

LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

Public Accounts Committee

Annual Report

2010-11

Report deemed as a Tabled Paper in the Legislative Assembly, on October 2011

Public Accounts Committee

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Contents

Let	tter to the Speaker	. i
Ch	air's Overviewi	v
Со	mmittee Members	٧
Со	mmittee Secretariat	vi
Tei	rms of Referencev	'ii
1.	INTRODUCTION	1
Est	ablishment of Committee	1
Fur	nctions of the Committee	1
Pov	wers of the Committee	1
2.	COMMITTEE PROGRAMME	2
Ме	etings	2
Aud	ditor-General	3
Inq	uiries	4
Aus	stralasian Council of Public Accounts Committees	5
Fut	ure Programme	5
3.	REPORTS ON BRIEFINGS	6
	partment of Health and Families Royal Darwin Hospital Private Practice Trust Fund 17 gust 2010	6
	partment of Housing, Local Government and Regional Services, Strategic Indigenous using and Infrastructure Program, 30 November 2010	9
Pol	ice, Fire and Emergency Services, Cyclone Emergency Preparedness, 7 April 2011 1	0

Chair's Overview

This annual report is to advise the Legislative Assembly of the Northern Territory of the Committee's activities over the 2010-11 financial year.

During the year, the Committee concluded its inquiry into internal audit and control processes of NT Government agencies, tabling the final report on 3 May 2011. The Committee learnt a great deal from the inquiry and was pleased to hear Government and agencies responding effectively to address the Auditor-General's concerns. The Committee anticipates that the release of the Financial Management Toolkit and its uptake by agencies will greatly improve internal control processes. The Committee hopes that the recommendations made in its report may also lead to further improvements.

The Committee's decision to establish more systematic review and follow-up of issues raised in the Auditor-General's reports has been a significant change to the work of the Committee. The process has resulted in the Committee working more closely with the Auditor-General and being better engaged in the scrutiny of the public accounts of the Northern Territory.

The Committee has also held a number of briefings on matters that have arisen throughout the year. A report of these is in Chapter 3.

I thank the Committee members for their cooperative approach and bi-partisanship in the conduct of the Committee's activities. On behalf of the Committee, I commend this annual report to the House.

Mr. Michael Gunner, MLA

Committee Members



Member for Fannie Bay

Partv: Australian Labor Party

Parliamentary Position: Government Whip Deputy Chairman of Committees; Parliamentary Secretary for Business and Employment

Committee Membership:

Public Accounts: Subordinate Legislation and Publications: Standing:

Legal and Constitutional Affairs; Standing Orders;

Members' Interests

Sessional: **Environment and Sustainable Development**

Select Youth Suicides in the NT

Chair: Public Accounts: Subordinate Legislation and Publications

Ms. Marion SCRYMGOUR, MLA

Member for Arafura

Australian Labor Party Party:

Committee Membership:

Standing: House; Public Accounts, Subordinate Legislation and

Publications, Legal and Constitutional Affairs;

Sessional: Environment and Sustainable Development; Council of

Territory Co-operation (CTC), CTC Animal Welfare Sub-

committee

Select Youth Suicides in the NT

Chair: Environment and Sustainable Development, Youth

Suicides in the NT

Other: NT Constitutional Convention Committee

Ms. Lynne WALKER, MLA Member for Nhulunbuy

Partv: Australian Labor Party

Committee Membership:

Standing: House, Public Accounts, Subordinate Legislation and

Publications

Sessional: Environment and Sustainable Development, Council of

Territory Co-operation

Select Youth Suicides in the NT

Chair: CTC Animal Welfare Sub-committee

Mr. John ELFERINK, MLA Member for Port Darwin

Country Liberals

Parliamentary Position: Opposition Whip, Shadow Treasurer, Minister for Justice

and Attorney General

Committee Membership:

Standing: Privileges, Public Accounts

Sessional: CTC Animal Welfare Governance Sub-committee

Mr. Willem WESTRA VAN HOLTHE, MLA *

Member for Katherine

Partv: Country Liberals

Parliamentary Position: Shadow Minister for Local Government, Tourism, Correctional Services and Essential Services

Committee Membership:

Standing: House

Mr. Gerry WOOD, MLA

Member for Nelson

Party: Independent

Committee Membership:

Standing: Standing Orders, Public Accounts

Environment and Sustainable Development, Council of Sessional:

Territory Co-operation

Chair: Council of Territory Co-operation

* Appointed to the Public Accounts Committee on 22 February 2011, in place of Mr David Tollner, MLA, Member for Fong Lim, who was discharged on 22 February 2011.







