

Privileges Committee

Citizen's Right of Reply (Mr T H Logan)

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Terms of Reference

The inquiry was conducted in accordance with standing orders 202 and 203, which were adopted by the Legislative Council on 5 May 2004: *Minutes of the Proceedings of the Legislative Council*, No 52, Wednesday 5 May 2004, Entry No. 10.

Committee Membership

The Hon Kaye Griffin MLC *Chair*

Australian Labor Party

The Hon Jenny Gardiner MLC *Deputy Chair*

Liberal Party

The Hon Greg Donnelly MLC

Australian Labor Party

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Report

- 1.1 On 13 November 2007, the President of the Legislative Council, the Honourable Peter Primrose MLC, received a submission from Mr T. H. Logan requesting the incorporation of a response under standing orders 202 and 203 of the Legislative Council relating to the protection of persons referred to in the Legislative Council.
- 1.2 The submission referred to statements made by the Hon Catherine Cusack MLC during debate on the Fair Trading Amendment (Funeral Goods and Services) Bill 2007 in the Legislative Council on 28 June 2007.¹ The President, having considered the submission under standing order 202 (2), referred it to the Privileges Committee on 13 November 2007.
- 1.3 The Committee met in private session on 27 November 2007, and decided, according to standing order 203, to consider the submission. The response, which the Committee now recommends for incorporation in *Hansard*, has been agreed to by Mr Logan and the Committee in accordance with standing order 203 (4)(b).
- 1.4 The Committee draws attention to standing order 203 (3)(b) which requires that, in considering a submission under the resolution, the Committee must not consider or judge the truth of any statements made in the House or in the submission.
- 1.5 The Committee recommends:

Recommendation 1

That a response by Mr Logan, in the terms specified at Appendix 1, as agreed to by Mr Logan and the Committee, be incorporated in *Hansard*.

The Hon. Kayee Griffin MLC
Chair

¹ *Hansard*, 28 June 2007, pp 2063-2067, 2073-2079.

Appendix 1

**Response by Mr Logan,
agreed to by Mr Logan and
the Committee, according to
standing order 203 (4)(b)**

Appendix 1

Reply to comments of the Hon Catherine Cusack MLC in the Legislative Council on 28 June 2007

On 28 June 2007 the Honourable Catherine Cusack referred to me by name in Parliament. Her argument was based on a report in the *Sydney Morning Herald* on 10 February 2007. The member did not contact me to ask the facts of the matter.

I would like to respond to several of the statements made by Ms Cusack:

1. '[N]otorious rogue operators'

I am the operator of a firm that has been in business 104 years. I am a qualified accountant, JP, former Treasurer of the Narrabri Rotary, Apex, Swimming and Soccer Clubs, and Masonic Aged Care, and present Vice President of Narrabri Chamber of Commerce. I am only notorious because of the Herald article. I am definitely not a rogue.

2. Statements concerning the transportation of the body of an Aboriginal elder

The deceased was only in our firm's care 7% of the time from death to burial. There were various factors that affected the deceased's body. He was placed in a mortuary fridge at Goondiwindi Hospital and it malfunctioned. The fridge was running at 13 degrees and not 4 degrees. The deceased was dead for up to 28 hours before our staff collected him - in an unairconditioned house in 40 degree plus heat. He was already decomposing. Our staff carried out their duties exactly according to our Government contract. The Government has since changed the conditions of their contract and now require refrigerated vehicles. I support this change. The legislation allowed eight hours of unrefrigerated transport. Where the body has been at 3 degrees at the start of the trip, there have not been problems in the past.

3. Allegation that I was 'expelled' by the Funeral Directors Association of New South Wales

I took over the family business and with it their mortuary in Moree. The Funeral Director's Association explained that the iron-clad mortuary building needed to be updated and I was told our membership was suspended until the work was done. The work was done but I did not apply to rejoin the Association because I wanted to build new funeral homes in Moree and Narrabri. I was going to apply for membership when these were completed, but I experienced difficulties in my attempts to build these homes.

4. '[A]n unacceptable standard of mortuary in Narrabri'; 'uses a shed with a dirt floor'

Our firm did not have a mortuary in Narrabri. Deceased people were transferred to our firm's mortuary in Moree, or a mortuary belonging to another operator. The shed (garage) referred to was used in the transfer from the transfer car to the Narrabri Hearse on the day of the funeral.

5. 'Mr Logan had failed to order a coffin large enough to accommodate the deceased'

My firm tried extremely hard to obtain a large enough coffin for a very obese man (206 kg). Our staff had never been faced by this problem before. They drove the 560 km return trip to Tamworth, our largest regional centre, to bring back the largest coffin available but it was still not big enough. There was not enough time for a coffin to be built by a coffin manufacturer so an improvised coffin was made. The deceased was presented in a coffin at the church, as desired by his family.

6. 'Perhaps most disturbing is the case of the funeral of an 11-year-old-girl, whose autopsied body allegedly spilled from its casket'

This did not happen. A competitor in Moree made this allegation to the *Herald* reporter. The competitor gave the *Herald* wrong information.

7. '[I]n 2003 the [Hunter New England Area Health] Service received a complaint about Logan & Co but there was insufficient evidence for prosecution'

Most businesses have had a few people lodging complaints against them, especially when encouraged to by a competitor. My firm acts on its few complaints by improving its service and not letting the problem happen again. Our firm does its best to treat people's loved ones with the dignity they deserve. We do not go against Health Department guidelines.

8. '[T]hese disgraceful shonks'; 'He is operating although we all know he is a disgrace'

These are very hurtful, potentially very damaging accusations made against me personally, based solely on a reporter's article. The local people of the town who know me still use our firm for the majority of funerals.

9. 'However, having been fined, they can come straight back into the industry...'

Contrary to Ms Cusack's statement, we have not been fined by the Health Department. The Department found our firm did nothing seriously wrong. Due to the *Herald's* article, they investigated thoroughly and found we were following their regulation which requires that people be removed to registered mortuaries. The only two instances of non-compliance found were insignificant. In one, the doctor had not provided a doctor's certificate so we could not legally remove the deceased until just before the funeral time. The deceased had to go straight from the hospital to the funeral. In the other, a new staff member dressed a deceased in the hospital's mortuary.

10. '[A]n operator who simply picks up a body, puts it in a shed, and incurs no costs'

This statement is wrong. Our firm goes to great expense and time to ensure deceased are taken to our registered mortuary. Moree is 100km from Narrabri and therefore 400 km of travel is required for each deceased person (removal then transport on day of funeral). Ms Cusack also stated that '...he has no access to mortuary facilities'. This is incorrect.

11. **‘[T]here will never be an acceptable service in Narrabri until the rogue operator is wiped out’**

I have been injured in my occupation and reputation because of Ms Cusack’s statements. A funeral director’s reputation, especially in a small country town, is of paramount importance. The effect of the *Herald* report and the repetition of its contents in Parliament has been extremely detrimental to my businesses.