

Agreement in Principle

Mr PETER BESSELING (Port Macquarie) [4.55 p.m.]: I move:

That this bill be now agreed to in principle.

In presenting the Save the Graythwaite Estate Bill 2009 to the Legislative Assembly today, I note that the objects of this bill are to require the Graythwaite Estate to be retained in public ownership and subject to public control; to preserve areas of open space at the Graythwaite Estate and to allow public access to such areas; to preserve the heritage significance of the Graythwaite Estate; and to impose appropriate controls on the future development of Graythwaite Estate. In 1873 Sir Thomas Dibbs purchased a parcel of land on the north shores of Sydney known as Euroka, which included commanding views of the harbour and a substantial house, which he undertook major renovations upon including adding a third floor, extending the verandah, and adding a new kitchen and servants quarters.

In 1882 Sir Thomas decided to make Euroka his home and it was around this time that the property was renamed Graythwaite after the ancestral home of his wife. Under its original name of Euroka, the estate played an important role in the foundations of democracy in our great country. In 1853 it was home to Edwin Sayers, who was elected as member for St Leonards in the first New South Wales Parliament, which was Australia's first Parliament. This important role continued 19 years later, when Sir Thomas' brother George took up residence in the home until 1881. Sir George, as he was later to become, was also elected to the Legislative Assembly and the sixteenth of this month will mark 135 years since his election to this very Parliament, where he was appointed as State Treasurer and served several terms as Premier.

Sir Thomas Dibbs was born on 31 October 1832 in Sydney and began work in the Commercial Banking Company of Sydney at the age of 14, where he worked for the next 69 years until his retirement in 1915. During this time he had become a doyen of the Australian banking community and was president of both the committee of inquiry into public accounts in 1900 and the Bankers' Institute of New South Wales in 1901. Sir Thomas was also commodore of the Royal Sydney Yacht Squadron and his philanthropic interests included the Sydney Naval Home and the Queen Victoria Home for Consumptives—that is, people with pulmonary tuberculosis. The excellent website set up by the friends of Graythwaite describe the events of the early twentieth century in the following terms:

The tragedy of the ANZAC landing at Gallipoli on 25 April 1915 was a pivotal moment in the building of the Australian psyche. The news of the appalling level of casualties did not reach the Australian public until 7 May. Today we can only imagine the growing disbelief, then grief, as the immense scale of the tragedy gradually became known.

Like virtually the whole country, Sir Thomas Dibbs was horrified by the carnage at Gallipoli. His response was to write to New South Wales Premier William Holman, just one month after the first reports of the Gallipoli campaign were published in Sydney newspapers, generously offering Graythwaite Estate to be used as a convalescent home to wounded soldiers and sailors. In the memorandum of transfer for the property, Dibbs describes his gift of his magnificent home to the State as being due to "my admiration of and sincere sympathy for those brave men who have so unselfishly given their services and their lives fighting for the Empire in the cause of justice and liberty".

How many people in our twenty-first century society, with the means to do so, would even consider such an immediate and generous response? Graythwaite deserves particular consideration, given the history and the circumstances surrounding his unique gift to the wellbeing of our society—wellbeing in every sense of the word. This is a property defined not by its grand presence and magnificent grounds; Graythwaite is defined by its Anzac values, the same values that gave our nation a sense of identity and continues to define the national character, 94 years after our troops descended on Anzac Cove. In the words of the official Gallipoli campaign historian C. E. W. Bean, the Anzac spirit "stood, and still stands, for reckless valour in a good cause, for enterprise, resourcefulness, fidelity, comradeship and endurance that will never own defeat".

That "endurance that will never own defeat" can be related to the fight by the friends of Graythwaite and the push by the broader community to save the estate. Graythwaite was not just a convalescent home; Anzacs lived and died at Graythwaite—people like 19-year-old Alcid Amidy, who was admitted to Graythwaite at the tender age of 21 after losing both feet; 22-year-old Grafton dairy farmer Roy Phillips, whose spinal cord was severed during battle; 39-year-old Private Robert Martin from Narrandera, wounded on the western front in 1917, who, unable to walk or talk, was admitted to Graythwaite in 1918, where he spent the rest of his life; and 22-year-old Coonamble grocer Tom Whitton, whose legs were amputated following the Battle of the Somme. Graythwaite is a living tribute to these brave soldiers because it was home for men who, according to the RSL general secretary Mr Lipsomb in 1923, "sacrificed their health and strength in the service of their country" and who were "fated to a life of suffering". Sir Thomas' own grandson, Second Lieutenant Thomas Graythwaite Burton Dibbs, was killed on 27 August 1915 at the age of 23.