Committee Secretariat

Committee Secretary: Mr Russell Keith (from 30 November 2010

Mr Graham Gadd (until 29 November 2010)

Research Officer: Ms Maria Viegas

Committees Support Officer: Ms Lauren Copley (from 8 August 2011)

Mrs Pauline Lewis (from 10 February 2011)
Ms Lauren Copley (until 9 February 2011)

Committees Administrative Assistant: Ms Kim Cowcher

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Terms of Reference

(Standing Order 21A)

- (1) A Standing Committee of Public Accounts to consist of five members shall be appointed at the commencement of each Assembly.
- (2) The duties of the Committee shall be -
 - (a) to examine the accounts of the receipts and expenditure of the Northern Territory and each statement and report tabled in the Legislative Assembly, pursuant to the *Financial Management Act* and the *Audit Act*;
 - (b) to report to the Legislative Assembly with such comments as it thinks fit, any items or matters in or arising in connection with those accounts, statements or reports, or in connection with the receipt or disbursement of the moneys to which they relate, to which the Committee is of the opinion that the attention of Parliament should be drawn:
 - (c) to report to the Legislative Assembly any alteration which the Committee thinks desirable in the form of the public accounts or in the method of keeping them or in the method of receipt, control, issue or payment of public moneys;
 - (d) to inquire into and report to the Legislative Assembly on any question in connection with the public accounts of the Northern Territory -
 - (i) which is referred to it by a resolution of the Assembly; or (ii) which is referred to it by the Administrator or a Minister; and
 - (e) to examine the reports of the Auditor-General tabled in the Legislative Assembly with the accounts of an Agency of the Northern Territory, including any documents annexed or appended to those reports, pursuant to the *Audit Act*.
- (3) The Committee shall examine only those accounts of receipts and expenditure of the Northern Territory and reports of the Auditor-General for financial years commencing after 30 June 1986 provided that this shall not prevent the consideration by the Committee of matters included in reports of the Auditor-General for the year ending 30 June 1986 which have or may have a continuing effect on the form of the public accounts, the method of receipt, control issue or payment of public moneys.
- (4) Prior to determining whether to undertake an inquiry into any matter which may have arisen in connection with the public accounts of the Northern Territory, pursuant to paragraphs (2)(a) and (e), with the concurrence of the Committee, the Chairman is empowered to write to the Chief Executive Officer of the relevant agency for a report on the matter.
- (5) The Committee shall take care not to inquire into any matters which are being examined by a Select Committee of the Assembly especially appointed to inquire into such matters and any question arising in connection therewith may be referred to the Assembly for determination.
- (6) The Committee shall elect a Government Member as Chairman.
- (7) The Chairman of the Committee may, from time to time, appoint a member of the Committee to be the Deputy Chairman of the Committee and the Member so

- appointed shall act as Chairman of the Committee at any time when there is no Chairman or when the Chairman is not present at a meeting of the Committee.
- (8) In the event of an equality of voting, the Chairman, or the Deputy Chairman when acting as Chairman, shall have a casting vote.
- (9) The Committee shall have power to appoint sub-committees and to refer to any such sub-committee any matter which the Committee is empowered to examine.
- (10) Three Members of the Committee shall constitute a quorum of the Committee and two Members of a sub-committee shall constitute a quorum of the subcommittee.
- (11) The Committee or any sub-committee shall have power to send for persons, papers and records, to adjourn from place to place, to meet and transact business in public or private session and to sit during any adjournment of the Assembly.
- (12) The Committee shall be empowered to print from day to day such papers and evidence as may be ordered by it and, unless otherwise ordered by the Committee, a daily *Hansard* shall be published of such proceedings of the Committee as take place in public.
- (13) The Committee may proceed to the dispatch of business notwithstanding that all Members have not been appointed and notwithstanding any vacancy.
- (14) The Committee shall report annually and shall have leave to report from time to time and to report its proceedings and evidence taken; and any Member of the Committee shall have power to add a protest or dissent to any Report.
- (15) Unless otherwise ordered by the Committee, all documents received by the Committee during its inquiry shall remain in the custody of the Assembly provided that, on the application of a department or person, any document, if not likely to be further required, may, in the Speaker's discretion, be returned to the department or person from whom it was obtained.
- (16) The Committee shall be provided with all necessary staff, facilities and resources and shall be empowered, with the approval of the Speaker, to appoint persons with specialist knowledge for the purposes of the Committee.

