was sufficient justification to use legislative means to protect the St George campus of the University of New South Wales in 1999; it should be sufficient to justify passage of this legislation in 2006. The bill is introduced out of frustration with a Government that, despite its own history, seems deaf to residents, community and wider concerns to maintain the Lindfield site of the UTS Kuring-gai campus.