In the second reading debate following the introduction of this bill in the other place Ms Lee Rhiannon, MLC, noted that in March 2006 the North Sydney Central Coast Area Health Service started action in the Supreme Court to enable it to sell the estate for development. In August 2008 the Supreme Court found that the current use of Graythwaite as a nursing home for patients with no prospect of recovery was not consistent with the use for which Sir Thomas Dibbs gave the Graythwaite Estate—for convalescence. As a consequence, the court found that the Graythwaite estate had failed in its responsibilities. A second round of court proceedings then began to determine the best use for Graythwaite Estate. Two schemes were proposed to the court. Firstly, the Department of Health proposed that Graythwaite Estate be sold and the proceeds be used for a rehabilitation facility at Ryde Hospital.

Secondly, it was proposed that the Graythwaite Trust be filled by a Commonwealth grant of \$15 million to the Returned Services League for the provision of care services to veterans and that the grounds of Graythwaite Estate be leased for a peppercorn rent to North Sydney Council for use as a regional park for North Sydney's central business district. This proposal also included that the Commonwealth provide \$5 million for restoration of the Graythwaite mansion, and that St Vincent's and Mater hospitals construct a new rehabilitation facility adjacent to the Graythwaite mansion. The Commonwealth Government, the RSL, North Sydney Council, St Vincent's and Mater hospitals, and the Friends of Graythwaite supported this proposal.

Ms Clover Moore: Mr Acting-Speaker, I draw your attention to the state of the House.

ACTING-SPEAKER (Mr Wayne Merton): Order! I advise the member for Sydney that a quorum has already been called on this sitting day.

Ms Clover Moore: So we do not need to have a quorum now?

ACTING-SPEAKER (Mr Wayne Merton): Order! As I understand the standing orders, it is customary for there to be one quorum a day. A quorum has already been called today. The member for Port Macquarie has the call.

Mr PETER BESSELING: This proposal was the basis of a rare opportunity—a win for the local community, a win for the public health of New South Wales residents, a win for the conservation of the memory of Sir Thomas Dibbs and his former home, and a win for a lasting communal attachment to the brutal realities of 1915 and the triumph of human spirit that followed. In the Supreme Court both the New South Wales Health scheme and the RSL scheme were called "worthy schemes" by Justice Windeyer. Despite his final determination, finding in favour of the scheme proposed by the Department of Health on the basis that it would help more distressed citizens, Justice Windeyer found, in relation to the rehabilitation care consideration, that "on balance the increase in places favours the RSL scheme" and in relation to the property itself that "the RSL scheme provides for its retention. This consideration favours the RSL scheme". Justice Windeyer further noted that the number of beds in the whole system would increase under this scheme.

This is a sound endorsement of the benefits of the scheme that was proposed by the RSL and supported by the Australian Government, along with the local community. Contrary to the subsequent decision by the New South Wales Government to support the sale of the estate to the Shore grammar school, this bill aims to keep the estate in public ownership and in public control as a lasting legacy of the property's rich historical value to Australia and the early philanthropy of a generous community member. Prior to the last Federal election the community and political will to save the Graythwaite Estate was evident through the support of both the Liberal and the Labor candidates for the Federal seat of North Sydney, the electorate within which the estate resides. The Federal member for North Sydney, Joe Hockey, MP, supported the Federal Government funding model, saying that "we will ask the court to transfer ownership of the Graythwaite Estate to the Commonwealth and it would be our intention to vest the property in the Sydney Harbour Federation Trust, the Australian Government agency that manages several significant heritage sites around our harbour".

The Federal Labor candidate at the same election, Mr Mike Bailey, said that "provided Mr Hockey's proposal for Graythwaite is sound, Kevin Rudd and Labor will fully support it". Aside from the bipartisan support by both major political parties, the real value of this estate to the community was recognised by the Australian Labor Party Premier of 1916, William Arthur Holman, MP, who said that the gift of Graythwaite "would be honoured for all time". I take this opportunity to congratulate the community members involved in the campaign to Save the Graythwaite Estate on their efforts. In particular, I congratulate Suzanne Clarke-Nash and Tim Hughes on having the courage of their convictions and on their positive actions in bringing this issue before the New South Wales Parliament. I congratulate also Ms Lee Rhiannon, MLC, on introducing this bill and the members of the other place on passing this legislation for consideration in this House today.

Graythwaite Estate is a living link to Gallipoli and all that it means to our national identity. It is a unique and priceless jewel in the crown of the State's harbourside parkland that should be protected for current and future generations. This bill seeks to achieve these goals and to ensure that the legacy of Sir Thomas Dibbs is secured in the very same grounds that hold such a rich history in the hearts of Australians. In commending this bill to the House I leave members with the simple few words of Sir Thomas's ancestor and great granddaughter, Georgina Kernohan:

Selling Graythwaite amounts to a betrayal of Sir Thomas Dibbs' gift.

I commend the bill to the House.