1. INTRODUCTION

Establishment of Committee

The Northern Territory Standing Committee of Public Accounts was established by the Assembly on 9 September 2008 under Standing Order 21A of the Legislative Assembly of the Northern Territory.

Functions of the Committee

The duties of the Public Accounts Committee include to inquire into and report to the Legislative Assembly on any question in connection with the public accounts of the NT as it deems necessary as well as any matter referred to it by the Assembly, Administrator or any Minister. The Committee also examines the reports of the Auditor-General.

The duties of the Committee are set out in the terms of reference in Standing Order 21A, which is copied above.

Powers of the Committee

The Public Accounts Committee derives its authority from the *Northern Territory* (*Self-Government*) *Act* (Cth), the *Legislative Assembly* (*Powers and Privileges*) *Act* (NT) and Standing Orders of the Northern Territory Legislative Assembly.

Under Standing Order 21A, the Committee has power to appoint sub-committees and to refer to any such sub-committee any matter that it is empowered to examine. Three members constitute a quorum of the Committee and three members constitute a quorum of a sub-committee.

The Committee or any sub-committee has the power to:

- (a) send for persons, papers and records;
- (b) to adjourn from place to place;
- (c) to meet and transact business in public or private session;
- (d) to sit during any adjournment of the Assembly;
- (e) print from day to day such papers and evidence as may be ordered by it; and
- (f) unless otherwise ordered by the Committee, a daily Hansard shall be published of such proceedings of the Committee as they take place in public.

In the reporting period, no sub committees were established.

2. COMMITTEE PROGRAMME

Meetings

The Public Accounts Committee met eight times during the reporting period. The details of these meetings are set out in Table 1 below.

Table 1: Summary of committee meetings

MEETING NO. AND	KEY AGENDA ITEMS AND RESOLUTIONS PASSED
DATE	
Meeting No. 12 11 August 2010	 Further consideration of issues related to inquiry into NT Government agencies' internal controls. Briefing received from NT Auditor-General on his June 2010 report on the audit of the Strategic Indigenous Housing and Infrastructure Project.
Meeting No. 13 17 August 2010	Hearing with Department of Health and Families on the operation of the Royal Darwin Hospital Private Practice Trust Fund. Resolved to receive from the department, audited accounts of transactions paid out of Private Practice Trust Fund, Management Board trust disbursements, minutes of meetings of the Administrative Oversight Committee; and Private Practice Trust Fund Instrument.
Meeting No. 14 26 October 2010	 Hearing with the Department of Health and Families on its Risk and Assurance Framework. Further consideration of Royal Darwin Hospital Private Practice Trust Fund.
Meeting No. 15 30 November 2010	 Hearing with the Department of Housing, Local Government and Regional Services on SIHIP claw back payments (overpayments to be returned). Briefing received from Auditor-General on his October 2010 Report to the Legislative Assembly Resolved to refer the procurement process undertaken to secure the current NT Government Information and Communication Technology contracts to the Auditor-General to investigate.
Meeting No. 16 22 February 2011	 Resolved to amend the draft internal controls inquiry final report to include text on the changes to internal control processes particularly the introduction of an internal controls toolkit as advised by Treasury. Resolved to institute a system of review and follow-up of Auditor-General's reports comprising meeting with the Auditor-General after reports are tabled to discuss any issues and identify agencies that require follow-up. The Committee to then follow-up issues raised by the Auditor-General with the identified agencies and report to the Legislative Assembly on the outcomes of any follow-up. Resolved to request an explanation of the operation of the

MEETING NO. AND DATE	KEY AGENDA ITEMS AND RESOLUTIONS PASSED
	 beneficiary loan system of the Private Practice Trust Fund. Resolved to enquire as to the operation of private practice six months after the termination of the fund. Resolved to invite Police, Fire and Emergency Services and Under Treasurer to appear before the Committee to discuss cyclone emergency preparedness, response and response funding for recent cyclone event. Resolved to invite Under Treasurer to brief the Committee on Working for Outcomes
Meeting No. 17	Response from Auditor-General regarding ICT contract procurement. Resolved to forward response to the Member for
7 April 2011	 Braitling who requested the inquiry and to the Minister for Business and Employment. Briefing received from Auditor-General on October 2010 and February 2011 Reports to the Legislative Assembly. Resolved to invite Darwin Port Corporation, Department of Construction and Infrastructure, Department of Justice and Department of Business and Employment to discuss issues raised in the Auditor-General's reports. Briefing from Police, Fire and Emergency Services on cyclone emergency preparedness, response and response funding. Resolved to table the final report on the inquiry into internal controls during the May 2011 sittings. Approved the Member for Nelson to attend the 11th Biennial Australasian Council of Public Accounts Committees (ACPAC) Conference on behalf of the Committee.
Meeting No. 18	Hearing with the Department of the Local Government and Regional Services (DLGRS) on its performance management
4 May 2011	 system for the provision of public housing and cash processing system. Hearing with the Department of Justice on its performance management system for its Fines Recovery Unit.

Auditor-General

Continuing the long-standing cooperation of the Committee with the Auditor-General's office and in the fulfilment of the advisory role of the Auditor-General to the Committee, the Committee met seven times with the Auditor-General. In addition to briefings, the Auditor-General attended all committee hearings with selected government departments requested to appear before the Committee as part of following up on matters raised in the reports of the Auditor-General. The Committee believes that its scrutiny of the public accounts is enhanced by the attendance of the Auditor-General at its hearings as it allows the Committee to obtain immediate advice

from the Auditor-General in the presence of agency representatives and encourages good communication, further transparency and accountability.

Inquiries

NT Government Agencies' Internal Controls

The Committee concluded its inquiry into internal audit and internal control processes of NT Government agencies. The report of the inquiry was tabled in the Legislative Assembly on the 3 May 2011. The Committee made four recommendations that:

- 1. Treasury enforce the new Treasurer's Direction G2.2 regarding Internal Controls. Implementation of the Direction must include training and other assistance to ensure all agencies understand and comply with all elements of the financial management framework set out in the Direction.
- 2. in conjunction with the implementation of the Treasurer's Direction G2.2, all agencies review their systems and processes in reference to the standardised rules and guidelines contained in the Toolkit.
- 3. through the compliance and control audit function of the Auditor-General for the Northern Territory, the Auditor-General maintain a watching brief on the implementation of revised Treasurer's Direction G2.2.
- 4. Treasury develop the Corporate Risk Management Framework currently used by the Department of Health and Families as a model for all NT Government Departments.1

The inquiry was referred to the Committee by the Treasurer in September 2008². The Committee was required to assess the level of controls NT Government agencies have for accounts payable, credit card management, procurement and travel procedures. On 26 October 2010 the Committee held a hearing with the Department of Health and Families on its risk assurance framework. The information obtained during the hearing led to a key recommendation made by the Committee in its final report.

Debate on the report in the Legislative Assembly concluded on the 16 August 2011.3

¹ Legislative Assembly of the Northern Territory, Standing Committee of Public Accounts,

² Referral letter from the Treasurer is at Appendix C.

³ Legislative Assembly of the Northern Territory, Hansard, Parliamentary Record, 16 August 2011, http://notes.nt.gov.au/lant/hansard/hansardd.nsf/WebFullTextTranscript/2AA003609D46F780692578EE 0047A0DC?opendocument, at 24 August 2011

Australasian Council of Public Accounts Committees

The 2011 Biennial Australasian Council of Public Accounts Committees (ACPAC) conference, hosted by the Parliament of Western Australia, was held from 27 to 30 April 2011. The conference focussed on mechanisms for improving the performance of public accounts committees. The conference session topics were:

- 1. Parliamentarians and Politicians;
- 2. Balancing Independence and Cooperation;
- 3. Opposition-led Committees;
- 4. Engaging the Public;
- 5. for Emerging Democracies;
- 6. Accountability in the Growth Age;
- 7. Reports from ACAG and ACPAC Jurisdictions;
- 8. Moving Beyond Key Performance Indicators; and
- 9. Freedom of Information and Access Laws.

The Committee approved the Member for Nelson and the Committee secretary attending the conference on the Committee's behalf. During the conference, the Member for Nelson delivered the Committee's activity report to the conference, outlining the work undertaken by the Committee since the previous ACPAC conference in Wellington in 2009. The Committee's activity report was included with those of other jurisdictions for the conference. The Member for Nelson reported to the Legislative Assembly about the conference on 3 May 2011.⁴

Future Programme

The Committee programme of meetings for the remainder of the calendar year will continue to be arranged around the system of review and follow-up of the Auditor-General's reports to the Legislative Assembly. The second report of the Auditor-General report for 2011 is due to be presented to the Legislative Assembly before the end of the calendar year. Other matters may also be referred to the Committee for inquiry during the year.

Legislative Assembly of the Northern Territory, Hansard. Parliamentary Record No: 193, May 2011, http://notes.nt.gov.au/lant/hansard/hansard11.nsf/WebbyDate/C1FAC750DEE5D166692578A20006B6 C7, at 24 August 2011

3. REPORTS ON BRIEFINGS

The Committee had a number of briefings throughout the year on issues of interest or concern to the Committee. A brief outline of the issues and the results of those briefings are outlined below.

Department of Health and Families Royal Darwin Hospital Private Practice Trust Fund 17 August 2010

Briefing the Committee: Ms Jenny Cleary, Acting Chief Executive

Ms Robyn Cahill, Director of Acute Care

Background

The Auditor-General reported in November 2009 that an audit of private practice arrangements at the Royal Darwin Hospital highlighted a number of shortcomings with the administration of the arrangements namely:

- Lack of clarity as to whether all revenues due to the trust fund are received by the trust fund and hence whether all appropriate distributions have been made and received; and
- 2. A lack of compliance by trustees, fund members and the Royal Darwin Hospital Management Board with the Trust Deed and a lack of compliance by the member specialists with the Specialist Deed suggested an absence of proper oversight of private practice arrangements by the Department of Health and Families and the Royal Darwin Hospital Management Board.

The Auditor-General recommended that the department strengthen its controls over the management of the private practice arrangements.

Background

The Committee sought further information from the department on the findings of the Auditor-General and to better understand the operation of the trust fund, the trust deed and specialists' deeds for the management of the treatment of private patients outside of the public hospital.

Agency Response

The Committee learnt that the Private Practice Trust Fund was an independent legal entity. The Trust Deed was the facility that enabled the practitioners to run a private practice, so any funds belonged to the trust fund until distributed. A Specialist Deed was signed between a specialist and the Chief Executive of the Department of Health and Families, providing the terms of private practice work to be undertaken by the specialist whilst employed by the department.

The arrangement was established in 1989. The Committee was informed that that the time, the arrangement was the national standard for publicly employed clinicians to run private practice. The arrangement has been in operation for over 20 years and was being reviewed at the time of the Auditor-General's audit. One of the reasons given for the review was a question of whether the arrangement could continue in its current form. The Committee heard that over time, the facility became established as private rooms. Even though a facility fee continued to be paid through the trust fund, the facility service from the private hospital was no longer received.

Due to the cap on the salary that a practitioner can earn in private practice when employed in public practice, the remainder of the fund was donated to the public hospital management board. These funds are used within Royal Darwin Hospital for a range of expenses, not solely for the benefit of practitioners in private practice contributing to the trust fund. It was the administration of these funds received by the Royal Darwin Hospital from the Private Practice Trust Fund that fell within the ambit of the Auditor-General.

The Committee heard the arrangement for publicly employed specialists to also practice privately was in place primarily due to the small size of the private health sector in the Northern Territory. For most of these practitioners, this private practice was on a very limited part-time basis owing to their public patient responsibilities.

To assist these practitioners, Darwin Private Hospital provided a facility for private patient consultation and the Private Practice Trust Fund assisted with the support required to operate the facility in private practice. This included rent, clinical staff and administrative staff.

Contributions from the practitioners make up the Private Practice Trust Fund and the expenses of the private practice were paid from the Trust Fund. Royal Darwin Hospital housed the staff that manage the trust fund and so the fund also made contributions to Royal Darwin Hospital. Each specialist who had contributed to the

fund was then entitled to 35% of their base salary package. The balance was donated to the public hospital management board.

When questioned about the audit finding that all revenues due to the trust fund may not have been received, the department disputed the finding stating that it would be impossible because all payments for specialists' fees received from patients under the arrangement were deposited directly into the Private Practice Trust Fund. The department also advised that if any of the specialists bulk billed, Medicare payments were paid directly into the trust fund account. When a patient paid for a consultation, even if it was in cash, a receipt had to be issued so the patient could receive a Medicare or other rebate.

On the question of why the Auditor-General was not able to find an explanation for the decline in real terms of payments, the department advised the Committee that it had not been asked the question during the audit. The department attributed the decline in payments to the reduced participation in the private practice arrangement. The Committee was told that many practitioners leave the fund once they have established enough of a practice to be self-sustainable. As well, there are other options to participating in the trust fund.

On the matter of evidence of instances of non-compliance with the Trust Deed, the department acknowledged the weaknesses in the administration of the fund. The department advised the Committee that it had been investigating ways to improve the system in light of its own findings and those of the Auditor-General. The department discussed the proposed changes to the arrangements for private practice with the Committee including the cessation of the Private Practice Trust Fund in the very near future.

Committee Response

For follow-up, the Committee requested further information from the department on audited accounts of transactions paid out of Private Practice Trust Fund, Management Board trust disbursements, minutes of meetings of the Administrative Oversight Committee; and Private Practice Trust Fund instrument. Responses were received in January and March 2011. The Committee also requested more information on Beneficiary Loans under the Royal Darwin Hospital Private Practice Trust Fund. A response was received from the department in April 2011.

The Committee was satisfied that the department had taken adequate action to address the issues that had been raised.

Department of Housing, Local Government and Regional Services,

Strategic Indigenous Housing and Infrastructure Program, 30 November 2010

Briefing the Committee: Mr Ken Davies, Chief Executive Officer

Mr Andrew Kirkman, Executive Director, Remote Housing NT

Ms Kylee Carter, Remote Housing NT Mr Mitchell Petrie, Partner, KPMG Mr Frank McGuiness, Auditor-General

Background

The Committee requested this briefing to receive information on invoices identified as occasioning claw back payments made by the Department of Housing, Local and Regional Services and the KPMG report which led to those claw back arrangements being made for the Strategic Indigenous Housing and Infrastructure Program (SIHIP). The questions arose following the Committees examination of the Auditor-General's June 2010 report on his audit of SIHIP.

Agency Response

Audits on SIHIP by the external auditor were conducted quarterly. The Committee heard that the role of the auditor was to look at the financial management processes and the costs being claimed. The Committee heard that the claw back payments resulted from discrepancies discovered through normal auditing processes. As with any audit findings, the auditor made recommendations on ways to improve financial management processes.

Committee Response

The Committee was satisfied with the information received during the hearings.

Police, Fire and Emergency Services, Cyclone Emergency Preparedness, 7 April 2011

Briefing the Committee: Commissioner John McRoberts APM

Mr Peter Davies, Director Northern Territory Emergency

Services

Mr Frank McGuinness, Auditor-General

Background

The Committee requested this hearing because of concerns raised in the media that in the absence of the declaration of a State of Emergency or Disaster, agencies must respond within their own budgets and that this may cause reluctance on the part of agencies to act due to budget constraints. The Committee wanted to:

- know whether budget restrictions were a factor in determining the emergency responses of government agencies during tropical cyclone Carlos;
- gauge the level of preparedness of the Territory for a large scale emergency or disaster including the adequacy, capacity and number of existing cyclone shelters; and
- know the level of funding available for smaller communities like Nguiu and Milikapiti.

Agency Response

The Committee heard that natural disaster response measures were funded from within existing budget allocations of agencies where possible. The expenses could later be reimbursed through a Treasurer's Advance. Funding for Treasurer's Advances for such reimbursements are set aside each year. Depending on the extent of disaster-related expenditure, the Territory may be able to recover some funding from the Commonwealth. The Committee heard that there are no restrictions on agencies to respond appropriately and effectively due to budgets.

Committee Response

The Committee was satisfied with the information received. The Committee sought more information on the number of shelters that existed ten years ago in Darwin as well as regional and remote areas compared to the number existing now and the number of shelters planned for the future. The Committee also asked for a Contents of Assets Register in shelters and a comparison of the current register to that of ten years ago.